

ORDINANCE NO. 09-25

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 (H), "SPECIAL REGULATIONS," MODIFYING THE PROHIBITION OF OVERHEAD DOORS FROM FACING A PUBLIC RIGHT-OF-WAY TO PROHIBIT OVERHEAD DOORS FROM FACING A MINOR ARTERIAL RIGHT-OF-WAY, RESIDENTIAL ZONING DISTRICT, OR RESIDENTIAL USE; AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," SUBSECTION (H), "SPECIAL REGULATIONS," MODIFYING THE PROHIBITION OF OVERHEAD DOORS FROM FACING THE PUBLIC RIGHT-OF-WAY OF AN ARTERIAL OR COLLECTOR STREET TO PROHIBIT OVERHEAD DOORS FROM FACING A MINOR ARTERIAL RIGHT-OF-WAY, RESIDENTIAL ZONING DISTRICT, OR RESIDENTIAL USE; AND SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT," SUBSECTION (H), "SPECIAL REGULATIONS," MODIFYING THE PROHIBITION OF OVERHEAD DOORS FROM FACING A PUBLIC RIGHT-OF-WAY TO PROHIBIT OVERHEAD DOORS FROM FACING A MINOR ARTERIAL RIGHT-OF-WAY, RESIDENTIAL ZONING DISTRICT, OR RESIDENTIAL USE; 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, updates to the LDR are occasionally necessary to improve clarity of interpretation and to ensure consistency with market practices; and

WHEREAS, overhead doors are currently prohibited from facing public rights-of-way in the Mixed Industrial and Commercial and Light Industrial zoning districts and from facing arterial or collector rights-of-way in the Industrial zoning district; and

WHEREAS, this prohibition is no longer compatible with the operational uses in Mixed Industrial and Commercial, Industrial, and Light Industrial zoning districts; and

WHEREAS, this Ordinance modifies the prohibitions on overhead doors in the Mixed Industrial and Commercial, Industrial, and Light Industrial zoning districts to be more consistent with the uses allowed therein; 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 this item at a public hearing on January 27, 2025, and voted 6 to 0 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

WHEREAS, the City Commission has considered Ordinance No. 09-25 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 the 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 (H), “Special Regulations,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.19. - Mixed Industrial and Commercial (MIC) District.

(H) *Special regulations.*

- (1) Loading and unloading 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 ~~may~~ shall not face a public or 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 principal and conditional uses shall be conducted within an enclosed building.
- (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.

Section 4. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.20 “Industrial (I) District,” Subsection (H), “Special Regulations,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.20. - Industrial (I) District.

(H) *Special regulations.*

- (1) Loading and unloading shall be restricted to side and rear yards and shall be 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 within which no paving shall be allowed except for driveways and walkways leading to structures on the premises. Such driveways and walkways shall be generally perpendicular to the property line.
- (3) Overhead doors shall ~~be prohibited from facing the right-of-way of an arterial or collector street~~ not face an adjacent minor arterial right-of-way, residential zoning district, or residential use.

Section 5. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.26 “Light Industrial (LI) District,” Subsection (H), “Special Regulations,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.26. - Light Industrial (LI) District.

(H) *Special district regulations.* The following regulations apply on property zoned LI.

- (1) Overhead doors shall not face ~~adjacent rights-of-way except when it is clearly demonstrated that no opportunity exists to do otherwise~~ an adjacent minor arterial right-of-way, residential zoning district, or residential use.
- (2) All required setback areas shall be landscaped with no paving except for driveways and walkways leading to structures on the premises. Such driveways and walkways shall be generally perpendicular to the property line.
- (3) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), a minimum floor area of, at least 4,000 square feet per tenant or bay shall be provided with the exception of office (business) uses.
- (4) All industrial operations and activity on the premises, except loading and unloading, shall be conducted wholly within an enclosed building.

- (5) Attention is drawn to Section 4.5.5(B) (Wellfield Protection) and Section 4.4.20 (Industrial Zone District) as they pertain to uses allowed in this LI District and protection of municipal wells and wellfields.

Section 6. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 7. 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 8. Specific authority and direction are hereby given to the City Clerk to codify this Ordinance.

Section 9. 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 _____, 2025.

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 _____