



## Legislation Details (With Text)

**File #:** 20-291      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Second Reading

**File created:** 4/16/2020      **In control:** City Commission

**On agenda:** 5/19/2020      **Final action:**

**Title:** 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. (FIRST READING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 10-20, 2. PZB Staff Report (Ord No. 10-20), 3. Legal Review - Ord. 10-20

Date	Ver.	Action By	Action	Result
5/19/2020	1	City Commission	approved on first reading	Pass

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Department  
**THROUGH:** George Gretsas, City Manager  
**DATE:** May 19, 2020

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. (FIRST READING)

### **Recommended Action:**

Review and consider Ordinance No. 10-20, 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:**

The City has determined a need to update the Land Development Regulations (LDRs) to eliminate 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 levels 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 LDRs to allow subgrade parking to be constructed within the required setback areas without requiring waiver approval.

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.

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.

**LDR 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.

The Planning and Zoning Board voted 7-0 to recommend approval at its January 27, 2020 meeting.

**City Attorney Review:**

Ordinance No. 10-20 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

NA

**Timing of Request:**

NA