



## Cover Memorandum/Staff Report

File #: 25-562

Agenda Date: 6/3/2025

Item #: 8.B.

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

ORDINANCE NO. 06-25: 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 CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," SUBSECTION (AA), "ADULT ENTERTAINMENT ESTABLISHMENTS," TO PROHIBIT ADULT ENTERTAINMENT ESTABLISHMENTS SOUTH OF ATLANTIC AVENUE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

### **Recommended Action:**

Consider Ordinance No. 06-25, a City-initiated amendment to Section 4.3.3, "Special Requirements for Specific Uses," Subsection (AA), "Adult Entertainment Establishments" to adopt regulations prohibiting the location of Adult Entertainment Establishments south of Atlantic Avenue.

### **Background:**

The proposed LDR amendment is related to a privately-initiated small-scale Land Use Map Amendment (LUMA) from Congress Avenue Mixed Use (CMU) to Commerce (CMR) (Ordinance No. 02-25) and associated 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 - located south of Atlantic Avenue.

Comprehensive Plan policies currently only allowed CMR north of Atlantic Avenue along Congress Avenue (although pockets of CMR land use exist in southeast Delray). A City-initiated comprehensive plan text amendment (Ordinance No. 05-25) is proposed to allow CMR land use south of West Atlantic Avenue to accommodate the privately requested LUMA and rezoning; the City is providing this change to support industrial uses in general in this area as an implementation of the CBRE Congress Avenue Strategies Report.

The list of permitted and conditional uses in MIC is largely compatible with the MROC and Special Activities District (SAD) zoning, the predominant district along the Congress Avenue corridor south of Atlantic Avenue. However, Adult Entertainment Establishments is a principal use in MIC (the only district where the use is allowed) and allowing this use in an area it was not previously permitted could result in incompatibility with some of the existing and future uses, particularly along Congress Avenue south of Atlantic Avenue.

The proposed LDR amendment will restrict Adult Entertainment Establishments from locating south of Atlantic Avenue and maintain the current areas they are allowed. The ordinance eliminates potential conflicts that could arise as a result of the proposed LUMA and rezoning. The current LDR has location restrictions, including separation requirements from certain uses; this ordinance would add a limit that is consistent with the current code.

This request does not eliminate any vested development rights (particularly related to MIC-zoned properties in southeast Delray Beach); Adult Entertainment Establishments are already prohibited east of the CSX Railroad track.

The attached Planning and Zoning Board staff report provides a full analysis of the request.

Planning and Zoning Board heard the request at its meeting on February 24, 2025 and voted 6-0 to recommend approval of Ordinance No. 06-25.

**City Attorney Review:**

Ordinance No. 06-25 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Ordinance No. 06-25 will be effective immediately if adopted and should be adopted prior to Ordinance No. 01-25.