

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 2<sup>nd</sup> Street and SE 3<sup>rd</sup> 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. The recitations set forth above are incorporated herein.

Section 2. 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 2<sup>nd</sup> Street and SE 3<sup>rd</sup> 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. 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. 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:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney