

ORDINANCE NO. 01-20

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 FOUR, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", BY AMENDING SUBSECTION 4.4.13(I)(2)(i) "CBD PARKING STANDARDS", "MINIMUM NUMBER OF OFF-STREET PARKING SPACES" TO NOT REQUIRE ADDITIONAL PARKING FOR CHANGES IN USE IN EXISTING COMMERCIAL BUILDINGS AND ANY ASSOCIATED OUTDOOR AREAS WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a privately-initiated amendment to the Land Development Regulations (LDR) of the City of Delray Beach, Code of Ordinances, is requested by Neil M. Schiller, Attorney at Law, on behalf of Delray Spirits; and,

WHEREAS, the amendment seeks to provide flexibility for the adaptive reuse of existing structures and their associated outdoor spaces that accommodate additional use area; and,

WHEREAS, the amendment eliminates a requirement to provide additional off-street parking spaces for outdoor uses associated with existing buildings located within the West Atlantic Neighborhood Sub-district of the Central Business District (CBD); and,

WHEREAS, the amendment seeks to extend the effective date for a parking exemption adopted by Ordinance No. 39-17 that is applicable to a change in use for existing buildings within the West Atlantic Neighborhood Sub-district of the CBD with the extension date coinciding with the timing of the construction of a parking garage within the West Atlantic Neighborhood Sub-district and associated with the BH3/Frog Alley development project; 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 December 16, 2019 and voted _ to _ 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; and,

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Section 4.4.13, “Central Business District (CBD)”, Subsection (I) “CBD parking standards, Sub-Subsection (2) “Minimum number of off-street parking spaces”, of the Land Development Regulations of the City of Delray Beach, Code of Ordinances, be and the same is hereby amended to read as follows:

(a) – (h) (These subsections shall remain in full force and effect as previously adopted)

(i) Within the West Atlantic Neighborhood Sub-district, west of NW/SW 4th Avenue and east of NW/SW 12th Avenue, changes in commercial use within existing commercial buildings and associated outdoor areas subject to the provisions of Section 4.6.6, shall not be required to provide additional on-site parking. The provisions of this sub-subsection shall only be effective until December 31, 2020~~3~~, and subject to submittal of a building permit.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. That 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 this Ordinance.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. That 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 _____, 2020.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney