

ORDINANCE NO. 08-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," AND SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," TO ADOPT FLOOR AREA RATIO AND BUILDING ARTICULATION REGULATIONS FOR RESIDENTIAL DEVELOPMENT EAST OF THE INTRACOASTAL WATERWAY; AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT DEFINITIONS FOR HORIZONTAL ARTICULATION AND STEP-BACK; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDR") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, residential development east of the Intracoastal Waterway has a distinctive, historic form; and

WHEREAS, recent residential development east of the Intracoastal Waterway has taken a different form that is incompatible with the village by the sea characteristics of these neighborhoods; and

WHEREAS, on January 10, 2023, the City Commission directed staff to develop regulations to govern the form of residential development east of the Intracoastal Waterway; 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, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on January 22, 2024, and voted 4 to 0 to recommend that the proposed text amendment be approved, 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, the City Commission considered the text amendment and has considered the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

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. The City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

Section 3. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.3, "Single Family Residential (R-1) Districts," of the Land Development Regulations of the City of Delray Beach, is hereby amended to read as follows:

Sec. 4.4.3. Single Family Residential (R-1) Districts.

(A) - (E) (These subsections shall remain in full force and effect as adopted.)

(F) ***Development standards.*** The development standards in Section 4.3.4 shall apply, except as modified below:

- (1) Properties located ~~within the North Beach/Seagate and Ocean Neighborhood Overlay Districts~~ east of the Intracoastal Waterway that are not subject to subsection (4) below shall comply with the provisions of the adopted Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods including but not limited to visual compatibility standards relating to limitations on height, width, mass, scale, materials, color, style, form, and square footage. following regulations:

(a) The maximum floor area ratio for a single family structure is 0.65.

(b) Properties not located within the North Beach/Seagate and Ocean Overlay Districts shall provide the following:

1. A 5-foot step-back above the second story and/or at 26 feet of height, whichever is less, on the rear, side street, and side interior building facades.

2. On building facades that exceed 25 feet in length above the first story facing side interior and rear lot lines, at least one horizontal articulation at least 2 feet in depth for a combined minimum of 20 percent of the length of building elevation(s).

(c) Properties located within the North Beach/Seagate and Ocean Overlay Districts shall comply with the adopted Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods, including but not limited to, visual compatibility standards relating to limitations on height, width, mass, scale, materials, color, style, form, and square footage.

(2) - (4) (These subsections shall remain in full force and effect as adopted.)

(G) - (J) (These subsections shall remain in full force and effect as adopted.)

Section 4. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.5, "Low Density Residential (LD) District," of the Land Development Regulations of the City of Delray Beach, is hereby amended to read as follows:

Sec. 4.4.5. Low Density Residential (RL) District.

(A) - (E) (These subsections shall remain in full force and effect as adopted.)

(F) ***Development standards.*** The development standards in Section 4.3.4 shall apply, except as modified below.

(1) ~~The provisions~~ development standards for the R-1-A District shall apply for single family detached dwellings.

(2) The development standards ~~as set forth in Section 4.3.4 shall apply for~~ to duplex and multi-family development, except as modified herein.

(a) Duplex and multi-family development located east of the Intracoastal Waterway that is not subject to subsection (3) below shall comply with the following regulations:

(i) The maximum floor area ratio is as follows:

<u>Lot Size</u>	<u>Maximum Floor Area Ratio (FAR)</u>
<u>Up to 30,000 sf</u>	<u>0.70</u>
<u>30,000 sf and above</u>	<u>0.75</u>

(ii) A 5-foot step-back must be provided above the second story and/or at 26 feet of height, whichever is less, on the rear, side street, and side interior elevations.

(iii) Building facades that exceed 25 feet in length above the first story facing side interior and rear lot lines shall provide at least one horizontal articulation at least 2 feet in depth for a combined minimum of 20 percent of the length of building elevation(s).

(3) ~~In addition to the provisions of Section 4.3.4, p~~Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to the provisions of Section 4.5.1.

(G) - (I) (These subsections shall remain in full force and effect as adopted.)

Section 5. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.6, "Medium Density Residential (RM) Districts," of the Land Development Regulations of the City of Delray Beach, is hereby amended to read as follows:

Sec. 4.4.6. Medium Density Residential (RM) District.

(A) - (E) (These subsections shall remain in full force and effect as adopted.)

(F) ***Development standards.***

- (1) The R-1-A District regulations apply to single family detached dwellings.
- (2) The development standards in Section 4.3.4 apply to duplex and multi-family development, except as modified herein.

(3a) Southwest Neighborhood and Carver Estates Overlay Districts and Infill Workforce Housing Area Development Standards. ~~The following development standards apply to duplex and multi family development~~ Duplex and multi-family development in the Southwest Neighborhood Overlay District, Carver Estates Overlay District and the Infill Workforce Housing Area that are developed pursuant to Article 4.7, "Family/Workforce Housing" shall comply with the following regulations:-

~~(a)~~1. ***Setbacks.***

~~(i)~~a. Front: 15 feet

~~(ii)~~b. Side (Street): 15 feet

~~(iii)~~c. Side (Interior): 10 feet (One- and two-story), 15 feet (third story and above)

~~(iv)~~d. Rear: Ten feet

~~(b)~~2. ***Setbacks for garages, carports and porte-cocheres.*** Garages, carports and porte-cocheres must have a minimum 20 feet setback when the entrance faces a public street or alley.

~~(c)~~3. ***Porch encroachments.*** Front porches may extend five feet into the front or side street setback and cannot occupy more than 50 feet of the building frontage and cannot be enclosed in any manner.

(b) Duplex and multi-family development located east of the Intracoastal Waterway that is not subject to subsection (3) below shall comply with the following regulations:

1. The maximum floor area ratio is dictated by lot size, as follows:

<u>Lot Size</u>	<u>Maximum Floor Area Ratio (FAR)</u>
<u>Up to 30,000 sf</u>	<u>0.70</u>
<u>30,000 sf and above</u>	<u>0.75</u>

2. A 5-foot step-back must be provided above the second story and/or 26 feet of height, whichever is less, on the rear, side street, and side interior elevations.

3. Building facades that exceed 25 feet in length above the first story facing side interior and rear lot lines shall provide at least one horizontal articulation at least 2 feet in depth for a combined minimum of 20 percent of the length of building elevation(s).

(43) ***Historic districts, sites, and buildings.*** Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to Section 4.5.1.

(G) - (I) (These subsections shall remain in full force and effect as adopted).

Section 6. Appendix A, "Definitions," of the Land Development Regulations of the City of Delray Beach, is hereby amended to include the following definitions:

HORIZONTAL ARTICULATION. Modulation of the scale of a building by stepping a portion of the structure either outward or inward from the predominant façade plane.

STEP-BACK. The horizontal shifting of the building massing inward from the predominate plane of the building façade.

Section 7. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 8. 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 9. Specific authority is hereby given to codify this Ordinance.

Section 10. 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 5th day of March, 2024.

ATTEST:

Katerri Johnson
Katerri Johnson, City Clerk

Shelly Petrolia
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin
Lynn Gelin, City Attorney

First Reading 2/20/2024

Second Reading 3/5/2024





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LEGAL REVIEW FORM

This form is to be used solely for the legal review of documents not including procurement agreements. Procurement Agreements are reviewed under a separate cover. This form shall only be completed by a member of the City Attorney's Office.

Date of Review: 02/01/2024

Document Name: Ordinance 08-24

Document Type: Ordinance amending the floor area ratio and building articulation regulations for residential properties in R-1, RL, and RM zoning districts for properties located east of the Intracoastal Waterway.

Submitted by: Rebekah Dasari

☒ This document is approved as to form and legal sufficiency.

☐ This document is approved as to form and legal sufficiency; however, the undersigned made the following change(s):

☐ This document is not approved as to form and legal sufficiency for the following reason(s):

Notes:

s/William M. Bennett, Esq.
Assistant City Attorney

Copy to:

 City Attorney's Office (with a copy of the approved document)

 X Other: Rebekah Dasari