



Legislation Details (With Text)

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File created:	4/11/2022	In control:		City Commission	
On agenda:	5/3/2022	Final action:			
Title:	ORDINANCE NO. 03-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.1109 ACRES IN SIZE PRESENTLY ZONED COMMUNITY FACILITIES TO CENTRAL BUSINESS DISTRICT WITHIN THE CENTRAL CORE SUB-DISTRICT FOR AN UNADDRESSED PARCEL LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; CORRECTING THE SCRIVENER'S ERROR IN FIGURE 4.4.13-B-1, "CENTRAL CORE AND BEACH SUB-DISTRICTS REGULATING PLAN," OF THE LAND DEVELOPMENT REGULATIONS, TO MAINTAIN THE PARCEL AS PART OF THE CENTRAL CORE SUB-DISTRICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; 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. SE 3rd Avenue - Ord 03-22, 3. SE 3rd Avenue - PZB Staff Report, 4. SE 3rd Avenue - Existing and Proposed Land Use and Zoning, 5. SE 3rd Avenue - Central Core Sub-district Regulating Plan, 6. SE 3rd Avenue - Applicant Rezoning Justification Statement, 7. SE 3rd Avenue - Traffic Analysis - Existing to Proposed Land Use and Zoning, 8. SE 3rd Avenue - Traffic Analysis - Including Future Project, 9. SE 3rd Avenue - Legal Review Ordinance 03-22				

Date	Ver.	Action By	Action	Result
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TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: May 3, 2022

ORDINANCE NO. 03-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.1109 ACRES IN SIZE PRESENTLY ZONED COMMUNITY FACILITIES TO CENTRAL BUSINESS DISTRICT WITHIN THE CENTRAL CORE SUB-DISTRICT FOR AN UNADDRESSED PARCEL LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; CORRECTING THE SCRIVENER'S ERROR IN FIGURE 4.4.13-B-1, "CENTRAL CORE AND BEACH SUB-DISTRICTS REGULATING PLAN," OF THE LAND DEVELOPMENT REGULATIONS, TO MAINTAIN THE PARCEL AS PART OF THE CENTRAL CORE SUB-DISTRICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC

HEARING)

Recommended Action:

Consider Ordinance No. 03-22, a privately initiated request for a Rezoning for the +/- 0.1109 acre property located on the west side of SE 3rd Avenue between East Atlantic Avenue and SE 1st Street (PCN # 12-43-46-16-01-085-0050), to rezone the property from Community Facilities (CF) to Central Business District (CBD).

Background:

The subject request is for an unaddressed +/- 0.1109 acre parcel located on the west side of SE 3rd Avenue between East Atlantic Avenue and SE 1st Street. The parcel is currently being used in conjunction with the lot to the north (298 East Atlantic Avenue) as a commercial “for pay” parking lot. The surrounding properties are comprised of commercial and office uses that are zoned CBD with a land use designation of CC. The applicant is requesting a Land Use Map Amendment from CF to CC and a Rezoning from CF to CBD with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-B-1, Central Core and Beach Sub-districts Regulating Plan, to officially include the subject property. The LUMA from CF to CC and associated rezoning to CBD would place the property within the Central Core Sub-district which allows a density up to 30 du/acre, and a maximum height of 54 feet and four stories.

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 attached Planning and Zoning Board staff report provides a full analysis of the request. The following chart provides density and height information related to the development standards that would result under the proposed land use change:

Development Standard	CF/CF	CC/CBD
Floor Area Ratio (FAR)	1.0	3.0
Maximum Potential Floor Area	4,830 sf	14,490 sf
Density	--	12 - 30 du/ac
Maximum Number of Units	--	3
Building Height (maximum)	48 Feet	54 Feet & 4 Stories

While the FAR, density, and height resulting from the new land use designation and zoning district will allow a more intense development than possible under the CF land use and zoning, more appropriate uses and development types will result in the downtown and allow for a more cohesive streetscape and development pattern along SE 3rd Avenue.

The Planning and Zoning Board (PZB) voted 5-0 (with Mr. Davey and Mr. Long absent) to recommend approval of the request at the January 24, 2022, meeting.

The City Commission voted 5-0 to approve Ordinance No. 03-22 at first reading at the April 5, 2022 meeting.

City Attorney Review:

Ordinance No. 03-22 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance 03-22 will become effective immediately upon adoption. The rezoning request will be heard concurrently with Ordinance No. 02-22 for the Land Use Map Amendment.