



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Infill Housing Compatibility Initiative

| Meeting | File No. | Application Type |
|------------------|------------------|---|
| January 22, 2024 | 2024-046-CCA-LDR | Amendment to the Land Development Regulations |

Request

Provide a recommendation to the City Commission on Ordinance No. 08-24, a City-initiated request to amend Land Development Regulations (LDR) Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District" to adopt floor area ratio and building articulation regulations for single family, duplex, and multi-family development property east of the Intracoastal Waterway; and amending Appendix A, "Definitions," to adopt associated definitions.

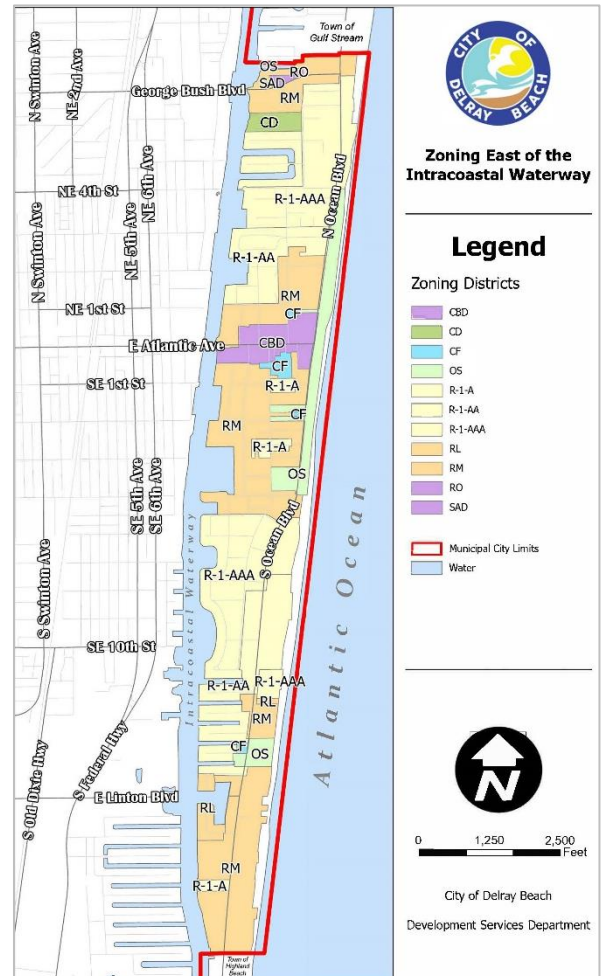
Background Information

At the City Commission Workshop meeting of January 10, 2023, the City Commission directed Staff to develop regulations to govern residential development east of the Intracoastal Way. Demands for home sizes and architecture have changed since these neighborhoods initially developed, and there are concerns that new development is incompatible with existing development. The intent of the regulations is not to eliminate certain styles, but to adopt massing and bulk controls and design standards, so that infill housing is constructed in a form compatible with existing neighborhoods. Of particular concern is the overall bulk of new development, as well as unornamented, flush side and rear walls that present a stark contrast with neighboring properties.

The majority of the properties east of the Intracoastal Waterway are zoned Single Family (R-1), Low Density Residential (RL), and Medium Density Residential (RM) (map at right). In RL and RM zoning districts, single family homes may be developed under the R-1 zoning standards. RL zoning has a density of 3 to 6 dwelling units per acre, and RM zoning has a density of 6 to 12 dwelling units per acre (standard). The Medium Density (MD) land use that underlays RL and RM zoning allows 12 to 24 dwelling units per acre in RM zoning, with a revitalization incentive, but there are no revitalization incentive areas east of the Intracoastal Waterway, so the maximum density is 12 dwelling units per acre.

Development Services Staff undertook the following analysis to inform the proposed regulations:

- Identify new development with architecture that exemplifies both desirable and problematic characteristics related to neighborhood compatibility;
- Analyze lot sizes in each zoning district; and
- Analyze the most intense development scenario possible under both the current and proposed regulations (renderings provided as an attachment).



Description of Proposal

The goal of the regulations is to allow property owners to retain the right of reasonable use for their property, while providing architectural guidelines that support a high quality of residential development that is compatible with the existing neighborhood form. The proposed ordinance updates Subsection (F), “Development standards” in the Base Zoning Districts “Single Family Residential (R-1) Districts” (LDR Section 4.4.3), “Low Density Residential (RL) District” (LDR Section 4.4.5), and “Medium Density Residential (RM) District” (LDR Section 4.4.6). The proposed changes are summarized as follows:

Floor Area Ratio (FAR)

| Lot Size | Maximum Floor Area Ratio (FAR) |
|---|--------------------------------|
| Single Family Residential (R-1) Districts | |
| All lot sizes. | 0.65 |
| Low Density Residential (RL) District + Medium Density Residential (RM) District | |
| Up to 30,000 sf | 0.70 |
| 30,000 sf and above | 0.75 |

FAR is proposed for single family, duplex, and multi-family development in each zoning district. FAR is defined as “the total gross floor area of the building(s) on a lot divided by the total lot area, as further defined in the Land Development Regulations. FAR is a tool to regulate the volume, shape, and spacing of a building to improve the relationship of a building to the surrounding development and the street” (Always Delray Comprehensive Plan).

The FAR proposed for each of the three zoning districts is shown in the table above.

Staff approached the FAR analysis by looking at the minimum lot size necessary to build different numbers of units allowed by the maximum density of each zoning district. Then those lot sizes were tested against different floor area ratios. Generally, for duplex and multi-family units, establishing one FAR for all lot sizes resulted in the creation of smaller units when the unit count is higher on larger properties. The proposed FAR allows for more equal unit sizes relative to unit count and property size. The range of proposed FAR allows for development to be within the required setbacks for each district and adhere to the proposed step-back and articulations.

R-1-A Zoning District

Single-Family development in all districts is proposed to have a FAR of 0.65. The FAR is enough to meet setback requirements, to avoid the stacking of the second floor, and to provide opportunity for appropriate mass distribution and interesting articulations.

RL and RM Zoning Districts

The duplex units began at 0.70 FAR, just above the proposed single-family FAR to provide a fair amount of square footage per unit. The duplex units were shown to have larger unit sizes when given the same FAR as multi-family, and after 30,000 square feet, the average unit size minimized. Therefore, the multi-family units over 30,000 square feet are proposed to have a larger FAR (0.75) to allow more equal unit sizes. The tables provided below show the analysis that was done for unit counts, lot sizes and zoning districts.

| Low Density Residential (RL) Zoning District | | | | | | | | | |
|---|----------------------|-------|----------------------------|-----------|---------|----------------------|--------|-----------------------|-------|
| Units | Acres @ 6 du/ac (RL) | | Lot Area (Square Feet)(RL) | | Max FAR | Building Square Feet | | Per Unit Average Size | |
| | Min. | Max. | Min. | Max. | | Min. | Max. | Min. | Max. |
| 2 | 0.333 | 0.498 | 14,520 | 21,707.40 | 0.70 | 10,164 | 15,195 | 5,082 | 7,598 |
| 3 | 0.500 | 0.665 | 21,780 | 28,967.40 | 0.70 | 15,246 | 20,277 | 5,082 | 6,759 |
| 4 | 0.667 | 0.832 | 29,040 | 36,227.40 | 0.75 | 21,780 | 27,171 | 5,445 | 6,793 |
| 5 | 0.833 | 0.998 | 36,300 | 43,487.40 | 0.75 | 27,225 | 32,616 | 5,445 | 6,523 |
| 6 | 1.000 | 1.165 | 43,560 | 50,747.40 | 0.75 | 32,670 | 38,061 | 5,445 | 6,343 |
| 7 | 1.167 | 1.332 | 50,820 | 58,007.40 | 0.75 | 38,115 | 43,506 | 5,445 | 6,215 |
| 8 | 1.333 | 1.498 | 58,080 | 65,267.40 | 0.75 | 43,560 | 48,951 | 5,445 | 6,119 |
| 9 | 1.500 | 1.665 | 65,340 | 72,527.40 | 0.75 | 49,005 | 54,396 | 5,445 | 6,044 |
| 10 | 1.667 | 1.832 | 72,600 | 79,787.40 | 0.75 | 54,450 | 59,841 | 5,445 | 5,984 |
| 11 | 1.833 | 1.998 | 79,860 | 87,047.40 | 0.75 | 59,895 | 65,286 | 5,445 | 5,935 |
| 12 | 2.000 | 2.165 | 87,120 | 94,307.40 | 0.75 | 65,340 | 70,731 | 5,445 | 5,894 |

| Medium Density (RM) Residential Zoning District | | | | | | | | | |
|--|-----------------------|-------|----------------------------|-----------|-------------|----------------------|--------|-----------------------|--------------|
| Units | Acres @ 12 du/ac (RM) | | Lot Area (Square Feet)(RM) | | Max FAR | Building Square Feet | | Per Unit Average Size | |
| | Min. | Max. | Min. | Max. | | Min. | Max. | Min. | Max. |
| 2 | 0.167 | 0.249 | 7,260 | 10,853.70 | 0.70 | 5,082 | 7,598 | 2,541 | 3,799 |
| 3 | 0.250 | 0.333 | 10,890 | 14,483.70 | 0.70 | 7,623 | 10,139 | 2,541 | 3,380 |
| 4 | 0.333 | 0.416 | 14,520 | 18,113.70 | 0.70 | 10,164 | 12,680 | 2,541 | 3,170 |
| 5 | 0.417 | 0.499 | 18,150 | 21,743.70 | 0.70 | 12,705 | 15,221 | 2,541 | 3,044 |
| 6 | 0.500 | 0.583 | 21,780 | 25,373.70 | 0.70 | 15,246 | 17,762 | 2,541 | 2,960 |
| 7 | 0.583 | 0.666 | 25,410 | 29,003.70 | 0.70 | 17,787 | 20,303 | 2,541 | 2,900 |
| 8 | 0.667 | 0.749 | 29,040 | 32,633.70 | 0.75 | 21,780 | 24,475 | 2,723 | 3,059 |
| 9 | 0.750 | 0.833 | 32,670 | 36,263.70 | 0.75 | 24,503 | 27,198 | 2,723 | 3,022 |
| 10 | 0.833 | 0.916 | 36,300 | 39,893.70 | 0.75 | 27,225 | 29,920 | 2,723 | 2,992 |
| 11 | 0.917 | 0.999 | 39,930 | 43,523.70 | 0.75 | 29,948 | 32,643 | 2,723 | 2,968 |
| 12 | 1.000 | 1.083 | 43,560 | 47,153.70 | 0.75 | 32,670 | 35,365 | 2,723 | 2,947 |

Requirements for Building Articulation

Unarticulated, flush side and rear walls have been identified as a contributing issue in incompatible residential infill development. To address this, the Ordinance proposes the following regulations:

- A 5-foot step-back must be provided above the second story and/or 26 feet of height, whichever is less, on the rear, side street, and side interior elevations.
- Building facades facing side interior and rear lot lines that exceed 25 feet in length above the first story shall provide at least one horizontal articulation of at least 2 feet in depth for a combined minimum of 20 percent of the length of building elevation(s).

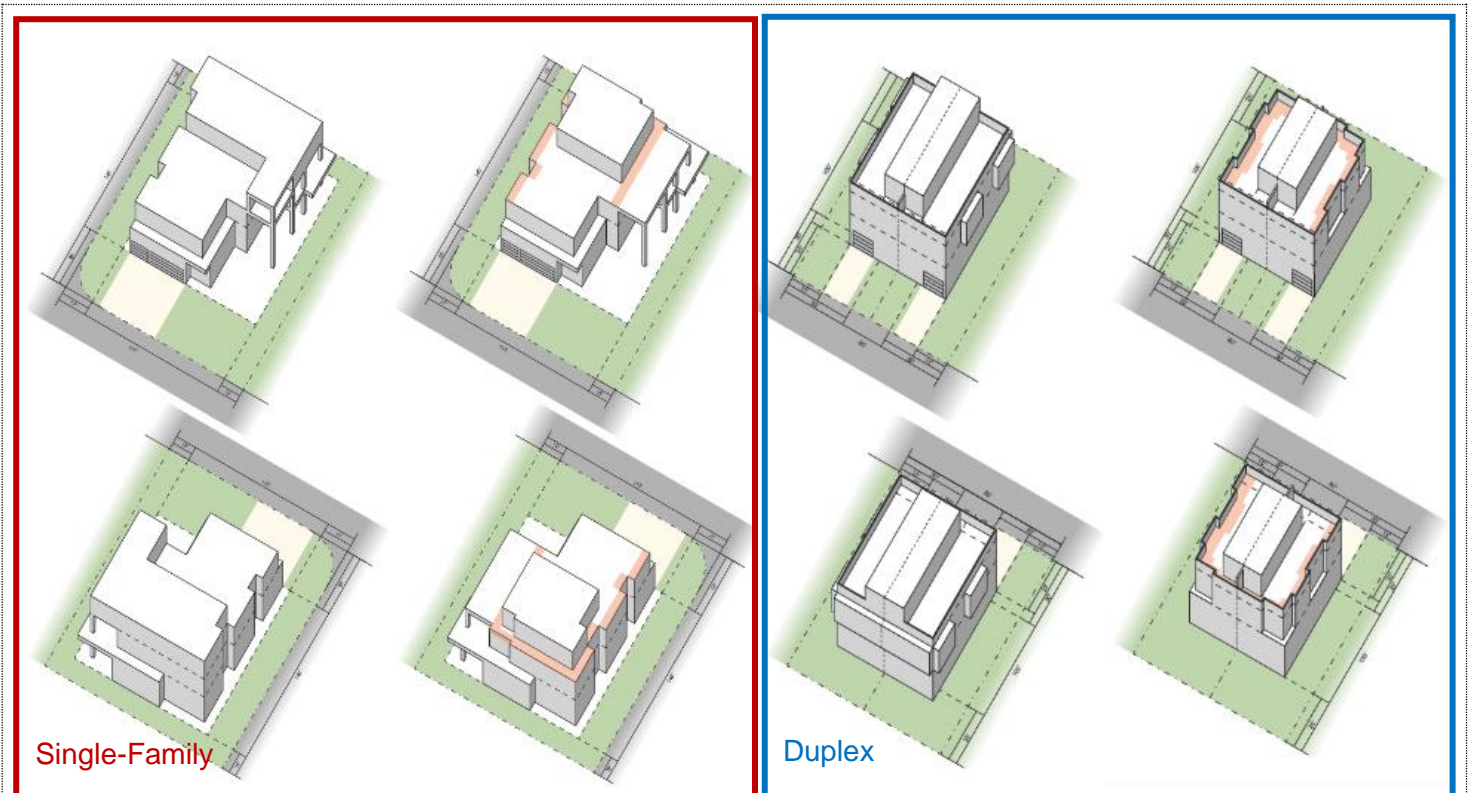
Single family units located within the North Beach/Seagate and Ocean Neighborhood Overlay Districts are also subject to adopted Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods. The manual has regulations that address visual compatibility standards relating to limitations on height, width, mass, scale, materials, color, style, form, and square footage.

The proposed ordinance also updates **Appendix A, “Definitions”** to define terms used in the regulations above. The following definitions are proposed for adoption:

- **HORIZONTAL ARTICULATION.** Modulation of the scale of a building by stepping a portion of the structure either outward or inward from the predominant façade plane.
- **STEP-BACK.** The horizontal shifting of the building massing inward from the predominate plane of the building façade.

The impact of different FAR scenarios and building articulation requirements were tested through the use of architectural renderings. The maximum development potential possible under the existing regulations was also evaluated.

After testing a single-family, duplex, and 6-unit scenario, it is noted that the proposed requirements distribute the mass in a way that reduces massive walls with no articulations. The structures in all scenarios provided articulations from the side and rear, and the required articulations and step-backs allow for more opportunities of open-air terraces and balconies. Each scenario met the required setbacks and lot coverage, while still providing adequate square footage per unit. Note the comparison below:



The full text of Ordinance No. 08-24 is provided as an attachment.

Review and Analysis

Pursuant to **LDR Section 1.1.6(A), 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. Any such change shall be made by ordinance, pursuant to procedures found in LDR Section 2.4.5(M).

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 in February and March 2024 (anticipated).

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment is City-initiated at the direction of City Commission at a workshop on January 10, 2023.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan.

The following Goals and Objective generally support the intent of the proposed regulations.

Neighborhoods, Districts, and Corridors Element

GOAL NDC 1 NEIGHBORHOODS, DISTRICTS, AND CORRIDORS Enhance the quality and character of the City's neighborhoods, districts, and corridors to continue to provide a sustainable community in which to live, work, play, and grow.

GOAL NDC 2 QUALITY OF LIFE AND URBAN FORM Provide a high quality of life for all residents, encourage a mix of building types and uses, diverse housing, and transportation options, and use meaningful community engagement to transform underutilized and blighted areas into attractive and thriving neighborhoods, districts, and corridors.

Objective NDC 2.2 Downtown and Surrounding Neighborhoods Protect and enhance the "Village by the Sea" character of the downtown and neighborhoods located east of I-95.

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.

Housing Element

Goal HOU 1 Neighborhood Character Promote, support and enhance the unique characteristics of Delray Beach's neighborhoods.

Objective HOU 1.1 Neighborhood Character Support and respect the diverse and distinct character of Delray Beach's neighborhoods.

Policy HOU 1.1.1 Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Delray Beach as a healthy, vital city.

Policy HOU 1.1.6 Promote good design in new housing construction and rehabilitation that highlights beauty, flexibility, and innovation, and respects existing neighborhood character.

Policy HOU 3.2.4 Establish development standards and design criteria to determine the appropriateness of new housing types in single-family areas and ensure compatibility with the character of the neighborhood through a robust design review process.

Policy HOU 3.2.8 Establish a design review advisory group comprised of architects, project applicants and community members to consider key issues and develop recommendations on new development standards and design criteria with a focus on flexibility, varying housing types which sensitively fit into neighborhoods, and adaptive reuse of existing residential buildings.

The adopted Comprehensive Plan places a high value on quality development and neighborhood character. The proposed amendment to the LDR establishes regulations that support new development that is compatible with the existing character of the city.

Review By Others

The City Commission is anticipated to hear the request at its meetings in February and March 2024.

Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 08-24, a City-initiated request to amend Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District," and Appendix A, "Definitions," of the Land Development Regulations (LDR) to adopt floor area ratio and building articulation regulations, and amending Appendix A, "Definitions to adopt associated definitions, for single family, duplex, and multi-family development property east of the Intracoastal Waterway, by 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. 08-24, a City-initiated request to amend Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District," and Appendix A, "Definitions," of the Land Development Regulations (LDR) to adopt floor area ratio and building articulation regulations, and amending Appendix A, "Definitions to adopt associated definitions, for single family, duplex, and multi-family development property east of the Intracoastal Waterway, by finding that the amendment as amended 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. 08-24, a City-initiated request to amend Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District," and Appendix A, "Definitions," of the Land Development Regulations (LDR) to adopt floor area ratio and building articulation regulations, and amending Appendix A, "Definitions to adopt associated definitions, for single family, duplex, and multi-family development property east of the Intracoastal Waterway, by 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

Courtesy Notices were provided to:

- Beach Property Owners' Association

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