

**ORDINANCE NO. 2013 – 03**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (ULDC), AMENDING SECTION 05-040, "PERMITTED USES," TO ALLOW FOR VALET PARKING AS A PERMITTED USE; AND AMENDING SECTION 05-080, "LIMITATIONS OF USES," TO CREATE A LICENSE PROCESS FOR THE APPROVAL OF AN ANNUAL VALET OPERATOR'S LICENSE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it has been determined that valet parking in commercial areas can reduce issues caused by vehicular traffic; and

**WHEREAS**, valet parking has also increases the number of available parking spaces; and

**WHEREAS**, providing a process for a yearly valet parking license enables the Town to allow commercial businesses to have valet parking, while being able to monitor its usage; and

**WHEREAS**, approving valet parking through a license allows the Town to revoke the license if it is being improperly utilized; and

**WHEREAS**, the Town believes that this Ordinance is in the best interest to protect the health, safety, and welfare, of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

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

**Section 2:** That Section 05-040, "Permitted Uses," of the Code of Ordinances is hereby amended as follows:

Use	CB	MUS
Union hall	P	
<u>Valet Parking</u>	<u>P</u>	<u>P</u>
Veterinary clinic (see section 050-080(E))	P	P
Veterinary hospital (see section 050-080(E), (P))	P	P
Video store	P	

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**Section 3:** That Section 05-080, "Limitations of Uses," of the Code of Ordinances is hereby amended as follows:

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Sec. 050-080. - Limitations of uses.

(P) Valet Parking. Valet parking is allowed at commercial establishment subject to an annual license approved by the Town Administrator or designee.

- (1) Requirement. No Person shall operate a Valet Parking Service unless licensed annually by the Town to do so. Such license shall be nontransferable.
- (2) A Person wanting to utilize a Valet Parking Service must apply in writing to the Town for a Valet Parking Service license. The application must be completed by the commercial property Owner to be benefitted by the

proposed Valet Parking Service. The Applicant must provide the following information:

(a) Contact information. The names, address and telephone numbers of:

The Applicant; and

Any independent contractor the Applicant intends to use as a Valet Parking Operator.

(b) Location. The proposed location of any:

Valet parking podium;

Stand;

Sign.

(c) Valet Areas, location and number. The location and number of the Valet Areas;

(d) Off-street parking information. The location of the off-street parking area or facility the Valet Parking Operator intends to use for the storing of vehicles, and a signed contract or agreement showing that the Valet Parking Operator has acquired the legal right to store vehicles in that area or facility; and

(e) Proof of insurance.

(3) Fees. The annual fee for a Valet Parking Service license per Valet Area, and the maximum amount of such fee, shall be set by resolution of the Town Council.

(4) Denial. The Town Administrator shall deny any application if:

(a) The Applicant fails to comply with any of the requirements of this Chapter or any other applicable Law;

(b) The Applicant makes any false statement of material fact on the Valet Parking Service application;

- (c) The Town Administrator determines that the operation of a Valet Parking Service at the applied for location would:
  - (d) Endanger the health, safety or welfare of Persons or property;
  - (e) Unreasonably interfere with pedestrian or vehicular Traffic;
  - (f) Unreasonably interfere with the use of any pole, Sign, fire hydrant, traffic signal or any other object already permitted at or near the proposed Valet Parking service location;
  - (g) Unreasonably interfere with any other permitted Use permitted at or near the proposed Valet Parking Service location;
  - (h) Not be in compliance with the submitted and approved operation plan.
  - (i) Otherwise not be in the public interest.
- (5) Revocation. The Town Administrator may revoke an existing Valet Parking Service license for any reason with thirty (30) days written notice.
- (6) In addition to any other requirements of this Chapter, any Valet Parking Operator authorized by the Town to provide Valet Parking Service shall comply with the following requirements:
- (a) Traffic plan. The Valet Parking Operator shall submit a written Traffic plan, approved by the Town Administrator, which shows in detail the operation of the valet service, including, but not limited to, the size, shape, and location of the valet parking area and the size, shape, location, and support of any signage;
  - (b) Compliance with plan. The parking operator shall operate in accordance with the submitted and approved plan;
  - (c) Key control booth. The Valet Parking Operator shall maintain a key control booth at all valet parking locations until all cars have been claimed, or must provide an alternative method for customers to obtain their keys;

- (d) Loading or unloading of passengers. The Valet Parking Operator shall not load or unload passengers or store cars except as allowed by this Section;
- (e) Storage of cars prohibited. The Valet Parking Operator shall not store cars in the Valet Areas. A vehicle is considered stored if it remains in the Valet Areas or zone for more than 15 minutes;
- (f) Compliance with applicable Laws. The Valet Parking Operator shall comply with all applicable federal, State, and local statutes, Laws, ordinances, rules, and regulations relating to Traffic safety;
- (g) Articles of incorporation. If incorporated, the Valet Parking Operator shall provide the Town with a copy of its articles of incorporation;
- (h) New application requirement for a change. A licensee wishing to change its location, size, or hours of operation must submit a new application to the Town Administrator.
- (i) Prohibition of Interference with Traffic flow. The Valet Parking Operator shall not interfere with the regular flow of pedestrian or vehicular Traffic; and
- (j) Notification of fee. The Valet Parking Operator shall maintain a Sign adjacent to the Valet Area that identifies the fee for the Valet Parking Service or states that such service is free, the Operator's corporate name, address and telephone, all in not less than one and one-half inch letters. This information must also be printed on the customer's portion of the valet ticket
- (k) Traffic Control Devices. The Town may require the licensee (at its sole cost and expense) to set up the appropriate Traffic Control Devices as approved by the Town in order to facilitate the movement of Traffic in an expeditious manner. No Traffic Control Devices or signage of any kind shall be placed upon or within Traffic Lanes without the prior approval of the Town Administrator.
- (7) Threat to public safety. If, in the determination of the Town Administrator, a Valet Parking Operation creates or contributes to an unsafe or hazardous condition, or impacts adjacent Streets or Sidewalks to the extent that it threatens the safety of vehicular and/or pedestrian movement in the area, then the Town Administrator may require the Valet

Parking Operator to provide, at its sole cost and expense, off-duty, uniformed Public Safety officers to direct Traffic in the Traffic Lanes adjacent to the valet parking zone. If, in the sole determination of the Town Administrator, the hiring of such Officers to direct Traffic does not adequately address the threat to public safety, then the Town Administrator, in the interest of protecting the public health, safety, and welfare, may order the termination of the Valet Parking Service at a particular location until the threat to public safety has been adequately addressed.

(Q) *Veterinary hospital.* Veterinary hospitals shall not be permitted on any plot which is contiguous to a residential plot or which is separated from a residential plot only by a street, alley, powerline right-of-way, or canal, and shall be located at least five hundred (500) feet from a residential plot.

(R)- *Warehouses, self-storage.*

**Section 3: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 4: Severability.** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

**Section 5: Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the UDLC during the next codification update cycle.

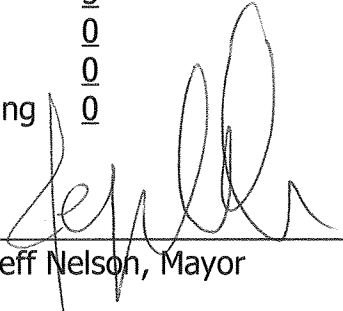
**Section 6. Effective Date.** This ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this 27<sup>th</sup> day of September, 2012 on a motion made by Council Member Fisikelli and seconded by Vice Mayor McKay.

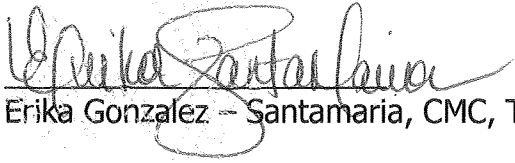
**PASSED AND ADOPTED ON SECOND READING** this 25<sup>th</sup> day of October, 2012, on a motion made by Vice Mayor McKay and seconded by Council Member Fisikelli.

Nelson YES  
McKay YES  
Breitkreuz YES  
Fisikelli YES  
Jablonski YES

Ayes 5  
Nays 0  
Absent 0  
Abstaining 0

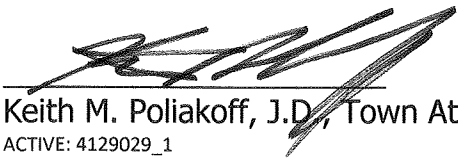
  
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Jeff Nelson, Mayor

Attest:



Erika Gonzalez – Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney

ACTIVE: 4129029\_1