



## Cover Memorandum/Staff Report

File #: 25-561

Agenda Date: 6/3/2025

Item #: 8.A.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 3, 2025

ORDINANCE NO. 05-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT BY AMENDING POLICY NDC 1.4.7 OF THE NEIGHBORHOODS, DISTRICTS, AND CORRIDORS ELEMENT OF THE ALWAYS DELRAY COMPREHENSIVE PLAN TO ALLOW FOR THE COMMERCE LAND USE DESIGNATION ALONG CONGRESS AVENUE SOUTH OF WEST ATLANTIC AVENUE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/QUASI-JUDICIAL)

### **Recommended Action:**

Consider Ordinance No. 05-25, a City initiated amendment to the Always Delray Comprehensive Plan, by adopting a text amendment to Policy NDC 1.4.7 of the Neighborhoods, Districts, and Corridors Element.

### **Background:**

The proposed amendment is related to a privately-initiated small-scale Land Use Map Amendment from Congress Avenue Mixed Use (CMU) to Commerce (CMR) (Ordinance No. 02-25), and rezoning from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC) (Ordinance No. 01-25) for a 4.27-acre parcel located at 955-975 South Congress Avenue. The subject property is located on the northeast corner of SW 10<sup>th</sup> Street/Lowson Boulevard and South Congress Avenue, south of Atlantic Avenue.

Per Policy NDC 1.4.7, CMR land use is currently only allowed north of Atlantic Avenue along Congress Avenue (although pockets of CMR land use exist in southeast Delray). The proposed amendment to Policy NDC 1.4.6 (on page 9 of Exhibit A to the ordinance) amends the language as follows:

Policy NDC 1.4.7 Use the Commerce land use designation for property located along or adjacent to the North Congress Avenue corridor, ~~north of West Atlantic Avenue~~, where it is appropriate to accommodate a mix of industrial, service, and commercial uses, and limited residential development opportunities.

The City-initiated this comprehensive plan text amendment for consistency with privately-initiated LUMA and rezoning requests, as we implement the Delray Beach Congress Avenue Strategies Plan. The study provided, *"market-informed development and retail strategy recommendations for the Congress Avenue corridor, with the goal of balancing commercial and housing growth."* The Study found that the initial vision of the CMU land use and the companion MROC zoning district has not

been fulfilled due to a lack of office and retail demand. There currently exists limited spaces for growing industrial businesses, while at the same time, increasing pressure to build stand-alone residential development along the corridor due to the increased costs of land (Delray Beach Congress Avenue Strategies Plan, Page 5 and 8).

A full analysis of the request is in the attached Planning and Zoning Board staff report.

Planning and Zoning Board heard the request on February 24, 2025 and voted 6-0 to recommend approval of the request.

**City Attorney Review:**

Ordinance No. 05-25 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Ordinance No. 05-25 will be effective within 31 days of adoption (July 4, 2025). This ordinance must be approved prior to approving Ordinance No. 02-25.