

ORDINANCE NO. O-11-18

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT APPENDIX A. ZONING, SECTIONS VI, VII AND VIII, FOR DISTRICTS B, C AND D, TO ALLOW THE REPLACEMENT OF EXISTING ASPHALT OR CONCRETE PAVEMENT MATERIAL WITH DRIVEWAY PAVERS IN THE TEN (10) FOOT TOWN STRIP OF TOWN PROPERTY AND REQUIRE, PRIOR TO BUILDING PERMIT ISSUANCE, EXECUTION OF A LIMITED AGREEMENT FOR CONSTRUCTION IN ROAD RIGHT-OF-WAY; 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, current regulations in Zoning Districts B, C and D prohibit the alteration of parking areas located in the ten (10) foot strip of Town property; and

WHEREAS, property owners in these zoning districts are permitted to install driveway pavers within the boundaries of their properties for off-street parking; and

WHEREAS, to create uniform improvements to these areas and avoid creating inconsistencies between the property and edge of pavement, the Town Commission desires to amend the Zoning Ordinance to permit the installation of driveway pavers in the ten foot strip of Town property adjacent to on-site parking areas and approaches, subject to execution of a limited agreement for construction in road right-of-way; and

WHEREAS, the Town Commission has determined that such amendments to the Town's Zoning Ordinance are in the best interests of the health, safety, and welfare of the citizens of the Town of Palm Beach Shores.

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

Section 1: Appendix A. Zoning, of the Code of Ordinances of the Town of Palm Beach Shores, is hereby amended at Section VI. District B Regulations. Pf. 6.9. Town Property to permit the installation of driveway pavers in the ten foot strip of Town property adjacent to on-site parking

areas and approaches, subject to execution of a limited agreement for construction in road right-of-way; providing that Pf. 6.9. Town property shall hereafter read as follows:

Pf. 6.9. - Town property.

- (a) The ten (10) foot strip of Town property on both sides of the streets may be used by the owner of the abutting property with the same restrictions as to use for front yards in this district; provided, however, that no fences, walls, or other structures above or below ground may be placed in this ten (10) foot strip of Town property. Pavement for driveways and parking area approaches (including driveway pavers subject to the requirements of subsection (c) below) may be placed in this ten (10) foot strip, which may also be used for temporary parking but may not be counted as a part of the required minimum off-street parking area. If, in the future, this ten (10) foot strip shall be needed by the Town for any purpose, any improvement placed in this area may be removed by the Town without liability to the Town.
- (b) Except as hereinafter permitted, parking in this ten (10) foot strip is prohibited, unless within the permitted driveway and parking area approach located in this ten (10) foot strip as permitted in subsection (a), above.
- (c) Lots that have, as of the adoption of this ordinance, a parking area adjacent to the street within this ten (10) foot strip may continue to use said parking area, subject to the provisions of this section. However, no double parking shall be permitted thereon (see also section 70-32(4) of the Town Code of Ordinances), and no alteration of any such parking areas shall be permitted, except that such parking areas may be improved by replacing existing asphalt or concrete with driveway pavers, or otherwise as required by law or ordinance. To install pavers within the ten (10) foot town strip, a limited agreement for construction in road right-of-way must be executed by both the property owner and the town and recorded in the public records. Such agreement shall be executed and recorded prior to building permit issuance.
- (d) The parking areas to which subsection (c) above applies, shall terminate and such parking areas shall be removed and replaced with approved pavement for driveways and parking area approaches, and landscaping pursuant to Chapter 78, Vegetation, at the lot owner's expense, in accordance with the occurrences set forth at Pf. 5.98.d.1. through 4. for any property whose principal building is a single family structure; and upon the construction of a new principal (meaning non-accessory) building or upon a change in use for all other properties.

- (e) In order to provide all current lot owners, and any other parties who have or may acquire an interest in property in District "B" with proper notice of these regulations, the Town shall provide each current lot owner in District "B", as listed in the Tax Collector's Office for tax notices, with written notice of same, and shall record a copy of this ordinance in the Public Records of Palm Beach County, Florida.

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. 7.10. Town Property to permit the installation of driveway pavers in the ten foot strip of Town property adjacent to on-site parking areas and approaches, subject to execution of a limited agreement for construction in road right-of-way; providing that Pf. 7.10. Town property shall hereafter read as follows:

Pf. 7.10. - Town property.

- (a) The ten (10) foot strip of Town property on both sides of the streets may be used by the owner of the abutting property with the same restrictions as to use for front yards in this district; provided, however, that no fences, walls, or other structures above or below ground may be placed in this ten (10) foot strip of Town property. Pavement for driveways and parking area approaches (including driveway pavers subject to the requirements of subsection (c) below) may be placed in this ten (10) foot strip, which may also be used for temporary parking but may not be counted as a part of the required minimum off-street parking area. If, in the future, this ten (10) foot strip shall be needed by the Town for any purpose, any improvement placed in this area may be removed by the Town without liability to the Town.
- (b) Except as hereinafter permitted, parking in this ten (10) foot strip is prohibited, unless within the permitted driveway and parking area approach located in this ten (10) foot strip as permitted in subsection (a), above.
- (c) Lots that have, as of the adoption of this ordinance, a parking area adjacent to the street within this ten (10) foot strip may continue to use said parking area, subject to the provisions of this section. However, no double parking shall be permitted thereon (see also section 70-32(4) of the Town Code of Ordinances), and no alteration of any such parking areas shall be permitted, except that such parking areas may be improved by replacing existing asphalt or concrete with driveway pavers, or otherwise as required by law or ordinance. To install pavers within the ten (10) foot town strip, a limited agreement for construction in road right-of-way must be

executed by both the property owner and the town and recorded in the public records. Such agreement shall be executed and recorded prior to building permit issuance.

- (d) The parking areas to which subsection (c) above applies, shall terminate and such parking areas shall be removed and replaced with approved pavement for driveways and parking area approaches, and landscaping pursuant to Chapter 78. Vegetation., at the lot owner's expense, in accordance with the occurrences set forth at Pf. 5.98.d.1. through 4. for any property whose principal building is a single family structure; and upon the construction of a new principal (meaning non-accessory) building or upon a change in use for all other properties.
- (e) In order to provide all current lot owners, and any other parties who have or may acquire an interest in property in District "C" with proper notice of these regulations, the Town shall provide each current lot owner in District "C", as listed in the Tax Collector's Office for tax notices, with written notice of same, and shall record a copy of this ordinance in the Public Records of Palm Beach County, Florida.

Section 3: Appendix A. Zoning, of the Code of Ordinances of the Town of Palm Beach Shores, is hereby amended at Section VIII. District D Regulations. Pf. 8.11. Town Property to permit the installation of driveway pavers in the ten foot strip of Town property adjacent to on-site parking areas and approaches, subject to execution of a limited agreement for construction in road right-of-way; providing that Pf. 8.11. Town property shall hereafter read as follows:

Pf. 8.11. - Town property.

- (a) The ten (10) foot strip of Town property on both sides of the streets may be used by the owner of the abutting property with the same restrictions as to use for front yards in this district; provided, however, that no fences, walls, or other structures above or below ground may be placed in this ten (10) foot strip of Town property. Pavement for driveways and parking area approaches (including driveway pavers subject to the requirements of subsection (c) below) may be placed in this ten (10) foot strip, which may also be used for temporary parking but may not be counted as a part of the required minimum off-street parking area. If, in the future, this ten (10) foot strip shall be needed by the Town for any purpose, any improvement placed in this area may be removed by the Town without liability to the Town.

- (b) Except as hereinafter permitted, parking in this ten (10) foot strip is prohibited, unless within the permitted driveway and parking area approach located in this ten (10) foot strip as permitted in subsection (a), above.
- (c) Lots that have, as of the adoption of this ordinance, a parking area adjacent to the street within this ten (10) foot strip may continue to use said parking area, subject to the provisions of this section. However, no double parking shall be permitted thereon (see also section 70-32(4) of the Town Code of Ordinances), and no alteration of any such parking areas shall be permitted, except that such parking areas may be improved by replacing existing asphalt or concrete with driveway pavers, or otherwise as required by law or ordinance. To install pavers within the ten (10) foot town strip, a limited agreement for construction in road right-of-way must be executed by both the property owner and the town and recorded in the public records. Such agreement shall be executed and recorded prior to building permit issuance.
- (d) The parking areas to which subsection (c) above applies, shall terminate and such parking areas shall be removed and replaced with approved pavement for driveways and parking area approaches, and landscaping pursuant to Chapter 78, Vegetation, at the lot owner's expense, in accordance with the occurrences set forth at Pf. 5.98.d. 1. through 4. for any property whose principal building is a single family structure; and upon the construction of a new principal (meaning non-accessory) building or upon a change in use for all other properties.
- (e) In order to provide all current lot owners, and any other parties who have or may acquire an interest in property in District "D" with proper notice of these regulations, the Town shall provide each current lot owner in District "D", as listed in the Tax Collector's office for tax notices, with written notice of same, and shall record a copy of this ordinance in the Public Records of Palm Beach County, Florida.

Section 4: Each and every other article, section and subsection of Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously enacted.

Section 5: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6: 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.

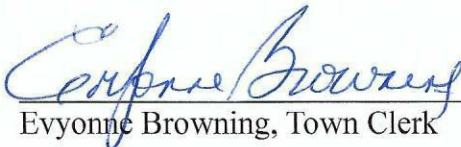
Section 7: Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores.

FIRST READING this 19th day of November 2018.

SECOND AND FINAL READING this 17th day of December 2018.

Approved this 17th day of December 2018

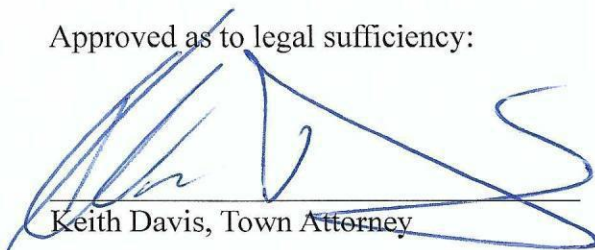
ATTEST:


Evyonne Browning, Town Clerk


Myra Koutzen, Mayor

(Seal)

Approved as to legal sufficiency:


Keith Davis, Town Attorney