



## Legislation Details (With Text)

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

**File created:** 7/25/2022      **In control:** City Commission

**On agenda:** 8/16/2022      **Final action:**

**Title:** ORDINANCE NO. 21-22 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING SEVEN PARCELS OF LAND MEASURING APPROXIMATELY 4.3882 ACRES LOCATED ON THE EAST SIDE OF NORTH FEDERAL HIGHWAY, NORTH OF DELMAR WAY AND SOUTH OF GULFSTREAM BOULEVARD, WITH ADDRESSES OF 2419, 2507, 2515, 2519, 2601, 2605, AND 2613 NORTH FEDERAL HIGHWAY, FROM GENERAL COMMERCIAL TO AUTOMOTIVE COMMERCIAL 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. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. 2419-2613 N Federal Hwy - Ord 21-22\_leg rev (WB), 3. 2419-2613 N Federal Hwy - PZB Report, 4. 2419-2613 N Federal Hwy - Existing and Proposed Zoning, 5. 2419-2613 N Federal Hwy - Applicant Justification Statement, 6. 2419-2613 N Federal Hwy - Traffic Statement, 7. 2419-2613 N Federal Hwy - Legal Review Form - Ord 21-22

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:** August 16, 2022

ORDINANCE NO. 21-22 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING SEVEN PARCELS OF LAND MEASURING APPROXIMATELY 4.3882 ACRES LOCATED ON THE EAST SIDE OF NORTH FEDERAL HIGHWAY, NORTH OF DELMAR WAY AND SOUTH OF GULFSTREAM BOULEVARD, WITH ADDRESSES OF 2419, 2507, 2515, 2519, 2601, 2605, AND 2613 NORTH FEDERAL HIGHWAY, FROM GENERAL COMMERCIAL TO AUTOMOTIVE COMMERCIAL 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. (SECOND READING/PUBLIC HEARING)

### Recommended Action:

Review and consider Ordinance No. 21-22, a privately initiated rezoning request from General Commercial (GC) to Automotive Commercial (AC) for seven parcels, totaling +/- 4.3882 acres, located on the east side of North Federal Highway between Delmar Way and Gulfstream Boulevard.

### Background:

The subject request is for a rezoning from GC to AC. The surrounding properties to the north, south,

and west are comprised of GC and AC zoning. Directly abutting the properties to the east are single family residences zoned Residential Single Family - Place Au Soleil District (RS-P) within the Town of Gulf Stream. Lots 31-35 are currently vacant, while Lot 30 is developed with an 887 square foot commercial building licensed for an outdoor furniture and pottery business.

If the rezoning request is approved, the property owner has identified an intention to construct a full-service automotive dealership. Pursuant to LDR Section 4.4.10(B), full service automotive dealerships are permitted by right in the AC zoning district. At this time, no site plans have been submitted.

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. Based on the comparison chart on page 7 of the staff report, one of the most significant differences between the AC and GC zoning district regulations is the acreage requirement for the development of a full-service automotive dealership. The AC zoning district requires a minimum of 1.5 acres to establish a full-service automotive dealership, while the GC zoning district accommodates both small and large-scale development. Incompatibilities with the adjacent residential use may be mitigated through the additional requirements in the AC zoning district, establishing additional setbacks, buffer requirements, and restrictions on business operations when a commercial parcel abuts residential zoning.

The AC zoning district provides additional regulations for specific uses to minimize negative impacts on neighboring properties, with particular attention placed on the protection of adjacent residentially zoned properties. The additional regulations are outlined on pages 5-6 of the staff report and addresses minimum lot dimensions, outdoor display, vehicle testing areas, parking locations, advertising, off-loading, and exterior lighting.

Rezoning to Automotive Commercial will maintain compatibility along the corridor by allowing uses that are anticipated in the area. However, while the uses permitted in the Automotive Commercial district will be generally compatible with the surrounding commercial and service uses, the potential impact of the request on the abutting single-family residences to the east should be considered.

On June 20, 2022, the Planning and Zoning Board voted 6-1 (Ms. Howell dissenting) to recommend approval of the rezoning request.

The City Commission voted 5-0 to approve Ordinance No. 21-22 on first reading at its meeting on July 19, 2022.

**City Attorney Review:**

Ordinance No. 21-22 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Ordinance No. 21-22 will become effective immediately upon adoption.