

ORDINANCE NO. 11-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.5, "WALLS, FENCES, AND HEDGES", SUBSECTION (A), "RELATIONSHIP TO TRAVELWAYS", TO INCLUDE ACCESS GATES; AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION (D), "DESIGN STANDARDS", TO CLARIFY REGULATIONS FOR STACKING DISTANCES AND ESTABLISH REGULATIONS FOR ACCESS GATES; AMENDING SECTION 4.6.14, "SIGHT VISIBILITY", SUBSECTION (A), "PURPOSE AND INTENT", TO INCLUDE ACCESS GATES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the adopted Land Development Regulations ("LDR") do not provide regulations governing the placement of access gates at residential properties with individual access to a public right-of-way; and

WHEREAS, the regulations governing the placement of access gates at multi-lot single-family developments, multi-family developments, and nonresidential properties have been revised to provide guidance for such requests; and

WHEREAS, staff regularly reviews permit applications for access gates on residential and nonresidential properties, and would benefit from the adoption of regulations that provide clear guidance on the placement of access gates; and

WHEREAS, this amendment to the LDRs ensures a clear and safe path for users of the street and sidewalk by providing clear regulations that govern the placement of access gates; and,

WHEREAS, the LDRs provide authority for the City Commission to amend, change, supplement, or repeal the LDRs from time to time; and

WHEREAS, the Historic Preservation Board reviewed the proposed amendments on AUGUST 5, 2020; 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 LDRs at a public hearing on **August 17**, 2020 and **voted _ 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 LDRs; and,

WHEREAS, the City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth the Land Development Regulations, and is in the best interests of the City.

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 Section 4.6.5, “Walls, fences, and hedges”, Subsection (A), “Relationship to travelways”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (A) ***Relationship to travelways.*** Walls, fences, access gates, hedges, or similar structures shall not be erected in the public right-of-way nor close to the public right-of-way in a manner which will obstruct visibility or otherwise interfere with the proper flow of vehicular traffic, pedestrian safety, or the provision of services. Where deemed to create a sight obstruction, fences, hedges and walls shall be maintained at a height not exceeding three feet. On corner lots and at points of access, additional restrictions requiring provision of adequate sight triangles are provided in Section 4.6.14(A).

Section 3. That Section 4.6.9, “Off-street parking regulations”, Subsection (D), “Design standards”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(1) – (2) These subsections shall remain in full force and effect as previously adopted.

(3) ***Point of access to the street system.***

- (a) ***Maximum width.*** The point of access to a street or alley shall be a maximum of 24 feet unless a greater width is specifically approved as a part of site and development plan approval. However, in no event shall such point of access be greater than 36 feet.
- (b) ***Minimum width.*** The point of access to a street or alley shall not be less than: ~~24 feet for a normal two-way private street or parking lot driveway aisle.~~
- ~~1.~~ 1. Twenty-four 24 feet for a ~~normal~~ two-way private street or parking lot driveway aisle.
- ~~2.~~ 2. Twenty 20 feet for a private driveway ~~which has~~ with less than 200 ADT.
- ~~3.~~ 3. Twelve 12 feet for a one-way driveway or parking lot aisle.
- (c) ***Stacking distance.*** Provisions must be made for stacking and transition of incoming vehicular traffic from a public street into a private property to maintain a clear and safe

path for vehicles, bicyclists, and pedestrians. such that traffic may not backup into Vehicles shall not queue into or obstruct the public street system right-of-way, nor planned or existing public infrastructure in the ultimate right-of-way, per Always Delray Table MBL-1, Street Network Classification and Improvements.

~~(1).~~ The minimum distance between a right-of-way and the first parking space or aisleway in a parking lot not controlled by access gates shall be as outlined in Table 4.6.9(D)-1 the following table:

TABLE 4.6.9(D)-1, Stacking Distance		
Number of Spaces	Access Street Classification	Minimum Stacking Distance
20 or fewer	Local	5 feet
21—50	Local	20 feet
50 or fewer	Non-Local	20 feet
51 or more	All Streets	50 feet*
* For parking lots designed and operated with two or more access points, this standard may be reduced to a minimum stacking distance of 20 feet, subject to a staff performance analysis.		

~~(2).~~ The minimum stacking distance may be reduced to a minimum of 20 feet for parking lots containing more than 50 parking spaces when the parking lot is designed and operated with two or more access points. This reduction in stacking distance is subject to approval by the City Engineer based on the following:

- a. The primary access point to the parking lot is not located along a collector or arterial street; and
- b. A Traffic Statement or Study identifies that the site will generate no more than 200 ADT; or
- c. A dedicated right turn lane measuring at least 50 feet in length from the primary access point is located along a collector or arterial street.

~~3. Provisions must be made to provide for Drive-thru facilities must provide a minimum of 100 feet of clear stacking distance from the first point of transaction for each lane. of a drive-thru facility and in advance of all guardhouses or security gates.~~

~~(3) Greater stacking distance may be required as a condition of site plan approval. The length of the stacking area may be reduced when supported by a traffic study.~~

~~(4) A stacking area in advance of access gates, guardhouses, and other barriers shall be provided as follows:~~

- a. Single-Family dwelling units, duplexes and townhomes with direct, individual unit access to a public right-of-way shall provide:

- i. Along all road classifications, except local, a minimum stacking distance of 20 ft. from the ultimate right-of-way (See Figure 4.6.9(D)4-1).
 - ii. Along local roads, gates and fences that are 25 percent or less opaque, and do not create visual obstructions, are permitted on the ultimate right-of-way line or on the property line without a stacking distance, whichever distance is greater, and are not subject to the regulations in Section 4.4.5 and Section 4.6.14 (See Figure 4.6.9(D)4-2).
 - b. Planned residential developments, whether single or multi-family, and all other uses and access configurations not listed above, shall provide:
 - i. A minimum stacking distance of 100 feet from the property line or ultimate right-of-way, whichever is greater (See Figure 4.6.9(D)4-3).
 - ii. For commercial uses, a minimum stacking distance of 20 feet from the ultimate right-of-way, if the access gate or barrier remains open at all times during business hours (See Figure 4.6.9(D)4-4).
 - c. Gates, walls, fences or similar structures that are more than 25 percent opaque must comply with the sight visibility requirements in Section 4.6.14 and regulations governing walls, fences, and hedges in Section 4.6.5.
- (5) Additional stacking distance may be required to improve site access and public safety. A reduction to the minimum required stacking distance may be requested when supported by a traffic study and justification statement addressing access into the site and efforts to diminish the impact of queuing on the public right-of-way. The City Engineer shall provide a written determination regarding the request to reduce the stacking distance. A denial to reduce the minimum stacking distance requirement may be appealed to the City Commission and processed as a waiver request

Figure 4.6.9(D)4-1

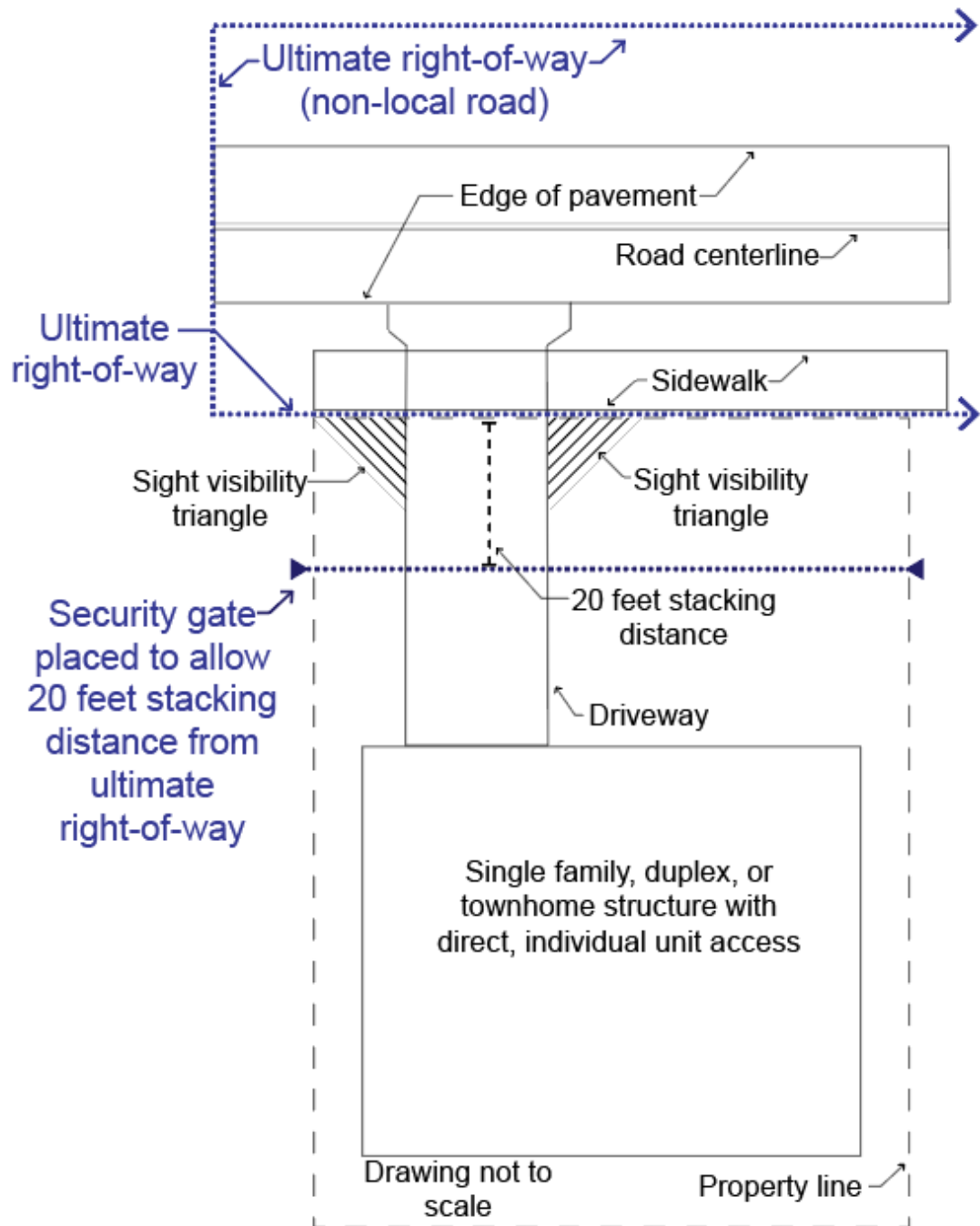


Figure 4.6.9(D)4-2

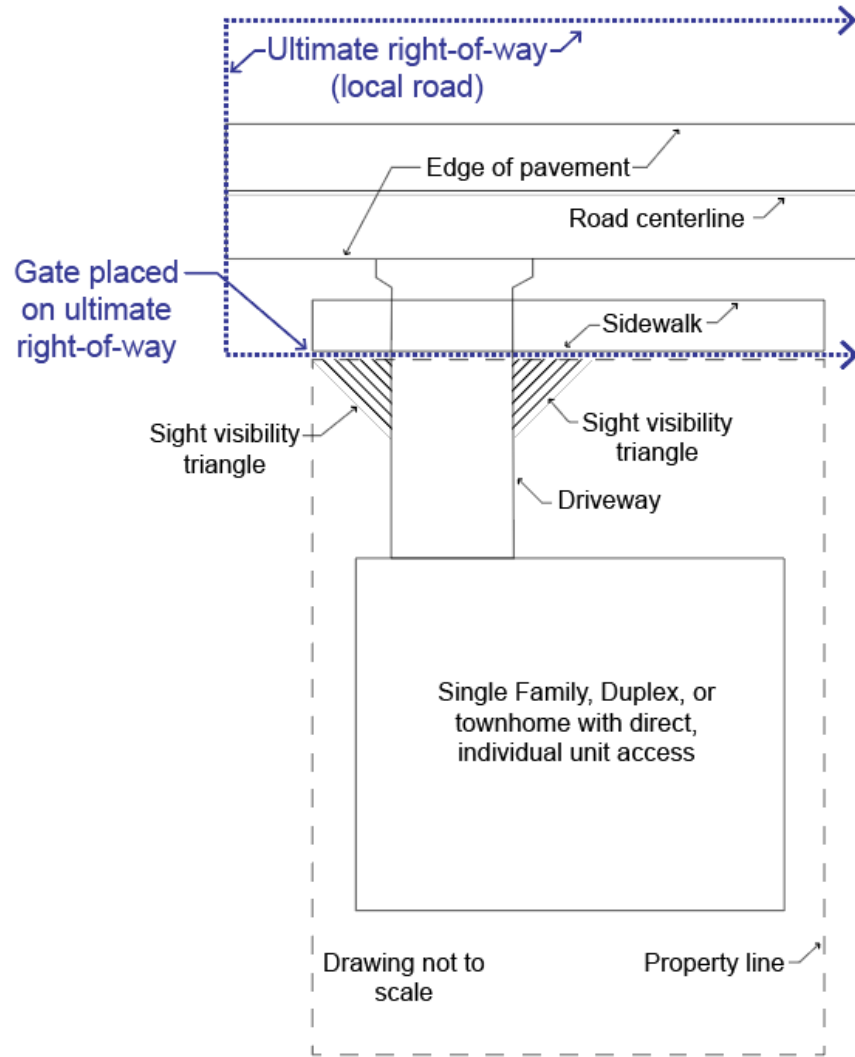


Exhibit 4.6.9(D)4 – 2a: Example Access Gate with Direct Individual Unit Access from a Local Street

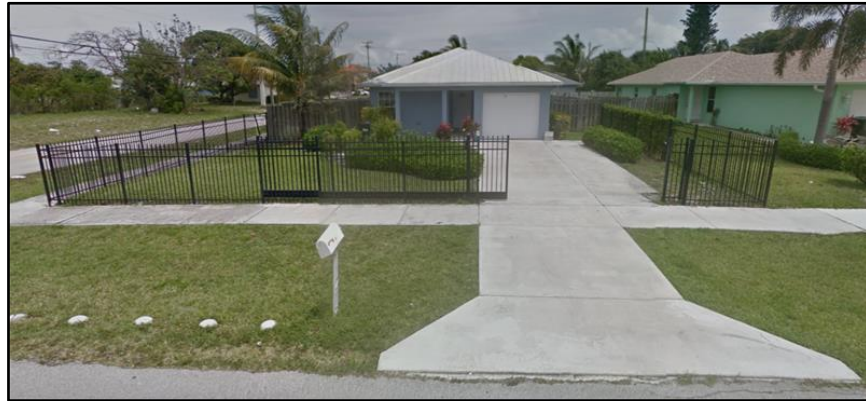


Figure 4.6.9(D)4-3:

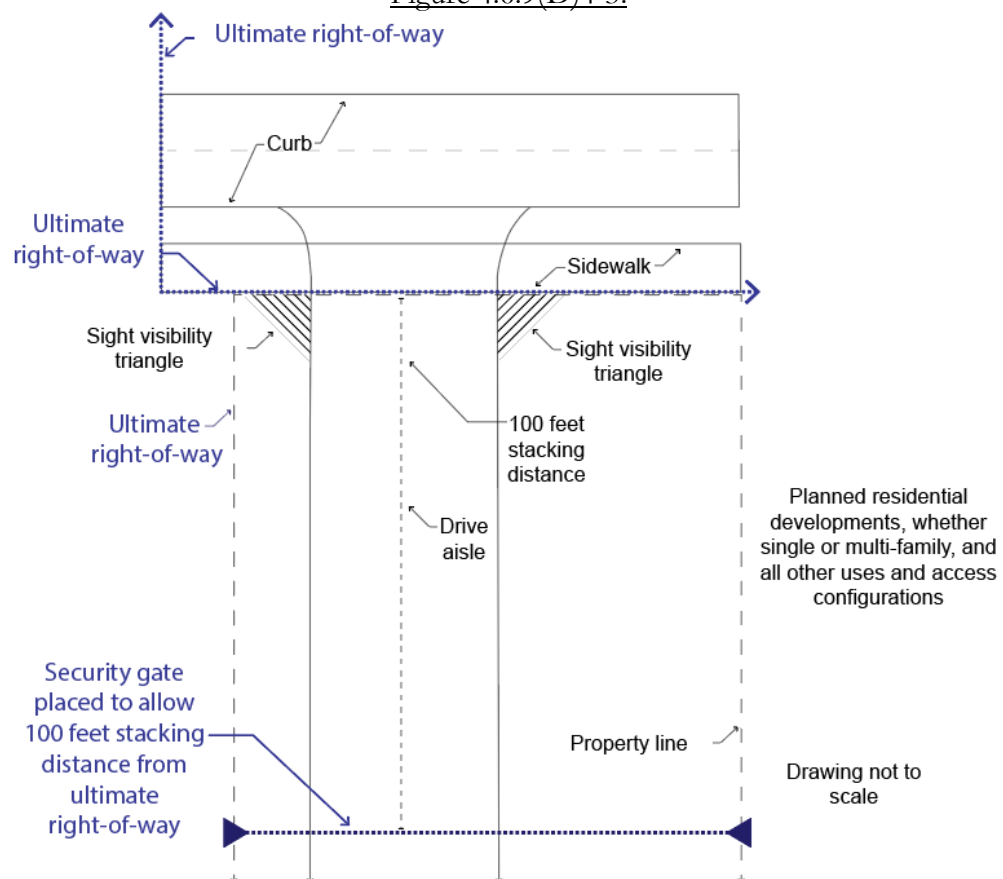


Exhibit 4.6.9(D)4-3a: Example Planned Residential Development with 100 ft. Stacking Distance



Figure 4.6.9(D)4-4:

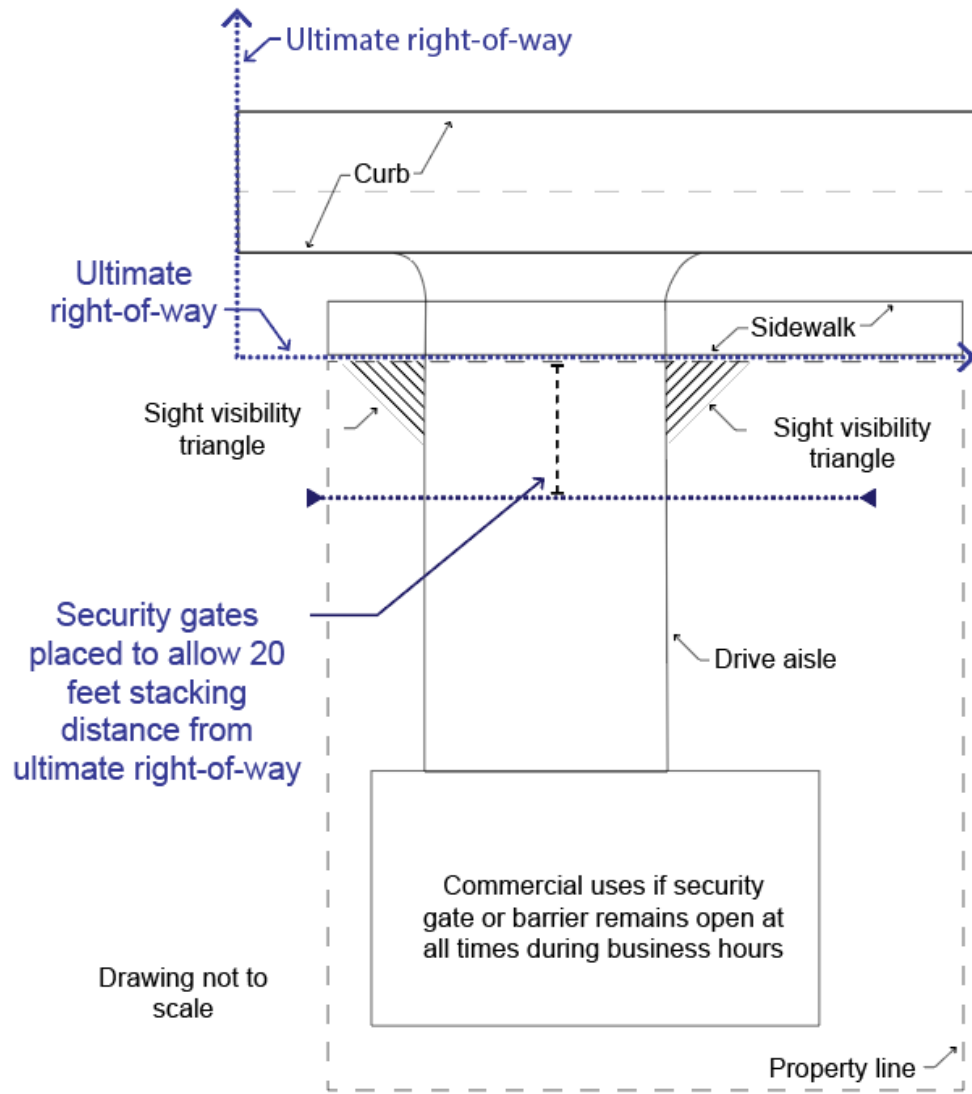


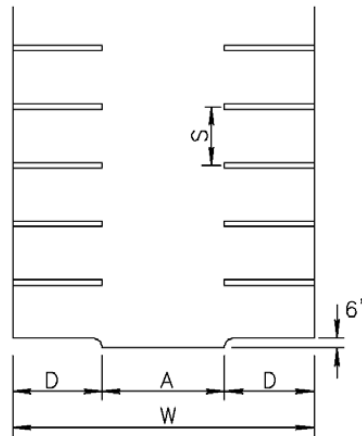
Exhibit 4.6.9(D)4-4a: Example of access gates closed during weekend hours with 20 feet stacking distance.



(46) ***Maneuvering area, aisle width, space width.***

- (a) The standard parking space is nine feet in width and 18 feet in length in a perpendicular configuration. Parallel parking spaces shall be eight feet in width and 22 feet in length. Parking space dimensions for other types of spaces are:
 - Compact Car Spaces at ~~eight~~ 8 feet x 16 feet
 - Handicapped Spaces at 12 feet x 18 feet
 - Diagonal Spaces per Subsection (4)(e)
- (b) Wheel Stops shall be provided for all parking, other than parallel, in the form of concrete or asphalt wheel stops or a continuous concrete curb which is located so that there is two feet of clear distance from the front edge of the device to the front of the parking space. Treated wood, stones, or similar landscape features may be allowed upon approval through the site plan review process. The requirement for wheel stops may be waived through the site plan review process when the parking spaces are on stabilized sod.
- (c) Dead-end Parking Bays are discouraged, but when site conditions dictate that there be dead-end parking bays, they shall be designed so that there is a 24 feet wide by six feet deep maneuvering area at the end of the bay. This maneuvering area shall not encroach upon required landscape areas.
- (d) The standard aisle width is 24 feet for normal traffic flow with perpendicular parking. The maximum aisle width is 26 feet. Exceptions may be made at the time of site plan approval in order to accommodate pickup or drop-off areas. The width of aisles associated with diagonal parking is per Subsection (4)(e). Two-way traffic flow must be used when perpendicular parking spaces are used. The minimum aisle width for two-way traffic flow is twenty feet but this dimension can only be used for short distances where there are no parking spaces entering therein.
- (e) Alternative Parking Lot Designs: Parking lot designs which incorporate one-way aisles, two-way aisles, and diagonal parking may be used in lieu of the standard (perpendicular, two-way aisle) parking lot design. Diagrams depicting these designs are provided below.

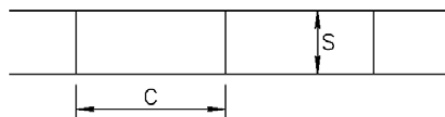
90° PARKING



A	AISLE	24.0'
S	STALL WIDTH	9.0'*
D	STALL DEPTH	18.0'
W	MODULE WIDTH	60.0'

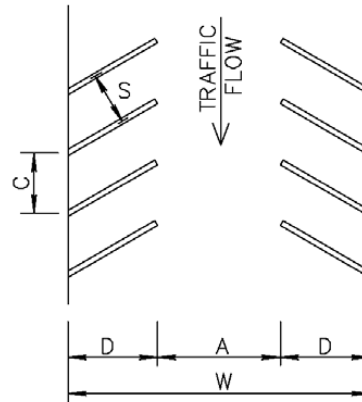
* COMPACT CAR SPACES – 8.0'
HANDICAP SPACES – 12.0'

PARALLEL



C	STALL LENGTH	22.0'
S	STALL WIDTH	8.0'

60° AND 45° PARKING



	STANDARD	60°	45°
A	AISLE *	17.0'	15.0'
C	STALL LENGTH	10.5'	12.5'
S	STALL WIDTH	9.0'	9.0'
D	STALL DEPTH	20.0'	19.0'
W	MODULE WIDTH	57.0'	53.0'
HANDICAP SPACES	C	14.0'	17.0'
	D	21.5'	21.0'
	S	12.0'	12.0'

* FOR TWO WAY FLOW A=24.0'

NOTE:
REFER TO TYPICAL PARKING
SPACE DETAIL RT 4.2 FOR
STRIPING INFORMATION

PARKING LOTS DETAIL RT 4.1

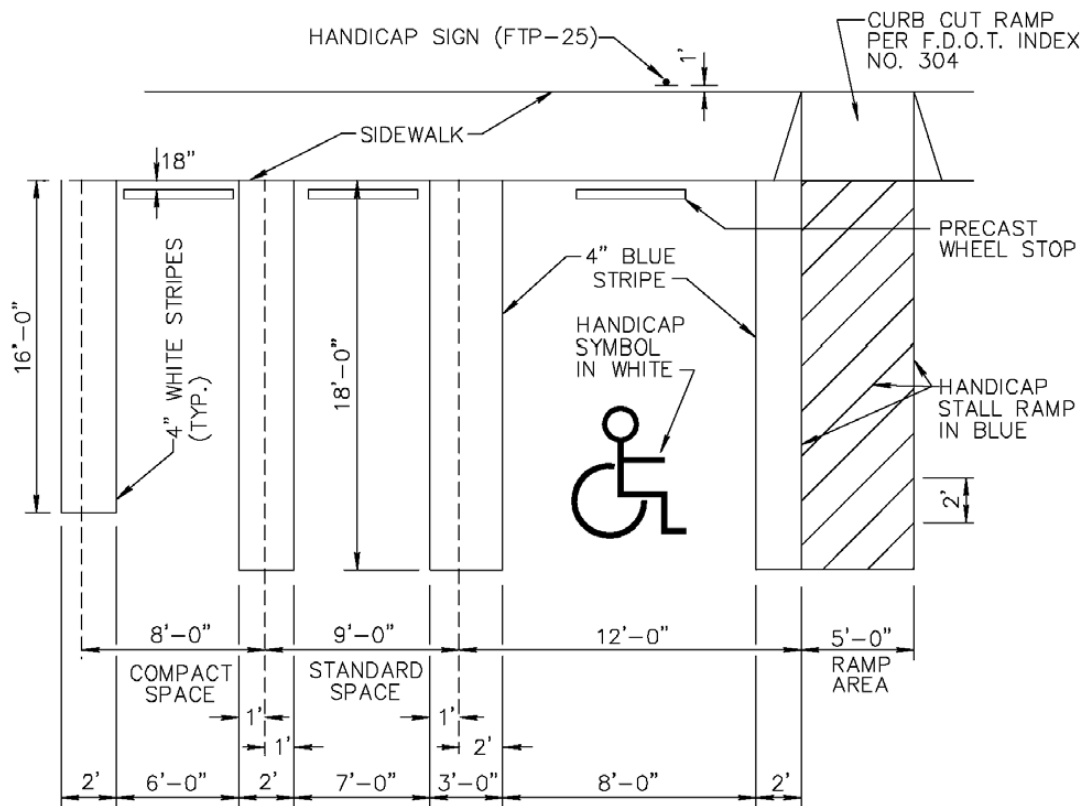
(57) **Landscaping requirements.** All parking lots shall be landscaped in accordance with the provisions of Section 4.6.16.

(68) ***Marking and signing.***

- (a) With the exception of stabilized sod parking, all parking stalls shall be clearly outlined on the surface of the parking facility: parallel parking stalls shall use a single line; all other parking stalls shall be striped in accordance with the Minimum Construction Standards and Specifications document developed by the City Engineer and set forth in subsection (6)(e) below.
- (b) Handicapped spaces shall be striped and marked in accordance with the Florida Accessibility Code for Building Construction and the Minimum Construction Standards and Specifications document developed by the City Engineer as shown in subsection (6)(e) below.

In addition, each handicapped space will have a sign at the head of the stall reserving it for handicapped parking only.

- (c) For parking facilities containing 21 or more parking spaces, all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines as approved by the City Engineer. The City Engineer may require additional signage to insure the smooth and safe flow of traffic.
- (d) All signs and markings shall comply with the design criteria as set forth in the M.U.T.C.D. (Manual of Uniform Traffic Control Devices), except that the City Engineer, or his designee, may waive such compliance on a case-by-case basis. Any decision by the City Engineer or his designee may be appealed pursuant to Section 2.4.7 of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida.
- (e) Parking space striping details.



PARKING STALL DIMENSIONS:

STANDARD	9'x 18'
COMPACT	8'x 16'
HANDICAP	12'x 18' PLUS 5' RAMP AREA

TYPICAL PARKING SPACES DETAIL RT 4.2

(72) **Compact car parking areas.** Compact car parking areas, where permitted, shall be clearly marked with markings as follows: [See Subsection (1)(g) as to approval for use of Compact Car Spaces].

- All compact spaces shall have "compact car only" painted on the required wheel stops.
- Alternate signage for compact car parking may be approved by the Chief Building Official when comparable to the standards set forth above.

~~(810)~~ ***Parking surfaces and drainage.***

- (a) All parking lots and parking spaces, including car storage and display areas, shall be improved either with a paved surface meeting Engineering Department standards, or with a hard surface material (such as brick or turf block on a base course laid in accordance with approved manufacturer's recommendations), or with some other type of surface material acceptable to the City Engineer. Parking lots and parking spaces on historic sites or within historic districts may be improved with a surface material other than pavement, where there are 12 or less parking spaces, subject to approval by the Historic Preservation Board.
- (b) A surface of sod over stabilized base shall be acceptable for required guest parking in multiple-family projects, as well as for parking used on a once-a-week or occasional basis. Parking lots and spaces proposed to be constructed of stabilized sod may be allowed through the site plan approval process.
- (c) In paved parking lots, that portion of the parking space extending beyond the car stop may be sodded. When this option is selected, a continuous curb at least six inches in height may be substituted for the wheel stops.
- (d) Handicapped parking spaces shall be paved and properly marked. A paved route shall be provided between the handicapped parking space and the building entrance. Where an abrupt grade change occurs, as between the surface of the parking area and a curb cut, a ramp shall be provided for handicap access. The ramp or curb cut with ramp shall be designed in accordance with the Florida Accessibility Code for Building Construction.
- (e) The City Engineer shall approve the drainage and grading plans for parking spaces and parking lots. He shall also conduct inspections during and after construction of the parking area and its drainage system to ensure that it is constructed in accordance with the approved paving and drainage construction plans.
- (f) Parking lots, parking spaces and driveways that exist at the time of adoption of this ordinance that are not in compliance with Section 4.6.9(D)(8) shall be required to come into compliance with this section within 3 years of the adoption of this ordinance. This includes, but is not limited to, all duplexes, multi-family, and commercial property, but excludes single family homes.

~~(911)~~ ***Lighting.*** Lighting of parking lots shall be pursuant to Section 4.6.8(B).

~~(4012)~~ ***Operations and maintenance.***

- (a) All required parking facilities shall be maintained for the duration of the use requiring such facilities. Such facilities shall be used exclusively for the parking of vehicles. With the exception of vehicle rental or sales, parking facilities shall not be used for the storage or sale of merchandise, nor shall they be used for the storage or repair of vehicles or equipment. Parking facilities may be used for the sale of merchandise on a temporary basis for special events when approved in accordance with the provisions of Subsection (F)(2).
- (b) It shall be the responsibility of the owner or operator of a specific use to ensure that the parking facilities are kept in good operating condition and that the parking facilities are periodically swept and cleaned. All parking lots and spaces shall be maintained so as not to create a hazard, eyesore,

or nuisance. This includes, but is not limited to, removing glass and litter; pruning, nourishing, and watering vegetation; resurfacing and restriping surface markings; reanchoring or replacing loose and broken wheel stops; and replacing or painting signs.

(413) ***Mechanical parking lifts.***

- (a) Single level mechanical parking lifts ("Lifts") shall be integrated into a structure for the uses they serve, constructed with at least three walls and a roof, in accordance with Section 4.4.13(F)(8), to provide adequate screening and containment of sound from operation of the lifts for the benefit of adjacent land uses.
- (b) Lifts may be utilized to provide up to but not more than 50 percent of the required non-residential parking for commercial or mixed-use developments.
- (c) Lifts and the spaces below them must be operated by an attendant during all hours of operation. Upon closing, the parking attendant shall remove all vehicles from atop and beneath the Lifts and park them in an area where the customer may retrieve their vehicle. At no time shall the general public be permitted to operate the Lifts.
- (d) On-site staging spaces must be provided for the maneuvering of vehicles to facilitate the parking and retrieval of vehicles. At no time shall vehicles be staged within the adjacent public right-of-way. A minimum of two staging spaces shall be provided for the first 20 Lifts or less. One additional staging space shall be provided for every 20 additional Lifts or part thereof.
- (e) Lifts must be manufactured with a full bottom panel to contain fluids which may be emitted from vehicles while parked (oil, condensation from air conditioners, etc.) No wheel or chassis lift mechanisms (historically used at service stations) are permitted.
- (f) The balance of the required non-residential spaces shall be provided as "self-park" spaces.
- (g) For each lift provided, a minimum of 75 square feet of landscaped area over and above the minimum required by code must be provided and shall be located to provide a view corridor for the general public. Lots of record having a width less than 50 feet shall be exempt from the requirement of this additional landscape/open space;
- (h) The Lifts shall be regularly and routinely maintained to ensure safety and dependability of operation and minimization of operational noise levels. Maximum sound levels shall not exceed applicable thresholds as stipulated in Chapter 99 of the City Code of Ordinances.

Section 4. That Section 4.6.14, "Sight visibility", Subsection (A), "Purpose and intent", of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (A) ***Purpose and intent.*** The objective of these requirements is to provide sufficient view corridors for safe interaction of vehicles and pedestrians at intersections. Except for sight visibility areas as prescribed by the Florida Department of Transportation, sight visibility triangles are to be measured from the edge of pavement for driveways and from the ultimate right-of-way line of alleys and streets. The sight visibility areas apply to all potential visual obstructions, ~~such as including,~~ but not limited to, landscaping, signs, utilities, traffic signal controller cabinets, structures, walls, access gates, and fences, etc.

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 6. That 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 this Ordinance.

Section 7. Specific authority is hereby given to codify this Ordinance.

Section 8. That 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 _____, 2020.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney