City of Delray Beach

Legislation Details (With Text)

File #:	18-682	**Version:** 1	**Name:**
Type:	Ordinance	**Status:**	Filed
File created:	10/5/2018	**In control:**	City Commission
On agenda:	10/16/2018	**Final action:**	10/16/2018

Title: ORDINANCE NO. 25-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUB-SECTION (D), "CONFIGURATION OF BUILDINGS", SUB-SUB SECTION (1), "STANDARDS FOR CBD GENERALLY", PARAGRAPH (a), "BUILDING HEIGHT", TO DEFINE THE PROPERTIES LOCATED WITHIN THE ATLANTIC AVENUE HEIGHT LIMIT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Ord 25-18__, 3. Exhibit A Ord 25-18, 4. Staff Report_

Date	Ver.	Action By	Action	Result
10/16/2018	1	City Commission	failed	

TO: **Mayor and Commissioners**
FROM: **Timothy Stillings, Development Services Director**
THROUGH: **Mark R. Lauzier, City Manager**
DATE: **October 16, 2018**

ORDINANCE NO. 25-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUB-SECTION (D), "CONFIGURATION OF BUILDINGS", SUB-SUB SECTION (1), "STANDARDS FOR CBD GENERALLY", PARAGRAPH (a), "BUILDING HEIGHT", TO DEFINE THE PROPERTIES LOCATED WITHIN THE ATLANTIC AVENUE HEIGHT LIMIT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommended Action:

Motion to Approve Ordinance No. 25-18 amending the Land Development Regulations at Section 4.4.13(D)(1)(a) of the "Central Business District (CBD)", as presented.

Background:

This Ordinance seeks to redefine the Atlantic Avenue Limited Height Area (AALHA) which currently includes "those properties, or portions of properties, located within 125 feet north or south of the Atlantic Avenue right-of-way line, between Swinton Avenue and the Intercoastal Waterway."

By way of background, on February 24, 2015, the City Commission adopted Ordinance No. 02-15 which, among other revisions to the City's Land Development Regulations ("LDRs") concerning the CBD, created the following Sub-district of the CBD at Section 4.4.13(B)(4): "Atlantic Avenue Limited Height Area" ("AALHA"). The AALHA limited the allowable building height on Atlantic Avenue between Swinton and the Intracoastal Waterway to the maximum overall building height of thirty-eight (38) feet and the maximum number of stories to three (3).

Since the adoption of Ordinance No. 02-15, direction was provided to City staff to amend the definition of the AALHA in the following manner:

> The Atlantic Avenue Height Limit Area is defined as those properties, or portions of properties, located within (a) 125 feet ~~north~~ ~~or~~ south of the Atlantic Avenue right-of-way line, between Swinton Avenue and the Intercoastal Waterway and (b) 125 feet north of the Atlantic Avenue right-of-way line between (i) a line 118 west of NE 2nd Avenue (a 50-foot-wide right-of-way) and (ii) the Intracoastal Waterway.

By redefining this Sub-district, a portion of the AALHA would be carved out and the affected parcels would be subject to the regulations in place prior to the adoption of Ordinance No. 02-15. The affected parcels consist of two properties, 105 East Atlantic Avenue and 111 East Atlantic Avenue.

Review by Others:
The draft ordinance was reviewed by the following advisory board meetings:
DDA: September 10 (circulated)
PZB: September 17

City Attorney Review:
Approved as to form and legal sufficiency.

Finance Department Review:
N/A

Funding Source/Financial Impact:
N/A

Timing of Request:
N/A