

ORDINANCE NO. 20-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.3. "SINGLE FAMILY (R-1) DISTRICTS," TO DELETE SUBSECTION I(10), AMEND SUBSECTIONS I(11) AND (12); AND, ADDING SECTION 7.1.8. "CONSTRUCTION PARKING" TO ESTABLISH REGULATIONS FOR ON-SITE AND OFF-SITE CONSTRUCTION PARKING; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 -- Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Delray Beach continues to experience investment in the form of development and redevelopment of properties within the City which results in construction projects; and

WHEREAS, the construction activity associated with development and redevelopment requires parking for the associated contractors, subcontractors, and their respective employees; and

WHEREAS, certain construction projects are able to accommodate the construction-related parking within the limits of the property under construction; however, in certain areas and based upon the type of project, construction-related parking is not able to be accommodated on-site prompting the need to establish regulations for construction-related parking; and

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

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on July 15, 2019, and voted < outcome > to recommend < outcome > of the ordinance; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

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 Section 4.4.3. "Single Family (R-1) Districts," Subsection I(10), Land Development Regulations of the City of Delray Beach, Florida, be and the same, is hereby amended as follows:

~~(10) Construction parking should be on the job site when possible. In addition, parking is limited to the same side of the street as the site and confined to the property boundaries when possible. No parking is permitted within 25 feet of any intersection. The street must remain open for vehicular travel at all times.~~

~~(1044)~~ All deliveries to the site ~~must~~ shall be placed on the construction site or compound only. Third party deliveries (deliveries by anyone other than the property owner) are prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day. Deliveries may not be made between the hours of 9:00 p.m. and 6:00 a.m.

~~(1142)~~ Streets adjoining the project ~~must~~ shall be cleaned of construction debris and other trash and debris and dirt on a daily basis. The Applicant/Owner is responsible for protecting and cleaning City drainage systems of construction dirt and debris, upon request from the City.

Section 3. That Section 7.1.8 "Construction Parking", of the Land Development Regulations of the City of Delray Beach, Florida, be and the same, is hereby added as follows:

Section 7.1.8. Construction Parking.

(A) Construction parking.

(1) On-site parking.

- a. All construction parking shall be accommodated within the construction site or compound as approved by the Chief Building Official pursuant to Section 2.4.6(F), as amended.
- b. A site plan, delineating where all on-site parking and material staging will be located, shall be provided prior to issuance of the first building permit associated with the construction parking.
- c. If all construction-related parking cannot be accommodated on-site, the off-site parking regulations shall apply.

(2) Off-site parking – single-family construction projects.

- a. Parking is limited to within the swale on the same side of the street as the site and confined to the area of the swale within the virtual extension of the property boundaries into the right-of-way.
- b. No parking shall encroach into the street pavement.
- c. The swale area must be restored with sod prior to issuance of the certificate of occupancy.
- d. No parking is permitted within 25 feet of any public right-of-way intersection.
- e. The street must remain open for vehicular travel at all times unless a temporary street closure with a maintenance of traffic (MOT) has been approved by the City Engineer.

(3) Off-site parking – all construction.

- a. If all construction parking cannot be accommodated on-site as required in subsections (B)(1) or (B)(2), the contractor is required to submit a construction parking management plan to the Chief Building Official prior to the issuance of a building permit with the following:
 - i. Location of off-site parking, including on-street public parking spaces.
 - ii. Off-site parking property plan, including proposed access and screening.
 - iii. Proof of lease or property owner's consent for off-site parking, including an approved agreement for use of on-street public parking spaces.
 - iv. A site plan delineating where all parking will be located on the property.
 - v. If the property is also being utilized for material staging or as an off-site construction compound, a list of all building materials and supplies stored on the site or in containers on the site shall be provided to the Chief Building Official.
 - vi. Transportation plan indicating how employees will get to and from the jobsite and the offsite parking location.
 - vii. Acknowledgement confirming an understanding of the construction parking plan requirements and requirement to restore off-site parking property within 30 days of certificate of occupancy for associated construction.
- b. On-street public parking spaces, limited to the same side of the street as the site and confined to the area of the public right-of-way within the virtual extension of the property boundaries into the right-of-way, may be utilized with an agreement approved by the City Manager, or designee. The agreement shall include the cost of lost revenue of any paid parking spaces.
- c. The Chief Building Official shall approve the construction parking management plan prior to the issuance of a building permit.

- d. Any modifications to the construction parking management plan must be submitted 72 hours, excluding weekends and holidays, in advance for review and approval by the Chief Building Official, prior to implementation.

(B) Enforcement. Any violation of the approved construction parking management plan shall be enforced in accordance with Chapter 37. Delray Beach Code Enforcement, of the Code of Ordinances, as amended. Any parking violations shall be enforced in accordance with Section 71.090 of the Code of Ordinances.

Section 4. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. That all ordinances or parts of ordinances in conflict are hereby repealed.

Section 6. Specific authority is hereby given to codify this Ordinance.

Section 7. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Lynn Gelin, City Attorney