

TAB 2



City of Palmetto Agenda Item

Meeting Date

10/25/10

Presenter: Lorraine Lyn

Department: Public Works

Title:

**Zoning Code Amendment Ordinance 2010-19
Shared/Joint Parking**

This is a staff initiated zoning code amendment to revise the Shared or Joint Parking provision in the current Zoning Code. The current zoning ordinance does not adequately address unique situations existing in the City where uses developed on lots of record etc have operated for years without being able to meet code. The proposed shared parking would allow the City Planner to assess these situations on a case by case basis and determine if they meet the criteria described in the proposal.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information: N/A

Funding Source(s): N/A **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested:

Staff Contact: Lorraine Lyn City Planner Public Works Department

Attachments: Staff Report

Zoning Code Amendment Ordinance 2010-19
Shared/Joint Parking
October 25, 2010

Issue:

The current zoning ordinance does not adequately address unique situations existing in the City where uses developed on lots of record etc have operated for years without being able to meet code. The proposed shared parking would allow the City Planner to assess these situations on a case by case basis and determine if they meet the criteria described below.

Background:

Staff presented the proposed Shared Parking language to the Planning and Zoning Board on September 16, 2010 when the Board recommended that staff revisit the off-street parking provision in the Downtown Development Guidelines. The proposed language below reflects the changes (underlined) made since the Board's September 16, 2010 meeting.

Current Code

Sec. 28-74. - Location of facilities and spaces.

(b)

Parking spaces required by this division may be located on a lot other than that containing the principal use with the approval of the board of zoning appeals, based upon considerations of safety available on-site parking and distance to off-site parking as proposed. All parking areas shall be under the direct control of the owner of the principal use through ownership or a leasehold interest for a term in excess of ten (10) years.

(Ord. No. 226, § 2(C), (D), 10-1-84)

Proposed Code

Sec. 28-74. – Joint Use of facilities and spaces.

(a)

Nothing in this chapter shall be construed to prevent the joint use of off-street parking or off-street loading spaces for two (2) or more buildings or uses, if the total of such spaces when used together are not less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this chapter.

Cumulative parking requirements for joint use facilities may be reduced if the City planner determines that one or more of the following exists:

- Joint uses have different peak hours of operation or conversely, if they share the same patrons;
- Joint uses are located in a pedestrian oriented setting;
- Joint uses are complementary to each other where periods of usage of such buildings will not be simultaneous such as church buildings for example;
- Joint uses are located in the Commercial Core and meet the provisions of the Downtown Design Guidelines; or

- The City planner otherwise determines that such reduction is appropriate based on the facts of a particular joint use situation.

(b)

An agreement for such joint use, in the form of a long-term lease, or other methods acceptable to the City attorney's office, shall be filed with the City planner and recorded by the applicant in the public records of Manatee County.

Staff Recommendation:

Staff recommends **APPROVAL** of the proposed amendment to the Zoning Code to change the language of Sec. 28-74, Joint Use of facilities and spaces as proposed.

P & Z Directive:

Approval, Approval with Conditions or Denial

Board Alternatives:

1. Make no changes to the Zoning Code at this time.
2. Authorize City staff and City attorney to amend the Zoning Code.

**CITY OF PALMETTO
ORDINANCE NO. 2010-19**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, SECTION 28-74, TO ADD PROVISIONS RELATED TO THE JOINT USE OF PARKING FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

Section 1. Amendment of Section 28-74 of the City of Palmetto Code of Ordinances. Section 28-74 of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 28-74. Joint Use of Facilities and Spaces.

- (a) Nothing in this chapter shall be construed to prevent the joint use of off-street parking or off-street loading spaces for two (2) or more buildings or uses, if the total of such spaces when used together are not less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this chapter except as may be set forth below.

Cumulative parking requirements for joint use facilities may be reduced if the City Planner determines that one or more of the following exists:

- Joint uses have different peak hours of operation or conversely, if they share the same patrons; or
- Joint uses are located in a pedestrian oriented setting, have access to public transportation, provide spaces for bicycle parking or otherwise encourage the use of alternative methods of transportation thereby reducing the number of parking spaces needed; or
- Joint uses are complementary to each other where periods of usage of such buildings will not be simultaneous (such as church buildings, for example); or
- Joint uses are located in the Commercial Core and meet the provisions of the Downtown Design Guidelines.

The City Planner may approve an alternative parking plan if the information submitted by the applicant demonstrates that an adequate number of spaces for the proposed use, when reviewed with other existing or previously approved uses by the city in the area, would exist even if the number of parking spaces does not meet the specific requirements of Section 28-78 of this Code.

- (b) An agreement for such joint use, in the form of a long-term lease, or other methods acceptable to the City Attorney, shall be filed with the City Planner and recorded by the applicant in the Public Records of Manatee County.
- (c) Joint use of off-street parking shall be based on the proposed use by the applicant and any existing or previously approved uses on parcels that would utilize shared parking facilities. Parking plan approval shall be limited to those uses unless an amended plan is reviewed and approved by the City Planner.

A Site Plan shall be submitted indicating the number of parking spaces and the type of uses seeking a joint use parking alternative for the City Planner's signature. Any change of use shall require evaluation of the approved site plan and approval of a revised parking plan by the City Planner.

Section 2. Repeal of Ordinance. This Ordinance hereby repeals any and all provisions of ordinances in conflict herewith to the extent of such conflict.

Section 3. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

Section 4. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes of the City Commission.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 6th day of December, 2010.

First Reading: November 15, 2010
Publication: November 19, 2010
Second Reading and
Public Hearing: December 6, 2010

CITY OF PALMETTO, FLORIDA,
BY AND THROUGH THE CITY

COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk.