



PLANNING & ZONING BOARD
STAFF REPORT
 PLANNING, ZONING AND BUILDING DEPARTMENT
 100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444
 PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200



Land Development Regulations Amendment to the Central Business District (CBD)

Meeting: August 20, 2018	File No.: N/A	Application Type: Land Development Regulations Amendment
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Request:

Provide a recommendation to the City Commission regarding Ordinance 19-18, **for** City-initiated amendments to Section 4.4.13, "Central Business District" of the Land Development Regulations to clarify and adjust the requirements to improve their effectiveness in shaping the downtown environment.

Recommendation:

Recommend approval of Ordinance No. 19-18, to the City Commission of the City-initiated amendments to Section 4.4.13 "Central Business District" clarifying intended form and updating uses by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Background:

In February 2015, Ordinance No. 02-15 was adopted which repealed and replaced Land Development Regulations (LDR) Section 4.4.13, Central Business District (CBD). The ordinance requires that the regulations be "re-evaluated by February 2018 for their effectiveness in shaping the desired downtown environment." The regulations have been applied to a variety of proposed projects ranging from minor façade alterations and adaptive reuse of existing structures to new construction of multi-story buildings throughout the district.

The ordinance provides minor changes in grammar, terminology, and clarifications, which do not affect the general direction of the regulations. Changes that are more substantive are listed below with the corresponding page number of Ordinance No. 19-18 (attached).

- Outdoor Uses in the Railroad Corridor Sub-district: The current code unintentionally does not permit outdoor dining and retail uses in this area; the amendment will allow these uses in accordance with the current restrictions on outside usage in Section 4.6.6(C). Page 18
- Openings on Side Elevations: The current code requires all light and air shafts be provided within the property; clarity is added by establishing a minimum setback for new buildings with windows facing side property lines. Page 25
- Street Trees: Where street trees already exist or do not require replacement, the required number of trees must be planted in another location on-site or within the same sub-district or a one-time contribution to the City's Tree Fund can be made. Page 32.
- Stoop Frontage Type: Currently only permitted for residential buildings; commercial buildings have successfully used stoops to retrofit for ADA access on existing buildings or absorb grade changes. Page 35
- Bicycle Parking: Current requirement is too high for retail, restaurant and commercial uses, particularly for smaller lots; requirement has been reduced. Page 61
- Vehicular Use-Area Along Primary Streets: The current code prohibits parking areas within the front setback facing Primary Streets; clarification is added that the rule applies to all vehicular use areas, such as loading and drop-off areas. Pages 13 and 16
- Maximum Finished Floor, Commercial: Current requirement is 6" maximum, which conflicts with minimum FEMA requirements; requirement has been removed. Page 24

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Project Planner:	Review Dates:	Attachments:
Anthea Gianniotas, Principal Planner; gianniotasa@mydelraybeach.com , 561.243.7325	Planning and Zoning Board, August 20, 2018 City Commission, September 25, 2018, 1 st Reading and October 16, 2018, 2 nd Reading	Ordinance 19-18 CBD Project Data Information



- **Balcony Encroachment:** Specifies how far a balcony can encroach into the required setbacks for balconies other than those in the Bracketed Balcony frontage type. Page 24
- **Rooftop Uses:** Adds specific regulations for the use of the rooftops and covered structures on roofs of buildings built to the maximum height. For example, restroom facilities associated with a rooftop pool and air-conditioned elevator/stair lobby; includes lighting and landscaping regulations. Page 19
- **Civic Open Space:** Addresses comments to interrupt long buildings along the street more often and to increase the amount of green space in proportion with the size of the project by increasing the amount of required civic open space for properties greater than 40,000 square feet in size. Page 54
- **Architectural Standards:** Addresses comments requesting more building articulations on long buildings by reducing the maximum height to length proportion. Page 45
- **Required Retail Frontage:** Current regulations limit the uses in the ground story to retail, restaurant and hotel uses on Atlantic Avenue and Pineapple Grove Way. Clarifying language and a diagram have been added. Limitations on the number of financial institutions have been added. Pages 13 and 14

Review and Analysis:

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment is a city-initiated text amendment to the Land Development Regulations.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.

The Comprehensive Plan identifies the following Objectives and Policies with respect to CBD zoned parcels:

Objective C-3

The Central Business District (CBD) and surrounding neighborhoods, including A-1-A, Seacrest and Swinton Avenue represents the essence of what is Delray Beach i.e. a "village by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan by managing growth and preserving the charm. The following policies and activities shall be pursued in the achievement of this objective.

The proposed amendments continue to support the ongoing revitalization of the CBD by providing clear land development regulations, while ensuring new development is consistent with intended character for the City.

Policy C-3.1

The Central Business District (CBD) Zoning District regulations shall facilitate and encourage rehabilitation and revitalization and shall, at a minimum, address the following:

- ☐ deletion of inappropriate uses
- ☐ incentives for locating retail on the ground floor with office and residential use on upper floors
- ☐ accommodating parking needs through innovative actions
- ☐ incentives for dinner theaters, playhouses, and other family oriented activities
- ☐ allowing and facilitating outdoor cafes
- ☐ incentives for mixed use development and rehabilitations
- ☐ elimination of side yard setback requirements
- ☐ allow structural overhang encroachments into required yard areas



The proposed amendment is consistent with this policy by reinforcing the regulations for retail uses on the ground floor of streets designated with Required Retail Frontage on the Regulating Plan. The amendments also expand outdoor dining options to include the Railroad Corridor Sub-district and onto rooftop terraces. The amendments maintain zero side setbacks while clarifying the minimum side setbacks required if windows or doors are proposed on interior side lot lines.

Policy C-3.2

The "Downtown Delray Beach Master Plan" was adopted by the City Commission on March 19, 2002. Covering the downtown business districts surrounding the Atlantic Avenue corridor between I-95 and A-1-A, it represents the citizens' vision for the growth and unification of Delray Beach, while still retaining the "village by-the-sea" character of the CBD. The Plan addresses a wide range of issues including infill development, neighborhood parks, shared parking, public art, the roadway and alleyway systems, marketing/economic development, and the need to modify the Land Development Regulations to include design guidelines to retain the character of Delray Beach. Future development and redevelopment in this area shall be consistent with the Master Plan.

Overall, the proposed LDR amendment is consistent with the Comprehensive Plan and the Community Redevelopment Plan. The LDR amendment has a specific objective of reinforcing the desired form and character of the downtown area and continues to implement the master plans.

Review by Others:

In February and March, 2018 Staff presented this matter to each City Advisory Board and asked for comments to both improve the regulations and to raise any unforeseen circumstances that have resulted from the administration of the new rules. Staff presented an overview of recent development in the CBD and gathered initial input at the following meetings:

DDA: February 12, 2018
GIAB: February 15, 2018
PZB: February 26, 2018
PGMS: February 28, 2018
SPRAB: February 28, 2018 and April 11, 2018
WARC: March 1, 2018
HPB: March 7, 2018
CRA: March 8, 2018
DDA: March 12, 2018

The comments included both minor adjustments or clarifications as well as larger ideas that require policy direction. The draft ordinance addresses necessary clarifications and provides minor adjustments; more significant suggested changes (for example, changing building height) will be communicated to City leadership for policy direction.

The draft ordinance was circulated to the WARC for comment at the end of July. Staff presented an overview of the draft ordinance at the following advisory board meetings:

HPB: August 1, 2018
SPRAB: August 8, 2018
DDA: August 13, 2018
PZB: August 20, 2018
PGMS: August 29, 2018



Assessment and Conclusion:

The proposed amendments provide clarifications and adjustments to the CBD land development regulations that continue to implement the desired downtown form and character through redevelopment.

Alternative Actions:

- A. Move a recommendation of approval of Ordinance No. 19-18, to the City Commission of the city-initiated text amendment to Section 4.4.13 "Central Business District" clarifying intended form and updating uses by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- B. Move a recommendation of approval of Ordinance No. 19-18, as amended, to the City Commission of the city-initiated text amendment to amend Section 4.4.13 "Central Business District" clarifying intended form and updating uses, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- C. Move a recommendation of denial of Ordinance No. 19-18, to the City Commission of the city-initiated text amendment to Section 4.4.13 "Central Business District" clarifying intended form and updating uses, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).