



AGENDA ITEM MEMORADUM

Item No. 12.b.ii

Development Services

Department

Bud Bentley

Department Director

BB

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input type="checkbox"/> February 28, 2012	

*Subject to Change

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

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Removing Parking Limits from Section 19.25 of the Code and Allowing Time Limits and Parking Permits to be Established by Resolution

EXPLANATION: At the January 10, 2012 meeting, the Commission discussed a request to change the parking time limit on Bougainvillea Drive and Poinciana Avenue north of Commercial Boulevard (agenda item 17.b). The Commission consensus was to change the process from setting the parking time limits by ordinance to setting the limits by resolution and to discuss the appropriate time limit on Bougainvillea Drive when the Commission considers a resolution setting the time limits.

The first reading of the proposed ordinance was passed on January 24, 2012 after being amended to allow staff to "... establish time limits and report to the commission as a consent agenda item for approval after the fact. The amending text is found on page 2, lines 40-42 of the proposed ordinance (**Exhibit 1**). When drafting the amendment we added that all changes in the parking time limit that last more than 91-days have to be submitted for Commission action.

The effective date for Ordinance 2012-02 is March 14th, which allows time for the consideration of the Resolution setting parking time limits on the agenda of March 13th.

RECOMMENDATION: We recommend approval of the Ordinance 2012-02 on second reading.

EXHIBIT: 1. Proposed Ordinance 2012-02

FISCAL IMPACT: Setting time limits by Resolution is less expensive than setting them by ordinance.

Reviewed by Town Attorney
 Yes No

Town Manager Initials *CA*

ORDINANCE 2012-02

1 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
2 **THE-SEA, FLORIDA, AMENDING CHAPTER 19,**
3 **ARTICLE II, PARKING, STOPPING OR STANDING, OF**
4 **THE CODE OF ORDINANCES, TO AMEND PARKING**
5 **PERMIT AREAS AND TIME LIMITS AND PROVIDE**
6 **AUTHORITY FOR DESIGNATION OF ADDITIONAL**
7 **PARKING PERMITS BY RESOLUTION IN ORDER TO**
8 **ADDRESS THE PARKING NEEDS OF THE TOWN;**
9 **PROVIDING FOR SEVERABILITY, CONFLICTS,**
10 **CODIFICATION, AND AN EFFECTIVE DATE**

11
12 **WHEREAS,** the Town Commission recognizes that changes to the adopted Code of
13 Ordinances are periodically necessary in order to ensure that the Town’s Code is current and
14 consistent with the Town’s regulatory needs; and

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

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

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

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

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

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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 may establish or revise time limits for parking as specified below.

41 (1) The Town Manager may, when necessary for the efficient operation of the
42 parking system, change the time limit for a parking area for a period of up to
43 ninety (90) days. Changes in time limits for ninety-one (91) or more days shall be
44 approved by resolution of the Town Commission.

45 ~~(b)~~ (2) The Town Manager shall establish parking time limits and hours of operations for
46 Town owned parking areas where said limits and hours have not been established
47 by the Town Commission.

48 ~~(c)~~ (3) The Town Manager may establish a shorter time limit for specific parking spaces,
49 regardless of the primary time limits established for the specific area.

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

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

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

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

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

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

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

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

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

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

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. For changes following first reading, additions are shown in double underline and deletions are shown in ~~double-strikethrough~~.

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

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

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

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- 100 (d) Hardship Visitor Parking Permit. A property with a hardship permit, other than a hotel or
101 motel, may apply to purchase up to fifteen (15) 24-hour visitor parking permits, per
102 hardship permit, during a fiscal year.
- 103 (e) The Town Commission may, by resolution, establish additional parking permit programs
104 as necessary to address the parking needs of the Town.
- 105 (ef) The Town Commission shall, by resolution, establish rates for all permits authorized by
106 this section and may set the maximum number of each type of permit available.
- 107 (fg) The Town Manager shall designate which town parking spaces may be used for
108 employee or hardship permits.
- 109 (gh) Violation of this Section is punishable by suspension or revocation of the parking permit.
110 The Town Manager is authorized to revoke or suspend employee parking permits for up
111 to one year following a hearing if it is determined that the parking permit was used in
112 violation of this subsection. Any revocation or suspension may be appealed to the Town
113 Commission.

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115 * * *

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

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

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

123 **SECTION 6. Effective Date.** This Ordinance shall become effective on March 14, 2012.

124

ORDINANCE 2012-02

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127 Passed on the first reading, this __ day of _____, 2012.

128 Passed and adopted on the second reading, this __ day of _____, 2012.

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Mayor Roseann Minnet

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First Reading

136 Mayor Minnet
137 Vice Mayor Dodd
138 Commissioner Sasser
139 Commissioner Vincent
140 Commissioner Clotney

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Second Reading

143 Mayor Minnet
144 Vice Mayor Sasser
145 Commissioner Dodd
146 Commissioner Vincent
147 Commissioner Brown

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150 Attest:

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Town Clerk, June White, CMC

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158 Approved as to form:

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Susan L. Trevarthen, Town Attorney