

M E M O R A N D U M

To: Tom Harmer, Town Manager

From: Allen Parsons, AICP
Planning, Zoning & Building Department Director

Report date: September 15, 2020

Meeting date: September 29, 2020

Subject: Proposed Ordinance 2020-09, Amending Chapter 74,
Parking Schedules, Providing for Residents' Parking Permit
Program for Longbeach Village

Recommended Action

Provide direction to Manager on proposed Ordinance 2020-09 and forward to the November 2, 2020 Regular Meeting for first reading.

Background

At their June 15, 2020 Regular Workshop Meeting, the Town Commission provided majority consensus for staff to prepare Ordinance 2020-09 for a Resident Parking Permit program for the Longbeach Village area, excluding the publicly available parking on the sides of Broadway Street and Lois Avenue that abut the two commercial (restaurant) properties at the East end of Broadway Street¹.

Per Commission direction, the attached draft Ordinance 2020-09 would add a new "Schedule IV," to "Chapter 74, Parking Schedules," establishing an area where only residents of the Longbeach Village neighborhood would be able to park on applicable Town rights-of-way. The draft Ordinance, summarized below, has been developed for the Commission's consideration.

A Purpose and Intent Section outlines the overall reasoning for generally limiting on-street parking in the Longbeach Village neighborhood to only residents of that neighborhood. Input was received primarily by residents of the Longbeach Village, to Commissioners, both directly, and at multiple Regular Workshop Meeting discussions and public meetings over the past several years. Those residents outlined concerns with both safety and impacts associated with commercial and visitor parking.

A Definitions Section defines specific terms and phrases that are applicable to the Longbeach Village specific resident-only parking provisions.

¹ Staff's initial recommendation, presented at the June 15, 2020 Regular Workshop Meeting was to maintain public parking along the entire length of Broadway Street due to its characteristics, which are different from the other area streets, and to provide more public accessibility to the variety of public amenities available on Broadway Street and near-by.

An *Area Designated* Section provides a short description of the applicable public streets where parking would be limited to residents only. The restricted public streets would be those, within the Longbeach Village neighborhood, that are accessible via Broadway Street, beginning East of Palm Avenue. On-street parking, available to the entire public, would remain adjacent to the two commercially zoned properties along Broadway Street and Lois Avenue.

As described further in Ordinance 2020-09, parking by residents, will continue to be allowed only where safe and legal to do so, adjacent to the paved portion of the public right-of-way. Holders of applicable parking permits would be required to adhere to all other traffic and parking regulations under the Town Code, including but not limited to, parking restricted areas, prohibitions on overnight parking, intersection setbacks, fire hydrants, etc. Also, holders of parking permits are not guaranteed, or reserved, any parking spaces within the Resident-Only Parking Permit area.

An *Issuance of Resident-Only Parking Permits* Section describes the majority of the proposed program components including three types of permits that would be available, and their associated timeframes, along with the eligibility criteria to purchase the differing permit types. Feedback was received that the terms Resident Parking Permit and Resident-Only Parking Permits are used interchangeably, which could cause unintended confusion. For clarification, the title to this Section could be changed to *Issuance of Permits within Resident-Only Parking Areas*. The proposed permit types include:

1. A Resident Parking Permit that would be affixed to a resident's vehicle. As drafted, one Resident Parking Permit could be purchased per property/residential unit. The initial rationale for limiting to a single permit per property/residential unit is based on the assumption that most properties have parking on site. Properties that may have multiple vehicles that would not fit onto a given property would still have the challenge of finding parking locations daily, as the Town's overnight parking restrictions are not proposed to change.
2. A Guest Parking Permit that would be a reusable permit (similar to the type of placard that is often affixed to a vehicle's rear view mirror depicting handicapped parking privileges) that would be available for a resident to provide their guests throughout a program year. As drafted, one Guest Parking Permit could be purchased per property/residential unit. The Commission may want to consider requiring a resident to have purchased an annual Resident Parking Permit to be eligible for a Guest Parking Permit. The initial rationale for limiting to a single Guest Parking Permit per property/residential unit is associated with typical residential lot widths that generally would accommodate two vehicles in front of a residential property. If a property acquired both a Resident Parking Permit and a Guest Parking Permit, the two vehicles associated with the property would generally be expected to take up all of the parking in front of their property.

3. A Temporary Parking Permit that a resident could purchase for special private events (such as a party/get-together, etc.). As drafted, there is no limit to the number of Temporary Parking Permits that could be purchased per property/residential unit. The initial rationale for not applying a limit to the number of Temporary Parking Permits is not having a basis to narrow the scope. It is acknowledged that the lack of a limit could be subject to unintended consequences where a resident could have access to multiple vehicle parking rights.

Feedback received from residents on this *Issuance of Resident-Only Parking Permits* provision included two primary concerns with this aspect of the Ordinance. First, that permits could be purchased by commercial properties, which could circumvent aspects of maintaining parking availability to residents. And second, that permits should be limited to those that physically reside in the area.

The staff has previously provided the Commission a copy of the Holmes Beach Ordinance establishing of a residential parking program. Their ordinance did include a provision for residents of Holmes Beach outside of the permit parking zone to also apply for a permit.

As drafted, the parking permits are available to owners or tenants within the within the Resident-Only Parking Permit Area. In order to purchase a permit, the owner or tenant would be required to provide proof of residency. To clarify that the Ordinance is intended to provide for a *resident* parking program, it could be revised to provide clearer direction that the Resident Parking Permit is only available to those who reside in the Resident-Only Permit Parking area and that such a permit would be required prior to being able to purchase a Guest or Temporary Parking permit.

The Ordinance also contemplates that a separate resolution would be adopted that would establish fees for the permit types, and presented for formal action following adoption of Ordinance 2020-09. If the Commission is supportive of moving forward with proposed Ordinance 2020-09, and of charging fees for the permit types, staff will begin developing a resolution, to cover the anticipated costs of supplies, signage, informational material and staff overhead to operate. If you forward proposed Ordinance 2020-09 to first reading at the November 2, 2020 Regular Meeting we will evaluate anticipated fees for the permits. The fee resolution would be scheduled for adoption at the December 7, 2020 Regular Meeting following second reading, public hearing, and adoption of Ordinance 2020-09. In the event the Commission does not adopt Ordinance 2020-09, the fee resolution would not be considered.

Proposed Ordinance 2020-09 establishes a program year, that resident and guest parking permits are valid for, of January 1 to December 31 each year. Temporary permits would be valid for single day, as there is no overnight parking allowed.

A *Permit Form and Display* Section describes how the permits would function and be displayed. The Resident Parking Permit is intended to be a decal that would be visible outside of the vehicle and updated annually. The Guest Parking Permit is intended to be removable to allow a resident to be able to share the permit with multiple guests throughout a given year. The Temporary Parking Permit is also intended to be removable and would provide the same rights as a Resident or Guest Parking Permit, for each individual day that one is granted.

An *Exceptions* Section would allow a number of exceptions. Government, public safety and utility vehicles would not be required to have a permit. Persons performing work at residents' properties that have identifiable vehicles, along with persons performing active remodeling or construction work would similarly not be required to have a permit. A provision granting authority for the Town Manager to suspend resident-only limitations for special events or circumstances has also been provided with the intent to account for special circumstances where additional on-street parking would serve a valid public purpose.

Feedback received from residents on this *Exceptions* provision included two primary concerns. The first is the potential for enforcement difficulties in identifying various contractors' vehicles and the potential challenge of confirming that those contractors' vehicles are performing work at a resident's property. The second is the potential for commercial properties to utilize any of these exceptions to provide more on street parking to their employees or patrons. Additional clarifying language could be added to address these concerns with limitations on commercial properties' use of aspects of resident-only parking provisions and clarifying that the Town Manager's authority is limited to items identified as having a public purpose.

The *Prohibitions* Section addresses violations such as the requirement of a permit to park on public rights-of-way, providing that the permits are available to only residents and to their assigned vehicles (for Resident Parking Permits), and providing that such permits cannot then be subsequently sold. The Section also provides that permits can be revoked for violations of Town Code.

The *Enforcement* Section notes that violations of the Code are subject to the penalties of Town Code, Chapter 72, Parking.

Staff will be seeking Commission direction on the elements of the draft Ordinance. If the Commission provides direction to proceed with the resident parking program, staff will finalize Ordinance 2020-09 based on direction and schedule first reading at the November 2, 2020 Regular Meeting. A resolution establishing permit parking program fees would be presented immediately following second reading, public hearing, and adoption. The best case scenario for implementing the program, is to hold first reading and public hearing on November 2; then second reading, public hearing and adoption on December 7, 2020; with the fee resolution considered and passed on December 7, 2020. With that timeline, the program could begin as soon as January 1, 2021.

Staff Recommendation

Provide direction to Manager on proposed Ordinance 2020-09 09 and forward to the November 2, 2020 Regular Meeting for first reading.

Attachments

- A. Draft Ordinance 2020-09 (Available in Town Clerk's Office)
- B. Correspondence from the Public (Available in Town Clerk's Office)
- C. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item