



## Legislation Text

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File #: 20-301, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** George Gretsas, City Manager  
**DATE:** May 19, 2020

ORDINANCE NO. 07-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUBSECTION 4.4.13(B), "REGULATING PLANS"; AMENDING FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN"; AMENDING SUBSECTION (C), "ALLOWABLE USES"; AMENDING SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; AMENDING TABLE 4.4.13(B), "BUILDING HEIGHT"; AMENDING TABLE 4.4.13(C), "DIMENSIONAL REQUIREMENTS BY CBD SUB-DISTRICT"; TO LIMIT THE HEIGHT OF PROPERTIES REZONED TO CENTRAL BUSINESS DISTRICT (CBD) FROM SINGLE-FAMILY RESIDENTIAL (R-1-A) WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

### **Recommended Action:**

Review and consider Ordinance No. 07-20 on Second Reading, amendments to the Land Development Regulations Section 4.4.13, Central Business District (CBD), to establish a Limited Height Area and require lower height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district.

### **Background:**

This amendment was initiated as a means of providing appropriate transitions to single-family properties from the Central Business District (CBD). Throughout the West Atlantic Neighborhood Sub-district, the north side transitions directly from CBD to R-1-A, generally at the middle of the first block. The south side of West Atlantic Avenue transitions to Multi-family zoning (RM) and then transitions to single-family residential zoning at SE 2nd Street.

A current request from the Community Redevelopment Agency (CRA) is in process to rezone five properties from R-1-A to CBD along NW 6<sup>th</sup> Avenue and NW 7<sup>th</sup> Avenue; if approved, the CBD zoning district will extend to the east/west alley, just south of NW 1st Street. During the Planning and Zoning Board meeting of November 18, 2019, the Board expressed concerns for extending the CBD zoning farther north into the neighborhood, specifically regarding the compatibility of the potential new redevelopment adjacent to existing single-family houses. The proposed Limited Height Area intends to not only address the expressed concerns for the current rezoning action, but also to assist in mitigating potential impacts if future rezoning requests are submitted.

The proposed amendment establishes a Limited Height Area within the West Atlantic Neighborhood Sub-district of the CBD that is applied to those properties rezoned from R-1-A to CBD. The limited height is 35 feet and three stories, which is consistent with both the RM and R-1-A districts, whereas the balance of the CBD sub-district may develop up to 54 feet and four stories.

Additional amendments are corrective in nature to clarify that those structures allowed more than 150 feet from West Atlantic Avenue are residential, and that commercial and mixed-use structures require approval of a conditional use request.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan. The following GOPs of the adopted Comprehensive Plan are applicable to the proposed amendment:

**NOTE:** The subject request was submitted prior to the adoption of the Always Delray Comprehensive Plan on February 4, 2020; therefore, the applicable Goals, Objectives, and Policies from the prior Comprehensive Plan have been provided and reviewed.

**Future Land Use Element Objective A-1:** Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

The Limited Height Area will help provide compatible new development with the adjacent land uses on those properties that are rezoned from R-1-A to CBD, particularly those that are adjacent to other R-1-A zoned properties. The height limitation of 35 feet and 3 stories, rather than 54 feet and four stories of height, assists in providing a complementary transition between the districts, as the maximum height for single-family zoned properties is 35 feet.

**Future Land Use Element Policy A-2.3:** Development of remaining vacant properties shall occur in a manner which is consistent with and complementary to adjacent development regardless of zoning designations. This policy shall be implemented through the review process associated with platting and site plans.

The proposed limited height is supported by Policy A-2.3, as it requires that redevelopment is consistent and complementary regardless of adjacent zoning designations. The proposed height limitation of 35 feet is the same height as the maximum allowed for single-family residentially zoned properties.

**Future Land Use Element Policy C-1.5:** The following pertains to the redevelopment of the West Atlantic Avenue Area: This area extends in a corridor along Atlantic Avenue eastward from I-95 to Swinton Avenue. The present land uses in this area include single family homes, duplexes, mini-parks, commercial uses along Atlantic Avenue and N.W. 5th Avenue, and scattered vacant parcels. The West Atlantic Avenue Redevelopment Plan was adopted by the City Commission on July 11, 1995. The plan establishes Future Land Use Map designations, zonings, special development standards, and design guidelines for the Redevelopment Area. Future development in the area must be in accordance with the provisions of the redevelopment plan.

The proposed amendment is consistent with the plan, which calls for careful consideration of redevelopment by limiting non-residential uses on property located further than 150 feet from West Atlantic Avenue. The limited height will further the intent of this requirement by requiring it for properties rezoned from Single-family Residential to CBD.

**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 following policies and activities shall be pursued in the achievement of this objective.

The proposed amendment is designed to continue "preserving the charm" of the established neighborhood fabric of the northwest neighborhood within the West Atlantic Neighborhood Sub-district.

At the **Planning and Zoning Board** meeting of December 16, 2020, the proposed LDR Amendments were reviewed; a recommendation of approval was made on a vote of 6-0.

The First Reading of Ordinance 07-20 was approved on March 3, 2020.

**City Attorney Review:**

Approved as to legal form and sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

This item must be adopted prior to the adoption of the Future Land Use Map Amendment and Rezoning requests (Ordinance Nos. 08-20 and 09-20) from the CRA.