

Tab 4

SHARED PARKING
ORDINANCE 2010-19

Zoning Code Amendment Ordinance 2010-19
Point Paper
Shared Parking
October 21, 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.

OLD BUSINESS

- a. 2030 Comp Plan Update
- b. Ordinance 2010-06 P&Z Board/Tree Board

a.

Staff Report
EAR Based Amendments
Comprehensive Plan Amendment (Ord. 2010-01) &
FLUM Plan Amendments (Ord. 2010-05)
October 18, 2010

BACKGROUND:

The City Commission held its first public hearing on the aforementioned plan amendments on May 17, 2010 and submitted them to DCA for review. DCA issued their Objection, Recommendations and Comments (ORC) response on August 6, 2010. The City has 120 days to adopt, adopt with changes or not adopt the proposed amendment. Within 10 working days of the City's adoption, the City must submit 3 copies of the adopted comprehensive plan amendments, a listing and statement indicating the relationship to the ORC, of any additional changes which were not included in the ordinance. DCA will then conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

SUMMARY OF DCA'S ORC:

The 10 page ORC Report included recommended changes to the Future Land Use, Transportation, Housing, Coastal Management and Conservation Elements of Palmetto's Comprehensive Plan. Most of DCA's Report recommended data and analysis for changes being proposed by the City. In addition, state law requires that the Comprehensive Plan be based on the best available data and analysis which is usually updated as part of the EAR process. The City's submittal of its approved Comprehensive Plan will include a background report containing the data and analysis required by DCA.

WATER SUPPLY PLAN

Chapter 163, Part II, F.S., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update. The *Southwest Florida Water Supply Plan Update* was approved by the Southwest Florida Water Management District (SFWMD) on November 30, 2006. Therefore, the deadline for the City of Palmetto to amend their comprehensive plans to adopt a Work Plan was May 30, 2008.

In the ORC Report, DCA indicated that the City should transmit the 10 Year Water Supply Plan and coordinate water supply with the proposed amendments before adopting the FLUM amendments. Southwest Florida Water Management District (SFWMD) is planning to update the District's Water Supply Plan at the end of 2010 which would trigger the submittal of Palmetto's Plan by the end of June, 2012. Following discussions with DCA, it would be advisable for the City to submit its Water Supply Plan as soon as possible and no later than the end of summer, 2011.

STAFF RECOMMENDATION:

Staff's recommendations are included in the draft "City of Palmetto 2030 Comprehensive

Plan” document dated October 13, 2010 which is the adoptable portion of the Plan. In this document, staff has concurred with the following recommendations from DCA:

- Change definition of CHHA;
- Revise purpose of Conservation category to include only passive uses;
- Revise Urban Planning (new name: MU) description to remove reference to agricultural lands and added Policy 1.12.6.
- Added Policy 9.2.12 to the Future Land Use Element; Policy 1.10.4 to Transportation Element; Policy 3.2.5 to Housing and Policy 9.2.12 to Conservation Element (below) to address energy-efficient land use patterns and the reduction of greenhouse gas emissions.
- Clarify affordable housing bonus by revising Policies 3.6.4 and 3.6.5 in Housing Element.
- Add policy revising the concurrency management system to require the availability of water supply prior to the issuance of a building permit.
- Revise Policy 8.1.7 to include a timeframe regarding manatee habitat areas in native coastal areas.
- Retain Policy 8.5.7 describing how densities are calculated in the CHHA.
- Revise Policy 9.1.1 to retain coordination with Fish and Wildlife Conservation Commission (FWC) for the protection of fish and wildlife. (DCA’s comment – requires name change)

Staff recommends approval of the proposed map amendments and comprehensive plan amendment (EAR based) with the following additions:

1. To the Transportation Element:

Policy 2.9.4: The City shall support multimodal transportation to reduce green house gas emissions through a reduction in vehicle miles travelled (VMT) by developing land use plans and policies which encourage mixed uses, pedestrian-oriented site design and higher densities and intensities in areas served by transit.

2. To the Conservation Element:

Policy 9.2.12: The City will encourage energy efficient and sustainable development practices such as a mixed use land use pattern to reduce greenhouse gas emissions.

3. To the Capital Improvements Element:

Policy 13.5.4: The City shall insure that adequate water supply will be available for all new projects prior to the issuance of a building permit via its concurrency management system beginning at the Development Review Committee stage.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning voted to **APPROVE**, the proposed Comprehensive Plan Amendment (Ord. 2010-01) on January 21, 2010 and voted to **APPROVE** the FLUM Amendments (Ord. 2010-05) on May 10, 2010.

b.

