

ORDINANCE NO. 12-26

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 BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS," SECTION 4.3.2 "DETERMINING USE," SUBSECTION (B), "CATEGORIES OF USE," TO ALLOW FOR THE RENTAL OF ACCESSORY DWELLING UNITS; AMENDING SECTION 4.3.3 "SPECIAL REQUIREMENTS FOR SPECIFIC USES," SUBSECTION (K), "HOME-BASED BUSINESS," TO ALLOW A HOME-BASED BUSINESSES TO OPERATE IN AN ACCESSORY STRUCTURE OCCUPIED BY THE RESIDENT OF THE PRINCIPAL OR ACCESSORY STRUCTURE, SUBSECTION (Q), "GUEST COTTAGES," BY RENAMING THE SUBSECTION AS "ACCESSORY STRUCTURES TO ADOPT ALL ACCESSORY STRUCTURE REGULATIONS IN ONE SECTION AND TO ADOPT NEW REGULATIONS FOR ACCESSORY DWELLING UNITS. AND REPEALING SUBSECTION (QQ), "ACCESSORY STRUCTURES" FOR ADOPTION OF SUCH REGULATIONS IN THE REORGANIZED SUBSECTION (Q); AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3 "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.6 "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SUBSECTION (C), "ACCESSORY USES AND STRUCTURES PERMITTED," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB- DISTRICTS," TO UPDATE LANGUAGE CLARIFYING MULTI FAMILY USES AND TO ADD ACCESSORY DWELLING UNITS AS AN ACCESSORY USE IN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; AMENDING ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," TO ADOPT A NEW SECTION 4.5.23 "NORTHWEST / SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT;" AMENDING ARTICLE 4.7, "FAMILY / WORKFORCE HOUSING" BY ADOPTING A NEW SECTION 4.7.9 "ACCESSORY DWELLING UNITS;" AND BY AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT A DEFINITIONS FOR "DWELLING UNIT, ACCESSORY (ADU)," 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, the Always Delray Comprehensive Plan supports a diversity of housing types; and

WHEREAS, the City has determined that there is a severe shortage of affordable and workforce housing in the City of Delray Beach; and

WHEREAS, the Always Delray Comprehensive Plan Policy NDC 2.8.1 allows for a greater range of housing choices and increased affordable housing options by allowing innovative housing types, such as one accessory dwelling unit per lot, tiny houses, cohousing arrangements, or cottage housing, subsequent to evaluation and receipt of public input; and

WHEREAS, the Delray Beach Community Redevelopment Agency commissioned a study to determine the feasibility of allowing accessory dwelling units on residentially zoned parcels in the Northwest and Southwest Neighborhoods, as defined in the West Atlantic Master Plan, as a strategy to address affordable housing shortages; and

WHEREAS, Ordinance No. 12-26 proposes the adoption of regulations to allow Accessory Dwelling Units (ADUs) within the Northwest and Southwest Neighborhood; 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 Ordinance No. 12-26 at a public hearing on January 26, 2026, and **voted __ to __ to** recommend that the proposed text amendments 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

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 4.3, “District Regulations,” Section 4.3.2 “Determining Use,” Subsection (B), “Categories of Use,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

(B) ***Categories of use.*** All uses shall be categorized pursuant to the following:

- (1) ***Principal use.*** A principal use is allowed, by right, within a zoning district provided that all development regulations are met. A principal use must be conducted on a site in order to have accessory or ancillary uses on that site.
- (2) ***Accessory use.*** An accessory, or ancillary use, shall not be established before the principal use, and falls into one of three categories as follows:
 - (a) A use ~~which~~ that is otherwise allowed as a principal use but is subordinate in intensity to other principal uses (retail sales and business offices).
 - (b) A use ~~which is~~ associated with a principal use ~~and which~~ that is specifically identified within the zoning district as an accessory use (for example, a garage used in conjunction with a single family house). Accessory uses provided in conjunction with a residential use may not be rented or used separately, unless specifically provided herein.
 - (c) A use ~~which is~~ associated with a principal or accessory use by virtue of supplemental district requirements (for example, a parking lot required for a multiple family use).

~~No building which contains an accessory use pursuant to (b) may be rented or used as a separate dwelling unit, except as a guest cottage. No accessory structure shall be constructed before the principal structure is under construction.~~

Section 4. Chapter 4, “Zoning Regulations,” Article 4.3, “District Regulations,” Section 4.3.3 “Special Requirements for Specific Uses,” Subsection (K), “Home-Based Business,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

- (K) ***Home-based business.*** A business is considered a home-based business if it operates from a residential dwelling unit and meets the following criteria:
 - (1) - (4) (These subsections shall remain in full force and effect as adopted.)
 - (5) ~~No home-based business~~ Businesses shall not be conducted in any accessory structures, except for home-based businesses in the primary or accessory residential structures by residents.
 - (6) - (11) (These subsections shall remain in full force and effect as adopted.)

Section 5. Chapter 4, “Zoning Regulations,” Article 4.3, “District Regulations,” Section 4.3.3 “Special Requirements for Specific Uses,” Subsection (Q), “Accessory structures,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

(Q) ~~Guest cottage~~ Accessory Residential Structures.

- (1) ~~Can only be used by members of the family occupying the principal dwelling, their nonpaying guests, (except in Bed and Breakfast Inns), or persons employed for service on the premises.~~
- (2) ~~The guest cottage shall not occupy more than one twentieth of the lot area and in no case shall exceed a floor area of 700 square feet. Guest cottages greater than 350 square feet are subject to the standards in Section 4.3.3(QQ)(3).~~
- (3) ~~The structure shall be located to observe the setback requirements as imposed for the principal structure.~~
- (4) ~~When located on individually designated historic properties or within designated historic districts, the structure shall not exceed the height of the principal structure.~~
- (5) ~~Only one guest cottage shall be allowed on a property.~~

(1) **General.** To promote aesthetically harmonious neighborhoods, accessory structures in residential zoning districts must comply with the regulations herein.

- (a) The height of an accessory structure shall not exceed the height of the principal structure and is not permitted to exceed two stories. This limitation does not apply to Accessory Dwelling Units (ADUs).
- (b) The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure. This limitation does not apply to Accessory Dwelling Units (ADUs).
- (c) Accessory structures larger than 350 square feet or taller than ten feet are subject to the following design standards:
 - 1. The accessory structure must be designed with a similar architectural style and be finished with materials similar in appearance to the principal structure.
 - 2. Foundation landscaping, in accordance with Section 4.6.16, must be provided along the entire building frontage, if visible from the right-of-way.

3. All doors, including garage and overhead doors, must have a decorative appearance consistent with the overall architectural style of the primary residential structure.
4. Blank walls visible from the right-of-way are prohibited. Fenestration consistent with the design and appearance of the principal structure and/or design treatments such as trellises with climbing vines or other plant materials, or architectural details may be used to avoid the appearance of blank walls.

(2) Guest Cottages.

- (a) **Purpose and Intent.** Guest Cottages are for use by members of the family occupying the principal dwelling, their nonpaying guests (except in Bed and Breakfast Inns), or persons employed for service on the premises.
- (b) **Architectural Requirements.** Guest cottages greater than 350 square feet are subject to the standards in Subsection (1).
- (c) **Occupancy.** Guest cottages may not be leased.
- (d) The guest cottage shall not occupy more than one-twentieth of the lot area and shall not exceed a floor area of 700 square feet.
- (e) The guest cottage shall comply with the minimum setbacks required for the principal structure.
- (f) When located on individually designated historic properties or within designated historic districts, the structure shall not exceed the height of the principal structure.
- (g) Only one guest cottage shall be allowed on a property.
- (h) The guest cottage shall not have a kitchen.
- (i) A guest cottage shall not have a separate water or electric meter.

(3) Accessory dwelling units (ADU).

- (a) **Purpose and Intent.** ADUs are intended to expand affordable housing options for very-low, low, and moderate income households within Delray Beach, and to support wealth-building.

(b) Architectural Requirements.

1. All ADUs regardless of size are subject to the design standards in Subsection (1).
2. All ADUs shall have an independent entrance.
3. For ADUs located in front of the primary structure, a porch facing the street must be provided.

(c) Occupancy.

1. The property owner or family member must reside on site, either in the principal dwelling unit or in the ADU.
2. An ADU shall not consist of more than two bedrooms.
3. Lease terms for an ADU shall not be shorter than six months.

(d) Affordability standards.

1. ADUs may only be leased as workforce housing. A family member occupying an ADU is not subject to workforce housing income restrictions or limitations.
2. ADUs must comply with the requirements of Section 4.7.9. – Accessory dwelling units (ADUs)

(e) Development standards.

