

ORDINANCE NO. 08-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICT", SECTION 4.5.13, "NORTH BEACH/SEAGATE AND OCEAN NEIGHBORHOOD OVERLAY DISTRICTS", TO ADOPT THE UPDATED BEACH PROPERTY OWNERS DESIGN MANUAL AND TO SPECIFY THAT THE REGULATIONS AND GUIDELINES OF THE BEACH PROPERTY OWNERS MANUAL ARE NOT APPLICABLE TO THOSE PROPERTIES LOCATED WITHIN A DESIGNATED HISTORIC DISTRICT OR WHICH ARE INDIVIDUALLY LISTED ON THE LOCAL REGISTER OF HISTORIC PLACES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Beach Property Owners Design Manual (hereinafter referred to as the "Manual") is intended to serve as a guide for preserving and perpetuating the unique residential character of the North Beach and Seagate Neighborhoods; and

WHEREAS, the Manual addresses various topics regarding the development of compatible single-family homes (new or additions) in the two neighborhoods; and

WHEREAS, the Beach Property Owners Association (hereinafter referred to as the "BPOA") requested modifications to the Manual regarding regulations and guidelines within the Manual and reviewed the proposed amendments and recommended approval; and

WHEREAS, these modifications address many of the suggestions offered since the inception of the original manual in 2005 and the updated 2019 Manual is designed to meet the current needs of a variety of users: property owners, architects, building contractors, and landscape contractors, as well as city officials and staff, and the general public; and

WHEREAS, those properties located within a designated historic district or that are individually listed on the Local Register of Historic Places are not subject to the requirements and guidelines of the Manual but, rather, are subject to review by the Historic Preservation Board; and

WHEREAS, pursuant to LDR Section 2.2.6(D)(6), the Historic Preservation Board reviewed the proposed text amendment relating to properties located within a designated historic district or individually listed on the Local Register of Historic Places at a public meeting held on December 5, 2018, and voted 5 to 0 to recommend that the amendments be approved; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), has determined that the proposed land development regulation text amendment is consistent with and furthers the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed land development text amendment at a public hearing held on December 17, 2018, and voted 7 to 0 and January 15, 2018, and voted 5 to 0 to recommend that the amendments be approved; and

WHEREAS, the City Commission of the City of Delray Beach adopted the findings in the Planning and Zoning Staff Report; 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. That the recitations set forth above are incorporated herein.

Section 2. That Section 4.5.13, “North Beach/Seagate and Ocean Neighborhood Overlay Districts”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same, is hereby amended as follows:

- (A) ***General.*** ~~With the adoption of the City's Comprehensive Plan Amendment 99-1, Housing Element Policy A-12.4 was modified to state the City will provide planning and technical assistance to implement neighborhood supported initiatives aimed at preserving the character of existing residential areas. Such assistance may involve the formulation of regulations that would limit the size and scale of new homes to be consistent with existing structures within a defined neighborhood, and analysis of the housing inventory to determine if the area qualifies for designation as a historic district, and similar measures. In accordance with this policy, the Beach Property Owners Design Manual (Manual) was prepared for the single family and low density residential zoned properties, east of the Intracoastal Waterway, as defined below in subsections (B)(1) and (2). and was adopted by the City Commission on January 4, 2005. This section is created to adopt and implement the provision of the North Beach and Seagate Neighborhoods Design Manual. All development within the North Beach/Seagate and Ocean District Neighborhood Overlay Districts, as defined in Section (B) below, shall be regulated take place~~

according to the provisions of the ~~m~~Manual adopted herein and shall follow the standards for visual compatibility provided within the guidelines including regulations limiting height, width, mass, scale, materials, color, style, form, and square footage. The Beach Property Owners Design Manual, as amended, is adopted by reference as a part of this section. The Manual will be available to the public on the City of Delray Beach's website and in the Development Services Department included as an exhibit hereto.

(B) Defined.

- (1) ***North Beach/Seagate Neighborhood Overlay District.*** The North Beach/Seagate Neighborhood Overlay District is hereby established as the area zoned Single Family Residential (R-1) Districts, including R-1-AA and R-1-AAA, located north of East Atlantic Avenue, south of George Bush Boulevard, east of the Intracoastal Waterway and west of North Ocean Boulevard (State Road A-1-A) together with the entire Seagate Neighborhood generally located south of Bucida Road, north of Lewis Cove, between the Intracoastal Waterway and south Ocean Boulevard (State Road A-1-A), less Lots 35 through 45, Block 5, of the plat of Seagate Extension. The regulations established in Section 4.4.3(E)(4), 4.4.3(F)(1), and 4.4.3(G)(1) shall apply to all parcels within the Overlay District, excluding those parcels located within a designated historic district or individually listed on the Local Register of Historic Places.
- (2) ***Ocean Neighborhood Overlay District.*** The Ocean Neighborhood Overlay District is hereby established as the area located east of Ocean Boulevard (State Road A-1-A), zoned Single Family Residential (R-1) Districts, including R-1-A, R-1-AAA, and Low Density Residential (RL) District. The regulations established in Sections 4.4.3(E)(4), 4.4.3(F)(1), and 4.4.3(G)(1) shall apply to all parcels within the Overlay District, excluding those parcels located within a designated historic district or individually listed on the Local Register of Historic Places.

Section 3. That the “Beach Property Owners Design Manual - 2019” referenced in Section 2 of this Ordinance is hereby adopted as Exhibit “A”.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. That 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 this Ordinance.

Section 6. Specific authority is hereby given to codify this Ordinance.

Section 7. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____
day of _____, 2019.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading _____

Second Reading _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Lynn Gelin, Interim City Attorney