

ORDINANCE NO. 01-18

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 4.6.9 “OFF-STREET PARKING REGULATIONS”, SUBSECTION 4.6.9(C)(2) “REQUIREMENTS FOR RESIDENTIAL USES”, TO PERMIT ONE PARKING SPACE TO BE LOCATED WITHIN THE FRONT OR STREET SIDE SETBACK FOR LOTS LESS THAN 60 FEET WIDE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the purpose and intent of this Ordinance is to amend the Land Development Regulations to encourage single family residential infill development by allowing one parking space to be located in either the front or street side setback area for lots less than 60 feet wide; and

WHEREAS, it is a challenge for lots measuring less than 60 feet wide to meet the required parking of two spaces per residence or dwelling unit beyond the required front or side street setback area; and

WHEREAS, several variances have been approved since January 2016 to allow the second required parking to be located within the front setback area for lots less measuring less than 60 feet wide; and

WHEREAS, pursuant to LDR Section 1.1.6 and 2.4.5(M), the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on November 27, 2017, and voted 6 to 0 to recommend that the changes be approved; 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

WHEREAS, the City Commission of the City of Delray Beach has determined that the adoption of this ordinance is in the best interests of the health, safety, and welfare of the citizens and the public at large.

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

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Section 4.6.9, “Off-Street Parking Regulations”, Subsection (C) “Number of parking spaces required”, Subsection (2), “Requirements for Residential Uses”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(2) Requirements for Residential Uses:

(a) **Single family detached residences.** Two spaces per dwelling unit. Tandem parking may be used ~~provided that~~ in the Single Family (R-1 District) or Low Density Residential (RL) District, ~~no~~ Required parking spaces shall may not be located in ~~a~~ the required front setback or street side setback, except as follows. For lots that are less than 60 feet wide, one parking space may be located in either the front setback or the street side setback area, provided that no more than 50% of the setback area may be improved for parking purposes.

(b) - (d) (These subsections shall remain in full force and effect.)

Section 3. 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 4. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. 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 the _____ day of _____, 2017.

ATTEST:

MAYOR

City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney