

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," SECTIONS 134-1, 134-605, 134-606, AND 134-607 OF THE CODE OF ORDINANCES; INCLUDING A DEFINITION FOR OPEN AIR SEATING AREAS; PROVIDING FOR MINIMUM PARKING REQUIREMENTS FOR PLAYGROUNDS, AND DOG PARKS ACCESSORY TO COMMERCIAL BUSINESSES; AMENDING PROVISIONS RELATED TO THE USE OF OFF-SITE PARKING SPACES TOWARD MEETING REQUIRED OFF-STREET PARKING AND THE USE OF SHARED PARKING AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

WHEREAS, Section 134-606 of the Code of Ordinances provides that required off-street parking spaces must be provided on the same lot where the principal use is located or within 300 feet from the pedestrian entrance as measured along the most direct pedestrian route; and

WHEREAS, the City desires to promote development and redevelopment within the City's commercial corridor; and

WHEREAS, the City Council recognizes the tension between configuration of existing lots and site development proposing to maximize use of the land can, from time to time, create challenges in the provision of adequate off-street parking; and

WHEREAS, the City Council also recognizes that a properly implemented shared parking program can alleviate some of the challenges site development can present and create opportunities for greater efficiency of development; and

WHEREAS, the City Council also recognizes, though, that without necessary protections shared parking arrangements can negatively impact future development; and

WHEREAS, the City currently allows off-site off-street parking when the parking spaces so provided are within three hundred feet of the principal entrance of the building for which the parking is required provided that such spaces are not on the opposite side of an arterial road from the building for which the parking is required; and

WHEREAS, the City currently allows shared parking agreements to be used to count parking spaces that fall within the above referenced requirements and which are located on a separate developed lot provided such spaces are not required for the building or buildings located on the donor lot or if the uses on the donor and donee lot occur at such different times that there is not overlap of the demand for the spaces; and

WHEREAS, the City Council desires to extend the allowed distance between the building needing parking spaces and the off-site off-street parking spaces while also providing more protections related to the use of shared parking agreements; and

WHEREAS, the City Council finds that playgrounds, and dog parks that are accessory to a commercial business are unlikely to drive the same parking demand as they would when standalone uses; and

WHEREAS, the City Council finds it appropriate to amend the Code of Ordinances to provide different minimum parking requirements for playgrounds, and dog parks depending upon whether the amenity is accessory to a commercial business or standalone; and

WHEREAS, a proposal has been made to amend the method by which minimum parking is calculated for open air seating areas; and

WHEREAS, the City Council finds it appropriate to define "open air seating areas" and amend the method by which required parking is calculated for such areas; and

WHEREAS, the City Council of the City of Edgewood finds that this Ordinance is in the best interest of the health, safety, and welfare of citizens, businesses, and visitors to the City of Edgewood.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewood, Florida as follows:

NOTE: Underlined words constitute additions to the City of Edgewood Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 1. Chapter 134, Sections 134-605 134-606 and 134-607 of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 134-1. - Definitions.

Except where specific definitions are used within a specific article or section of this chapter, the following terms, phrases, words and their derivation shall have the meanings given herein where not inconsistent with the context. Words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "lot" includes the words "plot" and "tract." The word "building" shall include the word "structure." The words "used for" shall include the meaning "designed for." The word "person" shall include the words "firm, association, organization, partnership, trust, company, corporation," as well as "an individual." The word "shall" is mandatory. Whenever in this chapter a term, phrase or word is not defined, then in that event the city council shall define the same.

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Odor means that property of a substance which affects the sense of smell; any smell; scent; fragrance.

Open air dining area means a seating or dining area of a restaurant, grill, bar, lounge, or similar dining or drinking establishment with or without a roof that is open on at least two sides; for the purpose of this definition an area shall be considered open on a side if there is no barrier between the seating area and the exterior environment or if any barrier is pervious and nonrigid such as, but not limited to, canvas or screening.

Open space means an area of land, excluding rights-of-way, not covered by an impervious surface.

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Sec. 134-605. - Quantity of off-street parking.

(a) *Number of required spaces.* Off-street parking spaces shall be provided for any use hereafter established or at the time of the erection of any main building or structure or at the time any main building, structure or occupational use is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area, seats, or by increasing employment, according to the following minimum requirements:

* * *

(16) *Office building, including business, commercial and government.* One space for each 200 square feet of floor area used for office purposes.

(17) *Playground and dog park accessory to a commercial business.* No minimum.

(18) *Playground and dog park, standalone.* 1 space per 10,000 square feet. 1 per 500 sq. ft. of GFA for buildings and enclosed structures.

(19) *Restaurants, grills, bars, lounges, similar dining and/or drinking establishments.* One space for each ~~four fixed seats provided for patron use, plus one space~~ for each 75 100 square feet of gross floor area provided for patron use which does not contain fixed seats and one space for each 200 gross square feet of open air dining area. ~~provided that~~ No use covered by this sub-paragraph shall have less than four spaces.

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Sec. 134-606. - Location of off-site off-street parking.

The parking spaces provided for herein shall be provided on the same lot where the principal use is located or within ~~300~~ 1,320 feet from the principal entrance as measured along the most direct pedestrian route from each space to the principal entrance of the building for which the space is to be used as required parking; provided, however, that parking spaces provided across an arterial road from the lot where the principal use is located shall not be counted toward the parking spaces required herein. Off-site off-street parking shall also be subject to following:

- (a) At least thirty percent (30%) of the parking spaces required by Section 134.605 or any other provision of this Code of Ordinances shall be provided on-site;
- (b) No required Americans With Disabilities Act accessible parking spaces may be provided off-site;
- (c) If valet parking is proposed, an on-site vehicle drop-off and pick-up lane shall be provided and included on the site-plan;
- (d) Off-site off-street parking spaces may only be counted toward required parking if such spaces are located on a paved and lined parking area which has been approved by the City for use as a parking area;
- (e) Off-site off-street parking spaces may not be counted toward required parking if such spaces are part of the required parking calculation of any other use unless the different uses occur at such different times that there would not be overlap of demand for the shared spaces;
- (f) If shared parking agreements are proposed for new development or redevelopment of an existing site, fully executed agreements contingent upon approval by the City shall be submitted to the City no later than submission of an application for site plan review;
- (g) Any property owner utilizing an off-site shared parking agreement shall verify that such shared parking agreement remains in full force and effect at the time of renewing its local business tax receipt.
- (h) With the exception of shared parking agreements approved prior to effective date of this ordinance, all shared parking agreements and any amendments thereto shall be submitted to the City for approval and must include all of the following:
 - (1) Provision for which party is responsible for the maintenance of parking area;
 - (2) Specificity as to the days and/or hours when the shared parking spaces may be used by the party granted use of the shared parking spaces (note: when shared parking spaces are used to satisfy required parking, site plan approval may include a condition that hours of operation are restricted to the hours of availability of the parking spaces);
 - (3) Provision that the agreement shall not:
 - (i) be terminated without cause,
 - (ii) have the number of shared parking spaces reduced, nor
 - (iii) have the hours of availability of the shared parking spaces changedwithout at least one hundred eighty (180) days' notice in writing delivered to all parties including the City;
 - (4) Provision that the agreement shall benefit and be binding on any subsequent purchaser of either parcel;
 - (5) Provision that the agreement shall be recorded in the Official Records of Orange County, Florida;

- (6) Acknowledgement by the grantor of the shared parking spaces that it understands the granting of shared parking spaces may impact future requests for expansion or change of use during the term of the shared parking agreement; and
- (7) Acknowledgment and agreement by the grantee of the shared parking spaces that if such shared parking spaces become unavailable for any reason the grantee must immediately reduce its use of the property benefitted by the shared parking agreement in a manner that existing available parking shall be sufficient to meet the parking requirements of this Code. The grantee shall acknowledge that it understands the loss of shared parking spaces may have negative financial impacts to it and that it accepts the risk of such impacts and shall hold the City harmless from any lawful action taken by the City to cause compliance;
- (8) Inclusion of the City as a party to the agreement for the purpose of enforcing any of the above required provisions;
- (9) Notarized or attested signatures of all parties.

Sec. 134 607. Joint use of off-street parking space. (Reserved).

~~No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this chapter shall be included as part of any off-street parking area similarly required for another building or use, except in the case where the parking demands of different uses occur at different times. The following requirements must be satisfied in order to comply with this exception:~~

- ~~(1) A notarized statement from all property owners involved indicating that the activities of each separate building or use which creates a demand for parking shall occur at different times. Such statement must include an agreement between the parties involved indicating responsibility for maintenance of the parking area.~~
- ~~(2) Such agreement shall run with the duration of the occupational licenses of all buildings or uses involved in the agreement and shall be required to be renewed at the time of occupational license renewal. Where an occupational license is not required, then the agreement shall run with the duration of the uses. Nothing in this chapter shall be construed to prevent the joint use of off-street parking space by two or more buildings or uses, if the total of such spaces, when used together, shall not be less than the sum of the requirements for the various individual uses of buildings computed separately.~~

Section 2. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Edgewood.

Section 3. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 4. All ordinances that are in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this **21st** day of **April, 2020**, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: **March 24, 2020**

PASSED ON SECOND READING: **April 21, 2020**



Richard A. Horn, Council President

ATTEST:



Bea L. Meeks
City Clerk