ORDINANCE 2010-06

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA AMENDING THE COMPOSITION OR CLARIFYING AND ADDING DUTIES TO THE PLANNING & ZONING BOARD; DELETING PROVISIONS RELATED TO A "PLANNING COMMISSION"; 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, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; 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; and

WHEREAS, within the above-referenced grant of powers, the City of Palmetto (the "City") has the authority to regulate conditions and activities within the City for the protection of the public health, safety and welfare; and

WHEREAS, the City Planning and Zoning Board has been serving as the City Planning Commission; and

WHEREAS, the City Commission has determined that referencing different titles for the Planning and Zoning Board is confusing to the public; and

WHEREAS, the City Commission has determined that modification of the composition of the Planning and Zoning Board is in the best interest of the City; and

WHEREAS, the City is considering applying to become a Tree City; and

WHEREAS, to be considered as a Tree City, the City is encouraged to have a board to serve as a Tree Board, which will monitor and make recommendations to the Mayor and City Commission on implementation of an annual community forestry work plan; and

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:

Section 1. Findings of Fact. The above "WHEREAS" clauses are adopted herein as findings of fact.

Section 2. Revision Language. The Code of the City of Palmetto is hereby amended as follows:

- A. Sections 23-31 through 23-40, inclusive, are hereby deleted.
- B. Section 12.1 of Appendix B is hereby amended to read in its entirety as follows:

The Planning and Zoning Board shall consist of five (5) members with the two currently vacant terms expiring in 2011 being eliminated. None of the members shall be employed by the city. The terms of office shall be staggered three (3) year terms. Members shall be appointed by the Mayor from among persons in a position to represent the general public interest and confirmed by a majority of the City Commission. Three (3) of the seats of the Planning and Zoning Board shall be filled by legal residents of the City, as defined in the City Charter. The remaining seats of the Planning and Zoning Board shall be filled by legal residents of the City, as defined in the City Charter, or by persons who own at least a 10% ownership interest in a business which has a local business tax receipt

which business is within the City, and which business owns real property within the City of Palmetto.

- C. Section 12.4(a) of Appendix B is hereby amended to add subsections (5) and (6). Section 12.4(a) shall read in its entirety as follows:

- (a) *Planning.* The Planning and Zoning Board shall serve in an advisory capacity to the city commission with respect to planning functions such as review of applications for development, annexation, zoning and comprehensive plan amendment. In furtherance of its function as a recommending body, the board shall have the following powers and duties:

- (1) To make recommendations regarding the acquiring and maintaining in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions, all relating to development within the City. Such basic information and materials may include maps and photographs of manmade and natural physical features of the area concerned, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts;
- (2) To recommend principles and policies for guiding development within the city;
- (3) To recommend whether specific proposed developments conform to the principles and requirements of the zoning code and the comprehensive plan;
- (4) To conduct public hearings and make recommendations to the City Commission; and
- (5) To keep the City Commission informed and advised as to general planning matters;
- (6) To serve as the Local Planning Agency for the City of Palmetto for the purposes of Chapter 163, Florida Statutes; and
- (7) To serve as the "Tree Board" for the City of Palmetto. In such capacity, the Board shall have the following duties:

(a) Working with the City Planning and Public Works Director, preparing an annual community forestry work plan for consideration by the City Commission, which shall address planting, watering and fertilizing of the trees, dead and hazardous tree removal, safety pruning, and insect and disease control;

(b) Working with the City Planning Director, preparing an ordinance which sets forth public tree policies for planting, maintenance and removal of trees and the recommended tree species to be planted; and

(c) Working with the City Clerk, annually preparing a budget recommendation to implement the community forest work plan.

All other portions of Section 12.4 of Appendix B shall remain in full force and effect.

Section 3. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. 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.

FIRST READING	August 2, 2010
PUBLICATION DATE	August 6, 2010
SECOND READING	August 16, 2010

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE
CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session
assembled, this 16th day of August, 2010.

By: Shirley Groover Bryant

Shirley Groover Bryant, Mayor

ATTEST:

By: Diane Ponder

James R. Freeman, City Clerk

DIANE PONDER, Deputy Clerk - Administration
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NEW BUSINESS