

ORDINANCE NO. 20-22

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 4.4, "BASE ZONING DISTRICT," SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE, AND COMMERCIAL (MROC) DISTRICT," BY AMENDING THE PURPOSE AND INTENT, AMENDING EXISTING DENSITY REGULATIONS FOR MULTI-FAMILY DEVELOPMENT AND AMENDING DENSITY INCENTIVES RELATED TO WORKFORCE HOUSING, TO ENSURE COMPLIANCE WITH SECTION 166.04151, FLORIDA STATUTES, MAKE CORRECTIVE UPDATES, AND REVISE LANGUAGE TO IMPROVE READABILITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

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, it is the City's practice to reserve the highest density allowed in a land use designation to incentive programs focused on specific community benefits, such as the provision of affordable housing units, as found in the LDR; and

WHEREAS, the Florida Legislature amended Section 166.04151, Florida Statutes, requiring municipalities to provide incentives to fully offset all costs to the developer when the developer is required to provide a specified number or percentage of affordable housing units; and

WHEREAS, density incentives are listed in Section 166.04151, Florida Statutes as an acceptable means to fully offset all costs to the developer associated with mandatory affordable housing contribution; and

WHEREAS, Section 4.4.29, "Mixed Residential, Office, and Commercial (MROC) District," of the LDR currently requires development with multi-family dwelling units to contain at least 20 percent workforce housing units, but does not establish a base density with incentives to achieve revitalization density incentives; and

WHEREAS, the City desires to establish a base density for residential developments and establish density incentives within the MROC District; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on May 16, 2022, and voted 5 to 2 to recommend these proposed text amendments be approved with the condition that the density incentives for workforce housing require the developer to provide at least 30 percent workforce

housing units and they be equally distributed among very low, low, and moderate income levels, finding the request and approval thereof, as amended, is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS the City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan, meets the criteria set forth the Land Development Regulations, and is in the best interests of the City.

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

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

Section 2. Chapter 4, "Zoning Regulations," Article 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 hereby amended as follows:

Sec. 4.4.29. - Mixed Residential, Office ~~A~~and Commercial (MROC) District.

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

(B) *Principal uses and structures permitted.* The following types of uses are allowed within the MROC district as permitted uses:

- (1) *Office center.* The "Office Center" uses within an MROC development may comprise as much as one hundred percent (100%) of the total building square footage within the development. These uses can include:
 - (a) Financial Institutions, e.g., banks, savings and loan establishments, brokerage firms
 - (b) Medical Offices, e.g., physicians, dentists, chiropractors, podiatrists, optometrists, etc.
 - (c) Professional Offices, e.g., attorneys, engineering firms, architectural.
 - (d) Governmental offices, e.g., including federal, state, county, and local offices, along with their related fleet and communications operations (which will be considered accessory uses to governmental offices and services), civic centers, courthouses, fire stations, public health facility, law enforcement offices and facilities, post office, public utility facilities, communication towers and community facilities such as civic centers, cultural facilities,

libraries, auditoriums, museums, and public recreation facilities, and services such as day care centers, abuse, child care centers.

- (e) **Business Support Services**, primarily engaged in rendering services to other building establishments, e.g., such as mailing, building maintenance, personnel and employment services, management, and consulting services, protective services, copy and printing, travel, office supply, and similar services.

(2) **Research and development**. Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others. R&D uses may constitute 100 percent of the total building square footage within the development. Examples of such uses or resulting products include:

- (a) Product creation, testing, evaluation, and development.

- 1. computer hardware.
- 2. computer software.
- 3. pharmaceuticals.

- (b) Research and development services.

- 1. calibration laboratories or services.
- 2. chemical laboratories.
- 3. commercial testing laboratories.
- 4. soil laboratories.
- 5. scientific research laboratories.

(3) **General retail uses**. Retail uses and/or facilities not to exceed 20 percent of the total building square footage of the development, including, but not limited to:

- (a) Restaurants, baked goods, books, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, pharmacies, flowers and plants, fruits and vegetables, food, gifts, glassware, ice cream, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, pets and pet supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry.

- (b) Barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, outdoor cafes, tailoring, tobacconist.
 - (c) Galleries, butcher shops, cocktail lounges, exercise facilities, museums, libraries, newsstands, commercial or public parking lots and parking garages.
 - (d) Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on-site for any purpose), accessory to any Research and Development or Office Center complex.
- (4) ***Multi-family Dwelling Units:*** Multi-family uses ~~are excluding duplexes, subject to (c)(1)(2)(3) and (4) below, with a maximum density of either 40 or 50 units per acre, subject to the following Section 4.4.29(I), Special Regulations.:~~
- ~~(a) Residential units within 1,000 linear feet of the Tri Rail Transit station (measured by airline route) may comprise 100 percent of the total floor area of the development master plan at a maximum density of 50 units per acre. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.~~
 - ~~(b) Residential units between 1,001 and 2,500 linear feet of the Tri Rail Transit station (measured by airline route) may comprise 80 percent of the total floor area of the development master plan at a maximum density of 50 units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses. If a portion of the parcel is within 2,500 linear feet, this regulation shall apply to the entire parcel.~~
 - ~~(c) Residential units at a distance (measured by airline route) greater than 2,500 feet of a transit station may comprise 75 percent of the total floor area of the development master plan at a maximum density of 40 units per acre and only when proposed as part of a mixed use development containing office and/or commercial uses.~~
 - ~~1. 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.~~
 - ~~2. Workforce units shall be subject to general provisions of Article 4.7.6, 4.7.7, 4.7.8, 4.7.9, and 4.7.10. Notwithstanding the above, residentially developed sites within 1,000 linear feet (measured by airline route) of the Tri Rail station can contain 100 percent workforce housing units. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.~~
 - ~~3. For mixed use developments, the shared parking provisions of LDR Section 4.6.9. (C)(8) shall be allowed.~~

~~4. All residential developments shall be subject to the Performance Standards of 4.4.13(I)(2).~~

- (5) ***Hotel, motel and residential all suite lodging.*** These types of uses may comprise up to 20 percent of the total floor area of the overall master plan. For the purpose of calculating the percentages of uses within the development master plan, multiple hotels, motels, and residential all suite lodging uses will be considered one specific use category.
 - (6) Assisted Living Facilities that do not comport with the definition of "community residence," Nursing Homes, and Continuing Care Facilities subject to the requirements set forth in Section 4.4.29(B)(4) a, b, and c above.
 - (7) Self-service storage facilities, pursuant to the Development Standards of Subsection (G)(1)(f).
 - (8) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 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, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence.
 - (9) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D).
- (C) ***Accessory uses and structures permitted.*** The following uses are allowed when a part of, or accessory to, the principal use:
- (1) Parking lots and parking garages.
 - (2) Refuse, service and loading areas.
 - (3) Meeting and conference facilities when associated with uses in the Master Plan.
 - (4) Provision of services and repair of items incidental to the principal use.
 - (5) Recreational facilities attendant to a multi-family residential development, such as tennis courts, swimming pools, exercise areas, and meeting rooms.
 - (6) Fleet Management, field operations services, and communication facilities associated with governmental offices and services.
 - (7) Family Day Care Home, pursuant to Section 4.3.3(T).
 - (8) Urban Agriculture, pursuant to regulations set forth in Section 4.3.3(D).

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

- (1) Lunch counters, cafeterias, restaurants, snack bars, and vending machine areas.
- (2) Classroom and training facilities.
- (3) Child Care facilities.
- (4) Sundry shops.
- (5) Exercise facilities.

(E) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the MROC District. Uses approved in this section shall be part of the maximum percentage for each use.

- (1) Health spas, fitness centers, gymnasiums, and exercise facilities which are open to the general public
- (2) Pet services and veterinary clinics, subject to Section 4.3.3(W).
- (3) Drive-thru facilities associated with any allowed use.
- (4) Twenty-four-hour/late night businesses (except for governmental offices and services) as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(~~vv~~VV).
- (5) Day Care Centers subject to LDR Section 4.3.3(E).
- (6) Educational Facilities, training centers, and vocational schools. This use will be considered similar to "Office Center" for the purposes of MROC regulations pertaining to types of uses, except for parking, which shall be pursuant to Section 4.4.29(H)(8).
- (7) Live/Work Unit, subject to Section 4.3.3(KKK).
- (8) Large Family Child Care Home, subject to Section 4.3.3(TT).
- (9) 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.

(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) with approval granted by the Planning and Zoning Board. An MDP may be modified pursuant to Section 2.4.5(G).
- (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) and be consistent with the approved MDP, as applicable.

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

(1) *Standards pertaining to allocation of uses per development.*

- (a) Office Center uses may encompass up to 100 percent of the total floor area of a development.
- (b) Research and Development uses may encompass up to 100 percent of the total floor area of the development. Such use may be placed within any of the "land use areas" depicted on the MDP.
- (c) Retail uses shall not encompass more than 20 percent of the total floor area of the development.
- (d) Hotels, motels, and residential all suite lodging shall not encompass more than 20 percent of the total floor area of the development. Hotels, motels, and residential all suite lodging may comprise 100 percent of the floor area of an individual building within an MDP containing multiple buildings.
- (e) Multi-family uses may comprise ~~up to~~ 75 percent to 100 percent of a development, as ~~identified under~~ subject to LDR Section 4.4.29(B)(4) Table 4.4.29-A.
- (f) Self-service Storage Facility uses shall not encompass more than 50 percent of the total floor area of the development, unless the Development Bonus requirements are met, pursuant to

Subsection (G)(2)(h)(7). Self-service storage facilities may comprise 100 percent of the floor area of an individual building as part of a mixed-use development containing multiple buildings.

(2) ***Standards unique to the MROC District.*** Where standards unique to the MROC District conflict with standards contained elsewhere in the LDRs, the standards of this Subsection (2) shall prevail.

(a) ***Minimum site area.*** Minimum site area for development within the MROC District is two acres. The approving body may grant a waiver to the two acre requirement upon a determination that the development is consistent with the purpose and intent of the MROC District.

(b) ***Minimum floor area.***

1. Tenant space within research and development use areas must have a minimum of 1,000 square feet per tenant.
2. There are no minimum floor area requirements for office, retail, hotels, motels, and residential all suite lodging uses.
3. Residential units are subject to the minimum square footage per unit requirements of LDR Section 4.3.4(K) (Development Standards Matrix for Residential Zoning Districts - Subnote #1).
4. Self-service storage facilities are limited in floor area pursuant to Subsection (G)(1)(f).

(c) ***Lot coverage and open space.***

1. Lot coverage by building, pavement and hardscape site improvements shall not exceed 75 percent of the MROC development of the area of any individual lot, excluding any hardscaping within the Civic Open Space provided through the Community Benefit Bonus.
2. Land area, equal to at least 25 percent of the total district including the perimeter landscaped boundary, shall be in open space. Landscape areas required to meet internal parking lot design requirements, water bodies and paved areas shall not be included in the meeting of this 25 percent open space requirement.

(d) ***Perimeter development.*** A landscape buffer shall be provided around each development. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or ten percent

of the average depth of the property; however, in no case shall the landscape area be a width of less than ten feet.

• When adjacent to Congress Avenue	15 feet
• When abutting residentially zoned property	40 feet
• When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park	25 feet
• All other perimeters	15 feet
• Adjacent to CSX Railway	25 feet

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

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

1. Office, Research, and Commercial Floor Heights shall be a minimum of 12 feet floor to floor on the first floor and ten feet floor to floor on all floors above.
2. Residential uses shall have a minimum floor height of nine feet floor to floor on all floors.
3. Hotel, motel, residential all suite lodging, and self-service storage facilities shall have a minimum floor height of eight feet, six inches floor to floor on all floors.
4. Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.

(g) **Setbacks.**

1. **Congress Avenue frontage.** Setbacks shall be a minimum of ten feet and a maximum of 20 feet.
2. **Front yard.** Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d), Perimeter Development Buffers, to a maximum height of 42 feet. Thereafter, additional setbacks for the portion of the building exceeding 42 feet shall be a minimum of an additional ten feet.
3. **Side yard.** When adjacent to residential uses, excluding mixed-use development, the side yard setback requirements shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42 feet. Thereafter,

additional setbacks for the portion of the building exceeding 42 feet shall be a minimum of an additional ten feet.

4. **Rear yard.** Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42 feet. Thereafter, additional setbacks for the portion of the building exceeding 42 feet shall be a minimum of an additional ten feet, excluding those properties with rear yards adjacent to the CSX Railway which do not require the additional setback above 42 feet.
 5. **Building separations.** Shall be a minimum of 25 feet. For the purpose of this section parking structures are not considered to be buildings.
 6. **Properties adjacent to the CSX Railway.** The required building setback for properties adjacent to the CSX Railway shall be a minimum of 25 feet, whether determined to be the front, side interior, side-street, or rear of a property.
- (h) **Self-service storage facilities.** The following requirements apply to self-service storage facilities:
1. **Location.** Self-service storage facilities shall not be located within a radius of 1,000 feet of another existing self-service storage facility, measured from property line to property line. Self-service storage facilities are permitted only on properties east of Congress Avenue and adjacent to the Railway, as provided below:
 - a. Self-service storage facilities may not be established on the first and second floors of a building located within 200 feet of Congress Avenue, as measured in a straight line, perpendicular to the right-of-way.
 - b. The property containing the self-service storage facility must contain additional commercial and/or residential development between the self-service storage facility and Congress Avenue.
 2. **Facilities and requirements.**
 - a. **Bay access.** Outdoor bay type access to individual self-service storage facilities is prohibited. The exterior loading access points shall be designed in such a way to minimize sight lines from adjacent roads.
 - b. **Parking.** Parking shall be provided at the rates set forth in Section 4.6.9 for the permitted service, office and retail uses. For self-service storage facilities, parking shall be at a rate of one parking space per 100 storage units or portion thereof, including: (a) a minimum of three loading spaces for the self-service storage facility that must be striped and signed to limit the time for loading and unloading to one hour; and in addition (b) three and one-half spaces for each 1,000 square feet of accessory

office use associated with the self-service storage facility. Notwithstanding the above, a minimum of five parking spaces other than loading spaces shall be provided in connection with the self-service storage facility.

3. ***Limitation of additional on-site uses.***

- a. Activities not related to the rental or lease of self-service storage units shall not be conducted within the area designated for the self-service storage facility.
- b. No business or activity other than self-storage shall be conducted from any self-storage unit in the facility.
- c. Except as otherwise provided in this subsection, there shall be no electrical power provided to, or accessible from any individual self-storage units. This includes the provision of lighting fixtures to the interior of a self-storage unit. The use of portable generators is also prohibited.
- d. The use or storage of any hazardous materials is prohibited.
- e. The terms and conditions of this section shall be clearly expressed in all self-storage rental or leasing contracts, as well as conspicuously displayed in plain view on a sign no smaller than one foot by two feet in the leasing office at the facility.

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

5. ***Outdoor storage of vehicles, boats and truck rental.*** Outdoor storage of boats and vehicles and truck rental is prohibited.

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

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

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

be double the amount of total square footage attributed to the other uses within the development, and;

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

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

Ex.

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

					from "A" and two from "A" or "B"
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* Self-Service Storage Facilities

- c. **Civic open space.** Civic open spaces are privately maintained outdoor spaces which are accessible by the general public, improve the pedestrian environment, are aesthetically pleasing, and serve as an amenity for the city as a whole as well as for occupants of the building which the open space serves. Civic Open spaces shall be provided in accordance with the following:
- i. Civic open space shall consist of at least five percent of the total lot area in addition to the minimum required Open Space, and be clearly defined and contiguous.
 - ii. The civic open space shall adjoin a street front property line for no less than ten percent of the frontage width.
 - iii. Civic open spaces must be accessible to the public during all daylight hours.
 - iv. Civic open spaces must be situated to allow easy ingress and egress by pedestrians, and may not be fenced.
 - v. Civic open spaces must be located at the sidewalk level;
 - vi. Civic open spaces must be open to the sky; however, open-air garden structures such as gazebos or band shells are permitted within civic open spaces;
 - vii. Landscaping shall be arranged in a manner reflective of the type of civic open space. One shade tree per 20 feet of perimeter of the space is required. Trees may be arranged in regular spacing or in informal clusters, depending on the type of open space. Trees shall be installed to provide shade along walkways and for benches. Substituting shade trees for multiple palm species is not permitted; however, adding palms to the landscape design is permitted.
 - viii. Each civic open space shall provide street furniture elements, specifications subject to approval by the City of Delray Beach Engineering Department, including seating for at least two people per 500 square feet of area, one drinking fountain, one bicycle rack with no less than four spaces, one trash receptacle, and one pet clean up station.
 - ix. Civic open space shall be developed and open for use concurrent with the issuance of a certificate of occupancy for the building(s) for which the open space is required.

- d. ***Congress Avenue Corridor Beautification Contribution.*** The Congress Avenue Corridor Beautification Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of improving the Congress Avenue Corridor.
 - e. ***Greenway easement and contribution.*** The Greenway Easement and Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of establishing and improving the CSX Railroad Greenway.
 - f. ***Delray Beach Mobility/Transit Contribution.*** The Delray Beach Mobility/Transit Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of mobility or transit within the Congress Avenue corridor.
 - g. ***Workforce housing contribution.*** The Workforce Housing Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of constructing additional Workforce Housing Units within the City.
 - h. ***Green building certification.*** Green Building Certification (or equivalent) of a Silver level or higher must be obtained upon receiving the final inspection and Certificate of Occupancy by the Building Division. A surety bond in the amount of five percent of the total project construction costs will be submitted to the City, and released upon certification of a Silver level or higher. If this certification is not achieved, the City Commission may determine if the bond, or a percentage thereof, will be retained.
 - i. ***Community benefit agreement.*** A Community Benefit Agreement (CBA), in a form acceptable to the City Attorney, approved and adopted via Resolution by the City Commission which directly benefits the community such as local hiring initiatives for construction jobs, provision of Living Wages for all new hires, location of Corporate Headquarters, and any other mutually agreed upon benefits.
8. ***Site development relief.*** Developments which utilize the bonus program in Subsection (G)(7) above are not eligible to seek relief for the Development Standards listed in Section 4.3.4(K), or the requirements of this Section.

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

(H) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply except as modified by, or added to, as follows:

- (1) The perimeter buffer shall be landscaped to provide a boulevard effect along Congress Avenue.
- (2) The parking requirement for restaurants is established at 12 spaces per 1,000 square feet of gross floor area.
- (3) The parking requirements for residential units in multi-family structures or mixed-use buildings shall be as follows:

Efficiency dwelling unit	1.0 space/unit
One bedroom dwelling unit	1.25 spaces/unit
Two or more bedroom dwelling unit	2.00 spaces/unit
Two or more bedroom dwelling units within 1,000 feet of a Tri-Rail station	1.5 spaces/unit
Guest parking shall be provided cumulatively as follows:	
- for the first 20 units	0.50 spaces/unit
- for units 21—50	0.30 spaces/unit
- for units 51 and above	0.20 spaces/unit

- (4) The parking for commercial uses shall be four and one-half spaces per 1,000 square feet of gross floor area.
- (5) The parking for business and professional office uses shall be four spaces per 1,000 square feet of net floor area up to 3,000 square feet and then three and one-half spaces per 1,000 square feet of net floor area over the initial 3,000 square feet.
- (6) The parking for Medical office uses shall be five spaces per 1,000 square feet of gross floor area.
- (7) The parking for governmental uses shall be as outlined in LDR Section 4.6.9.(C).
- (8) The parking for educational facilities, training centers and vocational schools shall be as outlined in LDR Section 4.6.9(C)(6)(e).
- (9) For mixed-use developments, the shared parking formula under LDR Section 4.6.9(c)(8) can be utilized.
- (10) Guest parking spaces must be accessible to all visitors and guests and may be centralized or located near recreational features within a development project.

- (11) Parking adjacent to Congress Avenue. Parking shall be located to the rear of buildings having direct frontage along Congress Avenue. To that end no surface parking shall be located between buildings and Congress Avenue. Notwithstanding the above, relief to this requirement can be granted to accommodate pre-existing conditions.

(I) Special regulations.

- (1) ~~Documentation which constitutes evidence of unified control of the entire area within an MROC development must be provided at the time of submission of the Master Development Plan.~~ Master 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.
 - ~~(2)~~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, ~~and which specifically provides 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 ~~submission of the Master Development Plan~~ approval.
 - ~~(3)~~c. Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of facilities, services, and common areas ~~matters under Subsection (I)(2) and which that~~ bind successors in title to any such commitments shall be provided prior to plan ~~certification of a MROC site and development plan.~~
- (4) ~~The applicant must be able to bind the entire area within a proposed MROC development to the terms, conditions, uses, and site development plan as approved in the Master Development Plan.~~
- (5) Multi-family Development. ~~Developments with M~~multi-family dwelling units ~~may be located in structures that are comprised of residential units only or in mixed-use buildings that contain a combination of residential and non-residential uses. However, where residential uses are located in structures having frontage on Congress Avenue except if development is 100 percent residential within 1,000 feet of the Tri-Rail Transit station, there must be nonresidential uses fronting on Congress Avenue on the ground floor.~~ 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 with frontage on South Congress Avenue 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.
- 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).

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

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

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 6. This ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney