



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Ordinance 08-19

Meeting	File No.	Application Type
January 28, 2019	2018-213	Land Development Regulations Amendment

Request

Provide a recommendation to the City Commission regarding Ordinance No. 08-19, a City-initiated request to amend Land Development Regulations to adopt the updated Beach Property Owners Design Manual and to specify that the regulations and guidelines of the Beach Property Owners Design Manual are not applicable to those properties located within a designated historic district or that are individually listed on the City of Delray Beach Local Register of Historic Places.

Recommendation

Recommend **approval** of Ordinance No. 08-19 to the City Commission of the City-initiated request to amend Land Development Regulations Chapter 4, "Zoning Regulations", and Section 4.5.13, North Beach/Seagate and Ocean Neighborhood Overlay Districts, Defined, to adopt the Beach Property Owners Design Manual and to specify that the regulations and guidelines of the Beach Property Owners Design Manual are not applicable to those properties located within a designated historic district or which are individually listed on the Local Register of Historic Places, 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 Information

The Beach Property Owners Design Manual (Manual), which was adopted in 2005, provides regulations, incentives, and design guidelines to address specific issues for two overlay districts (Ocean Neighborhood and North Beach / Seagate Overlay District), such as inappropriate new development, which is out of scale and character for the residential neighborhoods. The Manual has been updated following a three-year collaboration between the City's consultant, Alexis Knight Architects, and the Beach Property Owner's Association (BPOA). The BPOA has reviewed the final draft (attached) and supports the revisions.

Project Description

The proposed amendments adopt the updated Manual and specify that it will be made available to the public on the City's website, and in the Development Services Department. The primary updates in the Manual are:

- Revised:
 - Neighborhood Character Overview Section relocated from the body of the Manual to an Appendix;
 - Modern Colonial style replaced International Modern style as a discouraged style;
 - Lists of preferred and discouraged materials and finished expanded.
- Added:
 - Section to identify those exemptions where the Manual is not applicable;
 - Existing Structure Incentives to allow 5% more lot coverage to discourage demolition of existing structures;
 - Specification that corner lots are not required to provide an increased upper level setback;
 - Prohibition of front view garages;
 - Clarification to determine points for landscape requirements;
 - New preferred styles identified;
 - Appendix B, Application and Review Process;
 - Beach Property Owners Application Checklist;
 - Requirement to provide a lighting plan.

The acknowledgments page has been revised to identify those involved with the update; the 2005 acknowledgments page remains. Additional miscellaneous revisions are located throughout the Manual, such as updated plant and tree lists for required landscaping, explanation of a regulatory process, clarification/definition of an existing requirement, and formatting changes.

Additionally, the Manual is not intended to be applied to those properties under the purview of the Historic Preservation Board (HPB), as guidelines and standards for historic preservation are not included in the manual. The manual update clarifies this and the land development code amendments (previously reviewed the PZB December 18, 2019) have been included as part of the attached Ordinance, rather than in a separate amendment.

The land development amendments also provide clarification by specifying that the regulations and guidelines of the Beach Property Owners Design Manual are not applicable to those properties located within a designated historic district or that are individually listed on the Delray Beach Local Register of Historic Places and under the purview of the HPB. Properties under the purview of the HPB are subject to the regulations of Section 4.5.1, Historic Preservation: Designated District, Sites, and Buildings; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation. Further, application of the Manual's guidelines may conflict with the regulations of Section 4.5.1, Historic Preservation: Designated District, Sites, and Buildings; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation.

For example, architectural styles are defined by ordinance for each historic district or individual listing to the Delray Beach Local Register of Historic Places. LDR Section 4.5.1 provides for the for the identification, preservation, protection, enhancement, perpetuation, and the use of districts, archeological sites, buildings, structures, improvements, and appurtenances that are reminders of past eras, events, and persons important in local, state, and national history; that provide significant examples of architectural styles of the past; that are unique and irreplaceable assets to the City and its neighborhoods; or that provide this and future generations with examples of the physical surroundings in which past generations lived; and other purposes.

Additionally, the architectural styles in the Manual are not based on an identified Period of Significance, as are the styles for the historic districts.

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 with respect to processing site plan requests:

Future Land Use Element Policy A-4.1 Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".

Coastal Management Element Goal Area C Development and redevelopment in the coastal planning area shall be compatible with the existing character of the area, beach overlay design guidelines and historic preservation guidelines and shall provide for a sensitive balancing of the need for environmental protection.

Coastal Management Element Objective C-1 The retention, rehabilitation, and protection of historic resources as provided for in the City's Historic Preservation Ordinance shall continue to be applied in the Coastal Planning Area. In coordination with the residents and the Historic Preservation Board, all efforts will be made to keep all the listed historic structures in the coastal planning area in fine condition and to list additional structures and districts as needed.

The proposed amendments are consistent with the intent of the above noted Future Land Use Element Policy, and the Coastal Management Element Objective with respect to the protection of historic resources and review of development applications for improvements to those properties located within a designated historic district or which are individually listed on the Delray Beach Local Register of Historic Places.

Review By Others

The **Historic Preservation Board** reviewed the proposed amendments relative to the clarification of review by either the Historic Preservation Board or in accordance with the Manual at its December 5, 2018 meeting. A recommendation of approval was made to the Planning and Zoning Board.

The **Planning and Zoning Board** reviewed a version of the proposed amendments, draft Ordinance 03-19, at its December 18, 2018 meeting where a recommendation of approval was made to the City Commission. The Ordinance has since been updated to specify the adoption of the updated Manual and indicates the Manual's availability on the City's website and in the Development Services Department.

The **City Commission** is scheduled to review the proposed Ordinance at its meetings of February 12, 2019 (First Reading) and March 28, 2019 (Second Reading, Final Adoption).

Assessment and Conclusion

The proposed amendments provide an overall clarification of the applicable review process for properties located within a beach overlay district, and formally identifies and adopts the updated Manual. Therefore, positive findings can be made with respect to the proposed Ordinance 08-19.

Alternative Actions

- A. Move a recommendation of approval of Ordinance No. 08-19, as amended, to the City Commission of the City-initiated request to amend Land Development Regulations Chapter 4, "Zoning Regulations", and Section 4.5.13, North Beach/Seagate and Ocean Neighborhood Overlay Districts, Defined, to adopt the Beach Property Owners Design Manual and to specify that the regulations and guidelines of the Beach Property Owners Design Manual are not applicable to those properties located within a designated historic district or which are individually listed on the Local Register of Historic Places, 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).
- B. Move a recommendation of denial of Ordinance No. 08-19 to the City Commission of the City-initiated request to amend Land Development Regulations Chapter 4, "Zoning Regulations", and Section 4.5.13, North Beach/Seagate and Ocean Neighborhood Overlay Districts, Defined, to adopt the Beach Property Owners Design Manual and to specify that the regulations and guidelines of the Beach Property Owners Design Manual are not applicable to those properties located within a designated historic district or which are individually listed on the Local Register of Historic Places, by adopting the findings of fact and law contained in the staff report, 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).

Public and Courtesy Notices

☐ Courtesy Notices are not applicable to this request

☒ Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

- Beach Property Owner's Association, January 18, 2019

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

N/A Public Notice was posted at the property on (insert date), 7 calendar days prior to the meeting.

N/A Public Notice was mailed to property owners within a 500' radius on (insert date), 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.

☒ Public Notice was published in the Sun Sentinel on Friday, January 18, 2019, 10 calendar days prior to the meeting.

N/A Public Notice was posted to the City's website on (insert date), 10 calendar days prior to the meeting.

N/A Public Notice was posted in the main lobby at City Hall on (insert date), 10 working days prior to the meeting.

☒ Agenda was posted on Friday, January 18, 2019, at least 5 working days prior to meeting.