

ORDINANCE NO. 12-24

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 2, "ADMINISTRATIVE PROVISIONS," "ARTICLE 2.4, "DEVELOPMENT APPLICATION REQUIREMENTS," SECTION 2.4.6, "REGULATION OF USES," TO ADD GENERAL COMMERCIAL (GC) ZONING AS AN ALLOWED LOCATION FOR TEMPORARY PARKING LOTS, LIMITED TO OFF-SITE STORAGE OF AUTOMOTIVE DEALERSHIP VEHICLE INVENTORY; PROVIDING A CONFLICTS CLAUSE; 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, Section 2.4.6(E)(3) of the LDR provides regulations governing temporary parking lots; and

WHEREAS, the City desires to add the General Commercial (GC) zoning district as an allowed location for temporary parking lots, limited to the off-site storage of automotive dealership inventory; and

WHEREAS, the City desires to amend the review process for temporary parking lots for consistency with the Chapter 2, "Administrative Procedures;" and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on February 26, 2024, and **voted _ to _ to** recommend approval of the proposed text amendments, finding that the request and approval is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations; and

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 this 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 2.4.6, "Regulation of uses," Subsection (E), "Temporary use permit" of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

Section 2.4.6 - Regulation of Uses

(E) ***Temporary use permit.*** A temporary use permit is required for any of the uses listed below. The granting authority of each use is as follows:

TABLE 2.4.36-A – Granting Authority for Temporary Use Permits	
Granting Authority	Use
City Commission	<ul style="list-style-type: none">▪ Circuses or Carnivals▪ City Operated Facilities▪ Seasonal Farmer's Market▪ Temporary Parking Lots▪ Horse Drawn Carriage Rides, Ice Skating Rink, Carousel, and Other Related Holiday, Seasonal/Temporary Uses
Chief Building Official	<ul style="list-style-type: none">▪ Sales Offices and Models at a Residential Development Site▪ Construction Trailers and Compounds
City Commission or Chief Building Official	<ul style="list-style-type: none">▪ Uses under a Tent

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

(3) ***Regulations and restrictions.***

(a) - (c) (These subsections shall remain in full force and effect as adopted.)

(d) ***Temporary parking lots.***

1. A temporary parking lot may be permitted within the following areas:

- a. The portion of the Central Business District (CBD) and Community Facilities (CF) District which is bounded by Swinton Avenue on the west, the Intracoastal Waterway on the east, N.E. 2nd Street on the north, and S.E. 2nd Street on the south;
- b. The portion of the CBD District which is bounded by N.E. 2nd Avenue on the west, the FEC Railway on the east, N.E. 2nd Street on the south, and N.E. 4th Street on the north;
- c. The portion of the CBD located east of the Intracoastal Waterway;
- d. The non-residential zoning districts bounded by Swinton Avenue on the east, I-95 on the west, N.W. 1st Street on the north, and S.W. 1st Street on the south.
- e. General Commercial (GC) zoned properties, limited to off-site storage of automotive dealership vehicle inventory.

2. Temporary parking lot spaces shall not be used to fulfill minimum off-street parking requirements for new development or redevelopment. Temporary lots may be used to supplement required parking.
3. Prior to issuance of the temporary use permit, the applicant shall submit a site plan ~~which~~ that includes proposed grade elevations, landscaping and other information ~~which~~ that addresses the regular maintenance of the parking surface and irrigation of the landscaped areas. Administrative TAC review of the site plan for compliance with applicable regulations shall take place prior to review and determination by the City Commission.
4. ~~The City Engineer shall approve the grading plan for the parking lot. The site plan shall be reviewed and recommended for approval by the Parking Management Advisory Board prior to submission to the City Commission for consideration.~~
45. Permits for temporary parking lots shall be issued for no more than a one-year period. ~~Approved~~ Permits may be renewed annually to a maximum of three years upon administrative review of compliance with the approval and positive recommendation by the Parking Management Advisory Board.
6. The temporary parking lot shall be monitored for compliance with the approved plan. Should the City Manager find that the operation of a lot is not in compliance or if the lot has an adverse effect on surrounding properties, and the applicant is unable or unwilling to rectify the problem the permit may be reviewed by the City Commission for possible revocation.
7. Within 30 days of expiration of the permit, all rock or gravel surfaces shall either be removed or covered with top soil. The site shall then be sodded or landscaped as determined acceptable by the Development Services ~~Planning and Zoning~~ Department.
8. A temporary parking lot shall be constructed to the following specifications:
 - a. The parking lot surface shall be brought to grade with a dust-free surface of one of the following materials over soil ~~which has been~~ compacted to 95 percent maximum density per AASHTO T-180:
 - ~~i.b.~~—Four inches of pearock, gravel or river rock; or
 - ~~ii.e.~~—Six inches of mulch.
 - ~~b.d. If the lot is~~ **Lots not operated on a 100 percent valet basis,** ~~w~~ Wheel stops shall be provided ~~as a means~~ to indicate individual spaces. The size of the parking spaces, maneuvering areas and aisle widths shall be subject to ~~the standards of~~ Section 4.6.9(D)(4). In addition, the parking lot shall meet the requirements of the "Florida Accessibility Code for Building Construction".
 - ~~c.e. If the lot is~~ **Lots operated on a 100 percent valet basis,** ~~then w~~ Wheel stops shall be

provided at the edge of the parking surface.

d.f. The lot shall meet the requirements of Section 4.6.9(D)(3) for access to the street system. Driveway aprons between the edge of pavement and the right-of-way line shall be constructed of asphalt or concrete.

e.g. The parking lot perimeter shall be buffered with a minimum three feet wide landscape strip, screened with a minimum two feet high hedge or four feet high opaque fence. Water for irrigation shall be available within 50 feet of all landscaped areas.

f.h. ~~If the parking lot is to be utilized at night, the applicant shall provide onsite Site lighting for the parking lot in compliance with photometric requirements~~ must be provided if the site is utilized at night.

g.i. Trees of four inches or greater diameter at four and one-half feet above the ground shall not be removed.

Section 4. All ordinances or parts of ordinances in conflict herewith be, and the same 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 are 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 ____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney