



## Legislation Text

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**File #: 18-079, Version: 1**

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**TO: Mayor and Commissioners**  
**FROM: Timothy Stillings, Planning, Zoning and Building Director**  
**THROUGH: Mark R. Lauzier, City Manager**  
**DATE: February 20, 2018**

ORDINANCE NO. 02-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", BY ADDING SUBSECTION 4.4.13(1)(2)(j) "CBD PARKING STANDARDS", "MINIMUM NUMBER OF OFF-STREET PARKING SPACES" TO NOT REQUIRE ADDITIONAL PARKING FOR CHANGES IN USE IN EXISTING BUILDINGS WITHIN THE CBD RAILROAD CORRIDOR SUB-DISTRICT LYING SOUTH OF SE 2<sup>ND</sup> STREET, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

**Recommended Action:**

Approve Ordinance No. 02-18 on First Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 02-18, as presented.

**Background:**

At the City Commission meeting of November 9, 2017, during consideration of an in lieu of parking payment request for 206 SE 2nd Street for the conversion of 2,169 square feet of retail to restaurant, the City Commission directed staff to investigate a modification of the parking requirements similar to the recently adopted ordinance for the West Atlantic Neighborhood. The City Commission cited the lack of redevelopment within the area and the desire to increase the potential to attract additional businesses to the area.

The Railroad Corridor Sub-district generally extends between SE 2<sup>nd</sup> Street and north of SE 7<sup>th</sup> Street and between SE 1<sup>st</sup> Avenue and SE 3<sup>rd</sup> Avenue. This area contains a mix of commercial retail/services, business offices and light industrial uses, such as automotive repair, boat repair, construction contractor's offices and warehouses, as well as mixed-uses (multi-family residential/office). When changes in use occur within existing commercial buildings, the Land Development Regulations require parking to be addressed for the new/proposed use. Frequently, additional parking is required due to a greater parking requirement for the new/proposed use. The additional parking required as a result of the change of use is often resolved in the form of in lieu of parking payments (\$4,600 per parking space within the Railroad Corridor Sub-district) if the spaces cannot be provided otherwise (i.e. constructing new parking or entering into an off-site parking agreement with a nearby property owner).

The subject area is located within the Osceola Park Redevelopment Plan ("Plan") adopted by

the City Commission on December 6, 2004. The Plan identifies the specific deficiencies and assets of the area, evaluates the existing and potential uses, and identifies specific measures for stemming decline, facilitating new development, and enhancing the quality of life for neighborhood. In addition to infrastructure and landscape beautification strategies for revitalizing the area, the Plan lists the provision of opportunity for compatible business development and redevelopment in select areas as one of the visions for the area.

The adopted Community Redevelopment Agency Plan, establishes “Project Objectives” for the Osceola Park Area and Railroad Corridor such as:

- Eliminate slum and blighted conditions.
- Provide adequate parking for the commercial/industrial areas.
- Improve the sidewalk and alley networks to encourage biking, walking, and improved traffic circulation.
- Promote historic preservation.
- Promote stabilization of the residential areas.
- Promote owner-occupied housing.
- Promote conversion of multi-family uses to single-family.
- Increase employment and business opportunities in the area.

The Plan states, “The redevelopment strategy for this area shall be consistent with the Osceola Park Neighborhood Plan. The strategies outlined in the plan include revitalization and rehabilitation of the commercial/industrial uses along the railroad corridor; and, stabilization of the residential neighborhood through beautification and traffic calming.” The proposed amendment furthers and supports the Plan Project Objectives.

Given the proximity of on-street and off-street public parking which serve to supplement available parking within this area, the proposed amendment would only apply to the 13 existing buildings located between SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Street at the following addresses:

1. 100 SE 2<sup>nd</sup> Street
2. 110 SE 2<sup>nd</sup> Street
3. 114 2<sup>nd</sup> Street
4. 201 SE 2<sup>nd</sup> Avenue
5. 206 SE 2<sup>nd</sup> Street
6. 213 SE 2<sup>nd</sup> Avenue
7. 229 SE 2<sup>nd</sup> Avenue
8. 235 SE 2<sup>nd</sup> Avenue
9. 240 SE 2<sup>nd</sup> Avenue
10. 258 SE 2<sup>nd</sup> Avenue
11. 264 SE 2<sup>nd</sup> Avenue
12. 280-288 SE 2<sup>nd</sup> Avenue
13. 290 SE 2<sup>nd</sup> Avenue

These properties, either have off-street parking that could handle a portion of the potential parking demand generated by a change of use resulting in a requirement for additional parking under the current regulations or are located within close proximity to a CRA public parking lot (215 SE 2<sup>nd</sup> Avenue) or the on-street parking spaces on SE 2<sup>nd</sup> Avenue and on SE 2<sup>nd</sup> Street.

The portion of the Railroad Corridor Sub-district not included in the proposed geographic area of the parking incentive consists of a high percentage of buildings being utilized for industrial uses, including automotive repair, contractor's offices and warehouses. The more industrial area of the RC Sub-district could not accommodate large-scale use conversion without additional parking facilities being provided as there is not sufficient on-street parking or public parking facilities in that area.

Similar to the recently adopted amendment in the West Atlantic Neighborhood Sub-district of the CBD, the proposed text change includes a sunset provision, which limits the effective period to three years subject to submittal of a building permit for the proposed use conversion. This provision ensures an assessment after three years to determine if the anticipated outcomes are being realized and if adjustments are needed based upon the redevelopment activity.

The Planning and Zoning Board considered this amendment on January 22, 2018, and recommended approval on a 3 to 1 vote (Christina Morrison dissenting).

The Community Redevelopment Agency (CRA) reviewed this item at their January 11, 2018 meeting and had no objections.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

The proposed ordinance would result in a reduction to the in lieu fee payments received by the City for changes in use that would have required additional parking if such parking could not be accommodated on-site or through an off-site parking agreement.

**Timing of Request:**

N/A