

ORDINANCE NO. 07-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, “ZONING REGULATIONS”, ARTICLE 4.4, “BASE ZONING DISTRICT”, SECTION 4.4.13, “CENTRAL BUSINESS (CBD) DISTRICT”, BY AMENDING SUBSECTION 4.4.13(B) “REGULATING PLANS”, SUBSECTION (40, “ATLANTIC AVENUE LIMITED HEIGHT AREA”; AMENDING FIGURE 4.4.13-A-2, “WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN”, TO LIMIT THE HEIGHT OF PROPERTIES REZONED TO CENTRAL BUSINESS DISTRICT (CBD) FROM SINGLE-FAMILY RESIDENTIAL (R-1-A) WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this amendment to the Land Development Regulations seeks to provide compatible transitions between commercial and mixed-use development located on property zoned Central Business District and adjacent properties zoned Single-family Residential; 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, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on December 16, 2019 and voted 6 to 0 to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; 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 (B) “Regulating plans”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (B) **Regulating plans.** The Delray Beach Central Business District Regulating Plans depict additional information necessary to apply the standards contained in this Section and are hereby officially adopted

as an integral part of these regulations. A Regulating Plan for each CBD Sub-district is provided in this Section and versions at larger scales are available in the Planning and Zoning Department. The Regulating Plans depict the following information:

(1)-(3) (These subsections shall remain in full force and effect as previously adopted)

(4) ~~**Atlantic Avenue Limited Height Areas.**~~ Building height is limited in specific areas to protect and enhance existing development patterns. ~~on a portion of East Atlantic Avenue to help maintain the unique character of the City's historic main street.~~ See Section 4.4.13(D).

- a. Building height is limited on a portion of East Atlantic Avenue to help maintain the unique character of the City's historic main street.
- b. Building height is limited in certain areas in the West Atlantic Neighborhood Sub-district to encourage compatible transitions to the surrounding single-family neighborhoods.

(5)-(6) (These subsections shall remain in full force and effect as previously adopted)

Section 3. That Figure 4.4.13-6, “West Atlantic Neighborhood Sub-district Regulating Plan”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby deleted and replaced as follows:

(Figures 4.4.13-1 through 4.4.13-5 shall remain in full force and effect as previously adopted)

Figure 4.4.13-6 West Atlantic Neighborhood Sub-district Regulating Plan



(Figures 4.4.13-7 through 4.4.13-36 shall remain in full force and effect as previously adopted)

Section 4. That Section 4.4.13, “Central Business (CBD) District”, Subsection (C), “Allowable uses”, Subsection (4), “Supplemental use standards”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(4) Supplemental use standards.

(a)-(b) (These subsections shall remain in full force and effect as previously adopted)

(c) **West Atlantic Neighborhood Sub-district Supplemental Use Standards:** The following supplemental district regulations apply in the West Atlantic Neighborhood Sub-district:

1. **West Atlantic Neighborhood Commercial Area.** Commercial and mixed-use structures may extend up to 150 feet from West Atlantic Avenue and are allowed on NW 5th Avenue; and SW 5th Avenue; ~~and may extend up to 150 feet from~~

~~West Atlantic Avenue. Residential structures and a~~ Accessory uses such as parking areas, landscaping, and drainage retention areas may extend beyond the 150-foot limit. Full service grocery stores may extend beyond the 150-foot limit ~~on commercial structures from West Atlantic Avenue~~ with approval by the SPRAB or the HPB of a site plan design that ensures compatible transitions between commercial and residential areas. Establishment or expansion of ~~other commercial and mixed-use~~ structures beyond the 150-foot limit may be allowed as a conditional use, subject to the required findings of Section 2.4.5(E)(5). The West Atlantic Neighborhood Commercial Area is mapped on the West Atlantic Neighborhood Regulating Plan.

2. There is no restriction on repair of non-conforming single-family residences located more than 150 feet from West Atlantic Avenue.

(d)-(g) (These subsections shall remain in full force and effect as previously adopted)

Section 5. That Section 4.4.13, “Central Business (CBD) District”, Subsection (D) “Configuration of buildings”, Subsection (1), “Standards for CBD”, Subsection (a), “Building Height”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(D) **Configuration of buildings.**

- (1) **Standards for CBD.** The following building configuration standards apply to all CBD Sub-districts:

- (a) **Building height.** Unless otherwise specified herein, the height of buildings shall be measured in and regulated by the number of stories and the maximum overall building height (See Table 4.4.13(C)). Stories are measured from the finished floor to finished ceiling. See Figure 4.4.13-10.

1. (This subsection shall remain in full force and effect as previously adopted)

2. Within the West Atlantic Neighborhood Limited Height Area, the maximum overall building height in feet is 35 feet and the maximum number of stories is three. The West Atlantic Neighborhood Limited Height Area is required for those properties rezoned from Single-family Residential (R-1-A) to Central Business District.

3. Except within ~~the Atlantic Avenue Limited Height Area~~ limited height areas, maximum overall building height in feet is 54 feet and maximum building height in number of stories is four.
4. Stories located below grade are for parking or storage uses only and are not counted for the purpose of measuring building height unless the floor of the first habitable story is elevated more than four feet above the adjacent sidewalk, then the space below counts as the first story for the purposes of measuring building height.
5. The ground story of commercial or mixed-use buildings shall be a minimum of 12 feet tall.
6. The ground story of residential buildings shall be a minimum of ten feet tall.
7. Each story above the ground story in all buildings must be at least nine feet tall.
8. Mezzanines that exceed the percentage of floor area for a mezzanine defined in the Florida Building Code are counted as stories for the purpose of measuring height. For the purpose of measuring building height, parking levels are counted as set forth in Section 4.4.13(D)(8).
9. Each parking garage level exposed to a street or civic open space shall be counted as a story for the purposes of measuring height. Parking levels fully lined and concealed from view by a story containing an active use (i.e. retail, residential, office) are not counted as stories for the purpose of measuring height. See Figure 4.4.13-9.
10. Within the Central Core, Railroad Corridor, and Beach Sub-districts, residential units must have the floor of the first habitable story elevated at least 18 inches above the adjacent sidewalk. Within the West Atlantic Neighborhood Sub-district, residential units must have the floor of the first habitable story elevated at least 12 inches above the adjacent sidewalk. Lobbies and common areas in multi-unit or mixed-use buildings may have a lower ground floor finish level.
11. Architectural features including church spires, steeples, belfries, and cupolas are not limited by story height; however, any part of any such feature shall not exceed ten feet above the maximum overall building height unless specifically approved by action of the City Commission.
12. Elevator overruns and stairways are not limited by the number of stories and shall not exceed 10 feet above the maximum overall building height.

Section 6. That Section 4.4.13, “Central Business (CBD) District”, Subsection (D) “Configuration of buildings”, Subsection (1), “Standards for CBD”, Table 4.4.13(B), “Building Height”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

Table 4.4.13(B) Building Height		
A	Maximum Building Height in the Atlantic Avenue Limited Height Area	3 stories and 38 ft.
	<u>Maximum Building Height in the West Atlantic Neighborhood Limited Height Area</u>	<u>3 stories and 35 ft</u>
	Maximum Building Height outside of the Atlantic Avenue Limited Height Area	4 stories and 54 ft.
Ground Floor Finish Level		
B	Residential Units in the Beach, Central Core, and Railroad Corridor Sub-districts	18" min.
	Residential Units in the West Atlantic Neighborhood Sub-district	12" min.
Ground Story Height		
C	Commercial and Mixed-Use Buildings, with ground floor commercial uses.	12 ft. min.
	Residential Buildings	10 ft. min.
D	Upper Story Height	9 ft. min.
E	Additional Setback Above 3 rd Story	varies

Section 7. That Section 4.4.13, “Central Business District (CBD)”, Subsection (D), “Configuration of buildings”, Subsection (2), “Dimensional requirements for CBD Sub-districts”, Table 4.4.13(C), “Dimensional Requirements by CBD Sub-district”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

Table 4.4.13 (C) Dimensional Requirements by CBD Sub-district				
	Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood
<i>Lot Size</i>				
Lot Width	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
Lot Area	2000 sf. min.	2000 sf. min.	2000 sf. min.	2000 sf. min.
<i>Building Placement</i>				
A	Front Setback ¹			

Table 4.4.13 (C) Dimensional Requirements by CBD Sub-district					
		Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood
		10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.
B	Side Setback ¹	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²
C	Rear Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
B C	Side Setback Abutting Res. District; 1 st to 3 rd Story	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
B C	Side/Rear Setback Abutting Res. District Above 3 rd Story	30 ft. min.	30 ft. min.	30 ft. min.	30 ft. min.
D	Front Setbacks Above 3 rd Story ¹	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
E	Building Frontage Required on Primary Streets	75% min./ 100% max.	N/A	75% min./ 100% max.	75% min./ 100% max.
Building Height					
Min. Building Height on Primary Streets		1 Story and 18 ft.	1 Story	1 Story and 18 ft.	1 Story
Max. Building Height in Atlantic Avenue Limited Height Area		3 Stories and 38 ft.	N/A	N/A	N/A
<u>Max. Building Height in West Atl. Neigh. Limited Height Area</u>		<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>3 stories and 35 ft</u>
Max. Height outside of the Atlantic Avenue Limited Height Areas		4 Stories and 54 ft.	4 Stories and 54 ft.	4 Stories and 54 ft.	4 Stories and 54 ft.
Density					
Density		30 du/ac	30 du/ac	12 du/ac	12 du/ac ³
Civic Open Space Requirement (See Section 4.4.13(G))					
Sites smaller than 20,000 sq.ft.		0%	0%	0%	0%
Sites Between 20,000 and 40,000 sq. ft.		5% of area above 20,000	5% of area above 20,000	5% of area above 20,000	5% of area above 20,000
Sites Greater than 40,000 sq. ft.		5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000

N/A is "Not Applicable"

¹ Side lot lines facing streets are regulated by front setback requirements. Side lot lines along alleys are regulated by rear setbacks.

² See Section 4.4.13(D)(1)(b)(2).

³ See Incentive Program in Section 4.4.13(H) for potential density increases pursuant to certain location and performance criteria.

⁴ See Section 4.4.13(D)(2)(a)(3) for additional setback standards.

Section 8. 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. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 10. Specific authority is hereby given to codify this Ordinance.

Section 11. 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 _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney