



# TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -  
SUBJECT TO  
REVISION

## ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

### AGENDA

TOWN HALL  
COUNCIL CHAMBERS - SECOND FLOOR  
360 SOUTH COUNTY ROAD

Thursday, April 6, 2017  
9:30AM

- I. CALL TO ORDER AND ROLL CALL  
Bobbie Lindsay, Chair  
Julie Araskog, Committee Member
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS FROM CITIZENS
- IV. REGULAR AGENDA
  - A. Old Business
    - 1. None
  - B. New Business
    - 1. Potential Amendment of Town Code, Relative to Service Charges for False Alarms (*Darrel Donatto, Deputy Fire Chief*)
    - 2. Study Regulations Regarding Landscape Activity within the Conservation Zoning District (*Veronica Close, Assistant Director of Planning, Zoning and Building*)

V. ANY OTHER MATTERS

VI. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town's website ([www.townofpalmbeach.com](http://www.townofpalmbeach.com)) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Disabled persons who need an accommodation in order to participate in the meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

# Memorandum

To: Bobbie Lindsay, Chair, Ordinances, Rules and Standards Committee  
Julie Araskog, Committee Member, Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Cc: Thomas G. Bradford, Town Manager; Department Directors; Darrel Donatto, Deputy Fire-Rescue Chief, Veronica Close, Assistant Director of Planning, Building and Zoning; Nicholas Caristo, Police Captain; Bill Bucklew, Building Official; Paul Castro, Zoning Administrator; Ben Alma, Code Enforcement Manager; Sue Eichhorn, Acting Town Clerk, Town Clerk; Regina Kamak, Office Assistant II; John C. Randolph, Town Attorney

Date: 3/31/2017

Re: Agenda Items for the April 6, 2017, ORS Meeting

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This memorandum and its attachments serve as the backup material associated with the agenda for your ORS meeting on April 6, 2017, at 9:30am. Below is the list of agenda items and related attachments, which provides background information for each matter.

## **Old Business**

### **1. None**

Pending Old Business items will be addressed at future ORS meetings.

## **New Business**

### **1. Potential Amendment of Town Code, Relative to Service Charges for False Alarms (Darrel Donatto, Deputy Fire Chief)**

Fire-Rescue Chief, Darrel Donatto, will review false alarm statistics and explain issues related to inadvertent alarm activations being caused by contractors and their sub. Please see New Business #1 for details regarding this item and the staff recommendation.

### **2. Study Regulations Regarding Landscape Activity within the Conservation Zoning District (Veronica Close, Assistant Director of Planning, Zoning and Building)**

Assistant Director of Planning, Zoning and Building, Veronica Close, will present concerns relative to proposed changes in Chapter 66 of the Town Code. Said changes are specific to proposed requirements on work in the Conservation District. Please see New Business #2 for details regarding this item.

Attachments

# TOWN OF PALM BEACH

Information for ORS Committee Meeting on: April 6, 2017

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To: Ordinances, Rules & Standards Committee  
Via: Jay Boodheshwar, Deputy Town Manager  
From: Darrel Donatto, Deputy Fire-Rescue Chief  
Re: Potential Amendment of Town Code, Relative to False Fire Alarms  
Date: March 24, 2017

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## **STAFF RECOMMENDATION**

Staff recommends the Ordinance, Rules and Standards (ORS) Committee of the Town Council to consider an amendment to the Town Code of Ordinances at Section 38-35, relative to modifications to regulations pertaining to service charges for excessive false alarms.

## **GENERAL INFORMATION**

Staff has reviewed the previous 12-month history of false fire alarms and have found that building contractors have caused an average of 25% of the false alarms experienced during that time. Section 38-35 of the Code states that the owner of any alarm system which actuates more than two false alarms for fire services in any period of 12 calendar months beginning October 1 of any year shall be charged a service charge as determined by resolution of the Town Council, which may be amended from time to time. Staff has found that often time the property owner is not present when the system goes off but is still responsible for fire alarms that are activated by their building contractor.

Staff recommends that ORS discuss and determine if it is appropriate and reasonable to fine a contractor or sub-contractor for construction actuated false alarms. If the ORS Committee believes it to be appropriate to modify the Code as recommended, staff suggests the following language be incorporated into the Code via ordinance:

- (a) If it is found and determined that a false alarm occurred, due to acts of construction or reasons other than a fire, by work performed by a contractor or workers under the direction of said contractor, the contractor will be fined for all false alarms. The contractor will be charged a service charge determined by resolution of the Town Council as may be amended from time to time. The property owner will not have contractor derived alarms charged against them provided that their contractor complies with the Town Ordinance.

For your reference, attached is the current language in Section 38-35. – Service charge for excessive false alarms and nonpayment of fines.

cc: John C. Randolph, Town Attorney  
Kirk Blouin, Director of Public Safety

Attachment

**Sec. 38-35. - Service charge for excessive false alarms and nonpayment of fines.**

- (a) It is found and determined that more than two false alarms within a period of 12 calendar months beginning October 1 in any year is excessive and thereby constitutes a public nuisance. The owner of any alarm system which actuates more than two false alarms in any period of 12 calendar months beginning October 1 of any year shall be charged a service charge as determined by resolution of the town council as may be amended from time to time. The owner of any alarm system which actuates more than two false alarms for fire services in any period of 12 calendar months beginning October 1 of any year shall be charged a service charge as determined by resolution of the town council as may be amended from time to time.
- (b) False alarms which occur as the direct result of transmitting a direct connect alarm system signal to the police department shall not be considered a public nuisance and shall not result in a false alarm charge until more than 15 false alarms are activated in any period of 12 calendar months beginning October 1. Any false alarms activated after 15, whether it be by human error or malfunction, shall be charged a service charge as determined by resolution of the town council as may be amended from time to time.
- (c) If the alarm user has not paid the fines within 30 days, an automatic ten percent penalty per month shall be assessed for nonpayment of said delinquent fees. The ten percent penalty shall be calculated on the total outstanding account balance, including prior penalties. Additionally, if the alarm user has not paid the fines and penalties, he will receive proper legal notice as outlined in the state statutes to appear in person before the code enforcement board. The code enforcement board will use any of its powers to bring the alarm user to compliance, including but not limited to directing a lien to be filed on the alarm user's property.
- (d) The town manager, upon written notification to the mayor and town council of intent to waive false alarm charges, may waive false alarm charges for power outages that occur within the town. In order for the town manager to invoke the discretionary power granted herein for temporary power outages, the alarm user must present to the town manager written verification from Florida Power & Light of the temporary outage at alarm user's property. No such proof shall be required for power outages when such power outage results from a tropical storm or hurricane event that directly impacts the town and which causes a power outage of 24 hours or greater affecting at least 20 percent of the town.

(Ord. No. 18-07, § 1, 9-11-07; Ord. No. 5-2014, § 1, 2-11-2014)

# TOWN OF PALM BEACH

Information for ORS Committee Meeting on: April 6, 2016

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To: Ordinances, Rules, & Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: Veronica W. Close, Assistant Director, PZB Department

Re: Chapter 66 Article IV Vegetation  
Conservation District Permits

Date: March 31, 2017

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## **STAFF RECOMMENDATION**

Staff is providing proposed changes to Chapter 66 Article IV. Vegetation outlining requirements related to work in the Conservation District for review by the Ordinance, Rules and Standards Committee.

## **GENERAL INFORMATION**

The Town's Comprehensive Plan contains provisions in the Coastal Management/Conservation Element that provide for the protection of native vegetative communities and the removal of exotic, non-native vegetation from the shoreline in the Lake Worth Lagoon. Objective 2 of that Element states that the Town shall protect native vegetation communities and their associated wildlife by implementing policies that protect and restore native vegetation. It also states that the measurement of Objective 2 is the degree in which the Policies in Objective 2 are implemented, including modification of regulations (Chapter 66) to incorporate standards for tree removal, landscaping aesthetics and minimum native vegetation requirements.

The regulations for removal, relocation and the replanting of native vegetation on undeveloped property in the Conservation Zoning District have not yet been created. The Conservation Zoning District is identified in dark green on the attached Zoning Map (EXHIBIT A). In order to make the land development regulations and other code provisions consistent with the Comprehensive Plan, Staff drafted proposed changes to Chapter 134 that require conformance to Chapter 66. That provision was reviewed by the Planning & Zoning Commission, and will be considered by the Town Council as its April 12, 2017 meeting. Staff also drafted proposed language in Chapter 66 (attached as EXHIBIT B) to establish a Conservation District alteration permit which controls and allows for the removal, relocation and/or planting of landscape materials in the Conservation Zoning District. This includes the removal of exotic or invasive plant material and planting and/or relocating of native species. Incidental site improvements, such as signage and fencing are also included.

The revisions to Chapter 66 include a penalty for violating a Conservation District alteration permit. An applicant who is found to be in violation of an issued Conservation District alteration

permit would be subject to code enforcement procedures. In addition, language requiring mitigation in certain instances is also included.

cc: Skip Randolph, Town Attorney  
John S. Page, Director of Planning, Zoning & Building  
Paul W. Castro, Zoning Administrator

# NEW BUSINESS #2

EXHIBIT A

Intracoastal Waterway

Atlantic Ocean

Intracoastal Waterway

Atlantic Ocean

## TOWN OF PALM BEACH ZONING MAP - 2016

Planning, Zoning & Building Department

|                                       |                                    |                           |
|---------------------------------------|------------------------------------|---------------------------|
| R-AA (Large Estate Residential)       | R-D(2) (Heavy Density Residential) | C (Conservation District) |
| R-A (Estate Residential)              | C-OP1 (Commercial Off, Prof, Inst) | PUD-A (Planned Unit Dev)  |
| R-B (Low Density Residential)         | C-PC (Commercial Planned Ctr)      | PUD-B (Planned Unit Dev)  |
| R-C (Medium Density Residential)      | C-TS (Commercial Town Serving)     | PUD-C (Planned Unit Dev)  |
| R-D(1) (Moderate Density Residential) | C-WA (Commercial Worth Ave)        | BA (Beach Area)           |
|                                       | C-B (Commercial Offices)           |                           |



0 1,000 2,000 Feet

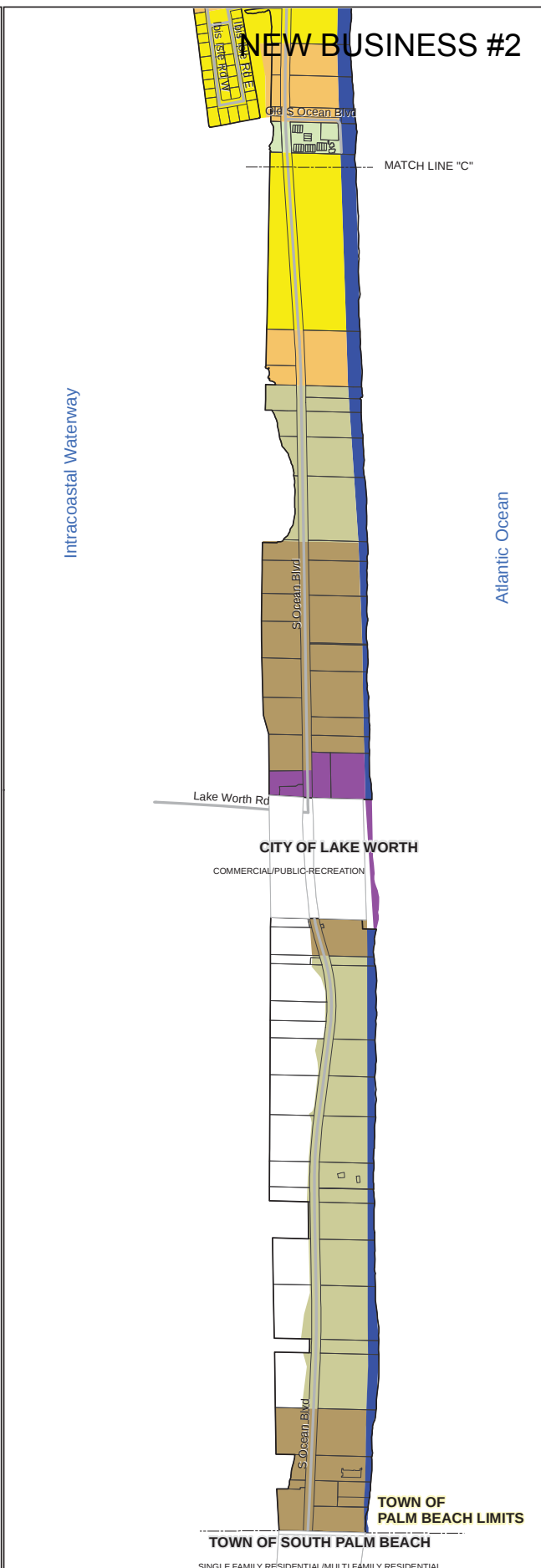
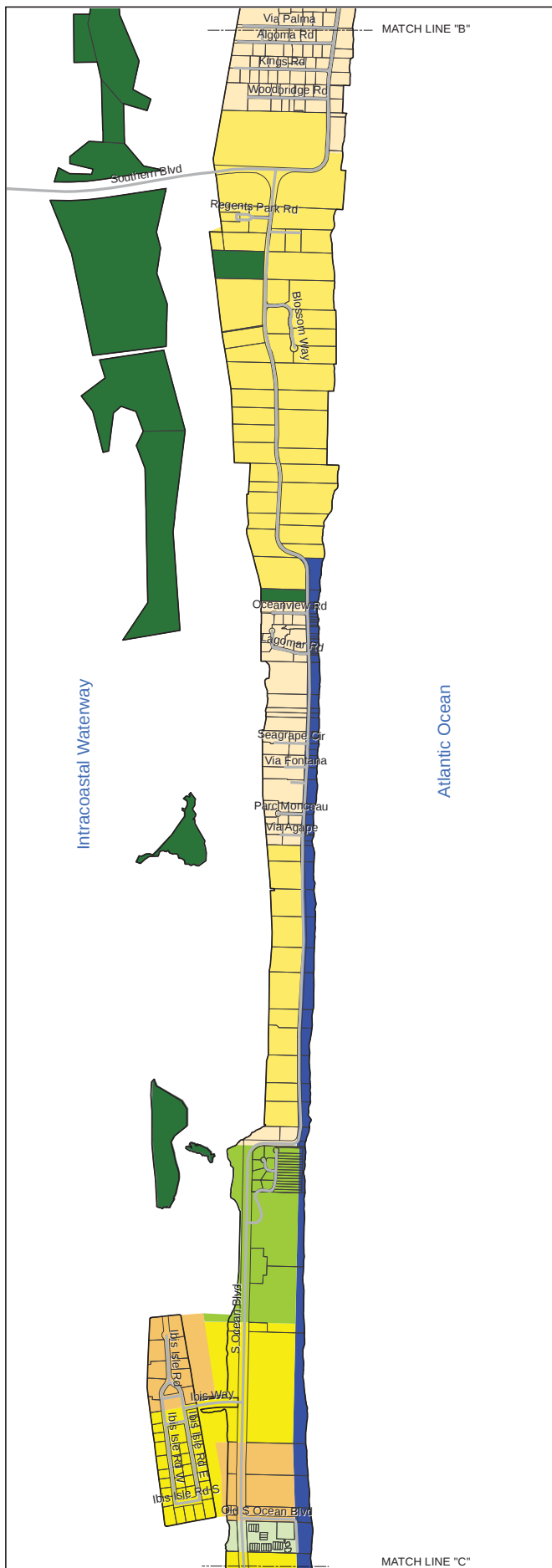
Map Created: November 1, 2016  
Town of Palm Beach  
Information Technologies GIS Division  
Planning, Zoning & Building Department  
(561)838-5430  
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Website: www.townofpalmbeach.com



MAP I - 7

MATCH LINE "A"

MATCH LINE "B"



# **TOWN OF PALM BEACH ZONING MAP - 2016** **Planning, Zoning & Building Department**

- |                                       |                                    |                           |
|---------------------------------------|------------------------------------|---------------------------|
| R-AA (Large Estate Residential)       | R-D(2) (Heavy Density Residential) | C (Conservation District) |
| R-A (Estate Residential)              | C-OPI (Commercial Off, Prof, Inst) | PUD-A (Planned Unit Dev)  |
| R-B (Low Density Residential)         | C-PC (Commercial Planned Ctr)      | PUD-B (Planned Unit Dev)  |
| R-C (Medium Density Residential)      | C-TS (Commercial Town Serving)     | PUD-C (Planned Unit Dev)  |
| R-D(1) (Moderate Density Residential) | C-WA (Commercial Worth Ave)        | BA (Beach Area)           |
|                                       | C-B (Commercial Offices)           |                           |



0 1,000 2,000 Feet

Map Created: November 1, 2016  
 Town of Palm Beach  
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MAP I - 8

**Sec. 66-2. Definitions.**

...**Pestilent Exotic/invasive Species** – Species as identified by the Florida Exotic Pest Plant Council's Invasive Plant List.

