



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

AGENDA

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

Monday, November 8, 2021
9:30 AM

I. CALL TO ORDER AND ROLL CALL

Julie Araskog, Committee Chair
Ted Cooney, Committee Member

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS FROM CITIZENS

V. REGULAR AGENDA

A. Old Business

1. Review Draft Changes to Chapter 42 of the Town Code – Lawn Maintenance, Relative to Hours, Equipment and Noise
Jay Boodheshwar, Deputy Town Manager
2. Review of Draft Ordinance to Limit Vegetation Height Adjacent to Neighboring Structures
Wayne Bergman, Director of Planning, Zoning and Building

B. New Business

1. Review of Truck Study Report
Paul Brazil, Director of Public Works

VI. ANY OTHER MATTERS

VII. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Disabled persons who need an accommodation in order to participate in the meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: November 8, 2021

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Review Chapter 42 of the Town Code – Lawn Maintenance, Relative to Hours, Equipment and Noise

Date: November 2, 2021

STAFF RECOMMENDATION

Staff recommends that the ORS Committee review and provide final feedback on the proposed modifications to Chapter 42 of the Town Code, relative to lawn maintenance (landscaping), and provide direction to staff.

GENERAL INFORMATION

At the October 5, 2021, ORS meeting 1 discussion took place regarding potential modifications to lawn maintenance-related sections of Chapter 42 of the Town Code. Staff presented a summary of existing regulations pertaining to lawn maintenance, and the impacts associated with proposed changes to section 42-199. See below.

Peak Season (Monday preceding Thanksgiving through April 30)

- Landscaping permitted Monday – Friday from 8:00am – 5:00pm, but leaf blower use not permitted from 8:00am – 9:00am (Sec. 42-199)
- No landscaping permitted on Saturdays, Sundays or legal holidays, including the Friday after Thanksgiving (Sec. 42-199)

Off-Peak Season (May 1 through the Monday preceding Thanksgiving)

- Landscaping is permitted Monday – Friday from 8:00am – 6:00pm (Sec. 42-199)
- Quiet landscaping, without leaf blower use, permitted Saturday from 9:00am – 5:00pm (Sec. 42-199)
- No landscaping is permitted on Sundays, or legal holidays (Sec. 42-199)

Year-Round

- Gasoline powered leaf blowers are prohibited on any property which is less than one acre in size (Sec. 42-197)
- Leaf blowers noise shall not exceed a decibel level of 65 dBA as measured at 50 ft from the point of operation (Sec. 42-230)
- It is unlawful to blow, sweep or rake yard trash or clippings into a public street or storm drains (Sec. 42-230)

- There shall be no commencement of large scale landscape installations at any time on Saturdays (Sec. 42-230)
- Residents performing their own lawn maintenance are permitted to do so after 9:00 a.m. on Saturdays, Sundays or legal holidays, including the Friday immediately after Thanksgiving, with the exception of leaf blower use (Sec. 42-230)

Impacts from Changes to Section. 42-199 via Ordinance No. 26-2021, Scheduled for Approval at the November 9 Town Council Meeting

- No landscaping is permitted on Saturdays, Sundays or legal holidays, including the Friday after Thanksgiving (year round). Properties south of Sloan's Curve exempted from Saturday prohibition.
- No arrival of landscaping crew at worksites until 7:30am on weekdays and 8:30am on Saturdays.
- No use of leaf blowers from 8:00am - 9:00am (year round). Properties south of Sloan's Curve exempted for 8:00am – 9:00am limitation during the off-peak season.

Attached to this memo is Chapter 42, Article V. Noise, which is inclusive of construction hours, lawn maintenance, and other sections relevant to this discussion. Staff has marked up the potential changes to section 42-199, construction hours, to be considered by Town Council via Ordinance No. 26-2021, as well as the other sections related to lawn maintenance. We believe the modified lawn maintenance sections are reflective of the feedback received at the October 5 ORS meeting, but staff would like final feedback before preparing an ordinance for Council consideration.

Staff also completed some research regarding community-wide bans on gas-powered leaf blowers and discovered the following, as you consider a potential recommendation to a town-wide ban in the future. This is a short list, as we are aware of approximately 20 cities in California, 10 in New York, several in Florida, and cities in other states like Massachusetts, Oregon, and New Jersey that have full bans on the use of gas-powered blowers.

1. Naples, Florida: City-wide ban approved.
2. Fort Lauderdale, Florida: City-wide ban considered but was not approved.
3. Winter Park, Florida: Currently considering a city-wide ban.
4. Longboat Key, Florida: City-wide ban considered but was not approved.
5. Palo Alto, California: City-wide ban approved.
6. Los Altos, California: City-wide ban approved.
7. Menlo Park, California: City-wide ban approved.

Staff cautions the ORS Committee from putting too much weight into what other communities may (or may not do) in terms of leaf blower regulation, as there may have been variables and priorities in those communities that are very different than Palm Beach.

Attachment

cc: Department Directors
John Randolph, Town Attorney

PART II - CODE OF ORDINANCES
Chapter 42 - ENVIRONMENT
ARTICLE V. NOISE

ARTICLE V. NOISE¹

DIVISION 1. GENERALLY

Sec. 42-196. Prohibited noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued:

- (1) Any loud or raucous noise;
- (2) Any noise that tends to annoy the community or injure the health of the citizens in general; or
- (3) Any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. A considerable number of persons, for this section, shall mean three or more unrelated persons in separate households.

(Code 1982, § 12-48; Ord. No. 23-09, § 1, 1-12-10)

Sec. 42-197. Specific acts prohibited.

The following acts shall be unlawful whether or not such acts constitute a violation of section 42-196:

- (1) *Keeping of animals.* The keeping of any animal or bird that causes loud and raucous noise, or frequent noise audible within any receiving dwelling, hotel or other type of residence.
- (2) *Playing of radio, television, phonograph, similar device.* The playing of any radio, television, phonograph, compact disc player, tape player, musical instrument, or other sound-making device audible within any receiving dwelling, hotel or other type of residence between the hours of 12:00 midnight and 7:00 a.m. or at any such time so that the sound created by such device violates the standards set forth in section 42-196.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting the playing, using or operating of any radio or television receiving sets, musical instrument, phonograph, compact disc player, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) *Noises near churches, schools.* The creation of any noise on any street or other public way adjacent to any church, school or institution while the same is in session that unreasonably interferes with the workings of such institution.
- (5) *Loading and unloading operations.* The creation at any time of loud and raucous noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, crates or containers.

¹Cross reference(s)—Sounding horn unnecessarily, § 118-7Cross reference(s)—.

- (6) *Noises to attract attention.* The use of any drum, pan, pail, bell, horn, trumpet, loudspeaker or other instrument or sound-making device for the purpose of attracting attention to any performance, show, sale, display or merchandise.
- (7) *Yelling, shouting, similar noises.* Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 12:00 midnight and 7:00 a.m., or at any time or place in a manner violating the standards set forth in section 42-196.
- (8) *Blowers.* The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, ~~unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.~~
- (9) *Operation of car radios.* The operation of radios or other mechanical sound making devices or instruments in vehicles as hereby regulated and controlled by F.S. § 316.3045.
- (10) *Operation of sound making devices in public areas.* The operation of radios or tape players or other mechanical sound making devices or instruments in or upon a public street, highway, building, sidewalk, park, thoroughfare or other public area or located in or upon a public access area, such as a parking lot, etc., if such sound can be heard from more than 50 feet, measured in a straight line from its source.
- (11) *Commercial loading and unloading operations, certain times prohibited for locations in or adjacent to residentially zoned areas.* The commercial loading and unloading of any vehicle, or the opening, destruction and/or disposal of bales, crates, containers, or any other item for businesses located in or adjacent to residentially zoned areas, shall be prohibited between the hours of 8:00 p.m. and 8:00 a.m.
- (12) *Gasoline powered leaf blowers.*
 - (a) Definition. Leaf blowers shall mean any air blowing machine that uses a concentrated stream of air to push, propel or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse or debris.
 - (b) The use of gasoline powered leaf blowers is prohibited on any property within the town ~~which is less than one acre in size.~~ This prohibition shall be effective as of INSERT FUTURE DATE ~~October 1, 2017.~~

(Code 1982, § 12-49; Ord. No. 8-00, § 1, 6-13-00; Ord. No. 11-2017, § 1, 4-13-17)

Sec. 42-198. Operation of certain machinery during winter, Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving.

