



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

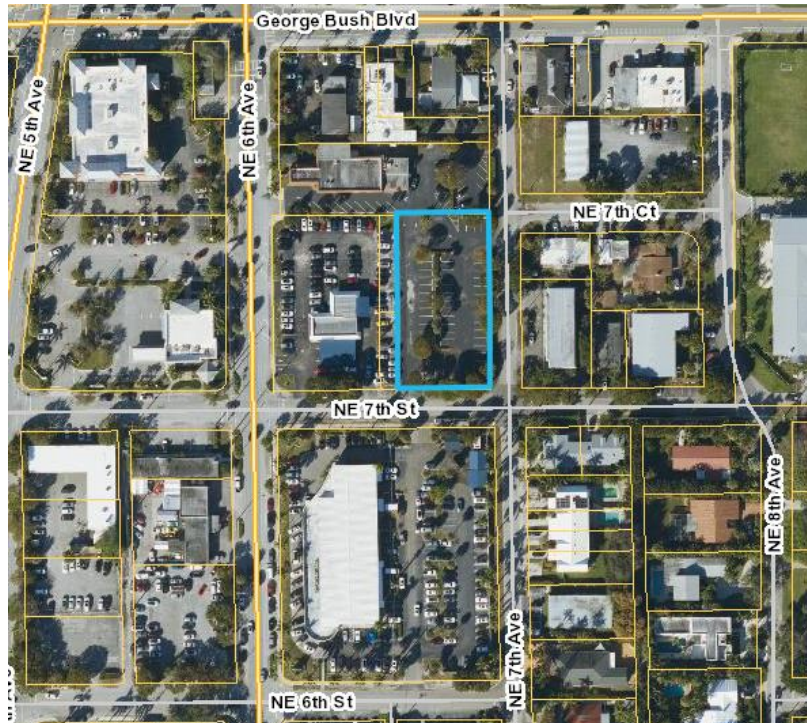
### NE 7<sup>th</sup> Street and NE 7<sup>th</sup> Avenue

Meeting	File No.	Application Type
April 20, 2026	PZ-388-2025 (LUMA) PZ-389-2025 (REZ)	Land Use Map Amendment and Rezoning
Applicant	Owner	Authorized Agent
Dockfly, LLC	Dockfly, LLC	Jeff Costello, AICP, FRA-RA, JC Planning Solutions

### Request

Provide a recommendation to the City Commission on a privately-initiated small-scale Land Use Map Amendment from Medium Density Residential (MD) to Commercial Core (CC) (Ordinance No. 27-26), and a privately-initiated rezoning from Medium Density Residential (RM) to Central Business District (CBD) (Ordinance No. 28-26) for a 0.61-acre parcel located at the northwest corner of NE 7<sup>th</sup> Street and NE 7<sup>th</sup> Avenue, with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-B-1, Central Core and Beach Sub-district Regulating Plan, to add the subject property.

### Background Information



The 0.61-acre property currently supports a parking lot that is adjacent to and utilized by Lorne & Sons Funeral Home, which is under the same ownership. The owner has indicated an intent to redevelop both parcels as a unified site, but the request pertains only to the parcel indicated in the image at left.

The subject site is included in the plat of McGinley and Gosman's Subdivision which was recorded in 1916. Subsequently, the portion of NE 7<sup>th</sup> Court (formerly known as McGinley Avenue) east of NE 7<sup>th</sup> Avenue was abandoned by the City (Resolution No. R-74-656) and incorporated into the adjacent lots to the north and the south.

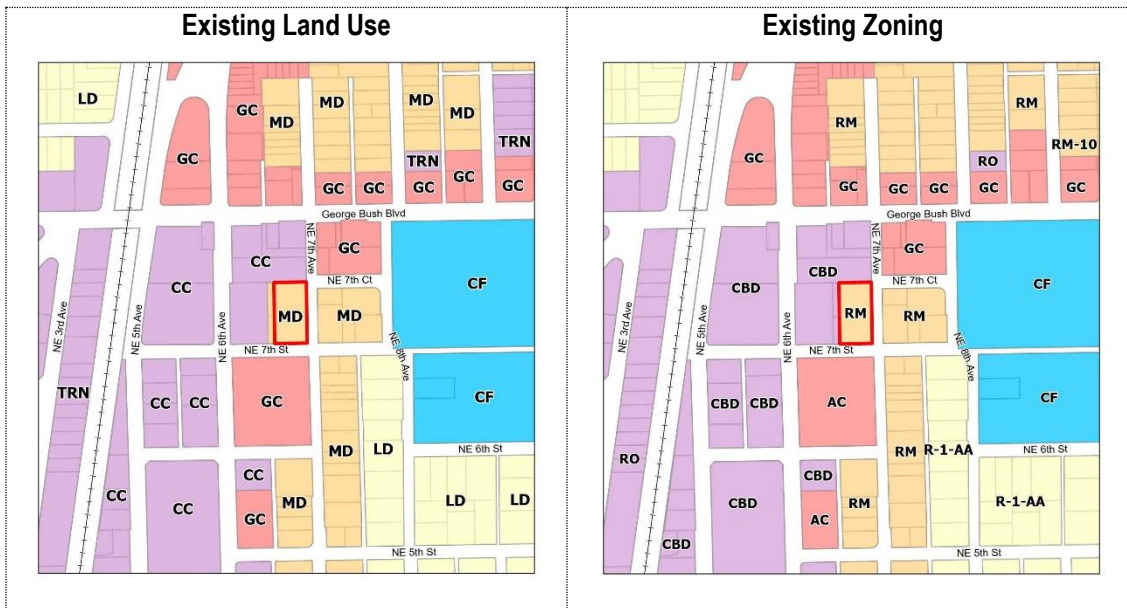
Prior to 1990, the subject site was zoned Multiple Family Residential-10 (RM-10) and the parcels to the north and the west were zoned Specialized Commercial (SC). Following the citywide rezoning in October 1990, the subject property was rezoned to Medium Density Residential (RM), while the parcel to the north was changed to General Commercial (GC). The parcel to the

west was also inadvertently changed to GC as well, however staff initiated an ordinance to correct the zoning by changing it to Automotive Commercial (AC) via Ordinance No. 59-91 to accurately reflect the use of the land as a full-service automotive dealership. In 2006 all of the parcels within the block, except the subject site, were rezoned to Central Business District (CBD) via Ordinance No. 69-06, and the land use was changed to Commercial Core (CC) via Ordinance No. 38-06.

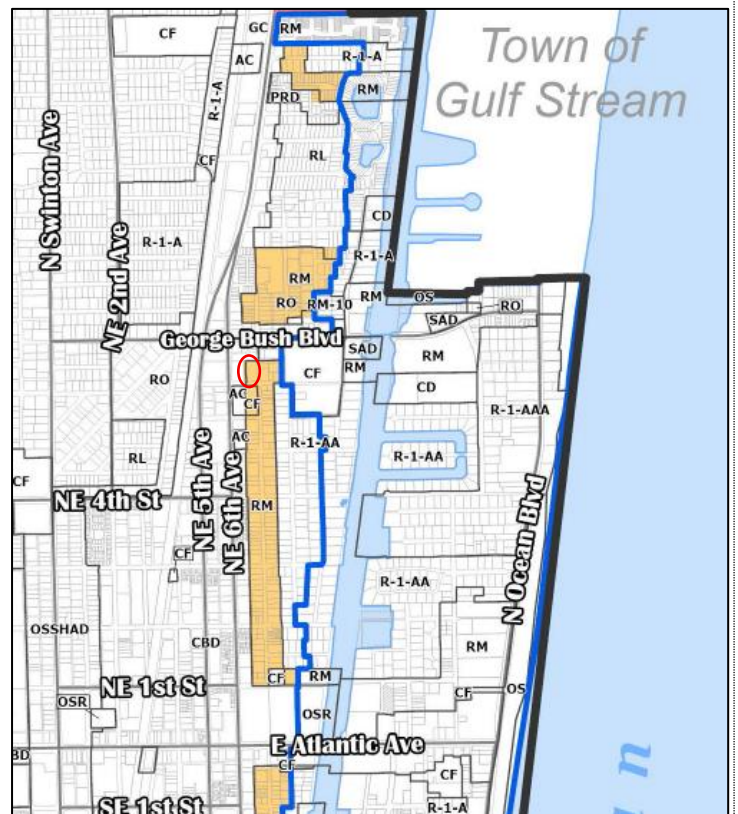
**Description of Proposal**

The subject request is for a privately-initiated small-scale Land Use Map Amendment from MD to CC and a privately-initiated rezoning from RM to CBD. The existing and proposed land use and zoning maps are shown below.

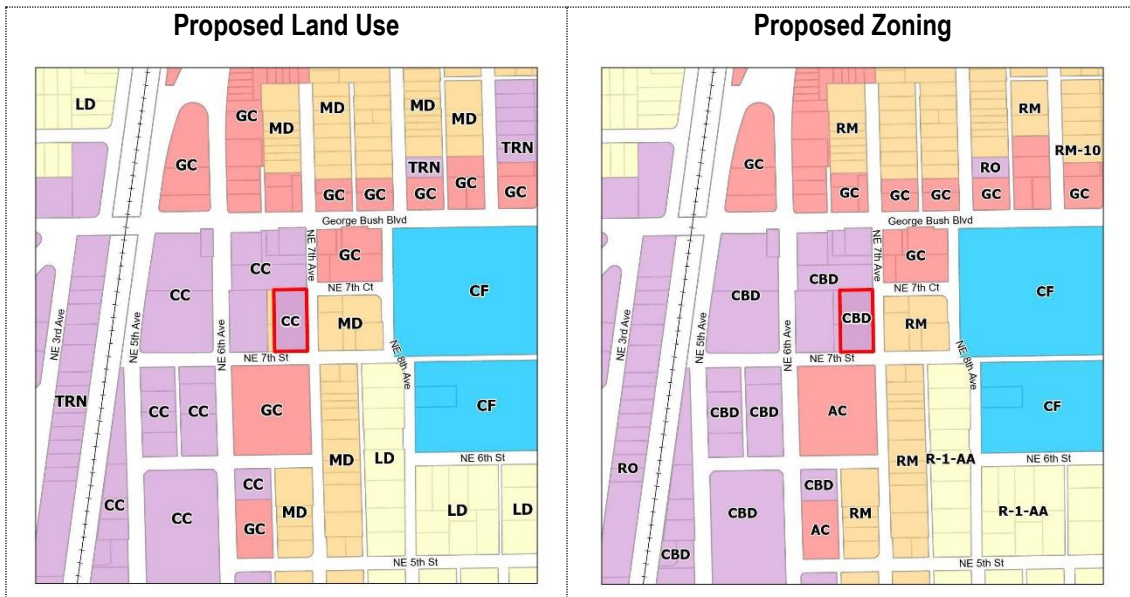
**Existing Land Use and Zoning Designations:** The property has a current land use designation of MD and is zoned RM. The MD land use designation is intended to apply to *land that is or will be developed for a wide range of housing types, including but not limited to attached and detached single-family and multi-family housing* (Policy NDC 1.2.6) and to *create and maintain residential neighborhoods with a wide range of housing types with associated neighborhood amenities* (Policy NDC 1.2.7). The land use allows a standard density of 5 to 12 dwelling units per acre, and a revitalization incentive density of 12 to 24 dwelling units per acre.



Increased density is available in certain areas within the RM zoning district, as provided for in the LDR, when workforce housing is provided. The RM zoning district similarly describes the character of the zoning district, and establishes LDR Article 4.7, “Family / Workforce Housing” and LDR Section 4.3.3, “Special Requirements for Specific Uses,” Subsection (BB), “Performance standards for multi-family development” as determinants of whether a development proposal can utilize the incentive density. Within the Infill Workforce Housing Area, where the property is located, the incentive density is 18 dwelling units per acre [LDR Section 4.4.6(H)(1)(c)]. An excerpt of the Infill Workforce Housing Area map is provided at right; the complete map can be found in LDR Section 4.7.2(6).



**Proposed Land Use and Zoning Designations:** The requested CC land use has a standard density of 12 to 30 dwelling units per acre, and a revitalization incentive density of 30 to 100 dwelling units per acre; the maximum density within the CBD Central Core Sub-district is 30 dwelling units per acre, and workforce housing is not required to achieve this density. Development intensity is regulated by a maximum Floor Area Ratio (FAR) of 3.0 for all properties with a CC land use designation.



The CBD zoning district is consistent with the CC land use designation, which is “*established to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area*” (Policy NDC 1.3.5) Similarly, the “*Purpose and Intent*” of the CBD zoning district is to *preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area* (LDR Section 4.4.13(A)). The purpose of the CBD is also to *implement the CC land use designation using form-based code to provide for adaptive-reuse, development, and redevelopment that preserves the downtown’s historic moderate scale, while promoting a balanced mix of uses that will help the area continue to evolve into a traditional, self-sufficient downtown* (Policy NDC 1.3.7).

**Live Local Act:** It is important to note that with the proposed land use and zoning district designations, the parcels would become eligible for development allowed by the Live Local Act. The Live Local Act, initially enacted by the Florida Legislature in 2023 and further amended during the 2024 and 2025 Legislative Sessions, requires administrative approval of proposed development that is compliant with the LDR at a maximum density of 40 dwelling units per acre – the maximum allowed in Delray Beach without any bonus or other incentive.

Projects developed under the provisions of the Live Local Act are required to provide a minimum of 40 percent of the units for affordable (workforce) housing, thereby providing a community benefit given the proliferation of luxury residential development. The Live Local Act requires that a minimum of 65 percent of the total development square footage be utilized for residential purposes while no more than 10 percent of non-residential components could be required.

The provisions allow a Floor Area Ratio (FAR) of 1.5 times that of the highest allowed in the city, and a maximum height allowed for a commercial or residential building within one-mile of the development site. At this location, the maximum FAR allowed would be 4.5 with a maximum height of 4 stories and 54 feet; the height is the same as the proposed CBD zoning and would not be subject to any limited height area provisions the governing body might choose to require for this property.

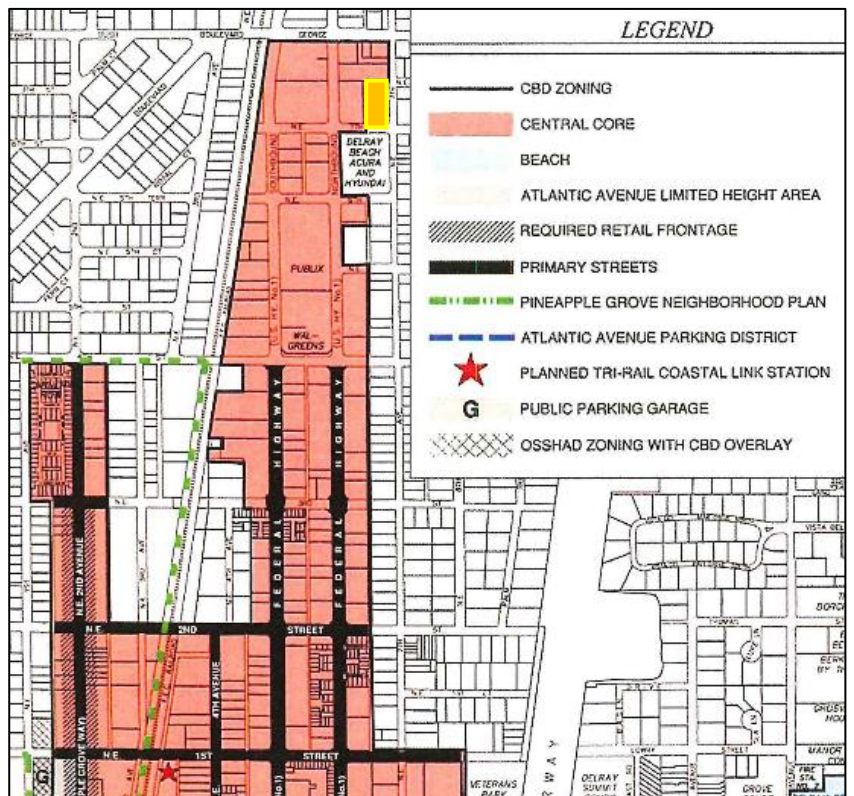
The following chart provides a comparison of the existing and proposed zoning allowances, as well as those applicable to a Live Local Act project.

	Zoning District	Uses Allowed	Standard Density			Revitalization Incentive Density			Intensity	Height
			Dwelling Units per Acre	WFH Req'd	Units Allowed / WFH Req'd	Dwelling Units per Acre	WFH Req'd	Units Allowed / WFH Req'd	Max. FAR	
Existing	RM	Residential (see 4.4.6)	5 – 12	0	3 - 7 / 0	18 max.	20% min. on-site or off-site	10 / 2	N/A	35 feet
Proposed	CBD	Commercial, Residential, Mixed-Use (see 4.4.13)	12 – 30	0	7-18 / 0	Not eligible	N/A	N/A	3.0	54 feet, 4 stories
Eligible for Live Local Act	CBD	Residential w/ commercial <sup>1</sup>	40 max.	40% min. on-site	24 / 10	N/A	N/A	N/A	4.5	54 feet, 4 stories

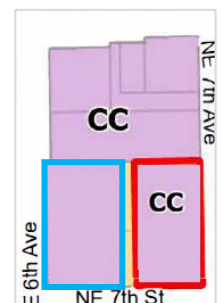
<sup>1</sup> Per SB 1730 (2025), the municipality cannot require “that more than 10 percent of the total square footage” of mixed-use projects be used for non-residential purpose. Applicant can opt to provide up to 35% as non-residential use.

**LDR Amendment:** If the request is approved, the property would be included in the Central Core Sub-district of the CBD (see excerpt of Figure 4.4.13-B-1 at right). The Sub-district regulations *are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown. Residential development is permitted at a density that fosters compact, pedestrian oriented growth that will support downtown businesses*” (LDR Section 4.4.13(A)(1).

**Future Development:** The applicant has indicated an intent to redevelop the subject property as well as the property under the same ownership to the north for commercial, residential, or mixed use. The other parcel already has a CC land-use designation and is zoned CBD. The applicant will be required to apply for site plan approval prior to any construction activity on site. While the subject request will make both parcels consistent and facilitate a unified development, the property owner's is not required to develop the property pursuant to the noted intent, and both properties could be independently developed.



It should be noted that there is an anomaly with the land use on the property to the west of the parcel. There are two small parcels between the subject property (red outline) and the parcel outlined in blue. Staff has determined that this is a scrivener's error on the map. The parcels were included in the map amendment that assigned the current land use to the property outlined in blue. A corrective amendment will likely be brought forward as a City-initiated amendment to remedy this error.



## Review and Analysis

### Land Use Map Amendment

#### **LDR Section 2.4.5(A), Amendments to the Comprehensive Plan**

*Amendments must follow the procedures outlined in the Florida Statutes.* The LUM is adopted as part of the Comprehensive Plan and is therefore being processed as a small-scale Comprehensive Plan amendment pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.325.

#### **LDR Section 3.1.1, Required Findings**

*Prior to the approval of development applications, certain findings must be made.* These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.

**(A) Land Use Map:** *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The existing RM zoning is a preferred implementing zoning district of the MD land use, but not of the proposed CC. Therefore, the applicant has requested both a land use designation change and a rezoning to ensure consistency. The proposed CBD zoning district is a preferred implementing zoning district of the proposed CC land use, pursuant to Table NDC-1 of the Always Delray Comprehensive Plan. The property is currently utilized to provide parking for a funeral home.

**(B) Concurrency:** *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

**Traffic.** The traffic impact analysis prepared by JMD Engineering, Inc (attached) analyzes the most intense potential traffic demands of the existing versus proposed land use and zoning. Under the existing MD land use and RM zoning with an incentive density of 18 dwelling units per acre, the most intense development (4 10 dwelling units) would result in 67 daily trips. Under the proposed CC land use and CBD zoning, the most intense development (79,715 square feet of commercial and 17 dwelling units) would result in 3,258 daily trips, which equals a potential net increase of 3,191 daily trips.

**Water and Sewer.** The subject property is currently served by City water and sewer. Pursuant to the Always Delray Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out; adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population based on the proposed LUM designation.

**Solid Waste.** The Solid Waste Authority (SWA) is the waste collector for both the City and the County and currently serves the subject property. It is noted that the landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2071.

**Parks and Open Space.** A \$500.00 Park Impact Fee will be collected prior to the issuance of building permits for each residential unit.

**Schools.** School Capacity Availability Determination (SCAD) is pending and will be revisited prior to submittal of a site plan application that includes a residential use.

**(C) Consistency** *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

The following standards in **Article 3.2, Performance Standards** are applicable:

- **LDR Section 3.2.1, Basis for Determining Consistency**

- **LDR Section 3.2.2, Standards for Rezoning Actions** (discussed in the rezoning analysis)

**LDR Section 3.2.1. Basis for Determining Consistency.** *The performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)] is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.*

The following **Comprehensive Plan** objectives and policies are relevant to the request, and apply to the required findings:

**Neighborhoods, Districts, and Corridors Element**

The table below provides a comparison of density and intensity limitations for both the MD and CC land use designations. The proposed land use map amendment will increase the potential building scale and the density on the parcels.

Land Use Designation	Standard Density (dwelling units/acre)	Revitalization Incentive Density (dwelling units/acre)	Intensity (Maximum FAR)
<b>MD</b>	5 – 12	12 - 24	---
<b>CC</b>	12 – 30	30 - 100	3.0

The NDC Policies listed below describe the intent and provide direction regarding the implementation of the existing and proposed land use designations.

Objective NDC 1.1, Land Use Designation *Establish compatible land use arrangements using land use categories appropriate for the diverse and difference neighborhoods, districts, and corridors throughout Delray Beach.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

- *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
- *Uses that meet the daily needs of residents.*
- *Public open spaces that are safe and attractive.*

Policy NDC 1.1.3 *Provide transitions between land use designations at the rear of properties or at major corridors so that the prescribed uses and potential development patterns are arranged to achieve compatible and appropriate changes in intensity, height, and scale.*



While the proposed land use and zoning “completes the block” already zoned CBD, granting of the request may remove a necessary buffer between a higher density and lower density land use. Policy NDC 1.1.3 of the Always Delray Comprehensive Plan calls for transitions to be provided at the rear of the properties, so that “like faces like.” Otherwise, the differing land use (in this case a more intense land use) is eliminating the buffer for the residential properties across NE 7<sup>th</sup> Avenue, thereby impacting the neighborhood with more intense development potential.

Policy NDC 1.1.14 *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

**Objective NDC 1.3, Mixed-Use Land Use Designations** Apply the mixed-use land use designations of Commercial Core, General Commercial, Transitional, Congress Mixed-Use, and Historic Mixed-Use to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors in the city.

**Policy NDC 1.3.5** Use the Commercial Core land use designation to stimulate the vitality and economic growth of the city while simultaneously enhancing and preserving the cultural and historic downtown area.

**Policy NDC 1.3.6** Allow a maximum floor area ratio of 3.0 and a maximum density of 12 dwelling units per acre east of the Intracoastal Waterway, and a standard density of 12-30 dwelling units per acre with a revitalization/incentive density of 30-100 dwelling units per acre for the Commercial Core land use designation; specific standards in the Land Development Regulations adjust density and intensity based on compatibility, scale, character, adopted Redevelopment or Neighborhood Master Plans, or workforce housing incentives.

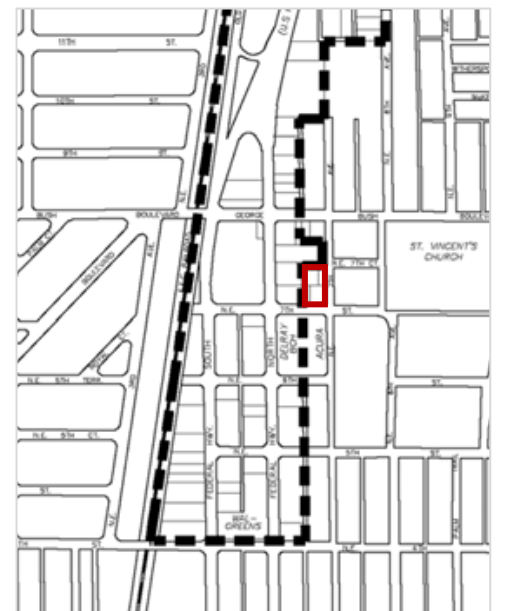
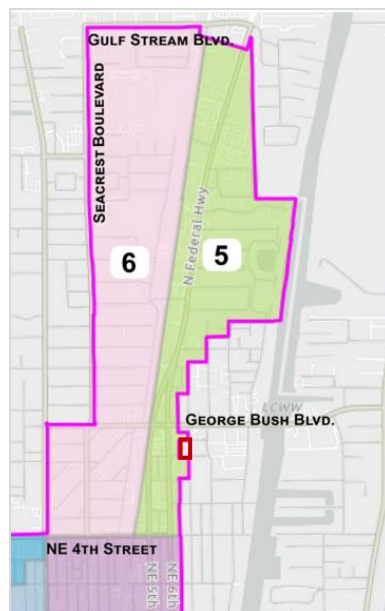
**Policy NDC 1.3.7** Implement the Commercial Core land use designation using form-based code to provide for adaptive-reuse, development, and redevelopment that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area continue to evolve into a traditional, self-sufficient downtown. This designation is applied to the Community's downtown area. It includes a substantial portion of the Transportation Concurrency Exception Area described in the Future Land Use Element and graphically shown in Map 9. The Commercial Core designation accommodates a variety of uses including commercial and office development; residential land use upper story apartments; older homes renovated to accommodate office use; and uses such as "bed and breakfast" establishment; and industrial/commerce type uses.

If the subject requests are approved, careful consideration of any proposed development will be needed, particularly given the maximum FAR for CC land use at 3.0, whereas the MD designation relies on the maximum density and development standards in the LDR, including a maximum building height of 35 feet. CBD zoning regulations strive to support the historic lot pattern in the downtown area by providing incentives for adaptive reuse and small-scale development through the availability of lower on-site parking requirements for lots 65 feet wide or less. The ability to build to 54 feet in height encourages a larger scale of redevelopment than currently exists in this area, or is allowed in the adjacent Palm Trail neighborhood. Additionally, the agglomeration of properties may encourage continued larger scale redevelopment, as opposed to redevelopment that maintains the current lot pattern. The Board should consider whether the proposed amendments, as presented, achieve compliance with or meet the intent of the identified GOPs, particularly related to compatibility with adjacent properties.

**Policy NDC 2.7.5** Deny requests to change residential land use or zoning designations to designations other than Community Facilities or Open Space land use designations or zoning categories unless the proposed changes implement an adopted neighborhood or redevelopment plan.

The subject property is located to the east of the North Federal Highway Redevelopment Plan Area and the Delray Beach Community Redevelopment Agency (DBCRA) redevelopment area, Subarea 5, both noted in red outline on the map excerpts at right.

The Plan (1999) recommended that the City consider a land use amendment from GC to CC and rezoning from GC to CBD for properties within the study area south of George Bush Boulevard, making particular note that the automotive industry uses should be excluded from any future action. The City adopted the prescribed land use change (Ordinance No. 38-26) and zoning change (Ordinance No. 69-06) in 2006.



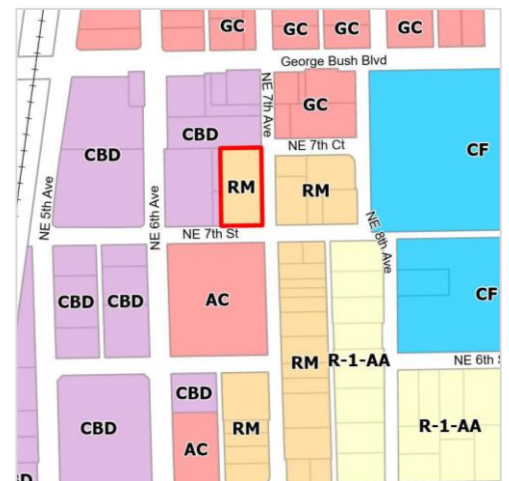
Although the North Federal Plan did not include the subject property in the study area, it may be because it was connected to an automotive use, which the plan prioritized for protection. In 1984, the subject property received conditional use approval to operate as a parking lot associated with the then-Ford automotive dealership. The applicant requested approval as employee parking for the dealership employees, but the final approval removed the employee parking condition and approved the lot as general parking due to the potential for the lot to be used in conjunction with the adjacent funeral home use. Alternatively, the plan discussed the competing priorities of neighborhood preservation and possibly inadequate depth of commercial parcels. Not including the subject parcel in the study area may have been an intentional strategy to preserve the neighborhoods to the east by providing a transition. Although the North Federal Highway Plan does not apply to this parcel, the Board should consider if the recommendations in the North Federal Highway Plan have any applicability to the subject request.

**Policy NDC 3.4.1** Amend the Land Use Map only when a demonstrated need for the requested land use is based upon circumstances that are verified and supported by data and analysis, such as shifts in demographic trends, changes in the availability of land, changes in the existing character and Land Use Map designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances, and the following findings can be determined:

- That the requested land use designation is consistent with the goals, objectives, and policies of the most recently adopted Comprehensive Plan; and,
- That development at the highest intensity possible under the requested land use designation meets the adopted concurrency standards; and,
- That the requested land use designation is compatible with the land use designations of the surrounding area; and,
- That the requested land use designations are compliant with the provisions and requirements of the Land Development Regulations.

In consideration of the required findings for Policy NDC 3.4.1, the Board must determine if the requested land use designation is consistent with those applicable goals, objectives, and policies of the Comprehensive Plan that are analyzed throughout the report. The applicant’s narrative provides a review of Policy NDC 3.4.1 (see attachment). A review of concurrency is provided further in this report, and the chart below provides an overview of the adjacent properties. A determination regarding compatibility with the land use designations of the surrounding area is required. While the CC land use designation strives to provide for adaptive-reuse, development, and redevelopment that preserves the downtown’s historic moderate scale, the MD land use designation strives to maintain and enhance the City’s established neighborhood characteristics, while supporting new and revitalized housing that complements the desired development pattern and intensity. The surrounding development is indicated in the table and map below.

Location	Development Type / Uses	Land Use	Zoning
North	Lorne & Sons Funeral Home	CC	CBD
South	Automotive sales	MD	CF
East	Multi-family residential	MD	RM
West	Automotive sales	CC	CBD



**Housing Element**

**Policy HOU 1.1.4** Encourage walking, bicycling and transit use to benefit people of all ages, as a means to encourage social interaction and provide a sense of place in new developments and neighborhood improvements.

**Objective HOU 3.2** Expansion of the Housing Supply Expand the housing supply by allowing different unit types in a variety of locations for all income levels.

**Policy HOU 3.2.1** Allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.

**Policy HOU 6.1.2** Encourage income diversity by requiring a mix of unit types in new development.

**Policy HOU 6.1.4** Implement incentives in the Land Development Regulations, such as increases in density, to establish workforce housing units within targeted areas.

**Policy HOU 6.4.10** *Encourage a shared responsibility for the private sector to address workforce housing needs by offering incentives.*

The mixed-use character of CBD zoning and Form Based Code standards in the CBD contributes to an environment that supports a multi-modal transportation environment. A density of 30 dwelling units per acre is available by right as the standard density within the Central Core Sub-district of the CBD. No development proposals have been submitted, but any proposal could achieve maximum density without including workforce housing, which would provide a community benefit.

**(D) Compliance with LDR.** *Whenever an item is identified elsewhere in these Land Development Regulations (LDR), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

A site plan application has not been submitted for review; however, once received, it will be processed by Development Services, and the proposed development will be subject to all applicable provisions and requirements of the Land Development Regulations. The CBD utilizes an award-winning Form Based Code, which *fosters predictable built results and a walkable public realm by using physical form—rather than separation of uses—as the primary basis and focus for the code and standards. Communities can apply form-based codes in different contexts and scales. Form-based codes are legally binding regulations, not optional guides, and offer municipalities an alternative to conventional zoning for shaping development. FBC primarily differs from Traditional Zoning in how uses and the form of the built environment are considered; traditional zoning is defined by the separation of uses, which has led to auto-dependent development patterns, whereas FBC focuses on the form and shape of the built environment and focuses on creating mixed-use, people-oriented development patterns* (Source: SmartGrowthAmerica.org). The architectural design guidelines, streetscape standards, and frontage types will all be considered in evaluating any development proposal for the subject property.

Rezoning

**LDR Section 2.4.5(B)(1), Change of Zoning District Designation: Initiation**

*Amendments to the Official Zoning Map ("rezoning") may be initiated by the city or by the owner of the property.*

The requested rezoning is privately initiated.

**LDR Section 2.4.5(B)(2), Change of Zoning District Designation: General**

*The City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board.*

Upon a recommendation of approval by the Planning and Zoning Board, the requests can move forward for consideration by the City Commission. If a recommendation of approval is not made or does not pass, the request does not move forward to the City Commission for further consideration.

**LDR Section 2.4.5(B)(3), Change of zoning district designation: Required Information**

In addition to a required traffic analysis, a statement justifying the request must be provided. The applicant has provided both. Valid reasons for approving a change in zoning are:

- *That the zoning had previously been changed, or was originally established, in error;*
- *That there has been a change in circumstance which makes the current zoning inappropriate;*
- *That the requested zoning is of similar intensity as allowed under the Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.*

The applicant justification statement (attached) states that the request is most applicable to the second and third criterion (above). Central Business District is the preferred zoning district for CC land use, which is established to *"to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area"*. If approved, the requested land use map amendment and rezoning would change the properties from compatible land use and zoning (MD and RM) to compatible land use and zoning (CC and CBD).

It should be noted that the intensity of CC land use and CBD zoning is significantly greater than that of the existing MD land use and the RM zoning, which limits the property to 18 dwelling units per acre. The maximums of each are noted again in the table at right. If approved, the community benefit would possibly be limited, inasmuch as workforce housing is not required to maximize density. Although the North Federal Highway plan supported the increased density and rezoning to CBD on the surrounding properties to the north and west, there was no clear directive to intensify development into established lower density residential neighborhoods outside of the Plan area. The Board should consider whether or not recommending approval of the request will be consistent with comprehensive plan policies as they relate to housing objectives. In particular, this proposal will allow a much higher density without being required to provide workforce housing.

Land Use Designation	Standard Density (dwelling units/acre)	Revitalization Incentive Density	Intensity
MD	5 – 12	12 - 24	---
CC	12 – 30	30 - 100	3.0

**Section 3.2.2 - Standards for Rezoning Actions**

Rezoning requests must meet five standards, which are described below as they relate to the proposed rezoning under consideration.

(A) *The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan.*

As noted above, the subject property is adjacent to, but not within, the North Federal Highway Plan area and DBCRA redevelopment area. The proposed CBD zoning is not the most restrictive zoning; the existing RM zoning is the most restrictive.

(B) *Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan.*

Not applicable. This property is located east of I-95, and neither the existing RM zoning nor the requested CBD zoning allows auto dealerships.

(C) *Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed use projects that provide compatible transitions in form and use to the surrounding area.*

The request is to rezone to CBD along local roads (non-arterial); the CBD is a mixed-use zoning district and Form-based Code does not allow strip commercial development where mixed-use developments are supported.

(D) *Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.*

The CC designation is implemented by the CBD zoning designations, which uses form-based code techniques and sub-district standards that strive to customize a downtown development pattern that is consistent with the area. The subject property is surrounded by the MD, CC, and GC land use designations, RM, CBD, CF, and AC zoning districts, and a variety of residential and commercial uses (see chart provided under Land Use Map Amendment review). The allowed uses and use types, which include a variety of commercial uses, will significantly change in contrast to those allowed by the RM zoning district. The FAR resulting from the new land use designation, which is a maximum of 3.0, will allow a more intense development than possible under the MD land use designation, where intensity is not regulated; the MD land use designation is limited by maximum density and subject to the building envelope limitations allowed by the RM zoning district.

The proposed land use map amendment and rezoning present a greater impact on the properties to the west, in particular, than the existing land use and zoning. Each zoning district provides measures to mitigate the impact of development on adjacent properties: The chart below highlights the major differences between the existing and proposed zoning.

	Height	Setbacks		Lot Coverage	Standards Impacting Building Design
<b>RM</b> (existing)	35 feet	Front	25 feet, 1 <sup>st</sup> & 2 <sup>nd</sup> Story 30 feet, 3 <sup>rd</sup> Story	40 percent maximum	- Section 4.3.3(BB)
		Side Street	25 feet, 1 <sup>st</sup> & 2 <sup>nd</sup> Story 30 feet, 3 <sup>rd</sup> Story		
		Side Interior	15 feet, 1 <sup>st</sup> & 2 <sup>nd</sup> Story 30 feet, 3 <sup>rd</sup> Story		
		Rear	25 feet		
<b>CBD</b> (proposed)	4 stories & 54 feet	Front	10 feet min. / 15 feet max.	Not applicable.	- CBD Architectural Design Guidelines - Allowable use types - Architectural standards - Civic open space requirements - Frontage types - Streetscape standards
		Front, above 3 <sup>rd</sup> story	20 feet min.		
		Side	0 feet or 5 feet min.		
		Side, Abutting Residential (1st – 3rd Story)	10 feet min.		
		Side / Rear Abutting Residential (Above 3 <sup>rd</sup> Story)	30 feet min.		
		Rear	10 feet min.		
		NOTE: In CBD, side lot lines facing streets are regulated by front setback requirements. Side lot lines along alleys are regulated by rear setbacks.			

**The Board could consider if limitations on the subject property, such as a height limitation, are appropriate, or if the maximum height in the CBD is appropriate.** Height limitations have been applied at other locations in the CBD (Central Core and Beach Sub-District along Atlantic Avenue, the South Pairs Sub-district abutting lower density residential development, and the West Atlantic Neighborhood Sub-district in a particular area adjacent to lower density residential development).

*(E) Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.*

Not applicable. The property is not located within the Coastal Planning Area.

**LDR Amendment**

As part of the rezoning, the LDR must be amended to reflect an updated and accurate the Regulating Plan in LDR Section 4.4.13, Central Business (CBD) District. The rezoning ordinance includes this amendment.

**Summary of Board Considerations**

The Board should consider the following in reviewing the subject request:

Land Use Map Amendment: MD to CC

- Whether there is sufficient justification to approve, contrary to Always Delray Comprehensive Plan Policy NDC 1.1.3 that calls for transitions to be provided at the rear of the properties, so that “like faces like.”
- Whether the requested CC land use allows the most appropriate development to *fulfill remaining land use needs*.

Rezoning: RM to CBD

- Whether sufficient regulations exist to properly mitigate adverse impacts from the new use that the Board may anticipate as incompatible with adjacent and nearby land uses both existing and proposed, as a result of the rezoning.
- Whether limitations on the subject property, such as a height limitation, are appropriate, or if the maximum height in the CBD is appropriate.
- Whether Always Delay Comprehensive Plan Policy Policy NDC 2.7.5 (*Deny requests to change residential land use or zoning designations to designations other than Community Facilities or Open Space land use designations or zoning categories unless the proposed changes implement an adopted neighborhood or redevelopment plan*) prevents the Board from recommending approval of the request.

#### Review By Others

The first and second reading dates by the City Commission are to be determined.

#### Options for Board Action

##### Land Use Map Amendment

- A. Move a recommendation of **approval** of Ordinance No. 27-26, a privately-initiated request to amend the land use map from Medium Density (MD) to Commercial Core (CC) for the property located at the Northwest corner of Northeast 7<sup>th</sup> Street and Northeast 7<sup>th</sup> Avenue, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval as amended** of Ordinance No. 27-26, a privately-initiated request to amend the land use map from Medium Density (MD) to Commercial Core (CC) for the property located at the Northwest corner of Northeast 7<sup>th</sup> Street and Northeast 7<sup>th</sup> Avenue, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- C. Move a recommendation of **denial** of Ordinance No. 27-26, a privately-initiated request to amend the land use map from Medium Density (MD) to Commercial Core (CC) for the property located at the Northwest corner of Northeast 7<sup>th</sup> Street and Northeast 7<sup>th</sup> Avenue, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D. **Continue With Direction.**

##### Rezoning

- A. Move a recommendation of **approval** of Ordinance No. 28-26 a privately-initiated request to rezone the property located at the Northwest corner of Northeast 7<sup>th</sup> Street and Northeast 7<sup>th</sup> Avenue, from Medium Density Residential (RM) to Central Business District (CBD), with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-B-1, Central Core and Beach Sub-district Regulating Plan, to add the subject property, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval as amended** of Ordinance No. 28-26 a privately-initiated request to rezone the property located at the Northwest corner of Northeast 7<sup>th</sup> Street and Northeast 7<sup>th</sup> Avenue, from Medium Density Residential (RM) to Central Business District (CBD), with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-B-1, Central Core and Beach Sub-district Regulating Plan, to add the subject property, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- C. Move **denial** of Ordinance No. 28-26 a privately-initiated request to rezone the property located at the Northwest corner of Northeast 7<sup>th</sup> Street and Northeast 7<sup>th</sup> Avenue, from Medium Density Residential (RM) to Central Business District (CBD), with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-B-1, Central Core and Beach Sub-district Regulating Plan, to add the subject property, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D. **Continue With Direction.**

## Public and Courtesy Notices

Courtesy Notices were sent to the following:

Public Notice was posted at the property on Tuesday, April 13, 2026 at least 7 calendar days prior to the meeting.

Public Notice was mailed to property owners within a 500' radius on Friday, April 10, 2026, 10 days prior to the meeting.

Public Notice was posted to the City's website on April 10, 2026, 10 calendar days prior to the meeting.

Public Notice was posted in the main lobby at City Hall on April 10, 2026, 10 working days prior to the meeting.

Agenda was posted on April 10, 2026, at least 5 working days prior to meeting.