**Sec. 66- – Application procedure for Conservation District alteration**

- (a) Requirement for application. Conservation District alteration permits shall be required to remove pestilent exotic or invasive species, install native species, maintain native habitat or make site improvement necessary to secure the property. Such permits shall be obtained by making application prior to removal, installation, maintenance or site improvement to the planning, zoning and building department director or designee. The application shall include a written statement specifying the reasons necessitating the work to be performed. Applications must be submitted at least ten working days prior to the proposed date of work in order to be considered timely, and may be accompanied by a fee. Failure to submit a permit in a timely manner may result in the payment of a penalty fee. Permit and penalty fees are to be in accordance with the schedule of fees adopted by resolution by the town council amended in the same manner.
- (b) Circumstances justifying issuance. Conservation District alteration permits shall be issued in the following circumstances:
- (1) Presence of pestilent exotic or invasive species.
  - (2) Work is necessary to protect against natural habitat degradation
- (c) Permit conditions.
- (1) All native habitat must be restored in accordance with all federal, state, and local regulations.
  - (2) Owner must demonstrate plans for maintaining conservation area/native plant/threatened or endangered communities in a natural, undisturbed state.
  - (3) Mulching or placement of removed vegetation is prohibited.
  - (4) Documentation that all mangrove trimming will be done by an authorized professional mangrove trimmer (PMT) as specified in FS 403.9329.
- (d) Plans required.
- (1) A Landscaping plan to include:
    - a. Property boundaries, location of any site improvements, including but not limited to walls, fences, gates, retention areas, easements, rights-of-way, drainage structures, overhead and underground utilities, poles, fire hydrants, check valves, transformers and other features to remain or to be removed.
    - b. Location, botanical name, and common name of all existing, existing to be removed or relocated along with place of relocation, and proposed vegetation three inches or larger in diameter at standard height (4.5') on the property.

**Commented [VC1]:** The proposed requirements have not been assigned a Section number. These provisions can either be included in the same section as other proposed changes to the landscaping code, or in the section relating to removal of prohibited plants (starting at Sec. 66-311.

## EXHIBIT B

- c. Location, botanical name, and common name of all invasive or pestilent exotic species.
  - d. Threatened or endangered vegetative species as identified by the Florida Department of Agriculture and Consumer Services in its Regulated Plant Index.
  - e. Planting specifications, including but not limited to staking, fertilization, top soil, and mulching.
  - f. Method to protect trees, including historic or specimen trees, vegetation, and native plant communities during performance of work.
  - g. Such other information that may be required to give a complete understanding of a proposed plan
- (e) Permit issuance and time limitations. Upon approval of an application, the planning, zoning and building department director official or his designee shall issue a permit. Permits shall expire and become null and void if work is not commenced within 90 days from the date of permit issuance. Work must be completed and pass final inspection within six months of permit issuance. A time extension for the permit may be granted by the planning, zoning and building department director or designee for good cause upon written request. A denial of a time extension request may be appealed to town council. The appeal shall be filed within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal.
- (f) Penalty for violation. Any person who performs work outside of the scope of an issued permit shall be subject to sections 2-401 et seq. In addition, the applicant may be required to pay to the town a civil penalty equal to the total value of work required to restore the site to the conditions approved in the permit. Restoration work may be required as restitution in lieu of money. A combination of money and restoration work may be required.

**Commented [LE2]:** These are proposed timelines. Staff believes some time limits may be effective in preventing lingering construction jobs.

**Commented [LE3]:** Some sections of the code include an appeal procedure for certain substantive administrative decisions. One is included here in the event ORS believes it is necessary.