

ORDINANCE NO. 01-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 4, "ZONING REGULATIONS", OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO ADD THE LINTON COMMONS OVERLAY DISTRICT TO THE LIST OF PROPERTIES ELIGIBLE FOR AN INCREASE TO A MAXIMUM HEIGHT OF 60 FEET; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT;" TO PROVIDE REGULATIONS FOR THE LINTON COMMONS OVERLAY DISTRICT; AMENDING ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," BY ENACTING A NEW SECTION 4.5.21, "LINTON COMMONS OVERLAY DISTRICT;" AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING", SUBSECTIONS 4.7, "FINDINGS," 4.7.1, "DEFINITIONS," 4.7.2, "APPLICABILITY," AND 4.7.5, "DENSITY BONUS PROGRAMS," TO ESTABLISH WORKFORCE HOUSING CRITERIA FOR THE LINTON COMMONS OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, NCC Rosebud Two, LLC, ("Petitioner"), is the owner of an aggregation of parcels known as Linton Commons (the "Property") that measures approximately 9.2663± acres and is generally located south of West Linton Boulevard between Lavers Avenue and SW 4th Avenue as more particularly described in Exhibit "A", Legal Descriptions; and

WHEREAS, a privately initiated amendment to the Land Development Regulations (LDR) of the City of Delray Beach, Code of Ordinances, is requested by the Petitioner; and

WHEREAS, the amendment establishes the Linton Commons Overlay District for the Property described in Exhibit "A" and shown in Exhibit "B"; and

WHEREAS, the Petitioner desires to develop multi-family housing as part of a mixed use development in the Linton Commons Overlay District, subject to conditional use approval, with a minimum of 20 percent of the units in the development dedicated as workforce housing; and

WHEREAS, the existing development will retain 10,759 square feet of retail to provide commercial facilities as part of the proposed mixed-use development; and

WHEREAS, the amendment adds the Linton Commons Overlay District as a geographic area eligible for an increased height to a maximum of 60 feet, subject to conditional use approval; 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 December 14, 2020; and voted 6 to 0 to recommend these proposed text amendments be approved, finding 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 that Ordinance No. 01-21 is consistent with the Comprehensive Plan and meets the criteria set forth the Land Development Regulations.

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. That Article 4.3., "District Regulations, General Provisions", Section 4.3.4, "Base District Development Standards", Subsection (J), "Height", of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(1) – (3) These subsections shall remain in full force and effect as adopted.)

(4) Increases to height regulations.

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

(b) ***Allowances.*** An increase, to a maximum height of 60 feet, may be approved by the City Commission in any zone district not listed above, except for the CBD zoning district, when approved pursuant to the processing of a conditional use request and based upon a finding of compliance with each of enumerated criteria listed below, as applicable.

(i) That the structure is to be located in one of the following geographic areas:

- (1) Area "A" - all property located east of Congress Avenue and west of I-95.
- (2) Area "B" - the property encompassed by the Delint DRI, with the exception of that portion platted as "Waterford Village"; along with property located west of S.W. 10th Avenue, south of Linton Boulevard, and east of I-95.
- (3) Area "C" - the property encompassed by the boundary of Linton Boulevard, Wallace Drive, S.W. 10th Street, and I-95.
- (4) Area "D" - the properties located south of Atlantic Avenue, north of S.W. 1st Street, west of S.W. 2nd Avenue, and east of S.W. 4th Avenue; and

the properties located north of Atlantic Avenue, south of N.W. 1st Street, west of N.W. 1st Avenue, and east of N.W. 3rd Avenue.

- (5) Area "E" - the property encompassed on the west by the F.E.C. Railroad, on the east by the Intracoastal Waterway, on the south by Allen Avenue extended to said easterly and westerly boundaries, and on the north to the northernmost boundary of the City.
- (6) Area "F" - the property located between the one-way pair system of Federal Highway (5th and 6th Avenues), except for property located in the CBD zoning district.
- (7) Area "G" - the property on either side of Linton Boulevard, extending 200 feet north and south of its ultimate right-of-way, extending from I-95 to Dixie Highway, and shall also include the Linton Commons Overlay District in its entirety.
- (8) Area "H" - the area bounded by Linton Boulevard on the south, the F.E.C. Railroad on the east, the combination of Southridge Road and Swinton Avenue on the north, and S.W. 4th Avenue on the west.
- (10) Area "J" - the property encompassed by Lindell Boulevard on the north, Federal Highway on the east, Dixie Highway on the west, and the City limits on the south.
- (11) Area "K" - the property within the project known as Delray Medical Center (Delray Hospital), located on the south side of Linton Boulevard approximately 1,240 feet west of Military Trail, and as annexed into the City of Delray Beach via Ordinance No. 33-05.

(ii) - (iv) (These subsections shall remain in full force and effect as adopted.)

Section 3. That Article 4.4, "Base Zoning District", Section 4.4.12, "Planned Commercial (PC) District", of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby established to read as follows:

- (A) ***Purpose and intent.*** The Planned Commercial (PC) District provides for retail, office, and other commercial activities to be established on large sites in a well-planned, functional, and aesthetically pleasing manner. Residential uses may also be included permitted as part of a mixed-use development, within the Four Corners Overlay District and the Linton Commons Overlay District, provided at least 20 percent of the units are workforce housing units that which comply with the provisions of Article 4.7, "Family/Workforce Housing." ~~The with a maximum density is of 30 dwelling units per acre.~~ The actual density will be based upon the development's ability to achieve the performance standards of Section 4.4.13(I)(2). Institutional uses may also be permitted as part of the Medical Arts Overlay District. The PC District shall be applied to properties designated as General Commercial on the Land Use Map where the unified development is, or will be, in excess of five acres; or when it is appropriate to preserve the

character of certain specialty retail and office centers; or to ensure that certain high visibility areas are attractively developed.

- (B) ***Principal uses and structures permitted.*** The following types of use are allowed within the PC District, including in the Linton Commons Overlay District, as a permitted use, except within the Four Corners Overlay District which shall be pursuant to Section 4.4.9(G)(3)(a):

- (1) All uses allowed as such within the GC District [Section 4.4.9(B)(1) through (5), (7) and (8)].
- (2) Automobile brokerage, including vehicle display within an enclosed structure, but excluding any preparation, service, or repair work.

(C) - (F) (These subsections shall remain in full force and effect as adopted.)

- (G) ***Supplemental district regulations.*** In addition to the supplemental district regulations set forth in Article 4.6, the following shall apply.

- (1) Development within the Lindell/Federal Redevelopment Area Overlay District (Redevelopment Area #6) shall be consistent with the provisions contained within the adopted Redevelopment Plan for the area, as particularly described under the chapter entitled "Section 4: Plan for Future Development."
- (2) Within the portion of the Redevelopment Area that is bounded by Dixie Highway on the west, the C-15 canal on the south, Federal Highway on the east, and Avenue K (extended) on the north, multiple family residential development and assisted living facilities with densities of up to 16 units per acre are allowed as a conditional use, subject to the provisions of LDR Section 4.4.6 RM (Medium Density Residential) Zoning District, subsection (I), Performance Standards, and based upon the development's conformance with the applicable standards and criteria described within the adopted Redevelopment Plan.
- (3) Dwelling units are permitted within the same structure as commercial uses with no restriction on the percentage of each use allowed. In the event that residential and nonresidential uses are located in the same structure, residential uses and nonresidential uses must be physically separated and have separate accessways.
- (4) All development within the Four Corners Overlay District shall also comply with the provisions of Section 4.4.9(G)(3)(d) and (e).
- (5) Within the Silver Terrace Courtyards Overlay District, as defined by Section 4.5.17, multi-family residential, assisted living facilities and mixed-use development with residential densities up to 22 units per acre are allowed as a conditional use, subject to the provisions of LDR Section 4.4.6 RM (Medium Density Residential) Zoning District, subsection (I), Performance Standards, provided at least 20 percent of the units are workforce units which comply with the provisions of Article 4.7, "Family/Workforce Housing". The maximum nonresidential Floor Area Ratio (FAR) within the overlay district is 0.75.

- (6) Within the Medical Arts Overlay District, as defined in Section 4.5.18, in addition to the uses listed in 4.4.12(B), the following are allowed as permitted uses:
- (a) Institutional uses, such as: Non-residential Licensed Service Provider Facilities; Hospitals, with or without helipads and associated laboratories; Treatment Centers; Rehabilitation Centers; Testing Facilities; and Mental Health Treatment Facilities, including residential care.

(7) Within the Linton Commons Overlay District, as defined in Section 4.5.21, multi-family residential, assisted living facilities and mixed-use development with residential densities up to 30 units per acre are allowed as a conditional use, provided at least 20 percent of the units are workforce units that comply with the provisions of Article 4.7, "Family/Workforce Housing".

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

Section 4. That Article 4.5, "Overlay and Environmental Management Districts", of the Land Development Regulations of the City of Delray Beach, Florida, shall be amended by enacting a new Section 4.5.21, "Linton Commons Overlay District", to read as follows:

Sec. 4.5.21 – Linton Commons Overlay District.

(A) **Defined.** The Linton Commons Overlay District is hereby established as the area located at the southwest corner of Linton Boulevard and SW 4th Avenue and made up of Parcel A, Parcel B and Parcel C of the New Century Commons Plat (Plat Book 65, Page 21). The overlay district includes PC (Planned Commercial) zoned properties. All development within the overlay district is subject to special provisions included within the PC zoning district regulations.

Section 5. That Article 4.7, "Family/Workforce Housing", Section 4.7, "Findings", of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(A) – (K) (These subsections remain in full force and effect as adopted.)

(L) The City Commission desires to establish an additional workforce housing overlay district known as the Linton Overlay District for certain properties located at the southwest corner of Linton Boulevard, as further described in Section 4.7.1.x, Definitions.

Section 6. That Article 4.7, "Family/Workforce Housing", Section 4.7.1, "Definitions", of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

a. – w. (These subsections remain in full force and effect as adopted.)

- x. ***Linton Commons Overlay District.*** The area located at the southwest corner of Linton Boulevard and SW 4th Avenue and made up of Parcel A, Parcel B and Parcel C of the New Century Commons Plat (Plat Book 65, Page 21), as depicted on the map below.



Section 7. That Article 4.7, “Family/Workforce Housing”, Section 4.7.2, “Applicability”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

a. – k. (These subsections remain in full force and effect as adopted.)

- l. In the Linton Commons Overlay District, at least 20 percent of all residential units must be workforce housing units that are affordable to very low, or low, or moderate income families.

Section 8. That Section 4.7.5, “Density Bonus Programs”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

a. – d. (These subsections remain in full force and effect as adopted.)

- e. ***Linton Commons Overlay District.*** Developers of property in the Linton Commons Overlay District shall develop the properties to afford a minimum of 20 percent of the residential units as workforce housing units.

- i. The workforce housing units must be provided on-site and be affordable to an equal distribution of very low, low, or moderate income families.
- ii. The maximum density allowed is 30 units per acre as a conditional use. To obtain a density greater than six units per acre, the performance standards of Section 4.4.6(I), shall also be substantially met.
- iii. All sections of Article 4.7 apply to the Linton Commons Overlay District, except for Sections 4.7.4, 4.7.11 and 4.7.12.

Section 9. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

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

Section 11. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

EXHIBIT A
LEGAL DESCRIPTION – LINTON COMMONS OVERLAY DISTRICT

Description:

Parcel A, Parcel B, Parcel C, Tract PBC & Tract PR of New Century Commons, according to the Plat thereof as recorded in Plat Book 126, Page(s) 21 through 23, of the Public Records of Palm Beach County, Florida.

Together with a non-exclusive easement right for drainage created under that certain Easement Agreement between Linton Plaza and Midatlantic Bank, Trustee dated October 11, 1989 and filed January 4, 1990, in Official Records Book 6314, at Page 479, of the Public Records of Palm Beach County, Florida.

Together with a non-exclusive easement right for ingress, egress, utility and drainage purposes over and across Laver's Avenue, also known as 'Tract "B" of Laver's International Plaza Plat 1, recorded in Plat Book 51, Page 1, Public Records of Palm Beach County, Florida, as dedicated in said Plat for the benefit of adjoining owners.

Said lands situate in the City of Delray Beach, Palm Beach County, Florida.

Containing 403,639 square feet / 9.2663 acres, more or less.

EXHIBIT B
LINTON COMMONS OVERLAY DISTRICT



Date: 12/7/2020