



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Article 4.7, "Family/Workforce Housing"

Meeting	File No.	Application Type
September 17, 2024	2024-190-LDR	Amendment to the Land Development Regulations
Applicant	Property Owner	Authorized Agent
City of Delray Beach	Not applicable.	Not applicable.

Request

Provide a recommendation to the City Commission on Ordinance No. 27-24, a City-initiated amendment to the Land Development Regulations (LDR), amending Article 4.7, "Family/Workforce Housing" to correct scrivener's errors.

Background Information

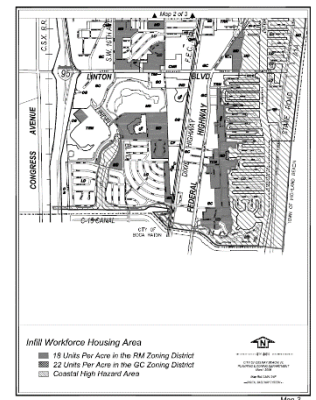
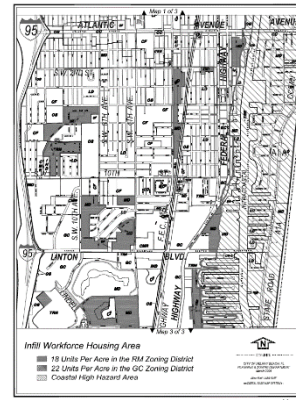
In-Lieu Fee

Article 4.7, "Family/Workforce Housing" was adopted in 2004 via Ordinance No. 66-04. Both the initial adopting ordinance in 2004 and amending Ordinance No. 18-06 had \$60,000 in-lieu fee for the Southwest Neighborhood Overlay.

However, Ordinance No. 11-07 established the fee of \$160,000 for multiple overlays - including the Southwest Neighborhood Overlay - in a section with more general requirements applicable to all overlays. The subsection with the regulations specific to the Southwest Neighborhood Overlay was not updated in that ordinance to eliminate the previously adopted \$60,000 fee, which resulted in an internal inconsistency. It can be concluded that \$160,000 is the correct fee based on the language in Ordinance No. 11-07.

Infill Workforce Housing Area

Ordinance No. 32-23 adopted changes to Article 4.7, related to the complete re-write of Chapter 2, "Administrative Provisions." The map of the Infill Workforce Housing Area was updated in that ordinance because the then-adopted map was difficult to read (images at right). However, the wrong version of the map was inadvertently included in the ordinance (images below).

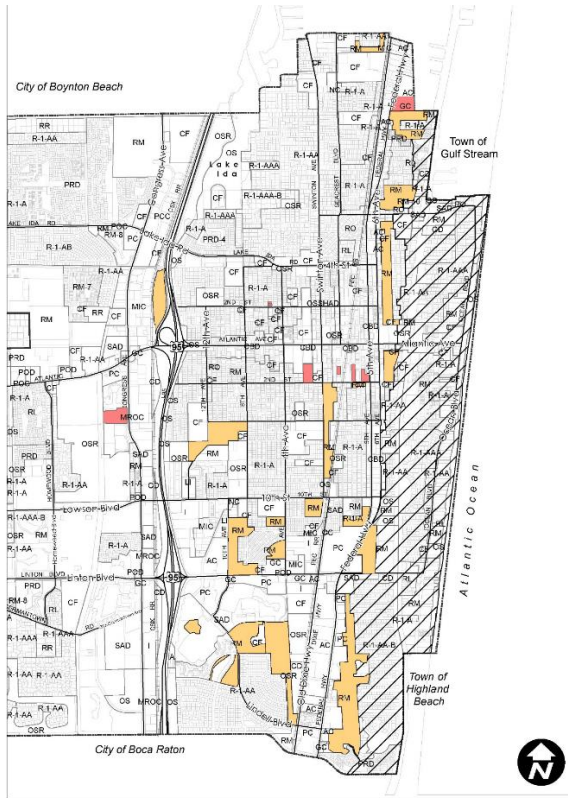


Infill Workforce Housing Area Map, Prior to Ordinance No. 32-23

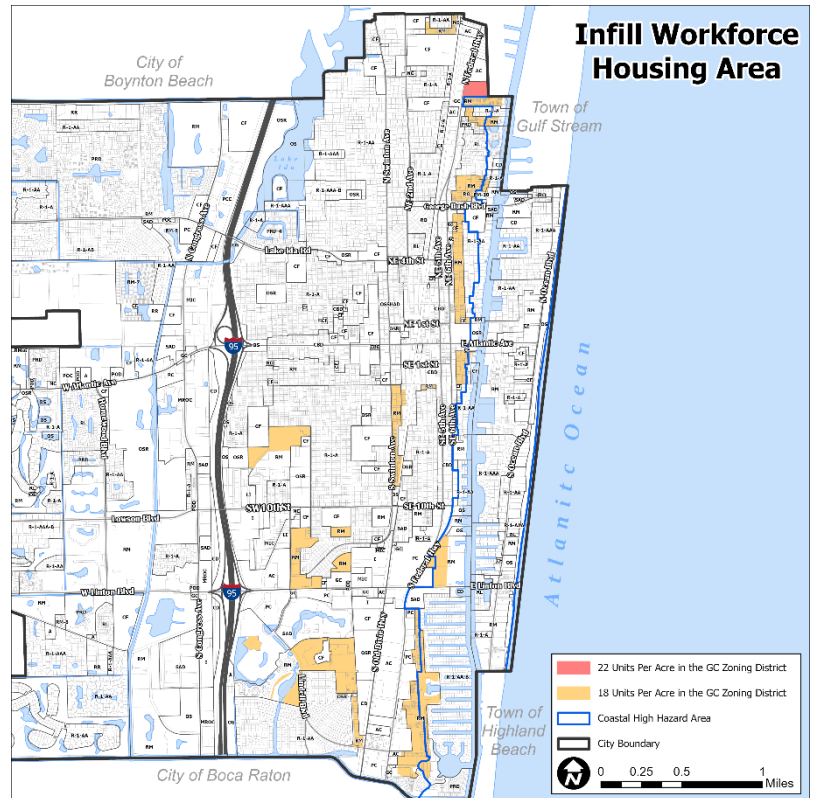
Description of Proposal

The following change are proposed to Article 4.7, "Family/Workforce Housing:"

- **Section 4.7.2, Applicability.** The wrong Infill Workforce Housing Area map was adopted in Ordinance No. 32-23; the proposed amendment replaces it with the correct map. The images below show the map adopted via Ordinance No. 32-33, and the proposed, corrected map.



**Infill Workforce Housing Area Map,
Adopted via Ordinance No. 32-23**



Proposed Corrective Map

- **Section 4.7.4, Density Bonus Areas.** The incorrect \$60,000 amount is removed from this section and replaced with a reference to Section 4.7.3, "General Requirements," where the \$160,000 in-lieu fee was established.

Review and Analysis

LDR Section 1.1.6, Amendments says that "The text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission."

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings.

LDR Section 2.4.7(A)

Amendments to the Land Development Regulations may be initiated by the City Commission, City Administration, or by a member of the public.

The proposed amendment is initiated by the City.

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 following Goals, Objectives, and Policies (GOPs) of the adopted Comprehensive Plan are applicable to the proposed amendment:

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5 Update Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The proposed amendment corrects a map that incorrectly shows previously adopted incentive areas, and corrects an inconsistency in the required in-lieu amount that should have been remedied by a prior amendment in 2007.

Review By Others

The **City Commission** is anticipated to review the proposed LDR Amendments in October 2024.

Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 27-24; amending Article 4.7, "Family/Workforce Housing," finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 27-24, **as amended**; amending Article 4.7, "Family/Workforce Housing," finding that the amendment, as amended, and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 27-24, amending Article 4.7, "Family/Workforce Housing," finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulation

Public and Courtesy Notices

X Courtesy Notices are not applicable to this request.

N/A Public Notices are not required for this request.