

ORDINANCE NO. C-07-32

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE,
FLORIDA, CREATING A RESIDENTIAL PARKING PERMIT
PROGRAM FOR THE CITY OF FORT LAUDERDALE;
PROVIDING DEFINITIONS; PROVIDING CRITERIA,
PROCEDURES FOR DESIGNATION AND ISSUANCE OF
PARKING PERMITS; PROVIDING PARKING RESTRICTIONS;
AND ESTABLISHING A FINE FOR VIOLATIONS.

WHEREAS, it has been found that certain residential areas in close proximity to non-residential areas within the City of Fort Lauderdale are used regularly by non-residents to park their motor vehicles while using areas outside of the residential area; and

WHEREAS, it has been found that certain residential areas are severely impacted by the parking of motor vehicles on the streets of such area by non-residents whose intended destination are the areas outside of the residential area where their vehicle is parked; and

WHEREAS, the City Commission of the City of Fort Lauderdale finds and declares that protecting the health, safety and welfare of its residential areas and neighborhoods is necessary to ensure the quality of life and vitality of the City of Fort Lauderdale; and

WHEREAS, the continuous parking of motor vehicles in residential areas by non-residents causes traffic congestion, air pollution, excessive noise, trash and problems collecting refuse, and creates a hazardous traffic condition for the persons residing in a residential area; and

WHEREAS, the City Commission of the City of Fort Lauderdale finds and declares that it is in the best interest of the public to protect certain residential areas of the City from such hazardous conditions; to protect the residents of these areas from unreasonable burdens in gaining access to their residences; to preserve the character of the residential areas; to promote the maintenance of streets in these areas in a clean and safe condition; to preserve the safety of children and other pedestrians and promote traffic safety and to protect the value of properties within these residential areas; and

WHEREAS, the City Commission of the City of Fort Lauderdale finds and declares that in order to reduce the adverse conditions associated with the parking of motor vehicles on the streets of such areas by non-residents, residential parking permit regulations be enacted which provide restricted parking in residential areas during certain hours of the day and days of the week within certain areas meeting the criteria hereinafter set forth; and

WHEREAS, at its meeting of June 7, 2005 the City Commission authorized a parking study to be conducted by Walker Parking Consultant's Inc. of three residential areas of the city that have been recognized to be impacted by the parking of non-residential vehicles ("Study"); and

WHEREAS, the Study showed that these areas in whole or in part met certain criteria provided herein indicating the need for the area to be designated a Residential Parking Permit District ("RPPD") as described herein; and

WHEREAS, based on the Study the City Commission adopted Ordinance No. C-06-22 creating a trial residential parking permit program for the area known as the Birch Park Beach Finger Streets; and

WHEREAS, the City Commission found that implementing a trial residential parking permit regulation in one of these areas gave the City further information regarding the need for implementing a Residential Parking Permit Program ("RPPP") City-wide; and

WHEREAS, this RPP program has been ongoing for over six (6) months and the City has had an opportunity to review the results of the Program and has found that it has resulted in the following:

improved quality of life for the residents in the area;

a reduction in crime such as vehicle burglaries, vehicle theft, and residence burglaries;

cleaner streets;

less interference with the collection of trash and debris;

a reduction in noise levels and early evening public activities on the streets; and

improved access to driveways and homes; and

WHEREAS, the enactment of a RPPP for a residential area is in the best interest of the City of Fort Lauderdale to reduce vehicular congestion on residential streets and facilitate the efficient movement of traffic, and is necessary to promote the health, safety and welfare of the residents of the City of Fort Lauderdale by reducing the adverse conditions caused by the parking of motor vehicles by non-residents in certain residential areas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That each WHEREAS clause set forth above is true and correct and herein incorporated by this reference.

SECTION 2. That a new Division 5, Residential Parking Permit Districts of Article IV of Chapter 26 of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby created to read as follows:

CHAPTER 26 TRAFFIC

Division 5. Residential Parking Permit Districts

Sec. 26-165. Definitions.

The following words, when used in this Article IV, shall mean the following:

Designation Resolution. A resolution adopted by the City Commission designating certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

Dwelling unit. A single detached building containing one or more residences.

Guest. A person who is visiting a residence for a period less than twenty-four (24) hours.

Guest permit ("GRP"). A permit issued to residents for guests, visitors or commercial vehicles parked on a street within a RPPD.

Non-residential vehicle. A motor vehicle parked on a public right-of-way in a residential area that is registered to a person who is not a resident of such residential area, and who is not displaying a residential parking permit ("RPP") for the particular vehicle as provided in this division.

Parking manager. The person authorized by the city manager to administer the provisions of this Division, or his designee.

Residence. A space, area or portion of a building designed for and to be occupied by one or more persons as a dwelling, with cooking facilities for the exclusive use of such persons.

Resident. A person residing in a residence within the RPPD.

Residential area. A contiguous or nearly contiguous area containing public streets and highways or parts thereof abutted primarily by property zoned or used for a residential use as defined by the City's Unified Land Development Regulations.

Residential parking permit ("RPP"). A permit issued by the parking manager as provided herein for the privilege of parking on a street within a "Residential Parking Permit District".

Residential parking permit district ("RPPD"). A residential area designated for restricted residential parking by the city commission pursuant to the criteria and procedures established herein.

Restricted street. A street located within a residential parking permit district, designated for restricted residential parking by the city commission pursuant to the provisions of this division. A street as used herein shall include the paved area used for vehicular travel and abutting the swale area.

Visitor. A person who is visiting a residence within a RPPD for a period of more than twenty-four (24) hours.

Sec. 26-166. Designation of residential parking permit districts.

The city commission may designate by resolution certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

Sec. 26-167. Provisions of resolution.

The Designation Resolution shall describe the area designated as a residential parking permit district, the time limitation and period of the day when non-residential vehicles will be restricted from parking in the area, the cost of the permit, the days of the week when such restriction shall apply and such other information regarding the RPPP program to be established for a specific area.

Sec. 26-168. Conditions and criteria for designation of residential parking permit districts.

(a) A residential area may be eligible for designation as a residential parking permit district if, based on objective criteria provided herein, on-street parking is impacted by non-resident vehicles during a certain period of the day.

(b) The following objective criteria must be established in order for a

residential area to be eligible for designation as a residential parking permit district:

- (1) During any period of the day or night sought to be regulated, the number of vehicles parking (or standing) in the residential area in on-street parking is equal to fifty percent (50%) or more of the legal on-street parking capacity of the area.
- (2) During the same period identified in subsection (1) of this Section, twenty-five percent (25%) or more of the vehicles parking (or standing) on the streets in the area are not registered in the name of a person residing in the area. For purposes of making this determination, the latest available information from the Florida Department of Motor Vehicles regarding registration of motor vehicles shall be used.
- (3) That non-residential vehicles do or may substantially and regularly interfere with the use of the majority of on-street parking spaces by adjacent residents.
- (4) That the interference by the non-residential vehicles occurs at regular and significant daily or weekly intervals.
- (5) That non-residential vehicles in the proposed residential parking permit district cause or are the source of unreasonable noise, traffic hazards, barriers to the efficient collection of trash and refuse, environmental pollution or devaluation of real property in the area of the proposed district.
- (6) There is a need for parking regulations to maintain the residential character of the neighborhood.
- (7) That no unreasonable displacement of non-residential vehicles will result into surrounding residential areas.

Sec. 26-169. Procedure for designating residential parking permit districts.

(a) Upon receipt of a verified petition for the designation of a residential area as a residential parking permit district signed by residents representing more than sixty-five percent (65%) of the dwelling units in the residential area proposed to be designated as a residential parking permit district, or upon the request of the city commission, or upon his or her own initiative, the city manager shall cause to be conducted a study to determine if a residential area meets the criteria set forth in Section 26-168 of this division. The parameters of the study to be conducted include but are not limited to the time, days of the week, rights-of-way and duration of the study and must be submitted to and approved by the Parking Manager prior to the study being conducted. If the request is by verified petition of residents, the residents may either conduct the study pursuant to the parameters approved by the Parking Manager at the residents' own expense, or request that the City hire a consultant to conduct the study for them at the residents' expense. The residents will be responsible for all costs associated with the establishment of the RPPP unless otherwise determined by the City Commission.

For purposes of calculating sixty-five percent (65%) of the residents, each dwelling unit shall be represented by one resident. If a dwelling unit is a condominium, each condominium unit shall be represented by one resident. If the results of the study demonstrate that the proposed area meets the criteria set out herein, then the area shall be eligible for consideration for designation as a residential parking permit district and the city manager shall submit a report supporting this fact to the city commission.

(b) Following receipt of a report by the city manager that a residential area is eligible for consideration to be designated as a residential parking permit district, the city commission shall conduct a public hearing and determine if all of the criteria set forth in Section 26-168 of this division have been met. Notice of the public hearing shall state the purpose of the hearing and the exact location and boundaries of the residential area under consideration and shall be advertised in a newspaper of general circulation at least ten (10) days prior to

the date of the public hearing. The notice shall be mailed to each dwelling unit located within the proposed residential parking permit district, and to each property owner within 300 feet of the district at least fifteen (15) days prior to the date of the public hearing. Upon a finding that all criteria have been met as provided herein, the city commission may by resolution designate the residential area as a residential parking permit district.

(c) Upon the adoption of a resolution by the city commission designating a residential parking permit district, the parking manager shall cause the resolution to be recorded upon the appropriate map or plat and filed in the office of the city clerk. The parking manager shall cause parking signs to be erected upon the public streets in the area designated as a residential parking permit district stating the times, locations and conditions upon which parking shall be by permit only.

(d) The designation process and criteria set forth in this division shall be utilized in determining whether to remove a residential parking permit district designation.

Sec. 26-170. Issuance of residential parking permits.

(a) Residential parking permits shall be issued by the parking manager as follows:

- (1) The owner of property located within a RPPD shall make application to the parking manager for a residential parking permit. The application shall contain:
 - a. the name of the owner, tenant of the property or both; and
 - b. residence and mailing address of owner, tenant or both; and
 - c. a valid Florida License or State of Florida I.D. with photo, and address located within the RPPD; or

- d. such other evidence of identification as deemed acceptable by the parking manager showing residency within the RPPD.
- (2) The parking manager may issue parking permits to qualified applicants upon the payment of the required fee to assist in recovering the costs related to the residential parking permit program. The number of permits that may be issued per resident shall be as specified in the Designation Resolution adopted as provided in this division.
- (3) The permit shall display the City's seal, the year of issuance, the RPPD area name or such information as approved by the parking manager.
- (4) The permit shall be valid for a one (1) year period unless otherwise provided by the Designation Resolution adopted by the city commission. Such permit shall be displayed in a location determined by the parking manager.
- (5) The residential parking permit shall be issued to qualified applicants upon payment of the fees approved as provided in the Designation Resolution.
- (6) Residential permit parking. A motor vehicle displaying a valid residential parking permit as provided in this section shall be permitted to stop, stand or park on a Restricted Street within the RPPD for which the permit has been issued. A resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this section. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential parking permit district.

The residential parking permit must be used by the applicant for:

- a. parking of the resident's vehicles unless otherwise provided in the Resolution.
- (7) Guest Residential Parking Permit. Guest residential parking permits ("Guest Permit") as provided in this division shall be distributed in accordance with the provisions of the Designation Resolution. The Designation Resolution shall provide for the number of guest permits, who will distribute to guests of a resident and the period of time a Guest Permit may be used.

The guest parking permit must be used by the applicant for:

- a. parking of visitor's or guest's vehicles as that term is defined herein; and
- b. parking of commercial vehicles while the operator of the vehicle is actually involved in the performance of the commercial activity associated with the commercial vehicle.

Sec. 26-171. Prohibition.

- (1) No person shall stop, stand or park a motor vehicle on any Restricted Street within a RPPD area during the times provided in the Designation Resolution, and as the signs posted on such Restricted Street state that parking is not permitted unless the motor vehicle displays a valid residential parking permit or guest permit as provided by this division.
- (2) No person other than the permittee shall use or display the residential parking permit or guest permit on a motor vehicle other

than that for which the permit is issued, and any such use or display by a person other than the permittee or guest on a motor vehicle for which the permit is issued shall constitute a violation of this division by the permittee and by the person who so used or displayed such residential parking permit.

- (3) It shall be a violation of this division for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to the parking manager in order to obtain a residential parking permit.
- (4) The parking manager is authorized to revoke the residential parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the parking manager. Failure, when so required, to surrender a residential parking permit so revoked shall constitute a violation of this division. Once a permit is revoked, it will not be re-issued to that applicant for a one-year period and only upon a new application being filed.

Sec. 26-173. Penalty.

The penalty for a violation of Section 26-171 of this Division shall be by issuance of a parking citation as provided in Article IV, Parking, Stopping and Standing, of the Code of Ordinances of the City of Fort Lauderdale, and the fine shall be Thirty Dollars (\$30.00) per violation.

SECTION 6. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 7. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 8. That this Ordinance shall be in full force and effect immediately upon and after its final passage

PASSED FIRST READING this the 1st day of May, 2007.

PASSED SECOND READING this the 19th day of June, 2007.

Mayor
JIM NAUGLE

ATTEST:

City Clerk
JONDA K. JOSEPH

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