

**CITY OF LIGHTHOUSE POINT**

**ORDINANCE NO. 2020 – 0978**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA AMENDING CHAPTER 42 – “LAND DEVELOPMENT CODE,” ARTICLE IV.-“ZONING,” DIVISION 6.-“OFF-STREET PARKING AND LOADING,” TO CREATE A NEW SECTION 42-414, TO BE ENTITLED “CHURCHES; MIXED USE SITES” TO AUTHORIZE NON-CONCURRENT PARKING AGREEMENTS TO ADDRESS PARKING NEEDS OF CHURCHES ON SITES WITH OTHER USES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City received an application from the Property Owner of 5070 North Federal Highway to authorize non-concurrent parking agreements to address parking issues for churches and other houses of worship located on sites with other uses; and,

**WHEREAS**, the proposed changes would create a new Section 42-414 in the City’s Land Development Regulations, to provide for non-concurrent parking agreements to permit churches and other houses of worship to satisfy their off-street parking requirement under Section 42-410 during services provided that other uses on the site are not open for business, and such agreement is approved by the City Commission; and,

**WHEREAS**, the City’s Planning and Zoning Board conducted a public hearing on June 2, 2020, and recommended approval of the ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

CODING: Words in ~~strike through~~ type are deletions from existing law;  
Words in underlined type are additions.

# CITY OF LIGHTHOUSE POINT

## ORDINANCE NO. 2020 – 0978

**Section 2.** CHAPTER 42 – “Land Development Code,” Article IV.-“Zoning,” Division 6.-“Off-Street Parking and Loading,” is amended to create a new Section 42-414, to be entitled “Churches; Mixed Use Sites”, as follows:

CHAPTER 42 – “Land Development Code,”

...

Article IV – “Zoning”

...

Division 6. – “Off-Street Parking and Loading”

...

Section 42-414. – Churches; mixed use sites.

When a church is located on a commercially zoned site with other non-residential uses, which site is comprised of one or more lots of record under singular ownership as of September 14, 2020 the church may demonstrate its required off-street parking by a non-concurrent parking agreement when the site delineated in the agreement is at least 1.5 net acres in area and contains 500 square feet or more of building floor area for each parking space provided on the site. The nonconcurrent parking agreement shall satisfy the following criteria:

(a) The parties to the non-concurrent parking agreement shall be the City, the church and the property owner. The form of the non-concurrent parking agreement shall be approved by the City Attorney. The non-concurrent parking agreement shall be approved by the City Commission. The non-concurrent parking agreement shall be recorded in the public records of Broward County, Florida. The non-concurrent parking agreement shall provide that it cannot be amended or modified without the prior approval of the City Commission.

(b) The non-concurrent parking agreement shall provide that the church on the site during periods of church services shall have the exclusive use of designated parking spaces on the site provided other uses on the site are not open for business during the periods of church services. The designated parking shall be included in the required parking for the church during periods of church services.

(c) At all other times when the church is not conducting services and when the other uses on the site are open for business, the required and provided parking for the site shall be determined and satisfied for all uses, including the church, based upon actual use and in the usual manner.

CODING: Words in ~~strike through~~ type are deletions from existing law;  
Words in underlined type are additions.

## CITY OF LIGHTHOUSE POINT

### ORDINANCE NO. 2020 – 0978

(d) When the church use ends on the site, the non-concurrent parking agreement shall be null and void. The non-concurrent parking agreement may be assigned to a new church use in the same space, provided the City Commission approves the assignment and any changes in the church's floor plan and parking demand.

**Section 3.**     Use of term "Church". The City's Land Development Regulations use the term "church." The City's Land Development Regulations are expected to be updated in the near future, which will include updates to terms and uses. To maintain consistency until the updated land development regulations are adopted, this ordinance uses the term "church," but the term has been interpreted and will be interpreted to include any house of worship for any religion or denomination.

**Section 4.**     Conflicts. That all Ordinances, or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**Section 5.**     Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**Section 6.**     Codification. It is the intention of the City Commission of the City of Lighthouse Point that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lighthouse Point, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

CODING:       Words in ~~strike-through~~ type are deletions from existing law;  
                  Words in underlined type are additions.

**CITY OF LIGHTHOUSE POINT**

**ORDINANCE NO. 2020 – 0978**

**Section 7.** Effective Date. This Ordinance shall take effect immediately upon adoption.


**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 25<sup>TH</sup> DAY OF AUGUST, 2020.**

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 14th DAY OF September, 2020.**

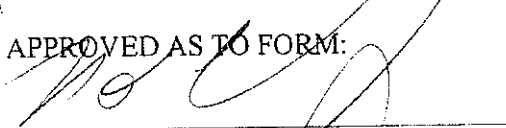
BY:

  
Michael S. Long, Commission President

ATTEST:

  
Jennifer M. Oh, City Clerk

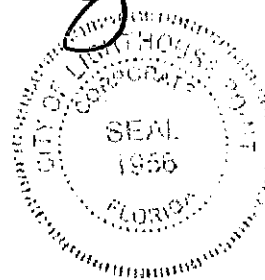
APPROVED AS TO FORM:

  
Office of the City Attorney

Yes No Absent

Commission President Michael S. Long  
Commission Vice President Kyle Van Buskirk  
Commissioner Jason D. Joffe  
Commissioner Sandy Johnson  
Commissioner Earl Maucker

X		
X		
X		
X		
X		



CODING: Words in ~~strike through~~ type are deletions from existing law;  
Words in underlined type are additions.