

ORDINANCE NO. 26-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.1, "REVIEWING OFFICIALS AND AUTHORITIES," SECTION 2.1.5, "THE PLANNING AND ZONING BOARD" AND SECTION 2.1.6, "THE SITE PLAN REVIEW AND APPEARANCE BOARD," TO ESTABLISH THE AUTHORITY TO APPROVE THE USE OF THE MASONRY MODERN AND ART DECO ARCHITECTURAL STYLES IN THE CENTRAL BUSINESS DISTRICT; AND BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (F), "ARCHITECTURAL STANDARDS," TO MODIFY CITY COMMISSION APPROVAL TO A DETERMINATION BY THE APPROPRIATE ADVISORY BOARD THAT THE MASONRY MODERN OR ART DECO ARCHITECTURAL STYLE IS APPROPRIATE FOR THE LOCATION AND MEETS ADOPTED ARCHITECTURAL DESIGN GUIDELINES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, 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, as its February 21, 2023, workshop, the City Commission directed staff to prepare an amendment to the LDR to require City Commission approval for the use of the Masonry Modern and Art Deco architectural styles in the Central Business District zoning district prior to the approval of a site plan; and

WHEREAS, on May 16, 2023, the City Commission adopted Ordinance No. 12-23, amending the LDR to require City Commission approval for the use of the Masonry Modern and Art Deco architectural styles in the Central Business District zoning district prior to the approval of a site plan; and

WHEREAS the City Commission determined it was more appropriate for the appropriate advisory board to review the use of the Masonry Modern and Art Deco architectural styles in the Central Business District zoning district prior to the approval of a site plan; 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, reviewed the proposed text amendment to the Land

Development Regulations at a public hearing on March 16, 2026 and voted 5 to 1 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

WHEREAS, the City Commission has considered Ordinance No. 26-26 and the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

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 2, “Administrative Provisions,” Article 2.1, “Reviewing Officials and Authorities,” Section 2.1.5, “The Planning and Zoning Board,” Subsection (E), “Duties, Powers, and Responsibilities,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

(E) ***Duties, powers, and responsibilities.***

- (1) To advise and recommend on the preparation and adoption of a comprehensive plan for the city pursuant the Charter, as amended, and by the Florida Statutes Chapter 163, as amended from time to time.
- (2) To determine whether or not specific proposed developments are consistent with the Goals, Objectives, and Policies of the comprehensive plan as to growth and improvement.
- (3) To perform all of the duties of the Local Planning Agency under the Florida Community Planning Act, as may be amended.
- (4) To conduct an annual infrastructure hearing to obtain public input prior to the annual review of proposed capital budget in accordance with Policy PFE 1.1.2 of the Comprehensive Plan.
- (5) ***Board Recommendations.*** The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):
 - (a) Amendments to the Comprehensive Plan and the Land Use Map.
 - (b) Rezoning of land.
 - (c) Amendments to any portion of the LDR.
 - (d) Annexation of territory to the City.

- (e) Establishment of a Conditional Use.
 - (f) Reserved.
 - (g) Abandonment of rights-of-way or public easements, except single purpose easements.
 - (h) Establishment or modification of the names of streets, alleys, or other pathways providing access for vehicles, bicycles, or pedestrians, whether public or private, in accordance with the adopted City of Delray Beach Addressing and Street Naming Manual.
 - (i) Certification of a Major Subdivision Plat.
 - (j) Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc.
 - (k) Relief to the requirements of the Central Business District prior to the consideration of an associated site plan application.
- (6) **Board Actions.** The Planning and Zoning Board hereby has the authority to take final action on the following items pursuant to the procedures and standards of the LDR:
- (a) Level 3 Site Plan applications, including any relief, as applicable.
 - (b) Level 2 Site Plan applications, if a variance is associated with the request.
 - (c) Master Development Plans as required in certain zoning districts.
 - (d) Determinations of Similarity of Use.
 - (e) Minor modification of a prior Conditional Use approval.
 - (f) Relief from the number of parking spaces required for specific uses pursuant to Section 4.6.9(F)(1).
 - (g) Variances associated with a Level 2 or Level 3 Site Plan application, limited to the following:
 1. Base district development standards, Section 4.3.4, unless otherwise stated.

2. Supplemental District Regulations, Article 4.6, except where said authority is expressly prohibited, granted to others, or relief is available through another process.
 3. Flood Damage Control Districts and Coastal Construction, Chapter 10.
- (h) Appeals from determinations by the Chief Building Official for the Standards of Approval in Article 7.9, Docks, Dolphins, Finger Piers, and Boat Lifts, associated with commercial or multi-family residential development.
- (i) Approval of the use of Masonry Modern or Art Deco architectural style on Level 4 Site Plan Applications and site plans that PZB has the authority to take final action on within the Central Business District.
- (ij) Any other regulations or requirements that specify relief is available by the body acting upon the development application.

Section 3. Chapter 2, “Administrative Provisions,” Article 2.1, “Reviewing Officials and Authorities,” Section 2.1.6, “The Site Plan Review and Appearance Board,” Subsection (E), “Duties, Powers, and Responsibilities,” of the Land Development Regulations of the City of Delray Beach, Florida, is amended as follows:

(E) ***Duties, powers, and responsibilities.***

- (1) ***Board Action.*** The SPRAB has the authority to take action on the following items pursuant to the procedures and standards of the LDR, except where authority is granted to the Historic Preservation Board:
- (a) Level 1 or Level 2 Site Plan applications when associated with the following requests for relief:
 1. Waivers that do not require City Commission action.
 2. Reduction in the number of parking spaces required for specific uses, pursuant to Section 4.6.9(F)(1).
 3. Waivers to Section 4.6.16, Landscape Regulations.
 - (b) Master Sign Programs and any sign that does not meet the minimum requirements of Section 4.6.7, Signs, and requires relief.
 - (c) Appeal of an administrative interpretation or decision associated with the following:

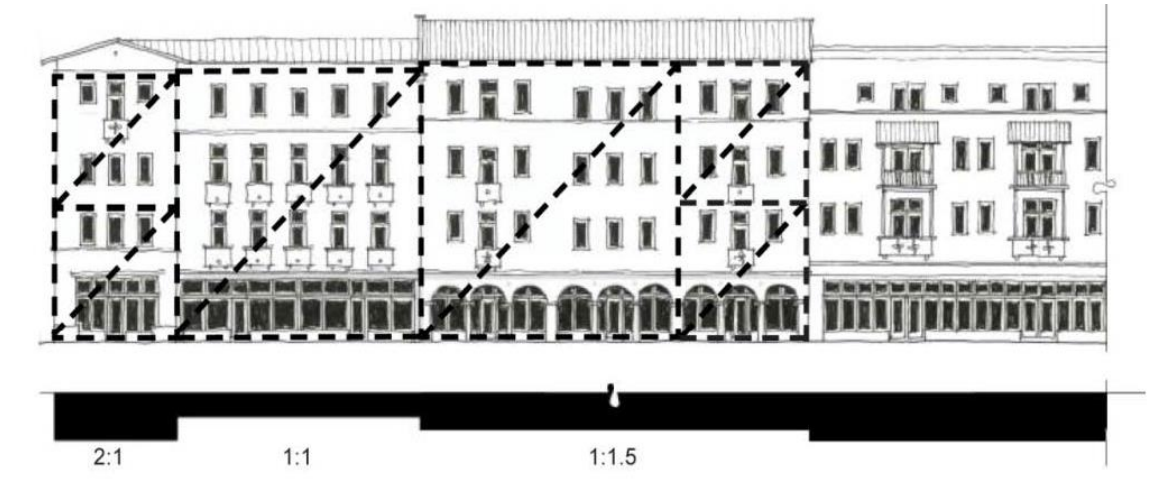
1. Section 4.6.7, Signs.
 2. Section 4.6.16, Landscape Regulations.
 3. Level 1 Site Plan Applications.
 4. Level 2 Site Plan Applications.
- (d) Appeals to adopted Design Guidelines.
1. Design Guidelines in Section II of the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods as set forth in Section 4.5.13.
 2. Central Business District Architectural Design Guidelines.
- (e) Approval of the use of Masonry Modern or Art Deco architectural style on site plans SPRAB has the authority to take final action on within the Central Business District.

