
MEMORANDUM

TO: Town Council; Joseph F. Lo Bello, Town Manager
FROM: Mayor DD Halpern
DATE: September 21, 2022
SUBJECT: Discussion on Mars Way Parking

BACKGROUND

Mayor Halpern requested to have the Mars Way Parking placed on the agenda for discussion.

Attachment(s):

- 1) Copy of Resident Jane Le Clainche's Email & Attachments that were sent to Council on August 16, 2022.





Caitlin Copeland <ccopeland@juno-beach.fl.us>

Fwd: Mars Way Parking matters

1 message

Caitlin Copeland <ccopeland@juno-beach.fl.us>

Tue, Aug 16, 2022 at 3:44 PM

To: "Alexander R. Cooke" <alexander@alexander-cooke.com>, DD Halpern <dd_halpern@yahoo.com>, Elaine Cotronakis <ecotronakis@gmail.com>, Jason Haselkorn <jason3072661@gmail.com>, Joseph Lo Bello <jlobello@juno-beach.fl.us>, Len Rubin <len@torcivialaw.com>, Peggy Wheeler <cambriancorp@aol.com>, Yasmin Hamel <yhamel@juno-beach.fl.us>, Andrea Dobbins <adobbins@juno-beach.fl.us>, Anthony Meriano <ameriano@juno-beach.fl.us>, Brian Smith <bsmith@junobeachpd.com>, Frank Davila <fdavila@juno-beach.fl.us>, Matthew Pazanski <mpazanski@juno-beach.fl.us>, Paul Fertig <pfertig@junobeachpd.com>, STEVEN HALLOCK <shallock@juno-beach.fl.us>

Good Afternoon:

Please see the email below from resident Jane Le Clainche along with the attachments.

Do Not Reply to All. Only Reply to Me.

Caitlin E. Copeland-Rodriguez, MMC

Town Clerk

Town of Juno Beach

340 Ocean Drive

Juno Beach, FL 33408

ccopeland@juno-beach.fl.us

Phone: (561)656-0316

Please note: Florida has a very broad public records law. Most written communications to or from local officials regarding town business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

----- Forwarded message -----

From: Caitlin Copeland <ccopeland@juno-beach.fl.us>

Date: Tue, Aug 16, 2022 at 3:42 PM

Subject: Re: Mars Way Parking matters

To: Jane LeClainche <JLeClainche@townofpalmbeach.com>

Cc: Joseph Lo Bello <jlobello@juno-beach.fl.us>, Frank Davila <fdavila@juno-beach.fl.us>, Jeremy <jeremyleclainche@gmail.com>, skidaddle7@yahoo.com <skidaddle7@yahoo.com>, Karen Chaprnka <karen.chaprnka@gmail.com>, laurardgrs@yahoo.com <laurardgrs@yahoo.com>, junogr156@gmail.com <junogr156@gmail.com>, gino451@aol.com <gino451@aol.com>

Good Afternoon Mrs. Le Clainche:

The Town is in receipt of your email below and please know that it has been forwarded to the Town Council and Senior Staff.

Caitlin E. Copeland-Rodriguez, MMC

Town Clerk

Town of Juno Beach

340 Ocean Drive

Juno Beach, FL 33408

ccopeland@juno-beach.fl.us

Phone: (561)656-0316

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On Tue, Aug 16, 2022 at 3:35 PM Jane LeClainche <JLeClainche@townofpalmbeach.com> wrote:

----- Forwarded message -----

From: **Jane LeClainche** <JLeClainche@townofpalmbeach.com>
Date: Tue, Aug 16, 2022 at 3:35 PM
Subject: Mars Way Parking matters
To: Joseph Lo Bello <jlobello@juno-beach.fl.us>, Frank Davila <fdavila@juno-beach.fl.us>, Caitlin Copeland <ccopeland@juno-beach.fl.us>
Cc: Jeremy <jeremyleclainche@gmail.com>, skidaddle7@yahoo.com <skidaddle7@yahoo.com>, Karen Chaprnka <karen.chaprnka@gmail.com>, laurardgrs@yahoo.com <laurardgrs@yahoo.com>, junogrl56@gmail.com <junogrl56@gmail.com>, gino451@aol.com <gino451@aol.com>

Joe and Frank,

As you are aware, we recently requested copies of the development agreement for the Oceanfront condominium. A copy of the Minutes from the May 16, 1990 Juno Beach Town Council meeting are attached. These minutes show that the developer received a Special Exception in the RH Zoning District to allow for a density bonus of up to 2 dwelling units per acre provided that a minimum of 6 foot wide beach access easement is dedicated to the Town for public use. I mention this because the representatives from the Oceanfront Condominium brought this easement up as a gesture of their benevolence to the Town when in fact it was for the developer to secure additional units.

In the Findings of Fact for the special exception application for the condominium, item number 4 (a) and (b) indicate that satisfactory provisions and arrangements have been made concerning the following where applicable: a) Ingress and Egress to the property and structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and access in case of fire or catastrophe. b) Off street parking and loading areas, refuse and service areas, with particular attention to item a above and to affects on surrounding property.

This indicates that they were required to provide arrangements for off street parking for the condominium and shouldn't send their workers up to Mars Way to park creating a safety hazard for the residents of the street.

I have also attached a copy of the FY19/20 Local Government Funding Request Beach Projects Application for Juno Beach. This application details the parking spaces allocated for eligibility for funding for the Juno Beach renourishment projects. These parking areas include:

Double Roads access	106 Parking Spaces allocated - Secondary
Ocean Cay/Juno Beach Parks	538 Parking Spaces allocated - Primary
Loggerhead Beach Park	218 Parking Spaces allocated - Primary
Mercury Road Access	97 Parking Spaces allocated - Secondary
Total allocation	959 Total spaces allocated for 12,770 feet of shoreline

The application does not list any residential side streets that have been allocated for the funding agreement. The parks and Mercury Rd. provide sufficient spaces for the beach renourishment project funding agreement.

Also attached is a copy of a section of the Town of Palm Beach Code of Ordinances. The Residential Parking Permit section lays out the process and policies for residential parking requirements. The Town of Juno could adopt a version of this code to implement restricted parking on Mars Way on an incremental basis. Mars Way may be the only street in

Town that would qualify since it is the only street that is impacted by commuter vehicles and parking issues. Parking can be restricted, on an incremental basis moving westward toward US1 to the crest of the hill where most of the parking issues occur. The Town can charge a small fee for their services to issue the permits and signage, and enforcement can be done by residents by issuing a complaint to code enforcement or the police department that a non-permitted vehicle is parked on the street. A few parking tickets should stop repeat offenders.

The residents have laid out their case for a traffic study and also for parking restrictions. The need to protect the residents on Mars Way is eloquently stated on page 1 of the Town of Palm Beach Residential Parking code which reads:

It is in the public interest to:

Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas for the parking of vehicles by persons using such residential areas to gain access to other places;

Protect those areas from excessive noise;

Protect the residents of those areas from unreasonable burdens in gaining access to their residences;

Preserve the character of those areas as residential districts;

Promote efficiency in the maintenance of these streets in a clean and safe condition;

Preserve the value of the property in those areas;

Preserve the safety of children and other pedestrians; and

Promote traffic safety, clean air and the comfort, health, convenience and welfare of the inhabitants of the town.

It is for all of these reasons that the Town of Juno Beach should enact residential parking restrictions on Mars Way. Please forward this email and the related attachments to the Mayor and Town Council members.

Thank you,

Jane Le Clainche

Co-owner of 401 Mars Way and Resident of 506 Sea Oats Dr. D3

Jane Le Clainche, CPA

Finance Director

Town of Palm Beach

360 S County Rd.

Palm beach, FL 33480

561-227-6330

www.townofpalmbeach.com

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

[HELP THE TOWN PLAN FOR THE FUTURE. PLEASE COMPLETE THE COMMUNITY SURVEY. CLICK HERE TO BEGIN.](#)

3 attachments



FY1920-NCCSPP-segment-3-lgfr-signed application.pdf

859K



Palm Beach, FL Code of Ordinances - Residential Parking Permits.pdf

3179K



Approved Town Council Meeting Minutes - May 16 1990 - Oceanfront.pdf

597K




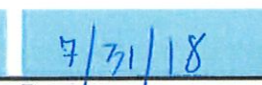
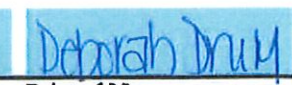
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FY2019/20 Local Government Funding Request
Beach Projects Application

PART I: GENERAL INFORMATION

Local Sponsor: Palm Beach County
Local Sponsor Federal ID Number (FEID): 59-6000785
Contact Name: Andy Studt
Title: Senior Environmental Analyst
Mailing Address Line 1: 2300 N. Jog Road, 4th Floor
Mailing Address Line 2:
City: West Palm Beach Zip: 33411
Telephone: 561-233-2539
Email Address: astudt@pbcgov.org
Additional Contact Information: Julie Mitchell, Environmental Program Supervisor, 561-233-2437

PART II: CERTIFICATION

I hereby certify that all information provided with this application is true and complete to the best of my knowledge.

		
Signature of Local Sponsor (Electronic/scanned signature accepted)	Date	Printed Name

**FY 2019/20 Local Government Funding Request
Beach Projects Application**

PART III: EVALUATION CRITERIA

1. **Project Name:** (as listed in the Strategic Beach Management Plan)

Juno Beach
North County Comprehensive Shore Protection Project Segment 3

2. **Project Description:** (Include county, location with reference to range monuments, brief project history and description of proposed activities)

(Attach additional documentation as needed)

The Juno Beach portion (Segment 3) of the North County Comprehensive Shore Protection Project is located in Palm Beach County, approximately 2.2 miles south of the Jupiter Inlet, from R-26 to R-38. This 2.42 mile long section of beach was first nourished in 2001 and subsequently impacted by two hurricanes and a tropical storm in 2004, 2005 and 2008, respectively. The first re-nourishment of this beach was completed in March 2010.

Planning, engineering and design for a second re-nourishment is complete. The investigation of a proposed borrow area, approximately 2 miles northeast of the Jupiter Inlet, is complete with identification of approximately 5.1 million cy of beach compatible material. A Major Permit Modification to the existing Jupiter-Carlin JCP permit was granted June 8, 2018, which incorporated the Juno Beach project into the North County Comprehensive Shore Protection Project (FDEP JCP Permit# 0303863-006-JM). Proposed activities include construction, during the winter of 2019/2020 with post-construction permit required physical and biological monitoring planned thereafter.

**FY 2019/20 Local Government Funding Request
Beach Projects Application**

3. Use of Requested Program Funds: (Specify phase – Feasibility, Design, Construction, and/or Monitoring – and provide a brief description of work in each phase listed. Indicate which tasks are cost reimbursement for work that has been completed.)

Funds are requested for post-construction monitoring following the second re-nourishment planned for winter 2019/2020. Anticipated monitoring will include post-construction engineering survey profiles and biological monitoring as required by the recently issued major permit modification for this project (FDEP JCP# 0303863-006-JM).

4. Mapping: Prepare and attach a map or maps of the project area formatted at a minimum of 1" = 200' scale. (Maps must be provided as attachments with this application.)

Map elements must include:

- Compass rose with North arrow, scale and legend.
- Project boundary showing length of critically eroded shoreline
- FDEP range monuments
- Beach access and parking locations (indicate Primary and Secondary accesses, including access widths)
- Width of access for public lodging establishments fronting the project shoreline (for commercial/recreational ranking points and eligibility determination)
- Width of access for public lodging establishments within one-quarter mile walking distance of a secondary public access point (must show length of street-side frontage for eligibility determination)
- Comprehensive plan or current land use designations of properties within the project shoreline (for commercial/recreational ranking points)
- Bus stops and bike rack locations within one-quarter mile walking distance of a public access point (if claiming for eligibility determination)

5. Length of Project Boundary in Feet (Total restored project length in the critically eroded area):

The total restored project length in the critically eroded area is approximately 12,800 feet.

**FY 2019/20 Local Government Funding Request
Beach Projects Application**

6. Eligibility: Public Beach Access and Public Lodging Establishments:

- The eligibility table must be completed for all beach projects.
- For Location/Name, use the official name of the park or the name of the street end that is associated with the public access.
- For R-Mon, select a DEP Range Monument that is closest to the main public access point.
- For Type of Access, indicate "Primary" or "Secondary" beach access in accordance with the definitions given in Rule 62B-36 F.A.C.
- For Width of Access/Frontage, give the length of the legal boundary (in feet) of the public access location along the beach. For public lodging establishments that are not located on the beach, indicate the street-side length of the legal property boundary (in feet) that is used as the main access to the establishment.
- For the Total Public Units in a public lodging establishment, write in the number of rooms available for use by the public divided by the total number of rooms in the establishment. For Parking Spaces, give the total number of public parking spaces that are available for use at the public access location. See Rule 62B-36 F.A.C. for additional details.
- For Additional Width from Eligibility Units, give the total distance added to the shoreline width of a public access location. If there are various kinds of eligibility units used for this calculation, provide the names of the eligibility units and show the calculation on a separate page or below the table.
- For Eligible Shoreline, calculate the sum of the distances for Width of Access and the Additional Width from Eligibility Units columns.
- Eligible Shoreline can't overlap.
- For the DBPR License, provide the website link to the Department of Business and Professional Regulation (DBPR) proof of licensure documentation for any public lodging establishments used for eligibility or Commercial/Recreational designation.
- Check the DBPR link from last year to verify that it is current.

Location/Name	R- Mon	Type of Access	Width of Access/ Frontage	Total Public Units or Parking Spaces	Additional Width from Eligibility Units	Eligible Shoreline (feet)	DBPR License
Double Roads access	R-28	Secondary	2980	106	1100	4080	N/A
Ocean Cay/ Juno Beach Parks	R-31	Primary	1330	538	2900	4230	N/A
Loggerhead Beach Park	R-34	Primary	1130	218	2640	3770	N/A
Mercury Road access	R-38	Secondary	0	97	690	690	N/A
Total			5440	959	7330	12770	

(Attach additional documentation as needed)

**FY 2019/20 Local Government Funding Request
Beach Projects Application**

7. Schedule and Budget

- a. **Cost Reimbursement:** (Specify eligible costs incurred three years prior to the current application's fiscal year which have not been reimbursed. Eligible costs will be included in the funding request of the current application.)

Year	Proposed Phase	Description	Total Estimated Cost	Federal Cost Share	State Cost Share	Local Cost Share
2016/2017						
2017/2018						
2018/2019						

(Attach additional documentation as needed)

b. Current and Future Costs:

(Specify eligible costs for the current application's fiscal year which have not been reimbursed. Include the proposed phases for the next 10 years and the estimated costs for the next 5 years.)

Year	Proposed Phase	Description	Total Estimated Cost	Federal Cost Share	State Cost Share	Local Cost Share
2019/2020	Monitoring	physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000
	PED	LRR	\$150,000	\$75,000	\$37,500	\$37,500
2020/2021	Monitoring	physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000
2021/2022	Monitoring	physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000
2022/2023	Monitoring	physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000
2023/2024	Monitoring	physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000
2024/2025	Monitoring	physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000
2025/2026	Monitoring	pre physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000
	PED	sand search, permitting				

**FY 2019/20 Local Government Funding Request
Beach Projects Application**

2026/ 2027	Construction	Dredge and fill	\$15,000,000		\$7,500,000	\$7,500,000
2027/ 2028	Monitoring	physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000
2028/ 2029	Monitoring	physical, reef, sea turtle, shorebird	\$500,000		\$250,000	\$250,000

(Attach additional documentation as needed)

8. Severity of erosion: Criterion will be calculated by the Department.

Additional information may be provided for consideration.

The entire project area is designated as critically eroded by the Department, with a historical erosion rate of -2 ft/yr.

9. Threat to Upland Structures: Criterion will be calculated by the Department.

Additional information may be provided for consideration.

N/A

10. Recreational and Economic Benefit:

Provide the percentage of linear footage of properties within the project boundaries zoned commercial, recreational or Public Lodging Establishment (hotel, motel or vacation rental condo) as zoned in current local government land use maps.

The percentage of linear footage of properties within the project boundaries zoned commercial, recreational, or Public Lodging Establishment, or the equivalent, in the current local government land use map is 54%.

11. Availability of Federal Funds:

Is the project Federally authorized by WRDA (Y/N)? No

AUTHORIZATION YEAR: EXPIRATION YEAR:

Does this project have a Project Cooperative Agreement or other Federal funding agreement? No

If so, attach a copy of the document.

What is the federal cost share percentage provided for this project? 0% (use decimal numbers)

Is this project funded through FEMA for storm repairs (Y/N)? No

If so, attach a copy of the signed Project Worksheet.

**FY 2019/20 Local Government Funding Request
Beach Projects Application**

12. Local Sponsor Financial and Administrative Commitment:

Is funding for the project in the local sponsor's 10-year comprehensive financial plan (Y/N)? Yes
Attach a copy or provide web link to the plan.

Is funding provided through a source established by referendum (Y/N)? Yes
Attach a copy or provide web link to the referendum.

Is funding provided by a third-party other than the federal government (Y/N)? No
What is the percentage of total project costs provided by the third party? 0%
Attach a copy of the interlocal agreement or cost sharing agreement.

Quarterly Report Compliance – For projects that are currently funded through the program or have historically been funded, the Local Sponsor may give the dates quarterly progress reports were submitted within the last fiscal year per terms of the agreement (for consideration of additional ranking points):

Quarter	Due Date	Report Remit Date	Compliant (yes/no)
July-September	October 30	10/30/17	Yes
October-December	January 31	1/31/18	Yes
January-March	April 30	4/30/18	Yes
March-June	July 31	7/31/18	Yes

Is there an active state permit for the project (Y/N)? Yes Permit #: 0303863-006-JM

AUTHORIZATION DATE: 6/8/18 EXPIRATION DATE: 6/8/33

Is there an active federal permit for the project (Y/N)? No Permit #:

AUTHORIZATION DATE: EXPIRATION DATE:

Have local funds been secured for the project (Y/N)? Yes

Explain: Yes, page 105 of the County's 2017-2021 Capital Improvement Program Budget identifies the funding

Has a copy of the resolution been drafted and attached to this application (Y/N)? Yes
In order to acquire state funding, the Local Sponsor must provide a resolution from the governing board which declares:

- Support from the Local Sponsor for the project
- Willingness to serve as the Local Sponsor
- Ability to provide the full local cost share
- Identification of the source of funding

A draft resolution must be provided with the application. The signed resolution must be received by September 28, 2018.

13. Previous State Commitment:

Has the Department previously reviewed, approved and cost-shared on a feasibility or design phase for this project (Y/N)? Yes

Provide most recent phase and state cost share percentage: Design and Permitting 50%

Will this project enhance or increase the longevity of a previously-constructed project (Y/N)? No
Explain:

**FY 2019/20 Local Government Funding Request
Beach Project s Application**

Will this project nourish a previously restored shoreline (Y/N)? Yes
(Full beach nourishment only. Dune maintenance projects do not apply)

Has a previously approved appropriation for this project phase been released in its entirety by the Local Sponsor due to delays in the project timelines (Y/N)? No

14. Project Performance:

What is the nourishment interval (in years)? 6 years

15. Mitigation of Inlet Effects: Criterion is calculated by the Department.
Additional information may be provided for consideration.

16. Use of Innovative Applications of existing technologies:

Does the project address erosion in a method that is economically competitive with nourishment, that will not adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats, and that is designed to demonstrate an innovative application of existing technologies (Y/N)? Explain: (Attach additional documentation as needed)

N/A

Has the project been documented to be effective and demonstrated technologies previously untried in Florida(Y/N)?

Explain:

N/A

17. Regionalization:

Is this project being planned or constructed in cooperation with another local government to reduce contracting costs (Y/N)? No

Explain and attach a signed copy of the interlocal agreement.

18. Significance:

What is the volume (cy) of advanced nourishment lost since the last sand placement event of a beach restoration or nourishment project as measured landward of the Mean High Water Line? (Information should be consistent with annual post-construction monitoring reports)

>60%

Has the project eroded into the design template (Y/N)? Yes
If so, provide the eroded segments by listing the R-monuments.

Erosion into design template has occurred throughout project shoreline.

For construction projects, what is the proposed sand placement volume (cy)? 600,000

FY 2019/2020 LGFR Juno Beach Web Links:

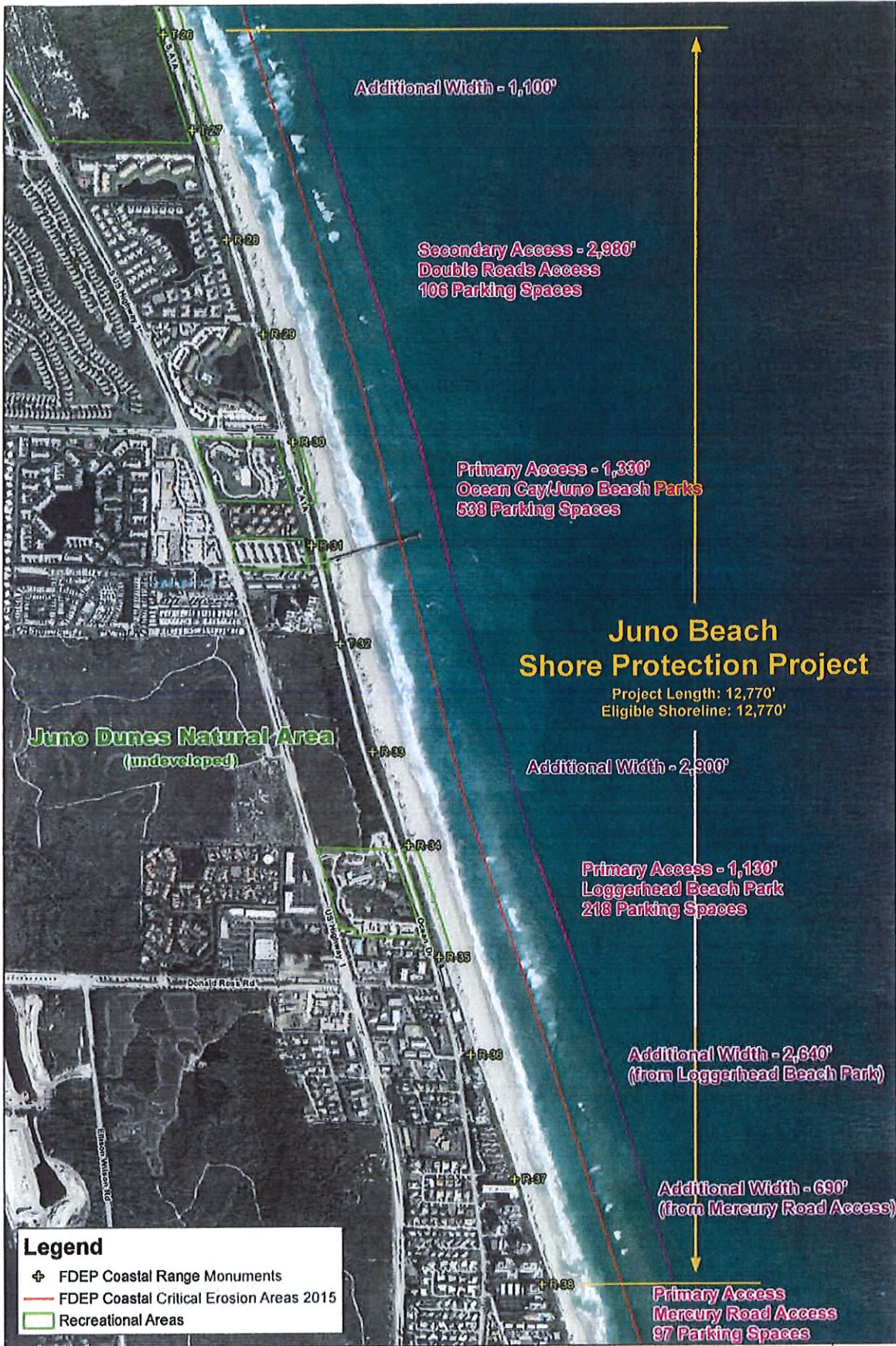
Is funding for the project in the local sponsor's 10-year comprehensive financial plan? The project is part of the County's 5-year comprehensive financial plan, which is available at <http://discover.pbcgov.org/ofmb/budget/PDF/CIP/FY-2017-CIP.pdf>. The project is also included in the County's 30-year Shore Protection Plan, which is available at <http://discover.pbcgov.org/erm/Publications/BeachesProtectionPlan.pdf>

Is funding provided through a source established by referendum?

Chapter 17 of the Palm Beach County Code defines the tourist development plan (Ord. No. 95-30, § 7, 8-15-95), which identifies specific projects/special uses of tourist development tax revenue in accordance with Florida Statutes, § 125.0104(5). This chapter further specifies how the tax revenues shall be allocated to each category of use. A percentage of the 2nd and 3rd cent collected shall be used to fund *Category C*: "Provide for beach improvement, maintenance, renourishment, restoration, and erosion control with an emphasis on dune restoration where possible."
<http://www.pbcgov.com/touristdevelopment/ordinances.htm>

Have local funds been secured for the project?

Yes, page 105 of the County's 2017-2021 Capital Improvement Program Budget identifies the funds to be allocated to the project (**Attachment 2**). The complete report can be found at <http://discover.pbcgov.org/ofmb/budget/PDF/CIP/FY-2017-CIP.pdf>.



Legend

- ⊕ FDEP Coastal Range Monuments
- FDEP Coastal Critical Erosion Areas 2015
- ▭ Recreational Areas



Palm Beach County Department of Environmental Resources Management
 2300 North Jog Road, 4th Floor
 West Palm Beach, Florida 33411-2741
 (561) 233-2400

Juno Beach Shore Protection Project

7/21/2017



**Palm Beach County Capital Improvement Program
 FY 2018 - FY 2022 (\$ in 1,000)
 Capital Project Proposal**

Project Title: Juno Beach Shore Protection

Fund #: 3652

Unit #: M028

Description: This project includes design, engineering, permitting, construction, and monitoring of a beach restoration project in the vicinity of Juno Beach. Construction includes offshore dredging, placement of fill, and planting of native salt-tolerant vegetation. The funding sources used in the "Other" category include Tourist Development Tax, interest earnings, and reserves.

COST PROJECTIONS:

Element	Spending Prior FY's	FY 2017 Current	FY 2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	Beyond 2022	Total
Acquisition	0	0	0	0	0	0	0	0	0
Construction	4,787	4,446	1,850	1,478	1,000	500	700	0	14,761
Design	24,513	709	0	0	0	0	0	0	25,222
Other	1	1	0	0	0	0	0	0	2
Total	29,301	5,156	1,850	1,478	1,000	500	700	0	39,985

Comprehensive Plan	
Comp Plan Element	CME
Policy Number	1.2a-h
Project Category	1
Project Location	2
Special Y/N	N
High Hazard Area Y/N	Y

FUNDING PROJECTIONS:

Category	Funded		Unfunded				Total
	FY 2017 Current	FY 2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	
Ad Valorem	0	0	0	0	0	0	0
Bonds	0	0	0	0	0	0	0
Grants	11,835	0	0	0	0	0	11,835
Impact Fees	0	0	0	0	0	0	0
Operating	0	0	0	0	0	0	0
Other	20,472	1,850	1,478	1,000	500	700	28,150
SurTax	0	0	0	0	0	0	0
Total	32,307	2,150	1,850	1,000	500	700	39,985

Operating Cost Projections		
FY	1st Year	Annual Ongoing
	Staff	
O & M		
Equipment		
Other		
Total	0	0
# of Positions		

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REQUESTING THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SUPPORT APPROPRIATION OF FUNDS WITHIN THE BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM FOR FISCAL YEAR 2019/2020; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County (the "Board") is committed to a program of coastal restoration and preservation; and

WHEREAS, Palm Beach County wishes to effectively address beach erosion through construction of shore protection projects and restoration of its dunes; and

WHEREAS, Palm Beach County has a need to perform engineering design, environmental studies and monitoring of shore protection projects; and

WHEREAS, Palm Beach County has developed and funded a Shore Protection Program to act as the local sponsor for coastal projects; and

WHEREAS, the projects listed below are consistent with the coastal element of the Palm Beach County's Comprehensive Plan; and

WHEREAS, Palm Beach County has the ability and intention of providing the local cost share of eligible coastal projects using a combination of tourist development taxes, interest and reserve funds; and

WHEREAS, the Florida Department of Environmental Protection's Beach Management Funding Assistance Program is preparing their Beach Erosion Control Long-Range Budget Plan to develop the Fiscal Year 2019/2020 prioritized list of beach erosion control projects; and

WHEREAS, the public work projects listed below are eligible within the State of Florida's Beach Erosion Control Assistance Program under the provisions of Section 161.101, Florida Statutes; and

WHEREAS, Palm Beach County is requesting the Florida Department of Environmental Protection support and appropriate funding for shoreline restoration projects within its Fiscal Year 2019/2020 Beach Management Funding Assistance Program for the following County projects: \$500,000 for the Coral Cove Park Dune Restoration Project, \$100,000 for Segment 1 of the North County Comprehensive Shore Protection Project (NCCSPP), \$83,293 for Segment 2 of the

NCCSPP, \$287,500 for Segment 3 of the NCCSPP, \$647,109 for the Singer Island Shore Protection Project, \$5,625,000 for the Southern Palm Beach Island Comprehensive Shore Stabilization Project, \$234,000 for the South Lake Worth Inlet Management Plan, and \$125,650 for the Ocean Ridge Shore Protection Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1: The foregoing recitals are hereby adopted and ratified and incorporated herein by reference.

Section 2: The Board of County Commissioners hereby requests the Florida Department of Environmental Protection to support and appropriate funding for County shoreline restoration projects within its Fiscal Year 2019/2020 Beach Management Funding Assistance Program for the following projects: \$500,000 for the Coral Cove Park Dune Restoration Project, \$100,000 for Segment 1 of the North County Comprehensive Shore Protection Project (NCCSPP), \$83,293 for Segment 2 of the NCCSPP, \$287,500 for Segment 3 of the NCCSPP, \$647,109 for the Singer Island Shore Protection Project, \$5,625,000 for the Southern Palm Beach Island Comprehensive Shore Stabilization Project, \$234,000 for the South Lake Worth Inlet Management Plan, and \$125,650 for the Ocean Ridge Shore Protection Project.

Section 3: Severability. If any section, sentence, paragraph, clause or word of this Resolution is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Resolution.

Section 4: Effective Date. This Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

District 6	COMMISSIONER Melissa McKinlay, Mayor	_____
District 7	COMMISSIONER Mack Bernard, Vice Mayor	_____
District 1	COMMISSIONER Hal R. Valeche	_____
District 2	COMMISSIONER Paulette Burdick	_____
District 3	COMMISSIONER Dave Kerner	_____
District 4	COMMISSIONER Steven L. Abrams	_____
District 5	COMMISSIONER Mary Lou Berger	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2018.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

By: _____
Assistant County Attorney

By: _____
Deputy Clerk

ARTICLE X. - ON-STREET PARKING PERMITS

Footnotes:

--- (16) ---

Cross reference— *Parking, stopping and standing generally, § 118-86 et seq.*

DIVISION 1. - GENERALLY

Secs. 134-2266—134-2290. - Reserved.

DIVISION 2. - RESIDENTIAL DISTRICTS

Sec. 134-2291. - Findings.

For the purpose of this division, the town council finds and declares as follows:

- (1) It is in the best interests of the residents of the town to reduce vehicular congestion on residential streets and to facilitate the efficient movement of traffic by providing for residential parking preference during certain hours of the day within certain areas meeting the criteria set forth in this article;
- (2) Residential permit parking regulation is necessary to promote the health, safety and welfare of the residents of the town by providing adequate parking spaces adjacent to or close by their places of residence;
- (3) It is in the public interest to:
 - a. Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas for the parking of vehicles by persons using such residential areas to gain access to other places;
 - b. Protect those areas from excessive noise;
 - c. Protect the residents of those areas from unreasonable burdens in gaining access to their residences;
 - d. Preserve the character of those areas as residential districts;
 - e. Promote efficiency in the maintenance of these streets in a clean and safe condition;
 - f. Preserve the value of the property in those areas;
 - g. Preserve the safety of children and other pedestrians; and
 - h. Promote traffic safety, clean air and the comfort, health, convenience and welfare of the inhabitants of the town.

(Ord. No. 2-74, § 6.64(1), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94)

Sec. 134-2292. - Definitions.

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

Commuter vehicle means a motor vehicle parked in a residential area by a person who is not a resident of the designated residential area.

Controlled parking residential area means a contiguous or nearly contiguous area containing streets or parts thereof primarily abutted by property that has a specific residential zone designation on the official zoning map of the town and that is designated for restricted residential parking by the town manager or his designee, pursuant to criteria and procedures established in this division.

Calendar year means the period beginning January 1 and ending December 31 of the same year.

Resident means a person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy or both at that address.

Residential parking permit means a special permit issued under this division for the privilege of parking on a street designated as a controlled parking residential area.

(Ord. No. 2-74, § 6.64(2), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 001-2022, § 1, 3-8-22)

Cross reference— Definitions generally, § 1-2.

Sec. 134-2293. - Reserved.

Editor's note— Ord. No. 2-2014, § 1, adopted May 14, 2014, repealed § 134-2293, which pertained to designation of controlled parking residential areas, and derived from Ord. No. 2-74, § 6.64(3), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94.

Sec. 134-2294. - Eligibility and criteria for establishing controlled parking residential areas.

- (a) A residentially zoned area shall be deemed eligible for designation as a controlled parking residential area for residential permit parking if parking therein is impacted by commuter vehicles between 8:00 a.m. and 5:30 p.m. of any day.
- (b) The following objective criteria are established to be used in evaluating the need for restricted parking in a residentially zoned area in accordance with this division. For an area, however big or small, to be eligible for residential permit parking, that area must meet the following criteria:
 - (1) During any period between the hours of 8:00 a.m. and 5:30 p.m., the number of vehicles

parked or standing, legally or illegally, on the streets in the area is equal to 50 percent or more of the legal on-street parking capacity of the area. For purposes of this criterion, a legal parking space shall be 20 linear feet measured parallel to the curb or pavement edge.

- (2) During the same period as in subsection (b)(1) of this section, 25 percent or more of the vehicles parking or standing on the streets in the area are not registered in the name of a person residing in the area. For purposes of this criterion, the latest available information from the state department of motor vehicles regarding registration of motor vehicles shall be used.
- (3) In determining whether an area identified as impacted and eligible for residential permit parking shall be designated as a controlled parking residential area, the following factors shall be considered:
 - a. The local needs with respect to clean air and environment in residential areas.
 - b. The possibility of a reduction in total vehicle miles driven in the town.
 - c. The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.
 - d. The proximity of public transportation to the residential area.
 - e. The desire and need of the residents for residential permit parking.
 - f. The need for parking regulation to maintain the residential character of neighborhoods.

(Ord. No. 2-74, § 6.64(4), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94)

Sec. 134-2295. - Procedure for determining controlled parking residential areas.

- (a) In order to determine whether a particular area should be designated as a controlled parking residential area, the town council can request or the town manager may conduct, upon his own initiative or upon a petition of a majority of the households on a proposed residential block addressed to the town manager, a study to determine if the proposed area meets the criteria set forth in section 134-2294. Following the study, the town manager shall determine whether to designate the proposed area under consideration as a controlled parking residential area or to remove the designation of a previously established controlled parking residential area. The town council may also request the town manager to designate an area as a controlled parking residential area based upon a study previously conducted, if the criteria set forth in section 134-2294 are met.
- (b) When the town manager finds the criteria to designate have been met in a controlled parking residential area, he shall cause the regulation to be recorded upon an appropriate map of the town and retained permanently in the office of the town clerk. The town clerk shall also keep an updated residential area parking map, or reasonable facsimile thereof, in an appropriate location

on the town's website. In addition, the town manager shall cause parking signs to be erected upon public streets in the area, indicating the times, locations and conditions upon which parking shall be by permit only. When an area has been approved, designated and posted as a controlled parking residential area, it shall be unlawful and a violation of this division to park a commuter vehicle in an area restricted to residential permit parking only without having a valid residential parking permit affixed on the left rear bumper of the vehicle, or in the case of a residential visitor parking permit, appropriately displayed within the vehicle.

(Ord. No. 2-74, § 6.64(5), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 2-2014, § 2, 5-14-14)

Sec. 134-2296. - Issuance of special parking permits upon application.

- (a) Following the official designation of a controlled parking residential area, the finance department shall issue appropriate residential parking permits. Upon application a permit shall be issued only to the owner or operator of a motor vehicle who resides in the controlled parking residential area in which he resides.
- (b) The application for a permit shall contain the name of such owner or operator of the motor vehicle; residential address; and the motor vehicle's make, model and registration number. The motor vehicle's registration may, at the discretion of the finance department, be required to be presented at the time of making the application in order to verify the contents thereof. If the vehicle is registered at an address other than the local residence, the applicant shall provide other sufficient proof, acceptable to the finance department, showing residency within the controlled residential parking area. The permit shall be valid for a calendar year, as defined in section 134-2292, and shall be renewed for each successive calendar year. A fee, as determined by resolution of the town council shall be charged for the annual permit and shall be payable at the finance department. After the initial permit has been issued, any renewal shall be affixed to the vehicle no later than January 15 of the applicable current year.
- (c) *Visitor/service permits.* In addition to the decals issued pursuant to section 134-2295(b) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. The permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of eight permits, including decals and visitor/service permits, shall be issued for each property.

The application for a visitor/service permit or permits shall be filed by such owner. The permit or permits shall be valid for a calendar year as defined in section 134-2292 and may be renewed each successive calendar year. A fee, as determined by resolution of the town council shall be charged for each visitor/service permit and shall be payable at the finance department. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

- (d) Temporary group permits. A temporary group permit may be issued on application of any resident of the district for only one day and for no more than four hours on that day upon a showing by the applicant that during the hours for which the permits are to be issued his or her residence will be used for an assemblage of persons in a way consistent with its residential character and other provisions of law and that such visitors would not be able to park their vehicles without violating the law. However such permits for such an assemblage of persons shall only be issued upon a finding of the facts stated in this section and a further finding that the issuance of such permits will not impair public safety during the time of their validity, and in this connection such permits may be limited as to the streets or portions of streets on which they shall be valid. Finally, the number of such permits issued shall not at any time exceed 50 percent of the number of spaces available in the area in which they are valid.

The application for a temporary group permit shall be filed by the resident seeking the permit. A fee as determined by resolution of the town council shall be charged for each temporary group permit. The permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's vehicle observable through the front windshield of the vehicle.

(Ord. No. 2-74, § 6.64(6), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 9-08, § 1, 5-12-08; Ord. No. 26-10, § 29, 12-15-10; Ord. No. 1-2014, § 1, 5-14-14; Ord. No. 13-2019, § 1, 4-9-19; Ord. No. 40-2019, § 1, 1-14-20; Ord. No. 001-2022, § 1, 3-8-22)

Sec. 134-2297. - Privileges and restrictions.

- (a) The holder of a residential parking permit shall be permitted to stand or park a motor vehicle displaying the permit and operated by him in any designated residential controlled parking area during such times and places as the parking of motor vehicles therein is permitted. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be permanently affixed on the left rear bumper of the vehicle. A residential parking permit shall not guarantee or reserve to the holder of the permit a parking space within a designated controlled parking residential area.
- (b) A residential parking permit shall not authorize the holder thereof to stand or park a motor

vehicle in such places or during such times as the stopping, standing or parking a motor vehicle is prohibited or set aside for specified types of vehicles, nor shall it exempt the holder from the observance of any traffic regulation within the controlled parking residential area.

(c) No person other than the permittee named thereon shall use the residential parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this division by the permittee and by the person who so uses or displays such parking permit.

(d) Any permit issued hereunder is nontransferable to another person or another vehicle.

(Ord. No. 2-74, § 6.64(7), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94)

Sec. 134-2298. - Unlawful acts.

Under this division, it shall be unlawful for any person to:

- (1) Represent that he is entitled to a permit under this division when he is not so entitled;
- (2) To furnish any false information in an application to the finance department to obtain a residential parking permit;
- (3) Fail to surrender a permit to which he is no longer entitled; or
- (4) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.
- (5) Park a vehicle without a properly displayed and valid residential parking permit issued pursuant to this division.
- (6) Park a vehicle displaying a counterfeit residential parking permit.
- (7) Modify or alter in any way a current or previously issued residential parking permit.
- (8) Give to another person or sale to another person a residential parking permit. Temporarily providing a visitor permit to a person legally entitled to use such under this division shall not be construed as being unlawful.
- (9) Provide a residential parking permit to any person or vehicle not legally entitled to possess or display such permit.

(Ord. No. 2-74, § 6.64(7)d, 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 9-08, § 2, 5-12-08; Ord. No. 3-2014, § 1, 5-14-14)

Editor's note— Ord. No. 3-2014, § 1, adopted May 14, 2014, changed the title of § 134-2298 from "False representation" to "Unlawful acts."

Sec. 134-2299. - Revocation.

The finance department is authorized to revoke the residential parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the finance department. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this division.

(Ord. No. 2-74, § 6.64(7)e, 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 9-08, § 3, 5-12-08)

Sec. 134-2300. - Reserved.

Editor's note— Ord. No. 9-08, § 4, adopted May 12, 2008, repealed § 134-2300 in its entirety, which pertained to temporary visitor permits, and derived from Ord. No. 2-74, § 6.64(7)g, adopted March 26, 1974; Ord. No. 1-88, § 3, adopted February 8, 1988, and Ord. No. 1-94, § 4(e), adopted February 7, 1994.

Sec. 134-2301. - Penalties.

Any person illegally parked pursuant to this division shall be fined in the manner provided for illegal parking and his/her vehicle may be towed and stored at his/her expense.

(Ord. No. 2-74, § 6.64(8), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 3-2014, § 2, 5-14-14)

Sec. 134-2302. - Revocation of decal/permit.

(a) The public safety director or his/her designee is authorized to revoke the residential parking area decal/permits of any decal/permit holder based upon evidence that the decal/permit holder has violated the provisions of this article. The holder shall be served notice by certified mail or hand delivery of the proposed revocation and, upon request, shall have an opportunity to present to the town council evidence as to why the decal/permit should not be revoked. The decal/permit holder must request such a hearing in writing and pay an appeal fee set by resolution of the town council within ten days after the notice of proposed revocation is delivered or mailed. If the town council finds in favor of the decal/permit holder, the appeal fee shall be refunded. The holder of revoked decal/permits must return the decal/permits to the town manager or his/her designee and shall not be allowed to reapply for another decal/permit for one year from the date of revocation.

(b) Revocation under subsection (a) is in addition to any other available remedy provided by this Code for violations of this article.

(Ord. No. 3-2014, § 3, 5-14-14)

Secs. 134-2303—134-2325. - Reserved.

DIVISION 3. - RESIDENTIAL DISTRICTS ADJACENT TO COMMERCIAL DISTRICTS

Sec. 134-2326. - Restrictions on parking.

Whenever the town manager or his designee, which may include the building official and the chief of police or their subordinates, shall determine that the streets of a particular district or discrete portion of the district in which residential uses are permitted and commercial uses are not permitted are being used for parking by the operators of vehicles while the operators of those vehicles are using districts in which commercial uses are permitted and the average number of vehicles parking in such a manner is in excess of 25 percent of the number of parking spaces on such streets and the total number of spaces actually occupied by any vehicles exceeds 75 percent of the number of spaces on such streets on the weekdays of any month, as disclosed by an engineering study, the town manager or his designee shall prohibit parking during the hours when such use has been found on these streets of those districts or portions of districts found by the study or survey to have been so affected. In such cases the town manager shall cause appropriate signs giving notice of the prohibition to be posted on those streets or portions of those streets restricting all parking, except parking by the holders of permits, to be granted only under the conditions in this division.

(Ord. No. 2-74, § 6.63(1), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2327. - Issuance.

Under this division, parking permits may be granted to persons as follows:

- (1) *Resident permits.* To persons who are residents of any particular area in which parking is so restricted, to be limited to that particular area in which parking is so restricted for every vehicle owned by those persons.
- (2) *Visitor/service permits.* In addition to the Resident permits provided under (1) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. These permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. No more than a total of eight permits, including decals and visitor/service permits, shall be issued for each property.

The application for a visitor/service permit or permits shall be filed by such owner. A fee is hereby authorized for issuance of said permit payable to the finance department for each visitor/service permit. The amount of the fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

(3) *Temporary group permits.* To residents as provided in section 134-2328.

(4) *Adjacent resident permits.* To persons who are residential users in a commercially zoned area immediately adjacent and contiguous to the residential area in which parking is restricted, to be limited to that particular area in which parking is so restricted, for not more than two vehicles owned by that person and upon proof shown that on-site parking is not available to that person on the property in which he resides within the commercially zoned area.

(Ord. No. 2-74, § 6.63(1)a—c, f, 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89; Ord. No. 16-09, § 12, 11-12-09; Ord. No. 16-2016, § 9, 12-14-16; Ord. No. 13-2019, § 1, 4-9-19; Ord. No. 40-2019, § 1, 1-14-20)

Sec. 134-2328. - Temporary group permits.

Under this division, on application of any resident of the district, permits, to be valid for only one day and for no more than four hours on that day, may be issued upon a showing by the applicant that during the hours for which the permits are to be issued his residence will be used for an assemblage of persons in a way consistent with its residential character and other provisions of law, and that such visitors would not be able to park their vehicles without violating the law. However, such permits for such an assemblage of persons shall only be issued upon a finding of the facts stated in this section and a further finding that the issuance of such permits will not impair public safety during the time of their validity, and in this connection such permits may be limited as to the streets or portions of streets on which they shall be valid. Finally, the number of such permits issued shall not at any time exceed 50 percent of the number of spaces available in the area in which they are valid.

The application for a temporary group permit shall be filed by the resident seeking the permit. A fee as determined by resolution of the town council shall be charged for each temporary group permit. The permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's vehicle observable through the front windshield of the vehicle.

(Ord. No. 2-74, § 6.63(1)e, 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89; Ord. No. 1-2014, § 2, 5-14-14)

Sec. 134-2329. - Fees.

- (a) *Annual parking permit fees.* An annual fee is hereby authorized for issuance of said permit, payable at the town finance department, for each annual permit issued under this division. The amount of the annual fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.
- (b) *Visitor/service permits.* An annual fee is hereby authorized for issuance of said permit, payable to the finance department each visitor/service permit. The amount of the annual fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(Ord. No. 2-74, § 6.63(1)g, h, 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89; Ord. No. 16-09, § 13, 11-12-09; Ord. No. 26-10, § 30, 12-15-10)

Sec. 134-2330. - Issuance criteria; surrender on termination of conditions.

All permits issued under this division shall be based on satisfactory evidence that the applicant fulfills all the required conditions for such permit. Whenever the required conditions no longer exist, a person holding a permit issued under subsection 134-2327(1) or (3) shall surrender it to the town manager or his authorized representative.

(Ord. No. 2-74, § 6.63(2), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2331. - Term.

No parking permit issued under this division shall be valid for more than one year but may be renewed upon expiration, provided the condition for issuance exists. The special limited permits issued under such sections 134-2327(2) and 134-2328, being limited on their face to a short period of time, are not required to be surrendered upon expiration but may be turned in by the holder.

(Ord. No. 2-74, § 6.63(2), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2332. - Exceptions.

- (a) *Service vehicles.* The parking limitation or prohibition of this division shall not apply to service or delivery vehicles being used to provide services or to make deliveries to dwellings in the affected district or area.
- (b) *Metered parking areas.* Wherever metered parking is in effect in any portion of a district that becomes subject to the restrictions of this division, the parking spaces controlled by meters may

be excepted from this division so long as the control by meters continues.

(Ord. No. 2-74, § 6.63(1)d, (4), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2333. - Signs.

The signs placed in parking areas subject to this division shall be of such character as to inform readily an ordinarily observant person of the existence of the rules and regulations imposing the restrictions of this division. It shall be unlawful for any person to violate such rules or regulations.

(Ord. No. 2-74, § 6.63(3), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2334. - Unlawful acts.

Under this division, it shall be unlawful for any person to:

- (1) Represent that he is entitled to a permit under this division when he is not so entitled;
- (2) To furnish any false information in an application to the finance department to obtain a residential parking permit;
- (3) Fail to surrender a permit to which he is no longer entitled; or
- (4) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.
- (5) Park a vehicle without a properly displayed and valid residential parking permit issued pursuant to this division.
- (6) Park a vehicle displaying a counterfeit residential parking permit.
- (7) Modify or alter in any way a current or previously issued residential parking permit.
- (8) Give to another person or sale to another person a residential parking permit. Temporarily providing a visitor permit to a person legally entitled to use such under this division shall not be construed as being unlawful.
- (9) Provide a residential parking permit to any person or vehicle not legally entitled to possess or display such permit.

(Ord. No. 2-74, § 6.63(2), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89; Ord. No. 3-2014, § 4, 5-14-14)

Sec. 134-2335. - Penalties.

Any person illegally parked pursuant to this division shall be fined in the manner provided for illegal parking and his/her vehicle may be towed and stored at his/her expense.

(Ord. No. 3-2014, § 5, 5-14-14)

Sec. 134-2336. - Revocation of decal/permit.

(a) The public safety director or his/her designee is authorized to revoke the residential parking area decal/permits of any decal/permit holder based upon evidence that the decal/permit holder has violated the provisions of this article. The holder shall be served notice by certified mail or hand delivery of the proposed revocation and, upon request, shall have an opportunity to present to the town council evidence as to why the decal/permit should not be revoked. The decal/permit holder must request such a hearing in writing and pay an appeal fee set by resolution of the town council within ten days after the notice of proposed revocation is delivered or mailed. If the town council finds in favor of the decal/permit holder, the appeal fee shall be refunded. The holder of revoked decal/permits must return the decal/permits to the town manager or his/her designee and shall not be allowed to reapply for another decal/permit for one year from the date of revocation.

(b) Revocation under subsection (a) is in addition to any other available remedy provided by this Code for violations of this article.

(Ord. No. 3-2014, § 6, 5-14-14)

Secs. 134-2337—134-2370. - Reserved.

TOWN OF JUNO BEACH, FLORIDA
TOWN COUNCIL

Public Hearing/Regular Meeting
May 16, 1990 5:30 p.m.
Juno Beach Municipal Facility

PRESENT: Bill Kollmer, Mayor
Jim Lyons, Vice Mayor
Roxanne Manning, Councilmember
Dan Corbett, Councilmember
Charles Burns, Councilmember

ABSENT: Gail F. Nelson, Town Manager

ALSO PRESENT: Preston Mighdoll, Town Attorney
Jack Horniman, Planning Consultant
Susan Guffey, Town Planner
Karen B. Duchane, Town Clerk

PUBLIC HEARING MINUTES

CALL TO ORDER: 5:35 p.m.

PLEDGE OF ALLEGIANCE

BEACHFRONT AT JUNO-REQUEST FOR DENSITY BONUS

The purpose of the public hearing was to consider a request from Shepherd, Legan, Aldrian, Ltd. agent for Eastern Harbor Associates, for a Special Exception in the Residential Multiple Family High Density (RH) Zoning District to allow a density bonus of up to two (2) dwelling units per acre provided that a minimum six (6) foot wide beach access easement is dedicated to the Town for public use

A. Presentation by developer

Joe Legan, Architect for Shepherd, Legan, Aldrian, reviewed the site plan and the request for a density bonus. He stated they were requesting a bonus of 5 units with the dedication of a beach access on the south side of the property.

B. Presentation by Town Planner

Town Planner, Susan Guffey, reviewed the criteria for the Special Exception and the stated that the project met the requirements as outlined in the Comprehensive Zoning Ordinance. Ms. Guffey also reviewed the recommendation from the Planning and Zoning Board and the conditions attached to their recommendation.

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C. Comments in opposition

Sheri Hyman - representing Admirals Cove - concerned for the value of their property which is directly north of the proposed development and the marketability of the proposed project.

Joanna Remy - Juno Beach resident

D. Comments in favor

Richard Salter - 400 Neptune Road
Dave Lockwood - Apollo Drive
John Buchanan - Sunset Way
Darlene Nowicien - Apollo Drive

ADJOURN PUBLIC HEARING: 6:05 p.m.

REGULAR MEETING MINUTES

CALL TO ORDER: 6:05 p.m.

THE FOLLOWING ITEMS WERE PLACED ON THE CONSENT AGENDA

MINUTES

Move to approve the following sets of minutes as submitted.

April 18, 1990 - Regular Meeting
May 9, 1990 - Workshop Meeting

RESOLUTION 90 - 11

Move to approve Resolution 90 - 11: "A RESOLUTION OF THE TOWN COUNCIL OF JUNO BEACH, FLORIDA, SUPPORTING THE INSTALLATION OF A VEHICLE ACTIVATED TRAFFIC LIGHT AT THE INTERSECTION OF DONALD ROSS ROAD AND SEA OATS DRIVE."

RESOLUTION 90 - 12

Move to approve Resolution 90 - 12: "A RESOLUTION OF THE TOWN COUNCIL OF JUNO BEACH, FLORIDA, DECLARING THE ACQUISITION OF NEPTUNE DRIVE, A PRIVATE ROAD FOR PUBLIC PURPOSES TO BE A PUBLIC NECESSITY; AUTHORIZING EMPLOYMENT OF APPRAISERS; AND AUTHORIZING THE FILING OF EMINENT DOMAIN PROCEEDINGS."

MOTION

Councilmembers Manning/Burns moved to approve the items on the consent agenda.

The motion passed unanimously.

*****END CONSENT AGENDA*****

BEACHFRONT AT JUNO - SPECIAL EXCEPTION & SITE PLAN

SPECIAL EXCEPTION

Mayor Kollmer explained that a public hearing was held and comments from the public have been heard. He stated that now it was time for the council to discuss the location of the beach access and the appropriateness of the use for the site. Town Attorney, Preston Mighdoll, stated two motions would be required. One for the special exception use and the other for the site plan. Town Planner, Susan Guffey, said the date on the proposed motion should be change from April 16, 1990 to May 2, 1990. Councilmember Manning expressed concern for traffic flow and had questions concerning the landscaping along the sidewalk. Councilmember Burns also expressed concern for traffic flow and the marketability of the project. Vice Mayor Lyons stated he was disappointed with the developer for proposing a highrise building. He said he was not in favor of the project, but admitted that it met the conditions for approval; therefore, he would vote for the project. Mayor Kollmer agreed with Mr. Lyons. Planning consultant, Jack Horniman requested adding a condition regarding vesting for traffic performance standards. Mike Fesser, attorney for the developer, state that when the project goes for permitting a traffic study will be done at that time.

MOTION

Councilmembers Corbett/Lyons moved to approve the Planning and Zoning Board recommendation for approval of the Special Exception Request with the following conditions:

1. A ten (10) foot wide beach access easement on the south property line be dedicated to the Town for public use and maintained by the property owner.
2. A six (6) foot wide concrete walkway with brick paver accents built to Town standards be provided along the entire east-west length of the beach access easement.

3. A four (4) foot wide landscape strip and irrigation be provided on the southside of the beach walkway within the 10 foot easement.
4. A six (6) foot wide dunewalkover with gazebo built to Town standards be provided in the public access easement to the beach.
5. Lighting shall be provided along the beach accessway, per Town approval; however, no lighting shall be placed on the dunewalkover.
6. All of the improvements described above in items 1, 2, 3, 4, 5 shall be appropriately bonded in an amount acceptable to the Town Manager and the bond shall be due within ninety (90) days from the date of approval of the Special Exception and prior to the issuance of any building permits.
7. If building permits are not secured within two (2) years from the date of the approval of the Special Exception, then said project's approval shall become null and void.

The motion passed 3 to 2 with councilmembers Burns/Manning opposed.

SITE PLAN

Town Planner, Susan Guffey, reviewed the recommendation and conditions for the site plan approval. Sheri Hyman, representing Ocean Lodge asked the council to postpone approval of the site plan till all questions are answered regarding the traffic studies and the coastal construction line.

MOTION

Councilmember Burns/Manning moved to table approval of the site plan for thirty (30) days in order to answer questions concerning the traffic study, the impact the project will have on Mars Way and U.S. Highway 1 and the other concerns by the representative from Ocean Lodge.

Town Attorney, Preston Mighdoll, expressed concern regarding the motion since staff reviewed the project and found it in compliance with town standards.

The motion failed 2 to 3 with councilmembers Lyons, Corbett and Kollmer opposed.

MOTION

Councilmember Corbett/Lyons moved to approve the Planning and Zoning Boards recommendation for approval of the Site Plan submitted to and received by the Town on March 12, 1990 with revisions on March 26, 1990, April 9, 1990 and May 2, 1990 with the following conditions:

1. Review and approval of utility and engineering plans by Town Utilities Director and Town Engineer.
2. A six (6) foot wide concrete pedestrian walkway with brick paver accents built to Town standards shall be provided along Ocean Drive, extending the length of the property.
3. Trees shall be planted along Ocean Drive and the beach access easement, extending the length of the property, per Town standards to minimize obstruction of view to ocean from Ocean Drive. Along Ocean Drive trees shall provide shade along the walkway.
4. Sod shall be planted within Right-of-Way per Town standards.
5. Review and approval of Homeowner Association Documents by Town Attorney. Assurance that the facilities and improvements within 10 foot beach access easement will be maintained in a timely manner and in perpetuity. Assurance that cabanas shall be owned or leased only by residents within the development. Assurance that these provisions within the Homeowners documents shall not be altered without prior approval from the Juno Beach Town Council.
6. The dune walkover within the 50 foot setback from the Coastal Construction Control Line (CCCL) shall be subject to approval under Section 5.120 Protection of Coastal Ridge of the Zoning Code. Dune walkover shall be accessible to the handicapped down the beach.

The motion passed 3 to 2 with councilmembers Manning/Burns opposed.

ORDINANCE ON SECOND AND FINAL READING

A. ORDINANCE NO. 389

Town Attorney, Preston Mighdoll, read Ordinance No. 389 by title only on second and final reading: "AN ORDINANCE

OF THE TOWN OF JUNO BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE ZONING ORDINANCE AT CHAPTER 2.00, DEFINITIONS, AND AT CHAPTER 5.00, SUPPLEMENTARY REGULATIONS, SECTION 5.60, SIGNS; PROVIDING A SEVERANCE CLAUSE; PROVIDING THAT ORDINANCES IN CONFLICT SHALL BE REPEALED; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE."

MOTION

Councilmembers Burns/Corbett moved to approve Ordinance No. 389 on second and final reading.

The motion passed unanimously.

B. ORDINANCE NO. 390

Town Attorney, Preston Mighdoll, read Ordinance No. 390 by title only on second and final reading: "AN ORDINANCE OF THE TOWN OF JUNO BEACH PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE ZONING ORDINANCE AT CHAPTER 5.00 SUPPLEMENTARY REGULATIONS, BY THE ADDITION OF SECTION 5.150, SPECIAL EVENTS (GRAND OPENINGS, SIDEWALK SALES, ETC.); PROVIDING A SEVERANCE CLAUSE; PROVIDING THAT ORDINANCES IN CONFLICT SHALL BE REPEALED; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE."

MOTION

Councilmembers Lyons/Burns moved to approve Ordinance No. 390 on second and final reading.

The motion passed unanimously.

C. ORDINANCE NO. 391

Town Attorney, Preston Mighdoll, read Ordinance No. 391 by title only on second and final reading: "AN ORDINANCE OF THE TOWN OF JUNO BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 4, BUILDINGS, OF THE TOWN OF JUNO BEACH CODE; PROVIDING A SEVERANCE CLAUSE; PROVIDING THAT ORDINANCES IN CONFLICT SHALL BE REPEALED; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE."

MOTION

Councilmembers Manning/Burns moved to approve Ordinance No. 391 on second and final reading.

The motion passed unanimously.

D. ORDINANCE NO. 392

Town Attorney, Preston Mighdoll, read Ordinance No. 392 by title only on second and final reading: "AN ORDINANCE OF THE TOWN OF JUNO BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE ZONING ORDINANCE AT CHAPTER 5.00, SUPPLEMENTARY REGULATIONS, SECTION 5.70, LANDSCAPE SUBMISSION AND APPROVAL AND SECTION 5.75, INSTALLATION, MAINTENANCE AND PLANT MATERIAL STANDARDS; PROVIDING A SEVERANCE CLAUSE; PROVIDING THAT ORDINANCES IN CONFLICT SHALL BE REPEALED; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE."

MOTION

Councilmembers Burns/Corbett moved to approve Ordinance No. 392 on second and final reading.

The motion passed unanimously.

E. ORDINANCE NO. 393

Town Attorney, Preston Mighdoll, read Ordinance No. 393 by title only on second and final reading: "AN ORDINANCE OF THE TOWN OF JUNO BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE ZONING ORDINANCE AT CHAPTER 2.00, DEFINITIONS; CHAPTER 4.00, DEFINITIONS AND ESTABLISHMENT OF ZONING DISTRICTS, AT SECTIONS 4.13, 4.23, 4.33, 4.43, 4.53, AND 4.143 BY ADDING LIMITED HOME OCCUPATIONS AS AN ACCESSORY USE; AMENDING CHAPTER 5.00, SUPPLEMENTARY REGULATIONS, AT SECTION 5.18 AND BY ADDING SECTION 5.160, LIMITED HOME OCCUPATIONS; PROVIDING A SEVERANCE CLAUSE; PROVIDING THAT ORDINANCES IN CONFLICT SHALL BE REPEALED; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE."

MOTION

Councilmembers Lyons/Burns moved to approve Ordinance No. 393 on second and final reading.

The motion passed unanimously.

F. ORDINANCE NO. 394

Town Attorney, Preston Mighdoll, read Ordinance No. 394 by title only on second and final reading: "AN ORDINANCE

OF THE TOWN OF JUNO BEACH, PALM BEACH COUNTY, FLORIDA,
AMENDING CHAPTER 9, OFFENSES-MISCELLANEOUS, BY THE
ADDITION OF SECTION 9-10, TRESPASS AND LODGING; PROVIDING
A SEVERANCE CLAUSE; PROVIDING THAT ORDINANCES IN CONFLICT
SHALL BE REPEALED; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE."

MOTION

Councilmembers Lyons/Burns moved to approve Ordinance No. 394 on second and final reading.

The motion passed unanimously.

COMMENTS FROM AUDIENCE

John Williamson - 911 Ocean Drive - questions regarding Ward buildings on Ocean Drive. Stated he wanted the town to move forward with the removal of both buildings.

Roy Wubker - Saturn Lane - questions regarding access to Saturn Lane from Loggerhead Park. Mayor Kollmer instructed Susan Guffey to call Bill Wilshire of the Palm Beach County Parks and Recreation Department.

Dave Lockwood - Apollo Drive - questions regarding towns' plans for the beach access on Mercury Road.

COMMENTS FROM COUNCIL

Councilmember Manning asked Ms. Guffey to have the Planning and Zoning Board review the Special Exception criteria.

COMMENTS FROM STAFF

Town Attorney, Preston Mighdoll, and Planning Consultant, Jack Horniman, reviewed the status of the Town's Comprehensive Plan. They stated that DCA will be supplying language for the mangrove areas. Mr. Mighdoll reviewed the letter from DCA and Mr. Horniman reviewed the sections of the plan DCA wants the town to delete.

ADJOURNMENT: 7:50 p.m.


MAYOR

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ATTEST:

Karen L. Duchane

TOWN CLERK

A recording was made of the foregoing and is on file with the Town Clerk.

**FINDINGS OF FACT AS TO SPECIAL EXCEPTION APPLICATION
FOR BEACHFRONT AT JUNO LOCATED AT
530 Ocean Drive with the Ocean Lodge to the North
and Brigadoon Condominium to the South**

A Public Hearing was held on May 16, 1990 before the Town Council of the Town of Juno Beach on the Applicant's request for a special exception to allow a density bonus of up to two (2) dwelling units per acre providing that a minimum of a six (6) foot wide beach access easement is dedicated to the Town for public use under sections 4.54 (4) and 10.00 of the Juno Beach testimony presented at the public hearing the Town Council has made the following findings of fact and imposed the following conditions:

1. The granting of the special exception will not adversely effect the public interest.
2. There is compliance with the specific rules governing the special exception of the type applied for.
3. The proposed development, with the conditions and safeguards set forth herein, will be generally compatible with adjacent properties and other property in the district.
4. Satisfactory provisions and arrangements have been made concerning the following where applicable:
 - a. Ingress and Egress to the property and structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and access in case of fire or catastrophe.
 - b. Off street parking and loading areas, refuse and service areas, with particular attention to item a above, and to affects on surrounding property.
 - c. Screening and buffering, type, dimensions and locations.
 - d. Signs, if any, and proposed lighting.
 - e. Required yard and other open space.
5. A ten (10) foot wide beach access easement on the south property line be dedicated to the Town for public use and maintained by the owner.
6. A six (6) foot wide concrete walkway with brick paver accents built to Town standards be provided along the entire east-west length of the beach access easement.

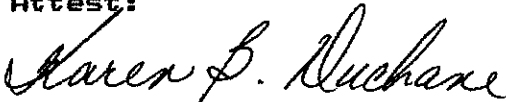
7. A four (4) foot wide landscape strip and irrigation be provided on the southside of the beach walkway within the 10 foot easement.
8. A six (6) foot wide dunewalkover with gazebo built to Town standards be provided in the public access easement to the beach.
9. Lighting shall be provided along the beach accessway, per Town approval; however, no lighting shall be placed on the dune walkover.
10. All of the improvements described above in items 5, 6, 7, 8, and 9 shall be appropriately bonded in an amount acceptable to the Town Manager and the bond shall be due within ninety (90) days from the date of approval of the Special Exception and prior to the issuance of any building permits.
11. If building permits are not secured within two (2) years form the date of the approval of the Special Exception, then said project's approval shall become null and void.

Adopted this 16th day of May, 1990, by the Town Council of Juno Beach, Florida.



MAYOR WILLIAM KOLLMER

Attest:



Karen B. Duchane
Town Clerk