

**MEMORANDUM**

**TO:** City Commission

**THROUGH:** Douglas Hutchens, Interim City Manager 

**DATE:** August 17, 2016

**FROM:** Greg Rice, Planning & Development Director

**SUBJECT:** Parking Ordinance

**PRESENTER:** Greg Rice, Planning & Development Director

**RECOMMENDATION:** 1<sup>st</sup> Reading Approval of Ordinance 16-25

**BUDGET IMPACT:** TBD

**PAST ACTION:** None

**NEXT ACTION:** 2<sup>nd</sup> Reading Approval of Ordinance 16-25

**ATTACHMENTS:** Ordinance 16-25 and Minutes from Local Planning Agency meeting of 8/10/2016.

**BACKGROUND:** Ordinance 16-25 codifies the City's new Parking Management System designed to increase turnover and provide new parking inventory over the long-term. The proposed ordinance will be discussed in detail at a public hearing on August 25, 2016. Highlights of the ordinance are listed below.

**105-24.7.2.1** – provides the authority to install, operate and maintain parking pay stations.

**105-24.7.2.2** – Parking System Description.

The operational pay-station type is "Pay-by-Plate" which requires the patron to enter their license plate number before paying for parking. This option associates the payment with the vehicle license plate and allows improved integration with enforcement and options for permit or discount based on a specific vehicle using the license plate as the credential for payment.

**105-24.7.2.4** – Methods of Payment.

1. Coin
2. Credit/Debit Cards
3. Phone App

#### **105-24.7.2.5 – City of Dunedin Resident Discount Program.**

1. The public is eligible to park in lots designated as complimentary
2. Residents can receive a 20% discount on their parking fees by doing the following:
  - a. Open a Parkmobile phone app account,
  - b. Register their license plate with proof of residency at the Planning & Development Department. Proof of residency requires a valid driver's license or a current City of Dunedin utility bill.
  - c. The Parkmobile transaction fee will also be waived for registered residents.

#### **105-24.7.2.6 – Downtown Employee Pass Program.**

1. Employees of businesses located in the CRA, may purchase longer term parking passes for the \$1.00 per hour lots and garages with proof of employment in the CRA. Two passes are available.
  - a. \$30.00 per month; or
  - b. \$300.00 per year

#### **105-24.7.2.7 – Golf Carts.**

1. Any golf cart or other slow speed vehicle (street legal golf carts) that occupies a paid parking space will be required to pay for parking using the nearest pay station.
  - a. To access the pay station, low speed vehicles (street legal golf carts) will enter the required Florida license plate.
  - b. For golf carts that are not street legal, but that are allowed downtown, the Dunedin registration number will be used at the pay station.

**105-24.7.3 – Provides for a detailed list of parking prohibitions and restrictions.**

#### **105-24.7.4 – PARKING ENFORCEMENT**

##### **105-24.7.4.1 - Authority to Issue Citations for Nonmoving Violations**

The parking manager and his designated representatives are hereby given authority to issue citations for nonmoving violations of this section. Concerning such nonmoving violations, the City Commission shall designate those for which payment may be made by fine and accepted by the parking division and shall further specify by suitable schedules the amount of such fines for first, second or subsequent offenses, provided such fines are within the limits provided by law.

##### **105-24.7.4.2 - Schedule of Fines**

Parking violations are to be paid within thirty (30) calendar days from the date of issuance of a citation.

1. Parking violation fines for which full payment is not received within thirty (30) calendar days from the date of issuance will be subject to a fifteen dollar (\$15.00) penalty in addition to the citation fine for each citation issued.
2. Parking violation fines and penalties for which full payment is not received within forty-five (45) calendar days from the date of issuance will be subject to an additional twenty-dollar (\$20.00) penalty, for a total of thirty-five dollars (\$35.00) penalty in addition to the citation fine for each citation issued.
3. Pursuant to F.S. § 938.35, parking violation fines and penalties for which full payment is not received within ninety (90) calendar days from the date of issuance will also be subject to an additional collection fee if the account is referred to a collection agent. The amount of such collection fee shall not exceed forty (40) percent of the amount owed at the time the account is referred to the attorney or agents for collection, or in the actual amount charged by such private attorney or agents for collection, whichever is less.

4. In the case of overpayment of a parking violation fine and penalty, no refund shall be made if payment of any other delinquent citation is due and owing on any vehicle owned by the same registered owner of the vehicle, and if such citation is not under appeal. The city shall apply such credit balance to the oldest outstanding delinquent citation first.

Parking violation fines and penalties paid on the day of the violation, at the parking pay station shall be discounted by fifty percent (50%).

**105-24.7.4.8.** – details how a notice will be presented for an illegally parked vehicle.

**105-24.7.4.9** - Administrative Appeal Process.

Any person wishing to contest a parking citation may appeal using the following process.

1. For defective pay stations: If a person who has received a citation for overtime parking believes the pay station for the parking space is defective or malfunctioning, such person shall notify the city's parking division of possible defect or malfunction no later than 10:00 a.m. the following working day via:
  - a. Telephone call to the city's parking division to report such pay station defect or malfunction; or
  - b. Personally appearing at the parking division office to make such report.
2. For any other parking violation the appeal will be heard by a special magistrate.

**105-24.7.5. - RESIDENTIAL PARKING PERMIT PROGRAM AREA (RPPA)**

**105-24.7.5.4** - List of residential streets in the designated residential parking permit area.

The following locations make up the RPPA.

1. Victoria Drive from Main St. to Washington St.
2. Monroe St. from Victoria Dr. to Broadway.
3. Washington St. from Victoria Dr. to Broadway.
4. Howard Ave.
5. Highland Ct.
6. Highland Ave. from Grant St. to Skinner Blvd.
7. Grant St. from Douglas Ave. to Highland Ave.
8. Wood St. from Douglas Ave. to Orange Ave.
9. Scotland St. from Edgewater Dr. to Orange Ave.
10. Wilkie St. from Highland Ave. to Orange Ave.
11. James St. from Douglas Ave. to Orange Ave.
12. Highland Ave. from Wood St. to James St.
13. Loudon Ave. from Wood St. to James St.
14. Albert St. from Edgewater Dr. to Douglas Ave.
15. President St. from Edgewater Dr. to Douglas Ave.
16. Broadway from Scotland St. to President St.
17. Chicago Ave. from James St. to Lyndhurst St.

**105-24.7.5.5** - Issuance of residential parking permits.

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

1. The owner of property located within a RPPA 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 RPPA; or
- d. Such other evidence of identification as deemed acceptable by the parking manager showing residency within the RPPA.

## **ORDINANCE 16-25**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, CREATING SECTION 105-24.7 PAID PARKING IN THE LAND DEVELOPMENT CODE OF THE DUNEDIN CODE OF ORDINANCES; ESTABLISHING A PARKING MANAGEMENT SYSTEM WITHIN THE COMMUNITY REDEVELOPMENT AREA (CRA); PROVIDING FOR ON-STREET AND OFF-STREET PAID PARKING; PROVIDING FOR PARKING ENFORCEMENT, PROHIBITION, RESTRICTIONS AND RESIDENTIAL PARKING PERMIT DISTRICTS; PROVIDING FOR DEFINITIONS; REPEALING SECTIONS 74-72 AND 74-73 OF THE CODE OF ORDINANCES AND RENUMBERING SECTION 74-44 AS 74-42; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the Dunedin City Commission has received public input at several City Commission workshops and City Commission meetings regarding downtown parking, and has received recommendations from City staff, the Adhoc Downtown Parking Committee and the Community Redevelopment Agency Advisory Committee to implement a pilot parking management system within the Community Redevelopment Area (CRA); and

**WHEREAS**, the City has retained Walker Parking Consultants to study the issues and make recommendations for implementing a hybrid Parking Management System within the CRA; and

**WHEREAS**, City staff has worked with Walker Parking to review and analyze a Parking Management Plan that includes complimentary (free) and paid parking areas; and

**WHEREAS**, the City Commission has determined that revenue from the paid parking stations will be utilized to fund costs associated with the management of the overall parking system, parking leases, and a future parking garage; and

**WHEREAS**, amendments to the Land Development Code are necessary to implement regulations of the Parking Management System; and

**WHEREAS**, the Local Planning Agency of the City of Dunedin has considered the revisions to the text of the Land Development Code and has recommended the amendments be adopted; and

**WHEREAS**, the recommendations of the consultant, City staff and the Local Planning Agency have been found by the City Commission to be meritorious.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 105-24.7 of Chapter 105 of Subpart B – Land Development Code of the Code of Ordinances of the City of Dunedin is hereby created to read as follows:

**SECTION 105-24.7 PAID PARKING**

**105-24.7.1 – GENERALLY**

**105-24.7.1.1 – Applicability.**

(A) This section shall apply to every street, alley, sidewalk, driveway, parking area, park area and every other way in the City's Community Redevelopment Area (CRA).

**105-24.7.1.2 - Compliance with Section.**

It shall be unlawful and an offense for any person to do any act forbidden or fail to perform any act required in this section.

**State Law reference—** *Similar provisions, F.S. § 316.072(2).*

**105-24.7.1.3 - Violations Generally.**

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the committing of any act declared in this section to be in violation of the ordinances of this city, whether individually or in connection with one (1) or more other persons or as a principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, fraudulently, willfully induces, causes, coerces, requires, or directs another to violate any provision of this section is likewise guilty of such offense.

**105-24.7.1.4 - Offenses by Persons Owning or Controlling Vehicles.**

Neither the owner or any person employing or otherwise directing the driver of any vehicle shall require or knowingly permit the operation of such vehicle upon a street of this city in any manner contrary to law.

**105-24.7.1.5 - Presumption in Reference to Illegal Parking, Operating, Stopping, Etc.**

In any prosecution charging a violation of any ordinance governing the stopping, standing, parking, or operating of a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking or operating the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the

registered owner of such vehicle was the person who stopped, stood, parked, or operated such vehicle at the point where and for the time during which such violation occurred.

The foregoing presumption shall apply only when the procedure as prescribed in section 105-24.7.4.8 has been followed.

**State Law reference**— *Liability for payment of parking ticket violation, F.S. § 316.1967.*

## **105-24.7.2 – PARKING MANAGEMENT SYSTEM**

### **105-24.7.2.1 - Authority to Install, Operate and Maintain Parking Pay Stations.**

- (A) The Economic Development Department is hereby authorized to install or have installed sufficient parking pay stations or multi-space parking pay stations in such parking pay station zones as now exist or may from time to time be created. Such parking pay stations or multi-space parking pay stations shall be placed upon the curb alongside of or next to individual parking places to be designated as provided in this section.
- (B) The Economic Development Department shall provide for the installation, regulation, control, operation, and use of the parking pay stations or multi-space parking pay stations provided for in this section and shall see to it that such pay stations are maintained in good workable condition.
- (C) The Economic Development Department is hereby authorized to designate and determine such additional parking pay station zones upon the streets, boulevards, avenues, drives and courts of the CRA and may remove the same as may be required from time to time. Parking pay stations for such additional parking pay station zones shall be installed, as provided in this section, after purchase by authority of the City Commission.

### **105-24.7.2.2 – Parking System Description.**

The operational pay-station type is "Pay-by-Plate" which requires the patron to enter their license plate number before paying for parking. This option associates the payment with the vehicle license plate and allows improved integration with enforcement and options for permit or discount based on a specific vehicle using the license plate as the credential for payment.

### **105-24.7.2.3 - Multi-Space Pay Stations.**

- (A) Each multi-space pay station shall contain a legend showing the type of payments, the parking time allowed for payment and the hours during which payment must be made.

- (B) The operator using such parking space shall immediately make payment upon parking in the designated area. In case of violation, it shall be the duty of enforcement personnel to issue a citation.
- (C) Under authority of law, the city has acquired or leased certain municipal on and off-street parking lots, garages, and areas, and the revenue derived therefrom shall be used to pay the cost of maintenance and supervision, a future parking garage and/or to retire the principal and interest of municipal parking revenue bonds, in accordance with the provisions of the resolution authorizing same. All such parking lots, garages, and areas owned or operated by the city, except as otherwise provided in this section, shall be operated subject to the rates and hours of operation listed below:
1. For on-street paid parking spaces, the Marina parking lot, the Historical Museum parking lots and certain paid lots off Main Street the rate shall be at a rate of one dollar and fifty cents (\$1.50) per hour of parking time.
  2. For off-street paid parking spaces the rate shall be at a rate of one dollar (\$1.00) per hour of parking time.
  3. Paid parking locations shall be enforced between 10:00 am and 10:00 pm.
- (D) Parking locations by payment type.
1. Paid parking areas requiring \$1.50 per hour payment (3 hours maximum) are:
    - a. Dunedin Marina
    - b. 228 Main Street (Peebles and Gracy) lot.
    - c. Victoria Drive (Victoria Place)
    - d. 349 Main Street (Dunedin Historical Society) lot.
    - e. Broadway (from Scotland to Main)
    - f. Main Street (from Broadway to Skinner Blvd)
    - g. Virginia Lane (from Douglas to Main)
    - h. Honey Lane
    - i. Douglas Avenue (from Scotland to Skinner)
    - j. Highland Avenue (from Wood to Grant)
    - k. Loudon Avenue (from Virginia to Main)
    - l. Park Street (from Loudon to Milwaukee)

- m. Milwaukee Avenue (from Main to Skinner)
- 2. Paid parking areas requiring \$1.00 per hour payment (4 hours maximum – can extend using phone app) are:
  - a. Monroe Street lot
  - b. 940 Douglas Avenue (future parking garage)
  - c. 500 Wood Street (1st Baptist Church) after 6:00pm.
  - d. West Railroad Avenue (adjacent to Pinellas Trail)
  - e. Highland Avenue/Wood Street parking lot
- 3. Free Parking Areas (8 hours maximum) are:
  - a. 715 Edgewater Drive (Bushnell Lot)
  - b. 362 Scotland Street (Station Square)
  - c. 411 Wood Street (First United Methodist Church)
  - d. 500 Wood Street (1st Baptist Church) before 6:00pm.
- 4. Free Parking Areas (2 hours maximum) are:
  - a. 510 Main Street (adjacent to City Hall)
  - b. Edgewater Park (angled spaces)

**105-24.7.2.4 – Methods of Payment.**

- (A) Coin
- (B) Credit/Debit Cards
- (C) Phone App

**105-24.7.2.5 – City of Dunedin Resident Discount Program.**

- (A) The public is eligible to park in lots designated as complimentary
- (B) Residents can receive a 20% discount on their parking fees by doing the following:
  - 1. Open a Parkmobile phone app account.
  - 2. Register their license plate with proof of residency at the Planning & Development Department. Proof of residency requires a valid driver's license or a current City of Dunedin utility bill.
  - 3. The Parkmobile transaction fee will also be waived for registered residents.

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- (A) Employees of businesses located in the CRA, may purchase longer term parking passes for the \$1.00 per hour lots and garages with proof of employment in the CRA. Two passes are available.
  - 1. \$30.00 per month; or
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**105-24.7.2.7 – Golf Carts.**

- (A) Any golf cart or other slow speed vehicle (street legal golf carts) that occupies a paid parking space will be required to pay for parking using the nearest pay station.
  - 1. To access the pay station, low speed vehicles (street legal golf carts) will enter the required Florida license plate.
  - 2. For golf carts that are not street legal, but that are allowed downtown, the Dunedin registration number will be used at the pay station.

**105-24.7.3 - PROHIBITIONS AND RESTRICTIONS**

**105-24.7.3.1 - Moving Vehicle into Prohibited Area.**

No person shall move a vehicle not owned by or in charge of such person into any such prohibited area or away from a curb such distance as is unlawful.

**105-24.7.3.2 - Parking Not to Obstruct Traffic.**

No person shall stop, stand, or park a vehicle on any portion of a street lane, or lane of traffic in a lot or garage open to the public for purposes of vehicular traffic and designated for the exclusive use of vehicular movement, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer.

**105-24.7.3.3 - Unattended Motor Vehicle.**

- (A) Whenever any enforcement personnel shall find a motor vehicle standing unattended with the ignition key in the vehicle in violation of this section, such enforcement personnel are authorized to remove such key from such vehicle and to post a notice in such vehicle stating where the key may be recovered.
- (B) The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such violation.

**105-24.7.3.4 - Prohibited in Specified Places.**

- (A) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:
1. It shall be unlawful for any person to park in or upon any private alley, drive, driveway, parking area or other privately owned property without the consent of the owner of the property or person in charge thereof, whether such property is used exclusively by the owner or for the use and convenience of customers or guests.
  2. On the street side of any vehicle stopped or parked at the edge or curb of a street.
  3. On a sidewalk.
  4. Within an intersection.
  5. On a crosswalk.
  6. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length.
  7. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
  8. On a bicycle path.
  9. At any place where traffic control devices prohibit stopping.
  10. At any Electric Charging Station, unless connected and charging an electric vehicle. The time allowed to park in the space is determined by the pay station maximum allowed in that specific location or designated by posted sign.
- (B) No person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, and except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:
1. In front of a public or private driveway.
  2. Within fifteen (15) feet of a fire hydrant.
  3. Within twenty (20) feet of a crosswalk at an intersection.
  4. Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a street.
  5. Within twenty (20) feet of the driveway entrance to any fire station and, when posted, on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance.

6. On an exclusive bicycle lane.
7. At any place where official traffic control devices prohibit standing.

**105-24.7.3.5 - Occupation of more than One Space by One Vehicle.**

- (A) No person shall stop, stand or park a vehicle in a manner that causes the vehicle or any portion thereof to occupy more than one (1) parking space. When more than one (1) pay stationed parallel parking space is occupied by a vehicle or any portion thereof the vehicle operator must make payment to the parking pay stations alongside of, next to, or in front of the spaces so occupied.
- (B) No person shall stop, stand or park a vehicle in a manner that causes the vehicle or any portion thereof to extend over the white line marking which designates the rear of a compact vehicle parking space in municipal parking areas or lots owned or operated by the city. A compact vehicle parking space is one which is eight (8) feet in width and sixteen (16) feet in length.

**105-24.7.3.6 - House Trailers, Buses, Recreational Vehicles and Truck Tractors.**

- (A) Prohibition. No person shall park any house trailer, bus, recreational vehicle unit or truck tractor with or without a trailer attached, within any zone (paid or complimentary) within the parking lots, garages, spaces and the areas within the CRA.
- (B) Exemption. The provisions of this section shall not apply to official vehicles and vehicles that are authorized by the city to be engaged in television or film production or City authorized Special Events.
- (C) Penalty. Any violation of this section shall result in a fine of \$30.00.

**105-24.7.3.7 - Stopping, Standing or Parking In Alleys.**

- (A) No person shall stop, stand, or park a vehicle within an alley, except for the expeditious loading or unloading of materials, and in no event for a period of more than twenty (20) minutes, and no person shall stop, stand, or park a vehicle in any other alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.
- (B) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

**105-24.7.3.8 - Parking for Certain Purposes Prohibited.**

- (A) No person shall park a vehicle upon any street, pay stationed parking space, parking lot, or garage, for the principal purpose of:

1. Displaying such vehicle for sale.
2. Washing, greasing, or repairing such vehicle, except repairs necessitated by emergency.
3. Displaying advertising.
4. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city.
5. Storage or as junkage or dead storage for more than twenty-four (24) hours.

**105-24.7.3.9 - One-Way Roadways.**

- (A) Except where angle parking is permitted, no person shall stop, stand, or park a vehicle upon a two-way street unless the right-hand wheels of such vehicle are parallel to and within twelve (12) inches of the right-hand curb or edge of the street.
- (B) Except where angle parking is permitted, no person shall stop, stand, or park a vehicle upon a one-way street unless such vehicle is parked, stood, or stopped parallel to the curb or edge of the street, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the street, or its left wheels are within twelve (12) inches of the left-hand curb or edge of the street.

**105-24.7.3.10 - Passenger Curb Loading Zones.**

No person shall stop, stand, or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five (5) minutes.

**105-24.7.3.11 - Restricted Parking Zones.**

No person shall stop, stand, or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.

**105-24.7.3.12 - Buses and Taxicabs.**

The operator of a bus or taxicab shall not stop, stand, or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.

**105-24.7.3.13 - Restricted Use of Bus and Taxicab Stands.**

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

**105-24.7.3.14 - Parking in Spaces Provided for Disabled Persons.**

No person shall stop, stand or park a vehicle within any parking space specially designated and marked for the exclusive use of physically disabled persons only, unless such vehicle displays a parking permit issued pursuant to F.S. §§ 316.1958 or 320.0848, or a license plate issued pursuant to F.S. §§ 320.084, 320.0842, 320.0843 or 320.0845, and such vehicle is transporting a person eligible for such parking permit or license plate; provided, however, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit or a special license plate, momentary parking in any such parking space, for the purpose of loading or unloading such disabled person, and no penalty shall be imposed upon the driver for such momentary parking.

- (A) As per F.S. § 316.1964, vehicles parked as indicated above may use the handicap space for a maximum of four (4) hours without payment in any on-street pay stationed space, unless signage posted extends the time to park. For example, if the signage establishes a three-hour time limit, then the driver is allowed to park for a maximum of three hours. After the time limit expires, the driver must make payment into the parking pay station or move the vehicle from the parking space to a different street block.
- (B) Payment is required for all vehicles in lots and garages. Only drivers of vehicles with specialized equipment such as a ramp, lift, or foot or hand controls or displaying the Florida Toll Exemption Permit are exempt from parking fees.

**105-24.7.4 – PARKING ENFORCEMENT**

**105-24.7.4.1 - Authority to Issue Citations for Nonmoving Violations**

The parking manager and his designated representatives are hereby given authority to issue citations for nonmoving violations of this section. Concerning such nonmoving violations, the City Commission shall designate those for which payment may be made by fine and accepted by the Economic Development Department and shall further specify by suitable schedules the amount of such fines for first, second or subsequent offenses, provided such fines are within the limits provided by law.

**105-24.7.4.2 - Schedule of Fines**

(A) Schedule of fines for parking violations within the city is hereby established as follows:

1. Parking overtime (sign)	\$30.00
2. Parking overtime (pay stationed)	\$30.00
3. Parking in permit area without valid permit displayed	\$30.00
4. Parking in area posted no parking during specified hours	\$30.00
5. Parking in area posted authorized vehicle only	\$30.00
6. Within fifteen (15) feet of fire hydrant	\$30.00
7. Within thirty (30) feet of traffic-control device	\$30.00
8. Parking on private property	\$30.00
9. Parking on crosswalk	\$30.00
10. Loading zone	\$30.00
11. Parking in prohibited neighborhood zones	\$30.00
12. Parking on sidewalk	\$30.00
13. Blocking driveway	\$30.00
14. Blocking alley or overtime parking in alley	\$30.00
15. Double parking	\$30.00
16. Obstructing traffic	\$30.00
17. Parking facing oncoming traffic (1- or 2-way road)	\$30.00
18. Parking in safety zone	\$30.00
19. Parking in posted no parking area	\$30.00
20. Parking in parking spaces provided for disabled persons in violation of section 26-144 of this Code	\$250.00

21. Parking in or blocking any area designated as an access aisle for persons with disabilities per F.S. § 316.1955(2)	\$250.00
22. Parking in fire lanes	\$30.00
23. Parking in courier zones	\$30.00
24. Other parking violations not listed above	\$30.00

(B) Parking violations are to be paid within thirty (30) calendar days from the date of issuance.

1. Parking violation fines for which full payment is not received within thirty (30) calendar days from the date of issuance will be subject to a fifteen-dollar (\$15.00) penalty in addition to the citation fine for each citation issued.
2. Parking violation fines and penalties for which full payment is not received within forty-five (45) calendar days from the date of issuance will be subject to an additional twenty-dollar (\$20.00) penalty, for a total of thirty-five dollars (\$35.00) penalty in addition to the citation fine for each citation issued.
3. Pursuant to F.S. § 938.35, parking violation fines and penalties for which full payment is not received within ninety (90) calendar days from the date of issuance will also be subject to an additional collection fee if the account is referred to a collection agent. The amount of such collection fee shall not exceed forty (40) percent of the amount owed at the time the account is referred to the attorney or agents for collection, or in the actual amount charged by such private attorney or agents for collection, whichever is less.
4. In the case of overpayment of a parking violation fine and penalty, no refund shall be made if payment of any other delinquent citation is due and owing on any vehicle owned by the same registered owner of the vehicle, and if such citation is not under appeal. The city shall apply such credit balance to the oldest outstanding delinquent citation first.
5. Overpayments. Any overpayments of fines/penalties will only be refunded if specifically requested within 90 days of receipt of the overpayment.

(C) Parking Violation fines and penalties paid on the day of the violation, at the parking pay station shall be discounted by fifty percent (50%).

(D) The Economic Development Department may dismiss parking citations under certain extenuating circumstances. These circumstances may include, but are not limited to, an improperly displayed permit or pay

station receipt when a valid permit or receipt is later produced, disabled vehicle, verified official city business, ambulance transport, police undercover vehicles, utility service providers, or verified pay station malfunction.

#### **105-24.7.4.3 - Overtime Parking**

- (A) When any vehicle is parked in any space designated as paid parking, the owner, operator, manager or driver of such vehicle shall, upon entering the parking space, immediately make payment to the multi-space parking pay station. The parking space may then be used by such vehicle during the parking limits provided herein. If the vehicle shall remain parked in such parking space beyond the payment period and in that event such vehicle shall be considered parked overtime, a citation may be issued. A subsequent citation may be issued for each violation of the time limits provided on the legend of multi-space parking pay station. The fact that a citation has been issued for a vehicle parked overtime shall not prevent enforcement personnel from issuing a subsequent citation; for example, a citation may be issued every two (2) hours at a two-hour time limit parking pay station space for a vehicle that remains parked overtime.
- (B) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or under his control to be parked overtime or beyond the lawful periods of time as set forth in this section.
- (C) As per F.S. § 316.1964, vehicles displaying a disabled parking permit or license plate may use the handicap space for a maximum of four (4) hours without payment in any on-street pay stationed space, unless signage posted restricts the time to park. For example, if the signage establishes a three-hour time limit, then the driver is allowed to park for a maximum of three hours.
- (D) It shall be the duty of the Economic Development Department to enforce the provisions of this section and to issue citations for all such violations.

#### **105-24.7.4.4 - Presumption of Overtime Parking and Ownership of Vehicle.**

- (A) The fact that an enforcement officer using a license plate recognition system in conjunction with a pay by plate multi-space pay station that shows no time remaining shall be presumptive evidence that the person who parked the vehicle then found standing in the parking space in the vicinity of a multi-space pay station failed to make payment as required therein or has permitted his vehicle to remain in such parking space for a period of time greater than that permitted for such payment. The indication by such multi-space pay station of illegal parking shall be presumptive evidence of overtime parking.

- (B) Any overtime parking violation under this division shall raise the presumption that the vehicle involved was operated by the person in whose name such vehicle was registered.

**105-24.7.4.5 - Use of Slugs, etc., in Pay Stations.**

It shall be unlawful for any person to deposit or cause to be deposited in any parking pay station any slug, device, or substitute for a coin of the United States of America.

**105-24.7.4.6 - Vehicles Parked on Public Property; Towing.**

- (A) It shall be unlawful to stop, stand or park an unauthorized vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a law enforcement officer or official traffic-control device, in any public parking lot or parking area during hours when such parking lot or area is closed to the general public or upon any other public property where parking is restricted or prohibited.
- (B) Law enforcement officers and parking enforcement specialists are hereby authorized to direct the removal of any vehicle stopped, standing or parked in violation of this section if signs have been posted indicating that the parking lot, parking area or public property is a location from which vehicles will be removed if they are parked illegally.
- (C) Removal of vehicles from public property, parking lots or parking areas pursuant to this section shall be accomplished in accordance with the following procedure:
  1. The law enforcement officer or parking enforcement specialist shall attempt to locate the owner or operator of the illegally parked vehicle within the immediate vicinity of the vehicle before causing the vehicle to be towed or removed.
  2. Once the vehicle is removed, a description of the vehicle shall be forwarded to the Sheriff which shall, as soon as practicable, attempt to ascertain the identity of the owner of the vehicle. Within twenty-four (24) hours, the city shall attempt to contact the owner of the vehicle to notify him of the removal and location of the vehicle.
  3. If the city is unable to contact the owner or operator of the vehicle or if the vehicle remains unclaimed for forty-eight (48) hours, written notice of the towing and location of the vehicle shall be mailed to the registered owner of the vehicle.
  4. Upon payment of the costs of towing and storage, a vehicle removed and impounded pursuant to this section will be released to the owner or operator.

5. An owner may secure the release of his vehicle without first paying the costs of towing and storage by posting a bond as provided by law.
6. Should the owner or operator of an illegally parked vehicle contesting the parking citation prevail in an administrative appeal conducted pursuant to section 105-24.7.4.9 or in a court of competent jurisdiction, the costs of removal and storage of the vehicle shall be borne by the city. If such an owner or operator has paid the towing and storage costs to obtain the release of his vehicle prior to prevailing in the administrative appeal or judicial proceeding, the city shall reimburse the owner or operator the full amount of such charges.

#### **105-24.7.4.7 - Withholding of License Tags**

The Economic Development Department shall periodically upload to the Economic Development Department of highway safety and motor vehicles an electronic file, listing persons who have three (3) or more outstanding parking violations. Any person whose name appears on such a list will not be issued a license plate or revalidation sticker by the Economic Development Department until the outstanding parking violations are paid.

#### **105-24.7.4.8. - Notice on Illegally Parked Vehicle**

Whenever any motor vehicle without driver is found parked, stopped, or standing in violation of any of the restrictions imposed by ordinance of this city, the enforcement personnel finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation or notice in writing, on a form provided by the Economic Development Department.

#### **105-24.7.4.9 - Administrative Appeal.**

Any person wishing to contest a parking citation may appeal to the Economic Development Department, as follows:

- (A) For defective pay stations: If a person who has received a citation for overtime parking believes the pay station for the parking space is defective or malfunctioning, such person shall notify the city's Economic Development Department of possible defect or malfunction no later than 10:00 a.m. the following working day via:
  1. Telephone call to the city's Economic Development Department to report such pay station defect or malfunction; or
  2. Personally appearing at the Economic Development Department office to make such report.

If such a citation is received on a Saturday, Sunday or holiday, during which the office is closed, such report must be made within two (2) hours on the next working day the office is opened. City personnel shall then be dispatched to check the operation of such pay station. The person who received the citation shall be notified by telephone or regular mail of the results of the investigation into the operation of said pay station. If the pay station is found to be defective or malfunctioning, the citation will be excused. If the pay station is found to be functioning properly, the violator will be notified by the office as provided above and the time limits specified in section 105-24.7.4.2 (B) shall then begin to run anew, as if the citation was just issued.

(B) For any other parking violation:

1. Any person wishing to contest a parking citation may appeal and contest such citation by contacting the city's Planning & Development Department, as provided in paragraphs (A)(1) and (A)(2) above, within three (3) working days from the date the citation was issued and requesting an administrative appeals hearing. The city's Planning & Development Department will provide to the appellant an appeals hearing request form which is to be completed and returned to the city's Planning & Development Department within ten (10) working days of the date the citation was issued. The city's Planning & Development Department will then forward the completed appeals hearing request forms, which were received within the time specified above, to the Special Magistrate, within ten (10) working days of receipt.
2. The Special Magistrate shall set the hearing within sixty (60) calendar days from the date the appeals hearing request form was received by the Special Magistrate, and shall provide the person issued the citation at least seven (7) working days' advance notice of the date of the hearing. The notice shall be sent by regular mail to the address of the registered owner of the vehicle or, in the event that the driver of the vehicle is not the owner, to the driver's address if the driver has requested an administrative appeals hearing and provided his or her address to the city's Planning & Development Department when making a request for an administrative appeals hearing.

(C) The person issued the citation may:

1. Be represented by counsel;
2. Call and examine witnesses;
3. Introduce exhibits;

4. Cross examine opposing witnesses on any relevant matter; and
  5. Impeach any witness.
- (D) All hearings shall be conducted insofar as practical in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Any interested party or person may make application and upon good cause shown may be allowed by the Special Magistrate officer, in the reasonable exercise of such Special Magistrate's discretion, to intervene in a pending proceeding.
- (E) Any person who receives a parking citation but who does not reside in Pinellas County, Florida, may contest the citation in writing by contacting, as provided in paragraphs (A)(1) and (A)(2) above, city's Planning & Development Department within three (3) days from the date of citation issuance and requesting an appeals hearing request form which is to be completed and returned to the city's Planning & Development Department, accompanied by all evidence upon which the person relies, within twenty (20) working days of the date the citation was issued. The completed appeals hearing request form and accompanying evidence, which were received within the time specified above, will then be sent by the city's Planning & Development Department to the Special Magistrate within ten (10) working days of receipt. The Special Magistrate will hear the case within 60 days of the date the appeals hearing request form and accompanying evidence was received by the Special Magistrate. The evidence presented must include a notarized statement by the person receiving the citation, which statement shall identify the citation at issue by its number and date of issuance, shall set forth the name and current address of the person cited, and may contain argument in defense against the citation. The Special Magistrate will not consider any statement that is not notarized. The evidence submitted may include notarized statements of witnesses. Such statements must include the name and address of each witness as well as the basis of the witness' knowledge about the facts asserted in the statement. The evidence submitted may also include such documents that are relevant and material to the disposition of the

citation. All evidence submitted is subject to the evidentiary rules and procedures set forth in this section.

- (F) Pursuant to Florida law, any person who elects to appear before a Special Magistrate or to contest a citation by mail, shall be deemed to have waived the right to pay the civil penalty amount set forth on the citation. The hearing or consideration of mailed-in admissible evidence will be decided within thirty (30) calendar days after the request for hearing was made or the evidence to be considered was received. After a hearing or consideration of mailed-in admissible evidence, the Special Magistrate shall make a determination based on the greater weight of the evidence as to whether a parking violation has been committed and shall issue an order imposing a civil penalty as set forth in section 105-24.7.4.2, as amended, of this code, in addition to applicable late fees. The Special Magistrate may grant additional time to pay the civil penalty amount and late fees; otherwise such fines are due and payable within ten (10) working days from the date the order of the Special Magistrate was issued. All orders shall be in writing and shall be signed and dated by the Special Magistrate. If, at the conclusion of the hearing or consideration of mailed-in admissible evidence, the Special Magistrate orders a dismissal of the citation because no violation was found, the hearing officer shall so state and issue an order of dismissal in writing, signed and dated by the Special Magistrate which shall contain findings of the facts supporting the order. A copy of such order will be forwarded to the person receiving the citation and to the city's Planning & Development Department.
- (G) An order of the Special Magistrate may be appealed by any party receiving an adverse ruling by filing a Petition for Writ of Certiorari in the Circuit Court of the 6th Judicial Circuit in and for Pinellas County, Florida, within thirty (30) calendar days from the date the order was issued.

#### **105-24.7.5. - RESIDENTIAL PARKING PERMIT PROGRAM (RPPP)**

##### **105-24.7.5.1 - Designation of Residential Parking Permit Program Area.**

- (A) 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.
- (B) The following locations make up the Residential Parking Permit Program Area (RPPP Area).
  1. Victoria Drive from Main St. to Washington St.

2. Monroe St. from Victoria Dr. to Broadway.
3. Washington St. from Victoria Dr. to Broadway.
4. Howard Ave.
5. Highland Ct.
6. Highland Ave. from Grant St. to Skinner Blvd.
7. Grant St. from Douglas Ave. to Highland Ave.
8. Wood St. from Douglas Ave. to Orange Ave.
9. Scotland St. from Edgewater Dr. to Orange Ave.
10. Wilkie St. from Highland Ave. to Orange Ave.
11. James St. from Douglas Ave. to Orange Ave.
12. Highland Ave. from Wood St. to James St.
13. Loudon Ave. from Wood St. to James St.
14. Albert St. from Edgewater Dr. to Douglas Ave.
15. President St. from Edgewater Dr. to Douglas Ave.
16. Broadway from Scotland St. to President St.
17. Chicago Ave. from James St. to Lyndhurst St.

**105-24.7.5.2 - 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.

**105-24.7.5.3 - Conditions and Criteria for Designation of Residential Parking Permit Districts.**

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

**105-24.7.5.4 - List of Designated Residential Parking Permit Districts.**

The list of residential parking permit districts will be adopted by a Resolution by the City Commission.

**105-24.7.5.5 - Issuance of residential parking permits.**

- (A) Residential parking permits shall be issued by the Planning & Development Department as follows:
1. The owner of property located within a RPPP area shall make application to the Planning & Development Department 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 RPPP area; or
    - d. Such other evidence of identification as deemed acceptable by the parking manager showing residency within the RPPP area.
- (B) The Planning & Development Department may issue parking permits to qualified applicants. The number of permits that may be issued per resident shall be as specified in the designation resolution adopted as provided in this division.
- (C) The permit shall display the city's seal, the year of issuance, the RPPP area street name or such information as approved by the parking manager.
- (D) The permit shall be valid for a one-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 Planning & Development Department.
- (E) The residential parking permit shall be issued to qualified applicants upon payment of the fees approved as provided in the designation Resolution.
- (F) 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 RPPP Area 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.
- (G) The residential parking permit must be used by the applicant for:
1. Parking of the resident's vehicles unless otherwise provided in the resolution.

- (H) 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:

1. Parking of visitor's or guest's vehicles as that term is defined herein; and
2. 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.

