

ORDINANCE NO. 25-23

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 4.3, “DISTRICT REGULATIONS, GENERAL PROVISIONS,” SECTION 4.3.4, “BASE DISTRICT DEVELOPMENT STANDARDS,” SUBSECTION (K), “DEVELOPMENT STANDARDS MATRIX,” “DEVELOPMENT STANDARDS MATRIX – RESIDENTIAL ZONING DISTRICTS” TO AMEND THE REQUIRED SETBACKS FOR DUPLEX DEVELOPMENT IN LOW DENSITY RESIDENTIAL (RL) AND MEDIUM DENSITY RESIDENTIAL (RM) ZONING DISTRICTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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 duplex is a detached residential building with two separate dwelling units designed for occupancy by two families; and

WHEREAS, duplexes were traditionally constructed as small, single-story structures; and

WHEREAS, duplexes are now more commonly constructed within the City as two and three-story structures; and

WHEREAS, the adopted duplex setbacks are written to accommodate single-story structures rather than a two or three-story duplex structure with massing of a multi-family structure; and

WHEREAS, the City desires to update setback regulations for duplex structures to prevent the encroachment of multi-story duplex development on neighboring properties; 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 March 15, 2023 and voted     to     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. Chapter 4, “Zoning Regulations,” Article 4.3., “District Regulations, General Provisions,” Section 4.3.4, “Base District Development Standards,” Subsection (K), “Development Standards Matrix,” “Development Standards Matrix – Residential Zoning Districts” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

DEVELOPMENT STANDARDS MATRIX – RESIDENTIAL ZONING DISTRICTS**																
			Minimum Lot Size (sq. ft)	Lot Width I/C* (ft.)	Lot Depth (ft.)	Lot Frontage I/C* (ft.)	Minimum Floor Area (sq. ft.)	Maximum Lot Coverage	Minimum Open Space	SETBACKS				Density	Height (ft.) <sup>(4)</sup>	Minimum Development Area
										Front 1 <sup>st</sup> & 2 <sup>nd</sup> / 3 <sup>rd</sup> (ft.) <sup>(7)</sup>	Side 1 <sup>st</sup> & 2 <sup>nd</sup> / 3 <sup>rd</sup> (ft.) <sup>(7)</sup>	Side Interior 1 <sup>st</sup> & 2 <sup>nd</sup> / 3 <sup>rd</sup> (ft.) <sup>(7)</sup>	Rear (ft.)			
Agriculture	AG	-	10 acres <sup>(2)</sup>	100	110	100	1,500	N/A	(3)	35	25	15	25	N/A	35	N/A
Rural Residential	RR	-	3 acres	100	110	100	2,200		(3)	35	17	12	12		35	
Single Family	R-1-AAA	Conventional	12,500	100	110	100	2,200		(3)	35	17	12	12		35	
	R-1-AAAB	Conventional	12,500	100	110	100	1,500			35	17	12	12			
	R-1-AA	Conventional	9,500	75/95	100	75/95	1,500			30	15	10	10			
	R-1-AAB	Conventional	9,000	90	100	90	1,500			25	20	8.5	25			
	R-1-A	Conventional	7,500	60/80	100	60/80	1,000			25	15	7.5	10			
	R-1-AB	Conventional	7,500	60/80	100	60/80	1,500			25	15	7.5	10			
Low Density <sup>(5)</sup> <del>—Medium</del>	RL	Multi-family	8,000	60	100	60	(1)	40%	(3)	25/30	25/30	15/30	25	3-6 Units / Acre	35	
		Duplex			<del>15</del> 25											
		Zero Lot Line	4,800		80								25			
Medium Density <sup>(5)</sup> <del>—Medium High</del>	RM	Multi-family	8,000	60	100	60	(1)	40%	(3)	25/30 <sup>(6)</sup>	25/30 <sup>(6)</sup>	15/30 <sup>(6)</sup>	25 <sup>(6)</sup>	6-12 Units / Acre	35	
		Duplex			<del>15</del> 25											
		Zero Lot Line	4,800		80								25			
Planned Residential Development	PRD	Multi-family	N/A	N/A	N/A	N/A	(1)	40%	(3)	25/30	25/30	15/25	25	Per Land Use Map or Numeric Suffix	35	5 acres
		Conventional	7,500	60/80	100	60/80	1,200	25		15	7.5	10				
		Zero Lot Line	4,500	40/60	80	40/60	1,000	20		15	0/15	10				
Mobile Home	MH	Park	2 acres	120	N/A	N/A	N/A	N/A	(3)	25	15	7.5	10	N/A	35	2 acres
		Sites	3,200	N/A						5	5	5	5			
<b>SubNotes:</b> * I/C = Interior Lot/Corner Lot  ** This matrix is to be interpreted and applied pursuant to Section 4.3.4.  (1) = Minimum Floor Area for Duplexes and Multifamily Dwelling Units:  Duplexes - 1000 sq. ft. (Represents absolute minimum size. Must also comply with minimums for corresponding number of bedrooms. Efficiency - 400 sq. ft. One Bedroom - 600 sq. ft. Two Bedroom - 900 sq. ft. Three Bedroom - 1,250 sq. ft. Four Bedroom - 1,500 sq. ft.  (2) = See Section 4.4.1(F) for exceptions.  (3) = A minimum of 25 percent non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.  (4) = See <del>Paragraph</del> <u>Section 4.3.4(J)(2)</u> for single family detached structures in residentially zoned districts.  (5) = The provisions for the R-1-A District shall apply for single family dwellings.  (6) = Refer to individual district regulations "Development Standards" section for special setbacks in the Southwest Neighborhood Overlay District, Carver Estates Overlay District and Infill Workforce Housing Area.  (7) = 1&2/3 = 1st and 2nd Story/3rd Story. The setback for the 3rd story shall only be applied to those portions of the building <del>which</del> <u>that</u> are 3 stories in height, not the entire building.																

Section 3. 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 4. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 5. Specific authority is hereby given to codify this Ordinance.

Section 6. 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 \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney