



Legislation Details (With Text)

**File #:** 20-872      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Second Reading  
**File created:** 10/16/2020      **In control:** City Commission  
**On agenda:** 11/17/2020      **Final action:** 12/31/2023

**Title:** 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. (FIRST READING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Ordinance No. 11-20, 3. Ordinance No. 11-20: PZB Staff Report, 4. Ordinance No. 11-20: Legal Review, Access Gates

| Date       | Ver. | Action By       | Action                    | Result |
|------------|------|-----------------|---------------------------|--------|
| 11/17/2020 | 1    | City Commission | approved on first reading | Pass   |

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** November 17, 2020

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. (FIRST READING)

**Recommended Action:**

Review and consider 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:**

Staff regularly reviews applications for 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 vehicular access gates. While the standard practice has been to apply the regulations that relate to vehicular stacking in Section 4.6.9, those regulations seem crafted for stacking areas in front of multi-unit communities with guard gates or to parking lots and do not address single-family homes or certain conditions for nonresidential properties. The current regulations do not consider property use, adjacent road classifications, or ultimate right-of-way dimensions. The proposed amendment will provide a more context sensitive approach and offer clear direction for both staff and members of the public.

**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, Title of Objective.** *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, design professionals, and property owners within the city. The current LDRs do not address conditions regularly encountered in review of the design and placement of access gates for both residential and non-residential properties - and rely upon interpretation of the regulations for application to some common conditions. The proposed amendments provide clear standards for the placement of and queuing in front of access gates by taking into consideration various roadway conditions and classifications, as well as property types and uses. The proposed amendments also account for properties on roads with and without sidewalks. Access gate location is keyed to the ultimate right-of-way dimensions, and the opacity of the gate is taken into account for placement and visibility purposes.

- **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 the city. The proposed amendment will guide the review of all access gates to ensure visual compatibility; to create a coherent and appealing streetscape; and to provide of a clear, safe path for users of the street and sidewalk.

The Historic Preservation Board reviewed the proposed amendments on August 5, 2020 and voted 5 to 0 to recommend approval to the Planning and Zoning Board.

The Planning and Zoning Board voted 7 to 0 to recommend approval of Ordinance No. 11-20 on October 19, 2020.

**City Attorney Review:**

Ordinance No. 11-20 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Second reading is anticipated on December 8, 2020.