

ORDINANCE NO. 33-19

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 (CBD) DISTRICT," SUBSECTION (H)(1) "RESIDENTIAL INCENTIVES", TO ALLOW CERTAIN LOTS LOCATED WITHIN THE WEST SETTLERS HISTORIC DISTRICT TO PARTICIPATE IN THE RESIDENTIAL INCENTIVE PROGRAM; 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, the City of Delray Beach desires to provide incentives for the provision of workforce housing units located within the West Atlantic Neighborhood Sub-district; and

WHEREAS, the lots specified in the amendment are located within the West Settlers Historic District; and

WHEREAS, the City of Delray Beach desires to protect historic structures located in historic districts and on individually designated sites; and

WHEREAS, the lots specified in the amendment do not contain contributing historic structures; and

WHEREAS, the Historic Preservation Board for the City of Delray Beach considered the ordinance at a public meeting on October 2, 2019, and voted 2 to 2 to recommend denial of the ordinance; 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 October 21, 2019, and voted 7 to 0 to recommend approval of the ordinance, finding that the amendments are consistent with and further the goals, objectives, and policies of the Comprehensive Plan; 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 H(1), Land Development Regulations of the City of Delray Beach, Florida, be and the same, is hereby amended as follows:

- (1) ~~Residential Incentive Program incentives. In order to~~ To encourage a variety of unit types, and income ranges within the downtown area, opportunities to increase density are offered in certain CBD Sub-districts. This ~~Residential Incentive Program~~ is the only way to obtain increases in density ~~in the CBD for property zoned CBD~~. The maximum density allowed by Table 4.4.13(C) in certain CBD Sub-districts may only be increased in the locations described below. The required Performance Standards are set forth in Section 4.4.13(H)(2).
- a. Density may be increased over 12 du/ac (up to 30 du/ac) within the West Atlantic Neighborhood Sub-district.
 - b. Properties located within a historic district or on individually designated sites as listed on the Local Register of Historic Places in Section 4.5.1(I) are not eligible to use the Residential Incentive Program, except properties that meet the criteria in (c) below.
 - c. Properties located within the West Atlantic Neighborhood Sub-district that are also located within the West Settlers Historic District may utilize the Residential Incentive Program to increase the density to over 12 du/ac (up to 20 du/ac) if the following criteria is met:
 - i. The property is located between West Atlantic Avenue and NW 1st Street; and,
 - ii. The property does not contain a contributing structure;
 - iii. The property does not contain a non-contributing structure that is at least 30 years old, from the original date of construction;
 - iv. If the property is vacant, it has not contained a structure on the site for at least 15 years.

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 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