

ORDINANCE NO. 11-20

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 CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.5, "WALLS, FENCES, AND HEDGES", SUBSECTION (A), "RELATIONSHIP TO TRAVELWAYS", TO INCLUDE ACCESS GATES; AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION (D), "DESIGN STANDARDS", TO CLARIFY REGULATIONS FOR STACKING DISTANCES AND ESTABLISH REGULATIONS FOR ACCESS GATES; AMENDING SECTION 4.6.14, "SIGHT VISIBILITY", SUBSECTION 4.6.14(A), "PURPOSE AND INTENT", TO INCLUDE ACCESS GATES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the adopted Land Development Regulations ("LDR") do not provide regulations governing the placement of access gates at residential properties with individual access to a public right-of-way; and

WHEREAS, the regulations governing the placement of access gates at multi-lot single-family developments, multi-family developments, and nonresidential properties have been revised to provide guidance for such requests; and

WHEREAS, staff regularly reviews permit applications for access gates on residential and nonresidential properties, and would benefit from the adoption of regulations that provide clear guidance on the placement of access gates; and

WHEREAS, this amendment to the LDRs ensures a clear and safe path for users of the street and sidewalk by providing clear regulations that govern the placement of access gates; and,

WHEREAS, the LDRs provide authority for the City Commission to amend, change, supplement, or repeal the LDRs from time to time; and

WHEREAS, the Historic Preservation Board reviewed the proposed amendments at a public meeting on August 5, 2020; a recommendation to approve, as presented, was provided.

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 LDRs at a public hearing on October 19, 2020 and voted 7 to 0 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 LDRs; 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 4.6.5, “Walls, fences, and hedges”, Subsection 4.6.5(A), “Relationship to travelways”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (A) ***Relationship to travelways.*** Walls, fences, access gates, hedges, or similar structures shall not be erected in the public right-of-way nor close to the public right-of-way in a manner which will obstruct visibility or otherwise interfere with the proper flow of vehicular traffic, pedestrian safety, or the provision of services. Where deemed to create a sight obstruction, fences, hedges and walls shall be maintained at a height not exceeding three feet. On corner lots and at points of access, additional restrictions requiring provision of adequate sight triangles are provided in Section 4.6.14(A).

Section 3. That Section 4.6.9, “Off-street parking regulations”, Subsection 4.6.9(D), “Design standards”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

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

(3) ***Point of access to the street system.***

- (a) ***Maximum width.*** The point of access to a street or alley shall be a maximum of 24 feet unless a greater width is specifically approved as a part of site and development plan approval. However, in no event shall such point of access be greater than 36 feet.
- (b) ***Minimum width.*** The point of access to a street or alley shall not be less than: ~~24 feet for a normal two-way private street or parking lot driveway aisle.~~
- 1. ~~Twenty-four~~ 24 feet for a ~~normal~~ two-way private street or parking lot driveway aisle.
- 2. ~~Twenty~~ 20 feet for a private driveway ~~which has~~ with less than 200 ADT.
- 3. ~~Twelve~~ 12 feet for a one-way driveway or parking lot aisle.
- (c) ***Stacking distance.*** Provisions must be made for stacking and transition of incoming vehicular traffic from a public street into a private property to maintain a clear and safe

path for vehicles, bicyclists, and pedestrians. such that traffic may not backup into Vehicles shall not queue into or obstruct the public street system right-of-way, nor planned or existing public infrastructure in the ultimate right-of-way, per Always Delray Table MBL-1, Street Network Classification and Improvements.

~~(1).~~ The minimum distance between a right-of-way and the first parking space or aisleway in a parking lot not controlled by access gates shall be as outlined in Table 4.6.9(D)-1 ~~the following table:~~

TABLE 4.6.9(D)-1, Stacking Distance		
Number of Spaces	Access Street Classification	Minimum Stacking Distance
20 or fewer	Local	5 feet
21—50	Local	20 feet
50 or fewer	Non-Local	20 feet
51 or more	All Streets	50 feet*
* For parking lots designed and operated with two or more access points, this standard may be reduced to a minimum stacking distance of 20 feet, subject to a staff performance analysis.		

~~(2).~~ The minimum stacking distance may be reduced to a minimum of 20 feet for parking lots containing more than 50 parking spaces when the parking lot is designed and operated with two or more access points. This reduction in stacking distance is subject to approval by the City Engineer based on the following:

- a. The primary access point to the parking lot is not located along a collector or arterial street; and
- b. A Traffic Statement or Study identifies that the site will generate no more than 200 ADT; or
- c. A dedicated right turn lane measuring at least 50 feet in length from the primary access point is located along a collector or arterial street.

~~3. Provisions must be made to provide for Drive-thru facilities must provide a minimum of 100 feet of clear stacking distance from the first point of transaction for each lane. of a drive-thru facility and in advance of all guardhouses or security gates.~~

~~(3) Greater stacking distance may be required as a condition of site plan approval. The length of the stacking area may be reduced when supported by a traffic study.~~

~~(4)~~ A stacking area in advance of access gates, guardhouses, and other barriers shall be provided as follows:

- a. Single-Family dwelling units, duplexes and townhomes with direct, individual unit access to a public right-of-way shall provide:

- i. Along all road classifications, except local, a minimum stacking distance of 20 ft. from the ultimate right-of-way (See Figure 4.6.9(D)4-1).
 - ii. Along local roads, gates, wall, fences, or similar structures, that are 25 percent or less opaque and do not create visual obstructions, are permitted on the ultimate right-of-way line or on the property line without a stacking distance, whichever distance is greater, and are not subject to the regulations in Section 4.6.14 (See Figure 4.6.9(D)4-2).
 - b. Planned residential developments, whether single or multi-family, and all other uses and access configurations not listed above, shall provide:
 - i. A minimum stacking distance of 100 feet from the property line or ultimate right-of-way, whichever is greater (See Figure 4.6.9(D)4-3).
 - ii. For commercial uses, a minimum stacking distance of 20 feet from the ultimate right-of-way, if the access gate or barrier remains open at all times during business hours (See Figure 4.6.9(D)4-4).
 - c. Gates, walls, fences or similar structures that are more than 25 percent opaque must comply with the sight visibility requirements in Section 4.6.14 and regulations governing walls, fences, and hedges in Section 4.6.5.
- (5) Additional stacking distance may be required to improve site access and public safety. A reduction to the minimum required stacking distance may be requested when supported by a traffic study and justification statement addressing access into the site and efforts to diminish the impact of queuing on the public right-of-way. The City Engineer shall provide a written determination regarding the request to reduce the stacking distance. A denial to reduce the minimum stacking distance requirement may be appealed to the City Commission and processed as a waiver request

Figure 4.6.9(D)4-1

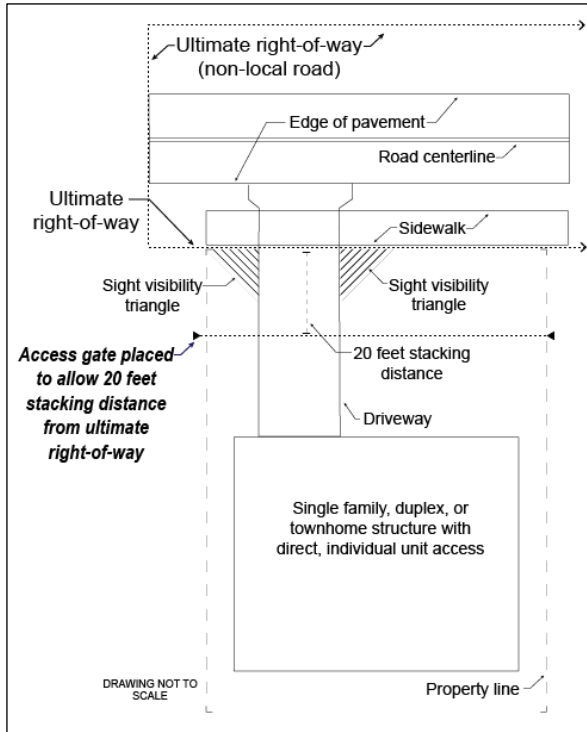


Figure 4.6.9(D)4-2

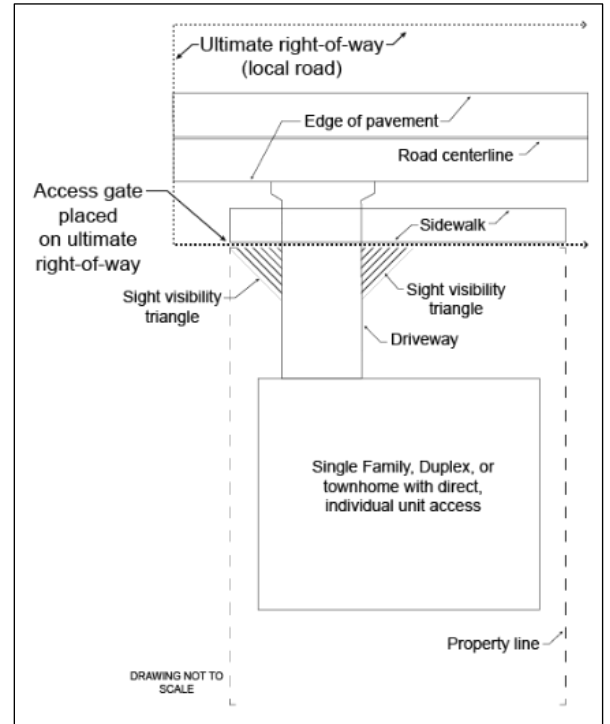


Figure 4.6.9(D)4-3

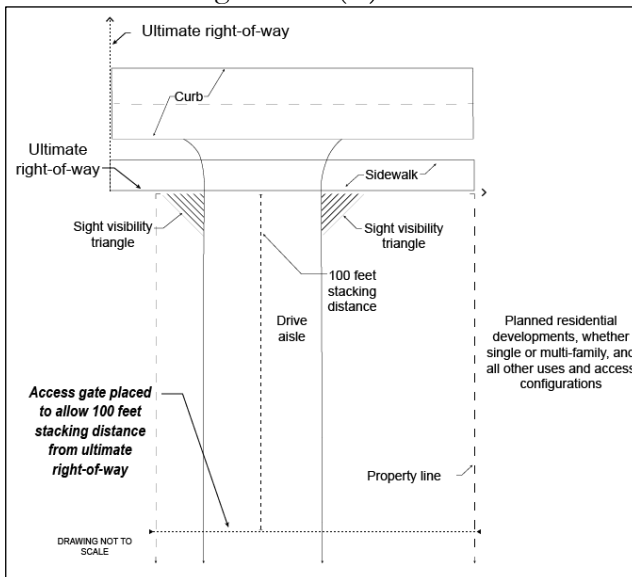
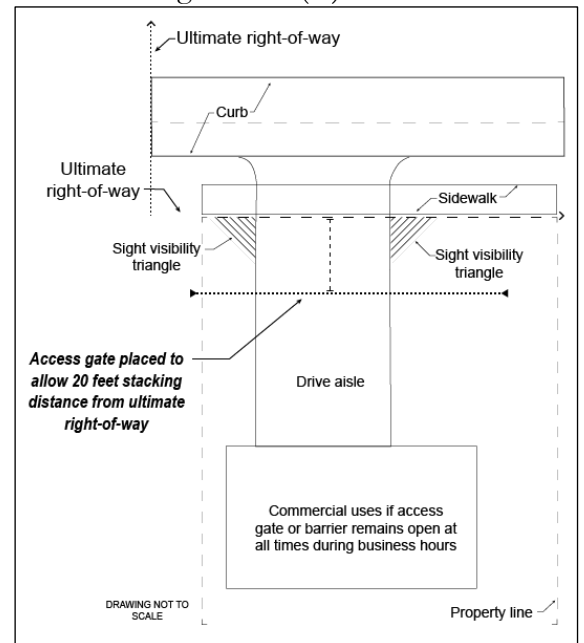


Figure 4.6.9(D)4-4



~~(46)~~ ***Maneuvering area, aisle width, space width.***

- (a) The standard parking space is nine feet in width and 18 feet in length in a perpendicular configuration. Parallel parking spaces shall be eight feet in width and 22 feet in length. Parking space dimensions for other types of spaces are:
- Compact Car Spaces at ~~eight~~ 8 feet x 16 feet
 - Handicapped Spaces at 12 feet x 18 feet
 - Diagonal Spaces per Subsection (4)(e)
- (b) – (e) (These subsections shall remain in full force and effect as previously adopted)

~~(57)~~ ***Landscaping requirements.*** All parking lots shall be landscaped in accordance with the provisions of Section 4.6.16.

~~(68)~~ ***Marking and signing.***

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

~~(79)~~ ***Compact car parking areas.*** Compact car parking areas, where permitted, shall be clearly marked with markings as follows: [See Subsection (1)(g) as to approval for use of Compact Car Spaces].

- (a) – (b) (These subsections shall remain in full force and effect as previously adopted)

~~(810)~~ ***Parking surfaces and drainage.***

- (a) – (f) (These subsections shall remain in full force and effect as previously adopted)

~~(911)~~ ***Lighting.*** Lighting of parking lots shall be pursuant to Section 4.6.8(B).

~~(4012)~~ ***Operations and maintenance.***

- (a) – (b) (These subsections shall remain in full force and effect as previously adopted)

~~(4413)~~ ***Mechanical parking lifts.***

- (a) – (h) (These subsections shall remain in full force and effect as previously adopted)

Section 4. That Section 4.6.14, “Sight visibility”, Subsection 4.6.14(A), “Purpose and intent”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (A) ***Purpose and intent.*** The objective of these requirements is to provide sufficient view corridors for safe interaction of vehicles and pedestrians at intersections. Except for sight visibility areas as prescribed by the Florida Department of Transportation, sight visibility triangles are to be measured from the edge of pavement for driveways and from the ultimate right-of-way line of alleys and streets. The sight visibility areas apply to all potential visual obstructions, ~~such as including,~~ but not limited to, landscaping, signs, utilities, traffic signal controller cabinets, structures, walls, access gates, and fences, etc.

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

Section 6. 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 7. Specific authority is hereby given 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:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney