



Item No. 10.2.a

AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request

Jeff Bowman

Department Head

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- Nov 9, 2010
- Dec 7, 2010
- Jan 25, 2011
- Feb 22, 2011
- Mar 22, 2011

- Oct 29 (5:00 pm)
- Nov 30 (5:00 pm)
- Jan 14 (5:00 pm)
- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

- Nov 22, 2010
- Dec 14, 2010
- Jan 11, 2011
- Feb 8, 2011
- Mar 8, 2011

- Nov 12 (5:00 pm)
- Dec 3 (5:00 pm)
- Dec 30 (5:00 pm)
- Jan 28 (5:00 pm)
- Feb 25 (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: Second Reading - Ordinance 2011-02, Proposed Amendments to Parking Regulations.

EXPLANATION: At the February 22, 2011 Commission meeting the attached Ordinance (**Exhibit 1**) was approved on First Reading with the following changes:

1. Revise lines 231-237 to only be applicable to hotels.
2. Revise line 315 to include "single" to family.
3. Revise line 291 to include pervious brick pavers.

Additionally, staff placed this item on the March 8, 2011 Roundtable for further discussion. No concerns were raised.

This Ordinance will be the second of three amending the Parking Regulations. The history of these ordinances is included in **Exhibit 2**. The attached Ordinance 2011-02 (parking ordinance #2), addresses parking provisions that are located within several sections of the Code. Staff is proposing to move the regulations within the specific districts and in the General Provisions to one location in a continued effort to improving the Town's Code of Ordinances. This will eliminate conflicts within the code and have all parking regulations in one location. In addition, the following changes have been included:

- Language was added to clarify parking credit provisions when rebuilding otherwise conforming or legal non-conforming uses;
- Minimum parking requirements for single family, duplex and multiple-family dwellings were modified;
- Floor area references were revised for consistency;
- On-site, Off-site, and Share parking requirements were revised; and
- Subsequent to Planning and Zoning Board review, staff has recommended revising Section 30-319(1) to clarify the restrictions related to off-street parking.

PLANNING AND ZONING BOARD RECOMMENDATION: On January 19, 2011 the Board recommended approval of the Ordinance as proposed, with the exception of the amendment to Section 30-319(1) added subsequent to their review.

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 April 2011 time frame established in the NOI.



Item No. _____

AGENDA ITEM REQUEST FORM

Development Services

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STAFF RECOMMENDATION: We recommend approval of Ordinance 2011-02.

EXHIBITS:

1. Ordinance
2. History of the ordinance.
3. Planning and Zoning Minutes

Reviewed by Town Attorney

Yes No

Town Manager Initials JB

Exhibit 1
Ordinance 2011-02

ORDINANCE 2011-02

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED
LAND DEVELOPMENT REGULATIONS, OF THE CODE
OF ORDINANCES, TO AMEND PARKING
REQUIREMENTS; PROVIDING FOR SEVERABILITY,
CONFLICTS, CODIFICATION, AND AN EFFECTIVE
DATE**

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

WHEREAS, the Town Commission desires to revise the regulations applicable to parking for various uses and to centralize parking requirements; and

WHEREAS, the Town Commission desires to revise the regulations related to shared parking and update the regulations to address current standards; and

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

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed workshop on December 15, 2010, and at a duly noticed public hearing on January 19, 2011, and provided a recommendation of approval of the Ordinance; and

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

ORDINANCE 2011-02

28 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
29 TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

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

32 SECTION 2. Amendment. Chapter 30, Unified Land Development Regulations, of the
33 Code of Ordinances is hereby amended as follows¹:

34 **Subdivision E. - RM-25 District Regulations**

35
36 **Sec. 30-241. - RM-25 district—Apartments.**

37 * * *

38
39 ~~(n) Off street parking. Notwithstanding any other provision of this section or of sections~~
40 ~~30-314 through 30-323 in conflict with this paragraph, any multiple dwelling and/or hotel~~
41 ~~building hereafter erected or altered shall provide off street parking sections 30-314~~
42 ~~through 30-323 as hereinafter specified:~~

- 43 ~~(1) — Parking spaces hereinbefore required shall be not less than nine feet in~~
44 ~~width and 18 feet in depth.~~
- 45 ~~(2) — Except as modified by the provisions of this subparagraph, all of the~~
46 ~~requirements of section 30-313 shall remain in effect.~~
- 47 ~~(3) — Where the ground floor of any structure is planned for parking, all sides of~~
48 ~~the area allocated to parking shall be enclosed with decorative block or~~
49 ~~other approved construction to conceal the parking area. Ingress and~~
50 ~~egress driveways are permitted to provide access to this parking area.~~

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52
53 **Sec. 30-242. - RM-25 district—Regulations for the redevelopment of existing lots of 60**
54 **feet in width or less in the RM-25 districts.**

55 * * *

56 (d) *Parking.*
57 Except as modified herein, the parking provisions of sections 30-241 and 30-313
58 of the Town's Code of Ordinances shall remain in effect.

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions reflecting Commission direction on first reading are shown in double underline. Deletions reflecting Commission direction on first reading are shown in ~~double strikethrough~~.

ORDINANCE 2011-02

- 59 ~~(1) Each lot or plot shall be required to have two parking spaces per dwelling~~
- 60 ~~unit.~~
- 61 ~~(2)(1) The minimum width shall be ten feet for a one-way driveway and 20 feet~~
- 62 ~~for a two-way driveway.~~
- 63 ~~(3)(2) The minimum back-up dimension for a driveway serving a garage or~~
- 64 ~~parking space shall be 24 feet.~~

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Subdivision F. - RM-50 District Regulations

Sec. 30-251. - RM-50 district—Hotel.

* * *

~~(i) *Parking area.*~~

~~Open parking located in this district for the parking of automobiles incidental to business and approved by the Town Commission after the provisions of this article have been met shall be designed, maintained and used in accordance with the following minimum requirements:~~

- 78 ~~(1) Hotels, one automobile space for each rental unit, plus one parking space~~
- 79 ~~for the owner or manager.~~
- 80 ~~(2) Motels, one automobile space for each rental unit plus one parking space~~
- 81 ~~for the owner or manager.~~
- 82 ~~(3) Apartment hotels, one automobile space for each rental unit plus one~~
- 83 ~~parking space for the owner or manager.~~
- 84 ~~(4) Apartments, one automobile space for each rental unit, plus one parking~~
- 85 ~~space for the owner or manager.~~
- 86 ~~(5) Parking areas shall be used only for the parking of private passenger~~
- 87 ~~vehicles, in good running order, or for customers, clients, patrons, visitors~~
- 88 ~~or employees. No charge shall be made for parking. No business of any~~
- 89 ~~kind including repair service, washing, sale, display or storage shall be~~
- 90 ~~conducted on or from the plot.~~
- 91 ~~(6) No advertising signs shall be erected on the premises except that one~~
- 92 ~~directional sign at each point of ingress and egress may be erected which~~
- 93 ~~may also bear the name of the operator of the parking area and the~~
- 94 ~~enterprise it is intended to serve. Such signs shall not exceed 20 square~~
- 95 ~~feet in area, and not extend to a greater height than six feet above the~~
- 96 ~~ground, and shall be erected within the parking area.~~

~~(j) *Surfacing.*~~

~~The parking area shall be provided with a pavement having an asphaltic or portland cement binder and shall be so graded and drained as to dispose of all surface water accumulated within the parking area.~~

ORDINANCE 2011-02

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

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106 **Sec. 30-272. - Setbacks.**

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109 (c) *Rear setback:*

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

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* * *

115

116 ~~f. Off-street parking requirements. Off-street parking requirements in~~
117 ~~B-1 zoned area where platted parking exists in Block B, Silver~~
118 ~~Shores Unit A, Plat Book 28, page 39, Broward County Public~~
119 ~~Records; Block E, Silver Shores Unit A, as the same appears on~~
120 ~~the Official Town Map prepared by Dolph Map Co., Inc.; and~~
121 ~~Blocks J and K, Silver Shores Unit B, Plat Book 31, page 3,~~
122 ~~Broward County Public Records, are as follows:~~

123 ~~1. Business and professional offices. All business and~~
124 ~~professional offices shall have one parking space for each~~
125 ~~300 square feet of floor area of the building.~~

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128 ~~3. Retail stores. one parking space for each 200 square feet~~
129 ~~of floor area of the store.~~

130 ~~4. Unplatted lots. If off-street parking is not platted for a~~
131 ~~specific lot, then one parking space shall be required for~~
132 ~~each 700 square feet of floor area. Setback requirement~~
133 ~~areas may be utilized to comply with the parking~~
134 ~~requirements.~~

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137 **Subdivision L. - Supplemental Regulations**

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140 **Sec. 30-313. - General provisions.**

ORDINANCE 2011-02

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142 These general provisions shall govern development within the corporate limits of
143 the Town, as follows:

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- 145 (6) ~~Off street parking. Off street parking areas for apartments, hotels, and~~
- 146 ~~multi family units shall be provided and shown on the plot plan, with a~~
- 147 ~~minimum of nine feet by 18 feet for each parking space, to accommodate~~
- 148 ~~cars in the following proportional ratios:~~
- 149 ~~a. Two automobile parking spaces for each condominium, apartment~~
- 150 ~~or rental apartment.~~
- 151 ~~b. One and one half parking spaces for each hotel and motel room~~
- 152 ~~plus additional parking for any accessory uses at the current Code~~
- 153 ~~requirements.~~
- 154 ~~c. All off street parking areas shall be provided with a pavement~~
- 155 ~~having an asphaltic or portland cement binder, and shall be so~~
- 156 ~~graded and drained as to dispose of all surface water~~
- 157 ~~accumulated within the parking space.~~
- 158 ~~d. All automobile parking spaces shall be clearly marked or~~
- 159 ~~designated with independent ingress and egress for each parking~~
- 160 ~~space provided.~~
- 161 ~~e. Each parking space shall be directly accessible from a street or~~
- 162 ~~alley or from an adequate aisle or driveway leading to the street or~~
- 163 ~~alley. Access aisles and driveways shall be of sufficient size to~~
- 164 ~~permit convenient maneuvering of cars and each space shall be~~
- 165 ~~accessible without driving over or through any other space.~~
- 166 ~~f. Ground floor area when used for parking pursuant to RM-25~~
- 167 ~~construction shall be enclosed. Such enclosure shall be~~
- 168 ~~composed of decorative block, screening or other substance. All~~
- 169 ~~other sections of the parking ordinance shall be adhered to.~~

170 * * *

- 171
- 172 (25) ~~Parking incidental to business.~~
- 173 ~~a. In B-1 zoned areas, parking shall be permitted on B-1 or RM-25~~
- 174 ~~zoned lots where B-1 zoned lots adjoining RM-25 zoned lots, and~~
- 175 ~~where such parking is for the convenience of the employees,~~
- 176 ~~patrons or guests of the owner of the business, motel, or~~
- 177 ~~apartment.~~
- 178 ~~b. Such parking shall be enclosed by a ventilated concrete fence or~~
- 179 ~~hedge of not less than 42 inches nor more than 72 inches in~~
- 180 ~~height to conceal such parking as may be required by the Town~~
- 181 ~~Commission. Overnight parking of any size truck, van, or trailer~~
- 182 ~~shall be prohibited. The area used for parking shall be asphalt~~
- 183 ~~paved and shall have adequate drainage.~~
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Sec. 30-314. - Off-street parking; general requirements.

- (a) *Purpose.* The purpose of the following sections is to provide off-street parking provisions which are intended for and in the interest of the citizens of the Town of Lauderdale-By-The-Sea. These sections shall be construed to be the minimum requirements for the promotion of the public health, safety, moral and general welfare of the community.
- (b) *Scope.*
 - (1) Any building, structure, or use instituted with the Town of Lauderdale-By-The-Sea ~~after the effective date of these sections~~ [March 14, 1995] shall provide off-street parking facilities in accordance with the provisions of these sections for the use of occupants, employees, visitors and/or patrons thereof. Such off-street parking facilities shall be maintained and continued as long as the uses are continued.
 - (2) Any building, structure or use, instituted or erected prior to the effective date of these sections need not provide additional off-street parking facilities in accordance with the provisions of these sections provided that such existing buildings, structures or uses are not altered so as to enlarge or increase the capacity, floor area or seats therein.
 - (3) When an existing building or structure is expanded to increase the floor area or seats or to otherwise increase the capacity of the building or structure, the provisions of these sections shall apply to the increased floor area, seats or increased capacity only.
 - (4) When an existing building or structure is changed in use to a new use which would require more off-street parking pursuant to these sections than the former use, the new use shall receive credit for the off-street parking spaces attributable to the former use pursuant to these sections, even if the former use lacked sufficient parking pursuant to these sections.
 - (5) The provisions of subsections (b)(3) and (b)(4) are provided to allow for the orderly expansion and re-use of existing buildings and structures. Additionally, applicants requesting an expansion in floor area, seat or capacity or a change in use are encouraged to pursue other options for the provision of required parking available in these sections.
 - (6) It shall be unlawful for an owner or operator of any building, structure or use affected by these sections to discontinue, change or dispense with, or to cause discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of these sections. All such alternative vehicle parking facilities must be approved by the Town Manager or his designee, in writing, before the same may be used. It shall be unlawful for any person, firm or corporation to utilize such buildings, structure or use without providing the off-street facilities to meet the requirements of and be in compliance with this chapter.

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231 (7) An otherwise conforming existing hotel building, or a legal non-
232 conforming existing hotel building permitted to rebuild under Section 30-
233 21 or the Town Charter, may be rebuilt or redeveloped as a hotel,
234 according to the applicable provisions of this code and shall retain its
235 parking credits pursuant to subsection 4 above. Any increase in floor
236 area, or change of use, shall be subject to the additional parking
237 requirements of this Code.
238

239 **Sec. 30-315. - Requirements for general commercial uses.**
240

- 241 (a) *Fractional measurements:* When units or measurements determining number of
242 required off-street parking spaces result in requirement of a fractional space, any
243 such fraction equal to or greater than one-half shall require a full off-street
244 parking space.
- 245 (b) *Mixed uses:* In the case of mixed uses, the total requirements for off-street
246 parking shall be the sum of the requirements of the various uses computed
247 separately, ~~and~~ off-street parking spaces for one use shall not be considered
248 as providing the required off-street parking for any other use except when a
249 Shared Parking Study is approved by the Town Commission, as provided in
250 Section 30-320.
- 251 (c) *Measurement:* For the purposes of these sections, floor area shall mean the
252 gross floor area inside of the exterior walls. ~~In churches and other places of~~
253 ~~assembly in which occupants utilize benches, pews or other similar seating~~
254 ~~facilities, each 20 lineal inches of such seating facilities shall be counted as one~~
255 ~~seat for the purpose of computing off-street parking requirements.~~
256

257 **Sec. 30-316. - Plans.**
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259 Plans shall be submitted with every application for a building permit for any use or
260 structure required to provide off-street parking under these sections, which plans shall
261 clearly and accurately designate the required parking spaces, access aisles and
262 driveways, entrances and exits, adequate drainage, lighting, curbs and curb cuts,
263 surface materials used thereon, and relation to the uses or structure these off-site
264 parking facilities will intend to serve. Said plans to be developed in accordance with the
265 site plan design criteria included in the Town Land Development Code (section 30-
266 124(a)(1)).

267 **Sec. 30-317. - Design standards.**

- 268 (a) The minimum size (in feet) for parking stalls shall be as follows:
269 ~~9 X 18—standard space~~
270 ~~9 X 23—parallel space~~
271 ~~10 X 25—loading space~~
272 ~~12 X 18—handicap space~~
273 ~~8 X 15—compact space~~
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275 Compact space: 8 X 15

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- 276 Handicap space: . 12 X 18
- 277 Loading space: 10 X 25
- 278 Standard space: 9 X 18
- 279 Parallel space: 9 X 23

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- (b) ~~A standard parking stall shall be nine feet wide by 18 feet deep.~~ A maximum of 25 percent of all parking spaces can be compact spaces provided they are specifically designated and designed for "compact only" and the layout is approved by the Town Commission.
- (c) Parking layout and design criteria is provided in site plan requirements (section 30-124(a)(1) of the Land Development Code).
- (d) Stalls shall be provided with bumper guards, wheel stops, or continuous curbing when necessary for safety or protection to adjacent structures or landscaped areas.
- (e) Composition. Parking facilities, including access aisles and driveways, shall be surfaced with brick, asphaltic, ~~or~~ concrete, or pervious brick surfacing maintained in a smooth, well-graded condition with standards set forth according to the Town Manager.
- (f) Drainage. All off-street parking facilities shall be drained so as to not cause any nuisance on adjacent or public property. Such drainage facilities shall be arranged for convenient access and safety of pedestrians and vehicles with standards set forth according to the Land Development Code.
- (g) Identification. Each parking space required and provided pursuant to the provisions of these sections shall be distinguished and separated from adjoining parking spaces by means of three-inch painted stripes. It shall be the responsibility and obligation of the owner or operator of any building, structure or use affected by these sections to maintain such identification markings so that parking spaces at all times are distinguishable from one another.
- (h) Back-out parking prohibited. Parking facilities that require a motor vehicle to exit the parking space by backing-out onto State Road A-1-A shall be prohibited for all new development and re-development of any properties adjacent to State Road A-1-A. For purposes of this section, "new development" shall be defined as the construction of a building or parking lot upon a vacant or cleared lot. For purposes of this section, "re-development" shall be defined as any increase in building height, floor area or number of units, any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building, or any substantial alteration of the street facade of a building.

Sec. 30-318. - Minimum parking requirements.

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- (a) ~~Dwellings, single family, two family and condominiums~~ Single family and duplex dwellings: two parking spaces for each dwelling.
- (b) ~~Dwellings, multiple~~ Multiple-family dwellings: 1½ parking spaces for each dwelling unit with less than three bedrooms and two parking spaces for each unit with three or more bedrooms plus one guest space for every five units. If, in addition

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to dwelling units, there are other uses operated in conjunction with and/or as a part of the multiple dwelling, 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 multiple dwelling.

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

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- (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

* * *

- (k) *Retail stores:* one parking space for each 225 square feet of floor area.
- (l) Reserved.
- (m) *Furniture stores:* one parking space for each 500 square feet of floor area of the building.
- (n) *Charter, sightseeing or fishing boats:* one parking space for each two seats or fraction thereof; required spaces shall be adjacent to the docks regularly used by the boat or within 400 feet thereof.
- (o) *Uses not specifically mentioned:* The requirements of off-street parking for any uses not specifically mentioned in this section shall be one space for every 200 square feet of gross floor area.

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- 360 (p) *Marinas and yacht basins*: one parking space for each boat slip and one parking
- 361 space for each employee.
- 362 (q) *Banks and savings and loan associations*: one parking space for each 235
- 363 square feet of gross building floor area.
- 364 (r) *Gasoline service stations*: A minimum of three spaces plus one additional parking
- 365 space for each 200 square feet of building or service floor area in excess of the
- 366 first 600 square feet.
- 367 (s) *Leased and rental vehicles*: one space for each leased car maintained on
- 368 premises plus one space for each employee.
- 369 (t) *Shopping centers*: Parking space requirements vary depending on the size in
- 370 gross leasable area (GLA) and composition of the center according to the
- 371 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
		3 spaces for each 100 cinema seats > 750 seats
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
		3 spaces for each 100 cinema seats > 750 seats
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

- 372 (u) *Convenience stores, grocery stores*: one parking space for each 125 square feet
- 373 of floor area.
- 374 (v) *Personal service shops*: one parking space for each 200 square feet of service
- 375 floor area including barber shops and beauty shops.
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379 **Sec. 30-319. - Limitations on use of required parking facilities.**

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The following uses and activities shall not be permitted in required parking facilities:

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(1) Parking to serve an off-site building use or activity unless in accordance with an off-street parking agreement approved by the Town in accordance with section 30-320.

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(2) Storage, repair or display of any vehicles, equipment or merchandise.

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(3) Parking of vehicles, which, due to its size, shape, contents or location creates an obstruction or public safety hazard, or which cannot be contained within a single designated parking space.

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(4) Off-street parking facilities supplied by the owner or operator to meet the requirements of these sections shall not be used by commercial vehicles owned, operated or used in the business or such owner during regular hours.

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Sec. 30-320. - Parking other than on-site location.

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(a) Regulation of required parking, shared parking and off-site required parking.

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Parking spaces shall be located as follows:

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(1) Onsite: Required parking spaces may be located upon the same plot or parcel of land the parking area is intended to serve, or,

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(2) Off-site: Required parking spaces may be located offsite, upon a plot of land owned or leased by the same person or business entity that owns and the business which is served by the parking spaces that is:

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(i) located at any location within the Town's corporate limits and zoned for business use; or

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(ii) located in an RM-25 district, when the lot is adjacent to thea business use; or

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(iii) on an RM-25 lot located within 50 feet of the RM-25 lot utilized for parking for the business under subsection (2)(ii) above.

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(3) Shared: Required parking spaces may be permitted to be utilized for meeting the parking requirements of two (2) or more separate permitted uses, when it is clearly established by the applicant that the two (2) or more uses will utilize the spaces at different times of the day, as follows:

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(i) Location. The two (2) or more separate permitted uses must be on adjacent lots, in a complex, or on a unified development site.

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(ii) Study. The applicant shall prepare a Shared Parking Study, using a methodology approved by the Town Manager, establishing the peak parking requirements of the permitted uses, based on a time of day occupancy analysis. The results of the Study must be approved by the Town Commission.

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(iii) Change of hours. Any modification of the business hours of any of the businesses that results in a parking usage overlap shall result in revocation of the approval, or enforcement by the Town of the Shared Parking Agreement required below, or both.

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- 424 (4) Requirements. Required parking which is off-site or shared parking must
425 comply with the following:
- 426 (i) Users. Required parking is for the convenience of the employees,
427 patrons or guests of the use providing the required parking.
- 428 (ii) Overnight parking. Overnight parking of any size truck,
429 commercial van, or trailer shall be prohibited as provided in
430 Chapter 19, Article II of the Code of Ordinances.
- 431 (iii) Fencing of Parking Lots in RM-25 District. Parking lots in the RM-
432 25 district shall be enclosed by a ventilated concrete fence or
433 hedge of not less than 42 inches nor more than 72 inches in
434 height to conceal such parking.
- 435 (iv) Agreement Required. Use of either off-site or shared parking to
436 meet required parking, wherever located, requires a Shared
437 Parking Agreement between the owner of the use and the owner
438 of the parking spaces. The Shared Parking Agreement must be in
439 writing, provide cross access and ingress and egress if necessary,
440 and provide for maintenance of the parking and enforcement of
441 the Agreement. The Agreement shall run to the benefit of the
442 Town and shall be binding upon any heirs, successors and
443 assigns. The Agreement shall include a provision whereby the
444 owner of the use acknowledges that the continued validity of the
445 use is contingent on a valid Shared Parking Agreement, and that
446 termination of the Agreement shall result in revocation of the
447 approval of the use, unless alternative parking is provided to meet
448 the minimum parking requirement of the Town Code within 90
449 days of notice of termination. The Agreement may be terminated
450 only upon agreement of the Town Manager or his or her designee,
451 which may be granted if (a) each property standing on its own
452 satisfies the off-street parking requirements established by the
453 code, or (b) Town or other off street facilities will be provided
454 within 90 days which meet the requirements of this Article. A
455 lease or rental agreement may be utilized as a Shared Parking
456 Agreement if it meets the requirements of this section. Any
457 Agreement pursuant to this section must be in a form approved by
458 the Town Attorney and shall be recorded in the public records of
459 Broward County.

461 In instances where the parking area is located on a different plot or parcel of land than
462 that it is intended to serve, a lease or license agreement shall be entered into between
463 the owner of the land and the owner of the business. The lease or license agreement
464 shall be considered a restriction running with the land and shall bind the owners, heirs
465 and successors and assigns of said owner. When off-site property is leased or licensed
466 to achieve the minimum number of parking spaces allowed required in conjunction with a
467 business use, the lease or license agreements shall include a provision whereby the
468 business owner (lessee or licensee) acknowledges that the privilege of conduction
469 business in the Town is contingent on a valid and enforceable lease or license
470 agreement and that cancellation of the lease or license agreement shall result in
471 revocation of the privilege to conduct business in the Town, unless alternative parking is

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472 provided to meet the minimum parking space requirement of the Town Code is obtained
473 within 90 days of notice. All lease or license agreements must be in a form approved by
474 the Town Attorney and shall be recorded in the public records of Broward County. A
475 property owner may only rent space to one off-site business.

476 (b) ~~Parking incidental to business.~~

477 (1) ~~Parking incidental to business shall be permitted on B-1 zoned lots or on
478 RM-25 zoned lots where the B-1 zoned lot(s) upon which the proposed
479 use is located is (are) adjacent to RM-25 zoned lots. In addition, if an RM-
480 25 zoned lot is available for the purposes of establishing off-street parking
481 and the lot is located no more than 50 feet from the RM-25 zoned lot
482 which is immediately adjacent to the B-1 zoned lot, it too may be used for
483 off-street parking for the benefit of the primary B-1 use. Further, such
484 parking is for the convenience of the employees, patrons or guests of the
485 owner of the business, motel or apartment.~~

486 (2) ~~Such parking shall be enclosed by a ventilated concrete fence or hedge
487 of not less than 42 inches nor more than 72 inches in height to conceal
488 such parking as may be required by the Town Commission. Overnight
489 parking of any size truck, commercial van, or trailer shall be prohibited as
490 provided in Chapter 19, Article II of the Code of Ordinances. The area
491 used for parking shall be asphalt paved and shall have adequate
492 drainage.~~

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496 **Sec. 30-322. - Off-street loading; general provisions.**

497 (a) Adequate space for loading and unloading of materials, goods or things, and for
498 delivery and shopping, shall be provided and maintained as required by the
499 Planning and Zoning Board on the same plot as the building which it serves.

500 (b) Where any structure is enlarged or any use is extended so that the size of the
501 resulting occupancy comes within the scope of this section, the full amount of off-
502 street loading space shall be supplied and maintained for the structure or use in
503 its enlarged or extended size. Where the use of a structure or land or any part
504 thereof is changed to a use requiring an off-street loading space, such space
505 shall be supplied and maintained to comply with this section.

506 (c) For the purposes of this section, an off-street loading space shall be an area at
507 the grade level at least ten feet wide by 25 feet long with a 14-foot vertical
508 clearance. Each off-street loading space shall be directly accessible from a street
509 or alley without crossing or entering any other required loading space, and shall
510 be arranged for convenient and safe ingress and egress by motor truck and/or
511 trailer combination. Such loading space shall also be accessible from the interior
512 of any building it is intended to serve.

513

514 **Sec. 30-323. - Handicap parking requirements.**

515

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516 *Off-street parking for the disabled.* Each site used or to be used for commercial or
517 community facility shall provide parking for the disabled in the immediate vicinity of the
518 building or buildings as follows:

- 519 (1) Reference herein is made to total parking spaces in lot in relation to
520 required number of accessible handicap spaces: Up to 25 equals one
521 space; 26 to 50 equals two spaces; 51 to 75 equals three spaces; 76 to
522 100 equals four spaces; 101 to 150 equals five spaces; 151 to 200 equals
523 six spaces; 201 to 300 equals seven spaces; 301 to 400 equals eight
524 spaces; 401 to 500 equals nine spaces; 501 to 1,000 equals two percent
525 of total; over 1,000 equals 20 plus one space for each 100 over 1,000.
- 526 (2) All spaces have accessible thereto a curb ramp or curb cut, when
527 necessary to allow access to the building served, in close proximity to the
528 entrance and shall be located so that users will not be compelled to wheel
529 behind parked vehicles.
- 530 (3) Handicapped parking spaces shall be a minimum of 12 feet wide and 18
531 feet deep. Each such space shall be conspicuously outlined in blue paint.
- 532 (4) Each such parking space shall be posted and maintained with a
533 permanent sign of a color, size and design approved by the Florida
534 Department of Transportation, bearing the internationally accepted
535 wheelchair symbol and the caption "PARKING BY DISABLED PERMIT
536 ONLY." All signs shall be on a free-standing metal support post in front of
537 the space such sign is applicable to and the bottom of the sign shall be a
538 minimum of six feet above the ground level.
- 539 (5) Each such parking space shall be required as part of the parking and
540 loading space requirement.

541
542 **Sec. 30-324. - Violations.**

543
544 The failure or neglect on the part of the owner or operator of a use or structure within the Town
545 which is encompassed within the provisions of sections 30-314 through 30-323 of the Town of
546 Lauderdale-By-The-Sea Land Development Code, to comply with all of the provisions of said
547 sections shall constitute a violation of this Code.

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549
550 **SECTION 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is
551 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in
552 no way affect the validity of the remaining portions of this Ordinance.

553 **SECTION 4. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or
554 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

555 **SECTION 5. Codification.** This Ordinance shall be codified.

ORDINANCE 2011-02

556 **SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon
557 adoption on second reading.

558 **SECTION 7. Adoption.** Passed on the first reading, this __ day of _____, 2011.
559 Passed and adopted on the second reading, this __ day of _____, 2011.

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Mayor Roseann Minnet

First Reading

Second Reading

Mayor Minnet

Vice-Mayor Dodd

Commissioner Clotney

Commissioner Sasser

Commissioner Vincent

Attest:

Town Clerk, June White

(CORPORATE SEAL)

Approved as to form:

Susan L. Trevarthen, Town Attorney

Exhibit 2
History of the Ordinance

PARKING ORDINANCE HISTORY

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. Staff prepared Parking Ordinance #1 and the amendments included:

1. The Exemption Program
2. Revising Places of Assembly and Churches. Treating them equally as outlined by law
3. Revised procedures for Modification of Parking Requirements

This Ordinance will be one (1) of three (3) addressing the comprehensive review of the Parking Regulations.

PARKING ORDINANCE #1 (Ord. No. 2011-01)

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 at their regular meeting. 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.

The Planning and Zoning Board then held a Workshop Meeting to discuss the remainder of the Parking Regulations (which would be brought forward at a later date as Parking Ordinance #2).

On January 11, 2011, the Town Commission held First Reading of proposed Parking Ordinance #1. Ordinance No. 2011-01 (1 of 3) was approved with the following recommendations and changes:

1. Change the word "Suspension" to "Exemption"
2. Change the length of the program from 3 years to 4 years
3. Bi-annual reports from staff
4. Streamline the application process

On January 25, 2011 the Town Commission held Second Reading of Parking Ordinance #1, Ord. No. 2011-01 (1 of 3), and deferred it until February 22, 2011.

On February 22, 2011 the Town Commission reviewed Ordinance 2011-01 for second reading and deferred it till the March 8, 2011 Roundtable and Special Commission Meeting.

On March 8, 2011 the Town Commission discussed Ordinance 2011-01 at their Roundtable meeting and passed the Ordinance on second reading during the Special Meeting that was scheduled at 8:00 pm.

PARKING ORDINANCE NO. 2 (Ord. No. 2011-02)

On December 15, 2010, following its review and recommendation of PARKING ORDINANCE #1, the Planning and Zoning Board held a Workshop Meeting to discuss the remainder of the Parking Regulations which would be brought forward at a later date as Parking Ordinance #2.

On January 19, 2011 the Planning and Zoning Board held a regular meeting to discuss PARKING ORDINANCE # 2 (2 of 3) and approved the proposed changes. These amendments included:

1. Removing parking regulations from the districts and having them located in one location within the Code
2. Adding language to clarify parking credit provisions when rebuilding otherwise conforming or legal non-conforming uses
3. Revising minimum parking requirements for single family, duplex and multiple-family dwellings
4. Revising floor area references for consistency
5. Revising On-site, Off-site, and Share parking requirements

On February 22, 2011 the Town Commission reviewed and approved Ordinance 2011-02 on First Reading.

On March 8, 2011 this Ordinance was placed on the Roundtable for further discussion before second reading, which is scheduled for March 22, 2011.

PARKING ORDINANCE NO. 3

The Planning and Zoning Board also requested additional information regarding the appropriate parking requirements for retail type uses differentiating between customer service area and storage or office space. Staff is researching these issues in addition to the existing and future parking needs for hotels and motels within the Town. A third parking ordinance will be brought forward to address these other issues within the April 2011 time frame established in the NOI.

Exhibit 3
Planning and Zoning Minutes

P&Z January 19, 2011

Item #1. Proposed changes to the required parking regulations and general public parking requirements.

Director of Development Services Jeff Bowman remarked the subject item was previously discussed at the December 15, 2010, P&Z Workshop; he went on to review the information contained in the backup. Staff wished the Board to review the items highlighted in green, beginning on page seven, as they were additional staff recommendations for the Board to consider for approval.

Mr. Wick questioned if a business owner increased the dimensions of their floor space, would they be responsible for new parking.

Mr. Bowman affirmed they would have to provide added parking.

Mr. Freeney expressed a general concern for businesses whose use of their bay area was 50 percent warehouse and 50 percent retail sales floor, wondering if their parking space requirement was calculated based the entire square footage of the floor space.

Mr. Bowman commented in the Town's existing Code, calculation of the amount of parking space encompassed the entire floor area of the structure, including storage areas. Staff sought not to change the existing Code but to make the verbiage consistent.

Mr. Freeney remarked his concern lay with future interpretation of the Code, a matter the Board could refine in the subject process. For instance, a restaurant's seating space requirement should not include kitchen square footage.

Town Attorney Mehaffey indicated section 3315D on page seven provided for mixed uses in commercial areas where mixed uses were permitted. The question would be whether, in reviewing the application, the building was determined to have mixed uses. She noted these aspects could be further clarified in the Code.

Mr. Yankwitt questioned if an applicant had a challenge with the mixed-use provision, could they rectify the situation by submitting a variance application.

Mr. Bowman indicated this was possible.

Mr. Freeney pointed out there was a fee and application process associated with getting a variance, which he thought would be an onerous penalty for a business owner. He thought if there was language in the Code for other types of businesses that addressed a similar issue, and this language should apply to situations similar to those discussed.

Mr. Bowman stated most businesses already had credit parking spaces; if additional parking spaces were required, a recent ordinance passed by the Commission gave the Town Manager authority up to about three parking spaces. If an applicant needed the requirement waived, they could go before the Commission for a decision. Thus, there were number of mechanisms available.

Mr. Hunsaker claimed it surprised him that retail stores were not classified as "sales areas", as such areas determined the number of patrons that might visit a store.

Mr. Bowman remarked the Town did not have warehouses, rather there were small retail shops that might use portions of their square footage to store merchandise. It would hardly be beneficial for retail businesses to use a significant portion of their space for storage.

Mr. Yankwitt noted at times he changed the use of the space in his office as to how much was used for storage, library, conference room, etc.; but this did not mean he had to apply for a variance each time he decided to redecorate. The most efficient approach to measuring the number of parking spaces a business should have was using the entire square footage of the business' floor space, as the calculation did acknowledge different types of industry and what the standard multiplier of square footage was for parking spaces. It was better to consider applications on a case-by-case basis.

Mr. Hunsaker felt a maximum square footage should be included for restaurants that could qualify for no parking spaces, as it appeared the Town was leaving itself open to a situation in which no matter the size of a restaurant coming to the Town in the next three years, they would not have to provide parking.

Mr. Freeney commented, in light of trying to clean up the Code, it would be prudent to incorporate language for the various types of spaces that were limited to public use areas to make the Code more streamlined. There was still the option of the applicant going before the Town Manager or the Commission for a waiver. He pointed out the Town's process was *not* onerous for new businesses, but applicants were unlikely to come to the Town if they had to go through added steps after filling out and submitting the initial application paperwork. Regarding the issue of changing uses, in most cases it would require moving walls, etc. that would, in turn, require additional permits, and it was at this level changes to the parking requirements should be considered. He noted the Town's Code defined the required number of parking spaces per square footage related to different uses in the commercial areas, including a matrix developed by consultants knowledgeable as to the amount of parking spaces required for various uses. He asked if the numbers used by the consultants were from the same or similar source(s) when the matrix was developed.

Mr. Bowman assumed the same or similar source(s) was used.

Mr. Freeney thought, in order to alleviate extra work for potential businesses wishing to come to the Town, staff should develop generic language that pertained to a wide variety of retail uses, allowing them to move forward without requiring they take added steps in the application process to get a waiver on square footage requirement for parking spaces.

Mr. Wick agreed with Mr. Hunsaker, expressing disappointment in the Commission allowing new restaurants to come to the Town and take what he felt was an unfair economic advantage of existing restaurants; restaurants that came to Lauderdale-By-The-Sea after the moratorium lifted would also be at an economic disadvantage. He believed the language in the amended Code was not very well thought out, as no numbers were given to furnish an idea of what the costs would be. The main goal appeared to be to fill the ten or 12 retail spaces, which he felt was not the Town's responsibility, as their vacancy was due mostly to the present state of the economy. If a large restaurant chain came to the Town in the next three years, purchased a large lot and build it out wall to wall, they would not have to pay for any parking for the life of the restaurant; this would be a very bad situation. He requested a motion to move the subject matter to the Town Commission.

Mr. Hunsaker made a motion to approve moving the subject changes as reflected in the backup and have them go forward to the Commission for a vote, seconded by Mr. Freeney.

Mr. Freeney wished to amend the language of the recommended Code changes.

Town Attorney Mehaffey indicated if the Board was looking to impact the areas that had open areas, from the list in the backup this appeared to apply primarily to items K and M, as all the other uses were based on floor area that was not necessarily prone to public use types; there were other factors that came into play. Thus, the Board could, within items K and M, amend the language to possibly read, "... each 225 square feet of sales/display floor area ..."

Mr. Bowman commented though the Board was asked to find a simpler method by which to get businesses to open in the Town without having to deal with the parking requirements set forth in the Code. The whole intention of the ordinance the Board previously forwarded to the Commission for approval was to make it easier for businesses to acquire parking space waivers, and the language the Commission passed streamlined the approval process for required parking.

Town Attorney Mehaffey pointed out the amendment to the language the Board was now proposing could have a significant impact on the Town's parking requirements in the Code, possibly cutting the number of spaces by half; she recommended doing this only in items K and M.

Mr. Freeney preferred the language in the parking code cleaned up completely, realizing it would require another round of discussions and voting for such a change to take place. He proposed an amendment to the existing language that could be generally applied to all commercial retail uses, as they all used portions of their space for storage. Language amendments could be applied to items K, M, Q and R on page 12.

Town Attorney Mehaffey reiterated the changes to the language should be individualized, as item Q pertained to public and office space; banks, and savings and loan could be classified as areas of public service and office. Thus, that covered sales and display, as well as gasoline service.

Mr. Bowman pointed out the requirement would apply to gasoline service, as one such business already existed in the Town, and a second would not be a permitted use.

Mr. Freney suggested dropping item R, as it would not be a permitted use, and he doubted if the existing gasoline service business intended doing any renovations or expansion.

Mr. Bowman sought to confirm the Board wished to change the language to reflect that businesses were required to have a set number of parking spaces per square foot, not including storage areas.

Mr. Freney thought this language would not be sufficiently generic.

Mr. Bowman recommended the Board take additional time to discuss the issue of storage space and other uses for commercial space, as staff would be bringing back amendments to the language of a third ordinance in the Code that addressed parking for hotels and motels.

Mr. Freney concurred, asking the Town Attorney to conduct some research to learn how other municipalities handled similar issues.

Mr. Wick wished to clarify the discussion, noting there was a proposed amendment to the language in the changes to the Town Code pertaining to commercial parking that was being sent to the Commission by the Board, but the amendment was not seconded.

Mr. Freney indicated he would maintain his second to the motion to move staff's proposed amendments with Board recommendations forward to the Town Commission for approval.

In a roll call vote, the motion passed 3 – 1; Mr. Yankwitt voted no.