

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING AGENDA

Town Commission Meeting Room

Wednesday, May 16, 2012

6:30 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of March 21, 2012

IV. PUBLIC COMMENTS

V. TOWN PLANNER REPORT

VI. NEW BUSINESS

Item #1: Proposed Amendments to Chapter 30 to Require Window Screening of Vacant Storefronts, Including Hotels and Motels.

Item #2 Proposed Amendments to Chapter 30 to Revise the Town Minimum Parking Requirements

VII. OLD BUSINESS

NONE

VIII. UPDATES/BOARD MEMBER COMMENTS

IX. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AIDS AND SERVICES NECESSARY TO AFFORD AN INDIVIDUAL AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE PLANNING AND ZONING BOARD. IN DETERMINING WHAT TYPE OF AUXILIARY AID AND SERVICE IS NECESSARY, THE TOWN OF LAUDERDALE-BY-THE-SEA, WILL GIVE PRIMARY CONSIDERATION TO THE REQUESTS OF THE INDIVIDUAL WITH DISABILITIES. PLEASE CONTACT THE TOWN CLERK AT LEAST 48 HOURS PRIOR TO THE MEETING TO MAKE ARRANGEMENTS FOR APPROPRIATE AUXILIARY AIDS. (AUXILIARY AIDS AND SERVICES, 56 FED. REG. 35721, SECTION 36.160(B).

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING AND ZONING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, March 21, 2012

6:30 P.M.

I. CALL TO ORDER

Town Planner Linda Connors called the meeting to order at 6:30 p.m. Members present were Alfred Oldaker, David Chanon, William Brady, Avi Braverman and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors, Assistant Town Manager Bud Bentley and Assistant Town Attorney Kathryn Mehaffey. Deputy Town Clerk Glenn McCormick was present to record the minutes of the meeting. Board member W. Patrick Murphy was absent.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. ELECTION OF OFFICERS

Town Planner Connors indicated, as this was the first meeting of the newly appointed Planning & Zoning (P&Z) Board, there needed to be a Board election for the positions of Chairperson and Vice Chairperson.

Assistant Town Attorney Kathryn Mehaffey remarked the P&Z Board elected their own chair and vice chair, the chair being responsible for running meetings, and the vice chair filling that capacity in the chairperson's absence. She requested nominations from the Board.

A motion was made by Eric Yankwitt to nominate Alfred Oldaker as Chairperson of the P&Z Board. David Chanon seconded the motion. The motion carried 5-0.

Assistant Town Attorney Mehaffey requested nominations for the position of vice chair.

Avi Braverman made a motion to nominate David Chanon to the position of Vice Chairperson. Alfred Oldaker seconded the motion. The motion carried 5-0.

IV. APPROVAL OF MINUTES

a. Planning and Zoning Meeting of January 18, 2012

There were no additions, deletions or changes to the above minutes.

Eric Yankwitt made a motion to approve the minutes of January 18, 2012. William Brady seconded the motion. The motion carried 5-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

Town Planner Linda Connors stated, before giving report, Assistant Town Attorney Mehaffey would give a brief presentation on the Sunshine Law, reminding the Board there would be a longer version on April 3rd, a date she asked Board members to mark on their calendars to attend.

Assistant Town Attorney Mehaffey reviewed Florida's Sunshine Law and Public Records law. The Sunshine Law prohibited board members from discussing matters related in any way to the business of the board outside of the public meeting forum. A meeting was considered as involving two or more members of the board, regardless of where and how the meeting took place. She pointed out this did not mean board members could not socialize or associate with each other outside the context of the public meeting; it meant when such encounters took place, any discussions should be outside the purview of the P&Z Board. Items that came before the P&Z Board centered on anything to do with land use, zoning changes, site plans, conditional uses, and other development activities, and these matter should never be discussed among Board members outside of a public meeting, including email communications, text messaging, telephone conversations or written correspondence. She indicated there were significant penalties for violating the Sunshine Law, including fines, invalidation of act taken later, etc.; if there was ever a situation when a Board member had a concern, they should contact Town staff or the Town's legal staff for guidance on the issue of concern. Assistant Town Attorney Mehaffey next spoke on the Florida Public Records Law, noting Florida Statute 119 stated any documents used by members of the P&Z Board related to their work on the Board were considered public documents. This included emails, text messages, etc. received regarding an item was considered a public record, and this applied even if the communication was on the Board member's home computer or phone; and, as it was a public record, the Board members was responsible for maintaining it. She added the record could be maintained by simply forwarding the correspondence to the Town Clerk and, as Town Planner Connors was a Town staff member dealing with P&Z matters, she too should be sent copies of any records. If any member of the Board wondered if something constituted a public record, or whether they should vote on a particular issue if they felt there might be a conflict of interest, they should contact Town staff. Most importantly, Board members should attend the April 3, 2012, training meeting where a full presentation would be given, along with written material to take home and digest; the information would be very detailed, illustrating how such rules applied to the P&Z Board.

Chairperson Oldaker urged the members of the Board to be cautious in their discussion with their fellow board members outside of meetings.

Assistant Town Attorney Mehaffey concurred, stating one place such situations often arose was when a board member received an email, and board members should never reply to an email from another board member. For emails sent to board members as a group, such as when Town staff communicated with the board, members should never respond to Town staff's email by "reply to all"; reply only to Town staff after verifying that the email was not from a fellow board member.

Chairperson Oldaker commented Town Planner Connors was one of the Board's key contacts on the Town's staff, and he encouraged members of the P&Z Board to speak to her if they had any concerns relating to the Board's duties; the situation was similar with the Town Commissioners, who had an open-door policy. He felt Board members tended not to utilize these two avenues of communication enough, and he normally met with Town Planner Connors prior to every Board meeting, and lately they had been speak frequently on various planning and zoning issues.

Town Attorney Mehaffey affirmed if after Board members received their agenda packets and found they had questions on particular agenda items, they should contact Town Planner Connors for clarification prior to the upcoming meeting, as this gave her the opportunity to conduct any necessary research or to address Board member concerns. There was no conflict under the Sunshine Law with Board members speaking with Town Planner Connors, the Town Attorneys or Town staff.

VI. NEW BUSINESS

Item #1: Proposed amendments to Chapter 30, Article I, "In General" and V Zoning.

Town Planner Connors introduced herself and again encouraged Board members to bring any concerns they had to her and she would either address them or direct them to the individual she was sure could provide an answer. She informed the Board, procedurally, the P&Z Board met the third Wednesday of each month at 6:30 p.m., and the Board's packets were sent to them one week prior to the meeting, normally on a Friday; they were usually dropped off at the Board member's homes, but if any member preferred to receive their agenda packet in an alternate manner, they should let her know. The current packet included a binder and she would drop off the inserts to the Board members' homes, as well as the Board's meeting schedule; she questioned if the Board would consider moving the June 2012 meeting date to June 27, 2012, as there was a conflict in dates. The Town's code said the Board had to meet monthly but not when in each month.

Chairperson Oldaker remarked he would have to look at his calendar to determine if meeting on June 27 was possible. Town Planner Connors asked Board members to email her and let her know if June 27 was an acceptable alternate meeting date and, based on their responses, she would adjust the meeting calendar accordingly and inform the Board via email of the new date.

She mentioned the Town Commission was in the process of amending the code as it pertained to the P&Z Board, specifically the attendance requirements of the Board. The proposed change was if a board member missed three consecutive board meetings, it would likely result in that Board member's removal from the Board; the amendment already passed first reading and the second reading would take place at the next Town Commission meeting.

Ms. Connors stated that Town staff would continue to contact Board members monthly on their attendance at upcoming Board meetings, and members were encouraged to respond to the email, so Town staff could confirm there would be a quorum at the next meeting, allowing the Board to conduct the Town's business; a reminder phone call to Board members would also be made prior to the meeting.

Town Planner Connors gave a brief history of the happenings with the P&Z Board for the benefit of the new Board members, speaking on such issues as: developing the budget and setting planning priorities for the current fiscal year, noting many of priorities had either already been implemented or were in the process of being implemented. The Town's sign code had been amended, as well as other amendments to the Town's hotel district, and Town staff was in the process of cleaning up the code, having already addressed the business districts. These actions and others on the list would be the Town planning staff's agenda for the next year, including: Priority 4 - to protect single family neighborhoods and historic resources; Priority 5 - continuation of the code cleanup; Priority 6 - the adoption of architectural guidelines; and Priority 7 - Comprehensive Plan revisions and EAR amendments. Any Board member requiring more details of any of the abovementioned priorities or other Board related matters could contact her.

Item #1: Proposed amendments to Chapter 30, Article I, "In General" and V Zoning.

Town Planner Connors stated one of the planning priorities was to examine the RM25 zoning district, the Town's hotel district, in order to implement changes to facilitate the development of new hotels, encourage the redevelopment of existing hotels and discourage the conversion of tourist units into residential use. This priority was set during the Town Commission's 2011 budget

process and was further detailed in the backup. Usually, when staff drafted ordinance amendments related to Chapter 30, those matters came before the P&Z Board first for review, after which Town staff would revise the documents based on the Board's feedback and present the document to the Commission for review and approval. The Board's decisions were advisory in nature. She reiterated Town staff presented the amendments to the Commission and they were approved on first reading; the second reading was scheduled for the Commission's March 27, 2012, meeting.

Chairperson Oldaker inquired as to how many of the Town's developments exceeded 100 units.

Town Planner Connors believed there were two at present.

Member Braverman asked about the differences regarding the definitions of a hotel versus a motel.

Town Planner Connors responded in the Town's code there was no distinction between the two uses.

Assistant Town Attorney Mehaffey explained, under the Town's Charter, the Town could not make changes that had the effect of adding to allowed uses.

Town Planner Connors concurred; hence in the Town's code the definition of hotel tells the reader to see the definition of motel.

Vice Chairperson Chanon wished to know what was meant by an apartment house.

Town Planner Connors recommended the P&Z Board read this portion of the Town's Charter and, at the next Board meeting; she would include the definitions of such uses in the Board's agenda packet. Due to the adherence requirements of the Town's Charter versus what was contained in the Town's code, Town staff had been unable to include the definitions of certain uses. Such questions were being included in the items for consideration by the Charter Review Committee. Town staff considered an apartment house in a similar fashion to a hotel.

Vice Chairperson Chanon wondered if an apartment house also referred to a condominium.

Town Planner Connors answered no; in the RM25 zoning district, condominiums were not allowed, nor were townhouses. A duplex was allowed under the new code only by a conditional use approval.

Mr. Yankwitt mentioned the requirement for 25 percent of required parking as bicycle parking, questioning the intention behind this change. It seemed to reduce the required amount of parking hotels needed.

Town Planner Connors responded Town staff surveyed many of the Town's hotels, and a significant number of their customers were longer-staying visitors, with many of them from Europe who chose not to own or rent a car. They stayed in the Town as if it were their home, walking to the supermarket and other amenities in the Town. She indicated the direction of the Commission was to devise ways to encourage redevelopment or development of new hotels, hence the reduction of the required parking for hotels, and using bicycling parking in lieu of that.

Chairperson Oldaker asked staff to explain to the new Board members the use of strikeout lines in the backup documents, asking if Town staff would continue to use color lines to indicate types of changes.

Town Planner Connors said color lines would no longer be used; they were used previously in the revision of the sign code due to the extensiveness of the changes; they were used to show what was being eliminated, added or relocated. In the proposed RM25 amendments, the changes were neither extensive nor overwhelming to follow, and for future amendments to the code, Board members would see underlines for additions, and a line through the wording or a strikeout indicating a deletion from the

code. She went on to review the subject changes in further detail as noted in the backup for the benefit of the new Board members.

Mr. Braverman wished to confirm if the conversions of motels to residential uses along Sea Grape was being discouraged under the proposed amendments; if so, why.

Town Planner Connors answered yes, and this was due to it being one of the priorities of the Commission to preserve the Town's hotel district, and they did not want to see the conversion of the hotel uses into residential uses. This did not mean a motel could not be converted as such, but the Town sought ways to encourage hotel uses to remain in the Town and redevelop their properties, as well as encourage new hotels to come to those areas of the Town that was properly zoned for such uses. She said another reason was to foster having like uses next to like uses to avoid conflicts between uses and, as this was a large part of the Town's business district, it was important to ensure such conflicts or issues arose, and the Town was doing what it could to preserve that district. She went on to inform the Board that if they went on the Town's website, there was a list of all the meetings held in the Town, including their agendas, backup, video and audio recordings; they could revisit items discussed at Board meetings if they desired, as well as watch the Town Commission meetings at which they set the Town's priorities. She used the website information as a tool, as she was new to the community and wished to educate herself on various aspects of the Town and its operation, and she urged Board members to do the same.

Chairperson Oldaker asked Town Planner Connors to explain to the Board what was expected of them at the present meeting.

Town Planner Connors pointed out the item currently before the Board was being presented for them to make a recommendation to the Commission of approval or denial based on their position after reading the backup information and hearing staff's presentation. If any Board member had any suggestions for altering the proposed amendments, they could voice them prior to giving their recommendation.

Chairperson Oldaker stated whatever decisions the Board made could be revisited, as the decisions were not set in stone.

Town Planner Connors concurred, stating Chapter 30 was the Town's zoning code, and this was the area the Board and Town planning staff focused on mostly, and it was meant to be a living document. Recommendations to amend the code did not mean further changes were not possible, as the Town and its people evolved, and so should the codes that set the standards for the Town.

Assistant Town Attorney Mehaffey clarified the meeting's procedure, stating once an item was presented to the Board, there could be public comment on the item, after which the Chairperson would entertain a motion on the item. Any member of the Board could make the motion to either approve to move the document as presented, or move approval with changes; items that were moved for approval as presented could be discussed by the Board members as to any concerns and specific changes they wished to the item. She said, with regard to any changes, the Board member voicing those changes could make a motion to amend the item to include the stated revision, for which a second was required, then further discussion of the amendment, and then a vote by the entire Board was needed to approve the amendment. After all individual issues were addressed, and the amendment(s) were voted on, there would be a vote to approve the item as presented or as amended.

Chairperson Oldaker requested staff give a further explanation of when special circumstances arose, such as that taking place at a previous meeting, where there were numerous changes, and it was found to be more expeditious to approve the motion to accept the items as presented by staff and then do another motion to amend the item with various changes done under one amendment.

Assistant Town Attorney Mehaffey affirmed this to be the case, whereby the Board would vote to approve the item as presented, and then revisions could be added with each amendment voted on separately, and a final vote to approve the item as amended

with the identified revisions. Town staff kept track of the Board's amendments and, as it was a fluid process, Board members should feel free to ask Town staff at any point in the meeting for clarification on any issue being discussed.

Chairperson Oldaker stated he tried to run the meetings less formally than the City Commission meetings, as there were much less public in attendance, and keeping order was simpler. However, to keep the record accurate with regard to who was speaking, he asked for Board members to identify themselves before speaking, particularly as this was a new Board. He indicated there were no members of the public in attendance.

David Chanon made a motion to approve Item #1 as presented. Mr. William Brady seconded the motion. The motion carried 5-0.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD MEMBER COMMENTS

Chairperson Oldaker welcomed the new Board, stating he looked forward to working with them over the course of the next year.

Town Planner Connors reminded the Board that Town staff was in the process of working on the East Commercial Project between the A1A and Commercial Blvd., with renovations of larger sidewalks, public spaces and a change in the traffic patterns. Earlier in the day, Town staff and the design team met with local business owners on west Commercial Blvd. where they were in the beginning stages of changes to that area of the Town. They were also working on Bougainvillea drainage improvements, including some beautification enhancements. Some of the changes would not come directly to the Board, but she would try to keep the Board abreast of the changes taking place.

Chairperson Oldaker reminded Board members they were free to speak to Town staff at any time, but outside of the meeting forum, they were not allowed to speak to one another on P&Z Board business.

IX. ADJOURNMENT

There being no further business to discuss, Eric Yankwitt made a motion to adjourn at 7:30 p.m., March 21, 2012.

ATTEST:

Colleen Tyrrell, Board Secretary

Chairman Alfred Oldaker

Date Accepted: _____



Town of Lauderdale-By-The-Sea
Development Services Department
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

To: Planning and Zoning Board
Thru: Bud Bentley, Assistant Town Manager *SB*
From: Linda Connors, Town Planner *LC*
Date: May 9, 2011
Meeting Date: May 16, 2011
Re: Town Planner Report

This memorandum serves to update the Board regarding recent Town planning activities and to bring to your attention upcoming planning items.

Priority #2 – Proposed Amendments to Support Hotel Uses

At your last meeting, you approved revisions to the code to facilitate the development of new hotels, encourage the redevelopment of existing hotels and discourage the conversion of tourist units to residential use. These amendments were approved by the Town Commission on March 27th and are now in effect.

Priority #3 Revise the Sign Code

On March 27th, the Town Commission also approved the revisions to the sign code that were reviewed by the previous Planning and Zoning Board. These amendments included a comprehensive reorganization of the existing Code, including the addition of definitions, diagrams, and clarifying language to ensure the code is clear, concise and a more user friendly document for both the general public and staff.

Commercial Boulevard Improvements

Plans to improve to Commercial Boulevard are currently underway. The Town Commission approved plan designs for Commercial Boulevard east of Ocean Drive and we are currently in the schematic design phase. The designers are tentatively scheduled to present the schematic design to the Commission at their May 22nd meeting.

We are also moving forward with improvements to Commercial Boulevard west of Seagrape Drive. This project includes a redesign of the existing Town parking, streetscape improvements, landscaping and the widening of our sidewalks. The consultants have met with the Town Commission on several occasions to determine the best option for redesign. The Commission approved an option on April 24th and the consultants are currently in the schematic design phase. Both the East and West Commercial Boulevard renderings are available for review on the Town's website (www.lbts-fl.gov).

Attendance Requirement

At your last meeting, I mentioned that the Town Commission was considering amending the Code to require removal of a Planning Board member who missed three consecutive meetings. This amendment was passed on second reading at the Commission's May 8th meeting. Amendments were also made to the code to eliminate the requirement for the Planning Board to meet monthly and instead, the Board shall only meet when there is an agenda item.

June Meeting

Staff is suggesting that we move the June meeting date to June 27th. To date, we do not yet have items scheduled for this meeting, so a meeting may not be required.

ITEM 1



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 require window screening for vacant storefronts.

The purpose of this agenda item is to review the proposed amendments (**Exhibits I**) to Chapter 30 of the Town Code to require window screening for vacant storefronts.

Background

When the Commission approved amendments to the Town's sign code on February 28, 2012, Commissioner Vincent suggested the Town develop standards requiring screening of windows that show vacant interior space. The proposed language for these standards is attached as **Exhibit 1**.

Justification

Our review of the land development regulation codes resulted in the recommendation that the Town should amend the Code and include standards related to window screening as they are consistent with the Goals, Objectives and Policies (GOP's) and overall guiding principles as expressed in the Town's adopted Comprehensive Plan. Those GOPs supporting these amendments are as follows:

Economic / Redevelopment

Goal 10.0

To promote the continued economic vitality of the Town's seasonal residential and business areas in a manner sensitive to the overall best interests of existing Town residents.

Objective 10.2

Cultivate an overall local resort image by undertaking/promoting related public and private property improvements.

Objective 10.3.

To broaden the tourist market base by encouraging innovation and modernization in the type, character and appearance of local tourist residential and business uses.

Objective 10.6

Provide for the perpetuation of the overall low-rise, pedestrian oriented atmosphere of the southern portion of the Town consistent with the Charter.

Policy 10.6.1 Maintain Plan land use designations and current building height limitation consistent with the Charter.

Policy 10.6.2 With regard to the above, consider amendments to the Plan with a clear emphasis towards maintaining an open, pedestrian friendly building character.

Proposed Amendments

One current planning principal is to ensure that there is visual interest in windows so as not to create a void along the street. Interesting windows will encourage pedestrian activity within our commercial areas. This principal was emphasized by David Sucher, the author of *City Comforts*, when he spoke during the Town's Urban Design Lecture Series last year and his input was well-received by our citizenry.

We are therefore proposing language that requires window screening that includes artwork or photography for vacant storefronts, including hotels and motels, and we list examples of what might be appropriate. We also provide that they can post pre-printed materials that are provided by the Town, as other cities have found that to be a way to provide a measure of control over what is posted and to present a certain look or theme in the coverings. We do not anticipate that the cost of the Town providing such coverings would be material.

Procedure

We presented the proposed language to the Town Commission in report format at their May 8th meeting. The Commission supported the language and asked us to move forward. We are prepared to bring the Ordinance adopting this language (including your suggested revisions) to the Commission at their June 12th meeting for first reading and set second reading for July 10th.

Exhibit: 1 – Draft of Screening Standards

Exhibit 1

Section 30-313 (33) Window Screening for Vacant Storefronts

(a) Definitions. The following words, terms and phrases, when used in this Section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

(1) **Door** means a swinging or sliding panel that closes an opening in a wall and provides passage through it.

(2) **Transparent** means easily seen through, so that bodies, objects and materials situated beyond or behind the glass can be clearly seen.

(3) **Vacant** means buildings or individual storefronts that are:

- a. not open to the public, or to clientele, for a period of more than fourteen (14) consecutive days due to lack of business operation, repair or renovation; and
- b. not being used for the display or merchandising of any product

(4) **Window** means an opening in an exterior wall to admit light and air, typically with glazing in a frame that may or may not be operable.

(b) Required Screening Specifications. All transparent windows and doors in commercial uses, including hotels and motels, that are vacant, which are visible from the right-of-way, regardless of floor elevation, are required to be screened to prevent the interior of the building from being viewed from the public right-of-way. Decorative window treatments that were in place during the business occupancy, such as shutters (excluding hurricane shutters), shades, curtains, Venetian or vertical blinds may be used if they prevent viewing of the interior of the building from the public right-of-way. Decorative window treatments must have a clean and neat appearance, and be kept in good repair.

(1) Screening material shall:

- a. If paper is used, paper shall be no less than 60 lb. weight;
- b. Have a width no less than 36" and a length sufficient to completely screen the opening from its lowest point to a level no less than the height of the window or door opening or a level six (6) feet above the finished floor;
- c. Be maintained in a clean and neat appearance; and
- d. Be affixed to the interior side of the window or door glass. If utilizing tape, tape must have a continuous edging.

Exhibit 1

- (2) Screening material shall include artwork/photography but not text except as allowed on specifically identified sign types, including, but not limited to:
- a. Historical pictures of the Town of Lauderdale-By-The-Sea;
 - b. Historical post cards of the Town of Lauderdale-By-The-Sea;
 - c. Art work of a professional nature;
 - d. Designs or drawings provided by the Town of Town projects;
 - e. Announcing or contractor signs as described in Section 30-508(3)(h)(1) and 30-508(3)(h)(3) of the code; and
 - f. Seasonal window treatments as described in and subject to the regulations of Section 30-502(16).

Pictures and artwork must be a minimum of 16" x 20".

- (3) As an alternative, and if available, windows and doors may be covered by pre-printed materials provided by the Town.
- (c) Timing. All window screening is required to be installed within five (5) business days of vacancy. A time extension of up to five (5) business days may be given by the Development Services Director if the property owner submits a written request for an extension to the Development Services Department.



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 linear 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 ~~strike through~~. 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.