



AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request

Jeff Bowman 

Department Director 

REG COMMISSION

Meeting Dates 7:00PM

- Dec 7, 2010
- Jan 25, 2011
- Feb 8, 2011
- Mar 8, 2011

DEADLINE TO

Town Clerk

- Nov 23 (5:00 pm)
- Dec 31 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

ROUNDTABLE

Meeting Dates 7:00PM

- Dec 14, 2010
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

DEADLINE TO

Town Clerk

- Nov 30 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

*Subject to Change

- | | | | |
|---------------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: Ordinance 2011-01, Parking Exception Program: Second Reading.

EXPLANATION: At the Special Commission meeting of January 11, 2011, the Commission approved Ordinance 2011-01 (**Exhibit 1**) on first reading after amending it to change the word "Suspension" to "Exemption" in section 30-318 (j) and to change the length of the program from three (3) years to four (4) years. In addition, the Commission requested reports every six (6) months on the number of properties qualifying for a parking exemption under the program.

The history of this ordinance is included in Exhibit 2.

STAFF RECOMMENDATION: We recommend approval of Ordinance No. 2011-01 on second reading.

It is important to note for the record, and to inform the public, that other changes to the Town's parking regulations are being considered under the existing NOI and an additional ordinance(s) will be processed at a later date, but within the time frame established in the NOI.

EXHIBITS:

1. Ordinance – Parking Exemption Program
2. History of the ordinance.

Reviewed by Town Attorney
 Yes No

Town Manager Initials CA

ORDINANCE 2011-01

1 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
2 **THE-SEA, FLORIDA, AMENDING SECTION 30-272**
3 **“SETBACKS,” IN THE B-1 DISTRICT, OF THE CODE OF**
4 **ORDINANCES TO AMEND PARKING REQUIREMENTS;**
5 **AMENDING SECTION 30-318 “MINIMUM PARKING**
6 **REQUIREMENTS,” TO REVISE PARKING**
7 **REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY,**
8 **RESTAURANTS AND THEATRES; AMENDING SECTION**
9 **30-321 “MODIFICATION OF PARKING**
10 **REQUIREMENTS,” TO PROVIDE PROCEDURES FOR**
11 **MODIFICATION OF MINIMUM PARKING**
12 **REQUIREMENTS; PROVIDING FOR SEVERABILITY,**
13 **CONFLICTS, CODIFICATION, AND AN EFFECTIVE**
14 **DATE**

15
16 **WHEREAS,** the Town Commission recognizes that changes to the adopted Code of
17 Ordinances are periodically necessary in order to ensure that the Town’s land development
18 regulations are current and consistent with the Town’s planning and regulatory needs; and

19 **WHEREAS,** the Town Commission desires to revise the regulations applicable to
20 parking for restaurants and restaurant-type uses to spur economic development and
21 redevelopment in the Town’s business districts; and

22 **WHEREAS,** the Town Commission desires to revise the regulations applicable to
23 parking for places of public assembly and theatres, to provide consistency and legal defensibility;
24 and

25 **WHEREAS,** the Town Commission desires to provide new procedures to allow
26 applicants to seek modifications to the minimum parking requirements; and

27 **WHEREAS,** Section 30-531 of the Code requires issuance of a Notice of Intent prior to
28 the processing of any amendment to the land development regulations in Chapter 30 of the Code,
29 and such notice was given of this amendment on November 9, 2010; and

30 **WHEREAS**, additional changes are being considered to the Town’s parking and sign
31 regulations under the November 9 Notice of Intent, and additional ordinances may be brought
32 forward in the timeframe provided therein; and

33 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
34 reviewed this Ordinance at a duly noticed hearing on December 15, 2010, and provided a
35 recommendation of approval of the Ordinance with revisions; and

36 **WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance
37 at duly noticed public hearings, as required by law, and after having received input from and
38 participation by interested members of the public and staff, the Town Commission has determined
39 that this Ordinance is consistent with the Town’s Comprehensive Plan and in the best interest of the
40 Town, its residents, and its visitors.

41 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
42 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

43 **SECTION 1. Recitals.** The preceding “Whereas” clauses are ratified and incorporated
44 as the legislative intent of this Ordinance.

45 **SECTION 2. Amendment.** Section 30-272 of the Code of Ordinances is hereby amended
46 as follows¹:

47 **Subdivision H. - B-1 District Regulations**

48					
49		*	*	*	*
50	Sec. 30-272. - Setbacks.				
51					
52		*	*	*	*
53	(c) <i>Rear setback:</i>				
54		*	*	*	*

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

55 (2) No building or any part thereof shall be erected on any lot closer than 30
56 feet from the rear lot line in the following designated areas:

57 * * * * *

58 f. *Off-street parking requirements.* Off-street parking requirements in
59 B-1 zoned area where platted parking exists in Block B, Silver
60 Shores Unit A, Plat Book 28, page 39, Broward County Public
61 Records; Block E, Silver Shores Unit A, as the same appears on
62 the Official Town Map prepared by Dolph Map Co., Inc.; and
63 Blocks J and K, Silver Shores Unit B, Plat Book 31, page 3,
64 Broward County Public Records, are as follows:

65 1. *Business and professional offices.* All business and
66 professional offices shall have one parking space for each
67 300 square feet of floor area of the building.

68 ~~2. Restaurants and bars in any B-1 location. All restaurants~~
69 ~~and bars, including businesses serving food for~~
70 ~~consumption on premises or to take out, shall have one~~
71 ~~parking space for each 50 square feet of floor area utilized~~
72 ~~for customer service.~~

73 ~~32.~~ *Retail stores.* One parking space for each 200 square
74 feet of floor area of the store.

75 ~~43.~~ *Unplatted lots.* If off-street parking is not platted for a
76 specific lot, then one parking space shall be required for
77 each 700 square feet of floor area. Setback requirement
78 areas may be utilized to comply with the parking
79 requirements.
80

81 **SECTION 3.** Amendment. Section 30-318 of the Code of Ordinances is hereby amended

82 as follows:

83 ***Subdivision L. – Supplemental Regulations***

84 * * * * *

85 **Sec. 30-318. - Minimum parking requirements.**

86
87 (a) *Dwellings, single-family, two-family and condominiums:* two parking spaces for
88 each dwelling.

89 (b) *Dwellings, multiple-family:* 1½ parking spaces for each dwelling unit plus one
90 guest space for every five units. If, in addition to dwelling units, there are other
91 uses operated in conjunction with and/or as a part of the multiple dwelling,
92 additional off-street parking spaces shall be provided for such other uses as
93 would be required by this section, if such uses were separate from the multiple
94 dwelling.

95 (c) *Hotels and motels, including clubs:* One parking space for each rentable unit. A
96 rentable unit is defined as a unit with an outside entry door and bathroom which
97 can be rented individually. The unit may or may not have kitchen facilities. For
98 example, a two-bedroom unit that can be converted to two separate units, each
99 with outside door and bathroom, is counted as two rentable units. A two-

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bedroom, one-bath unit with only one outside door is counted as one rentable unit. If, in addition to rentable units there are other uses operated in conjunction with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.

- (d) *Hospitals, sanitariums, asylums, orphanages, convalescent homes, homes for aged and infirm:* one parking space for each bed for patients plus one parking space for each two employees, including nurses, on the maximum shift.
- (e) *Places of public assembly, including assembly halls, private clubs, exhibition halls, convention halls, dance halls, skating rinks, sports areas, community centers, libraries and museums:* one parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats or one parking space for each 200 50-square feet of net floor area utilized for seating or customer service. In places of assembly in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.
- (f) *Churches:* one parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats. In churches in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.
- (g) *Funeral homes:* one parking space for each four seats in public rooms.
- (h) *Medical, dental lab, chiropractic, health studio, etc., clinics:* one parking space for each 200 square feet of floor area.
- (i) *Business, professional and governmental offices:* Parking space requirements vary depending on the size in gross leasable area (GLA) according to the following table:

Office Size (GLA)	1 Space for Each (Square Feet)
Less than 5,000	250
5,000 to 20,000	300
20,000 to 50,000	325
More than 50,000	350

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- (j) *Restaurants, including customer service areas of outside cafes on private property, sandwich shops, coffee shops, and any establishment or portion of an establishment dedicated to preparing and serving food to the public bars, beer gardens, night clubs:* one parking space for each 50 square feet of floor area in rooms for customer service, except that from February 1, 2011 until January 31, 2015, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Exemption Program."
 - (1) *Application required.* To qualify for the Parking Exemption Program, a Parking Exemption Application must be submitted, in a form to be approved by the Town, with supporting documentation.
 - (2) *Eligibility for program.* The application, and all supporting documents for the construction of a new restaurant or for a restaurant expansion, shall have

143 been submitted and deemed to be complete by the Town prior to February 1,
 144 2015, and all required permits received and the restaurant subsequently built
 145 within the time periods specified in the Town's Code.

146 (3) Status following end of program. At the end of the Parking Exemption
 147 Program, all restaurants built under the Parking Exemption Program will
 148 become non-conforming uses, and shall be subject to the requirements of the
 149 non-conforming use provisions of the Town's Code of Ordinances.
 150 Notwithstanding the foregoing, restaurants or expansions of restaurants built
 151 under the Parking Exemption Program may be completely remodeled or
 152 rebuilt without providing parking, as originally permitted through the Parking
 153 Exemption Program, as long as the square footage of customer service area
 154 is not increased. Any increase in square footage after the program has
 155 ended must comply with the parking requirements in effect at the time of
 156 construction of increased square footage.

157 (4) Annual report. The Town Manager shall provide an annual report to the
 158 Commission that describes the utilization, effectiveness and impacts of the
 159 Parking Exemption Program.

160 (5) Notice and hearing prior to expiration of program. Following public notice, the
 161 Town Commission shall conduct a public hearing and evaluation of the
 162 program's impacts at least six months prior to its expiration on January 31,
 163 2015.

- 164 (k) *Retail stores:* one parking space for each 225 square feet of floor area.
- 165 (l) Reserved.
- 166 (m) *Furniture stores:* one parking space for each 500 square feet of floor area of the
 167 building.
- 168 (n) *Charter, sightseeing or fishing boats:* one parking space for each two seats or
 169 fraction thereof; required spaces shall be adjacent to the docks regularly used by
 170 the boat or within 400 feet thereof.
- 171 (o) *Uses not specifically mentioned:* The requirements of off-street parking for any
 172 uses not specifically mentioned in this section shall be one space for every 200
 173 square feet of gross floor area.
- 174 (p) *Marinas and yacht basins:* one parking space for each boat slip and one parking
 175 space for each employee.
- 176 (q) *Banks and savings and loan associations:* one parking space for each 235
 177 square feet of gross building floor area.
- 178 (r) *Gasoline service stations:* A minimum of three spaces plus one additional parking
 179 space for each 200 square feet of building or service floor area in excess of the
 180 first 600 square feet.
- 181 (s) *Leased and rental vehicles:* one space for each leased car maintained on
 182 premises plus one space for each employee.
- 183 (t) *Shopping centers:* Parking space requirements vary depending on the size in
 184 gross leasable area (GLA) and composition of the center according to the
 185 following table:

Shopping Center Size in GLA	Base Rate (1 Space For Each) (Square Feet)	Special Uses Requiring Additional Spaces Above Base Rate
Less than 50,000	225	10 spaces for each 1,000 sf of food service

		3 spaces for each 100 cinema seats
		1 space for each 700 sf of office use >10% of GLA
50,000– 100,000	250	10 spaces for each 1,000 sf of food service
		3 spaces for each 100 cinema seats
		1 space for each 700 sf of office use >10% of GLA
100,000– 200,000	250	6 spaces for each 1,000 sf of food service
		3 spaces for each 100 cinema seats > 450 seats
		1 space for each 700 sf of office use > 10% of GLA
200,000– 400,000	250	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 sf of office use >10% of GLA
400,000– 600,000	225	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 sf of office use > 10% of GLA
600,000– 1,200,000	200	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 sf of office use >10% of GLA

- 186 (u) *Convenience stores, grocery stores:* one parking space for each 125 square feet
187 of floor area.
188 (v) *Personal service shops:* one parking space for each 200 square feet of service
189 floor area including barber shops and beauty shops.
190 (w) *Theaters, movies or otherwise:* one space for every three fixed seats, plus one
191 parking space for each 200 square feet of floor area in assembly rooms with
192 movable seats.

193 * * * * *

194 **SECTION 4. Amendment.** Section 30-321 of the Code of Ordinances is hereby amended

195 as follows:

196 **Sec. 30-321. Modification of parking requirements.** ~~The Town Commission may~~
197 ~~approve a reduction in the minimum parking requirements after review and consideration~~
198 ~~of a recommendation from the Board of Adjustment when:~~

- 199 ~~(1) There is a public parking lot judged adequate to accommodate a portion of~~
200 ~~the parking demand of said use located within 400 feet straight line distance from~~
201 ~~the site; or~~
202 ~~(2) There is on-street parking judged adequate to accommodate a portion of the~~
203 ~~present and probable future parking demand of the general area; or~~
204 ~~(3) There are commercial or private lots located within 400 feet straight line~~
205 ~~distance that are judged adequate to accommodate a portion of the present and~~
206 ~~probable future parking demand of the general area.~~

207 ~~Provided, however, the Board of Adjustment shall find that such reduction in the parking~~
208 ~~requirements will not create a parking problem due to customers or employees using on-~~
209 ~~street parking in the general area, and that the traffic problems in the general area will~~
210 ~~not be materially increased. A parking study prepared in a professional manner shall be~~

211 ~~submitted with requests to waive parking requirements, said study to address existing~~
212 ~~and future parking demands, parking availability and traffic circulation.~~

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214 Requests for a reduction in the minimum parking requirements for a commercial use
215 may be considered by the Town upon receipt of an application in a form approved by the
216 Town, from the owner of the site seeking the reduction, as follows:

217 (a) Minor reductions. Requests for a reduction of (i) 1 to 3 required parking
218 spaces or (ii) up to 10% of the number of required parking spaces may be
219 approved by the Town Manager. If the request is denied by the Town
220 Manager, that decision may be appealed to the Town Commission.

221 (b) Major reductions. The Town Commission shall hear requests for
222 reductions in parking in excess of the Town Manager's authority under
223 subsection (a). Such requests shall be accompanied by a parking report,
224 prepared by the Town, analyzing existing and future parking demands,
225 the availability of underutilized public parking spaces, and traffic
226 circulation.

227 (c) Criteria for approval of major or minor reduction. Requests for reduction
228 may be approved, in whole or in part, upon a finding that there is
229 sufficient available parking that is open to the public and is judged
230 adequate to accommodate the parking reduction request within a
231 reasonable walking distance of the subject property along a practical and
232 usable pedestrian route.

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234 **SECTION 5. Severability.** If any section, sentence, clause or phrase of this Ordinance is
235 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in
236 no way affect the validity of the remaining portions of this Ordinance.

237 **SECTION 6. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or
238 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

239 **SECTION 7. Codification.** This Ordinance shall be codified.

240 **SECTION 8. Effective Date.** This Ordinance shall become effective immediately upon
241 adoption on second reading.

242 **SECTION 9. Adoption.** Passed on the first reading, this ___ day of _____, 2011.
243 Passed and adopted on the second reading, this ___ day of _____, 2011.

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247 _____
248 Mayor Roseann Minnet

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Mayor Minnet
Vice-Mayor Dodd
Commissioner Clotney
Commissioner Sasser
Commissioner Vincent

First Reading

Second Reading

_____	_____
_____	_____
_____	_____
_____	_____

Attest:

Town Clerk, June White. CMC

(CORPORATE SEAL)

Approved as to form:

Susan L. Trevarthen, Town Attorney



Exhibit 2

At the June 23, 2010 Commission Roundtable, staff was directed to research alternatives to provide more flexibility and options for businesses to meet their required parking requirements. In addition, we were asked to evaluate the request to allow private property owners to offer parking to the public as a primary use in limited circumstances.

At the October 26, 2010 Commission Roundtable, staff provided the Commission with options provided by Planning Consultant Walter Keller, along with a copy of Delray Beach's Code that already incorporates some of the options. Staff was directed to send the information to the Planning and Zoning Board for their review of the options and recommendations.

The Parking Regulations are the subject of a Notice of Intent (NOI) (Resolution 2010-39, adopted November 9, 2010) which provides for Commission adoption as late as April 2011.

On November 17, 2010 the Planning and Zoning Board held a workshop to discuss the Town's parking requirements. The Board recommended revisions to the procedures for parking waivers and discussed the distance criteria for reliance on available public parking.

At the November 22, 2010 Commission Roundtable, the Commission discussed the Planning and Zoning Board's November 17th workshop, and directed staff to prepare an item for the December 7th agenda that would temporarily exempt restaurants and restaurant type uses from Code parking requirements.

At the December 7, 2010 Commission meeting, this item was presented as a 2-year exemption program, and was discussed again. Additional direction was provided to staff to prepare an item for Planning and Zoning Board to review and provide a recommendation on a 3-year exemption program.

At the December 14 Commission Roundtable meeting, the Commission further discussed whether the exemption should be temporary or not, and the consensus was to continue with the 3-year exemption program.

On December 15, 2010 the Planning and Zoning Board reviewed the proposed changes and provided their recommendations. The proposed changes included the changes previously reviewed by the Commission, as well as the parking modification procedures requested by the Commission. The Planning and Zoning Board recommended:

1. Accept all of the proposed changes with the exception of the proposed deletion of the parking standard for restaurants in Section 30-318(j).
2. The Section 30-318(j) parking standard for restaurants should remain in place. One (1) parking space per fifty (50) sq. ft. of customer service area.

First reading of the proposed ordinance was on January 11, 2011