

ORDINANCE NO. 11-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN AMENDMENT, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3184 THROUGH 163.3253 ET SEQ, MODIFYING TABLE L-6 WITHIN THE FUTURE LAND USE ELEMENT TO ADD AN "X" TO THE TABLE ESTABLISHING THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) AS A ZONING DISTRICT WHICH IS COMPATIBLE WITH THE COMMUNITY FACILITIES (CF) FUTURE LAND USE DESIGNATION; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, all amendments to the comprehensive development plan must be adopted in accordance with detailed procedures which must be strictly followed; and

WHEREAS, the City of Delray Beach, Florida, has carefully prepared an amendment to its comprehensive development plan to provide for a text amendment to the Future Land Use Element at Table L-6 to address an inadvertent omission concerning the Community Facilities (CF) future land use designation with reference to the consistency of the OSSHAD zoning district with the CF designation; and

WHEREAS, the City of Delray Beach has held all duly required public hearings; both prior to submission of the proposed amendment of the plan to the State Land Planning Agency of the Florida Department of Economic Opportunity (DEO) and after the proposed amendment of the plan was returned to the City of Delray Beach, in accordance with Chapter 163.3184, *Florida Statutes*, for expedited state review; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(a), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), held a duly noticed public hearing on June 18, 2018 and recommended that the City Commission transmit the amendments to state land planning agency of DEO; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is internally consistent with the adopted City of Delray Beach Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach desires to adopt the amendment to the current comprehensive development plan to guide and control the future development of the City and to preserve, promote and protect the public health, safety and welfare.

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

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the Future Land Use Element of the Comprehensive Plan of the City of Delray Beach is hereby amended by adopting this amendment to its current Comprehensive Development Plan; which amendment consists of 1 page which is attached hereto as Exhibit “A” and made a part hereof and of the current Comprehensive Development Plan. This amendment specifically provides for the following: text amendment to Table L-6. “Land Use Designation/Zoning Matrix” at the “Non-Residential Zoning District” Portion of Table L-6 to indicate, by inserting an “X” in the grid, that the OSSHAD zoning district is consistent with the Community Facility (CF) Comprehensive Plan Designation as specifically set forth on Exhibit “A”. (Note: “HAD” zoning district column concerns the OSSHAD zoning district as referenced in footnote to Table) . The text amendment depicted in Exhibit “A” shall be substituted for and replace in total the previously adopted Table 6 in the Future Land Use Element.

Section 3. That the Planning and Zoning Director is hereby authorized to transmit the amendments to DEO in accordance with F.S. 163.3184, Expedited State Review Process for adoption of comprehensive plan or plan amendment.

Section 4. That 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. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 6. That the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency informs the City of Delray Beach that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall be effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Shelley Petrolia, Mayor

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

First Reading: August 21, 2018

Second Reading: \_\_\_\_\_, 2018

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

\_\_\_\_\_  
City Attorney

# EXHIBIT A

Table L-6 Land Use Designation/Zoning Matrix

## RESIDENTIAL ZONING DISTRICTS

LAND USE DESIGNATION	ZONING DISTRICTS												
	A (2)	RR	R-1-AAA	R-1-AAAB	R-1-AA	R-1-AAB	R-1-A	R-1-AB	MH	RL	RM	PRD	
LOW DENSITY RESIDENTIAL	X	X	X	X	X	X	X	X		X		X	
MEDIUM DENSITY RESIDENTIAL	X	X (5)	X	X	X	X	X	X		X	X	X	
TRANSITIONAL	X		X	X	X	X	X	X	X	X	X	X	
COMMERCIAL CORE													
GENERAL COMMERCIAL	X										X		
INDUSTRIAL	X												
COMMERCE	X												
RECREATION & OPEN SPACE	X	X (6)	X (6)	X (6)	X (6)	X (6)	X (6)	X (6)	X (6)	X (6)	X (6)	X (6)	
CONSERVATION													
COMMUNITY FACILITY													
MIXED USE	X												
CONGRESS AVENUE MIXED USE (1)													

## NON-RESIDENTIAL ZONING DISTRICTS

LAND USE DESIGNATIONS	ZONING DISTRICTS															
	GC	AC	NC	PC	CBD	POC	POD	PCC	MIC	I	LI	RO	HAD	SAD	CF	CD
LOW DENSITY RESIDENTIAL														X	X	X
MEDIUM DENSITY RESIDENTIAL														X	X	X
TRANSITIONAL			X			X	X					X		X	X	X
COMMERCIAL CORE					X							X		X	X	X
GENERAL COMMERCIAL	X	X	X	X		X	X		X	X	X			X	X	X
INDUSTRIAL								X	X		X			X	X	X
COMMERCE								X	X		X			X	X	X
RECREATION & OPEN SPACE														X	X	X
CONSERVATION														X	X	X
COMMUNITY FACILITY														X	X	X
MIXED USE													X (3)	X	X	X
CONGRESS AVENUE MIXED USE (1)														X	X	X

- (1) CONGRESS AVENUE MIXED USE – See Congress Avenue Mixed Use description beginning on page FL - 40, for more specific details.
- (2) Agricultural zoning may function as a "holding" zone in all of the noted Future Land Use Map designations except for the Rural Residential designation where it is a permanent zoning.
- (3) The HAD zoning district is a special use district which is only applicable to the Old School Square Historic District.
- (4) Open Space (OS), and Open Space & Recreation (OSR) zoning are utilized on the Community Facilities (CF) land use designation where more restriction is required to constrain uses.
- (5) The Rural Residential (RR) zoning is utilized in the Medium Density Residential (MDR) designation as a "holding" zone
- (6) Residential zoning districts are permitted within the Recreation and Open Space (OS) land use designation for open space and recreation uses (e.g. golf courses and water bodies)