

# COMMERCIAL REDEVELOPMENT

Planning and Zoning Board  
October 1, 2019

# THRESHOLD APPROACH

# THRESHOLD APPROACH

A 30% change of occupancy in terms of square feet, and/or

25% increase in additional parking requirements including loading zones and stacking in drive-up lanes and/or

\_\_\_ years since the original approval.

**EVALUATION**

# EVALUATION — CHANGE OF OCCUPANCY

Not all changes of occupancy are the same.

*Shopping centers.* Five and one-half ( $5\frac{1}{2}$ ) parking spaces per one thousand (1,000) square feet of gross building area.

*Theatres and other places of assembly having fixed seats:* One (1) parking space for each three (3) fixed seats

# EVALUATION — CHANGE OF OCCUPANCY

Recently built suburban theatres have an average of roughly 225 seats per screen, with an average of 6.5 screens per theatre; recent town center theatres tend to have fewer screens, with theatres varying in size between 125-250 seats. New film venues typically average approximately 7.5 - 8.5 square feet per seat. Multipurpose theatre are slightly larger, with roughly 8.5 – 9.25 square feet per seat.

Market feasibility overview Hempstead, NY, June 2012, Prepared for Renaissance Downtowns/Urban America by Community Land Use + Economics Group, LLC

225 seats x 6.5 screens = 1,462.5 seats x 8.5 sq. ft. per seat  
= 12,431.25 sq. ft.

# EVALUATION — CHANGE OF OCCUPANCY

*Shopping centers.*

5.5 parking spaces per 1,000 sq. ft. x 12,431.25 sq. ft. / 1,000 = 68 parking spaces

*Theatres and other places of assembly having fixed seats:*

1,462.5 seats / 3 spaces per seat = 487.5 parking spaces

# EVALUATION — CHANGE OF OCCUPANCY

Not all commercial activities occur in a shopping center or shopping plazas.

1, 2, and 3 unit developments where each unit had equal square footage, a change of occupancy would automatically exceed the 30% threshold



# EVALUATION - PARKING

While parking requirements are based on a specific parking categories, in a shopping center or shopping plaza the parking requirements and the available parking is the sum total of all the uses in the center or plaza. When compliance with the parking requirements are evaluated for a new or proposed use, the entire parking supply and demand for the center or plaza is considered. A change of parking category in one unit impacts the entire center

The off-street parking Code, provides how and when off-street parking is to be provided. With the exception of sub-section (G) which was added in 2000, these standards have been in place since 1969.

# EVALUATION - PARKING

Section 33.2. - Location, character and size, sub-section (F), adopted in 1981, provides:

(F) A plan shall be **submitted with every application for a building permit for any use or structure required to provide off-street parking under this article**, which plan shall clearly and accurately designate the required parking spaces, drainage, lighting, access aisles, driveways, and relation to the uses or structures these off-street parking facilities are intended to serve. Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles.

# EVALUATION — LOADING ZONES

The direction from the Board was that parking, loading zones, and stacking in drive-up loads would be cumulative toward the 25% threshold. Parking requirements are a number of spaces plus the associated drive aisles. A loading zoning is a required area 12 feet wide by 45 feet long with 14½ foot vertical clearance. Stacking is a required 10 feet wide by 20 feet long area. They cannot be added together to get a cumulative amount.

# EVALUATION — STACKING

As described above, Parking requirements are a number of spaces plus the associated drive aisles. A loading zoning is a required area 12 feet wide by 45 feet long with 14½ foot vertical clearance. Stacking is a required 10 feet wide by 20 feet long area. They cannot be added together to get a cumulative amount.

# EVALUATION — TIME TRIGGER

Historically and currently, there is not a requirement for shopping centers and shopping plazas to update their site plans after a period of time. The staff is not aware of any law or provision that allows the City to modify an approved site plan to add a new condition of approval.

# EVALUATION — TIME TRIGGER

The one possibility is to adopt an ordinance that sets a time in the future for site plans to be resubmitted showing compliance with the City's Code. The period of time would be based on an amortization of the costs and expected benefits of the existing plan. Due to the diversity of the sizes and age of shopping centers and plazas within the city, it would be quite difficult to determine what is a reasonable time frame for each.

# EVALUATION — OTHER CONSIDERATIONS

The city does not currently maintain a database, either a hard copy or electronically, on historic changes in use, occupancy, or parking category for every shopping center or shopping plaza in the City. It is done on a case by case basis when there is a proposed change of use.

When a business closes, is the database updated to reduce the parking demand? Or is the parking for that unit grandfathered in the database?

# EVALUATION — OTHER CONSIDERATIONS

Another consideration is handicapped parking requirements. Such spaces are based on the number of total spaces provided. Should the calculations for handicapped space be based on what is physically available in the shopping center or plaza? Or is it based on the number of spaces required by the current tenant parking category requirements?



**STAFF RECOMMENDATION**

# INTENT

## Site Plan Approval

### Intent

The intent of site plan approval is twofold:

1. To ensure that new development is consistent with the requirements of the City of Margate Code of Ordinances; and
2. To provide for periodic review of previously approved site plans to bring them into compliance with code changes.

# CHANGE OF OCCUPANCY WITH NO MINIMUM PARKING REQUIREMENTS

Trigger	Change of Occupancy with no minimum Parking Requirements
Photometric	Update photometric plan if the photometric regulations have changed since the current plan was approved.
Landscape	Update landscape plan if the landscape regulations have changed since the current plan was approved.
Irrigation	Update irrigation plan if the irrigation regulations have changed since the current plan was approved.
Parking	First time, revise the parking field plan to reflect new code requirements (handicapped parking, passenger drop-off and pick-up, customer pick-up, pick-up and delivery service, autonomous vehicles, electric vehicles charging stations, loading zones, etc.) and justification of parking spaces. Subsequent changes, update the parking field plan to reflect any changes, if any.
Dumpsters	Enclose if not
Site Plan	If the City or the applicant does not have an approved version of the site plan, a new site plan shall be prepared based on the current code.