



## Legislation Text

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**File #:** 18-830, **Version:** 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Development Services  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** December 11, 2018

ORDINANCE NO. 31-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT", TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS", TO ALLOW AUTOMATED PARKING GARAGES AS A SECONDARY STREET USE IN THE RAILROAD CORRIDOR SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT; AMENDING SUBSECTION 4.4.14(C)(4), "SUPPLEMENTAL USE STANDARDS", BY ADDING STANDARDS AND REGULATIONS FOR AUTOMATED PARKING GARAGES; AND, AMENDING APPENDIX A, "DEFINITIONS", BY ADDING A DEFINITION FOR "PARKING GARAGE, AUTOMATED"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (1st READING/PUBLIC HEARING)

### **Recommended Action:**

Motion to approve Ordinance No. 31-18, a privately-initiated amendment to the Land Development Regulations amending Section 4.4.13, "Central Business District, Table 4.4.13 (A), "Allowable Uses and Structures in the CBD Sub-Districts", to allow Automated Parking Garages as a secondary street use in the Railroad Corridor Sub-District of the CBD; amending Subsection 4.4.14(c)(4), "Supplemental Use Standards", by adding standards and regulations for Automated Parking Garages; and, amending Appendix A, "Definitions", by adding a definition for "Parking Garage, Automated." by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

### **Background:**

A privately-initiated request to amend the Land Development Regulations (LDRs) to define "Automated Parking Garage" and allow this use on Secondary Streets within the Central Business District (CBD). The Applicant's justification and submitted draft amendment are attached. The proposed definition for an "automated garage" is a parking facility using mechanical equipment to autonomously hoist individual vehicles from receiving areas to multi-level storage areas within the same structure.

There are two main differences between the Applicant's request and the proposed amendment presented in this agenda item. First, the Applicant sought to allow vehicles to exit the garage by backing out onto the adjoining street, which is generally not permitted in the code. Second, the Applicant proposed allowing the access driveways to exceed the current code limitation of 24 feet in

width, as needed. Limitations on the driveway width were presented to the Planning & Zoning Board (PZB), but the PZB raised strong concerns regarding potential vehicular-pedestrian conflicts across sidewalks and traffic impacts by several vehicles exiting at a time, backing into travel lanes, potentially in different directions. The PZB provided additional input, which was used to further refine the proposed amendment. The final draft of the ordinance addresses these concerns and does not allow wider curb cuts or backing out onto the street.

*Review and Analysis:*

LDR Section 4.4.13(A)(4) describes the Railroad Corridor Sub-district as an area that allows “for development of light industrial type and mixed, commercial and residential uses on properties that are in the downtown area but are also in close proximity to the FEC Railway. The purpose of the area is to recognize the long-standing light industrial character of this railroad corridor; to provide for the upgrading and expansion of existing uses when appropriate; and to enhance the economic growth of CBD by providing additional employment opportunities in the downtown area...” Pursuant to LDR Section 4.4.13(B)(1), Secondary Streets accommodate service functions and vehicular-oriented development needs, including parking, loading, and drive-through facilities.

Pursuant to LDR Section 2.4.5(M)(5), Findings, in addition to *LDR Section 1.1.6(A)*, 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 Comprehensive Plan identifies the following Objectives and Policies with respect to CBD zoned parcels:

Objective C-3

*The Central Business District (CBD) and surrounding neighborhoods, including A-1-A, Seacrest and Swinton Avenue represents the essence of what is Delray Beach i.e. a "village by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan by managing growth and preserving the charm. The following policies and activities shall be pursued in the achievement of this objective.*

The proposed amendments continue to support the ongoing revitalization of the CBD by providing a new method for parking on smaller properties than conventional parking structures require and by limiting the use to the Railroad Corridor Sub-District and Secondary Streets ensures consistency with the surrounding scale of development and the intended character for the City.

Policy C-3.1

*The Central Business District (CBD) Zoning District regulations shall facilitate and encourage rehabilitation and revitalization and shall, at a minimum, address the following:*

- deletion of inappropriate uses*
- incentives for locating retail on the ground floor with office and residential use on upper floors*
- accommodating parking needs through innovative actions*
- incentives for dinner theaters, playhouses, and other family oriented activities*
- allowing and facilitating outdoor cafes*
- incentives for mixed use development and rehabilitations*
- elimination of side yard setback requirements*
- allow structural overhang encroachments into required yard areas*

The proposed amendment accommodates parking through an innovative automated system.

**Policy C-3.2**

*The “Downtown Delray Beach Master Plan” was adopted by the City Commission on March 19, 2002. Covering the downtown business districts surrounding the Atlantic Avenue corridor between I-95 and A-1-A, it represents the citizens’ vision for the growth and unification of Delray Beach, while still retaining the “village by-the-sea” character of the CBD. The Plan addresses a wide range of issues including infill development, neighborhood parks, shared parking, public art, the roadway and alleyway systems, marketing/economic development, and the need to modify the Land Development Regulations to include design guidelines to retain the character of Delray Beach. Future development and redevelopment in this area shall be consistent with the Master Plan.*

Overall, the proposed LDR amendment is consistent with the Comprehensive Plan and the Community Redevelopment Plan.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The Applicant has submitted a Site Plan application for an Automated Parking Garage on the property located at 325 NE 3<sup>rd</sup> Avenue. The proposed amendment is necessary to accommodate the proposed use and development of the Automated Parking Garage.