

PLANNING AND ZONING BOARD

STAFF REPORT

MEETING DATE: November 27, 2017

AGENDA NO: IX.A

AGENDA ITEM: LDR AMENDMENT – ORD No. 40-17

Provide a recommendation to the City Commission regarding Ordinance No. 40-17, a city-initiated amendment to the Land Development Regulations Section 4.6.9(C)(2)(a) pertaining to parking within the front and side street setbacks for single family, detached dwelling units.

FILE: 2017-272

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ITEM BEFORE THE BOARD

The item before the Board is a recommendation to the City Commission regarding a city-initiated amendment to Land Development Regulations (LDR) to permit required parking within the front and side street setbacks for single family, detached dwelling units.

BACKGROUND

LDR Section 4.6.9(C)(2)(a) requires the provision of two parking spaces for each single family dwelling unit, which may be accommodated in a tandem manner. Currently, the LDR prohibits the location of the required parking in the front and side street setbacks within the Single Family (R-1) and Low Density Residential (RL) Districts.

The City was approached by the Community Land Trust with difficulty in meeting the current parking requirements for single family detached dwelling units on smaller lots proposed for development. The challenge the trust encountered is the narrow lot width provided inadequate room to accommodate the required parking spaces beyond the setbacks.

Within the original plat of the Town of Linton (now City of Delray Beach) a significant number of lots were platted with a width and frontage of less than 60 feet (the current minimum width in RL and some R-1 districts). Additionally, LDR Section 4.1.4(D) allows for the construction of single family residence on lots of record having at least 40 feet of frontage, provided that the lot is used for workforce housing, meets the

typical designs sketches set forth in Section 4.7.12(a), and conforms to the required setbacks.

Not allowing the use of the “driveway” to accommodate required parking has hindered the ability of new infill development to meet the requirements for two parking spaces located beyond the setbacks, particularly if either a one-car garage or no garage is proposed. For affordable/workforce housing units, this requirement has resulted in increasing the total cost of construction thus making the unit less affordable. In the last two years, four variances have been requested (and approved) to allow required parking in the front setbacks on lots less than 60 feet in width.

This city-initiated LDR amendment proposes to amend LDR Section 4.6.9(C)(2)(a), “Single Family Detached Residences” to permit the required parking spaces to be located in the front and side street setbacks, 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 RL District, no required parking spaces may be located in a required front or street side setback. No more than 50% of the front and side street setback area may be paved or used for parking purposes.~~

ANALYSIS

The City of Delray Beach Local Housing Assistance Plan includes a policy and procedure for implementing an incentive strategy for affordable housing to allow one of the required parking spaces to be located within the front yard setback. This strategy encourages development of affordable units by allowing the required parking within the front yard setback, reducing the necessity of building a garage and making smaller lots easier and more financially feasible to develop.

In 2016, Metrostudy conducted a Housing Assessment Study for The City of Delray Beach. The purpose was to assess the current and future housing needs of the City of Delray Beach and to provide market-based observations and conclusions that assist in the City’s evaluation. The study conclusions and recommendations included allowing the zoning code to be more creative in housing solutions, including more small-lot detached and attached housing with reduced setbacks.

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendment is a City-initiated text amendment to the Land Development Regulations.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and those applicable to this specific request and proposed ordinance are listed below.

- **Comprehensive Plan**

- **Future Land Use Element, Policy A-7.5** The City shall monitor the progress of its affordable housing initiatives and may modify the program or enact other provisions to improve the program when necessary.
- **Housing Element, Policy B-1.6** Due to the potential negative impact on the stability of its existing residential neighborhoods, the City does not support waivers of infrastructure requirements, provision of adequate parking and activity areas, or any reduction in the overall quality of new housing as a means of achieving affordability, particularly in areas of the community which are currently experiencing deterioration.
- **Objective B-3** The Community Improvement Department and the Planning and Zoning Department will work to streamline and expedite the review and permitting process and minimize costs and delays for housing, especially affordable housing.

In order respond to existing conditions throughout the area, facilitate infill and affordable housing development, and prevent additional variance requests that are discourage by the policies above, the City proposes amending the LDRs to expand the area that required parking can be located for single-family dwelling units. In order to prevent paving or parking from filling setback areas, a limitation of 50% of the setback area is proposed.

REVIEW BY OTHERS

The Community Redevelopment Agency (CRA) reviewed this item at the November 9, 2017 meeting and was supportive of the proposed amendment.

ASSESSMENT AND CONCLUSION

The current LDRs prohibit the location of required parking within setbacks for single-family detached dwelling units. The regulations do not stop residents from parking in this area. Therefore, it is not necessary to continue to restrict the location of the required parking. However, it is recommended that no more than 50% of the front and side street setback area may be paved or used for parking purposes.

ALTERNATIVE ACTIONS

A. Continue with direction.

- B. Move a recommendation of approval, as amended, to the City Commission of the city-initiated text amendment to the Land Development Regulations as presented, based upon the finding that the proposed text amendment is consistent with the Comprehensive Plan.
- C. Move a recommendation of denial to the City Commission of the city-initiated text amendment to the Land Development Regulations as presented based upon the finding that the proposed text amendment is inconsistent with the Comprehensive Plan.

STAFF RECOMMENDATION

Recommend to City Commission the approval of Ordinance 40-17, the city-initiated text amendment to amend Section 4.6.9 “Off-Street Parking Regulations” Subsection 4.6.9 (C)(2)(a) “Single Family Detached Residences” to permit required parking spaces within the front and side street setback for single family detached dwelling units.

ATTACHMENT:
Draft Ordinance 40-17