



Cover Memorandum/Staff Report

File #: 21-528

Agenda Date: 7/6/2021

Item #: 8.D.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: July 6, 2021

ORDINANCE NO. 20-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13. "CENTRAL BUSINESS DISTRICT (CBD)", SUBSECTION (A), "PURPOSE AND INTENT"; SUBSECTION (B), "REGULATING PLANS"; SUBSECTION (C), "ALLOWABLE USES"; SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; SUBSECTION (E), "FRONTAGE STANDARDS"; SUBSECTION (F), "ARCHITECTURAL STANDARDS"; SUBSECTION (G), "CIVIC OPEN SPACES"; SUBSECTION (H), "INCENTIVE PROGRAM"; SUBSECTION (I), "CBD PARKING STANDARDS"; AND, SUBSECTION (K) "CBD REVIEW AND APPROVAL PROCESS"; TO CREATE A CBD SUB-DISTRICT, INCLUDE REGULATIONS SPECIFIC TO THE NEW SUB-DISTRICT, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, PARKING, BUILDING CONFIGURATION, FRONTAGE STANDARDS, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, PROVIDING FOR NEW FIGURES AND REDESIGNATION OF OTHER TABLES OR FIGURES, AND ADDITIONAL CLARIFICATIONS OF EXISTING REGULATIONS, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

Recommended Action:

Review and consider Ordinance No. 20-21 on First Reading, amendments to the Land Development Regulations (LDR) Sections 4.4.13, Central Business District (CBD), associated with the expansion of the CBD to create a new Sub-district in the area on the north by SE 4th Street, on the south by SE 10th Street, on the east by SE 7th Street, and on the west by the alley between SE 4th Avenue and SE 5th Avenue, all of which are adjacent to either SE 5th Avenue or SE 6th Avenue.

Background:

This effort to expand the Central Business District (CBD) along SE 5th and 6th Avenues to SE 10th Street was directed by the City Commission to help guide future redevelopment using LDRs that provide a higher level of design criteria and encourage investment in the area, while providing compatible transitions between the commercial corridor and the adjoining residential neighborhoods.

On September 9, 2018, the City Commission approved Resolution No. 110-18, to enter into an Interlocal Agreement with the Treasure Coast Regional Planning Council (Consultants) for the provision of planning services to facilitate the expansion of the CBD zoning designation boundary along SE 5th Avenue and SE 6th Avenue, from SE 4th Street to SE 10th Street. On November 8, 2018,

the concept of extending the CBD in this area was introduced to local stakeholders in a public workshop. On January 10, 2019, a public workshop was held to gain public input on the proposed expansion of the CBD in the area. On March 14, 2019, a public workshop was held focusing on the Osceola Park neighborhood, which included discussion on appropriate transitions between the neighborhood and commercial corridor. On August 29, 2019 another public workshop was held; however, participation was limited by the approach of Hurricane Dorian. The consultants and City Staff met with individuals and small groups who could not attend the August workshop to gain further input.

The consultant identified three distinct conditions in the expanded CBD area for the LDRs to address. Condition A reflects the area on the west side of southbound South Federal Highway (SE 5th Avenue); this area generally has an alley separating the commercial uses along SE 5th Avenue and the adjacent single-family neighborhood to the west. Condition B reflects the central block area located between the South Federal Highway pairs (SE 5th Avenue and SE 6th Avenue); this block does not adjoin a residential neighborhood. Each avenue of the South Federal Highway pairs accommodates multi-lane through traffic as well as local trips. Condition C reflects the area on the east side of northbound South Federal Highway, between SE 6th Avenue and SE 7th Avenue; this area has the fronts of houses on SE 7th Avenue facing the backs of the commercial uses facing SE 6th Avenue. To date, current LDRs limit vehicular access to the commercial properties from the residential street, and landscaping in varying levels of condition provides a buffer for the neighborhood.

There are currently four sub-districts of the CBD, each of which provides regulations that reflect the unique characteristics of each area: the Central Core Sub-district, the Beach Sub-district, the West Atlantic Neighborhood Sub-district, and the Railroad Corridor Sub-district. Sections of the CBD regulations, like Architectural Standards, apply to all districts, while other regulations, such as density and uses, vary slightly among the sub-districts. To provide regulations that address the unique conditions of the area, the proposed LDR text amendments establish a fifth CBD Sub-district, the South Pairs Neighborhood Sub-district. This sub-district has specific regulations related to the area, including greater front setbacks along South Federal Highway than required in the downtown core, as well as standards related to the three identified conditions:

Condition A: The adjoining neighborhood is separated by the commercial properties by a rear alley. A density incentive is proposed to encourage three-story townhouses or live work units between the Osceola Park neighborhood and South Federal Highway. The intent is to encourage lower scale buildings with residential uses to the area. The proposed incentive increases the density from 12 du/ac to 22 du/ac for redevelopment similar in scale to Mallory Square (located directly to the north of the new Sub-district).

Condition B: This central area of the sub-district was identified as able to handle more density and intensity than the areas abutting neighborhoods. Hotels are permitted in this area as conditional uses, but not in the other areas, and the overall building height is slightly higher (but still limited to four stories) to accommodate potential office development. A limited duration incentive increase density from 12 du/ac up to 50 du/ac for the next four years (until December 31, 2025) to spur investment and create new workforce housing options.

Condition C: The adjoining neighborhood has houses facing the backs of commercial properties. No density incentives are offered in this area primarily due to limitations by the Florida Statutes for

properties located within the Coastal High Hazard Area. Additional landscaped buffering is required to continue the palm cluster plantings along SE 7th Avenue over time to shield the adjoining Del Rios Shores neighborhood from commercial uses.

Pursuant to **LDR Section 1.1.6(A)**, *LDR text amendments require a recommendation from the Planning and Zoning Board.*

At the October 21, 2019 meeting, the Planning and Zoning Board reviewed the proposed LDR Amendments and recommended approval 7-0 with the recommendation that the City Commission consider further restricting certain uses such as adult gaming centers, astrologists, and temporary car lots. Please note that most of the current uses allowed in the GC zoning district were carried forward for the new Sub-district to maintain the properties' current land uses and to prevent the creation of non-conformities. The "Adult Gaming Center" use is not carried forward as an allowed use as no such established businesses with active Business Tax Receipts exist in the area. The Board discussed the use listed as, "Astrologist, clairvoyants, fortune tellers, palmists, phrenologists, psychic reads, spiritualists, numerologists, and mental healers" category; this use was carried forward as one established business is located along SE 5th Avenue with a valid Business Tax Receipt. Temporary Parking Lots are the subject of City Commission approval and, as such, are not prohibited via the allowable uses in this zoning district.

On February 11, 2020, the City Commission considered the subject request at a public hearing (as Ordinance No. 06-20) and voted 5 to 0 to approve on First Reading; however, further review and consideration was delayed due to restrictions resulting from the Covid-19 State of Emergency.

Pursuant to **LDR Section 2.4.5(M)(1)**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

The proposed amendment is City-initiated at the direction of the City Commission.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, *in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan.*

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.3.2 *Apply the mixed-use land use designation that best maintains the scale, density, intensity, and enhances the character of the surrounding neighborhood, district, or corridor.*

Policy NDC 1.3.3 *Apply the density and intensity in mixed-use land use designations to encourage adaptive re-use, development, and redevelopment that advances strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or economic development strategies.*

Policy NDC 2.6.1 *Create vibrant, attractive streetscapes on commercial corridors in mixed use land use designations using standards in the Land Development Regulations that define the amount of commercial and residential uses suitable for the first story and provide hardscape, landscape, and facade design criteria.*

Policy NDC 2.8.3 *Continue to utilize workforce housing programs and incentives, such as but not*

limited to, increased density and smaller lot sizes where appropriate and compatible in the Land Development Code to encourage the provision of workforce housing in the city.

Policy NDC 3.5.3 *Continue to develop zoning districts and regulations that utilize or include form-based code concepts to improve predictability in the built environment.*

Housing Element

Policy HOU 3.1.6 Do not increase the net density within the Coastal High Hazard Area.

Coastal Management Element

Policy CME 2.2.3 Do not increase the net density within the Coastal High Hazard Area.

The proposed amendments are consistent with the Always Delray Comprehensive Plan and further many initiatives identified throughout many elements. More specifically, the Comprehensive Plan directs regular review of the LDR and the utilization of form-based code concepts, which are proposed. The current, award-winning, form-based CBD regulations that were adopted in 2015 provide the basis for the proposed South Pairs Neighborhood Sub-district. Additionally, the proposed regulations include provisions to encourage workforce housing at a higher density, while maintaining a lower development scale by providing 3-story townhouses to provide an appropriate transition for the Osceola Park neighborhood to the east.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

This effort is a directive of the City Commission; 2nd Reading is anticipated in October 2021 following the completion of the Expedited Review Process with the Florida Department of Economic Opportunity for Ordinance No. 18-21.