

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 REQUIRE ADDITIONAL LANDSCAPING TO BE PLACED AT FIFTEEN FOOT INTERVALS AGAINST LONGER EXPANSES OF BUILDING WALLS WITH LITTLE ARCHITECTURAL DETAIL AND NO REQUIRED PRIVACY SCREENING TREES TO BREAK UP THE WALLS FOR MULTI-STORY STRUCTURES IN ALL ZONING DISTRICTS; 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(d) of the Town Code requires the installation of landscaping for multi-story structures in Zoning Districts A and B 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 multi-story 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, 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 require additional landscaping to be placed at fifteen-foot intervals against longer expanses of building walls with little architectural detail and no required

privacy screen trees 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. 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 in length to create a softening effect for walls or sections of walls with minimal architectural detail and which do not contain trees to provide privacy screening as required by paragraphs (e) and (f) below. 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 September, 2022.

SECOND AND FINAL READING this ____ day of October, 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

ORDINANCE NO. O-5-22

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 30. FIRE PROTECTION AND PREVENTION. ARTICLE II. ADMINISTRATION. DIVISION 1 GENERALLY. SECTION 30-26 – FIRE CODE BOARD OF ADJUSTMENT AND APPEALS. TO UPDATE INTERNAL CODE REFERENCES; AND AT ARTICLE III. FIRE PREVENTION STANDARDS. DIVISION 2 CODES ADOPTED. SECTION 30-86. - FLORIDA FIRE PREVENTION CODE INCORPORATED BY REFERENCE. TO UPDATE STATE STATUTE REFERENCES IN THIS SECTION AND TO ADOPT BY REFERENCE THE MOST CURRENT LOCAL AMENDMENTS PROMULGATED BY PALM BEACH COUNTY AT THE REQUEST OF THE COUNTY FIRE MARSHAL; ALSO UPDATING INTERNAL CROSS REFERENCES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 30. 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, the Town of Palm Beach Shores has historically adopted, and continues to adopt as required by state law, the current editions of the Florida Fire Prevention Code and the Life Safety Code NFPA 101; and

WHEREAS, the Palm Beach County Fire Marshal enforces said codes in the Town via agreement between the Town and the county; and

WHEREAS, Palm Beach County has recently adopted the most current edition of the Florida Fire Prevention Code and the Life Safety Code NFPA 101 including local amendments thereto, which strengthen the requirements of the minimum fire safety code, and now requires the Town Commission to adopt same in order to enforce those codes in the Town; and

WHEREAS, the Town Fire Chief also recommends that the Town Commission adopt the Palm Beach County local amendments to the Florida Fire Prevention Code as set forth in Exhibit A to this ordinance, and to update internal references to state law and town code; and

WHEREAS, at a duly advertised public hearing, the Town Commission heard and considered comments of all parties wishing to be heard on this matter; and

WHEREAS, the Town Commission hereby finds and determines that said local amendments are more stringent than and strengthen the Florida Fire Prevention Code's minimum fire safety standards in accordance with Sections 633.202 and 633.208, Florida

Statutes, and that adopting said local amendments will serve the public interest and general welfare.

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

Section 1: The foregoing recitals and findings are hereby confirmed and incorporated herein.

Section 2: Chapter 30. Fire Protection and Prevention of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article II. Administration, Division 1. Generally, Section 30-26 – Fire code board of adjustment and appeals, to update internal code references in this section; providing that Section 30-26 shall hereafter read as follows:

CHAPTER 30 – FIRE PROTECTION AND PREVENTION

ARTICLE II ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 30-26. - Fire code board of adjustment and appeals.

There is hereby established a fire code board of adjustment and appeals to review decisions made by the fire chief or fire inspector, as applicable, when a written appeal is filed within 30 days of the decision from which the appeal is taken. The members of this board shall be the same as those constituted as the building board of adjustment and appeals set forth in section 14-106 46 of the Code of Ordinances of the Town of Palm Beach Shores.

Section 3: Chapter 30. Fire Protection and Prevention of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. Fire Prevention Standards, Division 2. Codes adopted, Section 30-86 – Florida Fire Prevention Code incorporated by reference, to update state statute references in this section and to adopt by reference the most current local amendments promulgated by Palm Beach County at the request of the county fire marshal; providing that Section 30-86 shall hereafter read as follows:

CHAPTER 30 – FIRE PROTECTION AND PREVENTION

ARTICLE III FIRE PREVENTION STANDARDS

DIVISION 2. - CODES ADOPTED

Sec. 30-86. - Florida Fire Prevention Code incorporated by reference.

- (a) The most current edition of the Florida Fire Prevention Code, including the Life Safety Code, Pamphlet 101, by reference, as adopted by the state fire marshal and the state legislature pursuant to §§ 633.~~202~~ ~~0215~~ and 633.~~208~~ ~~025~~, F.S., is hereby incorporated by reference as the Fire Prevention and Life Safety Code for the Town of Palm Beach Shores, except as otherwise specified herein. The Florida Fire Prevention Code as amended by the most currently adopted local amendments promulgated by Palm Beach County shall be hereinafter referred to as "this Code" or the "Fire Prevention Code." ~~The local amendments to this Code are administrative in nature and are set forth in the other sections of Chapter 30.~~
- (b) Not less than one copy of the current edition of the Florida Fire Prevention Code specifically referenced above shall be on file at the office of the Town fire department. The provisions of this code shall be controlling within the Town of Palm Beach Shores, ~~save and except those portions such as are hereinafter deleted, modified, or amended by other sections of this chapter.~~

Secs. 30-87—30-95. - Reserved.

Section 4: Each and every other section and subsection of Chapter 30. Fire Protection and Prevention. shall remain in full force and effect as previously adopted.

Section 5: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 6: 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 7: Specific authority is hereby granted to codify this Ordinance.

Section 8: This Ordinance shall take effect immediately upon adoption.

FIRST READING this ____ day of August, 2022.

SECOND AND FINAL READING this ____ day of September, 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