

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000 - Fax: (561) 243-3774

[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, January 5, 2021

Virtual Meeting

### City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Ryan Boylston*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Adam Frankel*

*Commissioner Juli Casale*

Pursuant to the Home Rule powers of the City (s. 2(b), Art. VIII of the Florida Constitution and Chapter 166, Florida Statutes), Chapter 252, Florida Statutes (Emergency Management), any and all other applicable statutes, the City Charter and Chapter 95 of the City's Code of Ordinances, the City Commission of the City of Delray Beach shall conduct business at and through virtual meetings utilizing Communications Media Technology (CMT) in accordance with the rules of procedures promulgated by the City, during the COVID-19 public health emergency declared pursuant to Resolution 70-20, as extended. Members of the public wishing to view City Commission meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public.

Members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing **(561) 243 - 7555** and leaving a voicemail message that will be played during the City Commission meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

**Comments and Inquiries on Non-Agenda and Agenda Items (Excluding Quasi-Judicial Hearing and Public Hearing Items) from the Public:**

Public comments will be accepted up to 1 hour before the start of the meeting on the meeting date.

**Quasi-Judicial and Public Hearing Items:**

Public comment on quasi-judicial items and items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Commission has heard from both the applicant and the City, the Commission will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Commission's consideration.

**General Rules:**

All public comments must be addressed to the Commission as a body and not to individual Commissioners or staff. Personal verbal attacks upon Commissioners and/or staff will not be tolerated. Members of the public shall refrain from making comments that are impertinent, obscene, personally insulting, defamatory, or slanderous remarks. If any member of the public requires additional information about making public comments, please contact:

Katerri Johnson, City Clerk  
City of Delray Beach  
100 NW 1st Avenue  
Delray Beach, FL 33444  
561-243-7051

**1. ROLL CALL****2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL****4. PRESENTATIONS:**

4.A. None

**5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**

A. City Manager's response to prior public comments and inquiries

B. From the Public

**6. CONSENT AGENDA: City Manager Recommends Approval****6.A. CITY COMMISSION MEETING MINUTES**

**Recommendation:** Motion to approve meeting minutes as listed below:

August 21, 2020 - Special Meeting Closed Attorney Client Session  
September 10, 2020 - 1st Budget Public Hearing/Regular Meeting  
September 22, 2020 - 2nd Budget Public Hearing/Regular Meeting  
October 6, 2020 - Regular Commission Meeting  
December 14, 2020 - Special Meeting Closed Attorney Client Session

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[August 21, 2020 Attorney Client Session - DRAFT](#)  
[September 10, 2020 Meeting Minutes - DRAFT](#)  
[September 22, 2020 Regular Meeting Minutes - DRAFT](#)  
[October 6, 2020 Regular Meeting Minutes - DRAFT](#)  
[December 14, 2020 Special Meeting Minutes - DRAFT](#)

**6.B. INTERLOCAL AGREEMENT WITH THE COMMUNITY REDEVELOPMENT AGENCY FOR THE DIGITAL INCLUSION INITIATIVE**

**Recommendation:** Approve the Interlocal Agreement with the Community Redevelopment Agency for the Digital Inclusion Initiative.

**Sponsors:** City Manager Department - Intergovernmental Affairs

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist ILA with CRA for Wi-Fi extenders](#)  
[CRA funding for Wi-Fi Extenders ILA](#)

**6.C. RESOLUTION NO. 07-21: APPROVAL OF STATE HOMELAND SECURITY GRANT PROGRAM AGREEMENT RENEWAL WITH THE STATE OF FLORIDA, WHICH HAS THE STATUTORY AUTHORITY TO DISBURSE FEDERAL HOMELAND SECURITY FUNDS TO PARTICIPATING MUNICIPALITIES OF A REGIONAL DOMESTIC SECURITY TASK FORCE (RDSTF).**

**Recommendation:** Staff recommends the approval of the State Homeland Security Grant Program (SHSGP) agreement renewal to facilitate additional reimbursement of funds to offset the expenses incurred by the City to sustain and purchase specialized equipment for mitigating Hazardous Materials incidents.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review SHSGP Grant Agreement](#)  
[FY 2020 HSGP - Federally Funded SubGrant Agreement City of Delray Beach \(](#)  
[Resolution 07-21 Grant Agreement for SHSGP - updated](#)

**6.D. PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES COMBINED OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT**

**Recommendation:** Motion to Approve the Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist PBC Operations 2020](#)  
[Mutual Aid Agreement Reviewed by Sims](#)  
[Chief Approved Memo](#)

- 6.E.** APPROVAL OF AMENDMENT NO. 1 TO BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENT PROJECT IN THE AMOUNT OF \$487,912 (PROJECT NO. 16-095).

**Recommendation:** Motion to Approve Amendment No. 1 to the Agreement with Baxter & Woodman, Inc. for Construction, Engineering, and Inspection Services (CEI) for the Osceola Park Project, in the amount of \$487,912, for a total contract amount not to exceed \$983,865.

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Amendment 001](#)  
[Amendment 1 Exhibit A](#)  
[Amendment 1 Exhibit B](#)  
[Legal Review Checklist Amendment 1 to Osceola Park \(1\)](#)  
[Agenda Cover Report CEI Osceola](#)  
[2019-051 CEI Services for Osceola Park Neighborhood Improvements - FINAL](#)

- 6.F.** APPROVAL OF AMENDMENT NO. 3 TO BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE NE 2ND AVENUE SEACREST BEAUTIFICATION PHASE 3 PROJECT (NE 22ND STREET NORTH TO GULFSTREAM BOULEVARD) IN THE AMOUNT OF \$50,000 (PROJECT NO. 17-010)

**Recommendation:** Motion to Approve Amendment No. 3 to the Agreement with Baxter & Woodman, Inc. for additional Construction, Engineering, and Inspection Services (CEI) for the NE 2nd Avenue Seacrest Beautification Phase 3 Project, in the amount of \$50,000, for a total contract amount not to exceed \$380,222.

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Baxter Woodman re CEI services for Seacrest Phase 3](#)  
[Vendor Signed - Amend 3 - 2019-029](#)  
[Exhibit A to Amendment 03 CEI Contract 2019-029](#)  
[Fully Executed - Amendment 1 to Agreement with Baxter & Woodman Inc.](#)  
[Amendment No. 2 - Baxter & Woodman CEI Services for Seacrest BLVD. Phas](#)

- 6.G.** APPROVAL OF SERVICE AUTHORIZATION NO. 12-03.3 TO WANTMAN GROUP, INC. IN THE AMOUNT OF \$4,900 FOR ADDITIONAL CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES RELATED TO THE SANITARY SEWER SYSTEM 58A AND 87 FORCE MAIN REPLACEMENT PROJECT.

**Recommendation:** Motion to approve Service Authorization No. 12-03.3 (Amendment No. 3 to Service Authorization No. 12-03) to Wantman Group, Inc. (WGI) in the amount of \$4,900 for additional construction, engineering, and inspection (CEI) services related to the Sanitary Sewer System 58A and 87 Force Main Replacement Project (P/N 2014-039).

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist service auth](#)  
[LS 58A & 87 Forcemain SA](#)  
[Amendment No.3 WGI](#)

- 6.H.** ITEM(S) A1, A2, B1 AND C1- ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FOR 215 NE 7th Ave., ACCEPTANCE OF A RIGHT OF-WAY-DEDICATION FOR 1225 S. OCEAN BLVD., ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 238 SW 6th AVE. AND ACCEPTANCE OF AN UNDERGROUND EASEMENT(BUSINESS) FOR 1725 NE 3RD AVE.

**Recommendation:** Consideration of the following items:

**RIGHT-OF-WAY DEED(S)**

**Items A**

**Item A1** - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 215 NE 7th Ave. to the City of Delray Beach.

**Item A2** - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 1225 S. Ocean Blvd. to the City of Delray Beach.

**PERPETUAL SIDEWALK EASEMENT AGREEMENT(S)**

**Item B**

**Item B1** - Motion to approve and accept a Perpetual Sidewalk Easement Agreement by  
the owner(s) of 238 SW 6th Ave. to the City of Delray Beach

**FLORIDA POWER AND LIGHT EASEMENT DEDICATION(S)**

**Item C1** - Motion to approve the dedication of a Utility Easement to Florida Power and Light for 1725 NE 3RD AVE. from the City of Delray Beach.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Item \(1\) Legal Reviews -\(4\)](#)  
[Item \(A1a\) ROW Deed - 215 NE 7th Ave](#)  
[Item \(A1b\) Exhibit A Sketch - 215 SE 7th Ave.](#)  
[Item \(A2a\) ROW Deed - 1225 S. Ocean Blvd.](#)  
[Item \(A2b\) - Exhibit A Sketch - 1225 S. Ocean Blvd.](#)  
[Item \(B1a\) - 238 SW 6th Ave. PSE](#)  
[Item \(B1b\) Exhibit A Sketch - 238 SW 6th Ave. - Revised](#)  
[Item \(C1a\) - 1725 NE 3RD AVE - FPL EASEMENT](#)  
[Item \(C1b\) - 1725 NE 3RD AVE - EXHIBIT A](#)

**6.I. RETROACTIVE APPROVAL FOR EXPENDITURES IN THE AMOUNT OF \$125,943.90 FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES FOR THE PUBLIC WORKS DEPARTMENT WITH TRANE US, INC.**

**Recommendation:** Motion to retroactively approve expenditures in the amount of \$125,943.90 Trane US Incorporated, for air conditioning maintenance and repair services for the Public Works Department.

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)

**6.J. PROCLAMATIONS:**

**6.J.1. MARTIN LUTHER KING, JR. DAY PROCLAMATION**

**Recommendation:** Motion to proclaim January 18, 2020 as Dr. Martin Luther King, Jr. Day of Service.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[MARTIN LUTHER KING JR. DAY 2021](#)

**6.J.2. NATIONAL MENTORING MONTH PROCLAMATION**

**Recommendation:** Motion to proclaim the month of January as National Mentoring Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[National Mentoring Month - January 2021](#)

**6.K. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

**6.K.1. REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 9, THROUGH DECEMBER 11, 2020.**

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - German Auto World and Tiles by Vali](#)  
[B - Parks at Delray](#)  
[C - Pierre Delray II](#)  
[D - Delray Ford](#)  
[E - Chocolate](#)  
[F - Sofa](#)  
[G - Ocean City Lofts Condominium](#)  
[H - 905 SW 14th Street](#)



**6.L. AWARD OF BIDS AND CONTRACTS:****6.L.1. APPROVAL OF RESOLUTION NO. 01-21 TO AWARD AN AGREEMENT TO COMMERCIAL ENERGY SPECIALISTS, INC. FOR POOL SOLVENTS AND CHEMICALS; UTILIZING MARTIN COUNTY, FLORIDA SOLICITATION NO. 2017-2927 - \$30,000**

**Recommendation:** Motion to approve Resolution No. 01-21, to award an Agreement to Commercial Energy Specialists, Inc. for pool solvents and chemicals in the estimated amount of \$30,000, utilizing the Martin County, Florida Solicitation No. 2017-2927; and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

**Sponsors:** Parks & Recreation Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Reso 01-21 Commercial Energy Specialists Inc Piggyback](#)  
[Martin County CES \(1\)](#)  
[2927\\_Pool\\_Chemicals](#)  
[Legal Review Checklist Commercial Energy Specialists piggyback Martin Count](#)  
[Master Agreement](#)

**7. REGULAR AGENDA:**

- 7.A.** RESOLUTION NO. 25-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(6)(b)(4) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE SPECIAL LANDSCAPE SETBACK ON THE SOUTH SIDE OF LINTON BOULEVARD FOR THE PROPERTY LOCATED AT 1200 W. LINTON BOULEVARD AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

RESOLUTION NO. 26-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.7(E)(3)(a) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE SETBACK FOR THE EXISTING FREE STANDING SIGN TO BE IN THE SPECIAL LANDSCAPE SETBACK AT 0.56 FEET WHERE 10 FEET IS REQUIRED, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

**Recommendation:** Review and consider Resolution No. 25-21, granting a waiver to the special landscape setback in section 4.3.4(H)(6)(b)(4) of the Land Development Regulations at 1200 W. Linton Boulevard.

Review and consider Resolution No. 26-21, granting a waiver to the setback requirements in section 4.6.7(E)(3)(a) of the Land Development Regulations at 1200 W. Linton Boulevard.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 25-21 Special Landscape Waiver](#)  
[Exhibit A Resolution No. 25-21](#)  
[Res No. 26-21 Sign Waiver](#)  
[Exhibit A Resolution No. 26-21](#)  
[1200 W Linton Survey](#)  
[Justification Statement](#)  
[Legal Review Reso 25-21](#)  
[Legal Review Reso 26-21](#)

- 7.B.** RESOLUTION NO. 03-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION APPLICATION FOR A FINAL PLAT THAT CONTAINS NON-CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS “BANYAN 2020”, WHICH IS A REPLAT OF LOT 39, DELRAY BEACH SHORES PLAT, AS RECORDED IN PLAT BOOK 23, PAGE 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

**Recommendation:** Review and consider Resolution No. 03-21, a final plat for a two-lot subdivision known as “Banyan 2020” Plat, located on the northwest corner of White Drive and South Ocean Boulevard within the R-1-AA zoning district, and determining that it is necessary and appropriate to create the proposed nonconformities for Lot 2.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Banyan 2020 - Resolution No. 03-21](#)  
[Banyan 2020 - Proposed Plat](#)  
[Banyan 2020 - Request Letter](#)  
[Banyan 2020 - Survey](#)  
[Banyan 2020 Legal Review - Resolution 03-21](#)

- 7.C.** RESOLUTION NO. 05-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF THE CANAL STREET RIGHT-OF-WAY LYING EAST OF THE INTRACOASTAL WATERWAY AND ADJACENT TO THE PROPERTY LOCATED AT 824 NE 2ND STREET, DELRAY BEACH, FLORIDA, TOTALING APPROXIMATELY FOUR THOUSAND EIGHT HUNDRED AND NINETY ONE (4,891) SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

**Recommendation:** Review and consider the Resolution No. 05-21 for an Abandonment of interest from the City in a portion of the Canal Street right-of-way.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 05-21- Canal Street - 824 NE 2nd St](#)  
[824 NE 2nd Street - Survey](#)  
[Canal Street \(subject area\) - Survey](#)  
[Canal Street - City Engineer Review](#)  
[Canal Street - P & Z Staff Report](#)  
[Army Corps of Engineers - Consent to Easement Application](#)  
[Legal Review Reso No. 05-21](#)

- 7.D.** RESOLUTION NO. 20-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.13(C)(4)(c)1. OF THE LAND DEVELOPMENT REGULATIONS, ALLOWING A COMMERCIAL USE (OFFICE AND RETAIL) TO EXTEND BEYOND 150 FEET FROM WEST ATLANTIC AVENUE WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT FOR THE PROJECT KNOWN AS "HATCHER BUILDING" LOCATED AT 20 AND 26 NORTHWEST 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI JUDICIAL).

**Recommendation:** Review and consider Resolution No. 20-21, approving a Conditional Use request to allow a commercial use (office and retail) to extend beyond 150 feet from West Atlantic Avenue within the West Atlantic Neighborhood Sub-District, for the properties located at 20 and 26 Northwest 6th Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 20-21](#)  
[Hatcher Building PZB Staff Report](#)  
[Hatcher Building Applicant Justification Letter](#)  
[Hatcher Building Location Map](#)  
[TPS Approval - Hatcher Office Building 9-22-20.pdf](#)  
[Legal Review Reso 20-21](#)

- 7.E.** RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

**Recommendation:** Motion to Ratify the 39th, 40th and 41st Extensions of the State of Emergency for COVID -19, Resolution No. 209-20 and Resolution 210-20.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[39th Extension Emergency Declaration - COVID 19](#)  
[40th Extension Emergency Declaration - COVID 19](#)  
[41st Extension Emergency Declaration - COVID 19](#)  
[Res No. 209-20 - Curfew](#)  
[Res. No. 210-20](#)

**7.F. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD**

**Recommendation:** Motion to approve the nomination for an appointment for three (3) regular members to serve on the Code Enforcement Board for a term ending January 14, 2024. Motion to approve the nomination for appointment of one (1) alternate member to serve on the Code Enforcement Board for an unexpired term ending January 14, 2022.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Code Enforcement Board 4](#)  
[Butera](#)  
[Fontaine](#)  
[Rose](#)  
[Ruen](#)  
[Schiff](#)  
[Tito](#)

**7.G. APPROVAL OF RESOLUTION NO. 24-21 AND RETRO APPROVAL TO APPLY FOR, RECEIVE AND EXECUTE THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PALM BEACH COUNTY TO BE REIMBURSED UP TO \$619,000 FOR PROCUREMENT AND EXPENDITURE RELATED GOODS OR SERVICES IN ACCORDANCE WITH THE FEDERAL MUNICIPAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) REIMBURSEMENT PROGRAM**

**Recommendation:** Approval of Resolution No. 24-21 and retro approval to apply for, receive, and execute the Interlocal Agreement with Palm Beach County regarding reimbursement of COVID-19 related expenditures eligible under the Federal CARES Act Reimbursement program.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[PALM BEACH COUNTY MUNICIPAL CARES ACT REIMBURSEMENT PROGRAM](#)  
[Palm Beach County Municipal CARES Reimbursement Program Agreement](#)  
[Resolution 24-21](#)  
[Legal Review Reso 24-21](#)

**7.H. DISCUSSION REGARDING CITY MANAGER HIRING**

**Attachments:** [Agenda Cover Report](#)

**8. PUBLIC HEARINGS:**

- 8.A.** ORDINANCE NO. 61-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT TO SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT BY AMENDING ORDINANCE NO. 30-18 TO UPDATE THE ADOPTED DEVELOPMENT STANDARDS, AND AMENDING SECTION 4.4.25 (H)(14) OF THE LAND DEVELOPMENT REGULATIONS TO UPDATE THE 1690-2350 SOUTH CONGRESS AVENUE SAD TO IDENTIFY THE SUBJECT ORDINANCE; SAID LAND LYING GENERALLY BETWEEN OLD GERMANTOWN ROAD ON THE WEST SIDE OF CONGRESS AVENUE AND THE PRESERVE AREA TO THE SOUTH; AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING).

**Recommendation:** Motion to Review and Consider Ordinance No. 61-20, rezoning land presently zoned SAD to SAD by amending Ordinance No. 30-18 to update the adopted Development Standards for the 1690-2350 South Congress Avenue SAD and identify the subject ordinance.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 61-20 Parks at Delray](#)  
[Proposed Changes to Development Standards](#)  
[Ordinance No. 61-20: Exhibit E, Proposed Phasing Plan](#)  
[Parks at Delray PZB Staff Report](#)  
[Parks of Delray Applicant Justification Statement.pdf](#)  
[Ordinance No. 30-18](#)  
[Ordinance No. 30-18: Master Plan](#)  
[Ordinance No. 30-18: Phasing Plan](#)

## **9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 01-21: 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 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO ADD THE PROPERTIES WITHIN THE LINTON COMMONS OVERLAY DISTRICT TO THE LIST OF PROPERTIES ELIGIBLE FOR AN INCREASED HEIGHT OF 60 FEET; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.12, PLANNED COMMERCIAL (PC) DISTRICT;" TO PROVIDE REGULATIONS FOR THE LINTON COMMONS OVERLAY; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," ESTABLISHING SECTION 4.5.21, "LINTON COMMONS OVERLAY DISTRICT;" AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING", SUBSECTIONS 4.7, "FINDINGS," 4.7.1, "DEFINITIONS," 4.7.2, "APPLICABILITY," AND 4.7.5, "DENSITY BONUS PROGRAMS," TO ESTABLISH WORKFORCE HOUSING CRITERIA FOR THE LINTON COMMONS OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 01-21, a privately-initiated request to amend Section 4.3.4, Base Development Standards; Section 4.4.12, Planned Commercial (PC) District; Article 4.5, Overlay and Environmental Management Districts; and Article 4.7, Family / Workforce Housing, of the Land Development Regulations (LDR), to establish the Linton Commons Overlay District and provide supporting regulations related to workforce housing requirements and height allowances within the overlay.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 01-21, Linton Commons Overlay LDR](#)  
[Ordinance No. 01-21 PZB Staff Report](#)  
[Linton Commons Applicant Narrative](#)  
[Simple Legal Review Approval Ord 01-21](#)

- 9.B.** ORDINANCE NO. 03-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUBSECTION (C), "ALLOWABLE USES," TO EXPAND THE AREAS WHEREIN AUTOMATED PARKING GARAGES ARE A PERMISSIBLE USE; BY AMENDING SUBSECTION (D), "CONFIGURATION OF BUILDINGS," TO ADD THE RAILROAD CORRIDOR SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT AS AN EXCEPTION TO STANDARD BUILDING HEIGHT REGULATIONS OF THE CENTRAL BUSINESS DISTRICT; BY AMENDING TABLES 4.4.13(B), "BUILDING HEIGHT," AND 4.4.13(C), "DIMENSIONAL REQUIREMENTS BY CBD SUB-DISTRICT", TO INCREASE THE MAXIMUM NUMBER OF STORIES ALLOWED IN THE RAILROAD CORRIDOR SUB-DISTRICT SOUTH OF SE 2ND STREET; BY AMENDING SUBSECTION (H), "INCENTIVE PROGRAM," TO REQUIRE THE PROVISION OF WORKFORCE HOUSING FOR A DENSITY INCREASE ABOVE 30 DWELLING UNITS PER ACRE WITHIN THE RAILROAD-CORRIDOR SUB-DISTRICT SOUTH OF SE 2ND STREET; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 03-21 on First Reading, privately-initiated amendments to the Land Development Regulations for the portion of the Central Business District (CBD) Railroad Corridor Sub-district located south of SE 2nd Street to increase the maximum number of stories allowed from four to five within the current maximum height of 54 feet, increase the maximum density from 30 to 70 dwelling units per acre as part of a Residential Incentive Program that requires at least 20 percent of the bonus density be provided as workforce housing units (either on-site, off-site, or through monetary contribution), and expand the locations for Automated Parking Garages to include any Secondary Street within the Railroad Corridor Sub-district.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ord. No. 03-21: CBD-Railroad Corridor LDR Amendments](#)  
[Ord. No. 03-21: PZB Staff Report](#)  
[Ord. No. 03-21: Applicant Narrative](#)  
[Ord. No. 03-21: Applicant Supporting Documents](#)  
[Legal Review Ord 03-21.docx](#)

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

**A. City Manager**

**B. City Attorney**



**C. City Commission**