



# PLANNING & ZONING BOARD STAFF REPORT

PLANNING, ZONING AND BUILDING DEPARTMENT  
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## Amendment to the Atlantic Avenue Limited Height Area in the Commercial Core of the Central Business District (CBD) Ordinance No. 25-18

**Meeting:** September 17, 2018      **File No.:** 2018-206      **Application Type:** Land Development Regulations Amendment

**Request:**

Provide a recommendation to the City Commission regarding Ordinance No. 25-18, a City-initiated amendment to Section 4.4.13 (D)(1)(a), "Building Height" and Figure 4.4.13-5 "Central Core and Beach Sub-districts Regulating Plan" in the Central Business District (CBD) of the Land Development Regulations to refine the area in the Atlantic Avenue Limited Height Area.

**Recommendation:**

Recommend approval of Ordinance No. 25-18, a City-initiated amendment to Section 4.4.13 (D)(1)(a), "Building Height" and Figure 4.4.13-5 "Central Core and Beach Sub-districts Regulating Plan" of the Land Development Regulations to refine the area in the Atlantic Avenue Limited Height Area 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In February 2015, Ordinance No. 02-15 was adopted which repealed and replaced Land Development Regulations (LDR) Section 4.4.13, Central Business District (CBD). One of many changes in the ordinance was the establishment of the Atlantic Avenue Limited Height Area (AALHA), which reduced the allowable height of properties facing East Atlantic Avenue from four stories and 48 feet to three stories and 38 feet. The proposed ordinance removes three parcels on the north side of East Atlantic Avenue from the AALHA.

**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 the surrounding scale of development and the intended character for the City.*

<p><b>Project Planner:</b> Anthea Gianniotas, Principal Planner; <a href="mailto:gianniotesa@mydelraybeach.com">gianniotesa@mydelraybeach.com</a>, 561.243.7325</p>	<p><b>Review Dates:</b> <u>Planning and Zoning Board</u>, August 20, 2018 <u>City Commission</u>, September 25, 2018, 1<sup>st</sup> Reading and October 16, 2018, 2<sup>nd</sup> Reading</p>	<p><b>Attachments:</b> Ordinance 19-18 CBD Project Data Information</p>
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**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 encourages revitalization and redevelopment. The parcels are adjacent to both East Atlantic Avenue and Old School Square Park, which provide attractive locations for mixed use and outdoor cafes.*

**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 continues to implement the master plans.*

**Review by Others:**

The draft ordinance will be presented at the September 10, 2018, Downtown Development Authority (DDA) meeting, which is after the board package is distributed. Any comments will be presented at the Planning and Zoning Board meeting.

**Assessment and Conclusion:**

The proposed amendments provide adjustments to the CBD land development regulations are consistent with the Comprehensive Plan.

**Alternative Actions:**

- A. Move a recommendation of approval of Ordinance No. 25-18, to the City Commission of the City-initiated text amendment to Section 4.4.13 (D)(1)(a), “Building Height” and Figure 4.4.13-5 “Central Core and Beach Sub-districts Regulating Plan” in the Central Business District (CBD) of the Land Development Regulations to refine the area in the Atlantic Avenue Limited Height Area 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. 25-18, as amended, to the City Commission of the City-initiated text amendment to Section 4.4.13 (D)(1)(a), “Building Height” and Figure 4.4.13-5 “Central Core and Beach Sub-districts Regulating Plan” in the Central Business District (CBD) of the Land Development Regulations to refine the area in the Atlantic Avenue Limited Height Area 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. 25-18, to the City Commission of the City-initiated text amendment to Section 4.4.13 (D)(1)(a), “Building Height” and Figure 4.4.13-5 “Central Core and Beach Sub-districts Regulating Plan” in the Central Business District (CBD) of the Land Development Regulations to refine the area in the Atlantic Avenue Limited Height Area 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).