

ORDINANCE NO. 10-26

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 1, "GENERAL PROVISIONS," ARTICLE 1.3, "NONCONFORMING USES, LOTS, AND STRUCTURES," SECTION 1.3.2, "NONCONFORMING LOTS OF RECORD," TO REMOVE THE DEFINITION OF A NONCONFORMING LOT OF RECORD; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.1, "ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP," SECTION 4.1.4, "USE OF LOTS OF RECORD," TO ALLOW THE REDEVELOPMENT OF PREVIOUSLY DEVELOPED NONCONFORMING LOTS OF RECORD AND TO ELIMINATE RELIEF PROCEDURES, AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.1, "APPLICATION OF DISTRICT REGULATIONS," TO ELIMINATE RELIEF PROCEDURES AND TO ADD ALLOWANCES FOR LOTS OF RECORDS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3, "SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICTS;" AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," SECTION 4.7.8, "OTHER INCENTIVES," TO ADD DESIGN REQUIREMENTS AND SETBACK RELIEF FOR WORKFORCE HOUSING UNITS; AND AMENDING APPENDIX A, "DEFINITIONS," TO AMEND THE DEFINITION OF "LOT OF RECORD" AND ADOPT A DEFINITION FOR A LEGACY PROPERTY, NONCONFORMING LOT, AND NONCONFORMING LOT OF RECORD;" 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, a Lot of Record is defined as a lot that is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Palm Beach County, Florida; and

WHEREAS, the City adopted zoning regulations on September 25, 1990, via Ordinance No. 25-90 establishing October 1, 1990, as the effective date of minimum lot standards; and

WHEREAS, the LDR allows lots of record that do not meet current zoning regulations to be redeveloped without relief if the lot has at least 50 feet of frontage; and

WHEREAS, a significant number of lots of record in Single Family (R-1) zoning districts were recorded prior to the adoption of Ordinance No. 25-90, and do not conform to the current lot standards; and

WHEREAS, a significant number of the lots in the Northwest and Southwest Neighborhoods, as defined in the Set Master Plan, do not conform to the current lot standards and have existed in their current configuration for an extended period of time, but are not part of a subdivision recorded in the office of the Clerk of the Circuit Court of Palm Beach County, Florida, and are therefore not considered lots of record resulting in frequent requests for relief and hindering potential development; and

WHEREAS, regulations should be adopted to better facilitate the development of previously established lots in the Northwest and Southwest Neighborhoods; 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 Ordinance No. 10-26 (as Ordinance No. 25-25) at a public hearing on November 17, 2025, and voted 7 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. 10-26 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 1, “General Provisions,” Article 1.3, “Nonconforming Uses, Lots, and Structures,” Section 1.3.2, “Nonconforming Lots of Record,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 1.3.2. - Nonconforming lots of record. ~~Any lot or parcel which qualifies as a lot of record~~
Nonconforming Lots of Record may be used only as allowed in Section 4.1.4.

~~(A) **Definition.** A nonconforming lot may mean a lot of record that was lawfully created but does not comply with the lot standards of this Code, or a parcel of land that does not meet the lot standard of the applicable code.~~

Section 4. Chapter 4, “Zoning Regulations,” Article 4.1, “Establishment of Districts and Official Zoning Map,” Section 4.1.4, “Use of Lots of Record,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 4.1.4. - Use of lots of record.

Any lot, or parcel, which qualifies as a lot of record as set forth in these Regulations, but which does not comply with respect to minimum lot area and minimum lot dimensions specified for the zoning district in which it is located, may nevertheless be used (for purposes as allowed in that zoning district), as long as it complies with all other requirements of that zoning district, subject to the following limitations:

- ~~(A) Duplex and multiple family structures may not be constructed on a lot which has an area less than that provided for as the minimum lot area within the zoning district.~~
- ~~(B) A residential structure shall not be constructed on any lot, within a residential zoning district, which has frontage of less than 50 feet. However, this provision shall not prevent construction of a residential structure on a Single Family Lot (or Parcel) of Record which conforms with all other aspects of minimum lot size requirements but which has no frontage. Further, such a Lot of Record with no suitable access may achieve private access for a single family residence and similar uses by means of a nonpublic (private) access easement~~
- ~~(C) Except for single family residences subject to the R-1-A (Single Family Residential) zoning district standards, if two or more adjoining lots (or combination of lots and portions of lots) of record were under the same ownership as of October 18, 1994, and if the total frontage and the total area is equal to or greater than that which is required by the zoning district regulations, said property shall not be developed except in accordance with the minimum frontage and lot area requirements of the district. Ownership shall be determined by the property tax rolls on file in the Palm Beach County Property Appraiser's Office as of October 18, 1994.~~
 - ~~(1) Notwithstanding the above, a waiver to this requirement may be granted by the City Commission pursuant to the provisions of LDR Section 2.4.7(B). Pursuant to Section 2.1.4, notice of the request shall be provided to the owners of all property located within 500 feet of the perimeter of the property on which the waiver is being sought. The notice shall be mailed no later than ten calendar days prior to the meeting before the City Commission.~~
 - ~~(2) For properties located within designated historic districts, or designated as historic sites, or properties listed on the Local Register of Historic Places, the Historic Preservation Board shall review the request prior to the City Commission meeting and shall forward its recommendation on the request to the City Commission. Notification of the request shall be as described above, except that the mailing of the notices shall occur no later than ten calendar days prior to the meeting before the Historic Preservation Board~~
- ~~(D) Within the R-1-A, RL and RM zoning districts, lots of record having at least 40 feet of frontage may be used for Workforce Housing, as long as the workforce housing unit meets the typical designs represented by the sketches set forth in Section 4.7.8, the lot is a minimum of 4,000 square feet and conforms to setbacks; provided, however, the minimum side setback may be reduced to a minimum five feet if necessary to accommodate the designs set forth in Section 4.7.8 and meets other development standards in the zoning district. The Workforce Housing unit on a lot with frontage as herein described must include rear access via an alley, if available. The unit must also contain design features such as, but not limited to, front porches, eyebrows, outriggers, gables, dormers, arbors, trellises, shutters, balconies, decorative vents, siding, textured stucco finishes, undulating facades and other such appropriate architectural features.~~

~~(E) Variances for lot size, dimensions and frontage, and building setbacks and minimum floor area may be granted for the relocation of a historic structure onto a lot in order to protect the structure. If the relocation lot is not individually designated historic or located within a historic district, then an individual historic designation shall be required in accordance with Section 4.5.1(C) and shall be reviewed concurrently therewith in order for a variance to be granted. All variance requests for relocation of historic structures must be submitted to the Historic Preservation Board in accordance with Sections 4.5.1 (D) and (J) for consideration.~~

(A) Any Lot of Record that does not comply with the minimum lot area, lot width, lot frontage, or lot depth standard for the zoning district may be used as allowed by that zoning district, subject to the following:

- (1) Within a residential zoning district, a single-family residential structure may be constructed on any Lot of Record that has at least 50 feet of frontage. A single-family residential structure may be constructed on a Lot of Record without frontage if access is provided by an approved triparty easement agreement between the property owners and the City.
- (2) In R-1 zoning districts, if two or more adjoining lots of record or portions of lots of record do not individually meet the minimum lot standards and were under the same ownership as of October 18, 1994, the lots must be re-platted to meet all current minimum lot standards. Ownership shall be determined by the property tax rolls on file in the Palm Beach County Property Appraiser's Office on October 18, 1994. This limitation does not apply to properties subject to R-1-A zoning district development standards.
- (3) For property zoned R-1-A or subject to R-1-A development standards, lots of record having less than 50 feet of frontage, but at least 40 feet of frontage and 4,000 square feet of area may be developed subject to the Workforce Housing requirements.
- (4) Adjoining lots of record under the same ownership as of October 18, 1994, may be developed as individual single-family lots pursuant to the original plat provided half of the dwelling units are developed subject to the Workforce Housing requirements; any fraction shall be rounded down. This provision does not apply to property that has been replatted.
- (5) **Workforce Housing requirement.** Nonconforming Lots of Record subject to the workforce housing requirement must adhere to Article 4.7.
 - (a) The Workforce Housing restrictive covenant must be recorded prior to the issuance of a building permit.
 - (b) Vehicular access shall be provided via an alley, if available.
 - (c) The residential structure must be developed in accordance with design features in Section 4.7.8.

(6) Legacy Property

- (a) Any Legacy Property may be developed or redeveloped for a family member with a single-family residential structure without being subject to workforce housing requirements.
- (b) A Legacy Property that is sold or transferred to anyone other than a lineal descendant, surviving spouse, qualified domestic partner, or collateral heir is subject to the following:
 - 1. Lots having less than 50 feet of frontage, but at least 40 feet of frontage and 4,000 square feet of area shall be developed as workforce housing.
 - 2. Lots with more than 50 feet of frontage and more than 4,000 square feet of lot area may be developed as market rate housing.
- (B) A nonconforming Lot of Record that was developed with a market rate single-family residential structure prior to October 1, 1990, may be redeveloped with a single-family residence without being subject to workforce housing requirements.
- (C) Duplex and multiple family structures shall only be constructed on a lot that meets the minimum lot area within the zoning district.

Section 5. Chapter 4, “Zoning Regulations,” Article 4.3, “District Regulations, General Provisions,” Section 4.3.1, “Application of District Regulations,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 4.3.1. - Application of district regulations.

The regulations established by this Article shall be minimum regulations and shall apply uniformly to each class or type of structure or land, ~~except as herein provided:~~

- ~~(A) No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof, shall hereafter be constructed, erected, moved, reconstructed, or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located. All buildings, structures, or land shall be used in conformance with all applicable zoning and use regulations.~~
- (B) All buildings and structures shall only be constructed, modified, or relocated in conformity with all regulations specified for the zoning district.
- ~~(C) No part of a yard, off-street parking space, loading space, or other open space, required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, off-street parking space, loading space, or open space similarly required for any~~

~~other building. Any yard, off-street parking space, loading space, or other open space required for compliance for one building shall not be used to satisfy compliance for any other building.~~

- (D) ~~No yard or lot existing at the time of the passage of this chapter shall be reduced in area or dimensions below the minimum requirements set forth herein. Lots or yards created after October 1, 1990 shall meet the minimum requirements established by this chapter unless the City Commission declares at the time of approval of an associated development application that it is necessary and appropriate to create such a nonconformity. Any lot or yard created after October 1, 1990, must comply with the minimum lot area and dimensions for the zoning district, unless the City Commission approves a waiver. In addition to the waiver standards, the City Commission must also declare that it is necessary and appropriate to create such a nonconformity. A lot created prior to October 1, 1990, may be used without relief if it meets the definition of a Lot of Record.~~

~~Notwithstanding the above, the City shall provide notice by mail of any such action before the City Commission. Notice shall be provided pursuant to Section 2.4.2(B)(1)(n) to the owners of all property located within 500 feet of the perimeter of the property on which the action is being sought. The notice shall be mailed no later than ten calendar days prior to the meeting before the City Commission.~~

- (E) ~~In no~~ Only one principal residential structure is allowed per lot in the Single Family Residential District (R1) and or Rural Residential District (RR) ~~shall a lot contain more than one principal residential structure.~~

Section 6. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.3, “Single-Family Residential (R-1) Districts,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 4.4.3. - Single Family Residential (R-1) Districts.

- (A) – (E) (These subsections shall remain in full force and effect as adopted.)

- (F) ***Development standards.***

- (1) – (4) (These subsections shall remain in full force and effect as adopted.)

- (5) **Northwest / Southwest Neighborhood.** Legacy Properties with 40 to 50 feet of frontage may utilize the incentives in Section 4.7.8 and are subject to the following:

(a) Vehicular access shall be provided via an alley, if available.

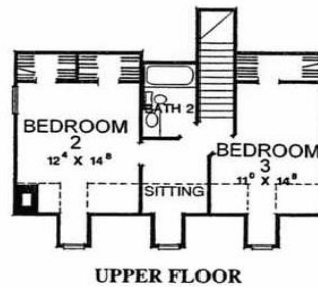
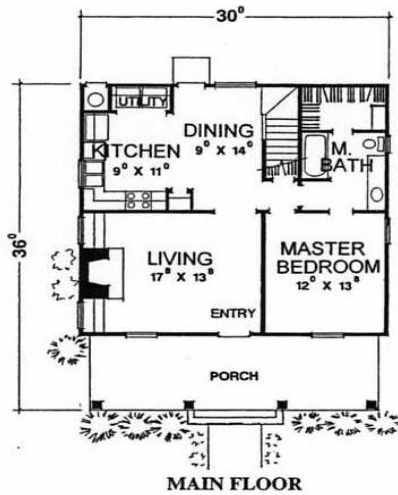
(b) Residential structures must be developed in accordance with design features in Section 4.7.8.

- (G) – (H) (These subsections shall remain in full force and effect as adopted.)

Section 7. Chapter 4, “Zoning Regulations,” Article 4.7, “Family/Workforce Housing,” Section 4.7.8, “Other Incentives,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

Sec. 4.7.8. Other incentives.

- (A) ***Nonconforming lots of record.*** ~~In order to~~ To address a shortage of workforce housing ~~units,~~ nonconforming lots of record having less than 50 feet of frontage, but at least 40 feet of frontage and 4,000 square feet of area ~~that have at least 40 feet of frontage~~ may be used for workforce housing and have the following adjusted development standards: provided the proposed housing unit meets the typical designs represented by the sketches below, the additional requirements of 4.1.4(D), and any other applicable code provisions.
- (1) Adjusted Minimum Setbacks. The minimum setbacks required by the zoning district are adjusted for single-family workforce housing structures as follows:
- (a) Side street or alley: 10 feet.
- (b) Side Interior: 5 feet.
- (c) Cumulative side setbacks: 15 feet.
- (2) Open-air front porches that are at least 6 feet in depth may encroach into the front setback up to 6 feet.
- (3) Driveways may be setback a minimum of 2 feet from the side interior property lines.
- (4) Vehicular access shall be provided via an alley, if available.
- (5) At least five of the following design features must be used: front porches, eyebrows, outriggers, gables, dormers, arbors, trellises, shutters, balconies, decorative vents, siding, textured stucco finishes, or undulating facades. The typical designs represented by the sketches below provide examples that incorporate these design features.



Upper Floor	565 sq. ft.	Footprint 30'-0" x 36'-0"	3 Bedrooms 2 Bathrooms Basement, Crawlspace or Slab Foundation	
Main Floor	840 sq. ft.			
Total Living Area	1,405 sq. ft.			
Basement	840 sq. ft.			

Section 8. Appendix A, "Definitions," of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

LEGACY PROPERTY. 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. This status shall expire if the property is sold or otherwise transferred to an individual who is not a lineal descendant, surviving spouse, qualified domestic partner, or collateral heir.

LOT OF RECORD. A lot ~~which~~ that is 1) part of a subdivision recorded in the office of the Clerk of the Circuit Court of Palm Beach County, Florida, or 2) a parcel of land defined by metes and bounds that has existed in its current configuration since October 1, 1990. Whenever a portion of an existing lot of record is replatted ~~and contained in a new plat,~~ that portion of the lot on the original plat ~~which~~ that has not

been replatted and included in the new plat shall not be considered a lot of record and shall not be presumed to satisfy the definition of Lot ~~as contained in this section~~ in the LDR or in F.S. 177.031 172.03.

NONCONFORMING LOT OF RECORD. A Lot of Record that was lawfully created, but does not comply with the minimum lot standards of the zoning district.

NONCONFORMING LOT. A parcel of land that does not comply with the minimum lot standards of the zoning district.

Section 9. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 10. 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 11. Specific authority and direction are hereby given to the City Clerk to codify this Ordinance.

Section 12. 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 _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney