

ORDINANCE NO. 31-26

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 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION (H), "SETBACKS" TO SPECIFY THAT THE REAR SETBACK REQUIREMENTS SHALL BE APPLIED TO SIDE LOT LINES ADJOINING ALLEYS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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, the LDR defines an alley as "a roadway which provides a secondary means of access to abutting properties, and not intended for general traffic circulation use by pedestrians or vehicles"; and

WHEREAS, the LDR defines a street as "a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. 'Street' includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square or however otherwise designated. Streets are further classified according to the function they perform"; and

WHEREAS, the Always Delray Comprehensive Plan identifies alleys as a local street in Table MBL-1, Street Network Classification and Improvements; and

WHEREAS, side lots lines adjoining alleys are currently regulated by side street setbacks; and

WHEREAS, the City desires to update setback regulations for side lot lines adjoining alleys to apply a more appropriate setback, given the function of alleys along a side lot line; 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 June 15, 2026, and voted to 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 LDR; and

WHEREAS, the City Commission has considered Ordinance No. 31-26 and the respective findings as set forth in the Comprehensive Plan and LDR.

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 that this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth in the LDR, and is in the best interests of the City.

Section 3. Chapter 4, "Zoning Regulations," Article 4.3, "District Regulations, General Provisions," Section 4.3.4, "Base district development standards," Subsection (H), "Setbacks," of the LDR of the City of Delray Beach, Florida, is hereby amended as follows:

(H) *Setbacks.*

(1) *General.*

(a) Setbacks are measured at right angles to the lot line and represent the minimal distance within which a structure may come to said lot line.

(b) Setbacks are established for front, interior side, street side, and rear lot lines.

(c) Lot lines along rights-of-way are established, for setback purposes, as being for the ultimate right-of-way as required for the minimum section for the class of street or as otherwise required by the Traffic Network as contained in the Transportation Element of the Comprehensive Plan.

(d) Side lot lines adjoining alleys are regulated by rear setback requirements, except for R-1-AAB zoned properties, where the side street setback applies, and except where additional setbacks are required pursuant to Section 4.6.4.

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

Section 4. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. 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 of this Ordinance.

Section 6. Specific authority is hereby given to codify this Ordinance.

Section 7. 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 _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____
Second Reading _____