

ORDINANCE NO. 14-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS", SECTION 4.4, "BASE ZONING DISTRICT", SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)", SUBSECTION 4.4.25(H), "S.A.Ds", TO ADD A SPECIAL ACTIVITIES DISTRICT FOR THE PROPERTY LOCATED AT 777 CONGRESS SOUTH CONGRESS AVENUE BY CREATING THE "COLLIER CAR CLUB SAD"; 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.

WHEREAS, the property hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Mixed Residential, Office and Commercial; and

WHEREAS, 777 Congress Partners Limited Partnership, a Florida limited partnership, is the fee simple owner of the subject property located at 777 South Congress Avenue, lying generally on the east side of South Congress Avenue between West Atlantic Avenue and SW 10th Street; and

WHEREAS, the use proposed by 777 Congress Partners Limited Partnership for the property located at 777 South Congress Avenue is not otherwise classified or categorized in other zone districts or cannot be properly accommodated in the other zone districts; and

WHEREAS, at its meeting of February 25, 2019, the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency (LPA), considered this item at a public hearing and voted 7-0 to recommend approval; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c) the Planning and Zoning Board, sitting as the LPA, has determined that the land development regulation text amendment is consistent with and further the goals, objectives, and policies of the Comprehensive Plan; 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 consistent with the Comprehensive Plan; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification.

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 Section 4.4.25(H), “S.A.D.s”, of the Land Development Regulations shall be amended:

(1) – (14) (These subsections shall remain in full force in effect as previously adopted)

(15) Collier Car Club SAD, located at 777 South Congress Avenue, by Ordinance No. 14-19.

Section 3. That the Permitted Use and supplemental standards for “Collier Car Club SAD” is attached as Exhibit “A.”

Section 4. That the Development Standards applicable to the “Collier Car Club SAD” are attached as Exhibit “B.”

Section 5. That the Zoning District Map of the City of Delray Beach, be, and the same is hereby amended, to reflect a zoning classification of Special Activities District (SAD), for the following described property:

See Exhibit “C” attached.

Section 6. That upon the effective date of this ordinance, the City of Delray Beach Zoning Map shall be amended to conform to the provisions of Section 2 hereof.

Section 7. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 8. 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 9. That this Ordinance shall become effective upon approval of the second reading of this Ordinance. No development orders, development permits, or land uses 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 \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Shelly Petrolia, MAYOR

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

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

BY: \_\_\_\_\_  
Lynn Gelin, City Attorney

## **Exhibit “A”**

### **Permitted Use and supplemental standards**

**Use:** Membership based automobile club

### **Supplemental Standards:**

#### **A. Indoor-only use areas:**

1. Storage area for automobile storage up to 90% of the building’s enclosed floor area; and,
2. Associated office and showroom areas consisting of at least 10% of the building’s enclosed floor area; and,
3. Vehicular repair and restoration areas located within the 90% storage floor area, and limited to a maximum of 9 repair bays.

#### **B. Outdoor areas:**

1. Parking of vehicles by club members, club employees, and their guests or visitors, must be on a finished surface or an established grass parking area, and is prohibited on landscape islands or within the perimeter and front landscape buffer; and,
2. Storage of automobiles, boats, trucks, or other similar vehicles is prohibited; and,
3. Repair and restoration of vehicles, or their associated parts, is prohibited; and,
4. Storage of materials or other goods is prohibited; and,
5. No other outdoor storage of any kind can be located outside or in an enclosed structure.

#### **C. Vehicle Lifts:**

1. Only one exterior vehicle lift may be located on the front elevation, and must be under the building’s roof. Any additional exterior vehicle lifts must be located on a side or rear elevation, and must be screened from the right-of-way and visibility from the front of the property.
2. Exterior vehicle lifts must only be for placing vehicles into the building, and must be left in a grounded position when not being utilized; and,
3. Exterior vehicle lifts shall not be used for vehicle repair.

## **Exhibit “B”**

### **DEVELOPMENT STANDARDS**

**Site Plan Review and Approval Process:** In addition to the requirements of Section 4.4.25(D), Review and approval process, the following shall apply:

- A. The site plan approved by the Site Plan Review and Appearance Board (SPRAB), in association with the subject Ordinance, may only be modified in accordance with Exhibit “A”, Permitted Uses, and Exhibit “B”, Development Standards.
- B. New uses and/or additional development standard modifications not identified by Exhibit “A” or Exhibit “B”, or new construction or additions greater than 20% of the existing square footage (53,243 SF) require a new rezoning approval to supersede the subject Ordinance. New construction or additions 20% or less than the existing square footage (53,243 SF) require approval by the Site Plan Review and Appearance Board.
- C. New construction and/or additions to the existing building shall be in compliance with the Permitted Uses as outlined in Exhibit “A”, and the Development Standards of Exhibit “B”.

**Development Standards:** The following standards shall apply:

- A. Setbacks for new structures and/or building additions:
  - 1. Congress Avenue frontage (minimum/maximum): 15 feet to 20 feet for new structures. Stories above 42 feet shall provide an additional 10 foot setback.
  - 2. Side yard (minimum): 15 feet, in observance of the required perimeter buffer.
  - 3. Rear yard/Adjacent to CSX Railway (minimum): 25 feet, in observance of the required perimeter buffer.
  - 4. Building separation (minimum): 25 feet.
- B. Building Height (maximum): 48 feet
  - 1. Minimum Floor Height (minimum): 12 feet on the first floor, and 10 feet, floor to floor, on all floors above.
- C. Lot Coverage (maximum): 75 percent, and includes any buildings, pavement and hardscape site improvements of the property.
- D. Open Space (minimum): Land area, equal to at least 25 percent of the total district including the perimeter landscaped boundary, shall be in open space. Landscape areas required to meet internal parking lot design requirements, water bodies and paved areas shall not be included in the meeting of this 25 percent open space requirement.

- E. Structure Size (Minimum): Any free-standing structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the development plan; and shall have direct access to and from other portions of the development.
- F. Office and Showroom: Must be located at the front of the building with the main entrance from the front elevation facing the adjacent right-of-way.
- G. Architecture: All building facades shall have the appearance of an office and/or retail building through the use of doors, windows, awnings, and other appropriate building elements, consistent with the overall development, with multi-story buildings clearly defined.
- H. Loading: Exterior loading access points shall be designed in such a way to minimize sight lines from adjacent roads.
- I. Greenway easement: A 10 foot Greenway Easement shall be provided along the property adjacent to the CSX Railway for the sole purpose of establishing the CSX Railroad Greenway. Approval of the easement by the City Commission is required prior to the issuance of a building permit.
- J. Fences and Walls:
  - 1. Fences or walls within the front setback area and parallel to Congress Avenue shall measure no more than 6 feet in height.
  - 2. Fences or walls along the side or rear of the property are limited to 8 feet in height.
  - 3. Fences and walls are prohibited within the required perimeter landscape buffer, except where existing conditions adjacent to Congress Avenue prohibit compliance, then the following requirements are applicable:
    - a. Fences that are less than 75% opaque are permitted within the 15 foot buffer along Congress Avenue and placed in a manner which accommodates existing landscaping and permits new landscaping on either side of the fence ;
    - b. Fence design may incorporate columns, measuring no larger than 26 inches by 26 inches, every 8 to 12 feet;
    - c. Hedges measuring at least half the height of the fence must be installed in front of the fence, and additional landscaping should be installed to augment the buffer area between the fence and the property line;
    - d. Required landscaping must also be installed behind the fence within the required 15 foot buffer area.
  - 4. Fencing or walls shall not be located within the required greenway easement area along the rear of the property.
  - 5. All fences or walls shall also comply with the regulations of Section 4.6.5 not specifically addressed by this Ordinance.
- K. Stacking: The following dimensions apply:
  - 1. South Entrance: A minimum of 60 feet of vehicular stacking is required from the property line to the security gate.

2. North Entrance: A minimum of 140 feet of vehicular stacking is required from the property line to the security gate to accommodate large trucks and trailers.

L. Landscape Plan: In addition to the applicable landscape requirements of LDR Section 4.6.16, the following standards shall also apply:

1. Perimeter Buffer: A 15 foot landscape buffer shall be provided around the entire property. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer.
2. The perimeter buffer shall be landscaped to provide a boulevard effect along Congress Avenue.
3. Fences and/or walls, or a combination thereof, that are greater than 75 percent opaque and located in the 15 foot front landscape buffer along Congress Avenue shall be screened by hedging which is to be maintained at the full height of the fence.

M. Parking: The following minimum parking standards are applicable:

1. Vehicle Storage: 0.25 parking spaces are required for each vehicle storage bay provided; and,
2. Office Use Area: 4 spaces are required per 1,000 sq. ft. of net floor area up to 3,000 square feet and then 3.5 spaces per 1,000 square feet of net floor area over the initial 3,000 square feet; and,
3. Handicap Parking: Parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. Such spaces shall not be in addition to, but shall substitute for, required parking; and,
4. Loading: 1 loading bay per 50,000 gross square feet of vehicular storage area. Each loading bay shall measure a minimum of 12 feet by 25 feet with sufficient driveway access to accommodate vehicular maneuvering, which shall be designated on the approved site plan.
5. Bicycle Parking: Bicycle parking for a minimum of 4 bicycles shall be provided in a safe, accessible, and convenient location within 300 feet of the main building entrance.

N. Other: Where additional requirements are applicable in the Land Development Regulations and not covered by this Ordinance, those requirements shall be met.

## **Exhibit "C"**

### **Legal Description**

A Parcel of land lying in Section 19, Township 46 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the quarter Section corner in the East line of said Section 19; thence South 89°27' 44" West (assumed) along the East-West quarter Section line of said Section 19, a distance of 945.09 feet to a point in the East right-of-way of Congress Avenue; thence North 00°12'55" West along the East right-of-way of said Congress Avenue, as shown on Road Plat Book 4, at Page 4, 66, 67 and 68, of the Public Records of Palm Beach County, Florida, a distance of 1180.00 feet to the POINT OF BEGINNING of the parcel to be herein described; thence continue North 00°12'55" West, along the East line of said Congress Avenue, a distance of 221.24 feet to the Point of Curvature of a curve concave to the West; thence Northwesterly, along the arc of said curve, having a radius of 1094.74 feet and a central angle of 17°56'29", a distance of 342.80 feet; thence North 89°27'44" East and parallel with the East-West quarter Section line of said Section 19, a distance of 432.51 feet to a point in the West right-of-way line of the Seaboard Airline Railroad; thence South 00°12'55" East along said West right-of-way line of the Seaboard Airline Railroad, a distance of 558.77 feet; thence South 89°27'44" West and parallel with said East-West quarter Section line of said Section 19, a distance of 379.17 feet to the POINT OF BEGINNING aforescribed.

LESS AND EXCEPT that portion of the above described property set forth as Parcel 109 in that Stipulated Final Judgment filed in Palm Beach Circuit Court under Case No. CL-88-4197 (AA) and recorded in O.R. Book 5819, Page 401, of the Public Records of Palm Beach County, Florida, to wit:

A portion of the Northeast one-quarter (NE<sup>1</sup>/<sub>4</sub>) of Section 19, Township 46 South, Range 43 East, Palm Beach County, Florida, further described as follows:

Commencing at the East quarter corner of said Section 19; thence South 88°47'26" West along the East-West centerline of said Section 19, a distance of 944.73 feet to a point on the Easterly right-of-way line of Congress Avenue as recorded in O.R. Book 1856, Page 679, of the Public Records of Palm Beach County, Florida, as now laid out and in use; thence North 00°52'38" West, along said Easterly right-of-way line, a distance of 1180.00 feet to the Point of Beginning; thence continue North 00°52'38" West, a distance of 221.92 feet to the point of curvature of a curve Westerly, having a radius of 1094.74 feet, and a central angle of 17°56'29"; thence Northwesterly along the arc of said curve, a distance of 342.80 feet; thence North 88°47'26" East, a distance of 14.68 feet to a point on a circular curve, having a radius of 1108.74 feet and a central angle of 17°42'43" and whose radius bears South 71°24'39" West from the said point; thence Southeasterly along the arc of said curve, a distance of 342.75 feet; South 00°52'38" East, a distance of 221.84 feet; thence South 88°47'26" West, a distance of 14.00 feet to the Point of Beginning.

Said lands situate, lying and being in Palm Beach County, Florida.

CONTAINING 209,978 SQUARE FEET/4.82 ACRES, MORE OR LESS.