

ORDINANCE NO. 10-20

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 SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS", SUBSECTION (H), "SETBACKS", SUBSECTION (3) "ZERO LOT LINE DEVELOPMENT"; AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; AND AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(D)(1) "DESIGN STANDARDS", TO ESTABLISH REGULATIONS FOR SUBGRADE PARKING AND STORAGE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDRs") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDRs from time to time; and

WHEREAS, new development, to meet parking requirements of the LDRs, has increasingly provided subgrade parking as a crucial component of site design; and

WHEREAS, the LDRs do not currently provide specific development standards or criteria for the review of subgrade facilities; and

WHEREAS, the City Commission seeks to amend the LDRs to address the lack of specific development standards or criteria for the review of subgrade facilities; 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, considered this item at a public hearing on January 27, 2020, and voted 7 to 0 to recommend these proposed text amendments be approved, finding 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 this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth the Land Development Regulations, and is in the best interests of the City.

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 4.3.4, “Base District Development Standards”, Subsection (H), “Setbacks”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(H) ***Setbacks.***

(1) – (3) (These subsections shall remain in full force and effect as previously adopted)

(4) ***Structures allowed in setbacks.*** The following structures are allowed in required setbacks pursuant to stipulations contained herein.

(a) – (o) (These subsections remain in full force and effect as previously adopted)

(p) Subgrade parking, with any portion of the structure located above grade subject to the setback requirements.

Section 3. That Section 4.4.13, “Central Business District”, Subsection (D), “Configuration of Buildings”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(D) ***Configuration of buildings.***

(1) ***Standards for CBD.*** The following building configuration standards apply to all CBD Sub-districts:

(a) ***Building height.*** Unless otherwise specified herein, the height of buildings shall be measured in and regulated by the number of stories and the maximum overall building height (See Table 4.4.13(C)). Stories are measured from the finished floor to finished ceiling. (See Figure 4.4.13-10).

1. Within the Atlantic Avenue Limited Height Area, maximum overall building height is 38 feet and maximum building height in number of stories is three. The Atlantic Avenue Height Limit Area is defined as those properties, or portions of properties, located within 125 feet north or south of the East Atlantic Avenue right-of-way line, between Swinton Avenue and the Intracoastal Waterway. (See Figure 4.4.13-5).

2. Except within the Atlantic Avenue Limited Height Area, maximum overall building height is 54 feet and maximum building height in number of stories is four.

3. Stories located below grade are for parking or storage uses only and are not counted for the purpose of measuring building height unless the floor of the first habitable story is elevated more than four feet above the adjacent sidewalk, then the space below counts as the first story for the purposes of measuring building height, and any space above grade must meet the setback requirements.

4. – 11. (These subsections shall remain in full force and effect as previously adopted)

(b) ***Building placement.***

1. Front setbacks shall be measured from the property lines coinciding with public rights-of-way, including streets and parks.
 - a. Awnings, porches, balconies, stoops, and arcades may encroach into the setbacks as set forth in Section 4.4.13(E) when utilized as the Frontage Type.
 - b. Roof Eaves, awnings, and balconies may encroach into the setbacks a maximum of four feet.
 - c. Section 4.3.4(H)(4) identifies additional structures permitted in setbacks.
 - d. Subgrade parking or storage may encroach into the front setbacks.
2. Where development may build with no side setback, the following limitations also apply:
 - a. Side setbacks are required when abutting a residential zoning district or a property with a building existing as of February 24, 2015, the effective date of Ordinance No. 02-15 with windows facing the adjoining lot line. Then, new development shall set back a minimum of five feet or the amount necessary to provide at least ten feet of separation between the existing and new buildings, whichever is greater.
 - b. Buildings with openings, including doors, windows, and glass wall materials, facing an interior side property line must setback a minimum of five feet from the property line.
 - c. Buildings taller than three stories in height have additional setback requirements for the upper stories, as described in Section 4.4.13(D)(2).
 - d. These requirements shall not apply to any subgrade parking or storage located below grade.

(c) – (e) (These subsections shall remain in full force and effect as previously adopted)

- (2) ***Dimensional requirements for CBD Sub-districts.*** Table 4.4.13(C) provides the dimensional requirements regarding lot size, building placement, building size, height, density, and civic open space for each CBD Sub-district. Figure 4.4.13-12 illustrates the dimensional requirements from the table.

- (a) Buildings shall be located in accordance with the minimum and maximum setbacks in Table 4.4.13(C).
 1. – 6. (These subsections shall remain in full force and effect as previously adopted)

7. These requirements shall not apply to any part of a subgrade parking facility located below grade.

Section 4. That Section 4.6.9, “Off-street Parking Regulations”, Subsection (D), “Design Standards”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

- (D) ***Design standards.*** All parking spaces which are created in order to fulfill requirements of this Section (i.e. required parking spaces) shall conform to the design standards of this subsection.
- (1) ***General design concepts.*** The following concepts shall be applied in the layout and design of parking lots:
- (a) – (e) (These subsections shall remain in full force and effect as previously adopted)
- (f) Subgrade parking, if utilized, is not subject to setback requirements, except for any portion of the structure located above grade.

Section 5. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

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 and direction is hereby given to the City Clerk to codify this Ordinance.

Section 8. 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 _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____
Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney