MEMORANDUM

TO: Mayor Jason Haselkorn
Vice Mayor Jim Lyons
Members of the Town Council

FROM: Leonard G. Rubin, Town Attorney

RE: Ordinance No. 688 (Storm Panels) – First Reading

DATE: November 3, 2016

CC: Joseph Lo Bello, Town Manager
Vanessa Mutchnik, Town Clerk
Ruben Cruz, Director of Planning and Zoning

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 1st to November 30th), 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.

The Town Code requires that the Planning and Zoning Board review all amendments to Chapter 34 of the Town Code.

The Planning and Zoning Board determined that the Ordinance should be restricted to apply only to storm panels and not to storm shutters. Staff revised the Ordinance as directed by the Board and included the following definition of 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 Planning and Zoning Board also requested that language be added to provide that storm panels that cover windows and doors of unoccupied structures that are not visible from a street, alley, traveled road or adjacent property are permitted at all times. This additional amendment is incorporated as subsection (3).

As back up, Staff has attached both the Ordinance approved by the Planning and Zoning Board and the Ordinance originally presented to the Board for a recommendation.

Recommendation:

Staff recommends that the Council adopt Ordinance No. 688 (as originally presented or as revised by the Planning and Zoning Board) on first reading.

TOWN OF JUNO BEACH, FLORIDA

ORDINANCE NO. 688

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

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

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

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

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

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

Sec. 34-876. Storm panels and shutters.

Storm panels and storm shutters, either permanent or temporary, shall not be permitted to cover the window and/or door openings of a structure, except as provided below:

(1) Storm panels and storm shutters shall not be permitted to cover window and/or door openings unless a hurricane or tropical storm warning or watch has been issued for any portion of Palm Beach County. In the event of a hurricane or tropical storm warning or watch, storm panels and storm shutters are permitted to cover window and/or door openings, but must be removed or opened, as applicable, 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 1st to November 30th of each year), storm panels and storm shutters may cover window or/or door openings if the structure remains unoccupied. In such event, storm shutters and panels may

not be installed or closed, as applicable, more than two (2) weeks prior to the beginning of hurricane season and must be removed or opened, as applicable, 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
_____	_____	_____
AYE	NAY	JIM LYONS, VICE MAYOR
_____	_____	_____
AYE	NAY	FRANK FAHY, VICE MAYOR PRO TEM
_____	_____	_____
AYE	NAY	ELLEN ANDEL, COUNCILMEMBER
_____	_____	_____
AYE	NAY	BILL GREENE, COUNCILMEMBER

ATTEST:

_____
VANESSA M. MUTCHNIK, MMC
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
LEONARD G. RUBIN
TOWN ATTORNEY

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

(1) Storm panels shall not be permitted to cover window and/or door openings unless a hurricane or tropical storm warning or watch has been issued for any portion of Palm Beach County. In the event of a hurricane or tropical storm warning or watch, storm panels are permitted to cover window and/or door 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 1st to November 30th 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.

(3) Storm panels that cover windows and doors of unoccupied structures that are not visible from a street, alley, traveled road or adjacent property are permitted at all times.

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.

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