

## ORDINANCE NO. O-2-10

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT APPENDIX A. ZONING. SECTION II. DEFINITIONS. AT Pf. 2.38. BY REVISING THE REQUIREMENTS FOR PLACEMENT OF YARD ACCESSORIES WITHIN THE TOWN'S TEN FOOT STRIP; AND AT SECTION IX. WALLS, FENCES. AND HEDGES. AT Pf. 9.2. BY REVISING PERMISSIBLE HEDGE AND VEGETATION REQUIREMENTS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ENACTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to revise its zoning code by updating the permissible yard accessory placement requirements, and hedge and vegetation requirements so that said requirements are more representative of current trends throughout the Town, respect safety and visibility needs, and are more enforceable on an equitable and fair basis; and

WHEREAS, the Town Commission believes these revisions to its Code of Ordinances will be in the best interests of the citizens of the Town of Palm Beach Shores.

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

Section 1: Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section II. Definitions. Pf. 2.38. by revising permissible yard accessory placement requirements in the Town's ten foot strip; providing that Pf. 2.38. shall hereafter read as follows:

**Pf. 2.38. Yard, generally.**

A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the ground level of the graded lot upward; provided, however, that fences, walls, hedges, other shrubbery, and pool screen enclosures not having a roof impervious to weather may be allowed so long as they are constructed or placed in accordance with Pf. 9.2. Limitations. or Pf. 12.3. Swimming Pool, Pool Equipment and Pool Screen Enclosure Installation. of this Zoning Ordinance. Other permanent yard accessories,

ornaments, statuary, barbeques and lawn furniture may be permitted within the yard so long as such accessories are not placed within three feet of the edge of any pavement ~~the ten foot strip of Town property~~, otherwise meet the requirements of the Town Zoning Ordinance and so long as they do not exceed twenty percent (20%) of the required yard coverage, except that pool screen enclosures may exceed this percentage of the required yard coverage when necessary to fully cover a pool and decking installed in conformance with Pf. 12.3. Swimming Pool, Pool Equipment and Pool Screen Enclosure Installation.

Section 2: Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section IX. Walls, Fences and Hedges. Pf. 9.2. by revising permissible hedge and vegetation requirements; providing that Pf. 9.2. shall hereafter read as follows:

**APPENDIX A. ZONING ORDINANCE**  
**SECTION IX. WALLS, FENCES AND HEDGES**

**Pf. 9.2. Limitations.**

(a) *Generally.* Unless otherwise provided herein, walls, fences and hedges shall conform to the following general requirements.

1. Walls and fences may be placed on private property as near the lot lines of the property as can be reasonably accommodated.

i. When located behind the front building line (also known as the front setback), walls and fences may be a maximum of six (6) feet in height measured from the grade.

ii. When located between the front building line and the ten (10) foot strip of Town property, walls and fences may be a maximum of three feet in height measured from the grade.

iii. Walls and fences are prohibited in the ten (10) foot strip of Town property.

iv. All walls and fences shall be positioned with the finished side facing out and away from the property which it encloses. Walls and fences may not prevent or interfere with the free right or opportunity to use or make use of essential services; nor may they obscure the vision of vehicle drivers at the intersection of an access way and a public right-of-way, or two (2) or more public rights-of-way as defined in section 78-75 of the Town Code of Ordinances.

2. Hedges may be placed on private property as near the lot lines of the property as can be reasonably accommodated such that the outside edge of the hedge does not extend beyond the vertical plane of the lot line.

i. When located behind the ten (10) foot strip of Town property ~~front building line (also known as the front setback)~~, hedge height shall be unrestricted; however, all hedges must be maintained in accordance with the Town's minimum property standards regulations (Chapter 14, Article XII) and the Town's vegetation code (Sec. 78-79). Such hedges must be maintained at all times so that they do not interfere with overhead utility lines ~~may be a maximum of eight feet in height measured from the grade.~~

ii. When located within the ten (10) foot strip of Town property **from the adjacent property line out to a maximum distance of four feet, six inches (4'6")**, hedge, tree, shrubbery and other vegetation height is likewise unrestricted. Such hedges and other vegetation must be maintained in accordance with the Town's minimum property standards regulations (Chapter 14, Article XII) and the Town's vegetation code (Sec. 78-79) and may not interfere with required sight

~~triangles as set forth at Sec. 78-75 between the front building line (also known as the front setback) and the ten (10) foot strip of Town property, hedges may be a maximum of six (6) feet in height measured from the grade.~~

iii. When Hedges which are located within the ten (10) foot strip of Town property a distance between five feet, six inches (5'6") and three feet (3') from the edge of pavement, hedges shall not exceed six (6) three (3) feet in height measured from the grade.

iv. Vegetation (including hedge material) is Hedges are prohibited within three feet of the edge of pavement. However, this restriction shall not prohibit the use of lawn grasses or other ground cover or shrubbery that does not exceed twelve (12) inches in height, or a maximum of two pieces of other ornamental vegetation that do not exceed two (2) feet in width and three (3) feet in height.

v. Hedges may neither prevent nor interfere with the free right or opportunity to use or make use of essential services; nor may they obscure the vision of vehicle drivers at the intersection of an access way and a public right-of-way, or two (2) or more public rights-of-way as defined in section 78-75 of the Town Code of Ordinances.

3. *Inconsistent grades.* If the grade elevation at the lot line of the abutting lot is not a reasonable match to the grade elevation at which the wall, fence or hedge is to be placed, the height of the wall, fence or hedge shall be measured from the lower of the conflicting grade elevations.

(b) *Waterfront lots on Lake Drive and Inlet Way* shall apply the following requirements.

1. Rear lot line, Lake Drive only:

Walls and fences placed on, along or adjacent to the rear lot line (also known as the bulkhead on Lake Worth) shall not exceed four (4) feet in height measured from the grade.

2. Front yards, Lake Drive and Inlet Way:

i. Walls and closed fences (fences that allow the transmission of light and air to pass through ten (10) percent or less of their surface area) located between the front building line (also known as the front setback) and the ten (10) foot strip of Town property may be a maximum of four feet in height measured from the grade.

ii. Open fences (fences that allow the transmission of light and air to pass through more than ten (10) percent of their surface area) located between the front building line and the ten (10) foot strip of Town property may be a maximum of six (6) feet in height measured from the grade.

(c) *Corner lots* situated along Lake Drive, Atlantic Avenue or Ocean Avenue shall apply the general wall, fence and hedge requirements in section (a) by treating both the side of the property facing Lake Drive, Atlantic Avenue or Ocean Avenue, and the side of the property facing the applicable east-west street as front yards, applying front building line (also known as the front setback) requirements to each.

(d) *Swimming pool exception.* When a corner lot situated along Lake Drive, Atlantic Avenue or Ocean Avenue, or any lot located in Zoning Districts C or D has a swimming pool that is located in a "front yard" as defined at Pf. 12.3.(a)(1) of this Zoning Ordinance, and requires a fence or wall located between the front building line (also known as the front setback) and the ten (10) foot strip of town property to serve the additional function of a pool barrier required by the Florida Building Code and Florida Statutes, said fence or wall may be constructed to the minimum required height for swimming pool barriers as provided in the Florida Building Code and Florida Statutes notwithstanding anything contained herein to the contrary, so long as said fence or wall is located no closer than three (3) feet from the ten (10) foot strip of town property.

(e) *Gates and gateposts.* Gates may exceed the maximum height of the fence, wall or hedge to which they are attached by no more than one (1) foot. Gateposts with or without decorative/lighting fixtures may exceed the maximum height of the fence, wall or hedge to which they are attached by no more than two (2) feet.

(f) *Prohibited materials.* Barbed wire, razor wire or any other type of fencing material with sharp edges by whatever name it may be called is strictly prohibited within the Town of Palm Beach Shores.

(g) *Street corners.* Concrete ornamental masonry, and balustrades and standards located on street corners throughout the Town shall not be removed by adjacent lot owners. Only ground cover may be planted in front of any balustrade. Shrubbery immediately behind a balustrade shall be limited to the height of the balustrade.

Section 3: Each and every other section and subsection of Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores, Florida shall remain in full force and effect as previously enacted.

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 adoption.

FIRST READING this 17<sup>th</sup> day of May, 2010.

SECOND AND FINAL READING this 21<sup>st</sup> day of June, 2010.

TOWN OF PALM BEACH SHORES

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
VICE MAYOR

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
Aye    Nay

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
Aye Nay  
ATTEST:

\_\_\_\_\_  
COMMISSIONER

(Seal)

\_\_\_\_\_  
TOWN CLERK

Approved as to form and  
legal sufficiency.

\_\_\_\_\_  
TOWN ATTORNEY