

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.

WHEREAS, the Land Development Regulations (the "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, LDR Section 2.4.6(E)(3) limits temporary parking lots to certain areas within the Central Business District (the "CBD"), the Community Facilities District (the "CF District") and non-residential zoning districts bounded by Swinton Avenue on the east, I-95 on the west, NW 1st Street on the north, and SW 1st Street on the south; and

WHEREAS, the City desires to include the General Commercial Zoning District (the "GC District") as a permissible location for temporary parking lots for off-site storage for automotive dealership inventory; and

WHEREAS, the City desires to amend the review process for temporary parking lots to be consistent with Chapter 2, "Administrative Procedures," of the LDR; 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, considered this item at a public hearing on March 18, 2024, and voted 5 to 0 to recommend approval of the proposed text amendments, finding that the request and approval 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 this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City.

Section 3. Chapter 2, “Administrative Provisions,” Article 2.4, “Development Application Requirements,” Section 2.4.6, “Regulation of Uses,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

Section 2.4.6 - Regulation of Uses.

(A) – (D) (These subsections shall remain in full force and effect as adopted.)

(E) **Temporary use permit.** A temporary use permit is required for any of the uses listed below. The granting authority of each use is as follows:

TABLE 2.4.36-A – Granting Authority for Temporary Use Permits	
Granting Authority	Use
City Commission	<ul style="list-style-type: none"> ▪ Circuses or Carnivals ▪ City Operated Facilities ▪ Seasonal Farmer's Market ▪ Temporary Parking Lots ▪ Horse Drawn Carriage Rides, Ice Skating Rink, Carousel, and Other Related Holiday, Seasonal/Temporary Uses
Chief Building Official	<ul style="list-style-type: none"> ▪ Sales Offices and Models at a Residential Development Site ▪ Construction Trailers and Compounds
City Commission or Chief Building Official Development Services Director	<ul style="list-style-type: none"> ▪ Uses under a Tent

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

(3) **Regulations and restrictions.**

(a) – (c) (These subsections shall remain in full force and effect as adopted.)

(d) **Temporary parking lots.**

1. A temporary parking lot may be permitted within the following areas:
 - a. The portion of the Central Business District (CBD) and Community Facilities (CF) District ~~which is bounded~~ by Swinton Avenue on the west, the Intracoastal Waterway on the east, N.E. 2nd Street on the north, and S.E. 2nd Street on the south;
 - b. The portion of the CBD District ~~which is bounded~~ by N.E. 2nd Avenue on the west, the FEC Railway on the east, N.E. 2nd Street on the south, and N.E. 4th Street on the north;
 - c. The portion of the CBD located east of the Intracoastal Waterway;
 - d. The non-residential zoning districts ~~bounded~~ by Swinton Avenue on the east, I-95 on the west, N.W. 1st Street on the north, and S.W. 1st Street on the south; and
 - e. General Commercial (GC) zoned properties.
2. Temporary parking lot spaces shall not be used to fulfill minimum off-street parking requirements for new development or redevelopment. Temporary lots may be used to supplement required parking.
3. Within the General Commercial Zoning District, temporary parking is limited to off-site storage of automotive dealership vehicle inventory.
- ~~4.~~3. Prior to issuance of the temporary use permit, the applicant shall submit a site plan ~~which that~~ includes proposed grade elevations, landscaping and other information ~~which that~~ addresses the regular maintenance of the parking surface and irrigation of the landscaped areas. TAC shall review the site plan for technical compliance prior to consideration by the City Commission.
- ~~4.~~ The City Engineer shall approve the grading plan for the parking lot. The site plan shall be reviewed and recommended for approval by the Parking Management Advisory Board prior to submission to the City Commission for consideration.
5. Permits for temporary parking lots shall be ~~issued~~ valid for no more than one year. ~~a one-year period.~~ Prior to a permit's expiration, a permit holder may request renewal by the City Commission for no more than three years from the date of issuance. ~~Permits may be renewed annually to a maximum of three years upon review and positive recommendation by the Parking Management Advisory Board.~~ Prior to City Commission action on a renewal request, the Development Services Director shall confirm the permit holder is in full compliance with the permit, including but not limited to, compliance with the site plan and any imposed conditions.

6. The temporary parking lot shall be monitored for compliance with the approved plan. ~~Should the City Manager find that~~ If the operation of a lot is not in compliance with the approval or if the lot has an adverse effect on surrounding properties, ~~and the applicant is unable or unwilling to rectify the problem~~ the permit may be reviewed by the City Commission for possible revocation.
7. Within 30 days of expiration of the permit, all rock or gravel surfaces shall either be removed or covered with top soil. The site shall then be sodded or landscaped in compliance with the Land Development Regulations. ~~as determined acceptable by the Planning and Zoning Department.~~
8. A temporary parking lot shall be constructed to the following specifications:
 - a. The parking lot surface shall be brought to grade with a dust-free surface of ~~one of the following materials~~ six inches of mulch or four inches of pearock, gravel, or river rock, over soil ~~which has been compacted to 95 percent maximum density per AASHTO T-180.~~
 - b. ~~Four inches of pearock, gravel or river rock; or~~
 - c. ~~Six inches of mulch.~~
 - b.d. If the lot is not operated on a 100 percent valet basis ***Lots not operated on a 100 percent valet basis.*** , w Wheel stops shall be provided as a means to indicate individual spaces. The size of the parking spaces, maneuvering areas and aisle widths shall be subject to the standards of Section 4.6.9(D)(4). In addition, the parking lot shall meet the requirements of the “Florida Accessibility Code for Building Construction”.
 - c.e. If the lot is operated on a 100 percent valet basis ***Lots operated on a 100 percent valet basis.*** , then w Wheel stops shall be provided at the edge of the parking surface.
 - d.f. The lot shall meet the requirements of Section 4.6.9(D)(3) for access to the street system. Driveway aprons between the edge of pavement and the right-of-way line shall be constructed of asphalt or concrete.
 - e.g. The parking lot perimeter shall be buffered with a minimum three feet wide landscape strip, screened with a minimum two feet high hedge or four feet high opaque fence. Water for irrigation shall be available within 50 feet of all landscape areas. The following perimeter landscape buffer requirements apply to temporary parking lots:
 - i. ***Not adjacent to a residential use.*** A landscape strip at least three feet wide with a minimum two-foot-high hedge and four-foot opaque fence is required.

- ii. Adjacent to a residential use. A landscape strip at least three feet wide with a minimum four-foot-high hedge and six-foot opaque fence is required. Additional landscaping may be required to address potential impacts based on site specific conditions.
- iii. If a site plan is approved for the property proposed for a temporary parking lot, the approved perimeter landscaping must be installed prior to using the temporary parking lot.
- iv. Water for irrigation must be available within 50 feet of all landscaped areas.
- f.h. ~~If the parking lot is to be utilized at night, the applicant shall provide onsite Site lighting for the parking lot in compliance with photometric requirements must be provided if the site is utilized at night.~~
- g.i. Trees of four inches or greater in diameter at four and one-half feet above the ground shall not be removed.

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 the City Clerk 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:

Katterri Johnson, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney