

ORDINANCE NO. 20-24

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 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," AMENDING THE REQUIREMENTS FOR PROVIDING OFF-STREET PARKING, ADDING LIMITED INDOOR DINING AS A GENERAL COMMERCIAL USE AND ADDING STANDALONE BARS TO OFF-STREET PARKING REGULATIONS FOR RESTAURANTS; AND AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT A DEFINITION OF LIMITED INDOOR DINING; 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, updates to the LDR are occasionally necessary to improve clarity of interpretation and to ensure consistency with market practices; and

WHEREAS, the adopted LDR does not distinguish between the impact of a retail establishment that serves food primarily for take-out consumption with a limited amount of indoor dining, and a bona-fide restaurant where table service and full-course meals are provided; and

WHEREAS, the proposed Ordinance adopts definitions and parking regulations that support a diversity of restaurant and retail operations by establishing appropriate parking requirements for businesses with limited indoor dining; 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 June 17, 2024 and voted to to recommend that the proposed text amendments be **approved/denied**, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the 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 4.6, “Supplemental District Regulations,” Section 4.6.9, “Off-street parking regulations,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.6.9. – Off-street parking regulations.

(A) (This subsection shall remain in full force and effect as adopted.)

(B) *Applicability.*

(1) ~~Off-street parking facilities shall be provided in the following situations are required for:~~

(a) ~~For any Any new building ~~constructed~~ or development;~~

(b) ~~For any new category of use established including a new conditional use Any change in use for an existing site with an established development or approved use; or~~

(c) ~~For any addition or enlargement of an existing building or use. Any addition or expansion of an existing building or use that would result in additional parking demand. Any additional parking spaces shall only be required to accommodate the new floor area or area impacted by the change in use, and not the entire building or use.~~

(d) ~~For 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.~~

(2) ~~For items (c) and (d) from above, the additional parking spaces shall be required only for an such addition, enlargement, or change and not for the entire building or use, unless required as a condition of approval associated with the approval of the addition, enlargement, or change.~~

(2)(3) ~~When existing parking is ~~diminished~~ eliminated by an addition, ~~or enlargement~~ expansion, or other site improvements and such parking ~~had been~~ was previously required, or would be required if the use were established at ~~this point in the~~ time of application submission, such the same amount of eliminated parking spaces must be replaced and be in addition to those spaces required for the addition, expansion, other site improvements, or change in use. ~~or enlargement.~~~~

~~(4) Notwithstanding the foregoing, effective January 1, 2005, if private land is acquired by a governmental entity for parking or park purposes, the parking spaces attributed to the demand created by the building square footage and use that existed on the land acquired by the governmental entity (less the number of spaces that existed on the property so acquired) shall be credited to land owned by private owner(s) if the land owned by the private owner(s) is located within 300 feet of the land acquired by the governmental entity for parking or park purposes.~~

~~(3)(5)~~ The requirements of this Section shall apply for temporary uses as well as permanent uses.

(C) **Number of parking spaces required.** The number of parking spaces required for new buildings, new uses, additions, enlargements, or changes shall be determined by the following standards for uses and categories of uses and types of parking spaces.

(1)-(2) (These subsections shall remain in full force and effect as adopted.)

(3) **Requirements for commercial uses.**

- (a) **General commercial uses.** Shall provide four and one-half spaces per 1,000 square feet of gross floor area ~~which that~~ includes retail floor area, associated warehouse and storage floor area, and employee and management facilities. This use category includes retail establishments serving food or beverages that have limited indoor dining, including but not limited to an ice cream shop, deli, or coffee shop.
- (b) **Convenience stores with associated gasoline sales.** Shall provide four and one-half spaces per 1,000 square feet of gross floor area of the convenience store and any kiosk or cashier station.
- (c) **Gasoline stations.** With or without convenience food sales shall provide four and one-half spaces per 1,000 square feet of non-repair gross floor area and shall provide four spaces per service bay or lift.
- (d) **Restaurants and standalone bars.** Shall provide 12 spaces per 1,000 square feet of gross floor area. Inclusive of drive ins, drive thru, snack shops, night clubs, lounges shall provide 12 spaces per 1,000 square feet of gross floor area up to 6,000 square feet and then 15 spaces per 1,000 square feet of gross floor area over the initial 6,000 square feet. All other uses (deli, sandwich shops, coffee shops, sub shops, etc.) not classified as a restaurant, but otherwise qualifying for a sidewalk café permit which have no inside seating shall be considered a general commercial use with respect to parking requirements. All other uses (deli, sandwich shops, coffee shops, sub shops, etc.) which have inside seating shall be considered a restaurant use with respect to parking requirements.

- (e) **Shopping centers.** Spaces required based upon size of center per gross leasable floor area, irrespective of uses:

<u>Floor Area</u>	<u>Parking Requirement</u>
• 25,000 to 400,000 square feet	provides: 4/1,000 square feet of gross floor area
• 400,000 to 600,000 square feet	provides: 4.5/1,000 square feet of gross floor area
• greater than 600,000 square feet	provides: 5/1,000 square feet of gross floor area

- (f) **Vehicle sales and rental.** Including auto sales, auto rental agencies, recreational vehicle sales and rental, and truck sales and rental, shall provide four spaces per 1,000 square feet of total building(s) gross floor area, except indoor display areas. Required parking spaces shall be designated for employee, customer, and/or service use at the standard of, at least, one and one-half spaces per service bay and two spaces per 1,000 ~~sq-ft.~~ square feet of gross floor area (less indoor display area). Any remaining spaces may be used for display purposes.
- (g) **Personal service providers.** (Beauty Salons, Spas, etc.): Shall provide four and one-half spaces per 1,000 square feet of gross floor area in buildings up to 5,000 square feet and four and one-half spaces per 1,000 square feet of gross floor area plus one-half spaces per work station in buildings greater than 5,000 square feet as it pertains to the personal service provider uses. (~~Note: Work stations providing manicure services which that include both manicure table and pedicure chair shall be calculated as one work station for each table and chair combined.~~)

(4)-(8))These subsections shall remain in full force and effect as adopted.)

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

Section 4. Appendix A, “Definitions” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

LIMITED INDOOR DINING. A restaurant or retail establishment where food or beverages are prepared, processed, or assembled for customers to consume on or off site, with no more than eight seats provided indoors. Retail establishments providing limited indoor dining shall meet Florida Statutory and regulatory requirements for a food service license.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby

repealed.

Section 6. 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 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 the ____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney