

ORDINANCE NO. 32-23

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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.1, SECTION 4.1.4, "USE OF LOTS OF RECORD," TO UPDATE PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2, "ADMINISTRATIVE PROVISIONS"; AMENDING ARTICLE 4.2, "ANNEXATION AND INITIAL ZONING" BY REPEALING AND RESERVING ARTICLE 4.2 IN ITS ENTIRETY TO ELIMINATE DUPLICATION WITH CHAPTER 2, "ADMINISTRATIVE PROVISIONS;" AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," BY ADOPTING A NEW SUBSECTION 4.3.3(BB), "PERFORMANCE STANDARDS FOR MULTI-FAMILY DEVELOPMENT," FOR CONSISTENCY WITH CHAPTER 2, "ADMINISTRATIVE PROVISIONS," AMENDING SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION (J), "HEIGHT" PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)," SECTION 4.4.2, "RURAL RESIDENTIAL (RR) ZONE DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.4, "MOBILE HOME (MH) DISTRICT," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT," SECTION 4.4.10, "AUTOMOTIVE COMMERCIAL (AC) DISTRICT," SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT," SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SECTION 4.4.14, "RESORT/TOURISM (RT) DISTRICT," SECTION 4.4.15, "PLANNED OFFICE CENTER (POC) DISTRICT," SECTION 4.4.16, "PROFESSIONAL AND OFFICE (POD) DISTRICT," SECTION 4.4.17, "RESIDENTIAL OFFICE (RO) DISTRICT," SECTION 4.4.19,

“MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT,” SECTION 4.4.20, “INDUSTRIAL (I) DISTRICT,” SECTION 4.4.21, “COMMUNITY FACILITIES (CF) DISTRICT,” SECTION 4.4.22, “OPEN SPACE (OS) DISTRICT,” SECTION 4.4.23, “CONSERVATION (CD) DISTRICT,” SECTION 4.4.24, “OLD SCHOOL SQUARE HISTORIC DISTRICT (OSSHAD),” SECTION 4.4.25, “SPECIAL ACTIVITIES DISTRICT (SAD),” SECTION 4.4.26, “LIGHT INDUSTRIAL (LI) DISTRICT,” SECTION 4.4.27, “OPEN SPACE AND RECREATION (OSR) DISTRICT,” SECTION 4.4.29, “MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT” PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; AMENDING ARTICLE 4.7, “FAMILY/WORKFORCE HOUSING,” FOR CONSISTENCY WITH CHAPTER 2 AND PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Land Development Regulations (“LDR”) of the City of Delray Beach (“City”) Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, the City adopted Ordinance No. 31-23 on _____, 2023 updating development review procedures in Chapter 2, “Administrative Provisions”; and

WHEREAS, Article 4.1, “Establishment of Districts and Official Zoning Map,” has cross-references rendered outdated by the proposed changes herein; and

WHEREAS, Article 4.2, “Annexation and Initial Zoning,” has development review procedures that duplicate or conflict with the process and procedures adopted by Ordinance No. 31-23; and

WHEREAS, Article 4.3, “District Regulations, General Provisions,” Section 4.4.3, “Special Requirements for Specific Uses,” is the appropriate location for Performance Standards for Multi-Family Development currently provided in the regulations in Article 4.4; and

WHEREAS, Article 4.4, “Base Zoning District” has development review procedures that duplicate or conflict with the process and procedures adopted by Ordinance No. 31-23; and

WHEREAS, Article 4.7, “Family/Workforce Housing,” has development review procedures that duplicate or conflict with the process and procedures adopted by Ordinance No. 31-23; and

WHEREAS, Ordinance No. 32-23 resolves the aforementioned conflicts in Chapter 4, “Zoning Regulations” with the amendment to Chapter 2, “Administrative Provisions” adopted by Ordinance No. 31-23 and adopts revised language for improved readability and interpretation; and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered these amendments at a public hearing on August 21, 2023, and voted 7 to 0 to 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 Land Development Regulations; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

Section 3. Chapter 4, “Zoning Regulations,” Article 4.1, “Establishment of Districts and Official Zoning Map,” Section 4.1.4, “Use of Lots of Record,” of the Land Development Regulations of the City of Delray Beach, Florida is updated as follows:

(A) - (B) (These subsections shall remain in full force and effect as adopted.)

(C) Except for single family residences subject to the R-1-A (Single Family Residential) zoning district standards, if two 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.

(1) 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). Pursuant to Section 2.1.4, nNotice of the request shall be provided ~~pursuant to Section 2.4.2(B)(1)(n)~~ to the owners of all property located within 500 feet of the perimeter of the property on which the waiver is being sought. The notice shall be mailed no later than ten calendar days prior to the meeting before the City Commission.

(2) 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 calendar days prior to the meeting before the Historic Preservation Board.

- (D) Within the R-1-A, RL and RM zoning districts, lots of record having at least 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)~~4.7.8, 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 if necessary to accommodate the designs set forth in Section ~~4.7.12(a)~~4.7.8 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.

- (E) (This subsection shall remain in full force and effect as adopted.)

Section 4. Chapter 4, “Zoning Regulations,” Article 4.2, “Annexation and Initial Zoning,” of the Land Development Regulations of the City of Delray Beach, Florida is repealed and reserved:

ARTICLE 4.2. ANNEXATION AND INITIAL ZONING - RESERVED

~~Sec. 4.2.1. Authority for annexations.~~

~~—The boundaries and corporate limits of the City of Delray Beach now existing may be amended from time to time, as provided by law, to extend to the ultimate municipal boundaries as shown on the Land Use Map.~~

~~Sec. 4.2.2. Requirements.~~

~~—A voluntary petition for annexation must be prepared and processed pursuant to 2.4.5(C) with public notice pursuant to Section 2.4.2(B)(1)(a)(2) and as provided for in Florida Statute 171. Non-voluntary annexations must be prepared and processed pursuant to applicable sections of Florida Statute Chapter 171.~~

~~Sec. 4.2.3. Zoning.~~

~~—The application for annexation of land and assignment of City land use or zoning designations may be initiated by the City or the property owner. Voluntary annexations shall be processed concurrently with a zoning petition for a designation consistent with the Land Use Map and Table NDC 1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan. Notwithstanding the foregoing, under unique circumstances a parcel of land may be annexed with zoning of Agriculture (A) or Open Space (OS) and then be rezoned, at~~

~~a later date, through the formal rezoning processes for a designation more appropriate to the Land Use Map. Non-voluntary annexations shall maintain the current County land use and zoning designations until adoption of City land use and zoning designations.~~

Section 5. Chapter 4, “Zoning Regulations,” Article 4.3, “District Regulations, General Provisions,” Section 4.3.3, “Special Requirements for Specific Uses,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.3.3. Special requirements for specific uses.

(BB) Performance standards for multi-family development.

- (1) Applicability. Except for proposals within the Central Business District, these standards shall apply, as follows, to new site plans or to modifications to existing site plans that create additional residential units:
 - (a) To increase the density beyond the minimum number of units per acre allowed by the zoning district.
 - (b) To meet the requirements of a revitalization incentive density bonus.
 - (c) Some performance standards may not be entirely applicable to small, infill residential projects. In such cases, the ultimate density should be based upon the attainment of the applicable performance standards, as well as the development's ability to meet or exceed other minimum code requirements.
- (2) Intent. The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The extent to which a project meets the standards will determine the number of units per acre that will be permitted. Projects which only partially achieve these standards will be permitted a correspondingly lower density.
- (3) Performance standards. The performance standards are as follows:
 - (a) The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exits into the development; and similar measures that are intended to minimize through traffic and keep speeds within the development at or below 20 m.p.h.
 - (b) Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space.
 - (c) Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to

those lower density areas. Building setbacks are increased by at least 25 percent of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25 percent or more; and a hedge, wall or fence is provided as a visual buffer between the properties.

- (d) The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc.
- (e) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans.
- (f) The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project.
- (g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit.
- (h) Parking garage elevations provide a unified design with the main building through the use of similar building materials and color, vertical and horizontal elements, and architectural style.
- (i) The project design creates a unified architectural character by the use of common architectural elements in the building(s), parking lot, and landscaping. Examples of unifying features are decorative freestanding light poles and exterior light fixtures; pedestrian amenities such as benches, shaded walkways, and decorative pavement treatment; focal points such as public art, water feature/fountain, courtyard or public plazas along a continuous pedestrian walkway; or a combination of similar features that meet the intent of this standard.
- (j) The development provides common areas and/or amenities for residents such as swimming pools, exercise rooms, storage rooms or lockers, gardens, or courtyards.
- (k) The development promotes pedestrian movements by providing convenient access to the public sidewalk system. Pedestrian areas adjacent to the building are enhanced by providing additional sidewalk area at the same level as the abutting public sidewalk. Accessways to parking areas are designed in a manner that minimizes conflicts between vehicles and pedestrians. The public street(s)

immediately adjacent to the development are enhanced consistent with the streetscape in the surrounding area (i.e., installation of landscape nodes, extension of existing paver block system, installation of approved street lighting, etc.).

(l) The development provides opportunities to share parking, accessways, and driveways with adjoining properties, or additional parking spaces that may be used by the public.

(4) Findings. The approving body must make a finding that the development substantially complies with the performance standards listed in this section.

Section 6. Chapter 4, “Zoning Regulations,” Article 4.3, “District Regulations, General Provisions,” Section 4.3.4, “Base District Development Standards,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.3.4. Base District Development Standards.

(J) *Height.*

(1) - (3) (These subsections shall remain in full force and effect as adopted.)

(4) ***Increases to height regulations.***

(a) ***Prohibitions.*** There are no provisions which allow, nor is ~~the~~ any Board of Adjustment empowered to grant, an increase of height for any purpose in the following zone districts:

| | |
|---------------------------------------|--|
| Single Family (R-1) Districts | Rural Residential (RR) |
| Agriculture (Ag) | Mobile Home (MH) |
| Low Density Residential (RL) | Medium Density Residential (RM) |
| Planned Residential Development (PRD) | Residential Office (R0) |
| Neighborhood Commercial (NC) | Professional and Office District (POD) |
| Conservation District (CD) | Open Space (OS) |

(b) ***Allowances.*** An increase, to a maximum height of 60 feet, may be approved by the City Commission in any zone district not listed above, except for the CBD zoning district, when approved ~~pursuant to the processing of a conditional use request and as part of a site plan,~~ based upon a finding of compliance with ~~each of enumerated~~ the applicable criteria listed below, as applicable.

(i) ~~That the structure is to~~ must be located in one of the following geographic areas:

(1) Area "A" - all property located east of Congress Avenue and west of I-95.

(2) Area "B" - the property encompassed by the Delint DRI, with the exception of that portion platted as "Waterford Village"; along with

property located west of S.W. 10th Avenue, south of Linton Boulevard, and east of I-95.

- (3) Area "C" - the property encompassed by the boundary of Linton Boulevard, Wallace Drive, S.W. 10th Street, and I-95.
 - (4) Area "D" - the properties located south of Atlantic Avenue, north of S.W. 1st Street, west of S.W. 2nd Avenue, and east of S.W. 4th Avenue; and the properties located north of Atlantic Avenue, south of N.W. 1st Street, west of N.W. 1st Avenue, and east of N.W. 3rd Avenue.
 - (5) Area "E" - the property encompassed on the west by the F.E.C. Railroad, on the east by the Intracoastal Waterway, on the south by Allen Avenue extended to said easterly and westerly boundaries, and on the north to the northernmost boundary of the City.
 - (6) Area "F" - the property located between the one-way pair system of Federal Highway (5th and 6th Avenues), except for property located in the CBD zoning district.
 - (7) Area "G" - the property on either side of Linton Boulevard, extending 200 feet north and south of its ultimate right-of-way, extending from I-95 to Dixie Highway, and shall also include the Linton Commons Overlay District in its entirety.
 - (8) Area "H" - the area bounded by Linton Boulevard on the south, the F.E.C. Railroad on the east, the combination of Southridge Road and Swinton Avenue on the north, and S.W. 4th Avenue on the west.
 - (9) Area "I" - the property within the Aura Delray Beach Overlay District, located on the west side of North Congress Avenue, north of Atlantic Avenue, east of the E-4 Canal, and south of the Palm Beach County Palm Tran property as depicted on the map ~~provided in 4.7.1w.~~, Definitions in Ordinance No. 31-20.
 - (10) Area "J" - the property encompassed by Lindell Boulevard on the north, Federal Highway on the east, Dixie Highway on the west, and the City limits on the south.
 - (11) Area "K" - the property within the project known as Delray Medical Center (Delray Hospital), located on the south side of Linton Boulevard approximately 1,240 feet west of Military Trail, and as annexed into the City of Delray Beach via Ordinance No. 33-05.
- (ii) ~~That the increase in height will not provide for, nor accommodate, an increase in the floor area (within the structure) beyond that which could be~~

accommodated by a development ~~which that~~ adheres to a height limitation of 48 feet, except ~~an increase in height is allowed when the increase from 48 feet to 60 feet is for the purpose of accommodating to accommodate~~ residential use on the top floor of the structure; ~~however, the increase in height is only for the added residential use area.~~

(iii) Workforce housing units, equal to at least 20 percent of the residential units on the top floor, shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 ~~(fractions shall be rounded up)~~. The workforce housing units shall be at the low or moderate income levels and shall comply with other applicable provisions of Article 4.7 or any workforce housing regulations specified as part of an adopted SAD Ordinance, ~~as applicable.~~

(iv) ~~That the~~ An increase in height shall be allowed if two or more of the following ~~subsections~~ development standards are met:

(1) ~~That f~~For each foot in height above 48 feet, an additional building setback of two feet is provided from the building setback lines which would be established for a 48-foot tall structure. The additional setback is required from all setbacks lines (i.e., front, side, and rear) for the portion of the building that extends above 48 feet;

(2) ~~That a~~ A minimum of 50 percent of the ground floor building frontage consists of nonresidential uses (excluding parking);

(3) ~~That o~~Open areas, such as courtyards, plazas, and landscaped setbacks, ~~be~~ are provided in order to add visual interest and provide relief from reduce the building mass.

(5) ***Special activityActivities Ddistricts.*** Increases ~~permitted~~ above 60 feet are allowed for special uses within a particular for the Special Activities District (SAD), provided it is located within one of the geographic areas described above. For special uses (not including residential, commercial, or industrial uses) which that can only be accommodated through the use of by the SAD (Special Activities District), the. The height limitations for such a use ~~within any SAD shall be specifically set forth established in the enacting ordinance of that specific SAD, provided that the SAD falls within one of the geographical areas described in Subsection (J)(4)(i). The foregoing provision shall not apply to residential uses or normal uses within any SAD, as such use shall be governed by the height limitations contained in the SAD regulations.~~

Section 7. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.1 “Agriculture Zone (A) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.1. Agriculture Zone District (A).

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) Reserved. ~~**Review and approval process.**~~ All principal uses and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and otherwise complying with applicable use restrictions.

(F) – (G) (These subsections shall remain in full force and effect as adopted.)

Section 8. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.2 “Rural Residential (RR) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.2. Rural Residential (RR) Zone District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) Reserved. ~~**Review and approval process.**~~ All principal uses and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and otherwise complying with applicable use restrictions.

(F) - (G) (These subsections shall remain in full force and effect as adopted.)

Section 9. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.3 “Single Family Residential (R-1) Districts,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.3. Single Family Residential (R-1) Districts.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) Reserved. ~~**Review and approval process.**~~

~~(1) All principal uses and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and otherwise complying with applicable use restrictions.~~

~~(2) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~

~~(3) The creation of a new lot for the purpose of building a single family residence requires platting pursuant to 2.4.5(J) or (K), as applicable.~~

~~(4) Within the North Beach/Seagate and Ocean Neighborhood Overlay Districts, all applications for single family residences, and additions and renovations that exceed 50 percent of the square footage of the existing structure must be reviewed in accordance~~

~~with the Beach Property Owners Design Manual, pursuant to the site plan processing schedule provisions of Section 2.4.8.~~

~~(5) Any development of properties located within a Historic District or Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I) is subject to review by the Historic Preservation Board, pursuant to Section 2.2.6(D).~~

(F) **Development standards.** The development standards ~~as set forth in~~ Section 4.3.4 shall apply, except as modified below:

(1) ~~In addition to the provisions of Section 4.3.4(K), p~~Properties located within the North Beach/Seagate and Ocean Neighborhood Overlay Districts shall comply with the provisions of the adopted Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods including but not limited to visual compatibility standards relating to limitations on height, width, mass, scale, materials, color, style, form, and square footage.

(2) In addition to the ~~provisions~~ requirements of Section 4.3.4(K), properties located within the Lake Ida Neighborhood Overlay District shall comply with the following regulations:

(a) Maximum lot coverage:

1. Forty percent for one story houses.
2. Thirty percent for multi-story houses.

(b) The maximum Floor Area Ratio is .35 for a multi-story house. Property with frontage on Lake Ida are allowed a Floor Area Ratio of .40 for a multi-story house.

(c) The area of the upper floors shall not be greater than 75 percent of the area of the first floor. Properties with frontage on Lake Ida are allowed to have upper floors with up to 100 percent of the area of the first floor.

(d) Minimum setback for multi-story homes in the R-1-AA zoning district shall be 25 feet for the front yard and 15 feet for the rear yard.

(e) Minimum setback for multi-story homes in the R-1-AAA and R-1-AAAB zoning districts shall be 30 feet for the front yard and 17 feet for the rear yard.

(f) Additional landscaping required for both new multi-story houses or additions to existing multi-story houses shall be as follows:

1. New houses: landscaping requirements shall be the same as the Beach Districts as provided in the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods.
2. Additions: supplemental landscaping shall be provided along that portion of the house where the new upper floor addition occurs within five feet of the minimum required setback lines. The intent of the requirement is to soften and screen the upper story addition and shall generally consist of additional vertical landscaping which would include 14-foot shade trees or 18-foot Palm trees at spacings determined by the City Landscape Department to be sufficient to meet the intent of this requirement.

(g) First floor maximum height:

1. Single-story or first floor limits shall be established by:
 - a. Height from finished floor elevation to top of beam (tie or bond) shall not exceed 14 feet.
 - b. Any portion exceeding the dimensions described in Section 4.4.3(F)(2)(g)1.a. above shall be considered multi-story structures.

(h) Upper story height:

1. Height from finished floor elevation to finished floor elevation or top of beam (tie or bond) shall not exceed 12 feet.

(3) ***Carver Square Brownfield Area development standards.*** The following development standards apply to properties located in the Carver Square Brownfield Area (Resolution No. 20-07 - Carver Square Lots 11-30).

(a) ***Setbacks.***

- (1) Front: 20 feet
- (2) Side (Street): Ten feet
- (3) Side (Interior): Seven and on-half feet
- (4) Rear: Ten feet

(b) ***Setbacks for garages, carports and porte-cocheres.*** Required parking is not allowed in the front or street side setback. Garages, carports and porte-cocheres must have a minimum 20 feet setback when the entrance faces a public street or alley.

- (c) **Porch encroachments.** Front porches may extend five feet into the front or side street setback and cannot be enclosed in any manner.
- (4) **Historic districts, sites, and buildings.** ~~In addition to the provisions of 4.3.4,~~ Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to ~~the provisions of Section 4.5.1.~~
- (G) **Supplemental district regulations.** The supplemental district regulations ~~as set forth in Article 4.6 shall apply, except as modified below:~~
- (1) ~~In addition to the provisions of Section 4.3.4(K), properties located within the North Beach/Seagate and Ocean Neighborhood Overlay Districts shall comply with the provisions of the adopted Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods including but not limited to visual compatibility standards relating to limitations on height, width, mass, scale, materials, color, style, form, and square footage.~~
- (2) Within the Carver Square Brownfield Area (Resolution No. 20-07 - Carver Square Lots 11-30), all irrigation must be connected to a City water system and ~~the provision of irrigation from a well system is prohibited.~~
- (3) ~~Historic districts, sites, and buildings. Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), shall comply with the Visual Compatibility Standards of Section 4.5.1(E)(7).~~
- (H) - (J) (These subsections shall remain in full force and effect as adopted.)

Section 10. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.4 "Mobile Home (MH) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.4. Mobile Home (MH) District.

- (A) - (D) (These subsections shall remain in full force and effect as adopted.)
- (E) Reserved. ~~Review and approval process.~~
- (1) ~~All principal uses and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and otherwise comply with applicable use restrictions.~~
- (F) - (H) (These subsections shall remain in full force and effect as adopted.)

Section 11. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.5 "Low Density Residential (RL) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.5. Low Density Residential (RL) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) *Review and approval process.* Reserved.

- ~~(1) Single family and duplex uses, and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and otherwise complying with applicable use restrictions.~~
- ~~(2) New multiple family uses and structures must be approved by the Site Plan Review and Appearance Board pursuant the provisions of Section 2.4.5(F), 2.4.5(H), and (I), unless it is a property located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I).~~
- ~~(3) The creation of a new lot for the purpose of building a single family residence requires platting pursuant to Section 2.4.5(J) or (K), as applicable.~~
- ~~(4) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~
- ~~(5) Any development of properties located within a Historic District or Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I) is subject to review by the Historic Preservation Board, pursuant to Section 2.2.6(D).~~

(F) - (G) (These subsections shall remain in full force and effect as adopted.)

(H) *Special regulations.*

- (1) A minimum density of three units per acre is established for duplex and multiple family housing ~~projects~~ development within this district. Density may exceed the base of three units per acre only after the approving body makes a finding that the project has substantially complied with performance standards ~~as listed in 4.4.5(I) Section 4.3.3(BB).~~ In no event shall a development's total density exceed six units per acre.
- (2) The density for a specific RL development in the RL zoning district may be further limited by a numerical suffix affixed to the designation and shown on the zoning map (i.e. RL-5 limits the density to five units per acre). To seek a density greater than allowed by the suffix, it is necessary to rezone the property.
- (3) For proposals to rezone property to RL with a density suffix, the approving body must make a finding that the proposed density is appropriate based upon the land use map

designations of surrounding property as well as the prevailing development pattern of the surrounding area.

- ~~(2) Notwithstanding the above, a duplex may be situated upon a platted lot pursuant to Section 4.3.4(I)(3)(b).~~
- (34) The height of accessory structures shall not exceed the height of the associated principal structure. Screen enclosures without a solid roof are excluded from this limit.
- (45) The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure.
- (56) Recreational areas ~~shall be~~ are required for all new rental apartment developments, and ~~of owner occupied developments which have with~~ homeowner associations that must ~~are~~ responsible for retention areas, private streets, or common areas. ~~New developments must include r~~ Recreational features that are ~~should be~~ designed to accommodate activities for children and youth of all ages ~~ranges~~. Tot lots are appropriate for toddlers; features such as a basketball court, volleyball court, and open playfields are appropriate for older children. A pool and clubhouse, unless specifically designed for children, ~~is not considered to~~ does not meet this requirement. Projects ~~having with~~ fewer than 25 units may be exempted from this standard where it is determined by the approving body that it is not practical or feasible to comply.

~~(I) Performance standards.~~

- ~~(1) These standards shall apply to all site plans approved subsequent to March 1, 2005, and for modifications to existing developments which involve the creation of additional residential units.~~

~~In order to increase a project density beyond three units per acre, the approving body must make a finding that the development substantially complies with the performance standards listed in this section. The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The extent to which a project meets the standards will determine the number of units per acre that will be permitted. For example, if a project meets or exceeds all of the standards, and is otherwise consistent with applicable standards and policies of the City's Comprehensive Plan and Land Development Regulations, the maximum density is permitted. Projects which only partially achieve these standards will be permitted a correspondingly lower density. The performance standards are as follows:~~

- ~~(a) The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exits into the development; and similar measures that are intended to minimize through traffic and keep speeds within the development at or below 20 m.p.h.~~

- ~~(b) Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space.~~
 - ~~(c) Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to those lower density areas. Building setbacks are increased by at least 25 percent of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25 percent or more; and a hedge, wall or fence is provided as a visual buffer between the properties.~~
 - ~~(d) The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc.~~
 - ~~(e) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans.~~
 - ~~(f) The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project.~~
 - ~~(g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit.~~
- ~~(2) It is acknowledged that some of the above referenced standards may not be entirely applicable to small, infill type residential projects. For those types of projects, the ultimate density should be based upon the attainment of those standards which are applicable, as well as the development's ability to meet or exceed other minimum code requirements.~~
- ~~(3) For vacant property that is proposed for rezoning to RL with a density suffix, the approving body must make a finding that the proposed density is appropriate based upon the future land use map designations of surrounding property as well as the prevailing development pattern of the surrounding area.~~

Section 12. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.6 “Medium Density Residential (RM) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.6. Medium Density Residential (RM) District.

(A) ***Purpose and intent.*** The Medium Density Residential (RM) District ~~provides is~~ a residential zoning district with flexible densities having a base of six units per acre and a maximum standard density of 12 units per acre, ~~except within the Southwest Neighborhood Overlay District and the Carver Estates Overlay District where the~~ with a maximum density is 24 units per acre in designated revitalization incentive areas, subject to compliance with Article 4.7 and Section 4.3.3(BB). ~~and within the Infill Workforce Housing Area, where the maximum density is 18 units per acre. The actual density of a particular RM development is based upon its ability to achieve certain performance standards which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses. Within the Southwest Neighborhood Overlay District, the Southwest 10th Street Overlay District, and the Carver Estates Overlay District, and the Infill Workforce Housing Area, the actual density is also based upon the development's ability to comply with Article 4.7, (Family/Workforce Housing). Further, the Medium Density Residential District provides for implementation of those objectives and policies contained within the Housing Element of the Comprehensive Plan which call for accommodating a variety of housing types.~~

(B) - (C) (These subsections shall remain in full force and effect as adopted.)

(D) ***Conditional uses and structures allowed.*** The following uses are allowed as conditional uses within the RM District.

- (1) Child care and adult day care.
- (2) Private educational facilities subject to the restrictions set forth in Section 4.3.3(HHH).
- (3) Churches, or places of worship, and their attendant educational, nursery, Sunday school, recreational, and columbarium facilities. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care; however, such uses may be established by a separate conditional use application for child care or rezoning to CF, as appropriate.
- (4) The use of common recreational facilities such as swimming pools, tennis courts, and golf courses (associated with a subdivision) for club or commercial purposes.
- (5) Single family detached residences in zero lot developments.
- (6) Yacht club with facilities.

- (7) Dock master facilities when associated with a multi-family development which has a marina.
- (8) Private beach clubs with attendant recreational, dining, and related accessory facilities within one of the following areas: (a) the area lying south of Atlantic Dunes Park and east of State Road A1A, or (b) south of Casuarina Road, north of Bucida road, and east of State Road A1A.
- ~~(9) Multiple family residential development may exceed 12 units per acre, up to a maximum of 24 units per acre within the Southwest Neighborhood Overlay District defined in Section 4.5.9, subject to the provisions of Section 4.4.6(I), Article 4.7, and based upon the development's conformance with the applicable standards and criteria described within the adopted Southwest Area Neighborhood Redevelopment Plan.~~
- ~~(10) Multiple family residential development may exceed 12 units per acre, up to a maximum of 24 units per acre within the Carver Estates Overlay District as defined in Section 4.5.11 and up to a maximum of 18 units per acre within the Infill Workforce Housing Area, subject to the provisions of Section 4.4.6(I), and Article 4.7.~~
- ~~(11) Bed and Breakfast Inns, subject to the provisions of LDR Section 4.3.3(Y).~~
- ~~(12) Large Family Child Care Home, subject to Section 4.3.3(TT).~~
- ~~(13) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence.~~

(E) ***Review and approval process.*** Reserved.

- ~~(1) Single family and duplex uses and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and which otherwise comply with applicable use restrictions.~~
- ~~(2) New multiple family uses and structures must be approved by the Site Plan Review and Appearance Board pursuant to the provisions of Section 2.4.5(F), 2.4.5(H), and (I), unless the property is located within a designated historic district or is individually designated.~~
- ~~(3) The creation of a new lot for the purpose of building a single family residence requires platting pursuant to 2.4.5(J) or (K), as applicable.~~

- ~~(4) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~
- ~~(5) Any development of properties located within a Historic District or Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I) is subject to review by the Historic Preservation Board, pursuant to Section 2.2.6(D).~~

(F) ***Development standards.***

- (1) ~~The provisions for the R-1-A District regulations shall apply for to~~ single family detached dwellings.
- (2) ~~The development standards as set forth in Section 4.3.4 shall apply for to~~ duplex and multi-family development, except as modified herein.
- (3) Southwest Neighborhood and Carver Estates Overlay Districts and Infill Workforce Housing Area Development Standards. The following development standards apply to duplex and multi-family development in the Southwest Neighborhood Overlay District, Carver Estates Overlay District and the Infill Workforce Housing Area, ~~which is being that are~~ developed pursuant to ~~regulations set forth in~~ Article 4.7, "Family/Workforce Housing".

(a) ***Setbacks.***

~~(1i)~~ Front: 15 feet

~~(2ii)~~ Side (Street): 15 feet

~~(3iii)~~ Side (Interior)—: 10 feet (One- and two-story): Ten feet 15 feet (third story and above)
~~Three-story: 15 feet~~

~~(4iv)~~ Rear: Ten feet

- (b) ***Setbacks for garages, carports and porte-cocheres.*** Garages, carports and porte-cocheres must have a minimum 20 feet setback when the entrance faces a public street or alley.
- (c) ***Porch encroachments.*** Front porches may extend five feet into the front or side street setback and cannot occupy more than 50 feet of the building frontage and cannot be enclosed in any manner.
- (4) ***Historic districts, sites, and buildings.*** ~~In addition to the provisions of 4.3.4,~~ Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to ~~the provisions of~~ Section 4.5.1.

(G) ***Supplemental district regulations.*** In addition to the supplemental district regulations in Article 4.6, the following supplemental regulations also apply in the RM zoning district. ~~In addition to the supplemental district regulations set forth in Article 4.6, the following supplemental district regulations shall apply in the RM zone district.~~

(1) ***Southwest Neighborhood and Carver Estates Overlay Districts and Infill Workforce Housing Area.*** The following supplemental district regulations shall apply to duplex and multi-family development in the Southwest Neighborhood Overlay District, Carver Estates Overlay District and the Infill Workforce Housing Area, ~~which is being that are developed pursuant to regulations set forth in~~ Article 4.7, "Family/Workforce Housing".

(a) ~~Parking in the front yard~~ Street-facing garages and parking is discouraged. No parking shall only be allowed in the front yard unless if there is no dedicated access to the side or rear of the property.

(b) When garages are provided in the side or rear ~~yards~~ of the property, on-street parking must be provided.

~~(2) ***Historic districts, sites, and buildings.*** Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), shall comply with the Visual Compatibility Standards of Section 4.5.1(E)(7).~~

(H) ***Special regulations.***

(1) ~~A minimum density of six units per acre is established for duplex and multiple family housing projects within this district. Density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with the performance standards as listed in 4.4.6(I) Section 4.3.3(BB), which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses. In no event shall a development's total density exceed 12 units per acre, except within the Southwest Neighborhood Overlay District, Carver Estates Overlay District and the Infill Workforce Housing Area following incentive areas; as allowed by Section 4.4.6(D)(9) and 4.4.6(D)(10).~~

(a) ***Southwest Neighborhood Overlay District:*** Up to 24 dwelling units per acre are allowed within the Southwest Neighborhood Overlay District, defined in Section 4.5.9, subject to compliance with Article 4.7.

(b) ***Carver Estates Overlay District:*** Up to 24 dwelling units per acre are allowed within the Carver Estates Overlay District, defined in Section 4.5.11, subject to compliance with Article 4.7.

- (c) **Infill Workforce Housing Area:** Within the Infill Workforce Housing Area defined in Section 4.5.12, up to 18 dwelling units per acre are allowed, subject to compliance with Article 4.7.
- (d) **S.W. 10th Street Overlay District:** Within the S.W. 10th Street Overlay District defined in Section 4.5.10, up to 24 dwelling units per acre are allowed, subject to compliance with Article 4.7.
- (2) The density for a specific RM development may be ~~further~~ limited by a numerical suffix affixed to the designation and shown on the zoning map (i.e. RM-8 limits the density to eight units per acre). To seek a density greater than allowed by the suffix, it is necessary to rezone the property.
- (3) For proposals to rezone property to RM with a density suffix, the approving body must make a finding that the proposed density is appropriate based upon the land use map designations of surrounding property as well as the prevailing development pattern of the surrounding area.
- ~~(2) Notwithstanding the above, a duplex may be situated upon a platted lot pursuant to Section 4.3.4(I)(3)(b)~~
- (34) Recreational areas ~~shall be~~ are required for all new rental apartment developments, and of-owner occupied developments ~~which have~~ with homeowner associations ~~that must~~ are responsible for retention areas, private streets, or common areas. ~~New developments must include r~~Recreational features ~~that are~~ should be designed to accommodate activities for children and youth of all ages ~~ranges~~. Tot lots are appropriate for toddlers; features such as a basketball court, volleyball court, and open playfields are appropriate for older children. A pool and clubhouse, unless specifically designed for children, ~~is not considered to~~ does not meet this requirement. Projects ~~having with~~ fewer than 25 units may be exempted from this standard where it is determined by the approving body that it is not practical or feasible to comply.
- (45) The height of accessory structures shall not exceed the height of the associated principal structure. Screen enclosures without a solid roof are excluded from this limit.
- (56) The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure.
- ~~(6) Density bonuses. Density bonuses may be granted to eligible properties governed by regulations set forth in Chapter 4, "Zoning Regulations", "Family/Workforce Housing" as discussed below:~~
- (a) ~~**Southwest Neighborhood and Carver Estates Overlay Districts and Infill Workforce Housing Area:** Density bonuses above 12 units per acre may be granted as a Conditional Use to eligible properties within the Southwest Neighborhood and Carver Estates Overlay Districts, defined in Section 4.5.9 and~~

4.5.11, respectively, and within the Infill Workforce Housing Area, Section 4.5.12, subject to the regulations set forth in Chapter 4, "Zoning Regulations", and Article 4.7, "Family/Workforce Housing".

- (b) ~~S.W. 10th Street Overlay District:~~ Within the S.W. 10th Street Overlay District defined in Section 4.5.10, in addition to the performance standards listed in Section 4.4.6(I), increases to a project's density beyond six units per acre is subject to the regulations set forth in Chapter 4, "Zoning Regulations", "Family/Workforce Housing".

- (I) ~~Performance standards.~~ (1) — These standards shall apply to all site plans approved subsequent to October 7, 1997, and for modifications to existing developments which involve the creation of additional residential units.

~~In order to increase a project density beyond six units per acre, the approving body must make a finding that the development substantially complies with the performance standards listed in this section. The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The extent to which a project meets the standards will determine the number of units per acre that will be permitted. For example, if a project meets or exceeds all of the standards, and is otherwise consistent with applicable standards and policies of the City's Comprehensive Plan and Land Development Regulations, the maximum density is permitted. Projects which only partially achieve these standards will be permitted a correspondingly lower density. The performance standards are as follows:~~

- (a) ~~The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exits into the development; and similar measures that are intended to minimize through traffic and keep speeds within the development at or below 20 m.p.h.~~
- (b) ~~Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space.~~
- (c) ~~Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to those lower density areas. Building setbacks are increased by at least 25 percent of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25 percent or more; and a hedge, wall or fence is provided as a visual buffer between the properties.~~
- (d) ~~The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc.~~

- ~~(e) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans.~~
- ~~(f) The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project.~~
- ~~(g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit.~~
- ~~(2) It is acknowledged that some of the above referenced standards may not be entirely applicable to small, infill type residential projects. For those types of projects, the ultimate density should be based upon the attainment of those standards which are applicable, as well as the development's ability to meet or exceed other minimum code requirements.~~
- ~~(3) For vacant property that is proposed for rezoning to RM with a density suffix, the approving body must make a finding that the proposed density is appropriate based upon the future land use map designations of surrounding property as well as the prevailing development pattern of the surrounding area.~~

Section 13. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.7 "Planned Residential Development (PRD) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.7. Planned Residential Development (PRD) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) *Review and approval process.*

- (1) All principal uses and structures must be approved by the Planning and Zoning Board through a Master Development Plan processed pursuant to ~~Section 2.4.5(F)~~ Chapter 2.
- (2) Site specific plans for ~~multiple family open space, common areas, and recreational aspects elements~~ of the PRD must be approved by the Site Plan Review and Appearance Board with respect to ~~Section 2.4.5(F) and (H)~~ pursuant to Chapter 2.
- (3) Building Elevations must be approved by the Site Plan Review and Appearance Board pursuant to ~~Section 2.4.5(F)~~ Chapter 2.
- ~~(4) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~
- ~~(54) All PRDs must be platted pursuant to 2.4.5(J)~~ Chapter 2.

(F) *Development standards.*

- (1) The development standards ~~as set forth in Section 4.3.4 shall~~ apply to individual lots.
- (2) The following standards apply to the overall development project:
 - (a) At least 50 percent of the units must be in single family detached units where the overall density is six units per acre or less, or at least 40 percent where the overall density is greater than six units per acre;
 - (b) Fifteen percent of the gross area of the site must be placed in common open space where the overall density is six units per acre or less, or at least 20 percent where the overall density is greater than six units per acre;
 - (c) Minimum site area is five acres.
- (G) ***Supplemental district regulations.*** The supplemental district regulations ~~as set forth in Article 4.6 shall~~ apply.
- (H) ***Special regulations.***
 - (1) The density for a PRD is established by a numerical suffix affixed to the designation and shown on the zoning map i.e. PRD-8 limits the density to eight units per acre. To seek a density greater than ~~that shown in such a manner~~ the established density, it is necessary to rezone the property. If there is no density suffix, then the maximum density shall be as allowed by the Land Use Map.
 - (2) Prior to approving a Master Site Plan, the Planning and Zoning Board must make findings that:
 - (a) The development plan provides for an effective and unified treatment of the development potential of the site, making appropriate provisions for the preservation of scenic features and amenities of the site;
 - (b) The development plan fosters harmony with existing or proposed development in areas surrounding the site.
 - (c) Buildings in the layout shall be an integral part of the development and have convenient access to and from adjacent uses and blocks;
 - (d) In the multiple family portion, individual buildings shall be related to each other in design, masses, materials, placement, and connections so as to provide a visually and physically integrated development. Treatment of the sides and rear of buildings shall be comparable in amenity and appearance to the treatment given to the front.

- (e) The landscape treatment for plazas, streets, paths, and service and parking areas shall be designed as an integral part of a coordinated landscape and street furniture design.
 - (f) The location, shape, size, and character of the common open space must be suitable for the contemplated development in terms of density, population characteristics, and housing types;
 - (g) Common open space must be used for amenity or recreational purposes and must be suitably improved for its intended use. Natural features, worthy of preservation, shall be incorporated into the common open space system;
 - (h) Roads, pedestrian pathways, and open space shall be designed as an integral part of the overall design and shall be properly related to buildings and appropriately landscaped;
 - (i) There shall be an adequate ~~amount~~ network of pedestrian pathways and landscape ~~spaces areas~~ to limit provide safe pedestrian use of separate from vehicular ways travel lanes, and to separate pedestrian pathways and public transportation loading ~~places areas~~ from general vehicular circulation;
 - (j) The location and design of pedestrian pathways should emphasize desirable views of new and existing development.
 - (k) Tot lots and recreational areas shall be a feature of all new housing developments containing more than 12 units ~~and~~ located outside the downtown area.
- (3) The height of accessory structures shall not exceed the height of the associated principal structure. Screen enclosures without a solid roof are excluded from this limit.
 - (4) The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure.

Section 14. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.9 “General Commercial (GC) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.9. General Commercial (GC) District.

- (A) ***Purpose and intent.*** The General Commercial (GC) District provides basic regulations for small parcels which are best suited for general retail and office uses. In addition, this district has ~~provisions~~ regulations in the Four Corners Overlay District ~~which that~~ encourages mixed use development that may include retail, office, and multi-family uses. The GC designation is applied to small parcels, most of which are developed, where adherence to standard regulations is most appropriate. The GC designation is to be applied primarily along arterial

and collector streets. Uses may be conducted singularly or in combination within the same structure.

(B) - (C) (These subsections shall remain in full force and effect as adopted.)

(D) ***Conditional uses and structures allowed.*** The following are allowed as conditional uses within the GC District, except as modified in the North Federal Highway Overlay District by Section 4.4.9(G)(2) and ~~except as modified~~ in the Four Corners Overlay District by Section 4.4.9(G)(3)(c).

- (1) Amusement game facilities.
- (2) Wash establishments or facilities for vehicles.
- (3) Child Care and Adult Day Care.
- (4) Clubs and Lodges; social, fraternal, and recreational not exceeding 3,500 square feet of gross floor area.
- (5) Drive-in Theaters.
- (6) Flea Markets, bazaars, merchandise marts, and similar retail uses.
- (7) Funeral Homes.
- (8) Gasoline Stations or the dispensing of gasoline directly into vehicles.
- (9) Hotels and Motels.
- (10) Free-standing multiple-family housing subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section.
- (11) Recreational establishments such as bowling alleys, gymnasiums, health spas, miniature golf courses, skating rinks.
- (12) Sales and service of All Terrain Vehicles and personal watercraft (waverunners, jet skis), with no outside display, outside storage or outside service.
- (13) Vehicle care limited to the changing of oil and filters, and lubrication with no mechanical work or outside storage of vehicles except as a part of a gasoline station.
- (14) Pet services, pet hotels, and veterinary clinics, subject to Section 4.3.3(W).
- (15) Group Home, Type 2 and Community Residential Homes, pursuant to restrictions set forth in Section 4.3.3(I).

(16) Adult Gaming Centers.

(17) Churches or places of worship, and their attendant Sunday school, recreational and columbarium facilities not exceeding 3,500 square feet of gross floor area. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care.

~~(18) Multiple family residential development, including assisted living facilities that do not comport with the definition of "community residence," may exceed 12 units per acre, up to a maximum of 22 units per acre within the Infill Workforce Housing Area, subject to the provisions of Section 4.4.6(I), and Article 4.7, and subject to the requirements of the RM District except for setback and height requirements, which shall be pursuant to this Section.~~

~~(19)~~ Assisted Living Facilities that do not comport with the definition of "community residence", Nursing Homes, and Continuing Care Facilities subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section.

~~(20)~~ Large Family Child Care Home, subject to Section 4.3.3(TT).

~~(21)~~ Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence.

(E) ***Review and approval process.***

~~(1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~

~~(2) For all new development, site plan approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), (G), (I), except for development in the Four Corners Overlay District which is subject to the provisions of Section 4.4.9(E)(4) below.~~

~~(3) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~

~~(4)~~ All development within the Four Corners Overlay District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a ~~land use map~~; conceptual site plan, landscaping, and utility plans; and conceptual elevations and architectural information. A MDP shall be processed pursuant to ~~Section 2.4.5(F)~~

Chapter 2 with approval granted by the Planning and Zoning Board. A MDP may be modified pursuant to ~~Section 2.4.5(G)~~ Chapter 2. Approval of any new development approval within an MDP must be granted by the Site Plan Review and Appearance Board with respect to Sections 2.4.5(F), (H), and (I) pursuant to Chapter 2 and be consistent with the approved Master Development Plan (MDP). A site plan modification shall follow procedures outlined in ~~Section 2.4.5(G)~~ Chapter 2.

- (a) Applications for site plan approval pursuant to ~~Section 4.4.13(1)~~ 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~~ with sufficient detail to determine that the applicable performance standards are being met, and that is consistent with the adopted MDP. ~~Final approval of~~ The detailed site plan is by the Site Plan Review and Appearance Board and is to be consistent with adopted ~~(MDP)~~ processed pursuant to Chapter 2.
- (b) 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 a Master Development Plan ~~(the MDP)~~.
- (c) When considering a Master Development Plan (MDP) in the Four Corners Overlay, 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.

(F) (This subsection shall remain in full force and effect as adopted.)

(G) **Supplemental district regulations.** In addition to the supplemental district regulations set forth in Article 4.6, the following supplemental district regulations shall apply in the GC District.

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

(3) **Four Corners Overlay District.** The following supplemental district regulations apply to the Four Corners Overlay District, as defined in Section 4.5.14.

- (a) The permitted uses shall be those uses listed in Sections 4.4.9(B)(1,2,4,5,8).
- (b) The accessory uses shall be those uses listed in Section (C).
- (c) The conditional uses shall be those uses listed in Sections (D)(2, 3, 9, 11, 14, 19, and 20).
- (d) ~~Standards pertaining to a~~ Allocation of uses.
 - 1. Office uses can encompass up to 100 percent of the total building square footage within a Four Corners Overlay master development plan.

2. Retail uses shall not encompass more than 100 percent of the total building area square footage of the Four Corners Overlay master development plan.
3. Hotels, motels, and residential all suite lodging shall not encompass more than 20 percent of the total building area square footage of the Four Corners Overlay master development plan. Notwithstanding the above, hotels, motels and residential all suite lodging can comprise 100 percent of the floor area of an individual building within a MDP containing multiple buildings.
4. Multi-family Dwelling Units: Multi-family uses and assisted living facilities, ~~but~~ excluding duplexes, subject to (a)(b)(c)(d)(e) below, ~~ranging in with a density not to exceed 30 units per acre, subject to the following:~~
 - a. Residential units may comprise 75 percent of the total floor area of the development master plan at a maximum density of 30 units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses.
 - b. Residential developments must include a minimum of 20 percent ~~workforce units consisting of~~ moderate income workforce units as defined by Article 4.7 Family/Workforce Housing.
 - c. Workforce units ~~shall be~~ are subject to general ~~provisions~~ requirements of Article ~~4.7.6, 4.7.7, 4.7.8, 4.7.9, and 4.7.10~~ 4.7.5, 4.7.6, and 4.7.7.
 - d. For mixed-use developments, the shared parking provisions ~~in of LDR-Section 4.6.9(C)(8) shall be allowed~~ apply.
 - e. ~~All residential developments with a residential component shall be~~ are subject to the ~~Performance Standards of 4.4.13(1)(2) in~~ Section 4.3.3(BB).
- (e) Standards Unique to the Four Corners Overlay District. Where standards unique to the Four Corners Overlay District conflict with standards ~~contained~~ established elsewhere in the ~~zoning, subdivision, and landscape codes LDR,~~ the standards of this Subsection ~~shall~~ apply:
 1. ***Lot coverage and open space.***
 - a. —Land area equal to at least 25 percent of the individual ~~Four Corners Overlay District Master Development Plan (MDP),~~ including the perimeter landscaped boundary, ~~shall be in~~ must be open space. Water bodies and paved areas ~~shall not be included in~~

~~the meeting of this~~ cannot be applied to the 25 percent open space requirement.

2. 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~~ MDP; and shall have direct access to and from other portions of the Four Corners Overlay development.
 3. ~~Office and Commercial~~ Required Floor Heights. The first floor shall be a minimum of 12 feet floor to floor on the first floor, and all floors above shall be ten feet floor to floor on all floors above. Residential uses shall have a minimum of nine feet floor to floor on all floors. Hotel, motel and residential all suite lodging shall have a minimum of eight feet six inches 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.
- (4) ***Lintco Development Overlay District.*** Within the Lintco Development Overlay District, as defined by Section 4.5.19(A), non-residential development intensity in non-residential or mixed-use developments shall be limited to a maximum Floor Area Ratio (FAR) of 0.36.
- (5) ***Infill Workforce Housing Overlay District.*** Within the Infill Workforce Housing Overlay District, as defined by Section 4.5.12, non-residential development intensity in non-residential or mixed-use developments shall be limited to a maximum Floor Area Ratio (FAR) of 0.75. Multiple family residential development, including assisted living facilities that do not comport with the definition of "community residence," are subject to RM District development standards, except for setback and height requirements, which are pursuant to GC standards. Density may exceed 12 units per acre, up to a maximum of 22 units per acre, subject to compliance with Section 4.3.3(BB) and Article 4.7.

(H) (This subsection shall remain in full force and effect as adopted.)

Section 15. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.10 "Automotive Commercial (AC) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.10. Automotive Commercial (AC) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Review and approval process.*** Reserved.

~~(1) All principal uses, and accessory uses thereto shall be allowed upon approval by the Site Plan Review and Appearance Board pursuant to provisions of Section 2.4.5(F), 2.4.5(H), and 2.4.5(I).~~

~~(2) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~

(F) ***Development standards.***

(1) The development standards ~~as set forth in~~ Section 4.3.4 ~~shall~~ apply.

(2) ~~In addition, t~~The sale, lease, or rental of automobiles, boats, recreational vehicles, or trucks shall be conducted on a lot which has the following dimensions and area:

(a) Minimum frontage of 125 feet.

(b) Minimum width of 125 feet.

(c) Minimum depth of 200 feet.

(d) Minimum area of one and one-half acres.

(e) Exception. The foregoing may be waived for sites properties where a use, ~~as listed above, had been~~ was legally established and continues in a nonconforming state, ~~or for the expansion of such a site where it is sufficiently demonstrated that it is not physically possible to achieve, or it is not feasible to assemble additional lands to achieve the minimum requirements. In any event, t~~The area established for such use must be comprised of a single lot, or a combination of abutting lots ~~which abut one another, except if, which may be~~ separated by an alley but not by a street.

(3) North Federal Highway Area. The following development standard ~~shall apply~~ applies to parcels ~~which have~~ with frontage on North Federal Highway or the North Federal Highway one-way pairs (N.E. 5th Avenue and N.E. 6th Avenue) between N.E. 4th Street and the north City limits.

(a) Parcels shall have a minimum front building setback of five feet measured from the ultimate right-of-way line. The maximum setback shall be 15 feet, unless it can be demonstrated to the ~~Site Plan Review and Appearance Board~~ approving body that it is not feasible to comply with this standard.

(G) ***Supplemental district regulations.*** The supplemental district regulations ~~as set forth in~~ Article 4.6 ~~shall~~ apply except as modified ~~and added to~~ herein.

(1) ***Outside display.*** Outside display areas for sale, lease, or rental of vehicles shall be designed as follows:

- (a) Such areas must be separated from all adjacent streets, asphalt, or vehicular use areas by a hedge or berm at least three feet high and trees planted at least 40 feet on center. However, the hedge may be planted at such a location that at least 24 inches of the hedge is above the finished grade of the adjacent parking area.
- (b) Such areas must be separated from all residential zoning districts, whether or not separated by a street or alley, by a six-foot high, solid masonry wall with decorative finished surfaces (e.g., stuccoed and capped) on both sides. ~~Where the~~ If a display area is separated from residential zoning districts by an arterial or collector right-of-way, or under other singular circumstance, the wall may be waived by the Site Plan Review and Appearance Board approving body concurrent with site plan approval action.
- (c) The depth of the landscape strip between the car display and the ultimate right-of-way shall be as provided in Section 4.3.4(H)(6), with the following exceptions.
 - ~~(1)~~ 1. Lots with a depth greater than 250 feet. As an alternative to the special landscape setback ~~provisions~~ requirements in Section 4.3.4(H)(6), ~~for lots with a depth in excess of 250 feet,~~ the outdoor display area may be allowed to encroach into the required landscaped setback up to 50 percent, so as to form a scalloped effect. However, the total amount of green space required along the right-of-way may not be reduced. In no case may the car display area encroach closer than ten feet to the ultimate right-of-way.
 - ~~(2)~~ 2. Other exceptions. Further, the ~~Site Plan Review and Appearance Board~~ approving body may waive or reduce the special landscape setback provision on existing sites or for additions to existing sites where it can be demonstrated that it is not feasible to comply due to physical constraints ~~on the site~~ of the property.
- (d) If the outdoor display area is located adjacent to ~~any other a street, or adjacent to an alley which that~~ separates it from a residential zoning district, ~~then~~ the display area shall not be located closer than ten feet ~~from to~~ the adjacent separator street or alley. This ten-foot setback shall be required to be landscaped and the six-foot wall ~~as required in subsection (G)(1)(b) above~~ may be permitted within five feet of the ~~separator street or alley~~ separator street or alley with trees planted 25 feet on center inside the wall.
- (e) If the outdoor display area is located adjacent to nonresidential zoning, a landscape strip with a minimum width of five feet ~~shall be~~ is required.
- (f) The outdoor display area shall be designed and constructed in accordance with Section 4.6.9(D). However, establishments ~~which that~~ sell or lease at least 50 percent of their stock as compact cars, may design up to 50 percent of their outdoor display area in accordance with the compact parking design criteria.

(2) ***Bullpen areas.***

- (a) Vehicles may be stored on an approved parking surface without reference to parking stalls, stall striping, or wheel stops. This type of parking, called bullpen parking shall be allowed only pursuant to a site plan which is prepared and approved based upon the following:
 - *1. Wherever reasonably possible as determined by the ~~Planning and Zoning Board~~ approving body, bullpen areas shall be separated from a street by an outdoor display area, customer or employee parking area, or a building. Where not ~~reasonable possible~~, the landscaping and separation requirements of Subsection (G)(1)(b) shall apply.
 - *2. Landscaping strips and landscaped islands internal to the bullpen parking area are not required; however, the ten percent interior landscaping requirement shall be met by transferring the required landscaping to the perimeter of the site and/or bullpen area. The transferred landscaped areas shall be designed and located ~~so as to~~ mitigate and buffer the impact of the aggregated car storage area.
- (b) Bullpen parking shall not be counted toward ~~meeting~~ the parking requirements ~~established~~ in Section 4.6.9.
- (c) A bullpen parking arrangement may ~~also be~~ used for an employee parking area provided that it complies with ~~the provisions of~~ Subsection (G)(2)(a) and is in conjunction with a full service new car automobile dealership. Employee parking provided in a bullpen arrangement may count toward meeting employee parking requirements.
- (3) ***Customer and employee parking areas.*** Customer and employee parking areas shall be provided in accordance with Section 4.6.9(C)(3)(f).
- (4) ***Locational restrictions.***
 - (a) Repair facilities and paint and body shops shall be located at least 100 feet from any residentially-zoned ~~lot~~ property. Service bay doors shall not be oriented toward any adjacent residentially-zoned property, except where currently existing, nor oriented toward any adjacent public street unless it can be demonstrated to the ~~Site Plan Review and Appearance Board~~ approving body that it is not feasible to comply.
 - (b) Accessory fuel pump islands and automated wash facilities for vehicles shall not be located within 100 feet of any residentially-zoned property. Wash facilities shall be located within a completely enclosed building. Fuel pump islands, shall be located within an enclosed area so that they are not visible off premises.
- (5) ***Use and operating restrictions.***

- (a) Except for automobiles, trucks, pickup trucks, vans, jeeps, motorcycle and recreation vehicles, no other outdoor sales or display of any materials, products, or goods shall be permitted. No industrial equipment shall be sold, leased, rented, or otherwise stored within the AC District. However, wherever reasonably possible, as determined by the City, trucks other than pickup trucks, vans, and jeeps shall be displayed in areas which are separated from a street by an outdoor display area for other permitted vehicles, customer or employee parking areas, or buildings.
- (b) No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway.
- (c) Other than information ~~which is required by law to be posted on the side window of vehicles displayed on a sticker affixed to a side window~~, advertising, flags, pennants, streamers, balloons, signs or vehicle stock numbers shall not be displayed on any vehicle or equipment. Similar objects, ~~gimmicks~~, or advertising designed to attract the public's attention shall not be displayed outdoors on any lot, building, vehicle, or equipment except as permitted by Section 4.6.7.
- (d) Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles or for loading and deliveries shall be located to the rear of buildings and shall be located so as to contain noise on-site. These areas shall not be located closer than 100 feet from any residentially- zoned lot, and shall be appropriately designated, marked, and signed.
- (e) Dealers are prohibited from using residential streets for the testing of vehicles after servicing and for the demonstration of vehicles.
- (6) **Lighting restrictions.** Exterior lighting fixtures shall not exceed 25 feet in height; shall be directed away from adjacent properties; shall be a sharp cutoff, luminary; shall confine light to the site only; and shall not exceed when measured at ten feet inside any property line, the following illumination:
 - (a) One hundred foot-candles within display areas.
 - (b) Forty foot-candles within all other areas.
 - (c) After 11:00 p.m., the illumination in display areas shall be reduced to 50 foot-candles.

(H) **Special regulations.**

- ~~(1) **Compliance upon establishment of use.** The standards and supplemental regulations of this Section 4.4.10 shall apply upon the establishment of any new use or conversion to a different use as specifically identified in subsections (B) or (D).~~

- (21) ***Compliance upon expansion of area.*** When there is not a change of use, but there is an expansion of area devoted to any use and such expansion involves an increase in use area of 30 percent, or greater, in a cumulative amount, than that which existed as of April 14, 1987, the entire site shall be brought into compliance with the standards and supplemental regulations of this Section. If such expansion is less than 30 percent, the standards and design portions of the supplemental regulations shall apply only to that portion of the site which is being improved.
- (32) ***Compliance upon expansion of building area.*** When there is not a change of use, but there is an expansion of building area and such expansion involves an increase in total floor area of 30 percent, or greater, in a cumulative amount, than that which existed as of April 14, 1987, the entire site shall be brought into compliance with the standards and supplemental regulations of this Section. If such expansion is less than 30 percent, the standards and design portions of the supplemental regulations shall apply only to that portion of the site which is adjacent to and required to be improved to comply with landscape and parking requirements made necessary by the addition. This provision for total site upgrading may be waived by the ~~Site Plan Review and Appearance Board~~ approving body in instances where because of the small size of the structure in relationship to the totality of the site, the upgrade is infeasible or impractical.
- (43) ***Compliance with operating and use procedures.*** Notwithstanding the previous, ~~provisions of the requirements of~~ Subsection (G)(5) shall be complied with by all uses whether preexisting or not.
- (54) ***Relief from open space requirements:*** Whenever the requirement to bring an existing site into full compliance triggers a requirement to increase the percentage of open space pursuant to ~~the provisions of~~ Section 4.3.4(K), a reduction of that requirement may be approved by the ~~Site Plan Review and Appearance Board~~ approving body; however, in no instance shall the percentage be reduced below the existing percentage of open space. Concurrent with granting a reduction, the Board must find that such reduction does not diminish the practical application of the requirement, particularly as it relates to the perimeter of the site.

Section 16. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.11 “Neighborhood Commercial (NC) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.11. Neighborhood Commercial (NC) District.

- (A) ***Purpose and intent.*** The Neighborhood Commercial (NC) District provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to residential areas.

(B) ***Principal uses and structures permitted.*** The following ~~types of~~ uses are allowed as a permitted use within the NC District subject to the limitations ~~per~~ in Subsection (H) ~~as a permitted use~~:

- (1) Retail uses and/or facilities such as: convenience foods; household supplies; garden and lawn supplies; pharmacies; small appliance sales and repairs; baked goods; delicatessen goods.
- (2) Provision of services such as: barber and beauty shops; dry cleaning limited to on-site processing for customer pickup only; dry cleaning and laundry pickup stations; vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo; financing e.g. banks and similar institutions excluding drive-through facilities; laundromats limited to self-service facilities; Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose), dining at sit down restaurants including takeout and ice cream parlors but excluding drive-in, drive-through facilities; newsstands.
- (3) Business and professional offices.
- (4) Urban Agriculture pursuant to ~~regulations set forth in~~ Section 4.3.3(D).

(C) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Review and approval process.*** Reserved.

- ~~(1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~
- ~~(2) For any new development, approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), (G), and (I).~~
- ~~(3) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~

(F) ***Development standards.*** In addition to the development standards ~~set forth in~~ Section 4.3.4, the following shall apply:

- (1) Maximum site area of two acres.
- (2) Special Landscape Area: Within the first ten feet of the front yard setback area (abutting the property line) full landscaping shall be provided. Driveways and sidewalks shall be accommodated only when generally perpendicular to the property line.
- (3) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), any free-standing structure which accommodates a principal or conditional use shall have a minimum floor area of 4,000 square feet.

- (4) Wallace Drive Overlay District Development Standards: Within the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the Development Standards depicted in the Section 4.3.4(K) Development Standards Matrix, shall be the same as those of the MIC (Mixed Industrial and Commercial) zoning district.

(G) ***Supplemental district regulations.*** In addition to the supplemental district regulations as set forth in Article 4.6, the following shall apply.

- (1) Within the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum Floor Area Ratio (FAR) is 0.25.

(H) ***Special regulations.***

- (1) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum area devoted to a single tenant for office or service uses shall not exceed 2,000 square feet in floor area. ~~Notwithstanding the above, banks or similar financial institutions excluding drive-through bank facilities, may not exceed 6,000 square feet.~~ The intent of these restrictions is to maintain the center at the neighborhood scale.
- (2) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum floor area which can be allocated to a single retail use, or groups of similar (retail, office, services) principal uses, shall not exceed 10,000 square feet.
- (3) Outdoor storage of any kind is prohibited, except as permitted herein.
- (4) Twenty-four-hour or late night businesses ~~as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV).~~

Section 17. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.12 “Planned Commercial (PC) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.12. Planned Commercial (PC) District.

- (A) ***Purpose and intent.*** The Planned Commercial (PC) District provides for the establishment of retail, office, and other commercial activities to be established on large sites in a well-planned, functional, and aesthetically pleasing manner; residential is allowed on a limited basis to preserve the generally non-residential character of the PC district. The PC District shall be applied to properties designated as General Commercial on the Land Use Map where the unified development is, or will be, in excess of five acres; or when it is appropriate to preserve the character of certain specialty retail and office centers; or to ensure that certain high visibility areas are attractively developed. Institutional uses may also be permitted as part of the Medical Arts Overlay District. Residential uses may also be included as part of a mixed-use development, W~~within the Four Corners Overlay District and the Linton Commons Overlay District. provided at least 20 percent of the units are~~

~~workforce housing units that comply with the provisions of Article 4.7, "Family/Workforce Housing" with a maximum density of 30 dwelling units per acre. The actual density will be based upon the development's ability to achieve the performance standards of Section 4.4.6(I). Institutional uses may also be permitted as part of the Medical Arts Overlay District. The PC District shall be applied to properties designated as General Commercial on the Land Use Map where the unified development is, or will be, in excess of five acres; or when it is appropriate to preserve the character of certain specialty retail and office centers; or to ensure that certain high visibility areas are attractively developed.~~

(B) ***Principal uses and structures permitted.*** The following types of uses are allowed within the PC District, ~~including in the Linton Commons Overlay District,~~ as a permitted use, except within the Four Corners Overlay District, ~~which shall be pursuant~~ is subject to Section 4.4.9(G)(3)(a):

- (1) All uses allowed as such within the GC District [Section 4.4.9(B)(1) through (5), (7), (8), and (10)].
- (2) Automobile brokerage, including vehicle display within an enclosed structure, but excluding any preparation, service, or repair work.

(C) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Review and approval process.***

- ~~(1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~
- ~~(2) For any new development, approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), 2.4.5(H), and 2.4.5(I).~~
- ~~(3) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~
- (4) A Master Development Plan may be processed for large scale or phased projects.
- ~~(5) All development within the Four Corners Overlay District shall comply with the provisions of Section 4.4.9(E)(4).~~

(F) (This subsection shall remain in full force and effect as adopted.)

(G) ***Supplemental district regulations.*** In addition to the supplemental district regulations ~~set forth~~ in Article 4.6, the following shall apply.

- (1) Development within the Lindell/Federal Redevelopment Area Overlay District (Redevelopment Area #6) shall be consistent with the ~~provisions contained within the adopted Redevelopment Plan for the area, as particularly described under the chapter entitled~~ with particular attention to "Section 4: Plan for Future Development."

- (2) Within the portion of the Redevelopment Area ~~that is~~ bounded by Dixie Highway on the west, the C-15 canal on the south, Federal Highway on the east, and Avenue K (extended) on the north, multiple family residential development and assisted living facilities with densities of up to 16 units per acre are allowed ~~as a conditional use, subject to the provisions of LDR Section 4.4.6 RM (Medium Density Residential) Zoning District, subsection (I), Performance Standards~~ RM development standards in Section 4.3.4, the performance standards in Section 4.3.3(BB), and based upon the development's conformance with conformity to the applicable standards and criteria described within the adopted Redevelopment Plan.
 - (3) Dwelling units are permitted within the same structure as commercial uses with no restriction on the percentage of each use allowed. ~~In the event that residential and nonresidential uses are located in the same structure, r~~ Residential uses and nonresidential uses must be physically separated and have separate accessways.
 - (4) All development within the Four Corners Overlay District shall also comply with ~~the provisions of Section 4.4.9(G)(3)(d) and (e) and Section 4.4.9(E)(4).~~
 - (5) Within the Silver Terrace Courtyards Overlay District, as defined by Section 4.5.17, multi-family residential, assisted living facilities and mixed-use development with residential densities up to 22 units per acre are allowed ~~as a conditional use, subject to the provisions of LDR Section 4.4.6 RM (Medium Density Residential) Zoning District, subsection (I), Performance Standards, provided at least 20 percent of the units are workforce units which comply with the provisions of Article 4.7; "Family/Workforce Housing".~~ The maximum nonresidential Floor Area Ratio (FAR) within the overlay district is 0.75.
 - (6) Within the Medical Arts Overlay District, ~~as defined in Section 4.5.18, in addition to the uses listed in 4.4.12(B),~~ the following uses are also allowed as permitted uses:
 - (a) Institutional uses, such as: Non-residential Licensed Service Provider Facilities; Hospitals, with or without helipads and associated laboratories; Treatment Centers; Rehabilitation Centers; Testing Facilities; and Mental Health Treatment Facilities, including residential care.
 - (7) Within the Linton Commons Overlay District, as defined in Section 4.5.21, multi-family residential, assisted living facilities and mixed-use development with residential densities up to 30 units per acre are allowed ~~as a conditional use, provided at least 20 percent of the units are workforce units that comply with the provisions of Article 4.7, "Family/Workforce Housing."~~
- (H) (This subsection shall remain in full force and effect as adopted.)

Section 18. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.13 “Central Business (CBD) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.13. Central Business (CBD) District.

(A) - (E) (These subsections shall remain in full force and effect as adopted.)

(F) ***Architectural standards.*** To ensure high quality architecture in the downtown area, the following architectural standards apply to all buildings in the Central Business District Sub-districts and in the OSSHAD with CBD Overlay. In addition to the standards in Section 4.6.18, the following standards apply in all CBD Sub-districts.

(1) - (7) (These subsections shall remain in full force and effect as adopted.)

(8) ***Parking garages.*** Above ground parking garages shall comply with the architectural requirements of this Section and the following additional requirements:

- (a) Ramps shall be visually screened from streets and adjacent residential zoning districts and oriented towards the interior of the lot within a project where possible. Ramp profiles shall be hidden on the exterior elevations.
- (b) Roof top parking shall be visually screened with articulated parapet walls or other architectural treatment acceptable to the ~~Site Plan Review and Appearance Board~~ reviewing body. Exterior lighting shall utilize fixtures provided with cut-off shielding in order to eliminate glare and spillage onto adjacent properties and roadways.
- (c) The openings of the garage shall be designed in a manner that obscures parked vehicles. Decorative architectural elements on the ground floor level shall be designed to accommodate the pedestrian scale. Parking levels above the ground floor shall maintain the same vertical and horizontal articulation or rhythm and incremental appearance established on the ground floor.
- (d) ***Setback waiver.*** The ~~SPRAB or HPB~~ reviewing body may grant a waiver from the setback requirements of Section 4.4.13(D) for any portions of the building above three stories to maximize the efficiency of a parking garage, subject to the following requirements:
 - 1. The garage or the garage portion of the building elevation provides unified design elements with the main building through the use of similar materials and color, vertical and horizontal elements, and architectural style.
 - 2. In OSSHAD and on Secondary Streets in the CBD, a minimum 50 percent of the ground floor perimeter of the garage or the garage portion of the building adjacent to street rights-of-way shall be devoted to window displays or floor

area for active uses such as retail stores, personal and business service establishments, entertainment, offices, etc. This number may be reduced by the ~~Site Plan Review and Appearance Board or the Historic Preservation Board~~ reviewing body. On Primary Streets in the CBD, the perimeter of the garage or the garage portion of the building adjacent to the street rights-of-way shall be lined by active uses ~~(see outlined in~~ Section 4.4.13(C)~~).~~

3. Architectural features shall be incorporated into the facade to mitigate the building's mass and bulk and along portions of the building adjacent to street rights-of-way.
4. In the South Pairs Neighborhood Sub-district, waivers to the setback requirements of Section 4.4.13(D) for parking garages may only be requested for property located between SE 5th Avenue and SE 6th Avenue.

(9) (This subsection shall remain in full force and effect as adopted.)

(G) (This subsection shall remain in full force and effect as adopted.)

(H) ***Incentive program.*** Certain incentives may be offered from time to time to encourage development that advances City strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or office uses within the CBD. The specific incentives and required performance criteria are set forth in this Section and may be revised or amended after seeking community input and in response to factors such as update to the Downtown Master Plan, changing conditions within the CBD, transportation impacts, or market and/or demographic shifts. Any incentives shall be broad based and applicable within the entire CBD or CBD sub-district, no incentives programs shall be considered on a case-by-case basis or project-by-project basis.

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

(3) ***Approval process for incentives.***

- (a) Applications to utilize the Incentive Program will be reviewed as part of a site plan ~~by the SPRAB or HPB, as applicable,~~ for compliance with the regulations in this code that direct building configuration, uses, open space, streetscape design, parking location and quantity, and the performance standards in Chapter 3 and Section 4.4.13(H)(2). The ~~SPRAB or HPB~~ board reviewing the site plan will make a recommendation to the City Commission on the entire site plan application before the City Commission takes final action to approve or deny the site plan and the increased density.
- (b) Applications 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) of sufficient detail to determine that the applicable development and all performance standards are being met.

(I) – (J) (These subsections shall remain in full force and effect as adopted.)

(K) ***CBD review and approval process.***

- (1) ***Visual impact analysis:*** A 3-D visual impact analysis will be required which includes a model of the proposed development in a format compatible with GIS, such as SketchUp, Communityviz, City Engine, etc. Models shall depict building height, massing, and other details such as rooftop equipment which may visually impact adjacent properties. The model analysis shall be in accordance with the following:
 - (a) New construction of 10,000 gross square feet or less: Model of the development site.
 - (b) New construction of 10,001 gross square feet to 100,000 gross square feet: Model of the development site and all properties and structures within a 100-foot radius of the development site, as measured from the property lines of the development site.
 - (c) New construction of 100,001 gross square feet or more: Model of the development site and all properties within a 500-foot radius of the development site, as measured from the property lines of the development site.
 - (d) Additional analysis and/or an expanded analysis area may be required based upon project location or potential development impacts. This may be required by the ~~Planning and Zoning~~ Director at any point in the process.
 - (e) A Sight Line Study of all development consisting of two or more stories shall be submitted for review by the approving body. The study shall include a one or more two-dimensional cross section, at a minimum scale of 1:100, of the site showing the building with the equipment screening in relation to the adjacent properties (including views from upper stories) and/or the public street.
 - (f) Graphic illustration showing that the equipment is not visible within a 200-foot radius. The radius shall be measured from the exterior side of the screen to a point ten feet above finished grade.
- (2) ~~***Site Plan Review and Appearance Board (SPRAB)***~~ ***Approving body.*** For any new development requiring Board approval under Sections 2.4.5(F), 2.45(H), or 2.4.5(I), approval must be granted by the SPRAB, unless the property is located within a designated historic district or is individually designated (see subsection (3) below). ~~In addition, the SPRAB, the reviewing Boards has have~~ the following authority within the CBD:

- (a) Modification of building frontage and setback requirements by waiver to accommodate civic buildings such as libraries, cultural facilities, municipal buildings, etc. along with parking garages associated with any development on properties that are not located within a Historic District or Individually Designated Sites as listed on the Local Register of historic Places in Section 4.5.1(I).
 - (b) ~~SPRAB may provide r~~Relief from the additional setback required above the third story for building entries, lobbies, and vertical circulation areas configured as tower elements consistent with the architectural character of the building; and setback relief for parking garage floors above the third story subject to Sec. 4.4.13(F)(8)(d).
 - (c) Determination of compliance with the Performance Standards of the Incentive Program and provide recommendations of approval or denial to City Commission of requested increases in density under the program.
 - (d) Determination that a site plan design for a full service grocery store in the West Atlantic Neighborhood Sub-district has compatible transitions between adjacent commercial and residential areas.
 - (e) Determination that desirable connectivity between properties and/or links identified on any adopted bicycle and pedestrian master plan are achieved on the site plan.
 - (f) Approval of alternative surface parking configurations for sites located on Primary Streets where parking in the rear is inappropriate or unfeasible impossible. ~~The SPRAB may requires~~Special perimeter treatments to protect and improve the pedestrian experience along the street may be required.
 - (g) Recommend approval or denial to the City Commission of proposed architectural styles and/or any addition of architectural styles for use in the CBD or modifications to the Delray Beach Central Business District Architectural Design Guidelines. Recommendations must include an explanation of support or denial by the SPRAB reviewing board as part of the motion to be transmitted to the City Commission.
- (3) ***Historic Preservation Board.*** Any development of properties located within a Historic District or Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I) is subject to review by the Historic Preservation Board (HPB), pursuant to ~~Section 2.2.6(D)~~ Article 2.1. ~~For these properties, the Historic Preservation Board has the approval authority pursuant to Sections 2.4.5(F), 2.4.5(H), and 2.4.5(I), plus the additional authority described in subsections (2)(a) — (f) above.~~ Architectural styles are determined by those which are both permitted in the CBD and identified as appropriate for the historic district based on the Period(s) of Significance per the adopted Ordinance.

- (4) **Conditional uses.** Conditional uses listed on Table 4.4.13(A) may be considered pursuant to the provisions of ~~Section 2.4.5(E)~~ Chapter 2. In addition, the following regulations apply:

(a) ***Drive-through facilities.***

1. Drive-in or drive-through restaurants are not permitted the CBD zoning district boundaries.
2. On Primary Streets, drive through facilities serving banks and other commercial uses shall have the drive through window(s) and stacking area located behind buildings. On Secondary Streets, drive through facilities may be located to the rear or side of buildings.

(b) ***Gasoline stations.*** Gasoline Stations are not permitted on Primary Streets. In addition to the standards in 4.3.3(J), the following configuration is required.

1. A ground-story shop must be located along a street, with the gas pumps located to the rear of the lot as illustrated in Figure 4.4.13-K-1. No more than eight dispensing locations are permitted.
2. The shop shall have the primary entrance facing and directly accessible from the street; an additional entrance facing the parking lot is permitted.
3. Gasoline Stations may be one story in height.

Figure 4.4.13-K-1



- (c) ***Car Wash establishments.*** Car wash establishments, with automatic/mechanical systems shall not be located east of the Intracoastal Waterway or on lots which

front along Primary Streets. Further, this use must be established on property with a minimum lot area of 20,000 square feet.

- (d) ***Automotive repair and detailing.*** Automobile repair and automobile detailing may not be located north of S.E. 1st Street or south of SE 6th Street, extended. Conditional use approval may not be granted for a new automobile repair facility, or for the expansion of an existing facility, unless it is specifically demonstrated that off-street parking is available in accordance with the requirements of Section 4.6.9.

- ~~(e) ***Additional Application Requirements.*** Applications for conditional use 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) of sufficient detail to determine that the applicable performance standards are being met. Final approval of the detailed site plan is by the SPRAB or HPB.~~

- ~~(f) ***Modifications.*** The process for modification of a conditional use and site plan approved pursuant to Section 4.4.13 (I) is as follows:~~

- ~~1. Modifications to any aspect of the plan that was a basis for determining compliance with the applicable performance standards shall be processed as a modification to the conditional use approval.~~
- ~~2. Modifications to the plan that do not affect the application of the performance standards may be processed as a site plan modification.~~

- ~~(5) ***Waivers.*** This section allows consideration of two types of waivers:~~

- ~~(a) Section 2.4.7(B)(1)(a) authorizes the waiver of certain regulations irrespective of a property's zoning district. Those waivers may be considered within the CBD in accordance with those specific provisions. When reviewing applications that include waivers that can only be granted by the City Commission, the SPRAB and the HPB shall make formal recommendations to the City Commission regarding those waivers prior to site plan consideration.~~

- ~~(b) Section 2.4.7(B)(1)(b) authorizes the City Commission to waive certain other regulations that no other official or board have the authority to waive.~~

- ~~1. Within the CBD, that authority of the City Commission is limited by the following restrictions:~~

- a. ~~**Building Height Waivers.**~~ Building Height Waivers. Waivers to increase the number of stories or maximum height of a building are not permitted.
- b. ~~**Front Setback Waivers.**~~ Waivers to decrease the minimum front setback depth are permitted if the reduction would not result in a streetscape that does not meet the minimum requirements of Section 4.4.13(E)(2).
- c. ~~**Sidewalk Width Waivers.**~~ Waivers to decrease the minimum sidewalk width are not permitted in the CBD.

2. ~~Within the CBD, the following standards shall be used by the City Commission, SPRAB or HPB when considering waiver requests, in addition to the findings in Section 2.4.7(B)(5):~~

- a. ~~The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.~~
- b. ~~The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.~~
- c. ~~The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.~~
- d. ~~The waiver shall not reduce the quality of civic open spaces provided under this code.~~

Section 19. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.14 “Resort/Tourism (RT) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.14. Resort/Tourism (RT) District.

(A) - (D) (These subsections shall be in full force and effect as adopted.)

(E) ***Review and approval process.*** Reserved.

- (1) ~~In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~
- (2) ~~For any new development approval must be gained from the Site Plan Review and Approval Board with respect to Sections 2.4.5(F), (H), and (I).~~

~~(3) Conditional Uses must be approved pursuant to 2.4.5(E).~~

(F) ***Development standards.*** In addition to the development standards as set forth in Section 4.3.4, the following shall apply:

- (1) A minimum of ten percent of the lot area must be provided in open space. This area shall be exclusive of open space provided for perimeter landscaping, parking lot landscaping, pools and pool decks, and area which is paved for parking and pedestrian way purposes.
- (2) A landscape area of not less than ten feet in width must be provided around the interior perimeter of the lot or parcel upon which the use is located. Within this landscape area, paving is not permitted 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 greenbelt. This requirement does not supersede other requirements for greater landscape areas.

(G) ***Special regulations.***

- (1) Twenty-four-hour or late night businesses as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV).

Section 20. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.15 "Planned Office Center (POC) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.15. Planned Office Center (POC) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Review and approval process.*** Reserved.

~~(1) In established structures, shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~

~~(2) For any new development, approval must be granted by the Site Plan Review and Appearance Board with respect to Sections 2.4.5(F), (H), and (I).~~

~~(3) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~

(F) ***Development standards.*** In addition to the development standards set forth in Section 4.3.4, the following shall apply:

- (1) The mMinimum site area for the total POC is to be three acres with individual development parcels allowed to be one acre in size. However, the approving body may grant a waiver to the three acre requirement upon a determination that the development

is consistent with the purpose and intent of the POC District and there exists good cause for not combining properties or aggregating additional property.

- (2) When abutting residentially zoned property, a 25-foot setback must be provided.
- (3) Any free-standing structure shall have a minimum floor area of 4,000 square feet; shall be architecturally integrated with other structures; and shall have direct access to and from other portions of the POC.

(G) (This subsection shall remain in full force and effect as adopted.)

(H) ***Special regulations.***

- (1) Documentation ~~which constitutes evidence~~ of unified control of the entire area within a POC must be provided at the time of submission of the site and development plan.
- (2) A program for full provision, maintenance, and operation of common areas, improvements, facilities, and services for the common use of occupants of the POC and which specifically provides that no such elements or features shall be provided or maintained at the public's expense must be provided at the time of submission of the site and development plan.
- (3) Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of matters under Subsection (H)(2) and which bind successors in title to any such commitments shall be provided prior to certification of a POC site and development plan.
- (4) Twenty-four-hour or late night businesses ~~as defined herein must be processed as a conditional use and~~ are subject to the provisions of Section 4.3.3(VV).

Section 21. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.16 "Professional and Office (POD) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.16. Professional and Office (POD) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Review and approval process.*** Reserved.

- ~~(1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~
- ~~(2) For a new development, approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), (H) and (I).~~

~~(3) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~

(F) ***Development standards.*** The development standards set forth in Section 4.3.4 shall apply.

(G) ***Supplemental district regulations.*** The supplemental district regulations as set forth in Article 4.6 shall apply.

Section 22. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.17 “Residential Office (RO) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.17. Residential Office (RO) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Review and approval process.*** Reserved.

~~(1) All residential uses allowed as a principal use or accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and which otherwise comply with applicable use restrictions.~~

~~(2) New development, or modifications of existing development, with the exception of single family residential, must be approved by the Site Plan Review and Appearance Board pursuant to Section 2.4.5, unless it is a property located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I).~~

~~(3) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).~~

~~(4) The creation of a new lot for the purpose of building a single family residence or establishing a principal use on its own parcel required platting pursuant to Section 2.4.5(J) or (K), as applicable.~~

~~(5) Any development of properties located within a Historic District or Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I) is subject to review by the Historic Preservation Board, pursuant to Section 2.2.6(D).~~

(F) ***Development standards.***

(1) The development standards as set forth in Section 4.3.4 shall apply.

(2) Historic Districts, Sites, and Buildings: In addition to the ~~provisions of requirements in~~ Section 4.3.4, properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to the provisions of Section 4.5.1.

(G) (This subsection shall remain in full force and effect as adopted.)

(H) ***Special regulations.***

- (1) All buildings and structures shall appear to be residential in character regardless of the actual use therein, ~~shall be kept in a sound and attractive condition,~~ and in established neighborhoods shall be generally compatible in architectural style and scale with the surrounding area.
- (2) A building or structure in the RO District may contain either a residential use, an office use, or a mix of uses.
- (3) All parking for nonresidential principal uses and conditional uses shall be located in the side or rear yard or adjacent to a rear alley. No parking shall be located in the area between any street and the structure ~~(building)~~. Where there are existing buildings, administrative relief ~~{Section 2.4.7(D)}~~ may be sought ~~from this subsection (3)~~ pursuant to Chapter 2, provided it is determined if the determination can be made that compliance with these provisions requirements is not feasible, and that the residential character of the area will be maintained, and that such parking area shall be substantially screened from off-premises view by, at least, a four-foot high hedge.

Section 23. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.18 “Planned Commerce Center (PCC) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.18. Planned Commerce Center (PCC) District.

(A) - (B) (These subsections shall remain in full force and effect as adopted.)

(C) ***Review and approval process.***

- (1) ***General.*** The development of a PCC 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.
- (2) ***Process.*** A MDP shall be processed pursuant to ~~Section 2.4.5(F)~~ Chapter 2 with approval granted by the Planning and Zoning Board. A MDP may be modified pursuant to ~~Section 2.4.5(G)~~ Chapter 2.
- ~~(3) ***Master development plan required.*** Certified by the Director.~~

For areas which are zoned as PCC at the time of approval of this section, ~~an MDP is required to be prepared by the property owner, or his agent, and submitted to the Planning and Zoning Board for approval.~~ The MDP may be processed as either a minor or major site plan modification, and is subject to approval by the Planning and Zoning Board as is appropriate for

~~the case at hand.~~ The MDP shall be evaluated against the site plan for record for the existing PCC. The MDP ~~required under this subsection~~ must be made of record prior to September 1, 1991. Failure to obtain a MDP of record shall be cause for the Building Department to not issue building permits for further development or modification to existing development within an existing PCC.

(D) - (F) (These subsections shall remain in full force and effect as adopted.)

Section 24. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.19 "Mixed Industrial and Commercial (MIC) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.19. Mixed Industrial and Commercial (MIC) District.

- (A) ***Purpose and intent.*** The Mixed Industrial and Commercial (MIC) District is created to provide for a mix of industrial, commercial, and office use in a single ~~zone~~zoning district. The uses allowed are intended to enhance employment opportunities in the industrial, manufacturing and trade sectors, with supporting business and professional office functions. Retail uses are appropriate on a limited basis, and only as a secondary use within the district. Residential uses ~~may also be permitted as a conditional use~~ are only allowed within the I-95/CSX Railroad Corridor Overlay District, ~~provided at least 25 percent of the units are workforce housing units which comply with the provisions of Article 4.7, "Family/Workforce Housing.", subject to Article 4.7.~~ The MIC District is ~~to be located in areas designated for the primary use—industry and commerce—as shown applied to properties with a Commerce or Industrial designation on the Land Use Map.~~
- (B) ***Principal uses and structures permitted.*** The following ~~types of~~ uses are allowed within the MIC District as a permitted use:
- (1) ***Industrial uses.*** The manufacturing, fabrication and wholesale of items and other uses as described in Section 4.4.20(B)(1), (2) and (3).
 - (2) ***Service industry.*** Uses which provide an off-site service but maintain inventory, storage and an office at a central location, as described in Section 4.4.20(B)(5).
 - (3) ***Business and Professional Offices,*** including, but not limited to finance, insurance, real estate, accounting and bookkeeping services, advertising services, photographic studios, architectural and engineering services, computer and data processing services, correspondence and vocational schools, credit reporting and collection, detective and protective services, legal services, travel agencies, Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose), and general offices for an individual, partnership or corporation.
 - (4) ***Retail trade.*** Retail uses as a secondary use within ~~any one~~ a building that has as its primary occupant an industrial or service industry use, but only to the extent that the floor area for all retail use (either accessory to an industrial use or not) ~~shall~~ does not

exceed 25 percent of the floor area of the total building. Although an intent of this Zoning District is to allow retailing of items manufactured, fabricated, or wholesaled on-site, additional retail uses may be allowed. Such additional uses ~~may~~ include, but are not limited to:

- (a) Apparel and accessory stores;
- (b) Bakeries;
- (c) Building materials and garden supplies, except mobile home dealers;
- (d) Camera and photographic equipment and supplies;
- (e) Hobbies, games, and toys;
- (f) Jewelry, gifts, novelties;
- (g) Luggage and leather goods;
- (h) Mail order houses;
- (i) Radio and television sets;
- (j) Seasonal holiday items (Christmas trees, fruit baskets, other seasonal items);
- (k) Sporting goods, including bicycles.

(5) ***Interior design and furnishings.*** The wholesale, retail, storage and distribution of home furnishings, floor coverings, wall coverings, lighting, and other items related to the finishing and furnishing of interior space.

(6) ***Other processes and activities.*** The following activities may also be conducted:

- (a) Dry cleaning and laundering.
- (b) Emissions testing.

(7) Adult Entertainment Establishments, ~~(subject to Section 4.3.3(AA))~~.

(8) Urban Agriculture, ~~subject to pursuant to regulations set forth in~~ Section 4.3.3(D).

(9) CBD oil establishments, subject to ~~the regulations of~~ Section 4.3.3(CC).

(10) Multiple family residential development up to 24 units per acre within the I-95/CSX Railroad Corridor Overlay District, as defined in Section 4.5.15, subject to Article 4.7.

(C) (This subsection shall remain in full force and effect as adopted.)

(D) ***Conditional uses and structures allowed.***

- (1) The following uses are allowed as conditional uses within the MIC Zone District:
 - (a) Pet services with outside use areas, pet hotels, and animal shelters, subject to Section 4.3.3(W);
 - (b) Material and component recovery for reuse, such as the disassembly and resale of computer components, appliances, and electrical components. This does not include resource recovery facilities as described and regulated by Section 4.3.3(Z);
 - (c) Automobile paint, body, and repair shops;
 - (d) Boat repair and service;
 - (e) Self-Service Storage Facilities (SSSF), pursuant to the provisions set forth in Section 4.3.3(A).
 - ~~(f) Multiple family residential development up to a maximum of 24 units per acre within the I-95/CSX Railroad Corridor Overlay District, as defined in Section 4.5.15, subject to the provisions of Article 4.7.~~
- (2) The following ~~additional~~ conditional uses are also allowed as conditional uses in the MIC zoning district. However, any outside storage associated with such uses may not be located within 150 feet of any property line adjacent to an arterial roadway (excluding Interstate 95);
 - (a) Lumberyards;
 - (b) Garages and lots for the parking and storage of vehicles, including the storage of light trucks, up to and including two-ton trucks;
 - (c) Storage and rental of light construction equipment not over 24 feet long, eight feet wide, and ten feet high;
 - (d) Monument and ornamental stone cutting;
 - (e) Rental and sales of modular buildings;
 - (f) Towing services, with outside storage;
 - (g) Storage and rental of construction equipment not over 100 feet long, 14 feet wide, and 15 feet high provided that each of the following requirements are met:

- i. Any outside storage associated with such use may not be located within 250 feet of any property line adjacent to an arterial roadway (excluding Interstate 95) and;
- ii. The property is buffered by a minimum six-foot wall or minimum six-foot hedge. However, if the property is adjacent to a public building, school, park, library, or residential area at the time of conditional use approval, a minimum six-foot high berm and either a six-foot wall or six-foot hedge on top of the berm shall be required.
- iii. Provision of a ten-foot minimum landscape buffer with trees planted 25 feet on center around the perimeter of the storage area.

(E) ***Review and approval process.*** Reserved.

- ~~(1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~
- ~~(2) For any new development approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5 (F), 2.4.5(H), and (I).~~

(F) ***Development standards.*** The development standards ~~as set forth in~~ Section 4.3.4 shall apply, except as modified below:

- (1) I-95/CSX Railroad Corridor Overlay District: The following development standards ~~shall apply to parcels within the Overlay district as defined by Section 4.5.15, "I-95/CSX Railroad Corridor Overlay District."~~
 - ~~(a) Nonresidential development within the area shall comply with the development standards as set forth in Section 4.3.4.~~
 - ~~(b) Residential development, which is being uses, which may only be developed pursuant to regulations set forth in Article 4.7, "Family/Workforce Housing," shall comply with the development standards of in Section 4.4.6(F)(3) and the performance standards in Section 4.3.3(BB).~~

(G) ***Supplemental district regulations.*** The supplemental district regulations ~~as set forth in Article 4.6 shall apply, except as modified below:~~ unless otherwise modified.

- (1) I-95/CSX Railroad Corridor Overlay District: In addition to the supplemental district regulations ~~set forth in~~ Article 4.6, the supplemental district regulations ~~in of~~ Section 4.4.6(G)(1) ~~shall apply to parcels within the overlay district as defined by Section 4.5.15, "I-95/CSX Railroad Corridor Overlay District."~~

(H) ***Special regulations.***

- (1) Loading and unloading ~~shall be~~ is restricted to side and rear yards and ~~shall be~~ is prohibited within the front yard setback.
- (2) Within the front yard setback, the first ten feet abutting the right-of-way shall be a landscaped area ~~within which no paving shall be allowed~~ with no paving, except for driveways and walkways leading to ~~structures on~~ the premises. Such driveways and walkways shall be generally perpendicular to the property line.
- (3) Overhead doors ~~shall be prohibited from facing~~ may not face a public right-of-way.
- (4) Except for outside storage approved pursuant to Section 4.6.6(C)(2), all principal and conditional uses shall be conducted within an enclosed building.
- (5) I-95/CSX Railroad Corridor Overlay District: Within the Overlay District, as defined in Section 4.5.15, residential development is allowed at a density up to 24 dwelling units per acre, subject to the requirements in Article 4.7. ~~in addition to compliance with the regulations set forth in Article 4.7, "Family/Workforce Housing," the performance standards of Section 4.4.6(I) shall also be substantially met to obtain a density greater than 6 units per acre.~~

Section 25. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.20 "Industrial (I) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.20. Industrial (I) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Review and approval process.*** Reserved.

- (1) ~~In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~
- (2) ~~For any new development, approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), (H) and (I).~~
- (3) ~~Conditional uses must be approved pursuant to Section 2.4.5(E).~~

(F) ***Development standards.*** The development standards ~~as set forth in~~ Section 4.3.4 ~~shall~~ apply, except ~~that~~ for minimum lot area dimensions ~~shall~~ that do not apply to lots of record created as of September 1, 1990.

(G) ***Supplemental district regulations.*** The supplemental district regulations ~~as set forth in~~ Article 4.6 shall apply.

(H) (This subsection shall remain in full force and effect as adopted.)

Section 26. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.21 “Community Facilities (CF) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.21. Community Facilities (CF) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) ***Review and approval process.*** Reserved.

~~(1) In established structures, principal and accessory uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.~~

~~(2) For any new development, approval must be granted by the Historic Preservation Board or the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), 2.4.5(H), and (I).~~

~~(3) Conditional uses must be approved pursuant to Section 2.4.5(E).~~

~~(4) Any development of properties located within a Historic District or Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I) is subject to review by the Historic Preservation Board, pursuant to Section 2.2.6(D).~~

(F) ***Development standards.***

(1) The development standards ~~as set forth~~ in Section 4.3.4 shall apply.

(2) Historic Districts, Sites, and Buildings: In addition to the ~~provisions~~ requirements of Section 4.3.4, properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to ~~the provisions of~~ Section 4.5.1.

(G) ***Supplemental district regulations.*** In addition to the supplemental district regulations ~~as set forth~~ in Article 4.6, the following supplemental district regulations ~~shall~~ apply in the CF District.

(1) ***Medical Arts Overlay District.*** The following supplemental district regulations apply to the Medical Arts Overlay District, as defined in Section 4.5.18.

(a) In addition to the uses listed in Section 4.4.21(B), the following uses are allowed as permitted uses:

1. Institutional uses, such as: Non-residential Licensed Service Provider Facilities; Hospitals, with or without helipads and associated laboratories; Treatment Centers; Rehabilitation Centers; Testing Facilities; and Mental Health Treatment Facilities, including residential care.

~~(2) **Historic districts, sites, and buildings.** Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), shall comply with the Visual Compatibility Standards of Section 4.5.1(E)(7).~~

(H) (This subsection shall remain in full force and effect as adopted.)

Section 27. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.22 “Open Space (OS) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.22. Open Space (OS) District.

(A) **Purpose and intent.** The Open Space (OS) District is established to ~~most appropriately~~ identify parcels of land which are used primarily in an open space manner. Created to reflect some of the open space areas as shown on the Land Use Map, the OS District is applied to portions of land development projects which are primarily open space in nature (e.g., water bodies) and to other open space areas, including the municipal beach, which normally do not have intense use or commercialization. The OS District is deemed compatible with all land use designations shown on the ~~Future~~ Land Use Map.

(B) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) **Review and approval process.** The use of any land within the OS District must be pursuant to a site and development plan which has been approved pursuant to Chapter 2. ~~by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5 (F), (H), and (I), as appropriate.~~

(F) (This subsection shall remain in full force and effect as adopted.)

Section 28. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.23 “Conservation (CD) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.23. Conservation (CD) District.

(A) - (D) (This subsection shall remain in full force and effect as adopted.)

(E) **Review and approval process.** Any and all activity on CD zoned property shall be approved by the Director of Development Services. The Director shall determine what material must

be submitted in order to determine whether or not an activity may be conducted on such property.

(F) (This subsection shall remain in full force and effect as adopted.)

Section 29. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.24 “Old School Square Historic Arts District (OSSHAD) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.24. Old School Square Historic Arts District (OSSHAD).

(A) - (D) (These sections shall remain in full force and effect as adopted.)

(E) *Review and approval process.*

~~(1) All principal uses and accessory uses thereto, which do not require a permit shall be allowed upon application to, and approval by, the Chief Building Official.~~

(21) Structures ~~which~~ that require a building permit for external work must receive approval from the Historic Preservation Board, or the Director of ~~Planning and Zoning Development Services~~ or designee, as applicable, through the issuance of a Certificate of Appropriateness.

(32) For new development, or a change in use which results in the requirement to provide additional parking, approval must be granted from the Historic Preservation Board pursuant to ~~Sections 2.4.5 (F), (H), and (I)~~ Chapter 2.

(43) Conditional uses must be approved pursuant to Chapter 2 ~~Section 2.4.5(E)~~. Prior to action by the Planning and Zoning Board, the conditional use request must be reviewed by the Historic Preservation Board with a recommendation forwarded to the Planning and Zoning Board.

(F) - (H) (These sections shall remain in full force and effect as adopted.)

Section 30. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.25 “Special Activities District (SAD) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.25. Special Activities District (SAD).

(A) - (C) (These subsections shall remain in full force and effect as adopted.)

(D) *Review and approval process.*

- (1) **General.** All SAD's are established by an ordinance which is processed as is a rezoning. Concurrent with processing of the rezoning application, a complete site and development plan with, at least, preliminary engineering plans shall be processed.
- (2) **Alternative processing.** A proposed SAD may proceed to first reading based upon a lesser submission provided that, if approved on first reading, prior to second reading a complete site and development plan including landscaping plans and architectural elevations must be processed through, and approved by the Site Plan Review and Appearance Board. However, in no event shall the time between first and second readings of the enacting ordinance exceed a period of 180 calendar days. In such an event, the rezoning process shall cease and the application considered denied without prejudice. A subsequent application may be processed thereafter anew.
- (3) **Establishment.** Vesting of a SAD project shall occur in the same manner as set established for the establishment of a site plan approval ~~{reference Sections 2.4.4(D) and (E)}~~ in Chapter 2, except that when the SAD is for a large Scale Mixed Use Development, the initial approval (validity) period shall be specifically stated in the enacting ordinance, but shall, in no event, be less than six years. In the event that a SAD project does not become established, all uses, waivers, adjustments, and other actions taken pursuant to the SAD shall be void. In order to proceed to establish the same, or another, use it shall be necessary to process a rezoning request.

(E) - (H) (These subsections shall remain in full force and effect as adopted.)

Section 31. Chapter 4, "Zoning Regulations," Article 4.4, "Base Zoning District," Section 4.4.26 "Light Industrial (LI) District," of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.26. Light Industrial (LI) District.

(A) - (D) (These subsections shall remain in full force and effect as adopted.)

(E) **Review and approval process.**

- (1) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.
- (2) For any new development, approval must be granted by the Site Plan Review and Appearance Board pursuant to Sections 2.4.5(F), (H) and (I).
- (3) Conditional uses must be reviewed and approved pursuant to Section 2.4.5(E).

(F) – (H) (These subsections shall remain in full force and effect as adopted.)

Section 32. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.27 “Open Space and Recreation (OSR) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.27. Open Space and Recreation (OSR) District.

(A) - (C) (These subsections shall remain in full force and effect as adopted.)

(D) ***Review and approval process.*** The use of any land within the OSR District must be pursuant to a site and development plan which has been approved ~~by the Site Plan Review and Appearance Board~~ pursuant to ~~Sections 2.4.5(F), (H), and (I), as appropriate~~ Chapter 2.

(E) (This subsection shall remain in full force and effect as adopted.)

Section 33. Chapter 4, “Zoning Regulations,” Article 4.4, “Base Zoning District,” Section 4.4.29 “Mixed Residential, Office And Commercial (MROC) District,” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

Sec. 4.4.29. Mixed Residential, Office And Commercial (MROC) District.

(A) - (E) (These subsections shall remain in full force and effect as adopted.)

(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 renderings. An MDP shall be processed pursuant to ~~Section 2.4.5(F)~~ Chapter 2 with approval granted by the Planning and Zoning Board. An MDP may be modified pursuant to ~~Section 2.4.5(G)~~ Chapter 2.
- (2) All site plan applications for new development must receive approval ~~by the Site Plan Review and Appearance Board (SPRAB) with respect to Sections 2.4.5(F), (G), (H), and (I)~~ consistent with the procedures and findings in Chapter 2, and be consistent with the approved MDP, as applicable.

(G) - (H) (These subsections shall remain in full force and effect as adopted.)

(I) ***Special regulations.***

- (1) ***Development Plans.*** Development proposals subject to the requirements of a Master Development Plan must comply with the following:
 - a. Documentation of unified control must be provided at the time of submission of the Master Development Plan.

- b. A program for full provision, maintenance, and operation of common areas, improvements, facilities, and services for the common use of occupants of the MROC development, which specifies that no such elements or features shall be provided or maintained at the public's expense, must be provided at the time of approval.
 - c. Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of facilities, services, and common areas that bind successors in title to any such commitments shall be provided prior to plan certification.
- (2) **Multi-family Development.** Developments with multi-family dwelling units are subject to ~~the provisions of~~ Table 4.4.29-A and the following:
- a. Residential density is regulated by the distance of the property to the Tri-Rail Transit Station as measured in linear feet from the nearest point of the property to the Station.
 - b. The Workforce Housing Incentive allows an increase from the standard density up to the maximum incentive density, provided at least 20 percent of the total number of residential units in the development are Workforce Housing units, as defined in Article 4.7.
 - c. Development must have ground floor, non-residential uses facing South Congress Avenue, except for property within 1,000 feet of the Tri-Rail Transit Station, which may be 100 percent residential in use.
 - d. Reserved.
 - e. The maximum Residential Floor Area is calculated across the entire development and may be provided in one or more structures.
 - f. Multi-family development is subject to the Performance Standards for multi-family residential uses in ~~LDR Section 4.4.6(I)~~ 4.3.3(BB).

| Table 4.4.29-A Multi-family Development Regulations | | | | | |
|--|--|--------------------------------|-----------------------------|------------------------------|----------------------|
| Distance from Tri-Rail Transit Station ¹ | Max. Residential Floor Area ² | Standard Density Max (du/acre) | Workforce Housing Incentive | | |
| | | | Density Max. (du/acre) | WFH Units Required (Min.) | Maximum Income Level |
| Within 1,000 feet | Up to 100% | 40 | 50 | 20% of Total Number of Units | Moderate |
| Between 1,001 – 2,500 feet | Up to 80% | 40 | 50 | | |
| Greater than 2,500 feet | Up to 75% | 32 | 40 | | |

¹ If portions of the parcel are located within different distance ranges, the regulations applicable to the closest distance to the Tri-Rail Station shall apply to the entire parcel.

Section 34. Chapter 4, “Zoning Regulations,” Article 4.7, “Family/Workforce Housing” of the Land Development Regulations of the City of Delray Beach, Florida is amended as follows:

ARTICLE 4.7. - FAMILY/WORKFORCE HOUSING

Sec. 4.7.1 - Findings. Purpose and intent.

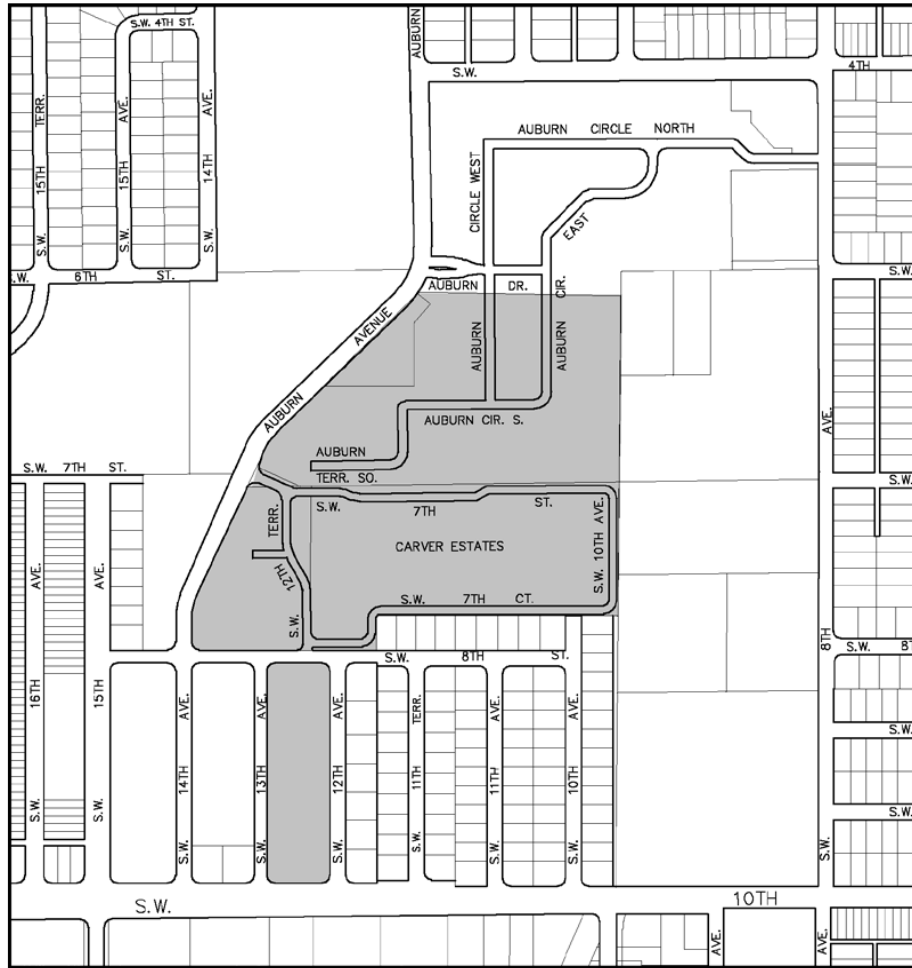
- (A) The City ~~Commission~~ has determined that there is a severe ~~housing~~ shortage of housing in the City of Delray Beach that is affordable to ~~the everyday~~ asset-limited, income-constrained, working individuals and families and citizens of the City; and
- (B) Florida Statutes § 166.04151 provides that a municipality may adopt and maintain any ordinance that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances notwithstanding any other provision of law; and
- (C) The City ~~Commission~~ recognizes that there is a growing gap between housing costs and wages in the City; and
- (D) The City of Delray Beach has a legitimate public interest in ~~preserving the character and quality of neighborhoods which requires~~ assuring the availability of workforce housing for very low, low, and moderate income households, and lower income persons in the City; and
- (E) The City recognizes ~~that~~ the need to provide workforce housing that allows people to live and work in the same area is critical to maintaining a diversified and sustainable City ~~having the character and~~ with a sense of a community ~~where people can live and work in the same area~~; and
- (F) ~~The City is encouraging the production and availability of workforce housing and at the same time is cognizant that escalating land costs and rapidly diminishing amounts of land hinder the provision of sufficient workforce dwelling units by the private sector; and~~
- (G) ~~The City Commission has adopted the Southwest Area Neighborhood Redevelopment Plan and Comprehensive Plan changes recognizing the need to redevelop the Southwest Neighborhood in a manner that preserves the neighborhood and provides workforce housing.~~
- (H) ~~The City Commission desires to establish an additional workforce housing overlay district known as the Infill Workforce Housing Area for certain properties located west of the Intracoastal and east of I 95, outside of the coastal high hazard area and as depicted on the map attached and made a part of Article 4.7.~~

- ~~(F)~~ The City Commission also desires to establish ~~additional incentives to encourage additional Family/Workforce Housing, including but not limited to requirements to provide additional workforce housing for developments that request increases in height and/or density pursuant to Section 4.3.4(J)(4)(b) and 4.4.13(I).~~ incentives in the form of density or height increases to encourage private development to include workforce housing.
- ~~(J)~~ The City Commission desires to establish an additional workforce housing overlay district known as the I-95/CSX Railroad Corridor Overlay District for certain properties located east of the CSX Railroad, west of I-95, south of the E-4 Canal, and north of the Historic Depot property as depicted on the map attached and made a part of Article 4.7.

Sec. 4.7.12. – Definitions Applicability.

(A) Definitions. The following words, terms and phrases apply to this Article.

- (1)a. ***Adjusted median income (A.M.I.)***. The Palm Beach County median income, based on a family of four, as published by Florida Housing Finance ~~Agency~~Corporation.
- (2)b. ***Affordability controls***. Restrictions placed on dwelling units by which the price of such units and/or the income of the purchaser or lessee will be restricted in order to ensure that the units remain affordable to very low, low, or moderate income households.
- ~~c.~~ ***Carver Estates Overlay District***. The area shown on the map below.



d. ~~City.~~ The City of Delray Beach, Florida.

(3) **Community Land Trust.** A nonprofit, community-based organization whose mission is to provide affordable housing in perpetuity by owning land and leasing it to those who live in houses built on that land.

(4)e. **CRA.** The Delray Beach Community Redevelopment Agency.

(5)f. **Density bonus program.** ~~The Density Bonus program~~ A density bonus, or revitalization incentive, is an incentive ~~program intended~~ to encourage developers to build affordable owner-occupied and rental housing within the City of Delray Beach. ~~The concept is that f~~For every workforce housing unit that a developer builds, a calculated number of market rate units at a density greater than would be allowed otherwise may be built.

(6)g. **Density bonus unit.** An additional dwelling unit added above the base number of units authorized once performance standards have been applied and the density has been computed under existing codes.

h. ~~**Development.** A housing development at one location including dwelling units for which approvals have been granted.~~

(7)i. **Eligible occupant.** A person who ~~income-~~qualifies for participation in the program. Priority will be given to persons who have lived or worked within the City limits of Delray Beach continually for one year immediately prior to the date of application for a workforce housing unit ~~related to the Density Bonus Program~~ and who otherwise qualify for participation ~~in the program~~.

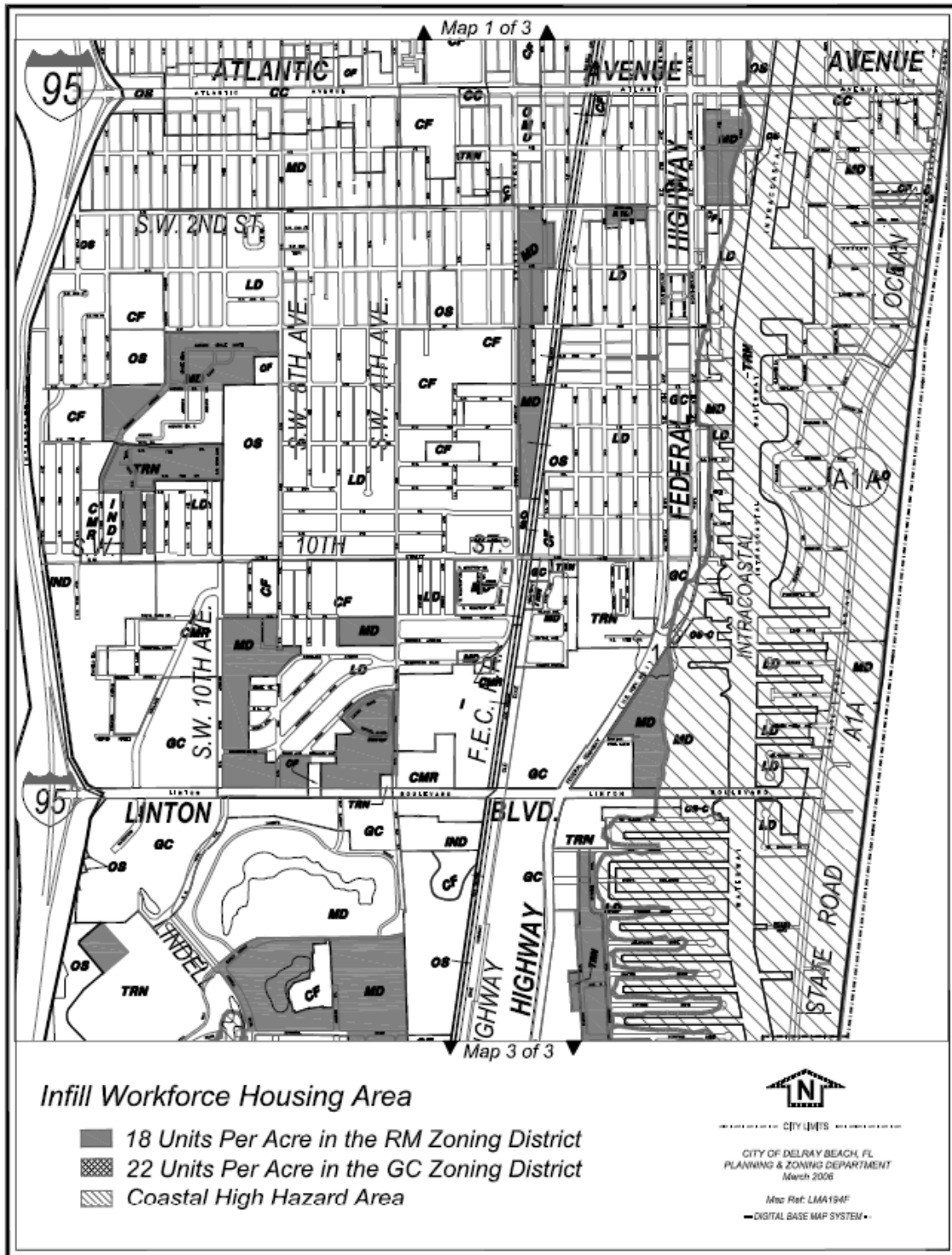
(8)j. **First time home buyer.** A person who has not held ownership ~~in~~ of a residence within the past three years.

(9)k. **Household.** A single person living alone, or two or more persons sharing residency, with a combined income available to cover household expenses.

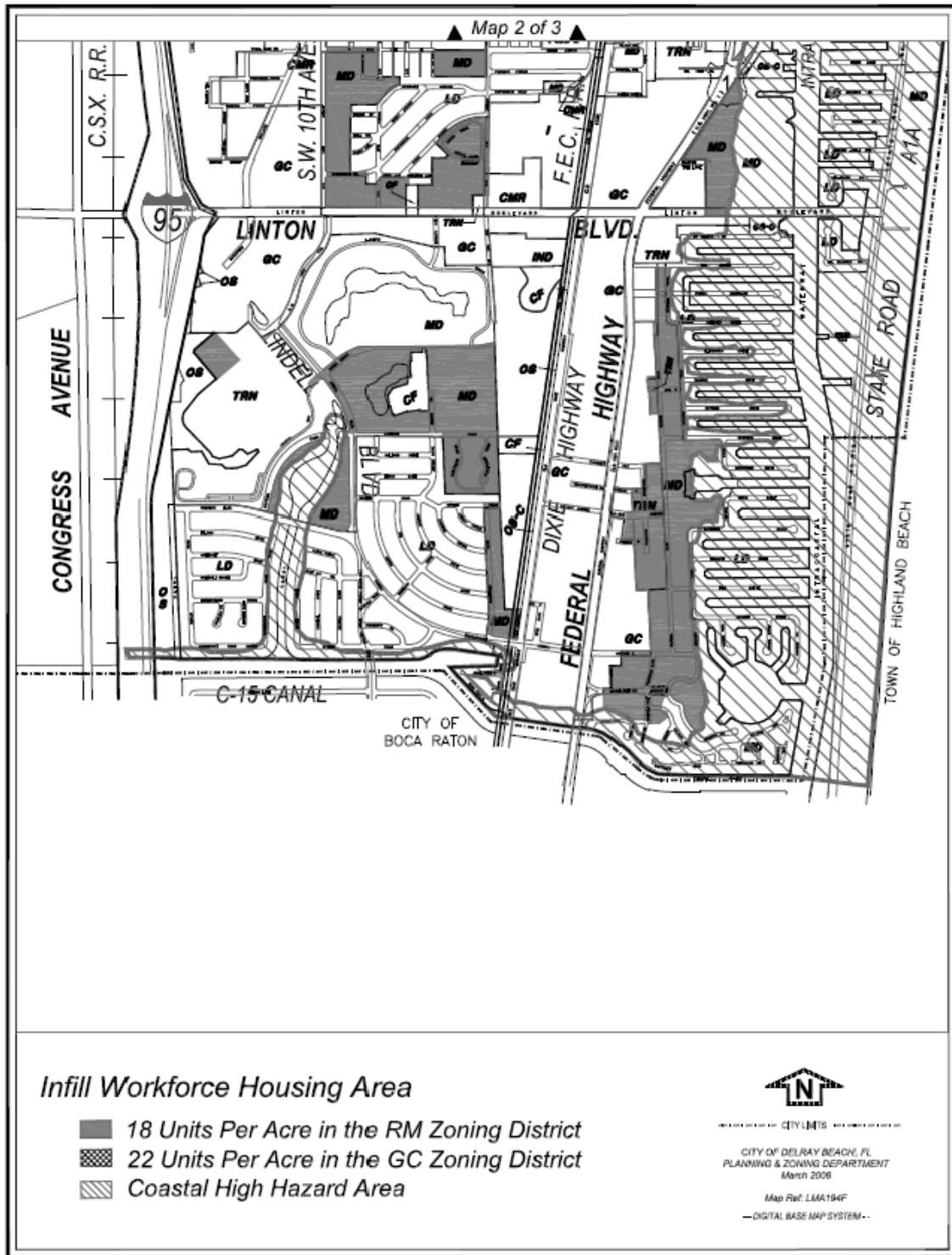
(10) **Household income.** The cumulative income of all tenants or purchasers under one roof.

(11) **Housing Trust Fund.** The Housing Trust Fund is comprised of the City's State Housing Initiatives Partnership (SHIP) allocation and is administered by the City of Delray Beach Neighborhood and Community Services Department. All monetary contributions in lieu of workforce housing units shall be deposited into the trust for the purpose of supplementing annual SHIP allocations. The interest received on any such investment shall be credited to the fund. The City shall administer the fund exclusively for the purpose of implementing programs described in the City's Local Housing Assistance Plan.

l. ~~**Infill workforce housing area.** The area located west of the Intracoastal Waterway and East of I-95, outside of the coastal high hazard area, as depicted on the maps below:~~



Map 2

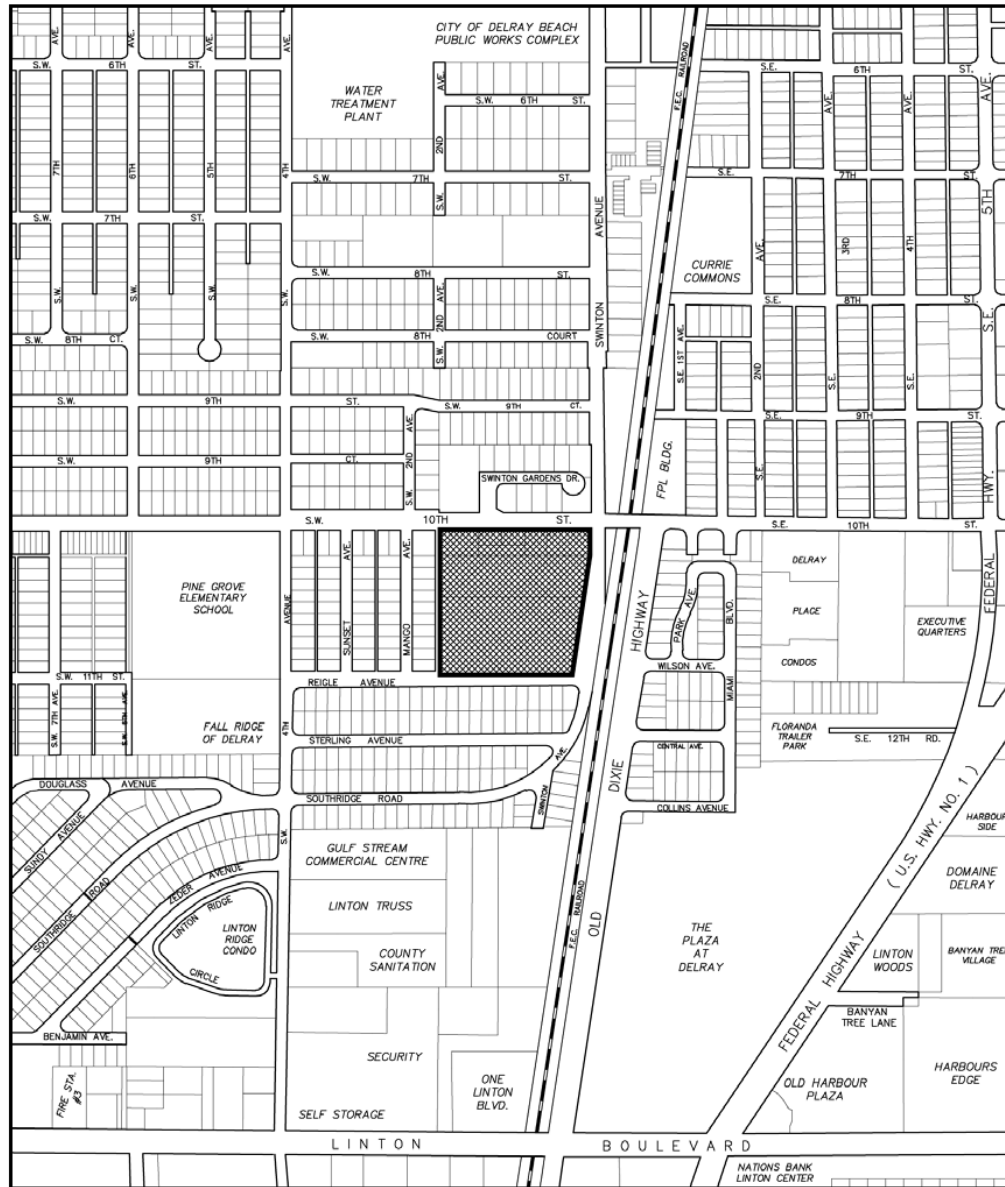


(12) ~~m~~. **Low income household.** A household with a gross, combined income between 61 percent and 80 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance Authority Corporation).

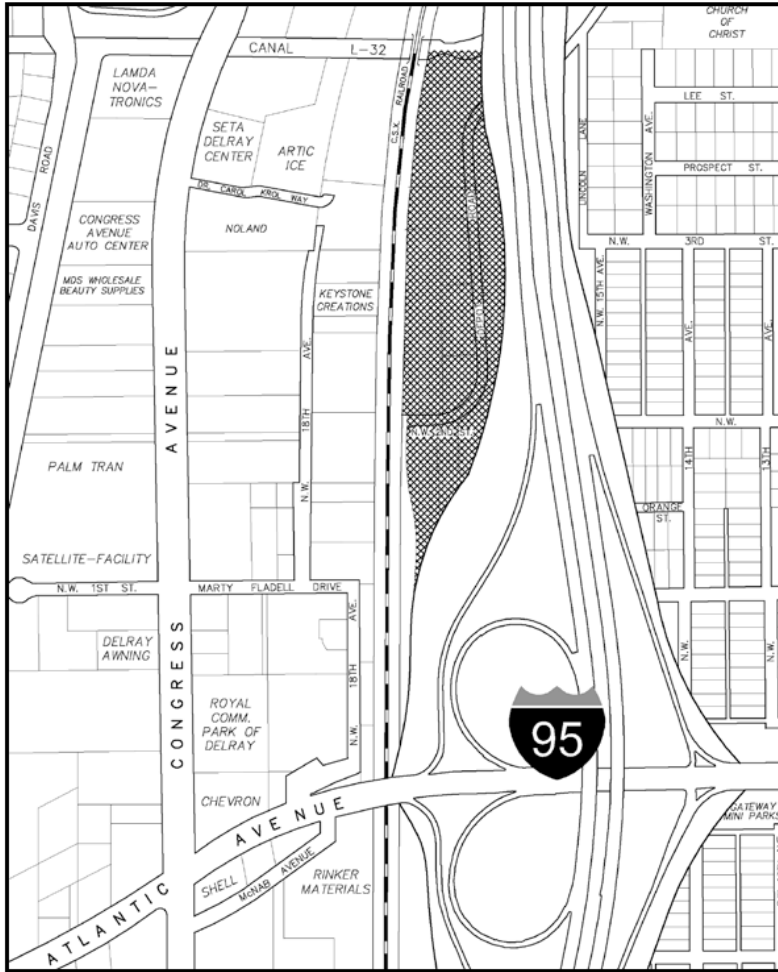
- (13)~~n~~. ***Moderate income household.*** A household with a gross, combined income between 81 percent and 120 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance ~~Authority~~Corporation).
- (14) ***Restrictive covenant.*** A deed restriction on the property shall prohibit any subletting or assignment of the respective workforce housing unit to a tenant(s) or purchaser(s) whose income exceeds the percent of the AMI under which the unit is originally approved.
- ~~o. ***Other workforce housing.*** Workforce Housing is required in areas covered by Land Development Regulations Section 4.4.13(I), where the density is increased; and by Section 4.3.4 (J)(4)(b), where a fifth floor is added to the building.~~
- ~~p. ***Southwest Neighborhood Overlay District.*** The area zoned RM between Interstate 95 and S.W. 1st Avenue, from Atlantic Avenue to S.W. 2nd Street, except along SW 12th Avenue, where it extends south to SW 3rd Street, as shown in the map below.~~



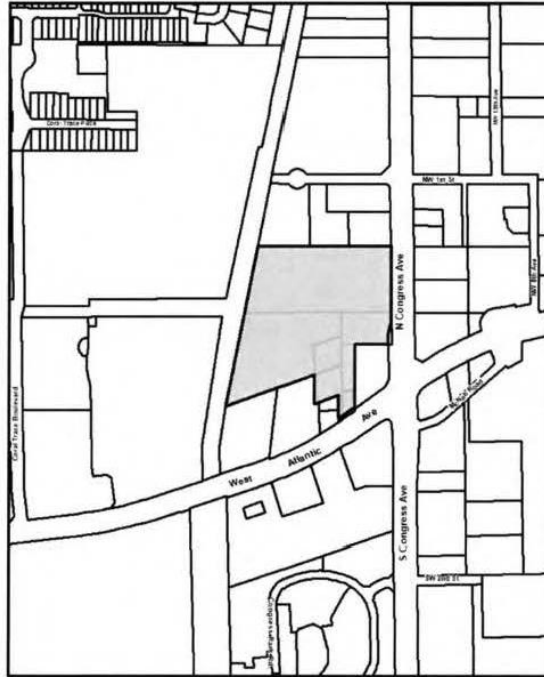
- ~~q. ***Southwest 10th Street Overlay District.*** The area at the Southwest corner of Swinton Avenue and 10th Street as shown in the map below.~~



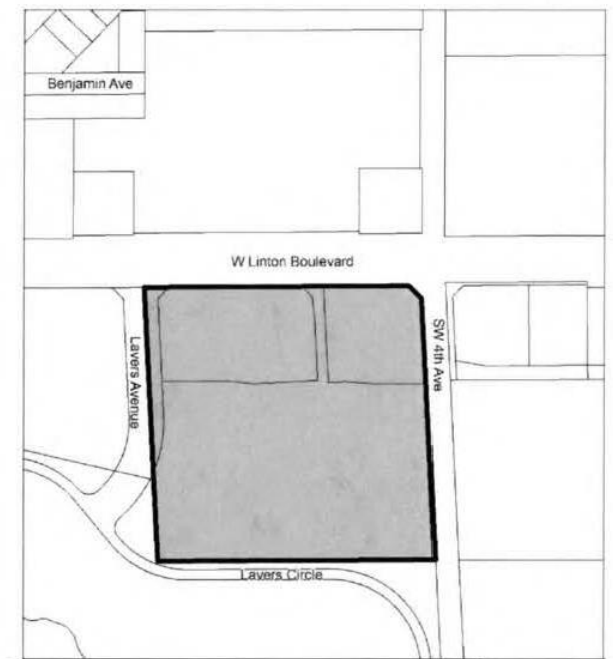
- (15)f. **Very low income household.** A household with a gross, combined income not exceeding 60 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance Authority Corporation).
- (16)s. **Workforce housing unit.** A dwelling unit for which the rent or mortgage payment, (including principal, interest, taxes and insurance (P-I-T-I)), does not exceed 35 percent of the gross income of households that classify as very low, low, or moderate income households and meets the other requirements of the Family/Workforce Housing Program.
- t. ~~**I-95/CSX Railroad Corridor Overlay District.** The area located east of the CSX Railroad, west of I-95, south of the E-4 Canal, and north of the Historic Depot property, as shown in the map below.~~



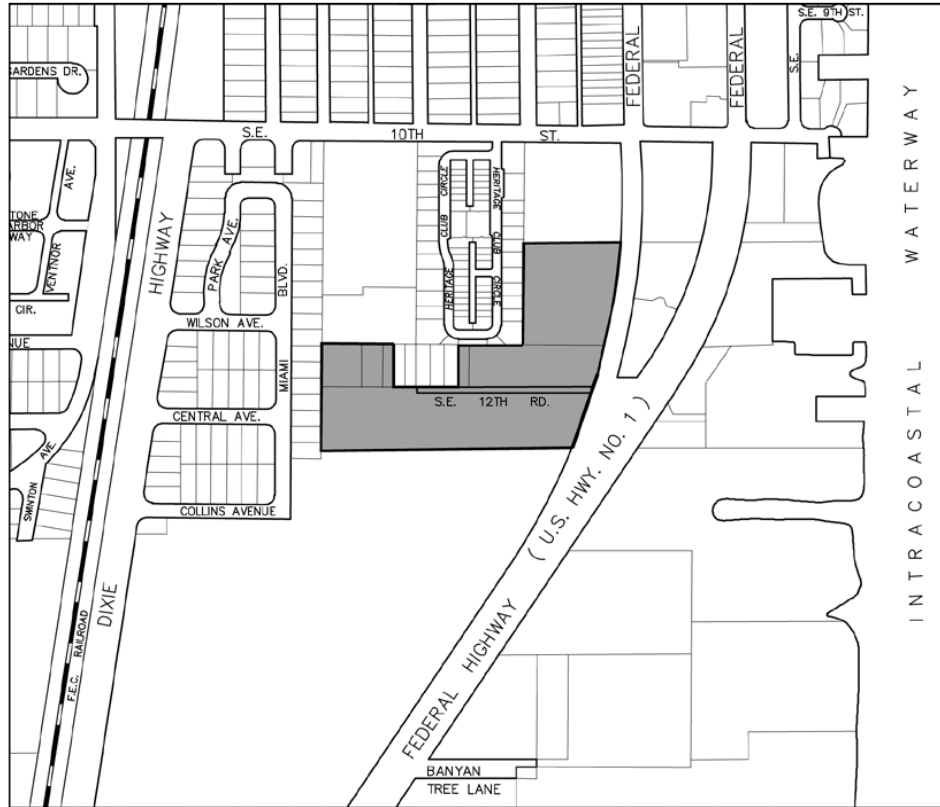
- u. ~~**Housing trust fund.** The Housing Trust Fund is comprised of the City's State Housing Initiatives Partnership (SHIP) allocation and is administered by the City of Delray Beach Community Improvement Department. All monetary contributions in lieu of workforce housing units shall be deposited into the trust for the purpose of supplementing annual SHIP allocations. The interest received on any such investment shall be credited to the fund. The City shall administer the fund exclusively for the purpose of implementing programs described in the City's Local Housing Assistance Plan.~~
- v. ~~**Silver Terrace Courtyards Overlay District.** The area located on the west side of South Federal Highway, approximately 320 feet south of SE 10th Street and north of the Plaza at Delray, as shown in the map below.~~
- w. ~~**Aura Delray Beach Overlay District.** The area located between Congress Avenue and the E-4 Canal, from West Atlantic Avenue to the Palm Beach County Palm Tran property, as shown on the map below. (Ord. No. 31-20, § 4, 9-10-20)~~



x. ~~***Linton Commons Overlay District.***~~ The area located at the southwest corner of Linton Boulevard and SW 4th Avenue and made up of Parcel A, Parcel B and Parcel C of the New Century Commons Plat (Plat Book 65, Page 21), as depicted on the map below. (Ord. No. 01-21, § 6, 1-19-21)

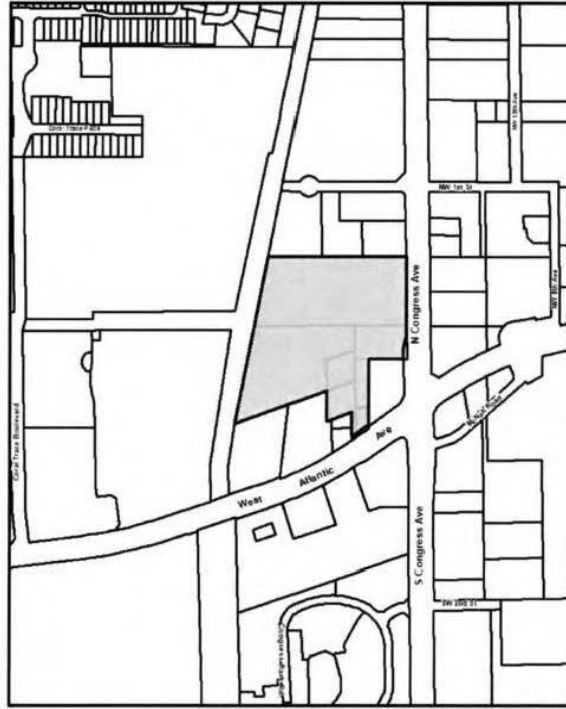


(Ord. No. 01-21, § 6, 1-19-21)

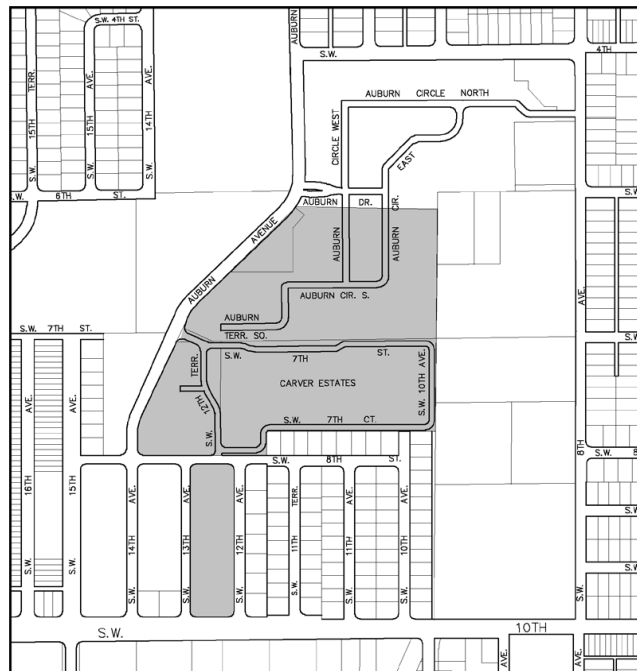


(B) Workforce housing incentive areas. This section identifies the areas that have revitalization incentives available in the form of density bonuses.

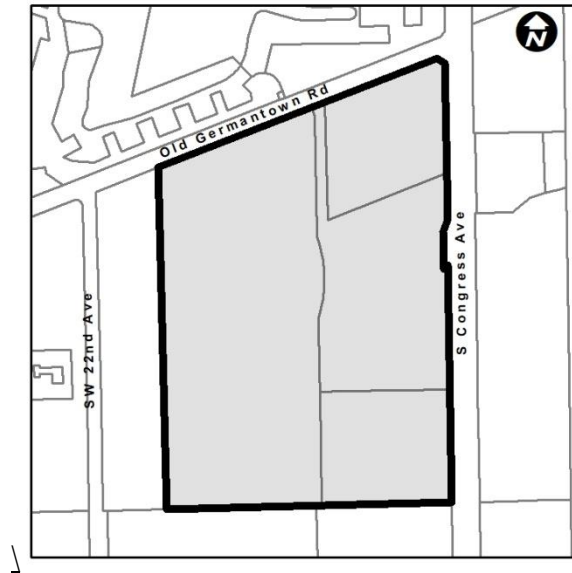
(1) *Aura Delray Beach Overlay District.* The area located between Congress Avenue and the E-4 Canal, from West Atlantic Avenue to the Palm Beach County Palm Tran property, as fully described in Ordinance No. 32-20.



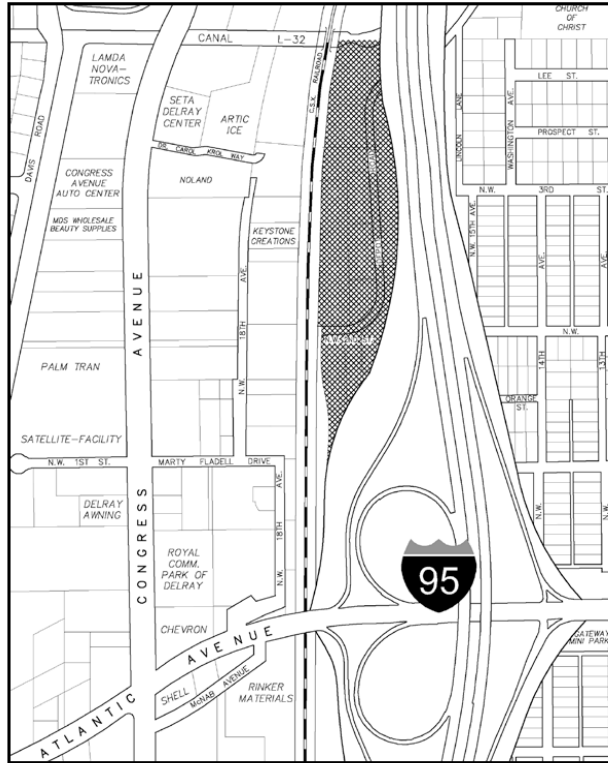
(2) **Carver Estates Overlay District.** The area defined in Section 4.5.11 and depicted on the map below.



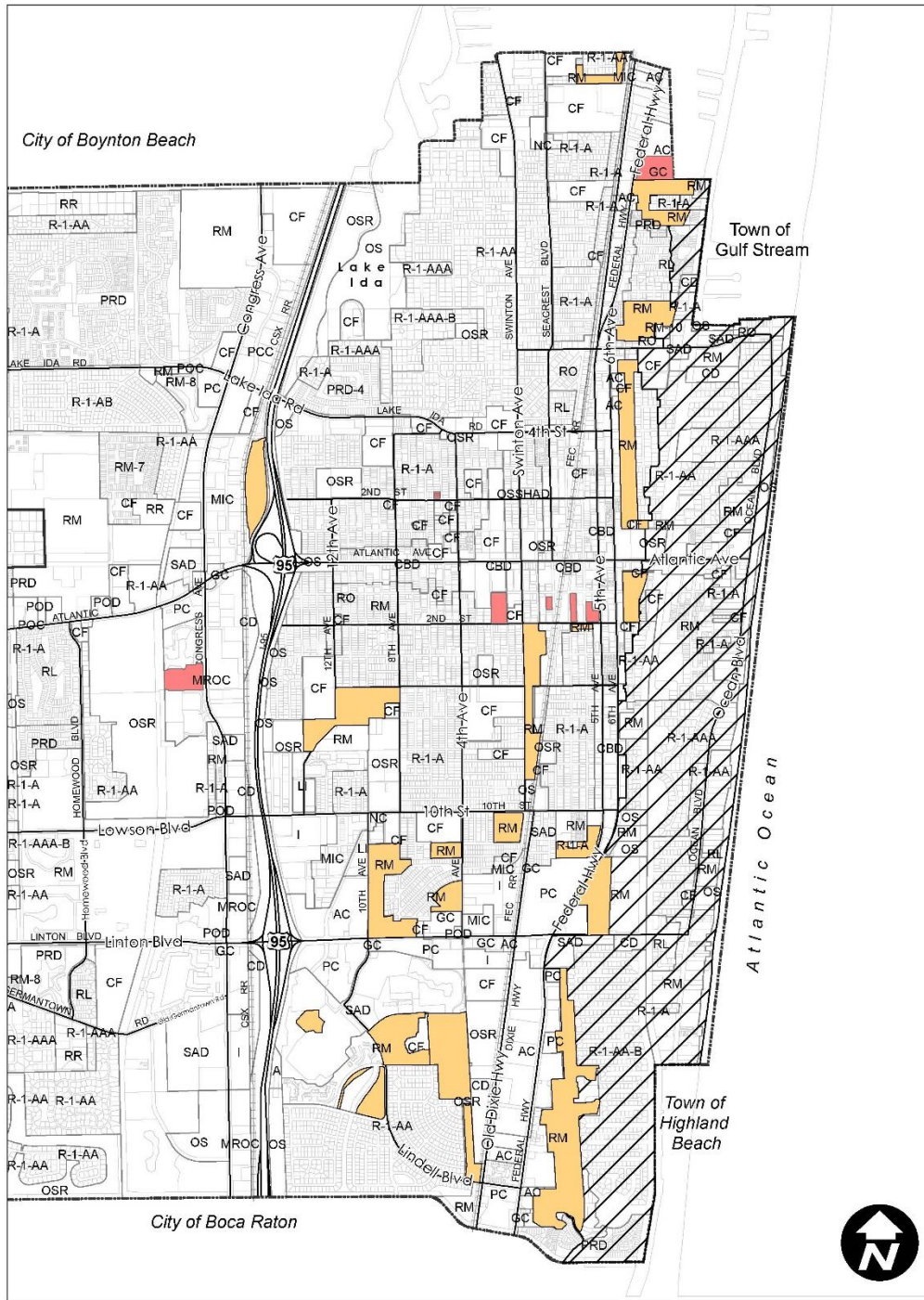
(3) **Congress Avenue Special Activities District (SAD).** The area west of Congress Avenue between Old Germantown Road and the Delray Oaks natural area to the south, more specifically defined in Ordinance No. 31-20 and shown on the map below.



- (4) ***Four Corners Overlay District.*** The area located at the four corners of the intersection of West Atlantic Avenue and Military Trail, as adopted by Ordinance No. 08-07 and more specifically defined in Section 4.5.14. The Overlay District includes both GC (General Commercial) and PC (Planned Commercial) zoned properties.
- (5) ***I-95/CSX Railroad Corridor Overlay District.*** The City Commission established an additional workforce housing overlay district known as the I-95/CSX Railroad Corridor Overlay District for certain properties located east of the CSX Railroad, west of I-95, south of the E-4 Canal, and north of the Historic Depot property, as depicted on the map below.



- (6) **Infill workforce housing area.** The City Commission established an additional workforce housing overlay district known as the Infill Workforce Housing Area for certain properties located west of the Intracoastal and east of I-95, outside of the coastal high hazard area.



- Infill Workforce Housing Overlay District
- 22 Units Per Acre in the GC Zoning District
- Coastal High Hazard Area
- Delay Beach Boundary

Infill Workforce Housing Areas

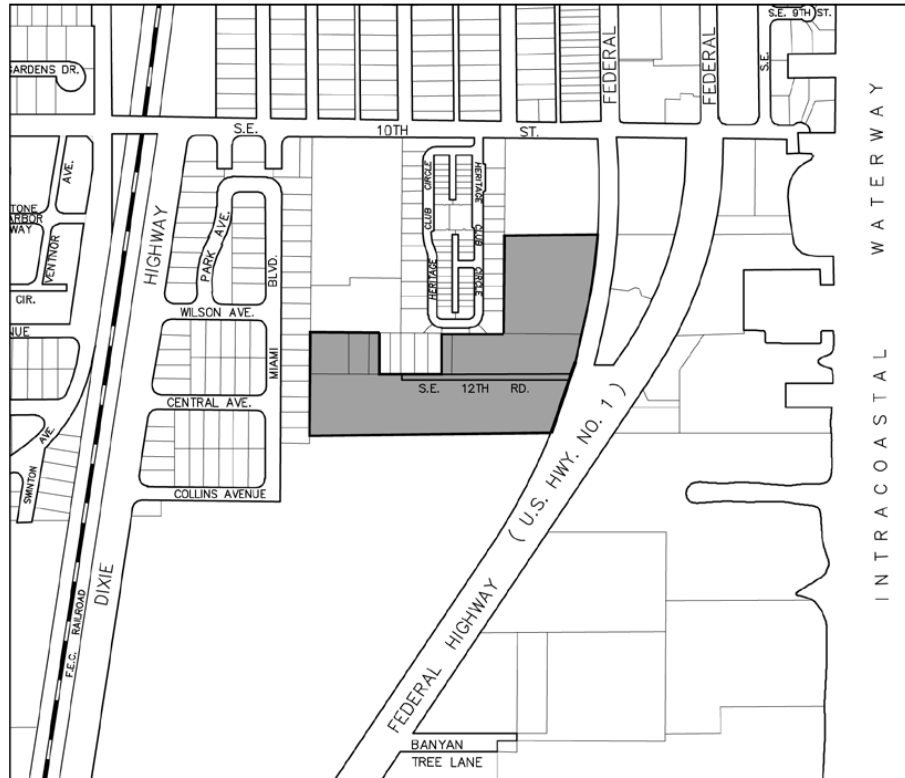
0 1,300 2,600 5,200
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City of Delray Beach
Development Services Department
Print Date: 8/10/2023

- (7) **Linton Commons Overlay District.** The area located at the southwest corner of Linton Boulevard and SW 4th Avenue and made up of Parcel A, Parcel B and Parcel C of the New Century Commons Plat (Plat Book 65, Page 21).



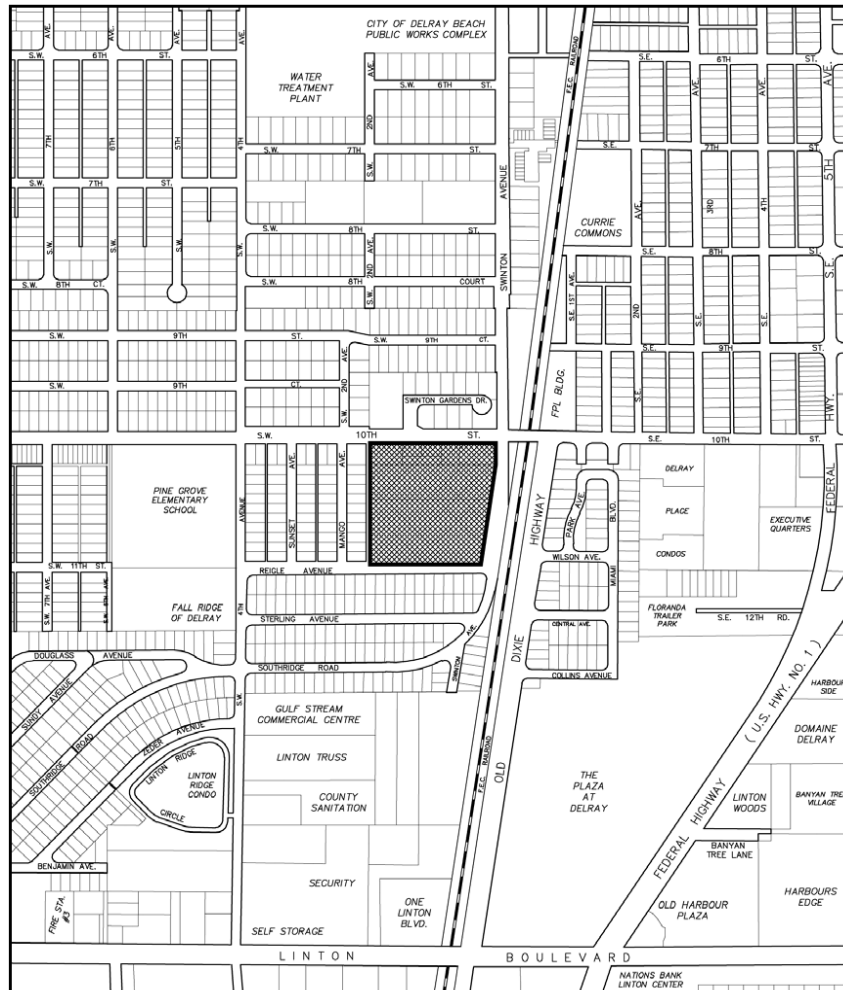
- (8) **Silver Terrace Courtyards Overlay District.** The area located on the west side of South Federal Highway, approximately 320 feet south of SE 10th Street and north of the Plaza at Delray, as shown in the map below.



- (12) **Southwest Neighborhood Overlay District.** The City Commission adopted the Southwest Area Neighborhood Redevelopment Plan and Comprehensive Plan changes recognizing the need to redevelop the Southwest Neighborhood in a manner that preserves the neighborhood and provides workforce housing. The area zoned RM between Interstate 95 and S.W. 1st Avenue, from Atlantic Avenue to S.W. 2nd Street, except along SW 12th Avenue, where it extends south to SW 3rd Street, as shown on the map below.



- (13) **Southwest 10th Street Overlay District.** The area at the Southwest corner of South Swinton Avenue and SW 10th Street as shown on the map below.



- (14) **West Atlantic Avenue Overlay.** The area bounded by I-95 on the west, Swinton Avenue on the East, S.W. 1st Street on the south, and N.W. 1st Street on the north, and extending one block north of N.W. 1st Street along N.W. 5th Avenue to include Blocks 19 and 27, Town of Delray.



Sec. 4.7.23. - ApplicabilityGeneral requirements.

Developers may earn additional density or height by building housing for very low, low, or moderate income households, as defined in a specific incentive area. All developments shall meet the requirements for units as specified in this Article and meet all applicable Land Development Regulations. Workforce units shall include those units in a development, which are regulated in terms of sales price or rent levels; marketing and initial occupancy; and continued requirements pertaining to resale or rent increases. Except as otherwise provided in this ordinance, these regulations shall apply only to development applications consistent with the following conditions generally apply:

- (A) Subject to restrictions contained in this Article, A development must be located within the established Southwest Neighborhood Overlay District, the Carver Estates Overlay District, or the Infill Workforce Housing Area workforce housing incentive areas in Article 4.7 to qualify for participation in the Density Bonus Program set forth in this Article 4.7-density bonuses.
- b. Subject to the restrictions of this Article, developments constructed pursuant to Section 4.3.4(J)(4)(b) must provide a proposal for workforce housing satisfactory to the City Commission to qualify for an increase in height. Developers may propose to meet this requirement by providing the units onsite, providing a monetary contribution, or delivery of offsite units. The developer's proposal for satisfying its workforce housing obligations pursuant to this section shall be subject to the review and approval by the City Commission. The City Commission may, in its sole and absolute discretion, accept the developer's plan for workforce housing, reject the developer's plan for workforce housing, or direct the developer to modify and re-submit a workforce housing proposal.

~~A combination of these three options is permissible subject to City Commission review and approval as provided for herein. For each required workforce housing unit which is approved by the City Commission for payment by monetary contribution, developers shall make a payment of a sum equal to \$160,000.00, payable to the City of Delray Beach Housing Trust Fund in lieu of providing the workforce housing unit within the development. The applicant must elect and submit its preferred option or combination of options for meeting the workforce housing requirement at the time application for conditional use approval is submitted for consideration by the appropriate board. Offsite units may be located anywhere within the City of Delray Beach. These units cannot be previously allocated as workforce housing units in another project. These units would be constructed at the time of the first vertical building permit issuance. If the project is built in phases, then the workforce units would be constructed in the same proportion and manner as the number of workforce units required for each phase.~~

(B)e- Subject to the restrictions of this Article and district zoning regulations, developments constructed pursuant to 4.4.13(I) requesting an increase in height and / or density must provide a proposal for to provide workforce housing satisfactory to the City Commission to qualify for increased density. Developers may propose to meet this requirement by providing the units onsite, providing a monetary contribution through an in-lieu payment, or by delivery of offsite units, or a combination of these three options.

(1) The applicant must schedule a pre-application meeting with Development Services and the Neighborhood and Community Services Departments to discuss any workforce housing proposal. Offsite units may be located anywhere within the City of Delray Beach. These units cannot be previously allocated as workforce housing units in another project. These units would be constructed at the time of the first vertical building permit issuance. If the project is built in phases, then the workforce units would be constructed in the same proportion and manner as the number of workforce units required for each phase.

(2) The developer's proposal for satisfying to satisfy its workforce housing obligations pursuant to this section shall be subject to review and approval by the appropriate board and City Commission. The City Commission may, in its sole and absolute discretion, accept the developer's plan for workforce housing, reject the developer's plan for workforce housing, or direct the developer to modify and re-submit a workforce housing proposal. A combination of these three options may be permissible subject to City Commission review and approval as provided for herein. For each required workforce housing unit, which is approved by the City Commission for as an in-lieu payment by monetary contribution, developers shall make a payment of a sum equal to \$160,000.00, payable to the City of Delray Beach Housing Trust Fund, in lieu of providing the workforce housing unit within the development.

~~The applicant must elect and submit its preferred option or combination of options for meeting the workforce housing requirement at the time application for conditional use approval is submitted for consideration by the appropriate board. Offsite units may be located anywhere within the City of Delray Beach. These units cannot be previously allocated as workforce housing units in another project. These units would be~~

~~constructed at the time of the first vertical building permit issuance. If the project is built in phases, then the workforce units would be constructed in the same proportion and manner as the number of workforce units required for each phase.~~

(3) **Final approval conditions.** Final conditions of approval shall specify that the restricted units are priced and/or rented at workforce housing levels and shall state that those units shall be rented and/or sold to the eligible income group in accordance with this article. The conditions will also specify the requirements for reporting to the City's Community Improvement Department on buyer eligibility, housing prices, as well as any applicable requirement to record a covenant or to enforce resale restrictions

~~(C)d-~~ In order to qualify for a density bonus, a project must consist of at least five new or substantially rehabilitated dwelling units. The U.S. Department of Housing and Urban Development (HUD) definition shall be used to determine whether there has been substantial rehabilitation. In addition, the units must 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.

~~(D)e-~~ The developer or responsible party must provide relocation assistance per household displaced as a result of the proposed project at a minimum of \$2,500.00 in the amount required by state or federal guidelines, per each household that is displaced as a result of the proposed project as adopted in the Residential Anti-displacement and Relocation Assistance Plan approved by the City.

~~f. In the Southwest 10th Street Overlay District, at least twenty percent of all residential units must be workforce housing units that are affordable to very low, or low, or moderate income families.~~

~~g. The Carver Estates Overlay District, the Southwest Neighborhood Overlay District, and the Infill Workforce Housing Area shall contain units that are affordable to very low, or low, or moderate income families.~~

~~h. Developments which must provide workforce housing pursuant to Section 4.3.4(J)(4)(b)ii(1) or Section 4.4.13(I) shall contain units that are affordable to low or moderate income families.~~

~~i. In the I-95/CSX Railroad Corridor Overlay District, at least twenty-five (25) percent of all residential units must be workforce housing units that are affordable to very low, or low, or moderate income families.~~

~~j. In the Silver Terrace Courtyards Overlay District, at least 20 percent of all residential units must be workforce housing units that are affordable to very low, or low, or moderate income families.~~

- (E)a. All on-site workforce housing units shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
- (F)b. Workforce housing units, if located within a market rate unit development or located offsite, shall be integrated with the rest of the development and shall be compatible in exterior design, appearance, construction, and quality of materials and contain comparable HVAC systems and appliances with market rate units and provide them as standard features. All workforce housing units shall contain comparable square footage to the corresponding market-rate unit.
- (G)d. The construction schedule for workforce housing units shall be consistent with the construction of market rate units.
- (H)e. There shall be no lot premiums charged on the workforce housing units.
- (I)f. All fractional bonus densities shall be rounded down.
- (J)k. Workforce housing units constructed according to this policy shall only be rented or sold as a primary residence.
- (K) The developer shall provide workforce housing units that include unit types in the same proportion as the market rate housing unit types. The required unit mix and affordability shall be as follows, unless otherwise regulated in a particular workforce housing area:

| <u>TABLE 4.7.3-A</u> <u>COMPOSITION OF WORKHOUSE HOUSING UNITS</u> | |
|---|--|
| <u>Unit Type</u> | <u>Distribution</u> |
| <u>Efficiency or studio</u> | <u>Not allowed</u> |
| <u>One-bedroom</u> | <u>No greater than 30 percent of the total units, including market rate and workforce housing units.</u> <u>The proportion of one-bedroom workforce units to total workforce units may not exceed the proportion of one bedroom market rate units to total market rate units.</u> |
| <u>Two-bedroom</u> | <u>The proportion of two-bedroom workforce units to total workforce units may not exceed the proportion of two-bedroom market rate units to total market rate units.</u> |
| <u>Three-bedroom</u> | <u>The proportion of three-bedroom workforce units to total workforce units must meet or exceed the proportion of three bedroom market rate units to total market rate units, unless four plus bedroom workforce units are provided.</u> |

| | |
|------------------------------------|---|
| <u>Four-plus bedrooms</u> | <u>The proportion of four-plus-bedroom workforce units to total workforce units must meet or exceed the proportion of four plus bedroom market rate units to total market rate units.</u> |
| <u>Unit types</u> | <u>If the development contains a mix of different types of units, (e.g. condominium, townhouse, detached, etc.), the proportion of workforce units of each type to total workforce units must be approximately the same as the proportion of market rate units of each type to total market rate units</u> |
| <u>For sale and for rent units</u> | <u>The proportion of for rent workforce units to for sale workforce units must not exceed the proportion of for rent market rate units to for sale market rate units. If the workforce housing units are funded under Florida Housing Finance Corporation's Housing Credit or State Apartment Incentive Loan (SAIL) Programs, the proportionality requirement herein stated shall not apply if the development provides at least 20 percent of the "for sale" units as workforce housing units.</u> |

(L) A restrictive covenant shall specify that the units designated as workforce housing are sold and/or rented at the approved income levels to the eligible income group in accordance with this article. The restrictive covenant shall also require reporting to the City's Community Improvement Department on buyer eligibility, housing prices, as well as any applicable requirement to record a covenant or to enforce resale restrictions.

Sec. 4.7.34. – Density bonus areas ~~Provision of workforce housing units.~~

~~Developers~~ Proposed developments will be allowed additional density or height in exchange for providing workforce housing units, subject to the limits and requirements of this chapter. ~~Developers~~ Developments will be allowed additional density, beyond the base number allowed ~~per existing by the~~ Land Development Regulations after performance standards have been met. ~~Developers will be allowed additional height under Section 4.3.4(J)(4) beyond 48 feet after the height requirements of Section 4.3.4(J)(4)(b) have been met.~~

- ~~a. Developers may earn additional density by building housing for very low, low or moderate income families within the designated boundaries of the Overlay Districts and Infill Workforce Housing Area or other appropriately zoned areas of the City described in this article.~~
- ~~b. All development shall meet the requirements for units as specified in this chapter and meet all required Land Development Regulations.~~
- ~~c. Workforce units shall include those units in a development, which are regulated in terms of:

 - ~~i. Sales price or rent levels; and~~
 - ~~ii. Marketing and initial occupancy; and~~
 - ~~iii. Continued requirements pertaining to resale or rent increases.~~~~

(A) ~~Sec. 4.7.4. Density Bonus Program for~~ The Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area. ~~(#) Developers of property Development proposals in the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area, that meet the minimum standards~~ will earn bonus units for building workforce housing for very low, low and moderate income families.

(1a)- The size of the bonus varies based on several factors including:

(a)i- Affordability (i.e., homes affordable to very low, low, or moderate ~~families~~ households)

(b)ii- Home Size (i.e., workforce housing units with four or more bedrooms are awarded larger bonuses)

(c)iii- Ownership versus Rental (i.e., larger bonuses are awarded for workforce housing units offered for sale to low and very-low income families and larger bonuses are awarded for ownership versus rental units.)

(2b)- To be eligible for bonus units, ~~developers~~ developments must meet one or more of the following criteria:

(a)i- A designated number of the total units are restricted to very low income households, and/or

(b)ii- A designated number of the total units are restricted to low income households, and/or

(c)iii- A designated number of the units are restricted to moderate income households

(3e)- Subject to the review and approval by the City Commission as ~~provided~~ required in Section ~~4.7.2~~ 4.7.3, workforce housing units may be located off-site provided the off-site location chosen is within the City of Delray Beach.

(4d)- The bonus allowances are set forth in Table-~~4~~ 4.7.4-A below. Sample calculations are available from Development Services.

~~TABLE 1 DENSITY BONUS ALLOCATIONS IN THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT, THE INFILL WORKFORCE HOUSING AREA AND THE CARVER ESTATES OVERLAY DISTRICT~~

| |
|--|
| <p style="text-align: center;"><u>TABLE 4.7.4-A</u> <u>DENSITY BONUS ALLOCATIONS IN THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT, THE INFILL WORKFORCE HOUSING AREA AND THE CARVER ESTATES OVERLAY DISTRICT</u></p> |
|--|

| OPTION | SALE/RENT | NUMBER OF BONUS UNITS PER WORKFORCE UNIT PROVIDED |
|---------------------------------------|--------------------------------------|---|
| VERY LOW: | Up to 60% | 4 |
| LOW | 80% — 61%: 61% - 80% | 3 |
| MODERATE | 120% — 81%: 81% - 120% | 2 |
| LARGE HOME OPTION | | |
| 4+ bedroom workforce housing units | | Additional 0.5 bonus will be added to the bonus provided above in this chart |

~~(5e)-~~ Instead of or in addition to providing workforce housing units, ~~developers~~ developments may also accrue bonus units by contributing to the City of Delray Beach Housing Trust Fund that will be utilized to subsidize workforce housing in the City of Delray Beach. ~~Developers~~ Development proposals may earn one bonus unit for each payment of a sum equal to \$60,000.00, payable to the City of Delray Beach Housing Trust Fund.

~~(6f)-~~ Also, instead of or in addition to providing workforce housing units, ~~developers~~ development proposals ~~shall~~ may earn bonus units by donating ~~land~~ (buildable lots) in the City Delray Beach to be used for workforce housing. The appraised value of donated land will be valued in accordance with ~~s~~Subsection ~~e-(5)~~ above and may be prorated. The appraisal shall be obtained by the project developer at developer's cost.

~~(7g)-~~ The maximum total density of a development in the Southwest Neighborhood Overlay District and the Carver Estates Overlay District shall not exceed 24 units per acre. The maximum total density of a development in the Infill Workforce Housing Area shall not exceed 18 units per acre for properties zoned RM and 22 units per acre and a Floor Area Ratio of 0.75 for properties zoned GC. ~~All other workforce housing area densities shall be limited to the maximum allowed in the zoning district and as set forth elsewhere in the Land Development Regulations.~~

~~(BX)~~ Sec. 4.7.5.—Density Bonus Program for the Southwest 10th Street, I-95/CSX Railroad Corridor and Silver Terrace Courtyards Overlay Districts.

~~(1)a.~~ ***Southwest 10th Street Overlay District.*** ~~Developers of property~~ Development proposals in the Southwest 10th Street Overlay District shall ~~develop the properties to afford~~ provide a minimum of 20 percent of the residential units as workforce housing units.

~~(a)i-~~ The twenty percent that are developed as workforce housing units must contain units that are affordable to very low, low, or moderate income families.

~~(b)ii-~~ In the Southwest 10th Street Overlay District, the maximum density allowed is the maximum zoning density allowed in the zoning district. To obtain the

maximum density allowed in the zoning district, not only must a minimum of 20 percent of the residential units be developed as workforce housing, but all the performance standards that allow increased density shall also be substantially met.

(c)iii. Workforce housing units may be located off-site provided the location ~~chosen~~ is within the City of Delray Beach.

(d)iv. All sections of Article 4.7 apply to the Southwest 10th Street Overlay District, except for Sections 4.7.4; and 4.7.11 ~~and 4.7.12~~.

(e)vii. Notwithstanding Table 4.7.3-A, in the Southwest 10th Street Overlay District at least 75 percent of the workforce housing units shall be three-bedroom units offered for initial sale in an amount not to exceed \$225,000.00 and 25 percent of the workforce housing units may be two bedroom units offered at the low income affordability rate.

(2)b. ***I-95/CSX Railroad Corridor Overlay District.*** ~~Developers of property~~ Development proposals in the I-95/CSX Railroad Corridor Overlay District shall ~~develop the properties to afford~~ provide a minimum of 25 percent of the residential units as workforce housing units.

(a)i. The twenty-five percent that are developed as workforce housing units must contain units that are affordable to very low, low, or moderate income families.

(b)ii. In the I-95/CSX Railroad Corridor Overlay District, the maximum density allowed is 24 units per acre ~~as a Conditional Use~~. To obtain a density greater than six units per acre, not only must a minimum of 25 percent of the residential units be developed as workforce housing, but the performance standards ~~of~~ in Section ~~4.4.6(I), 4.3.3(BB)~~ shall also be substantially met.

(c)iii. All sections of Article 4.7 apply to the I-95/CSX Railroad Corridor Overlay District, except for Sections 4.7.4; and 4.7.11 ~~and 4.7.12~~.

(3)e. ***Silver Terrace Courtyards Overlay District.*** ~~Developers of property~~ Development proposals in the Silver Terrace Courtyards Overlay District shall ~~develop the properties to afford~~ provide a minimum of 20 percent of the residential units as workforce housing units.

(a)i. The 20 percent that are developed as workforce housing units must contain units that are affordable to very low, low, or moderate income families.

(b)ii. In the Silver Terrace Courtyards Overlay District, the maximum density allowed is 22 units per acre ~~as a Conditional Use~~. To obtain a density greater than six units per acre, not only must a minimum of 20 percent of the residential units be developed as workforce housing, but the performance standards of Section ~~4.4.6(I) 4.3.3(BB)~~, shall also be substantially met.

~~(c)iii.~~ All sections of Article 4.7 apply to the Silver Terrace Courtyards Overlay District, except for Sections 4.7.4; and 4.7.11 and 4.7.12.

(C) *Aura Delray Beach Overlay District.* A minimum of 25 percent of the project density must be provided onsite as workforce housing. The Overlay District shall be developed in accordance with the following:

~~d. *Aura Delray Beach Overlay District.*~~ The Aura Delray Beach Overlay District shall be developed in accordance with the following:

~~(1)i.~~ 25 percent of the residential units must be developed and provided on-site as workforce housing for moderate income households.

~~(2)ii.~~ The maximum density allowed is 24 units per acres.

~~(3)iii.~~ The provisions of Article 4.7 are to be applied, or any workforce housing regulations specified as part of an adopted SAD Ordinance, as applicable.

(D) e. *Linton Commons Overlay District.* Developers of property in the Linton Commons Overlay District shall develop the properties to afford a minimum of 20 percent of the residential units as workforce housing units.

~~(1)i.~~ The workforce housing units must be provided on-site and be affordable to an equal distribution of very low, low, or moderate income families.

~~(2)ii.~~ The maximum density allowed is 30 units per acre ~~as a conditional use.~~ To obtain a density greater than six units per acre, the performance standards of Section ~~4.4.6(F)~~ 4.3.3(BB), shall also be substantially met.

~~(3)iii.~~ All sections of Article 4.7 apply to the Linton Commons Overlay District, except for Sections 4.7.4 and 4.7.11.

(E) *Congress Avenue Special Activities District (SAD).* Residential development shall have 10 percent moderate income rental units and 10 percent moderate income for-sale units, as regulated by Ordinance No. 30-18 and any subsequent amendments.

(F) *Central Business (CBD) District.* Certain broad based and applicable incentives are available within certain CBD sub-districts to advance City strategic, policy-driven goals, such as the expansion of workforce housing. The specific incentives and required performance criteria are identified in Section 4.4.13(H).

(1) West Atlantic Neighborhood Subdistrict of the CBD. Developments which must provide workforce housing pursuant to a request for increase in density as outlined in Section 4.4.13(H) shall contain units that are affordable to low or moderate income families.

(2) Railroad Corridor Sub-district. Density may be increased over 30 dwelling units per acre up to 70 dwelling units per acre with the provision of at least 20 percent workforce housing units on-site with an equal distribution of units for very low, low, and moderate income units.

(3) South Pairs Sub-district. Density may be increased from 12 dwelling units per acre up to 50 dwelling units per acre.

(G) **Four Corners Overlay District.** Multi-family dwelling units, excluding duplexes, may comprise 75 percent of the total floor area of the development master plan at a maximum density of 30 units per acre, when proposed as part of a mixed-use development containing office and/or commercial uses. Residential developments must include a minimum of 20 percent moderate income workforce units subject to provisions of Section 4.4.9, Article 4.7, and the Performance Standards of Section 4.3.3(BB).

(H) **Mixed Residential, Office, and Commercial District (MROC).** As regulated by Section 4.4.29, density may be increased as high as 50 dwelling units per acre, subject to locational criteria and the provision of a minimum of 20 percent moderate income workforce units. An increase in square footage is also allowed for self-storage facilities that provide a workforce housing contribution equal to 0.75 percent of the total project construction cost.

(I) **Requests for increase in height.** Increases in height from 48 feet to a maximum of 60 feet are permitted in the areas identified in Section 4.3.4(J) and must provide low or moderate income workforce housing units onsite, offsite, or through monetary contributions that comply with the provisions of Article 4.7, equal to at least 20 percent of the residential units on the top floor.

Sec. 4.7-6.5. - Rental housing units.

(A)a- A covenant shall be recorded in the Public Records specifying the income level served, rent levels, reporting requirements and all restrictions applicable to the workforce housing units. All leases shall contain language incorporating covenants applicable to the workforce housing unit and reference recorded covenants.

(B)b- Household income levels, affordability ranges, and maximum rental rates are provided in Table 4.7.6-A—Rental Housing Units.

| Table 4.7.6-A Workforce Housing - Rental Units | | | |
|---|--------|---|--|
| Household Level | Income | Affordability Level Range (determined by Palm Beach County Median Income) | Units shall not have rental rates that exceed the following percent of the HUD determined fair market rent for the area: |
| Very Low | | Under Up to 60% | 60% |
| Low | | 61% to 80% | 80% |
| Moderate | | 81% to 120% | 120% |
| NOTE: Any developments previously approved with another maximum rent for a particular household income level shall remain subject to the terms of project approval. | | | |

- (C)e. No workforce housing units shall be offered for rent to the general public until all requirements of this Section are met.
- (D)f. All Restrictive Covenants shall meet the requirements of this Article and are subject to approval of the City Attorney.
- (E) Workforce housing rental units shall be marketed continuously as workforce housing units. If the total number of occupied workforce housing units does not equal 100 percent of the workforce units required by the restrictive covenant, workforce units that have remained vacant for 45 days or more due to a lack of eligible occupants may be rented to non-eligible occupants at market rents subject to the following conditions:
- (1) At the end of each calendar year, the developer shall pay to the Delray Beach Housing Trust Fund (DBHTF) any rents received from the non-eligible occupants of the workforce units for that year in excess of the rents that would have been received from eligible occupants for such workforce units based on workforce rents at the time of the signing of the lease ("Excess Rental Payment").
 - (a) Excess Rental Payments shall accrue only for periods in which the required 100 percent is not satisfied.
 - (b) No later than 20 days following the end of the month, the developer shall provide the DBHTF with a monthly statement highlighting those units which require Excess Rental Payments.
 - (c) No later than 30 days following the end of the year, the developer shall provide the DBHTF with an annual statement and shall submit the amounts due to the DBHTF within 30 days following written notice from the DBHTF of its approval of each annual statement.
 - (2) Workforce units rented to non-eligible occupants will be considered workforce housing units for the purposes of complying with these regulations, but only until the next

vacant unit is rented to an eligible candidate, at which time the non-eligible unit will cease to be considered a workforce housing unit. If less than 100 percent of the total number of workforce units required for the project are occupied with workforce eligible occupants, then each subsequent vacant unit shall be marketed to workforce eligible applicants until all required workforce units are rented to eligible occupants.

Sec. 4.7.7.6 - For sale housing units.

- (A)a. With the exception of workforce housing units sold as part of ~~the Delray Beach a~~ Community Land Trust, all deeds shall include the restrictive covenants applicable to workforce housing units. All sales contracts shall state that the unit is part of a workforce housing program and subject to ~~Section~~ Article 4.7 of the Land Development Regulations of the City. All deeds to buyers of workforce housing units shall contain restrictive covenants providing that the Community Land Trust shall have the right of first refusal to purchase the workforce housing unit on the same terms and conditions as a prospective buyer. The restrictive covenant shall give the Community Land Trust 15 business days to enter ~~into~~ a contract to purchase the property on the same terms and conditions as the prospective buyer.
- (B)b. All purchasers of workforce housing units shall be very low, low or moderate income households; provided, however, in exceptional circumstances when persons in households above the moderate income level are displaced due to redevelopment or catastrophic events, the persons so affected shall also be eligible for workforce housing. ~~Under these circumstances, the Density Bonus allocations under Section 4.7.4 shall be for moderate income households.~~
- (C)e. Owners of workforce housing units shall be required to occupy the unit unless evidence is presented to Neighborhood and Community Services Department staff indicating that the owner is unable to continuously occupy the unit due to illness or incapacity.
- (D)d. Closing costs and title insurance shall be paid pursuant to the custom and practice in Palm Beach County at the time of opening of escrow. No charges or fees shall be imposed by the seller on the purchaser of a workforce housing unit which are in addition to or more than charges imposed upon purchasers of market rate units, except for administrative fees charged by the City/CRA, or their designee.
- (E)e. The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the Palm Beach County statistical area. The average area purchase price may be calculated for any 12-month period beginning no earlier than the fourth calendar year prior to the year in which the purchase occurs. The sales price of new and existing units can be lower than, but not in excess of 90 percent of the median area purchase price established by the U.S. Treasury Department or as described above.
- (F)f. No workforce housing units shall be offered for sale to the general public until all requirements of this chapter are met.

~~(G)g-~~ All Restrictive Covenants shall meet the requirements of this Article and are subject to approval of the City Attorney.

Sec. 4.7.8.7. - Resale and subsequent rentals of affordable units.

To maintain the availability of workforce housing units which may be constructed pursuant to the requirements of this program, the following resale conditions shall be imposed on the workforce housing units and included in the deed or restrictive covenant and recorded in the Public Records of Palm Beach County:

- (A) Except for Community Land Trust properties, a deed restriction, restrictive covenant, or bylaws to ensure continued affordability, shall be approved by the City Attorney, prior to recording in the Public Records of Palm Beach County.
- (B) The deed restriction shall limit the maximum permitted resale price to the initial sale price of the workforce housing units, increased at the same rate as the Palm Beach County median income has increased from the initial date of purchase. Prior to the closing on any sale, resale or prior to any rental of any workforce housing unit, the City shall be notified of the sale, resale or rental.
- (C) Conversions of rental units to owner occupied units or vice versa shall require the subsequent rental or sale to be for the same workforce housing income category.
- (D) For both sale and rental of workforce housing units, affordability and occupancy restrictions shall remain in effect for no less than 40 years commencing from the initial date of occupancy of the unit. These restrictions shall also apply to any replacement structure or structures constructed if a workforce housing unit or units is demolished or destroyed, provided that the demolition or destruction of the structure was unintentional. Restrictions on the units in the structure may terminate on demolition or destruction if it occurs 35 years after recording of the restrictions.
- (E) A lessee or owner of an income restricted unit is not required to vacate or sell the unit if the tenant(s) or purchaser (s) income later exceeds the AMI.
- (F) The City of Delray Beach, its successors and assigns may enforce the restrictive covenants. No amendments to the covenants shall be made unless by written instrument approved by the City.
 - ~~a. All workforce housing units shall remain affordable for a period of no less than 40 years commencing from the date of initial occupancy of the unit, subject to the limits set forth in this section and Section 4.7.9.~~
- ~~(G)b-~~ All workforce housing units must only be sublet, rented or sold to income-eligible households of the same income category; tenant or purchaser income may not exceed the percent of the AMI under which the unit was originally approved. There shall be no provisions for releases from the sale or rental of workforce units to eligible households.

Workforce housing units may only be resold to non-eligible households only when the restriction expires.

~~(H)e.~~ Deed restrictions or restrictive covenants and/or bylaws designed to ensure continued affordability shall be embodied in legally binding agreements meeting the requirements of this Article, which shall be approved by the City Attorney prior to recording. Workforce housing units sold as part of any Delray Beach Community Land Trust sale shall not contain resale restrictions other than those contained in the ground lease recorded as part of the original sale.

~~(I)d.~~ Workforce housing unit resales shall be limited to households of the same category relative to income.

~~(J)e.~~ The sales price of workforce housing units may not exceed the upper limit of affordability for the income category to which the unit was originally assigned.

~~(K)f.~~ Transfers of title under the following circumstances shall be allowed, and are not subject to the restrictions included in this program:

~~(1)i.~~ Transfers by inheritance to the unit owner's surviving spouse, qualified domestic partner, or lineal descendants, or

~~(2)ii.~~ Transfers of title to a spouse as part of a divorce decree, or to a qualified domestic partner as part of a court approved property settlement agreement, or;

~~(3)iii.~~ Acquisition of title or interest therein by an existing unit owner's spouse if it is in conjunction with marriage of the unit owner and his or her spouse; or by an existing unit owner's qualified domestic partner.

~~(L)g.~~ No resales of workforce housing units shall be completed until the requirements of this chapter are met.

~~Sec. 4.7.9. General provisions.~~

~~a.~~ If not located offsite, all workforce housing units constructed or rehabilitated under this program shall be situated within the development so as not to be in less desirable locations than market rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market rate units.

~~b.~~ Workforce housing units, if located within a market rate unit development or located offsite, shall be integrated with the rest of the development and shall be compatible in exterior design, appearance, construction, and quality of materials and contain comparable HVAC systems and appliances with market rate units and provide them as standard features. All workforce housing units shall contain comparable square footage to the corresponding market rate unit.

~~c.~~ The developer shall endeavor to provide workforce housing units that include unit types in the same proportion as the market rate housing unit types. The following conditions must be met:

- i. ~~The proportion of one bedroom workforce units to total workforce units may not exceed the proportion of one bedroom market rate units to total market rate units.~~
- ii. ~~The proportion of two bedroom workforce units to total workforce units may not exceed the proportion of two bedroom market rate units to total market rate units.~~
- iii. ~~The proportion of three bedroom workforce units to total workforce units must meet or exceed the proportion of three bedroom market rate units to total market rate units, unless four plus bedroom workforce units are provided.~~
- iv. ~~The proportion of four plus bedroom workforce units to total workforce units must meet or exceed the proportion of four plus bedroom market rate units to total market rate units.~~
- v. ~~If the development contains a mix of different types of units, (e.g. condominium, townhouse, detached, etc.), the proportion of workforce units of each type to total workforce units must be approximately the same as the proportion of market rate units of each type to total market rate units.~~
- vi. ~~If the development includes both for sale and for rent units, the proportion of for rent workforce units to for sale workforce units must not exceed the proportion of for rent market rate units to for sale market rate units; provided however if the workforce housing units are funded under Florida Housing Finance Corporation's Housing Credit or SAIL Programs, the proportionality requirement herein stated shall not apply if the development provides at least 20 percent of the "for sale" units as workforce housing units.~~
- vii. ~~Notwithstanding Section 4.7.9 c. i., ii., iii., iv. and v. above, in the Southwest 10th Street Overlay District at least 75 percent of the workforce housing units shall be three-bedroom units offered for initial sale in an amount not to exceed \$225,000.00 and 25 percent of the workforce housing units may be two bedroom units offered at the low income affordability rate.~~
- d. ~~The construction schedule for workforce housing units shall be consistent with or precede the construction of market rate units.~~
- e. ~~There shall be no lot premiums charged on the workforce housing units.~~
- f. ~~All fractional bonus densities shall be rounded down.~~
- g. ~~The City of Delray Beach, its successors and assigns may enforce the covenants. No amendments to the covenants shall be made unless by written instrument approved by the City.~~
- h. ~~No efficiency or studio type units shall be allowed under the family/workforce housing program.~~
- i. ~~The total number of one bedroom units in any qualifying project shall not exceed 30 percent of the total number of units in the project, including both family/workforce units and market rate units.~~
- j. ~~Except as otherwise provided in Section 4.7.8(c), Workforce Housing Units constructed according to this policy shall be protected for subsequent resale or rental to Workforce Households whose income does not exceed the applicable AMI by deed restrictions or by other equivalent and effective methods. Conversions of rental units to owner occupied units or vice versa shall require the subsequent rental or sale to be for the same workforce housing income category.~~
- k. ~~Workforce Housing Units constructed according to this policy shall only be rented or sold as a primary residence.~~

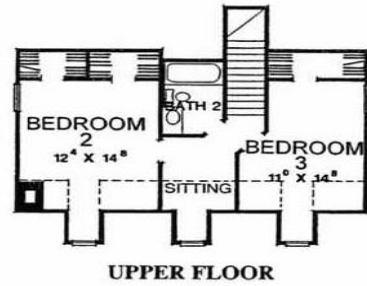
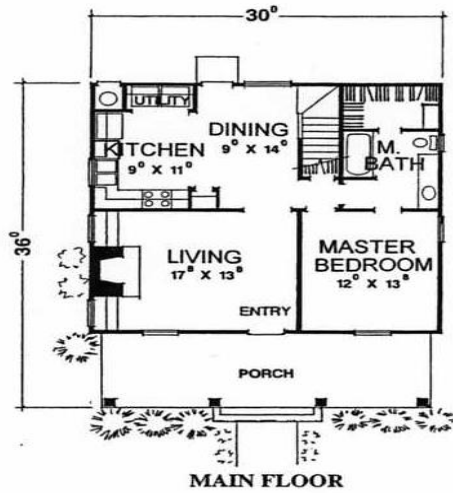
- l. — ~~Except as otherwise provide in Section 4.7.8(c), a deed restriction on a form acceptable to the City Attorney shall be recorded in the Public Records of Palm Beach County. In addition to other restrictions therein contained, said deed restriction shall prohibit any subletting or assignment of the respective Workforce Housing Unit to a tenant(s) or purchaser(s) whose income exceeds the percent of the AMI under which the unit is originally approved. For the purpose of this section, household income is determined by the cumulative income of all tenants or purchasers under one roof. In addition, said deed restriction shall limit the maximum permitted resale price to the initial sale price of the Workforce Housing Units, increased at the same rate as the Palm Beach County median income has increased from the initial date of purchase. Prior to the closing on any sale, resale or prior to any rental of any workforce housing unit, the City shall be notified of the sale, resale or rental.~~
- m. — ~~For both sale and rental of Workforce Housing Units, affordability and occupancy restrictions shall remain in effect for 40 years and shall apply to any replacement structure or structures constructed if a structure containing a Workforce Housing Unit or Units is demolished or destroyed, provided that if demolition or destruction of a structure containing Workforce Housing Units occurs 35 years after recording of the restrictions and said demolition or destruction was unintentional, restrictions on the units in the structure shall terminate on demolition or destruction.~~
- n. — ~~Nothing requires a workforce household to vacate a rental workforce housing unit or sell a workforce housing unit if the tenant(s) or purchaser (s) income later exceeds AMI.~~
- o. — ~~Workforce housing rental units shall be marketed continuously as workforce housing units. In the unlikely event that, notwithstanding the marketing efforts outlined in a specific Covenant agreement, the total number of occupied workforce housing units does not equal 100 percent of the workforce units required for the project and , as to workforce units which have remained vacant for 45 days or more due to a lack of Eligible — Occupants, those units may be rented to non-eligible occupants at market rents; provided that the Developer shall pay to the Delray Beach Housing Trust Fund (DBHTF) at the end of each calendar year any rents actually received from the non-eligible occupants of the workforce units for that year in excess of the rents that would have been received from Eligible Occupants for such workforce units based on workforce rents at the time of the signing of the lease ("Excess Rental Payment"). Excess Rental Payments shall accrue only for periods in which the required 100 percent is not satisfied. No later than 20 days following the end of the month, the Developer shall provide the DBHTF with a monthly statement highlighting those units which require Excess Rental Payments. No later than 30 days following the end of the year, the Developer shall provide the DBHTF with an annual statement and shall submit the amounts due to the DBHTF within 30 days following written notice from the DBHTF of its approval of each annual statement. The workforce units rented to non-eligible occupants will be considered Workforce Housing Units for the purposes of complying with this Ordinance, but only until the next vacant unit is rented to an eligible candidate, at which time the non-eligible unit will cease to be considered a Workforce Housing Unit. If less than 100 percent of the total number of workforce units required for the project are occupied with workforce eligible occupants, then each subsequent vacant unit shall be marketed to workforce eligible applicants pursuant to an approved marketing and advertising plan until all required workforce units are rented to eligible occupants.~~

~~Sec. 4.7.10. — Review and approval process.~~

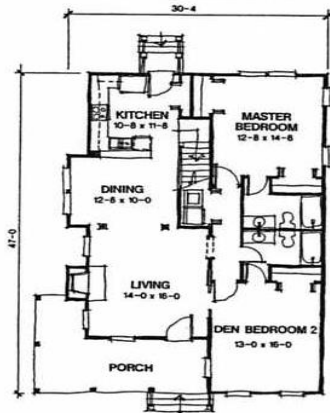
- a. ~~***Final approval conditions.*** Final conditions of approval shall specify that the restricted units are priced and/or rented at workforce housing levels and shall state that those units shall be rented and/or sold to the eligible income group in accordance with this article. The conditions will also specify the requirements for reporting to the City's Community Improvement Department on buyer eligibility, housing prices, as well as any applicable requirement to record a covenant or to enforce resale restrictions.~~

Sec. 4.7.11-8. - Other incentives.

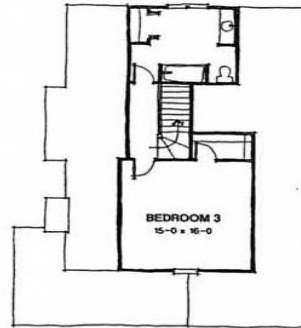
(A)~~a.~~ ***Nonconforming lots of record.*** ~~In order to address a shortage of workforce housing units, incentives have been added to induce the construction of workforce housing units in the City. In addition to the other incentives contained within this article, nonconforming lots of record that have at least 40 feet of frontage may be used for ~~W~~workforce ~~H~~housing, as long as provided the workforce proposed housing unit meets the typical designs represented by the sketches set forth below and, the additional requirements of 4.1.4(D) as well as, and any other applicable code provisions are met.~~



| | | | | |
|--------------------------|----------------------|-------------------------------------|---|--|
| Upper Floor | 565 sq. ft. | Footprint 30'-0" x 36'-0" | 3 Bedrooms 2 Bathrooms Basement, Crawlspace or Slab Foundation | |
| Main Floor | 840 sq. ft. | | | |
| Total Living Area | 1,405 sq. ft. | | | |
| Basement | 840 sq. ft. | | | |

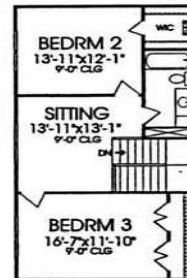
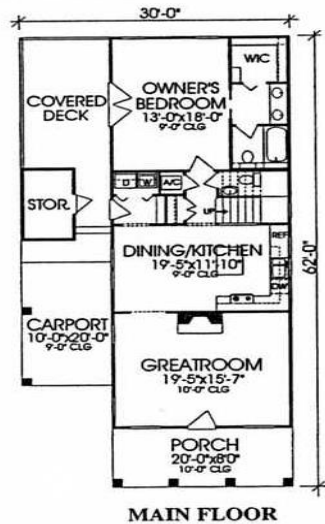
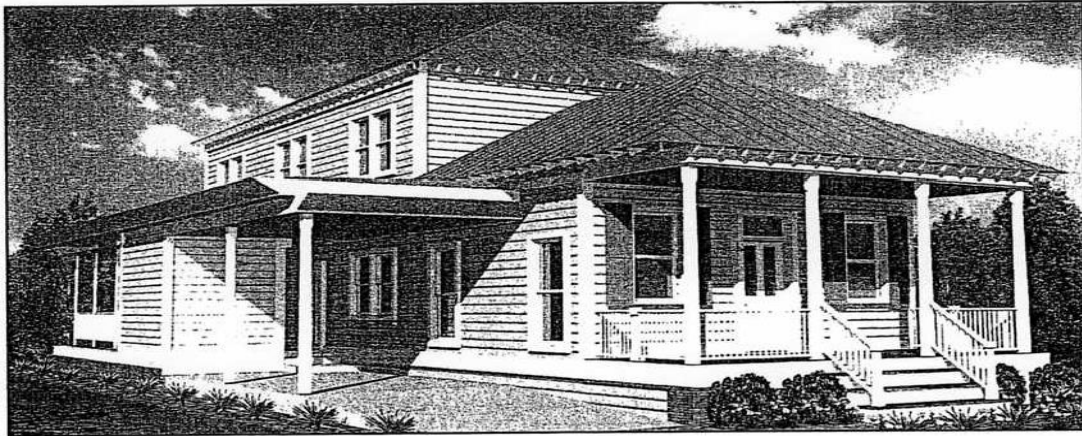


MAIN FLOOR

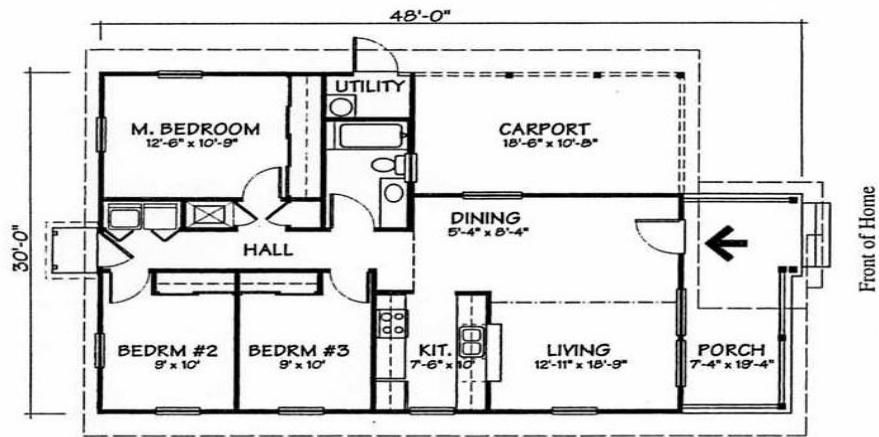



UPPER FLOOR

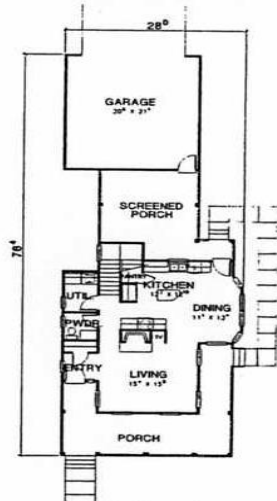
| | | | | |
|-------------------|---------------|------------------------------|--|--|
| Upper Floor | 480 sq. ft. | Footprint 30'-4" x 47'-0" | 2+ Bedrooms 3 Bathrooms Crawlspace Foundation | |
| Main Floor | 1,238 sq. ft. | | | |
| Total Living Area | 1,718 sq. ft. | | | |



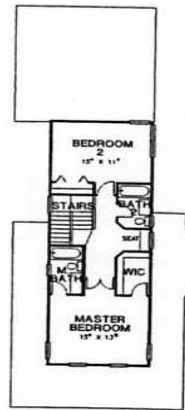
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|-------------------|---------------|------------------------------|---|--|
| Upper Floor | 698 sq. ft. | Footprint 30'-0" x 62'-0" | 3 Bedrooms 2½ Bathrooms Crawlspace, Slab or Basement Foundation | |
| Main Floor | 1,080 sq. ft. | | | |
| Total Living Area | 1,778 sq. ft. | | | |
| Basement | 1,080 sq. ft. | | | |



| | | | | | |
|-------------------|-------------|-----------|-----------------|-----------------|---|
| Main Floor | 978 sq. ft. | Footprint | 30'-0" x 48'-0" | 3 Bedrooms |  |
| Total Living Area | 978 sq. ft. | | | 1 Bathroom | |
| | | | | Slab Foundation | |

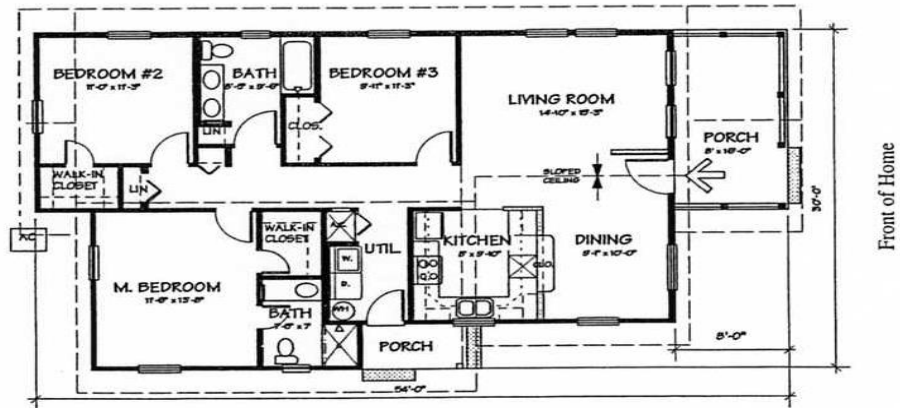


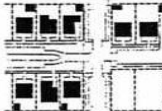
MAIN FLOOR

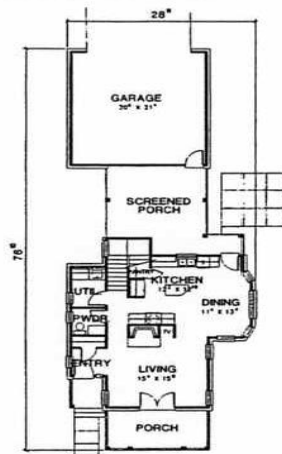


UPPER FLOOR

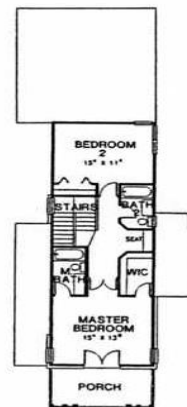
| | | | | |
|-------------------|---------------|------------------------------|--|--|
| Upper Floor | 681 sq. ft. | Footprint 28'-0" x 76'-4" | 2 Bedrooms 2½ Bathrooms Crawlspace or Slab Foundation | |
| Main Floor | 706 sq. ft. | | | |
| Total Living Area | 1,387 sq. ft. | | | |



| | | | |
|--|-------------------------------------|--|---|
| Main Floor 1,234 sq. ft. Total Living Area 1,234 sq. ft. | Footprint 30'-0" x 54'-0" | 2 Bedrooms 2 Bathrooms Slab Foundation |  |
|--|-------------------------------------|--|---|



MAIN FLOOR



UPPER FLOOR

| | | | | |
|--------------------------|----------------------|---------------------------------------|--|--|
| Upper Floor | 681 sq. ft. | Footprint 28'-11" x 76'-10" | 2 Bedrooms 2½ Bathrooms Crawlspace or Slab Foundation | |
| Main Floor | 706 sq. ft. | | | |
| Total Living Area | 1,387 sq. ft. | | | |

Section 35. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 36. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 37. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 38. 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 _____, 2023.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____