

**CHAPTER FOUR            ZONING REGULATIONS**

Chapter Four sets forth the zoning regulations for the use of land within the City of Delray Beach. This Chapter contains most of the regulations commonly included in a City's "zoning code". However, this Chapter is an integral portion of the entire Land Development Regulations and can only be applied in that context. To this end, there are many cross-references with Chapter Four to other applicable sections of the Regulations.

**ARTICLE 4.1    ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP**

**Section 4.1.1**    **Establishment of Districts**: In order to provide for an orderly system for the establishment and regulation of land uses; to classify, regulate, and restrict the location of buildings designed for business, industrial, commercial, residential, and other uses; to regulate the intensity of the use of lot areas; to regulate and determine the areas of open space within and surrounding buildings; to regulate and limit the height and size of buildings; to insure the provision of adequate services e.g. parking, loading, and others; to provide for the protection of environmentally sensitive lands; and to protect the general public from dangerous, undesirable, and adverse consequences of improper land use and design, within the City of Delray Beach the following zone districts are hereby established.

(A) **Base Zoning Districts**: These "Base Zoning Districts" are applied to specific parcels of land, for the reasons as stated in Section 4.1.1, specifically as they related to land use and design.

- A                    Agriculture
- RR                 Rural Residential
- R-1-AAA         Single Family Residential
- R-1-AAAB       Single Family Residential
- R-1-AA          Single Family Residential
- R-1-AAB         Single Family Residential
- R-1-A            Single Family Residential
- R-1-AB          Single Family Residential
- MH                Mobile Home
- RL                Low to Medium Density Residential
- RM                Medium to Medium High Density Residential
- PRD              Planned Residential Development
- GC                General Commercial
- AC                Automotive Commercial
- NC                Neighborhood Commercial
- PC                Planned Commercial
- CBD              Central Business District

## SECTION 4.1.1 (A)

- RT Resort / Tourism
- POC Planned Office Center
- POD Professional and Office District
- RO Residential Office
- PCC Planned Commerce Center
- MIC Mixed Industrial and Commercial
- I Industrial
- CF Community Facilities
- OS Open Space
- CD Conservation District
- OSSHAD Old School Square Historic Arts District
- SAD Special Activities District
- LI Light Industrial
- OSR Open Space and Recreation
- CBD-RC Central Business District-Railroad Corridor

**(B) Overlay and Environmental Management Districts:** These Districts may, or may not be shown, on the Official Zoning Map in that they pertain to unique features or characteristics of land or to items of environmental significance which are restricted to a particular parcel of land. These districts provided environmental standards and may restrict the intensity of use of land, as allowed in the Base Districts.

- HP Historic Preservation (designated sites and districts)
- WP Wellfield Protection
- FDC Flood Damage Control
- CC Coastal Construction
- N Noise Control

### Section 4.1.2 The Official Zoning Map:

(A) **Adoption by Reference:** The City is hereby divided into zones or districts as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4.1.2 of the City's Land Development Code".

(B) **Changes:** If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Commission, with an entry on the Official Zoning Map as follows: "On (date), by official action of the Commission, the

## SECTION 4.1.2 (B)

following changes were made on the Official Zoning Map (brief description of the nature of the change)," which entry shall be signed by the Mayor and attested by the City Clerk.

(C) **Final Authority**: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk, shall be the final authority as to current zoning status of land, buildings, structures, and water areas in the City.

**Section 4.1.3 Interpretation of District Boundaries**: Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

(A) Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.

(B) Boundaries indicated as approximately following City limits, shall be construed as following such City limits.

(C) Boundaries indicated as approximately following platted lot lines, shall be construed as following such lot lines.

(D) Boundaries indicated as following railroad lines, shall be construed to be the center line of the railroad right-of-way.

(E) Boundaries indicated as following shore lines, shall be construed to follow such shore lines. In the event of change in the shore line, the boundaries shall be construed as moving with the shore line. Boundaries indicated as approximately following the center lines of canals, lakes, rivers, streams, or other bodies of water, shall be construed to follow such center lines.

(F) Boundaries indicated as parallel to, or extensions of features indicated in divisions (A) through (E) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(G) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by divisions (A) through (F) above, the Commission shall interpret the zoning district boundaries.

(H) Where a zoning district boundary line divides a lot, the regulations of the greater portion shall prevail for the entire lot. Unless it is clear in the application of the zoning that more than one district shall apply to the property.

## SECTION 4.1.3 (I)

(I) Where any street, alley, or waterway is officially abandoned or vacated, the regulations applicable to each parcel of abutting property shall apply to that portion of such street, alley, or waterway added thereto by virtue of such abandonment or vacation.

**Section 4.1.4 Use of Lots of Record:** Any lot, or parcel, which qualifies as a lot of record as set forth in these Regulations, but which does not comply with respect to minimum lot area and minimum lot dimensions specified for the zoning district in which it is located, may nevertheless be used (for purposes as allowed in that zoning district), as long as it complies with all other requirements of that zoning district, subject to the following limitations: **[Amd. Ord. 78-94 10/18/94]**

(A) Duplex and multiple family structures may not be constructed on a lot which has an area less than that provided for as the minimum lot area within the zoning district. **[Amd. Ord. 78-94 10/18/94]**

(B) A residential structure shall not be constructed on any lot, within a residential zoning district, which has frontage of less than fifty feet (50'). However, this provision shall not prevent construction of a residential structure on a Single Family Lot (or Parcel) of Record which conforms with all other aspects of minimum lot size requirements but which has no frontage. Further, such a Lot of Record with no suitable access may achieve private access for a single family residence and similar uses by means of a nonpublic (private) access easement. **[Amd. Ord. 78-94 10/18/94]**

(C) Except for single family residences subject to the R-1-A (Single Family Residential) zoning district standards, if two (2) or more adjoining lots (or combination of lots and portions of lots) of record were under the same ownership as of October 18, 1994, and if the total frontage and the total area is equal to or greater than that which is required by the zoning district regulations, said property shall not be developed except in accordance with the minimum frontage and lot area requirements of the district. Ownership shall be determined by the property tax rolls on file in the Palm Beach County Property Appraiser's Office as of October 18, 1994. **[Amd. Ord. 11-00 5/16/00]; [Amd. Ord. 78-94 10/18/94]**

Notwithstanding the above, a waiver to this requirement may be granted by the City Commission pursuant to the provisions of LDR Section 2.4.7(B). Notice of the request shall be provided pursuant to Section 2.4.2(B)(1)(n) to the owners of all property located within five hundred feet (500') of the perimeter of the property on which the waiver is being sought. The notice shall be mailed no later than ten (10) calendar days prior to the meeting before the City Commission. **[Amd. Ord. 11-00 5/16/00]**

## SECTION 4.1.4 (C)

For properties located within designated historic districts, or designated as historic sites, or properties listed on the Local Register of Historic Places, the Historic Preservation Board shall review the request prior to the City Commission meeting and shall forward its recommendation on the request to the City Commission. Notification of the request shall be as described above, except that the mailing of the notices shall occur no later than ten (10) calendar days prior to the meeting before the Historic Preservation Board. **[Amd. Ord. 11-00 5/16/00]**

(D) Within the R-1-A, RL and RM zoning districts, lots of record having at least forty (40) feet of frontage may be used for Workforce Housing, as long as the workforce housing unit meets the typical designs represented by the sketches set forth in Section 4.7.12(a), the lot is a minimum of 4,000 square feet and conforms to setbacks; provided, however, the minimum side setback may be reduced to a minimum five feet (5') if necessary to accommodate the designs set forth in Section 4.7.12(a) and meets other development standards in the zoning district. The Workforce Housing unit on a lot with frontage as herein described must include rear access via an alley, if available. The unit must also contain design features such as, but not limited to, front porches, eyebrows, outriggers, gables, dormers, arbors, trellises, shutters, balconies, decorative vents, siding, textured stucco finishes, undulating facades and other such appropriate architectural features. **[Amd. Ord. 20-06 4/4/06]**

(E) Variances for lot size, dimensions and frontage, and building setbacks and minimum floor area may be granted for the relocation of a historic structure onto a lot in order to protect the structure. If the relocation lot is not individually designated historic or located within a historic district, then an individual historic designation shall be required in accordance with Section 4.5.1(C) and shall be reviewed concurrently therewith in order for a variance to be granted. All variance requests for relocation of historic structures must be submitted to the Historic Preservation Board in accordance with Sections 4.5.1 (D) and (J) for consideration. **[Amd. Ord. 38-07 2/5/08]**