

ORDINANCE NO. 33-23

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 3, "PERFORMANCE STANDARDS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.4, "STANDARDS FOR SPECIFIC AREAS OR PURPOSES," TO INCLUDE STANDARDS FOR TRANSPORTATION DEMAND MANAGEMENT; AMENDING CHAPTER 6, "INFRASTRUCTURE AND PUBLIC PROPERTY," ARTICLE 6.1, "DESIGN STANDARDS AND REQUIREMENTS," SECTION 6.1.14, "TRANSIT," TO REQUIRE PROVISIONS FOR BUS SHELTERS FOR QUALIFYING DEVELOPMENTS; 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, the City adopted Ordinance No. 31-23 on _____, 2023 updating development review procedures in Chapter 2, "Administrative Provisions"; and

WHEREAS, Ordinance No. 33-23 amends Section 3.2.4, "Standards for specific areas or purposes," to adopt the Transportation Demand Management (TDM) requirements eliminated in Chapter 2 by Ordinance No. 31-23; and

WHEREAS, Ordinance No. 33-23 amends Section 6.1.14, "Transit," to adopt the bus shelter requirements eliminated in Chapter 2 by the adopted by Ordinance No. 31-23; and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on August 21, 2023, and voted 7 to 0 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 3. Chapter 3, “Performance standards,” Article 3.2, “Performance standards,” Section 3.2.4, “Standards for specific areas or purposes,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 3.2.4. Standards for specific areas or purposes.

(A) - (F) These subsections shall remain in full force and effect as adopted.

(G) *Transportation demand management.* A land use application, which will add use area or establish a new use, that will result in the addition on the premises of more than 50 employees, located in the City's Transportation Concurrency Exception Area (TCEA), shall include submittal of a program to implement employer-based Transportation Demand Management (TDM) activities. These activities may include, but are not limited to, ride sharing, van pooling, and flexible work hours.

Section 4. Chapter 6, “Infrastructure and Public Property,” Article 6.1, “Design standards and requirements,” Section 6.1.14, “Transit,” of the Land Development Regulations of the City of Delray Beach is amended as follows:

Sec. 6.1.14. Transit.

(A) Provision of bus shelters.

(1) The following projects shall include a bus shelter:

(a) A new residential development with 25 or more units;

(b) A non-residential development greater than 10,000 square feet;

(c) A development adjacent to an existing or proposed transit stop.

(2) When the placement of a bus shelter for a qualifying project would be located less than the standard minimum distance from an existing shelter (applied and determined by Palm Tran), then the project shall contribute the full cost of the purchase and installation of a complete bus shelter.

(3) New residential projects that have fewer than 25 units, non-residential projects that are smaller than 10,000 square feet, or projects that are not located adjacent to a transit stop shall contribute 50 percent of the cost of the purchase and installation of a complete bus shelter.

(B) Bus shelters shall include a pad, an ADA-compliant boarding and alighting area, and an ADA-compliant structure which includes a mounted trash receptacle, bike rack, bench, and sufficient illumination.

Section 5. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 7. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 8. 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

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____