

STAFF REPORT REGULAR MEETING

AGENDA DATE: May 6, 2025

DEPARTMENT: City Manager

TITLE:

Ordinance No. 2025-02 – First Reading – amending the requirements and procedures for valet parking

SUMMARY:

Amending Article III of Chapter 19 to address valet parking permits issued by the City.

BACKGROUND AND JUSTIFICATION:

At the April 1, 2025 regular commission meeting, the City Commission directed staff to bring back changes to the Valet Parking Ordinance addressing the fee, Section 3(c) to allow the City to lease out public property to the valets, the number of spaces to accommodate the Lake Worth Playhouse and the additional insurance for \$1 M/3 M.

The Ordinance has been amended to factor in those issues.

MOTION:

Move to approve/disapprove Ordinance 2025-02 on first reading and set the second reading and public hearing for May 20, 2025.

ATTACHMENT(S):

Ordinance 2025-02

ORDINANCE 2025-02 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 19 "STREETS AND SIDEWALKS," ARTICLE VIII "VALET PARKING," TO AMEND THE REQUIREMENTS AND PROCEDURES FOR VALET PARKING; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, the City of Lake Worth Beach, Florida (the "City") is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City Commission desires to amend Article III of Chapter 19 of the City's Code of Ordinances, which addresses valet parking permits that may be issued by the City for use of right-of-way; and

WHEREAS, the City Commission finds and declares that this Ordinance is appropriate and is in the best interest of the health, safety, and welfare of the City, its residents, and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing "WHEREAS" clauses are incorporated into this Ordinance as true and correct findings of the City Commission.

Section 2: Chapter 19 "Streets and Sidewalks," Article VIII "Valet Parking," is hereby amended as follows (deletions in ~~strike through~~ text and additions in underline text):

Article VIII. – Valet Parking

Sec. 19-130. - Definitions.

The following words when used in this article shall, for the purposes of this article, have the following meanings:

Public right-of-way shall mean a public roadway, highway, street, sidewalk, or alley.

Valet parking service area shall mean the space located in a public right-of-way and approved by the city for the loading and unloading of passengers to and from motor vehicles and for the valet stand.

Valet stand shall mean the mobile stand, table, chair, umbrella, key box and any other objects or equipment necessary for the operation of the valet parking service.

Sec. 19-131. - Permit required; application process; FDOT rights-of-way.

(a) *Permit required.* A person operating a business establishment may not provide on-street valet parking services unless the person has a valet parking permit issued under this article.

(b) *Application process.*

- (1) A completed application for a valet parking permit and all applicable fees shall be submitted to the office of community sustainability on a form provided by the city. No fee shall be prorated or refunded. The application must be made by the owner or lessee of the premises benefitting from the proposed valet parking service. If the application is made by a lessee, such application shall include the written consent of the property owner.
- (2) Within thirty (30) days of receipt of a completed application, the public ~~services~~ works department director shall either approve, approve with conditions or deny the permit. If the permit is approved, the permittee shall be subject to a permit fee and annual permit renewal fees each year thereafter. Fees shall be established by resolution of the city commission. The permit fee and annual permit renewal fees shall include the city's fee and any rent due under a FDOT right-of-way lease.
- (3) The following standards and criteria shall be used in reviewing the application:
- a. Permits shall be issued only for public rights-of-way owned or leased by the city.
 - b. Valet parking services shall be operated only by commercially licensed and insured vendors ~~holding a valid occupational license~~.
 - c. Permits shall be issued only to applicants that provide documentation that they have procured sufficient accessible parking off-site to accommodate the valet parking services, which must be provided using one or more of the following options:
 1. ~~Private off-street parking spaces for their valet parking services. Proof shall also be provided that the private off-street parking has a valid city business license for such use. On-street parking spaces and parking spaces otherwise located on property owned or maintained by the city shall not be used by the permittee to park vehicles.~~
 2. Off-street parking located on property owned or maintained by the city is allowed only on property held out by the city for valet parking use and through written agreement between the city and the applicant or valet service provider.
 - d. The valet parking service area shall be located on the public right-of-way abutting the boundary lines of the property on which the permittee's business or property is located. The location of the valet parking queue is restricted to existing designated on-street parking spaces. ~~No more than two (2) on-street parking spaces shall be used as part of the valet parking queue.~~ Except as otherwise set forth herein, the valet parking service area shall not be established or extended in front of another property unless the applicant secures the written consent of the affected property owner. If an on-street parking space abuts two (2) separate properties, the permit for the use of such space for a valet parking queue shall be awarded on a first come, first served basis.
 - e. Permits will not be issued where the drop-off and pick-up of vehicles will interfere with the safe operation of driveways, street intersections, crosswalks or other prohibited areas.
 - f. Permits will not be issued where the stacking of drop-off and/or pick up of vehicles will interfere with the safe traffic operation on adjacent streets or unduly delay or interfere with normal traffic operations.
 - g. Permits will not be issued where there is another permitted valet parking service area located one (1) block away or less. A "block" will be considered the distance from one (1) street to the next, north, south, east and west.
 - h. Permits will not be issued for more than two (2) on-street parking spaces to be used as part of the valet parking queue. Notwithstanding the foregoing, where the applicant provides evidence that its operations require a single start and end time and over 100 people in attendance at an individual location, a permit may be issued

for two (2) on-street parking spaces per one hundred (100) attendees to be used as part of the valet parking queue.

i. If any of the above criteria is not met, the city may deny the permit application.

If a permit is issued and any of the above criteria cease to be met, the same shall be a violation of this article and may be cause for the city to revoke or suspend a permit.

(c) *FDOT rights-of-way.*

(1) *City lease.* If the valet parking service operates in whole or in part on any right-of-way owned or maintained by the Florida Department of Transportation (FDOT) and such right-of-way is leased to the city, the applicant shall be required to abide by and be subject to all terms and conditions of such lease which may include, but are not limited to, the following:

1. Payment of rent plus applicable taxes.
2. Indemnification and insurance requirements.
3. Maintenance of right-of-way requirement.
4. Termination provision, even if prior to expiration of valet parking permit.
5. Periodic governmental inspections.
6. Waiver of legal rights, monetary claims, and damages of any sort for the loss of occupancy of the leased property.
7. Prohibition of any portable or temporary advertising signs in leased right-of-way.

It is the responsibility of each applicant to review any applicable lease and to be fully apprised of all the terms and conditions of such lease. Applicants may request a copy of any applicable lease from the office of the city clerk. The permittee shall also be subject to all other permit requirements, conditions and restrictions set forth in this article.

(2) *Application documentation.* Before a valet parking permit may be issued, the applicant shall provide the city with all requested documents required for compliance with the subject lease or as otherwise required by the city.

(3) *Termination of lease; waiver of damages.* By accepting a permit issued under this article, the permittee agrees to and acknowledges the following: If the subject lease is terminated for any reason, the permit shall be simultaneously revoked; and the permittee waives any claim for damages due to such termination and revocation. A revocation pursuant to this subsection is not appealable to the city commission.

(d) Permits shall be valid from October 1 to September 30, unless revoked or suspended earlier. No fee shall be prorated or refunded. The city shall begin to process renewal permit applications on July 1 of each year. To renew a permit, the permittee shall comply with the application procedures set forth under this article and pay all applicable fees and taxes. The permittee shall apply for and secure the renewal permit on or before September 30 of each year. The failure to secure a renewal permit on or before September 30 shall result in a penalty of twenty-five (25) percent of the renewal fee and may be cited as a violation of this article. If a permit is not timely renewed or a renewal application is denied, the valet parking service shall cease to operate.

(e) A valet parking service, permitted and operated in accordance with this article, shall not be an obstruction of a sidewalk as provided in [section 19-11](#) of this Code.

Sec. 19-132. - Permit conditions and restrictions.

- (a) Passengers shall not be loaded or unloaded within traffic lanes that are open to through traffic.
- (b) The valet parking service shall not interfere with the regular flow of vehicular and pedestrian traffic. The vendor shall not park vehicles in the queue or allow stacking of vehicles or blocking of the travel ways of any street, alley, parking lot or sidewalk.
- (c) The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- (d) The subject permit or a copy of the permit must be at the valet parking service area at all times.
- (e) The valet stand shall be located on the sidewalk in such a manner that a clear pedestrian path is maintained at all times. The city is authorized to require a mandatory minimum pedestrian path, as circumstances dictate. Under no circumstances shall permanent structures or equipment be permitted.
- (f) The permittee shall conduct valet parking services only during the hours of operation of the permittee's business.
- (g) The valet stand shall be of quality design, materials, and workmanship; safe and convenient for patrons; compatible with the use in the immediate vicinity; maintained with a clean, attractive appearance and in good repair at all times; and removed at the close of business each day.
- (h) Valet parking service areas shall be maintained in a neat and orderly condition at all times and shall be kept clear of all trash and debris.
- (i) The city shall have priority of use of the public right-of-way and the discretion to temporarily suspend a permit for any of its special events or other community events.
- (j) The city may require the temporary removal or relocation of valet parking service when street, sidewalk, or utility repairs necessitate such action. Under no circumstances shall the city be deemed responsible or liable in any way for any damage or loss resulting from the removal of or a failure to remove the valet parking service area or valet stand.
- (k) If found to be necessary for the protection of the health, safety and welfare of the public, the department of public services, police and fire departments or emergency service providers may require the permittee to immediately remove or relocate all or parts of the valet parking service and valet stand, and, if necessary, the city may remove or relocate the same in emergency situations. Law enforcement personnel are authorized to direct traffic, including drop-off and pick-up vehicles, as conditions may require. Under no circumstances shall the city be deemed responsible or liable in any way for any damage or loss resulting from the removal of or the failure to remove the valet parking service area or valet stand.
- (l) All valet parking service areas are subject to periodic inspections by the city to ensure compliance with this article.
- (m) All valet parking permits are subject to discontinuance due to the expiration or revocation of any and all utility permits and access permits that have been issued to the city.

- (n) If a permittee closes its business for ninety (90) days or more, the permit shall automatically expire.
- (o) No advertising signs or business identification signs shall be permitted in the valet parking service area unless approved by the city.
- (p) Permittees shall ensure that the valet parking service area is adequately staffed to ensure that the valet service is operated in a manner that will not result in illegal parking in the queue or stacking and/or blocking of the travel ways of any street, alley, parking lot or sidewalk. The valet parking service area shall be staffed by a minimum of two (2) people, with one (1) person dedicated to oversee the queue.
- (q) All valet parking service employees or independent contractors who operate motor vehicles shall have in their possession a valid Florida Driver's License in good standing.
- (r) All valet parking service employees or independent contractors shall comply with this article and all applicable city, county, and state traffic laws and regulations.
- (s) All valet parking service employees or independent contractors shall perform their duties in a courteous and professional manner.
- (t) All valet parking shall be in the off-site parking area identified in the application. No valet parking service shall park vehicles in on-street parking spaces or in public parking spaces on City property, except under written agreement with the City.

Sec. 19-133. - Indemnification; insurance.

- (a) Prior to the issuance of a permit, the applicant shall furnish the city with a signed statement that the permittee shall hold-harmless, indemnify and defend the city, its officers, agents and employees and, if applicable, the FDOT, its officers, agents, and employees, for any claims for damages to property or injury to persons, including death, which may be occasioned by any activity carried on under the terms of the permit or in connection therewith. The statement shall also include that the permittee shall be responsible for the performance of and payment for any environmental remediation that may be necessary, as determined by the FDOT or other agency with jurisdiction, within the valet parking service area, and that the permittee shall indemnify, defend, and hold harmless the city, its officers, agents and employees and, if applicable, the FDOT and its officers, agents, and employees, from any claim, loss, damage, cost, charge, or expense arising out of any such contamination.
- (b) Permittee and the permittee's valet parking service provider shall each furnish and maintain public liability and property damage insurance coverage of at least one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) aggregate for the benefit of the city, its officers, agents and employees and, if applicable, the FDOT, its officers, agents and employees, to protect from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith; and commercial auto insurance covering owned, non-owned, and hired vehicles with minimum limits of at least one million dollars (\$1,000,000) combined single limit. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name the "City of Lake Worth Beach" and the "Florida Department of Transportation", if applicable, as additional insureds, shall include a waiver of subrogation and shall apply on a primary and non-contributory basis. The insurance required hereunder shall be in amounts approved by the city and in accordance with any other requirements established by the city. The

applicant shall provide proof of all required insurance prior to receiving the permit. The permittee shall provide the City with a new certificate of insurance showing proof of all required insurance with any change in valet parking service provider.

- (c) The inclusion of the FDOT language set forth in (a) and (b) above is applicable and required if the permittee is operating the valet parking services area anywhere on property owned or maintained by the FDOT or on property that is otherwise subject to an FDOT lease with the city.

Sec. 19-134. - Denial, revocation or suspension; appeals.

- (a) The city may deny, revoke or suspend a valet parking permit if it is found that:
- (1) Any required business permit has been suspended, revoked or canceled;
 - (2) The permittee does not have a current business tax receipt issued by the city;
 - (3) The permittee does not have insurance as required under this article or as otherwise required by the city;
 - (4) Changing conditions of pedestrian or vehicular traffic that cause congestion necessitating the removal of the valet parking services. Such decision shall be based upon a finding of the city that the minimum pedestrian path is insufficient under existing circumstances or the valet parking services are unreasonably impeding the flow of traffic and such conditions represent a danger to the health, safety or general welfare of pedestrians or vehicular traffic.
 - (5) The permittee has failed to correct a violation of this article or condition of its permit or the permittee has failed to pay a violation or citation fine imposed for a violation of this article or condition of its permit;
 - (6) The permittee has received two (2) citations or notices of violation within a six-month period, whether corrected or not; or
- (b) Upon denial, revocation or suspension, city shall provide notice of such action to the applicant or the permittee in writing, stating the action which has been taken and the reason therefor. If the action of the city is based on subsection (a)(3) or (4) of this section, the action shall be effective twenty-four (24) hours after the city's postmarked date of mailing of notice to permittee. Otherwise, such notice shall become effective within ten (10) days after the city's postmarked date of mailing of such notice to the permittee. Notice shall be hand-delivered or sent by certified mail, return receipt requested.
- (c) Appeals shall be handled as follows:
- (1) An appeal shall be initiated within ten (10) days of the city's postmarked date of mailing of the written notice of the denial, revocation or suspension of a valet parking permit by delivering a written notice of appeal with the city manager. If the appeal is not timely delivered by the permittee, the permittee shall be deemed to have waived his or her right to challenge the denial, revocation or suspension, whichever is applicable.
 - (2) If the appeal is timely delivered, the city manager shall place the appeal on the next available regular city commission agenda. At the hearing upon appeal, the city commission shall either uphold the denial, revocation or suspension of the permit or reverse the denial, revocation or suspension of the permit, with or without conditions. The decision of the city commission shall be final and effective immediately.

- (3) The filing of a notice of appeal by a permittee shall not stay a denial, revocation or suspension of a permit.

Sec. 19-135. - Enforcement of violations.

In addition to the remedies provided in [section 19-134](#), the city may enforce violations of this article in accordance with [chapter 2](#), article VI "Code Compliance" or article X "Supplemental Code Compliance Procedures" of this Code.

Section 3: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 6: Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Sarah Malega
Commissioner Christopher McVoy
Commissioner Mimi May
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, 2025.

The passage of this ordinance on second reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Sarah Malega
Commissioner Christopher McVoy
Commissioner Mimi May
Commissioner Anthony Segrich

The Mayor thereupon declared this ordinance duly passed on the ____ day of _____, 2025.

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ATTEST:

Melissa Ann Coyne, MMC, City Clerk

By: _____
Betty Resch, Mayor