



May 21, 2025


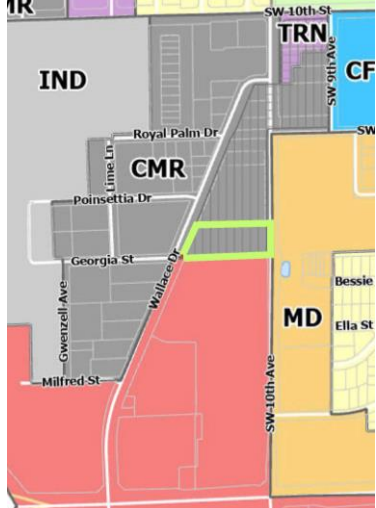
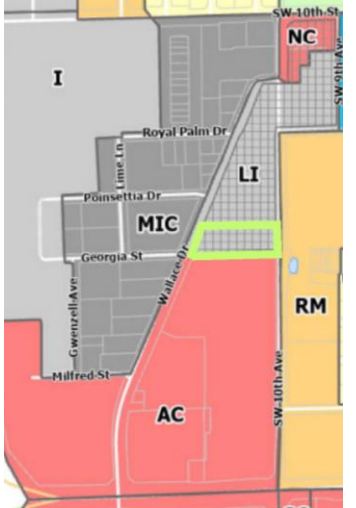
Amendment to Land Development Regulations LI (Light Industrial) zoning district regulations Justification Statement

This Justification Statement Letter is respectfully submitted on behalf of Wallace Drive, LLC for the property located at 1215 Wallace Drive, Delray Beach, FL 33444 (PCN:12-43-46-20-01-030-0040), associated with an Amendment to Land Development Regulations Section 4.4.26(B)(Principal uses and structures permitted) to include Service Industry uses per LDR Section 4.4.20(B)(5) of the I (Industrial) zoning district regulations.

BACKGROUND:

Subject Property

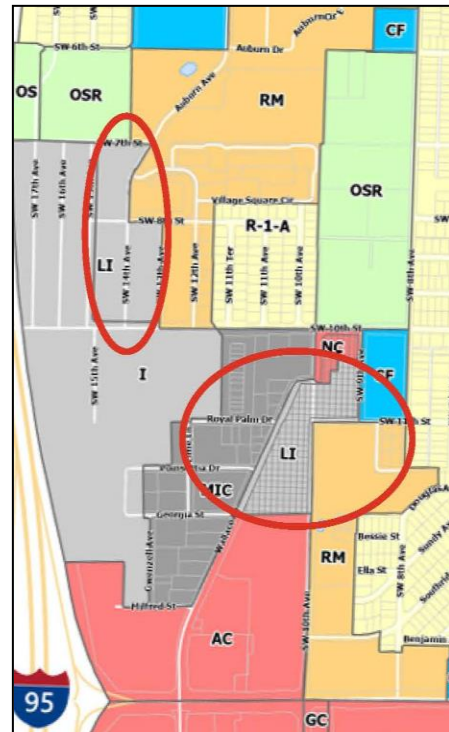
The 1.80-acre property is located on the east side of Wallace Drive, approximately 1,230 feet north of Linton Boulevard. The property currently has an underlying CMR (Commerce) Land Use Map designation and is zoned LI (Light Industrial), within the Wallace Drive Overlay District.

		
Subject Property	Existing Land Use	Existing Zoning

LI Zone District

The LI Zone District regulations were created because of issues related to the location of the City's Series 20 Wellfield zone located within the industrial zone district located north of SW 10th Street and west of SW 13th Avenue. There are only two areas zoned LI. One area is located south of SW 7th Street, east of SW 15th Avenue, west of SW 13th Avenue and north of SW 10th Street. The second is the Wallace Drive Overlay District bounded by SW 10th Street on the north, Georgia Street on the south, SW 9th Avenue on the east and Wallace Drive on the west.

Per LDR Section 4.4.26 Purpose and intent. The Light Industrial (LI) District provides an opportunity to site, develop, and maintain high quality industrial land uses outside of an industrial park setting. It also allows certain industrial land uses to be located in areas which are considered to be environmentally or aesthetically sensitive. This District is appropriate in such areas due, in part, to the development standards, which are more strict than those found in the "I" and "MIC" Districts. While the LI District has flexibility in its application, it is not to be applied to small lots or other circumstances which would lead to non-conforming site development.



LI Zone District – Wallace Drive Overlay District

The Wallace Drive Industrial Area was originally under Palm Beach County jurisdiction until 1988 when it was annexed into the City of Delray Beach via the Enclave Act (Enclave #31). The area was designated Redevelopment Area #2.

In 2004, the Wallace Drive Redevelopment Plan was adopted by the City Commission on January 6, 2004, providing for a redevelopment plan for the area bordered by SW 10th Street on the north; Milfred Street on the south; SW 9th Avenue on the east; and Tangelo Terrace on the west.

The Plan called for the area between Wallace Drive and SW 9th Avenue to be rezoned from R-1-A (Single Family Residential) to LI (Light Industrial). To allow development on smaller lots in the area, where aggregation of parcels is not possible, the Plan called for the creation of an Overlay District with modified development standards to reduce the minimum development area, lot size, lot dimensions and tenant space requirements. The Overlay District increased the front setback from 10' to 25' and incorporated the development standards of the MIC zone with respect to minimum development area, lot size, lot dimensions and tenant space requirements.

LAND DEVELOPMENT REGULATIONS (LDR) TEXT AMENDMENT

Pursuant to LDR Section 2.4.7(A)(5) **Findings**. For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.

The Amendment to, LDR Section 4.4.26(B) *Principal uses and structures allowed* of the LI (Light Industrial) zone district. is to include the following:



(8) **Service industry.** Uses which provide an off-site service but maintain inventory, storage and an office at a central location, as described in Section 4.4.20 (B) (5).

The following uses are listed in LDR Section 4.4.20(B)(5):

- Land Development Services (eg., surveying, soils testing, mapping, architectural, engineering).
- Contractor and Trade Services (e.g. general contractor, electrician, plumbers, heating and air-conditioning specialists, swimming pool maintenance, landscaping services, exterminators, equipment and tool rental).
- Repair of office equipment (e.g., typewriters, computers, data processing equipment).
- Business Services (e.g. typewriters, computers, data processing equipment).
- Limousine Service.
- Gun Ranges (indoor).
- Food preparation and/or processing, including but not limited to bakeries and catering operations.

The uses listed above are off-site service oriented uses that do not create intensive onsite impacts that are typically associated with heavy industrial uses, and do not operate outdoors, which could have an impact on adjacent properties. Businesses located within wellfield zones must comply with the Palm Beach County Department of Environmental Resource Management and the Department of Environmental Protection Regulations, as applicable.

Comprehensive Plan

A finding of overall consistency can be made that the development proposal is consistent with applicable Goals, Objectives, or Policies of the Comprehensive Plan referenced below, particularly those of the Neighborhood, Districts, and Corridors Element, and Economic Prosperity Element.

Objective NDC 1.4 Industrial Land Use Designations *Apply the industrial land use designations of Industrial and Commerce to those areas where industrial type uses, such as fabrication and assembly of goods, warehousing, and vehicle repair, are the primary economic strategy for the district, to ensure that those industries, which are essential to the local economy, are appropriately accommodated in the city.*

Policy NDC 1.4.3 *Use the Industrial land use designation to accommodate manufacturing, fabrication, assembly, and warehousing uses on properties where such uses currently exist and in areas identified as appropriate to continue or expand industrial-based uses.*

Policy NDC 1.4.4 *Prohibit residential and general commercial uses on properties with an Industrial land use designation.*

Policy NDC 1.4.5 *Recognize the importance of maintaining the Industrial land use designation for long term economic prosperity by prohibiting amendments to the Land Use Map that diminish the quantity of property with Industrial land use designation. Policy ECP 3.3.7, 6.3.4*

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.*

Policy NDC 1.4.8 *Recognize the importance of maintaining the Commerce land use designation for long term economic prosperity by discouraging amendments to the Future Land Use Map that diminish the quantity of property with Commerce land use designation. Policy ECP 6.3.4*



Policy ECP 3.3.7 *Strictly limit activities and comprehensive plan amendments which convert industrial land that would diminish Delray Beach's economic competitiveness.*

Policy ECP 6.3.4 *Discourage the reduction of Commerce land use designations, which involve a mix of light industrial, commercial uses, and research and development, and Industrial land use designations, which are needed to grow Delray Beach's job base.*

Live Local Act

The Live Local Act preempts local zoning and comprehensive planning by permitting the development of housing on land zoned industrial, commercial, or mixed-use, if at least 40% of the units are set aside as "affordable". This state preemption has raised concerns locally as well as other municipalities who fear that converting scarce industrial land into housing will undermine local economic development, job creation, tax revenues, and land-use plans. Attached are documented examples (2022–2025) grouped by locality, with quotes and summaries from officials and stakeholders, highlighting their specific concerns. Additional flexibility to the LI and other industrial zoning district regulations, including allowable uses, could assist in combating the desire to convert scarce industrial land to residential.

The proposed LDR Amendment further supports the Neighborhood, Districts and Corridors and Economic Prosperity, Elements of the City's Comprehensive Plan further support the retention of the Commerce land uses, employment opportunities, and diversification of the City's economy. The LDR Amendment will provide additional flexibility for LI zoned properties to encourage economically viable developments while discouraging the redevelopment to residential or commercial uses.

Based upon the above, support and approval of the LDR Amendment is respectfully requested.



Florida Local Officials Warn of Industrial Land Loss Under the Live Local Act

Background: Florida’s Live Local Act overrides local zoning rules to encourage affordable housing development. Notably, it allows multifamily residential projects on lands **zoned for industrial or commercial use** – with at least 40% of units affordable – and provides tax exemptions for qualifying projects. **This state preemption has raised alarms among city and county leaders who fear that converting scarce industrial lands into housing will undermine local economic development, job creation, tax revenues, and land-use plans.** Below are documented examples (2022–2025) grouped by locality, with quotes and summaries from officials and stakeholders, highlighting their specific concerns.

Pasco County (Tampa Bay Area)

- **June 2023** – Pasco County Commission: County leaders argued the Live Local Act “*could cripple [our] efforts to create more jobs and improve economic development*” by encouraging developers to **scoop up industrially zoned land for apartments** instead. Pasco had spent years setting aside “**job-producing zones**” – industrial and commercial areas aimed at shedding its bedroom-community reputation so residents can “*work where they lived*”. Commissioner Seth Weightman urged that Pasco “*must keep its current inventory of commercial and industrial land untouched,*” noting multiple pending projects seeking to build apartments on land slated for industry. “*We know that we’re housing rich and jobs poor,*” Weightman warned, calling on counties to “*stand together and protect our job-generating sites*” from being converted to housing. Another commissioner cautioned that allowing housing in industrial hubs could “*be eroded away and completely change the makeup of our industrial hubs*”.
- **March–April 2024** – Legislative Action: Pasco’s chief assistant county attorney, David Goldstein, wrote that Pasco “*would like lawmakers to address the land use/zoning preemption in the Live Local Act.*” He proposed exempting “*‘jobs poor’ counties like Pasco*” or at least allowing counties to remove their highest-priority industrial sites from the Act’s housing override. County officials calculated that broad tax breaks for Live Local developments could cost Pasco tens of millions in lost property taxes needed for services. In fact, two upscale apartment complexes sought 75% tax exemptions under the Act, which Pasco said would total \$86 million in revenue losses through 2059. Terming the situation “egregious,” Weightman noted the projects charged over \$2,000/month rent while seeking tax relief, shifting costs to local taxpayers. Pasco opted out of the Act’s tax exemption for moderate-income projects and joined forces with Pinellas and Hillsborough counties to lobby for changes. Weightman remained “particularly outspoken,” blasting the Act as “*a bad law that thwarts Pasco’s efforts to attract job-generating businesses*” to the county. **The commission even authorized lawsuits to block any Live Local projects that threaten Pasco’s industrial employment zones.**

Pinellas County (Tampa Bay Area)

- **March 2024** – Forward Pinellas (County Planning Council): With Pinellas being Florida’s most urbanized county and home to its second-largest manufacturing base, local planners worry about industrial land being displaced by housing. Jared Austin, a Forward Pinellas principal planner, noted that Live Local’s “*one-size-fits-all*” statewide approach can be “*a challenge*” because counties like Pinellas have different needs. The county has very limited vacant land, so any loss of industrial acreage is significant. To gauge impacts, Forward Pinellas launched a “Live Local” dashboard tracking developments on industrial and commercial sites. Early data showed that Live Local (and its predecessor laws) had targeted about 60 acres in built-out Pinellas for new housing, 86% of which were previously potential employment sites (industrial or job-producing land). In other words, the vast majority of land being flipped to residential under the Act had been intended for industry or commerce. Officials say they are watching these trends closely to balance the region’s severe housing affordability needs against the risk of eliminating future job sites. (*Indeed, Pinellas’s elected leaders have shown reluctance to approve housing on industrial parcels for fear of undermining job creation.*)

City of St. Petersburg (Pinellas County)

- **May 2022** – St. Petersburg Pilot Project: Even before SB 102, St. Petersburg was the first Florida city to use a 2020 state law (HB 1339) to allow affordable apartments on an industrial-zoned parcel – and the discussion foreshadowed Live Local Act concerns. City Administrator Rob Gerdes explained that there was “*a lot of concern about balancing job growth opportunities and housing affordability*” when deciding whether to repurpose industrial land. City leaders sought a “*sweet spot*” – opening some industrial sites for housing to address the crisis, “but not so much land that it took away from opportunities for industrial growth and future job creation”. St. Pete adopted strict criteria (minimum parcel size, proximity to schools, parks, transit, etc.) to limit eligible industrial parcels, precisely to avoid undermining its industrial base. This cautious approach earned “*widespread praise for [its] forward thinking*”, yet underscores the city’s underlying worry: losing too much industrial land could hurt long-term economic prospects. Indeed, as one analysis noted, St. Petersburg officials have been hesitant to approve housing on other industrial sites for that very reason – industrial land is “*critical for job creation*,” and they don’t want to sacrifice employment centers despite the housing need. The Live Local Act’s broad mandate removes St. Pete’s ability to apply such careful case-by-case balance going forward, a point of contention for the city.

City of Doral (Miami-Dade County)

- **June 2024** – **Doral (Miami area)**: The City of Doral – a major industrial hub adjacent to Miami International Airport – has been **outspoken about protecting industrial zones**. Mayor Christi Fraga stressed that Doral’s warehouses and logistics centers are “*important economic driver[s] for all of Miami-Dade County*.” She finds it “*definitely concerning*” that under Live Local, a high-density apartment complex could suddenly be plopped “*in*

an industrial area where we normally wouldn't allow residential". Such a project could conflict with surrounding uses (e.g. airport operations or trucking) and displace potential employers. Equally troubling to Fraga is *"the fact that [under state law] local authorities have zero say over that"* conversion of industrial land. Doral's experience is telling: Right after the Act took effect in 2023, a developer proposed 600+ apartments in five towers on an industrial parcel, with buildings up to 12 stories – completely out of scale with Doral's plan. City officials considered it *"completely incompatible"* with the zoning and even threatened litigation. They ultimately struck a settlement limiting the project's height, but the episode **reinforced Doral's stance that industrial lands and commercial corridors should not be forfeited to housing by state fiat**. Fraga has called for tighter oversight and amendments to prevent Live Local from inadvertently siting housing in inappropriate industrial locations.

Additional Local Perspectives

Brevard County (West Melbourne, 2025): In smaller cities, too, officials echo these concerns. For example, West Melbourne council members reported citizen worries about Live Local's impact on **local land use**. They traveled to Tallahassee to oppose an expansion of the Act, fearing it would *"significantly increase developers' influence over local zoning"* at the expense of community plans. West Melbourne's delegation – like many others – argued that uniform state rules could override carefully crafted local decisions about where housing should go versus where to reserve land for commerce and industry. They urged residents to press lawmakers for changes to protect local economic planning.

Broward County (Fort Lauderdale & Deerfield Beach, 2023): In Broward, officials have been particularly vocal about state preemption under Live Local. Fort Lauderdale Mayor Dean Trantalis criticized Tallahassee's *"one-size-fits-all"* approach to zoning, calling it *"naïve"* to think state legislators can dictate land uses in diverse cities from afar. *"Zoning is not a one-size-fits-all proposition,"* Trantalis argued, noting that imposing housing on unsuitable sites could backfire. In Deerfield Beach, Planning Director Eric Power gave a concrete example: *"Normally, I would tell you that you can't build an apartment complex in a commercial [or industrial] plaza... But what Live Local says is, yes, you can do that,"* he explained in a city commission meeting. Power lamented that the Act *"takes away our ability"* to regulate building height and density, meaning the city might have to approve projects that don't fit its development plans. These Broward officials' comments underscore a common theme – concern over losing local control of land designated for businesses, which could lead to conflicts with existing neighborhoods or the erosion of the city's commercial tax base.

Sources: The examples above are drawn from Florida public meeting records, news reports, and official statements from 2022–2025. For instance, Pasco County's deliberations were reported in *Tampa Bay Times* and local media; Pinellas County's analysis comes from the *St. Pete Catalyst* and a land use law review; St. Petersburg's approach was covered by *St. Pete Catalyst*; Doral's stance appeared in the *Florida Phoenix*; and Broward/Brevard officials' quotes were noted in a municipal law blog and meeting summaries. These sources illustrate a statewide pattern: city commissioners, county attorneys, mayors, and planners voicing alarm that the Live Local Act, while addressing housing affordability, could inadvertently sacrifice industrial lands – and the jobs, tax base, and planning goals tied to them – unless adjustments are made.