



Cover Memorandum/Staff Report

File #: 23-987

Agenda Date: 9/5/2023

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: September 5, 2023

ORDINANCE NO. 11-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 4.6.16. "LANDSCAPE REGULATIONS," SUBSECTION (E), "LANDSCAPE DESIGN STANDARDS" TO CLARIFY THE STANDARDS FOR THE DESIGN AND INSTALLATION OF PLANT MATERIALS AND TO ADOPT REGULATIONS GOVERNING THE USE OF ARTIFICIAL TURF; AMENDING SUBSECTION (H), "MINIMUM LANDSCAPE REQUIREMENTS" TO AMEND THE MINIMUM LANDSCAPE REQUIREMENTS FOR SINGLE FAMILY DETACHED RESIDENCES BY PROHIBITING THE USE OF ARTIFICIAL TURF IN THE RIGHT OF WAY; AND AMENDING APPENDIX A - "DEFINITIONS" TO PROVIDE A NEW DEFINITION FOR ARTIFICIAL TURF AND TO AMEND THE DEFINITION OF OPEN SPACE TO PROHIBIT THE USE OF ARTIFICIAL TURF IN THE CALCULATION OF OPEN SPACE AREAS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommended Action:

Consider Ordinance No. 11-23, a City-initiated request to amend Section 4.6.16, "Landscape regulations" and Appendix A - "Definitions" of the Land Development Regulations to adopt regulations governing the use of artificial turf.

Background:

There has been a steady increase in demand for the use of artificial turf in both residential and commercial settings. The City landscape regulations were adopted prior to the proliferation of artificial turf outside of institutional uses, and do not address its use. In the absence of definitive regulations specific to artificial turf that either prohibit or permit its use, the City has been reviewing requests for artificial turf based on an administrative interpretation of development standards in LDR Section 4.3.4(K), landscape regulations in LDR Section 4.6.16, and adopted definitions.

Generally, Ordinance No. 11-23 allows the use of artificial turf in side and rear yards in combination with living plants as part of a landscape design; artificial turf does not by itself constitute landscaping, however. After building coverage, open space, and hardscaping are subtracted from the total lot area, no more than 15 percent of the lot area remaining may be comprised of artificial turf. The Ordinance also proposes standards for installation and maintenance. The full text of the Ordinance is attached.

In an effort to provide clear standards to evaluate requests to use artificial turf, staff prepared Ordinance No. 11-23, which proposes standards that allow the reasonable use of artificial turf, balanced by necessary restrictions. The version of Ordinance No. 11-23 before the Commission for consideration was prepared with feedback from the City Engineer, the Green Implementation Advancement Board, the Historic Preservation Board, and the Planning and Zoning Board.

- Per the City Engineer, artificial turf may not be used in the right-of-way, as it represents a hazard if a vehicle leaves the pavement. It also may not be used within 5 feet of a property line, inasmuch as artificial turf (even when installed to meet the permeability requirements) does not drain at the same rate as natural turf and could result in drainage onto neighboring properties.
- The Green Implementation Advancement Board reviewed the ordinance on March 16, 2023, and the Board expressed general support for the proposed Ordinance (with no formal recommendation).
- The Historic Preservation Board (HPB) reviewed the ordinance on April 19, 2023, and the Board voted 5 to 0 to recommend approval of the Ordinance, with the recommendation that artificial turf be allowed in Historic Districts as in other City Districts the same limitations applied elsewhere (instead of the prohibition on its use that was presented to them). HPB also recommended that artificial turf be treated as pervious surfaces, rather than hardscape; that change was made. Members also requested that artificial turf be allowed within 5 feet of a property line; that change was not made for the reasons outlined above.
- Planning and Zoning Board reviewed the proposed ordinance on March 20, 2023 as a discussion-only item. Then, at its May 15, 2023 meeting, the Board voted 7-0 to recommend approval of Ordinance No. 11-23.

The City Commission voted 5-0 to approve the ordinance at first reading on June 13, 2023. On July 18, 2023 the Commission voted to continue the item.

City Attorney Review:

Ordinance No. 11-23 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 11-23 will become effective immediately at second reading on September 5, 2023.