

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,” MODIFYING TEMPORARY PARKING LOT REGULATIONS TO ALLOW TEMPORARY PARKING LOTS IN GENERAL COMMERCIAL ZONING, LIMITED TO USE FOR OFF-SITE STORAGE OF AUTOMOTIVE DEALERSHIP VEHICLE INVENTORY, RENUMBER TABLE 2.4.3-A TO 2.4.6-A, ELIMINATE CITY ENGINEER APPROVAL FOR GRADING PLANS, REQUIRE TECHNICAL ADVISORY COMMITTEE REVIEW OF SITE PLANS, ALLOW ISSUED PERMITS TO BE RENEWED ADMINISTRATIVELY, AND 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, Section 2.4.6(E)(3) of the LDR 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 Swint Avenue on the east, I-95 on the west, NW 1<sup>st</sup> Street on the north, and SW 1<sup>st</sup> 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, limited to 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 February 26, 2024, and **voted \_ to \_** recommend approval of the proposed text amendments, finding that the request and approval is not consistent with the Comprehensive Plan and does not meet 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:

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

(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. 2<sup>nd</sup> Street on the north, and S.E. 2<sup>nd</sup> Street on the south;

- b. The portion of the CBD District ~~which is bounded~~ by N.E. 2<sup>nd</sup> Avenue on the west, the FEC Railway on the east, N.E. 2<sup>nd</sup> Street on the south, and N.E. 4<sup>th</sup> 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 a maximum of three years in total 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 considering a renewal request, the Development Services Director, or designee, 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 the operation of a lot is not in compliance 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.

78. 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~~
- e. ~~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.*** ~~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-foot~~ wide landscape strip, screened with a minimum two ~~feet-foot~~ high hedge or four ~~feet-foot~~ high opaque fence. Water for irrigation shall 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:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney