

Parking Waiver Criteria and Response:

124.5 It is the responsibility of the Applicant to submit documentation that addresses the following criteria. The Applicant shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the City Commission.

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.

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

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

Response:

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

Response:

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

Response:

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

Response:

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

Response:

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

Response:

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

Response: