

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 BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT," SUBSECTION (H), "SPECIAL REGULATIONS," SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," SUBSECTION (H), "SPECIAL REGULATIONS," AND SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT," SUBSECTION (H), "SPECIAL REGULATIONS," TO AMEND THE PROHIBITION ON THE USE OF OVERHEAD DOORS; 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, overhead doors are not allowed to face public rights-of-way in the Mixed Industrial and Commercial (MIC) and Light Industrial (LI) zoning districts and arterial or collector rights-of-way in the Industrial (I) zoning district; and

WHEREAS, this prohibition is not compatible with the operations of the uses in these zoning districts; 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 to 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

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.

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 an adjacent arterial right-of-way, residential zoning district, or residential use.
- (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 arterial right-of-way, residential zoning district, or residential use.

Section 5. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.20 “Industrial (I) District,” Subsection (H), “Special Regulations,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.26. 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 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. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 8. Specific authority is 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 _____

DRAFT - NO LEGAL REVIEW