



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Signs LDR Amendment, Ordinance No. 53-20

Meeting	File No.	Application Type
October 19, 2020	2020-145-LDR	Land Development Regulations Amendment

Request

Provide a recommendation to the City Commission on Ordinance No. 53-20, City-initiated amendments to update the Land Development Regulations regarding signs located within the right-of-way and regulations governing reserved parking spaces.

Background Information

The Land Development Regulations (LDRs) do not currently allow commercial signs within the right-of-way. The existing physical characteristics of the downtown and the regulations that govern it support the extension of signs with the public right-of-way. While the current setback for buildings facing a right-of-way is a minimum of 10 feet, many existing buildings have smaller setbacks or no setback. In addition, the current CBD regulations allow for arcades, which are an allowed frontage type, to encroach within the right-of-way.

Additionally, changes in retail and restaurant industries have increased the demand for temporary parking spaces for curbside pickup of purchases. COVID-19 has brought further changes in consumer behavior in more recent months, further increasing the demand for temporary parking spaces as a public health safety precaution.

Description of Proposal

The proposed LDR amendment is initiated by the City to amend Section 4.6.7 subsection (E) and (J) to establish regulations allowing certain sign types to extend into the right-of-way within the Central Business District (CBD) and the Old School Square Historic Arts District (OSSHAD) with CBD overlay, to restructure existing subsections and eliminate requirements that are inconsistent with other sections in the code. Given such conditions, the sign regulations are proposed to be updated to allow projecting signs, wall signs, and under canopy signs within setback areas and within the right-of-way when associated with buildings legally constructed with smaller or no setbacks and arcades.

Section 4.6.7(E)(2): Subsection (a) is proposed to be rewritten and restructured without changing the requirements.

Section 4.6.7(E)(3):

- Subsection (a) is proposed to be restructured to eliminate inaccurate information pertaining to the approval of signs as part of a site plan approval without changing the dimensional requirements. Signs are reviewed and approved individually, not as part of a site plan.
- Subsection (b) is amended to allow projecting signs, wall signs, and under canopy signs within setback areas and within the right-of-way. Signs within the right-of-way are proposed to be allowed in the CBD and OSSHAD with CBD overlay within arcades and buildings legally built with smaller or no setbacks.
- Subsection (c),(d) and (e) are proposed to be rewritten and restructured without changing the requirements.

Section 4.6.7(E)(4): This subsection is proposed to be rewritten and restructured without changing the requirements.

Section 4.6.7(E)(5): This subsection is proposed to be renumbered without changes to the text.

Section 4.6.7(E)(6) and Table 4.6.7(E)(6)-1: This subsection is proposed to be renumbered. Minor text revisions are proposed to both the subsection and Table without changing the existing requirements.

Section 4.6.7(J)(8): This subsection is revised to provide an exception for signs allowed in the right-of-way per the proposed revisions to subsection (E)(3)(b)2.

The amendments also revise LDR Section 4.6.9, "Off-street parking regulations", subsection (D), "Design standards", to establish regulations that govern certain aspects of reserved parking spaces such as markings, signage and percentage allowed without impacting visibility, aesthetics, and safety. The proposed requirements are based on current trends and needs, and existing conditions in Delray Beach and other local municipalities. Staff evaluated several commercial establishments in different areas that currently offer reserved spaces for pick-up activities or designates spaces for specific establishments.

Section 4.6.9(D)(6): This subsection is restructured without eliminating existing requirements. Regulations to govern reserved parking spaces are proposed. The existing parking space detail image located at the bottom of the subsection is proposed to be repealed and replaced. The image is being revised to identify the location and allow the installation of "other signs" at the same location handicap signs are allowed.

Review and Analysis

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendment is City-initiated.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies (GOP) of the Comprehensive Plan.

The following policies from the Always Delray Comprehensive Plan support the proposed amendment.

- **Healthy Community Element, Goal 3, Reduction of Health Risk Factors.** *Reduce exposure to health risk factors at home, the environment, and society.*
- **Economic Prosperity Element, Policy ECP 2.5.1.** *Support organizations and entities to promote social responsibility within their business.*
- **Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5.** *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.*

The proposed amendments will improve the review process for signs located within the right-of-way throughout the downtown area, and provided to identify temporary parking spaces by providing clear standards for Staff, development professionals, and property owners within the city. The proposed amendment will address development design trends by allowing (with limitations) projecting signs, wall signs, and under canopy signs within the right-of-way in the downtown area.

The proposed regulations to govern reserved parking spaces will also address current trends and needs by providing standards to allow a percentage of the parking spaces to be reserved and to regulate signage and marking associated with it. The provision of temporary parking spaces supports Goal 3 of the Healthy Community Element, as well as Policy ECP 2.5.1 of the Economic Prosperity Element.

Review By Others

The **City Commission** is anticipated to review the proposed LDR Amendments at the meetings of November 17, 2020 (First Reading) and December 8, 2020 (Second Reading).

Alternative Actions

- A. Recommend **approval** to the City Commission of **Ordinance No. 53-20**, on a City-initiated request to amend Land Development Regulations Section 4.6.7 "Signs", Subsection (E) "Sign Design Standards", Subsection (J), Prohibited Signs, and, amending Section 4.6.9 "Off-Street Parking Regulations", Subsection (D) "Design Standards", by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.

- B. Recommend **approval** to the City Commission of Ordinance No. 53-20, **as amended**, on a City-initiated request to amend Land Development Regulations Section 4.6.7 “Signs”, Subsection (E) “Sign Design Standards”, Subsection (J), Prohibited Signs, and, amending Section 4.6.9 “Off-Street Parking Regulations”, Subsection (D) “Design Standards”, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 53-20, on a City-initiated request to amend Land Development Regulations Section 4.6.7 “Signs”, Subsection (E) “Sign Design Standards”, Subsection (J), Prohibited Signs, and, amending Section 4.6.9 “Off-Street Parking Regulations”, Subsection (D) “Design Standards”, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

Courtesy Notices are not applicable to this request

N/A Public Notices are not required for this request.