

ORDINANCE NO. 33-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SUBSECTION 4.3.4(K), "DEVELOPMENT STANDARDS MATRIX"; ENACTING SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT"; AND AMENDING SUBSECTION 4.6.9(C)(8)(a), "SHARED PARKING", TO ESTABLISH A NEW MIXED-USE ZONING DISTRICT; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on May 15, 2006, and voted 4 to 0 to recommend that the changes be approved; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Subsection 4.3.4(K), "Development Standards Matrix", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

DEVELOPMENT STANDARDS MATRIX - RESIDENTIAL ZONING DISTRICTS

(This matrix is to be interpreted and applied pursuant to Section 4.3.4)

Zoning District	MINIMUM LOT SIZE (sq. ft.)	LOT WIDTH (ft.)	LOT DEPTH (ft.)	LOT FRONTAGE (ft.)	MINIMUM FLOOR AREA (sq. ft.)	MAXIMUM LOT COVERAGE	MINIMUM OPEN SPACE REQUIREMENT	SETBACKS				DENSITY	HEIGHT (ft.)	MINIMUM DEVELOPMENT AREA
								FRONT (ft.)	STREET (ft.)	INTERIOR (ft.)	REAR (ft.)			
Agriculture	10 AC. (2)	100	110	100	1,500			35	25	15	25	35		
Rural Residential	3 ACRES				2,200				17	12	12	35		
Single Family	R-1-AAA	12,500	100	110	1,000			35	17	12	12	35		
	R-1-AAAAB	12,500	100	110	1,500			35	17	12	12	35		
	R-1-AAA	9,500	75/95	100	75/95	1,500	N/A	30	15	10	10	35	N/A	
	R-1-AAAAB	9,000	80	100	80	1,500		25	20	8 1/2	25	35		
	R-1-A	7,500	60/80	100	60/80	1,000		25	15	7 1/2	10	35		
	R-1-AB	7,500	60/80	100	60/80	1,500		25	15	7 1/2	10	35		
Low - Medium Density	RL (9)	8,000	80	100	(1)	40%	(3)	25	25	15	25	35		
	Multi-family Duplex							25	25	15	15	15		
Medium - Medium High Density	Zero Lot Line	4,800		80				25	25	15	25	35		
	RM (6) Multi-family Duplex	8,000	80	100	(1)	40%		25/30 (6)	25/30 (6)	15/25 (6)	25 (6)	35		
Planned Residential Multifamily Component	Zero Lot Line	4,800		80										
	PRD	N/A	N/A	N/A	(1)	40%		25/30	25/30	15/25	25	35	5 ACRES	
	Conventional	7,500	60/80	100	60/80	1,200		25	15	7 1/2	10	35		
	Zero Lot Line	4,500	40/80	80	40/80	1,000	N/A		20		0/15			
Mobile Home Park	Park	2 ACRES	120	N/A	N/A	N/A		25	15	7 1/2	10	35	2 ACRES	
	Shes	3,200	N/A					5	5	5	5			

IC = Interior Lot/Corner Lot

SUBNOTES:

- (1) = Minimum Floor Area for Duplexes and Multifamily Dwelling Units:
 - Duplexes 1000 sq. ft.
 - Efficiency 400 sq. ft.
 - One Bedroom 600 sq. ft.
 - Two Bedroom 900 sq. ft.
 - Three Bedroom 1250 sq. ft.
 - Four Bedroom 1500 sq. ft.
- (2) = See Section 4.4.1(F) for exceptions.
- (3) = A minimum of 25% non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.
- (4) = See Paragraph 4.3.4(J)(2) for single family detached structures in residentially zoned districts.
- (5) = The provisions for the R-1-A District shall apply for single family dwellings.
- (6) = Refer to individual district regulations "Development Standards" section for special setbacks in the Southwest Neighborhood Overlay District.
- (7) = 142/3 = 1st & 2nd Story / 3rd Story. The setback for the 3rd story shall only be applied to those portions of the building which are 3 stories in height, not the entire building.

* Represents absolute minimum size. Must also comply with minimums for corresponding number of bedrooms.

DEVELOPMENT STANDARDS MATRIX - NONRESIDENTIAL ZONING DISTRICTS

(This matrix is to be interpreted and applied pursuant to Section 4.3.4)

ZONING DISTRICT	MINIMUM			LOT FRONTAGE (ft.)	MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA (sq. ft.)	SETBACKS						MINIMUM DEVELOPMENT AREA	OTHER	
	LOT WIDTH (ft.)	LOT DEPTH (ft.)	LOT FRONTAGE (ft.)				PERMETER (ft.)	FRONT (ft.)	SIDE STREET (ft.)	SIDE INTERIOR (ft.)	REAR (ft.)	HEIGHT (ft.)			
General Commercial	0	0	0	0	(3)	N/A	N/A	10 (5)	10 (5)	10 (5)	10 (5)	10 (5)	48	N/A	Refer to special requirements for auto sales
Automobile Commercial	10,000(1)	50(1)	100(1)	50(1)	(3)	N/A	N/A	15 (5)	15	(2)	10	10 (4)	48	1 ACRE	Maximum site area of two (2) acres
Neighborhood Commercial	1 ACRE	100	200	100	40% (3)	4,000	N/A	40	30	30	10 (4)	10 (4)	48	N/A	Refer to Section 4.4.12(P)(2) restrictions on floor area
Planned Commercial	10,000	50	100	50	(3)	6,000	N/A	10	10	0	10	10	48	N/A	
Central Business District	0	0	0	0	(1)	N/A	N/A	(1)	(1)	(1)	(1)	(1)	48	N/A	
Central Business District- Rail Corridor	0	0	0	0	(1)	N/A	N/A	(1)	(1)	(1)	(1)	(1)	48	N/A	
Resort-Tourism	1 ACRE	100	100	100	60% (3)	N/A	15	N/A	N/A	N/A	N/A	N/A	48	N/A	
Planned Office Center	1 ACRE	N/A	N/A	N/A	60% (3)	4,000	(1)	30	30	10	10	10	48	3 ACRES	
Professional/Office	0	0	0	0	40% (3)	N/A	N/A	25	25	0(2)	10	10	48	N/A	
Residential Office	8,000	80	100	80	40% (3)	N/A	N/A	25	25	15	15	25	35	N/A	
Planned Commerce Center							See Section 4.4.18						48	10 ACRES	
Mixed Industrial/Commercial	0	0	0	0	50% (3)	N/A	N/A	25	25	10	10	10	48	N/A	
Industrial	20,000	100	200	100	50% (3)	N/A	(1)	30	30	10	10	10	48	(1)	
Light Industrial	20,000	0	0	100	50% (3)	N/A	N/A	10	10	5	10	10	48	1 ACRE	
O.S.S. Historic Arts	8,000	80	100	80	40% (3)	(1)	N/A	25 (1)	15 (1)	7 1/2 (1)	10 (1)	10 (1)	35	N/A	Refer to Section 4.4.24 for special areas and additional regulations
Community Facilities	0	0	0	0	(3)	N/A	10	N/A	N/A	N/A	N/A	N/A	48	N/A	Refer to Section 4.4.21(P) for additional setback & open space requirements
Open Space							See Section 4.4.22								
Open Space and Recreation							See Section 4.4.27								
Conservation							See Section 4.4.23								
Special Activities District	0	0	0	0	(1) (3)	N/A	15	(1)	(1)	(1)	(1)	(1)	48	(1)	
Mixed Residential/Office/Commercial	0	N/A	N/A	N/A	75% (3)	4,000	(1)	(1)	(1)	(1)	(1)	(1)	85	3 ACRES (6)	Refer to Section 4.4.26 for additional regulations

NOTES:

- (1) = Refer to individual district regulations.
- (2) = When there is no dedicated access to the rear of any structure a 10' side yard setback shall be provided.
- (3) = In addition to lot coverage restrictions, a minimum of 25% non-vehicular open space shall be provided.
Interior and perimeter landscaping may be applied toward meeting this requirement.
- (4) = Minimum rear yard setback is ten feet (10') and then one additional foot for each foot in building height above ten feet (10').
- (5) = Refer to individual district regulations "Development Standards" section for special setbacks in the North Federal Corridor.
- (6) = Wetlands to this minimum size may be granted during the Master Plan approval process.

Section 3. That Section 4.4.29, "Mixed Residential, Office and Commercial (MROC) District", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby enacted to read as follows:

Section 4.4.29 MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT

(A) Purpose and Intent: The MROC District regulations provide for a mix of residential, office, and commercial uses in a master-planned environment, which is controlled through a Master Development Plan.

It is desired that the existence of the MROC Zoning District will encourage the development of Class A office buildings, supporting commercial uses and residential units in a master planned environment, which will provide housing (both market rate and workforce), and employment opportunities for the residents of the Greater Delray Beach Community.

The MROC District is applied to property which has a Mixed-Use Future Land Use Map designation and is bounded by West Atlantic Avenue on the north, the C-15 Canal to the south, the I-95 transportation corridor on the east and generally Congress Avenue on the west together with the Congress Park, Congress Park South, and the Office Depot complexes, located just west of Congress Avenue. The district's primary objectives are to create high quality jobs and to increase the tax base within the corridor. To that end, the district encourages stand alone Class A office buildings and mixed-use development within the corridor with commercial or office uses on the ground floor and office or residential uses above while utilizing new urbanism design elements.

(B) Principal Uses and Structures Permitted: The following types of uses are allowed within the MROC district as permitted uses:

(1) Office Center: The "Office Center" uses within an MROC development may comprise as much as one hundred percent (100%) of the total building square footage within the development. These uses can include:

- Financial Institutions, e.g., banks, savings and loan establishments, brokerage firms.
- Medical Offices, e.g., physicians, dentists, chiropractors, podiatrists, optometrists, etc.
- Professional Offices, e.g., attorneys, engineering firms, architectural
- Governmental offices, e.g., including federal, state, county, and local offices, along with their related fleet and communications operations

(which will be considered accessory uses to governmental offices and services), civic centers, courthouses, fire stations, public health facility, law enforcement offices and facilities, post office, public utility facilities, communication towers and community facilities such as civic centers, cultural facilities, libraries, auditoriums, museums, and public recreation facilities, and services such as day care centers, abuse, child care centers.

- Business Support Services, primarily engaged in rendering services to other building establishments, e.g., such as mailing, building maintenance, personnel and employment services, management, and consulting services, protective services, copy and printing, travel, office supply, and similar services.

(2) **Research and Development:** Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others. R&D uses may constitute 100% of the total building square footage within the development. Examples of such uses or resulting products include:

Product Creation, Testing, Evaluation, and Development:

- computer hardware
- computer software
- pharmaceuticals

Research and Development Services:

- calibration laboratories or services
- chemical laboratories
- commercial testing laboratories
- soil laboratories
- scientific research laboratories

(3) **General Retail Uses:** Retail uses not to exceed 20% of the total building square footage of the development, including, but not limited to:

- Restaurants, baked goods, books, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, medicines and prescriptions, flowers and plants, fruits and vegetables, food, gifts, glassware, ice cream, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies,

pets and pet supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry.

- Barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, outdoor cafes, tailoring, tobacconist,
- Galleries, butcher shops, cocktail lounges, exercise facilities, museums, libraries, newsstands, commercial or public parking lots and parking garages.

(4) Multi-family Dwelling Units: Multi-family uses excluding duplexes subject to (a)(b)(c)(d) below, ranging in density between 40 and 50 units per acre subject to the following:

- Residential units within 1,000 linear feet of the Tri-Rail Transit station (measured by airline route) may comprise 100% of the total floor area of the development master plan at a maximum density of (50) units per acre. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.
- Residential units between 1,001 and 2,500 linear feet of the Tri-Rail Transit station (measured by airline route) may comprise 80% of the total floor area of the development master plan at a maximum density of (50) units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses. If a portion of the parcel is within 2,500 linear feet, this regulation shall apply to the entire parcel.
- Residential units at a distance (measured by airline route) greater than 2500 feet of a transit station may comprise 75% of the total floor area of the development master plan at a maximum density of (40) units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses.

(a) Residential developments must include a minimum of 20% workforce units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing

(b) Workforce units shall be subject to general provisions of Article 4.7.6, 4.7.7, 4.7.8, 4.7.9, and 4.7.10. Notwithstanding the above, residentially developed sites within 1,000 linear feet (measured by airline route) of the

Tri-Rail station can contain 100% workforce housing units. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.

(c) For mixed-use developments, the shared parking provisions of LDR Section 4.6.9. (C)(8) shall be allowed.

(d) All residential developments shall be subject to the Performance Standards of 4.4.13(I)(2)

(5) Hotel, Motel and Residential all suite lodging: These types of uses may comprise up to 20% of the total floor area of the overall master plan. For the purpose of calculating the percentages of uses within the development master plan, multiple hotels, motels, and residential all suite lodging uses will be considered one specific use category.

(C) Accessory Uses and Structures Permitted: The following uses are allowed when a part of, or accessory to, the principal use:

(1) Parking lots and parking garages

(2) Refuse, service and loading areas

(3) Meeting and conference facilities when associated with uses in the Master

Plan.

(4) Provision of services and repair of items incidental to the principal use.

(5) Recreational facilities attendant to a multi-family residential development, such as tennis courts, swimming pools, exercise areas, and meeting rooms.

(6) Fleet Management, field operations services, and communication facilities associated with governmental offices and services.

(D) Supplemental Uses: The following uses are allowed within the Office and Research and Development use areas of the MDP provided that they are of such a scale, design, and location to cater to the needs of employees of the office center or research and development park. Space allocations for these uses shall be identified during the Master Development Plan approval.

- Lunch counters, cafeterias, restaurants, snack bars, and vending machine areas
- Classroom and training facilities
- Child Care facilities
- Sundry shops
- Exercise facilities

(E) Conditional Uses and Structures Allowed: The following uses are allowed as conditional uses within the MROC District. Uses approved in this section shall be part of the maximum percentage for each use.

(1) Health spas, fitness centers, gymnasiums, and exercise facilities which are open to the general public

(2) Veterinary clinics.

(3) Drive-thru facilities associated with any allowed use.

(4) 24 hour/late night businesses (except for governmental offices and services) as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(vv).

(5) Day Care Centers subject to LDR Section 4.3.3 (E)

(F) Review and Approval Process:

(1) All Development within the MROC District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a land use map; conceptual site, landscaping, and utility plans; and conceptual elevations and architectural information. A MDP shall be processed pursuant to Section 2.4.5(F) with approval granted by the Planning and Zoning Board. A MDP may be modified pursuant to Section 2.4.5(G).

(2) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.

(3) Any new development approval must be granted by the Site Plan Review and Appearance Board with respect to Sections 2.4.5(F), (H), and (I) and be consistent with the approved Master Development Plan (MDP). A site plan modification shall follow procedures outlined in Section 2.4.5(G).

(4) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).

(5) Applications for site plan approval pursuant to Section 4.4.13(I) must include, in addition to the standard application items of 2.4.3(A), a site and development plan (including landscaping, elevations, and floor plans) that is of sufficient detail to determine that the applicable performance standards are being met. Final approval of the detailed site plan is by the Site Plan Review and Appearance Board and is to be consistent with adopted (MDP).

(G) Development Standards:

The following standards shall be adhered to for any development within the MROC District. Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board concurrent and as a part of the approval of a Master Development Plan (MDP).

It is the intent of this subsection to establish minimum standards for development within the MROC Zone District. When considering a Master Development Plan (MDP) in any Mixed Residential, Office, and Commercial (MROC) development proposal, the Planning and Zoning Board may attach suitable conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development.

(1) Standards Pertaining to Allocation of Uses:

- (a) Office Center can encompass up to one hundred percent (100%) of the total building square footage within an MROC development.
- (b) Research and Development can encompass up to one hundred percent (100%) of building area square footage of the total MROC development. Furthermore, such use may be placed within any of the "land use areas" depicted on the MDP.
- (c) Retail uses shall not encompass more than twenty percent (20%) of the total building area square footage of the MROC development.
- (d) Hotels, motels, and residential all suite lodging shall not encompass more than 20% of the total building area square footage of the MROC development. Notwithstanding the above, hotels, motels and residential all suite lodging can comprise 100% of the floor area of an individual building within a MDP containing multiple buildings.
- (e) Multi-family uses as identified under LDR Section 4.4.29(B)(4).

(2) Standards Unique to the MROC District: Where standards unique to the MROC District conflict with standards contained elsewhere in the zoning, subdivision, and landscape codes, the standards of this Subsection (2) shall apply.

(a) Minimum Site Area: Minimum site area for the total development within the MROC District is to be three (3) acres. However, the approving body may grant a waiver to the three acre requirement upon a determination that the development is consistent with the purpose and intent of the MROC District and attempts have been made to aggregate adjacent parcels. Evidence must be provided that aggregation is not feasible.

(b) Minimum Floor Area:

- Tenant space within research and development use areas must have a minimum of 1,000 square feet per tenant.
- There are no minimum floor area requirements for office and commercial uses.
- Residential units are subject to the minimum square footage per unit requirements of LDR Section 4.3.4(K) (Development Standards Matrix for Residential Zoning Districts - Subnote #1).

(c) Lot Coverage & Open Space:

- Lot coverage by building, pavement and hardscape site improvements shall not exceed 75% of the MROC development of the area of any individual lot.
- Land area, equal to at least 25% of the total MROC district including the perimeter landscaped boundary, shall be in open space. Landscape areas required to meet internal parking lot design requirements, water bodies and paved areas shall not be included in the meeting of this 25% open space requirement.

(d) Perimeter Development: A landscape buffer shall be provided around each MROC development. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or 10% of the average depth of the property; however, in no case shall the landscape area be a width of less than ten (10) feet:

- | | |
|---|----------------|
| • <u>When adjacent to a collector or arterial street</u> | <u>30 feet</u> |
| • <u>When abutting residentially zoned property</u> | <u>40 feet</u> |
| • <u>When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park</u> | <u>25 feet</u> |
| • <u>When commercial and/or office uses abut residential parcels within the MROC master development plan.</u> | <u>25 feet</u> |
| • <u>When abutting non residentially zoned property</u> | <u>25 feet</u> |

(e) Minimum Structure Size: Any free-standing non-residential principal structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the master development plan; and shall have direct access to and from other portions of the MROC development.

(f) Height:

(1) Buildings shall be allowed to a maximum height of eighty-five feet (85') on parcels of three (3) acres or more and a maximum of 48' for parcels less than three (3) acres.

(2) Office, Research, and Commercial Floor Heights shall be a minimum of twelve feet (12') floor to floor on the first floor and ten (10') floor to floor on all floors above. Residential uses shall have a minimum nine feet (9') floor to floor on all floors. Hotel, motel and residential all suite lodging shall have a minimum of eight feet six inches (8' 6'') floor to floor on all floors. Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.

(g) Setbacks:

(1) Congress Avenue Frontage: To the greatest extent possible buildings shall be placed at the minimum setback to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.

(2) Front Yard: Shall be the minimum identified in LDR Section 4.4.29 (G) (2) (d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.

(3) Side Yard: Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.

(4) Rear Yard: Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a

maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.

(5) Building Separations: Shall be a minimum of 25 feet. For the purpose of this section parking structures are not considered to be buildings.

(6) All floors above 42' shall have the building setbacks or planes of the façade that are offset and varied to provide visual relief.

(H) Supplemental District Regulations: The supplemental district regulations as set forth in Article 4.6 shall apply except as modified by, or added to, as follows:

(1) The perimeter buffer shall be landscaped to provide a boulevard effect along Congress Avenue.

(2) The parking requirement for restaurants is established at twelve (12) spaces per 1,000 square feet of floor area.

(3) The parking requirements for residential units in multi-family structures or mixed-use buildings shall be as follows:

- Efficiency dwelling unit 1.0 space/unit
- One bedroom dwelling unit 1.25 spaces/unit
- Two or more bedroom dwelling unit 2.00 spaces/unit
- Two or more bedroom dwelling units within 1000' of a Tri-Rail station 1.5 spaces/unit
- Guest parking shall be provided cumulatively as follows:
 - for the first 20 units 0.50 spaces/unit
 - for units 21-50 0.30 spaces/unit
 - for units 51 and above 0.20 spaces/unit

(4) The parking for commercial uses shall be 4.5 spaces per 1,000 square feet of floor area.

(5) The parking for office uses shall be 4 spaces per 1,000 square feet of floor area.

(6) The parking for Medical office uses shall be 5 spaces per 1,000 square feet of floor area.

(7) The parking for governmental uses shall be as outlined in LDR Section 4.6.9.(C)

(8) For mixed-use developments, the shared parking formula under LDR Section 4.6.9(c)(8) can be utilized.

(9) Guest parking spaces must be accessible to all visitors and guests and may be centralized or located near recreational features within a development project.

(10) Parking adjacent to Congress Avenue: Parking shall be located to the rear of buildings having direct frontage along Congress Avenue. To that end no surface parking shall be located between buildings and Congress Avenue. Notwithstanding the above, relief to this requirement can be granted to accommodate pre-existing conditions.

(1) Special Regulations:

(1) Documentation which constitutes evidence of unified control of the entire area within an MROC development must be provided at the time of submission of the Master Development Plan.

(2) A program for full provision, maintenance, and operation of common areas, improvements, facilities, and services for the common use of occupants of the MROC development, and which specifically provides that no such elements or features shall be provided or maintained at the public's expense, must be provided at the time of submission of the Master Development Plan.

(3) Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of matters under Subsection (1)(2) and which bind successors in title to any such commitments, shall be provided prior to certification of a MROC site and development plan.

(4) The applicant must be able to bind the entire area within a proposed MROC development to the terms, conditions, uses, and site development plan as approved in the Master Development Plan.

(5) Multi-family dwelling units may be located in structures that are comprised of residential units only or in mixed-use buildings that contain a combination of residential and non-residential uses. However, where residential uses are located in structures having frontage on

Congress Avenue except if development is 100% residential within 1,000 feet of the Tri-Rail Transit station, there must be nonresidential uses fronting on Congress Avenue on the ground floor.

Section 4. That Subsection 4.6.9(C)(8)(a), "Shared Parking", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

- (a) **Shared Parking:** When a building or combination of buildings on a unified site is used for both residential and commercial purposes, and is located with the CBD, GC, MROC or PC zoning district, the minimum total number of required parking spaces shall be determined by the following method:

Multiply the required parking spaces for each individual use by the appropriate percentage listed in the table below for each of the designated time periods. Add the resulting minimum required spaces in each of the five vertical columns for the table. The minimum total parking requirement is the highest sum of the vertical columns.

Shared Parking Calculations Table

Use for multiple use projects which include residential in CBD, GC, MROC and PC zoning districts

<i>Use</i>	Weekday			Weekend	
	<i>Night</i> Midnight to 6 A.M.	<i>Day</i> 9 A.M. to 4 P.M.	<i>Evening</i> 6 P.M. to Midnight	<i>Day</i> 9 A.M. to 4 P.M.	<i>Evening</i> 6 P.M. to Midnight
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Commercial/Retail	5%	70%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Restaurant	10%	50%	100%	50%	100%

Entertainment/Recreational (theatres, bowling alleys, etc)	10%	40%	100%	80%	100%
Other	100%	100%	100%	100%	100%

For mixed-use developments utilizing the shared parking calculations table, which contain both residential and non-residential uses, a minimum of one (1) parking space shall be reserved for each residential unit. These reserved spaces, or any spaces reserved for other uses, must be included in the "other" category and applied as 100% utilization. Furthermore, subsequent to the issuance of a Certificate of Occupancy (CO), the reservation of additional parking spaces will require a site plan modification and be subject to the provision of the minimum parking requirements.

Section 5. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 7. That this ordinance shall become effective immediately upon its passage on second and final reading.

5th PASSED AND ADOPTED in regular session on second and final reading on this the day of December, 2006.

Jeffrey Z. Paul
MAYOR

ATTEST

Donnell D. Nubin
City Clerk

First Reading 11/21/06

Second Reading 12/5/06

MEMORANDUM

TO: MAYOR AND CITY COMMISSIONERS

FROM: CITY MANAGER *OM*

SUBJECT: AGENDA ITEM # 10.B REGULAR MEETING OF DECEMBER 5, 2006
ORDINANCE NO. 33-06 (SECOND READING/SECOND PUBLIC
HEARING)

DATE: DECEMBER 1, 2006

This ordinance is before Commission for second reading and second public hearing for city initiated amendments to the Land Development Regulations (LDR) establishing a new mixed-use zoning district Section 4.4.29 "MROC (Mixed Residential, Office and Commercial) District", establishing minimum development standards through modification of Section 4.3.4(K) "Development Standards Matrix"; and modification of Section 4.6.9(C)(8)(a) "Shared Parking", which will allow the shared parking option for the new zoning district.

At the first reading on November 21, 2006, the Commission passed Ordinance No. 33-06.

Recommend approval of Ordinance No. 33-06 on second and final reading.

OK
cm

CITY COMMISSION DOCUMENTATION

TO: DAVID T. HARDEN, CITY MANAGER
Paul Dorling
FROM: PAUL DORLING, AICP, DIRECTOR OF PLANNING & ZONING
SUBJECT: MEETING OF NOVEMBER 20, 2006 ** REGULAR AGENDA **
CONSIDERATION OF CITY-INITIATED AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS SECTION LDR SECTION 4.4.29, LDR SECTION 4.3.4(K) AND LDR SECTION 4.6.9(C)(8)(a) RELATED TO THE ESTABLISHMENT OF A NEW ZONING DISTRICT TO BE KNOWN AS MROC (MIXED RESIDENTIAL, OFFICE AND COMMERCIAL).

ITEM BEFORE THE BOARD

The item before the City Commission is approval of three City-initiated amendments to the Land Development Regulations establishing a new mixed-use zoning district (LDR Section 4.4.29), establishing minimum development standards through modification of the Development Standards Matrix (LDR Section 4.3.4(K)) and modification of LDR Section 4.6.9(C) (8) (a) which will allow the shared parking option for the new zoning district.

BACKGROUND

This ordinance was first before the City Commission on June 6, 2006 at which time the City Commission reviewed and continued the ordinance with direction that staff meets with stake holders in the corridor. Staff met with the stake holders on June 16, 2006 and several options were discussed including pursuing a form-based code for the Congress Avenue Corridor. A proposal from the Treasure Coast Regional Planning Council to create a form-based code was forwarded to City Commission on August 8, 2006. It was the consensus of the City Commission not to proceed with the Form-Based Code option but to modify the proposed MROC ordinance incorporating comments made at the stake holder meeting and other written comments received by staff. The ordinance was again modified and the stake holders met again on September 19, 2006. Several additional comments were generated and the ordinance has been modified to accommodate these additional comments.

PROPOSED LDR AMENDMENT

The amendments create a new zoning district called MROC (Mixed Residential Office and Commercial) district which encourages mixed-use, identifies permitted, conditional, accessory and supplementary uses allowed, establishes maximum thresholds for each type of use, establishes review and approval processes and provides specific development standards. The amendment includes modification of LDR Section 4.3.4(K) to add the MROC district to the Development Standards Matrix and LDR Section 4.6.9 (C)(8)(a) to allow the newly created district to utilize the shared parking option.

- The primary function of the district is to attract Class A office development while allowing residential development including workforce housing. General retail uses including direct support services and other retail uses would be limited to 20% of the overall building square footage. Multifamily development up to a maximum density of 40 units per acre, and 50 units per acre within 2,500 feet of the Tri-Rail station are proposed. These would be limited

10.A

to a maximum of 100%, 85% or 75% of total building square footage depending on distance from the Tri-Rail station. A minimum of 20% of these residential units are to be workforce housing units, are to be moderately priced units, and are subject to LDR Section 4.7. Buildings are permitted to be a maximum height of 85'. All floors above 42' are to have facades offset and varied. Office and commercial floor heights are to be a minimum of 12' floor to floor on the ground floor 10' above, 9' floor to floor for residential units, and 8'6" for hotel, motels and residence inn all suite lodging.

This district is to be applied to property which has a mixed-use Future Land Use Map designation and is bounded by West Atlantic Avenue on the north, the C-15 canal to the south, I-95 transportation corridor on the east and generally Congress Avenue on the west together with the Congress Park, Congress Park South and the Office Depot complexes, located just west of Congress Avenue. Concurrent with the adoption of the zoning district, a Mixed-Use Future Land Use Map category has been created and submitted as part of Comprehensive Plan 2006-1 to the Department of Community Affairs (DCA) for review. The Comprehensive Amendment 2006-1 is scheduled to return from DCA for consideration by City Commission in January, 2007. After the land use amendments are adopted rezoning of all properties to the new MROC zoning district will be considered by City Commission.

PLANNING AND ZONING BOARD CONSIDERATION

The revised ordinance was considered by the Planning and Zoning Board on October 16, 2006 at which time both written and verbal concerns and comments were made. The Board then discussed the ordinance and recommended continuance. The ordinance has been further modified to address the written comments received from Ms. Collene Walter representing the County interests and Charles Siemon, Esquire representing private development interests in the corridor. The revised ordinance was reconsidered by the Board at a special meeting of November 6, 2006. The Board discussed the issue of non conforming uses and recommended approval on a 7 to 0 vote by adopting the findings of fact and law contained in the staff report and finding that the requests are consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(M) of the Land Development Regulations.

RECOMMENDED ACTION

Approve the amendments to Land Development Regulations establishing a new mixed-use zoning district (LDR Section 4.4.29), establishing minimum development standards through modification of the Development Standards Matrix (LDR Section 4.3.4(K)) and LDR Section 4.6.9(C)(8)(a) which will allow the shared parking option for the new zoning district by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(M) of the Land Development Regulations.

Attachments:

- Proposed Ordinance
- Planning & Zoning Staff Report of November 6, 2006

PLANNING AND ZONING BOARD MEMORANDUM STAFF REPORT

MEETING DATE: NOVEMBER 6, 2006

AGENDA NO.: III. A.

AGENDA ITEM: CONSIDERATION OF CITY-INITIATED AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO ADD SECTION 4.4.29 "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL DISTRICT", AND MODIFY SECTION 4.3.4(K) DEVELOPMENT STANDARDS MATRIX, AND SECTION 4.6.9(C) (8) (a) SHARED PARKING IN ASSOCIATION WITH THE ESTABLISHMENT OF A NEW ZONING DISTRICT.

ITEM BEFORE THE BOARD

The item before the Board is that of making a recommendation to the City Commission regarding three City-initiated amendments to the Land Development Regulations establishing a new mixed-use zoning district (LDR Section 4.4.29), establishing minimum development standards through modification of the Development Standards Matrix (LDR Section 4.3.4(K)) and modification of LDR Section 4.6.9(C) (8) (a) which will allow the shared parking option for the new zoning district.

Pursuant to Section 1.1.6., amendments to the text of the Land Development Regulations may not be made until a recommendation is obtained from the Planning and Zoning Board.

BACKGROUND

The Planning and Zoning Board held a public hearing on this request on May 15, 2006. The Board recommended a minor change that would limit stand alone residential buildings to a maximum height of sixty feet. This change was incorporated into the ordinance which went before the City Commission on June 6, 2006. The Commission reviewed and continued the ordinance with direction that staff meets with stake holders in the corridor. Staff met with the stake holders on June 16, 2006 and several options were discussed including pursuing a form-based code for the Congress Avenue Corridor. A proposal from the Treasure Coast Regional Planning Council to create a form-based code was forwarded to City Commission on August 8, 2006. It was the consensus of the City Commission not to proceed with the Form-Based Code option but to modify the proposed MROC ordinance incorporating comments made at the stake holder meeting and other written comments received by staff. The ordinance was modified and the stake holders met again on September 19, 2006. Several additional comments were generated and the ordinance has been modified to accommodate these additional comments. The major changes are summarized below:

- The allowed height has been increased from 75' to 85' and minimum floor heights for mixed-use have been modified from 15' to 12' for ground floors and 10' above for commercial or office uses and 9' for residential floors.
- Reference to requiring provision of very low or low income workforce units have been removed. Moderate income workforce units have been retained at the 20% vs. 25% level.

- Under the Purpose and Intent section, additional language has been added to emphasize the zoning district's objective to create high end jobs and increase the tax base within the corridor.
- The amount of total floor area of a Master Development Plan which can be residential has increased from 40% to 100% within 1,000 feet of the Tri-Rail station, 80% between 1,001 feet and 2,500 feet of the Tri-Rail station and 75% elsewhere in the corridor. These percentages have been obtained from the maximum development potential proposals created for the County parcels within the corridor.
- Lot coverage maximum has been increased from 50% to 75% (it is noted development studies for County pieces max out at 53%).
- The limit on floors above 60' to be no more than 50% of the ground floor footage has been eliminated. The requirement to provide offset for visual relief on all floors above 42' has been retained.
- Parking requirements for residential uses have been reduced within 1,000 feet of the Tri-Rail station to account for mass transit utilization.
- A build to line for buildings facing Congress Avenue is encouraged.
- Sliding setbacks are proposed and the increased setbacks with increased height apply to the portion of the building meeting that threshold rather than the entire building.
- Provides for a lower maximum height (48') for small parcels less than 3 acres thereby encouraging aggregation.

The revised ordinance was considered by the Planning and Zoning Board on October 16, 2006 at which time both written and verbal concerns and comments were made. The Board then discussed the ordinance and recommended continuance. The ordinance has been further modified to address the written comments received from Collene Walter representing the County interests and Charlie Siemons representing private development interests in the corridor. The revised ordinance is now ready for the Boards consideration.

PROPOSED LDR AMENDMENT

The amendments create a new zoning district called MROC (Mixed Residential Office and Commercial) district which encourages mixed-use, identifies permitted, conditional, accessory and supplementary uses allowed, establishes maximum thresholds for each type of use, establishes review and approval processes and provides specific development standards. The amendment includes modification of LDR Section 4.3.4(K) to add the MROC district to the Development Standards Matrix and LDR Section 4.6.9 (C)(8)(a) to allow the newly created district to utilize the shared parking option.

The primary function of the district is to attract Class A office development while allowing residential development including workforce housing. General retail uses including direct support services and other retail uses would be limited to 20% of the overall building square footage. Multifamily development up to a maximum density of 40 units per acre, and 50 units per acre within 2,500 feet of the Tri-Rail station are proposed. These would be limited to a maximum of 100%, 85% or 75% of total building square footage depending on distance from the Tri-Rail station. A minimum of 20% of these residential units are to be workforce housing units, are to be moderately priced units, and are subject to LDR Section 4.7. Buildings are permitted to be a maximum height of 85'. All floors above 42' are to have facades offset and varied. Office and commercial floor heights are to be a minimum of 12' floor to floor on the ground floor 10' above and 9' floor to floor for residential units.

This district is to be applied to property which has a mixed-use Future Land Use Map designation and is bounded by West Atlantic Avenue on the north, the C-15 canal to the south, I-95 transportation corridor on the east and generally Congress Avenue on the west together with the Congress Park, Congress Park South and the Office Depot complexes, located just west of Congress Avenue. Concurrent with the adoption of the zoning district, a Mixed-Use Future Land Use Map category has been created and submitted as part of Comprehensive Plan 2006-1 to the Department of Community Affairs (DCA) for review. The Comprehensive Amendment 2006-1 is scheduled to return from DCA for consideration by City Commission in January, 2007. After the land use amendments are adopted rezoning of all properties to the new MROC zoning district will be considered by City Commission.

ANALYSIS

LDR Section 2.4.5(M)(5) (Findings): 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 Goals, Objectives and Policies of the City's Comprehensive Plan were reviewed and the following objectives and policy were found.

Future Land Use Element Objective A-5

The City shall maintain its Land Development Regulations, which shall be regularly reviewed and updated, to provide streamlining of processes and to accommodate planned unit developments (PUD), mixed-use developments, and other innovative development practices. This mixed-use zoning district is being created.

Future Land Use Element Objective A-7

To encourage the provision of workforce housing in the City, the following policies shall be implemented.

Future Land Use Element Policy A-1.9

The City shall create an overlay district for the Congress Avenue Corridor and the Land Development Regulations shall be modified to facilitate and encourage the development of Class A corporate offices within the district.

While this is not an overlay district it accomplishes the same goals i.e. introducing mixed-use development potential to the corridor. This method along with the creation of a mixed-use land use map category is a much cleaner way to achieve this goal.

Housing Element Objective B-2

Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in this Element. Policies which will implement this objective include:

The introduction of housing options to this corridor presents a great option to provide a variety of housing types with a primary emphasis on workforce and transit oriented housing.

REVIEW BY OTHERS

Courtesy Notices:

Given the nature of this amendment a general notice to the following groups was given.

- Neighborhood Council
- PROD
- Chamber of Commerce
- Presidents Council

In addition, individual notice was provided to all affected property owners within the corridor on several occasions with the latest being mailed October 26, 2006.

Letters of objection and support, if any, will be provided at the Planning and Zoning Board meeting.

ASSESSMENT AND CONCLUSION

The City-initiated amendment to LDR Sections 4.4.29, 4.6.9(C)(8)(a), and 4.3.4(K) implements policies of the Comprehensive Plan and initiatives of the Florida Public Officials Design Institute report which encourages establishment of Class A office space and mixed-use development in the Congress Avenue Corridor area. The amendments will include the development of workforce and transit oriented housing development as part of a mixed-use development.

RECOMMENDED ACTION

Recommend approval of the City-initiated amendments to the Land Development Regulations Section 4.4.29 "Mixed Residential, Office, and Commercial District", Section 4.3.4(K) Development Standards Matrix, and Section 4.6.9(C) (8) (a) Shared Parking, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(M) of the Land Development Regulations.

Attachment:

- Proposed Ordinance No. 33-06

ORDINANCE NO. 33-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SUBSECTION 4.3.4(K), "DEVELOPMENT STANDARDS MATRIX"; ENACTING SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT"; AND AMENDING SUBSECTION 4.6.9(C)(8)(a), "SHARED PARKING", TO ESTABLISH A NEW MIXED-USE ZONING DISTRICT; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on May 15, 2006, and voted 4 to 0 to recommend that the changes be approved; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Subsection 4.3.4(K), "Development Standards Matrix", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

DEVELOPMENT STANDARDS MATRIX - RESIDENTIAL ZONING DISTRICTS

(This matrix is to be interpreted and applied pursuant to Section 4.3.4)

Zoning District	MINIMUM LOT SIZE (sq. ft.)	LOT WIDTH (ft.)	LOT DEPTH (ft.)	LOT FRONTAGE (ft.)	MINIMUM FLOOR AREA (sq. ft.)	MAXIMUM LOT COVERAGE (%)	MINIMUM OPEN SPACE REQUIREMENT (sq. ft.)	SETBACKS (ft.)				DENSITY	HEIGHT (ft.)	MINIMUM DEVELOPMENT AREA (ACRES)
								FRONT (1623 (7))	SIDE STREET (1623 (7))	SIDE INTERIOR (1623 (7))	REAR (ft.)			
Agriculture	10 AC. (2)	100	110	100	1,500				35	25	15	25	35	
Rural Residential	3 ACRES				2,200					17	12	12	35	
Single Family	R-1AAA	12,500	100	110	100	2,200			35	17	12	12	35	
	R-1AAB	12,500	100	110	100	2,200			35	17	12	12	35	
	R-1AA	9,500	75/95	100	75/95	1,500	N/A		30	15	10	10	35	N/A
	R-1AAB	9,000	80	100	90	1,500			25	20	8 1/2	25	35	
	R-1A	7,500	60/80	100	60/80	1,000			25	15	7 1/2	10	35	
	R-1AB	7,500	60/80	100	60/80	1,500			25	15	7 1/2	10	35	
Low -														
Medium Density	RL (5)						(3)		25	25	15	25	35	
	Multi-family Duplex	8,000	60	100	60	40%			25	25	15	15	3-6 UNITS/ACRE	
Medium -														
Medium High Density	RM (5)	8,000	60	100	60	40%			25/30 (6)	25/30 (6)	15/25 (6)	25 (6)	35	
	Duplex	4,800	80	80	80							15	25	
Planned Residential														
Multifamily Component	PRD	N/A	N/A	N/A	N/A (1)	40%			25/30	25/30	15/25	25	35	5 ACRES
	Conventional	7,500	60/80	100	60/80	1,200			25	15	7 1/2	10	35	
Single Family Component														
Mobile Home Park	Zero Lot Line	4,500	40/60	80	40/60	1,000			20	20	0/15	10	35	2 ACRES
	Park Sites	2 ACRES	120	N/A	N/A	N/A			5	5	5	5	35	2 ACRES

IC = Interior Lot/Corner Lot

SUBNOTES:

- (1) = Minimum Floor Area for Duplexes and Multifamily Dwelling Units:
 - Duplexes 1000 sq. ft.
 - Efficiency 400 sq. ft.
 - One Bedroom 600 sq. ft.
 - Two Bedroom 800 sq. ft.
 - Three Bedroom 1250 sq. ft.
 - Four Bedroom 1500 sq. ft.
- (2) = See Section 4.4.1(F) for exceptions.
- (3) = A minimum of 25% non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.
- (4) = See Paragraph 4.3.4(d)(2) for single family detached structures in residentially zoned districts.
- (5) = The provisions for the R-1A District shall apply for single family dwellings.
- (6) = Refer to individual district regulations "Development Standards" section for special setbacks in the Southwest Neighborhood Overlay District.
- (7) = 1623 = 1st & 2nd Story/3rd Story. The setback for the 3rd story shall only be applied to those portions of the building which are 3 stories in height, not the entire building.

* Represents absolute minimum size. Must also comply with minimums for corresponding number of bedrooms.

DEVELOPMENT STANDARDS MATRIX - NONRESIDENTIAL ZONING DISTRICTS

(This matrix is to be interpreted and applied pursuant to Section 4.3.4.)

Zoning District	MINIMUM			MAXIMUM			MINIMUM			SETBACKS					MINIMUM DEVELOPMENT AREA	OTHER
	LOT SIZE (sq. ft.)	LOT WIDTH (ft.)	LOT DEPTH (ft.)	LOT FRONTAGE (ft.)	LOT COVERAGE	FLOOR AREA (sq. ft.)	PERIMETER (ft.)	FRONT STREET (ft.)	SIDE INTERIOR (ft.)	REAR (ft.)	HEIGHT (ft.)					
General Commercial	0	0	0	0	(3)	N/A	N/A	10 (5)	(2) (5)	10 (5)	48	N/A	Refer to special requirements for auto sales			
Automobile Commercial	10,000(1)	50(1)	100(1)	50(1)	(3)	N/A	N/A	15 (5)	(2)	10	48	(1)				
Neighborhood Commercial	1 ACRE	100	200	100	40% (3)	4,000	N/A	40	30	10 (4)	48	1 ACRE	Maximum site area of two (2) acres			
Planned Commercial	10,000	50	100	50	(3)	8,000	N/A	10	0	10	48	N/A	Refer to Section 4.4.12(2) restrictions on floor area			
Central Business District	0	0	0	0	(1)	N/A	N/A	(1)	(1)	(1)	48	N/A				
Central Business District - Rail Corridor	0	0	0	0	(1)	N/A	N/A	(1)	(1)	(1)	48	N/A				
Resort-Tourism	1 ACRE	100	100	100	60% (3)	N/A	15	N/A	N/A	N/A	48	N/A				
Planned Office Center	1 ACRE	N/A	N/A	N/A	60% (3)	4,000	(1)	30	30	10	48	3 ACRES				
Professional/Office	0	0	0	0	(3)	N/A	N/A	25	25	0(2)	10	N/A				
Residential Office	8,000	80	100	80	40% (3)	N/A	N/A	25	25	15	35	N/A				
Planned Commerce Center												10 ACRES				
Mixed Industrial/Commercial	0	0	0	0	(3)	N/A	N/A	25	25	10	48	N/A				
Industrial	20,000	100	200	100	50% (3)	N/A	(1)	30	30	10	48	(1)				
Light Industrial	20,000	0	0	100	50% (3)	N/A	N/A	10	5	10	48	1 ACRE				
O.S.S. Historic Arts	8,000	80	100	80	40% (3)	(1)	N/A	25 (1)	15 (1)	7 1/2 (1)	10 (1)	N/A	Refer to Section 4.4.24 for special areas and additional regulations			
Community Facilities	0	0	0	0	(3)	N/A	10	N/A	N/A	N/A	48	N/A	Refer to Section 4.4.12(5) for additional setbacks & open space requirements			
Open Space																
Open Space and Recreation																
Conservation																
Special Activities District	0	0	0	0	(1) (3)	N/A	15	(1)	(1)	(1)	48	(1)				
Mixed Residential/Office/Commercial	0	N/A	N/A	N/A	75% (3)	4,000	(1)	(1)	(1)	(1)	85	3 ACRES (6)	Refer to Section 4.4.28 for additional regulations			

NOTES:

- (1) = Refer to individual district regulations.
- (2) = When there is no dedicated access to the rear of any structure a 10' side yard setback shall be provided.
- (3) = In addition to lot coverage restrictions, a minimum of 25% non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.
- (4) = Minimum rear yard setback is ten feet (10') and then one additional foot for each foot in building height above ten feet (10').
- (5) = Refer to individual district regulations "Development Standards" section for special setbacks in the North Federal Corridor.
- (6) = Applies to this minimum site size may be granted during the Master Plan approval process

Section 3. That Section 4.4.29, "Mixed Residential, Office and Commercial (MROC) District", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby enacted to read as follows:

Section 4.4.29 MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT

(A) Purpose and Intent: The MROC District regulations provide for a mix of residential, office, and commercial uses in a master-planned environment, which is controlled through a Master Development Plan.

It is desired that the existence of the MROC Zoning District will encourage the development of Class A office buildings, supporting commercial uses and residential units in a master planned environment, which will provide housing (both market rate and workforce), and employment opportunities for the residents of the Greater Delray Beach Community.

The MROC District is applied to property which has a Mixed-Use Future Land Use Map designation and is bounded by West Atlantic Avenue on the north, the C-15 Canal to the south, the I-95 transportation corridor on the east and generally Congress Avenue on the west together with the Congress Park, Congress Park South, and the Office Depot complexes, located just west of Congress Avenue. The district's primary objectives are to create high quality jobs and to increase the tax base within the corridor. To that end, the district encourages stand alone Class A office buildings and mixed-use development within the corridor with commercial or office uses on the ground floor and office or residential uses above while utilizing new urbanism design elements.

(B) Principal Uses and Structures Permitted: The following types of uses are allowed within the MROC district as permitted uses:

(1) Office Center: The "Office Center" uses within an MROC development may comprise as much as one hundred percent (100%) of the total building square footage within the development. These uses can include:

- Financial Institutions, e.g., banks, savings and loan establishments, brokerage firms.
- Medical Offices, e.g., physicians, dentists, chiropractors, podiatrists, optometrists, etc.
- Professional Offices, e.g., attorneys, engineering firms, architectural

- Governmental offices, e.g., including federal, state, county, and local offices, along with their related fleet and communications operations (which will be considered accessory uses to governmental offices and services), civic centers, courthouses, fire stations, public health facility, law enforcement offices and facilities, post office, public utility facilities, communication towers and community facilities such as civic centers, cultural facilities, libraries, auditoriums, museums, and public recreation facilities, and services such as day care centers, abuse, child care centers.
- Business Support Services, primarily engaged in rendering services to other building establishments, e.g., such as mailing, building maintenance, personnel and employment services, management, and consulting services, protective services, copy and printing, travel, office supply, and similar services.

(2) Research and Development: Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others. R&D uses may constitute 100% of the total building square footage within the development. Examples of such uses or resulting products include:

Product Creation, Testing, Evaluation, and Development:

- computer hardware
- computer software
- pharmaceuticals

Research and Development Services:

- calibration laboratories or services
- chemical laboratories
- commercial testing laboratories
- soil laboratories
- scientific research laboratories

(3) General Retail Uses: Retail uses not to exceed 20% of the total building square footage of the development, including, but not limited to:

- Restaurants, baked goods, books, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, medicines and prescriptions, flowers

and plants, fruits and vegetables, food, gifts, glassware, ice cream, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, pets and pet supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry.

- Barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, outdoor cafes, tailoring, tobacconist,
- Galleries, butcher shops, cocktail lounges, exercise facilities, museums, libraries, newsstands, commercial or public parking lots and parking garages.

(4) **Multi-family Dwelling Units:** Multi-family uses excluding duplexes subject to (a)(b)(c)(d) below, ranging in density between 40 and 50 units per acre subject to the following;

- Residential units within 1,000 linear feet of the Tri-Rail Transit station (measured by airline route) may comprise 100% of the total floor area of the development master plan at a maximum density of (50) units per acre. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.
- Residential units between 1,001 and 2,500 linear feet of the Tri-Rail Transit station (measured by airline route) may comprise 80% of the total floor area of the development master plan at a maximum density of (50) units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses. If a portion of the parcel is within 2,500 linear feet, this regulation shall apply to the entire parcel.
- Residential units at a distance (measured by airline route) greater than 2500 feet of a transit station may comprise 75% of the total floor area of the development master plan at a maximum density of (40) units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses.

- (a) Residential developments must include a minimum of 20% workforce units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing
- (b) Workforce units shall be subject to general provisions of Article 4.7.6, 4.7.7, 4.7.8, 4.7.9, and 4.7.10. Notwithstanding the above, residentially developed sites within 1,000 linear feet (measured by airline route) of the Tri-Rail station can contain 100% workforce housing units. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.
- (c) For mixed-use developments, the shared parking provisions of LDR Section 4.6.9. (C)(8) shall be allowed.
- (d) All residential developments shall be subject to the Performance Standards of 4.4.13(l)(2)

(5) **Hotel, Motel and Residential all suite lodging:** These types of uses may comprise up to 20% of the total floor area of the overall master plan. For the purpose of calculating the percentages of uses within the development master plan, multiple hotels, motels, and residential all suite lodging uses will be considered one specific use category.

(C) **Accessory Uses and Structures Permitted:** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots and parking garages
- (2) Refuse, service and loading areas
- (3) Meeting and conference facilities when associated with uses in the Master Plan.
- (4) Provision of services and repair of items incidental to the principal use.
- (5) Recreational facilities attendant to a multi-family residential development, such as tennis courts, swimming pools, exercise areas, and meeting rooms.
- (6) Fleet Management, field operations services, and communication facilities associated with governmental offices and services.

(D) **Supplemental Uses:** The following uses are allowed within the Office and Research and Development use areas of the MDP provided that they are of such a scale, design, and location to cater to the needs of employees of the office center or research and

development park. Space allocations for these uses shall be identified during the Master Development Plan approval.

- Lunch counters, cafeterias, restaurants, snack bars, and vending machine areas
- Classroom and training facilities
- Child Care facilities
- Sundry shops
- Exercise facilities

(E) Conditional Uses and Structures Allowed: The following uses are allowed as conditional uses within the MROC District. Uses approved in this section shall be part of the maximum percentage for each use.

(1) Health spas, fitness centers, gymnasiums, and exercise facilities which are open to the general public

(2) Veterinary clinics.

(3) Drive-thru facilities associated with any allowed use.

(4) 24 hour/late night businesses (except for governmental offices and services) as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(vv).

(5) Day Care Centers subject to LDR Section 4.3.3 (E)

(F) Review and Approval Process:

(1) All Development within the MROC District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a land use map; conceptual site, landscaping, and utility plans; and conceptual elevations and architectural information. A MDP shall be processed pursuant to Section 2.4.5(F) with approval granted by the Planning and Zoning Board. A MDP may be modified pursuant to Section 2.4.5(G).

(2) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.

(3) Any new development approval must be granted by the Site Plan Review and Appearance Board with respect to Sections 2.4.5(F), (H), and (I) and be consistent with the approved Master Development Plan (MDP). A site plan modification shall follow procedures

outlined in Section 2.4.5(G).

(4) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).

(5) Applications for site plan approval pursuant to Section 4.4.13(l) must include, in addition to the standard application items of 2.4.3(A), a site and development plan (including landscaping, elevations, and floor plans) that is of sufficient detail to determine that the applicable performance standards are being met. Final approval of the detailed site plan is by the Site Plan Review and Appearance Board and is to be consistent with adopted (MDP).

(G) Development Standards:

The following standards shall be adhered to for any development within the MROC District. Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board concurrent and as a part of the approval of a Master Development Plan (MDP).

It is the intent of this subsection to establish minimum standards for development within the MROC Zone District. When considering a Master Development Plan (MDP) in any Mixed Residential, Office, and Commercial (MROC) development proposal, the Planning and Zoning Board may attach suitable conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development.

(1) Standards Pertaining to Allocation of Uses:

(a) Office Center can encompass up to one hundred percent (100%) of the total building square footage within an MROC development.

(b) Research and Development can encompass up to one hundred percent (100%) of building area square footage of the total MROC development. Furthermore, such use may be placed within any of the "land use areas" depicted on the MDP.

(c) Retail uses shall not encompass more than twenty percent (20%) of the total building area square footage of the MROC development.

(d) Hotels, motels, and residential all suite lodging shall not encompass more than 20% of the total building area square footage of the MROC development. Notwithstanding the above, hotels, motels and residential

all suite lodging can comprise 100% of the floor area of an individual building within a MDP containing multiple buildings.

(e) Multi-family uses as identified under LDR Section 4.4.29(B)(4).

(2) Standards Unique to the MROC District: Where standards unique to the MROC District conflict with standards contained elsewhere in the zoning, subdivision, and landscape codes, the standards of this Subsection (2) shall apply.

(a) Minimum Site Area: Minimum site area for the total development within the MROC District is to be three (3) acres. However, the approving body may grant a waiver to the three acre requirement upon a determination that the development is consistent with the purpose and intent of the MROC District and attempts have been made to aggregate adjacent parcels. Evidence must be provided that aggregation is not feasible.

(b) Minimum Floor Area:

- Tenant space within research and development use areas must have a minimum of 1,000 square feet per tenant.
- There are no minimum floor area requirements for office and commercial uses.
- Residential units are subject to the minimum square footage per unit requirements of LDR Section 4.3.4(K) (Development Standards Matrix for Residential Zoning Districts - Subnote #1).

(c) Lot Coverage & Open Space:

- Lot coverage by building, pavement and hardscape site improvements shall not exceed 75% of the MROC development of the area of any individual lot.
- Land area, equal to at least 25% of the total MROC district including the perimeter landscaped boundary, shall be in open space. Landscape areas required to meet internal parking lot design requirements, water bodies and paved areas shall not be included in the meeting of this 25% open space requirement.

(d) Perimeter Development: A landscape buffer shall be provided around each MROC development. Parking, structures, perimeter roadways, and other paving is

not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or 10% of the average depth of the property; however, in no case shall the landscape area be a width of less than ten (10) feet:

- When adjacent to a collector or arterial street 30 feet
- When abutting residentially zoned property 40 feet
- When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park 25 feet
- When commercial and/or office uses abut residential parcels within the MROC master development plan 25 feet
- When abutting non residentially zoned property 25 feet

(e) Minimum Structure Size: Any free-standing non-residential principal structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the master development plan; and shall have direct access to and from other portions of the MROC development.

(f) Height:

(1) Buildings shall be allowed to a maximum height of eighty-five feet (85') on parcels of three (3) acres or more and a maximum of 48' for parcels less than three (3) acres.

(2) Office, Research, and Commercial Floor Heights shall be a minimum of twelve feet (12') floor to floor on the first floor and ten (10') floor to floor on all floors above. Residential uses shall have a minimum nine feet (9') floor to floor on all floors. Hotel, motel and residential all suite lodging shall have a minimum of eight feet six inches (8' 6") floor to floor on all floors. Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.

(g) Setbacks:

(1) Congress Avenue Frontage: To the greatest extent possible buildings shall be placed at the minimum setback to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.

- (2) Front Yard: Shall be the minimum identified in LDR Section 4.4.29 (G) (2) (d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.
- (3) Side Yard: Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.
- (4) Rear Yard: Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.
- (5) Building Separations: Shall be a minimum of 25 feet. For the purpose of this section parking structures are not considered to be buildings.
- (6) All floors above 42' shall have the building setbacks or planes of the façade that are offset and varied to provide visual relief.

(H) Supplemental District Regulations: The supplemental district regulations as set forth in Article 4.6 shall apply except as modified by, or added to, as follows:

(1) The perimeter buffer shall be landscaped to provide a boulevard effect along Congress Avenue.

(2) The parking requirement for restaurants is established at twelve (12) spaces per 1,000 square feet of floor area.

(3) The parking requirements for residential units in multi-family structures or mixed-use buildings shall be as follows:

- Efficiency dwelling unit 1.0 space/unit
- One bedroom dwelling unit 1.25 spaces/unit
- Two or more bedroom dwelling unit 2.00 spaces/unit

- Two or more bedroom dwelling units within 1000' of a Tri-Rail station 1.5 spaces/unit
- Guest parking shall be provided cumulatively as follows:
 - for the first 20 units 0.50 spaces/unit
 - for units 21-50 0.30 spaces/unit
 - for units 51 and above 0.20 spaces/unit

(4) The parking for commercial uses shall be 4.5 spaces per 1,000 square feet of floor area.

(5) The parking for office uses shall be 4 spaces per 1,000 square feet of floor area.

(6) The parking for Medical office uses shall be 5 spaces per 1,000 square feet of floor area.

(7) The parking for governmental uses shall be as outlined in LDR Section 4.6.9.(C)

(8) For mixed-use developments, the shared parking formula under LDR Section 4.6.9(c)(8) can be utilized.

(9) Guest parking spaces must be accessible to all visitors and guests and may be centralized or located near recreational features within a development project.

(10) Parking adjacent to Congress Avenue: Parking shall be located to the rear of buildings having direct frontage along Congress Avenue. To that end no surface parking shall be located between buildings and Congress Avenue. Notwithstanding the above, relief to this requirement can be granted to accommodate pre-existing conditions.

(I) **Special Regulations:**

(1) Documentation which constitutes evidence of unified control of the entire area within an MROC development must be provided at the time of submission of the Master Development Plan.

(2) A program for full provision, maintenance, and operation of common areas,

improvements, facilities, and services for the common use of occupants of the MROC development, and which specifically provides that no such elements or features shall be provided or maintained at the public's expense, must be provided at the time of submission of the Master Development Plan.

(3) Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of matters under Subsection (1)(2) and which bind successors in title to any such commitments, shall be provided prior to certification of a MROC site and development plan.

(4) The applicant must be able to bind the entire area within a proposed MROC development to the terms, conditions, uses, and site development plan as approved in the Master Development Plan.

(5) Multi-family dwelling units may be located in structures that are comprised of residential units only or in mixed-use buildings that contain a combination of residential and non-residential uses. However, where residential uses are located in structures having frontage on Congress Avenue except if development is 100% residential within 1,000 feet of the Tri-Rail Transit station, there must be nonresidential uses fronting on Congress Avenue on the ground floor.

Section 4. That Subsection 4.6.9(C)(8)(a), "Shared Parking", of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(a) **Shared Parking:** When a building or combination of buildings on a unified site is used for both residential and commercial purposes, and is located with the CBD, GC, MROC or PC zoning district, the minimum total number of required parking spaces shall be determined by the following method:

Multiply the required parking spaces for each individual use by the appropriate percentage listed in the table below for each of the designated time periods. Add the resulting minimum required spaces in each of the five vertical columns for the table. The minimum total parking requirement is the highest sum of the vertical columns.

Shared Parking Calculations Table

Use for multiple use projects which include residential in CBD, GC, MROC and PC zoning districts

Use	Weekday			Weekend	
	Night	Day	Evening	Day	Evening
	Midnight to 6 A.M.	9 A.M. to 4 P.M.	6 P.M. to Midnight	9 A.M. to 4 P.M.	6 P.M. to Midnight
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Commercial/Retail	5%	70%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment/Recreational (theatres, bowling alleys, etc)	10%	40%	100%	80%	100%
Other	100%	100%	100%	100%	100%

For mixed-use developments utilizing the shared parking calculations table, which contain both residential and non-residential uses, a minimum of one (1) parking space shall be reserved for each residential unit. These reserved spaces, or any spaces reserved for other uses, must be included in the "other" category and applied as 100% utilization. Furthermore, subsequent to the issuance of a Certificate of Occupancy (CO), the reservation of additional parking spaces will require a site plan modification and be subject to the provision of the minimum parking requirements.

Section 5. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 7. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 200__.

ATTEST

MAYOR

City Clerk

First Reading _____

Second Reading _____

11/08/06

DRAFT

cc: Lanelda

for
Dec. 5th Agenda

**CITY OF DELRAY BEACH
NOTICE OF PROPOSED
AMENDMENT TO THE LAND
DEVELOPMENT
REGULATIONS
ESTABLISHING A MIXED
RESIDENTIAL, OFFICE AND
COMMERCIAL ZONING
DISTRICT**

The City Commission of the City of Delray Beach, Florida, proposes to adopt the following ordinance:

ORDINANCE NO. 33-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SUBSECTION 4.3.4(K), "DEVELOPMENT STANDARDS MATRIX"; ENACTING SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT"; AND AMENDING SUBSECTION 4.6.9(C)(8)(a), "SHARED PARKING", TO ESTABLISH A NEW MIXED-USE ZONING DISTRICT; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

The City Commission will conduct two (2) Public Hearings for the purpose of accepting public testimony regarding the proposed ordinance. The first Public Hearing will be held on **TUESDAY, NOVEMBER 21, 2006, AT 7:00 P.M.** in the Commission Chambers at City Hall, 100 N.W. 1st Avenue, Delray Beach, Florida. If the proposed ordinance is passed on first reading, a second Public Hearing will be held on **TUESDAY, DECEMBER 5, 2006, AT 7:00 P.M.** (or at any continuation of such meeting which is set by the Commission) in the Commission Chambers at City Hall, 100 N.W. 1st Avenue, Delray Beach, Florida.

All interested citizens are invited to attend the public hearings and comment upon the proposed ordinance or submit their comments in writing on or before the date of these hearings to the Planning and Zoning Department. For further information or to obtain a copy of the proposed ordinance, please contact the Planning and Zoning Department, City Hall, 100 N.W. 1st Avenue, Delray Beach, Florida 33444 (email at pzmail@mydelraybeach.com) or by calling 561/243-7040), between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

PLEASE BE ADVISED THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE HEARINGS, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PROVIDE NOR PREPARE SUCH RECORD PURSUANT TO F.S. 286.0105.

CITY OF DELRAY BEACH
Chevelle D. Nubin, CMC
City Clerk

PUBLISH: Monday, November 13, 2006
Tuesday, November 28, 2006
Boca Raton/Delray Beach News
Ad # NS1106151

cc: Lanelda

for
Dec. 5th
Agenda

NOTICE OF PUBLIC HEARING NOTICE OF COMPREHENSIVE PLAN CHANGE 2006-1 CITY OF DELRAY BEACH, FLORIDA

The City Commission of the City of Delray Beach will consider the following ordinance:

ORDINANCE NO. 38-06

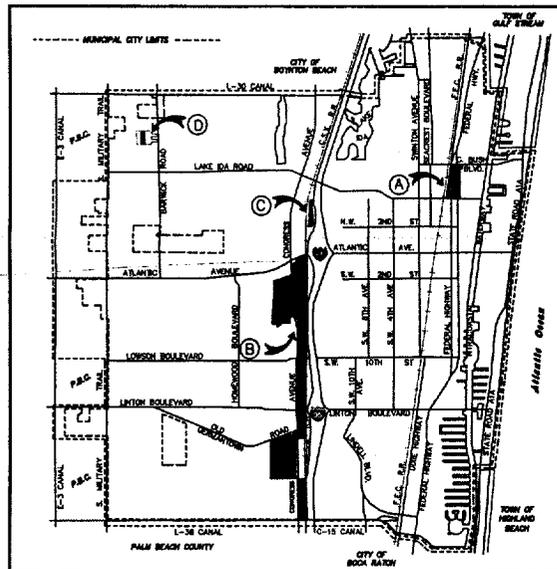
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENT 2006-1, PURSUANT TO THE PROVISIONS OF THE "LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT"; FLORIDA STATUTES SECTION 163.3161 THROUGH 163.3243, INCLUSIVE; ALL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ENTITLED "COMPREHENSIVE PLAN AMENDMENT 2006-1" AND INCORPORATED HEREIN BY REFERENCE; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

A Public Hearing regarding Comprehensive Plan Amendment 2006-1 will be held on **TUESDAY, DECEMBER 5, 2006, AT 7:00 P.M.** (or at any continuation of such meeting which is set by the Commission), in the Commission Chambers at City Hall, 100 N.W. 1st Avenue, Delray Beach, Florida.

The proposed TEXT AMENDMENTS to the Comprehensive Plan address the following subject matter:

- a. Future Land Use Element – Modification of Mixed Use Categories to add a description for the new "Congress Avenue Mixed Use" designation, including provisions for maximum densities and intensities, workforce housing and a transit-oriented development overlay near the tri-rail station and delete the description for the "Redevelopment Areas" designation;
- b. Amendment of Table L-7, Land Use Designation/Zoning Matrix, to accommodate the new Congress Avenue Mixed Use designation;
- c. Future Land Use Element - Modification of Policy A-7.2 to include the provision of workforce housing in the MROC (Mixed Residential Office Commercial) zoning district which encompasses the new Congress Avenue Mixed Use designation. Language has also been added to support a privately initiated text amendment to allow residential development within workforce housing overlay districts in the CMR (Commerce) FLUM designation when a minimum of 25% of the units are workforce housing;
- d. Future Land Use Element - Modification of Policy A-7.4 to increase the time period for which workforce housing units, constructed under the Family/Workforce Housing Program, shall remain affordable from 30 to 40 years;
- e. Future Land Use Element – Modification of Policy A-2.4 to reflect elimination of the potential for automobile dealerships between NE 5th Street and George Bush Boulevard.
- f. Future Land Use Element – Modification of the description of the Commerce FLUM designation to include provisions for residential development within a designated overlay district, subject to the provision of workforce housing. This text amendment is privately initiated in concert with the Depot Road property Future Land Use Map Amendment.
- g. Capital Improvement Element – Modification of Table CI-CIP (5-Year Capital Improvements Schedule For Projects > \$25,000) to reflect adoption of the FY 2007-2011 Capital Improvement Program; and
- h. Coastal Management Element – Modification of Policy C-3.5 to allow for the reconstruction of nonconforming commercial structures within the Coastal Planning Area which are damaged or destroyed by an Act of God.

Changes to the FUTURE LAND USE MAP (FLUM) involving four (4) areas of land, will also be transmitted as a part of Amendment # 2006-1.



LOCATION MAP NUMBER	GENERAL LOCATION	ACTION	PARCEL SIZE IN ACRES
A. Federal Highway Area, between NE 4th Street and George Bush Boulevard and 700 & 707 NE 6th Avenue (former OC Taylor dealership site)	Generally located between NE 4th Street and George Bush Boulevard and extending from the FEC Railroad to approximately 1/2 block east of NE 6th Avenue.	FROM: GC (General Commercial) TO: CC (Commercial Core)	21.6
B. Congress Avenue Mixed Use	Generally located South of West Atlantic Avenue to the L-38 Canal, between Congress Avenue and the CSX Railway and including the Congress Park, Congress Park South and Office Depot developments located on the west side of Congress Avenue	FROM: TRN (Transitional) in part, CMR (Commerce) in part, CF (Community Facilities) in part and GC (General Commercial) in part TO: CMU (Congress Avenue Mixed Use)	225.5
C. Depot Avenue Property	North of West Atlantic Avenue, between Depot Road and CSX Railroad	FROM: IND (Industrial) TO: CMR (Commerce)	8.8
D. City Owned Tract Adjacent to Bexley Park	West side of Barwick Road, north of L-31 Canal	FROM: County MR-5 (Medium Density Residential, 5 units per acre) TO: MD (Medium Density Residential 5-12 du/ac) in part	3.18

The City Commission will conduct this Public Hearing for the purpose of the adoption of Comprehensive Plan Amendment 2006-1.

All interested parties are invited to attend the public hearing and comment upon the Plan Amendment or submit their comments in writing to the Planning and Zoning Department. Further information concerning the proposed amendments can be obtained from the Planning and Zoning Department, City Hall, 100 N.W. 1st Avenue, Delray Beach, FL 33444 (email at pzmail@mydelraybeach.com) or by calling 561/243-7040, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this hearing, such person will need a record of the proceedings, and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The City does not provide or prepare such record pursuant to F.S. 286.0105.

CITY OF DELRAY BEACH
Chevelle D. Nubin, CMC
City Clerk

PUBLISH: Tuesday, November 28, 2006

for
Dec. 5th
Agenda

**NOTICE OF PUBLIC HEARING
NOTICE OF COMPREHENSIVE PLAN CHANGE 2006-1
CITY OF DELRAY BEACH, FLORIDA**

The City Commission of the City of Delray Beach will consider the following ordinance:

ORDINANCE NO. 38-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENT 2006-1, PURSUANT TO THE PROVISIONS OF THE "LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT", FLORIDA STATUTES SECTION 163.3161 THROUGH 163.3243, INCLUSIVE; ALL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ENTITLED "COMPREHENSIVE PLAN AMENDMENT 2006-1" AND INCORPORATED HEREIN BY REFERENCE; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

A Public Hearing regarding Comprehensive Plan Amendment 2006-1 will be held on **TUESDAY, DECEMBER 5, 2006, AT 7:00 P.M.** (or at any continuation of such meeting which is set by the Commission), in the Commission Chambers at City Hall, 100 N.W. 1st Avenue, Delray Beach, Florida.

The proposed TEXT AMENDMENTS to the Comprehensive Plan address the following subject matter:

- a. Future Land Use Element - Modification of Mixed Use Categories to add a description for the new "Congress Avenue Mixed Use" designation, including provisions for maximum densities and intensities, workforce housing and a transit-oriented development overlay near the tri-rail station and delete the description for the "Redevelopment Areas" designation;
- b. Amendment of Table L-7, Land Use Designation/Zoning Matrix, to accommodate the new Congress Avenue Mixed Use designation;
- c. Future Land Use Element - Modification of Policy A-7.2 to include the provision of workforce housing in the MROC (Mixed Residential Office Commercial) zoning district which encompasses the new Congress Avenue Mixed Use designation. Language has also been added to support a privately initiated text amendment to allow residential development within workforce housing overlay districts in the CMR (Commerce) FLUM designation when a minimum of 25% of the units are workforce housing;
- d. Future Land Use Element - Modification of Policy A-7.4 to increase the time period for which workforce housing units, constructed under the Family/Workforce Housing Program, shall remain affordable from 30 to 40 years;
- e. Future Land Use Element - Modification of Policy A-2.4 to reflect elimination of the potential for automobile dealerships between NE 5th Street and George Bush Boulevard.
- f. Future Land Use Element - Modification of the description of the Commerce FLUM designation to include provisions for residential development within a designated overlay district, subject to the provision of workforce housing. This text amendment is privately initiated in concert with the Depot Road property Future Land Use Map Amendment.