

RESOLUTION NO. 64-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REQUIRING ADDITIONAL OFF-STREET PARKING SPACES FOR THE PROPERTY LOCATED AT 302 NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO SECTION 4.6.9 OF THE LAND DEVELOPMENT REGULATIONS; REQUIRING 44 SPACES BASED ON THE USE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 302 NE 6th Avenue, LLC (“Owner”) is the owner of a parcel of land measuring approximately 0.20 acres located at 302 NE 6th Avenue, Delray Beach, FL (“Property”); and

WHEREAS, in 2023, Owner submitted an application (File No. 2023-073) seeking relief from the parking requirement for the Property; and

WHEREAS, the City Commission considered the request on April 18, 2023 (the “Hearing”); and

WHEREAS, at the Hearing, Owner made representations to the City Commission; specifically, Owner described a “grab and go” restaurant wherein most patrons would spend a limited amount of time, 15 minutes or less, at the Property; and

WHEREAS, in reliance of these representations, Resolution No. 62-23 was approved by the City Commission granting 5 in lieu of parking spaces for the Property; and

WHEREAS, to date, the Property has been subject to code enforcement proceedings based on the Owner’s failure to operate the Property according to its designated use; and

WHEREAS, the Owner has held concerts, workshops, open-mic nights, and ticketed events in violation of the Property’s approved use; and

WHEREAS, Section 1.4.3, Enforcement, of the Land Development Regulations of the City of Delray Beach (the “LDR”) provides that the City Commission can take any lawful action necessary to prevent or remedy a violation of the City’s Code of Ordinances (the “Code”) and the LDR; and

WHEREAS, Section 4.6.9(B)(1)(d) of the LDR, provides that off-street parking facilities shall be provided “[f]or any change in the occupancy of an existing building or the manner in which a use is conducted that would result in additional parking spaces being required,” and

WHEREAS, Section 4.6.9(C)(6)(a) of the LDR assesses the off-street parking requirements for meeting places and similar uses equal to “three-tenths of a parking space for each seat or one space for each 50 sq. ft. of gross floor area, whichever is greater;” and

WHEREAS, on March 9, 2026, the City Commission reconsidered at a quasi-judicial hearing the off-site parking requirement for the Property in light of the present and recurring use of the Property.

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

Section 1. The foregoing recitals are hereby incorporated herein by this reference and are approved.

Section 2. The City Commission finds that it is necessary and appropriate to remedy the persistent violations of the City’s Code of Ordinances and LDR. The City Commission further finds that the assessment of additional parking spaces, in light of the use of the Property, is required to mitigate the adverse impacts on adjacent uses and properties.

Section 3. The City Commission finds that the manner in which the Property is used requires 44 off-street parking spaces with a designated use of “Meeting/Assembly Space.”

Section 4. The Owner has 30 days from the date of this Resolution to comply. Any off-site parking arrangement shall be made in compliance with Section 4.6.9(E)(3) of the LDR and requires approval by the City Commission.

Section 5. If Owner is unable to secure an off-site parking arrangement within 30 days, the City reserves the right to revoke all zoning approvals and the City shall have the right, without limitation, to prohibit Owner from operating any use which is not in compliance with the City’s Code of Ordinances and LDR.

Section 6. A copy of this Resolution shall be sent by certified mail to Rodney Mayo, c/o Subculture Coffee Delray, 302 N.E. 6th Avenue, Delray Beach, FL, 33444.

Section 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 8. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney