

MEMORANDUM

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, AICP,
Director, Planning, Zoning and Building Department

REPORT DATE: February 20, 2020

MEETING DATE: March 2, 2020

SUBJECT: Ordinance 2020-03, Amending Chapter 158, Zoning Code, Restaurant Parking Requirements

Recommended Action

Forward Ordinance 2020-03, to the April 6, 2020 Regular Meeting for second reading and public hearing.

Background

At their October 1, 2019 Regular Meeting, as part of their consideration of the elimination of Parking Waiver and Flexibility provisions in the Zoning Code's Commercial Revitalization Section, the Town Commission provided consensus direction to expedite evaluation of restaurant-parking requirements.

At their December 17, 2019 Regular Meeting, the Planning and Zoning Board (P&Z Board) held a workshop to discuss restaurant-parking requirements, based upon Town Commission consensus. The P&Z Board provided consensus direction to consider revised language for restaurant parking based on building square footage, rather than the existing requirements based on patron seating. The P&Z Board evaluated parking requirements from surrounding and similar jurisdictions, and provided direction to consider similar requirements as the City of Sanibel (Comparison Table provided below).

The P&Z Board held a second discussion on January 23, 2020. Staff proposed the following Code language: *1 space for every 75 net square feet (sf) of floor area (including indoor and outdoor area) open to patrons, plus one for each 300 square feet of floor area in the remainder of the restaurant (e.g. food preparation, staging, and other non-patron areas).* The proposed Code language was a hybrid from the City of Sanibel (1/75 sf ratio) and the Town of Palm Beach (1/300 sf ratio), which provided for lesser parking for non-patron areas of restaurants. The P&Z Board ultimately reached consensus to consider a similar requirement based on a gross square footage ratio of 1 space per each 150 sf of floor area and outdoor dining area, similar to restaurant parking standards in the City of Sarasota.

At their February 19, 2020 Regular Meeting the P&Z Board held public hearing on Ordinance 2020-03 and recommended its approval (7-0).

Restaurant Parking

The Zoning Code requires parking for uses differently, based upon the use of the property. Section 158.100(D) of the Zoning Code provides a Schedule of Off-Street Parking Requirements. Currently, a restaurant is required to provide "1 (parking space) per 4 seats based on maximum allowable capacity." The Town counts seats at tables and bars, based upon the definition of a restaurant. Section 158.144 defines a restaurant as, "A *business establishment whose principal business is the*

selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.” The definition of a restaurant specifically states that the food is consumed at tables or counters located within the building, therefore, seats for parking are counted at tables and counters. Both the Town Commission and the P&Z Board expressed concerns over the potential for inadequate parking and experience with recent restaurant uses and the existing Code language, which does not have additional parking requirements for restaurant staff or other patrons who may be at a restaurant, and not seated tables or bars.

Proposed Language

The P&Z Board provided consensus direction to adopt an overall total square-footage parking requirement, with an intent to require restaurants to provide more parking than the current standards, but not to be overly burdensome to future restaurants. Based on P&Z Board direction, Ordinance 2020-03 would change the parking requirements from 1 parking space per each 4 seats to 1 parking space per 150 square feet of Total floor area and delineated Outdoor Dining Area. A table depicting the proposed change to Section 158.144 is available in the Town Clerk’s Office (Note: Due to ADA requirements, this table cannot be reproduced in this version of the memorandum).

At the December 17, 2019 P&Z Board meeting, staff provided an example of the number of required parking spaces based upon related jurisdictions’ parking criteria. The restaurant example used the following criteria for comparison purposes: a 10,000 square foot restaurant with 150 seats. A table depicting the existing and proposed Code language to surrounding and similar jurisdictions is available in the Town Clerk’s Office (Note: Due to ADA requirements, this table cannot be reproduced in this version of the memorandum).

The proposed language is intended to ensure that a restaurant accounts for all of the areas that may generate activity within a restaurant, including areas of the restaurant that are open to patrons and non-patron areas, along with delineated outdoor areas as applicable. The proposed requirements address limitations that are solely based on defined seating, as the square footage approach would require parking for all areas of the restaurant, inclusive of restaurant staff. The proposed language is straightforward, easy to interpret and enforce. The proposed language is intended not to be overly burdensome on small-scale restaurants, while addressing concerns that restaurant parking be provided for all areas of restaurant operations that generate parking demands.

The Planning and Zoning Board held a public hearing on Ordinance 2020-03 on February 19, 2020 and recommended approval (7-0).

Staff Recommendation

Forward Ordinance 2020-03 to the April 6, 2020 Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2020-03 (Available in Town Clerk’s Office)
- B. PowerPoint Presentation (Available in Town Clerk’s Office)

End of Agenda Item