



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

Thursday, October 24, 2019
2:30 p.m.

- I. CALL TO ORDER AND ROLL CALL
 - Julie Araskog, Committee Chair
 - Lew Crampton, Committee Member
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. COMMUNICATIONS FROM CITIZENS
- V. REGULAR AGENDA
 - A. Old Business
 - 1. None
 - B. New Business
 - 1. Review of Notice to Property Owners Prior to LPC Placing a Property Under Consideration for Landmarks Designation
Wayne Bergman, Assistant Director of Planning, Zoning & Building
 - 2. Review of Special Events Ordinance to Establish Town Council Approval Criteria for Walks, Runs and Other Types of Races
Kathleen Dominguez, Town Clerk

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: October 24, 2019

To: Ordinances, Rules and Standards Committee

From: John Lindgren, Planning Manager

Via: Josh Martin, Director of Planning, Zoning & Building

Re: Notice to Property Owners Prior to LPC Placing a Property Under Consideration for Landmarks Designation

Date: October 14, 2019

STAFF RECOMMENDATION

Staff recommends the Ordinances, Rules and Standards (ORS) Committee review the attached proposed ordinance change requiring notice be given to property owners prior to their property being placed under consideration for landmark designation by the Landmarks Preservation Commission (LPC).

GENERAL INFORMATION

The Landmarks Preservation Commission recently placed the “Sea” Streets under consideration as a historic district, which the Town Council ultimately overturned and removed the area from consideration as a historic district without prejudice. During this process, even though all notification requirements within the landmarks code were followed, concern was raised that the property owners were not notified prior to their properties being put under consideration as part of a historic district. At their September 11, 2019 meeting, Town Council directed staff to look at possible code changes that would require notice to property owners prior to their property being placed under consideration for landmark designation, and to take these code revisions to the ORS Committee for their review.

Staff has proposed revisions to Sec. 54-164 of the Town’s code of ordinances that address the landmark designation process so that notice is required prior to placing a property under consideration for landmark designation; this requirement is also applicable for the historic districts designation process.

Attachment – Chapter 54-164 Code Revisions

cc: Wayne Bergman, Asst. Director of Planning, Zoning & Building
John C. Randolph, Town Attorney

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Prior to any property being placed under consideration for landmark designation at a Landmarks Preservation Commission meeting, the owner of record shall be notified via certified mail at least 30 days prior to the meeting date. The same notification will also be required for all property owners of record within an area prior to placing the area under consideration as a historic district. Only those properties where the owner or owners of record request that their property be put under consideration for landmark designation will be exempted from this requirement.
 - ~~(2)~~(3) After a property has been placed under consideration for landmark designation, ~~A~~notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - ~~(3)~~(4) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.
 - ~~(4)~~(5) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.
 - ~~(5)~~(6) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.
 - ~~(6)~~(7) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.
 - ~~(7)~~(8) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.
 - ~~(8)~~(9) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

~~(9)~~(10) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

~~(10)~~(11) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

~~(11)~~(12) In accordance with [section 54-163](#)(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

~~(12)~~(13) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

LANDMARK ORDINANCE EXAMPLES

Town of Jupiter Island - Sec. 1.03. - Landmark designation procedures.

The town commission shall designate landmarks and remove landmark designations according to the following procedures:

A. Potential landmarks shall be identified for consideration by either:

1. Application by the owner of record, or
2. Other means of identification.

B. If a potential landmark is identified by means other than application by the owner of record, notice of a proposed designation shall be sent by certified mail to the owner of record announcing that a public hearing by the town commission to consider such designation on a specific date that is not less than 30 days after the mailing of such notice.

C. The administrative official post notice of each such proposed designation within the Town Hall or other conspicuous place within the town designated for public notices at least 30 days prior to the public hearing.

D. At public hearing, the town commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

E. Within not more than 30 days after a public hearing, the town commission shall render a final decision regarding the proposed designation, and give written notice of its decision to each owner of property affected by the designation, which includes the reasons for the decision.

F. Within 30 days of the date on which the town commission designates a landmark, the administrative official shall file a certificate of notification that such property is designated as a landmark in the Public Records of Martin County. The certificate of notification shall also be maintained on the public record of the town until such time as such designation may be withdrawn.

City of Lake Worth Beach – Sec. 23.5-4. - Historic preservation.