- (a) *Prohibited.* During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending April 30, no person shall operate or cause to be operated the following machinery or equipment within the town:
 - (1) Dredges, whether used in making hydraulic fills, dry fills, piledriving or any other purpose.
 - (2) Hammer-driven piledrivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable.
 - (3) Gasoline, diesel and/or steam engines, operated in such a manner as to emit odors or noises offensive or disagreeable to the inhabitants of the town.
 - (4) Dry sandblasting machines and jackhammers.
 - (5) Any other class of machinery or appliance that in its operation would render the enjoyment of property within the town less agreeable than if such appliances or machinery were not operated.

(b) *Exceptions.*

- (1) It shall be within the discretion of the town council when, in its opinion, the operation of any of the prohibited machinery or appliances mentioned in subsection (a) of this section shall not be overly offensive to the residents or inhabitants of the town, in the vicinity of the equipment's operation, to grant an exception to this section.
- (2) The operation of equipment relating to essential services of the town and equipment operation during emergency conditions shall be exempt from subsection (a) of this section.

(Code 1982, § 12-50; Ord. No. 10-05, § 3, 7-12-05; Ord. No. 18-05, § 1, 1-10-06; Ord. No. 03-2018, § 1, 2-13-18)

Sec. 42-199. Hours for construction work.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Construction work means work of a physical nature requiring a permit in accordance with the provisions of this Code and/or violates the conditions of section 42-198 and/or violates the conditions of this section, and/or causes excessive noise as defined by section 42-228.

- (b) *Limited.* Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other outdoor construction-related noise be permitted before 9:00 a.m. ~~At all other times such~~ Beginning on May 1 until the Monday preceding Thanksgiving work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. In no event shall heavy equipment or other outdoor constructions related noise be permitted before 9:00 a.m., with the exception of properties south of Sloan's Curve. Construction work is permissible on Saturdays from May 1 through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature and limited to indoor activity, with the exeption of properties south of Sloan's Curve ~~during which all of the noise and machinery prohibitions identified in section 42-198 are applicable~~; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited. Workers are prohibited from arriving at construction sites prior to 7:30 a.m. and are restricted from conducting any kind of site activity prior to 8:00 a.m. during the weekdays. Workers are prohibited from arriving at construction sites prior to 8:30 a.m. and are restricted from conducting any kind of site activity prior to 9:00 a.m. on Saturdays.

(c) *Exceptions.*

- (1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection 42-198(a) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.

- (2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a).
- (3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for nontown related essential services may be authorized at any time during the year.
- (4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving and ending on April 30 for all properties south of Sloan's Curve only.
- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.

(Code 1982, § 12-51; Ord. No. 12-99, § 1, 11-9-99; Ord. No. 3-00, § 1, 4-11-00; Ord. No. 23-00, § 1, 10-10-00; Ord. No. 22-01, § 1, 11-13-01; Ord. No. 26-02, § 1, 11-12-02; Ord. No. 17-03, § 1, 10-14-03; Ord. No. 23-04, § 1, 2-15-05; Ord. No. 10-05, § 4, 7-12-05; Ord. No. 18-05, § 2, 1-10-06; Ord. No. 18-10, § 1, 7-13-10; Ord. No. 1-2013, § 1, 4-9-13; Ord. No. 03-2018, § 1, 2-13-18)

Cross reference(s)—Buildings and building regulations, ch. 18Cross reference(s)—.

Editor's note(s)—Ord. No. 17-03, § 5, adopted Oct. 14, 2003 provided that the amendment to section 42-

199Editor's note(s)— contained in § 1 of said ordinance shall sunset on May 1, 2004, whereupon section 42-199Editor's note(s)— as it existed prior to adoption of said ordinance shall remain in full force and effect.

Sec. 42-200. Tennis ball machines.

Operation of tennis ball machines shall be permitted during the hours outlined for construction work at section 42-199, with the exception that such machines shall be permitted on Saturdays, Sundays and all legal holidays, including the Friday immediately after Thanksgiving.

(Code 1982, § 12-47(g); Ord. No. 10-05, § 5, 7-12-05)

Sec. 42-201. Noisy advertising.

It shall be unlawful for any person within this town to blow any horn or whistle, or ring any bell, or use any other device whereby a noise is produced, or cause or procure the same to be done, for the purpose of advertising any business, occupation or article or for the purpose of attracting attention to any such advertising.

(Code 1982, § 13-2)

Sec. 42-202. Enclosure of noisy machinery.

All automatic, semiautomatic or manually controlled refrigeration machinery and compressors and other machinery that emits noise in the operation thereof shall be installed and operated either within the confines of the building served by such equipment or, if placed outside of the building, shall be housed within a structure, soundproofed to the extent that the operation of such machinery will not disturb persons residing in the vicinity thereof in the normal use of their property.

(Code 1982, § 12-52)

Secs. 42-203—42-225. Reserved.

PART II - CODE OF ORDINANCES
Chapter 42 - ENVIRONMENT
ARTICLE V. - NOISE
DIVISION 2. MEASURED CRITERIA

DIVISION 2. MEASURED CRITERIA

Sec. 42-226. Use of meter authorized.

Measurement of noise may be made with a sound level meter using the A scale (dBA) and/or an octave band (frequency) analyzer meeting the standards prescribed by the American Standards Association. Measurement and recordation of any noise that has the possibility of annoying, disturbing, being injurious or endangering the comfort, repose, health, peace or safety of others shall be measured and recorded at the property line of the private property originating the noise or shall be measured and recorded at the property line of the adjacent private property if the noise is originating from any public road, street or property.

(Code 1982, § 12-47(a))

Sec. 42-227. Geographic sections.

The criteria listed in section 42-226 shall be applicable to the following geographical areas of the town:

- (1) *Area 1.* From the northerly corporate limits southerly to Wells Road.
- (2) *Area 2.* From Wells Road southerly to Worth Avenue.
- (3) *Area 3.* From Worth Avenue southerly to Sloan's Curve.
- (4) *Area 4.* From Sloan's Curve southerly to the southerly corporate limits.

(Code 1982, § 12-47(b))

Sec. 42-228. Nonvehicular noise.

In the use of a sound level meter, the following criteria shall be used for determining a violation of the town's ordinances relating to the maximum permissible emissions of noise levels emanating from other than motor vehicles, with the exception of lawn maintenance equipment.

Area (Geographic)	Maximum Level, dBA	
	Day	Night
1	61	55
2	64	58
3	61	55
4	66	60

"Night" as used hereinabove is defined as the hours between 7:00 p.m. and 9:00 a.m.

(Code 1982, § 12-47(c))

Sec. 42-229. Vehicular noise.

In the use of a noise level meter to measure noises emitted by motor vehicles, the criteria to be used for determining a violation of the town's ordinances relating to the maximum permissible emissions of noise levels shall be as prescribed by F.S. § 316.293.

(Code 1982, § 12-47(d))

Cross reference(s)—Traffic and vehicles, ch. 118Cross reference(s)—.

Sec. 42-230. Lawn maintenance.

- (a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 and all gas or electric powered lawn maintenance equipment, including leaf blowers, shall be subject to the same restrictions as heavy equipment as described in said section.
- (b) Nothing in this section shall preclude the operation of lawn maintenance equipment by residents after 9:00 a.m. on Saturdays, Sundays or legal holidays, including the Friday immediately after Thanksgiving. Further, golf course maintenance equipment within the town is not restricted during the hours outlined herein: however, such golf course maintenance equipment shall not be used before 8:00 a.m. or after 5:30 p.m. on any day at locations within 300 feet of residential properties, except in the event of valid emergencies and once per month for purposes of chemical spraying or fertilizing, The sound level meter measurement shall be no greater than 75 dBA measured 50 feet from the point of operation of the equipment. The sound level meter measurement shall not be applicable to lawn maintenance equipment used on golf courses.
- (c) Lawn maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, and monofilament line grass trimmers.
- (d) Leaf blowers shall not exceed a decibel level of 65 dBA as measured at 50 feet from the point of operation. It shall be unlawful to blow, sweep or rake yard trash or clippings into the public street or storm drains.
- (e) There shall be no commencement of large scale landscape installation at any time on Saturdays.

(Code 1982, § 12-47(e), (f); Ord. No. 10-05, § 6, 7-12-05; Ord. No. 11-05, § 1, 7-12-05; Ord. No. 18-05, § 3, 1-10-06; Ord. No. 15-07, § 1, 9-11-07; Ord. No. 18-10, § 2, 7-13-10; Ord. No. 24-2011, § 1, 10-11-11; Ord. No. 03-2018 , § 2, 2-13-18)

Secs. 42-231—42-260. Reserved.

TOWN OF PALM BEACH

Information for ORS Meeting on: November 8, 2021

To: Ordinances, Rules and Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Consider the Maximum Landscape Height of Buffers and Separation Distances
Between Landscape Buffers and Neighboring Buildings

Date: November 2, 2021

STAFF RECOMMENDATION

Staff requests that the ORS Committee consider the matter of creating a maximum height of landscape buffers and the minimum separation distance between newly planted and maintained landscape that is adjacent to neighboring buildings.

GENERAL INFORMATION

As was evidenced in last year's review and discussion of 131 Seaview Avenue, the planting of new landscaping directly next to neighboring buildings can be problematic. The vegetation, including tall hedges, trees and palms, can be the pathway for rodents (primarily rats) and Iguanas to access roofs and eaves. The idea of a maximum landscape height and a minimum separation distance between newly installed planting and neighboring buildings could be reviewed, along with maintenance standards for the newly planted vegetation.

The matter was initially reviewed by the Town Council and sent to the ORS Committee for study. The matter was considered at your September 2, 2021 and October 5, 2021 ORS meetings. The matter was then briefly discussed at the October 12, 2021 Town Council meeting.

Included is a draft ordinance to amend Chapter 66, Natural Resource Protection, Article IV, Vegetation. This draft text amendment includes a six foot separation distance, as opposed to the original twelve foot dimension. Staff is not sure how to finalize the draft ordinance, as a few Council members expressed concern with the ordinance affecting certain areas of the Island and certain sized lots. Staff is returning this matter to the ORS Committee in an effort to refine the scope of the regulations and to mitigate any unwanted impacts to larger lots.

Attached: Draft Ordinance, with recent amendments

ORDINANCE NO. ____-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES, CHAPTER 66, NATURAL RESOURCE PROTECTION, ARTICLE IV, VEGETATION, DIVISION 1, GENERALLY, BY AMENDEING SECTION 66-212, PURPOSE AND INTENT; AND AT DIVISION 5, REGULATIONS, SUBDIVISION 1, IN GENERAL, BY ADDING SECTION ~~66-318~~**311**, PROHIBITED PLANTINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Be it **ORDAINED** by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 1, Generally, is hereby amended by adding to Section 66-212, Purpose and Intent, Item (16), to read as:

“Sec. 66-212 (16) Reduce the likelihood of iguanas and rodents from gaining access onto roofs and into buildings.”

Section 2. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 5, Regulations, Subdivision 1, In General, is hereby amended by adding Section 66-318, to read as:

*“Sec. 66-~~318~~**311**(c) - Prohibited Plantings.*

(c) Tall, growing vegetation shall not be planted near ~~or under~~ a neighboring roof, soffit, building, or other such structure. New plant material shall be planted so that no portion of the plant(s) are within ~~six twelve~~ (6 ~~12~~) feet of a neighboring building or portion thereof. Such plantings shall be maintained, once installed, to provide at least ~~twelve-six~~ (6~~12~~) foot of clearance from any neighboring building or portion thereof.”

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, Florida.

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 _____, 2021, and for second and final reading on this ____ day of _____, 2021.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Julie Araskog, Town Council Member

Edward Cooney, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Queenester Nieves, CMC, Town Clerk

Bobbie Lindsay, Council President Pro Tem

TOWN OF PALM BEACH

Information for ORS Committee Meeting: November 8, 2021

TO: Ordinance, Rules and Standards Committee

VIA: Jay Boodheshwar, Deputy Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Town of Palm Beach Truck Regulation Study

DATE: June 11, 2021

STAFF RECOMMENDATION

Town Council has requested the Ordinance, Rules, and Standards (ORS) Committee to consider the recommendations found in the Town of Palm Beach Truck Regulation Study.

GENERAL INFORMATION

On September 10, 2019, the Town Council authorized a purchase order for Engineering Services to Kimley-Horn and Associates, Inc. (KHA) for the study and development of a truck traffic regulation plan. This action was the culmination of years of discussions about the challenges of large trucks trying to navigate safely without causing property damage or traffic impacts.

The report provides an analysis of truck volumes and circulation patterns within the Town. A review of Florida municipalities that have implemented truck restrictions is also included. Based on these analyses, a truck restriction plan was developed and outlined in the report along with recommendations for codification, education, and enforcement to allow for limiting large trucks to enter restricted areas.

The draft report was presented to the Public Works Committee at the October 22, 2020 meeting. Modifications were made and the report was finalized. For reference, the Public Works Committee minutes are attached. Staff determined that since the report had not been presented to Town Council it would be appropriate to seek Town Council direction prior to presenting to the ORS Committee.

The Truck Study was presented to Town Council at the June 8, 2021 meeting. After discussion Town Council requested the study to be presented to the ORS for consideration. Attached are portions of the report documenting the codes and ordinances found in other municipalities, along with the recommendations section.

Attachments

cc: Kirk W. Blouin, Town Manager
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer

TRUCK REGULATION STUDY

TOWN OF PALM BEACH, TRUCK STUDY PALM BEACH, FL

PREPARED FOR:
TOWN OF PALM BEACH

Kimley»Horn

March 2020
Revised May 2020
Kimley-Horn Project #044063244
CA 00000696
Kimley-Horn and Associates, Inc.
1920 Wekiva Way
West Palm Beach, Florida 33411
561/845-0665 TEL

TRUCK REGULATION STUDY

TOWN OF PALM BEACH, TRUCK STUDY PALM BEACH, FL

Prepared by:
Kimley-Horn and Associates, Inc.
West Palm Beach, Florida



March 2020
Revised May 2020
Revised November 10, 2020
Kimley-Horn Project #044063244
CA 00000696
Kimley-Horn and Associates, Inc.
1920 Wekiva Way
West Palm Beach, Florida 33411
561/845-0665 TEL

Adam B. Kerr, P.E.
Florida Registration Number 64773

CASE STUDY REVIEW

An exhaustive review of municipalities within Florida which have implemented truck restrictions was performed. Reviews of resolutions and ordinances in many municipalities was performed, including but not limited to:

- Sanibel
- Jupiter Island
- Miami Beach
- Fort Lauderdale
- Longboat Key
- Sarasota
- Fernandina Beach
- Delray Beach
- Boca Raton

In general, it was determined that many municipalities have developed plans and implemented enforcement of truck *parking* and *loading*, but very few have implemented restriction plans for the movement of trucks through neighborhoods and on specific streets. In some areas, truck routes have been developed to direct trucks around certain areas, but no actual restriction is established. Only three municipalities were determined to have truck regulation plans that weren't specifically limited to parking or loading. A summary of a these examples is included.

City of Tampa

The City of Tampa has established truck routes throughout the central part of the City. Truck routes were approved by Ordinance in 2011 and updated in 2016. The purpose of the truck route study was, similar to the intent of the Town, to balance the needs of commerce and truckers with the desire to be sensitive to certain land uses and neighborhoods.

Truck routes were established in the City. Any truck driver that is determined to be in violation of using designated truck routes (i.e. by using a local neighborhood street) is subject to a civil violation, similar to a parking ticket, if the driver cannot provide evidence of need for travelling off of designated truck routes.

Per Tampa's Code of Ordinances:

All regulated trucks within the city shall be operated only over and along the designated truck routes established in subsection (a) above.

Enforcement is also established in the Code:

...[T]he driver of a regulated truck may travel over and along a street not designated as a truck route only as necessary whereto perform its business its destination lies on or within in a manner that minimizes the distance traveled over and along the non-truck route street, or as necessary to perform its business, in a manner that minimizes the distance traveled over and along the non-truck route street.

An advantage of this type of restriction plan is that government resources are not burdened by pre-approving certain types of trucks, or types of trucks for certain events; a truck driver must simply convince an officer that they are required to circulate on local streets to perform their duties. A disadvantage of this system is that there is little incentive for trucking companies to change their routing or types of trucks to accommodate the nature of the street network, and little can be done to prevent damage to private property if officers allow large trucks to continue to operate. Once a truck enters a neighborhood with narrow streets, it may have to physically damage private property to turn and exit the neighborhood.

City of Jacksonville

The City of Jacksonville recently adopted a truck routing ordinance in 2019. Much like Tampa, the City adopted a map identifying truck routes, does not specifically prohibit trucks from any roadway, and establishes the ability to ticket truck drivers not using designated routes. Deliveries are still allowed on local streets.

City streets are designated as Blue (preferred truck route), Gray (non-regulated) and Red (restricted for trucks except deliveries). Jacksonville's Code regulates trucks on red routes:

The driver of a regulated truck may travel on a Restricted Road (Red) for the primary purpose of delivery and pickup. The driver of the regulated truck must return to the Preferred (Blue) or non-regulated (Gray) truck route network by the shortest possible distance after completion of the delivery and/or pickup.

If the driver is observed on the Red route by an officer, the following Code applies:

Any person driving or in charge or control of any regulated truck operating on a Restricted Road (Red) shall be prepared to present for the inspection to the Jacksonville Sheriff's Office ("JSO") officers, the truck's log book, weight slips, delivery slips, or other written records of the regulated truck's origin and destination to justify the operation on the Restricted Road (Red).

Like Tampa's truck routing system, the decision to enforce truck routing falls to police enforcement, and only once a truck has travelled on restricted road.

City staff indicated that they would not sign each individual street or neighborhood discouraging trucks but would assess the situations on individual bases based on resident complaints.

St. Augustine

The City of St. Augustine has a truck restriction plan in place in their downtown historic district. This plan expressly prohibits trucks on certain roadways. Unlike Tampa and Jacksonville, certain streets are expressly prohibited for use by trucks, without exception for local deliveries; all trucks can be cited. Any truck needing to travel the prohibited streets must get a permit to do so. The City's Code specifically states:

It shall be unlawful for any person to operate any motor vehicle having a greater length than twenty-four (24) feet or greater width than eight (8) feet or greater height than eight (8) feet upon any of the following designated narrow streets or portions thereof of the city without a permit from the chief of police as hereinafter provided; provided that this section shall not be applicable to any authorized public service vehicle, nor shall the same be applicable to any franchised sight-seeing motor vehicles.

St. Augustine's restriction was based on physical constraints of the City's narrow streets, with limited turning ability for larger vehicles, whereas most other truck restriction plans were developed to reduce cut-through trips, or trips within residential areas. Much like St. Augustine, the Town has narrow streets in the residential areas with limited ability for larger vehicles to turn. Based on observation, the trucking industry has adapted to the restriction, since no vehicles larger than a delivery van were observed in the area. Furthermore, this area serves a large tourist population, with many restaurants and retail shops; therefore, deliveries occur in this area on a consistent basis.

The City of St. Augustine allows the Chief of Police to issue permits as necessary to allow larger trucks in the restriction area:

The chief of police is hereby authorized to issue special permits, in writing, under the provisions of F.S. § 316.550 and shall charge therefor such fees as shall have been set by the city manager pursuant to the provisions of section 2-74 and as shall be consistent with the provisions of F.S. § 316.550.



Figure 1: Narrow Street with Truck Restriction in St. Augustine



Figure 2: Example of Truck Restriction Sign in St. Augustine



Figure 3: Truck Restriction Informational Sign

RECOMMENDATIONS

Based on our review of truck volumes, the ability of trucks to maneuver local streets, observed damage to private property, and a review of Florida municipalities with similar street networks, it is recommended to restrict trucks on certain Town streets. This recommendation is intended to mitigate damage to private property, eliminate congestion due to the inability of certain trucks to maneuver certain streets, and provide a mechanism for permit and enforcement of truck traffic in certain areas of Town. The data collected confirms that trucks are circulating within residential areas of Town, as noted by high numbers of trucks north of Royal Poinciana Way in comparison with expected volumes for a residential area. Truck volume percentages in the residential areas of the north end are higher than in the commercial parts of Town. Review of the specific turning movement counts indicates that many of the trucks in the north end are arriving via the north bridge.

Florida Statute provides guidance on establishing restriction of trucks on local roads. Per FS 316.008:

(1) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(n) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic.

Description of the Recommended Restriction

Figure 16 illustrates the recommended physical boundaries of the truck restriction. It is recommended to implement broad area-wide restrictions rather than street-by-street restrictions; if only certain streets in a part of Town are restricted, trucks would use the non-restricted streets in larger numbers. In residential areas such as the north end, certain residents would see an increase in trucks on their street if their street was the non-restricted street. Area-wide restrictions also require less signage and are easier to understand by truckers. Without an area-wide restriction, individual streets would have to be signed restricting trucks, leading to sign clutter. It should be noted that the following roads will have NO Town-imposed restrictions:

- Royal Poinciana Way west of North County Road
- County Road between Royal Poinciana Way and South Ocean Boulevard

Permitting of Exceptions

In certain cases, there may be a need for restricted vehicles to utilize the restricted streets. An example of this would be the need for a construction crane to access a private residence on a residential street. Another example could be a small combination truck that is needed to access a commercial property to deliver items that are too large for smaller delivery trucks. The Town should establish a permitting process to allow for special circumstances. As part of the process, the applicant should provide:

- Explanation/Narrative of the request
- Explanation of why smaller trucks cannot be used. The applicant must demonstrate that smaller, more frequent trucks cannot be used due to the nature of the delivery or equipment, or that more frequent trips will negatively impact the neighborhood.
- A routing plan that demonstrates that the truck movements will not impact private property.
- A plan for restoration of private property in case of damage.

The Town could then issue a permit listing types and numbers of vehicles allowed, allowable times and days of operations, and expiration (if any). The applicant will be required to pay for staff burden costs, any citations for operating outside of the conditions of the permit and restoration of private property.

Codification

Based on a review of other municipalities in Florida, the truck restrictions should be placed in the Town's Code of Ordinances by means of Resolution. The Code should include the following elements:

- Definition of the restriction, including types of trucks (defined by length) that are restricted.
- A map of the restricted area.
- Any exclusions to the restriction; possible exclusions to the restriction include emergency vehicles and municipal services vehicles.
- Mechanism for citation
- Permitting process for exceptions

The Code update will be subject to the Town's process for amending the Code of Ordinances.

Education

The Town should develop an educational campaign to educate stakeholders, including residents, business, and trucking companies, of proposed restrictions. The goal should be to reach the widest range of potential drivers. It should be noted that the input from stakeholders is imperative to determining if restrictions should be enacted, and what scope the ultimate restrictions should encompass.

The Town should publicly notice proposed restrictions in visible locations to drivers throughout Town prior to implementation. Although it is recognized that not every truck driver entering the Town will know in advance of new restrictions, every effort should be made to educate the highest number of drivers as possible. Nonetheless, a grace period between adoption of a Code and initial citations should be considered.