

M E M O R A N D U M

TO: Tom Harmer, Town Manager
FROM: Allen Parsons, AICP
Director, Planning, Zoning and Building Department
DATE: June 20, 2019
SUBJECT: Ordinance 2019-05, Amending Chapter 158, Zoning Code

Recommended Action

Adopt Ordinance 2019-05.

Background

As part of the adoption of the updated Zoning Code on April 1, 2019, the Town Commission, Planning & Zoning (P&Z) Board and staff identified 17 additional items that were deemed to be substantive issues to be addressed separately from the initial Zoning Code update. At their March 19, 2019 Town Commission Regular Workshop Meeting, the Commission provided staff direction to prioritize these items into five separate groupings of amendments.

Staff accelerated the phase one amendments from the original timeline for consideration by Town Commission prior to the Summer break. This first phase of Zoning Code amendments originally consisted of five: 1) Pickle Ball Court Accessory Use Standards, to consider adding separate location and setback requirements for Pickleball Courts; 2) Docks/Structures Over Water, to consider the addition of provisions addressing docks within canals that may encroach into the maximum 30% width of navigable waterway and potential provisions requiring docks to be staggered in location, where possible, when built directly across from a neighboring dock; 3) Parking Standards for Multi-Use Projects; 4) Parking Waivers and Parking Flexibility; and 5) Side Yard Setbacks, addressing additional dimensional standards for structures built on residentially zoned properties comprised of two or more lots.

At their June 3, 2019 Regular Meeting, the Commission provided consensus direction to have a subsequent workshop discussion on the first two items: Pickleball Court standards and Docks/Structures Over Water. These items will be scheduled for Workshop discussion in the Fall. The Commission concurred with the P&Z Board's May 21, 2019, recommendation to make no changes to the Side Yard Setback requirements for residentially zoned properties comprised of two or more lots, which was the last item above.

Descriptions of the remaining two amendment topics, Parking Standards for Multi-Use Projects and elimination of existing provisions for Parking Flexibility and Waivers, recommended for second reading and public hearing, are provided below.

Parking Standards for Multi-Use Projects

During the Zoning Code rewrite process, Staff identified a number of policies and Code Sections to revisit and revise. Off-street parking was placed in the first phase of text amendments, as an issue the Town recently dealt with in the redevelopment of properties. The Zoning Code currently provides an exception to required parking for multiple uses in a single building. Section 158.100 (G)(1) states, *"Multiple uses in a single building or development that cannot meet the criteria of the schedule of off-street parking in this Section shall provide a minimum of 90 percent of the total off-street parking*

that would be required for each separate use.” Staff found this automatically applied exception to be problematic for redevelopment, as evidenced by complaints of insufficient parking for many commercial properties due to limited space and high demand. Staff conducted an analysis of other Zoning Codes from similar jurisdictions in Florida (Naples, Sanibel Island, Marco Island, Town of Jupiter and the City of St. Pete Beach) and found this type of guaranteed reduction provision is not common for other Zoning Codes to provide an exception to required parking without justification. Staff recommends removing this automatic reduction provision from the Code, which will require multiple uses within a single building or development to provide the entirety of the required parking. The P&Z Board unanimously (7-0) recommended this change.

Parking Flexibility

The P&Z Board recommended a number of changes that would require all permitted land uses to provide the full amount of required parking and would eliminate all existing Parking Flexibility and Waiver allowances.

The Zoning Code allows developments to request alternative methods of providing the required amount of parking. The Code refers to this type of request as “Parking Flexibility” (Sec. 158.100 (O)). The Code gives the P&Z Board authority to grant Parking Flexibility if an applicant can demonstrate they are providing the required number of parking spaces on-site via alternative methods, such as valet or shared parking. The Code had limited the provision of Parking Flexibility to only Commercially zoned properties.

Staff had initially proposed amending the Zoning Code to include the T-3 and T-6 districts among the type of properties that could request approval of parking flexibility provisions, because developments in those zoning districts similarly have the ability to provide flexible parking options, such as valet and shared parking, especially among multiple uses. The addition of T-3 and T-6 zoning districts to be eligible to request Parking Flexibility standards would not have been an entitlement to receive approval, as the P&Z Board has the authority to approve the flexibility through the Site Development Plan approval process.

At the May 21, 2019 public hearing, the P&Z Board, recommended not to accept staff’s recommendation and voted to eliminate the Parking Flexibility Section in its entirety. The recommendation maintains support for the encouragement of transportation alternatives within the Town. However, the P&Z Board expressed concern over a number of factors, such as citizens and patrons of businesses largely arriving by motor vehicles and parking demands in peak periods can often exceed typical parking standard requirements, and ultimately voted to eliminate the Parking Flexibility standards.

Parking Waivers

In addition to Parking Flexibility provisions, Section 158.100 (P) of the Zoning Code also provides another option to request approval of alternative parking options referred to as, “Parking Waivers.” Different from Parking Flexibility, Parking Waivers can result in reductions of the amount of required parking provided by incentivizing alternative parking measures.

The P&Z Board has the authority to grant Parking Waivers for varying percentages of required parking, if an applicant can provide evidence to support that the property’s parking demands can be met by various alternatives. There are Parking Waivers for: commercial uses patronized by pedestrians; the provision of bicycle spaces; commercial uses abutting the water with dock slips; and, on-street parking adjacent to commercial uses.

Over the years, staff has received inquiries regarding Parking Waivers for alternative modes of transportation or parking methods. In comparing various Zoning Codes from Naples, Sanibel Island, Marco Island, Town of Jupiter and the City of St. Pete Beach, Staff found that the allowance for incentivizing alternative modes of transportation via parking requirement reductions was a common feature. In part, based on the Town's Comprehensive Plan¹, which encourages using alternative modes of travel to reduce traffic, staff had proposed the addition of another method of seeking parking reductions, if an applicant can make a compelling case. Staff proposed to incorporate the following language into the Parking Waivers Section 158.100 (P):

"The Planning and Zoning Board may grant a Parking Waiver, not to exceed ten percent of the required parking spaces, for alternative transportation options. Alternative transportation options that may be considered by the Town include, but are not limited to, the following:

- (a) Private and public carpools and vans;*
- (b) Subscription bus service;*
- (c) Ride sharing;*
- (d) Park and Ride program; and*
- (e) Shuttle Service."*

The proposed language would have allowed an applicant to propose alternative transportation options, potentially in furtherance of the Comprehensive Plan's Mobility Policy. Similar to the other Waiver provisions, the P&Z Board would have retained the authority to revoke Parking Waivers if an applicant failed to maintain or comply with any approved transportation alternatives.

As noted above, at the P&Z Board's May 21, 2019 public hearing, it was recommended to eliminate both the Parking Flexibility and Parking Waivers Sections in their entireties. The P&Z Board's recommendations maintain support for the encouragement of transportation alternatives. The P&Z Board would like to explore other potential incentives that can be provided to encourage alternative transportation modes, but not at the expense of meeting required parking demands. As also noted above, the P&Z Board's recommendations include experience that, due to a number of factors, citizens and patrons of businesses largely arrive by motor vehicles and that parking demands in peak periods can often exceed typical parking standard requirements.

The Planning and Zoning Board held a public hearing on Ordinance 2019-05 on May 21, 2019 and recommended approval (7-0), with the incorporation of their recommendations, as noted above.

Staff Recommendation

Adopt Ordinance 2019-05.

Attachments

- A. Ordinance 2019-05 (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

¹ Policy 1.2.1 of the Mobility Element states, "Ensure new development and redevelopment provides a mixture of complimentary land uses and designs that promote internal trip capture, all alternative modes of travel (pedestrian, bicycle, local and regional transit, trolley, etc.) and explore transportation demand management strategies such as park and ride facilities on the mainland; in an effort to reduce vehicular trips onto the island and within the Town."

End of Agenda Item