

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.

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 LDR does not clearly distinguish between the parking needed for an establishment that serves food or beverages primarily for take-out consumption with a limited number of indoor seats and the parking needed for a bona-fide restaurant with table service that serves full-course meals; and

WHEREAS, the proposed Ordinance clarifies the parking regulations for diverse restaurant and retail operations by adding a definition for limited indoor dining establishments; 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 5 to 0 to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.

WHEREAS, the City Commission has considered Ordinance No. 20-24 and the respective findings as set forth in the Comprehensive Plan and 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," Subsection (C) "Number of parking spaces required" of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

(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 Limited Indoor Dining Establishments.

(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 stand alone 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.)

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

LIMITED INDOOR DINING ESTABLISHMENT. 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. These establishments 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:

Alexis Givings, Interim City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney