

ITEM 2



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 *BB*
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:

ITEM 2

Staff Report
Proposed Parking Amendments
Page 2 of 3

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

ITEM 2

Staff Report
Proposed Parking Amendments
Page 3 of 3

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

Exhibit 1

Sec. 30-318. - Minimum parking requirements¹.

(a) *Banks and savings and loan associations*: One parking space for each 235 square feet of floor area.

(b) *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 less than 20,000	300
20,000 to 50,000	325
More than 50,000	350

(c) *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.

(d) *Churches*: One parking space for each three fixed seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats. In churches in which occupants utilize benches, pews or other similar seating facilities, each 20 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

(e) *Convenience stores, grocery stores*: one parking space for each 125 square feet of floor area.

(f) *Funeral homes*: One parking space for each four seats in public rooms.

(g) *Furniture stores*: One parking space for each 500 square feet of floor area.

(h) ~~*Gasoline service stations*: A minimum of three spaces plus one additional parking space for each 200 square feet of building or service floor area in excess of the first 600 square feet.~~ *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.

(i) *Hotels and motels*: 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

¹ Additions to the text are shown in underlined text and deletions to the text are shown as ~~strikethrough~~. All text categories have been reordered to alphabetize.

Exhibit 1

shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.

(j) *Leased and rental vehicles*: One space for each leased car maintained on premises plus one space for each employee.

(k) *Marinas and yacht basins*: One parking space for each boat slip and one parking space for each employee.

(l) *Medical, dental lab, chiropractic, health studio, etc., clinics*: One parking space for each 200 square feet of floor area.

(m) *Multiple-family dwellings*: 1½ parking spaces for each 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 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.

(n) *Personal service shops*: one parking space for each 200 square feet of service floor area including barber shops and beauty shops.

(o)

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

(q) *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~~ customer service area ~~in rooms for customer service~~, except that from March 8, 2011 until March 7, 2015 and as further limited below, no parking spaces shall be required for new restaurants or the expansion area of existing restaurants. This suspension of the parking requirement shall be known as the "Parking Exemption Program."

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

(2) *Eligibility for program*. The application, and all supporting documents, including any applicable building permit or development approval applications, for the construction of a new restaurant or for a

Exhibit 1

restaurant expansion, shall have been submitted and deemed to be complete by the Town prior to the program deadlines, and all required permits received and the restaurant subsequently built within the time periods specified in the Town's Code.

(3) Program guidelines.

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

a. *Oceanfront Center*. The Oceanfront Center shall include all B-1 and B-1-A zoned land adjacent to State Road A1A or Commercial Boulevard, east of Seagrape and, for the purposes of determining underutilized spaces, shall include the El Prado and A1A parking lots.

b. *Commercial Business District*. The Commercial Business District shall include all B-1 and B-1-A zoned land adjacent to Commercial Boulevard, west of Seagrape.

(ii) *Exemption maximum*.

a. *District Maximums*. The maximum number of spaces available for exemption in each parking District shall be established by resolution of the Town Commission.

b. *Oceanfront Center*. There shall be a maximum exemption of 30 parking spaces per eligible restaurant.

c. *Commercial Business District*. There shall be a maximum exemption of 50 parking spaces per eligible restaurant.

(iii) *Eligible restaurant*. An eligible restaurant shall be a commercial establishment, whether standing alone or accessory to another use, where food and beverages are ordered from individual menus, served at tables, and consumed on premises and serviced by its own kitchen. No restaurant kitchen may provide eligibility for parking exemption for more than one restaurant.

(iv) *Program duration*. The Parking Exemption Program shall last in each District for a period of four years, from March 8, 2011 to March 7, 2015, or until the maximum number of parking exemptions is allocated, whichever is earlier. However, during the four-year period, but after the initial allocation of the maximum number of parking exemptions in a District, the Parking Exemption Program may be reactivated in that District if additional parking spaces are added to the total number of spaces available within the District, either by action of the Town Commission or expiration or loss of parking exemptions. Notwithstanding the foregoing, the Town Commission, may, for any reason and in its sole discretion, discontinue this Parking Exemption Program at any point during the four years.

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

(4) *Status following end of program*.

Exhibit 1

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

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

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

(5) *Reports.*

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

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

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

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

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

Exhibit 1

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

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

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

(v) *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.