



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PUBLIC NOTICE

RE: Ordinance Nos. 08-20 (formerly 41-19) and 09-20 (formerly 42-19): Land Use Map Amendment and Rezoning of five parcels located at 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue

Pursuant to Section 2.4.2(B)(1)(b) of the Land Development Regulations of the City of Delray Beach, you are hereby notified that the **City Commission** of the City of Delray Beach, Florida, will conduct a **VIRTUAL PUBLIC HEARING** on **Tuesday, June 16, 2020 at 4:00 pm** and consider the adoption of Ordinance Nos. 08-20 and 09-20 regarding a Land Use Map Amendment (LUMA) and Rezoning for the properties located at **26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue** (identified on the map below). The properties measure a total of 0.752 acres.

The property owner, the Delray Beach Community Redevelopment Authority (CRA), is seeking the LUMA and Rezoning for the purpose of constructing “commercial/office space to provide space for local small and pop-up businesses at an affordable rate...” The requests are as follows:

Existing LUMA designation: Low Density (LD)

Proposed LUMA designation: Commercial Core (CC)

Existing Zoning District: Single-Family Residential (R-1-A)

Proposed Zoning District: Central Business District (CBD),
West Atlantic Neighborhood Sub-district.

The existing LUMA designation of LD allows residential development up to 5 dwelling units per acre (du/ac); the proposed LUMA designation of CC allows residential development up to 100 du/ac. The existing zoning district is R-1-A, which allows for stand-alone single-family residential development with one dwelling unit per property. Under the proposed CBD zoning designation, the maximum density for the subject properties, which would be located within the West Atlantic Neighborhood Sub-district of the CBD is 12 du/ac and can be increased to up to 30 du/ac under a residential incentive. The residential incentive requires the provision of Workforce Housing to obtain the higher density. The proposed CBD zoning district designation limits commercial uses that are located more than 150 feet from West Atlantic Avenue; establishment of commercial uses may be allowed upon approval of a Conditional Use request by the City Commission; the current R-1-A zoning district designation does not allow commercial uses.



Pursuant to Executive Order 20-69, during the COVID-19 State of Emergency, City Commission meetings may be held virtually. Members of the public wishing to view City Commission meetings should log into the City's website, <https://www.delraybeachfl.gov/iwant-to/watch/city-meetings>, where the meeting will be live-streamed for the public. The meeting agenda will be made available online prior to the meeting at: <https://delraybeach.legistar.com/Calendar.aspx>.

Due to the closure of City Hall, members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing (561) 243 - 7555 and leaving a voicemail message that will be played during the City Commission meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

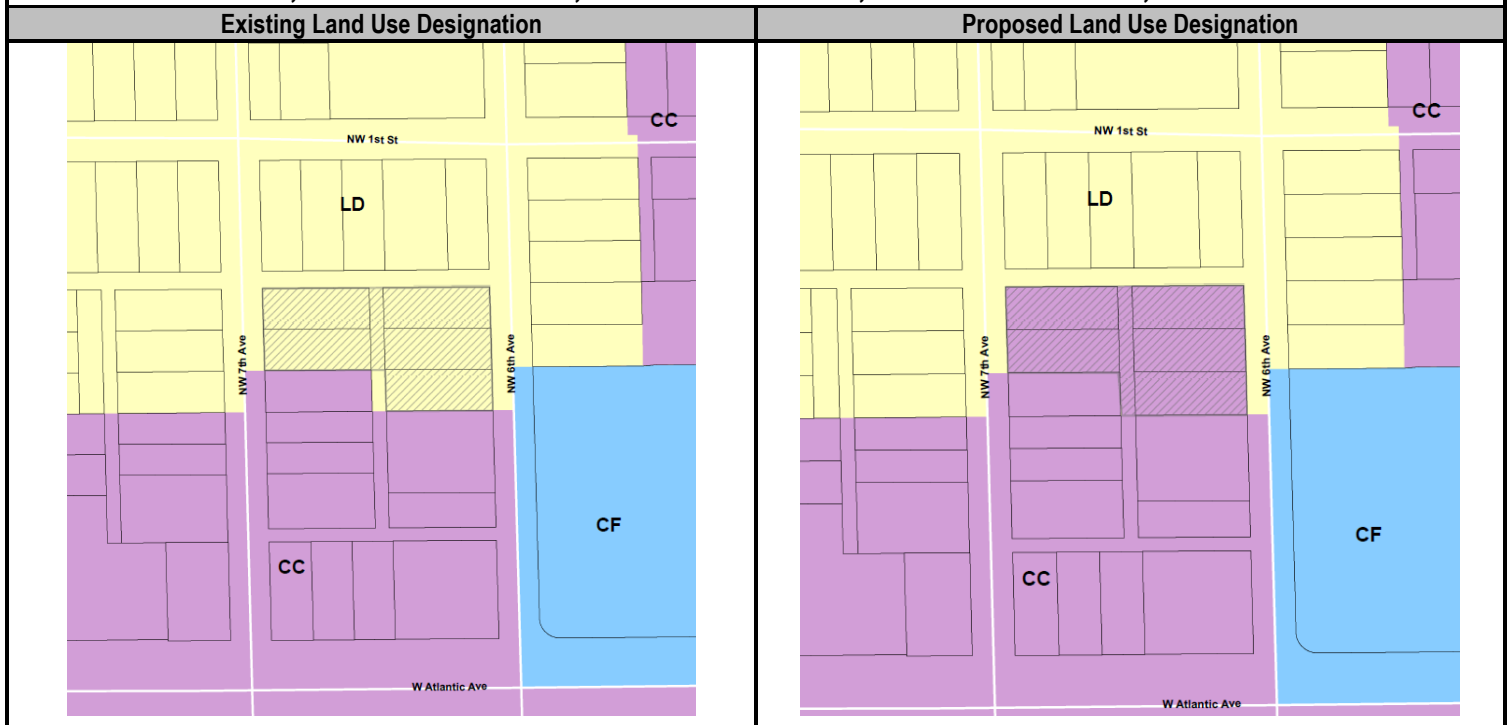
Public comment on items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Commission has heard from both the applicant and the City, the Commission will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Commission's consideration.

The proposed ordinances may be inspected online at <https://www.delraybeachfl.gov/government/city-departments/city-clerk/public-notices>. If you would like further information as to how the subject request may affect your property, please contact Amy Alvarez, Principal Planner, at 561.243.7284, or via email at alvarez@mydelraybeach.com, at the Development Services Department, City Hall, 100 NW 1st Avenue, Delray Beach, Florida 33444.

All interested parties are invited to attend the public hearing and comment upon the proposed action or submit their comments in writing on or before the date of the hearing to the Development Services Department. Please be advised that if the action taken on this request is appealed, the appellant 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.

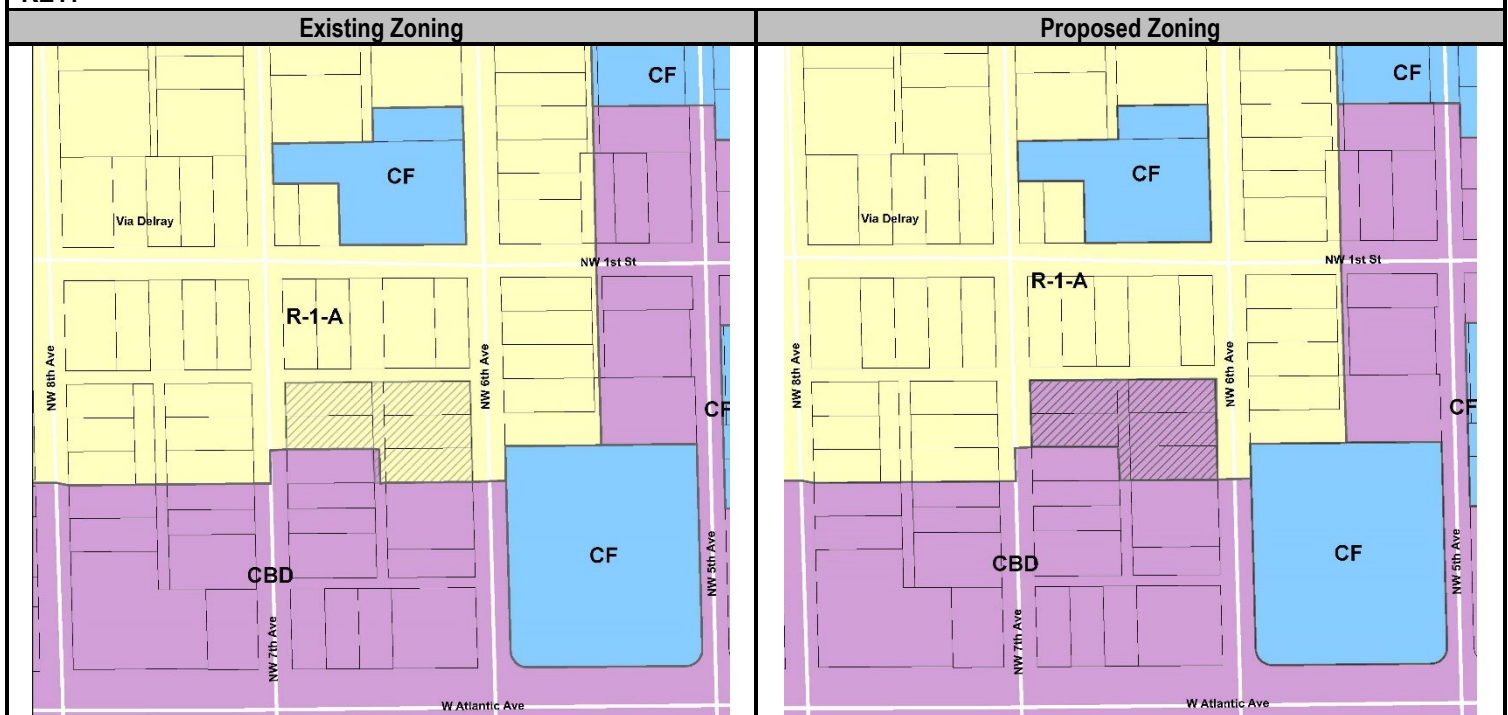
Ordinance Nos. 08-20 (formerly 41-19) and 09-20 (formerly 42-19): Land Use Map Amendment and Rezoning

26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue



KEY:

- CC - COMMERCIAL CORE
- CF - COMMUNITY FACILITIES
- LD - LOW DENSITY, 0-5 UNITS PER ACRE
- Subject Properties



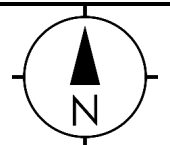
KEY:

- R-1-A - SINGLE FAMILY RESIDENTIAL
- CF - COMMUNITY FACILITIES
- CBD - CENTRAL BUSINESS DISTRICT
- Subject Properties



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING



Date: May 15, 2020

ORDINANCE NO. 08-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE FROM LOW DENSITY (LD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach exercised the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the "Community Planning Act"; and

WHEREAS, via Ordinance No. 82-89, the City Commission adopted the document entitled "Comprehensive Plan - Delray Beach, Florida"; and

WHEREAS, the Delray Beach CRA, is the fee simple owner of 26 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue, which measure approximately 0.599 acres± and is located north of West Atlantic Avenue and between NW 6th Avenue and NW 7th Avenue; and

WHEREAS, EDRON, LLC, is the fee simple of 32 NW 6th Avenue, which measures approximately 0.153 acres ± and is located north of West Atlantic Avenue and between NW 6th Avenue and NW 7th Avenue; and

WHEREAS, EDRON, LLC, has designated the Delray Beach Community Redevelopment Agency to act as the agent for the Future Land Use Map (FLUM) amendment to redesignate the parcel at 32 NW 6th Avenue from Low Density (LD) to Commercial Core (CC); and

WHEREAS, the subject properties hereinafter described have an existing FLUM designation of Low Density (LD); and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on January 27, 2020, and voted 7 to 0 to recommend that the Future Land Use Map designation be changed for the properties hereinafter described, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, it is appropriate that the designation of Commercial Core (CC) on the Future Land Use Map of the City of Delray Beach, Florida is applied to the property described herein.

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 the Future Land Use Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a future land use designation of Commercial Core (CC) for the described properties in Exhibit A, "Legal Descriptions," attached hereto and incorporated herein.

Section 3. That the City of Delray Beach Future Land Use Map shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof, as depicted in Exhibit B, "Proposed Future Land Use Map," attached hereto and incorporated herein.

Section 4. That the City Commission of the City of Delray Beach, Florida, hereby declares its intent to exercise the authority granted pursuant to the provisions of Sections 163.3161 through 163.3248, Florida Statutes, inclusive, known as the "Community Planning Act."

Section 5. The Future Land Use Map of the City of Delray Beach, Florida, shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 4 hereof.

Section 6. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 8. This ordinance shall become effective thirty-one (31) days after adoption, unless the Comprehensive Plan amendment is timely challenged. If timely challenged, the effective date of this Ordinance shall be the date a final order is issued by the State Land Planning or the Administration Commission, finding the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

“EXHIBIT A”
LEGAL DESCRIPTIONS

26 NORTHWEST 6TH AVENUE (PCN 12-43-46-17-01-012-0170)

Lot 17, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

32 NORTHWEST 6TH AVENUE (PCN 12-43-46-17-01-012-0180)

Lot 18, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

34 NORTHWEST 6TH AVENUE (PCN 12-43-46-17-01-012-0190)

Lot 19, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

27 NORTHWEST 7TH AVENUE (PCN 12-43-46-17-01-012-0250)

Lot 25, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

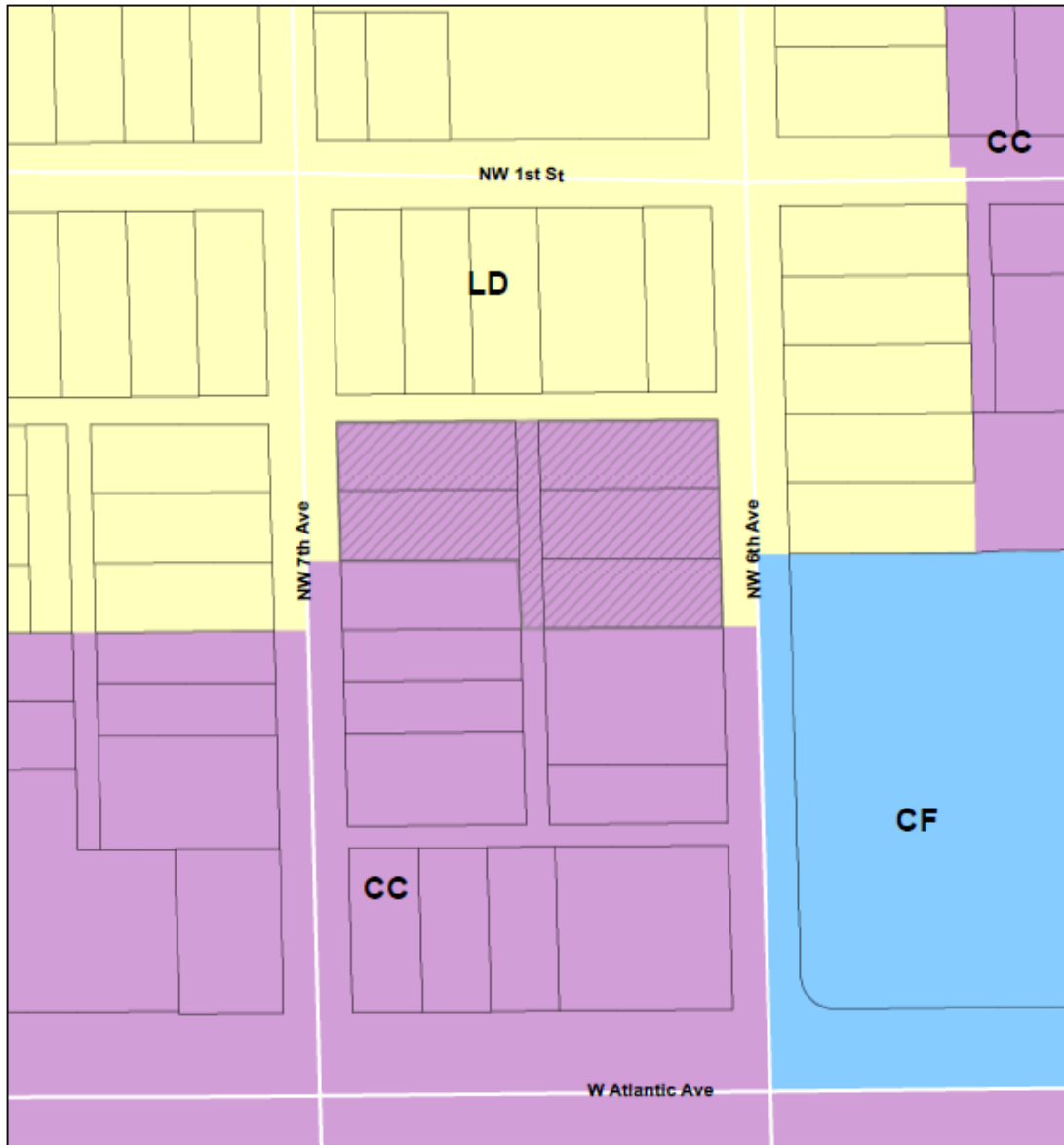
TOGETHER WITH

31 NORTHWEST 7TH AVENUE (PCN 12-43-46-17-01-012-0240)

Lot 18, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.752 acres, more or less.

**“EXHIBIT B”
PROPOSED FUTURE LAND USE MAP**



**Future Land Use Designation (Proposed)
NW 6th Avenue & NW 7th Avenue**

- CC - COMMERCIAL CORE
- CF - COMMUNITY FACILITIES
- LD - LOW DENSITY, 0-5 UNITS PER ACRE
- MD - MEDIUM DENSITY, 5-12 UNITS PER ACRE

Subject Properties



0 50 100
Feet
Development Services
Department

Date: 11/5/2019

ORDINANCE NO. 09-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE PRESENTLY ZONED SINGLE-FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN" AND REGULATING MAP IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the properties hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Single Family Residential (R-1-A); and

WHEREAS, the Delray Beach CRA, is the fee simple owner of 26 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue, which measure approximately 0.599 acres± and is located north of West Atlantic Avenue and between NW 6th Avenue and NW 7th Avenue; and

WHEREAS, EDRON, LLC, is the fee simple owner of 32 NW 6th Avenue, which measures approximately 0.153 acres ± and is located north of West Atlantic Avenue and between NW 6th Avenue and NW 7th Avenue; and

WHEREAS, EDRON, LLC, has designated the Delray Beach Community Redevelopment Agency to act as the agent for the rezoning to redesignate the parcel at 32 NW 6th Avenue from Single Family Residential (R-1-A) to Central Business District (CBD); and

WHEREAS, a Comprehensive Plan designation of Commercial Core was simultaneously requested for said parcels, and approved by the City of Delray Beach on _____; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on January 27, 2020 and voted 6 to 1 to recommend that the property hereinafter described be rezoned to City of Delray Beach

Central Business District (CBD), finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, is amended to reflect the revised zoning classification; and

WHEREAS, it is appropriate that the West Atlantic Neighborhood Sub-district and Regulating Plan maps in Section 4.4.13 of the Land Development Regulations are amended to be consistent with the revised zoning classification.

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

Section 1. The recitations set forth above are incorporated herein.

Section 2: City of Delray Beach Zoning Map, be and the same, is hereby amended to reflect a zoning district designation of Central Business District (CBD) for the described properties in Exhibit A, “Legal Descriptions” and identified in Exhibit B, “Proposed Zoning Map,” attached hereto and incorporated herein.

Section 4. That Figure 4.4.13-6, West Atlantic Neighborhood Sub-district Regulating Plan, of Section 4.4.13 Central Business District (CBD) of the Land Development Regulations, as shown in “Exhibit C”, shall, upon the effective date of this ordinance, be amended to conform with the provisions of Section 2 hereof.

Section 5. That all ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 6. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 7. This ordinance shall become effective only after the effective date of Ordinance No. 41-19, and upon approval at second reading. No development orders, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT A
LEGAL DESCRIPTIONS

26 NORTHWEST 6TH AVENUE (PCN 12-43-46-17-01-012-0170)

Lot 17, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

32 NORTHWEST 6TH AVENUE (PCN 12-43-46-17-01-012-0180)

Lot 18, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

34 NORTHWEST 6TH AVENUE (PCN 12-43-46-17-01-012-0190)

Lot 19, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

TOGETHER WITH

27 NORTHWEST 7TH AVENUE (PCN 12-43-46-17-01-012-0250)

Lot 25, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

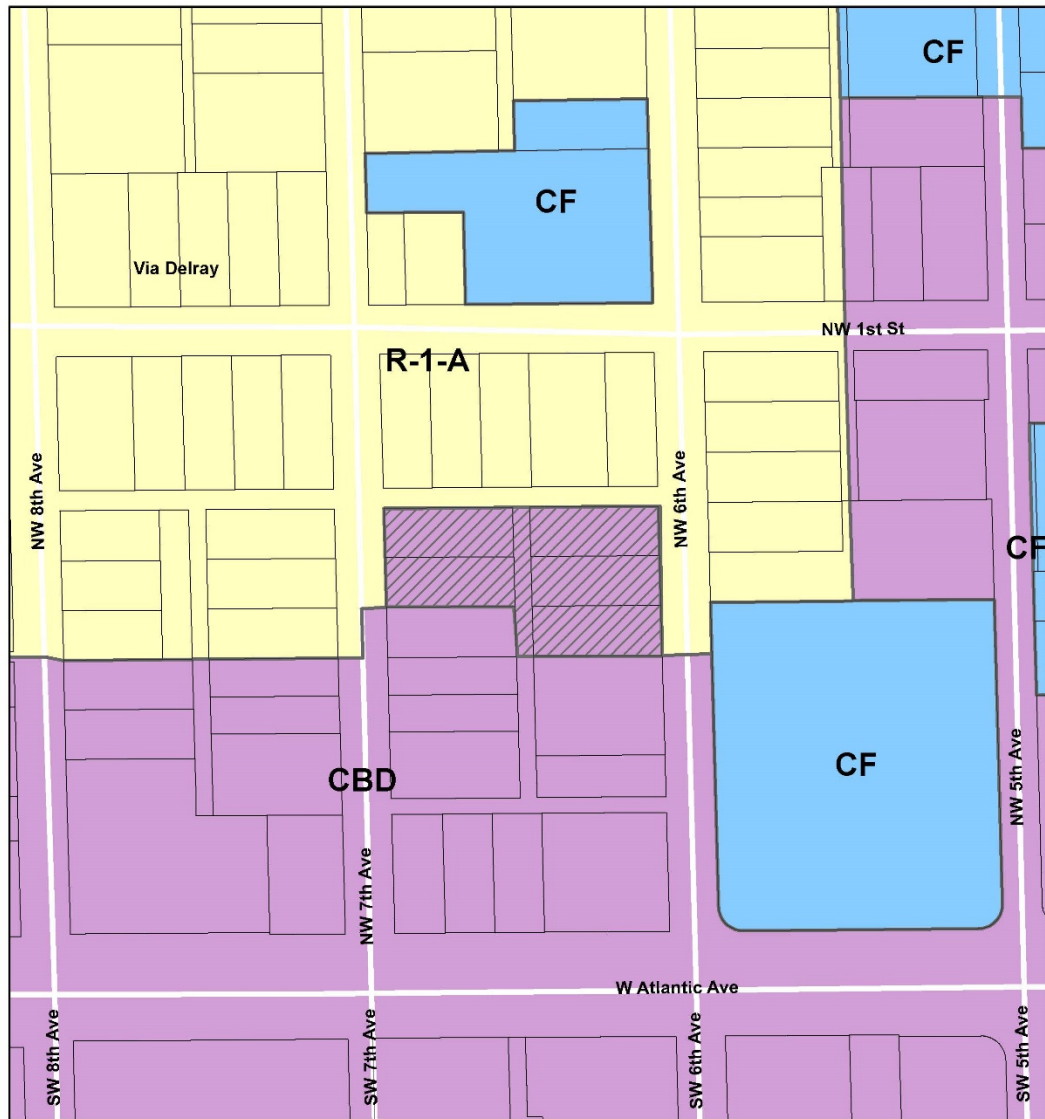
TOGETHER WITH

31 NORTHWEST 7TH AVENUE (PCN 12-43-46-17-01-012-0240)

Lot 18, Block 12, Monroe Subdivision, according to the Plat thereof, recorded in Plat Book 14, Page 67, Public Records of Palm Beach County, Florida.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.752 acres, more or less.

EXHIBIT B PROPOSED ZONING MAP



Zoning District (Proposed)
NW 6th Avenue & NW 7th Avenue

0 65 130
Feet
Development Services
Department

R-1-A - SINGLE FAMILY RESIDENTIAL

CF - COMMUNITY FACILITIES

CBD - CENTRAL BUSINESS DISTRICT

Subject Properties

Date: 11/5/2019

Document Path: S:\Planning & Zoning\DBMS\GIS\GIS Projects\2019\2019_0411_CBD_Expansion\01_Mxd\CBD_ZON_Surrounding_88_by_11.mxd

EXHIBIT C

Figure 4.4.13-6 West Atlantic Neighborhood Sub-district Regulating Plan

