

ORDINANCE NO. O-2-23

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS., SEC. 14-63. – PROCEDURE. TO REQUIRE THE INSTALLATION OF SYNTHETIC TURF TO BE REVIEWED BY THE PLANNING & ZONING BOARD AND CHAPTER 78. VEGETATION AT SECTION V. LANDSCAPING., SEC. 78-77.1. – DESIGN GUIDELINES. TO CREATE AN ENTIRELY NEW SUBSECTION TO PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF FORWARD OF THE FRONT FAÇADE OF THE PRINCIPAL BUILDING OR ANY ACCESSORY STRUCTURE OR IN ANY LOCATION WITHIN OR VISIBLE FROM ANY PUBLIC RIGHT-OF-WAY ON ANY PROPERTY IN ANY ZONING DISTRICTS WITHIN THE TOWN; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, currently the Town Code defines “landscaping” to include nonliving durable material commonly used in landscaping which can include artificial turf; and

WHEREAS, in recent months, requests to install artificial turf on properties within the Town have increased significantly; and

WHEREAS, there are multiple grades of quality for artificial turf currently on the market with varying lifespans, compaction requirements and permeability rates; and

WHEREAS, the Town Commission believes the installation of artificial turf in the front yards without the ability to adequately address material quality, appearance and drainage may become problematic for the Town; and

WHEREAS, because of the potential impacts to appearance, quality and drainage, the Town Commission believe the installation of artificial turf requires the review of the Planning & Zoning Board prior to installation; and

WHEREAS, the installation of artificial turf in the Town’s 10-foot strip makes private improvements in the public right-of-way and access to the Town’s utilities beneath the 10-foot Town strip more difficult; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores believes these amendments to the Town’s 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 14. Buildings and Building Regulations. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article 11. Administration., Sec. 14-62. – Procedure. to require the installation of synthetic turf to be reviewed by the Planning & Zoning Board; providing that Sec. 14-62. shall hereafter read as follows:

Sec. 14-62. - Procedure.

Site plans required.

(1) Site plan review and approval by the planning and zoning board is required for all new construction. In addition, site plan review and approval by the planning and zoning board shall be required for:

- a. The construction or installation of all fences, walls, gates or hedges located in front yards, which shall include, for corner lots situated along Lake Drive, Atlantic Avenue or Ocean Avenue, both the side of the property facing Lake Drive, Atlantic Avenue or Ocean Avenue, as well as the side of the property facing the applicable east-west street, in accordance with Pf. 9.2(d) of the town's zoning ordinance.
- b. Renovations of existing structures which change the footprint of the building or existing facade.
- c. The installation of new permanently installed (non-portable) emergency electrical generators, as well as modifications to existing emergency electrical generators which result in an increased net amount of impervious area on the property or decreased amount of buffering or screening around the emergency electrical generator. Relocation of an existing emergency electrical generator to a new location within the permissible yard area for emergency electrical generator placement, where there is no net increase in impervious area and no decrease in buffering and screening around the relocated emergency electrical generator is exempt from this requirement. Maintenance and

replacement activities that do not result in any net increase in impervious area and do not decrease the buffering and screening around the emergency electrical generator are likewise exempt from this requirement.

- d. The construction of new swimming pools, pool decks, and screened enclosures, and the installation of new pool equipment.
- e. The construction or installation of all slabs, concrete or otherwise, that increase the net amount of impervious area on the property.
- f. Modifications to existing swimming pools, pool decks and screened enclosures which result in a net increase to the amount of impervious area on the property or decreased amount of buffering or screening around the pool equipment. Relocation of existing pool equipment to a new location within the permissible yard area for pool equipment placement, where there is no net increase in impervious area and no decrease in buffering and screening around the relocated pool equipment is exempt from this requirement. Maintenance and replacement activities that do not result in any net increase in impervious area and do not decrease the buffering and screening around the pool equipment are likewise exempt from this requirement.
- g. Relocation of existing a/c equipment to a new location within the permissible yard area for a/c equipment placement are exempt from this requirement. Maintenance and replacement activities that do not result in any net increase in impervious area and do not decrease the buffering and screening around the a/c equipment are likewise exempt from this requirement.
- h. The installation of synthetic or artificial turf on any property within any Zoning District within the Town.

(2) For all construction requiring site plan review, the following shall be required:

- a. A completed site plan review application form; a boundary survey of the subject site prepared no more than six months from the date of the site plan review application; signed and sealed schematics depicting the

location of the building on the site, set backs, grading, drainage and elevations, as well as the relationship of the site to neighboring sites; tabular data showing compliance with all lot coverage, floor area, building height, grade and landscaping requirements.

- b. Ten sets of the above listed required documents prepared by a licensed engineer, architect and/or surveyor shall be submitted. The planning and zoning board shall first review the site plan; and, upon approval, the applicant shall submit the building plans to the town for review and approval of the building official prior to issuance of a building permit.

Section 2: Chapter 78. Vegetation. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section V. Landscaping., Sec. 78-77.1. – Design guidelines. to create an entirely new subsection to prohibit the installation of artificial turf forward of the front building of any building or in any location visible from any public right-of-way on any property in any Zoning Districts within the Town; providing that Sec. 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) 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.

(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 (e) below. In zoning district B, the following shall also trigger the applicability of the privacy screen requirements set forth in paragraph (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.

(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.

(f) Artificial turf regulations.

1. All artificial turf installed within the Town shall meet the following criteria:

a) Be green in color and similar to that of living sod;

- b) Be of sufficient quality that is guaranteed by the manufacturer to have a life expectancy of no less than ten (10) years; and
- c) Be sufficiently permeable to ensure that percolation rates through the artificial turf are equal to or greater than that of living sod.
2. Artificial turf shall not be installed or placed forward of the front façade of the principal building or any accessory structure and shall not be visible from any public right-of-way on any property in any Zoning Districts within the town.
3. Artificial turf currently installed or approved through development order shall be allowed to remain while maintained in serviceable condition and of quality appearance. Property owners shall be advised that should the Town or any easement holder need access to areas covered with artificial turf in utility easements or within the 10' Town Strip, the removal, replacement and/or repair of such artificial turf is solely the responsibility of the property owner and shall not fall to the Town or other easement holder.

Section 3: Each and every other section and subsection of Chapter 14. Building and Building Regulations. and Chapter 78. Vegetation. shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: 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 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon passage.

FIRST READING this 22 day of May 2023.

SECOND AND FINAL READING this 26 day of June 2023.

TOWN OF PALM BEACH SHORES

Alan Fiers
Alan Fiers, Mayor

ATTEST:

Jude Goudreau
Jude Goudreau, Town Clerk



Approved as to form and legal sufficiency.

Keith Davis
Keith Davis, Town Attorney