



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PARKING MANAGEMENT ADVISORY BOARD STAFF REPORT

Temporary Parking Lots

Meeting	File No.	Application Type
February 27, 2024	2024-077	Amendment to the Land Development Regulations

Applicant

City of Delray Beach

Request

Provide a recommendation on Ordinance No. 12-24, a City-initiated amendment to LDR Section 2.4.6(E)(3) of the Land Development Regulations (LDR) to add General Commercial (GC) zoning as an allowed location for temporary parking lots, limited to the off-site storage of automotive dealership vehicle inventory.

Background Information

In March of 2020, a Temporary Use Permit for a "Temporary Parking Lot with Waivers" was approved via Resolution No. 32-20 for the property located 541-571 W. Linton Boulevard in the General Commercial (GC) zoning district. The waivers associated with the approval included waiving the location limitations in the LDR for temporary parking lots. The temporary use permit for the temporary parking lot expired on March 2, 2021. The resolution required extension requests to be submitted 90 days prior to the expiration of the approval on March 2, 2021. No extension request was submitted, and the use ceased.

A pre-application meeting was held in September of 2023 for a new Temporary Use Permit application with Waivers for a Temporary Parking Lot on the property. The applicant asserted that since the GC zoning district allows "commercial or public parking lots and parking garages" as a permitted use pursuant to LDR Section 4.4.9(B)(4), a Temporary Parking Lot for the storage of vehicle inventory for an automotive dealer located on another property should be considered a "commercial parking lot," and therefore permitted.

The Development Services Director made the following interpretation of the proposed use on the parcel:

1. A "commercial parking lot" is one where the commodity for sale is parking to customers. A lot dedicated to providing accessory storage of vehicles to an off-site commercial business is not a "commercial parking lot".
2. Since the accessory storage of car dealer inventory cannot be located on a separate parcel in the AC zoning district, then the storage of car dealer inventory cannot be provided on a parcel as a principal use in GC zoning district. It is important to note that the City carefully limits automotive commercial uses, recognizing both the economic benefit of the industry and the impacts of the use. Even in the Automotive Commercial (AC) zoning district, which allows the accessory use of storage of inventory, the regulations specify that it must be on the same parcel of land and that it cannot be leased independently [LDR Section 4.4.10(C)(3)(c)].
3. A temporary parking lot has location limitations that cannot be waived, as doing so would constitute a prohibited use waiver, which the City Commission is prohibited from considering pursuant to LDR Section 2.4.11 (previously LDR Section 2.4.7).

Therefore, the applicant was informed the new request would not be processed. On January 4, 2024, the City Commission heard the appeal of the Director's determination and upheld the Director's determination, but directed staff to amend the LDR to allow temporary parking lots for off-site accessory storage of automotive dealership vehicle inventory in certain areas and/or zoning districts.

Project Planner:

Rebekah Dasari, Principal Planner
DasariR@mydelraybeach.com
561.243.7040, Ext. 7044

Attachments:

- Ordinance No. 12-24, Temporary Parking Lots LDR Text Amendment

Description of Proposal

The following changes are proposed to **LDR Section 2.4.6(E)(3)**:

- General Commercial (GC) zoned properties are added as an allowable location of temporary parking lots, limited to off-site storage of automotive dealership vehicle inventory.
- Administrative Technical Advisory Committee (TAC) review of the site plan for compliance with applicable regulations must take place prior to review and determination by the City Commission.
 - Specific reference to the City Engineer as a reviewer is removed in favor of the inclusive TAC review.
 - The Parking Management Advisory Board (PMAB) is removed as the reviewing / recommending body and replaced by the TAC process.
- Temporary parking lot approvals can be renewed annually to a maximum of three years; the proposed amendment removes PMAB as the recommending body, and alternatively establishes an administrative process for review of compliance with the approval prior to determination by the City Commission.
- Table 2.4.3. The table number is corrected to Table 2.4.6. This change is corrective, related to the recent Chapter 2, "Administrative Provisions," amendment to the LDR as adopted in Ordinance No. 31-23.

Review and Analysis

LDR Section 1.1.6, Amendments

The text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.

LDR Section 2.4.7(A), Amendments to the Land Development Regulations

Amendments to the LDR may be initiated by the City Commission, Planning and Zoning Board, or City Administration, or by a member of the public.

LDR Section 2.4.7(A)(5), Findings

For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.

The proposed amendment is initiated by City staff in response to direction by the City Commission.

The following Objectives and Policies of the adopted Comprehensive Plan are applicable to the proposed amendment.

Neighborhoods, Districts, and Corridors Element

Objective 2.5 Automotive Dealerships *Recognize that automotive dealers and auto-related uses are local legacy industries with unique impacts that require appropriate and strategic locations.*

Objective NDC 3.5, Update the Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

Economic Development Element

Objective ECP 6.3 Business-ready Environment *Create a business-ready environment for existing and emerging industry clusters.*

Policy ECP 6.3.1 *Review and improve the Land Development Regulations to ensure permitted uses and building requirements align with desirable industry clusters in targeted areas and with the vision of adopted neighborhood revitalization plans.*

Policy ECP 6.3.2. *Encourage predictability and consistency in the City's Land Development Regulations, while also allowing for flexibility and creativity in the site development process.*

Local automotive dealerships have indicated that automobile manufacturers requiring their franchisees to hold a larger inventory that the primary dealership location cannot accommodate. The amendment expands the locations that automotive dealerships can use for off-site storage of vehicle inventory, and amends the review process for consistency with the site plan review process established in other subsections of Chapter 2.

Review By Others

Ordinance No. 12-24 is anticipated to go before the City Commission for first and second reading in March 2024.

Board Action Options

- A.** Move a recommendation of **approval** of Ordinance No. 12-24, amending LDR Section 2.4.6(E)(3) to add the General Commercial (GC) zoning district as an allowable location for temporary parking lots for the off-site storage of automotive dealership vehicle inventory, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B.** Move a recommendation of **approval** of Ordinance No. 12-24, amending LDR Section 2.4.6(E)(3) to add the General Commercial (GC) zoning district as an allowable location for temporary parking lots for the off-site storage of automotive dealership vehicle inventory, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations, **as amended**.
- C.** Move a recommendation of **denial** of Ordinance No. 12-24, amending LDR Section 2.4.6(E)(3) to add the General Commercial (GC) zoning district as an allowable location for temporary parking lots for the off-site storage of automotive dealership vehicle inventory, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.

D. Continue With Direction.

Public and Courtesy Notices

X Courtesy Notices were sent to the following:

- Chamber of Commerce

X Public Notices are not required for this request