

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: October 23, 2020

Meeting date: November 2, 2020

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

Recommended Action

Forward Ordinance 2020-09 to the December 7, 2020 Regular Meeting for second reading and public hearing.

Background

At their September 29, 2020 Regular Workshop Meeting, the Town Commission provided majority consensus to forward Ordinance 2020-09 to the November 2, 2020 Regular Meeting for first reading.

Ordinance 2020-09 provides for the creation of a Resident Only Parking Program for the public streets within the Longbeach Village (Village) area. The program would generally limit legal on-street parking, where and when allowed, to residents of the Village neighborhood. The only exceptions would be on the sides of Broadway Street and Lois Avenue that abut the two commercial (restaurant) properties at the East end of Broadway Street, where on-street parking would continue to be available to the general public. The Resident Only Parking Program and its details would be established via the addition of a new "Schedule IV," incorporated into "Chapter 74, Parking Schedules" of the Town Code.

Ordinance 2020-09 is substantially the same as presented to the Commission at their September 29, 2020 Regular Workshop Meeting. Changes to Ordinance 2020-09, are noted below and incorporates Commission consensus direction:

1. The Resident Only Parking is limited only to Village residents.
2. The description of the "Area Designated," or streets that are subject to the Resident Only Parking provisions, has minor clarifications, and addition of a map.
3. A Temporary Parking Permit option (intended to accommodate events such as a residential party) was removed from the Ordinance due to concern that this could be overly burdensome to residents. It is replaced by an Exception mechanism, called "Provisional Parking."

4. A clearer distinction was made between two of the categories of vehicles that are provided an Exception to resident only parking requirements.
5. A clarification has been added to the Exception authority granted to the Town Manager to temporarily suspend resident only parking.
6. The number of Resident and Guest Parking Permits eligible for purchase has been increased from one to two, of each type, per property or dwelling unit.

A detailed summary of Ordinance 2020-09 is provided below, along with additional description of changes from Commission direction at the September 29, 2020 Regular Workshop Meeting. Note: Those changes are highlighted in Ordinance 2020-09.

The *Purpose and Intent* Section outlines the overall reasoning for limiting on-street parking in the Village to only residents of that neighborhood. Input was received primarily by residents of the Village, to Commissioners, both directly, and at multiple Commission Meeting discussions, over the past few years. Those concerns were related to both safety, impacts associated with commercial parking, and visitor parking.

The *Definitions* Section defines specific terms and phrases that are applicable to the Village specific resident-only parking provisions in the newly created Schedule IV. Clarifications were made to the definition of “Guest,” and “Resident Parking Permits”. A new definition has been added to describe a “Service Vehicle,” which is a vehicle type that is provided an Exception to the Resident Only Parking requirements.

The *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 Village neighborhood, that are accessible via Broadway Street, beginning East of Palm Avenue. On-street parking, available to the public, would remain adjacent to the two commercially zoned properties along Broadway Street and Lois Avenue. Minor clarifications have been made to the description, along with the addition of a map.

The *Issuance of Permits within Resident-Only Parking Area* Section describes the majority of the program components including the two types of parking permits (Resident and Guest Permit Parking) that would be available, their associated timeframes, along with the eligibility criteria to purchase. Three primary changes occurred in this Section:

1. The Temporary Parking Permit type was eliminated.
2. The number of Resident and Guest Parking Permits that could be purchased was increased from one to two per property or dwelling unit, of each permit type, per Commission direction. The initial draft of the ordinance contained a limitation of one permit for each type based on the typical front yard property width generally accommodating two vehicles.

3. A prerequisite has been added that would make the purchase of a Resident Parking Permit a requirement prior to the purchase of a Guest Parking Permit. This was added to emphasize that the Resident Only Parking is being established primarily to address health, safety and welfare concerns by generally limiting on-street parking to residents only. The provision for Guest Parking Permits is a secondary aspect and, with the proposed permit form and display being limited (to a single vehicle) on the Resident Parking Permit types, residents might otherwise be more likely to purchase only Guest Parking Permit types.

This Section of the Ordinance sets forth that proposed Resolution 2020-27 would be passed to establish fees for the permit types. A survey of 10 Florida jurisdictions (attached) with varying forms of resident parking programs reveals a wide range of permit costs with rates from \$5-\$75 per permit, per year. Proposed fees (\$30 for each Resident or Guest Parking Permit) have been developed with a goal to generally cover the anticipated start-up costs (approximately \$5,000) for supplies (decals/placards), signage, informational material and staff overhead to start-up and operate.

Complicating the matter of establishing fees is that the rates of participation and numbers of permits, anticipated to be purchased, are very difficult to predict. Out of a total of approximately 290 eligible properties, many may be already limited from parking in front of their homes due to current parking restrictions (such as no parking restrictions, intersection setbacks, etc.). It is reasonable to expect that most residents already have sufficient parking on their properties and would have limited need for additional on-street parking given that overnight parking prohibitions already limit continuous on-street parking. The overall implementation of the Program and the resulting prohibition of public parking in the designated area without a permit may address a number of the residents' prior concerns and indirectly limit the number of Village residents that feel it is necessary to actually purchase a permit.

If approved, the proposed fee amounts will be reviewed following actual experience on the number of permits issued and any other lessons learned regarding management of the program. The draft of Resolution 2020-27 is provided for the Commission's information and will be scheduled for consideration and passage 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, Resolution 2020-27 would not be considered.

This Section also establishes a program year for the Resident and Guest Parking Permits permits to be valid, of January 1 to December 31, each year. It also provides that the Town will not issue refunds for any unused portion of a program year.

In addition, this Section identifies that parking by residents is allowed only where safe and legal to do so and that holders of applicable parking permits would be

required to adhere to all other traffic and parking regulations under the Town Code. It also provides that holders of parking permits are not guaranteed, or reserved, any parking spaces within the Resident-Only Parking Permit area.

The *Permit Form and Display* Section describes how the permits would function and be displayed. The Resident Parking Permit would be a decal that would be visible outside of the vehicle and updated annually. The Guest Parking Permit would be removable to allow a resident to be able to share the permit with multiple guests throughout a given year. No changes were made to these provisions in this Section.

The *Exceptions* Section would allow a number of exemptions. 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. The categories that address allowances for service providers, deliveries and construction related contractors have been made clearer in this updated Ordinance.

An additional exception has also been added, called Provisional Parking, "*that would allow limited opportunities to provide extra parking for guests for non-commercial activities and events such as a party, gathering or meeting.*" This exception was developed following Town Commission direction to eliminate the requirement to obtain a Temporary Parking Permit for such activities. The Provisional Parking exception has the following components:

- i. A requirement that the eligibility to request such parking be limited to residents who have purchased at least one Resident and one Guest Parking Permit.
- ii. A limitation of four times per program year that this exception may be requested. Note: Authorization is provided to evaluate additional requests on a case-by-case basis.
- iii. Requests must be provided to the Police Department at least two business days prior to an event.
- iv. Requests will identify the activity or event location, vehicle details and the anticipated duration of the activity to assist with enforcement.
- v. The Police Department may require a display of the Provisional Parking identification in vehicles (e.g. paper on the driver's side dashboard) to assist with enforcement.

Staff included the fifth element above due to concerns from the Police Department regarding enforcement challenges. The primary concerns are logistical in nature, including:

- Without some type of identifier for vehicles, an officer would not know which cars are parked legally. As an example, if a resident requested Provisional Parking status for five guest vehicles and an officer counted 6 (or more) without some form of identification it would be problematic to know which vehicles are parked legally.

- Variable enforcement perceptions and efficient use of resources. For example, residents may call the Police Department to report “illegally” parked cars (with no placard). If an officer determined that a vehicle was legally allowed, as Provisional Parking guest, and did not issue a citation, this could generate complaints regarding a perceived lack of enforcement. Additionally, each time a patrol officer is dispatched to investigate legally parked vehicles, they would be kept from patrolling the rest of the Town.

To address these concerns the Provisional Parking exception has incorporated the ability for the Police Department to require a display of placard-type identification for any vehicles that may be provided Provisional Parking status. Staff recognizes that this will add a degree of inconvenience for residents to obtain. It is anticipated that a placard-type identification could be easily created, printed on paper, providing a means of issuing and a tracking number. Such identification would alleviate any ambiguity on whether a vehicle was legally parked and would have the benefit of assisting with enforcement. The current Ordinance language does not include a fee for this Exception. Costs are anticipated to be minimal but, may need to be revisited after the program has been in place and the impacts can be further evaluated.

The provision granting authority for the Town Manager to suspend the resident-only parking for special events or circumstances has been updated to clarify that such special events or circumstances applies only to those having a public, non-commercial 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 only to 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. No substantive changes were made to this Section.

The *Enforcement* Section notes that violations of the Code are subject to the penalties of Town Code, Chapter 72, Parking. No changes were made to this Section.

If the Commission forwards Ordinance 2020-09 to the December 7, 2020 Regular Meeting for second reading and public hearing, staff will be prepared for the Resident Only Parking program begin on January 1, 2021. Following implementation, and based on actual experience, staff will monitor all aspects of the program and will report to the Commission on any aspects that may need to be revised.

Staff Recommendation

Forward Ordinance 2020-09 to the December 7, 2020 Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2020-09 (Available in Town Clerk's Office)
- B. Resolution 2020-27, Establishing Fees for RPP (Available in Town Clerk's Office)
- C. Survey of Resident Parking Program Fees (Available in Town Clerk's Office)
- D. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item