

ORDINANCE NO. 13-2013

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V, SECTION 78-144 OF THE TOWN'S CODE OF ORDINANCES TO AUTHORIZE AND ENCOURAGE THROUGH INCENTIVES THE PROVISION OF CROSS ACCESS AND JOINT ACCESS EASEMENTS BETWEEN THE OWNERS OF TWO OR MORE PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (Town) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted land development regulations pertaining to access to rights of way, which have been codified in Chapter 78, Article V, Section 78-144 of the Code of Ordinances of the Town; and

WHEREAS, the Town Commission has directed the Town Manager to prepare amendments to Section 78-144 to create opportunities for, and incentives to encourage two or more property owners to enter into cross access and parking easements for properties which share parking areas, driveways and drive aisles in the Town's commercial Zoning Districts; and

WHEREAS, it is the intent of this Ordinance to provide opportunities for and to encourage by providing incentives for vehicular cross access and joint access between commercial businesses' vehicular driveways, drive aisles, and parking areas; and

WHEREAS, it is the intent of this Ordinance to provide opportunities for, and to encourage through incentives, the joint use of driveways, drive aisles, parking areas, and service drives by authorizing two or more properties through the execution of cross access and/or joint access easements; and

WHEREAS, it is the intent of this Ordinance to, wherever feasible, provide for a system of the joint use of driveways, drive aisles, and parking areas to be implemented through cross access and/or joint access easements between two or more property owners within the Town's commercial Zoning Districts; and

WHEREAS, it is the intent of this Ordinance to provide opportunities for vehicular connectivity to integrate and connect businesses which front the Town's public streets in its commercial Zoning Districts, without compromising the capacity of these streets; and

WHEREAS, it is the intent of this Ordinance to limit additional, direct vehicular access by discouraging multiple curb cuts to individual properties so as to provide for the safe and efficient mobility.

Section 78-144 – Access to rights-of-way

(f) Cross access/joint access easements

(1)

In order to provide for an alternative method to ensure the safe and efficient movement of traffic along public roadways and to comply with the minimum parking standards for those properties which front public streets in the Town's commercial zoning districts, property owners shall, whenever feasible, execute cross access and joint access easements to share common driveways, drive aisles, service drives, and parking areas, to facilitate access between their properties and the businesses located thereon. Property owners who agree to execute

cross access and/or joint easements may be entitled to a reduction of the number of required parking spaces upon their respective properties by up to 50 percent provided a shared parking study is submitted to the Director of Community Development which demonstrates that the parking demand for the properties subject to the cross access and/or joint access easement can be met. The parking demand study shall be subject to the review and approval of the Community Development Director. The study shall:

- i. List the legal names of the property owners, the size and type of uses located and being operated upon that owners property;
- ii. Include the amount of average and peak daily trips to the uses on their properties;
- iii. Include the rate of turnover of parking spaces during business hours;
- iv. Include the anticipated peak parking and traffic loads to be encountered;
and
- v. Include the executed cross access/joint access easement between the property owners.

(2) Any property owner who proposes the expansion of an existing business, the development of a new or different use, or the redevelopment of a property, shall design the site to accommodate vehicular circulation through its site to adjacent owners' sites by the use of a cross access and/or joint access easement which defines the shared access points or driveway, drive aisles, service drives, and parking spaces that can be connected to an adjacent property owners' property. Provided, however, a property owner within a commercially zoned district whose property fronts a public street, who can connect to the public roadway, and whose uses meet the Town's parking standards, may elect to not participate in cross access/joint access easements with adjacent property owners.

(3) All properties with frontage on public streets which are within commercial Zoning Districts shall be subject to the access to rights-of-way regulations in Section 78-144 of the Code which can be supplemented by the execution of cross and joint access easements between Owners of properties whose properties front public streets as shown in Figure 78-144-1. Cross and joint access circulation is encouraged whenever feasible and shall include the following:

- (i) A cross access drive extending the entire length of each block served to provide for driveway separation consistent with the access to rights-of-way system in Section 78-144 and standards;
- (ii) A design speed respective of the individual vehicular drive aisles and which maintains a sufficient width to accommodate two-way travel aisles shall be designed to accommodate personal vehicles and service vehicles; and
- (iii) Stub-outs and other design features to make it visually obvious that adjacent properties may be legally bound to provide cross access points, consistent with the visibility triangle requirements and the landscape requirements of the Town Code;

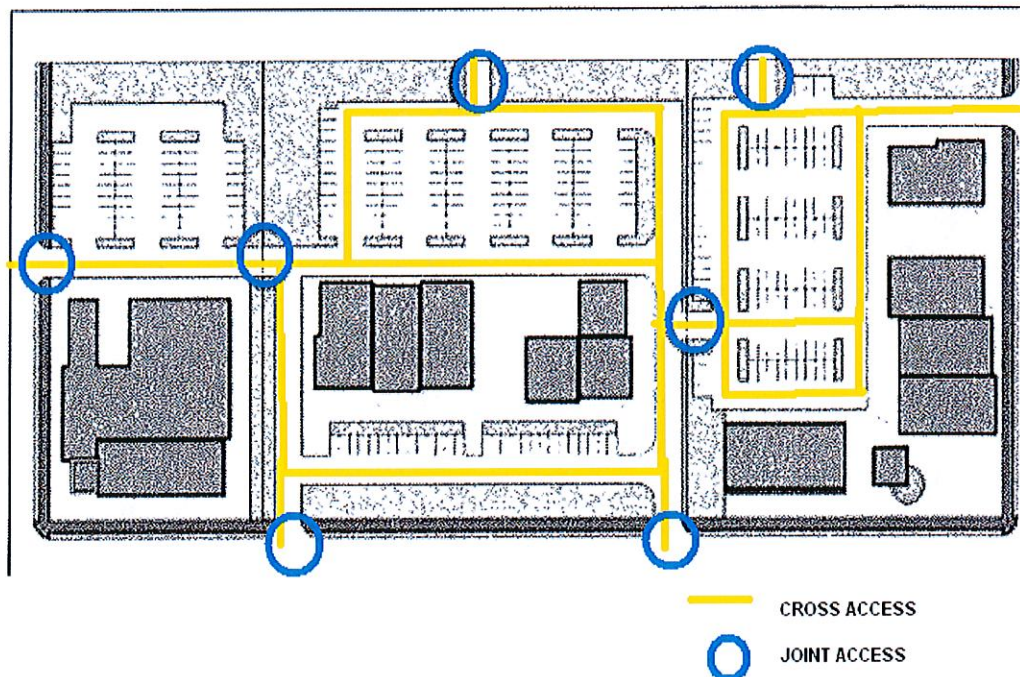


Figure 78-144-1: Cross access between parking areas and adjacent properties. Joint access through the use of common driveways entrances and between properties.

(4) Pursuant to this section, where cross access or joint access easements between Property Owners has been agreed to, the parties to the cross access and/or joint access easements shall record the easement allowing cross and/or joint access between properties.

(5) Pursuant to this section, where cross and/or joint access easements between property owners has been agreed to, those properties proposing reconstruction or redevelopment shall provide that remaining access rights along the public roadway shall be dedicated to the Town and any pre-existing driveways shall be closed following the reconstruction or redevelopment of the properties.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article V, Section 78-144 is hereby amended as follows:

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to

accomplish such, and the word "Ordinance" may be changed to "Section," "Article," or any other appropriate word.

Section 6. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 21 day of August, 2013, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>✓</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>✓</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>✓</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>Absent</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>✓</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 31 DAY OF August, 2013

Upon Second Reading this 10 day of September, 2013, the foregoing Ordinance, was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>✓</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>✓</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>✓</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>✓</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>✓</u>	_____

The Mayor thereupon declared **Ordinance No.** 13-2013 duly passed and adopted this 10 day of September, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois
Mayor, James DuBois

ATTEST:

Vivian Mendez
Town Clerk, Vivian Mendez
(Town Seal)
TOWN OF LAKE PARK
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

The Palm Beach Post

Real News Starts Here

RECEIPT

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Original Ad ID:

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Stop: 08-31-2013
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Dimension.. 1 X 90
Color:

Editions:
PB Post
PB Post Web

LEGAL NOTICE OF PROPOSED ORDINANCE
TOWN OF LAKE PARK

Please take notice that on Tuesday, September 10, 2013 at 6:30 p.m. or soon thereafter the Town Commission of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Palm Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

ORDINANCE NO. 11-2013
AN ORDINANCE OF THE TOWNS COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V, SECTION 78-111(B)(1) OF THE TOWN'S CODE OF ORDINANCES ESTABLISHING STANDARDS FOR THE FENCE HEIGHT OF MULTI-FAMILY STRUCTURES, PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT, PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 12-2013
AN ORDINANCE OF THE TOWNS COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V, SECTION 78-184 OF THE TOWN'S CODE OF ORDINANCES, CREATING CERTAIN REQUIREMENTS FOR THE SUBMISSION OF SPECIAL EXCEPTION USE APPLICATIONS, PROVIDING FOR A REQUIREMENT FOR CERTIFIED MAIL COURTESY NOTICES TO OWNERS OF PROPERTY WITHIN 300 FEET OF A PROPOSED SPECIAL EXCEPTION USE, PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 13-2013
AN ORDINANCE OF THE TOWNS COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V, SECTION 78-144 OF THE TOWN'S CODE OF ORDINANCES TO AUTHORIZE AND ENCOURAGE THROUGH INCENTIVES THE PROVISION OF CROSS ACCESS AND DRIVE ACCESS EASEMENTS BETWEEN THE OWNERS OF TWO OR MORE PROPERTIES, PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mercedes, Town Clerk at 561-881-3311. Vivian Mercedes, CLERK, Town Clerk, Town of Lake Park, Florida
PUB: The Palm Beach Post
8-31-2013 8117026

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Town of Lake Park Community Development Department

Meeting Date: September 10, 2013
2nd Reading

Nadia Di Tommaso
Community Development Director

To: TOWN COMMISSION

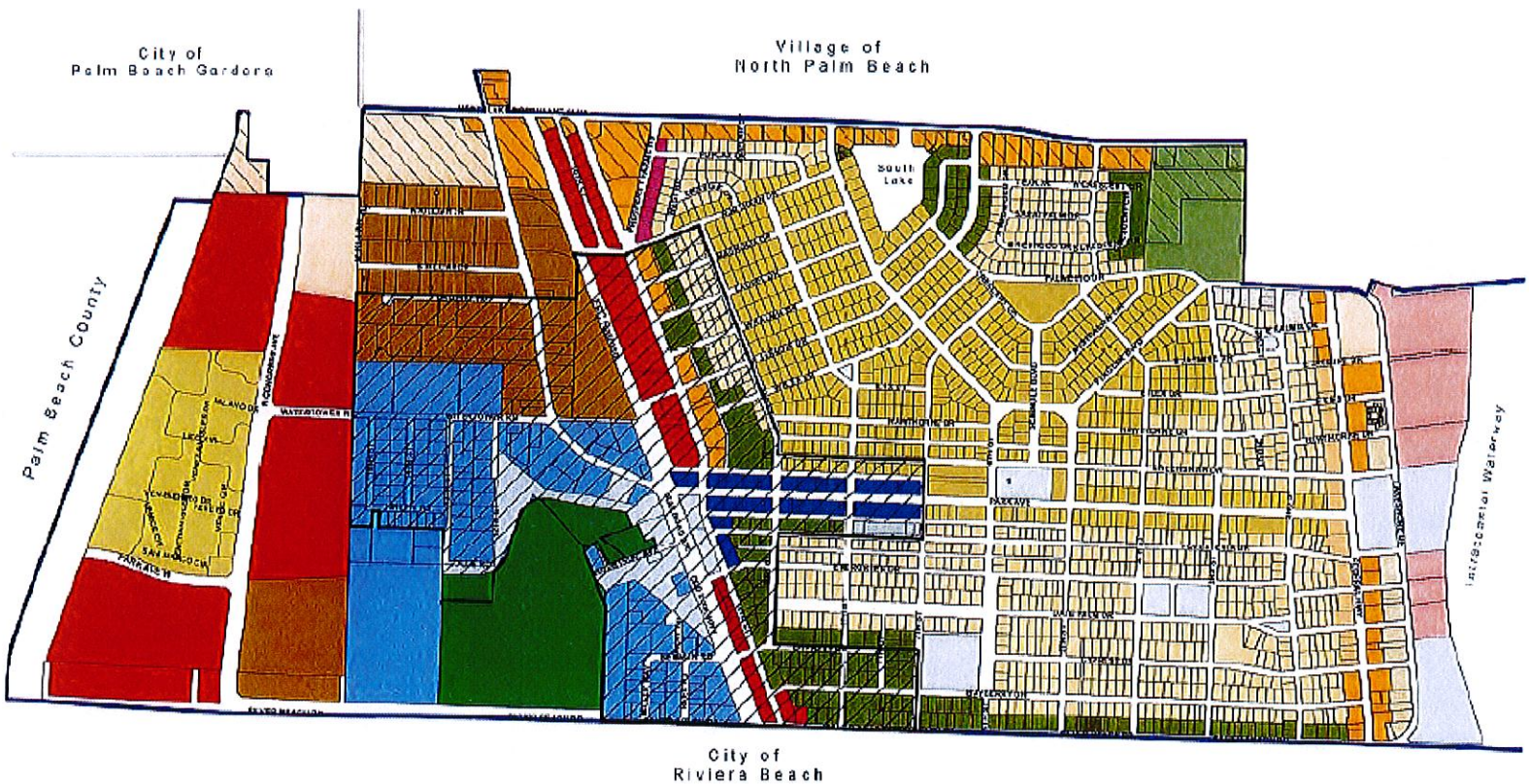
Re: Changes to Section 78-144
Creating Joint Access and Cross Access Language

Town Commission 1st Reading (August 21, 2013): **Approved unanimously (4-0).**

Planning and Zoning Board Recommendation (August 5, 2013): **Approved unanimously (4-0).**

Over the past few months, several staff members have participated in conversations with private property owners as it relates to their parking lots, driveway connections and overall access to their properties. The Town's commercial zoning districts are illustrated on the Town's Zoning Map below:

- Commercial-1 (C-1)
- Commercial 1B (C-1B)
- Commercial-2 (C-2)
- Commercial-3 (C-3)
- Commercial-4 (C-4)
- Campus Light Industrial and Commercial (CLIC)
- Park Avenue Downtown District (PADD)



Legend

- CRA Boundaries
- R'B
- R'AA
- R'
- K'A
- R2A
- R3
- R2
- TND
- C1
- C1B
- C2
- C3
- Public
- PUD
- PADD
- CLIC
- GRA
- HBOZ_overlay
- C4
- Lake_Park_Boundary
- Conservation



