

ORDINANCE NO. 437

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 58, ZONING, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE VI, DISTRICT REGULATIONS, DIVISION 3, R-2 TWO-FAMILY RESIDENTIAL DISTRICT, SECTION 58-181, PURPOSE AND INTENT OF DIVISION, TO DELETE THE REFERENCE TO GARAGES FOR EACH LOT; AND AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 3, OFF-STREET PARKING REGULATIONS, SECTION 58-363, NUMBER OF PARKING SPACES REQUIRED, IN ORDER REQUIRE EACH DWELLING UNIT IN A RESIDENTIAL DISTRICT TO PROVIDE FOR A TWO CAR GARAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Haverhill, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 58-181 sets forth the purpose and intent of the two-family residential district and specifically requires a two car enclosed garage for each lot; and

WHEREAS, the Town Council desires to modify said provision to require that each residential dwelling unit, as opposed to a lot, have a two car enclosed garage, and to make such requirement applicable to each residential district within the Town; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council finds that this Ordinance is consistent with the requirements of the Comprehensive Plan and Zoning Code; and

WHEREAS, the notice and hearing requirements of the Zoning Code and Florida law have been met for adoption of this Ordinance; and

WHEREAS, the Town Council has determined that the adoption of these regulations would further the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA:

Section 1. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Code Amendments.

Chapter 58, Zoning, Article VI, District Regulations, Division 3, Two-Family Residential District, Section 58-181, entitled "Purpose and Intent of Division" is hereby amended as follows:

Sec. 58-181. Purpose and intent of division.

It is the purpose and intent of the R-2 two-family residential district to provide lands within the town for single-family and two-family residential uses consisting of no more than two dwelling units per lot, and density shall not exceed 6.0 dwelling units per gross acre. All dwelling units shall be attached to the land ~~and each lot shall have a fully enclosed garage for a minimum of two cars.~~ All dwellings shall not exceed two stories.

Chapter 58, Zoning, Article IX, Supplemental District Regulations, Division 3, Off-Street Parking Requirements, Section 58-363, entitled "Number of parking spaces required" is hereby amended by adding a new subsection (d) to read as follows:

(d) In addition to the required number of parking spaces set forth in subsection (a) above, each dwelling unit in the R-1, R-2, and R-3 Residential Districts shall have a fully enclosed garage with capacity for a minimum of two motor vehicles, and at least 400 square feet. For purposes of this requirement, an Accessory Dwelling Unit shall be exempt. For non-conforming structures of record, enlargement or alteration of dwelling unit shall not be deemed to increase its nonconformity.

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED ON FIRST READING this 14th day of April, 2016.

THE SECOND AND FINAL READING was held this 12th day of May, 2016. Council member PLYLER offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member UPTEGRAPH, and upon being put to a vote, the vote was as follows:


JAY G. FOY, Mayor
LAWRENCE GORDON, Vice Mayor
MARK C. UPTEGRAPH, Council Member
JO H. PLYLER, Council Member
REMAR HARVIN, Council Member

Aye
Aye
Aye
Aye
Aye

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA



Janice C. Rutan, Town Admin.



Jay G. Foy, Mayor