

ORDINANCE NO. 19-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ALL SUBSECTIONS, EXCEPT SUBSECTION (H), OF SECTION 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT" AT ARTICLE 4.4, "BASE ZONING DISTRICT" OF CHAPTER 4, "ZONING REGULATIONS", IN ORDER TO MODIFY REGULATIONS, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, RETAIL FRONTAGE, PARKING, BUILDING CONFIGURATIONS, FRONTAGE STANDARDS, STREET TREES, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, TRAFFIC CIRCULATION AND APPLICATION REVIEW PROCESSES IN THE CBD DISTRICT, PROVIDING FOR NEW FIGURE 4.4.13-8A ALONG WITH REDESIGNATION OF OTHER TABLES OR FIGURES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Ordinance No. 02-15, which repealed and replaced Section 4.4.13. Central Business District of the City of Delray Beach Land Development Regulations required that the new regulations be re-evaluated for their effectiveness in shaping the desired downtown environment resulting from the adopted regulations three years after adoption (February 2018) and as these regulations were later amended by Ordinances Nos. 27-15, 28-15, 13-16, and 39-17; and

WHEREAS, the City's advisory boards, including the Downtown Development Authority, Community Redevelopment Agency, West Atlantic Redevelopment Coalition, Pineapple Grove Main Street, Green Implementation and Advancement Board, Historic Preservation Board, Site Plan Review and Appearance Board, and the Planning and Zoning Board provided input and recommendations at scheduled public meetings during February, March, and August 2018; and

WHEREAS, the regulations have been evaluated taking into consideration those issues identified by applicants and staff during the administration of Section 4.4.13; and

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

WHEREAS, pursuant to LDR Section 1.1.6, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on August 20, 2018 and voted 5 to 0 to recommend that the proposed amendments be approved; and

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

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan and 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. That the recitations set forth above are incorporated herein.

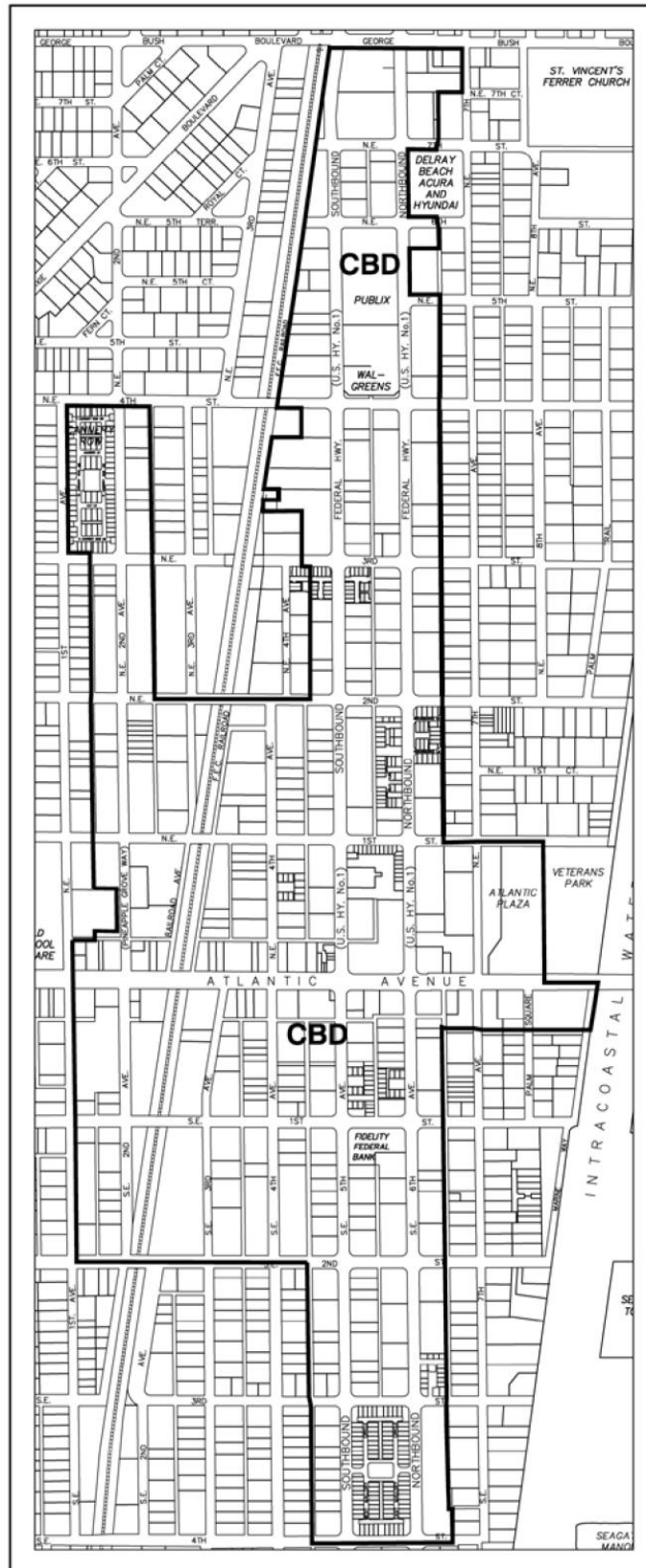
Section 2. That Section 4.4.13, “Central Business District (CBD)”, Subsection (A) “Purpose and Intent”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (A) ***Purpose and intent.*** The Central Business District (CBD) ~~Zone District~~ is established ~~in order~~ to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area. ~~In order to respond to changing conditions in the area, these land development regulations shall be re-evaluated by February 2018 for their effectiveness in shaping the desired downtown environment. Establishment of the CBD District is consistent with and implements, in part, Objective C-4 of the Land Use Element of the Comprehensive Plan. The CBD District is generally applied to the land areas territory depicted in the designated as Commercial Core designation on the Future Land Use Map.~~

The areas described below and shown in Figures 4.4.13-1, 4.4.13-2, 4.4.13-3, 4.4.13-4 provide for development that is consistent with the ~~adopted~~ Downtown Delray Beach Master Plan.

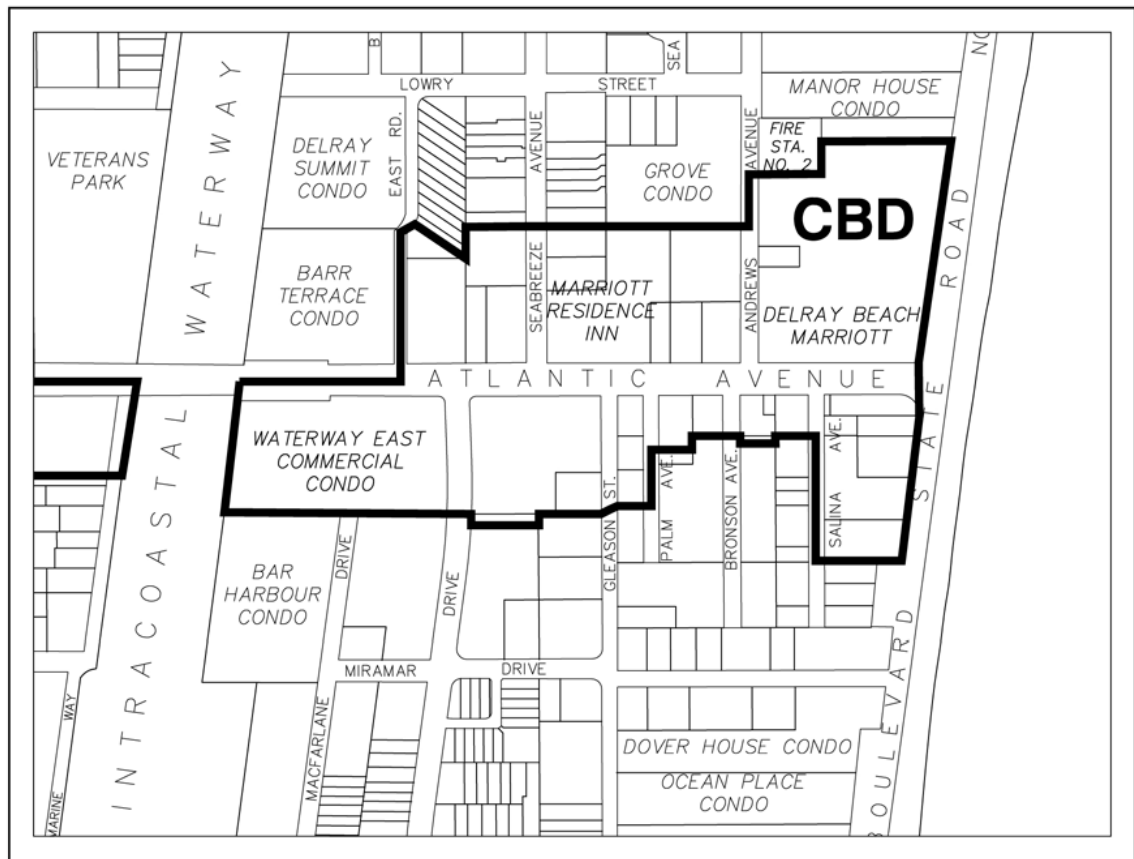
- (1) ***Central Core Sub-District.*** The Central Core Sub-district regulations are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown. Residential development is permitted at a ~~higher densities in this area than any other part of the city, in order to~~ which fosters compact, pedestrian oriented growth that will support downtown businesses. See Figure 4.4.13-1

Figure 4.4.13-1 Central Core Sub-district



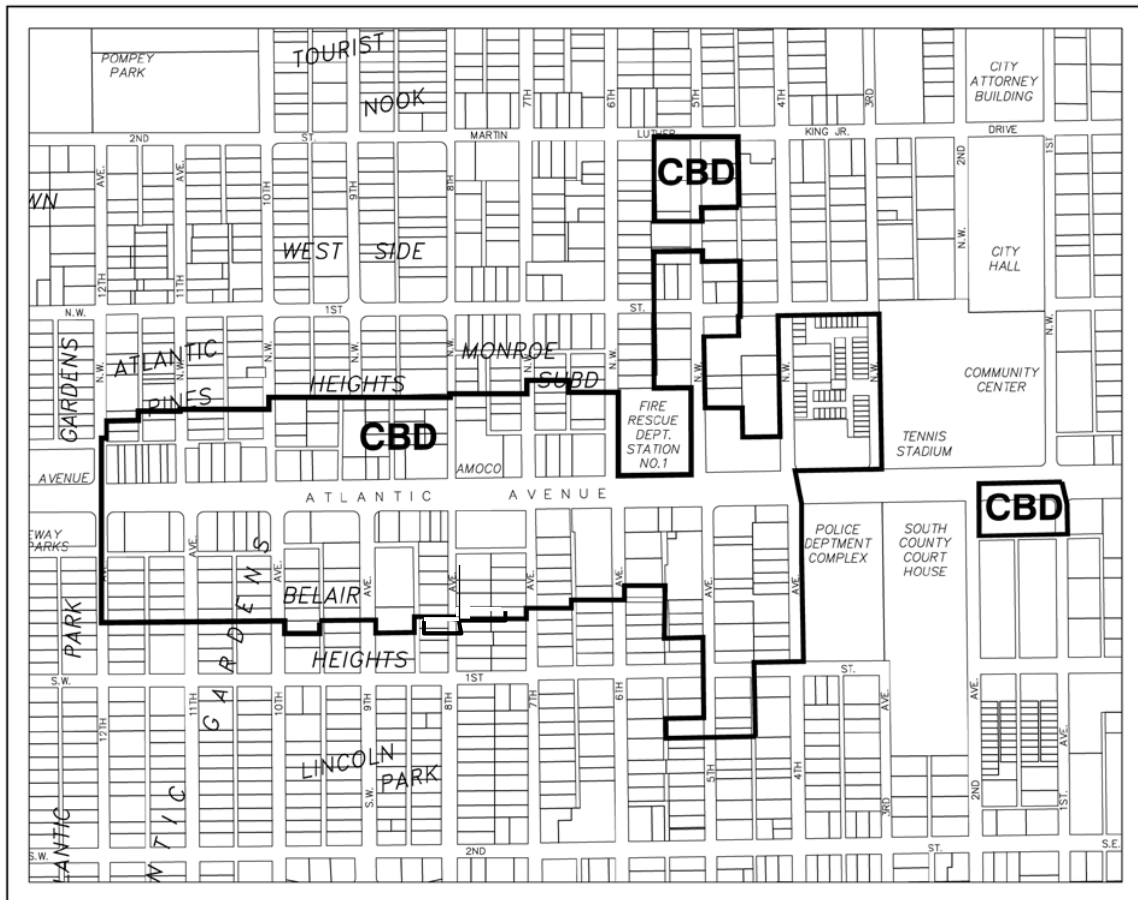
- (2) ***Beach Sub-District.*** The goal for this Beach Sub-district regulations are intended is to "preserve and enhance the character of these areas, the public condition of the beach, the vitality of its center, and the natural environment." Within this area, The Delray Beach Master Plan calls for redevelopment of existing buildings in a manner that places storefronts close to the street and parking in to the rear. Where existing buildings are separated from the pedestrian ways by wide landscaped areas, the addition of arcades and new building square footage to bring the storefronts closer to the street is encouraged. The Beach Sub-district is located within the Coastal Planning Area, and as such, density and intensity are limited to promote community resiliency. See Figure 4.4.13-2

Figure 4.4.13-2 Beach Sub-district



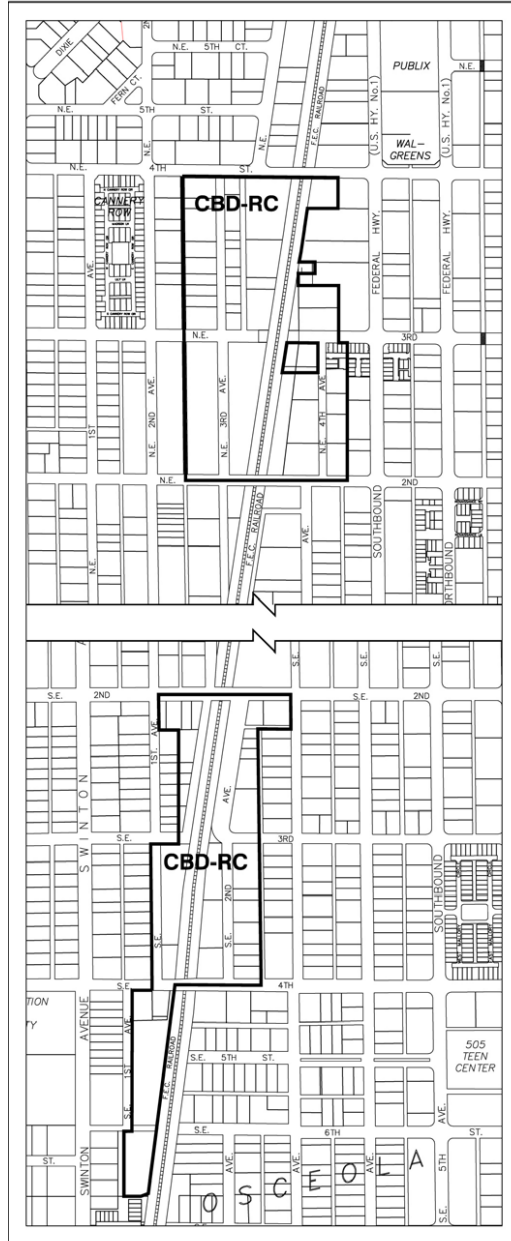
- (3) ***West Atlantic Neighborhood Sub-district.*** The goal for this sub-district West Atlantic Neighborhood Sub-district regulations are intended to provide for development that is be consistent with the adopted West Atlantic Avenue Redevelopment Plan and the Downtown Delray Beach Master Plan and The Set Transformation Plan. The emphasis of these regulations is on the preservation and enhancement of existing neighborhoods, while promoting a pedestrian friendly commercial area along West Atlantic Avenue that contains a mix of residential, commercial and civic functions. Businesses that are oriented toward serving the local neighborhood, as opposed to a regional area, are encouraged. Density incentives are available for redevelopment in this Sub-district to promote the inclusion of workforce housing. See Figure 4.4.13-3

Figure 4.4.13-3 West Atlantic Neighborhood Sub-district



- (4) ***Railroad Corridor Sub-district.*** The ~~goal for this Railroad Corridor~~ Sub-district regulations are intended ~~is~~ to allow for development of light industrial type and mixed commercial and nonresidential uses on properties that are in the downtown area, but are also in close proximity to the FEC Railway ~~railroad~~. The purpose of the area is to recognize the long-standing light industrial character of this railroad corridor; to provide for the upgrading and expansion of existing uses when appropriate; and to enhance the economic growth of the ~~central business district~~ CBD by providing additional employment opportunities in the downtown area. This ~~Sub-district~~ is comprised of two nodes, one in northern part of the CBD and one in the southern part of the CBD, ~~as shown in Figure 4.4.13-4. See Figure 4.4.13-4~~

Figure 4.4.13-4 Railroad Corridor Sub-district



Section 3. That Section 4.4.13, “Central Business District (CBD)”, Subsection (B) “Regulating plans”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (B) ***Regulating plans.*** The Delray Beach Central Business District Regulating Plans depict additional information necessary to apply the standards contained in this §Section and are hereby officially

adopted as an integral part of these regulations. A Regulating Plan for each CBD Sub-District is provided in this sSection and versions at larger scales are available in the Planning and Zoning Department. The Regulating Plans depict the following information:

- (1) ***Primary and secondary streets and alleys.*** Primary Streets are intended to develop over time as superior pedestrian environments and, as such, are held to higher standards in the regulations regarding building placement, building frontage, and the location of parking and service uses. Streets not designated as Primary Streets are considered Secondary Streets, which can accommodate service functions and vehicular-oriented development needs, including parking, loading, and drive-through facilities. Alleys are important assets in the CBD, performing many functions within small rights-of-way. See Section 4.4.13(C)(2).
- (2) ***Required Rretail Ffrontage.*** Certain Primary Sstreets within the CBD are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Streets designated ~~as~~ with Required Retail Frontage are held to stricter standards regarding allowable frontage types and uses located within side-walk level stories. See Section 4.4.13(C)(3).
- (3) ***Parking and transit locations.*** The locations of public parking garages and the planned Tri-Rail Coastal Link station are mapped on the Regulating Plan. Parking requirements may be adjusted based on the proximity to these transportation resources. In addition, the Atlantic Avenue Parking Area is mapped, which has special parking requirements for restaurant and lounge uses. See Section 4.4.13(I).
- (4) ***Atlantic Avenue Limited Height Area.*** Building height is limited on a portion of East Atlantic Avenue to help maintain the unique character of the City's historic main street. See Section 4.4.13(D).
- (5) ***West Atlantic Neighborhood Commercial Area.*** The location of commercial uses is limited within the West Atlantic Neighborhood Sub-district to protect established residential areas from commercial intrusion. See Section 4.4.13(C)(3)(b).
- (6) ***Old School Square Historic Arts District (OSSHAD) Zoning with CBD Overlay.*** ~~Properties with OSSHAD Zoning with CBD Overlay may follow the CBD Sub-district development standards for principal and accessory uses only and may not apply for conditional uses or participate in the Incentive Program in Section 4.4.13(H). Section 4.4.24(FE) identifies OSSHAD properties with CBD Overlay and which CBD Sub-district standards apply.~~
 - a. Properties with OSSHAD Zoning with CBD Overlay may follow the applicable CBD Sub-district development standards for principal and accessory uses only and may not apply for conditional uses or participate in the Incentive Program in Section 4.4.13(H).
 - b. CBD Overlay properties are also subject to the OSSHAD Special District Regulations of Section 4.4.24(H).

c. CBD Overlay properties must adhere to the required standards set forth in Section 4.4.13(F)(1), and 4.4.13(K)(3).

Figure 4.4.13-5 Central Core and Beach Sub-districts Regulating Plan

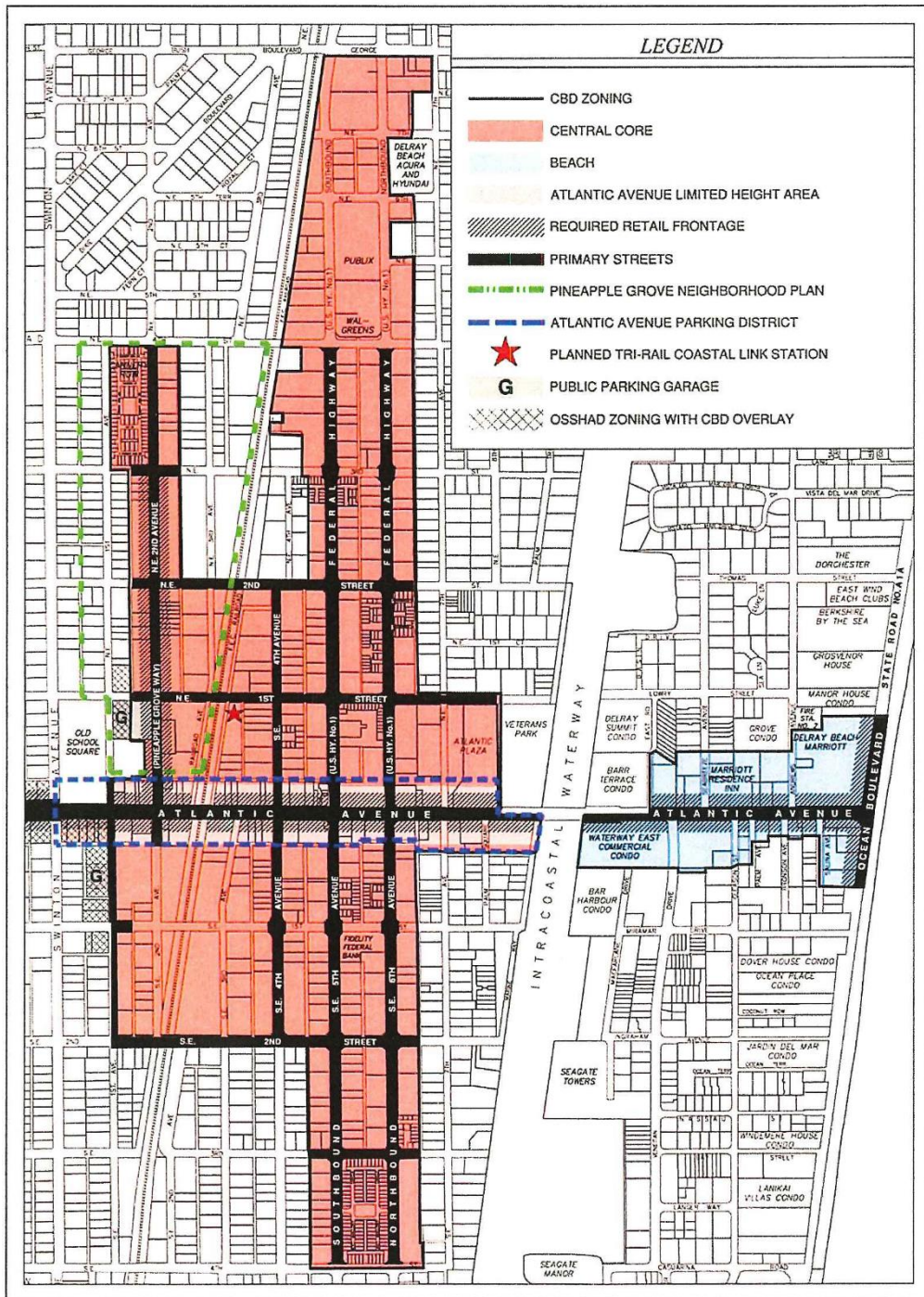
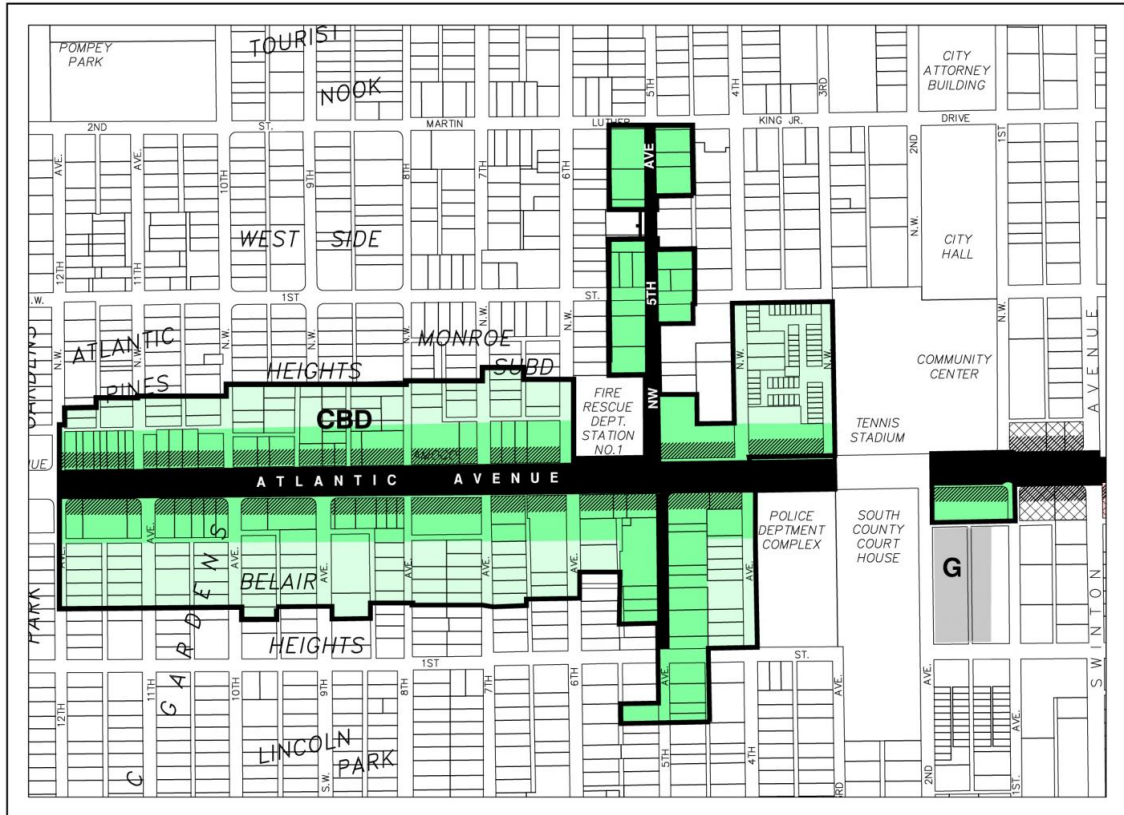


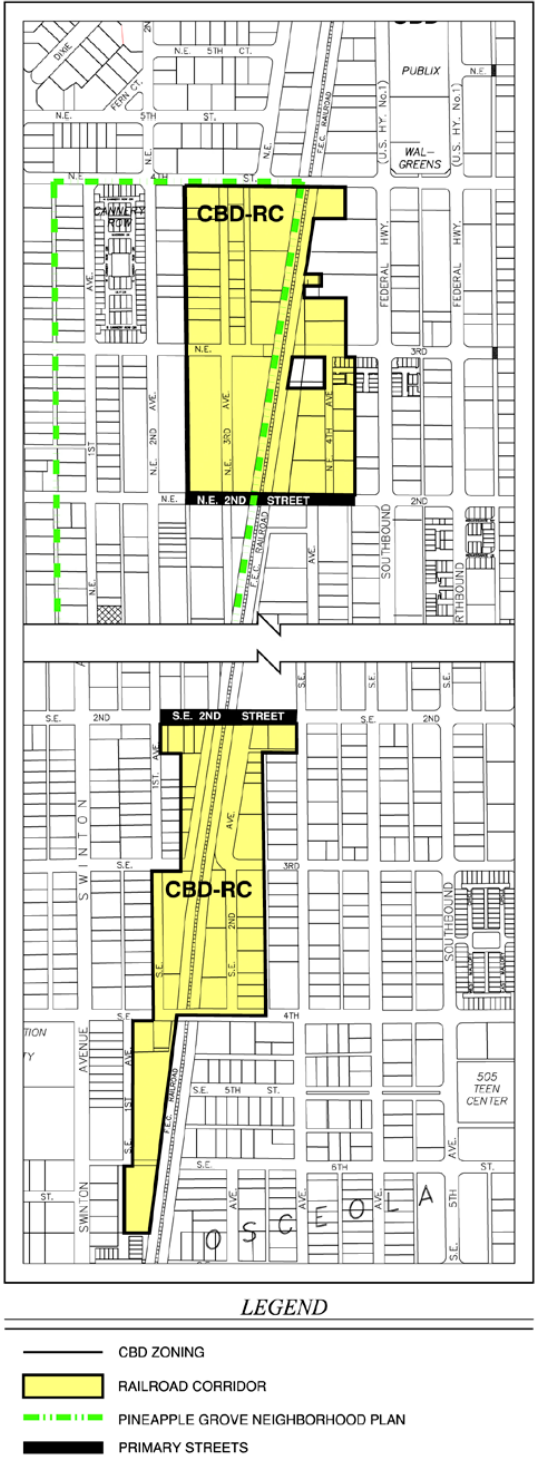
Figure 4.4.13-6 West Atlantic Neighborhood Sub-district Regulating Plan



LEGEND

-  CBD ZONING
-  WEST ATLANTIC NEIGHBORHOOD
-  WEST ATLANTIC NEIGHBORHOOD COMMERCIAL AREA
-  REQUIRED RETAIL FRONTAGE
-  PRIMARY STREETS
-  PUBLIC PARKING GARAGE
-  OSSHAD ZONING WITH CBD OVERLAY

Figure 4.4.13-7 Railroad Corridor Sub-district Regulating Plan

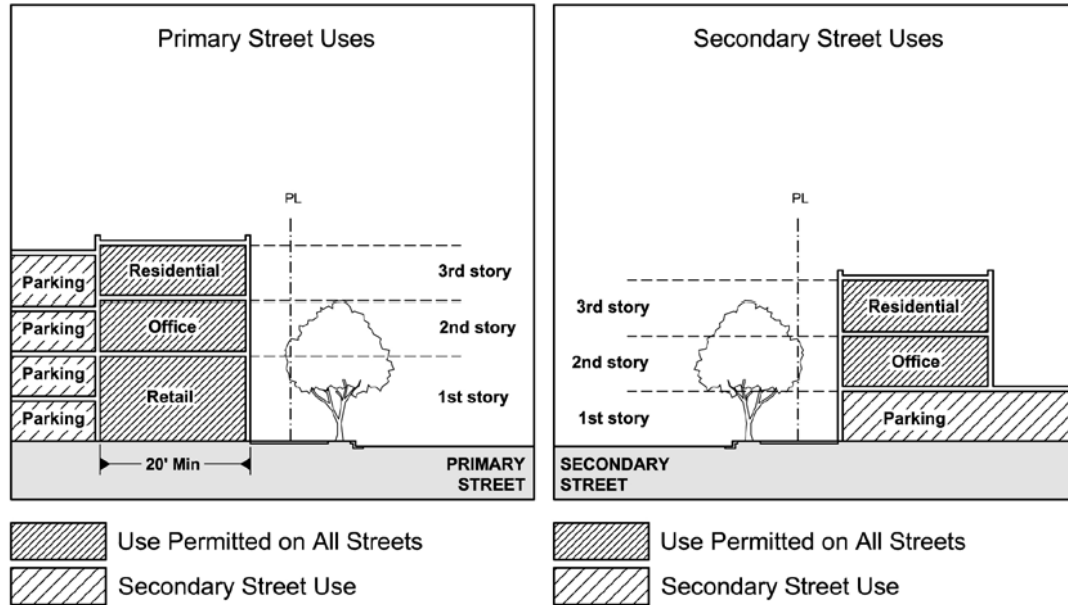


Section 4. That Section 4.4.13, “Central Business District (CBD)”, Subsection (C) “Allowable uses”, along with the addition of Figure 4.4.13-8-A “Required Retail Frontage”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(C) ***Allowable uses.***

