



AGENDA ITEM MEMORADUM

Development Services

Bud Bentley

Department

Department Director *BB*

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input type="checkbox"/> Jan 24, 2012	Jan 13

**Subject to Change*

- Presentation Reports Consent Ordinance
- Resolution Quasi-Judicial Old Business New Business

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: First Reading of an Ordinance Removing Parking Limits from Section 19.25 of the Code

EXPLANATION: At the January 10, 2012 Commission meeting, Item 17.b was a discussion of changing the time limit for the parking on Bougainvilla Drive and Poinciana Avenue north of Commercial.

The Commission consensus was to change the process from having the time limits set by ordinance to having the Commission set the limits by resolution. The question of the appropriate time limit on Bougainvilla would be decided when the Commission considers the Resolution.

The attached ordinance has been prepared to accomplish this change in Section 19.25 of the Code.

Since the Commission is making a modification to the Code, we also included one change in Section 19.26 (page 3, line 98 of the proposed ordinance) so additional types of parking permits may be authorized by the Commission by Resolution.

RECOMMENDATION: We recommend approval of the proposed ordinance on first reading.

EXHIBIT: 1. Proposed Ordinance

FISCAL IMPACT AND APPROPRIATION OF FUNDS: Setting time limits by Resolution is less expensive that setting them by Ordinance.

Reviewed by Town Attorney
 Yes No

Town Manager Initials *BB*

Exhibit 1

ORDINANCE 2012- 02

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 19, ARTICLE II, PARKING, STOPPING OR STANDING, OF THE CODE OF ORDINANCES, TO AMEND PARKING PERMIT AREAS AND TIME LIMITS AND PROVIDE AUTHORITY FOR DESIGNATION OF ADDITIONAL PARKING PERMITS BY RESOLUTION IN ORDER TO ADDRESS THE PARKING NEEDS OF THE TOWN; 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 Code is current and consistent with the Town’s regulatory needs; and

WHEREAS, the Town Code currently provides that the Town Commission may establish specific time limits for public parking spaces in identified locations within the Town by resolution; and

WHEREAS, the Town Commission desires to revise the Code to eliminate codified parking time limit areas in order to allow the Commission to provide greater flexibility to meet the Town’s parking needs; 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.

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

Exhibit 1

ORDINANCE 2012-

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

30 **SECTION 2. Amendment.** Chapter 19, Article II, Parking, Stopping or Standing, of the
31 Code of Ordinances is hereby amended as follows¹:

32 **Chapter 19 – Traffic and Motor Vehicles**

33 * * *

34 **ARTICLE II. - PARKING, STOPPING OR STANDING**

35 * * *
36 * * *

37 **Sec. 19-25. - Time-restricted parking.**

38 (a) The Town Commission may by resolution establish specific time limits for public
39 parking spaces in identified locations within the Town.

40 (b) The Town Manager shall establish parking time limits and hours of operations for Town
41 owned parking areas where said limits and hours have not been established by the Town
42 Commission.

43 (c) The Town Manager may establish a shorter time limit for specific parking spaces,
44 regardless of the primary time limits established for the specific area.

45 ~~(d) Two hour parking restrictions shall be in effect Monday through Sunday, inclusive, from~~
46 ~~the hours of 7:00 a.m. to 7:00 p.m. for each vehicle parked in the following locations:~~

47 ~~Basin: south side, from Seagrape to East Tradewinds.~~

48 ~~Bougainvillea Drive: west side of adjacent to park.~~

49 ~~Bougainvillea: east and west side, north of Commercial to the alley.~~

50 ~~East Tradewinds: east and west side, from Commercial south to Basin.~~

51 ~~East Tradewinds: east and west side, from Commercial to Harbor.~~

52 ~~Poinciana: east side, from Commercial to the alley.~~

53 ~~Seagrape: west side, from Commercial to Basin.~~

54 ~~West Tradewinds: east side, from Commercial south to Harbor.~~

55 ~~(e) Three hour parking restrictions shall be in effect Monday through Sunday, inclusive,~~
56 ~~from the hours of 5:00 a.m. to 5:00 p.m. for each vehicle parked in the following~~
57 ~~locations:~~

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

Exhibit 1

ORDINANCE 2012-

- 58 ~~(1) Commercial Boulevard east of Ocean Drive.~~
- 59 ~~(2) El Mar Drive, immediately north and south of Commercial Boulevard.~~
- 60 ~~(3) Ocean Drive between the alleys north and south of Commercial Boulevard.~~
- 61 ~~(f) Metered parking east of El Mar Drive is regulated as follows:~~
- 62 ~~(1) Parking in metered spaces on Commercial Boulevard east of El Mar Drive is~~
63 ~~allowed at all times.~~
- 64 ~~(2) For all other metered spaces east of El Mar Drive the following regulations apply:~~
- 65 ~~a. On Sunday through Thursday between the hours of 9:00 p.m. and 5:00~~
66 ~~a.m., parking is prohibited except for approved hardship permits.~~
- 67 ~~b. On Friday and Saturdays between the hours of 11:00 p.m. and 5:00 a.m.~~
68 ~~parking is prohibited, except for approved hardship permits.~~
- 69 ~~c. When specifically approved for the relevant geographic location, hardship~~
70 ~~permits pursuant to this Chapter, may park east of El Mar Drive between~~
71 ~~the hours of 9:00 p.m. and 9:00 a.m.~~
- 72 ~~(g) For parking in metered parking spaces located along Commercial Boulevard west of~~
73 ~~Seagrape Drive on Mondays through Fridays, two-hour parking restrictions shall be in~~
74 ~~effect Monday through Friday, with no time limit on parking on Saturdays and Sundays.~~

75 **Sec. 19-26. - Parking permits.**

- 76 (a) Resident Permits. There shall be available to residential property owners and annual
77 residential renters of the Town of Lauderdale-By-The-Sea a resident parking permit. A
78 resident parking permit shall not specifically reserve any parking space, but shall allow a
79 maximum of three hours of parking in metered areas that are not posted as beach or
80 employee parking areas.
- 81 (b) Employee Parking Permit. There may be available to bona fide employees of businesses
82 holding a business tax receipt an employee parking permit. An employee parking permit
83 shall not specifically reserve any parking space, but shall allow unlimited parking in
84 employee parking posted areas and may only be used by the employee to whom the
85 permit is issued and only during the employee's working hours.
- 86 (1) Application for an employee parking permit shall be on forms prescribed by the
87 Town Clerk that shall include proof of employment.
- 88 (2) Use of an employee parking permit by any person other than the employee to
89 whom the permit is issued or by the employee during non-working hours is
90 prohibited and will result in the termination of that employee permit.
- 91 (c) Hardship Parking Permit. The Town Commission shall consider all applications for non-
92 exclusive hardship permits for the use by the customers of the hotel, motel, apartment
93 hotel, apartments and other businesses and may approve or deny applications for hardship
94 permits for meters within specific geographic locations.

Exhibit 1

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95 (d) Hardship Visitor Parking Permit. A property with a hardship permit, other than a hotel or
96 motel, may apply to purchase up to fifteen (15) 24-hour visitor parking permits, per
97 hardship permit, during a fiscal year.

98 (e) The Town Commission may, by resolution, establish additional parking permit programs
99 as necessary to address the parking needs of the Town.

100 (e~~f~~) The Town Commission shall, by resolution, establish rates for all permits authorized by
101 this section and may set the maximum number of each type of permit available.

102 (e~~g~~) The Town Manager shall designate which town parking spaces may be used for
103 employee or hardship permits.

104 (e~~h~~) Violation of this Section is punishable by suspension or revocation of the parking permit.
105 The Town Manager is authorized to revoke or suspend employee parking permits for up
106 to one year following a hearing if it is determined that the parking permit was used in
107 violation of this subsection. Any revocation or suspension may be appealed to the Town
108 Commission.

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110 * * *

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

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

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

117 **SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon
118 adoption on second reading.
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Exhibit 1

ORDINANCE 2012-

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SECTION 7. Adoption. Passed on the first reading, this __ day of _____, 2012.
Passed and adopted on the second reading, this __ day of _____, 2012.

Mayor Roseann Minnet

First Reading Second Reading

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

Attest:

Town Clerk, June White, CMC

Approved as to form:

Susan L. Trevarthen, Town Attorney