

ORDINANCE NO. 23-25

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 2, “ADMINISTRATIVE PROVISIONS,” ARTICLE 2.4, “DEVELOPMENT APPLICATION REQUIREMENTS,” SECTION 2.4.11, “RELIEF,” SUBSECTION (F), “IN LIEU OF PARKING FEE REQUEST,” TO ELIMINATE THE PARKING MANAGEMENT ADVISORY BOARD; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations (“LDR”) of the City of Delray Beach (“City”) Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, the Parking Management Advisory Board was established on December 9, 1997, via Resolution No. 88-97 for the purpose of implementing the master parking plan; and

WHEREAS, on July 8, 2025, the City Commission directed staff to eliminate the Parking Management Advisory Board and streamline the review process of In Lieu of Parking Fee requests and other parking related matters; and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on September 16, 2025, and voted 4 to 1 to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission has considered Ordinance No. 23-25 and the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City.

Section 3. Chapter 2, “Administrative Provisions,” Article 2.4, “Development Application Requirements,” Section 2.4.11, “Relief,” Subsection (F), “In Lieu of Parking Fee Request,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

- (F) ***In-Lieu of parking fee request.*** An in-lieu of parking fee is a payment to the City's Parking In-Lieu Fund as an alternative to providing required on-site parking. Fees shall be used for parking or pedestrian/bicycle infrastructure.

(1) - (2) (These subsections shall remain in full force and effect as adopted.)

- (3) ***Procedure.*** An application for in-lieu of parking fee request must be filed with the Development Services Department and shall be processed in the following manner:

(a) Determination of sufficiency, followed by technical review of the complete application.

~~(b) Consideration and recommendation by Parking Management Advisory Board and other Boards, as applicable.~~

~~(b)(c)~~ Consideration and action by City Commission prior to site plan consideration or Zoning Certificate of Use approval.

~~(c)~~ ***Payment of in-lieu of parking fees.*** In-lieu of parking fees shall be based upon location and historic classification of eligible properties and shall be established by the City Commission through Resolution.

1. Arrangements for payment shall be approved by the City Commission as part of the in-lieu of parking fee request.

2. The in-lieu of parking fee may be paid in a single payment or in installments.

a. ***Single Payment.*** Applications approved for a single payment of the fees must provide payment concurrent with the issuance of a building permit or approval of a Zoning Certificate of Use.

b. ***Payment in installments.*** Applications approved to pay fees in installments must execute an In-Lieu of Parking Fee Agreement with the City prior to issuance of a building permit or approval of a Zoning Certificate of Use.

i. In-Lieu of Parking Fee Agreements shall only be made between the City and the Owner(s) of the subject property and shall be recorded in the Public Records Office of Palm Beach County, Florida. The obligations imposed by such In-Lieu of Parking Fee Agreement constitute a covenant upon the property and shall bind successors, heirs, and assigns.

ii. Payments shall be made in three installments. A three percent administration fee shall be added to the in-lieu of parking fee.

- a. The first installment shall be 50 percent of the total fee and is to be paid upon execution of the agreement.
- b. The second installment shall be 25 percent of the total fee and is to be paid one year from the date of the execution of the agreement.
- c. The third and final payment of 25 percent of the total fee is to be paid two years from the date of the execution of the agreement.

iii. The covenant shall be released upon full payment of the total fee.

(4) - (6) (These subsections shall remain in full force and effect as adopted.)

Section 4. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney