



Legislation Text

File #: 24-774, Version: 1

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

ORDINANCE NO. 17-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 0.5021 ACRES LOCATED AT 200 SE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL (R-1-AA), AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/QUASI-JUDICIAL)

Recommended Action:

Consider Ordinance No. 17-24, a privately initiated request for a rezoning from Community Facilities (CF) to Single-Family Residential (R-1-AA) for a +/- 0.5021 acre property located at 200 SE 7th Avenue.

Background:

The 0.5021-acre subject property is located at 200 SE 7th Avenue on the southeast corner of SE 2nd Street and SE 7th 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 operated as the First Church of Christ, Scientist from 1947 to 2019.

The property currently has a Land Use Map (LUM) designation of CF with CF zoning on the entire property.

The requested zoning of Single Family Residential (R-1-AA) District, which is identified in Comprehensive Plan Table NDC-1 as a preferred implementing zoning district for the requested LD land use designation, provides areas where the traditional single family detached residence can be established and maintained and be protected from the unwarranted intrusion of other inappropriate uses. Further, the Single-Family Residential Districts are established in compliance with provisions of Goal HOU 2 of the Housing Element of the adopted Comprehensive Plan which calls for the preservation and maintenance of stable neighborhoods (LDR Section 4.4.3(A)).

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 subject property is surrounded by Single Family R-1-AA zoning to the east, Medium Density Residential (RM) zoning to

the north, and Central Business (CBD) District zoning to the west. The proposed R-1-AA zoning allows for single-family residential development, which is compatible with the surrounding neighborhood in character and scale. The proposed zoning district also allows a variety of community uses.

Pursuant to **LDR Section 2.4.5(D)(1), Change of zoning district designation:** Rule
The City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board.

Pursuant to LDR Section 2.4.5(B)(3), Change of zoning district designation: Required Information, A *statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning are:*

- ☐ *The zoning had previously been changed, or was originally established, in error;*
- ☐ *There has been a change in circumstance which makes the current zoning inappropriate;*
- ☐ *The requested zoning is of similar intensity as allowed under the Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.*

The applicant indicated that there has been a decline in church attendance over the years, creating a change in circumstance. The requested zoning can be considered to have similar intensity, as the proposed R-1-AA zoning is consistent in density and scale with the surrounding neighborhood. The R-1-AA allows for the establishment of single-family residences in a form consistent with the general area.

Pursuant to **LDR Section 3.2.2 - Standards for Rezoning Actions.** *Rezoning requests must meet five standards, which are described below relative to the proposed rezoning under consideration.*

- (A) The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan.
- (B) Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan.
- (C) Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed-use projects that provide compatible transitions in form and use to the surrounding area.
- (D) Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.

(E) Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.

The preferred residential zoning districts for the requested LD land use are Single Family Residential, Low Density Residential (RL), and Planning Residential Development (PRD). The R-1 Zoning is the most restrictive of the listed residential zoning districts, but is not the most restrictive R-1 district. However, contextually, R-1-AA is most compatible with the surrounding area.

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 improvements 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. 17-24 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 rezoning request will be heard concurrently with Ordinance No. 16-24 for the associated Land Use Map Amendment.