



Cover Memorandum/Staff Report

File #: 25-502

Agenda Date: 5/20/2025

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: May 20, 2025

ORDINANCE NO. 10-25: 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; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," BY AMENDING SUBSECTION (H), "SETBACKS," SUBSECTION (4), TO PERMIT OPEN-AIR PERGOLAS WITHIN THE REQUIRED BUILDING SETBACK AREA, AND SUBSECTION (5), TO CLARIFY THE REQUIREMENTS FOR REDUCED SETBACKS FOR SCREEN AND PORCH ENCLOSURES IN ZERO-LOT LINE PROPERTIES; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.15, "SWIMMING POOL, WHIRLPOOLS, AND SPAS," TO ALLOW A FIVE-FOOT INTERIOR SETBACK FOR SWIMMING POOLS IN DUPLEX AND TOWNHOME DEVELOPMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommended Action:

Consider Ordinance No. 10-25, a City-initiated request to amend and update Section 4.3.4(H), "Setbacks," and Section 4.6.15, "Swimming Pool, Whirlpools, and Spas," Subsection (G), "Yard Encroachment" of the Land Development Regulations (LDR) to clarify regulations on building elements and site improvements allowed in building setbacks.

Background:

On July 9, 2024, the City adopted Ordinance No. 13-24, extensively updating the regulations governing structures in setbacks. The previous version of the code had a lack of clear standards for many structures and building elements that made the review process challenging for Staff, and resulted in inconsistencies over time. The new ordinance shifted setbacks and encroachments predominantly into a table format and adjusted setbacks to reflect difference among front, side, and rear yards.

Ordinance No. 10-25 adopts minor modifications to improve clarity and reduce reliance on interpretations, in response to issues that have arisen during development review for certain elements. The proposed changes are:

Section 4.3.4(H), Setbacks

- ☐ Detached Pergolas. A 10-foot x 10-foot pergola less than 10' in height, without a solid roof,

may be placed 5 feet from the side interior or rear property line.

Section 4.6.15(G), Yard Encroachment (for Swimming Pools, Whirlpools, and Spas)

- ☐ Pool Setbacks, Duplexes. Ordinance No. 13-24 adopted a 5-foot setback for townhomes, to eliminate the ambiguity associated with administrative interpretation; duplexes were inadvertently excluded, however, despite their similarity to townhomes. The proposed amendment establishes a 5-foot interior setback for duplexes, and clarifies that the 5-foot setback applies to the interior lot line between units.
- ☐ Setbacks for Screen Porches, Not Associated With a Pool and Setbacks for Covered Porches. Language is added to clarify the difference in regulation between a screen porch (roofed, and not associated with a pool) and a screen enclosure (which is associated with a pool), and to adopt different treatments for zero lot line properties. Screen porches can be enclosed (and often are), so the restriction on encroachment is intended to prevent the construction of a structure that could be enclosed and have a significant negative impact on the adjacent properties.

Planning and Zoning Board voted 6 to 0 to recommend approval at their January 27, 2025 meeting.

City Attorney Review:

Ordinance No. 10-25 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 10-25 would be effective immediately if adopted.