

ORDINANCE 2015-05

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 19-26, “PARKING PERMITS,” OF ARTICLE II, “PARKING, STOPPING OR STANDING,” OF CHAPTER 19, “TRAFFIC AND MOTOR VEHICLES,” OF THE CODE OF ORDINANCES, TO UPDATE THE REQUIREMENTS FOR RESIDENT PARKING PERMITS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

1 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of
2 Ordinances (the “Code”) are periodically necessary in order to ensure that the Town’s
3 regulations are current and consistent with the Town’s planning and regulatory needs; and

4 **WHEREAS**, Section 19-26, “Parking Permits,” of Article II, “Parking, Stopping or
5 Standing,” of Chapter 19, “Traffic and Motor Vehicles,” of the Code of Ordinances provides for
6 parking permits for Town residents; and

7 **WHEREAS**, on April 14, 2015, the Town Commission was presented with a Parking
8 Strategic Plan and a report on the Town’s Hardship and Resident Parking Permits prepared by
9 Desman Associates; and

10 **WHEREAS**, based on the reports and recommendations received and recommendations
11 of staff, the Town Commission deems it to be in the best interest of the citizens and residents of the
12 Town to revise the Resident Parking Permit requirements to improve implementation and better
13 address the current needs of the Town’s residents.

14 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
15 TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

16 **SECTION 1.** Recitals. The preceding “Whereas” clauses are ratified and incorporated
17 as the legislative intent of this Ordinance.

18 **SECTION 2.** Amendment. Section 19-26, “Parking Permits,” of Article II, “Parking,
19 Stopping or Standing,” of Chapter 19, “Traffic and Motor Vehicles,” of the Code of Ordinances,
20 is hereby amended as follows¹:

21 **Chapter 19 - TRAFFIC AND MOTOR VEHICLES**

22 * * *

23 **ARTICLE II. - PARKING, STOPPING OR STANDING**

24 * * *

25 **Sec. 19-26. - Parking permits.**

26 (a) *Resident permits.* ~~There shall be available to residential property owners and annual~~
27 ~~residential renters of the Town of Lauderdale By The Sea a resident parking permit.~~
28 ~~A resident parking permit shall not specifically reserve any parking space, but shall~~
29 ~~allow a maximum of three hours of parking in metered areas that are not posted as~~
30 ~~beach or employee parking areas. A resident parking permit may be purchased for~~
31 ~~qualified vehicles of qualified owners or renters of residential property in the Town,~~
32 ~~as provided herein.~~

33 (1) *Definitions.* For purposes of this section, the following terms shall have the
34 meaning given below.

35 a. **A qualified owner or renter** means a person who is eligible to apply for a
36 resident parking permit because that person meets one of the following
37 criteria:

¹ Additions to existing text are shown in underline. Deletions are shown in ~~striketrough~~.

- 38 1. a person who owns and occupies a residential property located within
39 the Town;
40
41 2. a person who has resided, for at least a year prior to the date of applying
42 for a resident parking permit, with the owner of a residential property
43 located within the Town;
44
45 3. a person who rents residential property under an annual lease and resides
46 at that property in the Town; or
47
48 4. a person who rents residential property with less than an annual lease
49 who provides documentation that he or she has resided in the Town at
50 the same address for at least a year prior to the date of applying for a
51 resident parking permit.
52
53 5. A “snowbird” person who owns or rents property in the Town and
54 occupies that property for part of the year, who provides documentation
55 that he or she has resided in the Town for part of the year in the year
56 prior to the date of applying for a resident parking permit.

57 b. **A qualified vehicle** means a vehicle that is eligible for display of a resident
58 parking permit because it meets one of the following criteria:

- 59 1. a vehicle that is owned or leased by a qualified owner or renter and is
60 registered at the address used to qualify for a residential parking permit;
61 2. a company vehicle that is provided for the full-time use of the qualified
62 owner or renter; or
63 3. a “snowbird” vehicle that is not registered at the address but is owned by
64 a qualified owner or renter of residential property who occupies his or
65 her residence for part of the year.

66 (2) Number available. A qualified owner or renter may purchase a permit for each of
67 his or her qualified vehicles.

68
69 (3) Display. A resident parking permit shall be affixed to and displayed at the bottom
70 left of the front window (driver’s side) of the qualified vehicle.

71
72 (4) Use.
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74 a. Paid Metered Parking. If the driver of a vehicle displaying a resident
75 parking permit pays the regular meter charge for a metered parking space,
76 such parking shall not be restricted in any way by the resident parking
77 permit program.

78
79 b. Unpaid Metered Parking. A resident parking permit may be used to park
80 for free at any available Town meter according to the rules and procedures
81 of that parking area, but free parking with a resident parking permit:

82
83 1. shall not exceed three (3) hours within a parking area, and

84
85 2. is not allowed within 600 feet of a person's place of business or
86 residence.

87 * * *

88 **Section 3. Codification.** This Ordinance shall be codified in accordance with the
89 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
90 become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that
91 the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
92 changed to "section", "article" or such other appropriate word or phrase in order to accomplish such
93 intentions.

94 **Section 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is
95 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
96 shall in no way affect the validity of the remaining portions of this Ordinance.

97 **Section 5. Conflicts.** All prior ordinances or resolutions, or parts thereof, in conflict
98 herewith are hereby repealed to the extent of said conflict.

99 **Section 6. Effective Date.** This Ordinance shall be in full force and effect immediately
100 upon its passage on second reading.

101 Passed on the first reading, this ___ day of _____, 2015.

102 Passed and adopted on the second reading, this ___ day of _____, 2015.

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MAYOR SCOT SASSER

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First Reading

Second Reading

108

Mayor Sasser

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Vice-Mayor Vincent

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Commissioner Brown

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Commissioner Dodd

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Commissioner Sokolow

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ATTEST:

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Tedra Smith, Town Clerk

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APPROVED AS TO FORM:

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Susan L. Trevarthen, Town Attorney