



## Legislation Text

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File #: 19-1078, Version: 1

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

ORDINANCE NO. 05-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED GENERAL COMMERCIAL (GC) IN PART, NEIGHBORHOOD COMMERCIAL (NC) IN PART, AND PROFESSIONAL OFFICE DISTRICT (POD) IN PART, TO CENTRAL BUSINESS DISTRICT (CBD); SAID LAND CONTAINING APPROXIMATELY 39.42 ACRES, AND 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; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

### **Recommended Action:**

Review and consider Ordinance No. 05-20 on First Reading, a rezoning of approximately 39.42 acres of land from General Commercial in part, Neighborhood Commercial in part, and Professional Office District in part, to Central Business District for the 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 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:**

The 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 zoning designation is similar in intensity (including height) as the current designations; however, the General Commercial (GC), Professional Office District (POD), and Neighborhood Commercial (NC) have a lesser focus on regulating the mixing of uses and do not require higher architectural and streetscape standards.

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(D)(1)**, the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board.

**LDR Section 2.4.5(D)(2)** outlines the procedures for a zoning change, which includes the standard application items in Section 2.4.3. Valid reasons for approving a change in zoning, pursuant to **LDR Section 2.4.5(D)(2)** are:

- That the zoning had previously been changed, or was originally established, in error;
- That there has been a change in circumstance which makes the current zoning inappropriate;
- That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

The requested rezoning is to be considered under the third criteria. The proposed intensity (Floor Area Ratio-FAR) under the CBD zoning designation is the same (3.0) or will be slightly less (2.5) once the updated comprehensive plan adoption is final. The proposed standard density is 12 du/ac, which is the same as GC. Two incentives are incorporated into the zoning: one allows up to 22 du/ac to promote three story townhouses between the Osceola Park neighborhood and the South Federal Highway corridor to improve compatibility with the neighborhood. The other allows 30 du/ac and, for the next four years only, a limited duration incentive (up to 50 du/ac) for properties in the block between SE 5<sup>th</sup> and SE 6<sup>th</sup> Avenues to spur redevelopment and promote the inclusion of workforce units.

Pursuant to **LDR Section 3.2.2, Standards for Rezoning Actions**, rezoning requests must meet five standards, which are described below as they relate to the proposed rezoning under consideration.

*(A) The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied to those areas identified as “stable” and “stabilization” on the Residential Neighborhood Categorization Map. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied.*

Not applicable. The subject corridor is not considered a residential neighborhood. Osceola Park is categorized as “Needing Revitalization”, while the Del Rio Shores neighborhood on the east side is categorized as Stable.

*(B) Rezoning to AC (Automotive Commercial) to accommodate auto dealerships shall not be permitted west of I-95.*

Not applicable. Auto dealerships are not a proposed use.

*(C) Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration should be given to increasing the depth of the commercial zoning in order to provide for better project design.*

The proposed CBD zoning is a form-based code and does not permit strip-type commercial development. The proposed zoning will result, over time, in a change from strip development to mixed use development that helps shape the corridor into an attractive pedestrian-friendly area with neighborhood serving uses. .

*(D) That the rezoning shall result in allowing land uses which are deemed compatible with adjacent and nearby land use both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.*

Under the proposed Commercial Core land use designation, the proposed CBD zoning district is compatible. The existing zoning and uses surrounding the proposed development are as follows:

<u>Zoning Designation</u>	<u>Use</u>
<u>North</u> Central Business District	Townhomes
<u>South</u> General Commercial (GC)	Commercial
<u>East</u> Single Family Residential (R-1-AA)	Single family residential
Multiple Family Residential, Medium Density (RM)	Condominium
<u>West</u> Single Family Residential (R-1-A)	Single family residential

The requested rezoning from RM to CBD will result in compatibility among existing and future land uses with the surrounding area. The CBD regulations utilize form-based techniques to ensure compatible transitions in building scale and intensity. There are several examples throughout Delray Beach where CBD zoned property directly abuts single family and multiple family residential areas, notably in the northwest area. The CBD regulations require additional setbacks from single-family houses and districts. Regulations also limit commercial uses from extending further than 150' from West Atlantic Avenue, which will establish a largely multi-family infill pattern, consistent with the surrounding land use designations. Additionally, the CBD regulations use open space and architectural regulations to provide for a high quality urban environment.

*(E) Remaining, isolated infill lots within the coastal planning area shall be developed under zoning which is identical or similar to the zoning of adjacent properties; and, the resulting development shall be of a design and intensity which is similar to the adjacent development.*

Not applicable. The proposed development is not within the coastal planning area.

At the Planning and Zoning Board meeting of October 21, 2019, a Public Hearing was held where the Board considered the rezoning. 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 the completion of the Expedited Review Process with the Florida Department of Economic Opportunity for Ordinance No. 04-20.