



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** April 5, 2022

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES, CHAPTER 25, "STREETS, SIDEWALKS, BICYCLE/WALKWAY PATHS, AND RIGHT-OF-WAY," IN ORDER TO PROHIBIT AND ELIMINATE OBSOLETE PROVISIONS PERTAINING TO NEWSRACKS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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## **SUMMARY:**

At the March 1, 2022 Town Commission meeting, the Commission considered the proposed amendment to the Town Code of Ordinances on first read. Staff requested clarity from the Commission on whether their desire was to have an outright ban of newsracks or just to eliminate the newsrack provisions as provided in Chapter 25. Consensus from the Commission was to include a ban of newsracks. As a result, the Ordinance has been revised to incorporate the following language that bans newsracks (such additions are denoted by a **bolded** double underline).

*25-1. - Obstruction of streets, sidewalks, right-of-way—Prohibited.*

*It shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way. It shall be unlawful to erect, build, construct, deposit or place, or to procure or cause to be erected, built, constructed, deposited or placed upon or in any street, or any place where the public has a right of passage, any house, cellar, stable, shed, privy, fence, enclosure, walls, foundations, **newsracks** or any other structure, or any obstruction of any kind whatsoever; or for the owner or occupant of any lots or part thereof abutting on a street to permit any obstruction to remain upon the sidewalk in front of such lot or part thereof, or for the owner or occupant of such lot or part thereof to permit any sidewalk in front of such lot or part thereof to remain in such condition as to prevent convenient and safe use thereof by the public. The provisions of this section shall not extend to canvas or wooden awnings placed in front of stores or other buildings, when such awnings are not less than eight (8) feet from the ground or sidewalk at the lowest point. It shall be unlawful to construct improvements or install trees in new locations within the public right-of-way including swales, as defined in Section 25-14, without first obtaining a right-of-way permit (right-of-way permit fee shall be waived) from the*

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*building department unless waived or otherwise determined as not required by the town's public works director (with the exception of telecommunication facilities which are governed by Chapter 32 of this Code). For work performed within the State Road A1A right-of-way, the permit required by this section is in addition to any permit that is required by the Florida Department of Transportation (FDOT), and the Town's issuance of a right-of-way permit shall neither impair FDOT's regulatory authority nor otherwise impact any conditions or requirements that may be imposed by FDOT. The following improvements are permitted in the public right-of-way, except as provided in Section 17-2(3), and do not require a right-of-way building department permit:*

- (a) Underground sprinkler systems with flush or pop-up heads.*
- (b) Mailboxes.*
- (c) Ground cover as defined in Section 28-2.*
- (d) Replacement of existing landscaping including, but not limited to, trees, shrubs or plants greater than twenty-four inches in height so long as such landscaping is replaced in the same location. Existing landscaping located within a swale shall not be replaced.*

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Proposed Ordinance

March 1, 2022 Town Commission Agenda Memorandum (First read)

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**RECOMMENDATION:**

At the discretion of the Commission.