



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Accessory Dwelling Units (ADUs)

Meeting	File No.	Application Type
January 26, 2026	2026-PZ-000418-2026	Amendment to the Land Development Regulations

Applicant	Property Owner	Authorized Agent
City of Delray Beach	Not applicable.	Not applicable.

Request

Provide a recommendation to the City Commission on Ordinance No. 12-26, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 4.3.2, "Determining Use," Section 4.3.3, "Special Requirements for Specific Uses," Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.6 "Medium Density Residential (RM) District," Section 4.4.13 "Central Business (CBD) District," adopting Section 4.5.23 "Northwest / Southwest Overlay District," Section 4.7.9 "Accessory Dwelling Units," and amending Appendix A, "Definitions" to add regulations related to accessory dwelling units.

Background Information

Accessory Dwelling Units (ADU) are small, self-contained living units that have their own kitchen, bedroom(s), and bathroom space and exist as a separate structure on a residential property, or as an attached, fully independent addition to the primary residential structure. The Florida Housing Coalition notes that "Historically, ADUs were commonly used to mitigate the shortage of affordable housing, providing smaller rental dwelling units ancillary or secondary to the principal residence. In the 1950s and 1960s with the rise of suburbs catering to nuclear families, ADUs fell out of favor. However, changing demographic trends showing continuing increases in smaller households, one-person households, elderly households, and households with disabled members are creating a surging interest in ADUs" (Source: Accessory Dwelling Unit Guidebook).

According to the Florida Housing Coalition, Accessory Dwelling Units (ADUs) are considered a "flexible and innovative response" to the lack of affordable housing. The benefits of ADUs range from providing much-needed affordable housing, to generating rental income, or to providing a mechanism for multi-generational housing – all while maintaining the built character of a community. Throughout the United States and Canada, states, counties and municipalities have already embraced the use of ADUs, modifying their zoning regulations to ensure that they can be accommodated, and often developing design guidelines to ensure that ADUs meet community design standards, or model plan sets to make it simpler and more affordable for property owners to construct ADUs. Several reports are attached that discuss the community benefits of ADUs.

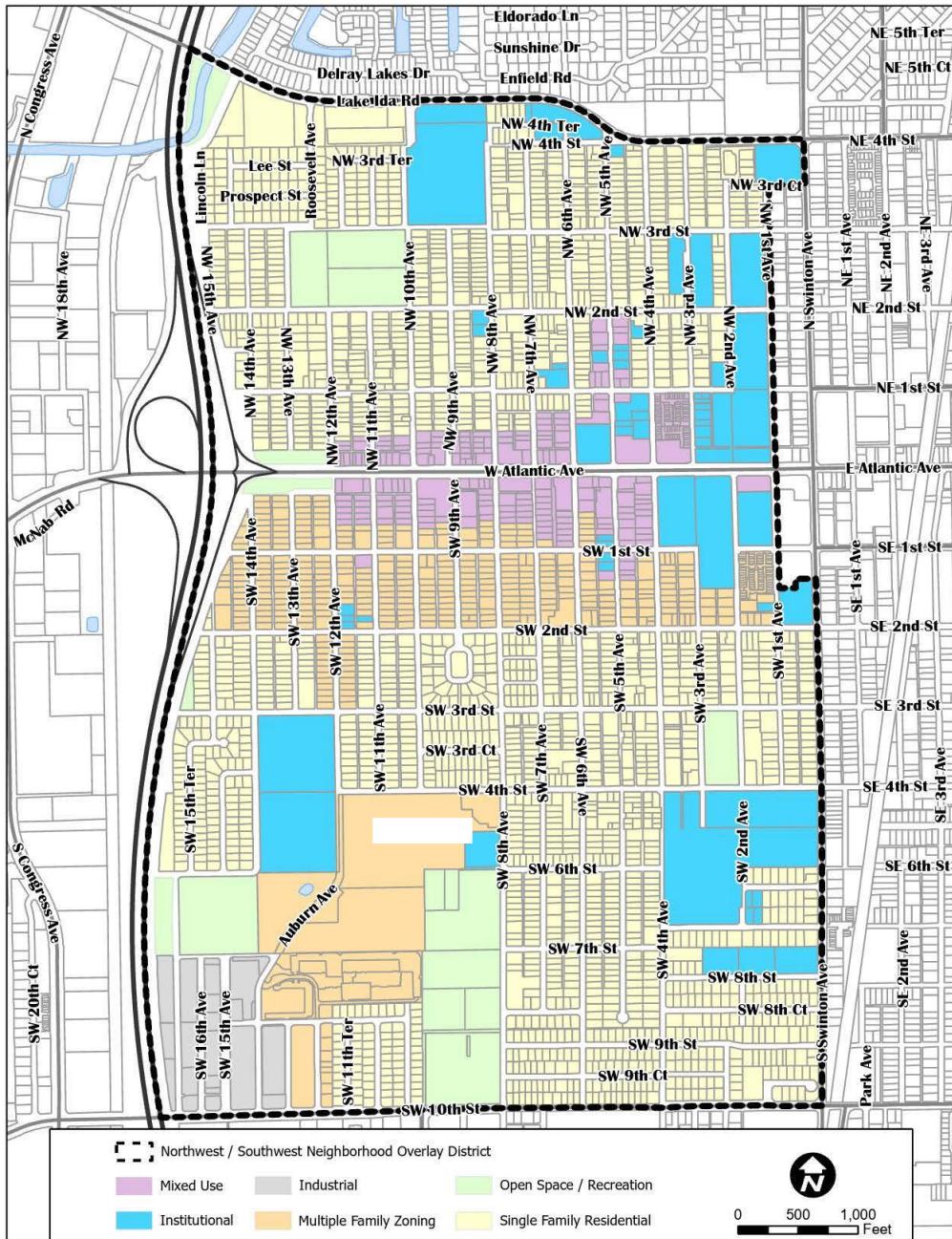
ADUs in Other Local Municipalities

Palm Beach County and several local municipalities as allow ADUs with varying stipulations and requirements. The Village of Wellington for example only allows ADU occupants that are elderly, disabled or meet low-income standards, whereas other municipalities and Palm Beach County do not regulate who can live in an ADU. A sample of local regulations is provided in the table at right.

	Occupancy Requirements	Max. # of Bedrooms	Max. SF	Miscellaneous
Lake Worth Beach	None	3	1,000	Waivers allowed for accessibility or workforce housing
Palm Beach Gardens	None	NA	1,500	Only allowed in low-density areas
Wellington	1 resident must be elderly, disabled, or meet low-income standards	1	1,000	-
West Palm Beach	None	None	1,000	-
Palm Beach County	None	None	1,000	Allowed as accessory to all detached single-family dwellings and townhouses

ADUs in Delray Beach

ADUs are not currently allowed in the City. The adopted Always Delray Comprehensive Plan laid the groundwork for this policy to change, however, through policies such as Policy NDC 2.8.1 Evaluate and designate those residential areas, based on public input and participation efforts, where a greater range of housing choices and increased affordable housing options can be provided by allowing innovative housing types, such as one accessory dwelling unit per lot, tiny houses, cohousing arrangements, or cottage housing and Policy HOU 4.1.3 Identify and analyze areas where the provision of accessory dwelling units can be accommodated without negatively impacting the neighborhood and engage and support residents and neighborhood associations to establish individual neighborhood overlay districts and develop specific regulations and guidelines.



As such, the City and the Community Redevelopment Agency (CRA) contracted Opticos Design Inc to "study the potential for diversifying housing types, including Accessory Dwelling Units (ADUs) and other Missing Middle Housing types, within the West Atlantic Northwest and Southwest Neighborhoods," (map at left) as the first community-driven effort to adopt guidelines for ADUs.

The ADU and Infill Housing Study included an analysis of existing conditions, recommendations for prototypical lots, and a summary of the City's existing zoning standards, and how the LDR should change to accommodate ADUs and other infill housing types, such as ADUs, cottage courts, duplexes, and fourplexes relative to existing conditions in the Northwest and Southwest neighborhoods.

This proposed amendment will specifically address ADUs, however additional amendments will be forthcoming to incorporate the other housing types addressed in the study. The full study is attached for Board review.

It should be noted that this is the first neighborhood selected for adoption of ADU regulations because ADUs are a strategy specifically identified in the housing action strategy in The Set Transformation Plan, first adopted in 2020 (update scheduled for adoption

in February 2025). The Plan was developed with input and feedback from residents of the West Atlantic Northwest and Southwest Neighborhood and interested parties over several years during a series of outreach meetings, and the same process was followed in the 2025 update, which carries forward the ADU housing strategy.

Specific Considerations from the Opticos Study

The Opticos ADU study analyzed lot sizes within the Northwest and Southwest neighborhoods (map at right).

Minimum requirements for lot dimensions and square footage were adopted in the Single-Family (R-1) zoning districts as part of the 1990 Citywide rezoning, but the regulations that were adopted did not match the lot sizes for many lots in the Northwest and Southwest neighborhoods, either by plat or by an extended history of use, thereby rendering them non-conforming because all lots must meet the minimum development standards. A large number of the lots located in the proposed Overlay are considered nonconforming as it relates to minimum lot size and width.

This issue is being addressed via the proposed Lots of Record Amendment presented to the Board on November 17, 2025, and scheduled for Commission adoption on February 3, 2026, which streamlines the development process for property owners of non-conforming lots of record and owners of a Legacy Property (which is defined as *“A parcel of land defined by metes and bounds that has existed in its current configuration since October 1, 1990, that has been under the ownership of the same family for a minimum of 30 years”* in Ordinance No. 10-26).

To further address these challenges specific to the ADU

use, setback requirements have been tailored to respond to the conditions in the Northwest and Southwest neighborhoods, to ensure most properties in the NSNO will have the ability to construct an ADU. The proposed development standards are discussed in the following section of the report.

Description of Proposal

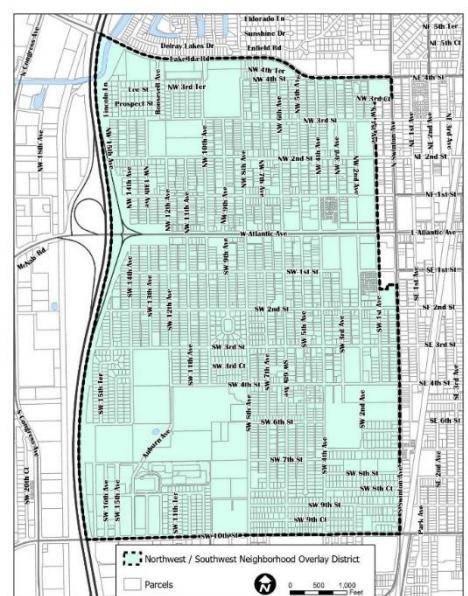
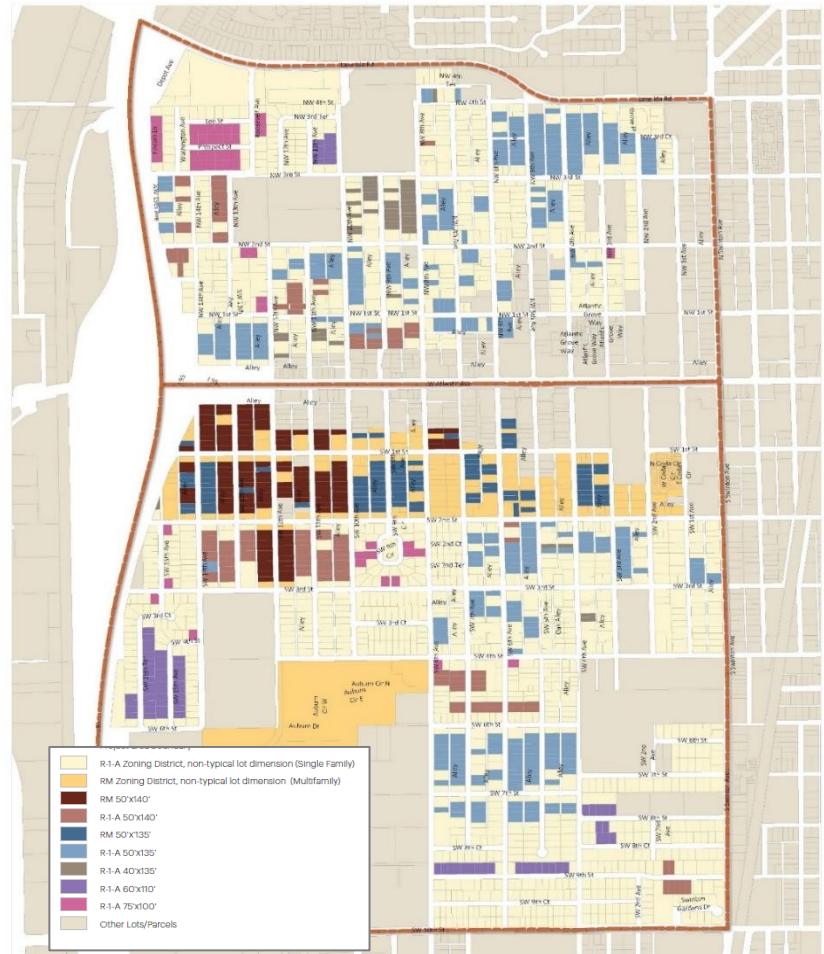
The proposed amendment is summarized below; Ordinance No. 12-26 is attached with the full text of the amendment.

Section 4.5.23, Northwest / Southwest Neighborhood Overlay (NSNO)

As a part of this amendment, Staff is proposing the creation of the NSNO to identify the areas and provide boundaries for the targeted housing solutions proposed in this amendment. A new overlay is added defined 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.

Appendix A, “Definitions”

The following new definition is proposed:



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 4.3.2, "Determining Use"

Currently, an accessory use cannot be used or rented separate from the primary use. Language is added to clarify that accessory uses provided in conjunction with a residential use cannot be rented unless specifically allowed elsewhere in the LDR - which allows for the ADU use, where the current regulations would prohibit it.

Section 4.3.3, "Special Requirements for Specific Uses"

- **Subsection (K), "Home-Based Business."** Language is amended so that they may be conducted by the residents of the principal or accessory dwelling unit; use of an accessory structure is currently prohibited for a home-based business.
- **Subsection (Q), "Guest Cottage."** The section is renamed to "Accessory Residential Structures," and the content is rearranged to address all types of accessory residential structures.
 - **(1) "General Provisions"**
 - Adds language currently located in Section (QQ), Accessory Structures" to provide general regulations applicable to any structure associated with a residential use (such as a detached garage), guest cottages, and ADUs.
 - Exempts ADUs from restrictions on floor area and exceeding the height of the principal structure.
 - **(2) "Guest Cottages."**
 - Adds language to indicate that a separate water or electrical meter is not allowed, and to prohibit a full kitchen a guest cottage.
 - Clarifies that certain height and floor area limitations as they relate to the principal structure are not applicable to ADUs.
 - Clarifies that guest cottages cannot be leased and are subject to the minimum setbacks required for the principal structure.
 - **(3) "Accessory Dwelling Units (ADUs)"**
 - All ADUs must have an independent entrance.
 - Structures located in front of the primary structure must have a porch facing the street.
 - The property owner or family member must reside on site in either the principal dwelling unit or ADU.
 - A lease term shall not be shorter than six months.
 - A detached ADU may be located in the front, rear or side yard of the principal structure subject to setbacks.
 - The ADU may only be leased as workforce housing, however a family member may occupy the structure without being subject to income limitations or restrictions.
 - ADUs are not included in the calculation of density.

The following parking standards are proposed.

- 1 parking space with a walkway provided to the main access point of the ADU is required.
- Vehicular access and parking are allowed from improved alleys.
- Parallel parking is permitted within the rear yard.

The Opticos study was used as a guide to the proposed ADU development standards. ADUs located in the Central Business District (CBD) are subject to the setback and frontage standards in 4.4.13. All other ADUs are subject to the development standards in the table below.

Table 4.3.3(Q) – ADU Development Standards		
Maximum Floor Area ¹	750 square feet	
Minimum Floor Area ¹	220 square feet	
Maximum Number of Bedrooms	2	
Minimum Setbacks for Detached ADUs in Residential Zoning Districts		
	Front	Same as the principal dwelling requirement
	Side Street	15 feet
	Side Interior	Same as the principal dwelling requirement
	Improved Alley (Rear or Side)	10 feet
	Rear	10 feet
	Setback from the principal structure	10 feet
Setbacks for Attached ADUs	Minimum principal dwelling requirements	
Maximum height	1 story; 2 stories total, if located above a 1-story garage	
¹ - 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.		

- **Subsection (QQ).** Accessory structure regulations are relocated into Subsection (Q) (renamed as “Accessory Residential Structures”), and this section is repealed.

As a point of clarification, the differences between the guest cottage and ADU use are summarized in the table below.

	Accessory Dwelling Unit	Guest Cottage (currently allowed in most residential zoning districts)
Maximum Floor Area	750 square feet (Garages or other accessory structures, and open-air elements – porches or balconies – are not included.)	700 square feet (Shall not occupy more than one-twentieth of the lot area or exceed 40% of the floor area of the principal structure.)
Minimum Floor Area	220 sf	-
Available for Rent	Yes	No
Kitchen Allowed	Yes	No
Occupants	Can be rented.	For use by the family, guests, or employees.
Maximum Height	1 story or 2 stories when located above a detached garage	In historic districts or on historically designated properties, a guest house shall not exceed the height of the principal structure.

Section 4.4.3, “Single Family Residential (R-1) Districts”

- The purpose and intent is modified to clarify that other housing types consistent with the character of the district are allowed.
- ADUs are added as an accessory use in the NSNO.

Section 4.4.6, “Medium Density Residential (RM) District”

- ADUs are added as an accessory use in the NSNO

Section 4.4.13, “Central Business (CBD) District,” Table 4.4.13(A), “Allowable Uses and Structures in CBD Sub-Districts”

- Amended to clarify that Townhouses are considered Multiple-family dwellings, and therefore are a permitted use in CBD subdistricts.
- Amended to include ADUs as an accessory use in the West Atlantic Neighborhood Sub-District.

Section 4.7.9, "Accessory Dwelling Units"

A new section is added to Article 4.7, "Family / Workforce Housing" to adopt specific regulations for ADU affordability. Highlights include:

- The purpose and intent of ADUs is to address the need for workforce housing in the R-1, RM, and CBD Districts within the Northwest / Southwest Neighborhood Overlay District.
- A restrictive covenant running with the land is required to ensure the ADU is leased to very low, low, and moderate income households as established by the Florida Housing Finance Corporation Income and Rent Limits.
- A family member can occupy an ADU without being subject to income limitations.
- The principal structure associated with an ADU must be homesteaded.
- The property owner or family member must reside in either the primary dwelling unit or ADU.
- ADUs must be marketed as workforce housing.

Review and Analysis

LDR Section 1.1.6, Amendments

The text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings, anticipated for February 24, 2026 and April 8, 2026.

LDR Section 2.4.7(A)

Amendments to the Land Development Regulations may be initiated by the City Commission, City Administration, or by a member of the public.

The proposed amendment is initiated by the City.

LDR Section 2.4.7(A)(5), Findings

For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.

The following Goals, Objectives, and Policies (GOPs) of the adopted Comprehensive Plan are applicable to the proposed amendment:

Housing Element

GOAL HOU 1 NEIGHBORHOOD CHARACTER PROMOTE, SUPPORT, AND ENHANCE THE UNIQUE CHARACTERISTICS OF DELRAY BEACH'S NEIGHBORHOODS.

Policy HOU 1.1.9 Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established neighborhoods.

GOAL HOU 4 INNOVATION AND DIVERSITY OF HOUSING TYPES PROMOTE INNOVATIVE, UNIQUE AND DIVERSE HOUSING TYPES TO ENHANCE LIVABILITY AND SUSTAINABILITY.

Policy HOU 4.1.3 *Identify and analyze areas where the provision of accessory dwelling units can be accommodated without negatively impacting the neighborhood and engage and support residents and neighborhood associations to establish individual neighborhood overlay districts and develop specific regulations and guidelines.*

Policy HOU 4.1.4 *Analyze the feasibility of providing flexible zoning regulations and development standards which promote innovative housing designs and development concepts, such as cottage housing, micro-units, accessory dwelling units, co-housing units and modular homes.*

GOAL HOU 5 EQUITABLE OPPORTUNITY SUPPORT THE PROVISION OF THE HOUSING OPPORTUNITIES AND CHOICES FOR INDIVIDUALS AND HOUSEHOLDS OF ALL AGES, RACES, ETHNICITIES, CULTURAL BACKGROUNDS AND SPECIAL NEEDS.

GOAL HOU 6 AFFORDABILITY ADDRESS HOUSING NEEDS FOR HOUSEHOLD TYPES OF ALL INCOME LEVELS TO MEET FUTURE POPULATION GROWTH TO THE YEAR 2035.

Policy HOU 6.3.3 *Identify strategies the City and its partners can employ to promote equitable and inclusive neighborhoods.*

Policy HOU 6.3.4 *Promote the development of accessory dwelling units as a wealth-building tool for low, moderate, and high moderate income homeowners.*

The ADUs will increase the availability of workforce and affordable housing in the city, as well as provide an additional source of income and contribute to wealth building initiatives for property owners. This type of diverse housing unit will allow the occupant to enjoy living in a different housing type than that typically associated with workforce housing.

To ensure that ADUs accomplish the goal of increasing the affordable housing supply, the requirement that the units must either be rented to very low, low, and moderate income households, as established by the Florida Housing Finance Corporation is applied, unless it is used as housing for a family member. Use by a family member is still supportive of affordability, as an ADU could be used for an elderly relative or for a younger relative who may be unable to afford to purchase or pay market rental rates.

Article 4.7, "Family / Workforce Housing" establishes the low, very low, and moderate income levels, which are used to determine

Income and Affordability Levels, from Table 4.7.6-A		
Household Income Level	Affordability Level Range (determined by Palm Beach County Median Income)	Units shall not have rental rates that exceed the following percent of the HUD determined fair market rent for the area:
Very Low	Under 60%	60%
Low	61%-80%	80%
Moderate	81%-120%	120%

the actual rent that can be charged based upon the household's income level (replicated in the table above). Pursuant to 2025 Housing and Urban Development (HUD) standards, the median family income in Palm Beach County is \$111,800.

Economic Prosperity Element

GOAL ECP 5 EQUITY AND ECONOMIC INCLUSION ADDRESS POVERTY AND EQUITY THROUGH ECONOMIC INCLUSIONARY POLICIES AND PROGRAMS THAT REDUCE DISPARITIES AND SET HIGHER STANDARDS FOR SUSTAINABLE AND EQUITABLE DEVELOPMENT.

Policy ECP 8.2.4 *Diversify affordable housing options by amending the Land Development Regulations to permit the construction of non-conventional single-family residences on non-conforming lots of record located east of Interstate 95. [Complete by 2025]*

The proposed amendment allows for the development of non-conventional housing types, and expands access to affordable housing types. By fostering a supply of housing attainable at a living wage, it positions renters to be more economically stable. It also provides opportunities for property owners to build wealth by owning a productive asset.

Neighborhoods, Districts, and Corridors Element

Objective NDC 2.8 Innovative Housing Strategies Use innovative housing planning practices to provide a wide range of housing types at price points that serve the city's diverse population.

Policy NDC 2.8.1 Evaluate and designate those residential areas, based on public input and participation efforts, where a greater range of housing choices and increased affordable housing options can be provided by allowing innovative housing types, such as one accessory dwelling unit per lot, tiny houses, cohousing arrangements, or cottage housing.

Policy NDC 2.8.2 Establish specific regulations and performance criteria in the Land Development Regulations that include size, site design, landscaping, access, and parking requirements for accessory dwelling units in residential areas where such units are determined to be desirable through adopted neighborhood or redevelopment plans or programs; do not include the accessory dwelling unit in density calculations.

Policy NDC 2.8.3 Continue to utilize workforce housing programs and incentives, such as but not limited to, increased density and smaller lot sizes where appropriate and compatible in the Land Development Code to encourage the provision of workforce housing in the city.

Policy NDC 2.8.4 To protect the long term viability of workforce housing, include provisions in the Land Development Regulations that establish a long-term period of affordability of at least 40 years, income qualifications, maximum unit cost or rent; reassess the provisions of the Land Development Regulations within one year of the completion of new housing assessment studies.

Policy NDC 2.8.6 Monitor the progress of workforce/affordable housing programs and incentives to identify successful initiatives and to adjust underperforming programs or incentives or regulations.

Objective NDC 3.5 Update Land Development Regulations Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices. The proposed amendment will allow property owners in the Northwest / Southwest Neighborhood Overlay District to construct ADUs that may be leased to income-qualifying individuals, or to a family member who may not necessarily qualify. This can be considered an innovative development practice that expands housing options for residents in the city.

Review By Others

The **City Commission** is anticipated to review the proposed LDR Amendments at their February 24, 2026 and April 8, 2026 meetings.

Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 12-26, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 4.3.2, "Determining Use," Section 4.3.3, "Special Requirements for Specific Uses," Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.6 "Medium Density Residential (RM) District," Section 4.4.13 "Central Business (CBD) District," adopting Section 4.5.23 "Northwest / Southwest Overlay District," Section 4.7.9 "Accessory Dwelling Units," and amending Appendix A, "Definitions" to add regulations related to accessory dwelling units, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 12-26, **as amended**, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 4.3.2, "Determining Use," Section 4.3.3, "Special Requirements for Specific Uses," Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.6 "Medium Density Residential (RM) District," Section 4.4.13 "Central Business (CBD) District," adopting Section 4.5.23 "Northwest / Southwest Overlay District," Section 4.7.9 "Accessory Dwelling Units," and amending Appendix A, "Definitions" to add regulations related to accessory dwelling units, finding that the amendment, and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 12-26, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 4.3.2, "Determining Use," Section 4.3.3, "Special Requirements for Specific Uses," Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.6 "Medium Density Residential (RM) District," Section 4.4.13 "Central Business (CBD) District," adopting Section 4.5.23 "Northwest / Southwest Overlay District," Section 4.7.9 "Accessory Dwelling Units," and amending Appendix A, "Definitions" to add regulations related accessory dwelling units, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

X Courtesy Notices are not applicable to this request.

N/A Public Notices are not required for this request.