1. ADUs are not included in the calculation of density.
2. ADUs are subject to the standards in Table 4.3.3(Q), except that ADUS with Central Business District Zoning follow the setback and frontage standards in 4.4.13.
3. A detached ADU may be located in the front, rear, or side yard of the principal structure.

<u>Table 4.3.3(Q) – ADU Development Standards</u>	
Maximum Floor Area¹	<u>750 square feet</u>

Minimum Floor Area ¹	<u>220 square feet</u>	
Maximum Number of Bedrooms	<u>2</u>	
Minimum Setbacks for Detached ADUs in Residential Zoning Districts		
	Front	<u>Same as the principal dwelling requirement</u>
	Side Street	<u>15 feet</u>
	Side Interior	<u>Same as the principal dwelling requirement</u>
	Improved Alley (Rear or Side)	<u>10 feet</u>
	Rear	<u>10 feet</u>
	Setback from the principal structure	<u>10 feet</u>
Setbacks for Attached ADUs	<u>Minimum principal dwelling requirements</u>	
Maximum height	<u>1 story</u> <u>2 stories total, if located above a 1-story garage</u>	
¹ - <u>Garages or other accessory structures attached to the ADU shall not be included in the maximum floor area calculation. Open-air elements, such as porches or balconies, shall not be included in the maximum floor area calculation.</u>		

(f) Parking and access.

1. One parking space shall be provided for each ADU.
2. A walkway (concrete, pavers, gravel etc.) shall be provided from the parking space(s) to the main access point of the ADU.
3. Vehicular access and parking are allowed from improved alleys. Parallel parking configuration is permitted within the rear yard.

Section 6. Chapter 4, “Zoning Regulations,” Article 4.3, “District Regulations,” Section 4.3.3 “Special Requirements for Specific Uses,” Subsection (QQ), “Accessory structures,” of the Land Development Regulations of the City of Delray Beach, Florida is repealed in its entirety:

~~(QQ) **Accessory structures.** To promote aesthetically harmonious neighborhoods, accessory structures in residential zoning districts must comply with the regulations herein.~~

- ~~(1) The height of an accessory structure shall not exceed the height of the principal structure and is not permitted to exceed two stories. Screen enclosures without a solid roof are excluded from this limit.~~
- ~~(2) The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure.~~
- ~~(3) Accessory structures larger than 350 square feet or taller than ten feet are subject to the following standards:~~
 - ~~(a) Must be designed with a similar architectural style and be finished with materials similar in appearance to the principal structure.~~
 - ~~(b) Must provide foundation landscaping, in accordance with Section 4.6.16, along the entire building frontage, if visible from the right-of-way.~~
 - ~~(c) All doors, including garage and overhead doors, must have a decorative appearance consistent with the overall architectural style of the primary residential structure.~~
 - ~~(d) Blank walls visible from the right-of-way are prohibited. Fenestration consistent with the design and appearance of the principal structure and/or design treatments such as trellises with climbing vines or other plant materials, or architectural details may be used to avoid the appearance of blank walls.~~

Section 7. 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, Florida is amended as follows:

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

- (A) ***Purpose and intent.*** The Single Family Residential Districts have been created to provide areas ~~where the for~~ traditional single family detached residences and other complimentary housing types consistent with the primarily single family character of the district. ~~can be established and maintained and be protected from the unwarranted intrusion of other inappropriate uses. Further, the Single Family Residential Districts are established in compliance with provisions of Goal HOU 2 of the Housing Element of the adopted Comprehensive Plan which calls for the preservation and~~

~~maintenance of stable neighborhoods.~~ The following Single Family Residential Districts are regulated by this Section:

- (1) R-1-AAA
- (2) R-1-AAAB
- (3) R-1-AA
- (4) R-1-AAB
- (5) R-1-A
- (6) R-1-AB

(B) (These subsections shall remain in full force and effect as adopted.)

(C) ***Accessory uses and structures permitted.*** The following uses and structures are allowed when a part of, or accessory to, the principal use:

- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ).
- (2) Home-based businesses, subject to the Section 4.3.3(K).
- (3) Family day care home, subject to Section 4.3.3(T).
- (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association, such as tennis courts, swimming pools, exercise area, clubhouse, and golf courses.
- (5) Boat docks, subject to Article 7.9. The rental or lease of a boat dock is allowed.
- (6) Guest cottages, subject to Section 4.3.3(Q)(2).
- (7) Accessory Dwelling Units (ADU), subject to Section 4.3.3(Q), when located in the Northwest / Southwest Neighborhood Overlay.

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

Section 8. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.6 “Medium Density Residential (RM) District,” Subsection (C), “Accessory Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

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

- (C) *Accessory uses and structures permitted.* The following uses and structures are allowed when a part of, or accessory to, the principal use:
- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ).
 - (2) Home-based businesses, subject to Section 4.3.3(K).
 - (3) Family day care home pursuant to Section 4.3.3(T).
 - (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association such as tennis courts, swimming pools, exercise area, clubhouse, and private golf courses.
 - (5) Boat docks, subject to Article 7.9, with the rental or lease allowed.
 - (6) Guest cottages subject to Section 4.3.3(Q).
 - (7) Community Gardens, subject to Section 4.3.3(D).
 - (8) Accessory Dwelling Unit (ADU), subject to Section 4.3.3(Q), when located in the Northwest / Southwest Neighborhood Overlay.

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

Section 9. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.13 “Central Business (CBD) District,” Table 4.4.13(A), “Allowable Uses and Structures in the CBD Sub-Districts,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts					
Uses	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh.⁵	South Pairs Neigh

General retail uses and/or facilities, as in GC district (4.4.9) ¹	P	P	P	P	P
Business, professional, and medical uses, as in GC district (4.4.9)	P	P	P	P	P
Services and facilities, as in GC district (4.4.9) ² , excluding drive-through facilities	P	P	P	P	P
<u>Townhouse and Multiple-family dwellings</u> ³	P	P	P	P	P
Astrologist, clairvoyants, fortune tellers, palmists, phrenologists, psychic reads, spiritualists, numerologists and mental healers as in GC district (4.4.9)	-	-	-	-	P
Community residences	See 4.4.13(C)(4)(a)				
Nursing homes, abused spouse residences, continuing care facilities, and assisted living facilities that do not comport with the definition of "community residence"	P	P	P	P	C
Live/work units (see 4.3.3(KKK))	P	P	P	P	P
Hotels, motels, and residential-type inns ³ (see 4.3.3(M) and 4.3.3 (X))	P	P	P	C	C
Bed and breakfast inns (see 4.3.3 (Y))	P	P	P	C	C
Public Parking Garages, as mapped on a Regulating Plan	P,S	P,S	P,S	P,S	P,S
Fabrication and/or Assembly	-	P	-	-	-
Wholesaling, Storage, and Distribution ⁴	-	P	-	-	-
Contractor and trade services	-	P	-	-	P
Automobile brokerage, including vehicle display within an enclosed structure	-	P	-	-	-
Tattoo Establishments (see 4.3.3(ZB))	P,A	P,A	P,A	P,A	P,A
CBD Oil Establishments (see 4.3.3 (CC))	P,A	P,A	-	-	-
<u>Accessory Dwelling Units (see 4.3.3 (Q))</u>	=	=	=	<u>A</u>	=
Family day care homes (see 4.3.3(T))	A	A	A	A	A
Home-based businesses (see 4.3.3(K))	A	A	A	A	A
Mechanical parking lifts (see 4.6.9(D)(11) and 4.6.9(F)(4))	A,S	A	A,S	A,S	A,S
Parking areas, passenger drop-off, loading/unloading, refuse and service areas	A,S	A	A,S	A,S	A,S
Automated Parking Garages	-	S	-	-	-
Refuse and service areas					

Recreational facilities (for a multiple-family development)	A	A	A	A	A
Services and repair (incidental to the associated principal use)	A,S	A	A,S	A,S	A,S
Single-family dwelling (occupied by owner, proprietor, or employee of the principal use)	A	A	A	A	A
Storage of inventory (not shared or leased independent of the principal use)	A,S	A	A,S	A,S	A,S
Automobile repair, service	-	C	-	-	-
Neighborhood Automotive Rental facility (See 4.3.3(C))	-	-	-	-	C
Child care Facilities (see 4.3.3(E)) and adult day care facilities (see 4.3.3(F))	C	C	C	C	C
Commercial recreational facilities, such as bowling alleys, skating rinks, and amusement game facilities	C	C	C	C	C
Drive-through facilities (serving banks, financial institutions, retail uses, etc.) ² See 4.4.13(J)(7)(a)	C	C	C	C	C
Food Preparation and/or Processing including bakeries and catering	-	C	-	-	-
Funeral homes, including accessory uses such as a chapel or crematory	C	C	C	C	C
Gasoline stations (See 4.4.13(J)(7)(b) and/or car washes (See 4.4.13(J)(7)(c))	C	C	-	-	C
Large family child care homes (see 4.3.3(TT))	C	C	C	C	C
Dry-cleaning Processing Plants	-	C	-	-	-
Segway tours and Segway sales (see 4.3.3(ZZZZ))	C	C	C	C	C
Theaters, excluding drive-ins	C	C	C	C	C
Pet Services [See 4.3.3(W)]	C	C	C	C	C
Pet Hotels [see 4.3.3(W)]		C			C
Veterinary Clinics [see 4.3.3(W)]	P	P	P	P	P
24-hour or late-night businesses, within 300 feet of residential zoned property [see 4.3.3(VV)]	C	C	C	C	C
Urban Agriculture [4.3.3 (D)] excluding outdoor Urban Farms	P,A	P,A	-	P,A	P,A
Outdoor Urban Farms [4.4.3(D)]	C	C	C	C	C

Clubs and Lodges as in GC (4.4.9)	-	-	-	-	C
Flea Markets, Bazaars as in GC (4.4.9)	-	-	-	-	C
Sales and service of all terrain vehicles and personal watercraft as in GC (4.4.9)	-	-	-	-	C
Vehicle care (See 4.4.13(C)(4)(f)(5))	-	-	-	-	C
Churches or places of worship (See 4.4.13(C)(4)(c))	-	-	-	C	C
LEGEND: P = Principal Use A = Accessory Use C = Conditional Use - = Prohibited Use S = Secondary Street Use					
¹ <u>Sales of automotive parts, lawn care equipment, firearms, or secondhand material (other than verifiable antiques) are not allowed on properties facing a designated Required Retail Street on the Regulating Plan or anywhere within the West Atlantic Neighborhood.</u> ² <u>Drive-thru and Drive-in restaurants are not permitted within the CBD.</u> ³ <u>For density limits, see Table 4.4.13(C).</u> ⁴ <u>Not self-storage facilities; products and materials shall not exceed 55 gallons of any substance which is listed on the Generic Substances List of the Palm Beach County Wellfield Protection Ordinance (Ref.: Palm Beach County LDC, Article 9, Section 9.3)</u> ⁵ <u>See Section 4.4.13(C)(4)(a) for limits on commercial use locations in the West Atlantic Neighborhood Sub-district.</u>					

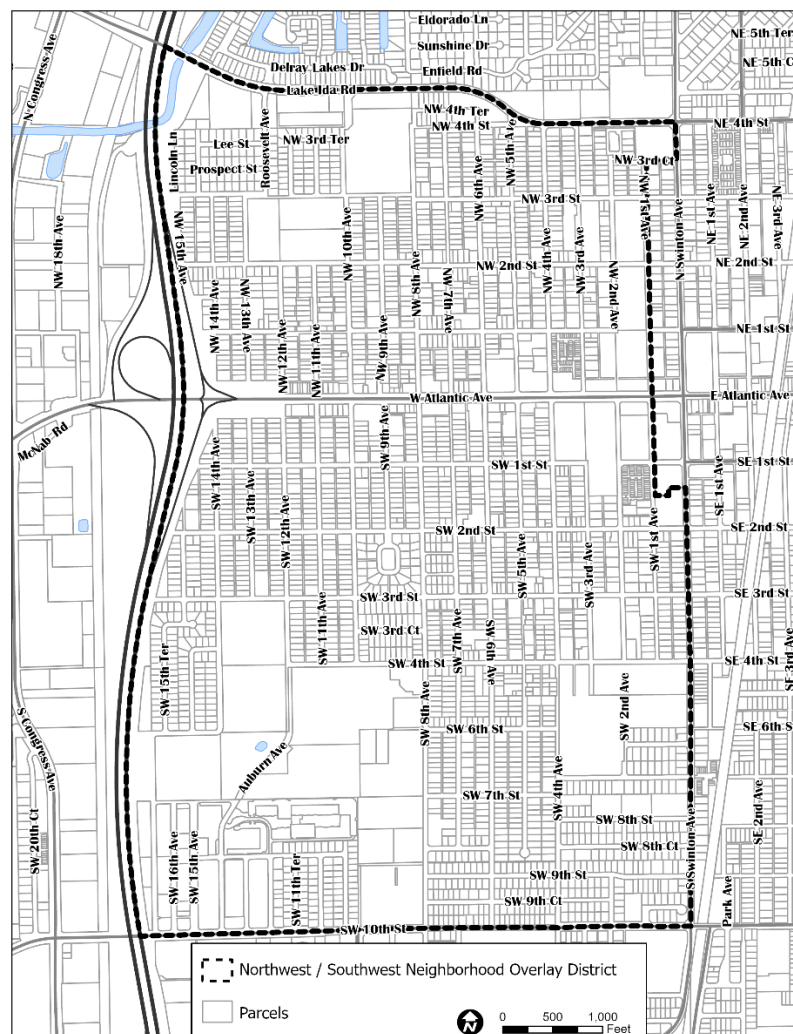
- ¹ ~~Sales of automotive parts, lawn care equipment, firearms, or secondhand material (other than verifiable antiques) are not allowed on properties facing a designated Required Retail Street on the Regulating Plan or anywhere within the West Atlantic Neighborhood.~~
- ² ~~Drive-thru and Drive-in restaurants are not permitted within the CBD.~~
- ³ ~~For density limits, see Table 4.4.13(C).~~
- ⁴ ~~Not self-storage facilities; products and materials shall not exceed 55 gallons of any substance which is listed on the Generic Substances List of the Palm Beach County Wellfield Protection Ordinance (Ref.: Palm Beach County LDC, Article 9, Section 9.3)~~
- ⁵ ~~See Section 4.4.13(C)(4)(a) for limits on commercial use locations in the West Atlantic Neighborhood Sub-district.~~

Section 10. Chapter 4, “Zoning Regulations,” Article 4.5, “Overlay and Environmental Management Districts,” to adopt a new Section 4.5.23 “Northwest / Southwest Overlay District,” of the Land Development Regulations of the City of Delray Beach, Florida is added as follows:

Sec. 4.5.23. - The Northwest / Southwest Neighborhood Overlay District.

(A) **Defined.** The Northwest / Southwest Neighborhood Overlay District is hereby established as the area bounded by I-95 on the west, Swinton Avenue on the East, Lake Ida Road on the north, and S.W. 10th Street on the south. The Old School Square Historic Arts District (OSSHAD) pursuant to Article 4.4.24, is excluded from this Overlay.

(B) Map of Overlay District



Section 11. Chapter 4, “Zoning Regulations,” Article 4.7, “Family / Workforce Housing,” Section 4.7.9 “Accessory Dwelling Units,” of the Land Development Regulations of the City of Delray Beach, Florida is adopted as follows:

Sec. 4.7.9. Accessory Dwelling Units (ADU).

- (A) **Purpose and Intent.** In order to address a shortage of workforce housing units, ADUs may be constructed and rented for workforce housing in the R-1, RM, and CBD Districts within the Northwest / Southwest Neighborhood Overlay District, subject to the following:
- (B) **Restrictive covenant.** A restrictive covenant approved by the City Attorney shall be recorded with the Palm Beach County Clerk of the Circuit Court, and provided with the building permit application. The restrictive covenant shall indicate that:
- (1) The ADU must be leased to very low, low, and moderate income households as established by the Florida Housing Finance Corporation Income and Rent Limits.
 - (2) The workforce housing limitation on the ADU shall run with the land in perpetuity.
 - (3) The ADU may be occupied by a family member without being subject to the income limitations.
 - (4) The property must have a homestead exemption pursuant to the Palm Beach County Property Appraiser requirements.
 - (5) The property owner, or family member must reside on site in either the ADU or the primary dwelling unit.
- (C) **Leasing of ADUs.**
- (1) ADUs shall be marketed and leased for workforce housing only.
 - (2) Lease terms for an ADU shall not be shorter than six months; ADUs shall not be used for lodging or short-term vacation rentals.
 - (3) All leases shall reference the recorded workforce housing covenant.
 - (4) ADUs that have remained vacant for 45 days are not eligible for the exception provided in Section 4.7.5(E).

Section 12. Appendix A, “Definitions,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

DWELLING UNIT, ACCESSORY (ADU). A separate independent dwelling unit for occupancy by permanent residents that is accessory to the principal dwelling on the same lot. Accessory dwelling units may be attached to the principal structure or detached.

Section 13. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 14. 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 15. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 16. 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 ____ 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 _____