



ORDINANCE

5392

1
2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 RELATING TO PLANNED MOBILITY DEVELOPMENTS;
4 AMENDING CODE OF ORDINANCES, CHAPTER 28
5 "ZONING," ARTICLE I, "IN GENERAL," SECTION 28-2,
6 "DEFINITIONS" TO MODIFY AND CHANGE THE
7 DEFINITION OF "GARAGE, PRIVATE" TO "GARAGE",
8 DEFINE "PARKING STRUCTURE", DEFINE "REAR
9 LOADED GARAGE", AND DEFINE "REAR LOADED
10 UNIT", AMENDING SECTIONS 28-986, 28-1028, AND
11 28-1132.1 IN THE LIRP, W-1, AND M-3 ZONING
12 DISTRICTS OF THE CITY TO EXCLUDE REAR
13 LOADED GARAGES FOR REAR LOADED UNITS IN A
14 PLANNED MOBILITY DEVELOPMENT FROM THE
15 CALCULATION OF FLOOR AREA; AMENDING
16 SECTIONS 28-742, 28-777, 28-797, 28-822, 28-1072,
17 28-1242, 28-1247, 28-1250, AND 28-1850 TO CHANGE
18 REFERENCES FROM "PARKING GARAGES" TO
19 "PARKING STRUCTURES"; AMENDING SECTION 28-

1 1655 TO CHANGE THE REFERENCE FROM "PRIVATE
2 GARAGE" TO "GARAGE"; PROVIDING FOR
3 REPEALER; PROVIDING FOR SEVERABILITY;
4 PROVIDING FOR CODIFICATION; PROVIDING AN
5 EFFECTIVE DATE (AM-16-09/16-92500010)
6

7 WHEREAS, a City Council Workshop was held on June 13, 2016 relating to a
8 proposed amendment to the Code of Ordinances to exclude the square footage of garages
9 within townhomes (and similar attached dwelling units) in a Planned Mobility Development from
10 the calculation of floor area, provided that the exclusion is only available for garages that are, in
11 square footage, equal to or less than 20 percent of the square footage of the townhome (or
12 similar attached dwelling unit), excluding the garage; and

13 WHEREAS, a petitioner-initiated text amendment allowing a garage exclusion from
14 floor area for townhomes (and similar attached dwelling units) for Planned Mobility Development
15 (PMD) projects in the LIRP, W-1, and M-3 Zoning Districts was presented to the City's Planning
16 and Zoning Board ("Board") at their January 5, 2017 meeting. At their public hearing, the Board
17 recommended modifications to the proposed amendment and directed staff to work with the
18 petitioner of the proposed amendment to provide further enhancements to the proposed
19 regulations; and

20 WHEREAS, as part of staff's discussions with the petitioner, both staff and the
21 petitioner concluded that the Board's recommended amendments to the text amendment, which
22 removed garages along with porches, breezeways, and carports from required floor area for
23 residential structures, could create unforeseen consequences in the overall application of the
24 City's Code. Conversely, staff indicated that they could support garages being excluded from
25

1 floor area requirements, if the design of the garages provides a pedestrian oriented design
2 benefit to a PMD and furthers the mobility goals of the Comprehensive Plan, Planned Mobility
3 (PM) future land use designation, and PMD overlay; and

4 WHEREAS, in order to promote and encourage a pedestrian oriented design in PMD
5 projects and further the mobility goals of the Comprehensive Plan, PM future land use
6 designation, and PMD overlay, the proposed amendment (revised since the prior January 5,
7 2017 Planning and Zoning public hearing) amends the PMD provisions in the Light Industrial
8 Park (LIRP), Warehouse (W-1), and Manufacturing (M-3) Zoning Districts to allow the square
9 footage within a fully enclosed rear loaded garage for rear loaded units in a PMD project to be
10 excluded from the calculation of floor area; The proposed amendment also provides definitions
11 for the newly created terms “rear loaded garage” and “rear loaded unit”; and

12 WHEREAS, in order to clarify the interchangeable and inconsistent use of the terms
13 “parking garage”, “parking structure”, and garage throughout the City's Code, the proposed
14 amendment also modifies and changes the definition of “garage, private” to “garage”, defines
15 “parking structure”, amends references to “parking garages” to change those references to
16 “parking structures”; and changes the reference of “private garage” to “garage”; and

17 WHEREAS, the Development Services Department provided its recommendations
18 regarding the proposed amendment to the City Code; and

19 WHEREAS, the Planning and Zoning Board, after notice and public hearing, has
20 considered the proposed amendments to the Code of Ordinances, more specifically described
21 herein, and submitted its recommendation to the City Council; and

22 WHEREAS, the City Council, after notice and public hearing, has considered the
23 proposed amendments to the Code of Ordinances, the recommendations of the Planning and
24 Zoning Board and all public comments; and

