

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 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, AND SUBSECTION 4.6.9(D)(1) DESIGN STANDARDS, TO ESTABLISH REGULATIONS FOR SUBGRADE PARKING AND STORAGE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations (“LDRs”) provide authority for the City Commission to amend, change, supplement, or repeal the Regulations from time to time; and,

WHEREAS, the LDRs do not currently provide specific development standards or criteria for the review of subgrade facilities; and,

WHEREAS, new development has increasingly provided subgrade parking as a crucial component of site design, to meet parking requirements of the LDRs; and,

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment to the Regulations at a public hearing on January 27, 2020, and voted   to   to recommend these proposed text amendments be approved, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Regulations.

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 Section 4.3.4, Base district development standards, Subsection (H), Setbacks, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended:

(H) *Setbacks.*

(1) – (3) (These subsections shall remain in full force and effect as previously adopted)

- (4) **Structures allowed in setbacks.** The following structures are allowed in required setbacks pursuant to stipulations contained herein.

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

(p) Subgrade parking, with any portion of the structure located above grade subject to the setback requirements.

Section 3. That Section 4.4.13, Central Business District, Subsection (D), Configuration of buildings, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended:

(D) **Configuration of buildings.**

- (1) **Standards for CBD.** The following building configuration standards apply to all CBD Sub-districts:

(a) **Building height.** Unless otherwise specified herein, the height of buildings shall be measured in and regulated by the number of stories and the maximum overall building height (See Table 4.4.13(C)). Stories are measured from the finished floor to finished ceiling. (See Figure 4.4.13-10).

1. – 2. (These subsections shall remain in full force and effect as previously adopted)

3. Stories located below grade are for parking or storage uses only and are not counted for the purpose of measuring building height unless the floor of the first habitable story is elevated more than four feet above the adjacent sidewalk, then the space below counts as the first story for the purposes of measuring building height, and any space above grade must meet the setback requirements.

4. – 11. (These subsections shall remain in full force and effect as previously adopted)

(b) **Building placement.**

1. Front setbacks shall be measured from the property lines coinciding with public rights-of-way, including streets and parks.

a. Awnings, porches, balconies, stoops, subgrade parking, and arcades may encroach into the setbacks as set forth in Section 4.4.13(E) when utilized as the Frontage Type.

b. Roof Eaves, awnings, and balconies may encroach into the setbacks a maximum of four feet.

2. Where development may build with no side setback, the following limitations also apply:

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

d. These requirements shall not apply to any subgrade parking or storage located below grade.

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

(2) ***Dimensional requirements for CBD Sub-districts.*** Table 4.4.13(C) provides the dimensional requirements regarding lot size, building placement, building size, height, density, and civic open space for each CBD Sub-district. Figure 4.4.13-12 illustrates the dimensional requirements from the table.

(a) Buildings shall be located in accordance with the minimum and maximum setbacks in Table 4.4.13(C).

1. – 6. (These subsections shall remain in full force and effect as previously adopted)

7. These requirements shall not apply to any part of a subgrade parking facility located below grade.

Section 4. That Section 4.6.9, Off-street parking regulations, Subsection (D), Design Standards, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended:

(D) ***Design standards.*** All parking spaces which are created in order to fulfill requirements of this Section (i.e. required parking spaces) shall conform to the design standards of this subsection.

(1) ***General design concepts.*** The following concepts shall be applied in the layout and design of parking lots:

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

(f) Subgrade parking, if utilized, is not subject to setback requirements, except for any portion of the structure located above grade.

Section 5. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section 6. That 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 7. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 8. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Shelly Petrolia, Mayor

\_\_\_\_\_  
Katerri Johnson, City Clerk

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney