

ORDINANCE NO. 15-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; ARTICLE BY AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(E)(3), "IN LIEU FEES" TO REVISE THE IN LIEU FEE AREAS TO MATCH THE CORRESPONDING MAP AND TO REMOVE THE FEES TO BE ADOPTED BY RESOLUTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City desires to change the Land Development Regulations to amend the In Lieu Fee area descriptions to match the corresponding map; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed these amendments at a public hearing held on _____ 2017 and voted _____ to approve the amendments; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Commission, of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan and is in the best interests of the City.

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

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Article 4.6.9, "Off-street Parking Regulations", Subsection (E)(3), "In Lieu Fee", of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended to read as follows:

3) **In Lieu Fee:** Subject to the limitations of this Section, new development, use conversion to existing buildings, building additions and/ or renovations, that result in the requirement to provide new parking or additional parking, have the option of requesting some of the parking spaces to be approved by the City Commission through the payment in lieu of parking program. Required parking for exclusively residential development or residential components of mixed-use developments are not eligible for this in-lieu option. A maximum limit of 30% of eligible required parking can be provided under this option, except for use conversions for which there is no maximum. Before granting such approvals, the City Commission must find that adequate

public parking options are available and that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

Payment of a fee in lieu of required parking shall be pursuant to the following provisions.

- a) The in lieu fee is authorized only in the CBD and OSSHAD Zoning Districts, in compliance with the Supplemental District Regulations provisions therein, and shall be established by the City Commission through a resolution.
- b) Arrangements for payment shall be approved by the City Commission at the time of the approval of the in lieu fee. The fee amount shall be based upon the location of the property for which in lieu fees are being sought. Area descriptions ~~and corresponding fee amounts~~ are hereby established as follows: (See corresponding map, “In Lieu Fee Areas”).
 - 1) **Area 1:** Parcels located east of the Intracoastal Waterway which are zoned CBD and parcels located west of the Intracoastal Waterway which are zoned CBD and which front East Atlantic Avenue (as illustrated in the “In Lieu Fee Areas” map). ~~which are not included within the Pineapple Grove Main Street area, West Atlantic Neighborhood, Block 69 and Area 4 and Area 5 as described in this section and parcels located in the Old School Square Historic Arts District (OSSHAD) - \$23,660 per space.~~
 - 2) **Area 2:** Parcels located within the OSSHAD zoning district, ~~Block 69,~~ except for those parcels which front East Atlantic Avenue (as illustrated in the “In Lieu Fee Areas” map), and parcels located within the Pineapple Grove Main Street area which are zoned CBD. ~~-\$10,140 per space.~~
 - 3) **Area 3:** Parcels located within the West Atlantic Neighborhood which are zoned CBD. ~~-\$4,600 per space.~~
 - 4) **Area 4:** Parcels located south of NE 4th Street, east of the north/ south alley between NE 2nd and NE 3rd Avenues, north of NE 3rd Street, and west of the FEC Railroad that are zoned CBD. ~~-\$4,600 per space.~~
 - 5) **Area 5:** Parcels located south of SE 2nd Street, east of Swinton Avenue, north of SE 7th Street and west of SE 3rd Avenue that are zoned CBD. ~~-\$4,600 per space.~~

Section 3. 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 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 _____, 2017.

Cary D. Glickstein, Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____