



Cover Memorandum/Staff Report

File #: 24-1398

Agenda Date: 11/4/2024

Item #: 8.A.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: November 4, 2024

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 BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS" TO AMEND THE REQUIREMENTS FOR PARKING FOR GENERAL COMMERCIAL USES TO INCLUDE LIMITED INDOOR DINING ESTABLISHMENTS AND TO CLARIFY THE PARKING REQUIREMENT FOR RESTAURANTS AND STAND ALONE BARS; AMENDING APPENDIX A, "DEFINITIONS," TO INCLUDE A DEFINITION FOR LIMITED INDOOR DINING ESTABLISHMENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommended Action:

Consider Ordinance No. 20-24, amending Section 4.6.9, "Off-Street Parking Regulations;" to adopt parking regulations for establishments with limited indoor dining, and Appendix A - "Definitions" of the Land Development Regulations (LDR), to adopt a definition for Limited Indoor Dining.

Background:

The proposed LDR amendment establishes provisions for limited indoor dining at establishments selling food and beverages on a primarily retail basis. The impetus for this LDR Amendment is multiple requests received by Development Services for small establishments, with an expressed interest in providing limited indoor seating.

The LDR specifies permitted, conditional, and accessory uses within zoning districts, which are defined within Appendix A, Definitions. For example, the sale of antiques, cosmetics, meats, foods, music and musical instruments, sporting goods, and many other categories are considered retail. Generally, retail uses are not intended for consumption or use on site, but it does occur in some instances. Ice cream shops are generally approved as a retail use, and are one example of an establishment where both the retail sale and consumption occurs on site. Small restaurants that operate primarily on a takeout basis are another example.

For establishments with both indoor retail sales of food or beverages and limited indoor dining, the LDR does not clearly define whether or not this type of establishment would be classified as a restaurant or retail use, due to both inconsistencies in language and the rise in popularity of new restaurant types that do not neatly fit into any of the existing categories. Thus, the parking requirements are not clear for such establishments.

The proposed new definition of "limited indoor dining", along with clarifications to parking requirements, provides establishments, including small restaurants, with the ability to provide no more than eight interior seats, without being subjected to a higher parking requirement for full service restaurants. Multiple establishments have either requested similar considerations or have modified business operations due to the zoning and parking requirements. Some instances include Over the Bridge Cafe, Whit's Frozen Custard, Deke's in Delray, Kilwin's, Gelatto Go, Cream, Ben and Jerry's, Delray Goodies, Serenity & Tea by the Sea, A Kitchen DB Empanadas, and Ramen 369.

Staff has been reviewing the parking requirements for these types of applications based on an administrative interpretation, rather than clear standards within the LDR. This amendment would clarify the parking required for establishments that serve food primarily for take-out consumption, with limited indoor dining.

The attached Planning and Zoning Board staff report discusses the request in detail.

On June 17, 2024, the Planning and Zoning Board voted 5 to 0 to recommend approval of the proposed text amendments.

City Attorney Review:

Ordinance No. 20-24 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 20-24 will become effective immediately at second reading.