



**City of Coral Gables
Planning and Zoning Staff Recommendation**

Applicant:	City of Coral Gables
Application:	Zoning Code Text Amendment- Article 5, "Development Standards", Section 5-1408, "Common driveways and remote off-street parking", and Section 5-1409, "Amount of required parking"
Public Hearing - Dates/Time/ Location:	Local Planning Agency (LPA) Planning and Zoning Board May 14, 2014, 6:00 – 9:00 p.m., City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134

Application Request.

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code: amending Article 5, "Development Standards", Section 5-1408, "Common driveways and remote off-street parking", by providing regulations, restrictions and procedures for the use of remote parking in and near the Central Business District ("CBD"); amending the reference to remote parking in Article 5, "Development Standards", Section 5-1409, "Amount of required parking" to match the changes to Section 5-1408; providing for severability, repealer, codification, and an effective date.

Background Information.

Section 5-1408 of the Zoning Code creates the concept of remote off-street parking in the CBD, a mechanism to provide Code-required parking off the premises of the use being served by the parking. It states that remote parking may be used when the off-street parking facilities are located within 500 feet of the perimeter of the building site and are not located in a single family zoning district, and when a restrictive covenant or parking easement is provided. Other than capping the use of remote parking at 50% of required parking spaces for residential uses, there is no restriction on the amount of parking which may be provided remotely. Other than these few general requirements, there is no additional detail or guidance provided regarding the requirements, procedure, or preservation of the City's interests in the provision of the required parking spaces.

At its meeting of 04.09.14, the Planning and Zoning Board made a motion directing staff to amend the proposed ordinance. Staff has prepared a detailed description on how staff addressed each of the Board’s request. Staff also took the initiative to incorporate various comments from the public.

Board and Public Comment	Staff’s Response
Delete the requirement of owning the remote parking spaces.	Ownership requirement of remote parking has been deleted. (Sec. 5-1408 B.7. and Sec. 5-1408 B.7.a.)
Allow covenant for lease arrangements for the remote parking spaces and delete the Unity of Title requirement.	The Unity of Title requirement has been deleted; covenants are acceptable in lieu of Unity of Title. (Sec. 5-1408 B.7. and Sec. 5-1408 B.7.a.)
Allow remote parking outside of maximum 1,000 foot distance requirement, outside the CBD.	A waiver provision by the City Commission has been included to exceed the 1,000 foot requirement. (Sec. 5-1408 B.11.b.i.)
Allow remote parking outside the City.	A waiver provision by the City Commission has been included to allow remote parking outside the City. (Sec. 5-1408 B.11.b.ii.)
Allow 100% remote parking.	The maximum amount of remote parking permitted has been increased from 50% to 100%. (Sec. 5-1409 E.3.)
The 1,000 foot remote parking distance separation should also apply to retail and restaurant uses.	This code provision is deleted to allow all uses to utilize remote parking. (Sec. 5-1408 B.3.a.)
Allow 100% remote parking for post-1964 structures.	Change made to allow all structures eligible for 100% remote parking. (Sec. 5-1408 B.5.)
Delete the “exceptional relief” as reason for the remote parking request.	Term “exceptional relief” deleted. (Sec. 5-1408 B.)
Reduce required lease term from 5 years to annual lease.	Change made to allow annual lease. (Sec. 5-1408 B.6.b.i.)
Increase the reporting period of unplanned changes from 2 to 5 days.	Change made to 5 days to report unplanned changes. (Sec. 5-1408 B.7.c.)
The discretion of the Devt. Services Director to approve the remedial plan should be “reasonable.”	Change made. (Sec. 5-1408 B.7.c. & 5-1408 B.10.)
The staff inspection of the remote parking should be during normal operation hours of the use that is being served by the remote parking.	Change made. (Sec. 5-1408 B.7.d.)
Eliminate the requirement for annual submittal of renewed documentation related to the approved remote parking.	Change made for staff’s acceptance of an annual affidavit from the applicant confirming the information is current. (Sec. 5-1408 B.7.e. and 5-1408 B.9.)
Noncompliance applies only to material matters.	Change made. (Sec. 5-1408 B.10. and Sec. 5-1408 B. 10.d.)
An inequitable situation exists when (1) a property owner seeking remote parking who is located more central within the CBD would exhaust remote parking options within the 1,000 foot radius, thus reducing another property owner’s remote parking option elsewhere when the 1,000 foot radius overlaps; and (2) the remote parking lease arrangement located centrally in the CBD is much more expensive than one closer to the periphery or outside the CBD.	The City has no control over the private market rates of such parking lease arrangements. However, staff believes that the 1,000 foot distance separation waiver option by the City Commission between the intended use and the remote parking addresses this concern. As a result, areas wider than the 1,000 foot radius can be pursued. (Sec. 5-1408 B.11.b.i.)

City Staff offers the proposed text amendment to clarify and improve the remote off-street parking provisions, and recommends that the procedure should only be used in conformance with the amendment. The proposed amendment allows proposals to change or expand an existing use to provide required parking through the use of remote parking if both of the following are met:

- The project using the remote spaces must be located in the CBD or within 1,000 feet of the CBD; and
- The Director of Development Services determines that the physical layout of the proposal cannot reasonably be altered to provide the Zoning Code-required parking onsite as part of the proposed expansion or change of use.

Once a remote parking arrangement has been approved, the City may not base any enforcement action on the above requirements.

The remote parking spaces must:

- be located within 1,000 feet of the use (previously 500 feet) (the 1,000 foot distance may be waived by the Commission as noted below);
- be located within the City (can be outside the CBD) (location in the City may be waived by the Commission as noted below);
- not be located within a single family zoning district; and
- be owned or leased by the party who owns the use being served by the remote parking. Documentation of the remote parking lease arrangement must be acceptable to the City Attorney and Development Services Director, and recorded in the public records of Miami-Dade County against both the applicant's project site and the property housing the remote parking spaces. The lease for the remote parking spaces can be terminated on no less than 90 days advance notice, which shall be provided to both the Development Services Director and the parties.

Projects may apply to use remote parking spaces for all of their required parking for an expansion or change of use under the Zoning Code.

As proposed, the distance calculation (which is undefined in the current Code) will be measured property line to property line based on airline measurement.

The Draft Ordinance requires the following as part of the application for remote parking:

- Survey showing exact location, traffic flow and current physical layout of the remote parking spaces;
- Documentation demonstrating ownership of or an annual lease for the remote parking spaces, and the availability of the remote parking spaces (that they are not being used to support other uses);
- Copies of approved plans for the remote parking spaces;
- Sworn affidavits establishing that no leases, approved plans or other commitments exist or will be entered into for the life of the remote parking approval that would interfere with the proposed use of the remote parking spaces for remote parking;
- An application fee; and

- A covenant in lieu of unity of title with declaration of restrictions.

The covenant is proposed to protect the City's interest in the maintenance and availability of the remote parking spaces in order to meet the Zoning Code requirements. The covenant must:

- Provide assurances for the continued right to use the remote parking spaces until such time as the City Manager (or designee) releases the obligation;
- Acknowledge that a planned amendment of the remote parking approval is subject to the same application requirements, procedure, and fee as a new application, and shall be implemented in a manner that assures the continuous availability of the remote parking;
- Acknowledge the applicant's duty to report any unplanned changes related to the remote parking, application, approval or compliance with the recorded agreement within 5 business days of the occurrence of the change;
- Provide a remedial plan to the Development Services Director within 10 business days of the occurrence of the unplanned change;
- Authorize the City to inspect the premises of the parking facilities during hours of operation of the use that is being served by the remote parking to assure continued compliance;
- Acknowledge that the applicant must annually submit annual affidavits showing compliance with the Code and the agreements, at the time of Certificate of Use renewal; and
- Acknowledge that an uncured failure to comply with the related Code requirements and agreements will subject the applicant to the original and full parking requirements of the Zoning Code (on-site).

All of the reporting and plan submittal deadlines detailed above may be extended by the Director for good cause. Applicants can appeal any administrative decisions related to remote parking pursuant to the procedures of the Zoning Code.

The remedial plan provisions and the timing of their implementation may be approved at the sole discretion of the Director, and may include any or all of the following options:

- Provide a payment in lieu of required parking (which, pursuant to City Code Section 74-201(d), can only be used when the applicant's property is located in the CBD or within 100 feet of the Ponce de Leon right-of-way);
- Modify the use of the applicant's property so that the remote parking spaces are no longer required (such as change of use, reduction in square footage);
- Secure alternate remote parking spaces meeting all the code requirements, including execution of any new agreements or affidavits; or
- Provide additional onsite parking spaces.

The Draft Ordinance also provides for annual renewal of the remote parking as a condition of the renewal of the Certificate of Use for the applicant's property.

The Draft Ordinance provides procedures in the event of noncompliance, which include notice of noncompliance, an opportunity to cure through development and implementation of a remedial plan

approved by the Development Services Director, and for the remote parking approval to be deemed void in the event the applicant is determined by the Director to have failed to:

- notify the City of changes to the remote parking, application, or agreement;
- submit a remedial plan by any deadline set or extended by the Director;
- implement the remedial plan according to the implementation schedule approved or extended by the Director; or
- comply in any other material regard with all of the related requirements of the Zoning Code, including failure to comply with the recorded covenants required as part of the approval.

An applicant may not reapply for the use of remote parking for a period of 6 months after the remote parking approval is deemed void.

Finally, if the Development Services Director reviews and rejects an application for remote parking on any of the following criteria:

- the 1,000 foot maximum distance between the remote parking spaces and the applicant's project; or
- the requirement that the remote parking be located in the City,

then the applicant may ask the City Commission to waive one or more of these requirements. The standard for approval of such a waiver is that the waiver will not harm the public interest or create parking problems in the area surrounding the project site.

The Draft Ordinance also revises Section 5-1409. "Amount of Required Parking," Subsection E. "Calculation of compliance with parking requirement," to match the amendment to Section 5-1408.

Application of Remote Parking City-wide:

Part of the Board's direction to staff was a request to allow the use requesting the remote parking, currently drafted to be within the CBD or within 1,000 feet of the CBD, to apply city-wide. Staff has the following analysis for the Board's consideration.

1. The properties eligible to request remote parking, when expanded to include 1,000 feet outside CBD, about doubles the size of the CBD. This affected area is now between Mendoza and Malaga Avenues, expanding the area four city blocks both north and south of the CBD. The proposed ordinance further allows the *location of the remote parking* 1,000 feet from the property, which expands this boundary further four more city blocks north and south, between Sidonia and Romano Avenues. As a result, staff believes that the proposed ordinance adequately addresses the remote parking needs of the downtown.
2. The other major commercial corridor within the City is along Dixie Highway and Ponce de Leon. This area is immediately adjacent to residential areas that already have significant challenges due to high intensity commercial activity and extremely high traffic volume on those major arterials.

The introduction of remote parking outside of the boundaries of the commercially zoned areas will have a negative impact on the peaceful enjoyment of the residential neighborhood to the rear and could possibly cause a destabilizing effect on the already stressed neighborhoods.

Since the City does not have any documentation on remote parking approvals since its original inception in 1968, staff believes that the proposed ordinance provides sufficient flexibility for such consideration. If in the future there is an overwhelming need for property owners outside of the 1,000 feet of the CBD to request remote parking that will not negatively impact the residential neighborhoods, staff will be glad to bring forth future changes to the ordinance for consideration.

Payment-in-Lieu of Required Parking:

The present cost for a payment-in-lieu of a parking space is \$42,000, which was approved by the City Commission on 10.01.13 (Res. # 2013-256). The amount was based on a study by Fishkind & Associates and factored in the cost of land and garage construction. The purpose of such funds is to “acquire property or pay for capital improvement, development and construction costs for any public parking facility.” (Sec. 74-203 of the City Code) There has not been a payment to date as this fee has been recently established.

Location of Remote Parking:

The requirement of providing adequate on-site parking is an important feature of any development project. The convenient location of the parking facility and easy access to the motorist’s final destination all play a key role in the success of the project’s parking strategy. The Zoning Code currently requires parking to be provided on-site, with an avenue to provide off-site within 500 feet of the project site. The proposed ordinance limits the location of the remote parking to be within the City limits, with an option for Commission waiver. There are planning concerns should this be expanded further to include remote parking outside the city as follows.

- Staff has no ability to verify whether the parking facility housing the remote parking meets the parking needs of the original intended use, as staff has no authority to enforce the Zoning Code of another jurisdiction and no specifics on the various uses and their corresponding parking ratios.
- As uses change for the structure that is served by the remote parking facility, staff will have no information as to how such change further impacts any approved remote parking leases. Typically, such a change of use occurs as part of the Certificate of Use review, which may or may not involve any interior change-out construction. Further, that jurisdiction may not require further parking analysis for the new use, which could place additional demand on the parking facility, negatively affecting the availability the remote parking spaces.
- With the lack of a comprehensive overview of all leases related to the remote parking facility, staff will have no knowledge if parking spaces are over-committed to serve different projects and uses outside the City.

- It is more difficult for staff to conduct site visits to verify whether there are changes made to the remote parking facility that would affect the approval.
- The effectiveness of the remote parking being used for its intended use may be reduced due to its location and distance separation, which will, in turn, tax the city's public parking facilities for required parking purposes.

In summary, staff has concerns about the effectiveness of any remote parking if the distance and location are waived to the degree that diminishes the practical usage of the remote parking as originally intended. As a result, staff proposes to allow a City Commission waiver to consider remote parking outside the City limits. This gives staff an opportunity to evaluate such requests on a case-by-case basis to ensure the spirit and intent of the proposed ordinance is followed.

Proposed Zoning Code Amendments.

Draft Ordinance in ~~strike-through~~/underline format showing the proposed amendments is provided as Attachment A.

Public Hearing Timetable.

Consideration of the proposed Zoning Code amendments by the City Commission has been tentatively scheduled for Tuesday, May 27, 2014.

Public Notification.

The following has been completed to provide notice of the request:

Public Notice

Type	Date
Legal advertisement	05.02.14
Posted agenda on City web page/City Hall	05.09.14
Posted Staff report on City web page	05.09.14

Staff Recommendation.

The Planning and Zoning Division recommends approval of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code: amending Article 5,

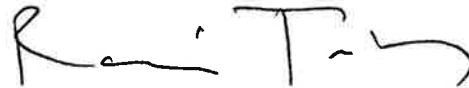
"Development Standards", Section 5-1408, "Common driveways and remote off-street parking", by providing regulations, restrictions and procedures for the use of remote parking in and near the Central Business District ("CBD"); amending the reference to remote parking in Article 5, "Development Standards", Section 5-1409, "Amount of required parking" to match the changes to Section 5-1408; providing for severability, repealer, codification, and an effective date.

Attachments.

- A. Draft Ordinance in ~~strike-through~~/underline format
- B. Relevant Code Provisions Cited
- C. Draft Powerpoint

Please visit the City's webpage at www.coralgables.com to view all Application materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,



Ramon Trias
Director of Planning and Zoning
City of Coral Gables, Florida

Attachment B: Relevant Code Provisions Cited

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CITY CODE: CHAPTER 74 - TRAFFIC AND VEHICLES

ARTICLE III. - STOPPING, STANDING AND PARKING

DIVISION 5. PARKING REPLACEMENT ASSESSMENT

Sec. 74-201. Generally.

- (a) *Purpose.* The parking replacement assessment is established for the purpose of developing and maintaining adequate public parking within Coral Gables. Funds generated by this assessment shall be used to develop additional public parking owned and operated by the City of Coral Gables.
- (b) *Lost spaces within the right-of-way.* Any new construction, addition, alteration or rehabilitation that results in the loss of public parking within the right-of-way requires payment of replacement costs as established.
 - (1) Replacement costs must be paid for all parking spaces lost to provide ingress and egress to a development, restrictive signage for a development, streetscape improvements adjacent to a development and/or any other permitted use of the parking right-of-way.
 - a. Any development that provides parking on-site will be allowed up to 22 feet, as established in zoning code section 5-1402(c)(2)(a), of curb space to provide ingress and egress to the parking facility without assessment.
 - b. Any restrictive use of the parking right-of-way or signage must be approved by the parking director and the public works director or their designees.
 - (2) Development including attainable housing may be permitted a reduction in the parking assessment fee as provided in the zoning code or fee resolution approved by the city commission.
 - (3) When an on-street parking space abutting a development is lost solely to meet an established streetscape master plan or traffic improvement required by the city or other governmental entity, the parking replacement assessment for that space shall be reduced by 50 percent.
- (c) *Existing annual payments.* Where an abutting property owner is making an annual payment for lost parking meter revenue pursuant to prior ordinance, the property owner may terminate that payment at anytime by paying the parking replacement assessment provided for in this ordinance.
- (d) *Payment in lieu.* Any new construction, addition, alteration or rehabilitation on property within 100 feet of the Ponce de Leon right-of-way or within the Central Business District (CBD) that creates or increases off-street parking requirements under zoning code section 5-1409 may propose satisfying those requirements for off-street parking by providing a payment-in-lieu as established in the most current fee resolution approved by the city commission as follows:
 - (1) Where the new construction, addition, alteration, or rehabilitation creates a demand for off-street parking of 15 or fewer parking spaces;
 - (2) For new construction, additions, alterations or rehabilitations that create an off-street parking demand greater than 15 spaces, a developer may propose a payment-in-lieu to satisfy the requirement for ten percent of the next 500 off-street parking spaces required. Acceptance of payment-in-lieu to satisfy parking requirement is at the

CITY CODE: CHAPTER 74 - TRAFFIC AND VEHICLES

discretion of the City of Coral Gables Parking Director or designee. When reviewing development plans that propose a payment-in-lieu, the parking director or designee will consider any relevant information including: the existing supply of parking spaces within 600 feet of the project, current parking occupancies, plans for construction or expansion of public parking facilities and proposed use of public or alternative transportation; or

- (3) Where a development abuts a street served by the Coral Gables Trolley, any permitted payment-in-lieu shall be reduced by 25 percent.

(Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-202. Payment of fee.

The parking replacement assessment of payment-in-lieu shall be satisfied by a one-time payment prior to the issuance of a building permit. The assessment will be paid in the amount established in the most current fee resolution approved by the city commission.

(Ord. No. 2011-01, § 2, 1-11-2011)

Sec. 74-203. Deposit of funds.

Funds generated by the parking replacement assessment program shall be deposited into a city account specifically established for parking development reserves. The funds may be used to acquire property or pay for capital improvement, development and construction costs for any public parking facility.

(Ord. No. 2011-01, § 2, 1-11-2011)

Secs. 74-204, 74-205. Reserved.

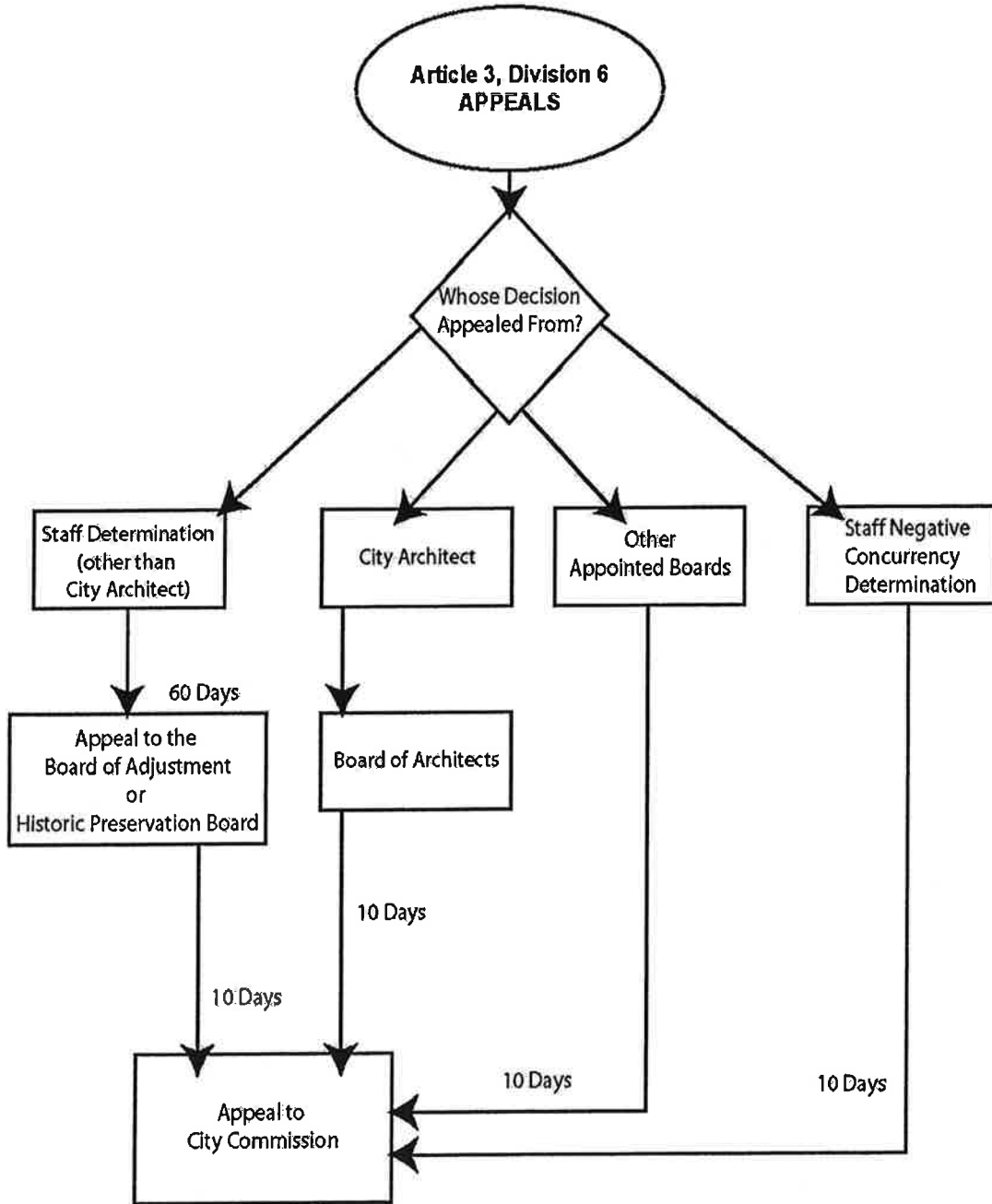
ZONING CODE: ARTICLE 3 - DEVELOPMENT REVIEW

Division 6. Appeals

Section 3-601. Purpose and applicability.

The purpose of this Division is to set forth procedures for appealing the decisions of City staff where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these regulations and to set forth standard procedures for appealing the decisions of the City's decision-making bodies.

Section 3-602. General procedures for appeals.



ZONING CODE: ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-603. Appeals from negative concurrency determinations.

An appeal from a negative concurrency determination shall be taken to the City Commission by any aggrieved party in accordance with the procedures of Section 3-606.

Section 3-604. Appeals from decisions of City Staff.

Other than a request for reconsideration of a decision of the City Architect, where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these regulations by City Staff, an appeal shall be taken by an aggrieved party to the Board of Adjustment or the Historic Preservation Board, in the case of an appeal from a decision of the Historic Preservation Officer, no later than sixty (60) days after the decision has been made. Application for postponement of the public hearing of an appeal shall be considered according to the provisions stated in Sections 3-606 and 608(A). See Section 3-303 for City Architect reconsideration provisions.

Section 3-605. Appeals from decisions of the Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board.

An appeal from any decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, and an appeal of a tentative plat decision of the Planning and Zoning Board, may be taken to the City Commission by any aggrieved party in accordance with the provisions of Section 3-606.

Section 3-606. Procedures for appeals.

The following procedures shall govern the filing of appeals:

- A. Appeals of City Staff administrative decisions other than the City Architect. An aggrieved party may file a written Notice of Appeal to the Board of Adjustment or the Historic Preservation Board with the designated Development Review Official or Historic Preservation Officer, as provided in Section 3-604, within sixty (60) days of the administrative decision being appealed from. The appeal shall be accompanied by any relevant documents related to the appeal as determined by the Development Review Official. The appeal shall be considered by the Board of Adjustment or Historic Preservation Board at the next available meeting after the required advertising has been completed. The Board of Adjustment or Historic Preservation Board shall grant the appeal, with or without conditions, deny the appeal, or respond for further proceedings.
- B. Appeals of Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board. Any aggrieved party desiring to appeal a decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, or a tentative plat decision of the Planning and Zoning Board, shall, within ten (10) days from the date of such decision, file a written Notice of Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to all persons previously notified by the Board in the underlying matter. The appeal shall then be heard by the City Commission at its next meeting, provided at least ten (10) days has intervened between the time of the filing of the Notice of Appeal and the date of such meeting; if ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next regular meeting of the City Commission and the City Commission shall render a decision, without any unnecessary or undue delay, unless application for deferral has been made as permitted in Section 3-608 of this Division.
- C. Stay of proceedings. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the City Commission or other Board with jurisdiction. The pendency of an appeal shall toll all time periods applicable to the decision which is subject to appeal until final disposition of the appeal by the Commission or other Board with regard to the appeal.
- D. City Commission decision. The City Commission shall conduct a review of the decision of the Board of Adjustment, Board of Architects, Historic Preservation Board, or the Planning and Zoning Board. The

ZONING CODE: ARTICLE 3 - DEVELOPMENT REVIEW

appeal shall be based on the record of the hearing before the board, shall not be a de novo hearing, and no new, additional testimony shall be taken. A full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition. The transcript shall be provided seven (7) days prior to the City Commission meeting at which the appeal will be heard with a sufficient number of copies for the City Commission, the City Attorney, the City Manager and the affected departments. The City Commission is authorized to affirm, affirm with conditions, override the decision of the Board of Adjustment, Board of Architects or the Historic Preservation Board, or remand for further proceedings to the applicable Board. Any decision by the Board of Adjustment, Board of Architects or Historic Preservation Board can only be reversed by a majority vote of the City Commission. The granting of any appeal by the City Commission shall be by resolution.

Section 3-607. Appeals from decision of the City Commission.

- A. An action to review any decision of the City Commission under these regulations may be taken by any person or persons, jointly or separately, aggrieved by such decision by presenting to the Circuit Court a petition for issuance of a Writ of Certiorari, duly certified, setting forth that such decision is illegal, in whole or in part, certifying the grounds of the illegality, provided same is done in the manner and within the time provided by Florida Rules of Appellate Procedure.
- B. Challenges to development order decisions based on consistency or inconsistency of the development order with the City of Coral Gables Comprehensive Plan shall be governed by the provisions of Section 163.3215, Florida Statutes (2006).
- C. The record of the Commission or any board or official from which appeal is taken shall include any application, exhibits, appeal papers, written objections, waivers or consents, considered by the Commission, or such board, as well as transcripts or stenographic notes taken at a hearing held before the Commission or any such board, the City Commission minutes or the board's minutes and resolution showing its decision or action, and if the record of a lower board is transmitted to the City Commission, the record of the City Commission shall include the record of the lower board. The record shall also include any and all applicable portions of these regulations and where applicable the City Code, the report and recommendations of City staff, the City's Comprehensive Plan, as well as applicable district boundary maps, aerial photographs and final zoning resolutions or ordinances. It shall also include the record made as a result of any prior applications for development approval on the same property. The City Clerk shall identify all exhibits used at the hearing. All exhibits so identified or introduced shall be a part of the City's record.

Section 3-608. Postponement of appeals.

- A. Applicant or aggrieved party postponement. Applicants and/or aggrieved parties desiring postponement of an appeal before the City Commission shall adhere to the following provisions for postponements:
 1. First postponement. Requests for initial postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The request shall include a specific time frame for postponement. No more than ninety (90) calendar days may be requested and will be automatically granted.
 2. Second postponement. Requests for second postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The second postponement request may not exceed thirty (30) calendar days. The City Manager's Office shall evaluate the request and may administratively grant the request or schedule the request for City Commission review and approval.
 3. Third postponement. If the appeal is not considered by the City Commission within the one hundred and twenty (120) calendar days as provided above, the application shall be scheduled for City Commission consideration at the next available City Commission meeting. The City Commission shall evaluate the application and determine if additional postponements are warranted. The

ZONING CODE: ARTICLE 3 - DEVELOPMENT REVIEW

maximum time frame an appeal can be postponed from the initial date the application was scheduled for City Commission consideration is one hundred and eighty (180) days.

4. Appeal postponement fees. Applicants and/or aggrieved parties shall be required to pay all costs for all postponement requests including any fees established by the City Code. If the City Commission requests adjacent property owners be notified or advertised, all costs shall be the responsibility of the applicant or aggrieved party.
 5. Applicant responsibility. It shall be the responsibility of the applicant to adhere to the requirements provided in this Division, which shall include monitoring and insuring the application proceeds forward for City Commission consideration. Failure of the applicant to follow the above provisions shall terminate the appeal.
 6. Appeal review expiration. Appeals which do not secure City Commission consideration as provided in the above sections or are not considered by the City Commission within six (6) months shall be deemed abandoned and void.
- B. City postponement. The City Manager (or the Development Review Official) may postpone an appeal whenever it is deemed necessary to ascertain a complete record, to allow for the filing of a foreseeable related appeal (which would then be heard concurrently), to maintain an orderly hearing or in the best interests of the City but avoiding any unnecessary or undue delay. Postponement may be requested by the applicant or an aggrieved party as described in Section 3-608A or be at the initiative of the City Manager (or the Development Review Official). After the City Manager (or the Development Review Official) makes the decision regarding postponement, the applicant or aggrieved party may seek review of that decision to the City Commission within ten days and the matter will be scheduled for Commission consideration at one of the next two regularly scheduled meetings. The applicant or aggrieved party may request that a prior decision to hear appeals concurrently be modified where factual circumstances have changed so that the matter should be reconsidered. A request for modification will be handled in the same procedural manner as an application to hear appeals concurrently.

ZONING CODE: ARTICLE 5 – DEVELOPMENT STANDARDS

Division 14. Parking, Loading, and Driveway Requirements

Section 5-1408. Common driveways and remote off-street parking.

- A. Common driveways. Adjacent properties are permitted to share a common driveway, provided:
1. The property owner(s) submit an appropriate restrictive covenant or access easement in recordable form acceptable to the City Attorney; and
 2. The restrictive covenant or access easement provides for the continued existence of the shared driveway until such time as the City Manager releases the obligation of the restrictive covenant or access easement.
- B. Remote off-street parking. Remote off-street parking is permitted, provided:
1. The perimeter of the remote off-street parking facilities is located within five hundred (500) feet of the perimeter of the building site;
 2. The remote parking facilities are not located in a single-family zoning district;
 3. The property owner(s) submit an appropriate restrictive covenant or parking easement in recordable form acceptable to the City Attorney; and
 4. The restrictive covenant or parking easement provides for the continued use of the remote parking until such time as the City Manager releases the obligation of the restrictive covenant or parking easement.

Section 5-1409. Amount of required parking.

- A. Exemptions from required parking. Buildings that are located within the Central Business District (CBD) that have a floor-area-ratio of 1.25 or less (1.45 or less if Mediterranean bonus is used) are not required to provide off-street parking for any uses except residential units.
- B. Calculation of parking requirements.
1. Required parking shall be provided for each use on a building site, according to the following table:

Use,	Minimum parking requirements
<i>Residential</i>	
Detached dwellings.	One (1) parking space per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Duplex.	One (1) parking space per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Live work.	One (1) space per unit, plus one (1) space per three-hundred-and-fifty (350) square feet of work area.
Multi-family dwellings.	Efficiency, one (1) and two (2) bedroom units – 1.75 spaces per unit. Three (3) or more bedroom units – 2.25 spaces per unit.
Single-family.	One (1) parking space consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.

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Use	Minimum parking requirements
Townhouses.	Two (2) parking spaces per unit consisting of a roofed structure, which utilizes the same materials as the principle structure and that is a garage, carport, or porte-cochere.
Nonresidential	
Adult uses.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Alcoholic beverage sales.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Animal grooming/boarding.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Assisted living facilities.	One (1) space per full-time employee equivalent (FTE), plus two (2) spaces per five (5) beds.
Auto service stations.	One (1) space per two-hundred-and-fifty (250) square feet of accessory retail floor area.
Bed and breakfast.	One (1) space, plus one (1) space per sleeping room.
Camp.	One (1) space per FTE, plus one (1) space per four (4) students aged sixteen (16) years or older based on maximum capacity.
Cemeteries.	If services provided in a building, one (1) space per four (4) fixed seats plus one (1) space for each forty (40) square feet of floor area used for temporary seating.
Community center.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Congregate care.	One (1) space per FTE, plus two (2) spaces per five (5) beds.
Day care.	Day care for children: One (1) space per one-hundred (100) square feet of floor area. Day care for adults: One (1) space per three-hundred (300) square feet of floor area.
Educational facilities.	One (1) space per student station.
Funeral homes.	One (1) space per four (4) fixed seats plus one (1) space for each forty (40) square feet of floor area used for temporary seating.
Golf or tennis grounds.	Four (4) spaces per hole (golf). Three (3) spaces per court (tennis). One (1) space per eighteen (18) linear feet of bleachers.
Group homes.	One (1) space per FTE, plus one (1) space per three (3) beds.
Heliport and helistop.	One (1) space per tie-down.
Hospitals.	Two (2) spaces per patient bed.
Indoor recreation / entertainment.	The greater of one (1) space per five (5) fixed seats or one (1) space per three-hundred (300) square feet of floor area.
Manufacturing.	One (1) space per three-hundred (300) square feet office floor area, plus one (1) space per one-thousand (1,000) square feet of all other floor area.
Marinas and marina facilities.	One (1) space per marina slip, plus one (1) space per three-hundred-and-fifty (350) square feet of floor area of marina facilities.

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Use	Minimum parking requirements
Medical clinic.	One (1) space per two-hundred (200) square feet of floor area, plus one (1) space per FTE.
Mixed use or multi-use.	Parking shall be provided for each use in the mix of uses in correlation with the requirements of this table.
Nursing homes.	One (1) space per FTE, plus one (1) space per three (3) beds.
Offices.	One (1) space per three hundred (300) square feet of floor area.
Outdoor recreation / entertainment.	One (1) space per four (4) visitors during estimated peak use periods.
Outdoor retail sales, display and/or storage.	One (1) space per three hundred and fifty (350) square feet of land area delineated or put to such use.
Overnight accommodations.	One and one-eighth (1 1/8) spaces per sleeping room.
Private club.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Private yacht basin.	Three (3) spaces per four (4) yacht slips.
Public transportation facility.	One (1) space per one hundred (100) square feet of terminal and station area.
Religious institutions.	One (1) space per five (5) fixed seats plus one (1) space per fifty (50) square feet of assembly room area without fixed seats (not including classrooms).
Research and technology uses.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Restaurants.	Twelve (12) spaces per one-thousand (1,000) square feet of floor area.
Restaurants, fast food.	Twelve (12) spaces per one-thousand (1,000) square feet of floor area.
Retail sales and services.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Sales and/or leasing offices.	One (1) space per three-hundred (300) square feet of floor area.
Schools.	One (1) space per FTE, plus one (1) space per four (4) students aged sixteen (16) years or older based on maximum capacity.
Self-storage warehouses.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Telecommunications towers.	Zero (0) spaces.
TV / radio studios.	One (1) space per three-hundred (300) square feet of floor area, plus One (1) space per three (3) studio audience members at maximum capacity.
Utility / infrastructure Facilities.	Zero (0) spaces.
Utility substations.	Zero (0) spaces.
Vehicle sales /displays.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per six-hundred (600) square feet of showroom floor area, plus one (1) space per five (500) square feet of all other floor area.
Vehicle sales/displays, major.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.

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Use	Minimum parking requirements
Vehicle service, major.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per five hundred (500) square feet all other floor area
Veterinary offices.	One (1) space per two-hundred-and-fifty (250) square feet of floor area.
Wholesale / distribution / warehouse facility.	One (1) space per three-hundred (300) square feet of office floor area, plus one (1) space per one thousand (1,000) square feet all other floor area.
Post office.	One (1) space per two-hundred (200) square feet of floor area.

2. If a calculation of required parking spaces results in a fractional space, the number of required parking spaces shall be rounded up to the next whole number.
- C. Alternative parking requirements. If a use is not listed in Section 5-1409(B)(1), then the off-street parking requirement shall be the same as the requirement for a functionally similar use that is listed in Section 5-1409(B)(1), as determined by the Development Review Official.
- D. Loading spaces. Loading spaces shall be provided for all nonresidential or mixed use-buildings that exceed a floor area of one hundred thousand (100,000) square feet of floor area, as follows:

Nonresidential Floor Area	Required Loading Spaces
<100,000 sq. ft.	Zero (0)
100,000 sq. ft. to 199,999 sq. ft.	One (1)
200,000 sq. ft. to 299,999 sq. ft.	Two (2)
300,000 sq. ft. to 399,999 sq. ft.	Three (3)
Each additional 100,000 sq. ft. or fraction thereof	One (1) additional loading space

- E. Calculation of compliance with parking requirement.
1. Excluded parking spaces. Parking spaces that meet any of the following criteria shall not be counted in determining the amount of parking provided pursuant to this Section 5-1409:
 - a. Off-street parking spaces that are operated as a commercial parking lot.
 - b. Off-street parking spaces that are provided for residential and overnight accommodation uses and are available only upon payment of a fee.
 2. Valet parking spaces. Valet parking spaces for overnight accommodations, restaurants, and minor vehicle sales in any zoning district may comprise up to twenty-five (25%) percent of the required parking spaces for those uses.
 3. Remote parking spaces. In the CBD District, remote parking spaces may comprise up to fifty (50%) percent of the required parking spaces for residential uses.
 4. Counted parking spaces. All parking and loading spaces that are provided on-site and all parking spaces that are in permitted remote off-street parking facilities count in determining the amount of parking provided pursuant to this Section 5-1408, except as provided in Section 5-1409(E)(1)-(4).