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

- (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) **Required standards.** In addition to the standards in this section, all buildings shall follow the Delray Beach Architectural Design Guidelines. 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 also comply with the Visual Compatibility Standards of Section 4.5.1(E)(7).
 - (2) **Façade composition.**
 - (a) **Building Articulations.** Buildings articulations that respond to the site's unique urban condition, such as but not limited to, locations on corners, near public open spaces, terminating the visual axis of a street, and/or that emphasize main building entries, shall be clearly expressed in the design.
 1. Building articulations in the form of a change in building height and building placement shall be incorporated so that building façade proportions do not exceed height to width ratios of 3:1 or 1:2 (Figure 4.4.13-F-1).

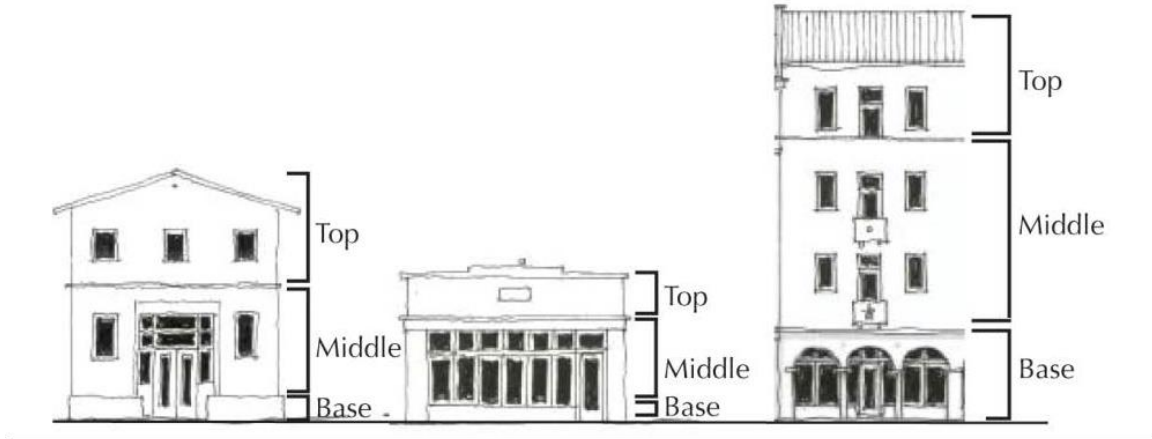
2. Building articulations shall be reinforced by changes in roof design, fenestration patterns, or architectural elements.

Figure 4.4.13-F-1 Façade Articulation Proportions



- (b) **Tripartite composition (base, middle, top).** All buildings shall have a clearly expressed base, middle, and top in the façade design.
 1. **Base.** The building base demonstrates the building is solidly anchored to the ground. The base may be configured in a number of ways, including, but not limited to the following:
 - a. A thickening of the lower portion of the wall surface, accompanied by a change in material or color;
 - b. the base of a storefront frontage type; or
 - c. the first story of buildings three or more stories tall, demarcated by a cornice or molding.

Figure 4.4.13-F-2 Examples of Base, Middle, Top Configurations



2. **Top.** The building top may be demonstrated in a number of ways, including, but not limited to the following:
 - a. a change in fenestration patterns;
 - b. placement of architectural elements such as balconies, cornice line, and moldings;
 - c. the parapet or roofline in buildings one to three stories tall; or
 - d. a setback at the top story.
- (c) **Visual screenings.** Building facades shall be designed to visually screen "Secondary Street" uses (as identified in Table 4.4.13 (A)) and large expanses of blank walls. Appropriate façade design to screen these uses incorporates the consistent use of materials and construction assemblies, fenestration patterns, architectural articulation, and features such as, but not limited to, the application of architectural screens, louvers, or glass. In addition, at the sidewalk level, vegetated surfaces and planters or window display shall be incorporated. Paint, faux treatments, scoring, construction joints, lighting, and material projections less than two inches are permitted, but do not fulfill the façade design requirements.

Figure 4.4.13-F-3
Character Examples for Building Façade Screening Secondary Street Uses



The Clematis Street garage utilizes consistent building materials with fenestration patterns to establish an attractive façade screening the parking levels over the retail space.



The Lincoln Theater has the building circulation located along the streets, behind an architectural glass façade, screening the large expanses of blank walls within the movie theater.

- (d) ***Façade composition compliance.*** All development submittals shall provide diagrams and/or documentation to illustrate compliance with the requirements of this Section which includes Building Articulation, Tripartite Composition, and Visual Screening. Additional analysis demonstrating compliance may be required by the Development Services Director at any point in the process.
- (3) ***Appropriate architectural styles.*** The adopted "Delray Beach Central Business District Architectural Design Guidelines", as amended, identifies architectural styles as appropriate for downtown Delray Beach, based on historical precedent, climate, and building scale. Defining characteristics and character examples are provided for each of the styles as guidance.
 - (a) ***Permitted architectural styles.*** One of the architectural styles shall be identified on permit application drawings and the building design shall reflect the defining characteristics outlined in the "Delray Beach Central Business District Architectural Design Guidelines" document.
 - (b) Eclectic combinations or mixing of styles is not permitted; however, projects comprised of multiple buildings may use more than one style, provided each building uses one style (e.g. an Anglo-Caribbean building next to a Florida Vernacular building), and façade portions of long buildings may use different styles provided each portion uses one style.
 - (c) ***Other Architectural Styles.*** Elevations introducing a new style may be utilized with City Commission approval, via recommendation by PZB, SPRAB or HPB, as

applicable. City Commission approval is required prior to consideration of the site plan ~~by SPRAB or HPB~~. Applicants shall provide the following:

1. A description including images of a documented and substantiated Florida vernacular architecture;
 2. A written justification of the appropriateness of the style for downtown Delray Beach; and
 3. An explanation including graphics demonstrating how the building design follows the proposed style.
- (d) Eclectic combinations of architectural styles may be used for civic buildings or for additions or renovations to existing buildings with City Commission approval, via recommendation by the PZB, SPRAB, or HPB, as applicable. Applicant shall provide a written justification of the appropriateness of the eclectic combination of styles for downtown Delray Beach.
- (e) The use of Masonry Modern or Art Deco architectural styles requires ~~City Commission review and determination by the PZB, SPRAB, or HPB, as applicable, that (1) the style is appropriate for the location; and (2) the design execution meets the architecture design guidelines approval, via recommendation by SPRAB or HPB, as applicable. City Commission approval is required prior to consideration of the site plan by SPRAB or HPB.~~ Board review shall occur prior to or at the time of the second review by the Technical Advisory Committee (TAC). The applicant acknowledges that opting to use Masonry Modern or Art Deco may result in new comments that must be resolved prior to final site plan consideration. Applicants shall provide an explanation, including graphics, demonstrating how the proposed building design implements the selected style.
- (ef) Accessory structures such as enclosures used for the screening of mechanical and electrical equipment, loading and service areas, and/or dumpster and recycling areas shall be consistent with the architectural style of the principal building.

(4) - (10) (These subsections shall remain in full force and effect as adopted.)

Section 5. 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 6. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 7. Specific authority is hereby given to codify this Ordinance.

Section 8. This Ordinance shall become effective immediately upon its adoption on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____