



Legislation Details (With Text)

File #: 21-683 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 6/15/2021 **In control:** City Commission
On agenda: 7/6/2021 **Final action:** 12/31/2023

Title: ORDINANCE NO. 26-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13. "CENTRAL BUSINESS DISTRICT (CBD)", SUBSECTION (A), "PURPOSE AND INTENT"; SUBSECTION (B), "REGULATING PLANS"; SUBSECTION (C), "ALLOWABLE USES"; SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; SUBSECTION (E), "FRONTAGE STANDARDS"; SUBSECTION (F), "ARCHITECTURAL STANDARDS"; SUBSECTION (G), "CIVIC OPEN SPACES"; SUBSECTION (I), "CBD PARKING STANDARDS"; AND, SUBSECTION (K) "CBD REVIEW AND APPROVAL PROCESS"; TO PROVIDE CLARIFICATION OF AND CONSISTENCY WITH EXISTING REGULATIONS, RENUMBERING OF FIGURES, AND AMENDING THE PARKING REQUIREMENT FOR BUILDINGS ON PROPERTIES LESS THAN 65 FEET WIDE AND CONTAINING MORE THAN TWO-STORIES; AND, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Ord. No. 26-21: CBD Amendments (Non-expansion), 3. Ord. No. 26-21: PZB Staff Report, 4. Ord. No. 26-21: Legal Review

Date	Ver.	Action By	Action	Result
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TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: July 6, 2021

ORDINANCE NO. 26-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13. "CENTRAL BUSINESS DISTRICT (CBD)", SUBSECTION (A), "PURPOSE AND INTENT"; SUBSECTION (B), "REGULATING PLANS"; SUBSECTION (C), "ALLOWABLE USES"; SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; SUBSECTION (E), "FRONTAGE STANDARDS"; SUBSECTION (F), "ARCHITECTURAL STANDARDS"; SUBSECTION (G), "CIVIC OPEN SPACES"; SUBSECTION (I), "CBD PARKING STANDARDS"; AND, SUBSECTION (K) "CBD REVIEW AND APPROVAL PROCESS"; TO PROVIDE CLARIFICATION OF AND CONSISTENCY WITH EXISTING REGULATIONS, RENUMBERING OF FIGURES, AND AMENDING THE PARKING REQUIREMENT FOR BUILDINGS ON PROPERTIES LESS THAN 65 FEET WIDE AND CONTAINING MORE THAN TWO-STORIES; AND, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE,

AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.
(FIRST READING)

Recommended Action:

Review and consider Ordinance No. 26-21 on First Reading, amendments to the Land Development Regulations (LDR) Sections 4.4.13, Central Business District (CBD), to provide general clarifications and updates to the existing regulations, renumbering of existing figures, and amending the parking requirement for buildings on properties less than 65 feet wide and containing more than two-stories.

Background:

The proposed LDR amendments were initially included with those proposed in Ordinance No. 20-21. Since these amendments are not specifically associated with the South Pairs Neighborhood Sub-district regulations, and apply to all of the sub-districts, it was determined that separating them into a different ordinance would be more appropriate for review and consideration.

The subject LDR amendments in Ordinance No. 26-21 primarily provide clarification of and consistency with existing regulations and renumbering of existing figures to better identify the subsection of the regulations illustrated by the figure. Additional amendments adjust the parking exemption for buildings on lots measuring less than 65 feet wide. The current LDR, which has been in place since the adoption of Ordinance No. 02-15 in February 2015, exempts the parking requirement for all uses except restaurants and cocktail lounges for all buildings on lots measuring 65 feet or less in width. The proposed revision reduces the exemption to buildings two stories or less in height and will require the full parking requirement for all uses in buildings that have more than two stories in height and on lots measuring 65 feet or less. This adjustment to the parking requirement will maintain the accommodation for the adaptive reuse of existing buildings and encourage the development of smaller scale buildings while ensuring that parking is provided either on-site, via an in-lieu of parking agreement, or an off-site parking agreement for larger buildings.

Pursuant to **LDR Section 1.1.6(A)**, *LDR text amendments require a recommendation from the Planning and Zoning Board.*

At the October 21, 2019 meeting, the Planning and Zoning Board reviewed the proposed LDR Amendments and recommended approval on a vote of 7- 0.

On February 11, 2020, the City Commission considered the subject amendments at a public hearing (as part of Ordinance No. 06-20) and voted 5 to 0 to approve on First Reading; however, further review and consideration was delayed due to restrictions resulting from the Covid-19 pandemic.

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 City-initiated at the direction of the City Commission.

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 the Comprehensive Plan.*

The Always Delray Comprehensive Plan does not contain Goals, Objectives, or Policies specific to the proposed amendments. However, Objective NDC 3.5, Update Land Development Regulations,

supports the proposed language.

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 are consistent with the Always Delray Comprehensive Plan as they are ensuring accurate and consistent regulations for the CBD, which will assist in streamlining to overall review process.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Second Reading is anticipated to be scheduled on August 10, 2021.