



AGENDA ITEM MEMORADUM

Development Services

Department

Linda Connors *LC*

Town Planner

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> June 26, 2012	June 15

**Subject to Change*

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

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Ordinance 2012-12, Adopting Amendments to the Town Land Development Code, Chapter 30, Minimum Parking Requirements.

EXPLANATION: The Commission approved Resolution 2012-24 to meet the Notice of Intent requirements of our Town Code in order to allow for revisions to the Town’s existing minimum parking requirements. Proposed Ordinance 2012-12 (**Exhibit 1**) addresses the following parking requirement issues:

- Revise the text of how parking requirements for restaurants are calculated to reflect our historical practice.

The existing text calculates parking on the basis of “floor area in rooms for customer service” which is not as clear as desirable. The proposed text would read:

One (1) parking space for each 50 square feet of gross floor area excluding food preparation areas, drink preparation areas, bathrooms, storage areas and other areas not directly utilized by the public in patronizing such establishments.

The proposed language reflects the Town’s historical practice and includes specific language to define how the customer service area will be calculated. A detailed explanation of the historic language and current language is included in the Planning and Zoning Board staff report (**Exhibit 2**).
- Eliminate the current standard for gasoline service station. These standards are not necessary since gasoline service stations are no longer a permitted use.

The Town has one (1) existing gasoline service station. This business existed prior to the revisions to our code and, as such, it is a legally grandfathered use. The existing parking for the business is compliant per Code section 30-314 (b) (2). This section of the code basically states that if the business was in effect before 1995, additional parking is not necessary to meet code requirement unless the business expands and said expansion would require additional parking.
- Reorganizes the minimum parking standards for clarity and readability.



4. Establish a pier parking requirement of 1 space for each 1,000 square feet of open floor area of the pier not devoted to another use.

Currently there is no parking standard specifically for a fishing pier so the existing pier would fall under the "Uses Not Specifically Mentioned" category which is 1 space for every 200 square feet of floor area. That would mean that 78 parking spaces would be required for the pier (the fishing pier only, not the restaurant or bait shop). Based on periodic observations of the number of pier patrons, we believe that this standard is excessive for the normal usage of the fishing pier. As a result, staff recommends that the Town establish a parking requirement of one space for each 1,000 square feet of open floor area of the pier not devoted to another use. Please note that the proposed standard has been refined by the Town Attorney's office after the definition was presented to the Planning and Zoning Board. (The proposed standard recommended to the Board was one space for each 1,000 square feet of pier.)

Application of the Proposed Standard to the Anglin Fishing Pier

At the June 7, 2012 P&Z Board meeting, the attorney for the pier operator voiced his opposition to the proposed parking standard for a pier. He claimed that they had nonconforming rights to provide no parking at all for the pier, despite the several decades old existing pier parking lot, because when the pier was originally built in 1962, the Town had no parking requirements.

Table 1 identifies the parking that is currently required for the Pier and the parking based on the proposed code amendment (Ordinance 2012-12).

Table 1 – Impact of the Change in Pier Parking Requirements

	Square Feet	Current Required Parking	Proposed Required Parking
Pier	15,540	78 spaces (1:200)	16 spaces (1:1,000)

If the proposed parking standard is adopted, the Pier parking requirement would be 16 spaces, a reduction of 80% or 62 less spaces.

Planning and Zoning Board Recommendation. The Board reviewed the proposed amendments at their May 16 and June 7, 2012 meetings (**Exhibits 2 – 5**). The Planning and Zoning Board unanimously recommended support for items 1 – 3 and supported item 4, Pier Parking Standard, by a 3 to 2 vote.

When the Planning and Zoning Board reviewed the pier parking standard, staff asked the Board to focus on the validity of the proposed standard and not on the implementation of the standard to the existing pier. The Board had concerns over the validity of the study used to establish the standard and one member was also concerned that we were renegeing on a previous approval for the outdoor cafe.

Staff comment: Staff supports the survey conducted to determine the parking standard. Parking spaces required for the outdoor café will be allocated through the parking exemption process, if necessary.



Related Applications

Conditional Use Application for Outdoor Dining

When the Commission approved the pier's application for a conditional use for outdoor dining on September 13, 2012, it directed staff to only approve a Restaurant Parking Exemption for the number of parking spaces that exceeded the available required parking.

We reserved 13 spaces under the restaurant exemption program but they have not been allocated to the Pier pending the establishment of a pier parking standard, which would allow us to determine if the outdoor dining area requires the use of the exemption spaces.

Conditional Use Permit for Paid Private Parking (Beach Parking)

After the approval of a parking standard for piers, we would be able to complete our review of the Pier's application for a Conditional Use Permit for paid private parking (beach parking). This review will include staff's calculation of the total parking requirements for each business on the site and compare that total to the total number of actual spaces on site (and off site if they valet) and restaurant exemption spaces. Staff's determination will be brought before the Planning and Zoning Board for their review and recommendation and then to the Commission for final approval.

Please note that the Pier has not been limited, hurt or inconvenienced in any way by the delay of processing their conditional use application for beach parking as they have been allowed to continue their past practice of providing beach parking without the conditional use approval.

RECOMMENDATION: We recommend approval of Ordinance 2012-12.

EXHIBITS: Exhibit 1 – Ordinance 2012-12
Exhibit 2 – Planning and Zoning Board Staff Report – May 16, 2012
Exhibit 3 – Planning and Zoning Board Meeting Minutes - May 16, 2012
Exhibit 4 – Planning and Zoning Board Staff Report – June 7, 2012
Exhibit 5 – Planning and Zoning Board June 7, 2012 Action Agenda

Ordinance Reviewed by Town Attorney

Yes No

Town Manager Initials

CA

ORDINANCE 2012-12

1 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
2 **THE-SEA, FLORIDA, AMENDING ARTICLE V "ZONING"**
3 **OF CHAPTER 30, UNIFIED LAND DEVELOPMENT**
4 **REGULATIONS, OF THE CODE OF ORDINANCES, BY**
5 **AMENDING SECTION 30-318, MINIMUM PARKING**
6 **REQUIREMENTS, TO REVISE AND CLARIFY PARKING**
7 **REQUIREMENTS; PROVIDING FOR SEVERABILITY,**
8 **CONFLICTS, CODIFICATION, AND AN EFFECTIVE**
9 **DATE**

10 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of
11
12 Ordinances are periodically necessary in order to ensure that the Town's land development
13 regulations are current and consistent with the Town's planning and regulatory needs; and

14 **WHEREAS**, the Town Commission desires to revise and clarify the regulations
15 applicable to parking for various uses; and

16 **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to
17 the processing of any amendment to the land development regulations in Chapter 30 of the Code,
18 and such notice was given of this amendment on May 8, 2012; and

19 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
20 reviewed the revisions proposed in this Ordinance at duly noticed meetings on May 16, 2012 and
21 June 7, 2012, and provided a recommendation of approval of the proposed revisions; and

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

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

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

31 **SECTION 2. Amendment.** Article V, Zoning, of Chapter 30, Unified Land
32 Development Regulations, of the Code of Ordinances is hereby amended as follows¹:

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

- 34
35 (a) *Banks and savings and loan associations:* One parking space for each 235 square feet of
36 floor area,
37 (b) *Business, professional and governmental offices:* Parking space requirements vary
38 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 less than 20,000	300
20,000 to 50,000	325
More than 50,000	350

- 39
40 (c) *Charter, sightseeing or fishing boats:* One parking space for each two seats or fraction
41 thereof; required spaces shall be adjacent to the docks regularly used by the boat or within
42 400 feet thereof.
43 (d) *Churches:* One parking space for each three fixed seats, plus one parking space for each
44 200 square feet of floor area in assembly rooms with movable seats. In churches in which
45 occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of
46 such seating facilities shall be counted as one seat for the purpose of computing off-street
47 parking requirements.
48 (e) *Convenience stores, grocery stores:* one parking space for each 125 square feet of floor
49 area.

¹ Subsections have been reordered to alphabetize. Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions subsequent to the Planning and Zoning Board meeting are shown in double underline.

- 50 (f) *Funeral homes*: One parking space for each four seats in public rooms.
- 51 (g) *Furniture stores*: One parking space for each 500 square feet of floor area.
- 52 (h) *Gasoline service stations*: ~~A minimum of three spaces plus one additional parking space for~~
53 ~~each 200 square feet of building or service floor area in excess of the first 600 square feet.~~
54 *Hospitals, sanitariums, asylums, orphanages, convalescent homes, homes for aged and*
55 *infirm*: One parking space for each bed for patients plus one parking space for each two
56 employees, including nurses, on the maximum shift.
- 57 (i) *Hotels and motels*: One parking space for each rentable unit. A rentable unit is defined as a
58 unit with an outside entry door and bathroom which can be rented individually. The unit
59 may or may not have kitchen facilities. For example, a two-bedroom unit that can be
60 converted to two separate units, each with outside door and bathroom, is counted as two
61 rentable units. A two-bedroom, one-bath unit with only one outside door is counted as one
62 rentable unit. If, in addition to rentable units there are other uses operated in conjunction
63 with and/or as part of the hotel/motel, additional off-street parking spaces shall be provided
64 for such other uses as would be required by this section if such uses were separate from the
65 hotel/motel.
- 66 (j) *Leased and rental vehicles*: One space for each leased car maintained on premises plus one
67 space for each employee.
- 68 (k) *Marinas and yacht basins*: One parking space for each boat slip and one parking space for
69 each employee.
- 70 (l) *Medical, dental lab, chiropractic, health studio, etc., clinics*: One parking space for each
71 200 square feet of floor area.
- 72 (m) *Multiple-family dwellings*: 1½ parking spaces for each unit with less than three bedrooms
73 and two parking spaces for each unit with three or more bedrooms plus one guest space for
74 every five units. If, in addition to dwelling units, there are other uses operated in
75 conjunction with and/or as a part of the multiple dwelling, additional off-street parking
76 spaces shall be provided for such other uses as would be required by this section, if such
77 uses were separate from the multiple dwelling.
- 78 (n) *Personal service shops*: one parking space for each 200 square feet of service floor area
79 including barber shops and beauty shops.
- 80 (o) *Pier*: one parking space for each 1,000 square feet of pier deck area.

81 (p) *Places of public assembly, including assembly halls, private clubs, exhibition halls,*
82 *convention halls, dance halls, skating rinks, sports areas, community centers, libraries and*
83 *museums:* One parking space for each three fixed seats, plus one parking space for each
84 200 square feet of floor area in assembly rooms with movable seats or one parking space
85 for each 200 square feet of net floor area utilized for customer service. In places of
86 assembly in which occupants utilize benches, pews or other similar seating facilities, each
87 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of
88 computing off-street parking requirements.

89 (q) *Restaurants, including customer service areas of outside cafes on private property,*
90 *sandwich shops, coffee shops, and any establishment or portion of an establishment*
91 *dedicated to preparing and serving food to the public:* One (1) parking space for each 50
92 square feet of gross floor area excluding food preparation areas, drink preparation areas,
93 bathrooms, storage areas, and other areas not directly utilized by the public in patronizing
94 such establishments floor area in rooms for customer service, except that from March 8,
95 2011 until March 7, 2015 and as further limited below, no parking spaces shall be required
96 for new restaurants or the expansion area of existing restaurants. This suspension of the
97 parking requirement shall be known as the "Parking Exemption Program."

98 (1) *Application required.* To qualify for the Parking Exemption Program, a Parking
99 Exemption Application must be submitted, in a form to be approved by the Town,
100 with all supporting documentation. The parking spaces shall be allocated on a first
101 come, first serve basis, as measured by the Town's receipt of a complete application
102 package.

103 (2) *Eligibility for program.* The application, and all supporting documents, including any
104 applicable building permit or development approval applications, for the construction
105 of a new restaurant or for a restaurant expansion, shall have been submitted and
106 deemed to be complete by the Town prior to the program deadlines, and all required
107 permits received and the restaurant subsequently built within the time periods
108 specified in the Town's Code.

109 (3) *Program guidelines.*

110 (i) *Districts.* There are hereby created two separate and distinct Parking Exemption
111 Districts as follows:

- 112 a. *Oceanfront Center.* The Oceanfront Center shall include all B-1 and B-1-
113 A zoned land adjacent to State Road A1A or Commercial Boulevard, east
114 of Seagrape and, for the purposes of determining underutilized spaces,
115 shall include the El Prado and A1A parking lots.
- 116 b. *Commercial Business District.* The Commercial Business District shall
117 include all B-1 and B-1-A zoned land adjacent to Commercial Boulevard,
118 west of Seagrape.
- 119 (ii) *Exemption maximum.*
- 120 a. *District Maximums.* The maximum number of spaces available for
121 exemption in each parking District shall be established by resolution of the
122 Town Commission.
- 123 b. *Oceanfront Center.* There shall be a maximum exemption of 30 parking
124 spaces per eligible restaurant.
- 125 c. *Commercial Business District.* There shall be a maximum exemption of 50
126 parking spaces per eligible restaurant.
- 127 (iii) *Eligible restaurant.* An eligible restaurant shall be a commercial establishment,
128 whether standing alone or accessory to another use, where food and beverages
129 are ordered from individual menus, served at tables, and consumed on premises
130 and serviced by its own kitchen. No restaurant kitchen may provide eligibility
131 for parking exemption for more than one restaurant.
- 132 (iv) *Program duration.* The Parking Exemption Program shall last in each District
133 for a period of four years, from March 8, 2011 to March 7, 2015, or until the
134 maximum number of parking exemptions is allocated, whichever is earlier.
135 However, during the four-year period, but after the initial allocation of the
136 maximum number of parking exemptions in a District, the Parking Exemption
137 Program may be reactivated in that District if additional parking spaces are
138 added to the total number of spaces available within the District, either by
139 action of the Town Commission or expiration or loss of parking exemptions.
140 Notwithstanding the foregoing, the Town Commission, may, for any reason and
141 in its sole discretion, discontinue this Parking Exemption Program at any point
142 during the four years.

143 (v) *Effect on 1995 exemption of pre-existing buildings, structures and uses from the*
144 *parking requirement.* The Parking Exemption Program provided herein is
145 supplemental to, and in no way changes the parking exemption established in
146 1995 in [section 30-314\(b\)](#). Any parking space exemptions provided under the
147 Parking Exemption Program are in addition to any parking credits that may
148 exist under the 1995 program.

149 (4) *Status following end of program.*

150 (i) *Nonconforming.* At the end of the Parking Exemption Program, all restaurants
151 built under the Parking Exemption Program will become nonconforming uses,
152 and shall be subject to the requirements of the nonconforming use provisions of
153 the Town's Code of Ordinances. Notwithstanding the foregoing, restaurants or
154 expansions of restaurants built under the Parking Exemption Program may be
155 completely remodeled or rebuilt without providing additional parking, as
156 originally permitted through the Parking Exemption Program, as long as the
157 square footage of customer service area is not increased.

158 (ii) *Availability of exemptions to successor restaurants.* If an eligible restaurant has
159 opened and is operating with any exemptions obtained pursuant to the Parking
160 Exemption Program but is later shut down, the exemptions shall remain
161 available for the location of that restaurant for a two-year period after the
162 restaurant closes, for the benefit of a new eligible restaurant.

163 (iii) *Increases in square footage.* Any increase in square footage of an eligible
164 restaurant after the program has ended must comply with the parking
165 requirements in effect at the time of construction of increased square footage.

166 (5) *Reports.*

167 (i) *Notice prior to maximum utilization by District.* The Town Manager shall
168 advise the Town Commission when spaces are allocated under this program,
169 indicating the number of spaces allocated and the number of spaces available in
170 each District.

171 (ii) *Bi-annual report.* The Town Manager shall provide a bi-annual report to the
172 Commission that describes the utilization, effectiveness and impacts of the
173 Parking Exemption Program.

174 (6) *Notice and hearing prior to expiration of program.* Following public notice, the
 175 Town Commission shall conduct a public hearing and evaluation of the program's
 176 impacts at least six months prior to its expiration on March 7, 2015.

177 (r) *Retail stores:* One parking space for each 225 square feet of floor area.

178 (s) *Shopping centers:* Parking space requirements vary depending on the size in gross leasable
 179 area (GLA) and composition of the center according to the 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

180
 181 (t) *Single-family and duplex dwellings:* Two parking spaces for each dwelling.

182 (u) *Theaters, movies or otherwise:* One space for every three fixed seats, plus one parking
 183 space for each 200 square feet of floor area in assembly rooms with movable seats.

184 (v) *Uses not specifically mentioned*: The requirements of off-street parking for any uses not
185 specifically mentioned in this section shall be one space for every 200 square feet of floor
186 area.

187 * * *

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

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

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

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

196 **SECTION 7. Adoption.** Passed on the first reading, this ___ day of _____, 2012.

197 Passed and adopted on the second reading, this ___ day of _____, 2012.

199 _____
200 Mayor Roseann Minnet

201
202
203
204 First Reading

Second Reading

205 Mayor Minnet

206 Vice-Mayor Sasser

207 Commissioner Brown

208 Commissioner Dodd

209 Commissioner Vincent

210
211 Attest:

212
213
214 _____
215 Town Clerk, June White, CMC

216 (CORPORATE SEAL)

217
218
219 Approved as to form:

220
221
222
223

Susan L. Trevarthen, Town Attorney



Town of Lauderdale-By-The-Sea
Development Services
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

To: Planning and Zoning Board
Thru: Bud Bentley, Assistant Town Manager
From: Linda Connors, Town Planner
Date: May 9, 2012
Meeting Date: May 16, 2012

Town Planner Report: Proposed amendments to Chapter 30 to revise the current minimum parking requirements.

The purpose of this agenda item is to review the proposed amendments (**Exhibit I**) to Chapter 30 of the Town Code to revise the current minimum parking requirements.

Background

As part of normal daily operations, staff noticed some improvements needed to the Town's existing minimum parking requirements. These improvements include:

1. Revising the text as to how parking requirements for restaurants are calculated to reflect our historical practice; and
2. Eliminating the current standard for gasoline service station.

Staff will also take this opportunity to reorganize this section for clarity.

Proposed Amendments

1. Restaurant Customer Service Area Calculation

The planning standard calculation for determining parking requirements for restaurants is based on the customer service area instead of the overall square footage of the building, which is the standard for other commercial uses. This makes sense, as the number of customers affects the amount of necessary parking and customers do not utilize the kitchen or behind the bar and existing seated customers utilize the restrooms and hallways. Many communities utilize the standard of one parking space for 50 square feet of customer service area to determine the amount of parking a restaurant should provide. Some other communities use the square footage of the room providing customer service.

In 2011, the Town Commission amended the current code to, among other things, revise parking requirements for restaurants and allow for the parking exemption program for restaurants (Ordinance 2011-01). Prior to the adoption of this ordinance, the restaurant parking requirement was located in the B-1 zoning district and read as follows:

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

A review of recent permits issued by the Town show that this is the standard that has been historically utilized by the Town.

Ordinance 2011-01 removed parking requirements from the B1 zoning district and relocated the requirements and the parking exemption program to Sec. 30-318 (j) Minimum Parking Requirements. Since the adoption of Ordinance 2011-01, the Town's current code for restaurant parking states:

*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: One parking space for each 50 square feet of **floor area in rooms for customer service**... [Emphasis added]*

The code requires that we utilize the room for customer service when calculating the parking requirement. This can cause a significant difference in the number of required spaces. Table 2 identifies two recent restaurants that submitted applications for parking exemptions. The differences in the parking requirements based on rooms for customer service resulted in over a 40% increase in parking requirements for each.

Table 2

	Restaurant	Customer Service Area Square Feet	No. of Required Parking Spaces/Rate	Rooms for Customer Service Area Square Feet	No. of Proposed Required Parking Spaces/Rate	Increase in Parking Requirement
1.	A - Renovation	850	17 (1:50 CSA)	1,255	25 (1:50 CSA Room)	47%
2.	B - New	1,118	22 (1:50 CSA)	1,544	31 (1:50 CSA Room)	41%

Since the Town's restaurant exemption program is in effect, this did not affect the owner's ability to move forward with the renovation of the existing restaurant (A) or the new restaurant (B), but it would have been a deterrent without the exemption program.

Ordinance 2011-01 was written in part to revise the regulations applicable to parking for restaurants and restaurant-type uses to spur economic development and redevelopment. We believe that the different calculation requirement for customer service area included in the ordinance was inadvertent as it is counter to the established purpose for the approved revisions. Therefore, staff is recommending that we move forward and amend the existing language to calculate parking requirements based on the customer service area. These proposed amendments are included in **Exhibit 1**.

2. Gasoline Service Station

The Commission adopted Ordinance 2012-01 on March 27, 2012 which clarified the code relating to the B1A and B1 zoning district. During our review of this zoning section, we amended the definition of convenience store to include the ability to sell automotive fuel. There is not a separate use allowed in the code for gas or automobile service stations. While reviewing the minimum parking standards section of the code, we noticed that we still have a parking requirement for gasoline service stations and as this is not a stand-alone use allowed in our Town, this parking requirement is no longer needed and can be deleted. The sole gas station in the Town already meets the parking

Staff Report
Proposed Parking Amendments
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requirement because of the 1995 parking provision (LBTS Code of Ordinances Sec.30-314(b)(2)) and any new gas stations would be required to meet the requirements of convenience stores.

3. Reorganization

The final change that we are proposing to the minimum parking requirements is recommended to ensure that the code is a more user friendly document for both the general public and staff. This proposal is to alphabetize the minimum parking requirement categories.

Procedure

We are prepared to bring the associated Ordinance adopting this language and your suggested revisions to the Commission at their June 12th meeting for first reading and set second reading for July 10th. At the May 8th meeting, the Commission approved a Notice of Intent to move forward with amendments to the minimum parking requirements.

Exhibit: 1 – Draft of Minimum Parking Requirement Standards

TOWN OF LAUDERDALE-BY-THE-SEA
PLANNING AND ZONING
REGULAR MEETING MINUTES
Town Commission Meeting Room
Wednesday, May 16, 2012
6:30 P.M.

I. CALL TO ORDER

Chairperson Alfred Oldaker called the meeting to order at 6:30 p.m. Members present were Chairperson Alfred Oldaker, Vice Chairperson David Chanon, William Brady, Avi Braverman and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors and Assistant Town Attorney Kathryn Mehaffey. Deputy Town Clerk Glenn McCormick was present to record the minutes of the meeting. Board member W. Patrick Murphy was absent.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of March 21, 2012

There were no other additions, deletions or changes to the above minutes.

Vice Chairperson Chanon made a motion to approve the minutes of March 21, 2012. The motion was seconded by Mr. Yankwitt. The motion carried 5-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

Town Planner Linda Connors reviewed her report as provided in the backup.

VI. NEW BUSINESS

Item #1: Proposed Amendments to Chapter 30 to Require Window Screening or Vacant Storefronts, Including Hotels and Motels.

Town Planner Connors discussed the subject item as detailed in the backup.

Exhibit 3

Avi Braverman asked what would happen if someone rented a space, was in the process of renovating it and wished to put some promotional display in the window.

Town Planner Connors replied this would be covered under the Town code for announcing contractor signs.

Mr. Braverman also inquired about the preprinted materials. Ms. Connors mentioned that might be available from the Town in 36-inch panels.

Town Planner Connors indicated the Town was currently looking into possibly providing the preprinted material as an option.

Mr. Braverman thought this would be a good opportunity to have panels displaying historic photographs available, and if they were available from the Town at no added cost, then the person renting the space or property owner had little to complain about.

Vice Chairperson Chanon wondered if a "for lease" sign was part of the acceptable storefront signage.

Town Planner Connors replied it was possible to display a "for lease" sign, as defined in the current sign code.

Vice Chairperson Chanon expressed concern as to requiring windows to be screened regardless of elevation, wondering if the requirement would apply to windows above a certain elevation.

Town Planner Connors explained the definition of a transparent window that needed to be screened was one through which one could see the interior of the building from the public right of way. She suggested it was possible to add the word "adjacent" before public right of way to indicate it meant at street level.

Chairperson Oldaker asked if the amendment would apply to a hotel/motel with a vacant room.

Town Planner Connors indicated if the hotel/motel was still open for business, then the vacant window was acceptable. But if the office was closed and no business was being conducted, then it would trigger the code, depending on how long it was closed.

Chairperson Oldaker queried as to definitions A, item 3, vacant, there was some previous discussion on mom and pop stores closing for the holidays, as they would technically not be open for business. He thought the consecutive 14-day period might adversely affect those business owners that closed shop once a year and went away for a set period of time; he suggested expanding the 14 days to 21 days.

Town Planner Connors clarified the change would be from 14 to 21 consecutive days, after which the business owner would have five business days to put up the window screening.

Chairperson Oldaker next referred to item c at the bottom, the last paragraph, where it said five business days, which he thought should be extended to seven calendar days. He asked where did turning the lights off at night fall into the code.

Exhibit 3

Town Planner Connors replied there was no regulation for turning lights off at night.

Chairperson Oldaker questioned how the violations would be detected, if code enforcement would be on the lookout for vacated property.

Town Planner Connors responded once the amendments were adopted, if code enforcement observed a storefront was vacant, they could begin enforcing the code, counting the days from that time onwards. Once they reach the allowable days for the vacancy, they would enforce the code, and if someone did not comply, they would be issued a notice of violation and asked to appear before the special magistrate. Generally, the fines could run from \$0 to \$250 a day. Thus, the clock would not start until the Town classified the space as vacant; that is, by the code enforcement going out to the site, getting notification that someone had vacated the property or by a community member calling the code office informing them of the vacancy. The enforcement process would not begin until the vacancy was documented by Town staff.

Mr. Yankwitt expressed concern as to the pictures and artwork, but he had no wish for any violations to be issued in this regard, so he wondered if there were previously approved pictures and artwork.

Town Planner Connors answered no.

Mr. Yankwitt pointed out where one person's interpretation of art differed from another, issues might arise.

Town Planner Connors concurred.

Vice Chairperson Chanon requested, assuming the Board passed the proposed amendments, that at a minimum electronic files of the acceptable images should be available online, as this would help maintain consistency.

Mr. Braverman liked the idea of the Town having preprinted pictures on panels that filled the code requirements.

Chairperson Oldaker suggested language that said the paper screening the window should be one continuous piece covering the window opening 36 inches wide and a length to cover the opening.

Vice Chairperson Chanon thought having a window covering, such as brown paper going all the way up the length of a window that had a high elevation would be unsightly.

Chairperson Oldaker pointed out covering up windows while doing renovations was a common practice of businesses.

Mr. Braverman felt it was unnecessary to enforce the height requirement for the window covering beyond the first story, due to the general height of buildings in the Town. He strongly recommended the Town provide the preprinted material for the vacant windows, as it would create uniformity as well as highlight Lauderdale-By-The-Sea and be at no cost to the property/business owner.

Exhibit 3

Chairperson Oldaker agreed the Town should supply the images on a disc, so a business or property owner could take it to a print shop and print the panels. Having the Town maintain picture panels placed an added burden on Town staff.

A male speaker witnessed other municipalities using preprinted material and business owners came and picked it up and posted it in the storefront windows. There was not much variety, no more than five or six different images. The concept of supplying the images on a disk was a good one, as long as it did not add too much cost to the business owner, as those costs would increase with the number of windows.

Assistant Town Attorney Mehaffey noted it was necessary to consider the situation in terms of limit or prohibit and judge what constituted artwork. The concept of providing the artwork free of charge was designed to make it easier for people to choose from acceptable artwork. This could not be done to the exclusion of everything else, so businesses could not be forced to use the free artwork, but it's being free would encourage its use.

Town Planner Connors added the language said the preprinted material might be provided by the Town, but there was no mention of them being free. Thus, the Town could seek to recoup the costs for providing the material, and there had been no discussion either way.

Mr. Braverman made a motion to limit screening to the first floor. The motion failed for lack of a second.

Chairperson Oldaker preferred to leave the enforcement of window covering beyond the first floor up to Town staff's discretion.

Mr. Yankwitt made a motion that was seconded by Mr. Brady to approve Item #1 to include the following amendments:

- a) Amending Section 30-313 (a) (3) a. to 21 consecutive days from 14 days
- b) (b) (1) (b) to add screening material shall be one piece
- c) (b) (1) (c) Timing – installation required within seven (7) calendar days of vacancy.

. The motion carried 5-0.

Item #2: Proposed Amendments to Chapter 30 to Revise the Town Minimum Parking Requirements

Town Planner Connors went over the proposed amendments as detailed in the backup, focusing first on the restaurant/bar establishments.

Chairperson Oldaker commented as to not including the bar area in the calculations, noting at several of the Town's restaurant establishments with a bar a number of customers could be found standing or sitting in the bar area.

Town Planner Connors stated the bar area would be included at one per 50 square feet; more people sat at a bar than at a table.

Chairperson Oldaker observed the linear calculation did not take into consideration the depth of the bar.

Exhibit 3

Vice Chairperson Chanon stated he was not in favor of adding a component that measured the bar area, as the aim was to make the Town more pedestrian friendly, and at the Board's last meeting the discussion was to find ways to reduce the number of required parking spaces for some of the hotel establishments. Many people walked or rode bikes, and he felt it was unnecessary to impose an additional burden on the local restaurants and businesses for this reason.

Town Planner Connors moved to the portion of the presentation pertaining to gasoline service stations.

Mr. Yankwitt asked if he could vote on the subject item, as the mechanic that serviced the Town's gas station was a client of his; he was not an attorney client but an accounting client.

Assistant Town Attorney Mehaffey requested a five minute recess.

Recess/Reconvene (7:27 p.m./7:30 p.m.)

Assistant Town Attorney Mehaffey responded there was no conflict of interest pertaining to Mr. Yankwitt's question, as the item was not dealing with an application specific to the site where Mr. Yankwitt's client worked. It was a general legislative application that was applicable to all properties throughout the Town.

Chairperson Oldaker asked if there was a conflict of interest, could the matter be broken into the three components.

Assistant Town Attorney Mehaffey responded the Board could address future issues in the three components if it so chose.

Chairperson Oldaker thought verbiage should be added to the ordinance so it was more thorough.

Assistant Town Attorney Mehaffey clarified the motion was to approve the proposed changes including the revised staff recommendations as presented.

Mr. Yankwitt inquired how the bar area and the vestibule right in front of the restrooms was being handled.

Town Planner Connors replied if the area was situated in the room, it was included in the customer service calculation, as would any wall, hallway or anywhere patrons congregated.

Chairperson Oldaker emphasized the inclusion of the bar square footage pertained only to the area in front of the bar not behind the bar.

Chairperson Oldaker made a motion to approve Item #2 with the additional language as presented. The motion was seconded by Vice Chairperson Chanon. The motion carried 5-0.

VII. OLD BUSINESS

Town Planner Connors informed the Board staff received no applications from the public for the June 27, 2012, meeting.

Chairperson Oldaker wished to postpone the June meeting to July 18, 2012.

A male speaker asked about the deadline to submit applications for the June meeting.

Town Planner Connors replied the deadline was the first week of the prior month. Thus, there were no applications from the public, though the Board had issues to discuss that were not of an urgent nature. If no application was received from the public, the Town was not required to issue specific advertising, she simply posted a public notice of the upcoming meeting date, and this allowed her time to prepare her reports. Her reports were normally submitted to the Board the Friday prior to the date of the next meeting, and she needed a week prior to that date to have all the documents ready for the Board's packet. Under proposals for discussion, the pier parking standards would have been brought forward for Board discussion, but the pier owner was on vacation, so Town staff thought it best to wait until he returned. She said, currently, the Town had no pier parking standards in its code, and Town staff thought there should be such standards and were in the process of drafting standards for the Board to vote on.

VIII. BOARD MEMBER COMMENTS

None

IX. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:38 p.m.

Chairman Alfred Oldaker

Date Accepted: _____

ATTEST:

Glenn McCormick, Secretary



Town of Lauderdale-By-The-Sea
Development Services
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

To: Planning and Zoning Board
Thru: Bud Bentley, Assistant Town Manager
From: Linda Connors, Town Planner
Date: May 31, 2012
Meeting Date: June 7, 2012

Town Planner Report: Proposed amendments to Chapter 30 to develop pier parking standards.

The purpose of this agenda item is to review the Town's proposal to include pier parking standards in the minimum parking requirements located in Chapter 30, Section 318 of the Town Code.

Background

There have been discussions with the pier restaurant owners as to the parking requirements for the pier. To determine pier parking requirements, we currently refer to the minimum parking requirement category of "Uses not specifically mentioned," which provides:

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 floor area.

The Fisherman's Pier is located at 2 Commercial Boulevard. Its uses include the pier (15,540 square feet), restaurant (1,051 square feet customer service area) and the bait and tackle shop (969 square feet). Based on the categories currently in the code, the existing pier would require 78 parking spaces and the total pier property would require a total of 103 parking spaces.

Justification

We believe that the "Uses not specifically mentioned" category does not accurately reflect the parking usage for patrons of the pier and so we conducted research to determine a more accurate standard for pier parking. To do this, we contacted other pier properties and asked for their parking requirements. We found that the other piers were publicly owned and tended to be served by public parking facilities. We also counted the number of pier patrons on several occasions and interviewed them to determine how many of them traveled together to the pier (the number of people per car). The resulting information showed that the demand for parking spaces were between 12 to 18 parking spaces, which causes us to conclude that 1 parking space for every 1,000 square feet of the pier would be sufficient for the pier use. At this rate, the parking space requirement for the pier would be reduced from current requirement of 78 spaces to 16 spaces. **Table 1** outlines the parking that would be required for the pier property at both the current and proposed parking standards.

Table 1

	2 Commercial Blvd	Square Feet	Current No. of Required Parking Spaces/Rate	No. of Proposed Required Parking Spaces/Rate
1.	Pier	15,540	78 (1:200)	16 (1:1,000)
2.	Restaurant Customer Service Area (CSA)	1,051	21 (1:50 CSA)	21 (1:50 CSA)
3.	Bait and Tackle Shop	969	4 (1:225)	4 (1:225)
	Total Required Spaces		103	41

Proposed Amendments

Staff is proposing to include the following language specific to the pier parking standard in Section 30-318 of the Town code:

Pier: one parking space for each 1,000 square feet of pier.

Procedure

At the May 8th meeting, the Commission approved a Notice of Intent to move forward with amendments to the minimum parking requirements. We are prepared to bring the associated Ordinance adopting this pier parking language along with your suggested revisions to the Commission at their June 26th meeting for first reading and set second reading for July 24th. The pier parking amendment will be coupled with the additional parking amendments that the Board approved at their May 2012 meeting.

TOWN OF LAUDERDALE-BY-THE-SEA
PLANNING AND ZONING
REGULAR MEETING ACTION AGENDA
Town Commission Meeting Room
Thursday, June 7, 2012
6:30 P.M.

I. CALL TO ORDER

Bill Brady, Avi Braverman, Patrick Murphy, Eric Yankwitt, David Chanon were present. Absent Alfred Oldaker

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENTS

V. TOWN PLANNER REPORT

VI. NEW BUSINESS

Item #1: Proposed Amendments to Chapter 30 to develop pier parking standards

Proposed Ordinance to go to the Commission on June 26, 2012 for first reading and July 24, 2012 for second reading. Bill Brady made a motion to approve as recommended by staff. Patrick Murphy seconded the motion. The motion carried 3-2. Eric Yankwitt and Avi Braverman voted no.

VII. OLD BUSINESS

NONE

VIII. UPDATES/BOARD MEMBER COMMENTS

IX. ADJOURNMENT

The meeting was adjourned at 7:05.