

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, AMENDING CHAPTER 153. LAND DEVELOPMENT CODE. OF THE CODE OF ORDINANCES OF THE TOWN OF BRINY BREEZES AT SECTION 153.032 IN ORDER TO REVISE, UPDATE AND CLARIFY PARKING RULES, REGULATIONS, REQUIREMENTS AND PROHIBITIONS WITHIN THE TOWN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 153. LAND DEVELOPMENT CODE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICT CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Briny Breezes has determined that the Town's Code that provides parking regulations needs revision and clarification in order to provide for understandable and enforceable rules and regulations; and

WHEREAS, the Town Council desires to revise section 153.032 of the Town's Land Development Code to provide such revision and clarification; and

WHEREAS, the Town Council of the Town of Briny Breezes has determined that such amendments to the code are in the best interest of the citizens of the Town of Briny Breezes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, THAT:

Section 1: Chapter 153. Land Development Code. of the Code of Ordinances of the Town of Briny Breezes, Florida, is hereby amended at Sec. 153.032 in order to provide understandable and enforceable rules and regulations for parking within the Town, providing that Section 153.032 shall hereafter read as follows:

§ 153.032 PARKING AND LANDSCAPE DISTRICT (PL-1).

(A) Purpose and intent. The purpose of this zone is to provide parking spaces for the residents, lessees and the visiting public and also to provide, as the individual siting may allow, small areas for landscaping improvements and beautification. These are the only uses permitted for this zoning district.

(B) Regulations and permits for on-street parking. Designation of areas. Pursuant to the preferential parking ordinance of the town, each of the following areas are hereby designated

~~as preferential parking zones. There shall be no parking or standing of motor vehicles at any time on any street, road or right-of-way in the Town, however named, in a preferential parking zone, except by permit. Parking permits shall be available from the Town Manager or designee in accordance with the following regulations, also depicted on the Town of Briny Breezes On-Street Parking Map as adopted by resolution of the Town Council: The location of each such zone is described as follows:~~

~~(1) On Briny Breezes Boulevard, no on-street parking is permitted. However, parking along the north side of Briny Boulevard on the grassy swale and paver covered area parallel to the north side of the roadway, between the north edge of the pavement and the adjacent sidewalk, from North Ocean Boulevard (A-1-A) on the west, to Old Ocean Boulevard on the east shall be allowed for the owners and guests of the adjoining and abutting mobile home units. Each vehicle so parked must display the applicable valid and current Town issued permit at all times. on the grassy swale area on the north side of Briny Breezes Boulevard, which lies parallel to the north side of the roadway, between the north edge of the pavement and the adjacent sidewalk, from North Ocean Boulevard (A 1 A) on the west, to Old Ocean Boulevard on the east.~~

~~(2) On Old Ocean Boulevard, on-street parking is permitted only as follows: The second preferential parking zone, hereafter referred to as Zone 2, shall be all the remaining areas of the town that are not included within the first preferential parking zone established by the ordinance repealed by these provisions for the limited area upon and along Briny Breezes Boulevard, which shall hereafter be referred to as Zone One. Upon notification that an event is scheduled at the beach clubhouse that requires special parking privileges, the Town Manager or designee is authorized to temporarily identify on-street parking spaces on the east side of the Boulevard only, as a zone where parking is allowed by special event permit only. The Town Manager or designee may for good cause issue special event parking permits in numbers equal to the number of parking spaces needed for the event and available on the Boulevard and may condition such permits as necessary to insure the maximum public use of the street. Such permits shall be revocable at any time by the Town Manager or designee. No person shall park a vehicle in a marked special event parking zone or on-street parking space without first obtaining a special event parking permit from the Town Manager or designee, and prominently displaying such permit in the windshield of the vehicle. Whenever any special event on-street parking permit is granted, no person shall use such permit for any location or time other than as designated on the permit. All such permits shall designate the specific location, date and time for which the permit is valid. All special event parking permits shall remain the property of the Town and shall be surrendered upon demand to the Town Manager or designee.~~

~~(3) On Cordova Avenue, on-street parking is permissible in marked spaces along the south side of Cordova Avenue for the owners and guests of the adjoining and abutting mobile home units. In addition, on-street parking is permissible in marked spaces along the north side of Cordova Avenue for residents and guests throughout the Town. Finally, on-~~

street parking is permissible in the area known as the "Bull Pen" along the north side of Cordova Avenue for RV parking. Each vehicle and RV so parked must display the applicable valid and current Town issued permit at all times.

(4) On Ruthmary Avenue, South Ibis Drive, North Ibis Drive, South Heron Drive and North Heron Drive, on-street parking is permissible for the owners and guests of the mobile home units located adjacent to their respective Drives or Avenue. Where marked spaces are provided (e.g. the north side of Ruthmary Avenue), on-street parking is permissible in such spaces. Where marked spaces are not provided (e.g. the south side of Ruthmary Avenue, and all of South Ibis Drive, North Ibis Drive, South Heron Drive and North Heron Drive), on-street parking is permissible parallel to the through lane(s). Each vehicle so parked must display the applicable valid and current Town-issued permit at all times.

(5) On Juniper Drive, Hibiscus Drive, Cedar Drive, Bamboo Drive, Mallard Drive, Flamingo Drive, Lark Drive, Java Drive, Palm Drive, Bay Drive, Eagle Drive Cardinal Drive, Marine Way, Banyan Boulevard (except adjacent to the marina canal dead end), North Ocean Boulevard, West Cordova Avenue, no on-street parking is permitted at any time.

(6) On Dock Drive and Bay Drive, as well as the fish cleaning station on-street parking is permissible for marina tenants and guests. Where marked spaces are provided, on-street parking is permissible in such spaces. Where marked spaces are not provided, on-street parking is permissible parallel to the through lane(s). Each vehicle so parked must display the applicable valid and current Town-issued permit at all times.

(7) On Banyan Boulevard adjacent to the marina canal dead end, and the south side of Marina Drive, and designated spaces on the north side of Cordova Drive, on-street parking is permissible in designated spaces by special lease from the corporation only. Each vehicle so parked must display the applicable valid and current permit at all times.

(C) *Regulations and permits for off-street parking. Location-of-district.* Parking or standing of motor vehicles in any driveway, or other designated off-street parking space in the Town, including the open area between Marina Drive and West Bamboo Drive which is for special purposes and events designated by the corporation, and also including the areas north of Flamingo Drive on the east side of Banyan Boulevard under the ficus trees, shall generally be regulated by Briny Breezes, Inc. Each vehicle so parked must display the applicable valid and current permit at all times. However, the following regulations shall also apply and shall be enforced in the same manner as on-street parking regulations: Areas having this zoning designation are as shown on the official zoning map and are located in various configurations throughout the town, including the parking areas provided along Dock Drive for the marina, the automobile and overnight trailer parking provided along Cordova Avenue, and the spaces provided for the parking of recreational vehicles.

(1) Off-street parking may not block adjacent sidewalks or vehicle travel lanes.

(2) Commercial uses shall comply with the following off-street parking requirements:

(a) For parking for office buildings, there shall be a minimum of one off-street parking space for each 200 square feet of gross floor area, excluding stairways and hallways.

(b) For parking for other commercial developments, there shall be a minimum of five off-street parking spaces for each 1,000 square feet of gross leasable area.

(c) A plan for the parking facilities shall accompany each application for a building permit or certificate of occupancy for office building and other commercial developments. The completion of the improvements for parking according to such a plan shall be requisite for issuing of the permit or certificate of occupancy.

~~All off-street parking at residences is by permit only.~~

(3) RVs may be parked temporarily (up to a maximum of 24 hours and excluding Sundays and Town recognized holidays) between Quonset I & II and Quonset II & III, for the sole purpose of loading and unloading. Each vehicle so parked must display the applicable valid and current permit at all times.

(4) Off-street parking is permissible north of Flamingo Drive on the east side of Banyan Blvd. under the ficus trees. No person shall park a vehicle in said area without first obtaining a parking permit from the Town Manager or designee, and prominently displaying such permit in the windshield of the vehicle at all times.

(5) Off-street parking for commercial, government and corporation offices on North Ocean Boulevard does not require a permit; parking shall be in the associated marked spaces.

(6) Residents may coordinate with Briny Breezes, Inc. to utilize posts (one on each side of the driveway / parking area entrance, not to exceed four feet in height) with connecting chain to close the off-street driveway / parking area adjacent to their residence when not in use. The foregoing shall be subject to requirements of Briny Breezes, Inc., if any, including but not limited to the resident assuming all cost and expense. The Town shall have no obligation or responsibility in this regard.

(D) Signs and Enforcement. The Town shall cause signs to be posted throughout the Town, sufficient in the opinion of the Town Marshal, or other designated Town official with traffic enforcement responsibilities, to place all motorists on notice of these on and off-street parking regulations. The Town shall cause these on and off-street parking regulations to

be enforced via parking citations, so long as the corporation maintains with the Town a current Agreement for Municipal Traffic Control Jurisdiction over the Private Streets and Road Rights-of-Way in the Town of Briny Breezes.

(1) It shall be unlawful for any person to reproduce, sell, give, barter, rent, or lease, or cause to be sold, given, bartered, rented, or leased, for any value or consideration any parking permit. Upon the conviction of a violation of this subsection, all permits issued to, or for the benefit of, the residence for which the sold, given, bartered, rented or leased permit was authorized, shall be void.

(2) It shall be unlawful for any person to buy, receive as a gift, barter, rent or otherwise acquire, whether for value or not, any parking permit, except as provided for in this section.

(3) Penalties for parking violations. Any motor vehicle found in violation of the parking restrictions imposed by this section shall be cited by a traffic citation appropriate to the circumstances thereof issued by the Police Department or the County Sheriff's Office, and, upon conviction, the owner thereof shall be subject to the penalties provided in § 153.999.

(4) Penalties for other violations. Any person violating the other substantive provisions of this section shall, upon conviction, be subject to the penalties provided by §10.99.

~~(C) Purpose and intent. The purpose of this zone is to provide parking spaces for the residents, lessees and the visiting public and also to provide, as the individual siting may allow, small areas for landscaping improvements and beautification. These are the only uses permitted for this zoning district.~~

~~(D) Second preferential parking program and regulations. This division (D) shall be known as and may be cited as the Second Preferential Parking Ordinance of the town.~~

~~(E) General regulations. The following general regulations shall apply:~~

~~(1) Residential parking.~~

~~(a) For each newly created lot in a mobile home development platted after the effective date of this code, there shall be provided not less than one off street parking space.~~

~~(b) Parking along the north side of Briny Boulevard, the north side of Cordova Avenue and along the unpaved portion of Old Ocean Boulevard, shall be allowed for the owners and guests of the adjoining and abutting mobile home units. To the extent that any of the aforesaid streets are public roadways, this section shall only apply to the degree legally enforceable and not otherwise.~~

~~(2) Marina parking and recreational vehicles.~~

~~(a) Parking of vehicles at the marina shall be permitted in the spaces provided for the users of this facility.~~

~~(b) The parking of recreational vehicles shall be permitted in the spaces provided for same.~~

~~(3) Commercial parking.~~

~~(a) For parking for office buildings, there shall be a minimum of one off-street parking space for each 200 square feet of gross floor area, excluding stairways and hallways.~~

~~(b) For parking for other commercial developments, there shall be a minimum of five off-street parking spaces for each 1,000 square feet of gross leasable area.~~

~~(c) A plan for the parking facilities shall accompany each application for a building permit or certificate of occupancy for office building and other commercial developments. The completion of the improvements for parking according to such a plan shall be requisite for issuing of the permit or certificate of occupancy.~~

~~(F) Special provisions: establishment of preferential parking zones.~~

~~(1) Title of ordinance. This section shall be known and may be cited as the Preferential Parking Ordinance of the town.~~

~~(2) Requirements for designation of preferential parking zones. The Town Council may designate by ordinance certain residential streets or any portions thereof, as preferential parking zones for residents living adjacent thereto, in which zones vehicles displaying a permit or other authorized indicia may be exempt from parking prohibitions or restrictions otherwise posted, marked, or noticed. Each preferential parking zone shall be designated only upon the following findings:~~

~~(a) That such zone is required to enhance or protect the quality of life in the area of the proposed zone from being threatened by noise, traffic hazards, environmental pollution or devaluation of real property resulting from commuter vehicular traffic;~~

~~(b) That such zone is necessary to provide reasonable available and convenient parking for the benefit of the adjacent residents; and~~

~~(c) That the proposed zone is desirable to encourage the use of car pooling~~

~~and mass transit.~~

~~(3) *Placement of signs.* No ordinance designating a preferential parking zone shall apply until signs and/or markings giving adequate notice thereof have been placed.~~

~~(4) *Findings required for zone designation.* The findings enumerated for the designation of preferential parking zones in division (F)(2) shall be based upon the following criteria, and established to the satisfaction of the Town Council by a preponderance of the evidence presented:~~

~~(a) That commuter vehicles, defined as those vehicles operated by persons whose destinations are to nonresidential areas, do or may substantially and regularly interfere with the use of the majority of available public street parking spaces by adjacent residents;~~

~~(b) That the interference by the commuter vehicles referred to in subsection (a) occurs at regular and significant daily or weekly intervals;~~

~~(c) That the commuter vehicles being driven or parked in the area of the proposed zone cause or are the source of one or more of the following deterrents: unreasonable noise; traffic hazard; environmental pollution; or, devaluation of real property in the area of the proposed zone;~~

~~(d) That two thirds of the town residents adjacent to the proposed zone desire, agree or request preferential parking privileges;~~

~~(e) That no unreasonable displacement of commuter vehicles will result into surrounding residential areas;~~

~~(f) That a shortage of reasonably available and convenient residential-related parking spaces exists in the area of the proposed zone; and~~

~~(g) That no alternative solution is feasible or practical.~~

(E G) *Issuance of preferential parking permits.*

(1) *Applications.* The Town Manager Clerk or designee, which may include a designated third-party approved by Town Council resolution, shall issue preferential parking permits to effectuate the parking regulations of this section. ~~to the qualified town residents requesting same in the order of priority of their applications.~~ Applications shall be submitted to the Town Manager Clerk or designee ~~a designated third party approved by Town Council resolution,~~ upon a form approved by the town and provided by the town or designee ~~a designated third-~~

~~party approved by Town Council resolution, for such purpose. Applicants shall furnish all information requested which shall include their name, address and verification that their place of residence is adjacent to the area designated for them as a preferential parking zone.~~

(2) Agreement for designated third-party. The Town Council shall have the authority to enter into a written agreement with a third-party designee to process applications and issue parking permits to effectuate the parking regulations of this section. ~~for town preferential parking permits for Briny Breezes Boulevard.~~ Said written agreement with the third-party service provider shall be approved by Town Council resolution.

(3) Third parties. Permits properly issued by third parties authorized to act for the town by express written agreement with the town shall be considered, for all intents and purposes, the same as if the town had issued the permit to the applicant itself. ~~Said third parties shall have no authority to act or speak for the town in any other manner or respect other than as expressly authorized by the town code of ordinances and the express written agreement between the town and the third party.~~

(4) Reserved. Town Clerk authorized. ~~In the event that the town enters into an agreement to process and issue preferential parking permits for Briny Breezes Boulevard with a third party, upon the natural expiration of the agreement, or upon the termination of the agreement, or upon the agreement being found invalid or unenforceable, the Town Clerk is authorized and directed to immediately take over all aspects of the processing and issuance of preferential parking permits previously performed by the third party without further action by the Town Council and may administer same personally or through the Deputy or Assistant Town Clerks.~~

(5) Reserved. Vehicle owners. ~~Vehicle owners shall include the identification of their motor vehicle and their proof of vehicle ownership. Their preferential parking permit shall be permanently affixed to their vehicle.~~

(6) Households without not owning motor vehicles. Residents that do not possess ~~not~~ owning motor vehicles but who must depend upon regular assistance from visiting relatives and friends who do require parking accommodations upon their arrival, are also eligible for preferential on-street parking permits. Such applicants shall furnish the names and addresses of their primary assisting ~~chief~~ visitors and identify the motor vehicles which they regularly use. Their preferential parking permit shall be temporarily displayed on the vehicle of their visitor at all times that vehicle is parked in the Town resident's ~~preferential~~ parking space.

(7) Number of permits per dwelling unit. Not more than one permit for on-street parking shall be issued for each qualified dwelling unit to any qualified applicant except as hereinafter provided. Applicants requesting more than one permit for any dwelling unit may

be granted one additional permit by the Town Manager Clerk or designee ~~a designated third-party approved by Town Council resolution~~, upon a showing that any unassigned parking spaces remain after all other qualified applicants residing within the preferential parking zone have been accommodated; that there is more than one motor vehicle registered at that applicant's dwelling unit; and, that there is still insufficient parking available to that applicant during the effective hours of the preferential parking zone.

(8) Reserved. Enforcement of preferential parking permits, ~~The Town Marshal shall enforce the provisions of the town's Preferential Parking Ordinance pursuant to the provisions made and provided by the town's traffic and motor vehicle code.~~

(9) Permit fees. A fee of \$10 is hereby imposed for each preferential parking permit issued pursuant to this section, which fee shall be set by resolution of the Town Council and shall be paid by the applicant to the Town Manager Clerk or designee ~~a designated third-party approved by Town Council resolution~~ at the time of application.

(10) Permit denial or revocation. No preferential parking permit shall be issued to any applicant having an outstanding parking violation or who has any unpaid traffic fines assessed against them. Furthermore, a permit issued pursuant to this section may be revoked by the Town Manager or designee in accordance with procedures set by resolution of the Town Council. Such procedures shall at a minimum provide for proper notice and due process. ~~Upon the Town Clerk giving ten days written notice by U.S. mail or hand delivery to any such person who has an outstanding unpaid parking violation or who has any unpaid traffic fines assessed against them, to provide evidence of payment or to pay said outstanding fines and/or violations. the failure of such person to comply with such demand within the time provided shall be sufficient cause for the Town Clerk to cancel and declare such preferential parking permit to be null and void. The Town Clerk shall notify any such permit holder of such cancellation action by promptly giving the person written notice thereof by US, mail or hand delivery~~

(11) Duration of permits. Parking permits issued pursuant to this section shall remain effective for a period of one calendar fiscal year, or fraction thereof, ~~or as long as the applicant continues to reside in a qualified dwelling unit for such permit, or until the preferential parking zone for which such permit was issued is eliminated whichever period of time is less.~~

(12) Conditions of permits. Each parking permit issued pursuant hereto shall be subject to all the conditions and restrictions set forth in this section and those of the preferential parking areas or spaces zone for which it is issued, including conditions or restrictions which may be altered or amended from time to time. The issuance of such permit shall not be construed to be a permit for, or approval of, the violation of any provisions of this code or any other law or regulation.

~~(H) Prohibitions.~~

~~(1) No vehicle shall be parked or stopped on or upon the parking spaces designated as a preferential parking zone in violation of any posted or noticed prohibition or restriction, unless such vehicle shall have prominently displayed on or by the left lower corner of the rear window thereof, a current permit indicating an exemption from such restriction or prohibition.~~

~~(2) It shall be unlawful for any person to sell, give, barter, rent, or lease, or cause to be sold, given, bartered, rented, or leased, for any value or consideration any preferential parking permit. Upon the conviction of a violation of this subsection, all preferential permits issued to, or for the benefit of, the dwelling unit for which the sold, given, bartered, rented or leased permit was authorized, shall be void.~~

~~(3) It shall be unlawful for any person to buy, receive as a gift, barter, rent or otherwise acquire, whether for value or not, any preferential parking permit, except as provided for in this section.~~

~~(I) Third party processors. All third parties processing applications and issuing permits for town preferential parking permits for Briny Breezes Boulevard shall do so pursuant to a written agreement for that purpose and shall serve at the pleasure of the Town Council. The town's designee shall comply with all applicable rules, laws, and ordinances including, but not limited to: federal laws, laws of the state, county rules and ordinances, and town resolutions and ordinances.~~

~~(J) Designated preferential parking zones. The following areas are hereby designated preferred parking zones:~~

~~(1) On Briny Breezes Boulevard, on the grassy swale area on the north side of Briny Breezes Boulevard, which lies parallel to the north side of the roadway, between the north edge of the pavement and the adjacent sidewalk, from North Ocean Boulevard (A-1-A) on the west, to Old Ocean Boulevard on the east.~~

~~(2) Such other areas as may hereafter be established by ordinance.~~

~~(K) Penalties.~~

~~(1) Penalties for parking violations. Any motor vehicle found in violation of the parking restrictions imposed by this section shall be cited by a traffic citation appropriate to the circumstances thereof issued by the Police Department or the County Sheriff's Office, and, upon conviction, the owner thereof shall be subject to the penalties provided in § 53.999.~~

(F) Official Parking Map. The Official Parking Map for the Town of Briny Breezes, as appended to the Town's Code of Ordinances, as may be amended from time to time in conformance with this section, and as kept on file in the Office of the Town Manager is hereby adopted and incorporated into this code.

SECTION 2: The Official Parking Map of the Town of Briny Breezes, attached hereto as Exhibit A, is hereby adopted and shall be appended to the Town's Code of Ordinances. The Official Parking Map shall be kept on file in the Office of the Town Manager.

SECTION 3: Each and every other section and subsection of Chapter 153. Land Development Code. of the Code of Ordinances of the Town of Briny Breezes, Florida, shall remain in full force and effect as previously enacted.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Should any section or provision of this Ordinance, or any portion thereof, 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 6: Specific authority is hereby granted to codify this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 21st day of May 2020

SECOND AND FINAL READING this 28th day of May 2020

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES

Samuel Gene Adams

MAYOR, SAMUEL GENE ADAMS

Susan Thaler

PRESIDENT, SUSAN THALER

Christina Adams

ALDERMAN, CHRISTINA ADAMS

(TOWN SEAL)



Allen "Chick" Behringer

ALDERMAN, ALLEN "CHICK" BEHRINGER

Bill Birch

ALDERMAN, BILL BIRCH

Kathy Gross

ALDERMAN, KATHY GROSS

ATTEST:

Christina Adams

Christina Adams, Town Clerk Pro Tem

APPROVED AS TO FORM AND CORRECTNESS:

Keith Davis

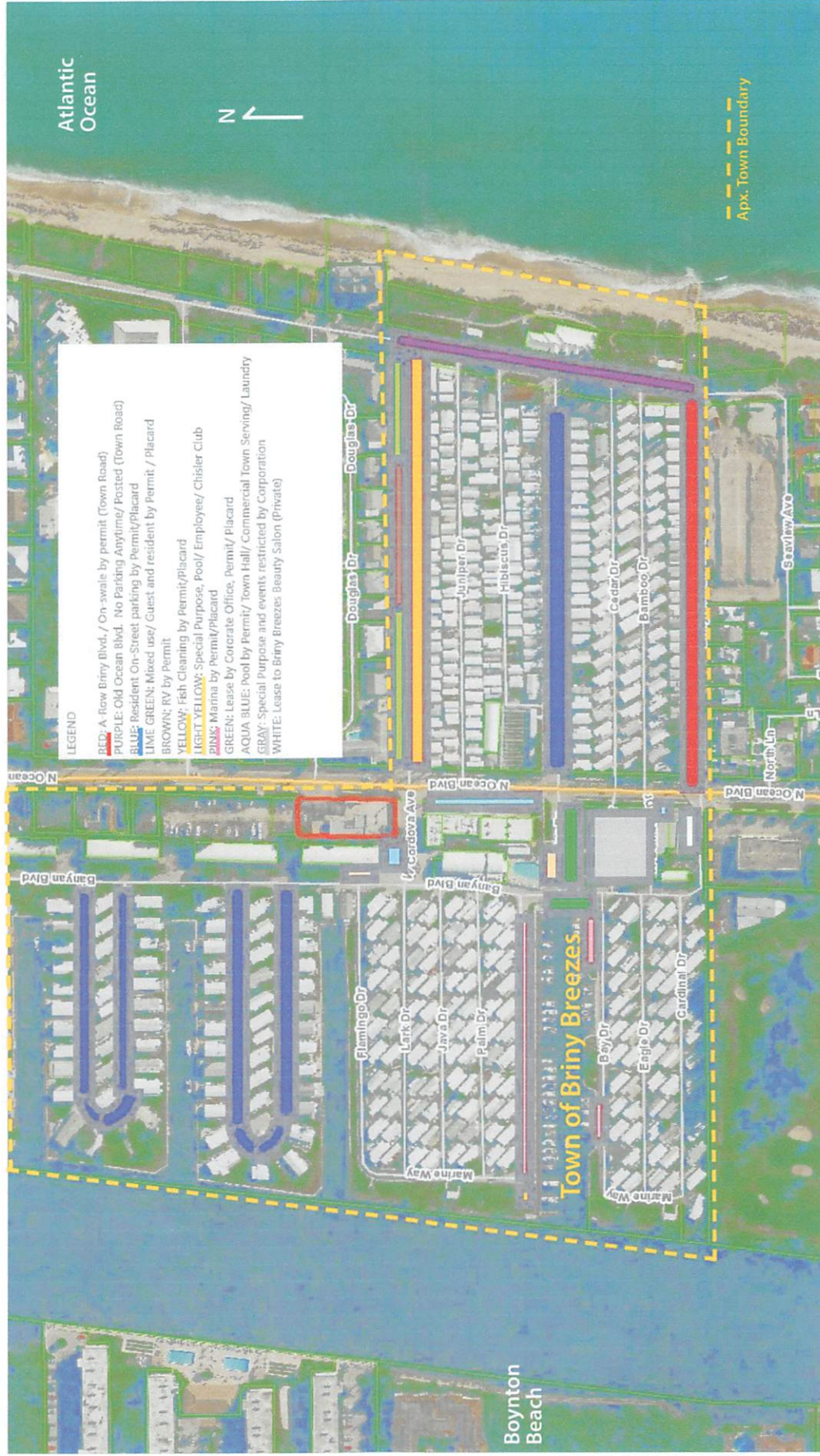
KEITH DAVIS

Attorney for Town of Briny Breezes



BRINY BREEZES

Briny Breezes Parking - Exhibit A- Ord 2-2020



Source: Briny Breezes Corporation, the Town of Briny Breezes and Ocean Ridge Police Dept. Revised on May 1, 2020