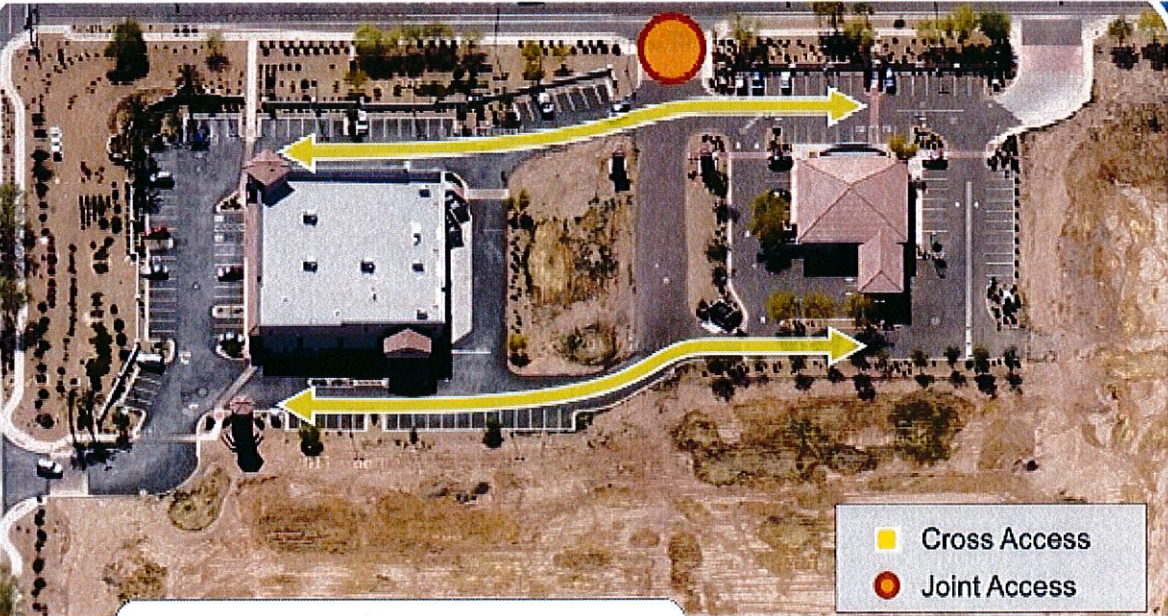
Policy 8.2 of the Town's Comprehensive Plan's Traffic Circulation Element promotes cross access and shared access (joint access) in stating the following:

Policy 8.2: At the time of redevelopment and through cross-access and shared access agreements, the Town shall discourage excessive curb cuts including the control of connections and access points of driveways and roads to roadways on arterial and major collector streets within the confines of the Town's roadway network.

WHAT IS JOINT ACCESS AND WHAT IS CROSS ACCESS?

Joint and cross access are methods of allowing adjacent properties to share driveways, drive aisles, and parking lot facilities. **Joint access** allows two adjacent property owners to share a driveway along their common property line. **Cross access** allows traffic to move between adjacent properties without re-entering the public roadway.

Example of Joint and Cross Access:



WHY IS JOINT ACCESS/CROSS ACCESS IMPORTANT?

The majority of the Town's commercial structures were built in the early 1960's and 1970's. While some of these commercial structures have been renovated, many of these commercial structures were built on lots that do not meet the Town's current land development regulations. Consequently, the majority of the existing parking lots, and the

number of available parking spaces, drive aisles and driveways for commercial properties in the Town, are non-conforming. The businesses and the Town would be better served if these businesses, on separate lots, were operated in conjunction with their neighboring lots. The changes proposed by staff **provide an alternative method** to property owners to meet the access, parking and circulation requirements of the Code. Ultimately, a property owner will have two options:

- (1) Utilize, build, renovate or expand upon their properties such that they meet the existing land development regulations, including those for parking, drive aisles, service drives and access points as required by Code.

OR

- (2) Utilize, build, renovate or expand upon their private property through the sharing of parking spaces, drive aisles, service drives and all relevant access points using the provisions proposed as part of this agenda item. This would require property owners to agree to cross and joint access easements.

Property owners should be encouraged and incentivized to select option (2) because cross and joint access will enhance a property owner's development opportunities; improve roadways, pedestrian, and bicycle safety; reduce congestion; and support multi-modal travel. Cross access may also have an incidental benefit to the businesses to the extent that customers are encouraged to stay on-site and visit multiple businesses.

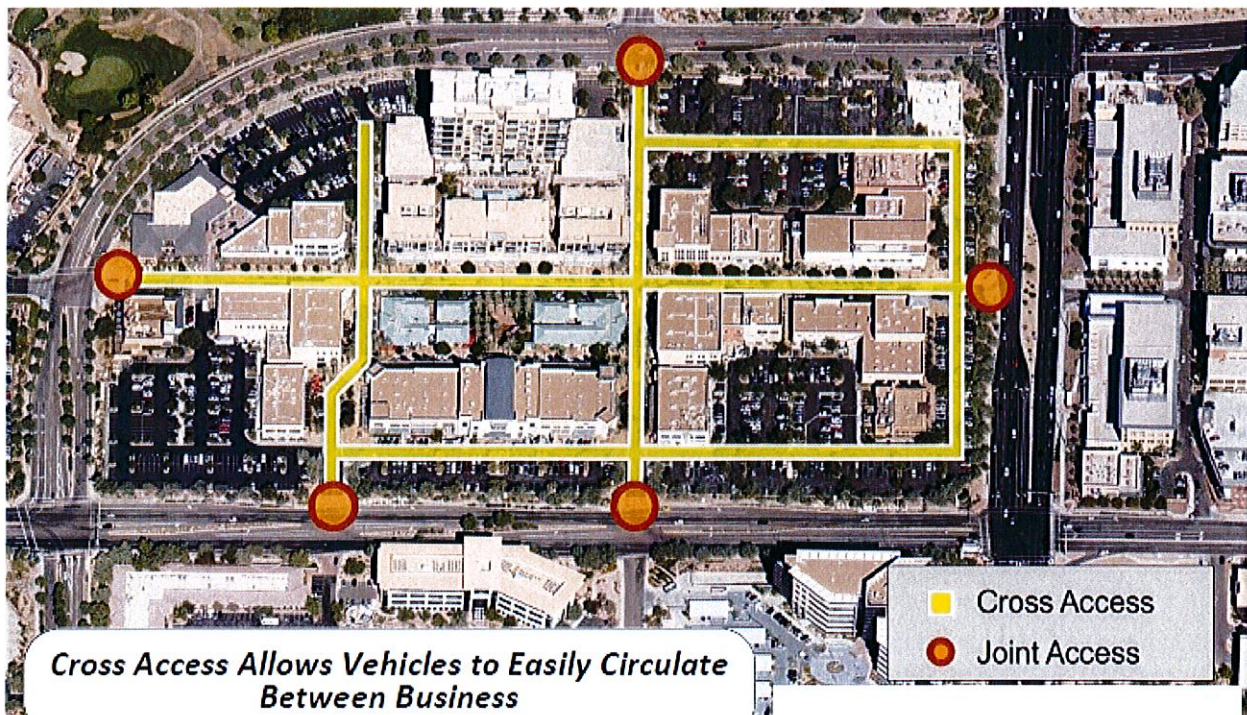
Joint and cross access diminishes roadway inefficiency. "Driveway hopping" occurs when vehicles are forced to go from one driveway to another, using the public street, to access an adjacent property. Slower vehicles that "driveway hop" then mix with higher speed vehicles traveling the street which causes traffic on the public street to slow down, and sometimes brake quickly, on the public street. This can cause accidents and leads to driver frustration. With joint and cross access easement agreements in place, vehicles can travel between adjacent properties without having to use the public street.

Example of driveway hopping:



Joint access increases safety. Consolidating and using shared access points on a public roadway may reduce the number of accidents. Driveways of access points without a traffic signal allow vehicles to enter or exit the public roadway freely. This movement increases the potential for a conflict with vehicles in the traffic stream. When traffic volumes are high, the spacing between vehicles is smaller and drivers have less opportunity to safely enter or exit a driveway. A vehicle exiting the public roadway will generally brake before turning, which may result in rear-end and lane-change collisions. Encouraging adjacent property owners along public roadways to execute cross and joint access easements to share access may improve safety by minimizing driveway conflict areas.

Joint and cross access will benefit businesses. Properly designed driveways shared by multiple businesses may allow more site area for parking and landscaping. Sites with landscaped areas and sufficient parking are generally more attractive and convenient to customers and maintain or even increase their property values. Cross access connections between adjacent commercial developments will improve customer convenience. More businesses will be accessible to a customer without having to re-enter the public roadway. Individual businesses may also experience increased exposure from customers visiting adjacent businesses.



Staff is proposing the following text amendments to Section 78-144 of the Town of Lake Park Code of Ordinances, to include the following language:

Section 78-144 – Access to rights-of-way

(f) Cross access/joint access easements

(1)

In order to provide for an alternative method to ensure the safe and efficient movement of traffic along public roadways and to comply with the minimum parking standards for those properties which front public streets in the Town's commercial zoning districts, property owners shall, whenever feasible, execute cross access and joint access easements to share common driveways, drive aisles, service drives, and parking areas, to facilitate access between their properties and the businesses located thereon. Property owners who agree to execute cross access and/or joint easements may be entitled to a reduction of the number of required parking spaces upon their respective properties by up to 50 percent provided a shared parking study is submitted to the Director of Community Development which demonstrates that the parking demand for the properties subject to the cross access and/or joint access easement can be met. The parking demand study shall be subject to the review and approval of the Community Development Director. The study shall:

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- (i) A cross access drive extending the entire length of each block served to provide for driveway separation consistent with the access to rights-of-way system in Section 78-144 and standards;
- (ii) A design speed respective of the individual vehicular drive aisles and which maintains a sufficient width to accommodate two-way travel aisles shall be designed to accommodate personal vehicles and service vehicles; and
- (iii) Stub-outs and other design features to make it visually obvious that adjacent properties may be legally bound to provide cross access points, consistent with the visibility triangle requirements and the landscape requirements of the Town Code;

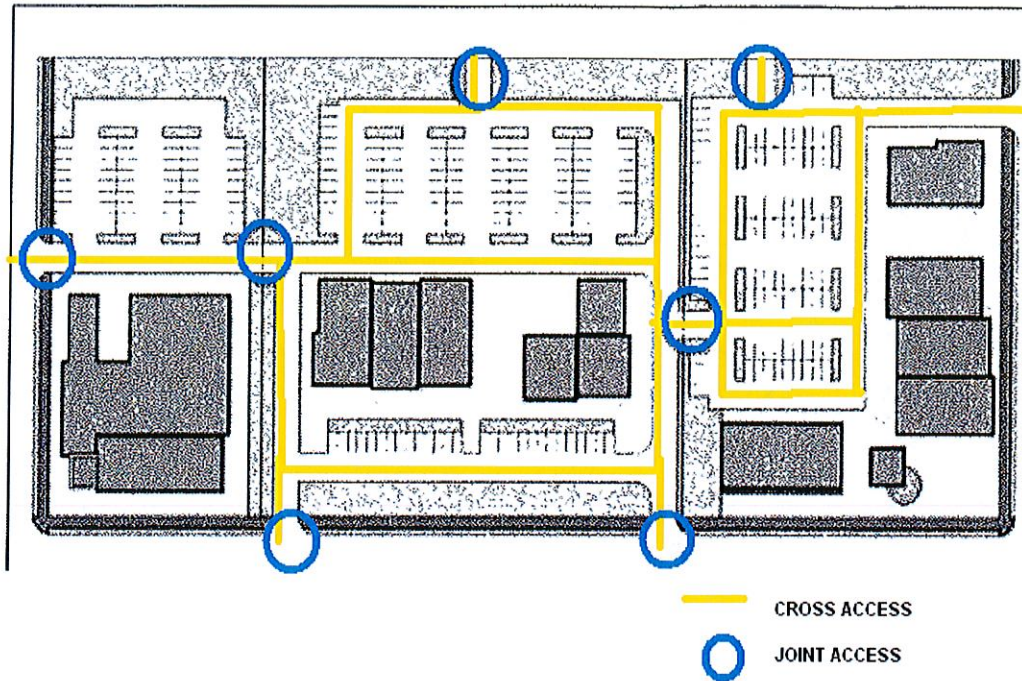


Figure 78-144-1: Cross access between parking areas and adjacent properties. Joint access through the use of common driveways entrances and between properties.

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(5) Pursuant to this section, where cross and/or joint access easements between property owners has been agreed to, those properties proposing reconstruction or redevelopment shall provide that remaining access rights along the public roadway shall be dedicated to the Town and any pre-existing driveways shall be closed following the reconstruction or redevelopment of the properties.

STAFF RECOMMENDATION: I MOVE TO ADOPT ORINANCE NO. 13-2013 on second reading.