

RESOLUTION NO. 05-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.6.7(E)(7) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN FOR THE INSTALLATION OF TWO WALL SIGNS AT 324 NE 3RD AVENUE (PCN 12-43-46-16-01-081-0180); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Mark Gregory (“Agent”), on behalf of JLLS LLC (“Applicant/Property Owner”), submitted a development application (2020-057-WAI-CCA) for the approval of a waiver request for the installation of two wall signs, each measuring 15.9’ x 35.11’ with an overall square footage each of 558.25, on the north and south elevations, which do not face a dedicated street frontage, for the property located at 324 NE 3rd Avenue, Delray Beach; and

WHEREAS, the subject property is located on the west side of NE 3rd Avenue between NE 3rd Street and NE 4th Street, consists of 0.16 acres, and is zoned Central Business District (CBD); and

WHEREAS, the proposal consists of a requested waiver of the Design Standard Matrix to Land Development Regulation (LDR) Sections 4.6.7(E)(7); and

WHEREAS, LDR section 4.6.7(E)(7) states only one wall sign may be permitted in the CBD zoning district as follows:

- a. Facing each dedicated street frontage
- b. And the maximum size is not to exceed 160 Square Feet; and

WHEREAS, LDR Section 2.4.7(B)(5) *Waiver*, states, prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner; and

WHEREAS, LDR Section 4.4.13(K)(5)(b)(2), which governs waivers from development regulations, in the Central Business District also requires the approving body to make a finding that the granting of the waiver:

- (a) Shall result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls;

(b) Shall not allow the creation of significant incompatibilities within nearby buildings or uses of land;

(c) Shall not erode the connectivity of the street network or negatively impact any adopted bicycle/pedestrian master plan; and

(d) Shall not reduce the quality of civic open spaces provided under this code; and

WHEREAS, the Waiver for the wall sign at 324 NE 3rd Ave (2020-057-WAI-CCA) was presented to the City Commission at a quasi-judicial hearing conducted on January 21, 2020; and

WHEREAS, the City Commission, with respect to LDR Sections 4.6.7(E)(7), reviewed the waiver request for the installation of two wall signs, each measuring 15.9' x 35.11' with an overall square footage each of 558.25, on the north and south elevations, which do not face a dedicated street frontage, for the property located at 324 NE 3rd Avenue, Delray Beach, and has considered the respective findings for each as set forth in the Land Development Regulations.

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

Section 1. That the foregoing recitals are hereby incorporated by this reference.

Section 2. The City Commission makes positive findings the requested waiver (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstances on other property for another applicant or owner.

Section 3. The City Commission makes positive findings that the requested waiver (1) does not result in an inferior pedestrian experience along a Primary Street; (2) does not allow the creation of significant incompatibilities within nearby buildings or uses of land; (3) does not erode the connectivity of the street network or negatively impact any adopted bicycle/pedestrian master plan; and (4) does not reduce the quality of civic open spaces provided under this code.

Section 4. The City Commission approves the waiver for the installation of wall sign at 324 NE 3rd Avenue, Delray Beach, incorporated herein as Exhibit "A" and Exhibit "B".

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2020.

Shelly Petrolia, M A Y O R

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney