



## Legislation Text

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

ORDINANCE NO. 19-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ALL SUBSECTIONS, EXCEPT SUBSECTION (H), OF SECTION 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT" AT ARTICLE 4.4, "BASE ZONING DISTRICT" OF CHAPTER 4, "ZONING REGULATIONS", IN ORDER TO MODIFY REGULATIONS, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, RETAIL FRONTAGE, PARKING, BUILDING CONFIGURATIONS, FRONTAGE STANDARDS, STREET TREES, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, TRAFFIC CIRCULATION AND APPLICATION REVIEW PROCESSES IN THE CBD DISTRICT, PROVIDING FOR NEW FIGURE 4.4.13-8A ALONG WITH OF OTHER TABLES OR FIGURES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/SECOND PUBLIC HEARING)

### **Recommended Action:**

Motion to Approve Ordinance No. 19-18 amending the Land Development Regulations at Section 4.4.13 "Central Business District (CBD)", as presented.

### **Background:**

In February 2015, Ordinance No. 02-15 was adopted which repealed and replaced Land Development Regulations (LDR) Section 4.4.13, Central Business District (CBD). The ordinance requires that the regulations be "re-evaluated by February 2018 for their effectiveness in shaping the desired downtown environment." The regulations have been applied to a variety of proposed projects ranging from minor façade alterations and adaptive reuse of existing structures to new construction of multi-story buildings throughout the district.

In February and March 2018, Staff presented this matter to each City advisory board and asked for comments to both improve the regulations and to raise any unforeseen circumstances that have resulted from the administration of the new rules. The comments included both minor adjustments and clarifications as well as larger ideas that require policy direction. This proposed ordinance addresses clarifications and minor adjustments. More significant comments (for example, changing building height) are not included in the ordinance, but are listed at the end of the memorandum.

The proposed amendments to the CBD regulations in this ordinance include the following:

- Outdoor Uses in the Railroad Corridor Sub-district: The current code unintentionally does not permit outdoor dining and retail uses in this area; the amendment will allow these uses in accordance with the current restrictions on outside usage in Section 4.6.6(C). Page 19
- Openings on Side Elevations: The current code requires all light and air shafts be provided within the property; clarity is added by establishing a minimum setback for new buildings with openings and windows facing side property lines. Page 26
- Street Trees: Where street trees already exist or do not require replacement, the required number of trees must be planted in another location on-site or within the same sub-district or provide a one-time contribution to the City's Tree Fund . Page 33.
- Stoop Frontage Type: Currently only permitted for residential buildings; commercial buildings have successfully used stoops to retrofit for ADA access on existing buildings or absorb grade changes. Page 36
- Bicycle Parking: Current requirement is too high, particularly for smaller lots; requirement has been reduced. Page 62
- Vehicular Use-Area Along Primary Streets: The current code prohibits parking areas within the front setback facing Primary Streets; clarification is added that the rule applies to all vehicular use areas, such as loading and drop-off areas. Pages 15, 18
- Maximum Finished Floor, Commercial: Current requirement is 6" maximum, which conflicts with minimum FEMA requirements. Page 25
- Rooftop Uses: Current regulations do not permit air-conditioned spaces, which are considered "stories" for the purposes of limiting height or provide landscaping or lighting standards. Amendments add specific regulations for the use of the rooftops, covered structures, and air-conditioned areas on roofs of buildings built to the maximum height (for example, restroom facilities associated with a rooftop pool); includes lighting and landscaping regulations. The proposed regulations do not allow climate-controlled kitchen areas. Pages 20-22
- Civic Open Space: Addresses comments to interrupt long buildings along the street more often and to increase the amount of green space in proportion with the size of the project addressed by increasing the amount of required civic open space for properties greater than 40,000 square feet in size. Page 69
- Architectural Standards: Addresses comments requesting more building articulations on long buildings by reducing the maximum height to length proportion. Page 46
- Required Retail Frontage: Current regulations limit the uses in the ground story to retail, restaurant and hotel uses on Atlantic Avenue and Pineapple Grove Way. Clarifying language and a diagram have been added. Limitations on the number of financial institutions have been added. Page 14 and 15

Comments were also made that require policy direction. These comments are listed below but are

not included in the proposed ordinance:

- Reduce the threshold for requiring LEED certification from 50,000sf to 5,000sf.; or, require different levels of LEED based on project size and location.
- Lower building height to 3 stories west of Swinton Avenue.
- Raise building height/density in appropriate locations (TOD, TDR, Workforce Housing Incentive)
- Add more Public Art downtown (regulation, incentive, or fee)
- Add parameters on national chains in the DDA District.
- Add a requirement for employee parking.
- Add a requirement to amortize or “sunset” dark tinted glass in storefronts in the CBD by a certain date (a transparency requirement is currently in the code).
- Create a Conservation District; Use TDRs for historic preservation purposes

In addition, comments related to the Architecture Design Guidelines were also submitted:

- Add/do not add Tropical Modernism as a pre-approved style (style approved for The Ray Hotel)
- Remove Masonry Modern as a pre-approved style

At the first reading, the Commission approved the ordinance with direction to include provisions for roof top uses, particularly enclosed uses, such as a kitchen. The modifications to the roof top uses has been incorporated. In addition, the requirements regarding financial uses on required retail was relocated to the appropriate section of the LDRs.

#### **Review by Others:**

Initial comments were collected from the following advisory boards:

DDA:	February 12
GIAB:	February 15
PZB:	February 26
PGMS:	February 28
SPRAB:	February 28, April 11
WARC:	March 1
HPB:	March 7
CRA:	March 8
DDA:	March 12

The draft ordinance was presented at the following advisory board meetings:

HPB:	August 1
WARC:	August 2 (circulated; meeting cancelled)
SPRAB:	August 8
DDA:	August 13
PZB:	August 20
PGMS:	August 29

#### **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