

Monday, September 14, 2020
Immediately following the 7:00 pm
First Budget Hearing and Special Called Meeting



Town Hall Commission Chambers
247 Edwards Lane
Palm Beach Shores, FL 33404

**TOWN COMMISSION
WORKSHOP**

Mayor Alan Fiers
Vice Mayor Roby DeReuil

Commissioner Bob Stanton
Commissioner Tom Mills
Commissioner Scott McCranels

Town Attorney Keith Davis
Town Administrator Wendy Wells
Town Clerk Evyonne Browning

PLEASE NOTE:
DUE TO MANDATES BY GOVERNOR DESANTIS,
THIS MEETING MAY BE CONDUCTED USING
COMMUNICATION MEDIA TECHNOLOGY

To join meeting by computer (video & audio) click or type the following link in the address bar:

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=mc38da79575c92a04cd85a11df30ed7bc>

Meeting Number: 132 022 1768

Password: 0914

To join this meeting by phone (voice only)

Phone Number: +1-408-418-9388 United States Toll

Access Code: 132 022 1768

Password: 0914

The entire agenda packet is available on the Town's website: www.palmbeachshoresfl.us

1. **CALL TO ORDER**
 - a. Pledge of Allegiance
 - b. Roll Call
2. **APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)
3. **ACTION ITEMS**
 - a. Guest Speaker – Lisa Tropepe, PE – Presentation on new FEMA floodplain maps and discussion on Town drainage.
 - b. Guest Speaker – Frank Zizzamia – Presentation on new ideas for the community center.
 - c. Discuss building department development fees and the actual costs incurred.
 - d. Review draft of ordinance on portable storage units.
 - e. Discuss unsold K9 police vehicle.
 - f. Consider adding fees to pet owners to offset the cost of doggy bags. This suggestion came from a resident.
 - g. Review Ordinance O-1-20, District “C” regulations regarding Building Height. Approved by LPA to move forward to Town Commission.
 - h. Discuss Chapter 70. Traffic and Vehicles to update parking regulations, towing, and unlawfully parked vehicles.

4. **PUBLIC COMMENTS**

PUBLIC PARTICIPATION AND OPPORTUNITY TO BE HEARD (Resolution R-7-13)

6. **ADJOURNMENT**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

One Page Handout Presented to Commission on Monday April 27, 2020

OUTLINED OF WHAT WE PROPOSED TO DO AS NEXT STEPS PRIOR TO A COMMISSION CHECKPOINT

THANK YOU – Mayor Alan and Commission members for this opportunity.

- ISSUE

- How to reverse annual ongoing CC loss WITHOUT adversely impacting ongoing community USAGE
- We recognize this has been visited many times in the past
- WHAT IS DIFFERENT about this time?

- HISTORICALLY (broadly speaking)

- Approach of leasing out CC on an ad hoc basis, very similar to other towns
- A single 2 yr. period where we broke EVEN – Nico/Islander has 2 weddings events per month \$2100 each
- At least breaking even has been shown to be possible. BUT this will not happen just by increasing fees. (It was built but they did not come.)
- CONSTRAINT is the BUSINESS MODEL – Town is not in the business of marketing/running an event center. The Town is in the business of running the town.

- ALTERNATIVE APPROACH

-
- IDENTIFY, SELECT, & PARTNER with a professional event planner
 - While maintaining full community existing access and usage of the CC

- NEXT STEP

- Identify 10 – 15 prospective business partners (both on the Island & off, e.g., Nico, SF, Hilton)
- Prepare a draft RFI (Request for Information)
 - 1 – 2 page description of our issue & objective
 - Attachments – Terms & Conditions, Building Blueprint, 2019 Calendar of Community Events
- Share draft RFI with Commission prior to / discuss at May 2020 meeting

- MY ASK for ASSISTANCE

- Town resource to help securing blueprints & 2019 calendar of events
- Community resource (1 – 2) to take lead on identifying/contacting the 10 – 15 prospective business partners

One Page Handout Presented to Commission on Monday Sept 14, 2020

OUTLINED WHAT WE ACCOMPLISHED AND A REQUEST FOR THE COMMISSION

PBS CC Project – Status Update & Issue Identification, Sept 2020

Progress to Date:

- Contacted all five PBS businesses to assess their interest level (SFM, Buccaneer, SeaSpray, Marriott, and The Islander). Only The Islander has expressed interest to date.
- Contacted top 10 PB Country Event Planners (per google search). Viable candidates are: Daniel Events, Unbridled Wedding & Events, and Royal Palm Events.
- Identified two other event planners, one is a viable candidate (Marina Luri Events).
- Analyzed different issues, e.g., parking capacity, hours of operation, etc.
- Providing onsite CC walk thru to the high potential candidates.

Next Step:

- Develop a Request for Proposal (RFP) for Commission review and approval prior to release.
- The RFP will outline our business objectives and solicit bid/proposal details to manage the CC facility with specific financial metrics.

Issue Identification:

- RFP respondents will need to know if the Town will place any limitations on the frequency of event use.
- If the Town places too material a limitation on event usage, then we would expect most prospective business partners to materially modify their approach to the business opportunity and would significantly limit the financial benefit to the Town.
- At the same time, we need to maintain the current Town and resident usage of the CC.
- We need to Commission to provide specific guidance on this issue before we can finalize the RFP.

Proposed Recommendation:

- Use the 2019 historical actual Town usage (POA, Seasiders, Rotary, residents, etc.) as the baseline blackout requirement for the RFP and subsequent contract. Provide POA/SS two additional weekend days and four additional week days, above and beyond their 2019 usage.
- There were approximately 24 resident events at the CC om 2019. Maintain this level of resident usage as a contract requirement plus 25%, i.e., a total of 30 resident days are guaranteed as a minimum. Residents will maintain the full current access they enjoy. CC fees for residents, if any, will remain at current 2020 levels.
- Have our business partner responsible for all operational details, e.g., insurance, scheduling, setup, cleanup, etc. Relieve the Town of these tasks and expenses.

Town of Palm Beach Shores
Actual Development Costs

Address	Attorney	Zoning	Engineer	Marine	Legal Ad	TOTAL
126 Tacoma Lane	\$ 96.60	\$ 202.99	\$ 320.00	\$ -	\$ -	\$ 619.59
218 Blossom Lane	\$ 180.00	\$ 172.94	\$ 240.00	\$ -	\$ -	\$ 592.94
230 Blossom Lane	\$ 828.00	\$ 635.98	\$ 1,339.00	\$ -	\$ 85.43	\$ 2,888.41
230 Blossom Lane	\$ -	\$ 174.24	\$ 160.00	\$ -	\$ -	\$ 334.24
206 Bravado Lane	\$ 459.00	\$ 809.06	\$ 640.00	\$ -	\$ 63.64	\$ 1,971.70
337 Cascade Lane	\$ 180.00	\$ 172.94	\$ 560.00	\$ -	\$ -	\$ 912.94
304 Claremont Lane	\$ 90.00	\$ 172.94	\$ 240.00	\$ -	\$ -	\$ 502.94
312 Claremont Lane	\$ 90.00	\$ 172.94	\$ 160.00	\$ -	\$ -	\$ 422.94
222 Edwards Lane	\$ -	\$ 518.66	\$ 1,200.00	\$ -	\$ 250.55	\$ 1,969.21
48 Lake Drive	\$ 504.00	\$ 576.16	\$ 560.00	\$ -	\$ 63.64	\$ 1,703.80
339 Sandal Lane	\$ -	\$ 57.50	\$ 320.00	\$ -	\$ -	\$ 377.50
98 Lake Drive	\$ -	\$ 405.40	\$ -	\$ 598.00	\$ 158.24	\$ 1,161.64
98 Lake Drive	\$ -	\$ -	\$ 480.00	\$ -	\$ 170.84	\$ 650.84
98 Lake Drive	\$ 234.00	\$ -	\$ -	\$ -	\$ 63.64	\$ 297.64
98 Lake Drive	\$ 468.00	\$ 1,411.07	\$ 1,015.00	\$ 6,470.00	\$ -	\$ 9,364.07
98 Lake Drive	\$ 187.20	\$ 172.94	\$ -	\$ -	\$ -	\$ 360.14
98 Lake Drive	\$ 889.20	\$ 86.25	\$ -	\$ 7,247.79	\$ 326.80	\$ 8,550.04
142 Lake Drive	\$ 608.40	\$ 995.35	\$ 2,350.00	\$ -	\$ 83.43	\$ 4,037.18
215 Linda Lane	\$ 234.00	\$ 318.57	\$ 615.00	\$ -	\$ 85.43	\$ 1,253.00
201 Sandal Lane	\$ 234.00	\$ 608.55	\$ 345.00	\$ -	\$ 63.64	\$ 1,251.19
212 Sandal Lane	\$ -	\$ 205.89	\$ 320.00	\$ -	\$ -	\$ 525.89
	\$ 5,282.40	\$ 7,870.37	\$ 10,864.00	\$ 14,315.79	\$ 1,415.28	\$ 39,747.84

ORDINANCE NO. O-5-20

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING. SECTION XII. GENERAL PROVISIONS. BY CREATING AN ENTIRELY NEW PF. 12.12. ENTITLED "PORTABLE STORAGE UNITS"; PROVIDING REGULATIONS FOR PLACEMENT AND USE THROUGHOUT THE TOWN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Palm Beach Shores does not currently regulate portable storage units; and

WHEREAS, misuse of such portable storage units is incompatible with the character of the Town; and

WHEREAS, the Town Commission desires to create regulations for the term and placement of portable storage units; and

WHEREAS, the Town Commission believes that these regulations are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote the public health, safety, and welfare.

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

Section 1. Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section XII. General Provisions. by creating an entirely new Pf. 12.12 entitled "Portable Storage Units"; providing regulations for placement and use of portable storage units throughout the Town; providing that Pf. 12.12. shall hereafter read as follows:

SECTION XII. - GENERAL PROVISIONS

Pf. 12.1.—12.11. [shall remain in full force and effect as previously adopted.]

Pf. 12.12. - Portable Storage Units.

(a) Definition. For the purposes of this Zoning Code, the term "portable storage unit" shall mean any portable, above-ground containers, including, but not limited to, any storage component of a portable storage or moving system

or other containers used for temporary storage of personal property, household goods, or other materials whether or not the component is on wheels or requires transportation via motor vehicle. Portable storage units are intended only to be used for short-term storage.

(b) *Permit required.* A no-fee permit must be secured prior to the placement of any portable storage unit within the Town. A complete permit application shall be submitted to the Town Administrator or designee. Such permit shall be issued by the Town Administrator only after an applicant has demonstrated conformance with the requirements of this section.

(c) *Single-family dwellings.* Portable storage units may be allowed in single-family dwellings only as follows:

1. *Term.* Portable storage units shall be allowed in single-family dwellings for a period of time not to exceed thirty (30) consecutive days. The Town Administrator or designee may, via written approval, grant one (1) extension not to exceed thirty (30) additional consecutive days for good cause.
2. *Placement.* Placement shall be on either the driveway or approved parking area surface and shall be accomplished in such a manner that no grass or landscaping is damaged as a result. Portable storage units shall not be placed within any right-of-way or over any easement. Portable storage units shall not extend beyond the front property line.

(d) *Multiple-family dwellings and nonresidential uses.* Portable storage units may be allowed in multiple-family dwellings and all other nonresidential uses only as follows:

1. *Term.* Portable storage units shall be allowed in multiple-family dwellings and other nonresidential uses only in conjunction with and during the duration of a valid building permit issued by the Town and must be removed prior to the issuance of a certificate of occupancy.
2. *Placement.* Placement shall be in the rear or side portion of the property, or other area approved by the building official. Portable storage units shall not be placed in a manner that causes damage to grass or landscaping. Portable storage units shall not be placed within any right-

of-way, easement, or in any location that may create a pedestrian or vehicular traffic hazard. Portable storage units shall not extend beyond the front property line.

(e) Cumulative time limitation. Only one (1) portable storage unit per property is permitted in any twelve (12)-month period unless there is a change of ownership of the residential premises during such twelve (12)-month period.

(f) Removal of portable storage units during certain storm events. In the event the National Weather Service, National Hurricane Center, Palm Beach County Emergency Operations or other appropriate agency declares a tropical storm or hurricane watch or warning in an area that includes the Town, all portable storage units located within the Town shall be immediately removed from the property so as not to create a safety hazard because of hurricane or tropical storm force winds. The removal and replacement of any portable storage unit pursuant to this subsection shall not count toward any time limitation set forth in this section.

Section 2. Each and every other article, section, and subsection of Appendix A. Zoning Ordinance. of the Code of Ordinances of the Town of Palm Beach Shores shall remain in full force and effect as previously enacted.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 4. If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

Section 5. Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 6. This ordinance will take effect immediately upon adoption.

FIRST READING this ____ day of ____, 2020.

SECOND AND FINAL READING this ____ day of ____, 2020.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney

Town of Palm Beach Shores
Consider retaining K9 vehicle

K9 Vehicle	2019 Ford Interceptor
Purchase Date	6/3/2019
Original Cost	\$ 40,656.00
Outstanding Debt	\$ 29,443.57
Estimated Sales Price	\$ 24,000.00

The Town did not get a response through local avenues or on GovDeals for the K9 Unit. The vehicle has now been stripped of the K9 and police equipment as well as decals. The intention is to sell the vehicle and K9 equipment separately.

The Fire Chief and PW Director suggested that we repurpose the vehicle to replace the 2011 Chevrolet Tahoe. That vehicle is currently being used by the Code Enforcement Officer. It is also used by the Fire Department to transport firefighters to calls when the Fire Truck is out of service.

The Tahoe was originally purchased new as the Fire Chief's vehicle. Last year when the Town contracted with the Sheriff, PBSO took our police assets as part of the agreement. They would not accept items that had debt. This included 2 vehicles. Since the Tahoe was in such poor condition, the Fire Chief was assigned a Ford Interceptor. At that time, the Tahoe was assigned to Code Enforcement.

ORDINANCE NO. O-1-20

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING, SECTION VII. DISTRICT C REGULATIONS AT PF. 7.3. BUILDING HEIGHT, BY INCREASING THE MAXIMUM BUILDING HEIGHT IN ZONING DISTRICT C FROM 42 FEET TO 46 FEET AND BY ELIMINATING THE REQUIREMENT TO USE UNDERGROUND/DEPRESSED PARKING IN ORDER TO BUILD TO THE MAXIMUM BUILDING HEIGHT AND AT PF. 7.13. OFF-STREET PARKING TO CREATE BERMING AND SCREENING REQUIREMENTS FOR SURFACE LEVEL OFF-STREET PARKING IN ZONING DISTRICT C; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Town regulations for Zoning District C currently set maximum building heights for those buildings within the zoning district depending on whether the development utilizes underground/depressed parking or surface-level parking; and

WHEREAS, underground/depressed parking creates a potential for flooding of the underground parking area both during storm events and abnormally high tide events (King Tides) given the waterfront location of Zoning District C; and

WHEREAS, for hurricane hardening and flood protection purposes, the Town Commission of the Town of Palm Beach Shores desires to increase the maximum building height in Zoning District C and also desires to eliminate the requirement to use underground/depressed parking in order to build to the maximum building height; and

WHEREAS, the proposed increase in building height is less than 10% of the existing codified building height, which does not necessitate a referendum vote to implement pursuant to the Town's Charter; and

WHEREAS, Section Pf. 7.13 of Appendix A., Zoning Ordinance of the Town of Palm Beach Shores, establishes off-street parking regulations for all buildings in Zoning District C; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores finds that berming and screening surface-level off-street parking from public view will help further the Town's interests in preserving community aesthetics and scenic beauty; and

WHEREAS, the Town Commission has determined that these revisions to the Town's code are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote the public health, safety, and welfare.

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

Section 1. Appendix A. Zoning of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VII. District C Regulations., Pf. 7.3. Building height. by increasing the maximum building height in Zoning District C from 42 feet to 46 feet, and by eliminating the requirement to use underground/depressed parking in order to build to the maximum building height for buildings in Zoning District C; providing that Pf. 7.3. Building height. shall hereafter read as follows:

Pf. 7.3. - Building height.

- ~~a. The maximum building height of any building in this district that does not utilize underground/depressed parking pursuant to Pf. 12.6 to contain all required parking for residents of the structure shall be forty (40) feet and the top of the beam shall not exceed thirty-five (35) feet measured from the grade elevation.~~
- ab. The maximum height of any building in this district that utilizes underground/depressed parking pursuant to Pf. 12.6, to contain all required parking for residents of the structure shall be forty-six two (46 2) feet measured from the grade elevation and the top of the beam shall not exceed thirty-seven (37) forty-one (41) feet measured from the grade elevation.
- be. No building shall have more than three (3) stories.
- cd. The maximum height of any accessory building in this district shall be fifteen (15) feet.
- de. Roof structures for housing elevator machinery, stairwell enclosures, tanks, skylights, chimneys, ventilating fans, receiving antennas, air conditioning equipment and non-habitable architectural features shall be permitted above the applicable height limit. Such structures shall not be greater in height and area than required to house such equipment, and such architectural features shall comply with section 14-87, Review criteria for architectural and design features. The total roof area of such roof structures shall not be greater than five (5) percent of the roof area of the building on which they

are erected. Under no circumstances shall such roof structure be used or equipped for storage or habitation of any kind. All roof structures shall be shown on the original building plans submitted for approval.

ef. The minimum roof pitch shall be 4/12 and maximum roof pitch shall be 12/12. All structures with a flat roof shall also contain a visible roof pitch along the roof perimeter in order to conceal the flat roof.

Section 2. Appendix A. Zoning of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VII. District C Regulations., Pf. 7.13. Off-street parking. to create berming and screening requirements for off-street parking spaces in Zoning District C; providing that Pf. 7.13. Off-street parking. shall hereafter read as follows:

Pf. 7.13. - Off-street parking.

(a) — (c) [shall remain in full force and effect as previously adopted.]

(d) *Berming and landscape screening.* Surface-level off-street parking shall be screened from view from any public right-of-way with a two (2) foot berm to be located along the perimeter of the property. Required landscaping may be installed on the berm and a swale area shall be provided on the outside of the berm sufficient to ensure drainage is contained within the property boundaries. The berm slope shall be no less than a three (3) to one (1) slope.

Section 3. Each and every other section and subsection of Appendix A. Zoning shall remain in full force and effect as previously adopted.

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

Section 5. If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

Section 6. Specific authority is hereby given to codify this Ordinance.

Section 7. This ordinance shall take effect immediately upon adoption.

FIRST READING this ____ day of September, 2020.

SECOND AND FINAL READING this ____ day of October, 2020.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Evyonne Browning, Town Clerk (Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney

ORDINANCE NO. O-2-20

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 70. TRAFFIC AND VEHICLES. TO UPDATE PARKING REGULATIONS, PROVIDE FOR TOWING OF UNLAWFULLY PARKED VEHICLES, PROVIDE REGULATIONS FOR PARKING ON UNIMPROVED LOTS, PROVIDE FOR ENFORCEMENT AND TO GENERALLY PROVIDE FOR INTERNAL CONSISTENCY; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 70. TRAFFIC AND VEHICLES. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 70 of the Town Code of Ordinances currently provides parking and other vehicle regulations which are in need of updating to assist Town law enforcement and code enforcement in the enforcement of same; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to update its parking regulations and provide for towing of unlawfully parked vehicles, parking on unimproved lots, as well as general enforcement and internal consistency;

and

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

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

Section 1: Chapter 70. Traffic and Vehicles. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended to update parking regulations, provide for towing of unlawfully parked vehicles, provide regulations for parking on unimproved lots, provide for enforcement and to generally provide for internal consistency; providing that Chapter 70. Traffic and Vehicles. shall hereafter read as follows:

Chapter 70 – TRAFFIC AND VEHICLES
ARTICLE I. - IN GENERAL

Sec. 70-1. - Adoption of state laws.

(a) It shall be a violation to commit, within the corporate limits of the town, any act which is or shall be recognized by the laws of the state as an infraction under F.S. ch. 316; and the commission of such acts is hereby forbidden.

(b) Whoever shall violate the provisions of this section shall be subject to the civil penalties contained in F.S. ch. 318.

(c) Town law enforcement officers are authorized and directed to enforce all such laws withing the town.

Sec. 70-2. - Reserved.

Sec. 70-3. - Reserved.

Sec. 70-4. - Identification of commercial vehicles.

(a) Each person using any commercial vehicle in connection with any business, profession or occupation shall paint or cause to be painted on each side of such vehicle or on placards clearly visible on each side of such vehicle, in letters no smaller than three inches in height, the name, address and occupation of each person so using the vehicle.

(b) A licensee licensed under the principal categories of hotel, motel and marina is hereby authorized to use logo lettering on permitted passenger vehicles.

Sec. 70-5. - Backing to turn.

No vehicle shall be backed into any street or intersection from any other street or intersection for the purpose of making a turn.

Sec. 70-6. - Powers and duties of town law enforcement officers ~~chief of police~~ to enforce traffic regulations.

(a) The town commission, upon recommendation of the town's law enforcement personnel ~~chief of police~~, shall regulate the operations and parking of vehicles within the corporate limits of the town by the erection of parking signs, signals, markers, markings and other authorized traffic-control devices in the following specified instances:

- (1) Designation of areas where parking is prohibited or limited.
- (2) Designation of one-way streets, through streets, stop streets, U-turns, play streets, quiet zones, crosswalks, safety zones and truck routes.
- (3) Installation and proper timing and maintenance of traffic-control devices.
- (4) Marking off of traffic lanes indicating the flow of traffic.
- (5) Closing of streets to vehicular or pedestrian traffic for temporary period of time.

(b) Yellow paint or markings on any street or curbing shall mean that parking is prohibited in that area so marked; provided, however, that areas marked with yellow paint and designated as a loading zone shall be permitted to be used for that purpose or for whatever purpose so designated.

(c) The existence of such signs, signals, markers or markings at any place within the corporate limits of the town shall be prima facie evidence that such signs or markers were erected or placed by and at the direction of the town commission and in accordance with the provisions of these sections.

(d) Town law enforcement ~~The chief of police and/or his~~ officers are hereby directed to enforce the provisions of this section and are further authorized to regulate traffic during emergencies notwithstanding other regulations. Any person failing or refusing to comply shall be punished as provided by state law or town code, as applicable in section 1-15.

Secs. 70-7—70-30. - Reserved.

ARTICLE II. - PARKING, STOPPING AND STANDING

DIVISION 1. - GENERALLY

Sec. 70-31. – Reserved Notice on illegally parked vehicle.

~~Whenever any motor vehicle without a driver is found parked, stopped or standing in violation of any of the restrictions imposed by this ordinance or the Code of Ordinances of this town, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such a vehicle a traffic citation or notice in writing, on a form provided by the town clerk, for the driver to answer the charge against him within 48 hours, during the hours and at a place specified in the notice.~~

Sec. 70-32. - Parking prohibitions; fines and penalties.

(a) Parking of motor vehicles is strictly prohibited and unlawful within the Town of Palm Beach Shores as follows:

- (1) Obstructing traffic.
- (2) Parallel parking within 10 feet of a fire hydrant.
- (3) Parking on any wrong side of street or right-of-way, including the "10-foot strip" but excluding driveways and designated and approved parking areas from this prohibition.
- (4) Double-parking.
- (5) Parking in prohibited area posted with a "No Parking" sign.
- (6) Reserved Parking within an area posted with a "No Parking" sign.
- (7) Parallel parking within 15 feet of a "Stop" sign.
- (8) Blocking driveway, public or private.
- (9) Parking on private property without permission (trespassing).
- (10) Parking at beach parking lot with no permit.
- (11) Parking at beach parking lot with expired permit.
- (12) Parking in any handicapped parking space without permit.
- (13) Parking in fire lane or zone.
- (14) Parking in any manner so as to block any portion of a sidewalk and/or bicycle path or cross walk.
- (15) Parking outside of designated lines at beach or Town Hall parking lots.

(b) ~~Fines and penalties~~ Penalties. The ~~fine~~ fee schedule for ~~violations of the regulations~~ prohibitions as set forth in this chapter shall be set by the town commission and may be amended from time to time, as necessary. The fine schedule shall be available at the office of the town clerk during normal business hours. Any vehicle found parked in violation of the ~~regulations~~ prohibitions set forth in this chapter shall be posted with a ~~notice~~ or citation affixed to such vehicle clearly stating that the ~~fine~~ fee set forth on such citation must be paid to the town within ~~ten~~ five days. Failure to pay the ~~fine~~ penalty within ~~ten~~ five days after such ~~citation~~ notice is ~~posted~~ attached to the vehicle may result in a summons being issued ordering the owner of the vehicle to appear at county court. In the event the owner is found guilty of such violation in county court, ~~the owner may be assessed additional fines and court costs. Failure to pay may also result in the inability to re-register the vehicle~~ shall be fined such amount as shall be determined by the county court judge.

Sec. 70-33. - Presumption in reference to illegal parking, operating, stopping, etc.

(a) ~~For~~ In any ~~citation~~ prosecution ~~alleging~~ charging a violation of this chapter governing the ~~parking~~, stopping, ~~or~~ standing, ~~parking~~ or operating of a ~~motor~~ vehicle, proof that the ~~offending~~ particular ~~motor~~ vehicle described in the complaint was parked or operated in violation of this chapter or other regulation, together with proof that the ~~person~~ defendant named in the ~~citation~~ complaint was at the time of such ~~alleged violation~~ parking or operating the registered owner of such ~~motor~~ vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such ~~motor~~ vehicle was the person who ~~parked~~, stopped, ~~or~~ stood, ~~parked~~ or operated such vehicle ~~in violation of this chapter as alleged~~ at the point where and for the time during which such violation occurred.

(b) ~~The presumption stated in this section shall apply only when the procedure prescribed in this section has been followed.~~

Sec. 70-34. – Enforcement of laws, issuance of citations ~~When warrant to be issued.~~

The regulations contained in this chapter may be enforced by the town's law enforcement officers and / or code enforcement officers, as appropriate. Generally, law

enforcement officers may issue citations for violations of state traffic laws and parking violations on public or Town property; code enforcement officers may issue citations or notices for violations of town ordinances occurring on private property. If any person fails to comply with a notice given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the county court, or if any person fails or refuses to deposit bail as required and within the time permitted by law, the clerk of the county court shall forthwith secure and issue and have served a warrant for his arrest.

Sec. 70-35. - Disposition of parking traffic fines and forfeitures.

All fines or forfeitures collected pursuant to this chapter, less any administrative fees charged by the clerk of the court upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter or other traffic ordinances shall be paid into the town treasury and deposited in the general fund of the town.

Sec. 70-36. - Authority to remove and impound vehicles.

The Mayor or designee, in consultation with town law enforcement or code enforcement officers, as appropriate, are hereby authorized to have any motor vehicle towed from any town parking lot, public street,, or right-of-way including the ten-foot strip, but excluding motor vehicles parked in driveways and designated and approved parking areas, under any of the circumstances hereinafter enumerated:

- (1) When any motor vehicle is disabled upon any public parking area or street and such motor vehicle constitutes an obstruction to traffic.
- (2) When any motor vehicle is left unattended or disabled for more than 24 hours in a public parking area or street without written authorization from the town.
- (3) When any motor vehicle is parked in a public parking area and is not parked within a marked or delineated parking space or stall and constitutes an obstruction to traffic or the orderly use of the public parking area.

(4) When any motor vehicle is improperly parked in an area that is designated by signs stating that improperly parked vehicles will be towed away.

(5) When any motor vehicle is parked in a designated "no parking" area.

(6) When any motor vehicle is left disabled or unattended on any portion of any public sidewalk or bike path at any hour of the day or night.

(7) When removal of any motor vehicle is necessary in the interest of public safety because of fire, flood, storm, or other emergency reason.

Secs. 70-37 36—70-50. - Reserved.

DIVISION 2. - PARKING ZONES

Sec. 70-51. - No-parking zones.

(a) It shall be unlawful for any person to park any motor vehicle at any time ~~upon the streets and avenues of the town~~ at any place marked and designated as "No Parking" by appropriate signs erected by town law enforcement officers ~~the police department~~ pursuant to Town ~~written instructions of the~~ Commission ~~direction~~.

(b) This section shall not apply to official or emergency vehicles ~~parked in pursuance of~~ carrying out their official or emergency duties.

Sec. 70-52. - Parking on streets unlawful.

It shall be unlawful for any person to park or to leave parked a motor vehicle of any kind, whatsoever upon any street in the town, or within town rights-of-way including those commonly known as the "ten foot strip" adjacent to paved streets throughout the town but excluding driveways and designated and approved parking areas from this prohibition, and also excluding except for the parking of work trucks during daylight hours, emergencies, meetings held at the town hall or special events with prior approval of the Mayor or designee in consultation with town law enforcement.

Secs. 70-53—70-70. - Reserved.

DIVISION 3. - PARKING AND STORAGE OF VEHICLES

Sec. 70-71. - Definitions.

For the purpose of this division, the following definitions shall apply:

Commercial vehicle means any vehicle of any nature which is used for hire or for profit or that either contains equipment for, or markings showing or advertising the commerce, trade or industry in which the vehicle is used, or has a rated capacity over a gross vehicle weight of three-quarter ton or 8,600 pounds, or is equipped to draw a semi-trailer, or has three or more axles.

Personal vehicle means any standard unmarked passenger car, van, private passenger pick-up truck or other motor vehicle not exceeding a gross vehicle weight of three-quarter ton or 8,600 pounds, which is used for personal transportation.

Recreational vehicle means any vehicle primarily designed for off-road recreational operation such as a "dune buggy" or a "swamp buggy" or designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle including without limitation travel trailers, camping trailers, park trailers, truck campers attached or detached from the truck, motor homes, mobile homes, trailers, semi-trailers, and truck trailers.

Trailer means any open or enclosed trailer used to transport goods, equipment, or vehicles, but not including boat trailers.

Utility vehicle means any vehicle used by the owner of a motel, hotel, or marina with markings showing or advertising the business for which the vehicle is used, and which is utilized primarily on motel, hotel, or marina premises. This definition shall not include marked passenger cars vans or private passenger pick-up trucks not exceeding a gross vehicle weight of three-quarter ton or 8,600 pounds.

Sec. 70-72. - Purpose.

The purpose of this division is to provide for public safety and general welfare of the town in preserving its residential character, eliminating noise and traffic hazards, by limiting and restricting the parking and storage of certain types of vehicles within the limits of the town.

Sec. 70-73. - Reserved.

Sec. 70-74. - Penalty for division violations.

Any person found ~~to be in violation of~~ violating any part of this division ~~may be cited to the town's code enforcement special magistrate and may be fined up to \$250.00 per day for each day their property remains in violation of this division, or up to \$500.00 per day for a repeat violation as contemplated by town code Sec. 2-73 shall be punished by a fine of not more than \$50.00 for each day such violation continues.~~

Sec. 70-75. - Prohibition.

(a) It shall be unlawful for any person to park, keep or maintain upon the streets, town property and private property within the limits of the town any vehicle listed in section 70-71, unless such vehicle is completely housed in a garage or other suitable structure, or as otherwise specified in this division. Further, it shall be unlawful for any person to park, keep or maintain upon the streets, town property and private property within the limits of the town any inoperable, dismantled, partially dismantled or unregistered vehicles.

(b) Recreational vehicles granted a temporary parking permit are exempt from the provisions of this section. However, recreational vehicles with a temporary parking permit may not be used for occupancy and may not be connected to any utilities.

(c) Personal vehicles that display a current and valid state registration and that are capable of lawful operation on public streets or roadways are exempt from application of this division.

Sec. 70-76. - Temporary parking.

Recreational vehicles not over 25 feet in length may be parked on driveways while being loaded and prepared for use and for unloading after use. Such temporary parking shall not exceed 48 hours. Prior to the temporary parking of recreational vehicles, the owner or renter of the property shall ~~notify the police department and shall~~ obtain a no-fee permit from the town ~~police department~~ which shall be placed in the vehicle so that it is visible from the street. Such temporary parking permits shall be issued to any property owner or renter only twice in any 30-day period and only if the recreational vehicle is

under control of the owner or renter of the property. During such temporary parking, the recreational vehicle may not be used for occupancy and may not be connected to any utilities.

Sec. 70-77. - Exceptions for certain vehicles in districts "B," "C" and "D."

(a) Personal vehicles and utility vehicles as defined hereinabove may be parked in districts "C" and "D" on the premises of the motel, hotel or marina, provided such vehicles are used by the owner in principal categories of motel, hotel or marina, and are licensed in accordance with section 18-31.

(b) Utility vehicles as defined hereinabove may be parked in district "B" on the premises of the motel, hotel or marina, provided such vehicles are used by the owner in principal categories of motel, hotel or marina, and are licensed in accordance with section 18-31.

Sec. 70-78. - Limited exceptions for watercraft trailers, watercraft with or without trailers, and recreational vehicles in districts "C" and "D."

(a) All watercraft trailers, watercraft with or without trailer(s) and recreational vehicles may be parked in zoning districts "C" and "D" only if located a minimum of 50 feet to the rear of the property line adjacent to and parallel to the street and only when they are substantially hidden from the view of the abutting property, public rights-of-way, the inlet walk and the parkway with a wall, fence, hedge or any combination thereof constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is otherwise legally permissible in accordance with the Town Code of Ordinances. The watercraft, personal watercraft and/or trailer(s), including all accessories and/or attachments, if applicable, shall be allowed at a maximum height of 12 feet and a maximum length of 28 feet. Watercraft and recreational vehicles shall be deemed to be "substantially hidden" from view when screened by a wall, fence, hedge or combination thereof, constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is six feet in height.

(b) Watercraft may not be used for occupancy or storage purposes and may not be connected to utilities.

(c) Watercraft trailers, or watercraft with or without trailers must be owned by the property owner or tenant of the property on which they are parked, except for storage at bona fide marinas, see subsection (e) hereinbelow.

(d) Any parked or stored watercraft or watercraft trailer as permitted by this section shall be in operable condition and must have at all times valid State of Florida vehicle registration plate, sticker, and Florida decal.

(e) All watercraft or watercraft trailers stored at a bona fide marina are exempt from the ownership requirement set forth in subsection (c) above (i.e. that the watercraft be owned by the property owner or tenant of the property on which they are parked.) However, if stored on land at a marina, all watercraft and/or trailers must be located a minimum of 50 feet to the rear of the property line adjacent to and parallel to the street and must be substantially hidden from the view of the abutting property, public rights of way, the inlet walk and the parkway with a wall, fence, hedge or any combination thereof constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is otherwise legally permissible in accordance with the Town Code of Ordinances. The watercraft, personal watercraft and/or trailer(s) including all accessories and/or attachments, if applicable, shall be allowed at a maximum height of 12 feet and a maximum length of 28 feet and shall be deemed to be "substantially hidden" from view when screened by a wall, fence, hedge or combination thereof, constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is six feet in height.

Sec. 70-79. - Exceptions for vehicles used in construction, deliveries, and services during regular business hours.

Nothing in this division shall be deemed to prevent the parking and keeping of vehicles listed in section 70-71 on the streets, town property or private property within the limits of the town for the period of time during which such vehicles are actually being used for construction, deliveries and services within the town during the hours of 8:00 a.m. to 6:00 p.m. Between May 1 and September 30, however, these times shall be extended to the hours of 8:00 a.m. to 7:00 p.m. General commercial deliveries to properties located on Lake Drive, Inlet Way and Ocean Avenue may begin at 7:00 am but shall cease in

accordance with the above referenced times. Personal vehicles used for deliveries and vehicles used to deliver petroleum products are exempt from the time limitations set forth herein.

Sec. 70-80. - Exception for disabled vehicles; removal of wheels or other transporting devices prohibited.

(a) It shall not be a violation of this division ~~Notwithstanding the sections and restrictions in this division, no penalty shall be imposed~~ if the time limits are exceeded due to mechanical failures affecting the mobility of the vehicle. This extension shall be granted only for a reasonable time in order to allow the owner or operator of the vehicle to secure assistance, to have the vehicle removed at his or her own expense.

(b) It shall be unlawful for any owner or operator of any vehicle of any kind to remove wheels or other transporting devices or in any way disable the vehicle to prevent its ready removal from the town limits.

Sec. 70-81. - ~~Parking on unimproved property by persons other than owner and by owner.~~

(a) It shall be unlawful for any person to park any vehicle on the unimproved property of another person. Owners of unimproved property may park no more than two (2) vehicles of any kind (including but not limited to all vehicles defined in Sec. 70-71 hereinabove, watercraft, watercraft trailers, and utility trailers) on their unimproved property during daylight hours only. Parking of any vehicle between sunset and sunrise the following day is prohibited.

(b) The Mayor or designee, in consultation with Town law enforcement, ~~The police chief, with the mayor's approval,~~ shall have the authority to grant special permission to the owner of unimproved property in districts "B", "C" and "D", to allow parking for special events. Such special event parking permits shall not exceed eight hours.

Sec. 70-82. - Limited exception for watercraft trailers, watercraft with or without trailers and utility trailers in districts "A" and "B."

(a) One watercraft trailer or two personal watercraft trailers, or one watercraft or two personal watercraft (jet ski, wave runner, etc.) with or without trailer may be parked in the rear or side yard as defined in Appendix A, Zoning Ordinance, in districts "A" or "B" when they are substantially hidden from the view of the abutting property, public rights-of-way, the inlet walk and the parkway with a wall, fence, hedge or any combination thereof constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is otherwise legally permissible in accordance with the Town Code of Ordinances. The watercraft, personal watercraft and/or trailer, including all accessories and/or attachments, if applicable, shall be allowed at a maximum height of 12 feet and a maximum length of 28 feet and shall be deemed to be "substantially hidden" from view when screened by a wall, fence, hedge or combination thereof, constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is six feet in height.

(b) Watercraft may not be used for occupancy or storage purposes and may not be connected to utilities.

(c) ~~Watercraft trailers, or watercraft with or without trailers must be owned by the property owner or tenant of the property on which they are parked.~~

(d) One watercraft trailer or one watercraft with or without trailer may be parked in the front driveway for a 24-hour period for the purpose of loading or unloading; repairing; or servicing same.

(e) Any parked or stored watercraft or watercraft trailer as permitted by this section shall be in operable condition and must have at all times valid State of Florida vehicle registration plate, sticker and Florida decal.

(f) One utility trailer may be parked in the rear or side yard as defined in Appendix A, Zoning Ordinance, in Districts "A" and "B" when it is substantially hidden from the view of the abutting property, public rights-of-way, the inlet walk and the parkway with a wall, fence or hedge or any combination thereof constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is otherwise legally permissible in accordance with the Town Code of Ordinances. The utility trailer shall be allowed at a maximum height of seven feet and a maximum length of 15 feet, and shall be deemed to be "substantially hidden" from view when

screened by a wall, fence or hedge or any combination thereof, constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is six feet in height. No lettering shall be permitted on any utility trailer so parked.

Secs. 70-83—70-100. - Reserved.

DIVISION 4. - PARKING LOTS

Sec. 70-101. - Layout generally.

Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas in a parking lot shall be designed to be safe and convenient.

Sec. 70-102. - Relationship to buildings.

Parking and loading areas, aisles, pedestrian walks, landscaping, and open space in a parking lot shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

Sec. 70-103. - Protection of pedestrians.

Buildings, parking and loading areas, landscaping and open spaces in a parking lot shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.

Sec. 70-104. - Pedestrian walks.

Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, designed to discourage incursions into landscaped areas except at designated crossings.

Sec. 70-105. - Access to spaces.

Each off-street parking space shall open directly onto an isle or driveway that, except for single-family and two-family residences, is not a public street.

Sec. 70-106. - Use of aisles, driveways.

Aisles and driveways in a parking lot shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit.

Sec. 70-107. - Drive lanes, barriers.

The design of a parking lot shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

Sec. 70-108. - Movement of other vehicles not to be required.

Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.

Sec. 70-109. - Access for emergency vehicles.

~~No parking space shall be located so as to block access by emergency vehicles.~~

Sec. 70-110. - Compact car spaces.

Compact car spaces should be located no more and no less conveniently than full-sized car spaces, and shall be grouped in identifiable clusters.

Sec. 70-111. - Illumination.

All parking lots shall be lighted to the extent that all parts of the lots are clearly visible at night.

Section 2: Each and every other section and subsection of Chapter 70. Traffic and Vehicles. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

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

Section 6: This Ordinance shall take effect immediately upon adoption.

FIRST READING this ____ day of ____, 2020.

SECOND AND FINAL READING this ____ day of ____, 2020.

TOWN OF PALM BEACH SHORES

Alan Fiers, Mayor

ATTEST:

Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

Keith Davis, Town Attorney