

ORDINANCE NO. 53-23

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, BY AMENDING CHAPTER FOUR, “ZONING REGULATIONS”, ARTICLE 4.4, “BASE ZONING DISTRICT”, SECTION 4.4.13, “CENTRAL BUSINESS DISTRICT (CBD)”, BY AMENDING SUBSECTION 4.4.13(I)(2)(i) “CBD PARKING STANDARDS”, “MINIMUM NUMBER OF OFF-STREET PARKING SPACES” TO EXTEND THE PARKING EXEMPTION FOR CHANGES IN USE IN EXISTING COMMERCIAL BUILDINGS AND ANY ASSOCIATED OUTDOOR AREAS WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT THROUGH DECEMBER 31, 2026; PROVIDING A CONFLICTS CLAUSE, 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, in 2017, the City adopted Ordinance No. 39-17 to exempt existing buildings within the West Atlantic Neighborhood Sub-district of the CBD from providing parking for a change in use, with the exemption sunset on December 31, 2020; and

WHEREAS, a privately-initiated amendment was adopted via Ordinance No. 01-20 in 2020 to extend the sunset of the exemption to December 31, 2023, and to include outdoor use areas associated with an existing building in the exemption from providing off-street parking; and

WHEREAS, the City desires to extend the parking exemption to December 31, 2026 to continue to provide flexibility for the adaptive reuse of existing structures and their associated outdoor spaces that provide additional use area; 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, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on November 27, 2023 and voted to 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

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.

Section 2. Section 4.4.13, “Central Business District (CBD)”, Subsection (I) “CBD parking standards, Sub-Subsection (2) “Minimum number of off-street parking spaces”, of the Land Development Regulations of the City of Delray Beach, Code of Ordinances, be and the same is hereby amended to read as follows:

(a) – (h) (These subsections shall remain in full force and effect as previously adopted)

(i) Within the West Atlantic Neighborhood Sub-district, west of NW/SW 4th Avenue and east of NW/SW 12th Avenue, changes in commercial use within existing commercial buildings and associated outdoor areas subject to the provisions of Section 4.6.6, shall not be required to provide additional on-site parking. The provisions of this sub-subsection shall only be effective until December 31, 2023~~6~~, and subject to submittal of a building permit.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. That 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 this Ordinance.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. 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 _____, 2023.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney