

## MEMORANDUM

**TO:** Members of the Planning and Zoning Board

**FROM:** Leonard G. Rubin, Town Attorney

**RE:** Recommendation to Town Council (Ordinance No. 688)

**DATE:** September 23, 2016

**CC:** Ruben Cruz, Director of Planning and Zoning

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### Background:

The Town Council requested that Staff prepare an ordinance providing time limitations for the installation of storm panels and shutters.

Staff initially presented an Ordinance adopting a new Section 34-876 of the Town Code providing that storm panels and shutters shall not be permitted to cover window and/or door openings with the following exceptions:

1. If a hurricane or tropical storm warning or watch has been issued for any portion of Palm Beach County, storm panels and shutters may be installed and must be removed within two (2) weeks of the end of the storm event or the cancellation of the hurricane or tropical storm warning or watch.
2. During hurricane season (June 1<sup>st</sup> to November 30<sup>th</sup>), storm panels and shutters may be installed **if the structure remains unoccupied**. The panels and shutters may be installed two (2) weeks prior to the beginning of hurricane season and must be removed within two (2) weeks after the end of the hurricane season. Occupied structures are governed by the regulations in the paragraph above.

At its last meeting, the Board voted to restrict the applicability of the ordinance to storm panels and not include storm shutters. The attached ordinance incorporates the revision requested by the Board and includes the following additional language defining the term "storm panel":

For the purposes of this section, storm panels shall mean steel, aluminum or polycarbonate panels or fabric coverings intended to protect structure openings during storm events that are: attached to the structure through the use of tracks, bolts or hooks; not permanently affixed to the structure; and stored out of sight when not in use. The term storm panels shall not include storm shutters that are properly permitted and permanently affixed to the

structure, including, but not limited to, roll-down shutters, accordion shutters, colonial shutters and bahama shutters.

The Town Code requires Planning and Zoning Board review of any ordinance amending Chapter 34 of the Town Code of Ordinances.

**Recommendation:**

Staff recommends that the Planning and Zoning Board review the proposed Ordinance and provide a recommendation to the Town Council.

1 TOWN OF JUNO BEACH, FLORIDA

2  
3 ORDINANCE NO. 688

4  
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO  
6 BEACH, FLORIDA, AMENDING DIVISION 1, "GENERALLY," OF  
7 ARTICLE IV, "SUPPLEMENTAL REGULATIONS," OF CHAPTER 34,  
8 "ZONING," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A  
9 NEW SECTION 34-876, "STORM PANELS;" PROVIDING FOR  
10 CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE  
11 DATE.

12  
13 WHEREAS, the Town Council desires to enact regulations for the use of storm  
14 panels within the Town in the interests of both safety and aesthetics; and

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16 WHEREAS, the Town Council determines that the adoption of this Ordinance is in  
17 the best interests of the residents and citizens of the Town of Juno Beach.

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19 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
20 TOWN OF JUNO BEACH, FLORIDA as follows:

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22 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and  
23 incorporated herein.

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25 **Section 2.** The Town Council hereby amends Division 1, "Generally," of Article  
26 IV, "Supplemental Regulations," of Chapter 34, "Zoning," by adopting a new Section 34-  
27 876 to read as follows (additional language underlined):

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29 **Sec. 34-876. Storm panels.**

30  
31 (a) For the purposes of this section, storm panels shall mean  
32 steel, aluminum or polycarbonate panels or fabric coverings intended to  
33 protect structure openings during storm events that are: attached to the  
34 structure through the use of tracks, bolts or hooks; not permanently affixed  
35 to the structure; and stored out of sight when not in use. The term storm  
36 panels shall not include storm shutters that are properly permitted and  
37 permanently affixed to the structure, including, but not limited to, roll-down  
38 shutters, accordion shutters, colonial shutters and bahama shutters.

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40 (b) Storm panels shall not be permitted to cover the window  
41 and/or door openings of a structure, except as provided below:

42  
43 (1) Storm panels shall not be permitted to cover window and/or  
44 door openings unless a hurricane or tropical storm warning or  
45 watch has been issued for any portion of Palm Beach County.  
46 In the event of a hurricane or tropical storm warning or watch,  
47 storm panels are permitted to cover window and/or door  
48 openings, but must be removed within two (2) weeks of the

end of the storm event or the cancellation of the hurricane or tropical storm warning or watch.

(2) During hurricane season (from June 1<sup>st</sup> to November 30<sup>th</sup> of each year), storm panels may cover window or/or door openings if the structure remains unoccupied. In such event, storm panels may not be installed more than two (2) weeks prior to the beginning of hurricane season and must be removed no more than two (2) weeks after the end of hurricane season. All occupied structures shall comply with the provisions of subsection (1) above.

**Section 3.** The provisions of this Ordinance shall become and be made a part of the Code of the Town of Juno Beach, Florida.

**Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

**Section 5.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6.** This Ordinance shall become effective immediately upon adoption

FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

SECOND, FINAL READING AND ADOPTION this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
AYE                      NAY                      \_\_\_\_\_  
JASON HASELKORN, MAYOR

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AYE                      NAY                      \_\_\_\_\_  
JIM LYONS, VICE MAYOR

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AYE                      NAY                      \_\_\_\_\_  
FRANK FAHY, VICE MAYOR PRO TEM

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AYE                      NAY                      \_\_\_\_\_  
ELLEN ANDEL, COUNCILMEMBER

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AYE                      NAY                      \_\_\_\_\_  
BILL GREENE, COUNCILMEMBER

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ATTEST:

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

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VANESSA M. MUTCHNIK, MMC  
TOWN CLERK

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LEONARD G. RUBIN  
TOWN ATTORNEY