



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Construction Parking and Staging LDR Amendments

Meeting	File No.	Application Type
September 21, 2020	2020-244-LDR	Amendment to the Land Development Regulations

Request

Provide a recommendation to the City Commission on Ordinance 50-20, a City-initiated amendment to LDR Section 7.1.8, Construction parking, to modify existing language governing construction parking and provide new regulations for construction staging.

Background Information

The City has received an increase in development proposals with underground parking facilities. The City Commission recently approved waivers for The Ray Hotel and PHG Delray to allow underground parking garages to be constructed within the required setbacks. During consideration of the PHG Delray waiver request at the December 10, 2019 meeting, City Commission directed staff to update the Land Development Regulations (LDRs) to allow underground parking to be constructed within the required setback areas, by right.

At first reading of Ordinance No. 10-20 on May 19, 2020, where the City Commission voted 5-0 to approve the LDR amendments allowing underground parking in the setbacks, staff was directed to prepare additional language to regulate construction parking and staging in rights-of-way. The City Commission expressed concern that an absence of regulations governing construction staging would result in extended street closures associated with the construction of underground parking facilities.

Description of Proposal

The proposed LDR amendments revise existing language governing construction parking and adds language to regulate construction staging for any development that uses the public rights-of-way for such purposes. The amendments rename Section 7.1.8 as "Construction Parking and Staging" to include staging in the title. Subsection (A), Construction Parking, contains minor corrective amendments. The proposed Subsection (B), Construction Staging, is new, and specifies the following:

- Purpose and Intent of the new subsection;
- Requirements that all construction staging must meet or address including the provision of a construction staging plan, approval of a Maintenance of Traffic (MOT) Plan for temporary street closures, and reduction of travel lanes;
- Use of Rights-of-Way for construction activities for more than 14 days; and,
- MOT Plan requirements for construction and staging involving right-of-way closures.

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 on May 19, 2020.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, *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 and Policy of the adopted Comprehensive Plan are applicable to the proposed amendment:

- **Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5.** *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The proposed amendments to LDR Section 7.1.8 provide language to regulate construction parking and construction staging in rights-of-way. With the increase in demand for underground parking facilities, the proposed amendment supports innovative development practices while protecting residents and businesses from extended right-of-way closures resulting from all types of construction.

- **Economic Development Element, Policy ECP 6.3.2.** *Encourage predictability and consistency in the City's Land Development Regulations, while also allowing for flexibility and creativity in the site development process.*

The LDRs do not have language governing construction staging in public rights-of-way. Increasingly, developments are requesting use of public rights-of-way during construction. The proposed regulations will provide members of the development community with clear guidelines that support new development trends in the City of Delray Beach, while maintaining a high quality of life for residents and business owners in existing developments.

In addition to the above Objective and Policy, the following Goal and Policy from the Mobility Element support the intent of the amendments.

Goal MBL 1, Mobility System. Plan for and provide a safe and effective mobility system that is accessible to all users and meets their needs to access employment, goods, services, and recreational and cultural activities, while preserving neighborhoods, protecting natural resources, and promoting economic development.

Policy MBL 2.5.2 Ensure safe vehicular, pedestrian, and bicycle operations in all new development, redevelopment, and on all City streets, including at driveway entrances and at intersections.

Review By Others

The **Downtown Development Authority** reviewed the underground parking amendment (Ordinance No. 10-20) 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 underground parking construction process.

The **City Commission** is anticipated to review the proposed LDR Amendment at its meetings on September 22, 2020 (First Reading) and October 6, 2020 (Second Reading).

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 50-20, City-initiated amendments to LDR Section 7.1.8, Construction parking, to modify existing language governing construction parking and provide new regulations for construction staging, 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. 50-20, City-initiated amendments to LDR Section 7.1.8, Construction parking, to modify existing language governing construction parking and provide new regulations for construction staging, 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, **as amended**.
- C. Recommend **denial** to the City Commission of Ordinance No. 50-20, City-initiated amendments to LDR Section 7.1.8, Construction parking, to modify existing language governing construction parking and provide new regulations for construction staging, 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

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

☒ Courtesy notices were sent to the following:

- Chamber of Commerce
- Downtown Development Authority