



## Cover Memorandum/Staff Report

File #: 24-637

Agenda Date: 5/21/2024

Item #: 8.A.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Giannotes, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** May 21, 2024

ORDINANCE NO. 12-24: 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 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "DEVELOPMENT APPLICATION REQUIREMENTS," SECTION 2.4.6, "REGULATION OF USES," TO MODIFY TEMPORARY PARKING LOT REGULATIONS TO ALLOW TEMPORARY PARKING LOTS IN GENERAL COMMERCIAL ZONING, LIMITED TO OFF-SITE STORAGE OF AUTOMOTIVE DEALERSHIP VEHICLE INVENTORY; TO RENUMBER TABLE 2.4.3-A to 2.4.6-A AND DESIGNATE THE DEVELOPMENT SERVICES DIRECTOR TO APPROVE USES UNDER A TENT; TO ELIMINATE CITY ENGINEER APPROVAL FOR GRADING PLANS; TO REQUIRE TECHNICAL ADVISORY COMMITTEE REVIEW OF SITE PLANS; TO REQUIRE COMPLIANCE WITH THE SITE PLAN AND ANY CONDITIONS OF APPROVAL PRIOR TO APPLYING FOR PERMIT RENEWAL, AND TO ELIMINATE THE REQUIREMENT FOR THE PARKING MANAGEMENT ADVISORY BOARD TO REVIEW THE SITE PLAN AND RECOMMEND APPROVAL IN ORDER TO PROCEED TO CITY COMMISSION; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

### **Recommended Action:**

Review and consider Ordinance No. 12-24, a City-initiated amendment to LDR Section 2.4.6(E)(3) of the Land Development Regulations (LDR) to add General Commercial (GC) zoning as an allowed location for temporary parking lots, limited to the off-site storage of automotive dealership vehicle inventory; to amend the requirements relative to landscaping; and to amend the review and approval process for consistency with Chapter 2 and to eliminate the Parking Management Review Board as a recommending body.

### **Background:**

In March of 2020, a Temporary Use Permit for a "Temporary Parking Lot with Waivers" was approved via Resolution No. 32-20 for the property located 541-571 W. Linton Boulevard in the General Commercial (GC) zoning district. The waivers associated with the approval included waiving the location limitations in the LDR for temporary parking lots. The temporary use permit for the temporary parking lot expired on March 2, 2021. The resolution required extension requests to be submitted 90 days prior to the expiration of the approval on March 2, 2021. No extension request was submitted, and the use ceased.

In September 2023, a request for a new Temporary Use Permit application with Waivers for a Temporary Parking Lot on the property was denied based on an administrative interpretation

(outlined in the attached staff report). On January 4, 2024, the City Commission heard the appeal of the Director's determination and upheld the Director's determination, but directed staff to amend the LDR to allow temporary parking lots for off-site accessory storage of automotive dealership vehicle inventory in certain areas and/or zoning districts.

The following changes are proposed to LDR Section 2.4.6(E):

- General Commercial (GC) zoned properties are added as an allowable location of temporary parking lots, limited to off-site storage of automotive dealership vehicle inventory. The existing and proposed geographic areas where temporary parking lots are permitted are shown on the attached map.
- Administrative Technical Advisory Committee (TAC) review of the site plan for compliance with applicable regulations must take place prior to review and determination by the City Commission.
  - Specific reference to the City Engineer as a reviewer is removed in favor of the inclusive TAC review.
  - The Parking Management Advisory Board (PMAB) is removed as the reviewing / recommending body and replaced by the TAC process as this is a private use, rather than publicly accessible parking option.
- Temporary parking lot approvals can be renewed annually to a maximum of three years; the proposed amendment removes PMAB as the recommending body, and alternatively establishes an administrative process for review of compliance with the approval prior to determination by the City Commission.
- Table 2.4.3. The table number is corrected to Table 2.4.6. This change is corrective, related to the recent Chapter 2, "Administrative Provisions," amendment to the LDR as adopted in Ordinance No. 31-23. Also, approval of uses under a tent is designated from the Building Official and City Commission to the Development Services Director; those specified for City Commission (i.e. Circuses) remain under City Commission authority).
- Pursuant to PZB recommendations, the landscape requirements to require both a fence and a hedge, or when a site plan is approved for a vacant lot, any perimeter landscaping approved as part of a site development plan shall be installed instead.

The full text of Ordinance No. 12-24 is attached.

The Parking Management Advisory Board heard the request on February 27, 2024 and expressed concern with being removed as reviewing body, and with the possibility of trees being removed to accommodate the temporary parking use. The landscape requirements were increased. It is important to note, this ordinance will not affect the location of publicly accessible parking lots, but is a private, temporary parking and storage use that is proposed to be allowed on GC properties.

Ordinance No. 12-24 was on the February 26, 2024 PZB agenda, and the Board continued the item with direction to allow staff to reevaluate the location criteria and landscape requirements in the

proposed ordinance, and to address Board concerns with visually unappealing temporary lots for automotive dealership vehicle inventory. The Board reheard the request on March 18, 2024 and voted 5-0 to recommend approval of the proposed amendment. The City Commission should also consider whether the locations should be further limited to east of I-95, as Comprehensive Plan Policy NDC 2.5.2 prohibits new Automotive Commercial land use west of I-95.

**City Attorney Review:**

Ordinance No. 12-24 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Ordinance No. 12-24 will be effective immediately at second reading, anticipated for May 21, 2024.