



Legislation Details (With Text)

**File #:** 24-773      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 5/22/2024      **In control:** City Commission

**On agenda:** 6/18/2024      **Final action:**

**Title:** ORDINANCE NO. 16-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW DENSITY RESIDENTIAL, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. 200 SE 7th Avenue - Ord. No. 16-24, 3. 200 SE 7th Avenue - PZB Report, 4. 200 SE 7th Avenue - Justification Statement, 5. 200 SE 7th Avenue - Existing & Proposed Land Use Map, 6. 200 SE 7th Avenue - Traffic Statement, 7. 200 SE 7th Avenue - Business Impact Est., 8. 200 SE 7th Avenue - Legal Review Form

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 18, 2024

ORDINANCE NO. 16-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW DENSITY RESIDENTIAL, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommended Action:**

Consider Ordinance No. 16-24, a privately initiated request for a small-scale Land Use Map Amendment from Community Facilities (CF) to Low Density (LD) for a +/- 0.5021-acre property located at 200 SE 7th Avenue.

**Background:**

The 0.5021-acre subject property is located at 200 SE 7<sup>th</sup> Avenue on the southeast corner of SE 2<sup>nd</sup> Street and SE 7<sup>th</sup> Avenue within the Locally and Nationally Designated Marina Historic District. The

property is developed with a 5,389 square foot museum/event space (approved in 2019), currently known as Chapel 4.

The subject property, which operated as the First Church of Christ, Scientist from 1947 to 2019, currently has a Land Use Map (LUM) designation of CF with CF zoning on the entire property. The CF land use designation is intended to *"provide a full range of local or regional community-based uses primarily intended to serve the public.* Similarly, the CF zoning district is intended for *locations at which facilities are provided to serve public, semi-public, and private purposes. Such purposes include governmental, religious, educational, health care, social service, and special facilities."* The requested LD land use has a maximum density of five dwelling units per acre; LD land use does not establish a maximum Floor Area Ratio (FAR). The LD land use is intended to maintain and enhance the City's established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity.

Pursuant to **LDR Section 3.1.1, Required Findings**, *prior to the approval of development applications, certain findings must be made. These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.* The proposed LUM amendment will increase the potential density on the parcel; however, the potential intensity will decrease. The subject property is surrounded by Low Density land use on the south and east, Medium Density to the north, and Commercial Core land to the west. The proposed LD land use allows for zoning that facilitates small-scale residential development, which is compatible with the surrounding neighborhood in character and scale.

It should be noted that given the site's location within the Marina Historic District, any proposed development or site modification will require a Certificate of Appropriateness (COA) application and potentially such will require review by the Historic Preservation Board. All proposed site plans and/or modifications are subject to all applicable provisions and requirements of the LDR, most significantly with LDR Section 4.5.1, which contains the Visual Compatibility Standards for properties that are contributing (historic), non-contributing (non-historic), and/or new construction.

The attached Planning and Zoning Board staff report provides a full analysis of the request.

The Historic Preservation voted 7-0 to recommend denial of the request at the May 1, 2024, meeting. There were concerns regarding potential use changes and possibility of demolition if the request is approved, as well as a concern that the property should be retained as a community use. The Planning and Zoning Board (PZB) voted 3-2 to recommend approval of the request at the May 20 2024, meeting (Mr. Savitch and Ms. Thomas were absent).

**City Attorney Review:**

Ordinance No. 16-24 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

The date of second reading and adoption is anticipated for July 9, 2024. The Land Use Map Amendment request will be heard concurrently with Ordinance No. 17-24, the associated rezoning request.