

ORDINANCE NO. 20-22

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 4.4, "BASE ZONING DISTRICT", SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE, AND COMMERCIAL (MROC) DISTRICT", TO BRING THE WORKFORCE HOUSING REGULATIONS IN COMPLIANCE WITH HB 7103 WHICH AMENDS S. 125.01055, F.S., REQUIRING MUNICIPAL GOVERNMENTS TO PROVIDE CERTAIN INCENTIVES TO DEVELOPERS FOR MANDATORY INCLUSIONARY ZONING; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, it is the City's practice to reserve the highest density allowed in the land use designation for incentive programs focused on specific community benefits, such as the provision of workforce housing units, as stipulated in the Land Development Regulations; and

WHEREAS, the Florida Legislature amended s. 125.01055, F.S. in 2019 with HB 7103 to require municipal governments to provide it certain incentives to fully offset all costs to the developer for their mandatory affordable housing contribution; and

WHEREAS, a revitalization incentive density is generally considered an acceptable means to fully offset all costs to the developer associated with mandatory affordable housing contribution; and

WHEREAS, Always Delray Table NDC-1 and Section 4.4.29 of the LDRs provide a revitalization density for development within the Mixed Residential Office and Commercial zoning district, but Section 4.4.29 does not provide a base density and incentives to achieve revitalization incentive density for projects that provide workforce housing; and

WHEREAS, the City desires to establish a base density for all required workforce housing contributions; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on May 16, 2022, and **voted** ___ to ___ to recommend these proposed text amendments be approved, finding the request

and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

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

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. Article 4, “Base Zoning District,” Section 4.4.29, “Mixed Residential, Office, and Commercial (MROC) District” of the Land Development Regulations of the City of Delray Beach, Florida is hereby amended as follows:

(A) ***Purpose and intent.*** The MROC District regulations provide for a transit-supportive, pedestrian-friendly mix of residential, office, and commercial uses in a master-planned environment. ~~The district encourages stand-alone office buildings and mixed-use development within the corridor with commercial or office uses on the ground floor and office or residential uses above while providing higher density opportunities and emphasizing transit-oriented development patterns.~~

(B) ***Principal uses and structures permitted.*** The following types of uses are allowed within the MROC district as permitted uses:

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

(4) ***Multi-family Dwelling Units Development:*** Multi-family uses and structures excluding duplexes, subject to (c)(1)(2)(3) and (4) below, with a maximum density of either 40 or 50 units per acre, subject to the following provisions of Subsection (I)(5), Special Regulations:

~~(a) Residential units within 1,000 linear feet of the Tri-Rail Transit station (measured by airline route) may comprise 100 percent of the total floor area of the development master plan at a maximum density of 50 units per acre. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.~~

~~(b) Residential units between 1,001 and 2,500 linear feet of the Tri-Rail Transit station (measured by airline route) may comprise 80 percent of the total floor area of the development master plan at a maximum density of 50 units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses. If a portion of the parcel is within 2,500 linear feet, this regulation shall apply to the entire parcel.~~

~~(c) Residential units at a distance (measured by airline route) greater than 2,500 feet of a transit station may comprise 75 percent of the total floor area of the development master plan at a~~

~~maximum density of 40 units per acre and only when proposed as part of a mixed use development containing office and/or commercial uses.~~

- ~~1. Residential developments must include a minimum of 20 percent workforce units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing.~~
- ~~2. Workforce units shall be subject to general provisions of Article 4.7.6, 4.7.7, 4.7.8, 4.7.9, and 4.7.10. Notwithstanding the above, residentially developed sites within 1,000 linear feet (measured by airline route) of the Tri-Rail station can contain 100 percent workforce housing units. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.~~
- ~~3. For mixed use developments, the shared parking provisions of LDR Section 4.6.9. (C)(8) shall be allowed.~~
- ~~4. All residential developments shall be subject to the Performance Standards of 4.4.13(I)(2).~~

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

(C) - (H) (These sections shall remain in full force and effect as adopted.)

(I) Special regulations.

- (1) Documentation ~~which~~ that constitutes evidence of unified control of the entire area within an MROC development must be provided at the time of submission of the Master Development Plan.
- (2) A program for full provision, maintenance, and operation of common areas, improvements, facilities, and services for the common use of occupants of the MROC development, and which specifically provides that no such elements or features shall be provided or maintained at the public's expense, must be provided at the time of ~~submission of the Master Development Plan~~ approval.
- (3) Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of matters under Subsection (I)(2) and ~~which~~ that bind successors in title to any such commitments, shall be provided prior to certification of an approved MROC site and Master Development Plan.
- (4) The applicant must be able to bind the entire area within a proposed MROC development to the terms, conditions, uses, and site ~~development plan~~ as approved in the Master Development Plan.
- (5) Multi-family dwelling units may be located in structures that are comprised of residential units only or in mixed use buildings that contain a combination of residential and non-residential uses. However, where residential uses are located in structures having frontage on Congress Avenue except if development is 100 percent residential within 1,000 feet of the Tri-Rail Transit station,

~~there must be nonresidential uses fronting on Congress Avenue on the ground floor.~~ development is subject to the provisions of Table 4.4.29-A below and the following:

- a. Residential density is regulated by the distance of the property to the Tri-Rail Transit station. Distance is measured in linear feet from the nearest point of the property to the station.
- b. The Standard density is the maximum number of units allowed if Workforce Housing is not included within the development.
- c. The Workforce Housing Incentive allows a higher maximum density in exchange for providing a minimum of 20 percent of the total number of residential units in the Master Development Plan as Workforce Housing at the Moderate Income level, subject to the general provisions in Article 4.7.
- d. Development with frontage on Congress Avenue must have ground floor, non-residential uses facing Congress Avenue, unless the development is within 1,000 feet of the Tri-Rail Transit station, in which case it may be 100 percent residential in use.
- e. The maximum Residential Floor Area is calculated across the entire Master Development Plan and may be provided in one or more structures.
- f. Multi-family development is subject to the Performance Standards for multi-family residential uses in LDR Section 4.4.6(I).

<u>Table 4.4.29-A</u>							
<u>Multi-family Development Regulations</u>							
<u>Distance from Tri-Rail Transit Station ¹</u>	<u>Max. Residential Floor Area²</u>	<u>Standard Density Max.</u>	<u>Workforce Housing Incentive</u>				
			<u>Density Max.</u>	<u>WFH Units Required (Min.)</u>	<u>Minimum Income Level</u>		
			<u>Within 1,000 feet</u>	<u>Up to 100%</u>	<u>40</u>	<u>20% of Total Number of Units</u>	<u>Moderate</u>
			<u>Between 1,001 and 2,500 feet</u>	<u>Up to 80%</u>	<u>40</u>		
<u>Greater than 2,500 feet</u>	<u>Up to 75%</u>	<u>32</u>					
¹ <u>If a portion of the parcel is within a lower measurement, the regulations applicable to that measurement shall apply to the entire parcel.</u>							

Section 3. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section 4. 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 5. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 6. 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 the _____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney