

ORDINANCE NO. 04-24

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 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (I), "CBD PARKING STANDARDS," SUB-SUBSECTION (2), "MINIMUM NUMBER OF OFF-STREET PARKING SPACES," TO EXTEND THE PARKING EXEMPTION FOR CHANGES IN COMMERCIAL USE WITHIN EXISTING COMMERCIAL BUILDINGS AND ASSOCIATED OUTDOOR AREAS WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT OF THE CENTRAL BUSINESS 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, on November 7, 2017, the City adopted Ordinance No. 39-17, creating an exemption to requiring additional on-site parking for changes in commercial use within an existing commercial building within the West Atlantic Neighborhood Sub-district of the Central Business District (CBD), sunseting on December 31, 2020; and

WHEREAS, on June 16, 2020, the City adopted a privately initiated amendment via Ordinance No. 01-20, extending the exemption to December 31, 2023, and expanding the exemption to include outdoor use areas associated with an existing commercial building; and

WHEREAS, the City desires to extend the exemption to December 31, 2026, to encourage the adaptive reuse of existing commercial structures and their associated outdoor spaces in the West Atlantic Neighborhood Sub-district of the CBD; and

WHEREAS, the West Atlantic Neighborhood Sub-district of the CBD includes the West Settlers Historic District; and

WHEREAS, pursuant to Section 2.1.9(E)(13) of the LDR, the Historic Preservation Board shall review and make recommendations to the Planning and Zoning Board for any amendments to the LDR that apply to Historic structures and districts; and

WHEREAS, at its December 6, 2023, regular meeting, the Historic Preservation Board voted 6 to 0 to recommend that the proposed text amendment 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

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 December 18, 2023, and voted 4 to 1 to recommend that the proposed text amendment 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

WHEREAS, the City Commission considered the text amendment and has considered the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

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 3. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.13, “Central Business (CBD) District”, 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, 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 (as of November 7, 2017) 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, 20236, and subject to submittal of a building permit.

(j) (This subsection shall remain in full force and effect as previously adopted)

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 is hereby given 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

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____