

ORDINANCE NO. O-4-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 78. VEGETATION. AT ARTICLE III. LANDSCAPING., SECTION 78-77.1. – DESIGN GUIDELINES. TO ALLOW THE REQUIRED PALM TREES PLANTED IN THE 10’ TOWN STRIP TO BE PLANTED AT DISTANCES FROM THE EDGE OF PAVEMENT TO AVOID DRAINAGE AND UNDERGROUND UTILITY CONFLICTS AND TO REMOVE COCONUT PALMS FROM THE LIST OF APPROVED PALMS TO BE PLANTED IN THE 10’ TOWN STRIP, AND FOR MULTI-STORY STRUCTURES IN ALL ZONING DISTRICTS, TO REQUIRE ADDITIONAL LANDSCAPING TO BE PLACED AT FIFTEEN FOOT INTERVALS AGAINST LONGER EXPANSES OF BUILDING WALLS WITH LITTLE ARCHITECTURAL DETAIL TO BREAK UP THE WALLS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, currently Section 78-77.1(b) of the Town Code specifies select palm tree species that can be planted in the 10’ Town Strip to satisfy the Town Code requirement, and provides where the trees shall be installed relative to the edge of pavement; and

WHEREAS, currently Section 78-77.1(d) of the Town Code requires the installation of landscaping for multi-story structures to provide adequate privacy screening for windows located on higher stories to screen views to adjacent properties; and

WHEREAS, there are no current regulations to require landscaping for these structures where no windows are present and no privacy screening is required; and

WHEREAS, with the prevalence of redevelopment in Town to include the construction of larger two-story residential structures, there is a need to revise the Town Code to increase the landscaping requirements for these and other multi-story structures to ensure that adequate landscaping is installed to soften larger walls with minimal architectural features; and

WHEREAS, to reduce maintenance demands and ensure proper drainage in the Town’s right-of-way, there is also a desire to remove Coconut palms from the approved

palm species list and to require planting of the required palms further back from the edge of the roadway where necessary; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores believes these amendments to the Town's Zoning Code are in the best interest of the health, safety and welfare of the Town, its citizens, and all those doing business with the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Chapter 78. Vegetation. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. Requirements., Section 78-77.1. – Design Guidelines. to allow the required palm trees planted in the 10' town strip to be planted at distances from the edge of pavement to avoid drainage and utility line conflicts and to remove coconut palms from the list of approved palms to be planted in the 10' town strip and to remove Coconut palms from the list of approved palms to be planted in the 10' Town Strip, and for multi-story structures in all Zoning Districts, to require additional landscaping to be placed at fifteen foot intervals against longer expanses of building walls with little architectural detail to break up the walls; providing that Section 78-77.1 shall hereafter read as follows:

Sec. 78-77.1. - Design guidelines.

- (a) *Foundation plantings.* Foundation plantings for all new construction are required on any side of a building that fronts on a street. Required foundation plantings should conceal the building foundation, should accentuate and beautify the front facade and should be a minimum of three feet in height at maturity.
- (b) *Front yard trees.* For all new development projects and new landscape plans, a minimum of three trees that comply with the requirements of article IV hereinbelow shall be required in the front yard. The minimum height of such required trees when planted shall be 75 percent of the beam height of the principal building. The minimum spread of such required trees when planted shall be 40 percent of the required tree height. In addition, three palm trees per platted lot shall be required to be planted in the ten-foot strip of town property a distance of four feet from the edge of pavement on all east-west roads in the town or at a distance as near to four feet as can be accommodated to eliminate conflicts with drainage or

underground utilities. Permitted palm tree species include Foxtail, Coconut, Queen, Triangle, Christmas, Date, Fishtail, Royal, Sago, or any other species specifically approved by the planning and zoning board as part of its architectural and aesthetic review.

(c) Multi-story structures, softening of walls. For multi-story structures in all zoning districts, a canopy or palm tree shall be planted at an interval of one (1) tree every fifteen (15) feet along expanses of blank wall over ten (10) feet of a building to create a softening effect for walls or sections of walls with minimal architectural detail. Such trees shall be installed at no less than 75 percent of the beam height of the principal building.

(d)(e) Landscape buffering of equipment. For all new development projects, central air conditioning equipment, swimming pool equipment, emergency electrical generators, and outdoor trash containers located in accordance with the town's Zoning Ordinance and other applicable codes shall be sight screened with appropriate landscaping material.

(e)(d) Privacy screens, applicability. In zoning districts A and B, all new development projects located on non-waterfront properties shall be subject to the privacy screen requirements set forth in paragraph (f)(e) below. In zoning district B, the following shall also trigger the applicability of the privacy screen requirements set forth in paragraph (f)(e) below:

- (1) Any activity or activities upon the lot over time requiring a permit or permits from the town pertaining to improvements that cumulatively amount to expenditures of money in excess of \$50,000.00.
- (2) Any change in use of the property.

(f)(e) Privacy screens, requirements. Rear and side yard privacy screens are permitted, but not required with single story principal buildings. When the principal building is a two-story building rear and side yard privacy screens are required. Such privacy screens should generally be of sufficient height and density to screen the line of sight from second story balconies and windows into neighboring properties, however, the minimum height of trees utilized for rear yard privacy screens when planted shall be no less than 75 percent of the roof height of the

principal building. As part of the architectural and aesthetic review pursuant to section 14-86, the planning and zoning board shall ensure that these requirements are met and that the privacy of properties adjacent to two-story buildings is protected. No trees shall be permitted to grow into overhead utility lines.

Section 2: Each and every other section and subsection of Chapter 78. Vegetation. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of June, 2022.

SECOND AND FINAL READING this ____ day of August, 2022.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Jude Goudreau, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney