

ORDINANCE NO. 004-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18- BUILDING AND BUILDING REGULATIONS, ARTICLE VII.- CONSTRUCTION SITE MANAGEMENT BY ADDING SECTION 18-354 TO REQUIRE A CONSTRUCTION MANAGEMENT AGREEMENT FOR CERTAIN CONSTRUCTION PROJECTS AND OFF-ISLAND PARKING FOR CONTRACTORS TO THE GREATEST DEGREE POSSIBLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Chapter 166, Florida Statutes, to adopt such regulations as it deems appropriate to further the health, safety, and welfare of its residents; and

WHEREAS, traffic and congestion within the Town have become highly problematic and are adversely affecting the Town’s public health, safety, and welfare; and

WHEREAS, the Town is a barrier island that is essentially built out, with residential being the predominant land use within the Town;

WHEREAS, there exists in areas of the Town a significant amount of resident and commercial development and re-development; and

WHEREAS, nearly all of the contractors and subcontractors working on development projects in the Town travel to work on construction sites in the Town from outside the Town, and

WHEREAS, the heavy concentration of construction activity and associated construction employee vehicles cause vehicular traffic congestion on residential and commercial streets, impede the movement of traffic, restrict parking availability, and unduly restrict access of patrons and visitors to commercial areas and residents and their guests to their homes, and

WHEREAS, requiring that property owners and their contractors provide a Construction Management Agreement to address the traffic and parking impacts caused by major construction projects will assist the Town to preserve the residents' quality of life; preserve the safety of Town residents including pedestrians, bicyclists and children; ensure the high quality of the Town's residential and commercial neighborhoods; preserve property values; and otherwise protect the health, safety, and welfare of the public, and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 18 – Building and Building Regulations, Article VII.-Construction Site Management by adding Section 18-354 to read:

Sec. 18-354- Construction management agreement.

- (1) *Construction management agreement required.* No building permit shall issue for the construction of any new building(s), building addition or demolition over 500 square feet, any grading or shoring project, and any alteration project - with an aggregate value of \$750,000 or more - unless a Construction Management Agreement (CMA) has been submitted by the property owner and contractor of record and approved by the building official. The CMA shall address deliveries, parking, and site access to reduce adverse traffic and parking impacts on Town roads and rights-of-way arising from the proposed construction project. The CMA shall be signed by the owner of the property and the

contractor of record, confirming their understanding of the agreement and the penalties associated with noncompliance.

(2) *Requirements of CMA.* The CMA shall contain the following information:

- (a) The location of the proposed work.
 - (b) A construction schedule providing dates for each milestone required for full and complete close-out, delivery, and conclusion of construction activities at the property.
 - (c) Job site, facilities, and storage information to include the location on the project site for material storage, dumpster, portable toilets, tire cleaning area, stilt fence, etc.; a construction screening plan in compliance with sections 18-201, 18-353, and 54-99; a material lay-down; a plan for rodent control; a plan for dust control pursuant to section 42-164; a plan for noise control pursuant to sections 42-196 through 42-229; a trash removal plan pursuant to section 18-351; and the contractor's agreement to mitigate any dirt or debris from accumulating on the public right-of-way.
 - (d) A delivery plan in accordance with subsection 18-354(3) of this section.
 - (e) A parking plan in accordance with subsection 18-354(4) of this section.
 - (f) An agreement by the contractor to notify all subcontractors, suppliers, and others performing construction-related work on the property of the Town's construction hours in section 42-199, as may be temporarily amended in accordance with subsection 42-199(c)(5), and the contractor's agreement to manage all construction activities accordingly.
 - (g) Contact information for the contractor, project manager and owner.
- (3) *Deliveries.* All construction deliveries shall be conducted on the property and not within the right-of-way, if possible, between the hours of 10:00 a.m. and 2:00 p.m. on Mondays through Fridays.
- (4) *Parking during development of project.*
- (a) *Off-island parking.* The contractor shall provide parking for its workers at a location outside of the Town and shall shuttle the workers to and from the construction site from that off-island location each day in vehicles provided by the contractor, to the greatest degree possible. The parking plan shall identify the proposed pick-up location and route for shuttling workers to the construction site. This shuttle service shall run for the full duration of the project. Shuttle vehicles shall not park on any Town property. The intent is to reduce the number of trips

on and off the island each day and to eliminate parking on the public streets and in public parking areas in the vicinity of the construction project.

- (b) *On-site parking.* The building official may temporarily allow on-site parking for the contractor and its workers if it is determined that no adverse effect will impact the availability of parking in the area or on Town traffic; and with consideration given to the time of year, the size of the construction site, and the number of contractor vehicles.
 - (c) *No street parking.* No contractor street parking is permitted, unless approved by the Town Public Works engineer and building official.
 - (d) *Access.* Use of the public right-of-way for access to and from the construction site shown on the CMA shall be strictly managed by the contractor. The contractor shall maintain the public street adjacent to the construction site free of dirt, sand or any other debris resulting from construction activities.
 - (e) *Parking in the right of way.* If the construction site requires the placement of equipment or materials within the road right-of-way, including for deliveries during the project, a right-of-way permit from the Town Public Works Department shall be required.
- (5) *Pre-construction meeting.* Prior to permit issuance, the property owner and the contractor shall execute the CMA and schedule a pre-construction meeting with the building official or his designee, owner's representatives, contractor, and all prime sub-contractors to review the CMA implementation and Town regulations for construction site management.
- (6) *Violations.* Any violation of this section 18-86 will constitute a strike under the "3 Strike Rule" detailed in the Town's Right of Way Manual, compliance with which is mandated by section 18-111.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____, 2025, and for second and final reading on this ____ day of _____, 2025.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member