

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.

WHEREAS, automated parking garages are becoming an increasingly popular means for accommodating parking in urban areas; and

WHEREAS, automated parking garages provide higher parking capacity in relation to the size of the site and a smaller resulting building footprint compared to conventional parking garages; and

WHEREAS, a privately-initiated text amendment to allow automated parking garages as a principal use was submitted in accordance with LDR Section 2.4.5(M); and

WHEREAS, automated parking garages as a principal use are more appropriately located on Secondary Streets and limited to the Railroad Corridor Sub-district of the Central Business District; and

WHEREAS, per LDR Section 4.4.13(B)(1), Secondary Streets currently accommodate service functions and vehicular-oriented development needs, including parking facilities; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on November 19, 2018, and voted 3 to 1 to recommend that the proposed amendments be approved; and;

WHEREAS, the City Commission of the City of Delray Beach adopted the findings in the Planning and Zoning Staff Report; and

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

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. That Section 4.4.13, “Central Business District (CBD)”, Subsection (C) “Allowable uses in the CBD Sub-Districts”, Table 4.4.13(A), of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended to read as follows:

Table 4.4.13(A)—Allowable Uses <u>and Structures</u> in the CBD Sub-Districts				
	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh. ⁵
General retail uses and/or facilities, as in GC district (4.4.9) ¹	P	P	P	P
Business, professional, and medical uses, as in GC district (4.4.9)	P	P	P	P
Services and facilities, as in GC district (4.4.9) ² , excluding drive-through facilities	P	P	P	P
Multiple-family dwellings ³	P	P	P	P
Community residences	See 4.4.13(C)(4)(a)			
Nursing homes, abused spouse residences, continuing care facilities, and assisted living facilities that do not comport with the definition of "community residence"	P	P	P	P
Live/work units (see 4.3.3(KKK))	P	P	P	P
Hotels, motels, and residential-type inns ³ (see 4.3.3(M) and 4.3.3(X))	P	P	P	C
Bed and breakfast inns (see 4.3.3(Y))	P	P	P	C
Public Parking Garages, as mapped on a Regulating Plan	P,S	P,S	P,S	P,S
Fabrication and/or Assembly	-	P	-	-
Wholesaling, Storage, and Distribution ⁴	-	P	-	-
Contractor and trade services	-	P	-	-
Automobile brokerage, including vehicle display within an enclosed structure	-	P	-	-
Tattoo Establishments (see 4.3.3(ZB))	P,A	P,A	P,A	P,A
Family day care homes (see 4.3.3(T))	A	A	A	A
Home occupations (see 4.3.3(K))	A	A	A	A
Mechanical parking lifts (see 4.6.9(D)(11) and 4.6.9(F)(4))	A,S	A	A,S	A,S

Parking areas, passenger drop-off, loading/unloading, refuse and service areas	A,S	<u>A,S</u>	A,S	A,S
<u>Automated Parking Garages</u>	-	<u>S</u>	-	-
<u>Refuse and service areas</u>	<u>A,S</u>	<u>A,S</u>	<u>A,S</u>	<u>A,S</u>
Recreational facilities (for a multiple-family development)	A	A	A	A
Services and repair (incidental to the associated principal use)	A,S	A	A,S	A,S
Single-family dwelling (occupied by owner, proprietor, or employee of the principal use)	A	A	A	A
Storage of inventory (not shared or leased independent of the principal use)	A,S	A	A,S	A,S
Automobile repair	-	C	-	-
Child care Facilities (see 4.3.3(E)) and adult day care facilities (see 4.3.3(F))	C	C	C	C
Commercial recreational facilities, such as bowling alleys and skating rinks	C	C	C	C
Drive-through facilities (serving banks, financial institutions, retail uses, etc.) ² See 4.4.13(J)(7)(a)	C	C	C	C
Food Preparation and/or Processing including bakeries and catering	-	C	-	-
Funeral homes, including accessory uses such as a chapel or crematory	C	C	C	C
Gasoline stations (See 4.4.13(J)(7)(b) and/or car washes (See 4.4.13(J)(7)(c))	C	C	-	-
Large family child care homes (see 4.3.3(TT))	C	C	C	C
Dry-cleaning Processing Plants	-	C	-	-
Segway tours and Segway sales (see 4.3.3(ZZZZ))	C	C	C	C
Theaters, excluding drive-ins	C	C	C	C
Veterinary Clinics	C	C	C	C
24-hour or late-night businesses, within 300 feet of residential zoned property [see 4.3.3(VV)]	C	C	C	C
Urban Agriculture [4.3.3 (D)] excluding outdoor Urban Farms	P, A	P, A	-	P, A
Outdoor Urban Farms [4.4.3(D)]	C	C	C	C
LEGEND: P = Principal Use A = Accessory Use C = Conditional Use - = Prohibited Use S = Secondary Street Use				

¹ Sales of automotive parts, lawn care equipment, firearms, or secondhand material (other than verifiable antiques) are not allowed on properties facing a designated Required Retail Street on the Regulating Plan or anywhere within the West Atlantic Neighborhood.

² Drive-thru and Drive-in restaurants are not permitted within the CBD.

³ For density limits, see Table 4.4.13(C).

⁴ Not self-storage facilities; products and materials shall not exceed 55 gallons of any substance which is listed on the Generic Substances List of the Palm Beach County Wellfield Protection Ordinance (Ref.: Palm Beach County LDC, Article 9, Section 9.3)

⁵ See Section 4.4.13(C)(4)(a) for limits on commercial use locations in the West Atlantic Neighborhood Sub-district.

Section 3. That Section 4.4.13, “Central Business District (CBD)”, Sub-Section (C) “Allowable Uses” Sub-Section 4, “Supplemental Use Standards”, of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended to read as follows:

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

(d) ***Railroad Corridor Sub-district Supplemental Use Standards:*** The following supplemental district regulations apply in the Railroad Corridor Sub-district:

1. Outdoor Uses: Within the Railroad Corridor Sub-district, except for outside storage approved pursuant to Section 4.6.6(C)(2) and outdoor dining, all principal and conditional uses shall be conducted within an enclosed building.
2. Automobile brokerages: Inventory must only be located within an enclosed building. Automobiles which are part of the business inventory must not be placed in parking areas.
3. Parking Garages, Automated: Automated parking garages are allowed on Secondary Streets located north of NE 2nd Street. Automated parking garages are subject to the following requirements:
 - a. A traffic statement must be provided detailing the ingress, egress, queuing, and circulation demonstrating the specific measures taken to minimize stacking onto public right-of-way resulting from the automated parking garage.
 - b. An attendant must be on-site during all hours of operation, defined as any time the parking garage is accessible for parking purposes by the public, and the garage must be secured when not accessible for parking purposes. An attendant is not required if the parking garage is limited to private use, i.e. not available to the general public.
 - c. Projects with driveways that limit the ability to install the required number of street trees shall either provide the required trees at another location

on-site or contribute to the Tree Fund, in accordance with the fee schedule in Section 4.6.19(E)(5)(d).

- d. The SPRAB may approve automated parking garages that utilize an alternative façade design or cladding materials provided photovoltaic cells (solar panels) are incorporated into the structure and used as a power source for the garage operations or uses associated with the automated parking garage; if solar panels are not incorporated, facades that do not meet the architectural standards in Section 4.4.13(F) require City Commission approval.

(e) – (g) (These subsections shall remain in full force and effect as previously adopted)

Section 4. That Appendix A “Definitions”, of the Land Development Regulations of the City of Delray Beach, Florida, shall be amended to include the following definition:

PARKING GARAGE, AUTOMATED – A parking facility using mechanical equipment to autonomously hoist individual vehicles from receiving areas to multi-level storage areas within the same structure.

Section 5. Should any section or provision of this Ordinance or any portion thereof, or 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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This ordinance shall become effective upon its adoption on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the ____ day of _____, 2019.

ATTEST:

Shelly Petrolia, MAYOR

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

City Attorney