



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Accessory Structures in Residential Districts

Meeting	File No.	Application Type
June 20, 2022	2022-177-LDR	Amendment to the Land Development Regulations

Applicant
City of Delray Beach

Request
Provide a recommendation to the City Commission on Ordinance No. 22-22, a City-initiated amendment to the Land Development Regulations (LDR) to establish regulations governing the appearance of accessory structures in residential zoning districts, by amending Section 4.3.3(Q), Guest Cottages, Section 4.4.2, "Rural Residential (RR) District," Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District," Section 4.4.7, "Planned Residential Development (PRD) District," Section 4.4.17, "Residential Office (RO) District," and Appendix A to adopt a definition for Pool Houses and to amend the Accessory Building Structure, or Use definition.

Background Information
The City Commission has recently expressed concerns regarding the need for compatibility between single-family residences and their accessory structures. As a result, Staff was directed to review the current regulations applicable to residential accessory structures to address compatibility concerns, and to identify how additional provisions could be included to mitigate potential negative impacts on neighborhoods and the visual compatibility of the streetscape.

Accessory structures or uses are defined in the LDR as "a building, structure, or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building, structure, or use." The existing LDR limits the size of the accessory structure to 40 percent of the floor area of the principal structure, and the height to no greater than the height of the principal structure. Design standards for such accessory structures are not currently included in the LDR. In the absence of comprehensive design standards, it is possible to erect visually unappealing accessory buildings in residential districts. The City desires to establish design standards to ensure that accessory structures are visually appealing and are compatible with the form of development in residential neighborhoods. In the residential zoning districts, the uses and structures normally associated with residences includes uses such as bird aviaries, boat docks, dog houses and dog runs, garages, greenhouses, guest cottages, playhouses, pool houses and covers, pump houses, slat houses, storage sheds, tennis courts, swimming pools, workshops, community gardens, and home occupations.

Description of Proposal

Updates to the LDR are proposed, as follows:

Section 4.3.3, Special requirements for specific uses

Subsection (Q), Guest cottages

- Adds language referring guest cottages over 350 square feet (half the size of the maximum) to the design guidelines for accessory structures in the proposed new Subsection (QQ), *Accessory structures*.

Subsection (QQ), Accessory structures [NEW]

- Limits the height of the accessory structure to the height of the principal structure. This language is relocated from the base zoning district regulations.

- Limits the floor area of the accessory structure to 40 percent of the floor area of the principal structure. This language is relocated from the base zoning district regulations.
- Accessory structures larger than 350 square feet in area or taller than 10 feet are subject to the following standards:
 - Must be designed with a similar architectural style and be finished with materials similar in appearance to the principal structure.
 - Must provide foundation landscaping, in accordance with Section 4.6.16, along the entire building frontage, if visible from the right of way.
 - All doors, including garage and overhead doors, must have a decorative appearance consistent with the overall architectural style of the primary residential structure.
 - Blank walls visible from the right-of-way are prohibited. Fenestration consistent with the design and appearance of the principal structure and/or design treatments such as trellises with climbing vines or other plant materials, or architectural details may be used to avoid the appearance of blank walls.

For reference, the minimum required building floor area in the residential zoning districts (R-1, RO, and PRD) ranges from 1,000 to 2,200 square feet. For example, in the R-1-A zoning district where the minimum floor area for a principal structure is 1,000 square foot, an accessory structure that maximizes the 40 percent floor area allowance (400 square feet) would be subject to the above design standards.

Individual District Regulations

For consistency and improved readability, **Subsection (C) Accessory uses and structures permitted** updates are proposed in the following base zoning districts:

- Section 4.4.2, Rural Residential (RR) Zone District
- Section 4.4.3, Single Family Residential (R-1) Districts
- Section 4.4.5, Low Density Residential (RL) District
- Section 4.4.6, Medium Density Residential (RM) District.
- Section 4.4.7, Planned Residential Development (PRD) District
- Section 4.4.17, Residential Office (RO) District

The proposed changes restructure the organization of the accessory uses to improve readability and adds cross-references to relevant subsections in Section 4.3.3. The only substantive change to the accessory uses is the addition of guest cottages in the PRD zoning district. Guest cottages are not listed as an accessory use in PRD zoning, but staff has determined that it is appropriate for accessory structures to be included, consistent with the other residential districts.

It should be noted that Section 4.3.3(KK), *Home tutorial services*, is identified for deletion as part of the proposed Ordinance No. 23-22, that updates home-based business regulations. Even though home tutorial services are in the adopted LDR, it is not included in the proposed accessory structures ordinance under the presumption that Ordinance No. 23-22 (which will be heard by the Planning and Zoning Board on June 20, 2022) will be adopted. Additionally, Ordinance No. 23-22 replaces the term “home occupations” with the term “home-based business;” the accessory structures ordinance also reflects this anticipated change.

Appendix A

The proposed ordinance adopts a definition for *Pool Houses* and amends the definition of *Accessory Building, Structure or Use* to improve readability.

Review and Analysis

Pursuant to **LDR Section 1.1.6, Amendments**, *the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.*

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings.

Pursuant to **LDR Section 2.4.5(M)(1), Amendment to the Land Development Regulations**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

The proposed amendment is initiated by the City at the direction of the City Commission.

Pursuant to **Section 2.4.5(M)(5), Findings**, *the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.*

The following Goals, Objectives, and Policies (GOPs) of the adopted Comprehensive Plan are applicable to and support the proposed amendment:

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5 Update Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

Policy NDC 3.5.1 *Review the uses and use descriptions in the Land Development Regulations to provide consistent terminology.*

As the popularity of and additional need for accessory structures increases within the city, is important that the City adopt regulations to govern the form of such structures and modernize the adopted language.

Housing Element

Objective HOU 1.1 Neighborhood Character Support and respect the diverse and distinct character of Delray Beach's neighborhoods.

Policy HOU 1.1.1 Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Delray Beach as a healthy, vital city.

Policy HOU 1.1.6 Promote good design in new housing construction and rehabilitation that highlights beauty, flexibility, and innovation, and respects existing neighborhood character

The proposed LDR amendment supports good design that respects and preserves the character of residential neighborhoods, while providing thresholds that would not impact a property owner's desire to install a typically sized and designed shed or detached single-car garage.

Review By Others

The proposed LDR amendment was reported to the **CRA** in the May 2022 Development Services monthly activity memo.

The **City Commission** is anticipated to review the proposed LDR Amendments at two meetings in July 2022, with the second being a public hearing.

Options For Board Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 22-22, a City-initiated amendment to the Land Development Regulations (LDR) to establish regulations governing the appearance of accessory structures in residential zoning districts, by amending Section 4.3.3(Q), Guest Cottages, Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," and Section 4.4.6, "Medium Density Residential (RM) District;" and Appendix A to adopt a definition for Pool Houses and amend the definition of Accessory Building, Structure or Use, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 22-22, **as amended**, a City-initiated amendment to the Land Development Regulations (LDR) to establish regulations governing the appearance of accessory structures in residential zoning districts, by amending Section 4.3.3(Q), Guest Cottages, Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," and Section 4.4.6, "Medium Density Residential (RM) District;" and Appendix A to adopt a definition for Pool Houses and amend the definition of Accessory Building, Structure or Use, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 22-22, a City-initiated amendment to the Land Development Regulations (LDR) to establish regulations governing the appearance of accessory structures in residential zoning districts, by amending Section 4.3.3(Q), Guest Cottages, Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," and Section 4.4.6, "Medium Density Residential (RM) District;" and Appendix A to adopt a definition for Pool Houses and amend the definition of Accessory Building, Structure or Use, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.
- D. Continue with direction.

Public and Courtesy Notices

X Courtesy Notices were provided to the homeowner associations in the city.

N/A Public Notices are not required for this request.