



## Cover Memorandum/Staff Report

File #: 26-0489

Agenda Date: 5/5/2026

Item #: 8.C.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** May 5, 2026

ORDINANCE NO. 20-26: 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 4.4, "BASE ZONING DISTRICT," SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO ALLOW CONCRETE PRODUCTS MANUFACTURING AND DISTRIBUTION LOCATED NORTH OF ATLANTIC AVENUE AS A CONDITIONAL USE; AMENDING SUBSECTION (F), "DEVELOPMENT STANDARDS," TO ADOPT SPECIAL LANDSCAPE SETBACK REQUIREMENTS FOR CONCRETE PRODUCTS MANUFACTURING AND DISTRIBUTION; AND AMENDING SUBSECTION (H), "SPECIAL REGULATIONS," TO ESTABLISH REGULATIONS FOR CONCRETE PRODUCTS MANUFACTURING AND DISTRIBUTION USE; AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES PERMITTED," TO INCLUDE CONCRETE PRODUCTS DISTRIBUTION WITH THE EXISTING CONCRETE PRODUCTS MANUFACTURING USE; AND BY AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.4, "SPECIAL BOUNDARY TREATMENT," TO ELIMINATE REGULATIONS SPECIFIC TO THE MIC DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING / PUBLIC HEARING)

### **Recommended Action:**

Consider Ordinance No. 20-26, a City-initiated amendment to Section 4.4.19, "Mixed Industrial and Commercial (MIC) District" of the Land Development Regulations (LDR) to establish gunite and other concrete products manufacturing and distribution as a conditional use and to adopt regulations governing the use, and to Section 4.4.20, "Industrial (I) District" to modify the identified types of concrete products for consistency with Section 4.4.19.

### **Background:**

The subject amendment to the LDR is related to a private application. An unauthorized business established a gunite yard at 135 N. Congress Avenue, and then sought a Determination of Similarity of Use (File No. 2024-232) to cure code enforcement. The operator requested that a gunite yard be considered similar to *Manufacturing and Wholesale of products using ceramic and plaster material*, which is a permitted use in the MIC zoning district, rather than classification as *Concrete Products Manufacturing* (a use not allowed in the MIC zoning district).

The Planning and Zoning Board approved the Similarity of Use Determination on October 21, 2024. However, City Commission appealed the determination at its February 4, 2025, meeting and

determined that a gunite yard is not similar to the *Manufacturing and Wholesale of products using ceramic and plaster material* use, and directed Staff to prepare an amendment to the LDR to add a gunite yard use as a conditional use in the MIC district, to provide the unauthorized gunite yard at 135 N. Congress Avenue a path toward compliance.

The proposed amendment adds concrete products manufacturing and distribution as a conditional use to MIC, and establishes regulations governing the use to reduce potential impacts.

The Planning and Zoning Board heard the request at their February 23, 2026 meeting and voted 7-0 to recommend approval of the ordinance, with a distance separation of 425 feet, whereas a 1,000-foot distance separation was proposed by staff. The ordinance before the Commission consideration retains the 1,000-foot distance separation, as a 425-foot separation requirement is (1) a customized distance to accommodate the unauthorized gunite yard; and (2) could result in a proliferation of the use in the district and along the Congress Avenue corridor. The City Commission should consider the appropriate separation requirement between *Concrete Products Manufacturing* businesses. The attached staff report provides a full analysis of the amendment.

**City Attorney Review:**

Ordinance No. 20-26 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Ordinance No. 20-26 will be effective immediately if adopted at second reading on May 5, 2026. Under the proposed 1,000-foot separation, the business would require waiver to achieve compliance.