



## Legislation Details (With Text)

**File #:** 19-1077      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/24/2019      **In control:** City Commission  
**On agenda:** 2/11/2020      **Final action:** 12/31/2023  
**Title:** ORDINANCE NO. 04-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING THE FUTURE LAND USE FOR 39.42 ACRES OF LAND FROM GENERAL COMMERCIAL (GC) IN PART, AND TRANSITIONAL (TRN) IN PART, TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR PROPERTIES GENERALLY LOCATED WITHIN THE AREA BOUNDED ON THE NORTH BY SE 4TH STREET, ON THE SOUTH BY SE 10TH STREET, ON THE EAST BY SE 7TH AVENUE, AND ON THE WEST BY SE 4TH AVENUE, ALL OF WHICH ARE ADJACENT TO EITHER SE 5TH AVENUE OR SE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Ord No 04-20 FLUM, 3. Ord No 04-20 PZB Staff Report, 4. Ord No 04-20 Location Map of CBD Expansion, 5. Ord No 04-20 Proposed FLUM Map

Date	Ver.	Action By	Action	Result
2/11/2020	1	City Commission	approved with conditions	Pass

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** George Gretsas, City Manager  
**DATE:** February 11, 2020

ORDINANCE NO. 04-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING THE FUTURE LAND USE FOR 39.42 ACRES OF LAND FROM GENERAL COMMERCIAL (GC) IN PART, AND TRANSITIONAL (TRN) IN PART, TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR PROPERTIES GENERALLY LOCATED WITHIN THE AREA BOUNDED ON THE NORTH BY SE 4<sup>TH</sup> STREET, ON THE SOUTH BY SE 10<sup>TH</sup> STREET, ON THE EAST BY SE 7<sup>TH</sup> AVENUE, AND ON THE WEST BY SE 4<sup>TH</sup> AVENUE, ALL OF WHICH ARE ADJACENT TO EITHER SE 5<sup>TH</sup> AVENUE OR SE 6<sup>TH</sup> AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

### **Recommended Action:**

Review and consider Ordinance No. 04-20 on First Reading, a Future Land Use Map amendment to redesignate approximately 39.42 acres of land from General Commercial in part and Transitional in part, to Commercial Core, generally located within the area bounded 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 SE SE 4th 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 the Land Development Regulations (LDRs) to provide a higher level of design criteria that encourage investment in the area, while ensuring compatible transitions between the commercial corridor and the adjoining residential neighborhoods. The proposed land use designation of Commercial Core (CC), which is presently determined by a maximum Floor Area Ratio (FAR) 3.0 (the transmitted Always Delray Comprehensive Plan proposes a 2.5 FAR), is similar in intensity as the designation of General Commercial (GC), which is determined by a maximum FAR of 3.0. Additionally, the GC designation has a lesser focus than the CC land use designation on regulating the mixing of uses. The proposed CC designation is more intense, however, for the two parcels that have a Transitional (TRN) land use designation, which is determined by a maximum FAR of 1.0.

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 5<sup>th</sup> Avenue and SE 6<sup>th</sup> Avenue, from SE 4<sup>th</sup> Street to SE 10<sup>th</sup> 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.

Pursuant to **LDR Section 2.4.5(A)**, Comprehensive Plan amendments must follow the procedures outlined in the Florida Statutes. The Future Land Use Map (FLUM) is adopted as part of the Comprehensive Plan. Since the area proposed to change land use designation is greater than 10 acres, the FLUM amendment is being processed for expedited review pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.3253.

<u>Current Land Use Designation</u>	<u>Acres</u>	<u>FAR</u>	<u>Density; Standard/Incentive</u>
General Commercial	38.1	3.0	12 du/ac; up to 30 du/ac
Transitional	1.32	1.0	12 du/ac; up to 24 du/ac
<u>Proposed Land Use Designation</u>	<u>Acres</u>	<u>FAR</u>	<u>Density; Standard/Incentive</u>
Commercial Core	39.42	3.0*	12 du/ac; 30-100 du/ac

\* Always Delray Comprehensive Plan update reduces FAR to 2.5

Pursuant to **LDR Section 3.1.1, Required Findings**, “findings shall be made by the body which has the authority to approve or deny the development application.” These findings relate to the Future Land Use Map (FLUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

Pursuant to **LDR Section 3.1.1(A), Future Land Use Map**, “the resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.”

The Future Land Use Element, of the Comprehensive Plan, Table L-6, identifies which zoning districts are consistent with the Future Land Use Map designations. The proposed CC designation and the requested zoning designation of CBD are consistent with each other.

Pursuant to **Future Land Use Element, Policy A-1.7**, amendments to the Future Land Use Map (FLUM) must be based upon the findings listed below, and must be supported by data and analysis that demonstrate compliance with these findings:

**Demonstrated Need** -- *That there is a need for the requested land use. The need must be based upon circumstances such as shifts in demographic trends, changes in the availability of land, including but not limited to the minimum amount of land required to accommodate the medium population projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period, changes in the existing character and FLUM designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances. The need must be supported by data and analysis verifying the changing demographics or other circumstances. This requirement shall not apply to requests for the FLUM designations of Conservation or Recreation and Open Space; nor shall it apply to FLUM changes associated with annexations when the City’s advisory FLUM designation is being applied, or when the requested designation is of a similar intensity to the advisory designation. However, the findings described in the remainder of this policy must be addressed with all FLUM amendments.*

The proposed FLUM designation does not significantly increase or decrease redevelopment as the intensity level is similar.

