



AGENDA ITEM MEMORANDUM

Development Services

Department

Linda Connors LC

Town Planner

30

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

*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: At their June 26, 2012 meeting, the Commission approved on first reading Ordinance 2012-12 (**Exhibit 1**) which addresses the following parking requirement issues:

1. Revises the text of how parking requirements for restaurants are calculated to reflect our historical practice.
2. Eliminates the current standard for gasoline service station. These standards are not necessary since gasoline service stations are no longer a permitted use.
3. Reorganizes the minimum parking standards for clarity and readability.
4. Establishes a pier parking requirement of 0 spaces per Commission direction (Page 4, Line 80 of Exhibit 1).

RECOMMENDATION: We recommend approval of Ordinance 2012-12.

EXHIBITS: Exhibit 1 – Ordinance 2012-12

Ordinance Reviewed by Town Attorney

Yes No

Town Manager Initials LC

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
11 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of
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.

¹ Subsections have been reordered to alphabetize. Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~. Additions subsequent to first reading are shown in double underline. Deletions subsequent to first reading, to previously proposed text, are shown in ~~strikethrough underline~~.

- 48 (e) *Convenience stores, grocery stores:* one parking space for each 125 square feet of floor
49 area.
- 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 zero parking spaces for each 1,000 square feet of the pier deck area not~~
81 associated with another use.
- 82 (p) *Places of public assembly, including assembly halls, private clubs, exhibition halls,*
83 *convention halls, dance halls, skating rinks, sports areas, community centers, libraries and*
84 *museums: One parking space for each three fixed seats, plus one parking space for each*
85 *200 square feet of floor area in assembly rooms with movable seats or one parking space*
86 *for each 200 square feet of net floor area utilized for customer service. In places of*
87 *assembly in which occupants utilize benches, pews or other similar seating facilities, each*
88 *20 lineal inches of such seating facilities shall be counted as one seat for the purpose of*
89 *computing off-street parking requirements.*
- 90 (q) *Restaurants, including customer service areas of outside cafes on private property,*
91 *sandwich shops, coffee shops, and any establishment or portion of an establishment*
92 *dedicated to preparing and serving food to the public: One (1) parking space for each 50*
93 *square feet of gross floor area excluding food preparation areas, drink preparation areas,*
94 *bathrooms, storage areas, and other areas not directly utilized by the public in patronizing*
95 *such establishments floor area in rooms for customer service, except that from March 8,*
96 *2011 until March 7, 2015 and as further limited below, no parking spaces shall be required*
97 *for new restaurants or the expansion area of existing restaurants. This suspension of the*
98 *parking requirement shall be known as the "Parking Exemption Program."*
- 99 (1) *Application required.* To qualify for the Parking Exemption Program, a Parking
100 Exemption Application must be submitted, in a form to be approved by the Town,
101 with all supporting documentation. The parking spaces shall be allocated on a first
102 come, first serve basis, as measured by the Town's receipt of a complete application
103 package.
- 104 (2) *Eligibility for program.* The application, and all supporting documents, including any
105 applicable building permit or development approval applications, for the construction
106 of a new restaurant or for a restaurant expansion, shall have been submitted and
107 deemed to be complete by the Town prior to the program deadlines, and all required
108 permits received and the restaurant subsequently built within the time periods
109 specified in the Town's Code.
- 110 (3) *Program guidelines.*

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

142 in its sole discretion, discontinue this Parking Exemption Program at any point
143 during the four years.

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

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

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

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

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

167 (5) *Reports.*

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

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

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

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

179 (s) *Shopping centers:* Parking space requirements vary depending on the size in gross leasable
 180 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
400,000—600,000	225	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 sf of office use > 10% of GLA
600,000—1,200,000	200	3 spaces for each 100 cinema seats > 750 seats
		1 space for each 700 sf of office use >10% of GLA

181

- 182 (t) *Single-family and duplex dwellings*: Two parking spaces for each dwelling.
- 183 (u) *Theaters, movies or otherwise*: One space for every three fixed seats, plus one parking
- 184 space for each 200 square feet of floor area in assembly rooms with movable seats.
- 185 (v) *Uses not specifically mentioned*: The requirements of off-street parking for any uses not
- 186 specifically mentioned in this section shall be one space for every 200 square feet of floor
- 187 area.

188 * * *

189 **SECTION 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is

190 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in

191 no way affect the validity of the remaining portions of this Ordinance.

192 **SECTION 4. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or

193 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

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

195 **SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon

196 adoption on second reading.

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

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

200 _____

201 Mayor Roseann Minnet

	First Reading	Second Reading
202 Mayor Minnet	_____	_____
203 Vice-Mayor Sasser	_____	_____
204 Commissioner Brown	_____	_____
205 Commissioner Dodd	_____	_____
206 Commissioner Vincent	_____	_____

207 Attest:

208 _____

209

210

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212

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214

215

216 Town Clerk, June White, CMC
217
218 (CORPORATE SEAL)
219
220 Approved as to form:
221
222
223
224

Susan L. Trevarthen, Town Attorney