



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Duplex Setbacks

Meeting	File No.	Application Type
March 15, 2023	2023-153-LDR	Amendment to the Land Development Regulations

Applicant

City of Delray Beach

Request

Provide a recommendation to the City Commission on Ordinance No. 25-23, a City-initiated amendment to Section 4.3.4, "Base District Development Standards," Subsection (K), "Development Standards Matrix," of the Land Development Regulations (LDR) to amend the setbacks for duplex structures in Low Density Residential (RL) and Medium Density Residential (RM) zoning districts.

Background Information

Two residential zoning districts in the City of Delray Beach allow duplex development: Low Density Residential (RL) and Medium Density Residential (RM). Duplexes are defined as "A detached residential building containing two dwelling units, designed for occupancy by two families."

Historically, duplex structures were single-story and small scale, designed to provide affordable housing options that allowed a denser development type that was compatible with single family residential neighborhoods, while providing a measure of separation and privacy for occupants of the units. In Delray Beach, duplexes have increasingly taken on the form of a multi-family or townhome unit, rather than the small-scale structures previously seen.

In 1990, the Development Standards Matrix in LDR Section 4.3.4(K) had rear setbacks of 25 feet in RL and RM zoning districts. RM zoning also had increased 3rd floor setbacks at that time for the front, side street, and side interiors:

- Front 25 feet (1st and 2nd floor), 30 feet (3rd floor)
- Side Street 25 feet (1st and 2nd floor), 30 feet (3rd floor)
- Side Interior 15 feet (1st and 2nd floor), 30 feet (3rd floor)
- Rear 25 feet

Then, in 1993, the rear setbacks were reduced specifically to accommodate smaller-scale, single family style duplex structures, related to a development request seeking 15-foot rear setbacks instead of the then-adopted 25 feet, to accommodate screened rear porches. The staff report noted the 25-foot rear setback for multi-family structures and duplexes, in comparison to the 10-foot rear setback for single family homes, stating that a 15-foot rear setback would be reasonable because "a duplex is similar in intensity to a single family home." The report also stated that a 15-foot rear setback was sufficient to maintain adequate open space between buildings.

Inasmuch as the duplex development type has evolved in Delray Beach, City staff is seeking an amendment to the LDR to increase the setbacks for duplex in both RL and RM zoning districts, and to add 3rd floor setbacks in the RL zoning district for all development types.

Description of Proposal

The proposed Ordinance No. 25-23 amends the setbacks for duplex type developments. The proposed modifications to **LDR Section 4.3.4, "Base District Development Standards, Subsection (K), "Development Standards Matrix"** are summarized below, with additions in underline and deletions in ~~striketrough~~.

Low Density Residential (RL)

- Front 25 feet (1st and 2nd floor), 30 feet (3rd floor) for all development types
- Side Street 25 feet (1st and 2nd floor), 30 feet (3rd floor) for all development types
- Side Interior 15 feet (1st and 2nd floor), 30 feet (3rd floor) for all development types
- Rear ~~15~~ 25 feet for duplexes

* The setback for multi-family development is 25 feet.

Medium Density Residential (RM)

- [no change] Front 25 feet (1st and 2nd floor), 30 feet (3rd floor)
- [no change] Side Street 25 feet (1st and 2nd floor), 30 feet (3rd floor)
- [no change] Side Interior 15 feet (1st and 2nd floor), 30 feet (3rd floor)
- Rear ~~15~~ 25 feet for duplexes

* The setback for multi-family development is 25 feet.

Other

- Table footnotes are edited for grammar errors, and typographical errors.
- General formatting to improve readability.

The “Development Standards Matrix – Nonresidential Zoning Districts” in Subsection (K) remains as adopted. The full text of Ordinance No. 25-23 is provided as an attachment.

Note: In RL and RM zoning districts, single family homes are allowed, and are subject to the development standards for R-1-A, Single Family zoning.

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.

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

Policy NDC 1.1.14 *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

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.

The proposed modifications to the required setbacks in RL and RM zoning districts addresses trends in duplex development that render the current regulations insufficient to prevent encroachment between properties.

The Board should consider if the proposed changes to setbacks should apply to all duplex development, or if single-story or two-story duplexes should be allowed to have a rear setback of 15 feet (more in line with the 10-foot setbacks for single-family homes). Allowing a smaller rear setback for single-story duplexes may incentivize development of the traditional duplex form, which has typically filled an important role in the provision of more affordable housing inventory. The Board should also consider if allowing single-story duplexes with smaller setbacks would prevent duplex owners from pursuing a multi-story addition in the future.

Review By Others

The City Commission is anticipated to review the proposed LDR Amendments at two meetings in June and July 2023, with the second being a public hearing.

Options For Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 25-23, a City-initiated amendment to Section 4.3.4, "Base District Development Standards," of the Land Development Regulations (LDR) to amend the setbacks for duplex structures, 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. 25-23, **as amended**, a City-initiated amendment to Section 4.3.4, "Base District Development Standards," of the Land Development Regulations (LDR) to amend the setbacks for duplex structures, by finding that the amendment 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. 25-23, a City-initiated amendment to Section 4.3.4, "Base District Development Standards," of the Land Development Regulations (LDR) to amend the setbacks for duplex structures, 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

N/A Courtesy Notices are not required.

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