

ORDINANCE NO. 07-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ARTICLE 2.4, "GENERAL PROCEDURES", SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", PARAGRAPH (O), "IN-LIEU OF PARKING AND PUBLIC PARKING FEE REQUEST", BY REMOVING THE PARKING MANAGEMENT ADVISORY BOARD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on January 28, 2019, and voted ___ to ___ to recommend that the proposed amendments be approved; and

WHEREAS, the City Commission of the City of Delray Beach adopted 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 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 2.4, "General Procedures", Section 2.4.5(O), "In-Lieu of Parking and Public Parking Fee Request", 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:

(O) ***In-Lieu of parking and public parking fee request.***

(1) ***Rule.*** An in-lieu of parking or public parking fee request must be approved by City Commission ~~with recommendations from the Parking Management Advisory Board and other Boards as deemed appropriate.~~

(2) ***Required information.*** The following information must be submitted for an In-Lieu of Parking or Public Parking Fee request:

(a) Sketch Plan including current and proposed square footage.

- (b) Scope of work (i.e. expansion of use, change of use, new construction, etc.).
- (c) Application and appropriate fee.
- (d) Current parking required and provided.
- (e) Parking required and parking provided to facilitate proposal.
- (f) For public parking fee requests: Adjacent rights-of-way and proposed parking to be constructed.

(3) **Procedure.** Subject to Staff review and the provision of any additional information that shall be required an in-lieu of parking or public parking fee request shall be processed in the following manner:

- (a) Receipt and certification is complete.
- (b) Request must comply with Sections 4.6.9(E)(3) or 4.6.9(E)(4).
- ~~(c) Consideration by Parking Management Advisory Board and other Boards as deemed appropriate.~~
- ~~(c)~~ Approval by City Commission.

(4) **Conditions.** Conditions may be imposed pursuant to, but not limited to, Sections 4.6.9(E)(3) and/or 4.6.9(E)(4).

(5) **Findings.** The City Commission find that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies. For In-lieu requests, an additional finding must be made that adequate public parking options are available. For Public Parking Fee requests, an additional finding must be made that adequate public parking will be available pursuant to the requirements of Section 4.6.9.

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 adoption on second and final reading.

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

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

City Attorney