

EXHIBIT “A”

CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 18-1. - Datum plane adopted.

The official datum plane to be used in the town is hereby declared to be the National Geodetic Vertical Datum (NGVD). The secondary datum plane to be used in the town is hereby declared to be the North American Vertical Datum (NAVD). Reference to NAVD should be included with a local conversion table when NGVD is provided on documents for town review.

Sec. 18-2. - Landscaping; maintenance where used for screening.

In any instance where hedges or other landscaping have been or are installed in the future, to provide screening for off-street parking or any other purpose, the owner of any such property is required to maintain any such hedge or other landscaping in accordance with the approved landscape plan and in the manner in which hedges and landscaping of a similar nature are required to be maintained as specified elsewhere in this Code.

Sec. 18-3. - On-job toilet facilities, required.

It shall be the duty of the owner or contractor on any construction work in the town requiring a permit to provide and have available on the premises where such construction is taking place such toilet facilities for all workers during the entire construction period as are deemed adequate by the building official. If a temporary building is used for that purpose, its construction, location and operation shall be approved by the building official. Such temporary toilet facility shall be effectively sight-screened from all roads, streets, etc., by walls, hedges, buildings or other methods as approved by the building official.

Secs. 18-4—18-35. - Reserved.

ARTICLE II. - ADMINISTRATION OF PLANNING, ZONING AND BUILDING

DIVISION 1. – GENERALLY

Sec. 18-36. - Penalties.

Any person violating the provisions of any section of this article shall upon conviction by the code enforcement board be fined as provided in section 2-430 and/or section 2-439. Nothing herein shall preclude prosecution under section 1-14.

Secs. 18-37—18-60. - Reserved.

DIVISION 2. - BUILDING OFFICIAL

Sec. 18-61. - Position established.

There is established the position of building official of the town, who shall report to the director of planning, zoning and building. The building official shall be certified as a building code administrator by the State of Florida. Alternatively, the director of planning, zoning and building may designate a qualified consultant or qualified person employed by a consultant to serve in the capacity of building official provided the person or firm has been selected in accordance with adopted town procedures.

Sec. 18-62. - Duties.

The building official shall be the administrative head of the building division of the planning, zoning and building department and shall be responsible for its operation and administration. In addition to the duties prescribed elsewhere in this Code, or the ordinances of the town, or in the codes and standards adopted by the town, the building official shall:

(1) Issue all permits for the erection, repair or removal of any building or structure in the town, and shall keep on file record copy of every permit issued and applications upon which the permits were granted.

(2) Subject to the ordinances, rules and regulations of the town council and ordinances of the town, inspect all buildings and structures in the course of erection, removal or repair, for the erection, removal and repair of which a permit is required by the ordinances of the town.

Secs. 18-63—18-85. - Reserved.

DIVISION 3. - PLANS AND PERMITS

Sec. 18-86. – Reserved.

Sec. 18-87. - Floor elevation in low areas.

(a) No residence shall be constructed in any areas within the town that are subject to overflow and to the accumulation thereon of water unless the first floor of such residence shall be 18 inches or more above the grade established by a Florida registered professional engineer and approved by the town engineer or his or her designee, and in conformance with chapter 134. No garage shall be constructed incident to the residence unless the floor of such garage shall be six inches above the grade established by Florida registered professional engineer and approved by the town engineer or his or her designee, and in conformance with chapter 134; however, exceptions to the elevation required for the floor of such garages or residences may be granted, if suitable drainage, other than natural, is provided, with the written approval of the town engineer and building official.

(b) No building permit for the construction of any residence or garage incident thereto in the areas described in subsection (a) of this section shall be issued by the building official unless the plans and specifications therefore show compliance with this section.

(c) The provisions of this section shall not be applicable in those areas of the town subject to regulation under chapter 50, and elevations in such areas shall comply with that chapter rather than this section.

(d) All properties must retain or properly drain (as approved by the town engineer) all soil and water contained on or from the property. All modifications to property which may alter the drainage plan must be approved by the town, and a stormwater management agreement be recorded in the public records of the county setting forth restrictions relating to the property. Whenever the elevation of the existing grade is raised, the building official may require a retaining wall or other structure be installed to prevent the soil and water from their property adversely affecting neighboring properties. Upon site clearing, installation of an engineered storm water management system designed in accordance with the town's adopted level of service, shall commence according to applicable best management practices to retain stormwater and prevent soil erosion into the roadway or adjacent properties, and shall be maintained throughout the project. If the stormwater management plan includes a provision requiring installation of retention walls, these shall be completed prior to the stem wall foundation pour, or at a similar point in the construction process.

Sec. 18-88. - Submission, approval of retaining wall plans.

No person shall construct, modify or repair any retaining walls in the town without having first submitted to the building official detailed plans and specifications for the construction of such retaining walls, which detailed plans and specifications shall bear the approval of a professional engineer registered in the state. Upon review of the plans, the applicant may be required to submit a stormwater management plan. Retaining walls shall not occupy easements or road rights of way.

Sec. 18-89. - Permits to move buildings.

No permit shall be issued pursuant to the building code if it entails the moving of a building or structure along or across any street, sidewalk or other public way unless the issuance of such permit has first been approved by the town manager on recommendation of the building official and the director of public works. The manager may attach such reasonable conditions to his or her approval as deemed in the public interest.

Sec. 18-90. - Acts prohibited in course of moving buildings.

It shall be unlawful for any person engaged in moving any structure on or over any street or public way to:

- (1) Damage or interfere with any wires, trees, posts or other structures of any kind;
- (2) Do any injury or damage to any person or property;
- (3) Unreasonably obstruct or interfere with the traffic on any street;
- (4) Fail to obey any ordinance, rule or regulation relating to warning signals and barriers;
or
- (5) Fail and refuse to replace and repair any street, pavement or sidewalk that the town may permit to be disturbed.

Secs. 18-91—18-110. - Reserved.

DIVISION 4. - COMPLIANCE WITH TOWN'S RIGHT-OF-WAY MANUAL

Sec. 18-111. - Compliance with town's right-of-way manual.

Any person or entity receiving a permit pursuant to the provisions of this chapter, to the extent the public rights-of-way and easements of the town are used in conjunction with said project for parking and/or any other purposes, shall be required to comply with the department of public works, engineering division, standards applicable to public rights-of-way and easements, as adopted by Ordinance No. 11-94 and amended from time to time by resolution, a copy of which is on file and may be obtained from the department of public works.

DIVISION 5. - PROHIBITION ON DEMOLITION

Sec. 18-112. - Prohibition on demolition.

During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending March 31 of the following year, including Good Friday, demolition of structures shall be prohibited and no permits for demolition of structures shall be issued by the Town during said periods. Demolitions of the interiors of structures are not prohibited during this time provided the demolition and the removal of debris from said demolition is completed in three days or less. Exceptions may be allowed by the town council for the demolition of accessory structures, when demolition shall be determined by the town council not to create a nuisance to surrounding properties, or in circumstances determined an emergency by the town council. In the event of an application for waiver to this prohibition on demolition, notice shall be filed with the town at least 45 days prior to the town council meeting at which such application is to be considered and notice shall be given to all property owners as listed with the property appraiser's office within 300 feet of the property lines on which the demolition is proposed to occur.

Secs. 18-113—18-145. - Reserved.

ARTICLE III. - ARCHITECTURAL REVIEW

DIVISION 1. - GENERALLY

Sec. 18-146. - Statement of findings and purpose.

- (a) The town council has found that Palm Beach is internationally known and has become a worldwide synonym for beauty, quality and value.
- (b) In recognition of the fact that beautiful communities can be created only through a deliberate search for beauty on the part of the community leadership, architects, planners, realtors and the building industry, backed by an appreciation of the visual world by the people, the town council has created the architectural commission.
- (c) Public action for improving community appearance, as embodied in the architectural commission, will provide the ultimate designers of individual structures with the larger

contexts in which their particular works will be viewed. Since the beauty of a community involves the aesthetic quality of all one sees in moving about, it goes far beyond the design of individual architectural facades.

(d) The comprehensive plan and zoning codes are the most powerful legal enforcement of an overall urban concept, but alone they do not create beauty, aesthetic order, or amenity. The task of the architectural commission is therefore to preserve various elements of urban beauty and require that new projects enhance the existing elements.

(e) The essential foundation of beauty in communities is harmony. The plan for achieving beauty must grow out of special local characteristics of site, aesthetic tradition and development potential. Some local areas of natural beauty are the beaches, ocean and intracoastal waterway. The vistas and visual delight of these should be allowed only to be enhanced. It is the intent of this article to achieve a pleasant and comprehensive cohesiveness in community development.

Secs. 18-147—18-165. - Reserved.

DIVISION 2. - ARCHITECTURAL COMMISSION

Sec. 18-166. - Membership; appointment.

(a) The architectural commission shall consist of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.

(b) The members of such commission shall be appointed by the town council, and the commission shall designate a chair and a vice-chair.

Sec. 18-167. - Qualifications of members.

(a) All members of the architectural commission shall be specially qualified by reason of training or experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effects of a proposed building upon the desirability, property values and development of surrounding areas.

(b) Each member of the commission is required to be a registered voter in the town; however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise as a State of Florida licensed architect or landscape architect that will benefit the commission and the town.

Sec. 18-168. - Terms.

(a) Members of the architectural commission shall be appointed for terms of three years from and after the expiration of each term. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.

(b) No member of the commission may serve more than two consecutive terms; but this subsection shall not preclude any person from being appointed to a successive term, subsequent to the serving of two consecutive three-year terms, if such person has ceased to be a member of the commission for a period of time not less than nine months. Further, if a member has been appointed to fill a vacant term of office, which term is for a period of time less than 50 percent of a full three-year term, that person shall not be precluded from serving for two successive three-year terms. Additionally, although an alternate member may not serve more than two three-year terms as an alternate, the alternate member may be appointed to serve as a regular member of the commission and shall be entitled to serve two full three-year terms thereafter.

Sec. 18-169. - Removal provisions; absences.

All members of the architectural commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the director of planning, zoning and building in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this Code.

Sec. 18-170. - Conflicts of interest.

(a) If excessive conflicts of interest arise during any one calendar year, the architectural commission member shall be automatically removed from the commission. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2013 calendar year and shall be applicable, thereafter, on a calendar year basis.

(b) If a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having the conflict to comply with the following requirements:

(1) Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.

(2) The member having the conflict of interest shall not participate in the discussion and shall leave the chamber until the item is concluded.

(3) The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

Sec. 18-171. - Alternate members.

The town council may, in its discretion, appoint three alternate members to the architectural commission, who shall serve when called upon by the chair of the commission in the absence of any regular member. Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements as regular members with the same provisions relating to excused absences being applicable. Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission who is absent or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as voting members or not.

Sec. 18-172. - Rules.

The architectural commission shall adopt rules and regulations for the conduct of its business. Four voting members shall constitute a quorum. The affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action.

Sec. 18-173. - Record of proceedings.

The records of all proceedings and the basis for all findings shall be available to the town council and to the public.

Sec. 18-174. - Meetings.

The architectural commission shall meet monthly and may schedule additional meetings in order to process applications within the time required by this Code. All meetings shall be open to the public.

Sec. 18-175. - Issuance of permits.

(a) Approval of request. Unless requests for demolition (request shall be reviewed considering proposed date to demolish, construct, and future use of new construction), building and landscaping plans, elevations and proposed signs for buildings or structures, or alterations thereto, including reroofing that involves a significant change in materials or appearance, have been approved by the architectural commission, or by the town council on appeal, no permit shall be issued for any such demolition, building, structure, sign, or other development of property, or appurtenances or alterations thereto. In addition to the criteria outlined in section 18-205, such requests will be reviewed in accordance with the procedures set forth in the ARCOM Project Designation Manual, as adopted by the town council by resolution and amended by the town council from time to time by resolution after review and recommendation by the architectural commission.

(b) Prior to approval of a building permit for construction for all primary structures other than single family structures in the town, the owner/applicant shall provide financial proof of ability to complete the construction. In addition, the owner/applicant shall provide to the town a financial guarantee in writing executed by all parties in interest to the property, including mortgagees, if any, in an amount to be adopted by resolution of the town council and amended by adoption of a resolution by the town council representing a percentage of the estimated cost of demolition of the construction when complete as verified by the town's building official, as well as the cost of returning the property to grade, and to be sodded, landscaped and irrigated. The financial guarantee shall provide that in the event the construction is not completed within 12 months of the maximum time permitted for construction as set forth in section 18-237 of this Code, the town may call in the financial guarantee which shall be secured in the form of a bond, cash deposit or clean, irrevocable letter of credit, and cause the demolition of the structure permitted herein, including bringing the property back to grade, sodded, irrigated and landscaped as required. The financial guarantee shall be recorded in the public records of Palm Beach County, Florida, so as to provide notice of said guarantee to all who may have or obtain an interest in the property. This subsection, requiring a financial guarantee, shall apply only to new construction on vacant lots and shall not be required for restoration or renovation of existing structures or structures accessory to an existing primary structure.

(c) Exceptions.

(1) When in the opinion of the planning, zoning and building department director or his or her designee, the improvements contemplated in an application for a construction permit are minimal in nature, and are not included in the listing of projects subject to architectural review contained within the ARCOM Project Designation Manual, and such improvements do not defeat the purposes and objectives of this article, he or she may grant the permit without requiring architectural review, notwithstanding any other provisions of this section or this article. The decision of the planning, zoning and building department director or his/her designee shall be subject to appeal made to the town council in accordance with the provisions of section 18-177.

(2) Individual structures and/or properties that have been designated or are under consideration or in an historic district are subject to review by the landmark preservation commission and shall not be subject to review by the architectural commission.

Sec. 18-176. - Building relocation.

The architectural commission shall review all plans submitted with applications for moving buildings within or into the town. Color photographs in a format specified by the town, shall be included with the application showing all elevations, the structure proposed to be moved, the proposed site, and the buildings adjacent to the proposed site. The commission shall determine whether the building proposed to be moved will fit harmoniously into the neighborhood wherein it is to be located. It may approve, approve with conditions, or disapprove the issuance of a permit to move such building.

Sec. 18-177. - Appeals and review.

An applicant or any interested party may file an appeal to the town council on any ruling by the architectural commission or the director of the planning, zoning and building

department or his/her designee made pursuant to this article. The appeal shall take the form of a letter addressed to the town clerk. In the case of an appeal from the architectural commission, the appeals shall be filed or made within ten calendar days of the date of the meeting at which the decision of the commission is rendered. In the case of an appeal from the decision of the director of planning, zoning and building, the appeal shall be filed or made within ten calendar days of the date the director of the planning, zoning and building department or his or her designee renders the decision in writing. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this Code. The town council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the architectural commission or director of the planning, zoning and building department or his/her designee until the town council has decided the appeal. The town council may review any decision of the architectural commission or the director of the planning, zoning and building department and its disposition of the matter shall be final. In addition to appeals, the town council shall consider major projects as defined in the ARCOM Project Designation Manual at the next regularly scheduled town council meeting, subsequent to the meeting of the commission. The disposition of such matters by the town council shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

Secs. 18-178—18-200. - Reserved.

DIVISION 3. - PROCEDURE AND REQUIREMENTS

Sec. 18-201. - Preliminary sketch; site plan; final plan.

(a) Preliminary sketches of the design of a proposed structure or major alteration may be submitted to the planning, zoning and building department director or his/her designee for informal review so that an applicant may be informed of architectural commission policies prior to preparing working drawings.

(b) The applicant for a building permit, when subject to the requirements of this article, shall submit an application to, and on a standard form prescribed by, the planning, zoning and building department director or his/her designee, at least 35 days prior to the next regular meeting date for those projects classified as major projects or minor projects with notice as designated within the ARCOM Project Designation Manual. Required submittal materials also include a site plan as defined by section 18-207 and exterior elevations and such other data as will assist the architectural commission and the planning, zoning and building department director or his/her designee in evaluating the proposed building or structure or major alteration. Final plans and elevations shall be drawn to scale and submitted in a format as specified by the planning, zoning and building department and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them. The final plot plan shall conform to section 18-207. Plan revisions, if made, shall be submitted to the town no later than noon, nine days prior to the architectural commission meeting at which they will be

considered. Only minor changes from those submitted may be presented and considered at that meeting. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.

(c) The applicant for a building permit, when subject to the requirements of this article, shall submit an application to, and on a standard form prescribed by, the planning, zoning and building department director or his/her designee at least 15 days prior to the next regular meeting date in the case of improvements classified as minor projects-no notice within the ARCOM Project Designation Manual. Required submitted materials also include a site plan as defined by section 18-207, and exterior elevations and such other data as will assist the architectural commission and the planning, zoning and building department director or his/her designee in evaluating the proposed building or structure or minor alteration. Final plans and elevations shall be drawn to scale and submitted in a format as specified by the planning, zoning and building department and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shown in detail that it will confirm to the provisions of this Code. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and the person who prepared them. The final plot plan shall confirm to section 18-207. Work not thus presented may be rejected by the planning, zoning and building department director or his/her designee.

Sec. 18-202. - Notice; photographs.

An applicant for a building permit shall comply with the following:

(1) The applicant whose project is classified as a major project shall provide notice on a standard form prescribed by the town, together with a copy of the application and graphic depiction showing a building and landscaping elevation of the intended project, by mail to property owners within a 250 foot radius of the subject property, the cost of which shall be borne solely by the applicant. Such notice shall be sent to the nearby property owners at least 30 days prior to the scheduled meeting. Applicant shall sign and submit a notice affidavit to the town verifying compliance with this section.

(2) The applicant whose project is classified as a minor project-with notice shall provide notice to owners of the adjacent properties which share, or would share but for an intervening right-of-way, a contiguous border with the subject property, the cost of which shall be borne solely by the applicant. Such notice shall be sent at least 30 days prior to the scheduled meeting.

(3) The applicant shall provide digitized color photographs of the facades facing public or private way (alleys not included) of the adjacent buildings or structures 200 feet in either direction from the proposed construction on both sides of the public or private way (alleys not included). Photos shall measure at least 4 inches × 6 inches.

Sec. 18-203. - Referral of plans to commission.

(a) The planning, zoning and building department director shall refer the plans required by section 18-201 to the architectural commission at its next regular meeting provided plans have been submitted in accordance with application submittal deadlines. If such meeting is not

scheduled within the period set for commission action, a special meeting shall be called. The commission shall act on the application within 40 days of the filing deadline first occurring after the filing of full and complete data unless an extension of time is consented to by the applicant. The applicant's approval will expire 12 months from the date of the meeting at which the decision was rendered, unless a building permit has been obtained. If the building permit expires or is voided, or if a building permit has not been issued within 12 months from the date of approval the commission approval becomes void also. In the event such approval becomes void, an application for approval shall be required in the same form and manner as if submitted as a new project.

(b) A time extension from any of the requirements in subsection (a) may be granted or denied by the architectural commission for just cause. Said time extension request shall be submitted in writing to the planning, zoning and building department at least two weeks prior to an architectural commission meeting occurring prior to the expiration date, or said approval shall expire.

(c) If the application is denied, an application in substantially the same form may not be submitted until 12 months has elapsed from the date of denial.

(d) Determinations of the architectural commission shall be rendered in writing.

Sec. 18-204. - Stop work order authorized.

If work being performed is not in accordance with the approved plan, the building official or his designated representative shall issue a stop work order, and all work shall cease. No person shall undertake any work on such project as long as such stop work order shall continue in effect.

Sec. 18-205. - Criteria for building permit.

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

(2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

(3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

(4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

(5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

- a. Apparently visibly identical front or side elevations;
- b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

(6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

- a. Height of building or height of roof.
- b. Other significant design features including, but not limited to, materials or quality of architectural design.
- c. Architectural compatibility.
- d. Arrangement of the components of the structure.
- e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
- f. Diversity of design that is complimentary with size and massing of adjacent properties.
- g. Design features that will avoid the appearance of mass through improper proportions.
- h. Design elements that protect the privacy of neighboring property.

(7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

(8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design

features such as material or quality or architectural design as viewed from any public or private way (except alleys).

(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

(b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.

(c) A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the planning, zoning and building department director or his/her designee has been made.

Sec. 18-206. - Criteria for demolition permit.

A demolition permit shall be granted upon the following conditions being met:

(1) The property is not designated a landmark and is not included on a list of properties within the planning, zoning and building department placed under consideration as a landmark structure.

(2) That all precautions be taken as required by the planning, zoning and building department to protect adjacent properties from dust, vibration, pests, etc.

(3) That perimeter landscaping and other landscaping considered by the architectural commission to be worthy of saving be left in place and/or preserved in a manner satisfactory to the architectural commission.

(4) If construction is not to begin within 30 days subsequent to demolition, the lot shall be completely sodded and irrigated so as to assure that the property will have a neat and clean landscaped appearance.

(5) An agreement is entered into between the property owner and the town wherein the property owner agrees, in writing, to the conditions for demolition established by the architectural commission and further agreeing that in the event of a violation of any of the conditions placed upon the granting of the demolition permit, the property owner shall pay to the town a fee of \$250.00 per violation per day. In the event the property owner refuses to pay

any fine as required within 15 days after a notice of violation, the town may, at its expense, correct the violation and present a bill to the owner for the cost of correction. In the event the bill is not paid within 30 days of the date of the bill, the town may place a lien against the property for the costs incurred by the town. Further, no permit to construct shall be given until the fine or lien has been satisfied.

Sec. 18-207. - Site plans.

(a) A site plan shall be illustrated to scale and shall sufficiently indicate the following for consideration of visual, safety and economic factors:

- (1) Dimensions and orientation of the parcel;
- (2) Location of buildings and structures, both existing and proposed;
- (3) Location of off-street parking and loading facilities;
- (4) Location and dimensions of present and proposed street and highway dedications required to handle the traffic generated by the proposed uses;
- (5) Location of points of entry and exit for motor vehicles and internal circulation pattern;
- (6) Location of walls and fences and the indication of their height and the materials of their construction;
- (7) Indication of exterior lighting standards and devices adequate to review possible hazards and disturbances to the public and adjacent properties;
- (8) Location and size of exterior signs and outdoor advertising;
- (9) A preliminary landscaping plan, and a drainage statement by a professional engineer registered in the state that the landscape plan is not in conflict with the stormwater management plan;
- (10) Grading and slopes where they affect the relationship of the buildings;
- (11) Indication of the heights of buildings and structures;
- (12) Indication of the proposed use of the buildings shown on the site; and
- (13) The location and description of all elements of an approved stormwater management plan.
- (14) Such other architectural and engineering data as may be required to permit necessary findings that the provisions of this Code are being complied with.

(15) Three-dimensional (3-D) plans may be required if the architectural commission has determined that such illustrations are necessary for consideration of the project.

(16) A physical model for any project involving 10,000 square feet or more of new construction.

Any of the above requirements may be waived by the planning, zoning and building director if he or she deems the information not essential.

(b) Where an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of such proposal to the existing development.

Sec. 18-208. - Encroachments.

Applications for permission to encroach upon town property or public rights-of-way, such as refacing a building, may be referred to the architectural commission. The commission shall make recommendations to the town council in such cases as to whether the alterations proposed would conform to the standards outlined in this article.

Secs. 18-209—18-230. - Reserved.

ARTICLE IV. - FLORIDA BUILDING CODE

DIVISION 1. - GENERALLY

Sec. 18-231. - Purpose.

The purpose of the Florida Building Code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Sec. 18-232. - Definitions.

Construction Value. The value of all construction including, but not limited to, contractor supplied labor and materials, subcontractor supplied labor and materials, owner / decorator supplied labor and materials, and all associated overhead, supervision, and profit. The construction value should be representative of the market value of construction as established by comparable construction in the town.

Continuous construction, for the purposes of this article means major construction occurring on a site where a major construction project has been completed within the past 12 months.

Date of commencement, for the purposes of this article means the date on which the first permit is issued for any work on a property.

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair of that

building or structure subsequent to (see Note). If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Major construction, for the purposes of this article, means a project involving improvements to real property with a valuation of \$250,000.00 or more. Permitted work with a valuation less than \$250,000.00 becomes major construction when additional permits are issued which cause the total construction value of the project to equal or exceed \$250,000.00. In that event, the date of commencement becomes the date of issuance of the initial permit of the project.

Sec. 18-233. - Florida Building Code adopted.

The Florida Building Commission has adopted, by rule pursuant to F.S. §§ 120.536(1) and 120.54, the Florida Building Code, which contains or incorporates by reference all laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repairs, and demolition of public and private buildings and structures, and the enforcement of such laws and rules. The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is deemed adopted for use without adoption by the town pursuant to F.S. § 553.73(6), and is incorporated into the town code as if fully set forth herein.

Sec. 18-234. - Amendments.

The Town of Palm Beach Administrative Amendments to the Florida Building Code are hereby adopted by reference, and are incorporated into the Town Code as though fully set forth herein.

Sec. 18-235. - Building division.

There is hereby established a division to be called the building division and the person in charge shall be known as the building official, who shall be appointed by the director of planning, zoning and building.

Sec. 18-236. - Schedule of permit fees and charges.

The town council is authorized and empowered by resolution to fix reasonable permit and inspection fees to be charged by the town for such building permits, examinations and inspections as said council may determine is necessary in the administration of the provisions of this article and the Florida Building Code.

Sec. 18-237. - Agreed maximum time schedule for completion of major construction.

A maximum time, calculated from the date of commencement, is established for the completion of major construction projects in the construction schedule shown in Table 1

herein. Said maximum time is a condition of all applicable permits and applicant and owner accept such condition upon acceptance of a permit. The construction schedule shall take into effect historical data of the town of construction of similar structures within the limits of the town. Failure of the permit holder to complete construction under the permit in accordance with the maximum time schedule shall be prima facie evidence that the building project has not been commenced or has been suspended or abandoned. Such prima facie evidence shall be in addition to any other evidence that construction under the permit has not been commenced or has been suspended or abandoned under the permit.

This schedule may be extended to accommodate additional time for individual condominium units that are required by condominium rules and regulations to cease work during the season as defined by the rules and regulations of the condominium association. This extension shall be equal to the number of months during which construction is required by the condominium rules to cease. Similarly, for residential projects in the C-WA zoning district, this schedule may be extended to take into account the period of time during which construction is required to cease in the C-WA zoning district as specified in section 42-199(b) pursuant to town regulations.

TABLE 1. CONSTRUCTION SCHEDULE

	Square Footage Under Roof	New Construction* Maximum Time Permitted	Remodel/Accessory Construction Maximum Time Permitted
I.	Projects 3,999 sq. ft. or less	16 months	16 months
II.	Projects 4,000 Sq. ft. to 5,999 sq. ft.	20 months	24 months
III.	Projects 6,000 Sq. ft. to 9,999 sq. ft.	24 months	30 months
IV.	Projects 10,000 Sq. ft. to 19,999 sq. ft.	30 months	36 months
V.	Projects 20,000 Sq. ft. to 39,999 sq. ft.	36 months	42 months
VI.	Projects larger than 40,000 sq. ft.	To be determined by town council prior to permit issuance	To be determined by town council prior to permit issuance

* Principal structure

(a) Requests for extension from this schedule will be considered by the town council and approval may be granted for good cause shown as determined in the sole discretion of the town council. Said request for extension shall be filed with the town by the contractor and the owner no later than 45 calendar days, nor earlier than six months, prior to the scheduled completion date. The request for extension shall include reasons for the necessity of granting an extension, a revised construction schedule, proposed nuisance mitigation measures and a statement that notice to neighbors within 200 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered. In the event the town council determines that good cause is not shown for granting the extension, the council may deny the extension. In the event the town council grants an extension, it may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the council and the imposition of a fee as established by resolution by the town council for each day of the extension beyond the term set forth in the above stated construction schedule.

(b) In the event no request is made for extension of time from the above referenced schedule, the building permit shall be immediately revoked and all work shall cease and desist on the project. In order to resume work, the contractor and the owner must apply to the town council for an extension of time. The application for extension shall include reasons for the necessity of granting an extension of time, a revised construction schedule, proposed nuisance mitigation measures, and a statement that notice to neighbors within 200 feet will be provided at least 25 days prior to the hearing before town council to consider the extension of time. The town council, in its sole discretion, may grant or deny the extension. In the event the town council grants an extension, it may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the council and the imposition of a fee as established by resolution by the town council for each day of the extension beyond the term set forth in the above state construction schedule. If an extension of time is granted, a new permit application is required and a permit reactivation fee shall be paid.

(c) Failure of the permit holder and/or the property owner to complete the construction within the preceding time table or within the time extension granted by the town council constitutes prima facie evidence that the building project has not been commenced or has been suspended or abandoned. All permits will be terminated, and all work at the site will stop immediately until the applicant and owner apply for and receive a reinstatement of the permit by the town council. If conditions are attached to the re-issuance, the permit may be reissued by the building official only upon continued conformance to the conditions established by the town council. Any conditions attached to re-issuance are conditions of all applicable permits and applicant and owner accept such conditions upon acceptance of a permit. The issuance of the certificate of occupancy or completion will be withheld until any fees incurred under this section are paid. If the town council does not approve the extension of time, applicant and owner may be required by the town council to remove all evidence of construction, and ensure that the project conforms to all applicable provisions of the code. Failure to cease construction or conform to all codes constitutes a violation and will be referred to the town's code enforcement board.

Sec. 18-238. - Agreed maximum time schedule for completion of minor construction.

(a) A maximum time is established for the completion of all building permits for construction work not subject to the provisions of section 18-237. Such work shall be considered minor construction and must be completed and receive a passed final inspection no later than 12 months from date of issuance. Said maximum time is a condition of all applicable permits and applicant and owner accept such condition upon acceptance of a permit.

(b) Requests for extension from this schedule may be granted by the building official upon application for extension filed with the town no later than 15 calendar days prior to the scheduled completion date. A permit extension fee, as established by resolution of the town council, shall be paid prior to issuance of the extension. Extensions may be granted for a period not to exceed 90 days from the scheduled completion date. If a permit expires before an extension is granted, the permit may be reactivated upon payment of a permit reactivation fee, as established by resolution of the town council, paid prior to issuance of the reactivation for a period not to exceed 90 days from the scheduled completion date.

(c) In the event the permit holder and/or the property owner fail to complete the construction within 12 months or by the expiration of an approved extension of time, whichever is latest, the building permit shall be immediately revoked and all work shall cease and desist on the project, and such failure shall constitute prima facie evidence that the building project has not been commenced or has been suspended or abandoned. Such prima facie evidence shall be in addition to any other evidence that construction under the permit has not been commenced or has been suspended or abandoned under the permit. Failure to complete the work or to cease construction constitutes a violation of the town's Code of Ordinances and shall be subject to code enforcement remedies under chapter 2 of the town's Code of Ordinances.

Sec. 18-239. - Continuous construction.

A project which involves continuous construction, as defined in section 18-232 is prohibited unless:

(1) Approved by the planning, zoning and building department director or his or her designee and meets the following conditions:

- a. Is initiated by a governmental entity, or
- b. Is a property which consists of at least 50 contiguous acres, and
 - 1. There exists a requirement or restriction which limits work to certain times of the year, and
 - 2. The work being contemplated occurs at least 500 feet away from residential dwellings at contiguous properties, or

(2) Approved by the town council and meets the following conditions:

- a. Is a property which consists of at least 50 contiguous acres, and
 - 1. There exists a requirement or restriction which limits work to certain times of the year, and
 - 2. The work being contemplated occurs within 500 feet from residential dwellings on contiguous properties, or
- b. Is a museum, or
- c. Is a multifamily residential property where construction is limited to no more than seven months per year through organizational restrictions, or
- d. Is a tenant space in a commercial zoning districts (other than C-WA).

Sec. 18-240. - Demolition permits.

Each application for a complete or major demolition permit shall include the following information as required by the building official.

- (1) A cash bond or irrevocable letter of credit redeemable at a Palm Beach County financial institution in an amount as established by adoption of a resolution by the town council and amended by adoption of a resolution of the town council;
- (2) Approval from either the Town of Palm Beach Architectural Commission or the Landmark Preservation Commission;
- (3) An approved erosion control/parking plan.
- (4) A statement confirming that if reconstruction does not commence within 30 days or a reconstruction permit becomes null and void the site shall be irrigated and sodded within ten working days of demolition or default and the property maintained so as not to be in an unsightly condition.
- (5) An affidavit confirming that notice to owners of all properties within 200 feet of proposed demolition has been provided in substantial accordance with a form as provided by the town.

Sec. 18-241. - BUILDING BOARD OF ADJUSTMENT AND APPEALS

1. Building Board of Adjustment and Appeals. Construction under this code shall be governed by the board created in this section of this code.

2. Appointment. There is hereby established a board to be called the building board of adjustment and appeals, which shall consist of seven members and two alternates. Members of the board shall be appointed by the town council. This Board shall hear, among other things, all appeals concerning interpretations and enforcement of the Florida Building Code including any amendments.

3. Membership and Terms.

3.1 Membership. The building board of adjustment and appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there shall be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he/she has a personal or financial interest.

3.2 Terms. The terms of office of the members of the building board of adjustment and appeals shall be staggered so no more than one-third of the board is appointed or replaced in any twelve month period. The town council shall determine the length of a member's term. The two alternate members may serve indefinitely. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the board shall, at the discretion of the town council render any such member subject to immediate removal from office.

3.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

3.4 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

4. Powers. The building board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

5. Appeals.

5.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the building board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

5.2 Variances. The building board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

5.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and

safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

5.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official. A fee in accordance with the fee schedule adopted by the Town Council by resolution shall accompany such notice of appeal.

5.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

6. Procedures of the board.

6.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

6.2 Decisions. The building board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

Sec. 18-242. - Severability.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

Sec. 18-243. - Violations and penalties.

Any person, firm, corporation or agent who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, without full compliance with applicable codes, laws, ordinances, rules and regulations shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for every day or portion thereof during which any violation of any of the provisions of applicable cases, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the authority having jurisdiction from imposing fines, liens, or seek injunctive relief, or exercising other enforcement powers as permitted by law.

If building work begins without payment of all required fees, all work must cease and the case will be referred to the code enforcement board for further action.

DIVISION 2. - FLORIDA BUILDING CODE TECHNICAL AMENDMENTS FOR FLOODING

Sec. 18-244. - Amendments.

The following sections of the Florida Building Code—Residential are hereby amended as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus six inches or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus one foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus six inches, or at least 2.5 feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus six inches or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).
2. Be provided with flood openings that meet the following criteria:
 - 2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.
 - 2.2. The total net area of all openings shall be at least one square inch (645 mm^2) for each square foot (0.093 m^2) of enclosed area, or the openings shall be designed and the

construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.6.2.2 of ASCE 24.

2.3. The bottom of each opening shall be one foot (305 mm) or less above the adjacent ground level.

2.4. Openings shall be not less than three inches (76 mm) in any direction in the plane of the wall.

2.5. Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.

2.6. Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus six inches or the design flood elevation, whichever is higher.

2. Basement floors that are below grade on all sides are prohibited.

3. The use of fill for structural support is prohibited.

4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

R322.3.4 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and

2. Are constructed with insect screening or open lattice; or

3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than ten (470 Pa) and no more than 20 pounds per square foot (958 Pa); or

4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:

4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.

4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the Fire Code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Secs. 18-245—18-275. - Reserved.

- **ARTICLE V. - COASTAL CONSTRUCTION CODE**

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- **Sec. 18-276. - Adopted.**

- The coastal construction code is adopted. Provisions contained in this article shall constitute the coastal construction code for construction within the coastal building zone and coastal barrier islands in the town.

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- **Sec. 18-277. - Purpose.**

- The purpose of the coastal code is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other severe storms occurring along the coastal area of the town that fronts on the Atlantic Ocean. These standards are intended to specifically address design features that affect the structural stability of the beach, dunes and topography of adjacent properties. The coastal code is site specific to the coastal building zone and is not applicable to other locations. In the event of a conflict between this article and other chapters of this Code, the requirements resulting in the more restrictive design shall apply. No provisions in this article shall be construed to permit any construction in any area prohibited by town, county, state or federal regulation.

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- **Sec. 18-278. - Definitions.**

- The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- *Beach* means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternatively termed "shore."
- *Breakaway wall or frangible wall* means a partition independent of supporting structural members that will withstand design wind forces, but that will fail under hydrodynamic, wave, and run up forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components that minimize the potential for damage to life or adjacent property. It shall be a characteristic of a breakaway or frangible wall that it shall have a horizontal design loading resistance of no less than ten nor more than 20 pounds per square foot.
- *Building support structure* means any structure that supports floor, wall or column loads, and transmits them to the foundation. The term shall include beams, grade beams or joists, and includes the lowest horizontal structural member exclusive of piles, columns or footings.
- *Coastal barrier islands* means geological surface features of the island of Palm Beach above mean high water.
- *Coastal building zone* means the land area between the seasonal high water line of the Atlantic Ocean and the waters of Lake Worth.
- *Coastal code* means the coastal construction code adopted in section 18-276.
- *Coastal construction control line (CCCL)* means the landward extent of that portion of the beach-dune system subject to severe fluctuations based upon a 100-year storm surge, storm waves, or other predictable weather conditions as established by the department of natural resources in accordance with F.S. § 161.053. The CCCL is a jurisdictional boundary for the Florida Department of Environmental Protection and is not a setback line.
- *Construction* means the building of or substantial improvement to any structure or the clearing, filling or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.
- *Dune* means a mound, hill, bluff, or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach, deposited by any natural or artificial mechanism, subject to fluctuations in configuration and location, which may be bare or covered and stabilized by vegetation indigenous to this formation.
- *Major structure* includes but is not limited to residential buildings, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal zones.
- *Mean high water line* means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period, often referred to as the National Tidal Datum Epoch.
- *Minor structure* includes but is not limited to:
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 - (1) Pile-supported, elevated dune and beach walkover structures.
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 - (2) Beach access ramps and walkways.
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 - (3) Stairways.

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- (4) Pile-supported, elevated viewing platforms, gazebos and boardwalks.
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- (5) Lifeguard support stands.
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- (6) Public and private bathhouses.
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- (7) Sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas.
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- (8) Earth retaining walls.
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- (9) Sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction.
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- It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave and storm forces.
- *National Tidal Datum Epoch* is the specific 19-year period adopted by the National Oceanic and Atmospheric Administration National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values.
- *NGVD* means National Geodetic Vertical Datum, a geodetic datum established by the National Oceanic and Atmospheric Administration National Ocean Service and frequently referred to as the 1929 mean sea level datum (renamed in 1973).
- *NAVD* means North American Vertical Datum, the current fixed reference geodetic datum developed and maintained by the National Oceanic and Atmospheric Administration National Geodetic Society.
- *Nonhabitable major structure* includes but is not limited to:
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- (1) Swimming pools.
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- (2) Parking garages.
-
- (3) Pipelines.
-
- (4) Piers.
-
- (5) Canals, lake ditches, drainage structures and other water retention structures.
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- (6) Water and sewage treatment plants.
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- (7) Electrical power plants, transmission and distribution lines, transformer pads, vaults and substations.
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- (8) Roads, bridges, streets and highways.
-
- (9) Underground storage tanks.

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- *One-hundred-year storm* means a shore incident hurricane or any other storm with accompanying wind, wave and storm surge intensity having a one-percent chance of being equaled or exceeded in any given year, during any 100-year interval.
- *Seasonal high water line* means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.
- *State minimum building code* means the building code adopted by a municipality or county pursuant to the requirements of F.S. § 553.73.
- *Substantial improvement* means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds 50 percent of the market value of the structure either:
 -
 - (1) Before the improvement or repair is started; or
 -
 - (2) If the structure has been damaged and is being restored, before the damage occurred.
- The total cost does not include nonstructural interior finishings, including, but not limited to, finish flooring and floor coverings, base molding, nonstructural substrates, drywall, plaster, paneling, wall covering, tapestries, window treatments, decorative masonry, paint, interior doors, tile, cabinets, moldings and millwork, decorative metal work, vanities, electrical receptacles, electrical switches, electrical fixtures, intercoms, communications and sound systems, security systems, HVAC grills and decorative trim, freestanding metal fireplaces, appliances, water closets, tubs and shower enclosures, lavatories, and water heaters, or roof coverings, except when determining whether the structure has been substantially improved as a result of a single improvement or repair.
- For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places.
-
- **Sec. 18-279. - Scope.**
- (a) *Applicability.* The requirements of this coastal code shall apply to the following types of construction in the coastal building zone and on coastal barrier islands in the town:
 -
 - (1) The new construction of or substantial improvements to major structures, nonhabitable major structures, and minor structures.
 -
 - (2) Construction that would change or otherwise have the potential for substantial impact on coastal zones (e.g., excavation, grading, paving).
 -
 - (3) Construction located partially within the coastal building zone.
 -
 - (4) Reconstruction, redevelopment or repair of a damaged structure from any cause that meets the definition of substantial improvement.

