

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 12, 2022

To: Mayor and Town Council

From: Kirk W. Blouin, Town Manager

Re: Mono-posts on beaches

Date: April 4, 2022

GENERAL INFORMATION

The ability for landowners to place mono-posts on beaches is regulated by the Florida Department of Environmental Protection (FDEP). In the past, several homeowners and condominiums have contacted FDEP for permits to place these items on the beach.

Responsive to citizen complaints, Town Code Enforcement has cited a homeowner for the placement of these posts as a violation of our zoning code Sec. 134-1472, which is contained in the back up material. The Code allows for beach chairs and umbrellas but does not specifically prohibit the placement of the mono-posts. Therefore, I believe the Town has erred in the application of this code. I hold the opinion it is not likely to withstand the scrutiny of the courts' interpretation that Sec. 134-1472 specifically prohibits the placement of mono-post, especially considering the permitting and regulatory duties of FDEP concerning the placement of items on the beach. I cannot attest if the placement of these posts is within the rules set forth by FDEP, but it is my understanding that FDEP has not cited the landowner cited by Town Code Enforcement.

Municipalities are allowed to narrowly tailor ordinances to meet the needs of the community. FDEP has advised that other municipalities in the State have local laws and rules prohibiting mono-posts and ropes.

Staff is seeking guidance on whether the Town would desire to regulate the placement of the posts or other items.

Attachments

KB:js