



AGENDA ITEM REQUEST FORM

Town Manager

Department Submitting Request

Bud Bentley

Dept Head's Signature *TBB*

REG COMMISSION

DEADLINE TO

Meeting Dates 7:00PM

Town Clerk

- Dec 7, 2010
 - Jan 11, 2011
 - Feb 8, 2011
 - Mar 8, 2011
- Nov 23 (5:00 pm)
 - Dec 31 (5:00 pm)
 - Jan 28 (5:00 pm)
 - Feb 25 (5:00 pm)

ROUNDTABLE

DEADLINE TO

Meeting Dates 7:00PM

Town Clerk

- Dec 14, 2010
 - Jan 25, 2011
 - Feb 22, 2011
 - Mar 22, 2011
- Nov 30 (5:00 pm)
 - Jan 14 (5:00 pm)
 - Feb 11 (5:00 pm)
 - Mar 11 (5:00 pm)

*Subject to Change

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

SUBJECT TITLE: **Parking Requirements Modifications**

EXPLANATION: In June, staff was directed to research alternatives to provide more flexibility and options for businesses to meet their required parking requirements. In addition, we were asked to evaluate a request to allow private property owners to offer parking to the public as a primary use in limited circumstances.

At the October Commission Roundtable, staff provided the Commission with options provided by Planning Consultant Walter Keller, and suggested that the Town consider adoption portions of Delray Beach's Code that already incorporates some of the options. Staff was directed to send the information to the Planning and Zoning Board and for their review of the options and recommendations.

The Planning and Zoning Board considered various aspects of the Parking Regulations at its November 17, 2010 workshop. Two proposals were considered to address the Restaurant parking requirement. One being that the parking requirement be changed from 20 parking spaces per 1,000 sq. ft. to 12 spaces per 1,000 sq. ft., and the second being to have no required parking for restaurant uses. No formal action was taken, but the Board requested that staff bring back both restaurant parking regulation concepts in ordinance form for the Board's review in order to make a final decision and recommendation at its December 15, 2010 meeting.

At the November 22, 2010 Commission Roundtable, the Commission discussed parking requirements and directed staff, to the extent possible, to prepare an item for Commission action on the December 7th agenda that would exempt restaurants and restaurant type uses from Code parking requirements.

The Parking Regulations are the subject of a current Notice of Intent (**N.O.I.**) (Resolution 2010-39, adopted November 9, 2010, **Exhibit 1**) that provides for Commission adoption of amending ordinance(s) between January and April 2011. The Town Attorney advises the Commission cannot adopt revisions to the parking requirements until January at the earliest, give the time schedule in the N.O.I. Revising that N.O.I. or adopting a new N.O.I would take longer than proceeding in accordance with the current NOI. In order to address the Commission's concerns and direction as quickly as possible while complying with the timetable of the existing N.O.I., this item has been provided for discussion at this meeting and will be on the Planning and Zoning Board's December 15, 2010 agenda.



Under our normal process, the first reading of the amending ordinance would be on the regular Commission meeting on January 25th, with second reading on February 22nd. An alternative would be to schedule first reading at a Special Commission meeting on January 11, 2011 immediately prior to the Commission's Roundtable meeting, and second reading for the regular meeting on January 25, 2011.

Parking Requirements for Restaurants and Restaurant-Type Uses

To meet the intent of the Commission, the following change to Section 30-318 is proposed:

- (j) Restaurants ~~bars, beer gardens, night clubs~~: (an establishment or portion of an establishment dedicated to preparing and serving food to the public including sidewalk cafes, sandwich shops, and coffee shops): one parking space for each 50 square feet of floor area in rooms for customer service, except that from February 1, 2011 until January 31, 2013 (the "Program Period"), no parking spaces shall be required. This suspension of the parking requirement shall be known as the "Parking Suspension Program." The Town Manager shall provide an annual report to the Commission that describes the effectiveness and impacts of the Parking Suspension Program on the community. Said Program Period may be extended for up to one year by resolution of the Town Commission. Upon expiration of the Program Period and any extension, if approved, all uses permitted under the Parking Suspension Program will become non-conforming uses, and all redevelopment and expansion of those uses shall be subject to the requirements of the non-conforming use provisions of the Town's Code of Ordinances.

The proposed language addressing the Restaurant Waiver is in draft form, pending review by the Town Commission at which time the Town Attorney will finalize the legal drafting to implement the Commission's direction.

For a number of reasons, not the least being that a complete suspension of parking requirements for restaurants is not sustainable without significant cost to the Town, we have drafted the suggested language to provide for suspension of the code parking requirement for restaurant and restaurant-type uses for a specific period of time. After discussing this with the Town Attorney, we recommend the suspension of the parking requirements sunset on January 31, 2013, unless the Commission finds the circumstances warrant an extension for one year. In addition, we recommend adding a section to the Ordinance that requires an annual report to the Commission that describes the effectiveness and impacts of the parking suspension program on the community.

This initial two year time period will allow us to analyze available parking, determine what parking requirements would be reasonable not only for restaurants but other uses and still foster economic growth, and determine what other factors may be stifling economic redevelopment that are within the Town's control or influence. In other words, the two year suspension would give us sufficient time to look at the big picture comprehensively and consider a fully-reasoned approach to spur the type of development and redevelopment that is desirable in the long-term.



In addition, an Ordinance structured with a sunset timeline and an opportunity for extension will clearly advise current and future restaurant uses that the suspension of parking requirements is for a limited period of time to stimulate economic growth, and it is not the ongoing policy of the Town to take on the parking obligations of private business. It is the appropriate way to structure a suspension program to avoid future Town liability when parking standards go back into effect.

Elimination of Some of the Bureaucracy Associated with the Parking Regulations

We had recommended earlier that the Commission consider eliminating the step of an applicant going through the Board of Adjustment before coming to the Commission for consideration of a parking waiver. We suggest the ordinance suspending the parking requirements for restaurants address this issue.

Staff also recommends the Town Manager be granted the authority to waive a small number of required parking spaces for commercial uses, (i.e. 1-3 spaces or up to 10% of required parking) based on the availability of underutilized public parking spaces, rather than make the applicant appeal to the Commission for approval.

Needed Changed to Churches and other Public Assembly Uses

The Town Attorney has advised the current parking requirements for churches and other public assembly uses are inconsistent and not legally defensible. The proposed changes are shown in **Exhibit 2**. We suggest these changes also be included in the January ordinance amendments.

Other Parking Related Changes

We would like to not lose the opportunity to make additional changes that need to be made to the parking ordinance under the existing N.O.I. The Town Attorney has advised that we can bring a second ordinance amending the parking code back as long as we live within the time frames set out in the current N.O.I. (i.e. adoption by the end of April) and give appropriate notice at the adoption of the first parking amending ordinance.

We would intend to bring back a second ordinance for Commission after adoption of the one that makes the changes discussed in this agenda item.



RECOMMENDATION: We recommend the Commission:

1. Discuss the proposed suspension of required parking for restaurants and provide direction regarding if it achieves the policy goals of the Commission.
2. Provide direction whether to include the other recommended changes in the parking suspension ordinance:
 - a. Eliminate Board of Adjustment review;
 - b. Allow Town Manager to waive some required parking; and,
 - c. Changes for churches and other assembly uses.
3. Select the date for the first reading of the ordinance.

- EXHIBIT:**
1. N.O.I Resolution 2010-39
 2. Draft changes to Code Section 30-318

Reviewed by Town Attorney

Yes No

Town Manager Initials CA

Exhibit 2

Sec. 30-318. - Minimum parking requirements.

- (a) *Dwellings, single-family, two-family and condominiums:* two parking spaces for each dwelling.
- (b) *Dwellings, multiple-family:* 1½ parking spaces for each dwelling unit 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.
- (c) *Hotels and motels, including clubs:* 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 shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.
- (d) *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.
- (e) *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 50-square feet of net floor area utilized for seating or 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.
- (f) *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.
- (g) *Funeral homes:* one parking space for each four seats in public rooms.
- (h) *Medical, dental lab, chiropractic, health studio, etc., clinics:* one parking space for each 200 square feet of floor area.
- (i) *Business, professional and governmental offices:* Parking space requirements vary depending on the size in gross leasable area (GLA) according to the following table:

Exhibit 2

Office Size (GLA)	1 Space for Each (Square Feet)
Less than 5,000	250
5,000 to 20,000	300
20,000 to 50,000	325
More than 50,000	350

- (j) Restaurants, bars, beer gardens, night clubs (an establishment or portion of an establishment dedicated to preparing and serving food to the public including sidewalk cafes, sandwich shops, and coffee shops): one parking space for each 50 square feet of floor area in rooms for customer service, except that from February 1, 2011 until January 31, 2013 (the "Program Period"), no parking spaces shall be required. This suspension of the parking requirement shall be known as the "Parking Suspension Program." The Town Manager shall provide an annual report to the Commission that describes the effectiveness and impacts of the Parking Suspension Program on the community. Said Program Period may be extended for up to one year by resolution of the Town Commission. Upon expiration of the Program Period and any extension, if approved, all uses permitted under the Parking Suspension Program will become non-conforming uses, and all redevelopment and expansion of those uses shall be subject to the requirements of the non-conforming use provisions of the Town's Code of Ordinances.
- (k) **Retail stores:** one parking space for each 225 square feet of floor area.
- (l) **Reserved.**
- (m) **Furniture stores:** one parking space for each 500 square feet of floor area of the building.
- (n) **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.
- (o) **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 gross floor area.
- (p) **Marinas and yacht basins:** one parking space for each boat slip and one parking space for each employee.
- (q) **Banks and savings and loan associations:** one parking space for each 235 square feet of gross building floor area.
- (r) **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.
- (s) **Leased and rental vehicles:** one space for each leased car maintained on premises plus one space for each employee.
- (t) **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 2

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

- (u) *Convenience stores, grocery stores*: one parking space for each 125 square feet of floor area.
- (v) *Personal service shops*: one parking space for each 200 square feet of service floor area including barber shops and beauty shops.
- (w) *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.