



AGENDA ITEM SUMMARY

MEETING DATE: August 17, 2015

AGENDA ITEM No.: 9

FOR:

☒ City of Weston ☐ Indian Trace Development District ☐ Bonaventure Development District

TITLE:

An Ordinance of the City of Weston, Florida, creating Section 124.54(M), "Waiver" relating to procedures for a waiver of off-street parking requirements; and providing for an effective date.

Second and Final Reading

SUMMARY EXPLANATION & BACKGROUND:

The City Commission desires to amend the City's off-street parking requirements to provide for regulations relating to a partial waiver of the off-street parking requirements for nonresidential properties that is personal to the applicant as an alternative approach to a variance, which runs with the land.

REQUESTED ACTION:

Approval.

EXHIBITS (LIST): Ordinance

PREPARED BY:

Jamie Alan Cole, City Attorney

PETITIONER/REPRESENTATIVE:

Not Applicable

RECOMMENDED FOR CONSIDERATION BY:

John R. Flint, City Manager
Jamie Alan Cole, City Attorney

FUNDING SOURCE:

Not Applicable

VOTING REQUIRED FOR PASSAGE:

☒ Majority ☐ Majority Plus One ☐ Unanimous

COMMISSION ACTION:

	M	2	Y	N		
					Approved as presented	
Commissioner Norton					Approved as amended	
Commissioner Feuer					Approved with conditions	
Commissioner Kallman					Continued to	
Commissioner Gomez					Deferred to	
Mayor Stermer					To deny	

Notes:

CITY OF WESTON, FLORIDA
ORDINANCE NO. 2015-____

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA CREATING SECTION 124.54(M), "WAIVER" RELATING TO PROCEDURES FOR A WAIVER OF OFF-STREET PARKING REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, the City Commission has adopted regulations that require every property to include off-street parking facilities for use by occupants, employees, visitors, or patrons; and

WHEREAS, Second, pursuant to the City Code of Ordinances, a property owner has the right to apply for a variance if the required off-street parking facilities are not provided onsite; and

WHEREAS, Third, the City Commission desires to amend the City's off-street parking requirements to provide for regulations relating to a partial waiver of the off-street parking requirements for nonresidential properties that is personal to the applicant as an alternative approach to a variance, which runs with the land; and

WHEREAS, Fourth, the City Commission, in its capacity as the Local Planning Agency, has reviewed the Ordinance and recommends approval; and

WHEREAS, Fifth, the City Commission finds that it is in the best interest of the residents of the City to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

Section 1. Recommendation of Approval by the Local Planning Agency.

The City Commission, in its capacity as the Local Planning Agency, has reviewed the proposed Ordinance and recommends approval.

Section 2. Section 124.54 Amended.

Chapter 124, "Zoning," of the Code of Ordinances of the City of Weston, is amended to read as follows:

§ 124.54 OFF-STREET PARKING AND LOADING.

* * *

124.54(M) Waiver.

124.54(M)(1) The City Commission may grant a petition for waiver for off-street parking requirements for nonresidential properties, provided the City Commission finds that the parking utilization study and parking survey submitted by the Applicant demonstrates that adequate parking exists given the projected and existing use of the Property.

Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1 124.54(M)(2) It is the responsibility of the Applicant to submit the necessary documentation to
2 support a petition for waiver pursuant to this section. At a minimum, the Applicant shall submit the
3 following:

4
5 124.54(M)(2)(a) Parking utilization study. The parking utilization study shall be certified by a
6 Florida licensed Professional Engineer and shall document the existence of certain facts related to
7 the projected use of the parking facility and its relationship to surrounding rights-of-way and
8 properties. The parking utilization study shall include an inventory of spaces, counts of vehicles
9 parked, the week and day the study will be conducted, the number of days and duration of the
10 study, the time intervals for data collection, and an analysis of the results including, but not limited
11 to, average occupancy, average parking turnover and average parking duration. Prior to the
12 submittal of the parking utilization study, the methodology for conducting the study shall be
13 submitted to the City for review and approval by the City Traffic Engineer.

14
15 124.54(M)(2)(b) Parking survey. The parking survey shall be performed using the "License Plate
16 Check" method in accordance with procedures outlined in the Institute of Transportation Engineers'
17 Manual of Transportation Engineering Studies. Parking occupancy counts shall be performed in 15-
18 minute intervals unless otherwise approved by the City Traffic Engineer. The field data sheets
19 utilized during the parking survey shall be submitted as part of the parking utilization study.

20
21 124.54(M)(3) The Applicant shall have the burden of proof which shall include the burden of
22 going forward with the evidence and the burden of persuasion on all questions of fact which are to
23 be determined by the City Commission.

24
25 124.54(M)(4) The maximum waiver permitted shall not exceed 20% of the aggregate required
26 parking including all valid waivers and variances granted on the property.

27
28 124.54(M)(5) The City Commission may require appropriate conditions, stipulations, and
29 safeguards as conditions of granting any waiver. A violation of these conditions, stipulations, and
30 safeguards shall be deemed a violation of the Code.

31
32 124.54(M)(6) A waiver granted pursuant to this section shall no longer be valid upon the
33 termination of the specific use and conditions for which the waiver has been granted, and shall not
34 run with the land.

35
36 124.54(M)(7) Whenever a waiver application has been denied, the City Commission shall not
37 consider any further request for substantially the same waiver on the same part of the same property
38 for a period of 12 months from the date of such action. The above time limit may be waived by an
39 affirmative vote of the City Commission, when the City Commission deems such action necessary
40 due to changed circumstances to prevent an injustice or to facilitate the proper Development of the
41 City based upon evidence provided by the Applicant.

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1 **Section 3. Severability.**

2
3 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be
4 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the
5 validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be
6 invalid.
7

8 **Section 4. Conflict.**

9
10 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of
11 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are
12 repealed to the extent of such conflict.
13

14 **Section 5. Effective Date.**

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16 This Ordinance shall become effective upon passage and adoption.

17
18 PASSED ON FIRST READING July 6, 2015.

19
20 PASSED AND ADOPTED ON SECOND READING _____.

21
22 CITY COMMISSION
23 CITY OF WESTON, FLORIDA
24

25
26 By _____
27 Daniel J. Stermer, Mayor
28

29
30 ATTEST:

31
32 _____
33 Patricia A. Bates, City Clerk
34

35 Approved as to form and legality
36 for the use of and reliance by the
37 City of Weston only:

38
39 _____
40 Jamie Alan Cole, City Attorney
41

Roll Call:

Commissioner Norton	_____
Commissioner Feuer	_____
Commissioner Kallman	_____
Commissioner Gomez	_____
Mayor Stermer	_____

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