Legislation Text

File #: 26-0863, **Version:** 1

TO: **Mayor and Commissioners**
FROM: **Anthea Gianniotes, Development Services Director**
THROUGH: **Terrence R. Moore, ICMA-CM**
DATE: **August 18, 2026**

RESOLUTION NO. 117-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW OUTDOOR DINING AT NIGHT ASSOCIATED WITH RESTAURANTS WITHIN THE FIVE EXISTING HISTORIC STRUCTURES ALONG SOUTH SWINTON AVENUE (BLOCK 61) FOR THE PROJECT KNOWN AS SUNDY VILLAGE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommended Action:
Consider a Conditional Use request to allow outdoor dining at night within the five existing historic structures along South Swinton Avenue (Block 61) of the Sundy Village project.

Background:
The subject property is known as "Sundy Village," which is a unified development project containing 6.9 acres and spanning four city blocks. The site includes all of Block 61, portions of Blocks 69 & 70, and a portion of the Sundy and Cromer block. The site is zoned Old School Square Historic Arts District (OSSHAD) and is located within the locally and nationally designated Old School Square Historic Districts and the Sundy House is also individually listed to the National Register of Historic Places. A full history of the property's approvals is attached.

As part of the project, five historic buildings have been rehabilitated facing S. Swinton Avenue. The subject request is located within OSSHAD which contains mixed use zoning that allows single-family residential and duplexes. As restaurant use for outdoor dining in the daytime is permitted within the zoning district; however, the request to allow outdoor dining to continue operating into nighttime hours requires conditional use approval. This regulation is to ensure that the residential uses in the district are protected from potential adverse impacts by neighboring commercial activities.

To approve the conditional use request, applications must be consistent with the Comprehensive Plan and meet the following findings:

LDR Section 2.4.6(A)(5) Establishment of a Conditional Use, Findings
In addition to provisions of Chapter 3, the City Commission must make findings that establishing the

conditional use will not:
a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
b) Hinder development or redevelopment of nearby properties.

A full analysis of the request is provided in the attached Planning and Zoning Board (PZB) staff report.
At its meeting of July 1, 2026, the Historic Preservation Board recommended approval of the conditional use request to the Planning and Zoning Board by a vote of 7 to 0.
At its meeting of July 20, 2026, the Planning and Zoning Board recommended approval of the conditional use request to the City Commission by a vote of 7 to 0.

City Attorney Review:
Resolution No. 117-26 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:
Not applicable.

Timing of Request:
Resolution No. 117-26 will be effective immediately, if approved.