

ORDINANCE NO. 20-26

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 4.4, "BASE ZONING DISTRICT," SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO ALLOW CONCRETE PRODUCTS MANUFACTURING AND DISTRIBUTION LOCATED NORTH OF ATLANTIC AVENUE AS A CONDITIONAL USE; AMENDING SUBSECTION (F), "DEVELOPMENT STANDARDS," TO ADOPT SPECIAL LANDSCAPE SETBACK REQUIREMENTS FOR CONCRETE PRODUCTS MANUFACTURING AND DISTRIBUTION; AND AMENDING SUBSECTION (H), "SPECIAL REGULATIONS," TO ESTABLISH REGULATIONS FOR CONCRETE PRODUCTS MANUFACTURING AND DISTRIBUTION USE; AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES PERMITTED," TO INCLUDE CONCRETE PRODUCTS DISTRIBUTION WITH THE EXISTING CONCRETE PRODUCTS MANUFACTURING USE; AND BY AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.4, "SPECIAL BOUNDARY TREATMENT," TO ELIMINATE REGULATIONS SPECIFIC TO THE MIC DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING 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 LDRs from time to time; and

WHEREAS, a gunite storage yard commenced operating without approval within the Mixed Industrial and Commercial (MIC) zoning district; and

WHEREAS, a gunite storage yard is not a Principal or Conditional Use in the MIC zoning district; and

WHEREAS, the operator submitted a Similarity of Use Determination application to classify gunite storage yards as similar to one of the permitted uses within the MIC zoning district; and

WHEREAS, at the February 4, 2025, City Commission meeting it was determined that a gunite storage yard is dissimilar to the other uses allowed in the MIC zoning district, and the City Commission directed staff to create regulations that would allow a gunite storage yard to operate as a conditional use in the district; and

WHEREAS, Ordinance No. 20-26 establishes concrete products manufacturing and distribution, including gunite, as a conditional use in MIC zoning district; 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, considered this item at a public hearing on February

23, 2025, and voted 7 to 0 to recommend approval of the proposed text amendments with amendments, finding that the request and approval is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission has considered Ordinance No. 21-26 and 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 this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City.

Section 3. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.19, “Mixed Industrial and Commercial (MIC) District,” Subsection (D), “Conditional Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

(D) ***Conditional uses and structures allowed.***

(1) The following uses are allowed as conditional uses within the MIC Zone District:

- (a) Pet services with outside use areas, pet hotels, and animal shelters, subject to Section 4.3.3(W);
- (b) Material and component recovery for reuse, such as the disassembly and resale of computer components, appliances, and electrical components. This does not include resource recovery facilities as described and regulated by Section 4.3.3(Z);
- (c) Automobile paint, body, and repair shops;
- (d) Boat repair and service;
- (e) Self-Service Storage Facilities (SSSF), pursuant to Section 4.3.3(A).

(2) The following conditional uses are also allowed in the MIC zoning district. However, any outside storage associated with such uses may not be located within 150 feet of any property line adjacent to an arterial roadway (excluding Interstate 95);

- (a) Lumberyards;
- (b) Garages and lots for the parking and storage of vehicles, including the storage of light trucks, up to and including two-ton trucks;

- (c) Storage and rental of light construction equipment ~~not over~~ up to 24 feet long, eight feet wide, and ten feet high;
- (d) Monument and ornamental stone cutting;
- (e) Rental and sales of modular buildings;
- (f) Towing services, with outside storage;
- (g) Storage and rental of construction equipment ~~not over~~ up to 100 feet long, 14 feet wide, and 15 feet high ~~provided that each of the following requirements are met;~~ subject to the following requirements:
 - i. Any outside storage associated with such use may not be located within 250 feet of any property line adjacent to an arterial roadway (excluding Interstate 95) ~~and~~;
 - ii. The property is buffered by a minimum six-foot wall or minimum six-foot hedge. However, if the property is adjacent to a public building, school, park, library, or residential area at the time of conditional use approval, a minimum six-foot high berm and either a six-foot wall or six-foot hedge on top of the berm shall be required; and;
 - iii. ~~Provision of a~~ A ten-foot minimum landscape buffer with trees planted 25 feet on center around the perimeter of the storage area.
- (h) Concrete products manufacturing and distribution, including concrete block, dry mix, gunite, and redimix concrete, in addition to the distribution of materials used in the processing of concrete products, such as sand, cement, and stone aggregates, with the following limitations:
 - 1. The use is limited to properties located north of Atlantic Avenue; and
 - 2. The use shall not be located within a 1,000-foot radius of another concrete manufacturing and distribution business, measured from property line to property line.

Section 4. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.19, “Mixed Industrial and Commercial (MIC) District,” Subsection (F), “Development Standards,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

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

- (1) I-95/CSX Railroad Corridor Overlay District: The following development standards apply to parcels within the Overlay district as defined by Section 4.5.15, "I-95/CSX Railroad Corridor Overlay District."

- (a) Residential uses, which may only be developed pursuant to Article 4.7, "Family/Workforce Housing" shall comply with the development standards in Section 4.4.6(F)(3) and the performance standards in Section 4.3.3(BB).
- (2) **Adjacent to residential zoning.** When a parcel of land zoned MIC abuts a parcel of land zoned residential without any division or separator between them, such as a street, railway, waterway, park, or other public open space, but excluding an alley, the following shall be the minimum setbacks on the abutting property line of the MIC zoned parcel:
 - (a) Front: 30 feet, with a minimum landscape buffer of 15 feet.
 - (b) Side and Rear: 50 feet, with a minimum landscape buffer of 15 feet.
- (3) **Concrete products manufacturing and distribution.**
 - (a) Properties with frontage on Congress Avenue or West Atlantic Avenue shall provide a special landscape setback of a minimum of 30 feet or ten percent of the average depth of the property, whichever is greater.
 - (b) Outdoor storage of materials shall not exceed 15 feet in height.
 - (c) Outdoor storage of materials shall provide the following minimum setbacks and landscape buffer:
 - 1. Special Landscape Setback areas: 30 feet minimum.
 - 2. Side Street: 25 minimum.
 - 3. Side and Rear: 20 feet minimum.
 - (d) Required landscape buffers shall adhere to the following minimum landscape requirements:
 - 1. A combination of a hedge, wall, and berm, at a 3:1 ratio, for a total height of 6 feet.
 - 2. A row of trees on each side of the required wall, offset, and planted 25 feet on center.

Section 5. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.19, "Mixed Industrial and Commercial (MIC) District," Subsection (H), "Special Regulations," of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

- (H) ***Special regulations.***

- (1) Loading and unloading shall only be allowed in side and rear yards ~~is restricted to side and rear yards and is prohibited within the front yard setback.~~
- (2) Within the front yard setback, the first ten feet abutting the right-of-way shall be a landscaped area with no paving, except for driveways and walkways leading to the premises. Such driveways and walkways shall be generally perpendicular to the property line.
- (3) Overhead doors shall not face an adjacent minor arterial right-of-way, residential zoning district, or residential use. The use of decorative doors is encouraged.
- (4) ~~Except for outside storage approved pursuant to Section 4.6.6(C)(2), all~~ Pursuant to Section 4.6.6, all principal and conditional uses shall be conducted within an enclosed building, except for outdoor storage allowed and approved as part of a conditional use.
- (5) I-95/CSX Railroad Corridor Overlay District: Within the Overlay District, as defined in Section 4.5.15, residential development is allowed at a density up to 24 dwelling units per acre, subject to the requirements in Article 4.7.
- (6) Concrete products manufacturing and distribution is also regulated as follows:
 - (a) Proof of compliance with all applicable Florida Department of Environmental Protection requirements.
 - (b) Any outdoor use shall be completely screened from all property lines by landscaping, fences, walls, or buildings pursuant to the terms of the conditional use approval and compliance with the district regulations.
 - (c) A building with a floor area of at least 2,000 square feet must be located on the lot frontage adjacent to the street with higher classification.
 - (d) The maximum lot area is two acres.

Section 6. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.20, “Industrial (I) District,” Subsection (D), “Conditional Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

(D) ***Conditional uses and structures permitted.*** The following uses are allowed as conditional uses:

- (1) Boat manufacturing, repair, and/or service;
- (2) Bulk storage, gas and oil;
- (3) Concrete products manufacturing and distribution, including concrete block, dry mix, gunite, and redimix concrete, in addition to the distribution of materials used in the processing of concrete products, such as sand, cement, and stone aggregates.

- (4) Custom fiberglass shops;
- (5) Dairy processing;
- (6) Heavy equipment and tool rental;
- (7) Bulk fertilizer sales, excluding compost heaps;
- (8) Garages for parking and storage of vehicles;
- (9) Junkyards;
- (10) Pet services with outside use areas, pet hotels and animal shelters subject to Section 4.3.3(W);
- (11) Lumberyards;
- (12) Meat cutting and wholesale storage;
- (13) Monument and ornamental stone cutting;
- (14) Rental and sales of modular buildings;
- (15) Material and component recovery for reuse, such as the disassembly and resale of computer components, appliances, and electrical components. This does not include resource recovery facilities as described and regulated by Section 4.3.3(Z);
- (16) Scrap metal recycling, when all operations and storage are in a completely enclosed building, which generates no emissions, and which does not create a noise disturbance in violation of Chapter 99 of the City Codes;
- (17) Storage of light trucks, up to, and including two-ton trucks, and light construction equipment not over 24 feet long, eight feet wide, and ten feet high;
- (18) Towing services and attendant storage;
- (19) Truck terminals and storage facilities.

Section 7. Chapter 4, “Zoning Regulations,” Article 4.6, “Supplemental District Regulations,” Section 4.6.4, “Special District Boundary Treatment,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

Sec. 4.6.4. Special district boundary treatment.

The following special district boundary treatments are established as ~~to be~~ minimums. If other treatments are required, the requirements which provide for the greatest separation and most buffering shall apply.

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

~~(D) — **MIC zoning adjacent to residential zoning.** When a parcel of land zoned MIC abuts a parcel of land zoned residential without any division or separator between them, such as a street, railway, waterway, park, or other public open space, but excluding an alley, the following shall be the minimum setbacks on the abutting property line of the MIC land:~~

~~(1) — Front — 30 feet, with a minimum landscape buffer of 15 feet.~~

~~(2) — Side and Rear — 50 feet, with a minimum landscape buffer of 15 feet.~~

~~(E) — Subsection deleted in its entirety.~~

Section 8. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section 9. 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 10. Specific authority and direction are hereby given to the City Clerk to codify this Ordinance.

Section 11. 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

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney