

Item 1

Exhibit 2

**Current Town Required Parking
Regulations**

Sec. 30-314. - Off-street parking; general requirements.

(a) *Purpose.* The purpose of the following sections is to provide off-street parking provisions which are intended for and in the interest of the citizens of the Town of Lauderdale-By-The-Sea.

These sections shall be construed to be the minimum requirements for the promotion of the public health, safety, moral and general welfare of the community.

(b) *Scope.*

- (1) Any building, structure, or use instituted with the Town of Lauderdale-By-The-Sea after the effective date of these sections [March 14, 1995] shall provide off-street parking facilities in accordance with the provisions of these sections for the use of occupants, employees, visitors and/or patrons thereof. Such off-street parking facilities shall be maintained and continued as long as the uses are continued.
- (2) Any building, structure or use, instituted or erected prior to the effective date of these sections need not provide additional off-street parking facilities in accordance with the provisions of these sections provided that such existing buildings, structures or uses are not altered so as to enlarge or increase the capacity, floor area or seats therein.
- (3) When an existing building or structure is expanded to increase the floor area or seats or to otherwise increase the capacity of the building or structure, the provisions of these sections shall apply to the increased floor area, seats or increased capacity only.
- (4) When an existing building or structure is changed in use to a new use which would require more off-street parking pursuant to these sections than the former use, the new use shall receive credit for the off-street parking spaces attributable to the former use pursuant to these sections, even if the former use lacked sufficient parking pursuant to these sections.
- (5) The provisions of subsections (b)(3) and (b)(4) are provided to allow for the orderly expansion and re-use of existing buildings and structures. Additionally, applicants requesting an expansion in floor area, seat or capacity or a change in use are encouraged to pursue other options for the provision of required parking available in these sections.
- (6) It shall be unlawful for an owner or operator of any building, structure or use affected by these sections to discontinue, change or dispense with, or to cause discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of these sections. All such alternative vehicle parking facilities must be approved by the Town Manager or his designee, in writing, before the same may be used. It shall be unlawful for any person, firm or corporation to utilize such buildings, structure or use without providing the off-street facilities to meet the requirements of and be in compliance with this chapter.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-315. - Requirements for general commercial uses.

- (a) *Fractional measurements:* When units or measurements determining number of required off-street parking spaces result in requirement of a fractional space, any such fraction equal to or greater than one-half shall require a full off-street parking space.
- (b) *Mixed uses:* In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking spaces for one use shall not be considered as providing the required off-street parking for any other use.
- (c) *Measurement:* For the purposes of these sections, floor area shall mean the gross floor area inside of the exterior walls. In churches and other 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.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-316. - Plans.

Plans shall be submitted with every application for a building permit for any use or structure required to provide off-street parking under these sections, which plans shall clearly and accurately designate the required parking spaces, access aisles and driveways, entrances and exits, adequate drainage, lighting, curbs and curb cuts, surface

materials used thereon, and relation to the uses or structure these off-site parking facilities will intend to serve. Said plans to be developed in accordance with the site plan design criteria included in the Town Land Development Code (section 30-124(a)(1)).

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-317. - Design standards.

- (a) The minimum size (in feet) for parking stalls shall be as follows:
 - 9 X 18—standard space
 - 9 X 23—parallel space
 - 10 X 25—loading space
 - 12 X 18—handicap space
 - 8 X 15—compact space
- (b) A standard parking stall shall be nine feet wide by 18 feet deep. A maximum of 25 percent of all parking spaces can be compact spaces provided they are specifically designated and designed for "compact only" and the layout is approved by the Town Commission.
- (c) Parking layout and design criteria is provided in site plan requirements (section 30-124(a)(1) of the Land Development Code).
- (d) Stalls shall be provided with bumper guards, wheel stops, or continuous curbing when necessary for safety or protection to adjacent structures or landscaped areas.
- (e) Composition. Parking facilities, including access aisles and driveways, shall be surfaced with brick, asphaltic or concrete surfacing maintained in a smooth, well-graded condition with standards set forth according to the Town Manager.
- (f) Drainage. All off-street parking facilities shall be drained so as to not cause any nuisance on adjacent or public property. Such drainage facilities shall be arranged for convenient access and safety of pedestrians and vehicles with standards set forth according to the Land Development Code.
- (g) Identification. Each parking space required and provided pursuant to the provisions of these sections shall be distinguished and separated from adjoining parking spaces by means of three-inch painted stripes. It shall be the responsibility and obligation of the owner or operator of any building, structure or use affected by these sections to maintain such identification markings so that parking spaces at all times are distinguishable from one another.
- (h) Back-out parking prohibited. Parking facilities that require a motor vehicle to exit the parking space by backing-out onto State Road A-1-A shall be prohibited for all new development and re-development of any properties adjacent to State Road A-1-A. For purposes of this section, "new development" shall be defined as the construction of a building or parking lot upon a vacant or cleared lot. For purposes of this section, "re-development" shall be defined as any increase in building height, floor area or number of units, any reconstruction or remodeling exceeding 25 percent of the assessed valuation of a building, or any substantial alteration of the street facade of a building.

(Ord. No. 361, 3-14-95; Ord. No. 438, § 2, 6-13-00; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

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 50 square feet of net floor area utilized for seating or customer service.
- (f) *Churches:* one parking space for each three seats, plus one parking space for each 200 square feet of floor area in assembly rooms with movable seats.
- (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:

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:* one parking space for each 50 square feet of floor area in rooms for customer service.
- (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:

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 seats.
- (Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-319. - Limitations on use of required parking facilities.

