

ORDINANCE NO. C-19-33

AN ORDINANCE AMENDING SECTION 47-20.3 OF THE CITY OF FORT LAUDERDALE, FLORIDA, UNIFIED LAND DEVELOPMENT REGULATIONS ENTITLED "REDUCTIONS AND EXEMPTIONS" MODIFYING RESTRICTIONS FOR PARKING REDUCTIONS FOR RESIDENTIAL USES; PROVIDING FOR PARKING REDUCTIONS AND EXEMPTIONS FOR LOCALLY DESIGNATED HISTORIC LANDMARKS OR CONTRIBUTING PROPERTIES LOCATED WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT; PARKING REDUCTIONS AND EXEMPTIONS FOR MULTIFAMILY RESIDENTIAL DEVELOPMENTS WHICH PROVIDE AFFORDABLE HOUSING; PARKING REDUCTIONS AND EXEMPTIONS FOR RESIDENTIAL DEVELOPMENTS LOCATED IN THE REGIONAL ACTIVITY CENTER DISTRICTS; AMENDING APPLICATION REQUIREMENTS FOR PARKING REDUCTIONS; ADDING REGULATIONS FOR OFF-STREET AND ON-STREET PARKING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to encourage the preservation of historic properties; and

WHEREAS, the City Commission wishes to provide the public with more incentives to designate their properties as historic landmarks, landmark sites, and historic districts; and

WHEREAS, the City Commission finds that providing additional incentives for historically designated properties is in the best interest of the City of Fort Lauderdale.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as being true and correct and are incorporated herein by this reference.

SECTION 2. Section 47-20.3 entitled "Reductions and exemptions" of the City of Fort Lauderdale, Florida, Unified Land Development Regulations ("ULDR"), is hereby amended as follows:

Sec. 47-20.3. - Reductions and exemptions.

A. *General parking reduction.*

1. Notwithstanding the off-street parking requirements provided in this Section 47-20, a parking reduction may be approved in accordance with the provisions of this section.
2. *Restrictions.* A parking reduction shall not be permitted for a residential use, except for:
 - a. Residential developments located in an area with an RAC zoning designation; or
 - b. Multifamily residential developments which provide affordable housing as defined in Section 9-340 of the Code of Ordinances. To qualify for the ability to obtain a parking reduction pursuant to this section, a restrictive covenant must be executed and recorded in the public records of Broward County, Florida, restricting the ownership of an owner qualified development to an eligible person for no less than five (5) years and lease of multifamily dwellings to a qualified lease development to an eligible person for no less than fifteen (15) years; or-
 - c. Locally designated historic landmark or a contributing property within a locally designated historic district that have been designated in accordance with Section 47-24.11. of the ULDR.
3. *Application.* An application to approve a parking reduction shall be submitted to the department and approved as provided herein. An application for parking reduction shall be submitted on forms provided by the department. The application shall include the information required for a ~~site plan level III application as provided in Section 47-24.2, 47-24.1.F. of the ULDR~~ and shall in addition include the following:

- a. An eight and one-half (8½) inch by eleven (11) inch general vicinity map scale of not less than one (1) inch equals five hundred (500) feet, identifying the parcel proposed for the parking reduction and, if at a different location, the parcel that the parking will serve and all lots located within a seven hundred-foot radius of the parcel to be served by the proposed parking facility and the parcel which will be used for parking. The map shall identify existing zoning and residential uses within the seven hundred-foot area.
- b. A site plan at a scale of not less than one (1) inch equals forty (40) feet showing the parcel that the parking facilities are intended to serve and if parking is off-site, the parcel which will be used for parking; all existing and proposed improvements on the parcels including buildings, landscaped and paved areas; and an ingress and egress plan showing all walkways and drives that will be used for pedestrian and vehicular access in the development.
- c. Identification of one or more of the criteria provided in this Section 47-20.3, which the applicant submits as the basis for a parking reduction.
- d. A parking study which documents and supports the criteria submitted by the applicant for a parking reduction. The parking study shall be certified by a state licensed engineer, architect or landscape architect or American Institute of Certified Planners certified planner and shall document the existence of certain facts related to the projected use of the parking facility and its relationship to surrounding rights-of-way and properties. The methodology for conducting the study shall be submitted for review and approval by the city engineer and shall include, but not be limited to the week and day the study will be conducted, the number of days and duration of the study, and the time intervals and locations for data collection.
- e. A report by the city engineer, city's director of parking services and director regarding the parking reduction application when required in accordance with the provisions of this section.
- f. The application may be forwarded for review by an independent licensed professional engineer contracted by the city to determine whether the parking study supports the basis for the parking reduction request. The cost

of review by the city's consultant shall be reimbursed to the city by the applicant.

4. *Review process.*
 - a. Except as provided in subsection b., the application shall be reviewed in accordance with the review process applicable to a site plan level III, as provided in Section 47-24.2.
 - b. An application for a parking reduction ~~on property located within the Northwest Progresso-Flagler Heights Community Redevelopment Area as defined in Resolution No. 95-86 as may be amended, adopted on June 20, 1995, or on property with non-residential zoning located within the Central City Community Redevelopment Area, or for developments which meet the criteria for affordable housing in Section 47-20.3.A.2.b, shall require~~must include the information required for a site plan level I approval application and is subject to the site plan level I review process as provided in Section 47-24.2. of the ULDR for the following:
 - i. Northwest-Progresso-Flagler Heights Community Redevelopment Area as defined in Resolution No. 95-86 as may be amended, adopted on June 20, 1995; or
 - ii. On property with non-residential zoning located within the Central City Community Redevelopment Area; or
 - iii. Developments which meet the criteria for affordable housing in Section 47-20.3.A.2.b. of the ULDR; or
 - iv. Locally designated historic landmark or a contributing property within a locally designated historic district that have been designated in accordance with Section 47-24.11. of the ULDR.
5. *Criteria.* An applicant must show that the request meets the following criteria and the reviewing body shall consider the application for parking reduction based on the criteria provided as follows:
 - a. Adequacy requirements, as provided in Section 47-25.2; and

- b. The use, site, structure or any combination of same, evidences characteristics which support a determination that the need for parking for the development is less than that required by the ULDR for similar uses; or
- c. There is a public parking facility within seven hundred (700) feet of the parcel which the parking is intended to serve along a safe pedestrian path as defined by Section 47-20.4, which spaces may be used to provide parking for applicant's property without conflict with the need for public parking based on a report by the department which includes a report by the city's director of parking services and city engineer; or
- d. If the application is based on two (2) or more different users sharing the same parking spaces at different hours, that the peak hour(s) for each use will be at different hours; or
- e. If the application is based on two (2) or more different users sharing the same parking spaces at the same time because one use derives a portion of its customers as walk-in traffic from the other use, that the two (2) or more uses will share the same users; or
- f. Restrictions will be placed on the use of the property or actions will be taken such as providing company vans for car pooling of employees and patrons, or consistent use of mass transit will reduce the need for required parking and there are sufficient safeguards to ensure the restriction, action, or both, will take place; or
- g. Any combination of subsections A.5.a through e; and
- h. Notwithstanding the provisions of Section 47-20.19 and Section 47-3, Nonconforming Uses, Structures and Lots, parking legally permitted and associated with an established permitted use prior to or on the effective date of the ULDR (June 18, 1997) located within the Central Beach zoning districts of the Central Beach Regional Activity Center, and where the structure containing such permitted use is not voluntarily demolished by more than fifty (50) percent such parking shall be deemed to be conforming parking for the purposes of a change of use as regulated by Section 47-20

and Section 47-3, Nonconforming Uses, Structures and Lots and shall not be required to provide additional parking; and,

- i. In addition to the criteria provided above, that any alternative parking arrangement proposed will be adequate to meet the needs of the use the parking will serve and that reducing the required parking will be compatible with and not adversely impact the character and integrity of surrounding properties.
6. Conditions may be required on the site where the parking facility is to be located and the site which the parking facility is intended to serve, if such conditions are necessary to preserve the character and integrity of the neighborhood affected by the proposed reduction and mitigate any adverse impacts which arise in connection with the approval of a parking reduction.
7. *Effective date of approval.* The approval of an application for parking reduction shall not be effective nor shall a building permit be issued for a parking facility until thirty (30) days after approval and after the requirements in subsection A.4 are met, and then only if no motion is adopted by the city commission seeking to review the application or no appeal is filed as provided in Section 47-26B, Appeals. If no action is taken by the City Commission within the thirty-day period, the approval of the parking reduction shall be final.
8. *Parking reduction order.* If an application for parking reduction is approved, such approval shall be evidenced in an order executed by the department and a consent to order executed by the applicant. The order shall state the number of parking spaces required to be provided, a legal description of the property where the parking is to be provided and the property served by the parking area and the conditions upon which the parking reduction is approved. The parking reduction order shall only take effect upon the recordation of the order in the public records of Broward County at the expense of the applicant and filed with the department by applicant.
9. The parking reduction order shall act as a restrictive covenant running with the land and be binding on any successors in interest or assigns of the property owner.

10. If there is a failure of any condition contained in the parking reduction order, the owner of the property or agent shall:
 - a. Apply for an amended parking reduction order. The application shall show that although the condition has failed, it does not adversely impact the character and integrity of surrounding properties or that additional conditions will be substituted for any failed condition. The department may require a new parking study as provided in subsection A.1.d to support the application.
 - b. In the event the department agrees with the application, the department may approve the amendment to parking reduction. The approval of the amendment shall not take effect for thirty (30) days during which time the city commission may adopt a motion to review the approval in accordance with Section 47-26B, Appeals. If no motion is adopted the approval shall be final.
 - c. When final, the amended order shall be prepared for execution and recording in the public records of the county at applicant's expense by the applicant.
 - d. If the department determines that failure of the condition adversely impacts the character and integrity of surrounding properties, the owner will be required to comply with the condition or obtain a new parking reduction order in accordance with this section. Failure of a condition of a parking reduction order without approval of an amended or new parking reduction order as provided herein shall be a violation of the ULDR.
11. If a parking reduction application includes the use of an off-site parcel owned by other than the applicant for parking or purposes related to parking, an off-site parking agreement in accordance with Section 47-20.18 will be required.
12. A parking reduction order may be terminated by application of the owner of the property affected by the order to the department if it is shown that parking has been provided which meets the requirements of Section 47-20.2 and the use no longer needs a parking reduction. A termination of the parking reduction order shall be executed by the department and recorded in the public records

of the county at the applicant's expense. A copy of the recorded order shall be filed with the department by the applicant.

13. *Appeal.* If a parking reduction application is denied or approved with conditions unacceptable to the applicant, the applicant may appeal to the appropriate City body in accordance with the provisions of Section 47-26, Appeals and Request for Review, as provided on Table 1 in Section 47-24, Development Permits and Procedures.
- B. *Central beach parking facility fee.* Parking reductions in the central beach area may be granted by the payment of a parking facility fee in accordance with Section 47-12.9.
 - C. *Downtown Regional Activity Center.* Uses located within the RAC-CC and RAC-AS districts shall be exempt from the parking required as provided in Section 47-20.2. Parking for all other RAC districts shall be required as provided in Table 3 of this Section 47-20.
 - D. *Galt Ocean Mile.* All permitted uses except apartments shall receive an exemption of one (1) space for each one thousand (1,000) square feet of plot area on the following lots:
 1. The lots in the Galt Ocean Mile business area fronting on both sides of N.E. 32nd Street and N.E. 33rd Street from N.E. 32nd Avenue to State Road A-1-A.
 2. Those lots bounded on the west by the Intracoastal Waterway; on the east by a line one hundred thirty (130) feet east of N.E. 33rd Avenue; on the north by Oakland Park Boulevard; and on the south by Sailfish Lake, the north line of Lot 10, Block 25, and the south line of Lot 1, Block 23; both of Lauderdale Beach Ext. Unit "B," P.B.29, P.32.
 - E. *Historic landmarks and historic districts. H-1 district.* ~~The following legally described land, zoned H-1, is exempt from the parking requirements as provided for in this section:~~
 1. Off-Street parking is subject to the regulations in Section 47-20.2 of the ULDR, except as provided herein. Historic landmarks designated by the City that are utilized for adaptive reuse as defined in Section 47-24.11 of the ULDR and

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

contributing properties located within a historic district designated by the City and that are utilized for adaptive reuse as defined in Section 47-24.11 of the ULDR must comply with the following regulations: An area in Section 10, Township 50 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida, said area bounded on the north by a line one hundred twenty (120) feet north of and parallel with the centerline of S.W. 2nd Street; on the east by S.W. 2nd Street; on the east by S.W. 2nd Avenue; on the south by New River; and on the west by S.W. 5th Avenue.

- a. Residential Properties are required to provide at a minimum one (1) parking space per dwelling unit.
- b. Commercial Properties:
 - i. Off-Street parking is not required for structures up to 2,500 gross square feet in area. All development greater than 2,500 gross square feet shall be required to provide sixty percent (60%) of the parking spaces required for uses as provided in Table 1 in Section 47-20.2 of the ULDR.
 - ii. Commercial properties are exempt from all parking requirements for structures located within a RAC zoning designation.

2. H-1 district. The following legally described land, zoned H-1, is exempt from the parking requirements as provided for in this section:

- a. An area in Section 10, Township 50 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida, said area bounded on the north by a line one hundred twenty (120) feet north of and parallel with the centerline of S.W. 2nd Street; on the east by S.W. 2nd Street; on the east by S.W. 2nd Avenue; on the south by New River; and on the west by S.W. 5th Avenue.

F. On-Street Parking. The number of required parking spaces for developments that: (1) are located within the Northwest-Progresso-Flagler Heights Community Redevelopment Area, or (2) are non-residential properties with abutting on-street parking located within the Central City Community Redevelopment Area, or (3) meet the criteria for affordable housing in Section 47.20.3.A.2.b., or (4) are a locally designated historic landmark, or contributing properties within a locally designated

historic district may be reduced by the number of on-street parking spaces provided in accordance with the following criteria: ~~Northwest-Progresso-Flagler Heights Community Redevelopment Area, Central City Community Redevelopment Area and for developments which meet the criteria for affordable housing in Section 47-20.3.A.2.b. The number of required parking spaces for development within the Northwest-Progresso-Flagler Heights Community Redevelopment Area and abutting non-residential properties located within the Central City Community Redevelopment Area, may be reduced by the number of on-street parking spaces provided in accordance with the following criteria:~~

1. The on-street parking space abuts the development site.
2. The on-street parking space is located between the extended property lines of the property applying for the reduction, except, if a parking space straddles two (2) properties owned by different property owners each property may count the space towards required parking.
3. There is a minimum five-foot sidewalk along the side of the property abutting the on-street parking spaces which meets City Engineering standards. A sidewalk wider than five (5) feet may be required by the City Engineer if necessary to provide a sidewalk consistent with abutting properties or if necessary to meet Engineering standards.
4. The on-street parking spaces must meet the geometric, drainage and site clearance standards provided in Section 47-20 and such other standards determined to be necessary to provide adequate and safe parking as determined by the City Engineer.
5. The right-of-way abutting the on-street parking spaces has sufficient width as determined by the City Engineer to maintain the on-street parking spaces safely.
6. The on-street parking spaces remain open for use by the public.
7. Street trees are in place along the property abutting the on-street parking spaces in accordance with the requirements of Section 47-21.

G. *Shared Parking.*

1. The Development Review Committee (DRC) may authorize a parking reduction for a development site with multiple uses upon the review of a shared parking study that demonstrates that the uses are in close proximity to one another and have different peak parking demands and operating hours.
 - a. *Shared parking study.* The shared parking study shall clearly identify the uses that will use the shared spaces at different times of the day, week, month or year subject to the following:
 - i. The shared parking study shall be based on the Urban Land Institute's (ULI) methodology for determining shared parking, or other generally accepted methodology;
 - ii. The shared parking study shall address the size and type of activities, the composition of tenants or, uses, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic demands;
 - iii. The shared parking study shall provide for no reduction in the number of handicapped spaces;
 - iv. The shared parking study shall provide a plan to convert reserved space to required spaces; and,
 - v. The shared parking study shall be approved by the City Engineer prior to submittal, based on the feasibility and observations of the uses to share the parking due to their particular peak parking and trip generation characteristics; and
 - vi. Shared use parking approval shall only be valid for those uses as indicated in the study;
 - vii. If a parking reduction is approved under the provisions of this section, such approval shall be evidenced by the issuance of an order in the manner prescribed in Section 47-20.3.A.8. of the ULDR.

- b. *Change in use.* Should any of the approved uses as indicated in the approved shared parking study change, or should the Zoning Director or City Engineer find that any of the conditions described in the approved shared parking study or parking reduction order no longer exist, the owner of record shall have the option of submitting a revised shared parking study in accordance with the standards of this section or of providing the number of spaces required for each use as if computed separately.
- H. *Active and Passive Park Use.* The number of required parking spaces for active and passive park use may be reduced by the number of on-street parking spaces provided in accordance with the following criteria:
1. The on-street parking space abuts the development site; and
 2. The on-street parking space is located between the extended property lines of the development site; and,
 3. A minimum 5-foot wide sidewalk shall be installed subject to the approval of the City Engineer. A sidewalk wider than five (5) feet may be required by the City Engineer if necessary to provide a sidewalk consistent with abutting properties or if necessary to meet Engineering standards; and,
 4. The on-street parking spaces must meet the geometric, drainage and site clearance standards provided in Section 47-20 and such other standards determined to be necessary to provide adequate and safe parking as determined by the City Engineer; and,
 5. The right-of-way abutting the on-street parking spaces has sufficient width as determined by the City Engineer to maintain the on-street parking spaces safely; and,
 6. The on-street parking spaces remain open for use by the public; and,
 7. Street trees are in place along the property abutting the on-street parking space in accordance with the requirements of Section 47-21.

SECTION 3. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING the 17th day of September, 2019.

PASSED SECOND READING the _____ day of _____, 2019.

ATTEST:

Mayor
DEAN J. TRANTALIS

City Clerk
JEFFREY A. MODARELLI