**105-24.7.5.6 – Prohibitions.**

- (A) No person shall stop, stand or park a motor vehicle on any restricted street within a RPPP 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.
- (B) 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.
- (C) 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.
- (D) 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.

**105-24.7.5.7 – Penalty.**

The penalty for a violation of this section shall be by issuance of a parking citation. The fine shall be thirty-dollars (\$30.00) per violation.

**Section 2.** That Appendix A-2 of Subpart B – Land Development Code of the Code of Ordinances of the City of Dunedin is hereby created to read as follows:

## **APPENDIX A-2: PAID PARKING DEFINITIONS**

The following words and phrases, when used in Section 105-24.7 - PAID PARKING, LDC, shall have the following meanings, except where the context clearly indicates a different meaning. These definitions supplement F.S. § 316.003.

*Bus* means any motor vehicle originally designed or used for transporting ten (10) or more passengers, whether or not such transportation is for compensation, which vehicle is not owned and operated by a governmental entity.

*Bus stand* means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

*Center or centerline* means a continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in the two (2) opposite directions, and, if the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

*Commercial vehicle* means every vehicle designed, used or maintained primarily for the transportation of property.

*Common carrier* means all common carriers of passengers operating between fixed termini, over regular routes and on fixed schedules.

*Courier zone* means a space reserved for the parking of vehicles during the delivery of documents or small packages.

*Curb loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Designation resolution* means 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.

*Double parking or double standing or double stopping* means the parking, standing or stopping of a vehicle upon the roadway side of another vehicle

parking, standing or stopping in a legal parking space or upon the roadway side but not legally within an adjacent open parking space.

*Freight curb loading zone* means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

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

*Guest permit ("GRP")* means a permit issued to residents for guests, visitors or commercial vehicles parked on a street within a RPPP area.

*Holidays*, in addition to Sundays where posted on certain pay stations, means those entire days declared by the City to be legal holidays which are New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

*House trailer* means any enclosed wheeled device or vehicle designed or constructed and equipped for use as a dwelling place, living abode or sleeping place, either permanently or temporarily, and equipped for use as a conveyance on a roadway.

*Non-residential vehicle* means 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 code.

*Official time standard* means the standard time or daylight saving time as may be in current use in this city.

*Parking* means the stopping of a vehicle upon a restricted street otherwise than in obedience to traffic regulations or traffic signs or signals for a period longer than reasonably necessary to load or unload passengers or freight.

*Parking pay station* means a mechanical/digital timing device authorized by ordinance of this city to be used for the purpose of regulating parking.

*Parking pay station zone* means a restricted street, boulevard, avenue, drive or court upon which parking pay stations are installed and in operation.

*Parking manager* means the person authorized to administer the provisions of this section, or his designee.

*Payment* means payment by use of credit/debit card, Pay By Phone, and/or United States of America coins and/or bills.

*Passenger curb loading zone* means an area adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

*Public place* means any publicly owned way, street, alleyway, avenue, road, boulevard, highway, parking lot, parking space or area, park or any other similar area.

*Recreational vehicle unit* means any vehicle designed or primarily used for recreational, camping or travel use which either has its own motor power or which is mounted upon or drawn by another vehicle and is used or designed to be used as temporary living or sleeping quarters. The term does not include any vehicle commonly known as a van or any vehicle commonly known as a pickup truck which carries an enclosure in the truck bed, if any such vehicle is not equipped for use as living or sleeping quarters.

*Residence* means a space, area or portion of a building designed for and to be occupied by one (1) or more persons as a dwelling, with cooking facilities for the exclusive use of such persons.

*Resident* means a person residing in a residence within the RPPP area.

*Residential area* means 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 Land Development Code.

*Residential Parking Permit Program (RPPP)* means 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 Program Area* means a residential area designated for restricted residential parking by the city commission pursuant to the criteria and procedures established herein.

*Restricted street*, with regards to a residential parking permit district, means 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.

*Restricted street* means that part of any public street, avenue, road, boulevard, highway or other public place established for the use of vehicles within the city and restricting parking to a limited period only.

*Taxi, taxicab* means a vehicle conveying passengers for hire at a rate of fare permitted by ordinance and for which vehicle the owner or operator thereof provides a person to direct, drive and operate such vehicle and which is equipped and operated with a pay station as provided by ordinance.

*Taxicab stand* means a fixed area on the roadway parallel and adjacent to the curb set aside for taxicabs to stand or wait for passengers.

*Truck tractor* means any motor vehicle designed or primarily used for drawing another vehicle, such as a trailer, and not constructed to carry a load (other than a part of the vehicle and its load, if any, which is drawn), which vehicle is not owned and operated by a governmental entity.

*Visitor* means a person who is visiting a residence within a RPPP area for a period of more than twenty-four (24) hours.

**Section 3.** That Sections 74-42 and 74-43 of the Code of Ordinances are hereby repealed and Section 74-44 is hereby renumbered as Section 74-42.

**Section 4.** That this Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 8th day of September, 2016.**

\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: August 25, 2016  
READ SECOND TIME AND ADOPTED: September 8, 2016

**CITY OF DUNEDIN, FLORIDA**  
**LOCAL PLANNING AGENCY**  
**REGULAR MEETING OF WEDNESDAY, AUGUST 10, 2016**  
**6:30 P.M.**

**PRESENT:** Acting Chair Dan Massaro; Members Adam L. Smith, Matthew Wielinski, Steven Sandbergen and Dennis W. Alspaugh

**ABSENT:** Chair Diane Brand; Member Gayl Scruton and Alternate Member David R. Pauley (excused) and Thomas "Jim" Graham (unexcused).

**ALSO PRESENT:** City Attorney Tom Trask, Deputy City Clerk Sharon Toner, Director of Planning and Development Gregory Rice, Director of Housing and Economic Development/CRA Director Bob Ironsmith; city commission candidates Mike Jones and Maureen "Moe" Freaney and approximately twenty-five people.

Acting Chair Massaro convened the meeting at 6:30 p.m.

Acting Chair Massaro explained the Local Planning Agency (LPA) is an advisory board of citizens appointed by the City Commission. This board is comprised of volunteers who represent the thoughts and concerns of the community. The purpose of tonight's meeting is to make recommendations to the City Commission regarding each item on the agenda. He advised that a public hearing would be conducted; therefore, this meeting is open to the public and all persons in the audience providing testimony would need to identify themselves and be sworn in by the clerk. Acting Chair Massaro advised that although procedures of the board are structured in a quasi-judicial manner, the board itself is not quasi-judicial and has no power to make final decisions on applications brought before them. He then explained the standard public hearing procedure.

**1. Approval of the minutes of the regular meeting of July 13, 2016.**

**MOTION:** Motion was made by Mr. Sandbergen and seconded by Mr. Wielinski to approve the minutes of the regular meeting of July 13, 2016 as presented.

**VOTE:** Motion carried unanimously.

Deputy City Clerk Toner swore in all those wishing to speak to or give testimony to any of the agenda items.

~~**2. Application AN-LUP-Zo-S/D 16-58.00, request for Annexation, Land Use Plan designation of Residential Medium (RM), Zoning designation of Form-Based Medium (FX-M) of 1420 Carnation Drive, and Design Review for a liquor store (expansion of previously approved store), located at 1410 Main Street and 1420 Carnation Drive.**~~

~~Acting Chair Massaro introduced the agenda item and determined none of the board members had ex parte communication with anyone regarding this agenda item.~~

~~Gregory A. Rice, Director of Planning & Development advised this agenda item has four actions to be approved:~~

- ~~1. Annexation of 1420 Carnation Drive into the City limits.~~

~~VOTE: Motion carried unanimously.~~

~~MOTION: Motion was made by Mr. Smith and seconded by Mr. Wielinski to recommend approval of Application AN-LUP-Zo-S/D 16-58.00 proposed design review with conditions as set forth in the City staffing with the addition of a wall whether it be concrete or vinyl fencing.~~

~~VOTE: Motion carried unanimously.~~

**3. Ordinance 16-25, Creation of a Paid Parking Management System within the Community Redevelopment Area (CRA).**

Gregory A. Rice, Director of Planning & Development advised Ordinance 16-25 codifies the City's new Parking Management System designed to increase turnover and provide new parking inventory over the long-term. The proposed ordinance will be discussed in detail at a public hearing on August 18, 2016. Thereafter he provided the staffing.

**105-24.7.2.1** - provides the authority to install, operate and maintain parking pay stations.

**105-24.7.2.2** - Parking System Description.

The operational pay-station type is "Pay-by-Plate" which requires the patron to enter their license plate number before paying for parking. This option associates the payment with the vehicle license plate and allows improved integration with enforcement and options for permit or discount based on a specific vehicle using the license plate as the credential for payment.

**105-24.7.2.4** - Methods of Payment.

1. Coin
2. Credit/Debit Cards
3. Phone App

**105-24.7.2.5** - City of Dunedin Resident Discount Program.

1. Residents are eligible to park in lots designated as complimentary
2. Residents may purchase refillable discount cards.
3. The convenience fees associated with the parking system phone App are waived for residents.

**105-24.7.2.6** - Downtown Employee Pass Program.

1. Employees of businesses located in the CRA, may purchase longer term parking passes for the \$1.00 per hour lots and garages with proof of employment in the CRA. Two passes are available.
  - a. \$30.00 per month; or
  - b. \$300.00 per year

**105-24.7.2.7** - Golf Carts.

1. Any golf cart or other slow speed vehicle (street legal golf carts) that occupies a paid parking space will be required to pay for parking using the nearest pay station.

- a. To access the pay station, low speed vehicles (street legal golf carts) will enter the required Florida license plate.
- b. For golf carts that are not street legal, but are allowed downtown, the Dunedin registration number will be used at the pay station.

**105-24.7.3-** Provides for a detailed list of parking prohibitions and restrictions.

**105-24.7.4- PARKING ENFORCEMENT**

**105-24.7.4.1 -** Authority to Issue Citations for Nonmoving Violations

**105-24.7.4.2 -** Schedule of Fines

Parking violations are to be paid within thirty (30) calendar days from the date of issuance of a citation.

Parking violation fines and penalties paid on the day of the violation, at the parking pay station shall be discounted by fifty percent (50%).

**105-24.7.4.8. -** details how a notice will be presented for an illegally parked vehicle.

**105-24.7.4.9-** Administrative Appeal Process

Any person wishing to contest a parking citation may appeal using the following process.

1. For defective pay stations: If a person who has received a citation for overtime parking believes the pay station for the parking space is defective or malfunctioning, such person shall notify the city's parking division of possible defect or malfunction no later than 10:00 a.m. the following working day via:
  - a. Telephone call to the city's parking division to report such pay station defect or malfunction; or
  - b. Personally appearing at the parking division office to make such report.
2. For any other parking violation the appeal will be heard by a special magistrate.

**105-24.7.5. -RESIDENTIAL PARKING PERMIT PROGRAM AREA (RPPA)**

**105-24.7.5.4 -** List of residential streets in the designated residential parking permit area.

**1 05-24.7.5.5 -** Issuance of residential parking permits.

Guest parking permits are available.

Mr. Rice explained the purpose of this section is to prevent people from moving vehicles from the downtown to a residential street along the perimeter. This protects those areas. Residents can obtain a residential parking permit for free.

Mr. Ironsmith commented:

This is a continuation of moving forward with the Pilot Hybrid Parking Program for the Downtown. This has been discussed with the City Commission for two years through various forums and workshops.

The Commission has approved the pay station component with Parkeon and there is a parking management company on board SP Plus.

This is to continue on with an operational date in October and this is the tool prepared in order to move forward with enforcement. City Attorney Trask has prepared the document.

There are a few corrections to be made one of which is: Page 5 – 510 Main Street is in the Free Parking Areas in the 8 hour and 2 hour section and it should be only in the 2 hour section.

The Commission approval was on the paid parking program, not the ordinance which will come before the Commission on August 18 and August 25.

Acting Chair Massaro noted there have been City Commission workshops and meetings, town hall meetings regarding the parking for the merchants on the Main Street area, not for the residents and there is an Ad Hoc Downtown Parking Committee. He verified the Community Redevelopment Agency Advisory Committee weighed in on this issue.

Acting Chair Massaro referenced the residential parking permit program and asked if all the residents who live on these streets are being asked to make application for a free parking permit they stick on their car as they park on the street. Mr. Rice explained only if they need to park on the street and the reason is to keep people from invading the neighborhoods to avoid paying for parking and he noted if a resident parks without a permit there is a warning system.

Acting Chair Massaro clarified the Economic Development Department is Mr. Ironsmith and staff and there is a contract with the parking management company. The systems are being implemented with a partnership with Planning, Economic Development and Finance; there is no share of parking fees it will be an Enterprise type fund.

Mr. Massaro noted it is the Planning Department that will coordinate the resident passes and Mr. Rice advised the department has three Permit Technicians up front who are already performing functions including golf cart registration. Visitor passes also will be available at the Planning Department.

When Mr. Massaro inquired regarding projected incomes for the City with this and how long it will take to pay off the equipment and afford a parking garage which he assumes is the goal of paid parking, Mr. Rice stated that has been done; however, this is a 12-month pilot program which the Commission at some point will evaluate and determine whether or not to continue. Mr. Rice noted in the Budget Workshop the Finance Director provided the information on how all the income works.

In response to the question from Mr. Massaro, Mr. Rice explained the Mayor has requested performance measures, a list to assist the Commission in determining whether the pilot program was a success or failure. Mr. Ironsmith is working on those performance measures at this time to present to the Commission and there will be monthly and quarterly.

When Mr. Massaro inquired if there is a hard cost for the equipment and the staff time involved, Mr. Ironsmith advised the equipment is being leased at approximately \$170,000 a year; the parking management company is approximately \$165,000. Also, the City is investing in wayfinding signs and some parking leases; the net revenue is anticipated at approximately \$450,000 in the first year going up to \$630,000 in the second, third and fourth years if it continues.

Mr. Massaro inquired if there was a reason why the LPA would not have been involved in any of this direction. He explained he tried to read the LPA responsibilities and read there are some things the Board should have been consulted on and asked if this would have been one of those items. Mr. Rice explained this is coming before the Board because it is a portion of the Land Development

Code and that is what the Local Planning Agency reviews.

Acting Chair Massaro stated as can be seen from his questions, he is not very fond of this ordinance personally. He has tried to make that known to quite a few people out there not on this Board, people out there. When he read the ordinance for the first time he was somewhat shocked to see the total impact of it all. He comes downtown a lot and he gives his time to the Historical Society and now when he parks in that lot he will have to pay money; he occasionally helps the Chamber of Commerce and when he comes downtown to do that he will have to pay to park.

Mr. Ironsmith noted there are options including the vacant lot to just walk to the Museum or Chamber; the Station Square lot is free, the large lot on the corner of Douglas and Scotland.

Mr. Sandbergen referred to the pay by plate and inquired where the information will be stored and who will have access to who has been using the parking spaces. Mr. Ironsmith explained the pay station company has security measures in terms of the license plate and it is the best enforcement tool and cost efficient. He noted anyone could just write down a person's license plate right now, not that he would know what they would do with it.

Mr. Sandbergen noted there is premium price tag on each of the spots and questioned when Main Street is closed off for an event downtown will there be any consideration for the loss of income assessed to the entity that has hired the street to be closed. Mr. Ironsmith advised that issue has not been addressed at this time.

Mr. Sandbergen inquired regarding the enforcement time and the people who visit the bars and clubs and leave their cars downtown on purpose attempting to do the right thing. Mr. Rice advised the enforcement ends at 10:00 p.m. and begins at 10:00 a.m.

When Mr. Sandbergen asked about when people park for the Blue Jays along the streets and if that was taken into consideration, Mr. Rice noted there is a program during Spring Training so that neighborhoods are not overwhelmed with people parking in the streets and this would be the same idea.

Mr. Sandbergen clarified with Mr. Rice regarding guest passes that a resident can get 2 passes with no expiration.

When Mr. Sandbergen inquired how the vehicles of employees in the CRA will be identified, Mr. Rice advised they will not be identified because they have to make a choice of where they want to park in the \$1.00 or complimentary areas.

Mr. Wielinski clarified the SP Plus will have the parking manager and designated representatives for enforcement. Mr. Rice noted they will also do basic maintenance on the pay stations and a separate group of SP Plus employees will do the collection from the machines.

Mr. Rice advised there will be no law enforcement involved in checking the meters or towing companies involved; however, there is a towing ordinance in effect for places like the Library, the only reason for towing would be leaving a vehicle for more than one day, but there will be no towing for overtime parking. He does not know the details of the charges or where vehicles are towed according to the current ordinance and the only reason he would see would be an abandoned car.

Mr. Massaro noted on Page 13 of the ordinance, 105-24.7.4.6 – Vehicles Parked on Public Property; Towing, removal, law enforcement and so forth going on for a page and a half. Mr. Rice explained it provides the ability if the City needs to do it.

When Mr. Wielinski inquired regarding the 3 hour parking at Dunedin Marina which seems strange for people going out in their boats and invited guests have to get special passes, Mr. Ironsmith noted the free Bushnell lot is across the street, so it is expected people going out in their boat for a long time would park in the free lot and walk down. Mr. Rice explained staff observations were employees of Bon Appetite and the hotel who park in those spaces for long periods of time and if there was no limitation to get proper turnover, then there will be a problem and the resolution was to provide a free lot across the street and there are permit spaces for the slip rental.

When Mr. Wielinski suggested a map with color coding would be helpful, Mr. Rice explained there are maps; however, it was requested in the ordinance that it be in narrative form. City Attorney Trask explained the problem is creating a schematic and attempting to put it in the Municode for the Code of Ordinances it has to be reduced to such a small scale it would not be legible, so it is more accurate and definable to do it by street; these diagrams will be issued and available throughout the city. Mr. Ironsmith noted they are also on the City website. The maps were put on the overhead for the Board.

Mr. Smith clarified the number of current parking spaces at the Marina will not be reduced, he disclosed he also sits on the Marina Advisory Committee. He also clarified the strip of parking in front of the park remains separate and has not changed. Mr. Rice stated his understanding is that will be free for moms and kids; however, his concern is that employees are going to take the spaces; Mr. Smith noted it is limited to 2 hours.

When Mr. Smith asked if anything was done on the west side of the Marina, Mr. Rice stated no.

Mr. Smith asked if the pilot program fails, what happens to an ordinance like this and City Attorney Trask explained it can stay on the books the same as many ordinances on the books that are not used; an example is with Code Enforcement the right to have a Special Magistrate appointed or the right to issue citations under the uniform method; this is just another tool in the tool box and it will stay unless and until the Commission decides it should no longer be in the Code Book and another ordinance would be prepared repealing this one.

When Mr. Alspaugh asked if the City is convinced these pay stations are "skim proof" for credit cards, information on license plate and so forth is not going anywhere, will not be sold or anything, Mr. Ironsmith explained there is something from the vendor to that effect as they were asked very directly that question.

Mr. Rice noted 3 or more unpaid parking tickets the information can be submitted to the Department of Motor Vehicles to hold that plate for the coming year.

Acting Chair Massaro verified with City Attorney Trask it was not necessary to put a time limit on public input and in fact he suggested not doing so.

The Public Hearing was opened.

Deputy City Clerk Toner swore in Larri Gerson of 1310 Overcash Drive.

Ms. Gerson distributed some documents to the Board and noted the information she is addressing is on the Ordinance is 105.24.7.3.14 – Parking in Spaces Provided for Disabled Persons. She stated she is an expert on this with 15 years as a claims examiner for the State of Florida Supervisor and they dealt with many disabled parking stickers and in situations regarding Veterans. When she reviewed this ordinance she found there were clearly errors as noted in the paper she provided and

also a misquote of the statute. Of most concern, according to Florida Statute 316.1964 there are some provisions:

- (A) As per F.S. 316.1964, vehicles parked as indicated above may use the handicap space for a maximum of (4) hours without payment in any on-street pay stationed space, unless signage posted restricts the time to park.

It goes on to cite an example of three hours posted.

The Florida Statutes 316.1964 under (5) it says:

*Notwithstanding subsection (1), when an on-street parking meter restricts the duration of time that a vehicle may be parked, a vehicle properly displaying a disabled parking permit is allowed a maximum of 4 hours at no charge; however, local governments may extend such time by local ordinance.*

It does not say the local government can restrict or imply anything about less than 4 hours.

- (B) During city designated special events, payment is required as per normal parking practices.

A special event does not meet the Florida Statute definition under (3) it says:

*Notwithstanding subsection (1), when a state, county, or municipal parking facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium, the parking facility may charge a person whose vehicle displays such a parking permit a parking fee in the same manner and amount as it charges other persons.*

Any of the City's municipal parking lots do not fall under those definitions of a special event according to the proposed ordinance change.

- (C) Payment is required for all vehicles in lots and garages. Only drivers of vehicles with specialized equipment such as a ramp, lift or foot or hand controls or displaying the Florida Toll Exemption Permit are exempt from parking fees.

That is Number (a) of that statute, but they forgot to put (b) and (c) of the Florida Statute under (7).

(8) of the Florida Statute (a) addresses the specialized equipment.

Ms. Gerson stated she finds it unusual that this section was not brought to the Disabled Advisory Committee because this is part of ADA and they should have been able to review it and given their advice. This is also Federal Statute.

Ms. Gerson stated her other concern:

The Municipal Codes which the staff said in their presentation that the reason for doing this parking system is so they can move the cars and get more people in and out. According to Municipal Code 74.35 they already have that provision where the City can and does have a 2 hour designated limit one of which is right outside City Hall which has not been enforced.

She asked why the City is putting in just under \$1 Million in this parking system where it can already be enforced based on that code.

Number 2 under that Municipal Code says according to the Enforcement part that there are parking fines under 74-43, it states that it must be in compliance with County Court

Administrative Order 70-38; she saw no reference to that in the new ordinance, but it is in the Municipal Code and she suggests looking at that including the issues of towing because she does not believe this is in compliance.

Ms. Gerson stated she also has a problem in the Ordinance where it talks about the revenue from paid fund costs with parking leases, future parking garage and downtown improvements. She has attended all the meetings regarding this issue, even the meeting that was not noticed and no one in the community had the opportunity to speak about the changes to the downtown. She is concerned because everyone said the reason for going to paid parking is to build a garage of our own and use that revenue for the revenue bonds, now they are adding a little more language so they can use it for leases and downtown improvements which she finds vague and not the heart of the reason the citizens have been told why this parking revenue is needed.

Ms. Gerson expressed concern about using the license tag. She was part of software development in the State of Florida and one of the things that most concerned her was gaining information about someone. There has been no presentation on how they store this material, who has access and who watches over it, what employee can access it or are they going to share that with the Downtown Merchants Association so they can see how many times she has been downtown. This has not been addressed and that information is not known or whether or not there is a provision not to sell that information to outside sources.

Acting Chair Massaro commented the issues brought up about ADA and other Florida Statutes are important and would assume they would be legally reviewed and whatever is done with the ordinance will reflect the existing state statutes.

City Attorney Trask stated the purpose of these meetings and those in the past is to gather information and input from the public which is what is being done tonight; he and Mr. Ironsmith and Mr. Rice are making notes and will address those issues. This ordinance is coming to the Board for its consideration and recommendations and those issues will be addressed.

Deputy City Clerk Toner swore in Harry Steinman of 600 Loudon Avenue.

Mr. Steinman explained his issue is not knowing where the finish line is once this is started and to say there is no idea of what measures, metrics will be used to determine whether a million dollar project is successful or not at the beginning is as silly as holding a 10K race and deciding somewhere in the home stretch where the finish line is going to be. This lends itself to making a decision on what the metrics should be in order to make a certain outcome come to pass. Standards are set up in advance and if those are not accomplished then the decision is made whether or not to change it.

John Medeiros of 2368 Mangrum Drive expressed the following concerns:

How residents will know which streets will require parking permits. He does not live in the CRA; however, comes downtown very often and sometimes park on the side streets when he walks the waterfronts and sometimes he takes his dog there as well.

The loss of parking, mainly Monroe Street that was free, belonged to the City, to the residents to walk downtown or walk the Trail. At the same time as a citizen of Dunedin he will not be able to park on the south side of Main Street and he does not know how far it will go. The residents are losing the right to park on public streets they have always had.

He has attended the meetings for this parking situation and many of those present have as well as many who are not. At this past City Commission meeting citizens introduced a spreadsheet to for the approximate start up costs for this parking system. He provided a copy to the Board members noting the Commissioners and City staff and City Clerk already have it. The figures are all from documents provided by the City or were on the City website.

Jim Riley of 2220 Watrous Drive provided a handout noting some possible corrections in the ordinance and expressed his concerns regarding the pilot program:

The ordinance has no mention of a pilot program which has a start date and an end date.

Regarding the argument that the ordinance can be repealed later on, it could also be reinstated later on.

The paid parking has always been presented as a pilot program and never mentioned as a permanent program and that should be spelled out in the ordinance.

He questioned if there is a reason such as for finances that the ordinance has to be permanent for bonding issues or financial issues and if so then it can never be repealed if there are financial obligations tied to the ordinance. He questioned if the 20 year commitment to Joe Kokolakis has something to do with not seeing that this is a pilot program.

In terms of the Revenue Uses it has been mentioned the parking system was to create turnover and to create revenue for the parking system, but there is mention of future downtown improvements which is a broad category that means nothing and why are they being mentioned in a parking ordinance. This leaves the door open for the City to spend the money however they want.

The parking stations do not take paper bills, only coins or credit cards while it seems more people carry bills than a pocket full of change.

The ordinance does not address the authorization for any type of operating hours; it states the system is from 10:00 a.m. to 10:00 p.m.

There are some wild revenue projections for the system based on 40% occupancy of the on street and 35% occupancy of the off street parking spaces. In the summer there is no problem parking anywhere; tourist season is only about 4 months, which leaves 8 months of virtually empty spaces.

The Public Hearing was closed

#### Board Comments

Mr. Smith noted there are streets listed in the ordinance as to what is CRA and what is not. He lives just outside the CRA and can understand concerns of people parking on those streets without a pass, which they would need during the Blue Jays games. There will be places to park for people who want to walk the Trail; he believes it is James Street south.

Mr. Rice commented if reports come in from those neighborhoods then that will be addressed; no one knows the impact as yet and people will begin to move to different places.

Mr. Smith suggested the concern about pilot program dates in the ordinance should be addressed. He also noted regarding the license plates that those numbers are being taken all the time for toll roads, red lights and so forth, but while they say the machines are safe, big companies get hacked

all the time and nothing can be done about it and he is sure they are as safe as they can be.

Mr. Sandbergen commended the small businesses in the downtown. He lives downtown so he does not have to worry about this issue because he does walk. He likes the free parking the way it is and this is a tough sell for him. He feels if people come from Tarpon Springs, Palm Harbor, Safety Harbor and other areas they will get soaked to spend the day and trade in the shops and eat in the restaurants. Tourist season is only 4 months, but those people are what keeps the city moving and right now on a rainy Monday there is no one downtown. He cannot force himself to be in favor of this; his is on the side of these merchants and they are working hard to get people to come into their stores.

When Mr. Wielinski asked if there is a reason the hours of operation are not in the ordinance, City Attorney Trask stated there is no reason and that can be added.

City Attorney Trask advised also he made notes about the Florida Statutes and he has the handout from Ms. Gerson with notes and the draft ordinance.

In response to the question from Mr. Wielinski, Mr. Rice explained the problem with the start and end dates is that the City Commissioners have not given direction yet on how and when they will evaluate the system whether it will be at a workshop in month 10 or at a Commission meeting or choose a date where it is pass/fail. To put a strict end date is difficult and if the City Commission is not ready to make that decision on that date, his question is about bagging the machines on that date. The idea is for the Commissioners to determine how that will be done and if they want that in the ordinance it will be there.

Mr. Sandbergen noted in 90 days there will be an election and there could be whole new group on the dais.

City Attorney Trask explained each ordinance is only as good 2 public hearings, so it can be changed in one month if the Commission wanted to go through that process of change with 2 public hearings and one advertisement and then it is done and over with. His concern and the reason he feels there should not be an end date is it is a fluid situation and missing the deadline. As it is the Commission does not have to repeal this ordinance, but going through the process of putting a sunset provision in, then it has to be advertised again with a cost of \$500 to \$1,000. There is no downside to keeping the ordinance on the books.

Mr. Smith inquired if it would be better to wait on the ordinance until more is known.

Mr. Wielinski asked if the Board should table it until it is known how the Commission is going to handle it.

City Attorney Trask explained it is best for the Board to make recommendations as to what they want to accomplish in this ordinance; let the Commission know now what this Board wants and thoughts.

Acting Chair Massaro commented he has been a very strong supporter of this city since back in 1981 when he began on the Downtown Tech Advisory Committee (DTAC) and until 1988 trying to resolve how to move forward with the downtown development. From the DTAC they were able to develop all the groundwork for the CRA which moved forward and he sat on the CRA Advisory Board. When talking about being successful they discussed they would know when there was a downtown parking problem, so now here it is; however, in all those years of involvement about what

makes a downtown great and how to bring it back, parking meters were never before considered a wise thing to do.

Mr. Rice noted the City Commission gave direction to move forward on this.

Mr. Ironsmith commented staff has looked at three or four different situations in the past couple of years.

Mr. Massaro stated he is just voicing his feeling from a person who has been involved in downtown Dunedin going way back. He understands the desire for revenue and creating this great parking garage talked about for years. He is amazed there has been the City Commission Workshop, City Commission Meetings, town hall meetings that some people do not agree with, the recommendations of City staff, an Ad Hoc Committee, a Downtown Parking Committee, Community Redevelopment Agency and everyone is in favor of this parking. He is amazed at this conclusion that we now need to give up our Delightful Dunedin free parking and now charge all the people, the residents and the tourists. He is surprised that the merchants are in favor; however, understands they were asking for it. The two worst things in all of his involvement with downtown development in Dunedin he considered to be number 1 a building moratorium and number 2 paid parking. He has made that known long ago. Even though this is the LPA kind of giving the Commission direction; his direction would be negative.

Mr. Ironsmith commented City staff has looked at numerous options and the key thing they would like to hear is what a good solution to get to is.

Mr. Alspaugh stated his understanding the fact that paid parking is coming in October is locked in stone and what the Board recommends tonight about this ordinance is not going to change that.

Mr. Rice noted four Commissioners have told staff, October 1 and it will take them to undo that.

Mr. Alspaugh noted this ordinance is nothing more than the tools to implement that paid parking and enforce it whether the Board likes the idea or not, these are the tools.

Mr. Rice commented all the suggestions presented tonight will be taken to the Commission.

Acting Chair Massaro explained anyone prepared to make a motion needs to identify the issues they would like to see the Commission add on the ordinance or the information that has been presented.

City Attorney Trask advised a motion should always be positive and then voted down if there is not approval and once there is the motion then there is the time for discussion and if the desire is to amend the motion based on the discussion that occurs then it can be done at that time. The motion can be a recommendation for approval and can be made with the conditions as brought forward and discussed.

Discussion ensued regarding if the recommendation is for denial, the paid parking is still going forward. There needs to be some type of ordinance to begin the program with set parameters to be codified for enforcement.

**MOTION:** Motion was made by Mr. Alspaugh and seconded by Mr. Wielinski to recommend approval of Ordinance 16-25 with the following conditions:

The ADA or handicap parking requirements set forth in the Florida Statutes being met.

Discussion ensued regarding additional conditions and amendments to the motion.

When Mr. Wielinski asked if they can add that the City Commission will make a final decision on the evaluation criteria prior to approval of the ordinance, City Attorney Trask advised that it could; however, he does not foresee that happening before the Commission Meeting on August 18.

When Mr. Smith inquired regarding payment with bills, Mr. Ironsmith explained the issue was studied with various pay station vendors and it was determined paper type currency can plug the machines and make the unreliable and it was found most payments were with debit cards, smart cards, coin and the phone app through Park Mobile with no convenience fee for residents. Mr. Rice added it is also due to the City's location with the climate, humidity and salt water air.

Mr. Alspaugh amended the motion to include the following conditions and Mr. Wielinski let his second to the motion stand.

Addition of time limits for enforcement 10:00 a.m. to 10:00 p.m.

Addition of the term "Pilot Program"

Set forth criteria to determine what makes this a successful pilot program.

**MOTION RESTATED:** Motion was made by Mr. Alspaugh and seconded by Mr. Wielinski to recommend approval of Ordinance 16-25 with the following conditions:

The ADA or handicap parking requirements set forth in the Florida Statutes being met.

Addition of time limits for enforcement 10:00 a.m. to 10:00 p.m.

Addition of the term "Pilot Program"

Set forth criteria to determine what makes this a successful pilot program.

**VOTE:** Motion carried 4 - 1 with Mr. Sandbergen, Mr. Alspaugh, Mr. Smith and Mr. Wielinski voting aye. Acting Chair Massaro voting nay.

Acting Chair Massaro announced the next regular meeting of the Local Planning Agency will be Wednesday, September 14, 2016 at 6:30 p.m. in City Hall.

Mr. Sandbergen moved for adjournment and Mr. Smith seconded the motion. The motion carried unanimously.

The meeting adjourned at 8:58 P.M.

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Sharon Toner, Deputy City Clerk

**\*SUPPLEMENT\***

Agenda Item: PH-2  
Meeting Date: 8/25/2016

**MEMORANDUM**

**TO:** City Commission

**THROUGH:** Douglas Hutchens, Interim City Manager 

**DATE:** August 23 2016

**FROM:** Greg Rice, Planning & Development Director

**SUBJECT:** Parking Ordinance

**PRESENTER:** Greg Rice, Planning & Development Director

**RECOMMENDATION:** 1<sup>st</sup> Reading Approval of Ordinance 16-25

**ATTACHMENTS:** Parking Performance Measures

**BACKGROUND:** The overall goal of the pilot Parking System is to promote turnover and provide a dedicated funding source to increase parking supply. The attached document lists the parking performance measures that will be used to determine the success of this program.

## **PARKING PERFORMANCE MEASURES**

The overall goal of the pilot Parking System is to promote turnover and provide a dedicated funding source to increase parking supply. This has been a consistent objective as the downtown is currently strained to meet parking demand resulting from at-risk parking areas being lost and an increase in downtown popularity from residents, visitors and tourists.

The below metrics are to be used in evaluating the results of the one-year pilot Parking Management Plan to determine the effectiveness of the program.

- I. Comparison of revenue and expenses contained in the summary table\* (June 2<sup>nd</sup> City Commission meeting)) of the Downtown Parking Management Plan to actual numbers resulting from implementation to ensure self sustainability.
- II. Revenue generated per space versus expense per space.
- III. Net revenue to support obtaining debt service to be used to increase downtown parking supply.
- IV. Parking occupancy counts > 40% on street and 35% off street in paid parking areas.
- V. Parking turnover  $\geq$  3 vehicles in high demand area of Main Street (Alt. 19 to Douglas Avenue) and parking lots by the museum.
- VI. Pay Station reliability ratio > 95%
- VII. Compare Jolley Trolley ridership numbers that occur on Fridays, Saturdays and Sundays in 2016 to those that occur on those same days in 2017.

VIII.

<u>Revenues</u>	2017	2018	2019	2020
On-street	400,043	406,601	406,601	406,601
Off-street	364,850	514,994	514,994	514,994
Citation	109,200	109,200	109,200	109,200
	<u>874,093</u>	<u>1,030,795</u>	<u>1,030,795</u>	<u>1,030,795</u>
Funding from BP Settlement	2,204,963	234,852	239,478	-
Funding from CRA Fund	36,500	37,500	38,500	285,170
<b>Total Revenues</b>	<b><u>3,115,556</u></b>	<b><u>1,303,147</u></b>	<b><u>1,308,774</u></b>	<b><u>1,315,966</u></b>
<u>Expenses</u>				
Credit Card Fees	52,446	61,848	61,848	61,848
Pay Station Lease/Software	87,220	37,494	35,011	35,536
Parking Mgmt/Enforcement	250,000	257,500	265,225	273,182
Enforcement Software	41,982	6,726	6,827	6,930
Keller Lot Lease (BP/CRA)	2,089,674	115,000	115,000	115,000
Keller Lot Garage Maint (BP/CRA)	70,289	72,852	75,478	78,170
Other Parking Lot Leases	81,500	84,500	87,500	92,000
Depreciation	-	31,196	31,196	31,196
<b>Total Expenses</b>	<b><u>2,673,111</u></b>	<b><u>667,115</u></b>	<b><u>678,085</u></b>	<b><u>693,862</u></b>
<b>Operating Income</b>	<b><u>442,445</u></b>	<b><u>636,032</u></b>	<b><u>630,688</u></b>	<b><u>622,104</u></b>
<b>"Net Revenues"</b>	<b><u>442,445</u></b>	<b><u>667,228</u></b>	<b><u>661,884</u></b>	<b><u>653,300</u></b>
<u>Capital Purchases/Debt Payments</u>				
Enforcement Vehicle Lease/Purch	4,800	15,000	-	-
Pay Stations	-	281,960	-	-
	<u>4,800</u>	<u>296,960</u>	<u>-</u>	<u>-</u>
<b>Net Cashflow</b>	<b><u>437,645</u></b>	<b><u>370,268</u></b>	<b><u>661,884</u></b>	<b><u>653,300</u></b>

\* Summary Table of Revenue & Expenses of the Downtown Parking Management Plan