

ORDINANCE NO. 05-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CREATING A NEW SECTION 71.031 TITLED "PARKING IN THE MARINA HISTORIC DISTRICT"; ESTABLISHING A RESTRICTED PARKING ZONE THAT RESTRICTS ON-STREET PARKING TO RESIDENTS; ESTABLISHING THE PROCEDURE FOR RESIDENTS TO OBTAIN A PERMIT FOR ON-STREET PARKING; SETTING PERMIT FEES; ESTABLISHING PENALTIES; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City owns and maintains a city marina, located at 159 Marine Way, Delray Beach, Florida, which provides 24 rental slips for boats up to 55 feet in length ("City Marina"). Boat owners who enter into a license agreement with the City to rent a slip at the City Marina are permitted to live aboard their boats and are assigned one parking space per slip; and,

WHEREAS, the City designated the residential area adjacent to the City Marina as a historic preservation district named the "Marina Historic District", pursuant to Ordinance 156-88; and,

WHEREAS, the average width of the local streets in the Marina Historic District is less than the minimum width of a local street as required by Section 6.1.2(C)(3) of the City's Land Development Regulations. This results in a limited amount of available on-street parking spaces for the residents of the City Marina and the Marina Historic District; and,

WHEREAS, the City Commission finds that the current parking regulations in the Marina Historic District lead to overcrowded and blocked streets; and,

WHEREAS, the City Commission finds that the narrow street widths in the Marina Historic District make it more difficult for cars to navigate the streets and that a reasonable level of traffic creates an unsafe condition for drivers and pedestrians; and,

WHEREAS, the City Commission finds that there is a need to limit the number of cars that park on the streets in the Marina Historic District to make the streets safer for drivers and pedestrians and to maintain the residential character of the neighborhood; and,

WHEREAS, the City Commission desires to designate a restricted parking zone called the "Marina Historic District Restricted Parking Zone", where on-street parking is restricted to vehicles belonging to residents of the Marina Historic District and the City Marina, and their guests, that display a current Marina Historic District residential parking permit; and,

WHEREAS, the City Commission desires to establish the Marina Historic District Restricted Parking Zone, which is the area bounded to the north by East Atlantic Avenue, to the south by the north side of SE 3rd Street, to the east by the western edge of the Intracoastal Waterway, and to the west by the east side of the north-south alley east of SE 6th Avenue from SE 3rd Street to SE 1st Street to the south side of SE 1st Street between the north-south alley east of SE 6th Avenue and SE 7th Avenue and to the east side of SE 7th Avenue between SE 1st Street and East Atlantic Avenue; and,

WHEREAS, the City Commission finds it to be a valid exercise of their police powers to restrict on-street parking in the Marina Historic District Restricted Parking Zone to residents of the City Marina and the Marina Historic District and their guests.

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 71.031 of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby created to read as follows:

71.031 Parking in the Marina Historic District

(A) The area of the Marina Historic District as described in the shaded area of the map below shall be a restricted parking zone as defined in Section 71.021 of this Chapter that is restricted for the purpose of residential parking. No person shall stop, stand or park in this restricted parking zone except pursuant to the terms of this section and Section 71.021 of this Chapter.

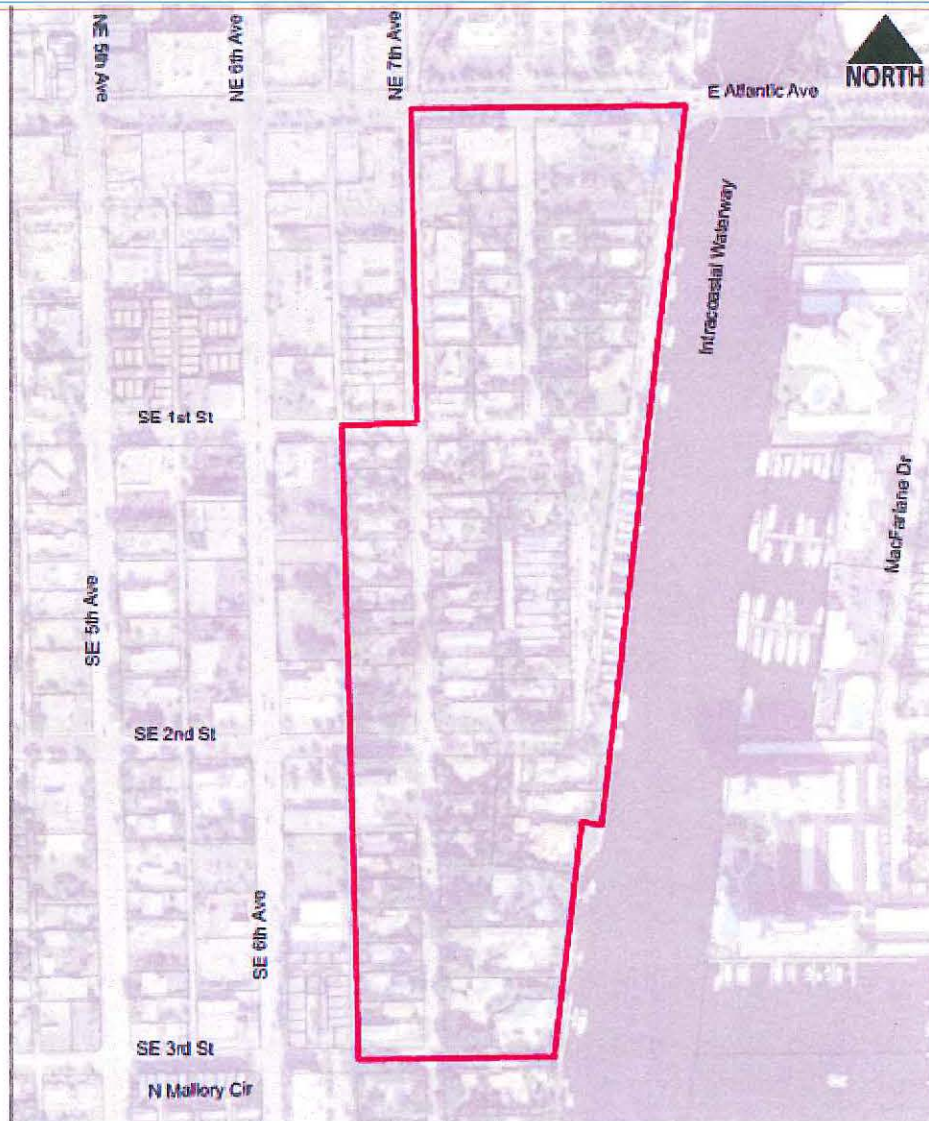


Figure 1: Marina Historic District Restricted Parking Zone

(B) *Permits:* Residents of the City Marina and the Marina Historic District may purchase one Marina Historic District residential parking permit package, which is comprised of one annual resident parking permit and one temporary resident guest pass, in accordance with and subject to the administrative rules and regulations promulgated by the City. Permits shall be issued as follows:

- (1) *Dwelling Unit residents:* Dwelling unit residents may purchase one Marina Historic District residential parking permit package and one additional annual resident parking permit. A dwelling unit is defined as a permanent structure with independent

sanitation, living, cooking and sleeping facilities for exclusive use of the resident. To obtain one Marina Historic District residential parking permit package and an additional annual resident parking permit, a resident of a dwelling unit in the Marina Historic District must present the following documentation:

(a) A current government-issued driver's license with the resident's name, address, and photo; and,

(b) A current vehicle registration card for the vehicle for which the annual permit is issued; and,

(c) Proof that the person lives in the Marina Historic District, which may be provided in the following form:

(i) A current utility bill (within the past 30 days), such as a water, land-line telephone, power or cable bill. The service address on the utility bill must match the address of the dwelling unit provided. A utility bill with a post office box service address will not be accepted. The name on the utility bill must be the same as the name on the driver's license; or,

(ii) A copy of a valid lease for a dwelling unit, in which the name of the lessee is the same as the name on the driver's license.

(2) Rental property owners: An owner of seasonal rental property in the Marina Historic District who provides a current Florida Sales Tax receipt for taxes paid on the rental property and a valid Landlord Permit may purchase one Marina Historic District residential parking permit package for each of the rental units established for the property.

(3) City Marina boat residents: A City Marina boat resident is a person who is a named licensee on a License Agreement for Boat Dockage at the City Marina. A City Marina boat resident shall be entitled to one free annual resident parking permit upon presentation of a valid License Agreement for Boat Dockage and a current vehicle registration card for the vehicle for which the annual permit is issued. A City Marina boat resident may also purchase one additional Marina Historic District residential parking permit package upon a showing of a current vehicle registration card for a second vehicle. Alternatively, a City Marina boat resident may purchase one temporary boat resident guest pass.

(4) Short-Term Parking Permits: Except for City Marina boat residents, a holder of a Marina Historic District residential parking permit package may purchase a weekly residential parking permit for short-term visitors, which is valid for a maximum of 13 weeks. The guest's vehicle registration and driver's license must be presented at time of purchase. The short-term parking permit will clearly state the vehicle make, model, tag number, and the beginning and ending

dates of the parking permit. The short-term parking permit must be hung from the rear view mirror, with the printed side facing outward so that it may be read from the front of the vehicle.

(C) Fees: A Marina Historic District residential parking permit shall be issued to eligible residents of the Marina Historic District and the City Marina upon payment of the fees, plus tax, in accordance with the following fee schedule. No residence shall possess more than two annual resident parking permits and one temporary resident guest pass:

<u>Permit</u>	<u>Fee (plus tax)</u>
<u>Residential Parking Permit Package</u> <u>(One annual resident parking permit plus one</u> <u>temporary resident guest pass)</u>	<u>\$60/year</u>
<u>Second annual resident parking permit</u> <u>(Available to dwelling unit residents only)</u>	<u>\$60/year</u>
<u>Short-term parking permit</u>	<u>\$5/week up to 13 weeks</u>
<u>City Marina temporary boat resident guest pass</u> <u>(Available to City Marina residents only)</u>	<u>\$30/year</u>

(D) Penalty. Parking violations of this section will be subject to penalties as described in Section 71.999 "Penalty" of this Chapter.

Section 3. 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.

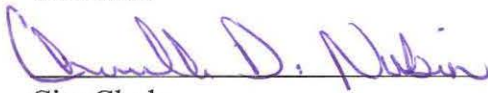
Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. That this ordinance shall become effective upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the 31st day of March, 2015.


MAYOR

ATTEST:


City Clerk

First Reading: February 24, 2015

Second Reading: March 31, 2015