The following uses and activities shall not be permitted in required parking facilities:

- (1) Parking to serve an off-site building unless in accordance with an off-street parking agreement approved by the Town in accordance with section 30-320.
- (2) Storage, repair or display of any vehicles, equipment or merchandise.
- (3) Parking of vehicles, which, due to its size, shape, contents or location creates an obstruction or public safety hazard, or which cannot be contained within a single designated parking space.
- (4) Off-street parking facilities supplied by the owner or operator to meet the requirements of these sections shall not be used by commercial vehicles owned, operated or used in the business or such owner during regular hours.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-320. - Parking other than on-site location.

- (a) *Regulation of off-site parking.* Parking spaces shall be located on the same plot or parcel of land the parking area is intended to serve, or upon a plot of land owned or leased by the same person or business entity that owns and the business which is served by the parking spaces located at any location within the Town's corporate limits zoned for business use or RM-25 when the lot is adjacent to a business use. In instances where the parking area is located on a different plot or parcel of land than that it is intended to serve, a lease or license agreement shall be entered into between the owner of the land and the owner of the business. The lease or license agreement shall be considered a restriction running with the land and shall bind the owners, heirs and successors and assigns of said owner. When off-site property is leased or licensed to achieve the minimum number of parking spaces allowed required in conjunction with a business use, the lease or license agreements shall include a provision whereby the business owner (lessee or licensee) acknowledges that the privilege of conduction business in the Town is contingent on a valid and enforceable lease or license agreement and that cancellation of the lease or license agreement shall result in revocation of the privilege to conduct business in the Town, unless alternative parking is provided to meet the minimum parking space requirement of the Town Code is obtained within 90 days of notice. All lease or license agreements must be in a form approved by the Town Attorney and shall be recorded in the public records of Broward County. A property owner may only rent space to one off-site business.
- (b) *Parking incidental to business.*
 - (1) Parking incidental to business shall be permitted on B-1 zoned lots or on RM-25 zoned lots where the B -1 zoned lot(s) upon which the proposed use is located is (are) adjacent to RM-25 zoned lots. In addition, if an RM-25 zoned lot is available for the purposes of establishing off-street parking and the lot is located no more than 50 feet from the RM-25 zoned lot which is immediately adjacent to the B-1 zoned lot, it too may be used for off-street parking for the benefit of the primary B-1 use. Further, such parking is for the convenience of the employees, patrons or guests of the owner of the business, motel or apartment.
 - (2) Such parking shall be enclosed by a ventilated concrete fence or hedge of not less than 42 inches nor more than 72 inches in height to conceal such parking as may be required by the Town Commission. Overnight parking of any size truck, commercial van, or trailer shall be prohibited as provided in Chapter 19, Article II of the Code of Ordinances. The area used for parking shall be asphalt paved and shall have adequate drainage.

Sec. 30-321. - Modification of parking requirements.

The Town Commission may approve a reduction in the minimum parking requirements after review and consideration of a recommendation from the Board of Adjustment when:

- (1) There is a public parking lot judged adequate to accommodate a portion of the parking demand of said use located within 400 feet straight line distance from the site; or
- (2) There is on-street parking judged adequate to accommodate a portion of the present and probable future parking demand of the general area; or
- (3) There are commercial or private lots located within 400 feet straight line distance that are judged adequate to accommodate a portion of the present and probable future parking demand of the general area.

Provided, however, the Board of Adjustment shall find that such reduction in the parking requirements will not create a parking problem due to customers or employees using on-street parking in the general area, and that the traffic problems in the general area will not be materially increased. A parking study prepared in a professional manner shall be submitted with requests to waive parking requirements, said study to address existing and future parking demands, parking availability and traffic circulation.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-322. - Off-street loading; general provisions.

- (a) Adequate space for loading and unloading of materials, goods or things, and for delivery and shopping, shall be provided and maintained as required by the Planning and Zoning Board on the same plot as the building which it serves.
- (b) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring an off-street loading space, such space shall be supplied and maintained to comply with this section.
- (c) For the purposes of this section, an off-street loading space shall be an area at the grade level at least ten feet wide by 25 feet long with a 14-foot vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required loading space, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)

Sec. 30-323. - Handicap parking requirements.

Off-street parking for the disabled. Each site used or to be used for commercial or community facility shall provide parking for the disabled in the immediate vicinity of the building or buildings as follows:

- (1) Reference herein is made to total parking spaces in lot in relation to required number of accessible handicap spaces: Up to 25 equals one space; 26 to 50 equals two spaces; 51 to 75 equals three spaces; 76 to 100 equals four spaces; 101 to 150 equals five spaces; 151 to 200 equals six spaces; 201 to 300 equals seven spaces; 301 to 400 equals eight spaces; 401 to 500 equals nine spaces; 501 to 1,000 equals two percent of total; over 1,000 equals 20 plus one space for each 100 over 1,000.
- (2) All spaces have accessible thereto a curb ramp or curb cut, when necessary to allow access to the building served, in close proximity to the entrance and shall be located so that users will not be compelled to wheel behind parked vehicles.
- (3) Handicapped parking spaces shall be a minimum of 12 feet wide and 18 feet deep. Each such space shall be conspicuously outlined in blue paint.
- (4) Each such parking space shall be posted and maintained with a permanent sign of a color, size and design approved by the Florida Department of Transportation, bearing the internationally accepted

wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY." All signs shall be on a free-standing metal support post in front of the space such sign is applicable to and the bottom of the sign shall be a minimum of six feet above the ground level.

- (5) Each such parking space shall be required as part of the parking and loading space requirement.

(Ord. No. 361, 3-14-95; Ord. No. 2007-14, § 2(Exh. A), 9-25-07)