ORDINANCE NO. 5094-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 86 (TRAFFIC AND PARKING) BY AMENDING ARTICLE I (IN GENERAL), SECTION 86-1 (DEFINITIONS) TO ADD NEW DEFINITIONS AND SECTION 86-7 (RIDING OF ROLLER SKATES, ROLLER BLADES, SKATEBOARDS, COASTERS, SCOOTERS AND OTHER SIMILAR DEVICES) TO IDENTIFY THE TYPE OF DEVICES BEING REGULATED AND AMEND THE PENALTY PROVISION; AMENDING ARTICLE IV (STOPPING, STANDING AND PARKING) AT SECTION 86-231 (PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS) TO PROVIDE AUTHORITY TO THE MAYOR; SECTION 86-246 (CONSTRUCTION MANAGEMENT PLAN) TO REGULATE CONSTRUCTION MANAGEMENT PLANS; SECTION 86-247, (PARKING FOR NEW DEVELOPMENTS; USERS OF NUMEROUS SPACES) TO ADDRESS METERED SPACES; AND ADDING NEW SECTIONS 86-248 (RESIDENTIAL PARKING PERMITS) TO PROVIDE FOR AND REGULATE RESIDENTIAL PARKING PERMITS; AND SECTION 86-249 (ISSUANCE OF RESIDENTIAL PARKING PERMITS) TO PROVIDE FOR AND REGULATE ISSUANCE OF RESIDENTIAL PARKING PERMITS; AMENDING ARTICLE V (TRAFFIC CALMING), DIVISION 1 (GENERALLY), SECTION 86-350, TO ADD ADDITIONAL CRITERIA; DELETING DIVISION 2 (TRAFFIC CALMING ADVISORY COMMITTEE); AMENDING DIVISION 3 (PROCESS), SECTION 86-374 (APPLICATION; REVIEW CYCLES) TO REGULATE APPLICATIONS; AMENDING SECTION 86-375 (PROCEDURE) AND SECTION 86-376 (REMOVAL OF TRAFFIC CALMING MEASURES) TO AMEND THE REVIEW AUTHORITY; AND AMENDING SECTION 86-377 (LANDSCAPING) REGARDING LANDSCAPING IN TRAFFIC CALMED AREAS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City of West Palm Beach (the "City") as set forth at Article VIII, Section 2, of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and other applicable controlling law; and

WHEREAS, the City Commission of the City of West Palm Beach (the "City Commission") is vested with the authority to adopt ordinances to protect the health, safety and welfare of the City's residents and visitors; and

WHEREAS, Chapter 86 of the City Code of Ordinances regulates, among other things, the riding of roller skates and similar devices in the city, parking on city streets, construction traffic management plans, parking for residential areas and traffic calming in residential areas; and

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WHEREAS, the City Commission finds that amending this Chapter 86 as set forth herein will promote greater safety on the streets, highways and parking areas within the City and in residential areas and is thereby in the best interest of the health, safety and welfare of the citizens and residents; and

WHEREAS**,** the City desires to amend Chapter 86 as set forth below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article I (In General), Section 86-1 Definitions, to add new definitions, and shall read as follows:

CHAPTER 86 – TRAFFIC AND PARKING

ARTICLE I. - IN GENERAL

Sec. 86-1. Definitions.

The following words and phrases, when used in this chapter, shall for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley and *alleyway* mean a thoroughfare through the middle of a block giving access to the rear of lots or buildings.

Authorized wrecker operator means any wrecker operator who has been designated as part of the wrecker operator system established by the City.

Bus stand means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

Center line means a continuous or broken yellow line marked upon the surface of a roadway, by paint or otherwise, to indicate each portion of the roadway allocated to traffic proceeding in the two opposite directions. If the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

Commercial vehicle means every vehicle designated, used or maintained primarily for the transportation of perishable and nonperishable goods, passengers, or any other contents.

Controlled access highway means a street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air or view by reason of the fact that their property abuts upon such limited access facility or for any

other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

Double parking, double standing or double stopping means the parking, standing or stopping of a vehicle upon the roadway side of another vehicle parking, standing or stopping, but not legally within or adjacent to an open parking space.

Guest means a person who is visiting a residence for a period less than 24 hours.

Guest permit ("GRP") means a permit issued to residents for guests, visitors or commercial vehicles parked on a street within a residential parking permit zone.

Flex zones means the flexible curb space which may be used as parking space for mobility hubs such as motorcycles, bicycles, and motor scooters, zip cars, pedicabs, and ride-share vehicles; or where people find their bus, hail a cab, drop off a passenger, make a delivery, or may be partitioned for use as a place to socialize or do business.

Holidays, Where used in this chapter or on official signs erected by authorized official agencies, the term "holidays" shall, in addition to Sundays, mean those entire days declared by ordinance of the city to be holidays, to wit: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Day, and any other such day designated by city officials as a legal holiday and for which normal business activities are suspended or curtailed. Whenever a holiday falls upon a Saturday or Sunday, respectively, the Friday immediately preceding the Saturday or the Monday next following the Sunday shall also be deemed a holiday.

Jitney shall be defined as provided in section 22-221.

Loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, materials, or personal property.

Nonmotorized vehicle means any rickshaw, animal-drawn vehicle, pedal- powered or other opened or closed vehicle with two or more wheels, commonly referred to as a rickshaw, pedicab or pedestrian cab, operated by one or more individuals for the purpose of, or capable of, transporting passengers in seats or a platform made as a part of the vehicle. This definition shall include human and animal-propelled vehicles, but shall not include bicycles, bicycles designed for two persons, tricycles designed for one person, scooters, wheelchairs or other vehicles designed and used for the transportation of the handicapped.

Non-residential vehicle means a motor vehicle parked on a public right-of-way in a residential area that is registered to a person who is not a resident of such residential district.

Owner, when used in relation to a motor vehicle, means the individual or firm to which the vehicle is registered on the motor vehicle certificate of title and shall include if under lease, rental agreement, or on loan under any type of arrangement, gratuitous or otherwise, the individual or firm having possession or control of the vehicle. When used in relation to private property in a residential district, the term "owner" shall mean the recorded owner of the property based upon the records of this county, and shall include, if

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under lease, rental, agreement for deed or similar land contract, the person or persons actually in possession and control of the premises.

Parking meter means a mechanical timing device used for the purpose of regulating parking and which is actuated by the insertion of a coin or insertion of a coin and the operation of a lever or cranking device.

Pedestrian priority zone means districts and streets designated as a pedestrian priority zone by the city commission. The purpose of a pedestrian priority zone, usually found in residential neighborhoods and commercially zoned downtown areas containing urban apartments, is to create an atmosphere within which residents utilize wide and well-lighted landscaped sidewalks as a means to reach a destination to and from home or to and from shopping or dining. The mobility system in a pedestrian priority zone is intended to be walking bicycling or other micro-mobility options.

Residential districts mean all residential districts as established and designated on the official zoning map of the city.

Residential parking permit means a permit issued by the parking administrator as provided herein for the privilege of parking on a street within a “residential parking permit area.”

Residential parking permit zone means a residential area designated for restricted residential parking by the City Parking Administrator or Traffic Engineer pursuant to the criteria and procedures established herein.

Residential street means those local and collector public rights-of-way that are within zoning districts designated as "residential" pursuant to the official zoning map for West Palm Beach.

Speed limits means the maximum or minimum miles per hour a vehicle may lawfully travel.

Taxi and *taxicab* shall be as defined in section 22-221.

Taxi stand and *taxicab stand* mean a fixed area in the roadway parallel and adjacent to the curb set aside for taxicabs to stand or wait for passengers.

Towing business means a business that provides towing services for monetary gain.

Traffic calming means the combination of mainly physical measures that reduce the negative effects of motor vehicles use, alter driver behavior and improve conditions for non-motorized street users.

Traffic calming measure means a measure employed to reduce vehicles speed, but not restrict access to a street, which measures may include but are not limited to: speed humps, street narrowing, humps with two-sided narrowing, humps with one-sided narrowing, medians, median with hump, speed cushions, traffic circles, raised intersections, or raised crosswalks/speed tables.

Traffic control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Traffic division means the traffic division of the police department of this city.

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Unauthorized wrecker operator means any wrecker operator who has not been designated as part of the wrecker operator system established by the City.

U-turn means the act of turning a vehicle so that the vehicle travels in the opposite direction to that in which it was originally traveling.

Vessel means every description of a boat, barge, or airboat or any other vehicle used for transportation on water.

Visitor means a person who is visiting a residence within a RPPD for a period of more than twenty-four (24) hours.

Wrecker operator system means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, under which the City contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods.

Yield right-of-way means that the immediate use of the street shall be relinquished to traffic which has entered the intersection or which is so close as to constitute an immediate hazard.

SECTION 3: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article I (In General), Section 86-7, Riding of Roller Skates, Roller Blades, Skateboard, Coasters, Scooters and Other Similar Devices, to identify the types of devices being regulated and amend the penalty provision, and shall now read as follows:

Sec. 86-7. Riding of roller skates, rollerblades, skateboards, coasters, scooters and other similar devices.

(a) The use of roller skates or rollerblades, or the riding of a skateboard, scooter, coaster, or other similar device in the city shall be limited as follows.

(1) No person shall ride a skateboard, scooter, coaster, or other similar device on any sidewalk, on any walkway, in any public parking lot, in any public parking garage, on any dock, on the premises or adjacent to or near the exterior of any public building or amphitheater within in the city, or on any public property in the city in the designated downtown area as defined by the following boundaries: the building line of the northern side of North Quadrille Boulevard to the north; the building line of the southern side of Evernia Street to the south; the eastern line of the public sidewalk of the eastern side of North Flagler Drive to the east; the building line of the western side of North Tamarind Avenue to the west between Evernia Street and 1st Street, and the western side of North Rosemary Avenue to the west between 1st Street and 5th Street; and the Waterfront as defined by the following boundaries: on the east side of Flagler Drive from the Flagler Memorial Bridge located on Loftin Street to the Royal Park

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Bridge located on Lakeview Avenue, unless posted and permitted by appropriate signs.

(2) The riding of a non-motorized skateboard, scooter, coaster, or other similar device in any other location located in the city shall be permitted unless posted and prohibited by appropriate signs.

(3) The use of roller skates and rollerblades shall be permitted upon sidewalks and walkways. Roller skates and rollerblades shall not be used on any ramp, stairway, wall, bench, stage, fountain, handrail, ledge, street furniture, or other structure, facility, or improvement, or on or over any landscaped area, including, but not limited to, grass, shrubbery, or flower beds, nor may they be used within any public building, parking structure, or parking lot. The use of roller skates or rollerblades in permitted areas shall be in compliance with the provisions of this section.

(b) The mayor shall cause signs to be posted and maintained on such sidewalks, and at walkways, public parking lots, public parking garages and the premises of public buildings, and public property which is located outside the designated downtown area and waterfront as defined in this section, specifically prohibiting the riding of scooters, skateboards, coasters or similar devices on the sidewalks.

(c) No person upon roller skates, roller blades, or any scooter, skateboard or any coaster, or other similar device shall go upon any roadway, except while crossing a street on a crosswalk. When so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street, as authorized by this Code or other ordinance of this city.

(d) No person will construct any ramp, jump or similar devise intended for use by a person with a skateboard, roller skates, rollerblades or similar device on any highway, street, alley, sidewalk, walkway, railway, waterway, elevator, aisle, hallway, entrance, or exit to which the public or a substantial group of the public has access, or any other place used for the usage or passage of persons, vehicles, or conveyances.

(e) It shall be unlawful for any person to place any wax or other similar substance commonly used to provide a lubricated surface for the purpose of easing the movement of skateboards, roller skates, rollerblades or other similar devices, on any of the following locations in the city.

(1) Streets;

(2) Sidewalks;

(3) Alleys;

(4) City-owned structures; or

(5) Benches, seawalls, handrails, ledges, docks, planters, steps, ramps, playground equipment, tables, fountains, street furniture, and any other improvements located in the public right of way or on public property upon which skateboarding, rollerblading, roller skating, or similar device has been prohibited.

(f) No person shall use roller skates or rollerblades, or operate a skateboard, scooter, coaster or other similar device, in any manner that may endanger any pedestrian on any public way

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or in such a manner as might discourage any pedestrian from the peaceful use of such public ways in such a manner as to interrupt the smooth flow of automobile and pedestrian traffic.

(g) No rider of a skateboard, scooter, coaster or other similar device, or user of roller skates or rollerblade shall engage in obstacle riding or other acts or maneuvers which may endanger the rider or others or which may cause damage to persons or property.

(h) A violation of this section shall result in the following penalties:

(1) *First offense.* The issuance of a written warning.

(2) *Second offense.* The offender shall surrender the roller skates, roller blades, or any scooter, skateboard or any coaster, toy vehicle or similar device used by the violating offender to the city for three days, plus payment of a $10.00 administrative fee. If the person cited for violating this section is under the age of 18, that person shall be accompanied by his or her parent or legal guardian when appearing at the police department to pay the fee and retrieve the surrendered device. The device shall not be released unless and until the fee is paid in full.

~~(3) *Third offense.* The offender shall surrender the roller skates, roller blades, or any scooter, skateboard or any coaster, toy vehicle or similar device to the city for 30 days, plus payment of a $10.00 administrative fee. If the person cited for violating this section is under the age of 18, that person shall be accompanied by his or her parent or legal guardian when appearing at the police department to pay the fee and retrieve the surrendered device. The device shall not be released unless and until the fee is paid in full.~~

(3) ~~*Fourth*~~ *Third offense.* The offender shall surrender the roller skates, roller blades, or any scooter, skateboard or any coaster, toy vehicle or similar device to the city for 30 days, plus payment of a ten dollar administrative fee. If the person cited for violating this section is under the age of 18, that person shall be accompanied by his or her parent or legal guardian when appearing at the police department to pay the fee and retrieve the surrendered device. The device shall not be released unless and until the fee is paid in full

(4) ~~*Fifth*~~ *Fourth offense.* Offender shall surrender the roller skates, roller blades, or any scooter, skateboard or any coaster, toy vehicle or similar device to the city for 60 days, plus payment of a $~~10~~50.00 administrative fee. If the person cited for violating this section is under the age of 18, that person shall be accompanied by his or her parent or legal guardian when appearing at the police department to pay the fee and retrieve the surrendered device. The device shall not be released unless and until the fee is paid in full.

(6) ~~*Sixth*~~*Fifth or more offenses.* The offender shall surrender the roller skates, roller blades, or any scooter, skateboard or any coaster, toy vehicle or similar device to the city for 90 days, plus payment of a $~~10~~100.00 administrative fee. If the person cited for violating this section is under the age of 18, that person shall be accompanied by his or her parent or legal guardian when appearing at the police department to pay the fee and retrieve the surrendered device. The device shall not be released unless and until the fee is paid in full.

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(i) Any device designated, intended and used solely for the transportation of infants, handicapped, or incapacitated persons when being used for such purposes shall be exempted from this section.

SECTION 4: The Code of Ordinances of City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article IV (Stopping, Standing and Parking), Division 1 (Generally); Section 86-231 Parking Prohibited during Certain Hours on Certain Streets, to provide authority to the Mayor, and shall now read as follows:

Sec. 86-231. Parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified in regulations promulgated by the city traffic engineer or other official designated by the ~~city commission~~ mayor.

SECTION 5: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article IV (Stopping, Standing and Parking), Division 1 (Generally), Section 86-246 Construction Traffic Management Plan, to regulate construction management plans regarding traffic, and shall now read as follows:

Sec. 86-246. Construction traffic management plan.

(a) Any owner or developer of a new construction project with a construction value in excess of ~~$250,000.00~~ $2,000,000.00 or any construction project located within a single family residential and/or historic district zoned district where multiple vehicles shall be parked within the City's right of way during construction, shall, upon application for a building permit, submit to the city a construction traffic management plan which includes each of the following:

(1) Construction traffic management site plan illustrating what on-street parking will be affected by construction, temporarily or permanently, by either an elimination of the parking space or the temporary use of the parking space as a construction staging area in accordance with this article;

(2) Details of all impacts to the public parking system and public rights-of-way, including routes that will be used to access construction site, both by written explanation and illustrated on the construction traffic management plan ~~site plan~~;

(3) A written statement detailing of how and where construction workers will park; including where parking lots are being provided for workers. If workers will be transported by bus from a remote lot; provide the location of the remote lot.

(4) Construction parking or right of way permits approved by the City's Parking Administration or City Engineering Department for right of way parking for projects located within single family or historic residential zoning districts shall be required where more than two vehicles will occupy the City's right of way at the same time. At

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no time will more than five construction-related vehicles be issued parking permits for on-street parking at the same time.

(5) No city parking garage shall be used for construction worker parking without the written permission of the parking administrator and without paying the current daily or monthly parking rate as established by resolution of the city commission.

(b) The construction management plan must be consistent with the maintenance of traffic plan submitted to the city.

(c) If the construction traffic management plan includes the temporary bagging or leasing of one or more city parking spaces, payment for each parking space shall be made to the city for use of the spaces, prior to receiving a building permit or a right-of-way permit, at the rates established by resolution of the city commission.

(d) Upon the issuance of three violations for non-compliance of an approved traffic management plan the building official shall issue a stop work order. The owner/developer shall provide an updated construction traffic management plan that provides details on how the construction traffic and parking will be adequately managed. The updated construction traffic management plan will require the approval of the city traffic engineer and parking administrator prior to the stop work order being lifted by the building official. The city shall complete its review within ten working days of the submission of the revised traffic management plan and shall either approve the revised plan and cancel the stop work order or issue a rejection of the plan detailing what corrections are needed. In the case of a rejection, the stop work order will remain in place until an approval is issued by the traffic engineer and parking administrator.

(e) Stop work orders may be appealed as described in sec. 78-485.

(f) Violations of sec. 86-246 shall be subject to fines as established in the city's parking rates for non-moving violations.

SECTION 6: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article IV (Stopping, Standing and Parking), Section 86-247 Parking for New Developments; Users of Numerous Spaces, to address metered parking spaces, and shall now read as follows:

Sec. 86-247. Parking for new developments; Users of numerous spaces.

(a) *Permanent loss of parking space.* If construction of a building or facility will result in the permanent removal of a metered parking space, payment for each parking space shall be made to the city, prior to receiving a building permit or a right-of-way permit, at the rates established by resolution of the city commission.

(b) *Reservation.* New developments or users desiring more than ten parking spaces may reserve the right to utilize a city parking garage, as available, may enter into a written parking agreement, approved by the city commission, to reserve future parking spaces at monthly

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reservation rates established by resolution. Such agreement shall set forth the terms of the parking space reservation, monthly reservation fee, term, maximum number of spaces and other provisions required by the city. Such parking reservation agreement shall apply only to the reservation of future spaces and not the actual use of parking spaces. The agreement for reservation of spaces shall expire upon issuance of a certificate of occupancy for the project.

SECTION 7: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article IV (Stopping, Standing and Parking), to add Section 86-248 Resident Parking Permits and Section 86-249 Issuance of Residential Parking Permits, which shall read as follows:

Sec. 86-248. Resident Parking Permits.

(a) *Designation of residential parking permit zone*. The city's parking administrator or traffic engineer may designate certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit zone in which motor vehicles owned by residents of the residential permit parking zone area displaying a valid parking permit or with a registered valid tag may park without limitation by parking time restrictions established as provided herein.

(b) The following objective criteria must be established in order for a residential area to be eligible for designation as a residential parking permit zone:

1. During any period of the day or night sought to be regulated, the number of vehicles parking (or standing) in the residential area in on-street parking is equal to 50 percent or more of the legal on-street parking capacity of the area.
2. That non-residential vehicles do, or substantially and regularly, interfere with the use of the majority of on-street parking spaces by adjacent residents.
3. That the interference by the non-residential vehicles do not occur at regular and significant daily or weekly intervals.
4. There is a need for parking regulations to maintain the residential character of the neighborhood.
5. That 75% of the property owners fronting the designated parking spaces have certified with signatures corresponding to the titled property owner, that they are in favor of establishing a residential parking permit area. Seventy-five percent shall be calculated with representation of one resident per dwelling unit.

(c) Procedure for designating a residential parking permit zone

1. Upon receipt of a verified petition for the designation of a residential parking permit area signed by more than 75% of the property owners, the city's parking administrator or traffic engineer will have a study conducted to determine if the criteria set forth in this section has been met.
2. Designations for residential parking permit zones that impact an area that exceeds one street and intersection must be approved by resolution of the city commission.

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3. Upon designation of a residential parking permit zone, the Parking Administrator or Traffic Engineer shall cause parking signs to be erected upon the public streets in the area designated.

Sec. 86-249. Issuance of residential parking permits.

(a) The owner of property located within a residential parking permit zone shall make application to the city's parking administration for a residential parking permit. The application shall contain:

1. The name of the owner, tenant of the property or both; and
2. Residence and mailing address of owner, tenant or both; and
3. Copy of a valid vehicle registration that proves that the vehicle owner resides in or owns property fronting parking space(s).
4. Such other evidence of identification as deemed acceptable by the Parking Administrator showing residency.

(b) The residential parking permit shall be issued to qualified applicants upon payment of the fees established by a resolution of the city commission.

(c) *Residential permit parking*. A motor vehicle with a valid residential parking permit or that has a registered and authorized vehicle tag as provided in this section, shall be permitted to stop, stand or park on a restricted street within the residential parking permit zone for which the permit has been issued. A resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this section. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential parking permit zone.

(d) *Short Term Guest Residential Parking Permit.* A short-term guest is one whose visit lasts less than 24 hours. Short term guest residential parking permits ("short term guest permit") will be available to each registered resident not to exceed 3 (three) guest parking permits per residence. Additional short-term guest permits may be approved for a permitted special event. Parking of a commercial vehicle involved in the performance of a commercial activity associated with the commercial vehicle shall not require a guest parking permit if the parking time is four hours or less within a 24 hour period.

(e) *Visitor residential parking permi*t. A visitor is one whose stay is in excess of 24 hours who does not exceed 7 (seven) days. Visitor residential parking permits ("visitor permit") shall be available to each registered resident not to exceed two visitor parking permits per residence.

Note: Residents will not be issued more than three guest permits of any type per residence: Example: Either three short term permits or two short term and one visitor permit. The actual number of guest permits allowed for residents may be less than the designated maximum number per resident as determined by City Parking Administration based upon the number of available on-street parking spaces.

SECTION 8: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article V (Traffic Calming), Division 1

(Generally), Section 86-350 Criteria, to add criteria, and shall now read as follows:

Sec. 86-350. Criteria.

To be eligible for consideration for traffic calming measures, a residential street must meet all of the following criteria:

(1) The street is publicly dedicated, maintained by the city and located within a residential zoning district;

(2) The area to be traffic calmed is at least 800 feet in length, between intersections;

(3) The street is not an alley or a dead-end;

(4) The street is not part of a bus route, a detour route, an evacuation route and/or an important access route for emergency vehicles;

(5) Traffic counts on the street are more than 600 but less than 3,000 vehicles per day;

(6) A traffic analysis has been conducted by the City that supports the need for traffic calming measures;

(~~6~~7) There must be written support from at least 75 percent of the residents and/or business owners whose properties front the area proposed to be traffic calmed, and such support must include 51 percent of the actual property owners.

SECTION 9: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article V (Traffic Calming), to delete Division 2 (Traffic Calming Advisory Committee) and reserve Sections 86-370 to 86-373 for future use.

~~DIVISION 2. TRAFFIC CALMING ADVISORY COMMITTEE~~

~~Sec. 86-370. Establishment of traffic calming advisory committee.~~

~~The traffic calming advisory committee is hereby established as an advisory body to the city.~~

~~Sec. 86-371. Members; appointment; term.~~

~~The traffic calming advisory committee shall consist of seven members who shall be appointed by the mayor. Members shall include the following from city staff: director of public works, one member from engineering services, a transportation planner, the operations and maintenance superintendent (streets), a fire department representative, and a police traffic operations representative. One member shall be a citizen who resides within the city, appointed by the mayor, who shall serve without compensation. Where possible, the resident member shall rotate each term among the different neighborhoods. The mayor may appoint other staff to attend and participate in meetings but such persons shall not vote. Members of the committee shall be appointed for a term of three years, unless removed by the mayor. Any vacancy shall be filled by the mayor for the remainder of the unexpired term. Members shall be deemed to continue to hold office until a successor has been appointed.~~

~~Sec. 86-372. Organization.~~

~~(a) One member from engineering services shall serve as chair of the traffic calming advisory committee and shall call meetings as necessary and shall preside at its meetings. The committee may formulate rules, regulations and procedures for the conduct of its business. The transportation planner shall serve as vice-chair of the traffic calming advisory committee and shall preside in the absence of the chair.~~

~~(b) All meetings shall be open to the public. The committee shall keep a record of its discussions, findings regarding each application, ranking recommendations and other official actions. All records of meetings shall be public record and available from the public utilities department.~~

~~Sec. 86-373. Duties and responsibilities.~~

~~The duties and responsibilities of the traffic calming advisory committee shall include the following:~~

~~(1) To review all applications for traffic calming measures to ensure that all applications comply with the criteria established in the Code of Ordinances;~~

~~(2) To adopt procedures for the review and evaluation of applications for traffic calming measures;~~

~~(3) To recommend to the city commission approval or disapproval of applications for traffic calming measures;~~

~~(4) To evaluate and make recommendations to the city commission as to the traffic calming measure recommended for approval;~~

~~(5) To evaluate and make recommendations to the city commission as to the priority of applications for traffic calming recommended for approval;~~

~~(6) To ensure that traffic calming measures will not block access to fire hydrants or impair travel for fire, rescue or solid waste vehicles.~~

SECTION 10: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article V (Traffic Calming), Division 3 (Process), Section 86-374 Application; Review cycles, and shall now read as follows:

Sec. 86-374. Application; Review cycles.

(a) Applications for traffic calming will be handled on a ~~bi-annual review cycle~~first in, first reviewed basis. ~~Applications for traffic calming will only be accepted during the months of April and October each year.~~

(b) Requests for traffic calming measures shall be made only on application forms approved by the traffic engineer ~~accompanied by payment of the application fee~~. The city reserves the discretion to deny any application for traffic calming measures.

(c) ~~Notwithstanding the foregoing, the city commission retains the right to initiate, approve, deny or remove any traffic calming measure or appurtenant landscaping on any street within the city limits.~~

SECTION 11: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article V (Traffic Calming), Division 3 (Process), Section 86-375 Procedure and Section 86-376 Removal of Traffic Calming Measures, to amend the review authority, and shall now read as follows:

Sec. 86-375. Procedure.

Timely filed applications for traffic calming will be reviewed for completeness. Accepted applications will be reviewed and evaluated by the ~~traffic calming advisory committee t~~raffic engineer. ~~The recommendations of the traffic calming advisory committee will be considered by the city commission at a public meeting.~~ The city may deny any applications for traffic calming measures. The city may approve traffic calming measures other than those requested. Installation of traffic calming measures shall be made in accordance with state law and city ordinances.

Sec. 86-376. Removal of traffic calming measures.

Requests for removal of installed traffic calming measures shall follow the same procedure as applications for such measures. ~~and shall be reviewed by the traffic calming advisory committee and approved by the city commission~~. Removal of installed traffic calming measures shall be at the expense of the party requesting removal.

SECTION 12: The Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended at Chapter 86, (Traffic), Article V (Traffic Calming), Division 3 (Process), Section 86-377 Landscaping, and shall now read as follows:

Sec. 86-377. Landscaping.

(a) The feasibility of landscaping traffic calming measures shall be determined by the ~~traffic Traffic calming advisory committee~~ city traffic engineer and parks and recreation director. ~~and approved by the city commission.~~

(b) Landscaping of traffic calming measures shall be in accordance with a plant palette, ~~established by the director of planning and zoning based on the,~~ plant materials and specifications set forth in chapter 94 of the City Code of Ordinances.

(c) The applicant requesting traffic calming will be expected to donate any necessary ~~the~~ approved landscaping materials.

(d) The residents and/or businesses with property within 100 feet of and fronting the traffic calmed area must agree to maintain the landscaping in accordance with the City Code of Ordinances.

(e) In the event the installed landscaping within the traffic calming measure is not maintained in accordance with the requirements of chapters 78 and 94 of the code, ~~the director of public utilitie~~ the city~~s~~ may ~~recommend removal of the~~ remove the landscaping ~~to the city commission~~ and shall provide written notice to the residents and/or business owners with property within 100 feet of and fronting the traffic calmed area that ~~such recommendation will be made to the city commission and providing the meeting date~~ the traffic calming landscaping or measure shall be removed. Such notice shall be given least ~~ten prior~~ 30 days prior to removal. ~~to the date of the city commission meeting.~~

(f) If the city determines that the landscaping obstructs the view of traffic, creates other traffic hazards or creates a public safety concern, the mayor shall have the authority to direct the immediate removal of the landscaping or other traffic calming measures.

SECTION 13: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 15: Authority is hereby granted to codify the amendments set forth in this Ordinance.

SECTION 16: This Ordinance shall take effect in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

All text which is added is underlined and all text which is ~~stricken~~ is deleted.
***Asterisks indicate text not amended, but not included to save space
32216. SAT

FIRST READING THIS 15TH DAY OF APRIL, 2024.

SECOND READING AND PASSAGE THIS 29TH DAY OF APRIL, 2024.

ATTEST:

X

CITY CLERK
Signed by: Shaquita Lashae Edwards

CITY OF WEST PALM BEACH

BY ITS CITY COMMISSION:

X

PRESIDING OFFICER
Signed by: Keith A. James

APPROVED AS TO FORM AND LEGALITY:

X

CITY ATTORNEY
Signed by: Samuel A Thomas

All text which is added is underlined and all text which is ~~stricken~~ is deleted.
***Asterisks indicate text not amended, but not included to save space
32216. SAT