-
- (b) *Exceptions.* The requirements of the coastal code shall not apply to the following:
 -
 - (1) Minor work in the nature of normal beach cleaning and debris removal.
 -
 - (2) Structures in existence prior to the effective date of the ordinance from which this article was derived, except for substantial improvements as defined in section 18-278.
 -
 - (3) Construction for which a valid and unexpired building permit was issued prior to the effective date of the ordinance from which this article was derived.
 -
 - (4) Construction extending seaward of the seasonal high water line regulated by the provisions of F.S. § 161.041 (e.g., groins, jetties, moles, breakwaters, seawalls, piers, revetments, beach nourishment, inlet dredging, etc.).
 -
 - (5) Construction of nonhabitable major structures, except for the requirements of section 18-281(e).
 -
 - (6) Construction of minor structures, except for the requirements of section 18-281(d).
 -
 - (7) Structures listed in the National Register of Historic Places or the state inventory of historic places or protected by chapter 54.
 -
 - (8) Construction for improvement of a major structure to comply with existing state or local health, sanitary or safety code specifications solely necessary to assure safe living conditions.
 -
 - (c) *Application for permits.* Applications for building permits for construction in the coastal building zone and on coastal barrier islands, if not of normal or usual design, may be required by the building official to be certified by an architect or professional engineer registered in the state. Such certifications shall state that the design plans and specification for the construction are in compliance with the criteria established by this coastal code.
 -
 - **Sec. 18-280. - Coastal construction requirements.**
 - Construction within the coastal building zone and on coastal barrier islands shall meet the requirements of this article. All structures shall be designed so as to minimize damage to life, property and the natural environment. Assistance in determining the design parameters to minimize such damage may be found in the reference documents listed in section 18-282.
 -
 - **Sec. 18-281. - Requirements.**
 - (a) *Location of construction.* Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations, and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.
 -

- (b) *Public access.* Where the public has established an accessway through private lands to lands seaward of mean high tide or water line prescription, prescriptive easement, or other legal means, development or construction shall not interfere with such right of access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate such public accessways so long as they are:
 -
 - (1) Of substantially similar quality and convenience to the public;
 -
 - (2) Approved by the local government and approved by the department of natural resources whenever improvements are involved seaward of the coastal construction line; and
 -
 - (3) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to F.S. § 163.3178.
 -
- **Sec. 18-282. - Reserved.**
-
- **Sec. 18-283. - Penalties.**
- Any person or entity found to be in violation of the provisions of any section of the coastal code or article by the code enforcement board, shall be fined not more than \$250.00 per day. Each day such violation shall continue, shall constitute a separate offense. In lieu of such fine, or in addition thereto, such person, if licensed to do business within the town, may have such license suspended for a definite period of time, or such license may be revoked, such revocation to be subject to concurrence of the county construction industry licensing board
- where applicable, as contained in Laws of Fla., ch. 67-1876, as amended by Laws of Fla., ch. 69-1433 and as may be further amended.

Secs. 18-284—18-300. - Reserved.

ARTICLE VI. - RESERVED

Secs. 18-301—18-350. - Reserved.

ARTICLE VII. – RESERVED

Secs. 18-351—18-400. - Reserved.

ARTICLE VIII. – RESERVED

Secs. 18-401—18-500. - Reserved.

ARTICLE IX. – RESERVED

Secs. 18-501—18-600. - Reserved.

ARTICLE X. – RESERVED

Secs. 18-601—18-700. - Reserved.

ARTICLE XI. - RESERVED

Secs. 18-701—18-805. - Reserved.

ARTICLE XII. – RESERVED

Secs. 18-806—18-840. - Reserved.

ARTICLE XIII. - RESERVED

Secs. 18-841—18-920. - Reserved.

Sec. 18-921. - Temporary removal of cloth part of canopies and stationary awnings regulated.

The cloth part of canopies and stationary awnings on commercial buildings shall remain installed and in place and may be removed only temporarily for repair or in preparation for an impending storm or hurricane. Temporary removal shall not exceed a period of 14 days unless a hurricane or tropical storm watch occurs during the 14-day period, at which point the 14-day period begins anew upon the posting of hurricane or tropical storm warnings. This section shall not apply to personal residences located within commercial buildings.

Secs. 18-922—18-960. - Reserved.

ARTICLE XIV. - NUMBERING OF PREMISES

Sec. 18-961. - System adopted.

The following system of numbering of premises within the town is hereby adopted: One number shall be allowed for each 25 feet of ground frontage on each of the streets, avenues and boulevards of the town, 25 feet shall be known as a unit of space. The numbering of the streets, avenues and boulevards running in a northerly direction from the pinewalk on the Breakers Hotel property, shall begin at the north line of such pinewalk, with the odd numbers on the east side and the even numbers on the west side. The numbering of all streets, avenues and boulevards running in a northerly direction south of such pinewalk shall begin at the south line of such pinewalk, with the odd numbers on the east side and the even numbers on the west side. The numbering of all streets, avenues and boulevards running east and west shall begin at the Atlantic Ocean, with the odd numbers on the north side and the even numbers on the south side.

Sec. 18-962. - Numbers assigned.

The first numbers on the first block to be numbered shall be 101 and 102; the first number on the second block shall be 201 and 202, and so on throughout the length of the streets, avenues or boulevards, each successive block to begin with the next highest number in hundreds. For the purpose of corner lots, addresses shall be required to be assigned according to the front street line of a lot based on the orientation of the building as provided for

in chapter 134, zoning, article VIII, supplementary district regulations, division 2, section 134-1576(a).

Sec. 18-963. - Allocation of numbers to premises; fractional numbers.

Each structure shall be entitled to a number and shall absorb all numbers covered by the property on which it stands, in excess of the unit space. Subdivisions of space less than a unit and separate apartments or units of one structure shall be identified by suite number or alphabetical lettering of each unit or apartment. This provision does not apply to an accessory structure where separate addresses are not permitted.

Sec. 18-964. - Duty to display number; type, location.

It shall be the duty of the owner and of the occupant of any property within the town on which any structure is located to place and display thereon the appropriate numbers, which shall be durable and shall be so placed of a size, type and location that they may be easily read from an adjacent street.

Sec. 18-965. - Failure to provide when required.

It shall be unlawful to fail to number any premises as required by this article.

Sec. 18-966. - Tearing down, defacing.

It shall be unlawful to tear down or deface any number placed upon any property in accordance with this article.

Secs. 18-967—18-995. - Reserved.

ARTICLE XV. - TENTS

Sec. 18-996. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tent means any freestanding structure of a temporary basis usually composed of canvas, plastic or other such material.

Sec. 18-997. - Permit—Required.

If any tent is to be erected on private property within the town, the owners or occupants or their authorized designee are required to file an application for a permit, receive a permit from the town's building division, and receive a final passed inspection in accordance with 109.3 of the Town of Palm Beach Amendments to Chapter 1 Administration of the Florida Building Code prior to use. Failure to follow the requirements herein may result in code enforcement action in accordance with chapter 2, article V, code enforcement.

Sec. 18-998. - Same—Fees.

(a) The application for permit must be submitted no less than five working days prior to the date the tent is to be erected. Before a permit is issued pursuant to this article there shall be

paid to the planning, zoning and building department a building permit fee in accordance with the fees adopted by resolution of the town council, and in the event of a late filing, a late filing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time

(b) Fifteen days or less. If the tent is to remain in place for a period of 15 days or less, the permit fee referenced in (a) above shall apply.

(c) More than 15 days. If the tent is to remain in place for a period of more than 15 days, in addition to the permit fee referenced in (a) above, an additional permit fee in accordance with the fees adopted by resolution of the town council, shall be required for each month or part thereof that the tent will remain in place.

Sec. 18-999. - Lot coverage and setback requirements.

If the tent is to remain in place for a period of more than 15 days, the tent must meet the lot coverage and setback requirements applicable to the property on which the tent is to be erected. In the beach area zoning district a temporary tent shall meet the setback requirements for that district.

Sec. 18-1000. - Length of time allowed to remain in place.

In all zoning districts except the beach area zoning district, no tent may remain in place for a cumulative period of time of more than six months during any calendar year.

In the beach area zoning district, no tent may remain in place for a cumulative period of time of more than 20 days during any calendar year. In addition, the tent may not exceed the dimensional maximums as provided for in sections 134-1472 or 134-1473, whichever is applicable.

Secs. 18-1001—18-1009. - Reserved.

ARTICLE XVI. - STORM SHUTTER REGULATIONS

Sec. 18-1010. - Periods during which storm shutters may remain in place.

(a) During the period from December 1 to May 31, no storm shutters or hurricane protection devices on commercial buildings shall remain in a closed/secured position so as to block windows or doors except in the event of storm conditions.

(b) During the period of June 1 to November 30, protection from windborne debris through the use of shutters and hurricane protection devices is encouraged for all structures certified for occupancy in the town. During said period, however, it is prohibited in commercial buildings to allow shutters or hurricane protection devices to remain in a closed/secured position except in preparation for an impending storm or hurricane for a period in excess of 14 days unless a hurricane or tropical storm watch occurs during the 14-day period at which point the 14-day period begins anew upon the posting of hurricane or tropical storm warnings. This section shall not apply to personal residences located within commercial buildings.

Secs. 18-1011—18-1013. - Reserved.

ARTICLE XVII. - EMERGENCY MEASURES DURING STORM EVENTS

Sec. 18-1014. - Removal and securing of construction materials during tropical storm and hurricane warning or watch required.

(a) When the National Weather Service, National Hurricane Center or appropriate weather agency shall declare a tropical storm watch or warning or a hurricane watch or warning for any portion of Palm Beach County, Florida, all construction materials, including roof tiles, and debris on all building and construction sites within the town shall be secured, stored or removed so as not to create a safety hazard because of hurricane or tropical storm force winds.

(b) Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of a tropical storm watch or warning or a hurricane watch or warning shall be deemed sufficient notice to the owner of real property upon which construction is occurring or any contractor responsible for said construction to secure store or remove loose construction debris and loose construction materials against the effects of high winds.

(c) Materials stockpiled on top of any structure under construction shall be permanently installed by the property owner or contractor upon issuance of a tropical storm watch or warning or a hurricane watch or warning; provided, however, in the event such installation cannot be timely completed, then the property owner or contractor shall:

(1) Band together the construction materials and mechanically fasten them to the top of the structure in such a manner so as not to present a threat of their becoming airborne during a tropical storm or hurricane; or

(2) Remove the construction materials from the top of the structure and mechanically tie down to the ground; or

(3) Remove the construction materials from the job site; or

(4) Store the construction materials inside a protected structure.

(d) Construction materials or debris shall remain secured, stored or removed from the property until the National Weather Service, National Hurricane Center or other appropriate weather agency has removed all portions of Palm Beach County from those areas included in a tropical storm watch or warning or a hurricane watch or warning.

(e) From June 1 to November 30 of each calendar year (the National Weather Service designated hurricane season), construction or roofing materials shall be loaded on a roof no earlier than ten working days prior to the permanent installation of the materials.

(f) It shall be the joint responsibility of the owner and general contractor to remove, secure or see to the removal or securing of all construction materials and debris as set forth in this section.

(g) In the event of a violation of this section, in addition to all other remedies provided in the Code of Ordinances and otherwise by law, the town may take whatever emergency action it deems necessary to secure, store or remove all loose construction materials and debris including, but not limited to, roof tiles and roofing materials. In such circumstances, the town shall bill the property owner or his agent for all charges and expenses incurred whether incurred by the utilization of town personnel and materials or other outside contractors retained by the town for these purposes. The securing of an outside contractor to perform these services shall be deemed to be the securing of emergency services and shall not require the town to utilize a competitive bid process to select a contractor or contractors. Should the bill for such services remain unpaid for a period of 30 days or more, the town may record a claim of lien encumbering the property and thereafter proceed according to law to enforce said lien.

Secs. 18-1015—18-1019. - Reserved.

ARTICLE XVIII. - ARCHAEOLOGICAL REVIEW

Sec. 18-1020. - Requirements for known or potential archaeological sites.

Pursuant to the town's comprehensive plan and to maintain compliance with the requirements of state statutes (F.S. § 872.05 as amended), an archaeological assessment is required for known archaeological sites and/or potential archaeological sites (identified on the town's archaeological map, as amended). That assessment (phase I or reconnaissance level) will result in a report presented to the planning, zoning and building department prior to the issuance of any permits for demolition (below ground), excavations, tree removal, or other ground disturbing activities. Based on the assessment report, a determination will be made by the planning, zoning and building director, or the director's designee, as to whether monitoring and/or additional testing (phase II) needs to be done. In some cases a phase II assessment may be required based on a site's potential or known significance. A phase III assessment is required only if something highly significant is found, such as human remains. If human remains are uncovered, they are subject to Florida's Unmarked Human Graves Act, and should be avoided if possible. If that is not feasible, then they should be reinterred in a secure part of the property under the coordination of the consultant archaeologist and tribal representative.