

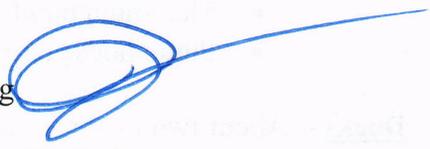
**TOWN OF PALM BEACH**

Information for Town Council Meeting on: February 14, 2024

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building 

Re: Staff-Initiated Draft Zoning Text Amendments – Screening Walls / Mechanical Equipment and Docks

Date: January 29, 2024

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**STAFF REQUEST & RECOMMENDATION**

Staff requests that the Town Council review the proposed changes to the Zoning Code sections related to mechanical equipment and docks. Staff was directed to review and propose changes to the code to primarily remove the need for zoning variances relating to screening wall height when FEMA requires mechanical equipment to be raised, and the multiple variances required for new docks and dock expansions. Staff further recommends that the Town Council provide feedback on the draft strike-through and underlined zoning text so that ordinances can be prepared for approval and adoption at future Town Council meetings.

**GENERAL INFORMATION**

**Mechanical Equipment** – FEMA and the Florida building Code require new and replacement mechanical equipment to be elevated to the base flood elevation plus freeboard. The zoning code allows screening walls to be a maximum of seven feet (7') high. It is very common for owners to request a zoning variance to either increase the height of the screening wall to hide the elevated mechanical equipment or request a variance to not completely screen the mechanical equipment with the seven-foot-high wall. Other issues with this part of the zoning code are the new twenty-five foot (25') maximum separation of equipment to pool edge, the setback of pool heaters, which is greater than A/C units and generators, and the maximum number of pieces of equipment.

Staff proposes the following code changes to sections 134-1728 and 134-1729:

- Text has been added to the parts of the code which require equipment screening walls to include the following language: “When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.”

- Swimming pool heater setback has been reduced from 10' to 5' to be consistent with all other types of equipment (pool pumps and filters, A/C equipment, and generators).
- The 25' maximum distance separation of pool equipment to water when pool equipment is located in a setback has been eliminated.
- Maximum number pool equipment (4) has been eliminated.
- Pump house requirement has been eliminated.

**Docks** – About two or three years ago a project was before Arcom that included a cantilevered rear yard extension out over the Intracoastal. It was basically a marginal dock but provided the ability for the owner to “expand” the area of their rear yard. Staff was directed to review the ability to add these marginal docks and the matter was sent to the Planning & Zoning Commission. An ordinance was produced, reviewed, and adopted to prevent this type of yard expansion. Unfortunately, the unintended consequence of the ordinance was that every new dock, or most dock expansions, now require at least one variance of Chapter 62, Marine Structures.

Staff proposes the following changes to section 62-74 and 62-75:

- A “marginal dock” is described/defined and identified as the only marine structure which is limited in width to 30% of the lot width and limited to a 6ft projection off the seawall.
- Gangway width is limited to 10 ft in width (no change from before, but “gangway” language added) and boat lifts/platform lifts, etc. are EXCLUDED from this measurement.
- Terminal width is limited to 10 ft in width (no change from before, but “terminal” language added) and an additional two feet of width is permitted between pilings at boat lifts for passenger loading. Boat lifts/platform lifts are EXCLUDED from this measurement.
- Language is added regarding dock lighting “Docks shall only be permitted to provide the minimum lighting necessary to allow pedestrian navigation of the structure.”
- Reference to the “Official Bulkhead Line” is removed and replaced with “Mean High Water Line”. The official bulkhead line is an un-surveyable boundary which only exists on the “official map” and has to be scaled from that map, which leaves room for human error. Industry standard is to reference the MHWL, which is surveyable.

### **REQUESTED ACTION**

Please review the attached strike-through and underlined text and provide feedback to staff. Based upon the feedback, ordinances can be drafted for consideration at future meetings.

Attachments: Strike-through / underlined changes to Chapters 134 and 62

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**Sec. 134-1728. Air conditioning and swimming pool, and fountain equipment.**

- (a) *Air conditioning/chiller equipment (excluding cooling towers).* Air conditioning equipment shall not be allowed in a required front yard setback. Said equipment shall be allowed in a required side, rear, street side and street rear yard setback provided the following requirements are met:
- (1) The equipment shall have a minimum five-foot side and rear yard setback.
  - (2) The equipment shall have a minimum 20-foot street side and street rear yard setback.
  - (3) A maximum of two pieces of air conditioning equipment not exceeding six feet in height above grade or the minimum flood elevation, whichever is higher, shall be allowed.
  - (4) The equipment shall be completely screened from the neighboring property and the street by a concrete wall as high as said equipment. Said wall cannot exceed the maximum height allowed by Code. A neighbor's existing concrete wall can satisfy said requirement provided that wall meets the height requirement to completely screen said equipment from the adjacent neighbor and the applicant enter into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.
  - (5) If the equipment and required new screening wall can be seen from the street, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining air conditioning/chiller equipment visibility.
  - (6) Where required setbacks for principal structures are increased based on a larger lot width or depth, the air conditioning equipment (not including cooling towers) shall meet the same requirements as the standard size lots in the district it is located.
- (b) *Cooling tower equipment.* Cooling tower equipment shall meet the following requirements:
- (1) The equipment and screening wall required below shall meet the same minimum required yard setbacks as the principal structure.
  - (2) The equipment shall be screened from the neighbors and/or a street by a three-sided, concrete wall at least as high as said cooling tower. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.
  - (3) If the equipment and required screening wall can be seen from the street without intervening landscape material, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.
- (c) *Swimming pool and fountain equipment.* Swimming pool and fountain equipment shall be allowed in a required side, rear, street side and street rear yard setback provided the following requirements are met:
- (1) Swimming pool and fountain pump and filter equipment shall have a minimum five-foot side and rear yard setback and shall in all situations be located no further than 25 feet from the pool or fountain water's edge.
  - (2) Swimming pool heater equipment shall have a minimum ~~ten-foot~~ five-foot side and rear yard setback and shall in all situations be located no further than 25 feet of the swimming pool water's edge.
  - (3) ~~Swimming pool heater and pump equipment and fountain equipment (excluding filters) shall not exceed four pieces of equipment.~~

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- (4) Swimming pool heater, pump and filter equipment and fountain equipment shall not exceed a maximum height of four feet above grade or the minimum flood elevation, whichever is higher.
  - (5) All swimming pool and fountain equipment, and filter equipment, shall have a minimum 20-foot street side yard setback and in all situations shall be located no further than 25 feet from the water's edge of the swimming pool and/or fountain.
  - ~~(6) Swimming pool and fountain pump and filter equipment, excluding swimming pool heater equipment, shall be enclosed in a pump house and shall be located no further [than] 25 [feet] from the swimming pool or fountain water's edge.~~
  - (7) Swimming pool heater equipment shall be completely screened from a neighboring property and a street by a building or concrete wall as high as said equipment. Said wall cannot exceed the maximum height allowed by Code. A neighbor's existing concrete wall can satisfy said requirement provided the wall meets the height requirement to completely screen said equipment from the adjacent neighbor and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.
  - (8) If the equipment and required new screening wall or pump house can be seen from the street, said equipment and wall shall be approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining swimming pool and fountain pump, heating and filter equipment visibility.
  - (9) Where required setbacks for principal structures are increased based on a larger lot width or depth, the swimming pool and fountain pump, filter and heating pool equipment shall meet the same requirements as the standard size lots in the district it is located.

(Ord. No. 2-74, § 5.50(c), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94; Ord. No. 1-99, § 24, 4-5-99; Ord. No. 1-00, § 5, 2-22-00; Ord. No. 1-03, § 9, 3-11-03; Ord. No. 16-09, § 11, 11-12-09; Ord. No. 4-2016, § 7, 4-13-16; Ord. No. 16-2020, § 1, 12-9-20)

### **Sec. 134-1729. Generators.**

Except for generators serving a public purpose and owned and operated by the town or temporary generators used during or after a natural disaster such as a tropical storm or hurricane event, and which are therefore exempt from these regulations, portable or permanent generators temporarily or permanently placed on the ground, on a stand or on a trailer, shall not be placed in the required front, street side or street rear yard setbacks; provided, however, not more than one such generator shall be placed in any given within the same required side or rear yard setback.

- (1) One or a combination of more than one portable or permanent generators with combined output of not more than 60 KW shall be allowed provided only one generator is within the same required yard area. Said generator(s) shall be allowed five feet from a side or rear property line provided said generator meets the following requirements:
  - a. There is only one generator within that required yard area.
  - b. The generator(s) shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.

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- c. The highest point on the generator(s) shall not exceed a maximum of seven feet above the neighboring property owner's grade or zero datum as defined in the appropriate definition of building height in section 134-2.
  - d. The generator(s) shall be completely screened from a street and the neighboring property owners by a concrete wall the same height as the generator(s) (including the height of the exhaust muffler). An adjacent property owner's existing side or rear concrete wall that completely screens the generator from the neighbor adjacent to that generator can satisfy said requirement provided the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall. When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.
  - e. If the generator(s) is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable. Intervening landscape material shall not be considered when determining a generator's visibility.
  - f. The generator's exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
  - g. The generator(s) shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company or for use by power customers during periods of peak demand.
  - h. The generator(s) shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.
  - i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.
  - j. Generators shall not be permitted on the roof of a building.
- (2) Temporary or permanent generators with a combined output of greater than 60 KW or more may be temporarily placed on the ground, on a stand or on a trailer provided, however, said generator(s) meets the following requirements:
- a. A generator(s) shall meet the minimum setback requirements applicable to a principal structure and not more than one generator shall be within the same required setback or yard area.
  - b. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.
  - c. If the generator exceeds an output capacity of 100 KW or the combined output capacity of multiple generators exceeds 120 KW, said generator(s) shall be subject to site plan review as defined in sections 134-326—134-330. If any individual generator output capacity exceeds 100 KW it shall be housed in an enclosed building with landscaping as approved by the Architectural Commission or Landmarks Preservation Commission, whichever is applicable.
  - d. If the generator exceeds 60KW and is 100KW or less, it shall be screened from view at the street and from the neighboring properties by a concrete block wall, at least the same height as the generator (including the height of the exhaust muffler). An adjacent property owner's side or rear

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concrete wall that completely screens the generator from the neighbor adjacent to said generator can count towards screening provided that the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall. **When equipment cannot be totally screened by a wall installed at maximum permitted height, a hedge material shall also be installed and maintained at a height necessary to completely screen the equipment.**

- e. If the generator is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, as applicable. Intervening landscape material shall not be considered when determining a generator's visibility.
  - f. The generator'(s) exhaust shall, as much as practically feasible, be vented upwards or directed away from neighboring properties.
  - g. The generator(s) shall be used only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company.
  - h. The generator(s) shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.
  - i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.
  - j. Generators shall not be permitted on the roof of a building.
- (3) Notwithstanding subsection (a), the director or designee may grant a waiver allowing a one generator with an output capability in excess of 60KW to be located within a required side or rear yard setback, provided the applicant submits to the town a site plan and evidence or testimony substantiating each of the following conditions:
- a. The output of a 60 KW or less generator is incapable of providing enough electricity for the basic necessity of occupying a building and/or protecting interiors or possessions in a building from the damaging effects of prolonged loss of power.
  - b. The proposed location is not merely for the convenience or preference of the applicant, but that there is no other location outside of the required setbacks that will provide for safe placement of the generator.
  - c. The proposed location represents the minimum intrusion into the required setback(s) necessary to safely accommodate the generator.
- (4) If an administrative waiver is not granted pursuant to subsection (c) the applicant may appeal the administrative decision to the town council pursuant to sections 134-131—134-145.

(Ord. No. 1-99, § 25, 4-5-99; Ord. No. 1-00, § 6, 2-22-00; Ord. No. 1-03, § 10, 3-11-03; Ord. No. 5-07, § 1, 5-8-07; Ord. No. 8-07, § 4, 5-8-07; Ord. No. 4-2016, § 5, 4-13-16; Ord. No. 16-2020, § 2, 12-9-20)

Editor's note(s)—Ord. No. 5-07, § 1, adopted May 8, 2007, enacted provisions intended for use as subsections (a)—(d). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsections (1)—(4).

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## Sec. 62-74. Bulkheads, landing docks and piers to accord with plat; waivers and variances.

All bulkheads erected in Lake Worth within the limits of the town shall be erected within the lines as shown on the plats described in section 62-71 except as follows. In addition, piers, landing docks and/or all associated appurtenances thereto erected in Lake Worth within the limits of the town shall be erected within six feet of the pierhead line as shown on the plats described in section 62-71 except as follows:

- (1) The director of public works may grant an administrative waiver for batter (style) piles located west of the official bulkhead line provided that the applicant demonstrates why the bulkhead cannot be constructed without batter piles on or behind said line. A hardship shall be deemed a situation where said batter piles could not be built because existing structure(s) or soil conditions prohibit compliance with the provisions of this chapter.

(2) One pier or landing dock and its associated appurtenance shall be allowed on a lot as an accessory structure. A pier or landing dock shall not exceed 30 percent of the lot width. Any portion of said pier or landing dock extending more than six feet from the mean high water line or Bulkhead Line, whichever is most landward, shall not exceed a pier or landing dock width of ten feet. A pier, landing dock and/or all associated appurtenances thereto shall not be permitted more than six feet west of the official pierhead line or more than 150 [feet] west of the official bulkhead line. However, in no case shall a pier, landing dock and/or all associated appurtenances thereto extend more than 150 feet from land. The town council may approve a variance to this provision pursuant to sections 134-171, 134-172, 134-173 and 134-201 if the town council finds that the criteria in section 134-201 have been met. In addition to meeting the variance criteria, an applicant for a piers, landing docks and/or all associated appurtenances thereto more than six feet west of the pierhead line and more than 150 from the bulkhead line or land shall meet the following criteria:

- a. Prior permit approval by the Corps of Engineers and Department of Environmental Protection is required;
- b. A pier, landing docks and/or all associated appurtenances thereto shall not be within 100 feet of a designated federal channel or within 62.5 feet of said channel if previously approved by the Corps of Engineers;
- c. Where an official pierhead line or bulkhead line does not exist on the official bulkhead and groin plat of the town, a pier, landing dock and/or all associated appurtenances thereto shall not be permitted more than six feet west of the existing bulkhead. The town council may approve a variance to this provision pursuant to sections 134-171, 134-172, 134-173 and 134-201 if the town council finds that the criteria in section 134-201 have been met. In addition to meeting the variance criteria, an applicant for piers, landing docks and/or all associated appurtenances thereto more than six feet west of the existing bulkhead shall have prior permit approval by the Corps of Engineers and Department of Environmental Protection.

(2) One pier or landing dock and its associated appurtenances shall be allowed on a lot as an accessory structure, provided that the following specifications are met:

- a. A marginal dock (being a fixed or floating marine structure placed immediately contiguous and parallel to a seawall) shall not exceed a width of 30% of the subject parcel as measured along the seawall, and a marginal dock may project up to 6 ft from the existing seawall or Mean High Water Line (whichever is most landward) at its furthest projection.
- b. A dock or marine structure may project a maximum of 6 ft west of the U.S. Pierhead Line at its furthest projection.

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- c. A dock or marine structure shall have a maximum projection of 150 ft from land or the Mean High Water Line (whichever is more landward) at its furthest projection.
  - d. A dock or marine structure shall have a maximum gangway width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels).
  - e. A dock or marine structure shall have a maximum terminal width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels), with an additional 2 ft of width permitted between pilings at boat lifts to allow for pedestrian loading or unloading onto a vessel.
  - f. A dock or marine structure and any related appurtenances shall have a 25 ft minimum setback from a continuous line extending from the side property lines into the waterway.
  - g. In no instance shall a marine vessel docked, moored, or stored at a dock or marine structure encroach beyond a continuous line extending from the side property lines into the waterway.
  - h. Docks shall only be permitted to provide the minimum lighting necessary to allow pedestrian navigation of the structure.
  - i. For properties located on the north, south and/or west side of Everglades Island & Ibis Isle; a marginal dock as described above may be permitted. Appurtenances related to storage of marine vessels shall be permitted to project a maximum of 25' from the existing bulkhead or Mean High Water Line, whichever is most landward. Such structures shall not impede navigation of the waterway.

(Ord. No. 17-99, § 3, 11-9-99; Ord. No. 17-2021, § 1, 8-11-21)

Editor's note(s)—Ord. No. 17-99, § 1, adopted November 9, 1999, amended the Code by repealing former § 62-74, and adding a new § 62-74. Former § 62-74 pertained to construction location to accord with plats, and derived from the Code of 1982, § 6-33; and Ord. No. 4-97, adopted March 11, 1997.

### **Sec. 62-75. Construction specifications.**

- (a) *Generally.* All construction of bulkheads, piers and landing docks covered in this article shall comply with the specifications of this section.
- (b) *Location and alignment.* The west face of bulkheads are to be on the designated bulkhead line.
- (c) *Projections.* The west face of bulkheads shall be without projections, except at the top, where a cap or coping may be used. The transition from the face of the bulkhead to the outer face of the cap or coping shall not be abrupt. An administrative waiver by the director of public works for batter (style) piles may be granted from this provision as identified in section 62-74(a).
- (d) *Elevation of top.* The top of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the town engineer.
- (e) *Elevation of bottom.* The bottom of bulkheads or cutoff walls shall be governed by sound engineering recommendations, and the same shall be approved by the town engineer.
- (f) *Elevation of filled land lying west of the present A1A right-of-way.* The elevation of such fill will be such that drainage of any filled area will be routed away from the right-of-way ditches of State Road A1A.
- (g) *Tightness.* Bulkheads and cutoff walls shall be impervious to the passage of sand.

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(h) Location and alignment. One pier or landing dock, and/or all associated appurtenances thereto may be built on a lot westward from the official bulkhead line a maximum of 150 feet. A pier or landing dock shall not exceed 30 percent of the lot width. Any portion of said pier or landing dock extending more than six feet from the mean high water line or bulkhead line, whichever is most landward, shall not exceed a pier or dock width of ten feet. In addition, a pier, landing dock and/or all associated appurtenances may not be built further than 150 feet from land nor more than six feet west of the U.S. Pierhead Line in Lake Worth. A pier or landing dock and/or all associated appurtenances shall also be setback a minimum of 25 feet from the side property line. (For the purposes of this section, associated appurtenances shall be considered part of a pier or landing dock as it relates to renovation or replacement of a nonconforming pier or landing dock.) No vessel that is docked at said pier or landing dock shall be allowed to extend past a continuous line extending from the side property line out into Lake Worth or the Palm Beach Inlet. These provisions may not be varied from unless a variance pursuant to sections 134-171, 134-172, 134-173 and 134-201 has been granted by the town council.

(h) One pier or landing dock and its associated appurtenances shall be allowed on a lot as an accessory structure, provided that the following specifications are met:

1. A marginal dock (being a fixed or floating marine structure placed immediately contiguous and parallel to a seawall) shall not exceed a width of 30% of the subject parcel as measured along the seawall, and a marginal dock may project up to 6 ft from the existing seawall or Mean High Water Line (whichever is most landward) at its furthest projection.
  2. A dock or marine structure may project a maximum of 6 ft west of the U.S. Pierhead Line at its furthest projection.
  3. A dock or marine structure shall have a maximum projection of 150 ft from land or the Mean High Water Line (whichever is more landward) at its furthest projection.
  4. A dock or marine structure shall have a maximum gangway width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels).
  5. A dock or marine structure shall have a maximum terminal width of 10 ft (not to include platform boat lifts or other mechanical or structural components related to storage of marine vessels), with an additional 2 ft of width permitted between pilings at boat lifts to allow for pedestrian loading or unloading onto a vessel.
  6. A dock or marine structure and any related appurtenances shall have a 25 ft minimum setback from a continuous line extending from the side property lines into the waterway.
  7. In no instance shall a marine vessel docked, moored, or stored at a dock or marine structure encroach beyond a continuous line extending from the side property lines into the waterway.
  8. Docks shall only be permitted to provide the minimum lighting necessary to allow pedestrian navigation of the structure.
  9. For properties located on the north, south and/or west side of Everglades Island & Ibis Isle; a marginal dock as described above may be permitted. Appurtenances related to storage of marine vessels shall be permitted to project a maximum of 25' from the existing bulkhead or Mean High Water Line, whichever is most landward. Such structures shall not impede navigation of the waterway.
- (i) *Elevations of top.* The elevations indicated for piers and docks may be in conformance to good engineering practice.
- (j) *Presence of rock.* If in the construction of bulkheads, piers or landing docks, rock too hard for penetration is encountered, before required penetration has been attained, the applicant will be required to give the department of public works satisfactory proof of its ability to penetrate the rock sufficiently to provide a

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structure equally as stable as though no rock had been encountered, and the structure had been built with the prescribed penetration in sand.

- (k) *Profiles with application.* If in the construction of any structure covered in this section is made, such application must be accompanied by a profile taken along the line of the proposed structure, such profile to show the character of materials encountered to elevations of required penetrations.
- (l) *Plans.* All plans accompanying applications for structures covered in this section must be prepared by, or in collaboration with, a civil engineer licensed to practice in the state.
- (m) *Datum plane.* The datum plane to which above elevations are referred is based upon National Geodetic Vertical Datum, 1929.
- (n) *Inspection.* The town or authorized agent has the right at all times to inspect work being done under this section.
- (o) *Approval of town engineer.* Penetration and elevations of piles being used in these structures shall be in accordance to good engineering practice. The plan of the work shall have the approval of the town engineer.

(Code 1982, § 6-34; Ord. No. 4-97, § 1, 3-11-97; Ord. No. 17-99, § 3, 11-9-99; Ord. No. 17-00, § 2, 8-8-00; Ord. No. 1-03, § 12, 3-11-03; Ord. No. 17-2021, § 2, 8-11-21)

