



Cover Memorandum/Staff Report

File #: 23-1634

Agenda Date: 2/20/2024

Item #: 8.A.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: February 20, 2024

ORDINANCE NO. 04-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (I), "CBD PARKING STANDARDS," SUB-SUBSECTION (2), "MINIMUM NUMBER OF OFF-STREET PARKING SPACES," TO EXTEND THE PARKING EXEMPTION FOR CHANGES IN COMMERCIAL USE WITHIN EXISTING COMMERCIAL BUILDINGS AND ASSOCIATED OUTDOOR AREAS WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT THROUGH DECEMBER 31, 2026; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommended Action:

Review and consider a City-initiated amendment to Section 4.4.13(I)(2), "Minimum number of off-street parking spaces," of the Land Development Regulations (LDR) to extend the parking exemption for existing commercial buildings and outdoor use areas within the West Atlantic Neighborhood Sub-district through December 31, 2026.

Background:

A parking exemption is available between NE/NW 12th Avenue and NE/NW 4th Avenue within the West Atlantic Sub-district of the Central Business (CBD) District for existing commercial buildings that require more parking due to a change of use. The exemption includes any outdoor use area. The exemption was initially approved in 2017, and the 3-year sunset date was extended in 2020 to 2023. The request is to extend the sunset year of the exemption to 2026. To date, only two businesses have taken advantage of the exemption. The attached Planning and Zoning Board staff report provides full details and analysis of the request.

The following Boards reviewed the proposed request:

The Historic Preservation Board (HPB) reviewed the request at December 6, 2023 meeting because a portion of the exemption area is within an historic district. HPB voted 6-0 to recommend approval.

PZB heard the item at the December 18, 2023 meeting and voted 4-1 to recommend approval (Morris Carstarphen dissenting).

The Downtown Development Authority (DDA) heard the item at the January 8, 2024 meeting and

voted 4-3 to recommend approval of the request. Dissenting votes expressed a preference to require a waivable in-lieu parking fee for eligible properties, rather than application of a parking exemption.

The Parking Management Advisory Board (PMAB) heard the request at their January 23, 2024 meeting, and generally did not support the ordinance.

The main concerns raised by the advisory boards is whether the parking exemption would apply to redevelopment (it does not) and whether "existing commercial buildings" would include new development that is built during the 3-year time-frame. The date of the adoption of the original ordinance has been added to clarify what constitutes an "existing" commercial building.

City Attorney Review:

Ordinance No. 04-24 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 04-24 will be effective immediately upon adoption at second reading.