



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB)

Rooftop Uses and Exceptions to Height Limitations LDR Amendment, Ordinance No. 53-20

SPRAB Meeting	File No.	Application Type
November 19, 2020	2020-144-LDR	Land Development Regulations Amendment

Item

Presentation by Staff regarding a City-initiated Land Development Regulations (LDR) amendment proposal to create regulations pertaining to "Rooftop uses" and updates to the existing "Exceptions to district height limitations" subsection, which includes standards associated with appurtenances.

Background Information and Description of Proposal

The current LDRs do not have quantitative measures or the specific details needed to provide clear expectations and ensure a predictable outcome regarding the use of rooftop terrace areas and appurtenances. Over the last couple of years as new development has evolved to incorporate rooftop amenities and additional use area, this gap in the LDRs has caused concerns. As a result, on January 16, 2020, the Delray Beach City Commission ("City Commission") approved by majority vote Resolution No. 37-20, to consider amendments to the City's Land Development Regulations relating to appurtenances that provide rooftop terrace access above the maximum height limitations for single family, duplex, and multi-family residences within the Single Family Residential and Medium Density residential zoning districts.

As part of Resolution No. 37-20, acceptance and processing of applications, permits, or any other approvals that are related to appurtenances, which provide rooftop terrace access above the maximum height limitations of single family, duplex, and multi-family residences within the Single Family Residential and Medium Density residential zoning districts was deferred until July 14, 2020. At its meeting of June 16, 2020, the City Commission approved Resolution No. 102-20 to extend the period established by Resolution No. 37-20 until January 10, 2021.

The proposed text amendment includes the introduction of Section (RR) "Rooftop Use" as part of 4.3.3, "Special Requirements for Specific Uses". The new subsection includes the following provisions:

- (1) Purpose and Intent statement;
- (2) Allowable rooftop uses, which includes allowable uses in residential and nonresidential zoning districts; and,
- (3) General design standards for rooftop terraces, which describes all the requirements for rooftop terraces located at any level and zoning district.

Amendments to subsection (3) "Exceptions to district height limitations" in Section 4.3.4(J) "Height" include the following: Subsection (a), (b) and (c), pertaining to free-standing features, appurtenances, parapets are proposed to be repealed and rewritten in a table format. The table being introduced describes structures and featured "Allowed" above a certain height and subject to a maximum roof area. The table also describes structures and featured "Subject to action by the approving body", which may exceed a certain height with board review and approval.

Standards that describe the review process for height exceptions for single family, duplex, multifamily and commercial properties are also included within the proposed amendments to subsection (3) "Exceptions to district height limitations".

Amendments to Appendix A include revisions to existing definitions and introduction of new definitions, which are associated with rooftop uses and height exceptions.

Review By Others

On November 4, 2020, the **Historic Preservation Board** voted 7-0 to recommend approval of the proposal.
Planning and Zoning Board: anticipated review on November 16, 2020.
City Commission: anticipated review on December 1, 2020 (First Reading) and January 5, 2020 (Second Reading).