**Consistency** -- *The requested designation is consistent with goals, objectives, and policies of the most recently adopted Comprehensive Plan.*

**Future Land Use Element Goal A:** “Land within the Planning Area shall be developed or redeveloped to sustain and enhance the existing quality of life, compliment and be compatible with existing land use and result in a mixed, but predominately residential community with a balanced economic base and encourage accessible affordable everyday services.”

The proposed FLUM designation allows for a mix of commercial and residential uses, but allows for residential uses to be more easily incorporated in the corridor. In addition, the implementing zoning designation for the CC land use is CBD, which uses form-based techniques to create a vibrant, high quality environment and provides for compatible transitions among uses and varying scales.

**Future Land Use Element Objective A-1:** “Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate in terms of soil, topographic and other applicable physical considerations, is complimentary to adjacent land uses and fulfills remaining land use needs.”

Development under the proposed CC FLUM designation allows for residential uses to be more easily

included in redevelopment projects, which allows for the inclusion of more compatible uses with the surrounding neighborhood area.

**Future Land Use Element Objective C-3:** The Central Business District (CBD) and surrounding neighborhoods, including A-1-A, Seacrest and Swinton Avenue represents the essence of what is Delray Beach i.e. a "village by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan by managing growth and preserving the charm.

The proposed FLUM and zoning designations will continue the revitalization efforts that have been successful in the downtown core area down the commercial corridor. Utilizing the same FLUM and zoning designations in this area will help ensure redevelopment compliments the recommendations and guidelines found in the redevelopment plan(s) of adjacent neighborhoods, to ensure an overall compatible and appropriate development with respect to site design, intensity, and density.

**Housing Element Goal Area "A."** To maintain a safe and adequate supply of housing for all income levels and to preserve existing stable neighborhoods, stabilize and enhance neighborhoods that are in transition, and restore and rehabilitate neighborhoods that have declined.

**Housing Element Goal Area "B."** To ensure that an adequate supply of quality new housing is available in a range of types and cost levels to meet the needs of the City's Future population.

The proposed FLUM and zoning designations will assist in achieving these Goal Areas by (1) using regulations that facilitate residential uses (GC was more limiting); (2) by encouraging diverse housing options through incentives for townhouse and live-work units; and (3) by expanding the area, density incentives can be used to promote infill workforce housing.

**Concurrency** -- *Development at the highest intensity possible under the requested designation can meet the adopted concurrency standards.*

Because the FLUM designation of GC and CC both allow 3.0 FAR, and the CC designation will reduce to 2.5 with the adoption of the Always Delray Comprehensive Plan amendment, redevelopment under the new FLUM designation will be the same or less intense than under the current designation for approximately 38 of the 39.42 acres of land affected by the change; established concurrency impacts will either not change or be reduced. The parcels currently designated as TRN which total approximately 1.32 acres will increase from a 1.0 FAR to a 2.5. While this is an increase for these two parcels, with 97% of the area reducing in intensity, the change on these two parcels will be offset.

Traffic. Since the FLUM designations are the same, or will be slightly less intense, the amendment does not result in more traffic impacts than currently planned for in the City's Comprehensive Plans (both current and pending adoption). The facilitation of mixed use development and higher streetscape standards will help create a more walkable environment that is linked to the downtown core of the city.

Schools. The Palm Beach County School District must approve new developments for compliance with the adopted Level of Service for School Concurrency. Verification from the Palm Beach County School District in a written finding will be required prior to approval of any site plans in the area.

Water and Sewer. Pursuant to the Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out. The proposed amendment maintains, or slightly lessens, the ultimate demand on City resources.

Solid Waste. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2047. The following generation rates will be used to calculate impact on future developments:

- Multi-Family Residential Greater Than 5 Units: 0.52 tons / unit
- Office: 5.4 pounds per square foot per year
- Restaurant: 24.9 pounds per square foot per year
- Retail: 10.2 pounds per square foot per year

Drainage. Within this area of the city, the Federal Highway corridor has been recently improved and the City is in the process of providing local improvements to the Osceola Park neighborhood. At site plan submittal, new development will be required to provide a signed and sealed drainage report indicating the proposed development's ability to meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3 (D) (8); requirements in LDR Section 6.1.9 for the surface water management system; and signed and sealed calculations indicating current and proposed estimated flows into City's sewer system.

Parks and Open Space: The Open Space and Recreation Element of the City's Comprehensive Plan indicates in its conclusion that "the City will have sufficient recreation facilities at build-out to meet the adopted standards." Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit for each residential unit and hotel room at the time any project is presented for approval at the Building Department. The proposed CBD zoning designation requires open space be in the form of a plaza or park.

**Compatibility** -- *The requested designation will be compatible with existing and future land uses of the surrounding area.*

The proposed CC designation will connect to existing CC FLUM designations to the north and to existing, similar GC FLUM designations to the south. The corridor is separated from LD (Low Density) single-family areas by an alley on the west and by a street (SE 7<sup>th</sup> Avenue) on the east side. The proposed CBD LDR amendment provides for additional rear setback areas and landscape requirements to aid in the compatible transition to these areas.

**Compliance** -- *Development under the requested designation will comply with the provisions and requirements of the Land Development Regulations.*

All new development will be subject to all applicable provisions and requirements of the LDRs. In this area, a new sub-district is proposed to provide for customized regulations that respond to the surrounding area, including density limitations and incentives

At the Planning and Zoning Board meeting of October 21, 2019, a Public Hearing was held where the Board considered the proposed Future Land Use Map amendment. A recommendation of approval was provided on a vote of 7-0.

**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 April 2020 following completion of the Expedited Review Process with the Florida Department of Economic Opportunity.