
Sec. 94-481. - Scope, purpose and intent.

- a. *Scope.* Provisions of this article shall apply in all zoning districts.
- b. *Purpose and intent.* The intent of this article is to ensure adequate and appropriately located off-street parking and loading, to avoid undue congestion on streets, to avoid unnecessary conflicts between vehicles and pedestrians, to preserve and enhance pedestrian activity areas within the city, and to facilitate vehicular access from public rights-of-way to off-street parking facilities.
- c. *Parking and loading facilities required.* A certificate of occupancy shall not be issued for any structure or use unless required parking spaces and loading facilities are provided.
- d. *Change of use.* Any change in use of an existing structure or property will not require an increase in the number of parking or loading spaces, with the exception of a change in use from one of the following uses:
 1. Warehousing facilities for families and small businesses approved or established after the effective date of Ordinance No. 4081-07;
 2. Furniture stores or showrooms.

If a portion or all of a structure or property is changed from a use in subsection (d)(1) or (d)(2) to a use requiring a greater number of off-street parking spaces, then additional parking shall be provided for the new use in accordance with this article.

- e. *Expansion of existing structures.* Any expansion, alteration, or improvement which increases the gross square footage or area of an existing structure shall be accompanied by any corresponding increase in the number of parking or loading spaces necessary for the expansion to conform to the requirements of this article.
- f. *Senior and disabled housing parking requirement reduction.* Multi-family housing projects that are (1) provided under any city, state or federal program specifically designed and operated to assist senior or disabled persons (as defined by such program); or (2) intended for, and occupied by, persons 55 years of age or older; or (3) intended for and occupied by persons with developmental or physical disabilities, may be eligible for a waiver of up to 50 percent of required parking, as provided in this subsection. The city reserves the right to modify the waiver granted to increase the parking requirements if the reduced parking results in a negative impact on the health, welfare or safety of the community.
 1. *To be eligible for the senior housing waiver each of the following criteria must be met:*
 - a. At least 80 percent of the units must have at least one occupant who is 55 years of age or older;
 - b. The facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing;
 - c. The facility or community must comply with HUD's regulatory requirements for age verification of residents;
 - d. The facility or community must be within one-half mile of public transit or the community must provide transportation for residents;
 - e. The developer must submit a separate application to the city to obtain verification that the project is eligible for a waiver as senior housing under the controlling federal, state or local requirements. Such applications must be approved by both the housing and community development director and the development services director.
 2. *To be eligible for the disabled housing waiver the following criteria must be met:*
 - a. At least 80 percent of the units must have at least one occupant who has a developmental or physical disability that is covered by supplemental security income (SSI), social security disability, veterans disability benefits or other state or federal program that verifies developmental or physical disability;
 - b. The facility or community must adhere to policies and procedures that demonstrate the intent to operate as a housing project serving the disabled;
 - c. The facility or community must be within one-half mile of public transit or the community must provide transportation for residents

- d. The developer must submit a separate application to the city to obtain verification that the project is eligible for a waiver as housing for the disabled under the controlling federal, state or local requirements. Such applications must be approved by both the housing and community development director and the development services director.
3. *Restrictive covenant.* If the waiver is granted, a covenant that restricts the use of the property to serving persons who are 55 years or older, or persons who are disabled, for a period of not less than 15 years shall be executed and recorded in the public records of Palm Beach County. The restrictive covenant shall run with the land and shall be binding upon the successors and assigns of the developer and upon all owners, mortgagees, lessees and others having interest in the property. The city reserves the right to require a use restriction of more than 15 years based on the extent of the waiver granted.

(Code 1979, § 33-170; Ord. No. 4081-07, § 3, 10-22-2007; Ord. No. 4307-10, § 2, 11-15-2010; Ord. No. 4758-17, § 4, 1-29-2018)