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Planning, Zoning and Building Department

TO: Jeffrey Costello, Executive Director
Community Redevelopment Agency

FROM: Alexia Howald, Planner In Training

RE: November 9, 2017

The Planning, Zoning and Building Department is processing the following City-initiated Land Development Regulation Text Amendment regarding Parking in the Front Setback which pertains to properties located within the Community Redevelopment Agency area. Please provide your agency's review comments, if any.

PROJECT NAME:	LDR Text Amendment - Parking Front Setback
PETITION TYPE:	LDR Text Amendment
APPLICANT:	Delray Beach
PROJECT PLANNER:	Alexia Howald
PLANNER'S PH#	561 243-7040

Project Description: This City initiated LDR amendment is being brought forward in order to amend Section 4.6.9 (C)(2)(a) "Single Family Detached Residences, including Assisted Living Facilities" to permit required parking spaces within the front setback in the Single Family (R-1) and Low Residential (RL) Districts for lots that measure 60 feet or less in width.

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.

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. The existing regulations require that the required parking spaces are accommodated beyond the front setback and outside of the side street setback.

By not allowing the use of the "driveway" to meet the required parking space has resulted in insufficient space on the lot for the second required space to be located outside of the setback. In the provision of workforce housing this requirement has resulted in increasing the total cost of construction thus making the unit less affordable. The 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 located within the 25' front yard setback. This strategy is to encourage development of affordable units by allowing the required parking within the front yard setback.

The ordinance proposes the following changes:

Section 2. That Section 4.6.9, "Off-Street Parking Regulations" Subsection 4.6.9(C)(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:

To: Jeffrey Costello, Executive Director
Community Redevelopment Agency

(2) Requirements for Residential Uses:

(a) Single Family Detached Residences, including Assisted Living Facilities: two spaces per dwelling unit. Tandem parking may be used within the Single Family (R-1 District) or RL Districts., ~~no required parking space may be located in a required front or street side setback.~~ Required parking spaces shall not be located within the required side street setback. Except for lots which are less than or equal to 60 feet in width, no required parking space may be located in the required front setback, provided that:

(1) No more than 50% of the front setback area may be paved or used for such parking.

Attachments: Draft Ordinance No. 40-17

DRAFT 1

ORDINANCE NO. 40-17

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 THE LOCATION OF REQUIRED PARKING SPACES WITHIN THE FRONT SETBACK AREA FOR SINGLE FAMILY DETACHED DWELLING UNITS AND ASSISTED LIVING FACILITIES LOCATED IN THE R-1 (SINGLE FAMILY RESIDENTIAL) AND RL (LOW DENSITY RESIDENTIAL) DISTRICTS, ON LOTS HAVING A FRONTAGE OF 60 FEET OR LESS; 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 LDRs to encourage development by allowing the required parking space to be located in the front or side setback for lots which that measure 60 feet or less in width; and

WHEREAS, the challenge with narrow lots to meet the required parking of two parking spaces per dwelling unit beyond the required front yard setback in Single Family Residential (R-1) and Low Density Residential (RL) Districts; and

WHEREAS, the City has previously addressed the issue in approval of variances to meet the parking requirement for Single Family Zoning Districts; 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 _____, 2017, and voted ___ to ___ 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.

WHEREAS, the City Commission of the City of Delray Beach has determined that the proposed revisions to the land development regulations are in the best interests of the general welfare of the City.

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. That Section 4.6.9, "Off-Street Parking Regulations", Subsection 4.6.9(C)(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, including Assisted Living Facilities:** two spaces per dwelling unit. Tandem parking may be used within the Single Family (R-1 District) or RL Districts, ~~no required parking space may be located in a required front or street side setback.~~ Required parking spaces shall not be located within the required side street setback. Except for lots which are less than or equal to 60 feet in width, no required parking space may be located in the required front setback, provided that:

(1) No more than 50% of the front setback area may be paved or used for such parking.

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

Section #. 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