



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Ordinance No. 10-20, Subgrade Parking

Meeting	File No.	Application Type
January 27, 2020	2020-075-LDR	Amendment to the Land Development Regulations

Request

Provide a recommendation to the City Commission regarding a City-initiated amendment to 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", Subsection 4.6.9(D)(1) "Design standards," of the Land Development Regulations to allow subgrade parking within the required site setbacks.

Background Information

Due to the increase in requests for subgrade parking facilities, the City has determined a need to update the LDRs by eliminating the need to seek relief to allow subgrade parking garages within the required setback areas. The City Commission has recently approved waivers for two separate projects to allow subgrade parking garages to be constructed within the required setbacks: The Ray, and PHG Delray. During consideration of the PHG Delray waiver request at the December 10, 2019 meeting, the City Commission directed staff to update the Land Development Regulations (LDRs) to allow subgrade parking to be constructed within the required setback areas.

The proposed amendment adds "subgrade parking" to the list of structures allowed in setbacks; the proposed amendments are applicable city-wide and are not limited to the downtown area or any specific zoning district.

Review and Analysis

Pursuant to **LDR Section 1.1.6, Amendments**, the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. 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 was initiated by the City Commission.

Section 2.4.5(M)(5), Findings, says that "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 following Objective of the adopted Comprehensive Plan are applicable to the proposed amendment:

- **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.

There has been an increase in demand for subgrade parking facilities; as a result, the City has determined a need to update the LDRs to provide guidance on the design of such facilities streamline the development process by eliminating the need to seek relief for each request submitted to allow subgrade garages in the site setbacks.

Review By Others

The **Downtown Development Authority** reviewed the item at its January 13, 2020 meeting, and made a recommendation of approval, along with a recommendation to add language that addresses street closures during the subgrade parking construction process.

The **City Commission** is anticipated to review the proposed LDR Amendments at its meetings on February 11, 2020 (First Reading) and March 3, 2020 (Second Reading).

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No.10-20, 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”, Subsection 4.6.9(D)(1) “Design standards” of the Land Development Regulations, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 10-20, **as amended**, 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”, Subsection 4.6.9(D)(1) “Design standards” of the Land Development Regulations, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 10-20, 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”, Subsection 4.6.9(D)(1) “Design standards” of the Land Development Regulations, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

☐ Courtesy Notices are not applicable to this request

☒ Courtesy notices were sent to the following:

- Chamber of Commerce

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.

N/A Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting.

☒ Public Notice was posted to the City's website 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

☒ Agenda was posted at least 5 working days prior to meeting.