



Cover Memorandum/Staff Report

File #: 20-332

Agenda Date: 9/22/2020

Item #: 8.G.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Department
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: September 22, 2020

ORDINANCE NO. 10-20: 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 SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS", SUBSECTION (H), "SETBACKS", SUBSECTION (3) "ZERO LOT LINE DEVELOPMENT"; AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; AND AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(D)(1) "DESIGN STANDARDS", TO ESTABLISH REGULATIONS FOR UNDERGROUND PARKING AND STORAGE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Recommended Action:

Review and consider Ordinance No. 10-20, a City-initiated amendment to Section 4.3.4 "Base District Development Standards", Subsection 4.3.4(H)(4) "Setbacks", Section 4.4.13 "Central Business District", Subsection 4.4.13(D) "Configuration of buildings", and Section 4.6.9 "Off-street parking regulations", Subsection 4.6.9(D)(1) "Design standards," of the Land Development Regulations to allow underground parking within the required setbacks.

Background:

Due to the increase in requests for underground parking facilities, the City has determined a need to update the LDRs by eliminating the need to seek relief to allow underground parking garages within the required setback areas. The City Commission has recently approved waivers for two separate projects to allow underground parking garages to be constructed within the required setbacks: The Ray, and PHG Delray. During consideration of the PHG Delray waiver request at the December 10, 2019 meeting, the City Commission directed staff to update the Land Development Regulations (LDRs) to allow underground parking to be constructed within the required setback areas. Ordinance 10-20 was heard by Planning and Zoning Board on January 27, 2020 and City Commission at first reading on May 19, 2020 as an amendment to provide regulations for subgrade parking. Subsequently, the term "subgrade parking" was substituted with the term "underground parking".

The proposed amendment adds "underground parking" to the list of structures allowed in setbacks; the proposed amendments are applicable city-wide and are not limited to the downtown area or any specific zoning district.

Pursuant to **LDR Section 1.1.6, Amendments**, *the text of these Land Development Regulations may*

from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendment was initiated by the City Commission.

Section 2.4.5(M)(5), Findings, says that *“the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.”* The following Objective of the adopted Comprehensive Plan are applicable to the proposed amendment:

- **Future Land Use Element, Objective A-5.** *The City shall maintain its Land Development Regulations, which shall be regularly reviewed and updated, to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, and other innovative development practices.*

There has been an increase in demand for underground parking facilities; as a result, the City has determined a need to update the LDRs to provide guidance on the design of such facilities streamline the development process by eliminating the need to seek relief for each request submitted to allow underground garages in the site setbacks.

The Planning and Zoning Board voted 7-0 to recommend approval at its January 27, 2020 meeting.

At first reading on May 19, 2020, the City Commission voted 5-0 to recommend approval of Ordinance 10-20, with a request for an accompanying amendment to provide language to govern street closures for construction staging. Ordinance 50-20, amending LDR Section 7.1.8 to provide the requested changes, will be reviewed by the Planning and Zoning Board on September 21, 2020. Ordinance 50-20 is scheduled for first reading on September 22, 2020 and second reading on October 6, 2020.

City Attorney Review:

Ordinance No. 10-20 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

NA

Timing of Request:

Ordinance No. 50-20 is an amendment to Section 7.1.8 to provide regulations for construction staging to mitigate street closures and will be heard by the Planning and Zoning Board on September 21 for recommendation to the City Commission for consideration on September 22, 2020 (1st reading) and October 6, 2020 (2nd reading).