



Cover Memorandum/Staff Report

File #: 25-336

Agenda Date: 4/8/2025

Item #: 9.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: April 8, 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.(FIRST READING)

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 a privately-initiated 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 - south of Atlantic Avenue.

CMR land use is currently only allowed 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 (and thus MIC zoning as one of the implementing zoning districts for CMR land use), to accommodate the privately requested LUMA and rezoning, and to support industrial uses in general pursuant to 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 that dominates the Congress Avenue corridor south of Atlantic Avenue. However, Adult Entertainment Establishments (a principal use in MIC - the only district where the use is allowed) could present incompatibility with some of the existing and permitted uses south of Atlantic Avenue, particularly along Congress Avenue. The proposed LDR amendment to restrict Adult Entertainment Establishments south of Atlantic Avenue eliminates any potential conflicts that could arise as a result of the proposed comprehensive plan text amendment. 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); 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:

Second reading of Ordinance No. 06-25 will be concurrent with the second reading and adoption of Ordinance No. 05-25 (related comprehensive plan text amendment), Ordinance No. 02-25 (related land use map amendment), and Ordinance No. 01-25 (related rezoning request, which will be no greater than 180 days after first reading, pursuant to State procedures for comprehensive plan amendments).