

ORDINANCE NO. 06-26

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 BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SUBSECTION (C), "ACCESSORY USES AND STRUCTURES PERMITTED," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," SUBSECTION (C), "ACCESSORY USES AND STRUCTURES PERMITTED," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SUBSECTION (C), "ACCESSORY USES AND STRUCTURES PERMITTED," SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT," SUBSECTION (C), "ACCESSORY USES AND STRUCTURES PERMITTED," AND SECTION 4.4.17, "RESIDENTIAL OFFICE (RO) DISTRICT," SUBSECTION (C), "ACCESSORY USES AND STRUCTURES PERMITTED," TO REMOVE BOAT DOCK REGULATIONS THAT ARE NOT CONSISTENT WITH ARTICLE 7.9, "MOORING STRUCTURES"; AND BY AMENDING APPENDIX A, "DEFINITIONS," TO UPDATE THE DEFINITIONS OF "BOAT LIFT," "DOCK," AND "FINGER PIER," TO ADOPT A DEFINITION FOR "MARINAS" AND "MOORING STRUCTURES," AND RENAME THE DEFINITION OF "DOLPHIN" AS "PILING"; 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, the existing regulations governing docks, dolphins, finger piers, and boat lifts do not allow for clear interpretation by staff and members of the public; and

WHEREAS, the existing regulations lack flexibility for the varying waterway conditions in the City and are often inconsistent with the regulations of the agencies having jurisdiction over the City's waterbodies which frequently results in requests for relief; and

WHEREAS, Ordinance No. 07-26 provides new regulations for docks, piling, finger piers, boat lifts, and marinas that allow for safe navigation and reasonable access to all waterways within the city, by providing clear standards for the construction of docks, pilings, finger piers, boat lifts and other marine appurtenances that accommodate diverse waterway conditions; and

WHEREAS, Ordinance No. 06-26 adopts regulations consistent with Ordinance No. 07-26; 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. 06-26 (as Ordinance No. 30-25) 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

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 4.4.3 “Single Family Residential (R-1) Districts,” Subsection (C), “Accessory Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

- (C) ***Accessory uses and structures permitted.*** The following uses and structures are allowed when a part of, or accessory to, the principal use:
- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ).
 - (2) Home-based businesses subject to ~~the~~ Section 4.3.3(K).
 - (3) Family day care home, subject to Section 4.3.3(T).
 - (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association, such as tennis courts, swimming pools, exercise area, clubhouse, and golf courses.
 - (5) Boat docks, subject to Article 7.9. The rental or lease of a boat dock is allowed ~~when the dock is assigned to, or on the same lot as each residential use on a one-to-one basis.~~
 - (6) Guest cottages, subject to Section 4.3.3(Q).

Section 4. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.5 “Low Density residential (RL) District,” Subsection (C), “Accessory Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

(C) ***Accessory uses and structures permitted.*** The following uses and structures are allowed when a part of, or accessory to, the principal use:

- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ).
- (2) Home-based businesses, subject to Section 4.3.3(K).
- (3) Family day care home, subject to Section 4.3.3(T).
- (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association, such as tennis courts, swimming pools, exercise area, clubhouse, and private golf courses.
- (5) Boat docks, subject to Article 7.9, with the rental or lease allowed. ~~The rental or lease of a boat dock is allowed when the dock is assigned to, or on the same lot as, each residential use on a one-to-one basis.~~
- (6) Guest cottages, subject to Section 4.3.3(Q).
- (7) Community Gardens, subject to Section 4.3.3(D).

Section 5. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.6 “Medium Density Residential (RM) District,” Subsection (C), “Accessory Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

(C) ***Accessory uses and structures permitted.*** The following uses and structures are allowed when a part of, or accessory to, the principal use:

- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ).
- (2) Home-based businesses, subject to Section 4.3.3(K).
- (3) Family day care home pursuant to Section 4.3.3(T).
- (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association such as tennis courts, swimming pools, exercise area, clubhouse, and private golf courses.

- (5) Boat docks, subject to Article 7.9, with the rental or lease allowed. ~~The rental or lease of a boat dock is allowed when the dock is assigned to, or on the same lot as, each residential use on a one-to-one basis.~~
- (6) Guest cottages subject to Section 4.3.3(Q).
- (7) Community Gardens, subject to Section 4.3.3(D).

Section 6. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.7 “Planned Residential Development (PRD) District,” Subsection (C), “Accessory Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

(C) ***Accessory uses and structures permitted.*** The following uses and structures are allowed when a part of, or accessory to, the principal use:

- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ).
- (2) Home-based businesses, subject to Section 4.3.3(K).
- (3) Family Day Care Home, subject to Section 4.3.3(T).
- (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association such as tennis courts, swimming pools, exercise area, clubhouse, and private golf courses.
- (5) Boat docks, subject to Article 7.9, with the rental or lease allowed. ~~The rental or lease of a boat dock is allowed when the dock is assigned to, or on the same lot as, each residential use on a one-to-one basis.~~
- (6) Guest cottages, subject to Section 4.3.3(Q).

Section 7. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.17 “Residential Office (RO) District,” Subsection (C), “Accessory Uses and Structures Permitted,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

(C) ***Accessory uses and structures permitted.*** The following uses and structures are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots.

- (2) Refuse and service areas.
- (3) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops subject to Section 4.3.3(QQ).
- (4) Home occupations, subject to Section 4.3.3(K).
- (5) Family day care home, subject to Section 4.3.3(T).
- (6) Boat docks, subject to Article 7.9, with the rental or lease allowed. The rental or lease of a boat dock is allowed permitted when the dock is assigned to, or on the same lot as, each residential use on a one-to-one basis.
- (7) Guest cottages, subject to Section 4.3.3(Q).

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

BOAT LIFT. Any device fixed to the ground, a seawall, or a dock, designed to lift watercraft clear of the water. A mechanical device or structure designed to elevate watercraft clear of the water for dry storage.

DOCK. Any structure and appurtenances thereto extending into or above any body of water, designed and used primarily for the securing of watercraft, fishing, swimming, or other water-related activity. A fixed structure parallel to the seawall or bulkhead line, including but not limited to, access walkways or terminal platforms for the specific purpose of mooring and accessing vessels. Docks that are perpendicular to the seawall or bulkhead are considered *Finger Piers*.

FINGER PIER. A structure, not exceeding five feet in width, which projects into the waterway perpendicular to the seawall, bulkhead line, or property line and extends more than five feet from the seawall, bulkhead line, or property line. A dock that is perpendicular to the seawall, bulkhead line or property line and that extends into or above any body of water from the wet face of a seawall, mean high water line, ordinary high water line (for nontidal bodies) or property line.

MARINA. A facility with dockage for multiple vessels associated with a commercial, multi-family, or public use, with or without a fueling station and power.

MOORING STRUCTURE. A dock, floating dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or similar structure to which a vessel can be moored.

DOLPHIN PILING. A single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or a guide for watercraft but not used as a channel marker or as a dock piling.

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 is 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