



Cover Memorandum/Staff Report

File #: 23-1136

Agenda Date: 9/18/2023

Item #: 9.F.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: September 18, 2023

ORDINANCE NO. 32-23: 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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.1, SECTION 4.1.4, "USE OF LOTS OF RECORD," TO UPDATE PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2, "ADMINISTRATIVE PROVISIONS"; AMENDING ARTICLE 4.2, "ANNEXATION AND INITIAL ZONING" BY REPEALING AND RESERVING ARTICLE 4.2 IN ITS ENTIRETY TO ELIMINATE DUPLICATION WITH CHAPTER 2, "ADMINISTRATIVE PROVISIONS;" AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," BY ADOPTING A NEW SUBSECTION 4.3.3(BB), "PERFORMANCE STANDARDS FOR MULTI-FAMILY DEVELOPMENT," FOR CONSISTENCY WITH CHAPTER 2, "ADMINISTRATIVE PROVISIONS," AMENDING SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION (J), "HEIGHT" PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)," SECTION 4.4.2, "RURAL RESIDENTIAL (RR) ZONE DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.4, "MOBILE HOME (MH) DISTRICT," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT," SECTION 4.4.10, "AUTOMOTIVE COMMERCIAL (AC) DISTRICT," SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT," SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SECTION 4.4.14, "RESORT/TOURISM (RT) DISTRICT," SECTION 4.4.15, "PLANNED OFFICE CENTER (POC) DISTRICT," SECTION 4.4.16, "PROFESSIONAL AND OFFICE (POD) DISTRICT," SECTION 4.4.17, "RESIDENTIAL OFFICE (RO) DISTRICT," SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT," SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," SECTION 4.4.21, "COMMUNITY FACILITIES (CF) DISTRICT," SECTION 4.4.22, "OPEN SPACE (OS) DISTRICT," SECTION 4.4.23, "CONSERVATION (CD) DISTRICT," SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC DISTRICT (OSSHAD)," SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)," SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT," SECTION 4.4.27, "OPEN SPACE AND RECREATION (OSR) DISTRICT," SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT" PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," FOR CONSISTENCY WITH CHAPTER 2 AND PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(FIRST READING)

Recommended Action:

Review and consider Ordinance No. 32-23, a City-initiated amendment to Chapter 4, "Zoning Regulations" of the Land Development Regulations (LDR), to provide consistency with the LDR amendments to Chapter 2 in Ordinance No. 31-23.

Background:

The proposed amendments in Ordinance No. 32-23 are limited to LDR Chapter 4, "Zoning Regulations," and provide consistency with the proposed changes to LDR Chapter 2 in Ordinance No. 31-23, in addition to other minor clarifications to existing language. Specially, the changes are proposed to the following articles in Chapter 4:

Article 4.1, "Establishment of Districts and Initial Zoning Map": Updated references to other sections in the LDR.

Article 4.2, "Annexation and Initial Zoning": Repealed to eliminate duplicated regulations or processes and conflicting regulations in Chapter 2.

Article 4.3, "District Regulations, General Provisions": New Subsection created to centralize and consolidate Performance Standards for requests to increase density; removes references to the conditional use process for increases in height or density - the new process is within Ordinance No. 31-23, LDR Amendments to Chapter 2.

Article 4.4, "Base Zoning District": Removes references to the conditional use approval process for a density bonus from most zoning districts; Removal of CBD review process - the new process is within Ordinance No. 31-23, LDR Amendments to Chapter 2.

Article 4.7, "Family/Workforce Housing": Elimination of the conditional use requirement to obtain a density bonus - the new process is within Ordinance No. 31-23, LDR Amendments to Chapter 2.

The Planning and Zoning Board reviewed the proposed LDR amendments at the meeting of August 21, 2023 and recommended approval by a vote of 7 to 0.

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 proposed amendments are consistent with and assist in furthering the Goals, Objectives, and Policies (GOPs) of the adopted Comprehensive Plan.

A complete review and analysis of the LDR Amendments within Ordinance No. 32-23 is provided within the Planning and Zoning Board Staff Report (attached).

City Attorney Review:

Ordinance No. 32-23 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 32-23 will become effective immediately upon adoption at second reading, anticipated for October 10, 2023.