

ORDINANCE NO. 17-19

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 SECTION 4.4.13 "CENTRAL BUSINESS DISTRICT", BY AMENDING SUBSECTION 4.4.13(C)(3)(b) "CENTRAL CORE AND BEACH SUB-DISTRICTS", TO AMEND THE BASIS FOR GROUND FLOOR RETAIL REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 -- Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, in June of 2007, the City of Delray Beach adopted Ordinance No. 21-07 amending the Central Business District (CBD) regulations establishing an exemption for existing buildings with eighty (80) percent or more of their frontage at a setback of twenty-five (25) feet or greater from the street level or ground floor retail requirement within the Beach Sub-districts; and

WHEREAS, in February of 2015, the City of Delray Beach adopted Ordinance No. 02-15 to repeal and replace Section 4.4.13 "Central Business District", but did not include the exemption for existing buildings as provided in Ordinance No. 21-07; and

WHEREAS, the City of Delray Beach has determined that the justification for allowing such exemption from the retail requirement within the Beach Sub-district remain; and

WHEREAS, properties that meet the exemption criteria remain subject to the permitted uses in Table 4.4.13(A); and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), has determined that the amendments are consistent with and further the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on May 20, 2019, and voted 7 to 0 to recommend approval of the ordinance; 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.

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 4.4.13 “Central Business (CBD) District”, Subsection (C)(3)(b) “Central Core and Beach Sub-districts”, of the Code of Ordinances of the City of Delray Beach, Florida, be and the same, is hereby amended to read as follows:

- (b) ***Central Core and Beach Sub-districts.*** One hundred percent of the building frontage at the sidewalk-level story, excluding buildings constructed prior to 1980 located in the Beach Sub-district that have 80% or more of their frontage at a setback of 25 feet or greater, shall be for the following uses (as described in Table 4.4.13(A)):
1. General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, or second hand material (other than verifiable antiques) are not permitted.
 2. Services and facilities, subject to the following:
 - a. Tattoo establishments are not permitted.
 - b. Financial institutions are limited to banks and savings and loan establishments; brokerage firms and private wealth management firms are not permitted. The following regulations also apply:
 - i. No more than 75 feet of financial institution frontage is allowed per block face; and
 - ii. No more than a total of 100 feet of financial institution frontage is allowed on facing street frontages. (For example, a new financial institution with 30 feet of street frontage may locate across the street from an existing financial institution with 70 feet of street frontage.)
 3. Hotels, motels, or residence-type inns.

Section 3. 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 4. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. That 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 ____ day of _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Lynn Gelin, City Attorney