

ORDINANCE NO. 27-24

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 BY AMENDING CHAPTER 4, “ZONING REGULATIONS,” ARTICLE 4.7, “FAMILY/WORKFORCE HOUSING,” SECTION 4.7.2, “APPLICABILITY,” SUBSECTION (B), “WORKFORCE HOUSING INCENTIVE AREAS,” TO CORRECT A SCRIVENER’S ERROR ON THE INFILL WORKFORCE HOUSING AREA MAP, AND BY AMENDING SECTION 4.7.4, “DENSITY BONUS AREAS,” SUBSECTION (A), “THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT, THE CARVER ESTATES OVERLAY DISTRICT AND THE INFILL WORKFORCE HOUSING AREA,” TO CORRECT A SCRIVENER’S ERROR IN THE REQUIRED IN-LIEU AMOUNT WITHIN THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations (“LDR”) of the City of Delray Beach (“City”) Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, the City adopted Ordinance No. 11-07 on March 20, 2007 with an inadvertent inconsistency in the in-lieu amount required to fulfill a workforce housing requirement; and

WHEREAS, the City adopted Ordinance No. 32-23 on October 17, 2023 with a scrivener’s error on the Infill Workforce Housing Area Map in LDR Section 4.7.4, “Density Bonus Areas;” and

WHEREAS, upon review of Article 4.7, “Family/Workforce Housing,” the scrivener’s errors were discovered and they should be concurrently updated; and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on September 17, 2024, and voted 6 to 0 to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the

best interests of the City.

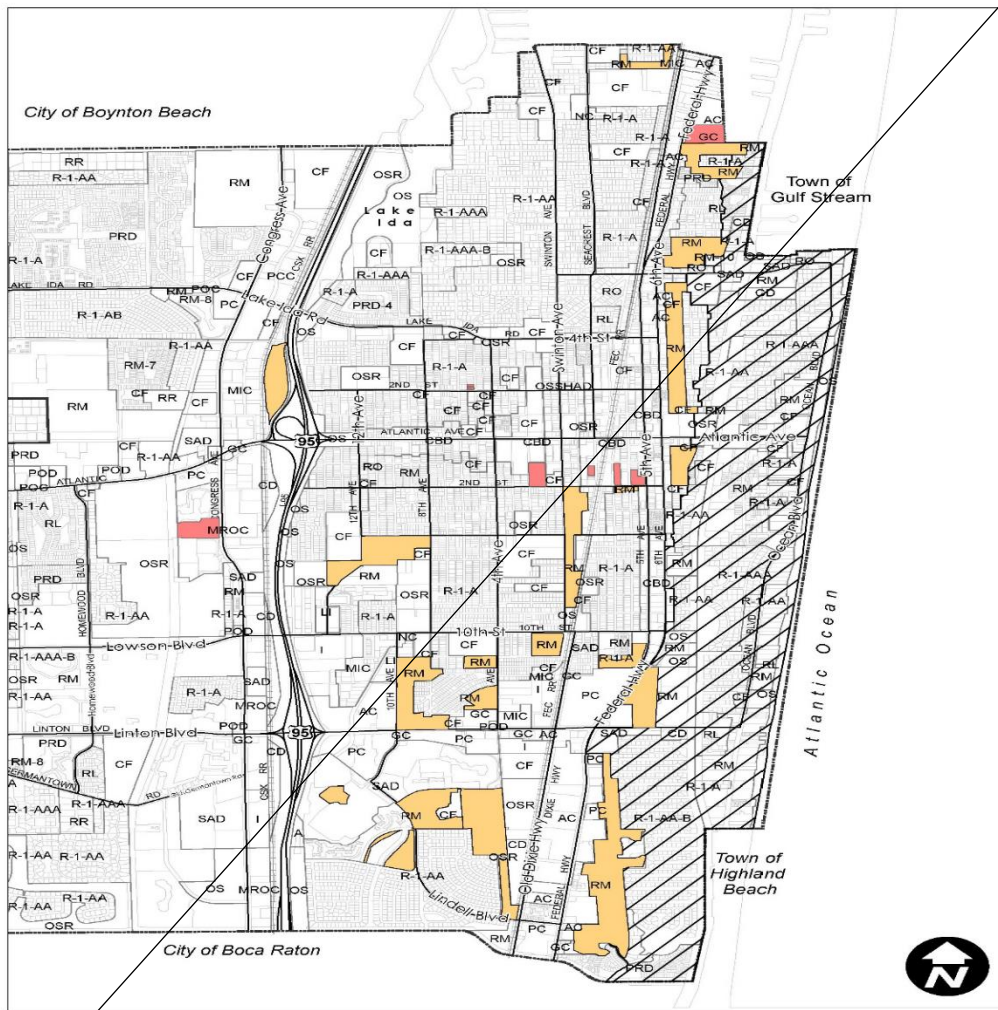
Section 3. Chapter 4, “Zoning regulations,” Article 4.7, “Family/workforce housing,” Section 4.7.2, “Applicability,” Subsection (B), “Workforce housing incentive areas,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.7.2. Applicability.

(B) *Workforce housing incentive areas.* This section identifies the areas that have revitalization incentives available in the form of density bonuses.

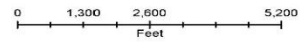
(1) - (5) (These subsections shall remain in full force and effect as adopted).

(6) *Infill workforce housing area.* The City Commission established an additional workforce housing overlay district known as the Infill Workforce Housing Area for certain properties located west of the Intracoastal and east of I-95, outside of the coastal high hazard area.

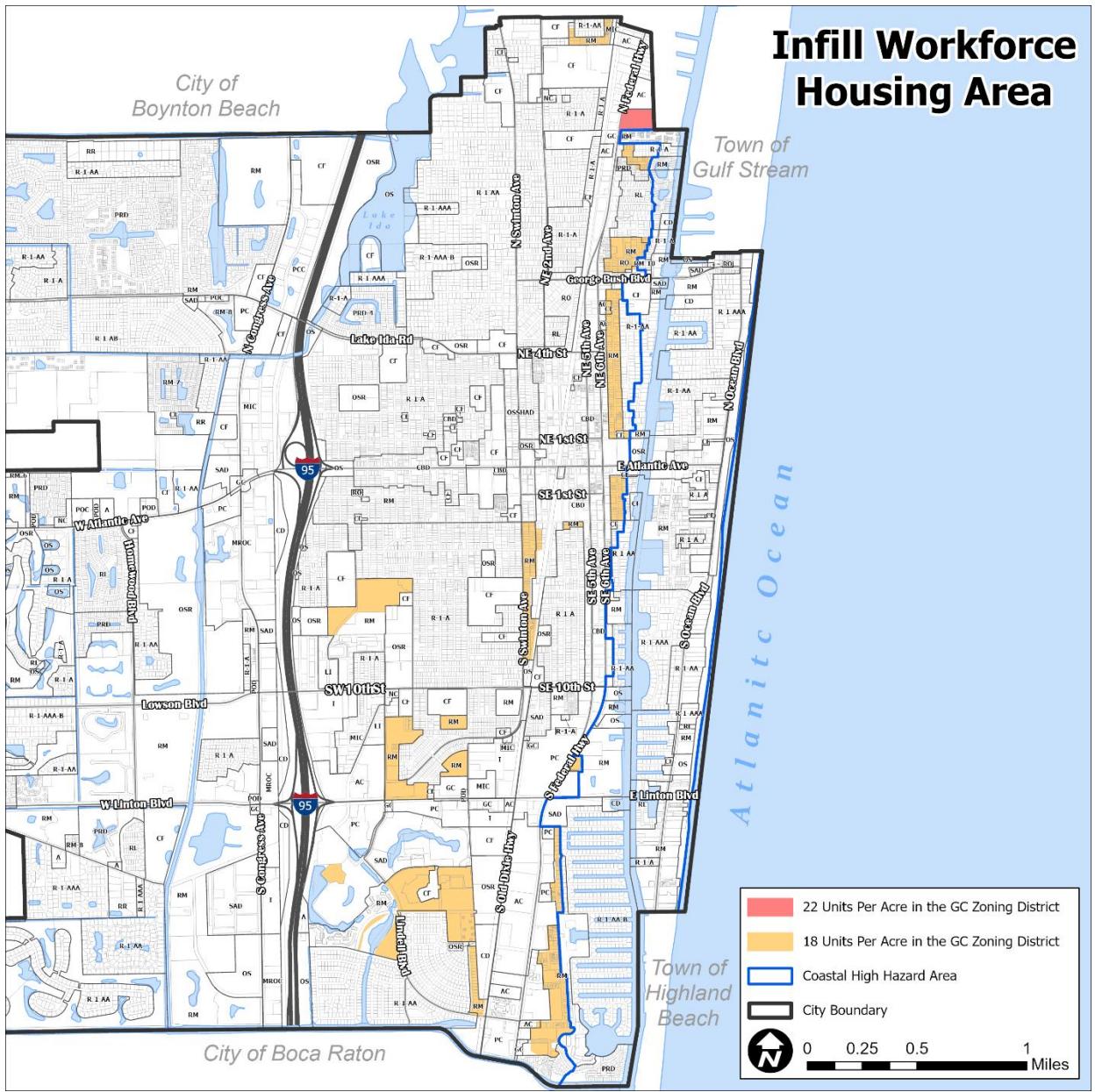


- 18 Units Per Acre in the RM Zoning District
- 22 Units Per Acre in the GC Zoning District
- Coastal High Hazard Area
- Delray Beach Boundary

Infill Workforce Housing Areas



City of Delray Beach
 Development Services Department
 Print Date: 10/3/2023



(7) - (15) (These subsections shall remain in full force and effect as adopted).

Section 4. Chapter 4, “Zoning regulations,” Article 4.7, “Family/workforce housing,” Section 4.7.4, “Density bonus areas,” Subsection (A), “The Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.7.4. Density bonus areas.

Proposed developments will be allowed additional density or height in exchange for providing workforce housing units, subject to the limits and requirements of this chapter. Developments will be allowed

additional density, beyond the base number allowed by the Land Development Regulations after performance standards have been met.

(A) The Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area. Development proposals in the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area will earn bonus units for building workforce housing for very low, low and moderate income families.

- (1) The size of the bonus varies based on several factors including:
 - (a) Affordability (i.e., homes affordable to very low, low, or moderate households)
 - (b) Home Size (i.e., workforce housing units with four or more bedrooms are awarded larger bonuses)
 - (c) Ownership versus Rental (i.e., larger bonuses are awarded for workforce housing units offered for sale to low and very-low income families and larger bonuses are awarded for ownership versus rental units.)

- (2) To be eligible for bonus units, developments must meet one or more of the following criteria:
 - (a) A designated number of the total units are restricted to very low income households, and/or
 - (b) A designated number of the total units are restricted to low income households, and/or
 - (c) A designated number of the units are restricted to moderate income households

- (3) Subject to the review and approval by the City Commission, workforce housing units may be located off-site provided the off-site location chosen is within the City of Delray Beach.

- (4) The bonus allowances are set forth in Table 4.7.4-A below. Sample calculations are available from Development Services.

TABLE 4.7.4-A DENSITY BONUS ALLOCATIONS IN THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT, THE INFILL WORKFORCE HOUSING AREA AND THE CARVER ESTATES OVERLAY DISTRICT	
OPTION SALE/RENT	NUMBER OF BONUS UNITS PER WORKFORCE UNIT PROVIDED
VERY LOW 60%	4
LOW 61%—80%	3
MODERATE 81%—120%	2
LARGE HOME OPTION	
4+ bedroom workforce housing units	Additional 0.5 bonus will be added to the bonus provided above in this chart

- (5) Instead of or in addition to providing workforce housing units, developments may also accrue bonus units by contributing to the City of Delray Beach Housing Trust Fund ~~that will be utilized to subsidize workforce housing in the City of Delray Beach~~. Development proposals may earn one bonus unit for each payment ~~of a sum equal to \$60,000.00, payable to the City of Delray Beach Housing Trust Fund~~ as provided in Section 4.7.3.
- (6) Also, instead of or in addition to providing workforce housing units, development proposals may earn bonus units by donating buildable lots in the City Delray Beach to be used for workforce housing. The appraised value of donated land will be valued in accordance with Subsection (5) above and may be prorated. The appraisal shall be obtained by the project developer at developer's cost.
- (7) The maximum total density of a development in the Southwest Neighborhood Overlay District and the Carver Estates Overlay District shall not exceed 24 units per acre. The maximum total density of a development in the Infill Workforce Housing Area shall not exceed 18 units per acre for properties zoned RM and 22 units per acre and a Floor Area Ratio of 0.75 for properties zoned GC.

Section 5. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section 6. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 8. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2024.

ATTEST:

Alexis Givings, Interim City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____
Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney