

ORDINANCE NO. 02-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; AMENDING SECTION 4.4.24, OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT, SUBSECTION (C), ACCESSORY USES, BY ADDING SINGLE-LEVEL MECHANICAL PARKING LIFTS AS A PERMITTED ACCESSORY USE; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Old School Square Historic Arts District (OSSHAD) is a mixed use district which is intended to provide for mixed uses of residential, office, and commercial activities, with an emphasis on the arts, that will encourage the restoration or preservation of historic structures and, yet, maintain and enhance the historic and pedestrian scale of the area; and

WHEREAS, the OSSHAD is designed to stimulate greater awareness and pride in the City's architectural heritage and create an atmosphere and feeling of "Old Delray Beach"; and

WHEREAS, the OSSHAD exists to improve the environmental quality and overall livability of this historic district and stabilize and improve property values therein; and

WHEREAS, the OSSHAD allows uses which promote preservation and adaptive reuse of all structures within the district; and

WHEREAS, single-level mechanical parking lifts allow for two vertical parking spaces in place of one standard parking space and are further regulated in Article 6, Supplemental District Regulations, Section 4.6.9(D)(11) and Section 4.6.9(F)(4); and

WHEREAS, concentration of parking in this manner can be used as an option to limit the size of the structure and the amount of space taken by parking in the OSSHAD; and

WHEREAS, the OSSHAD is a centrally located mixed-use district within the downtown and includes commercial properties which add traffic to the district; and

WHEREAS, prior to public hearings before the City Commission, all proposed amendments to the City's land development regulations must be reviewed by the Planning and Zoning Board pursuant to LDR Section 1.1.6. The Planning and Zoning Board reviewed these amendments at a public hearing held on

December 21, 2015 and recommended on a vote of 5 to 1 that the City Commission approve these amendments. Pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined these amendments to be consistent with the Delray Beach Comprehensive Plan; and

WHEREAS, the City Commission, at a duly noticed public hearing on _____ 2016, received and considered comments from the Planning and Zoning Board and from the public, and gave careful consideration to all aspects of this ordinance; and

WHEREAS, the City Commission has determined it to be in the best interest of the City of Delray Beach that the land development regulations be amended as described in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELRAY BEACH, AS FOLLOWS:

Section 1. That Section 4.4.24(C), of the Land Development Regulations, “Accessory Uses,” be amended to read as follows [text formatted with underline is to be added]:

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use:

(1) Uses and structures normally associated with residences such as: bird aviaries, dog houses and dog runs, garages, greenhouses, guest cottages, playhouses, pool houses and covers/enclosures, pump houses, slat houses, storage sheds, workshops, swimming pools, and home occupations.

(2) On a parcel that has as its principal use a non-residential use, there may be no more than two residential units, either within a separate structure or within a structure housing a non-residential use.

(3) Family Day Care Home, pursuant to Section 4.3.3(I).

(4) Parking lots and refuse storage areas

(5) Outdoor dining areas which are accessory or supplemental to a restaurant or business use, provided the operation of the outdoor dining area is limited to daylight hours.

(6) Within the following described areas, the uses allowed as accessory uses in Section 4.4.13(C) pursuant to the base district and special regulations of the Central Business District regulations shall also be allowed in the OSSHAD:

(a) Lots 13-16, Block 60

(b) Lots 1- 4, Block 61

(c) Lots 1- 7, Lots 16 - 18 and 19-24, Block 69

(d) Lots 23-25, Block 70

(e) Lots 7- 8, and the South 34.75 feet of Lot 6, Block 75; and

(f) Lots 1- 6, Block 76

(7) Single-level mechanical parking lifts, pursuant to the requirements of Sections 4.6.9(D)(11) and 4.6.9(F)(4).

Section 2. That should any section or provision of this ordinance, or any paragraph, sentence, or word thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance as a whole or part thereof other than the part declared to be invalid.

Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this ___ day of _____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____