

ORDINANCE NO. 14-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SECTION 4.4.29 “MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT” TO AMEND THE PURPOSE TO EMPHASIZE TRANSIT-ORIENTED DEVELOPMENT PATTERNS; TO REMOVE THE REQUIREMENT FOR A MASTER DEVELOPMENT PLAN FOR PARCELS UNDER THREE ACRES; TO REDUCE THE LANDSCAPE BUFFER REQUIREMENT FOR CERTAIN PROPERTIES; TO REDUCE THE FRONT SETBACKS FROM CONGRESS AVENUE; TO INCREASE THE REAR SETBACK REQUIREMENTS FOR PROPERTIES ADJACENT TO THE CSX RAILWAY; TO INCLUDE SELF-SERVICE STORAGE FACILITIES AS A PERMITTED USE WITH SPECIFIC FLOOR AREA RATIO, BUILDING HEIGHT, FLOOR HEIGHT, SETBACK AND OTHER DESIGN REQUIREMENTS; TO INITIATE A BONUS PROGRAM FOR SELF-SERVICE STORAGE FACILITIES TO ALLOW THESE FACILITIES MORE SQUARE FOOTAGE IN EXCHANGE FOR THE PROVISION OF CERTAIN COMMUNITY BENEFITS; DELETING OUTDATED LANGUAGE, CORRECTING REFERENCES AND MAKING OTHER TECHNICAL CHANGES; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of the MROC District is to encourage mixed-use development within the corridor with commercial or office uses while utilizing new urbanism design elements; and

WHEREAS, the City of Delray Beach (“City”) initiated the Congress Avenue Task Force to study the Congress Avenue corridor where the MROC District is one of the primary zoning districts and to provide recommendations to enhance the development potential of the corridor; and

WHEREAS, the City desires to facilitate the redevelopment of smaller parcels in the MROC district by removing the requirement for a Master Development Plan for parcels smaller than three acres; and

WHEREAS, the City desires to reduce the front setbacks along Congress Avenue in the MROC district, thereby creating a more pedestrian friendly environment; and

WHEREAS, the City desires to increase the rear setbacks for properties along the CSX railway in order to facilitate the improvement of the CSX Railroad Greenway; and

WHEREAS, the City desires to continue to support light industrial uses in the Congress Avenue corridor and provide opportunities for similar uses adjacent to the CSX Railway to provide a buffer from the train tracks for office, retail, and residential uses; and

WHEREAS, the City desires to add Self Service Storage Facilities as a permitted use in the MROC district to add to the light industrial uses allowed in the MROC district, and to address the need for more Self-Service Storage Facilities in the City; and

WHEREAS, the City desires to grant square-footage bonuses to Self-Service Storage Facilities for owners who commit to locating office headquarters in the MROC district, or provide other community benefits; and

WHEREAS, the proposed amendments to the MROC District are consistent with the "Key Recommendations" of the Congress Avenue Task Force presented to the City Commission on February 29, 2016; and

WHEREAS, pursuant to Florida Statute 163.3174(4)(c), the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), has determined that the amendments are consistent with and further the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on May 16, 2016, and voted 5 to 1 to recommend that the changes be approved; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

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 4.4.29 "Mixed Residential, Office and Commercial (MROC) District", Subsection 4.4.29(A) "Purpose and Intent" of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(A) **Purpose and Intent:** The MROC District regulations provide for a mix of residential, office, and commercial uses in a master-planned environment, ~~which is controlled through a Master Development Plan. The district encourages stand-alone office buildings and mixed-use development within the corridor with commercial or office uses on the ground floor and office or residential uses above while providing higher density opportunities and emphasizing transit-oriented development patterns.~~

~~(1) — It is desired that the existence of the MROC Zoning District will encourage the development of Class A office buildings, supporting commercial uses and residential units in a master planned environment, which will provide housing (both market rate and workforce), and employment opportunities for the residents of the Greater Delray Beach Community.~~

~~(2) — The MROC District is applied to property which has a Mixed-Use Future Land Use Map designation and is bounded by West Atlantic Avenue on the north, the C-15 Canal to the south, the I-95 transportation corridor on the east and generally Congress Avenue on the west together with the Congress Park, Congress Park South, and the Office Depot complexes, located just west of Congress Avenue. The district's primary objectives are to create high quality jobs and to increase the tax base within the corridor. To that end, the district encourages stand alone Class A office buildings and mixed-use development within the corridor with commercial or office uses on the ground floor and office or residential uses above while utilizing new urbanism design elements.~~

Section 3. That Section 4.4.29 "Mixed Residential, Office and Commercial (MROC) District", Subsection 4.4.29(B) "Principal Uses and Structures Permitted" of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

[No changes to (1) – (6)]

~~(7) Self-service storage facilities, pursuant to the Development Standards of Subsection (G)(1)(f).~~

Section 4. That Section 4.4.29 "Mixed Residential, Office and Commercial (MROC) District", Subsection 4.4.29(D) "Supplemental Uses" of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(D) **Supplemental Uses:** The following uses are allowed within the Office and Research and Development use areas of the ~~MDP~~ development provided that they are of such a scale, design, and location to cater to the needs of employees of the office center or research and development park. Space allocations for these uses shall be identified during the ~~Master Development Plan~~ approval.

- ~~(1)~~ Lunch counters, cafeterias, restaurants, snack bars, and vending machine areas
- ~~(2)~~ Classroom and training facilities
- ~~(3)~~ Child Care facilities

- (4) Sundry shops
- (5) Exercise facilities

Section 5. That Section 4.4.29 "Mixed Residential, Office and Commercial (MROC) District", Subsection 4.4.29(F) "Review and Approval Process" of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(F) **Review and Approval Process:**

(1) All Development of parcels greater than three acres with development planned to be completed in a phased manner and/or which require waivers within the MROC District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a land use map; conceptual site, landscaping, and utility plans; and conceptual elevations and architectural information renderings. An MDP shall be processed pursuant to Section 2.4.5(F) with approval granted by the Planning and Zoning Board. An MDP may be modified pursuant to Section 2.4.5(G).

~~———— (2) ——— In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~

~~(3)(2) Any All new site plan applications for new development must receive approval must be granted by the Site Plan Review and Appearance Board (SPRAB) with respect to Sections 2.4.5(F), (G), (H), and (I) and be consistent with the approved Master Development Plan (MDP), as applicable. A site plan modification shall follow procedures outlined in Section 2.4.5(G).~~

(4) ~~Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~

~~(5) ——— Applications for site plan approval pursuant to Section 4.4.13(I) must include, in addition to the standard application items of 2.4.3(A), a site and development plan (including landscaping, elevations, and floor plans) that is of sufficient detail to determine that the applicable performance standards are being met. Final approval of the detailed site plan is by the Site Plan Review and Appearance Board and is to be consistent with the adopted Master Development Plan (MDP).~~

Section 6. That Section 4.4.29 "Mixed Residential, Office and Commercial (MROC) District", Subsection 4.4.29(G) "Development Standards" of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(G) **Development Standards:** The following standards shall be adhered to for any new development within the MROC District. Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board ~~concurrent and~~ as a part of the approval of an Master Development Plan (MDP), as applicable. When considering an MDP, the Planning and Zoning Board may require conditions to address the specific characteristics of the site and potential impacts of the proposed development.

~~When considering a Master Development Plan (MDP) in any Mixed Residential, Office, and Commercial (MROC) development proposal, the Planning and Zoning Board may attach suitable conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development.~~

(1) **Standards Pertaining to Allocation of Uses Per Development:**

(a) Office Center ~~uses~~ can may encompass up to ~~one hundred percent (100%)~~ of the total ~~building square footage within an MROC floor area of a development.~~

(b) Research and Development ~~uses~~ can may encompass up to ~~one hundred percent (100%)~~ of ~~building area square footage~~ the total floor area of the total MROC development. ~~Furthermore, Such~~ use may be placed within any of the "land use areas" depicted on the MDP.

(c) Retail uses shall not encompass more than ~~twenty percent (20%)~~ of the total ~~building area square footage~~ floor area of the MROC development.

(d) Hotels, motels, and residential all suite lodging shall not encompass more than 20% of the total ~~building area square footage~~ floor area of the MROC development. ~~Notwithstanding the above, h~~Hotels, motels, and residential all suite lodging ~~can may~~ comprise 100% of the floor area of an individual building within an MDP containing multiple buildings.

(e) Multi-family uses may comprise up to 75% to 100% of a development, as identified under LDR Section 4.4.29(B)(4).

(f) Self-service Storage Facility uses shall not encompass more than 50% of the total floor area of the development, unless the Development Bonus requirements are met, pursuant to Subsection (G)(2)(h)(7). Self-service storage facilities may comprise 100% of the floor area of an individual building as part of a mixed-use development containing multiple buildings.

(2) **Standards Unique to the MROC District:** Where standards unique to the MROC District conflict with standards contained elsewhere in the ~~zoning, subdivision, and landscape codes~~ LDRs, the standards of this Subsection (2) shall apply prevail.

(a) **Minimum Site Area:** Minimum site area for ~~the total~~ development within the MROC District is ~~to be three (3) two~~ acres. ~~However, t~~The approving body may grant a waiver to the ~~three two~~ acre requirement upon a determination that the development is consistent with the purpose and intent of the MROC District ~~and attempts have been made to aggregate adjacent parcels. Evidence must be provided that aggregation is not feasible.~~

(b) **Minimum Floor Area:**

• 1. Tenant space within research and development use areas must have a minimum of 1,000 square feet per tenant.

• 2. There are no minimum floor area requirements for office, retail, hotels, motels, and residential all suite lodging ~~and commercial~~ uses.

• 3. Residential units are subject to the minimum square footage per unit requirements of LDR Section 4.3.4(K) (Development Standards Matrix for Residential Zoning Districts - Subnote #1).

4. Self-service storage facilities are limited in floor area pursuant to Subsection (G)(1)(f).

(c) **Lot Coverage & Open Space:**

• 1. Lot coverage by building, pavement and hardscape site improvements shall not exceed 75% of the MROC development of the area of any individual lot, excluding any hardscaping within the Civic Open Space provided through the Community Benefit Bonus.

• 2. Land area, equal to at least 25% of the total ~~MROC~~ district including the perimeter landscaped boundary, shall be in open space. Landscape areas required to meet internal parking lot design requirements, water bodies and paved areas shall not be included in the meeting of this 25% open space requirement.

(d) **Perimeter Development:** A landscape buffer shall be provided around each ~~MROC~~ development. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or 10% of the average depth of the property; however, in no case shall the landscape area be a width of less than ten (10) feet

- | | |
|---|------------------------------|
| • When adjacent to a collector or arterial street <u>Congress Avenue</u> | 30 <u>15</u> feet |
| • When abutting residentially zoned property | 40 feet |
| • When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park | 25 feet |
| • When commercial and/or office uses abut residential parcels within the MROC master development plan. | 25 feet |
| • When abutting non-residentially zoned property | 25 feet |
| • <u>All other perimeters</u> | <u>15 feet</u> |
| • <u>Adjacent to CSX Railway</u> | <u>25 feet</u> |

(e) **Minimum Structure Size:** Any free-standing non-residential principal structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the ~~master~~ development plan; and shall have direct access to and from other portions of the ~~MROC~~ development.

(f) **Height:** The maximum height of all buildings shall be 85'. The height of a self-service storage facility is limited to no more than two times the height of the lowest height of all other building(s) on the site. Floor heights for all buildings shall comply with the following:

~~(1) Buildings shall be allowed to a maximum height of eighty-five feet (85') on parcels of three (3) acres or more and a maximum of 48' for parcels less than three (3) acres.~~

~~(2) Office, Research, and Commercial Floor Heights shall be a minimum of twelve feet (12') floor to floor on the first floor and ten (10') floor to floor on all floors above. Residential uses shall have a minimum nine feet (9') floor to floor on all floors. Hotel, motel and residential all suite lodging shall have a minimum of eight feet six inches (8' 6") floor to floor on all floors. Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.~~

1. Office, Research, and Commercial Floor Heights shall be a minimum of 12' floor to floor on the first floor and 10' floor to floor on all floors above.

2. Residential uses shall have a minimum floor height of nine feet (9') floor to floor on all floors.

3. Hotel, motel, residential all suite lodging, and self-service storage facilities shall have a minimum floor height of eight feet, six inches floor to floor on all floors.

4. Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.

(g) **Setbacks:**

~~(1) 1. Congress Avenue Frontage: To the greatest extent possible buildings shall be placed at the minimum setback to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10' and a maximum of 20'.~~

~~(2) 2. Front Yard: Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d), Perimeter Development Buffers, to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.~~

~~(3) 3. Side Yard: When adjacent to residential uses, excluding mixed-use development, the side yard setback requirements shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height~~

of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.

~~(4)~~ **4. Rear Yard:** Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10', excluding those properties with rear yards adjacent to the CSX Railway which do not require the additional setback above 42'.

~~(5)~~ **5. Building Separations:** Shall be a minimum of 25 feet. For the purpose of this section parking structures are not considered to be buildings.

~~(6)~~ All floors above 42' shall have the building setbacks or planes of the façade that are offset and varied to provide visual relief.

6. Properties Adjacent to the CSX Railway: The required building setback for properties adjacent to the CSX Railway shall be a minimum of 25', whether determined to be the front, side interior, side-street, or rear of a property.

~~(h)~~ **Self-service storage facilities:** The following requirements apply to self-service storage facilities:

1. **Location:** Self-service storage facilities shall not be located within a radius of 1,000 feet of another existing self-service storage facility, measured from property line to property line. Self-service storage facilities are permitted only on properties east of Congress Avenue and adjacent to the Railway, as provided below:

a. Self-service storage facilities may not be established on the first and second floors of a building located within 200' of Congress Avenue, as measured in a straight line, perpendicular to the right of way.

b. The property containing the self-service storage facility must contain additional commercial and/or residential development between the self-service storage facility and Congress Avenue.

2. **Facilities and Requirements:**

a. **Bay Access:** Outdoor bay type access to individual self-service storage facilities is prohibited. The exterior loading access points shall be designed in such a way to minimize sight lines from adjacent roads.

b. **Parking:** Parking shall be provided at the rates set forth in Section 4.6.9 for the permitted service, office and retail uses. For self-service storage facilities, parking shall be at a rate of one parking space per 100 storage units or portion thereof, including: (a) a minimum of three loading spaces for the self-service storage facility that must be striped and signed to limit the time

for loading and unloading to one hour; and in addition (b) three and one-half spaces for each 1,000 square feet of accessory office use associated with the self-service storage facility. Notwithstanding the above, a minimum of five parking spaces other than loading spaces shall be provided in connection with the self-service storage facility.

3. Limitation of Additional On-Site Uses:

a. Activities not related to the rental or lease of self-service storage units shall not be conducted within the area designated for the self-service storage facility.

b. No business or activity other than self-storage shall be conducted from any self-storage unit in the facility.

c. Except as otherwise provided in this subsection, there shall be no electrical power provided to, or accessible from any individual self-storage units. This includes the provision of lighting fixtures to the interior of a self-storage unit. The use of portable generators is also prohibited.

d. The use or storage of any hazardous materials is prohibited.

e. The terms and conditions of this section shall be clearly expressed in all self-storage rental or leasing contracts, as well as conspicuously displayed in plain view on a sign no smaller than one foot by two feet in the leasing office at the facility.

4. Hours of Operation: Customers of the self-service storage facility may not access individual self-storage units before 5:00 a.m. or any later than 9:00 p.m. Hours of operation may be further restricted when it is deemed that morning and evening traffic into and out of the facility may negatively impact the character of an adjacent residential area. In no circumstance shall customers of any self-service storage facility have 24 hour access to their self-storage unit(s).

5. Outdoor Storage of vehicles, Boats & Truck Rental: Outdoor storage of boats and vehicles and truck rental is prohibited.

6. Architecture: All building facades shall have the appearance of an office and/or retail building through the use of doors, windows, awnings, and other appropriate building elements, consistent with the overall development, with multi-story buildings clearly defined.

7. Development Bonuses & Requirements: Self-Service Storage Facilities may exceed the permitted floor area limit in Section (G)(1)(f), by complying with the following:

a. Location of an Office Headquarters, where the company's executive offices and direct support staff are located and which has committed to staying on the site for at least three years, may permit the total square footage of the self-service storage facility to be double the amount of total square footage attributed to the other uses within the development, and;

b. Provision of the required Community Benefit Bonuses, defined in Subsection (G)(2)(h)7.c.-g., may permit an additional square footage increase as established in Subsection (G)(2)(h)7.a., as follows:

<u>Community Benefit Bonuses</u>	<u>Percentage of Floor Area Increase</u>	<u>Bonus Type</u>
<u>1</u>	<u>Up to 50%</u>	<u>Select any "A" Bonus</u>
<u>2</u>	<u>51% - 100%</u>	<u>Select one "A" Bonus and one "A" or "B" Bonus</u>
<u>3</u>	<u>101% - 150%</u>	<u>Select two "A" bonuses and one "A" or "B" Bonus</u>
<u>4</u>	<u>151% - 200%</u>	<u>Select two "A" bonuses and two "A" or "B" Bonuses</u>
<u>"A" Bonus List</u>		<u>"B" Bonus List</u>
<u>Civic Open Space, in accordance with the design criteria of Subsection (G)(7)(C)</u>		<u>Mobility/transit contribution equal to 0.5% of the total project construction costs.</u>
<u>Congress Avenue Corridor Beautification contribution equal to 2% of the total project construction costs</u>		<u>Green Building Certification, minimum Silver level.</u>
<u>10' Greenway Easement along property line adjacent to CSX Railway with contribution equal to 2% of total project construction costs</u>		<u>Workforce Housing contribution equal to .75% of the total project construction costs</u>
<u>Community Benefit Agreement, in accordance with Subsection (G)(7)(i).</u>		

Ex.

<u>Total floor area of development pre-bonus</u>	<u>Permitted SSSF* Floor Area</u>	<u>Permitted SSSF* Floor Area w/Corporate Headquarter</u>	<u>Bonus SSSF* Floor area / % of Floor Area Increase</u>	<u>Total SSSF Floor Area</u>	<u>Community Benefit Bonuses Required</u>
<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>	
	<u>$a \times .5 = b$</u>	<u>$(a \times .5) \times 2 = c$</u>	<u>$c \times \% = d$</u>	<u>$c + d = e$</u>	
<u>50,000 sf</u>	<u>25,000 sf</u>	<u>50,000 sf</u>	<u>11,750 sf / 47%</u>	<u>86,750</u>	<u>2 Bonuses required; one bonus from "A" and one bonus from "A" or "B".</u>
<u>50,000 sf</u>	<u>25,000 sf</u>	<u>50,000 sf</u>	<u>48,500 sf / 194%</u>	<u>123,500</u>	<u>4 Bonuses required; two from "A" and two from "A" or "B"</u>

* Self-Service Storage Facilities

[Text formatted with underline is to be added; text formatted with strike-through is to be deleted.]

c. **Civic Open Space:** Civic open spaces are privately maintained outdoor spaces which are accessible by the general public, improve the pedestrian environment, are aesthetically pleasing, and serve as an amenity for the city as a whole as well as for occupants of the building which the open space serves. Civic Open spaces shall be provided in accordance with the following:

ii. Civic open space shall consist of at least 5% of the total lot area in addition to the minimum required Open Space, and be clearly defined and contiguous.

iii. The civic open space shall adjoin a street front property line for no less than 10% of the frontage width.

iv. Civic open spaces must be accessible to the public during all daylight hours.

v. Civic open spaces must be situated to allow easy ingress and egress by pedestrians, and may not be fenced.

vi. Civic open spaces must be located at the sidewalk level;

vii. Civic open spaces must be open to the sky; however, open-air garden structures such as gazebos or band shells are permitted within civic open spaces;

viii. Landscaping shall be arranged in a manner reflective of the type of civic open space. One shade tree per 20 feet of perimeter of the space is required. Trees may be arranged in regular spacing or in informal clusters, depending on the type of open space. Trees shall be installed to provide shade along walkways and for benches. Substituting shade trees for multiple palm species is not permitted; however, adding palms to the landscape design is permitted.

ix. Each civic open space shall provide street furniture elements, specifications subject to approval by the City of Delray Beach Engineering Department, including seating for at least two people per 500 square feet of area, one drinking fountain, 1 bicycle rack with no less than four spaces, 1 trash receptacle, and 1 pet clean up station.

x. Civic open space shall be developed and open for use concurrent with the issuance of a certificate of occupancy for the building(s) for which the open space is required.

d. **Congress Avenue Corridor Beautification Contribution:** The Congress Avenue Corridor Beautification Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of improving the Congress Avenue Corridor.

e. **Greenway Easement and Contribution:** The Greenway Easement and Contribution, which is based on the total project construction costs noted

on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of establishing and improving the CSX Railroad Greenway.

f. Delray Beach Mobility/Transit Contribution: The Delray Beach Mobility/Transit Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of mobility or transit within the Congress Avenue corridor.

g. Workforce Housing Contribution: The Workforce Housing Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of constructing additional Workforce Housing Units within the City.

h. Green Building Certification: Green Building Certification (or equivalent) of a Silver level or higher must be obtained upon receiving the final inspection and Certificate of Occupancy by the Building Division. A surety bond in the amount of 5% of the total project construction costs will be submitted to the City, and released upon certification of a Silver level or higher. If this certification is not achieved, the City Commission may determine if the bond, or a percentage thereof, will be retained.

i. Community Benefit Agreement: A Community Benefit Agreement (CBA), in a form acceptable to the City Attorney, approved and adopted via Resolution by the City Commission which directly benefits the community such as local hiring initiatives for construction jobs, provision of Living Wages for all new hires, location of Corporate Headquarters, and any other mutually agreed upon benefits.

8. Site Development Relief: Developments which utilize the bonus program in Subsection (G)(7) above are not eligible to seek relief for the Development Standards listed in Section 4.3.4(K), or the requirements of this Section.

9. Building Permits: All permits for an approved development which contains a self-service storage facility will not be issued prior to the issuance of permits for other uses on the site, or issued a Certificate of Occupancy until the other uses are completed.

Section 7. 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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 8. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 9. 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 _____ day of _____, 2016.

Cary D. Glickstein, Mayor

ATTEST:

City Clerk

First Reading _____

Second Reading _____