25 WHEREAS, the proposed amendment to the Code of Ordinances is consistent with
26 the City of Boca Raton Comprehensive Plan; and

1 WHEREAS, the City Council desires to amend the Code of Ordinances in order to
2 incorporate the above issues pertaining to a floor area exclusion for rear loaded garages in rear
3 loaded units in Planned Mobility Development projects in the City;

4 WHEREAS, the City Council also desires to amend the Code of Ordinances in order
5 to clarify the interchangeable and inconsistent use of the terms "parking garage", "parking
6 structure", and garage throughout the City's Code; now therefore

7
8 THE CITY OF BOCA RATON HEREBY ORDAINS:

9 Section 1. Section 28-2, "Definitions", Article I, "In General", "Chapter 28, "Zoning,"
10 Code of Ordinances (relating to definitions in the Zoning Code), is hereby amended to read:

11 Section 28-2. - Definitions.

12 The following words, terms and phrases, when used in this chapter, shall have the
13 meanings ascribed to them in this section, except where the context clearly indicates a different
14 meaning:

15 * * *

16 "Garage, ~~private~~," shall mean a detached an accessory building or an attachment to a
17 main building or a portion of a main building designed or used for the indoor parking of not more
18 than 6 motor 4 self-propelled-passenger vehicles used by the occupants of the main building.

19 * * *

20 "Parking structure" shall mean a covered structure or a portion of a covered structure
21 composed of one or more levels or floors used exclusively for the parking or storage of motor
22 vehicles, and that does not meet the definition of a "garage". A parking structure may be totally
23 below grade (as in an underground parking structure) or either partially or totally above grade
24 with those levels being either open or enclosed. A structure that is accessory to a house,
25 attached house, duplex, and townhome is a garage and is not included as a parking structure.

26 * * *

1 "Rear loaded garage" shall mean a garage, attached to, or a portion of, the
2 residential dwelling unit, where the vehicle-access entryway is oriented between 150 to 210
3 degrees away from: (i) the front yard of the property; or (ii) in the case of property containing
4 multiple dwelling units, the front entrance of the individual dwelling unit (where the front
5 entrance shall face upon the primary pedestrian access way, as determined by the City
6 Manager or designee).

7 "Rear loaded unit" shall mean a residential dwelling unit with a rear loaded garage,
8 where such rear loaded garage services a single unit and where no driveway exists at the front
9 of the unit.

* * *

10 Section 2. Section 28-986, "Planned Mobility Developments (PMD)", Division 2,
11 "LIRP Light Industrial Research Park District," Article XII, "Industrial Districts," Chapter 28,
12 "Zoning," Code of Ordinances, (relating to the LIRP Zoning District) is hereby amended to read:

13 Section 28-986. – Planned Mobility Developments (PMD).

14 * * *

15 (4) Density/intensity. The density and intensity of a PMD are established through the
16 review and approval of the PMD; provided, however, that:

17 (a) Residential density may not exceed 20 dwelling units per acre of gross land area
18 of the parcel developed as a PMD.

19 (b) Non-residential floor area may not exceed a floor area ratio of 0.6 of the gross
20 land area of the parcel developed as a PMD.

21 (c) In no event, shall the total square feet of development for all buildings, including
22 residential buildings, hotels and motels, and non-residential structures regardless of use (but
23 excluding parking structures), within the PMD exceed 60 percent of the total square feet of the
24 parcel developed as a PMD. Notwithstanding anything to the contrary set forth in this Chapter,
25 the square footage within a fully enclosed Rear Loaded Garage of a Rear Loaded Unit in a

1 Planned Mobility Development (PMD) project shall not be included in the calculation of floor
2 area.

3 * * *

4 Section 3. Section 28-1028, "Planned Mobility Developments (PMD)", Division 4, "W-
5 1 Warehouse District," Article XII, "Industrial Districts," Chapter 28, "Zoning," Code of
6 Ordinances, (relating to the W-1 Zoning District) is hereby amended to read:

7 Section 28-1028. – Planned Mobility Developments (PMD).
8

9 * * *

10 (4) Density/intensity. The density and intensity of a PMD are established through the
11 review and approval of the PMD; provided, however, that:

12 (a) Residential density may not exceed 20 dwelling units per acre of gross land area
13 of the parcel developed as a PMD.

14 (b) Non-residential floor area may not exceed a floor area ratio of 0.4 of the gross
15 land area of the parcel developed as a PMD.

16 (c) In no event, shall the total square feet of development for all buildings, including
17 residential buildings, hotels and motels, and non-residential structures regardless of use (but
18 excluding parking structures), within the PMD exceed 40 percent of the total square feet of the
19 parcel developed as a PMD. Notwithstanding anything to the contrary set forth in this Chapter,
20 the square footage within a fully enclosed Rear Loaded Garage of a Rear Loaded Unit in a
21 Planned Mobility Development (PMD) project shall not be included in the calculation of floor
22 area.

23 * * *

24 Section 4. Section 28-1132.1, "Planned Mobility Developments (PMD)", Division 8,
25 "M-3 Manufacturing District," Article XII, "Industrial Districts," Chapter 28, "Zoning," Code of
26 Ordinances, (relating to the M-3 Zoning District) is hereby amended to read:
27

1 Section 28-1132.1. – Planned Mobility Developments (PMD).

2 * * *

3 (4) Density/intensity. The density and intensity of a PMD are established through the
4 review and approval of the PMD; provided, however, that:

5 (a) Residential density may not exceed 20 dwelling units per acre of gross land area
6 of the parcel developed as a PMD.

7 (b) Non-residential floor area may not exceed a floor area ratio of 0.5 of the gross
8 land area of the parcel developed as a PMD.

9 (c) In no event, shall the total square feet of development for all buildings, including
10 residential buildings, hotels and motels, and non-residential structures regardless of use (but
11 excluding parking structures), within the PMD exceed 50 percent of the total square feet of the
12 parcel developed as a PMD. Notwithstanding anything to the contrary set forth in this Chapter,
13 the square footage within a fully enclosed Rear Loaded Garage of a Rear Loaded Unit in a
14 Planned Mobility Development (PMD) project shall not be included in the calculation of floor
15 area.

16 * * *

17 Section 5. Section 28-742, "Permitted Uses", Division 3, "R-B-1 Motel-Business
18 District", Article XI, "Business and Commercial Districts", Chapter 28, "Zoning", Code of
19 Ordinances (relating to the Motel-Business (R-B-1) Zoning District), is hereby amended to read:

20 Section 28-742. – Permitted uses.

21 No building, structure, or part thereof shall be erected, altered or used, nor shall the
22 premises be used in whole or in part in R-B-1 districts for other than 1 or more of the following
23 specified uses:

24 * * *

25 (n) Parking Commercial lots or parking structures ~~garages for parking.~~

26 * * *

Section 6. Section 28-777, "Permitted Uses", Division 4, "B-1 Local Business District", Article XI, "Business and Commercial Districts", Chapter 28, "Zoning", Code of Ordinances (relating to the Local Business (B-1) Zoning District), is hereby amended to read:

Section 28-777. – Permitted uses.

No building, structure, or part thereof shall be erected, altered or used, nor shall the premises be used in whole or in part in B-1 districts for other than 1 or more of the following specified uses:

* * *

(i) Parking structures ~~garages~~ and lots.

* * *

Section 7. Section 28-797, “Permitted Uses”, Division 5, “B-2 Community Business District”, Article XI, “Business and Commercial Districts”, Chapter 28, “Zoning”, Code of Ordinances (relating to the Community Business (B-2) Zoning District), is hereby amended to read:

Section 28-797. – Permitted uses.

No building, structure, or part thereof shall be erected, altered or used, nor shall the premises be used in whole or in part in B-2 districts for other than 1 or more of the following specified uses:

* * *

(r) Parking structures ~~garages~~ and lots.

* * *

Section 8. Section 28-822, “Permitted Uses”, Division 6, “B-3 Central Business District”, Article XI, “Business and Commercial Districts”, Chapter 28, “Zoning”, Code of Ordinances (relating to the Central Business (B-3) Zoning District), is hereby amended to read:

Section 28-822. – Permitted uses.

No building, structure, or part thereof shall be erected, altered or used, nor shall the premises be used in whole or in part in B-3 districts for other than 1 or more of the following specified uses:

* * *

(n) Parking structures ~~garages~~ and lots.

* * *

Section 9. Section 28-1072, “Permitted Uses”, Division 6, “M-1 Light Industrial District”, Article XII, “Industrial Districts”, Chapter 28, “Zoning”, Code of Ordinances (relating to the Light Industrial (M-1) Zoning District), is hereby amended to read:

Section 28-1072. – Permitted uses.

No building, structure, or part thereof shall be erected, altered or used, nor shall the premises be used in whole or in part in M-1 districts for other than 1 or more of the following specified uses:

* * *

(v) Parking structures ~~garages~~ and lots.

* * *

Section 10. Section 28-1242, “Permitted Uses”, Division 6, “VC Village Center District”, Article XIII, “Miscellaneous Districts”, Chapter 28, “Zoning”, Code of Ordinances (relating to the Village Center (VC) Zoning District), is hereby amended to read:

Section 28-1242. – Permitted uses.

No building, structure, or part thereof shall be erected, altered or used, nor shall the premises be used in whole or in part in VC districts for other than 1 or more of the following specified uses:

* * *

(f) Parking lots and parking structures ~~garages~~ (commercial, public, and/or private).

* * *

Section 11. Section 28-1247, "Open Space and Landscaping", Division 6, "VC Village Center District", Article XIII, "Miscellaneous Districts", Chapter 28, "Zoning", Code of Ordinances (relating to the Village Center (VC) Zoning District), is hereby amended to read:

Section 28-1247. – Open Space and Landscaping.

(1) Minimum open space. A minimum of 35 percent of the net area of the master plan shall be open space.

(2) Calculation of open space. The following shall be counted as open space:

* * *

(h) Areas of primary street that, if in the aggregate, are not more than 5 percent of the gross area of the master plan shall be counted a required open space if:

1. The area are composed of pavers and provide equal dignity to vehicular traffic and pedestrians; and

2. The areas can be closed to vehicular traffic on a temporary basis for special events without preventing access to parking structures ~~garages~~ and off-street surface parking lots.

* * *

Section 12. Section 28-1250, "Definitions", Division 6, "VC Village Center District", Article XIII, "Miscellaneous Districts", Chapter 28, "Zoning", Code of Ordinances (relating to the Village Center (VC) Zoning District), is hereby amended to read:

Section 28-1250. – Definitions.

The following definitions apply within this Article VIII, Division 6:

* * *

1 "Service street" means an internal VC roadway which provides access to parking
2 structures ~~garages~~ and/or the loading areas. Service streets do not provide front door access to
3 permitted uses.

4 * * *

5 Section 13. Section 28-1655, "Required Off-Street Parking", Article XVI, "Off-Street
6 Parking and Loading", Chapter 28, "Zoning", Code of Ordinances (relating to Off-Street
7 Parking), is hereby amended to read:

8 Section 28-1655. – Required Off-Street Parking.

9 (1) The off-street parking required by this Article shall be provided and maintained on
10 the basis of the following minimum requirements:

11 (a) Single-family dwellings: 2 motor vehicle parking spaces per dwelling.

12 (b) Multidwelling units containing 2 or more living units: 1.75 motor vehicle parking
13 spaces for a 1-bedroom unit, 2.0 motor vehicle parking spaces for a 2-bedroom unit, and 2.0
14 motor vehicle parking spaces for a 2-bedroom unit with den or for a 3 or more bedroom unit,
15 except that efficiency units shall require 1.5 motor vehicle parking spaces per unit; provided,
16 however, that a multifamily dwelling unit in a planned unit development containing a ~~private~~
17 garage and a driveway of sufficient depth to provide off-street parking space to the unit, and
18 which is located in a project which is burdened by covenants prohibiting the conversion of the
19 garage to any use which would prevent the use of the garage for the purpose of parking a motor
20 vehicle, shall be considered a single-family dwelling for the purpose of meeting the parking
21 requirements of this article. Bicycle parking spaces: 5 percent of required number of motor
22 vehicle parking spaces.

23 * * *

24 Section 14. Section 28-1850, "Design Standards", Division 8, "Planned Mobility
25 Developments", Article XVII, "Planned Developments", Chapter 28, "Zoning", Code of

1 Ordinances, (relating to Design Standards in Planned Mobility Developments (PMDs)), is
2 hereby amended to read:

3 Section 28-1850. – Design Standards.

4 A PMD shall be designed as to conform to the following design standards.

5 * * *

6 (3) Site Design.

7 * * *

8 (f) While parking structures ~~garages~~ are preferred for satisfying the off-street
9 requirements of the PMD, where surface parking lots are provided they shall be located and
10 designed to support pedestrian safety, connectivity and comfort by reducing the number of curb
11 cuts and providing interconnectivity between and through sites.

12 * * *

13 Section 15. If any section, subsection, clause or provision of this ordinance is held
14 invalid, the remainder shall not be affected by such invalidity.

15 Section 16. All ordinances and resolutions or parts of ordinances and resolutions and
16 all sections and parts of sections in conflict herewith shall be and hereby are repealed.

17 Section 17. Codification of this ordinance in the City Code of Ordinances is hereby
18 authorized and directed.

19 Section 18. This ordinance shall take effect immediately upon adoption.
20
21

1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 23rd
2 day of May, 2017.
3
4

CITY OF BOCA RATON, FLORIDA

5 ATTEST:

6
7
8 Susan S. Saxton
9 Susan S. Saxton, City Clerk

Susan Haynie
Susan Haynie, Mayor

13 Approved as to form:

16 Diana Grub Frieser
17 Diana Grub Frieser, City Attorney

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN HAYNIE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
DEPUTY MAYOR JEREMY RODGERS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
COUNCIL MEMBER ANDREA LEVINE O'ROURKE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
COUNCIL MEMBER SCOTT SINGER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
COUNCIL MEMBER ROBERT S. WEINROTH	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	