



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Access Gates LDR Amendment

Meeting	File No.	Application Type
October 19, 2020	2020-076-LDR	Land Development Regulations Amendment

Request

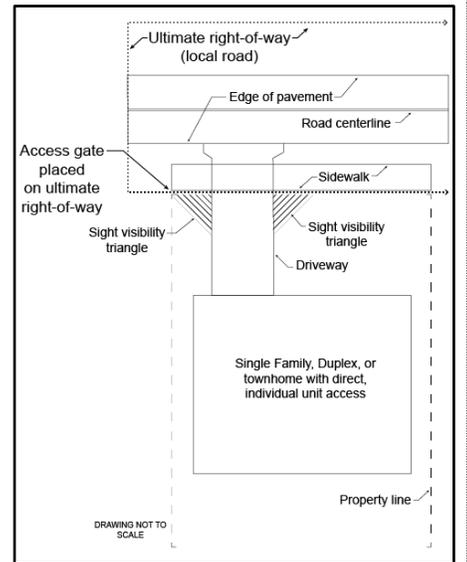
Provide a recommendation to the City Commission on Ordinance No. 11-20, a City-initiated amendment to the Land Development Regulations (LDR) Section 4.6.5, "Walls, fences, and hedges," Section 4.6.9(D), "Off street parking regulations," and Section 4.6.14, "Site visibility", regarding the placement of access gates on residential and nonresidential properties to provide a clear and safe path for users of the street and sidewalk.

Background Information

Staff regularly reviews applications for entrance gates to single and multi-family residential and non-residential development. However, the LDRs do not currently provide specific regulations governing the design and placement of entrance gates. While the standard practice has been to apply the regulations that relate to stacking in LDR Section 4.6.9, the regulations do not specifically address stacking for single-family residential properties, and certain conditions for nonresidential properties. In many instances, the applicant had to request approval of a waiver by the City Commission to a regulation that was applied to all requests, regardless of the property uses, adjacent road classifications, or ultimate right-of-way dimensions.

Description of Proposal

The proposed amendments strive to maintain a clear and safe path for vehicles, bicyclists, and pedestrians by providing specific regulations with respect to the location of access gates on a property and the minimum required stacking distance of vehicular traffic for all properties from a public street. The proposed regulations consider the use of the property and classification of the public right-of-way, such as local road, arterial, or collector, and require that the stacking distance be measured from the ultimate right-of-way identified in the Always Delray Comprehensive Plan. The amendments include four exhibits (see inset example) to illustrate the intent of the regulations.



The following provides a brief overview of the proposed regulations:

- Stacking distance in advance of access gates, guardhouses, or other entrance barriers:
 - Residential uses with direct, individual access to a public right-of-way:
 - All road classifications, except local: 20 feet (from ultimate ROW).
 - Local roads: Current property line or ultimate ROW, whichever is greater, based on opacity of gates or fences.
 - Planned residential development and other uses or access configurations:
 - 100 feet: Current property line or ultimate ROW, whichever is greater
 - 20 feet, if access is open during all business hours: Commercial uses.
- Gates, walls, and fences that are more than 25 percent opaque must comply with sight visibility requirements.
- Additional stacking may be required to improve site access and public safety.
- Reduced staking distance may be requested when supported by a traffic study and justification statement.

Review and Analysis

LDR Section 1.1.6, Amendments states that *“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.”* Pursuant to **LDR Section 2.4.5(M)(1)**, 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 Development Services Department.

Section 2.4.5(M)(5), Findings, requires that *“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 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.*
- **Neighborhoods, Districts, and Corridors Element, Policy NDC 3.5.1.** *Review the uses and use descriptions in the Land Development Regulations to provide consistent terminology.*

The proposed amendments will improve the development and permit review process by providing clear standards regarding the installation of access gates for staff, development professionals, and property owners within Delray Beach. The LDRs do not currently have language that addresses conditions regularly encountered in review of the design and placement of access gates for residential and non-residential properties. The current regulations, which require a broad application of the requirements for stacking, does not provide a clear and adequate guidance to staff, developers, or property owners. The proposed amendments provide clear standards for access gates by taking into consideration various roadway conditions and classification, as well as the property types and uses. The proposed amendments also guide the design and placement of access gates on both residential and nonresidential properties, and accounts for properties on roads with and without sidewalks. Access gate location is also dependent on the ultimate right-of-way dimensions, and the opacity of the gate.

- **Goal MBL 1, Mobility System.** Plan for and provide a safe and effective mobility system that is accessible to all users and meets their needs to access employment, goods, services, and recreational and cultural activities, while preserving neighborhoods, protecting natural resources, and promoting economic development.
- **Policy MBL 2.5.2** Ensure safe vehicular, pedestrian, and bicycle operations in all new development, redevelopment, and on all City streets, including at driveway entrances and at intersections.

The proposed amendments will provide clear regulations regarding the placement of entrance gates that are regularly proposed throughout Delray Beach. The proposed amendment will guide the review of all access gates to ensure visual compatibility; to create a coherent and appealing street wall; and to provide of a clear, safe path for users of the street and sidewalk.

Review By Others

The **Historic Preservation Board** reviewed the proposed LDR amendments at its meeting on August 5, 2020; a recommendation of approval was provided.

The **City Commission** is anticipated to review the proposed LDR Amendments at two upcoming public meetings.

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 11-20; amending the Land Development Regulations Section 4.6.5 “Walls, fences, and hedges”, Subsection 4.6.5(A) “Relationship to Travelways”; Section 4.6.9 “Off street parking regulations”, Subsection 4.6.9(D)(3), “Point of access to the street system”, and Section 4.6.14 “Sight visibility”, Subsection 4.6.14(A) “Purpose and intent”; 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. 11-20, **as amended**; amending the Land Development Regulations Section 4.6.5 “Walls, fences, and hedges”, Subsection 4.6.5(A) “Relationship to Travelways”; Section 4.6.9 “Off street parking regulations”, Subsection 4.6.9(D)(3), “Point of access to the street system”, and Section 4.6.14 “Sight visibility”, Subsection 4.6.14(A) “Purpose and intent”; 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. 11-20, amending the Land Development Regulations Section 4.6.5 “Walls, fences, and hedges”, Subsection 4.6.5(A) “Relationship to Travelways”; Section 4.6.9 “Off street parking regulations”, Subsection 4.6.9(D)(3), “Point of access to the street system”, and Section 4.6.14 “Sight visibility”, Subsection 4.6.14(A) “Purpose and intent”; 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

Courtesy Notices are not applicable to this request

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

Public Notice was posted to the City’s website 10 calendar days prior to the meeting.

Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

Agenda was posted at least 5 working days prior to meeting.