



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PUBLIC NOTICE

RE: Parking Exemption in the southern Railroad Corridor Sub-district

Pursuant to the Land Development Regulations of the City of Delray Beach, you are hereby notified that the **Planning and Zoning Board**, acting as the Local Planning Agency, will conduct a **PUBLIC HEARING** on **MONDAY, JANUARY 25, 2021 at 6:00 PM** to consider and make a recommendation to the City Commission regarding a privately-initiated request to the Land Development Regulations for the properties located between Southeast 2nd Street and Southeast 3rd Street within the Central Business District Railroad Corridor Sub District to to extend the expiration date from April 3, 2021 to December 31, 2024 for the parking exemption applicable to existing buildings that undergo a change of use by adopting Ordinance No. 05-21.

In 2018, the City Commission adopted Ordinance No. 02-18, to exempt existing buildings from meeting the off-street parking requirements due to a change of use within that portion of the southern Railroad Corridor Sub-district of the Central Business District located between SE 2nd Street and SE 3rd Street within the CBD-RC (see area highlighted in red on map). The exemption was for a limited duration, through April 3, 2021.

Additional information on the proposed amendment can be found on the "Development Projects" page under the Development Services Department at www.delraybeachfl.gov. If you would like further information as to how the request may affect your property, please contact the Development Services Department at City Hall, 100 NW 1st Avenue, Delray Beach, Florida 33444, at (561) 243-7040 or pzmail@mydelraybeach.com.

Pursuant to the Home Rule powers of the City (s. 2(b), Art. VIII of the Florida Constitution and Chapter 166, Florida Statutes), Chapter 252, Florida Statutes (Emergency Management), any and all other applicable statutes, the City Charter and Chapter 95 of the City's Code of Ordinances, PZB shall conduct business at and through virtual meetings utilizing Communications Media Technology (CMT) in accordance with the rules of procedures promulgated by the City, during the COVID-19 public health emergency declared pursuant to Resolution 70-20, as extended." Members of the public wishing to view PZB meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public.

Members of the public wishing to participate may do so virtually by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or



LEGEND

- CBD ZONING
- RAILROAD CORRIDOR ■ APPLICABLE AREA
- PINEAPPLE GROVE NEIGHBORHOOD PLAN
- PRIMARY STREETS

public hearing items, may submit their comments by dialing 561-243-7556 and leaving a voicemail message that will be played during the PZB meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

Public comment on items that have been set for a formal public hearing shall only be made during the presentation of the item. After the PZB has heard from both the applicant and the City, the PZB will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the board's consideration.

All interested parties are invited to attend the virtual public hearing and comment upon the proposed action or submit their comments in writing on or before the date of the hearing to the Development Services Department. Please be advised that if the action taken on this request is appealed, the appellant may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. The City does not provide nor prepare such record pursuant to F.S. 286.0105.

ORDINANCE NO. 05-21

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 CHAPTER FOUR, “ZONING REGULATIONS”, ARTICLE 4.4, “BASE ZONING DISTRICT”, SECTION 4.4.13, “CENTRAL BUSINESS DISTRICT (CBD)”, SUBSECTION 4.4.13(I)(2)(j), “CBD PARKING STANDARDS”, “MINIMUM NUMBER OF OFF-STREET PARKING SPACES”, TO EXTEND THE EFFECTIVE DATE TO DECEMBER 31, 2024, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a privately-initiated amendment to the Land Development Regulations (LDR) of the City of Delray Beach, Code of Ordinances, is requested by Neil M. Schiller, Attorney at Law, on behalf of Delray Swan Holdings, LLC; and

WHEREAS, the amendment seeks to provide continued flexibility for the adaptive reuse of existing structures; and

WHEREAS, shared parking or readily available public parking resources could be used to accommodate some of the parking needs of visitors, residents, and employees in the CBD rather than requiring duplicative off-street parking requirements; and

WHEREAS, the amendment seeks to extend the effective date for a parking exemption adopted by Ordinance No. 2-18 that is applicable to a change in use for existing buildings within the Railroad Corridor Sub-district of the Central Business District between SE 2nd Street and SE 3rd Street; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on January 25, 2021 and voted _ to _ to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

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

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Section 4.4.13, “Central Business District (CBD)”, Subsection (I) “CBD parking standards, Sub-Subsection (2) “Minimum number of off-street parking spaces”, of the Land Development Regulations of the City of Delray Beach, Code of Ordinances, be and the same is hereby amended to read as follows:

(2) ***Minimum number of off-street parking spaces.***

(a) - (i) (These subsections shall remain in full force and effect as previously adopted)

(j) Existing buildings located in the portion of the CBD Railroad Corridor Sub-district between SE 2nd Street and SE 3rd Street that undergo a change of use are not required to provide additional on-site parking spaces required by the new use category, if applicable. The provisions of this sub-subsection shall only be effective until ~~April 3, 2024~~ December 31, 2024, and subject to submittal of a building permit.

Section 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder this Ordinance.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2021.

ATTEST:

Katterri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney