

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 11, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Report of the Ordinances, Rules and Standards Committee Meeting Held on
January 9, 2020

Date: February 3, 2020

STAFF RECOMMENDATION

Staff recommends Town Council adopt the attached report of the January 9, 2020, ORS Committee meeting, review the information below and provide feedback as appropriate.

GENERAL INFORMATION

The attached report of the January 9, 2020, ORS Committee meeting, include a summary of the discussions on the following items:

1. Proposed Modification to Chapter 106, Article VII, to Establish Town Council Approval Criteria for Walks and Runs on Public Property
2. Proposed Modification to Section 66-311 – Prohibited Plants, to Prohibit the Planting of Non-Native Ficus
3. Proposed Modification to Section 66-236 – Application Procedure for Vegetation Removal Permit, to Require Town Approval for Removing Landscape Buffers

Proposed Modification to Chapter 106, Article VII, to Establish Town Council Approval Criteria for Walks and Runs on Public Property

It was the consensus of the ORS Committee that staff will make changes to Chapter 106, Article VII, as discussed during the meeting and prepare an Ordinance for review by the Town Council at the February 11, 2020, meeting. Below are the proposed additions in underline format for Mayor and Council input prior to finalizing an Ordinance for first reading.

Sec. 106-256. - Definitions.

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

Special event means any meeting, activity, walk/run, or gathering of a group of persons having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area or building, which results in preempted use by the general public or which deviates from the established use. Nothing in this article shall preclude the use of such areas by the town for governmental purposes.

Sec. 106-283. - Standards for issuance.

The town manager shall issue a special event permit, when from consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- (1) No other applicant has obtained a permit for the date requested.
- (2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.
- (3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.
- (4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.
- (5) The conduct of such special event will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency.
- (6) The special event is not being held for the purpose of advertising any product, goods or event, and shall not be held for private profit or fund raising, unless the applicant is a 501 (c) 3 non-profit, in which a charitable solicitation permit would also be required.
- (7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.
- (8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.
- (9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (10) An original certificate of insurance was supplied to the town naming the town as additional insured on a policy of liability insurance in an amount not less than \$1,000,000.00 or an amount higher based upon the particular special event proposed.

Applications for the use of Phipps Plaza Park shall receive town council approval prior to the issuance of a special events permit. Said requirement shall automatically expire after three years from the adoption of Ordinance 29-2019.

Applications for special events that involve leaving the primary event location (public or private properties) to utilize public sidewalks, streets and/or bike paths shall receive town council approval prior to the issuance of a special event permit and shall be subject to section 106-289.

Sec. 106-289. — Walks and Runs

Applications for activities or events that involve leaving the primary event location on public or private properties that will utilize public sidewalks, streets and/or bike paths, and other right-of-way areas for the purpose of organized walks or runs of any distance, shall receive Town Council approval prior to the issuance of a special event permit.

The following procedure and criteria for approving a walk/run event shall be as follows:

- a) Applications for walk/run events shall be submitted as required in section 106-282.
- b) The Town Manager or his/her designee will submit a staff report, the special event application and supporting documentation to the Town Council for its consideration and final approval.
- c) Approval of a walk/run event application shall be subject to the following requirements:
 - 1. Adequacy of the location of the start and finish line as well as the walk/run route, relative to public safety and impact to the residents; and
 - 2. The date(s) and start time(s) of the event, and/or whether or not it will conflict with a town sponsored event or another event in close proximity of the proposed event, and will not adversely impact adjacent residential areas.
 - 3. The maximum number of events held in the requested route area is no more than three per year calendar year and no more than one event every other month.
 - 4. The maximum number of person permitted by the Town to participate in a walk/run event (including but not limited to spectators, vendors, volunteers, and staff) is 400.
 - 5. Set-up prior to Council approved walk/run event shall not begin prior to 8:00am without Council approval.
 - 6. No amplified music or speaking shall be permitted prior to 9:00am without Council approval.
 - 7. No walk/run events shall be held on a Sunday.

Proposed Modification to Section 66-311 – Prohibited Plants, to Prohibit the Planting of Non-Native Ficus

It was the consensus of the ORS Committee to direct staff to make revisions to Section 66-311 to include Ficus Nitida as a prohibited plant and bring a draft Ordinance to Town Council on February 11, 2020 for revision. Below are the proposed additions in underline format for Mayor and Council input prior to finalizing an Ordinance for first reading.

Sec. 66-311. - Prohibited plants.

- (d) *Prohibition of ficus benjamina* and ficus nitida. Due to extreme susceptibility of the invasive white fly pest and the consequent enforcement issues to require owners to treat or remove infested ficus

benjamina and ficus nitida, no new planting of ficus benjamina or ficus nitida shall be allowed. The planting of appropriate native vegetation in a hedge or hedgerow is encouraged.

Proposed Modification to Section 66-236 – Application Procedure for Vegetation Removal Permit, to Require Town Approval for Removing Landscape Buffers

It was the consensus of the ORS Committee to direct staff to revise Section 66-236 and bring it back to the ORS Committee for additional review. Staff is in the process of making said revisions for further review by ORS at a future meeting.

ARCOM Review

Regarding potential code changes to require approval for removal of landscape buffers, ORS Chair, Julie Araskog, has requested that input be sought from ARCOM on what has been discussed to date prior to bringing it back to ORS. Chair Araskog has also requested that ARCOM first review and opine on the following items previously referred to ORS, prior to the Committee's review of potential code changes. Council approval of said request is recommended.

1. Discussion Regarding Saturday Quiet Work, As Permitted by Ordinance No. 03-2018
2. Consideration for ORS Committee to Study Regulations Pertaining to the Use of Synthetic Turf

Attachment

cc: John C. Randolph, Town Attorney
Department Directors