Potential landmark designation.

A. *In general.* The HRPB or the city commission may by a majority vote of its members and without notice to the owner, designate as a "potential landmark" any building, structure or site which is identified in the survey as value being "potentially eligible" for listing in the National Register based on the criteria for designation outlined in subsection b. If such interim designation is made, the HRPB shall within no more than forty-five (45) days complete an application and schedule a public hearing. If the owner of the potential landmark objects in writing to designation, the HRPB shall complete its review of the application within ninety (90) days of its initial designation of potential landmark status. Once a formal application for designation has been filed, the matter shall be reviewed as provided in subsection e). Designation of a potential landmark is to be considered an extraordinary action and its use shall be limited to situations where the HRPB has reason to believe that an imminent threat exists to the maintenance or survival of buildings or structures identified in the survey to be "potentially eligible" for listing in the National Register.

B. Effect of pending applications for designation. When an application for designation is made and notice is mailed to affected parties, no action with respect to the exterior appearance of such site or district shall commence unless approved in accordance with the procedures provided in subsection e). In order to protect the city's general welfare, avoid an irreparable loss and prevent circumvention of the protections of this article, such requirement shall remain in effect until final disposition of the recommended action. The applicant may apply to the HRPB for review of a proposed action prior to final action by the city commission. The HRPB shall review the application using the criteria established herein, including unreasonable economic hardship. Permits may be issued upon HRPB approval of designation. Should the HRPB deny the applicant's request, the applicant may appeal to the city commission as provided in subsection o) below. If the city commission declines to designate the landmark or historic district, all permitting requirements set forth herein shall no longer apply to any proposed action.

City of Boca Raton – Sec. 28-235. - Establishment of historic sites and districts.

- (1) Historic districts and sites shall be established by ordinance by the city council.
- (2) Before the establishment of a historic site or district, the historic preservation board shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the city. The historic preservation board report shall contain recommendations concerning the buildings and areas to be included as proposed historic sites or districts. The board shall furnish written notice by mail to all persons or entities who own property being considered for establishment as a historic site or district at least 14 days prior to the meeting at which the board will consider the designation.
- (3) Copies of the report shall be transmitted for review and recommendation to the planning and zoning board, which shall hold a public hearing thereon after 14 days' written notice by mail to the owners of the properties proposed to be established as historic sites or districts.
- (4) After the public hearing, the planning and zoning board shall submit a final report with its recommendations and those of the historic preservation board to the city council.
- (5) The city council may, upon receipt of the final report, introduce an appropriate ordinance establishing 1 or more historic sites or districts. The city council may adopt the ordinance with or without amendments following a public hearing after 14 days' written notice of the time and place of the hearing has been furnished the owners of the properties proposed to be established as historic sites or districts.
- (6) Upon adoption of the ordinance, the owners of properties designated as historic sites or districts shall be given written notification of such designation by the city clerk. One copy of the ordinance shall be filed in the official records of the county, and 1 copy shall be filed in the office of the chief code administrator.
- (7) The ordinance shall also provide for a suitable sign or marker on or near the property indicating that the property has been designated as a historic site or district, and the sign or marker may include a brief explanation of the property's historical significance.

City of Miami – Sec. 23-4. - Designation of historic resources, historic districts, multiple property designations, and archaeological sites and zones.

Procedures for designation. Properties which meet the criteria set forth in section 23-4 may be designated as historic resources, historic districts, multiple property designations, and archaeological sites and zones according to the following procedures:

(1) *Proposals and preliminary evaluation.* Proposals for designation may be made to the board by any one of its members, the mayor, the city manager, resolution of the planning, zoning and appeals board, resolution of the city commission, the property owner, resolution of the county historic preservation board, resolution of any organization that has been a registered non-profit corporation in the state for at least five years with a recognized interest in historic preservation, or the preservation officer. In those instances when a historic district or multiple property designation is being considered, the preservation office shall conduct outreach involving all relevant home owner associations and neighborhood associations, ultimately ascertaining their level of support by way of resolution or vote. Said level of support shall be taken into consideration by staff and members of the HEPB when evaluating any proposed historic district or multiple property designation. The board shall conduct a preliminary evaluation of the data provided in the proposal for conformance with criteria set forth in subsection (a); and shall, if appropriate, direct the planning department to prepare a designation report. The board may require the party initiating such proposal to provide any necessary documentation, and to pay any applicable fees.

a. *Notification.* At least ten days prior to the meeting at which the board will consider the preliminary evaluation, the owner of property or his designated agent or attorney, on file with the city, which is the subject of said proposal for designation shall be notified by certified mail of the board's intent to consider the preliminary evaluation of the property. Should the applicant be a person other than the property owner or designated agent or attorney on file with the city, the applicant shall be notified and the owner of record of the subject property shall be notified. For historic districts or multiple property designations where there are more than 50 properties to be considered, for designation, the owners shall be notified by first class mail and by the published notice. The notice sent by certified mail of the board's intent to consider the preliminary evaluation of the property, when sent to the property owners of involuntarily designated residentially zoned properties in a T3-O designated transect zone that are not the applicants, will state the right to appeal the board's final decision regarding designation to the city commission, and will include in the notification a statement of the fee waiver provision contained in subsection (c)(7) herein.

Landmark Designation Process

Notice Requirements For Other Jurisdictions

Town of Jupiter Island – first notice to a property owner is done after property is put under consideration, and at least 30 days prior to considering the property for landmark designation.

City of Lake Worth Beach – first notice to a property owner is done after interim designation is made.

City of Boca Raton – first notice is sent to property owners at least 14 days prior to considering a property for landmark designation (no notice is required for the initial study done to put a property under consideration).

City of Miami – first notice is done by certified mail at least 10 days prior to conducting preliminary evaluation of a property to place it under consideration; however, from the date of the notice, no building permit for any new construction, alteration, relocation or demolition that may affect the property proposed for designation shall be issued until completion of the designation review process. Outreach is also done with homeowners associations when considering multiple properties for historic designation; this outreach is done prior to consideration for landmarking, and feedback from this outreach is taken into consideration when evaluating a proposed historic district.

City of Tarpon Springs – first notice is done at least 15 days prior to hearing to consider the property for historic designation, which is scheduled after receiving a petition for designation from the preservation board, the board of commissioners, the owner or the P&Z Department.

Hillsborough County – no notice is required for the initial informal review, because historically for almost every property, the property owner has requested that the property be put through the landmarking review process. For the rare occasions when a property is to go through the initial informal review for landmarking without being requested by the property owner, staff will reach out to the property owner and let them know about the meeting. If the historic board makes a determination to pursue the landmarking process, then notice is sent to the affected property owner.

Miami-Dade County – no notice is done to initiate the designation process (i.e. put a property under consideration for landmarking), because the meeting for this is not a public meeting; therefore no notice is required. However, in practice, staff often notifies the property owner ahead of time in order to provide a transparent process.

City of Oakland Park – first notice to a property owner is done after the property is put under consideration, and at least 30 days prior to being considered for landmarking.

City of West Palm Beach – first notice to a property owner is done after the property is put under consideration through the submittal of an application for historic designation (by historic preservation board, city commission, staff or property owner); notice is done at least 30 days prior to consideration, and is sent to the affected property owner and the property owners within 400 feet of the subject site.

From: [Joshua Martin](#)
To: [Carol LeCates](#); [Wayne Bergman](#); [Julie Araskog](#); [Lew Crampton](#)
Cc: [Kathleen Dominguez](#); [Jay Boodheshwar](#); [John Lindgren](#); [Joshua Martin](#)
Subject: RE: Section 54-164, Landmark Designation...
Date: Tuesday, October 22, 2019 3:14:07 PM
Importance: High

Carol:

Good afternoon. I hope this email finds you well.

By copy of this email, I am sending this to Kathleen Dominguez for the purpose of including this material in the discussion at the ORS meeting this week.

If you have any questions or comments, please let me know.

Thank you all,
Josh

Josh Martin, AICP, CNU-A
Director

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From: Carol LeCates <clecates@comcast.net>
Sent: Tuesday, October 22, 2019 3:07 PM
To: Joshua Martin <jmartin@TownOfPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; juliearaskog@aol.com; lewcramptonpb@gmail.com
Subject: Section 54-164, Landmark Designation...

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Hello All,

In reading the proposed text modification to the Landmark designation procedures, I respectfully suggest a few edits to the language (not the substance):

(2) Prior to ~~any~~ a property's being placed under consideration for landmark designation or undesignation at a Landmarks Preservation Commission meeting, the owner(s) of record of such property shall be notified via certified mail at least 30 days prior to the meeting date. The same notification also will ~~also~~ be required ~~for~~ to all property owners of record within an area prior to ~~placing~~ the area's being placed under consideration as a historic district. This notice requirement may be waived for only those properties ~~where the~~ whose owner or owners of record have requested that their property be put under consideration for landmark designation ~~will be exempted from this requirement.~~

Edited version:

"(2) Prior to a property's being placed under consideration for landmark designation or undesignation at a Landmarks Preservation Commission meeting, the owner(s) of record of such property shall be notified via certified mail at least 30 days prior to the meeting date. The same notification will also be required to all property owners of record within an area prior to the area's being placed under consideration as a historic district. This notice requirement may be waived only for those properties whose owner or owners of record have requested that the property be put under consideration for landmark designation."

I assume that the final sentence is due to the fact that this type of owner already would receive notice separately. If that is not the case, then I would suggest that it be deleted.

I hope I have not offended with these suggestions, and I am in favor of the modifications to the notice requirements.

Thank you and best regards,

Carol

From: [Jay Boodheshwar](#)
To: [Kathleen Dominguez](#)
Cc: [Joshua Martin](#); [Wayne Bergman](#); [John Lindgren](#); [Antonette Fabrizi](#)
Subject: FW: Clarification re: LPC Notification
Date: Wednesday, October 23, 2019 12:45:38 PM

Kathleen,

Please include this email in the ORS supplemental back up as well. Thanks. Jay

Jay Boodheshwar
Deputy Town Manager

Town of Palm Beach
Town Manager's Office
360 S. County Road
Palm Beach, FL 33480
Phone: 561-838-5410
Fax: 561-838-5411
www.townofpalmbeach.com

From: Julie Araskog <jaraskog@alumni.nd.edu>
Sent: Tuesday, October 22, 2019 6:57 PM
To: Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: Fwd: Clarification re: LPC Notification

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Jay or Josh,

Will you please clarify the question Jay raises below?

Thank you,
Julie

Begin forwarded message:

From: "Jay Serzan" <jayserzan@comcast.net>
Subject: Clarification re: LPC Notification
Date: October 22, 2019 at 6:49:35 PM EDT
To: <juliearaskog@aol.com>

Hello Julie

I will need some clarification re: the proposed change.

I want to be sure that the *existing* language in newly numbered Paragraph #7

(7) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

will apply to the new Paragraph #2

(2) Prior to any property being placed under consideration for landmark designation at a Landmarks Preservation Commission meeting, the owner of record shall be notified via certified mail at least 30 days prior to the meeting date. The same notification will also be required for all property owners of record within an area prior to placing the area under consideration as a historic district. Only those properties where the owner or owners of record request that their property be put under consideration for landmark designation will be exempted from this requirement.

Meaning to say that an owner is able to present testimony or evidence at this initial phase.

Otherwise, just giving notice really does not accomplish much.

The benefit of allowing an owner to address the item at the initial phase may give information to the LPC that would cause them to not place the property under consideration, thereby saving time and money.

Such information could include architectural changes that have been made to the building that would preclude it from being a landmark, etc.

I don't need to know the answer now as I will attend the ORS meeting on Thursday.

Just want you to be thinking about this.

Thank you for your attention.

Regards,

Jay Serzan

John Lindgren, AICP Planning Manager

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

From: Steven Jeffrey Greenwald, Esq. <3102724@gmail.com>

Sent: Tuesday, October 22, 2019 8:33 PM

To: John Lindgren <JLindgren@TownofPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>; Jay Serzan <jayserzan@comcast.net>

Subject: Proposed changes to 54-164 a little add needed; ORS meeting October 24 at 2:30

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

John Lindgren, Julie Araskog, John Randolph, and Town Council: Sorry to bother you, but the Ordinance, Rules and Standards (ORS) Meeting on this is Thursday at 2:30PM. Jay Serzan also just made some points known to Julie just today and asked for my assistance.

Looking at the attached proposed changes to 54-164 (attached) all looks fine to me except a couple little but important things need to be added to make for proper due process (a chance to be heard) under Florida's constitution.

These are the suggested simple adds to facilitate this, with the adds **underlined in bold**:

54-164 Subsection (a)(9) should now read: "Any interested party may present testimony or documentary evidence regarding the designation **or placing under consideration** of a proposed landmark, landmark site or historic district at **a** public hearing and may submit to the commission documentary evidence within three days after the hearing."

Reason for the above: Simply notice without a chance to be heard is of little use. A chance to be heard is also necessary under Florida's Constitution, to facilitate the required notice *and due process*. Furthermore all may benefit early, if an owner has info showing why a property is not landmarkable, thus saving the Town and owner time and money.

and **54-164 (b)** should also now read:

"Designation, undesignation **and placing under consideration** hearings before the

commission shall be held only during the months of November, December, January, February, March and April."

Thank you so much for your kind consideration.
SJG

Steven Jeffrey Greenwald, Esq.

Email address:

3102724@gmail.com

U.S.A. Telephone & voicemail:
561-310-2724

Mailing address: P.O. Box 3407
Palm Beach, Florida 33480 - U.S.A.

TOWN OF PALM BEACH

Information for ORS Meeting on: October 24, 2019

To: Ordinances, Standards and Rules Committee

From: Kathleen Dominguez, CMC, Town Clerk

Re: Review of Special Events Ordinance to Establish Town Council Approval Criteria for Races, Walks and Runs on Public Property

Date: October 11, 2019

STAFF RECOMMENDATION

Staff recommends the Ordinance, Rules and Standards Committee review the proposed revisions to the Town's Code of Ordinances at Chapter 106, Article VII. - Special Events on Public Property, and provide direction.

GENERAL INFORMATION

At the July 9, 2019 Town Council meeting, staff was directed to work with the ORS Committee to revise Chapter 106 of the Town's Code of Ordinances related to *Special Events on Public Property* to include criteria for approving walks, runs, and other types of races on public property.

Attached are the recommended revisions to Chapter 106 at Article VII. with definitions and two new sections establishing the procedure and criteria to be used for approving run/walks and other applicable activities that involve using public streets, sidewalks and other public properties for your consideration.

Attachments

cc: Kirk Blouin, Town Manager
Jay Boodheswar, Deputy Town Manager
John C. Randolph, Town Attorney

ARTICLE VII. - SPECIAL EVENTS ON PUBLIC PROPERTY

DIVISION 1. - GENERALLY

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, **run/walk** 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.

Run/walk event includes an event of a designated distance, including but not limited to, a 5k, 10k, half-marathon, marathon, which involves, but is not limited to, walking, running, and/or racing.

5k run/walk includes a walking/running event over a distance of five kilometers (3.1069 miles). *10K run/walk* includes a walking/running event over a distance of ten kilometers (6.2 miles).

Half marathon includes a walking/running event of 21.0975 kilometers (13.1094 miles). The half marathon is also known as a 21k, 21.1k or 13.1 miles, although these values are rounded and not formally correct.

Marathon includes a walking/running event over a distance of 42.195 kilometers (26.219 miles).

(Code 1982, § 10-432)

Cross reference— Definitions generally, § 1-2.

Sec. 106-257. - Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

- (1) There shall be held at the location requested no more than one special event on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day. The town reserves the right to limit use of public spaces at any time to prevent overuse and/or adverse impacts to adjacent neighborhoods.
- (2) The maximum total duration of each special event and the assembly thereof shall be five hours.
- (3) Any signs, props or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired.

- (4) The use of banners, flags (other than flags of official governmental bodies), streamers, balloons or any similar devices, in connection with the event, shall be prohibited.
- (5) The use of decorated vehicles and trailers in connection with the event is prohibited.
- (6) The granting of a special event permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the town shall be empowered to apportion such streets and intersections for simultaneous use by special event participants and vehicular and pedestrian traffic.
- (7) The concentration of persons and/or vehicles at the special event will not interfere unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the town.
- (8) There are sufficient parking places near to the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.
- (9) The event is not otherwise in violation of ordinances or regulations of the town or the state or of federal law.

(Code 1982, § 10-435; Ord. No. [12-2018](#), § 1, 7-10-18)

Sec. 106-258. - Penalties.

Any person determined to be in violation of the provisions of this article, not relating to revocation of the permit, shall be subject to section 1-14.

(Code 1982, § 10-442)

Secs. 106-259—106-280. - Reserved.

DIVISION 2. - PERMIT

Sec. 106-281. - Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his/her designee. No permit shall be required for special events officially sponsored by the town government and approved by the town council, nor shall the regulations set forth in this division 2 apply to such special events.

(Code 1982, § 10-433; Ord. No. 29-10, § 2, 9-29-10; Ord. No. [12-2018](#), § 2, 7-10-18)

Sec. 106-282. - Application.

- (a) *Required.* A person seeking issuance of a special event permit shall file an application with the town clerk's office on forms provided by the town.

(b) *Filing.* A completed application for a special event permit, providing all information required herein, shall be filed with the town clerk's office not less than 45 days (or a shorter period of time as deemed appropriate at the discretion of the town manager) and not more than nine months for residents and seven months for non-residents before the date on which it is proposed to conduct the special event.

(c) *Contents.* The application for a special event permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct such a special event.
- (2) The purpose of the special event.
- (3) If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- (4) The date on which the special event is to be conducted.
- (5) The exact hours the special event is to be conducted.
- (6) The name or type of event.
- (7) The exact location of the event.
- (8) The approximate number of participants and spectators.
- (9) A detailed description of the activity or activities, including whether or not the event requires support facilities such as traffic control, parking volume, crowd control.
- (10) The name of the applicant's insurance company for the event and proof of insurance. The town shall be named as additional insured on a policy of liability insurance in an amount not less than \$1,000,000.00. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the town requires and shall be entitled to coverage for the higher limits maintained by the applicant.
- (11) The signature of the applicant.
- (12) The name, address and telephone number of the person who will be responsible for the conduct of the special event (i.e., special event chair).
- (13) Provisions for cleanup after conclusion of the special event. The applicant shall be responsible for costs of complete and immediate cleanup.

(d) *Fees.* The following fees in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time:

- a. An administrative processing fee;
- b. A refundable damage deposit, if applicable;
- c. A usage fee prepaid for the hours requested to hold the proposed special event, if applicable.

(Code 1982, § 10-434; Ord. No. 2-2013, § 1, 6-11-13; Ord. No. [12-2018](#), § 3, 7-10-18)

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 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 and 106-290.

(Code 1982, § 10-436; Ord. No. [12-2018](#), § 4, 7-10-18)

Sec. 106-284. - Notice of approval or denial.

The town manager shall act upon an application for a special event permit within 20 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town manager denies an application, a written notice stating the reasons for denial shall be sent to the applicant by certified mail and made available by the town for inspection within the 20-day period specified above.

(Code 1982, § 10-437; Ord. No. [12-2018](#), § 5, 7-10-18)

Sec. 106-285. - Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a special event permit to the town council. The appeal shall be submitted in writing within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal.

(Code 1982, § 10-438; Ord. No. [12-2018](#), § 6, 7-10-18)

Sec. 106-286. - Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit directions and conditions of the permit.

(Code 1982, § 10-439)

Sec. 106-287. - Possession.

The special event chair or other person heading or leading such special event shall carry the special event permit upon his person during the conduct of the special event and shall be present at the special event.

(Code 1982, § 10-440)

Sec. 106-288. - Revocation.

The town manager or his designee shall have the authority to revoke a special event permit issued under this division upon violation of the provisions applicable to special event permittees. If a special event is held in violation of the terms of the permit, the permit shall be determined to be null and void and may be immediately terminated. The revocation of a permit may be appealed in the same manner and under the same time limitations as a permit denial.

(Code 1982, § 10-441)

Sec. 106-289. – Races, Walks, and Runs

Applications for activities or events (e.g. run/walks, 5ks, marathons, and half-marathons) that involve leaving the primary event location (on 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.

The following procedure and criteria for approving races, runs, or walks shall be as follows:

- a) Applications for races, walks and runs shall be submitted as outlined in section 106-282 with the following additional information:
 1. The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct;
 2. The time and date at which persons of the event will begin to assemble at any such assembly area or areas;
 3. The location and route of the run/walk event shall be indicated by choosing the approved routes in section 106-290, or any other route approved by the Town of Palm Beach.
 4. A specific, written description of the preparations made to provide adequate ambulance and medical care during the event and activity;
- b) Following timely submission of the application, fees and all necessary information, the application shall be subject to review by the following:
 1. Director of Public Works or his/her designee
 2. Fire Chief or his/her designee
 3. Chief of Police or his/her designee
 4. Code Enforcement Manager or his/her designee
 5. Risk Manager or his/her designee
 6. Director of Planning and Zoning or his/her designee
 7. Town Manager or his/her designee
- c) The above personnel considering the application shall submit individual recommendations throughout the review process to the Town Clerk, including approval, denial, special conditions, or other fees required to reimburse the Town, for its costs.

- d) The Town Manager or his/her designee will submit a staff report, the event application and supporting documentation to the Town Council for consideration and final approval.
- e) An application shall be subject to the following factors:
 - 1. Adequacy of the location of the start and finish line.
 - 2. The dates and times of the run/walk event, or whether such event will conflict with a town sponsored event or town-wide event;
 - 3. The maximum amount of persons the organizers will allow participating in the event;
 - 4. Reasonableness of the plan that will govern any and all event and activity clean-up procedures for the entire event that comply with legal and established standards of sanitation, health and prevention;
 - 5. Reasonableness of the plan that will govern any and all fire, smoke, traffic, refreshment stations, parking and security hazards and prevention;
 - 6. Reasonableness of the plan that will govern any and all event and activity parking and locations used solely for parking;
 - 7. Reasonableness of the preparations made to provide adequate ambulance and medical care during the event and activity;
 - 8. Adequacy and sufficiency of the general and/or special liability insurance policy and declarations and/or bonds covering the event or, personnel, visitors, invitees, and participants; and
 - 9. The conduct of the event will not likely cause injury to persons or property, to provide disorderly conduct or create disturbance.
 - 10. The applicant agrees to abide by the noise rules and regulations outlined in Section 42-197.
- f) Public conduct during events.
 - 1. Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any event or event assembly or with any person, vehicle or animal participating or used in an event.
 - 2. No driver of a vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as an event.

3. Parking on event route. The Chief of Police may post signs or take other action to notify the public to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
4. No person shall throw, give or offer any material, candy, pamphlets or any any other article to any participants or spectators during the event.

Section 106-290 Routes for races-runs-walks

- a) The following routes are the approved routes available to organizers: Turkey Trot and Race of Hope 5K route (exhibit A)
- b) Dates and times for races/run/walks shall be subject to the approval of the Town Council and shall not be permitted on Sundays.
- c) There shall be no more than three (3) events between January 1 and the weekend prior to Memorial Day weekend, no more than two (2) events between June and August, and not more than three (3) events between the weekend after Labor Day and the weekend before Thanksgiving each year.
- d) No vehicular or bicycle races shall be permitted.
- e) Events which include multiple modes of travel (e.g., walking and running) shall be permitted so long as the start times for different modes of travel are staggered.
- f) Prior to the issuance of the event permit, town staff shall determine the specific portions or lanes of the roadway that may be used by the participants. This determination shall be based on safety considerations and the preservation of access to businesses and other scheduled activities along the route.
- g) In addition to the routes established by subsection (a) of this section, races/walks/runs (e.g. marathons and half-marathons) may be permitted on other streets in the town so long as the majority of the race/walk/run occurs outside of the town and that portion of the race/walk/run within the town does not exceed one and one-half mile in length. Races permitted pursuant to this subsection (g) shall not be subject to the time/frequency requirements established in subsections (b) and (c) of this section.

Town of Palm Beach United Way Turkey Trot 5K

The start and finish are at the same point!

Start. The start is on Sunset Av, west of Bradley Place (the road) in front of the Royal Poinciana South Building at 333 Sunset Ave, Palm Beach FL 33480. The mark is parallel with the sewer cap in the north sidewalk, 15 feet west of the eastern edge of the buildings driveway.

Mile 1 is on the sidewalk 35 feet north of the gated sidewalk entrance, north of Phipps Estates Rd

Turnaround, is on N Lake Way parallel with a storm sewer grate on the east side of the road, in front of the driveway of 644 N Lake Way

Mile 2 is on N Lake Trail 20 feet south of the sewer cap at Tangier Ave and N Lake Trail.

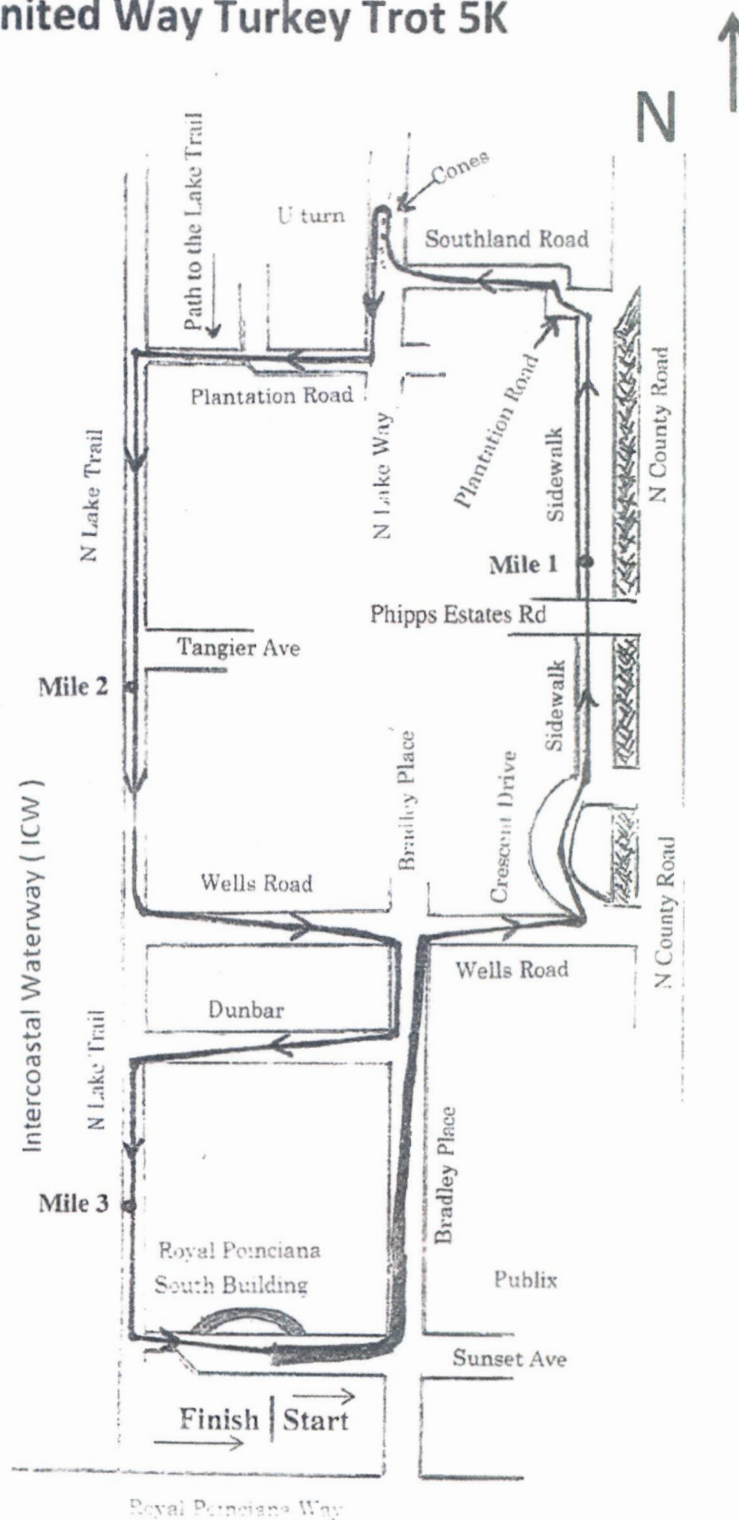
Mile 3 is North of the dock for Bradley Place (the condo) on N Lake Trail 16 feet south of the light pole and almost parallel with the north edge of the tennis building to the east [Note: look for the white painted stripe on the seawall]

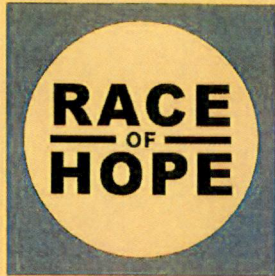
Finish, the finish is at the same point as the start, see note above for Start

Marks are a Nail & Washer painted over in white paint !

Course Notes: Runners will be on the sidewalk when running north parallel to N County Road, N Lake trail is a windy path along the Intercoastal Waterway. Bradley Place & N Lake Way are the same road. Map is not to scale

Measured By
Scott Richards
Palm Beach Running Company
Scott@PalmBeachRunningCompany.com





COURSE MAP

[REDACTED]
PALM BEACH, FLORIDA

