

RESOLUTION NO. 38-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DETERMINING THAT THE USE OF “GARAGES AND LOTS FOR THE PARKING AND STORAGE OF VEHICLES,” ALTHOUGH NOT IDENTICAL, HAS SIMILAR CHARACTERISTICS TO THE CONDITIONAL USE OF A “PRIVATELY-OPERATED PARKING LOT” AS PERMITTED IN THE COMMUNITY FACILITIES ZONING DISTRICT, AND, THEREFORE, THE USE OF “GARAGES AND LOTS FOR THE PARKING AND STORAGE OF VEHICLES,” IS A PERMISSIBLE CONDITIONAL USE IN THE COMMUNITY FACILITIES ZONING DISTRICT, IS IN KEEPING WITH THE STATED PURPOSE OF THE DISTRICT BASED UPON THE SIMILARITY OF THE USES AND FINDING SUCH IS CONSISTENT WITH THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN.

WHEREAS, the City of Delray Beach, Florida, (City) received a request (2020-021-SIM-CCA) for a Determination of Similarity of Use to determine if the use of “garages and lots for the parking and storage of vehicles” was similar to other uses allowed in the Community Facilities (CF) zoning district, particularly as to the permissible conditional use of a “privately-operated parking lot”; and

WHEREAS, garages and lots for the parking and storage of vehicles are allowed as a Conditional Use in the Mixed Industrial and Commercial (MIC) zoning district, pursuant to Section 4.4.19(D)(2), “Conditional Uses and Structures Allowed”; and

WHEREAS, the request for a Determination of Similarity of Use was processed pursuant to Section 2.4.5(N), “Determination of Similarity of Use,” of the LDR; and

WHEREAS, when the use is of a specific nature and is listed as a specific use in another zoning district, the use may be established within the specific zoning district by action of the Planning and Zoning Board in authorizing it through a determination of similarity of use, pursuant to Section 4.3.2(C)(2), “Determination of Similarity of Use,” of the LDR; and

WHEREAS, at its December 16, 2019, meeting, the Planning and Zoning Board considered the Determination of Similarity of Use request and found, by a 5 to 1 vote, that the use of “garages and lots for the parking and storage of vehicles” is similar to other conditional uses allowed in the Community Facilities (CF) zoning district, particularly to the use as a “privately-operated parking lot”, by finding that the request is in keeping with the stated purpose of the district based upon the similarity of the uses and is consistent with the LDR and the Comprehensive Plan; and

WHEREAS, at its January 16, 2020, meeting, the City Commission, by a 5 to 0 vote, appealed the Planning and Zoning finding of a similarity of use. The appeal decision was processed pursuant to Section 2.4.7(E), “Appeals,” of the Land Development Regulations of the City of Delray Beach, Florida; and

WHEREAS, the appeal of a decision made by the Planning and Zoning Board was subject to de novo review by the City Commission at its meeting of February 12, 2020. The City Commission determined that the requested use is, indeed, similar to other uses so allowed in the zoning district and is in keeping with the stated purpose of the district.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby incorporated herein by this reference.

Section 2. The use as a “garages and lots for the parking and storage of vehicles” is a permissible conditional use with the Community Facilities (CF) zoning district.

Section 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the __ day of _____, 2020.

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney