

ORDINANCE NO. 07-25

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 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.21, "COMMUNITY FACILITIES (CF) DISTRICT," SUBSECTION (A), "PURPOSE AND INTENT," TO MODIFY THE PURPOSE AND INTENT OF THE DISTRICT, SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES ALLOWED," TO ALLOW ADAPTIVE REUSE OF HISTORIC PLACES OF WORSHIP AND TO RELOCATE THE PRINCIPAL USES FOR THE MEDICAL ARTS OVERLAY DISTRICT, SUBSECTION (F), "DEVELOPMENT STANDARDS," TO ADOPT DEVELOPMENT STANDARDS FOR ADAPTIVE REUSE, SUBSECTION (G), "SUPPLEMENTAL DISTRICT REGULATIONS," TO REMOVE MEDICAL ARTS OVERLAY DISTRICT USES FOR RELOCATION TO SUBSECTION (B), AND SUBSECTION (H), "SPECIAL REGULATIONS," TO ADOPT REGULATIONS EXEMPTING ADAPTIVE REUSE OF HISTORIC PLACES OF WORSHIP FROM THE SUPPLEMENTAL REGULATIONS; AND BY AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT A DEFINITION FOR "PLACE OF WORSHIP" AND "HISTORIC PLACE OF WORSHIP;" PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application to amend the LDR (File No. 2025-066) was submitted by Jeff Costello, AICP ("Agent) on behalf of 200 SE 7th Avenue, LLC ("Applicant"); and

WHEREAS, the Land Development Regulations ("LDR") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, the City desires to support the preservation of historic places of worship by allowing the adaptive reuse of sites and structures as a residential use; and

WHEREAS, the Applicant has requested an amendment to the LDR to allow the adaptive reuse of historic places of worship within the Community Facilities (CF) zoning district as a single-family residential use; and

WHEREAS, the Historic Preservation Board heard the item at its meeting on July 2, 2025 and voted ____ to ____ to recommend approval of the request; 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 July 21, 2025, 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.

WHEREAS, the City Commission has considered Ordinance No. 07-25 and the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

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

Section 3. Article 4.4, "Base Zoning District," Section 4.4.21, "Community Facilities (CF) Zone District," of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

- (A) ***Purpose and intent.*** The Community Facilities (CF) District is a special purpose zone district primarily, ~~but not exclusively,~~ intended for uses providing a community service or benefit locations at which facilities are provided that to serve public, semi-public, and private purposes. ~~Such purposes include governmental, religious, educational, health care, social service, and special facilities. It is also applied to regulated properties subjected to a transfer of development rights pursuant to Section 4.6.20. In addition, this district has provisions for the Medical Arts Overlay District.~~
- (B) Principal uses and structures allowed. The following types of use are allowed within the CF District as a permitted use:
- (1) Governmental, such as: civic centers, courts, courthouses, temporary holding facilities, fire stations, governmental offices, public health facilities, law enforcement offices and facilities, post offices, public utility facilities (e.g. lift stations), water storage tanks, water treatment plants, water wells, wastewater treatment plants, drainage facilities.
 - (2) Community, such as: civic centers, community centers, community theater, cultural facilities and auditoriums, arts and crafts centers, libraries, museums, public parking lots and garages.
 - (3) Recreation, such as: community centers, tennis centers, swimming centers.
 - (4) Services, such as: abused spouse residences, child care centers, day care centers.
 - (5) ~~Religious, such as: churches and p~~Places of worship with attendant uses of day care, pre-school, educational facilities, and with other normal educational (Sunday school) and recreational facilities, and support facilities (e.g., parsonage).

- (6) Restricted usage allowed pursuant to an ordinance enacted to sever developments rights under a Transfer of Developments (TDR). (See Section 4.6.20).
- (7) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3(HH).
- (8) Clubs and Lodges provided that alcoholic beverages shall not be served or consumed on the property.
- (9) Assisted Living Facilities that do not comport with the definition of "community residence" and Continuing Care Facilities subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section.
- (10) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).
- (11) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence.

(12) Within the Medical Arts Overlay District, as defined in Section 4.5.18, the following principal uses are also allowed:

- (a) Non-residential Licensed Service Provider Facilities
- (b) Hospitals, with or without helipads and associated laboratories;
- (c) Treatment Centers;
- (d) Rehabilitation Centers;
- (e) Testing Facilities; and
- (f) Mental Health Treatment Facilities, including residential care.

(13) Single-family detached residence resulting from adaptive reuse of a historic place of worship.

(C) - (E) (These subsections shall remain in full force and effect as adopted.)

(F) ***Development standards.*** The development standards in Section 4.3.4 shall apply, except as modified in this Subsection.

~~(1) The development standards in Section 4.3.4 shall apply.~~

~~(12) Historic Districts, Sites, and Buildings: In addition to the requirements of Section 4.3.4, properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to Section 4.5.1, unless otherwise modified in this Subsection.~~

~~(2) Site modifications for a single-family detached residence resulting from adaptive reuse of a historic place of worship are subject to the development standards for the R-1-A zoning district.~~

(G) ***Supplemental district regulations.*** ~~In addition to the~~ The supplemental district regulations in Article 4.6, ~~the following supplemental district regulations shall apply, except as modified in this Subsection. in the CF District.~~

~~(1) ***Medical Arts Overlay District.*** The following supplemental district regulations apply the following uses are allowed as permitted uses to the Medical Arts Overlay District, as defined in Section 4.5.18.~~

~~(a) In addition to the uses listed in Section 4.4.21(B), the following uses are allowed as permitted uses:~~

- ~~1. Institutional uses, such as: Non-residential Licensed Service Provider Facilities; Hospitals, with or without helipads and associated laboratories; Treatment Centers; Rehabilitation Centers; Testing Facilities; and Mental Health Treatment Facilities, including residential care.~~

~~(1) A single-family detached residence resulting from adaptive reuse of a historic place of worship is subject to the supplemental development standards applicable to single-family detached residences within an R-1-A zoning district.~~

(H) ***Special regulations.***

- (1) The perimeter setback area, when provided, shall be a landscaped area within which no paving shall be allowed except for driveways and walkways leading to structures on the premises. Such driveways and walkways shall be generally perpendicular to the property line.
- (2) When this zone district is adjacent to residential zoning, the perimeter landscape area should be increased to a depth of 15 feet; or, as an alternative, either a wall, decorative fencing, or hedging should be installed for aesthetic and buffer purposes.
- (3) For CF zoned properties located within the West Atlantic Avenue Redevelopment Area, a minimum of ten percent non-vehicular open space shall be provided. Notwithstanding the provisions of this section, the body acting upon a development application may require additional open areas, including but not limited to courtyards, plazas, and landscaped setbacks, in order to add interest and provide relief from the building mass. All landscape requirements for parking lots and buffering of residential properties, pursuant to Sections 4.6.5 and 4.6.16, shall apply.

(4) For a historic place of worship approved for adaptive reuse as a single-family detached residence:

(a) The Special Regulations required for CF zoned properties do not apply.

(b) A contextually appropriate historic marker is required.

Section 5. Appendix A, "Definitions," of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

HISTORIC PLACE OF WORSHIP. A building, structure, or site, that is historically designated or classified as contributing within an historic district, that is historically recognized as being built or used for the purpose of worship.

PLACE OF WORSHIP. A specially designed structure or space used by a bona fide religious group primarily or exclusively for religious worship and related religious services. The use may include accessory buildings or uses such as social gathering spaces, administrative offices, classrooms, or playground facilities.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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 of this Ordinance.

Section 8. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 9. 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 the ____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney