



conversions of use from retail or office to restaurant, additional parking is required and often, due to site constraints, must be provided in the form of in lieu parking fees (\$4,600 per parking space) as the parking spaces cannot be provided otherwise (by constructing new parking, or entering into an off-site parking agreement with a nearby property owner). The parking expense is in addition to the costs of the interior improvements and upgrades for the business.

The approved amendment was only effective for a period of three years, unless extended by the City Commission. This timeframe was intended to provide time for an assessment to determine if the anticipated outcomes are being realized and if adjustments need to be made based upon the redevelopment activity. An extension to the exemption was approved as a privately-initiated amendment, extending the sunset date of the exemption from December 31, 2020 to December 31, 2023 via Ordinance No. 01-20 on June 16, 2020. The amendment also included outdoor areas at existing commercial buildings as eligible to take advantage of the exemption.

Description of Proposal

The proposed amendment seeks to extend the sunset date of the existing parking exemption within the West Atlantic Neighborhood Sub-district of the CBD from December 31, 2023 to December 31, 2026.

Review and Analysis

Pursuant to **LDR Section 2.4.7(A)**, *amendments to the Land Development Regulations may be initiated by the City Commission, City Administration, or by a member of the public.*

The proposed amendment is City-initiated.

LDR Section 2.4.7(A)(3)(c)

If a proposed amendment would affect historic districts or properties, consideration before the Historic Preservation Board for recommendation to the Planning and Zoning Board is required.

A portion of the West Settlers Historic District is within a portion of the exemption area; the amendment will be presented to the Historic Preservation Board on December 6, 2023.

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 following GOPs of the adopted Comprehensive Plan are applicable to the proposed amendment:

Policy NDC 2.7.7 *Update the West Atlantic Avenue Redevelopment Plan, which was adopted in 1995; new improvements and development shall comply with the provisions of the West Atlantic Avenue Redevelopment Plan until an update to the West Atlantic Avenue Redevelopment Plan is adopted.*

The Plan update was adopted in 2020. The proposed amendment is consistent with the plan, which calls for innovative parking strategies.

Objective NDC 2.2 Downtown and Surrounding Neighborhoods *Protect and enhance the "Village by the Sea" character of the downtown and neighborhoods located east of I-95.*

Policy NDC 2.2.3 *Encourage the adaptive reuse of existing structures located within mixed-use and commercial land use designations, particularly those that were originally established as single family homes or are over 50 years old, by providing incentives, such as relief in the Land Development Regulations, grants to facilitate retrofitting or rehabilitation, etc.*

Policy NDC 2.2.4 *Provide incentives in the Land Development Regulations that encourage the long-term viability, adaptive reuse, and redevelopment of small properties located within mixed-use and commercial land use designations to maintain the historic development pattern over time.*

The Central Business District (CBD) and surrounding neighborhoods represent the essence of Delray Beach - the "village by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the Always Delray Comprehensive Plan by

managing growth and preserving the charm. The proposed amendment is designed to continue to support local investment in the West Atlantic Neighborhood Sub-district by encouraging and incentivizing the continued revitalization of the CBD and preserving the charm through the reuse of existing structures that maintain the historic scale.

Policy NDC 2.2.6 Accommodate automobile access through innovative approaches, including creating district-wide parking programs, strategically locating public garages and lots to maximize access without conflicting with pedestrian activity, providing on-street parking, designating ride-share drop off and pick-up locations, and developing “park once” areas that facilitate walking among multiple destinations in a safe, attractive environment.

The proposed amendment facilitates and supports the use of parking lots by reducing the off-street parking requirement for existing buildings.

Policy NDC 3.5.5 Continue to develop new land use and zoning incentives for eligible and historic resources within the Land Development Regulations, such as encouraging the adaptive reuse of historic structures within mixed-use zoning districts and providing parking relief strategies.

Policy MBL 3.4.1 Regularly analyze, assess, and update parking requirements in the Land Development Regulations to reflect actual parking trends and needs. Parking requirements may be customized for various parts of the City (e.g. Downtown, West of Congress Avenue).

It is not uncommon to customize off-street parking requirements to specific areas to meet certain objectives and policies. For example, the Central Business District has a lower parking requirement to maintain the character and nature of a walkable, compact downtown area. This area has been identified through the City Commission in 2018 and the Osceola Park Redevelopment Plan as having a need for a parking specific strategy tailored to bring businesses to existing structures in the Railroad Corridor Sub-District. The proposed amendment maintains consistency with this policy by continuing an innovative means to attract redevelopment to existing structures while addressing parking needs through existing off-street parking, on-street parking, and parking lots near the area.

Objective ECP 6.5 Small Business Growth Support the growth and development of small businesses that enhance the vitality and quality of life in Delray Beach neighborhoods.

Reducing or eliminating parking is one notable strategy to spur economic development and redevelopment in an area. Restaurants outside of the Atlantic Avenue Parking District are required to park at a rate of 6 spaces per 1,000 square feet; business and professional offices and retail are required to provide 5 spaces per 1,000 square feet. It can be cost prohibitive to provide the in-lieu amount of \$4,600 per space in Area 4 of the Parking District, on a constrained site. Alleviating the off-street parking requirement for applicants that do not change the square footage of their building supports small businesses, and the retention of existing buildings that keeps the neighborhood character and scale. The parking exemption has been used on a limited basis.

The City could consider expanding the incentive further to apply to conversions of existing residential structures into commercial uses. Additional analysis is needed to evaluate the impact of expanding eligibility for the parking exemption.

Review By Others

Historic Preservation Board (HPB). HPB reviewed the Ordinance at their December 6, 2023 meeting and voted unanimously to recommend approval.

Downtown Development Authority (DDA). DDA will hear the request at their December 11, 2023 meeting (as Ordinance No. 53-23).

Delray Beach Community Redevelopment Agency (CRA). The proposed amendment has been reported to the DBCRA.

The **City Commission** is anticipated to review the proposed amendment on January 4, 2024 and February 6, 2024.

Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 04-24, amending the Land Development Regulations Section 4.4.13(l)(2), "Minimum number of off-street parking spaces," to extend the parking exemption for existing commercial buildings that undergo a change of use, and for existing commercial buildings with outdoor use areas from providing additional on-site parking for properties within the West Atlantic Neighborhood Sub-district through December 31, 2026, 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. 04-24, **as amended**, amending the Land Development Regulations Section 4.4.13(l)(2), "Minimum number of off-street parking spaces," to extend the parking exemption for existing commercial buildings that undergo a change of use, and for existing commercial buildings with outdoor use areas from providing additional on-site parking for properties within the West Atlantic Neighborhood Sub-district through December 31, 2026, by finding that the amendment as amended 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. 04-24, amending the Land Development Regulations Section 4.4.13(l)(2), "Minimum number of off-street parking spaces," to extend the parking exemption for existing commercial buildings that undergo a change of use, and for existing commercial buildings with outdoor use areas from providing additional on-site parking for properties within the West Atlantic Neighborhood Sub-district through December 31, 2026, 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 were provided to the following, at least 5 working days prior to the meeting:

- Chamber of Commerce
- West Atlantic Redevelopment Corporation

☒ Public Notice was posted to the City's website 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

☒ Agenda was posted at least 5 working days prior to meeting.