



Cover Memorandum/Staff Report

File #: 20-715

Agenda Date: 9/22/2020

Item #: 9.A.

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

ORDINANCE NO. 50-20: 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 7.1.8 "CONSTRUCTION PARKING", TO ESTABLISH REGULATIONS THAT MITIGATE STREET CLOSURES DURING CONSTRUCTION; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommended Action:

Review and consider a request to approve Ordinance No. 50-20, a City-initiated amendment to Section 7.1.8 "Construction parking" of the Land Development Regulations to modify existing language governing construction parking and provide new regulations for construction staging.

Background:

The City has received an increase in development proposals with underground parking facilities. The City Commission recently approved waivers for The Ray and PHG Delray to allow underground parking garages to be constructed within the required setbacks. During consideration of the PHG Delray waiver request at the December 10, 2019 meeting, City Commission directed staff to update the Land Development Regulations (LDRs) to allow underground parking to be constructed within the required setback areas, by right.

At first reading of Ordinance No. 10-20 on May 19, 2020, where the City Commission voted 5-0 to approve the amendment allowing underground parking within the building setbacks, staff was directed to prepare additional language to accompany Ordinance No. 10-20 to regulate construction parking and staging within City rights-of-way. The City Commission expressed concern that an absence of regulations governing construction staging results in prolonged lane or street closures, which could become more likely in association with the construction of underground parking facilities without setbacks.

The proposed LDR amendments revise existing language governing construction parking and adds language to regulate construction staging for any development that uses the public rights-of-way for such purposes. The amendments rename Section 7.1.8 as "Construction Parking and Staging" to include staging in the title. Subsection (A), Construction Parking, contains minor corrective amendments. The proposed Subsection (B), Construction Staging, is new, and specifies the following:

- Purpose and Intent of the new subsection;
- Requirements that all construction staging must meet or address, including the provision of a construction staging plan, approval of a Maintenance of Traffic (MOT) Plan for temporary street closures, and reduction of travel lanes;
- Use of Rights-of-Way for construction activities for more than 14 days; and,
- MOT Plan requirements for construction and staging involving right-of-way closures.

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:

- **Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5.** *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The proposed amendment to LDR Section 7.1.8 provides language to regulate construction parking and staging in rights-of-way. With the increase in demand for underground parking facilities, the proposed amendment supports innovative development practices and protects residents and businesses from extended lane closures.

- **Economic Development Element, Policy ECP 6.3.2.** *Encourage predictability and consistency in the City’s Land Development Regulations, while also allowing for flexibility and creativity in the site development process.*

The LDRs do not have language governing construction staging in public rights-of-way. Increasingly, developments are requesting use of public rights-of-way during construction. The proposed regulations will provide members of the development community with clear guidelines that support new development trends in the City of Delray Beach, while maintaining a high quality of life for residents and business owners in existing developments.

In addition to the above Objective and Policy, the following Goal and Policy from the Mobility Element support the intent of the amendments.

Goal MBL 1, Mobility System. Plan for and provide a safe and effective mobility system that is accessible to all users and meets their needs to access employment, goods, services, and recreational and cultural activities, while preserving neighborhoods, protecting natural resources, and promoting economic development.

Policy MBL 2.5.2 Ensure safe vehicular, pedestrian, and bicycle operations in all new development, redevelopment, and on all City streets, including at driveway entrances and at intersections.

The Planning and Zoning Board will review the request at its meeting on September 21, 2020.

City Attorney Review:

Ordinance No. 50-20 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

NA

Timing of Request:

2nd reading is anticipated on October 6, 2020.