

ORDINANCE NO. 18-22

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 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.2, "THE PLANNING AND ZONING BOARD," SUBSECTION (E), "DUTIES, POWERS, AND RESPONSIBILITIES," TO CLARIFY THAT THE EXTENT OF THE PLANNING AND ZONING BOARD'S DUTY TO NAME STREETS, ALLEYS, OR OTHER PATHWAYS; CHAPTER 5, "SUBDIVISION REGULATIONS," ARTICLE 5.3, "DEDICATION AND IMPACT REQUIREMENTS," SECTION 5.3.1, "STREETS (RIGHT-OF-WAY)," SUBSECTION (D), "STREET NAMES," TO REMOVE OUTDATED LANGUAGE AND REFER TO THE CITY OF DELRAY BEACH STREET NAMING AND ADDRESSING MANUAL; CHAPTER 6, "INFRASTRUCTURE AND PUBLIC PROPERTY," ARTICLE 6.1, "DESIGN STANDARDS AND REQUIREMENTS," SECTION 6.1.12, "STREET SIGNS, FURNITURE, AND LANDSCAPING," TO AMEND THE NAME OF THE SECTION, REMOVE OUTDATED LANGUAGE, AND PROVIDE UPDATED LANGUAGE; AND, CHAPTER 7, "BUILDING REGULATIONS," ARTICLE 7.1, "BUILDING REGULATIONS," SECTION 7.1.5, "NUMBERING OF BUILDING AND STRUCTURES," TO REMOVE OUTDATED LANGUAGE AND REFER TO THE CITY OF DELRAY BEACH STREET NAMING AND ADDRESSING MANUAL; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Delray Beach adopted the "City of Delray Beach Street Naming and Addressing Manual" ("Manual") on _____, via Resolution No. ____-22 to ensure consistent naming of streets, alleys, or other pathways, and consistent numbering of properties, buildings, and their associated suites and units;

WHEREAS, this Ordinance amends the City Delray Beach Land Development Regulations ("LDR") to specifically refer to the Manual, clarify the process by which streets, alleys, or other pathways are reviewed and approved, and provide updated language or remove outdated language; and

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 -- Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on April 18, 2022 and voted 6 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 of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

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. Chapter 2, “Administrative Provisions,” Article 2.2, “Establishment of Boards Having Responsibilities for Land Development Regulations,” Section 2.2.2, “The Planning and Zoning Board,” Subsection (E), “Duties, Powers, and Responsibilities,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended to read as follows:

- (1) – (2) (These subsections shall remain in full force and effect as adopted.)
- (3) The Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):
 - (a) – (f) (These subsections shall remain in full force and effect as adopted.)
 - (g) The establishment of or change in names of streets, alleys, or other pathways providing access for either vehicles, bicycles, or pedestrians, whether public or private, in accordance with the adopted City of Delray Beach Street Naming and Addressing Manual.
 - (h) (This subsection shall remain in full force and effect as adopted.)
- (4) – (6) (These subsections shall remain in full force and effect as adopted.)

Section 3. Chapter 5, “Subdivision Regulations,” Article 5.3, “Dedication and Impact Requirements,” Section 5.3.1, “Streets (right-of-way),” Subsection (D), “Street Names,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended to read as follows:

- (D) Street names. The naming of all streets, alleys, or other pathways shall be made in accordance with the adopted City of Delray Beach Street Naming and Addressing Manual.
- (1) ~~A proposed new street which is in alignment with or a continuation of an existing street shall have the same name as the existing street unless there is a clear delineation, or break, in the function of the street and such change in name is acceptable to the Fire Marshall.~~
- (2) ~~In no case shall new streets have names or numbers which duplicate or which are phonetically similar to existing street names, regardless of the prefix or suffix used e.g. "avenue", "boulevard", "crescent", "court", "drive", "way", "place", "street", "terrace", etc.~~

Section 4. Chapter 6, “Infrastructure and Public Property,” Article 6.1, “Design Standards and Requirements,” Section 6.1.12, “Street signs, furniture, and landscaping,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 6.1.12. - Street signs, furniture, ~~and landscaping, and signs.~~

- (A) ***Street furniture and landscaping.*** Street furniture, such as benches, shelters, and waste baskets, must be approved by the City Engineer. Grassing and mulching shall be done in the strip between curbs and sidewalks. Planting of shade trees and street lighting are required, in conformance with pertinent plans approved by the City Engineer.
- ~~(B) ***Names and numbers.*** It shall be the duty of the City Planning and Zoning Board to recommend the designation of names and numbers for streets and it shall be the duty of the City Commission to finally determine the designation of names and numbers for streets and the Commission shall not be bound by the recommendation of the Planning and Zoning Board.~~
- ~~(C) ***Street name signs.*** Street name signs with the approved name properly affixed shall be installed at the intersection of all streets and over rights-of-way at the expense of the developer. Location and color design of street name signs shall be subject to the approval of the City Engineer.~~
- ~~(D) ***Numbering of buildings and structures.*** See Section 7.1.5.~~

Section 5. Chapter 7, “Building Regulations,” Article 7.1, “Building Regulations,” Section 7.1.5, “Numbering of Building and Structures,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended to read as follows:

Sec. 7.1.5. - Numbering of buildings and structures. The system for the numbering of buildings, building suites, and building units within a single development, whether in a single building or multiple buildings, is identified in the adopted City of Delray Beach Street Naming and Addressing Manual.

~~(A) ***Division of city into sections.*** The City is hereby divided into four sections, namely, northeast, northwest, southeast, and southwest. The focal point and dividing lines for the directional segregation of the City shall be the intersection of Atlantic Avenue and Swinton Avenue. That section which is bounded by North Swinton Avenue on the east and West Atlantic Avenue on the south is designated as the northwest section. That section which is bounded by North Swinton Avenue on the west and East Atlantic Avenue on the south is designated as the northeast section. That section which is bounded by South Swinton Avenue on the east and West Atlantic Avenue on the north is designated as the southwest section. That section which is bounded by South Swinton Avenue on the west and East Atlantic Avenue on the north is designated as the southeast section.~~

~~(B) ***System for numbering buildings established.***~~

- ~~(1) — Any building located on property lying adjacent to the avenues (except Atlantic Avenue) or other roadways in the City and which face east, shall have even numbers and any of the buildings facing west shall have odd numbers; any building located on property lying adjacent to streets or other roadways including Atlantic Avenue, in the City, and facing north shall have even numbers; and any building facing south shall have odd numbers.~~
- ~~(2) — Any avenue, street, road, lane, alleyway, court, terrace, boulevard, or other roadway running in a diagonal direction from the focal point, of Swinton Avenue and Atlantic Avenue shall have even numbers on the southerly side, and shall have odd numbers on the northerly side.~~
- ~~(3) — Using the dividing lines of Swinton Avenue and Atlantic Avenue, numbers of buildings in each section of the City shall start with the number 1 for the first 25 feet, and shall have the next higher (odd or even as the case may be) for each additional 25 feet going away from the focal point; at each block intersection thereafter, going away from the focal point, building numbers shall be the sum of one for the first 25 feet and shall have the next higher numbers (odd or even as the case may be) for each additional 25 feet plus 100 for each grid intersection. Numbers will increase by 100 when the grid system would pass that point if extended.~~
- ~~(4) — Any building located in the rear of any other building which faces an avenue, street, road, lane, alleyway, court, terrace, boulevard, or other roadway, shall take the number of the front building and add one-half.~~
- ~~(5) — Numbering east of the Intracoastal Waterway shall begin with the number 1,000 at Venetian Drive. At Seabreeze and Gleason the numbers will run from 1,100 to Andrews Avenue on the north and Bronson Street on the south of Atlantic Avenue. From those points to the ocean the numbers shall run from 1,200.~~
- ~~(6) — For the purpose of this section Atlantic Avenue shall be intended to mean all that part of State Road No. 806 lying within the corporate limits of this City.~~

- (C) ~~***Proper display of building, bay, or suite numbers.*** The owners of all properties having a building thereon shall install and maintain in a conspicuous place a correct street number of sufficient size, shape, and character as to be visible and readable from the adjacent street. The owners of all properties where any building is subdivided into suites or bays, shall install and maintain in a conspicuous place, a correct suite or bay designation. The suite and bay designations shall be of sufficient size, shape and character as to be visible and readable from the adjacent street. Street numbers, and suite or bay designations not meeting the requirements of this section shall be removed by the owner of the property on which the numbers, and suites or bay designations are located, and the numbers or designations meeting the requirements of this section shall be posted, within 30 days after notice by certified or registered mail.~~
- (D) ~~***Map reflecting building numbers to be maintained.*** The Chief Building Official shall establish and maintain a map of the City, reflecting the numbers on buildings as hereinabove provided.~~

Section 6. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. Specific authority is hereby given to codify this Ordinance.

Section 8. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 9. This Ordinance shall become effective immediately upon its adoption on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2022

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney