



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Ordinance No. 07-19

Meeting	File No.	Application Type
January 28, 2019	2019-095	Land Development Regulations Amendment

Request

Provide a recommendation to the City Commission regarding Ordinance No. 07-19, a City-initiated request to amend Land Development Regulations (LDR) by removing the Parking Management Advisory Board.

Recommendation

Recommend approval of Ordinance No. 07-19 to the City Commission of the City-initiated request to amend Land Development Regulations Article 2.4, "General Procedures", Section 2.4.5, "Procedures For Obtaining Development Approvals", Paragraph (O), "In-Lieu Of Parking And Public Parking Fee Request", by removing the Parking Management Advisory Board, 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 Information

At a 2018 City Commission workshop, a discussion was held and direction was provided concerning stream-lining the development review process and reducing the number of advisory boards of the City of Delray Beach. At its January 15, 2019 meeting, the City Commission reviewed and approved Ordinance 07-19 on First Reading to move to Second Reading. The Second Reading date has not yet been determined. At the same meeting, the City Commission considered a resolution to replace the Parking Management Advisory Board (PMAB) with a Parking Technical Advisory Committee (PTAC); approval of the resolution was postponed based on additional comments and suggestions provided by the Commission to Staff. The resolution will be brought back before the Commission for approval at an upcoming meeting.

Project Description

The proposed LDR Amendment removes reference to the PMAB. The City is forming a PTAC to retain the review responsibilities of the PMAB. The PTAC is anticipated to be comprised of certain members of City Staff including the Chief Parking Facilities Administrator, Assistant City Manager, Transportation or City Engineer, and Transportation Planner, as well as the Executive Director of the DDA, and a Delray Beach resident. Similar to the responsibilities of the PMAB, the PTAC will be tasked with advising and providing recommendations to the City Manager concerning parking management regulations and related issues.

Review and Analysis

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 is a City-initiated text amendment to the Land Development Regulations.

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 with respect to processing site plan requests:

Pursuant to **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.

Pursuant to **Future Land Use Element, Policy A-5.3**, the City shall continue to enforce its existing off-street parking regulations. The proposed amendments are consistent with the intent of the above noted Future Land Use Element Objective and Policy, which will streamline the process for in-lieu of parking requests by providing a City-staff based review complimented by assistance by the DDA and a Delray Beach resident.

Review By Others

The **City Commission** reviewed Ordinance 07-19 on First Reading at its meeting of January 15, 2019 and approved the ordinance to move to Second Reading. The Second Reading date has not yet been determined.

Assessment and Conclusion

The proposed amendments remove reference to the PMAB as part of the in lieu of parking review process. The technical review will be provided by PTAC to assist in streamlining the review for in lieu of parking requests. Positive findings can be made with respect to the proposed Ordinance 07-19.

Alternative Actions

- A. Move a recommendation of approval of Ordinance No. 07-19, as amended, to the City Commission of the City-initiated request to amend Land Development Regulations Article 2.4, "General Procedures", Section 2.4.5, "Procedures For Obtaining Development Approvals", Paragraph (O), "In-Lieu Of Parking And Public Parking Fee Request", by removing the Parking Management Advisory Board, 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).
- B. Move a recommendation of denial of Ordinance No. 07-19 to the City Commission of the City-initiated request to amend Land Development Regulations Article 2.4, "General Procedures", Section 2.4.5, "Procedures For Obtaining Development Approvals", Paragraph (O), "In-Lieu Of Parking And Public Parking Fee Request", by removing the Parking Management Advisory Board, by adopting the findings of fact and law contained in the staff report, finding that the text amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).

Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request

☐ Courtesy Notices were provided to the following:

- N/A

N/A Public Notices are not required for this request.

N/A Public Notice was posted at the property on (insert date), 7 calendar days prior to the meeting.

N/A Public Notice was mailed to property owners within a 500' radius on (insert date), 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.

☒ Public Notice was published in the Sun Sentinel on Friday, January 18, 2019, 10 calendar days prior to the meeting.

N/A Public Notice was posted to the City's website on (insert date), 10 calendar days prior to the meeting.

N/A Public Notice was posted in the main lobby at City Hall on (insert date), 10 working days prior to the meeting.

☒ Agenda was posted on Friday, January 18, 2019, at least 5 working days prior to meeting.

ORDINANCE NO. 07-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ARTICLE 2.4, "GENERAL PROCEDURES", SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", PARAGRAPH (O), "IN-LIEU OF PARKING AND PUBLIC PARKING FEE REQUEST", BY REMOVING THE PARKING MANAGEMENT ADVISORY BOARD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on January 28, 2019, and voted ___ to ___ 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. That the recitations set forth above are incorporated herein.

Section 2. That Article 2.4, "General Procedures", Section 2.4.5(O), "In-Lieu of Parking and Public Parking Fee Request", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(O) *In-Lieu of parking and public parking fee request.*

(1) **Rule.** An in-lieu of parking or public parking fee request must be approved by City Commission ~~with recommendations from the Parking Management Advisory Board and other Boards as deemed appropriate.~~

(2) **Required information.** The following information must be submitted for an In-Lieu of Parking or Public Parking Fee request:

(a) Sketch Plan including current and proposed square footage.

- (b) Scope of work (i.e. expansion of use, change of use, new construction, etc.).
- (c) Application and appropriate fee.
- (d) Current parking required and provided.
- (e) Parking required and parking provided to facilitate proposal.
- (f) For public parking fee requests: Adjacent rights-of-way and proposed parking to be constructed.

(3) **Procedure.** Subject to Staff review and the provision of any additional information that shall be required an in-lieu of parking or public parking fee request shall be processed in the following manner:

- (a) Receipt and certification is complete.
- (b) Request must comply with Sections 4.6.9(E)(3) or 4.6.9(E)(4).
- ~~(c) Consideration by Parking Management Advisory Board and other Boards as deemed appropriate.~~
- ~~(c)~~ Approval by City Commission.

(4) **Conditions.** Conditions may be imposed pursuant to, but not limited to, Sections 4.6.9(E)(3) and/or 4.6.9(E)(4).

(5) **Findings.** The City Commission find that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies. For In-lieu requests, an additional finding must be made that adequate public parking options are available. For Public Parking Fee requests, an additional finding must be made that adequate public parking will be available pursuant to the requirements of Section 4.6.9.

Section 3. 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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

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

Section 6. This Ordinance shall become effective immediately 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