

**Item 1**

**Exhibit 3**

**Delray Beach's Required  
Parking Code**

## Section 4.6.9 Off-Street Parking Regulations:

(A) Purpose and Intent: The purpose of this Section is to ensure that adequate off-street parking is provided to meet the needs of users of structures and usage of land. All parking areas shall be designed and situated so as to ensure their usefulness, to protect the public safety, and where appropriate, to mitigate potential adverse impacts on adjacent uses. It is the responsibility of the developer of property to provide and maintain adequate off-street parking. [Amd. Ord. 46-96 11/5/96]

### (B) Applicability:

(1) Off-street parking facilities shall be provided in the following situations:

- (a) For any new building constructed;
- (b) For any new category of use established including a new conditional use;
- (c) For any addition or enlargement of an existing building or use;
- (d) For any change in the occupancy of an existing building or the manner in which a use is conducted that would result in additional parking spaces being required.

(2) For items (c) and (d) from above, the additional parking spaces shall be required only for such addition, enlargement, or change and not for the entire building or use, unless required as a condition of approval associated with the approval of the addition, enlargement, or change.

(3) When existing parking is diminished by an addition or enlargement and such parking had been previously required, or would be required if the use were established at this point in time, such parking spaces must be replaced and be in addition to those spaces required for the addition or enlargement.

(4) Notwithstanding the foregoing, effective January 1, 2005, if private land is acquired by a governmental entity for parking or park purposes, the parking spaces attributed to the demand created by the building square footage and use that existed on the land acquired by the governmental entity (less the number of spaces that existed on the property so acquired) shall be credited to land owned by private owner(s) if the land owned by the private owner(s) is located within 300 feet of the land acquired by the governmental entity for parking or park purposes. [Amd. Ord. 47-05 7/19/05]; [Amd. Ord. 80-04 1/18/05]

(5) The requirements of this Section shall apply for temporary uses as well as permanent uses. [Amd. Ord. 80-04 1/18/05]

(C) **Number of Parking Spaces Required:** The number of parking spaces required for new buildings, new uses, additions, enlargements, or changes shall be determined by the following standards for uses and categories of use and types of parking spaces.

(1) **General Provisions:** The following apply in the application of this Subsection:

- (a) **Fractions:** When the determination of the number of required parking spaces results in a requirement of a fractional space, any fraction less than one-half space shall be rounded down to the nearest whole number and any fraction of one-half space or more shall be rounded up. [Amd. Ord. 01-09 1/20/09]
- (b) **Handicapped Spaces:** Special parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. Such spaces shall not be in addition to, but shall substitute for, required parking. [Amd. Ord. 46-96 11/5/96]
- (c) **Bicycle Parking:** Bicycle parking facilities shall be provided in a designated area and by a fixed or stationary bike rack for the following uses:
  - (1) In shopping centers at the rate of five (5) spaces per 100,000 sq.ft. of gross floor area; [Amd. Ord. 46-96 11/5/96]
  - (2) At fast food restaurants, government offices and community centers, and commercial and private recreation facilities at the rate of five (5) spaces per facility. [Amd. Ord. 46-96 11/5/96]
  - (3) Any non-residential use within the City's TCEA which, through the development review process, is determined to generate a demand. [Amd. Ord. 46-96 11/5/96]
- (d) **Uses Not Listed:** Any use, or use category, which is not specifically listed herein shall have its parking requirement established at the time of approval of the site and development action associated with the new use or structure.
- (e) **Design Requirements Apply, Exceptions:** The Design Requirements for parking lots as provided for in Section 4.6.9(D) shall apply to all parking spaces which are required in this subsection, except for specific provisions to the contrary which are contained herein.
- (f) **Requirements Are Cumulative:** In situations where a combination of uses are developed on a site, parking requirements shall be determined for each of the uses according to the parking requirements set forth herein. An exception to this rule may be made, pursuant to Subsection (C)(8), Multiple Uses.



(3) Requirements for Commercial Uses:

- (a) General Commercial Uses: Shall provide 4.5 spaces per 1,000 square feet of gross floor area which includes retail floor area, associated warehouse and storage floor area, and employee and management facilities.
- (b) Convenience Stores with Associated Gasoline Sales: Shall provide 4.5 spaces per 1,000 square feet of gross floor area of the convenience store and any kiosk or cashier station.
- (c) Gasoline Stations: With or without convenience food sales shall provide 4.5 spaces per 1,000 square feet of non-repair gross floor area and shall provided four (4) spaces per service bay or lift. [Amd. Ord. 46-96 11/5/96]
- 1 - P 21 9338  
 (d) Restaurants: Inclusive of drive-ins, drive-thru, snack shops, night clubs, lounges shall provide 12 spaces per 1,000 square feet of gross floor area up to 6,000 sq.ft. and then 15 spaces per 1,000 sq.ft. of gross floor area over the initial 6,000 sq.ft. [Amd. Ord. 01-09 1/20/09]
- (e) Shopping Centers: Spaces required based upon size of center per gross leasable floor area, irrespective of uses: [Amd. Ord. 01-09 1/20/09]
- |                                |   |
|--------------------------------|---|
| * 25,000 to 400,000 sq. ft.    | provides: 4/1,000 sq. ft. of gross floor area   |
| * 400,000 to 600,000 sq. ft.   | provides: 4.5/1,000 sq. ft. of gross floor area |
| * greater than 600,000 sq. ft. | provides: 5/1,000 sq. ft. of gross floor area   |
- (f) Vehicle Sales and Rental: Including auto sales, auto rental agencies, recreational vehicle sales and rental, and truck sales and rental, shall provide 4 spaces per 1,000 sq.ft. of total building(s) gross floor area, except indoor display areas. Required parking spaces shall be designated for employee, customer, and/or service use at the standard of at least 1.5 spaces per service bay and 2 spaces per 1,000 sq.ft. of gross floor area (less indoor display area). Any remaining spaces may be used for display purposes. [Amd. Ord. 01-09 1/20/09]
- (g) Personal Service Providers: (Beauty Salons, Spas, etc.): Shall provide 4.5 spaces per 1,000 sq. ft. of gross floor area in buildings up to 5,000 sq. ft. and 4.5 spaces per 1,000 sq. ft. of gross floor area plus 0.5 spaces per work station in buildings greater than 5,000 sq. ft. as it pertains to the personal service provider uses. (Note: Work stations providing manicure services which include both manicure table and pedicure chair shall be calculated as one (1) work station for each table and chair combined) [Amd. Ord. 48-06 9/19/06]

(4) Requirements for Office Uses:

- (a) Business and Professional Offices: Except governmental and medical offices, shall provide:

\* 4 spaces per 1,000 sq.ft. of net floor area up to 3,000 sq.ft. and then 3.5 spaces per 1,000 sq.ft. of net floor area over the initial 3,000 sq.ft. [Amd. Ord. 01-09 1/20/09]

- (b) Governmental Offices: Including public health and rehabilitative services, shall provide 5 spaces per 1,000 sq.ft. of gross floor area.

- (c) Medical and Dental Offices: Including clinics and mental health treatment facilities, shall provide 5 spaces per 1,000 sq.ft. of gross floor area.

(5) Requirements for Industrial Uses:

- (a) General: General Industrial Uses (manufacturing, assembly, attendant offices) shall provide parking at the rate of 3 spaces per 1,000 sq.ft. of gross floor area devoted to such uses. In addition, 1 space shall be provided for each 1,000 sq.ft. of gross floor area devoted to storage and warehouse use. [Amd. Ord. 01-09 1/20/09]

- (b) Vehicle Paint, Body, and Repair Shops: Shall provide 4.5 spaces per 1,000 sq.ft. of gross floor area.

- (c) Vehicle Wrecking and Salvage Yards: Shall provide 1 space per 10,000 sq.ft. of lot area.

(6) Requirements for Recreational and Community Facilities Either Public or Private:

- (a) Auditoriums, Meeting Places: Assembly halls, conference and meeting rooms, theaters, stadiums, civic centers, community theaters, cultural facilities, arts and crafts centers, and similar uses shall provide 0.3 of a parking space for each seat or 1 space for each 50 sq.ft. of gross floor area, whichever is greater. [Amd. Ord. 01-09 1/20/09]

- (b) Bowling Establishments: Shall provide 4 parking spaces per lane.

- (c) Churches: Shall provide one space for every three seats provided in the sanctuary. Additional parking is not required for other uses on the church property (e.g. Sunday School, Day Care, Preschool, etc.) when such uses are operated as a part of, under the auspices of, the Church.

SECTION 4.6.9 (C) (6) (d)

- (d) **Clubs and Lodges**: Shall provide 1 space for every four seats or 1 for every 50 sq.ft. of gross floor area, whichever is greater. [Amd. Ord. 01-09 1/20/09]
- (e) **Educational Facilities**: Public or private, shall provide the following:
- \* Nursery and Kindergarten 1 / 300 sq. ft. of gross floor area. [Amd. Ord. 01-09 1/20/09]
  - \* Elementary and Middle 2 per classroom, plus 50% of the requirement of an auditorium or stadium.
  - \* High School, Vocational Schools, Colleges and Trade Schools shall provide 1 space for every 5 students which can be accommodated at maximum capacity.
- (f) **Fire Stations**: Shall provide 1 space for each employee on the shift with greatest employment.
- (g) **Golf Courses**: A full golf course shall provide 7 parking spaces per hole; an executive golf course shall provide 4 parking spaces per hole.
- (h) **Miniature Golf Courses**: Shall provide 1.5 parking spaces per hole.
- (i) **Hospitals**: Shall provide 1.5 spaces per bed, plus 1/100 sq.ft. of floor area in rooms for outpatient, emergency, and other special service areas open to the public.
- (j) **Libraries**: Shall provide 4/1,000 sq.ft. of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (k) **Museums**: Shall provide 5/1,000 sq.ft. of floor area which is open to the public.
- (l) **Police Stations, Public Works Complexes**: Shall provide 4/1,000 sq.ft. of gross floor area. This requirement shall encompass all uses on the premises. [Amd. Ord. 01-09 1/20/09]
- (m) **Post Offices**: Shall provide 5/1,000 sq.ft. of gross floor area in addition to a parking area for employees. [Amd. Ord. 01-09 1/20/09]
- (n) **Swim Clubs**: Shall provide 1/30 sq.ft. of total water surface.
- (o) **Tennis Clubs**: Shall provide 4 spaces per court.
- (p) **Community Facilities Within Planned Residential Developments**: Shall provide parking sufficient to accommodate guest, service and local needs recognizing that residents have other means of access. The parking shall be pursuant to an approved site plan. [Amd. Ord. 46-96 11/5/96]

SECTION 4.6.9 (C) (6) (q)

- (q) **Parks**: Shall have the parking needs assessed and determined by the City Manager or designee.
- (r) **Yacht Clubs**: One space per 1,000 sq.ft. of gross floor area and outdoor seating/eating area plus 0.5 spaces for each boat slip. [Amd. Ord. 01-09 1/20/09]; [Amd. Ord. 46-96 11/5/96]

(7) **Other Uses**:

- (a) **Abused Spouse Residence**: One space per sleeping room plus one space for each shift employee.
- (b) **Residential Licensed Service Provider Facilities, and Nursing Homes**: Shall provide one space for each four beds. [Amd. Ord. 02-10 1/19/10]; [Amd. Ord. 4-04 2/3/04]; [Amd. Ord. 35-00 1/2/01]
- (c) **Continuing Care**: Facilities shall provide 1.5 spaces per unit.
- (d) **Bed and Breakfast Inns**: Shall provide one per guest room and one for the manager/owner.
- (e) **Hotels and Motels**: Shall provide 0.7 of a space for each guest room plus 10 spaces per 1,000 sq.ft. of floor area devoted to ballrooms, meeting rooms, restaurants, lounges, and shops.
- (f) **Broadcast Facilities and Communication Facilities**: Shall provide 4/1,000 sq.ft. of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (g) **Bus Stations, Taxi Stations, and Train Stations**: Shall provide 3/1,000 sq.ft. of gross floor area (including storage areas). [Amd. Ord. 01-09 1/20/09]
- (h) **Child Care and Adult Day Care**: Shall provide 1/300 sq.ft. of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (i) **Courts, Courthouses and Related Facilities**: Shall provide 1/150 sq.ft.(net) of courtroom space plus 1/250 sq.ft. (gross) of non-courtroom area, excluding walls, elevators, stairwells, and mechanical equipment areas.
- (j) **Funeral Homes**: Shall provide 4/1,000 sq.ft. of gross floor area plus 0.3/each seat in the chapel, if any. [Amd. Ord. 01-09 1/20/09]
- (k) **Marinas**: Shall provide 5/1,000 sq.ft. of gross floor area of any building devoted to marina use plus 1/slip. [Amd. Ord. 01-09 1/20/09]
- (l) **Community Residential Homes and Group Homes**: Group Homes, Type 1 shall provide two spaces per dwelling unit. Community Residential Homes and Group Homes, Type 2 shall provide one space for each four beds. [Amd. Ord. 02-10 1/19/10]

(8) **Multiple Uses:**

- (a) **Shared Parking:** When a building or combination of buildings on a unified site or sites contains a mix of uses as categorized in the table below, the minimum total number of required parking spaces shall be determined by the following method: [Amd. Ord. 35-09 8/4/09]; [Amd. Ord. 33-06 12/5/06]; [Amd. Ord. 28-99 8/17/99]

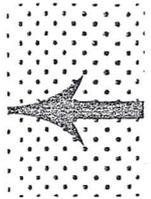
Multiply the required parking spaces for each individual use by the appropriate percentage listed in the table below for each of the designated time periods. Add the resulting minimum required spaces in each of the five vertical columns for the table. The minimum total parking requirement is the highest sum of the vertical columns. [Amd. Ord. 28-99 8/17/99]

Shared Parking Calculations Table  
Use for multiple use projects

Use	Weekday			Weekend	
	Night Midnight to 6 A.M.	Day 9 A.M. to 4 P.M.	Evening 6 P.M. to Midnight	Day 9 A.M. to 4 P.M.	Evening 6 P.M. to Midnight
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Commercial/Retail	5%	70%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment/Recreational (theatres, bowling alleys, etc)	10%	40%	100%	80%	100%
Other	100%	100%	100%	100%	100%

For mixed use developments utilizing the shared parking calculations table, which contain both residential and non-residential uses, a minimum of one (1) parking space shall be reserved for each residential unit. These reserved spaces, or any spaces reserved for other uses, must be included in the "other" category and applied as 100% utilization. Furthermore, subsequent to the issuance of a Certificate of Occupancy (CO), the reservation of additional parking spaces will require a site plan modification and be subject to the provision of the minimum parking requirements. [Amd. Ord. 3-06 1/17/06]

- (b) **Differing Hours of Operation:** When uses within a structure or a development have separate hours of operation (e.g. 9 a.m. to 5 p.m. and 6 p.m. to 10 p.m.) administrative relief may be granted to allow double counting of parking spaces.



## SECTION 4.6.9 (C) (8) (c)

- (c) **Subordinate Uses**: When parking spaces are provided based upon an intensive use of a site (e.g. church services) and, at different times, other uses are on the site (e.g. day care) administrative relief may be granted to the effect of not requiring parking for the subordinate uses.

(D) **Design Standards**: All parking spaces which are created in order to fulfill requirements of this Section (i.e. required parking spaces) shall conform to the design standards of this subsection.

(1) **General Design Concepts**: The following concepts shall be applied in the layout and design of parking lots:

- (a) Parking spaces should be located and arranged in such a manner as to facilitate pedestrian access to the uses they are intended to serve. In general, parking spaces should be distributed proportionately to needs.
- (b) Employee parking should be located in the area least desirable for customer or short-term parking.
- (c) Compact car parking, where allowed, should be integrated throughout a parking lot in such a manner that compact and standard cars have equal access to desirable parking spaces.
- (d) Handicapped spaces are to be provided in accordance with the Florida Accessibility Code for Building Construction and shall be located as close as is practical to the entrances of the buildings they are intended to serve. To the greatest extent possible, they shall be oriented so that a user does not have to go past the rear of other parking spaces or cross an aisle in order to reach the building's main entrance. [Amd. Ord. 46-96 11/5/96]
- (e) Single level mechanical parking lifts ("Lifts"), if utilized, shall be integrated into an existing or proposed building for the uses they serve and enclosed with three walls and a roof. A maximum of 50% of the required parking within a non-residential or the non-residential portion of a multi-use development may utilize Lifts. [Amd. Ord. 34-07 9/18/07]

(2) **Provisions for Ingress and Egress**: Each required parking space shall be accessible at all times. Access which conforms with minimal aisle standards and which includes maneuvering area so that a vehicle must be able to enter and exit the parking area onto a street or alley in a forward manner shall be provided, except in the following situations. [Amd. Ord. 46-96 11/5/96]

- (a) When the land use is a single family detached dwelling, a townhouse (fee simple ownership), or a duplex;

SECTION 4.6.9 (D) (2) (b)

- (b) When the parking is adjacent to an alley and the parking space and alley have a combined minimum depth of 42' and a minimum width of ten feet (10') and the location of parked vehicles does not impair sight distance of pedestrians or vehicles utilizing the alley; [Amd. Ord. 46-96 11/5/96]
- (c) When the street is a private street within a planned development and the street, at the location of the parking, has less than 200 ADT.

(3) Point of Access to the Street System:

- (a) **Maximum Width:** The point of access to a street or alley shall be a maximum of twenty-four feet (24') unless a greater width is specifically approved as a part of site and development plan approval. However, in no event shall such point of access be greater than thirty-six feet (36').
- (b) **Minimum Width:** The point of access to a street or alley shall not be less than:24' for a normal two-way private street or parking lot driveway aisle.

- \* 20' for a private driveway which has less than 200 ADT.
- \* 12' for a one-way driveway or parking lot aisle.

- (c) **Stacking Distance:** Provisions must be made for stacking and transition of incoming traffic from a public street, such that traffic may not backup into the public street system. [Amd. Ord. 46-96 11/5/96]

- (1) The minimum distance between a right-of-way and the first parking space or aisleway in a parking lot shall be as outlined in the following table: [Amd. Ord. 46-96 11/5/96]; [Amd. Ord. 22-92 6/16/92]

NUMBER OF SPACES	ACCESS STREET CLASSIFICATION	MINIMUM STACKING DISTANCE
20 or fewer	Local	5 feet
21 - 50	Local	20 feet
50 or fewer	Non-Local	20 feet
51 or more	All Streets	50 feet

- (2) Provisions must be made to provide for 100' of clear stacking from the first point of transaction for each lane of a drive-thru facility and in advance of all guardhouses or security gates. [Amd. Ord. 46-96 11/5/96]

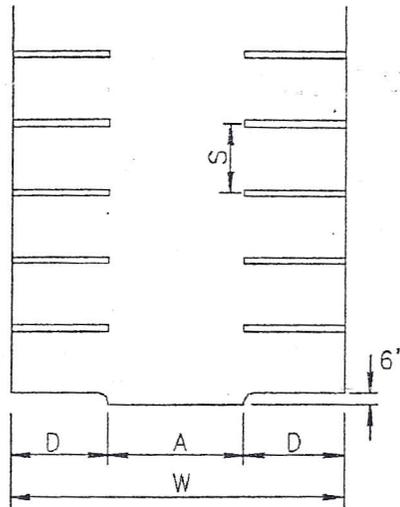
- (3) Greater stacking distance may be required as a condition of site plan approval. The length of the stacking area may be reduced when supported by a traffic study. [Amd. Ord. 46-96 11/5/96]; [Amd. Ord. 22-92 6/16/92]

(4) Maneuvering Area, Aisle Width, Space Width:

- (a) The standard parking space is nine feet (9') in width and eighteen feet (18') in length in a perpendicular configuration. Parallel parking spaces shall be eight feet (8') in width and twenty-two feet (22') in length. Parking space dimensions for other types of spaces are: [Amd. Ord. 46-96 11/5/96]
- \* Compact Car Spaces @ 8' x 16'
  - \* Handicapped Spaces @ 12' x 18'
  - \* Diagonal Spaces per Subsection (4)(e)
- (b) Wheel Stops shall be provided for all parking, other than parallel, in the form of concrete or asphalt wheel stops or a continuous concrete curb which is located so that there is two feet (2') of clear distance from the front edge of the device to the front of the parking space. Treated wood, stones, or similar landscape features may be allowed upon approval through the site plan review process. The requirement for wheel stops may be waived through the site plan review process when the parking spaces are on stabilized sod. [Amd. Ord. 46-96 11/5/96]
- (c) Dead-end Parking Bays are discouraged, but when site conditions dictate that there be dead-end parking bays, they shall be designed so that there is a 24' wide by 6' deep maneuvering area at the end of the bay. This maneuvering area shall not encroach upon required landscape areas. [Amd. Ord. 46-96 11/5/96]
- (d) The standard aisle width is twenty-four feet for normal traffic flow with perpendicular parking. The maximum aisle width is twenty-six feet (26'). Exceptions may be made at the time of site plan approval in order to accommodate pickup or drop-off areas. The width of aisles associated with diagonal parking is per Subsection (4)(e). Two-way traffic flow must be used when perpendicular parking spaces are used. The minimum aisle width for two way traffic flow is twenty feet (20') but this dimension can only be used for short distances where there are no parking spaces entering therein.
- (e) Alternative Parking Lot Designs: Parking lot designs which incorporate one way aisles, two way aisles, and diagonal parking may be used in lieu of the standard (perpendicular, two way aisle) parking lot design. Diagrams depicting these designs are provided below. [Amd. Ord. 46-96 11/5/96]

SECTION 4.6.9 (D) (4) (e)

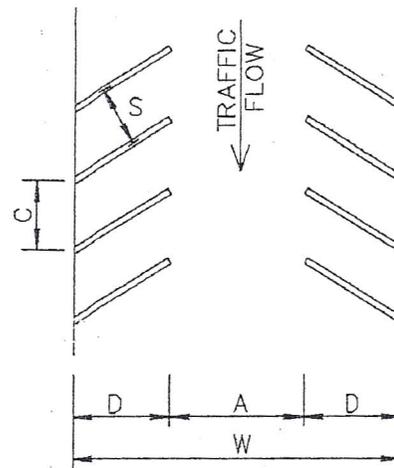
90° PARKING



A	AISLE	24.0'
S	STALL WIDTH	9.0' *
D	STALL DEPTH	18.0'
W	MODULE WIDTH	60.0'

\* COMPACT CAR SPACES -8.0'  
HANDICAP SPACES -12.0'

60° AND 45° PARKING



	STANDARD	60°	45°
A	AISLE *	17.0'	15.0'
C	STALL LENGTH	10.5'	12.5'
S	STALL WIDTH	9.0'	9.0'
D	STALL DEPTH	20.0'	19.0'
W	MODULE WIDTH	57.0'	53.0'
HANDICAP SPACES	C	14.0'	17.0'
	D	21.5'	21.0'
	S	12.0'	12.0'

\* FOR TWO WAY FLOW A=24.0'

PARALLEL



C	STALL LENGTH	22.0'
S	STALL WIDTH	8.0'

NOTE:  
REFER TO TYPICAL PARKING  
SPACE DETAIL RT 4.2 FOR  
STRIPING INFORMATION

PARKING LOTS DETAIL RT 4.1

## SECTION 4.6.9 (D) (5)

(5) **Landscaping Requirements:** All parking lots shall be landscaped in accordance with the provisions of Section 4.6.16.

(6) **Marking and Signing:**

(a) With the exception of stabilized sod parking, all parking stalls shall be clearly outlined on the surface of the parking facility: parallel parking stalls shall use a single line; all other parking stalls shall be striped in accordance with the Minimum Construction Standards and Specifications document developed by the City Engineer and set forth in subsection (6)(e) below. [Amd. Ord. 46-96 11/5/96]

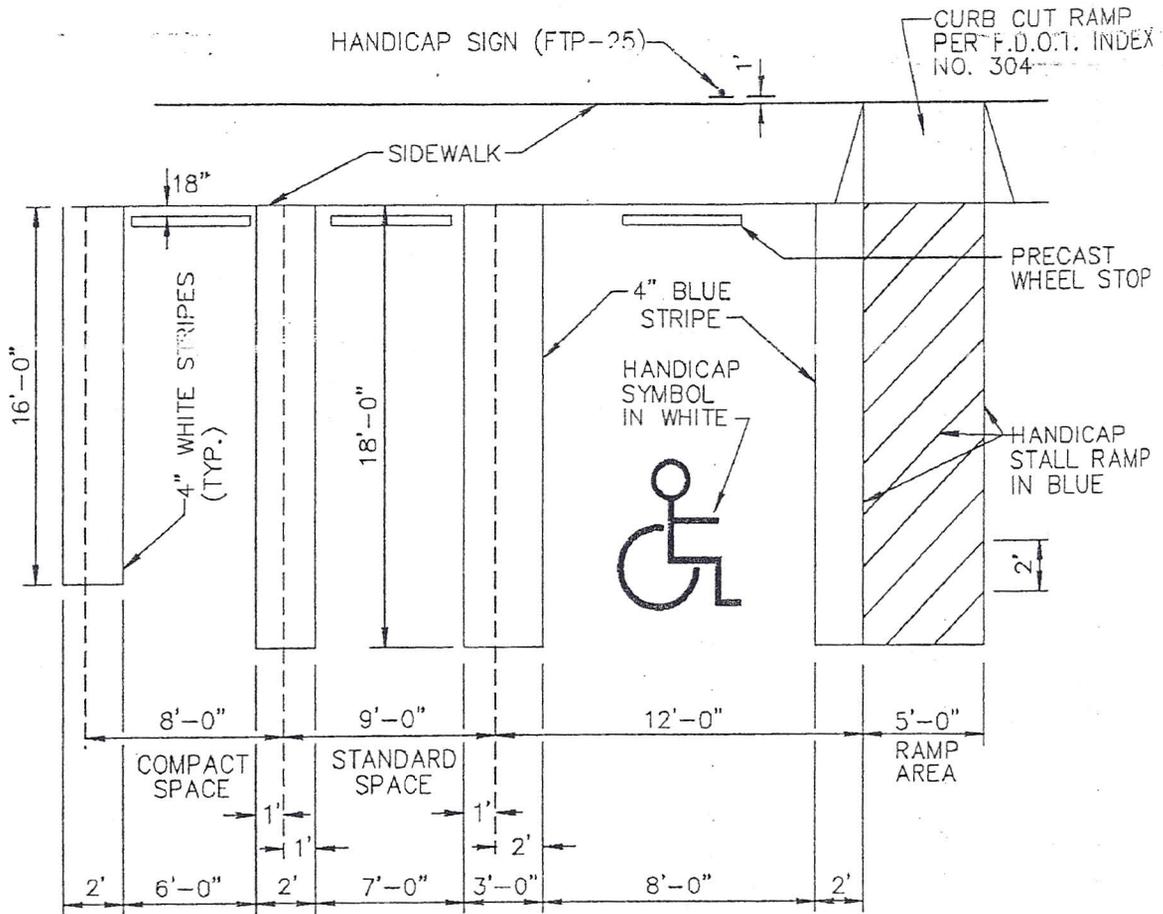
(b) Handicapped spaces shall be striped and marked in accordance with the Florida Accessibility Code for Building Construction and the Minimum Construction Standards and Specifications document developed by the City Engineer as shown in subsection (6)(e) below.

In addition, each handicapped space will have a sign at the head of the stall reserving it for handicapped parking only. [Amd. Ord. 46-96 11/5/96]

(c) For parking facilities containing 21 or more parking spaces, all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines as approved by the City Engineer. The City Engineer may require additional signage to insure the smooth and safe flow of traffic.

(d) All signs and markings shall comply with the design criteria as set forth in the M.U.T.C.D. (Manual of Uniform Traffic Control Devices), except that the City Engineer, or his designee, may waive such compliance on a case-by-case basis. Any decision by the City Engineer or his designee may be appealed pursuant to Section 2.4.7 of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida. [Amd. Ord. 19-91 4/9/91]

(e) Parking Space Striping Details



PARKING STALL DIMENSIONS:

STANDARD	9' x 18'
COMPACT	8' x 16'
HANDICAP	12' x 18' PLUS 5' RAMP AREA

TYPICAL PARKING SPACES DETAIL RT 4.2

(7) Compact Car Parking Areas, Where Permitted, Shall Be Clearly Marked with Markings as Follows: [See Subsection (1)(g) as to approval for use of Compact Car Spaces]. [Amd. Ord. 46-96 11/5/96]

- (a) All compact spaces shall have "compact car only" painted on the required wheel stops. [Amd. Ord. 46-96 11/5/96]
- (b) Alternate signage for compact car parking may be approved by the Chief Building Official when comparable to the standards set forth above. [Amd. Ord. 46-96 11/5/96]

(8) Parking Surfaces and Drainage:

- (a) All parking lots and parking spaces, including car storage and display areas, shall be improved either with a paved surface meeting Engineering Department standards, or with a hard surface material (such as brick or turf block on a base course laid in accordance with approved manufacturer's recommendations), or with some other type of surface material acceptable to the City Engineer. Parking lots and parking spaces on historic sites or within historic districts may be improved with a surface material other than pavement, where there are 12 or less parking spaces, subject to approval by the Historic Preservation Board.
- (b) A surface of sod over stabilized base shall be acceptable for required guest parking in multiple-family projects, as well as for parking used on a once-a-week or occasional basis. Parking lots and spaces proposed to be constructed of stabilized sod may be allowed through the site plan approval process. [Amd. Ord. 46-96 11/5/96]
- (c) In paved parking lots, that portion of the parking space extending beyond the car stop may be sodded. When this option is selected, a continuous curb at least six inches in height may be substituted for the wheel stops.
- (d) Handicapped parking spaces shall be paved and properly marked. A paved route shall be provided between the handicapped parking space and the building entrance. Where an abrupt grade change occurs, as between the surface of the parking area and a curb cut, a ramp shall be provided for handicap access. The ramp or curb cut with ramp shall be designed in accordance with the Florida Accessibility Code for Building Construction. [Amd. Ord. 46-96 11/5/96]

## SECTION 4.6.9 (D) (8) (e)

(e) The City Engineer shall approve the drainage and grading plans for parking spaces and parking lots. He shall also conduct inspections during and after construction of the parking area and its drainage system to ensure that it is constructed in accordance with the approved paving and drainage construction plans.

(f) Parking lots, parking spaces, and driveways that exist at the time of adoption of this ordinance that are not in compliance with Section 4.6.9(D)(8) shall be required to come into compliance with this section within 3 years of the adoption of this ordinance. This includes, but is not limited to, all duplexes, multi-family, and commercial property, but excludes single family homes. [Amd. Ord. 29-01 5/15/01]

(9) **Lighting:** Lighting of parking lots shall be pursuant to Section 4.6.8(B).

(10) **Operations and Maintenance:**

(a) All required parking facilities shall be maintained for the duration of the use requiring such facilities. Such facilities shall be used exclusively for the parking of vehicles. With the exception of vehicle rental or sales, parking facilities shall not be used for the storage or sale of merchandise, nor shall they be used for the storage or repair of vehicles or equipment. Parking facilities may be used for the sale of merchandise on a temporary basis for special events when approved in accordance with the provisions of Subsection (F)(2).

(b) It shall be the responsibility of the owner or operator of a specific use to ensure that the parking facilities are kept in good operating condition and that the parking facilities are periodically swept and cleaned. All parking lots and spaces shall be maintained so as not to create a hazard, eyesore, or nuisance. This includes, but is not limited to, removing glass and litter; pruning, nourishing, and watering vegetation; resurfacing and restriping surface markings; reanchoring or replacing loose and broken wheel stops; and replacing or painting signs.

(11) **Mechanical Parking Lifts:** [Section Added by Ord. 34-07 9/18/07]

(a) Single level mechanical parking lifts ("Lifts") shall be integrated into a structure for the uses they serve, constructed with at least three walls and a roof, in accordance with Section 4.6.18(B)(14)(vi)(3), to provide adequate screening and containment of sound from operation of the lifts for the benefit of adjacent land uses.

(b) Lifts may be utilized to provide up to but not more than fifty (50%) percent of the required non-residential parking for commercial or mixed-use developments.

## SECTION 4.6.9 (D) (11) (c)

- (c) Lifts and the spaces below them must be operated by an attendant during all hours of operation. Upon closing, the parking attendant shall remove all vehicles from atop and beneath the Lifts and park them in an area where the customer may retrieve their vehicle. At no time shall the general public be permitted to operate the Lifts.
- (d) On-site staging spaces must be provided for the maneuvering of vehicles to facilitate the parking and retrieval of vehicles. At no time shall vehicles be staged within the adjacent public right-of-way. A minimum of two (2) staging spaces shall be provided for the first twenty (20) Lifts or less. One (1) additional staging space shall be provided for every twenty (20) additional Lifts or part thereof.
- (e) Lifts must be manufactured with a full bottom panel to contain fluids which may be emitted from vehicles while parked (oil, condensation from air conditioners, etc.) No wheel or chassis lift mechanisms (historically used at service stations) are permitted.
- (f) The balance of the required non-residential spaces shall be provided as "self-park" spaces.
- (g) For each lift provided, a minimum of 75 sq. ft. of landscaped area over and above the minimum required by code must be provided and shall be located to provide a view corridor for the general public. Lots of record having a width less than fifty feet (50') shall be exempt from the requirement of this additional landscape / open space;
- (h) The Lifts shall be regularly and routinely maintained to ensure safety and dependability of operation and minimization of operational noise levels. Maximum sound levels shall not exceed applicable thresholds as stipulated in Chapter 99 of the City Code of Ordinances.

### (E) Location of Parking Spaces:

(1) Street parking, parking located in the public right-of-way, or parking located in public parking facilities shall not be used to satisfy on-site parking requirements, except as provided for herein. The terms "on-site parking" and "off-street parking" are synonymous. However, pursuant to the requirements of Section 4.6.9(E)(3)(e) and Section 4.6.9(E)(4)(d), the construction of additional on-street public parking may reduce the number of in-lieu and public parking fee spaces required. [Amd. Ord. 58-06 10/17/06]; [Amd. Ord. 74-04 1/18/05]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]

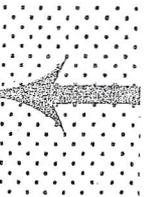
## SECTION 4.6.9 (E) (2)

(2) Required off-street parking shall be provided on the same lot, or parcel, as the building and uses for which it is required, except as provided for within this Subsection (E). When the provisions of Sections 4.6.9(E)(3) or 4.6.9(E)(4) cannot be applied and where adequate right-of-way exists, construction of additional on-street parking spaces directly and wholly abutting the lot, or parcel, may be counted towards the off-street parking requirement of the lot or parcel it is intended to serve, provided that:

- (a) The adjacent right-of-way has not been previously utilized for parking or, in cases where the adjacent right-of-way has been used for parking only those spaces in addition to the number of existing spaces shall be counted;
- (b) Such parking spaces are clearly marked on the site plan and designed in accordance with appropriate City, County or State standards, as applicable; and,
- (c) Such parking spaces shall be publicly accessible and cannot be reserved or restricted by the owner(s) or tenant(s) of the lot or parcel, unless approved by the City Commission for special events or valet parking.

One parking space credit shall be given for each additional full space constructed abutting a lot or parcel. No part of an on-street parking space shall extend past a side property line of the lot it serves. On-street parking located on the opposite side of the right-of-way, and within the property lines, as extended to the opposite side of the right-of-way, may be counted toward fulfilling the off-street parking requirement when the adjacent lot is a railroad or waterway, and it does not warrant parking. In the event the City, County or State removes the parking spaces at any time for a public purpose, the property shall be considered lawfully nonconforming with respect to parking. [Amd. Ord. 58-06 10/17/06]

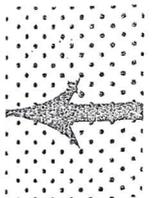
(3) In-Lieu Fee: When a requirement for additional parking results from in-fill development, which has been vacant for five (5) years or longer, from a change in use, or adding floor space to an existing building; the City Commission may approve the payment of a fee in-lieu of providing such required parking. Before granting such approval, the City Commission must find that it is impossible or inappropriate to provide the required number of on-site or off-street parking spaces and that, in the case of building additions, no existing parking spaces will be eliminated. Payment of a fee in-lieu of providing required parking is not permitted for new development. Furthermore, the in-lieu fee option will not be available in the event of a change in use or addition of floor space if either occurs within two years of the granting of the Certificate of Occupancy (C.O.) for a new development. The fee in-lieu option will be available two years after the date of the granting of the C.O. [Amd. Ord. 02-08 2/19/08]; [Amd. Ord. 74-04 1/18/05]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]; [Amd. Ord. 64-93 11/23/93]; [Amd. Ord. 14-93 2/9/93]



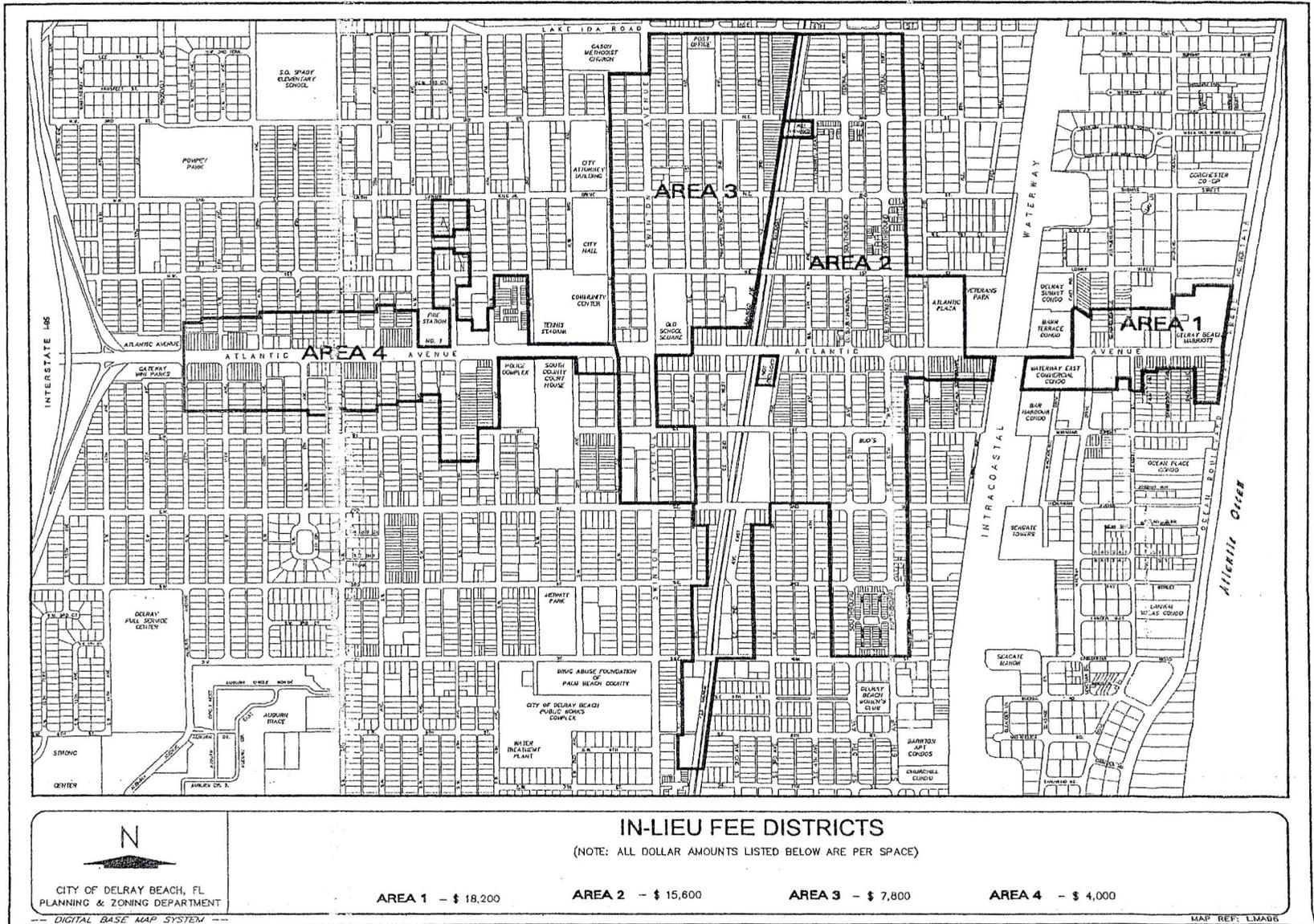
SECTION 4.6.9 (E) (3)

Payment of a fee in-lieu of required parking shall be pursuant to the following provisions. [Amd. Ord. 74-04 1/18/05]

- (a) The in-lieu fee is authorized only in the CBD, CBD-RC, and OSSHAD Zoning Districts, in compliance with the Supplemental District Regulations provisions therein. [Amd. Ord. 64-04 11/16/04]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]; [Amd. Ord. 74-95 12/5/95]; [Amd. Ord. 64-93 11/23/93]; Amd. Ord. 14-93 2/9/93
- (b) Arrangements for payment shall be approved by the City Commission at the time of the approval of the in-lieu fee. The fee amount shall be based upon the location of the property for which in-lieu fees are being sought. Area descriptions and corresponding fee amounts are hereby established as follows: (See page 4.6 - 52 for corresponding map). [Amd. 53-02 1/7/03]; [Amd. Ord. 43-01 8/7/01]; [Amd. Ord. 4-99 2/2/99]; [Amd. Ord. 64-93 11/23/93]; [Amd. Ord. 14-93 2/9/93]
  - (1) Area 1: Parcels located east of the Intracoastal Waterway which are zoned CBD - \$18,200 per space. [Amd. 42-06 8/15/06]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]
  - (2) Area 2: Parcels located west of the Intracoastal Waterway which are zoned CBD or CBD-RC and which are not included within the Pineapple Grove Main Street area, West Atlantic Neighborhood or Block 69 located in the Old School Square Historic Arts District (OSSHAD) - \$15,600 per space. [Amd. 42-06 8/15/06]; [Amd. Ord. 74-04 1/18/05]; [Amd. Ord. 64-04 11/16/04]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]
  - (3) Area 3: Parcels located within the OSSHAD zoning district, except for Block 69 as noted in Area 2; and parcels located within the Pineapple Grove Main Street area which are zoned CBD or CBD-RC - \$7,800 per space. [Amd. 42-06 8/15/06]; [Amd. Ord. 74-04 1/18/05]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]
  - (4) Area 4: Parcels located within the West Atlantic Neighborhood which are zoned CBD - \$4,000 per space. [Amd. Ord. 64-04 11/16/04]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]



4.6-54



SECTION 4.6.9 (E) (3) (b)

(30)

**SECTION 4.6.9 (E) (3) (c)**

- (c) All proceeds from such a fee shall be used for parking purposes. [Amd. Ord. 64-93 11/23/93, Amd. Ord. 14-93 2/9/93]
- (d) For property owners opting to pay in full, or lessees of properties, payment of the in-lieu fee is due upon issuance of a building permit. [Amd. Ord. 17-03 7/22/03]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]

The in-lieu fee may be paid in full upon issuance of a building permit or in installments. Applicants for an in-lieu fee which is not paid in full at time of permit, must enter into an In-Lieu of Parking Fee Agreement with the City. Such agreement shall be recorded with the Public Records Office of Palm Beach County, Florida. The obligations imposed by such an In-Lieu of Parking Fee Agreement constitute a restrictive covenant upon a property, and shall bind successors, heirs and assigns. The restrictive covenant shall be released upon full payment of the in-lieu parking fees including attorneys' fees and costs. In-Lieu of Parking Fee Agreements shall only be made between the City and the Owner(s) of the subject property. If an In-Lieu of Parking Fee Agreement is entered into, installment payments shall be made over a three-year time period in three installments. The first installment shall be 50% of the total fee and is to be paid upon signing the agreement. The second installment shall be 25% of the total fee and is due on the second anniversary date of the signing of the agreement. The third and final payment of 25% of the total fee is due on the third anniversary date of the signing of the agreement. There shall be no interest due under this payment schedule. [Amd. 42-06 8/15/06]; [Amd. Ord. 17-03 7/22/03]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]

- (e) In addition to in-lieu fees due, where adequate right-of-way exists adjacent to a proposed project for which an in-lieu parking fee has been approved, the applicant must construct additional on-street parking, not to exceed the total amount of spaces subject to in-lieu fees unless authorized by the City Commission. The applicant will be credited up to one-half of a parking space for each full parking space constructed within public right-of-way. (For example, the applicant requests to pay the in-lieu fee on 4 spaces; the applicant constructs 4 spaces in the right-of-way; the applicant must only pay the in-lieu fee for 2 spaces). Crediting of spaces constructed in the right-of-way resulting in a fraction shall be rounded down. Credit may not be taken for those parking spaces constructed in the public right-of-way which are required to meet the performance standards for new developments. [Amd. Ord. 74-04 1/18/05]; [Amd. 53-02 1/7/03]; [Amd. Ord. 4-99 2/2/99]

**SECTION 4.6.9 (E) (3) (f)**

- (f) Requests to allow in-lieu fee payments that are not associated with a site plan or a site plan modification shall expire two years after such request is approved. The fee charged shall be the fee that is set forth in the Land Development Regulations at the time payment is made for spaces required to accommodate the associated site plan or site plan modification. [Amd. Ord. 23-07 7/24/07]

(4) **Public Parking Fee:** When parking requirements are applied to new development, in-fill development, which has been vacant for five (5) years or longer, from a change of use, or adding floor space to an existing building; the City Commission may approve the payment of a fee towards the construction of a public parking structure in-lieu of providing such required parking on-site. This option cannot be utilized in conjunction with the In-Lieu Fee provisions of subsection 4.6.9(E)(3) or Section 4.6.9(B)(4), where private land is acquired by a governmental entity for parking or park purposes. [Amd. Ord. 02-08 2/19/08]; [Amd. Ord. 79-05 1/3/06]

- (a) For properties located within 600' of a programmed public parking facility, excluding property zoned CBD and/or CBD-RC, an alternative to providing all the required parking on-site is to contribute towards the construction of the parking facility. The cost per space shall be based upon the location of the property for which the public parking fee is being sought. Area descriptions and corresponding fee amounts are hereby established as follows: If for whatever reason the public parking does not get built the City shall retain the fee to provide parking or parking maintenance in the quadrant of the City where the development is located. [Amd. Ord. 79-05 1/3/06]

(1) **Area 1:** Parcels located east of Swinton Avenue and South Dixie Highway - \$18,000 per space. [Amd. Ord. 79-05 1/3/06]

(2) **Area 2:** Parcels located west of the Swinton Avenue and South Dixie Highway - \$16,000 per space. [Amd. Ord. 79-05 1/3/06]

- (b) The Public Parking Fee is limited to no more than 25% of the total required parking of a development not to exceed 10% of the total number of parking spaces associated with the Programmed Public Parking Facility. Within a Programmed Public Parking Facility, a maximum of 25% of the total number of parking spaces provided within the Facility are available to the Public Parking Fee Program. [Amd. Ord. 79-05 1/3/06]

- (c) When a programmed public parking facility is not anticipated to be constructed within three (3) years of site plan approval of the proposed development, a building permit will not be issued unless the proposed development constructs additional on-street parking within the right-of-way adjacent to the development equating to 75% of the total number of spaces subject to the Public Parking Fee. [Amd. Ord. 79-05 1/3/06]

**SECTION 4.6.9 (E) (4) (d)**

- (d) Where adequate right-of-way exists adjacent to the proposed project for which the fee has been approved, the applicant must construct additional on-street parking, not to exceed the total amount of spaces subject to the fee unless authorized by the City Commission. The applicant will be credited up to one-half of a parking space for each full parking space constructed within public right-of-way. (For example, the applicant requests to pay the public parking fee on 4 spaces; the applicant constructs 4 spaces in the right-of-way; the applicant must only pay the public parking fee for 2 spaces). Crediting of spaces constructed in the right-of-way resulting in a fraction shall be rounded down. **[Amd. Ord. 79-05 1/3/06]**
- (e) All required residential and guest parking spaces associated with a development and required guest room parking for hotels, motels, residential-type inns, bed and breakfasts, and similar uses must be provided on-site. **[Amd. Ord. 79-05 1/3/06]**
- (f) The public parking fee must be paid in full upon issuance of a building permit. **[Amd. Ord. 79-05 1/3/06]**
- (g) The Director of Planning and Zoning or designee shall maintain a record of the developments that utilize the Public Parking Fee Program and the number of spaces allocated to the program for each Programmed Public Parking Facility. **[Amd. Ord. 79-05 1/3/06]**
- (h) The operating hours of the Programmed Public Parking Facility are at the sole discretion of the governmental entity that owns the facility, and shall not be affected by parking spaces intended for commercial tenants of the development. **[Amd. Ord. 79-05 1/3/06]**
- (i) The Public Parking Fee amount shall be reviewed at a minimum every two (2) years and the fee adjusted as warranted. **[Amd. Ord. 79-05 1/3/06]**
- (j) Requests to allow public parking fee payments that are not associated with a site plan or a site plan modification shall expire two years after such request is approved. The fee charged shall be the fee that is set forth in the Land Development Regulations at the time payment is made for spaces required to accommodate the associated site plan or site plan modification. **[Amd. Ord. 23-07 7/24/07]**

(5) **Off-Site Parking**: In instances where uses do not have sufficient space to accommodate customer and employee parking demands, parking requirements may be provided off-site in accordance with the following: [Amd. Ord. 79-05 1/3/06]; [Amd. Ord. 46-96 11/5/96]

(a) **Normal Operations**: Parking for day-to-day operation may be provided on other property within three hundred feet (300') provided that both properties are of the same general type of zone designation (i.e. commercial, industrial, office, etc.) or when the off-site parking site is zoned CF and a conditional use approval for use as a parking lot has been approved, and when in compliance with, and pursuant to, the following:

- (1) The 300' distance shall be measured along an acceptable pedestrian route; [Amd. Ord. 46-96 11/5/96]
- (2) Approval of such off-site parking may be granted by the body which has approval authority of the related site and development plan; [Amd. Ord. 46-96 11/5/96]
- (3) An agreement providing an easement for such use is prepared pursuant to Subsection (E)(5) and is recorded prior to certification of the site and development plan; [Amd. Ord. 46-96 11/5/96] [Amd. Ord. 42-92 9/8/92]
- (4) The provision of the parking easement shall not diminish the ability of the property upon which it is placed, to accommodate its required parking. [Amd. Ord. 46-96 11/5/96]

(b) **Special Events/Facilities**: In instances where uses and/or facilities have large parking demands/requirements and which are otherwise subject to conditional use approval (e.g. stadiums, places of assembly, community and civic centers, recreational areas, etc.) such parking may be provided off-site in accordance with the following.

- (1) Approval of such off-site parking may be granted by the body which has approval authority of the related conditional use. [Amd. Ord. 46-96 11/5/96]
- (2) A parking and transportation plan must be presented in order to obtain such approval. The plan must identify parking areas and demonstrate the manner in which transportation to the use site, security, maintenance, and related matters will be accommodated. [Amd. Ord. 46-96 11/5/96]
- (3) Easements, agreements, or other appropriate legal documents which assure continued availability of such parking shall be required as a part of the parking and transportation plan. [Amd. Ord. 46-96 11/5/96] [Amd. Ord. 42-92 9/8/92]

(6) **Off-Site Parking Agreement:** The owner of the alternate off-street parking area, and the owner of the principal use or building (including the land on which it is situated), shall enter into a written agreement with the City (in such form as may be approved by the City Attorney), with enforcement running to the City, providing that the land comprising the alternate off-street parking area shall never be disposed of except in conjunction with the transfer or sale of the building which the parking area is intended to serve, so long as the parking facilities are required. The owner agrees that such agreement shall be in recordable form, the expense of recording to be borne by the owner, and that the agreement shall constitute a covenant running with the land binding upon the owners, heirs, administrators, successors, and assigns. The agreement shall be recorded by the City Clerk. The agreement shall be released by the Commission at such time as the alternate off-street parking facilities are no longer required or when the owner provides other lawful off-street parking facilities. The owner shall bear the expense of recording the release of the agreement. [Amd. Ord. 79-05 1/3/06]

(F) **Special Provisions:**

(1) **Reduction Allowed:** When, upon receipt and acceptance of special documentation, it is conclusively demonstrated that a reduced number of parking spaces will accommodate a specific use, the body which acts on the attendant site plan may reduce the parking requirements accordingly. [Amd. Ord. 46-96 11/5/96]

(2) **Temporary Use of Parking Spaces for Other Purposes:** Parking lots may be used for the sale of merchandise on a temporary basis for special events. Request for such approval shall be governed by Section 2.4.6(H).

(3) **Valet Parking:** A parking facility with a valet service or operator which allows for attendants to receive, park and deliver the automobiles of occupants, tenants, customers, invitees, and visitors, including tandem parking may be utilized in lieu of the requirements of this Section provided the following requirements are complied with: [Amd. Ord. 37-01 7/10/01]

- (a) Any required valet or tandem parking utilized in lieu of the parking requirements set forth in this section shall be governed by an agreement with the City (in such form as may be approved by the City Attorney), and recorded in the public records of Palm Beach County. The agreement shall constitute a covenant running with the land binding upon the owners, heirs, administrators, successors, and assigns. The agreement may be released by the City Commission at such time that site plan approval is obtained for an alternative parking arrangement which satisfies the parking requirements for said use. [Amd. Ord. 37-01 7/10/01]
- (b) The required queue is to be provided on private property as opposed to public rights-of-way. [Amd. Ord. 37-01 7/10/01]
- (c) There is a parking professional available for the vehicle retrieval during business hours. [Amd. Ord. 37-01 7/10/01]

SECTION 4.6.9 (F) (3) (d)

- (d) The dimensions for valet and tandem parking spaces shall be a minimum of eight and one-half feet (8'6") wide and sixteen feet (16') deep with a maximum stacking of two (2) vehicles along with a drive aisle of twenty-four feet (24'). [Amd. Ord. 37-01 7/10/01]
- (e) Valet parking may be utilized to conform with the number of handicap accessible parking spaces provided that: [Amd. Ord. 37-01 7/10/01]
  - (i) At least two (2) handicapped accessible spaces are provided adjacent to the vehicle queuing area for those vehicles which cannot be operated by the parking professional; and, [Amd. Ord. 37-01 7/10/01]
  - (ii) The disabled person's vehicle may be safely operated by aforementioned parking professional. [Amd. Ord. 37-01 7/10/01]
- (f) Valet drop-off/queuing area must be provided with a minimum length of 100'. Greater queuing area may be required as a condition of site plan or conditional use approval based upon the intensity of the use. The length of the queuing area may be reduced when supported by a traffic study. [Amd. Ord. 37-01 7/10/01]
- (g) Interior landscape areas required by Section 4.6.16 shall not be required if landscape requirements which would otherwise have been installed on the interior of the parking lot are evenly distributed along the perimeter of the parking area or facility and subject to the following requirements: [Amd. Ord. 37-01 7/10/01]
  - (i) That a 10' perimeter landscape buffer consisting of a hedge and trees thirty-feet (30') on center be provided. [Amd. Ord. 37-01 7/10/01]

(4) **Mechanical Parking Lifts:** [Section Added by Ord. 34-07 9/18/07]

- (a) Any mechanical lift parking utilized to meet parking requirements set forth in sections 4.4.13 and 4.6.9 shall be governed by an agreement with the City (in such form as may be approved by the City Attorney), and recorded in the public records of Palm Beach County. The agreement shall constitute a covenant running with the land, binding upon the owners, heirs, administrators, successors, and assigns. The agreement may be released by the City Commission at such time that site plan approval is obtained for an alternative parking arrangement which satisfies the parking requirements for said use.

**Section 4.6.10 Off-Street Loading:**

(A) **Rule:** Space for accommodating the unloading of merchandise, inventory, materials, supplies, and produce shall be provided on the site where a use which requires such items is located. Provisions for such (un)loading areas shall be shown on the site and development plan under which the site is to be developed.