- (1) ***Principal, accessory, and conditional uses.*** Table 4.4.13(A) identifies the allowable principal, accessory, and conditional uses for each area of the CBD. See Section 4.4.13(J) for approval standards. Streets designated as "Primary Streets" and/or with "Required Retail ~~Streets~~ Frontage" on the any Sub-district Regulating Plan have additional standards.
- (2) ***Use variations for ~~p~~Primary and ~~s~~Secondary ~~s~~Streets.*** Primary Streets are intended to be superior pedestrian environments and, as such, are held to higher standards regarding the location of certain uses, including parking. The Sub-district Regulating Plans designates certain streets as "Primary Streets" and all other streets are considered to be "Secondary Streets."
 - (a) Where a principal or accessory use does not have an "S" in Table 4.4.13(A), the use is permitted on both Primary and Secondary streets.
 - (b) Where a principal or accessory use in Table 4.4.13(A) has an "S" in the column, the use is a "Secondary Street" use.
 1. Secondary Street uses are permitted without limitations on Secondary Streets, except for properties zoned OSSHAD with CBD Overlay, as identified on Figure 4.4.13-5 Central Core & Beach Sub-districts Regulating Plan and Figure 4.4.13-6 West Atlantic Neighborhood Regulating Plan.
 2. On Secondary Streets, properties zoned OSSHAD with CBD Overlay shall line Secondary Street uses (except accessory parking in a surface lot) along the street level for a depth of at least 20 feet on all stories by a use permitted on all streets.
 3. On Primary Streets, Secondary Street uses (including parking garage levels) shall be lined along the street for a depth of at least 20 feet on all stories by a use permitted on all streets (see Figure 4.4.13-8).
 4. On Primary Streets, Public Parking Garages (as mapped on a regulating plan) shall be lined along the sidewalk level for a depth of at least 20 feet by a use permitted on all streets; a use liner is not required on upper levels.
- (c) Additional standards for Conditional Uses are in Section 4.4.13(K)(~~7~~).

Figure 4.4.13-8 Primary and Secondary Street Uses



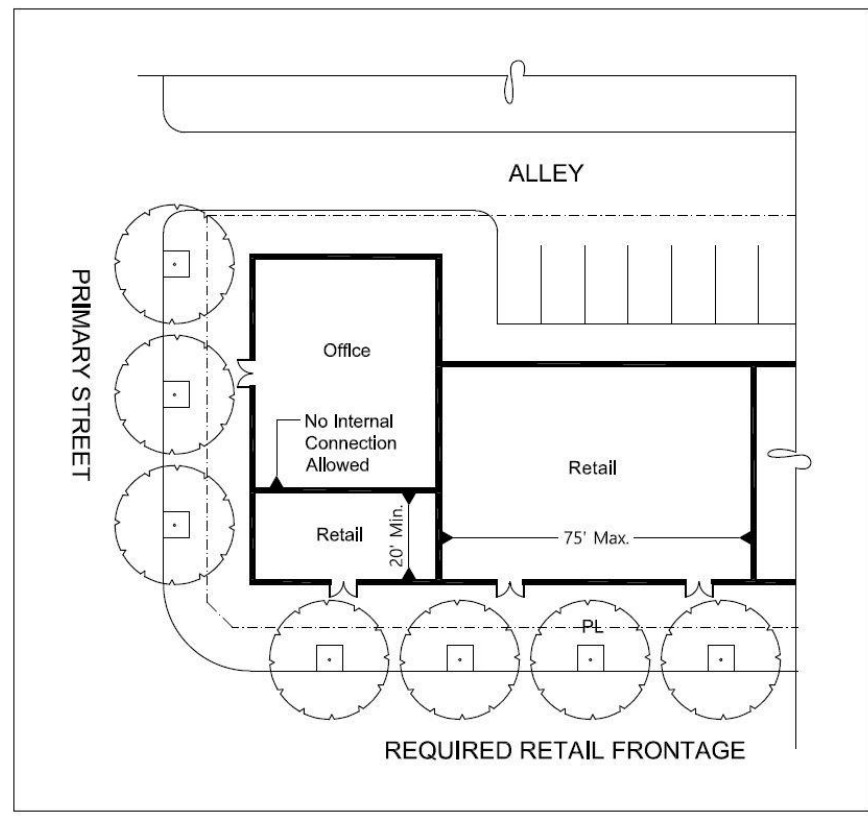
- (3) **Required Retail Frontage Use Limitations on.** Streets designated on the Regulating Plan with Required Retail Frontage are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Properties on streets designated with Required Retail Frontage have use and frontage type standards that apply to the sidewalk level story.

(a) ***All Sub-districts.***

1. Residential units, including multi-family and live-work, are not permitted in the sidewalk-level story on streets with Required Retail Frontage.
2. On streets with Required Retail Frontage, buildings and uses at the sidewalk level shall comply with the following: ~~use either a Storefront or Arcade with a Storefront frontage type (See Section 4.4.13(E)).~~
 - a. The frontage type shall be either a Storefront or Arcade with a Storefront (See Section 4.4.13(E));
 - b. The width of an individual commercial space shall not exceed 75 feet maximum (See Figure 4.4.13-8 A);
 - c. The depth of an individual commercial space shall be at least 20 feet and contain only uses permitted in 4.4.13(C)(3)(b) and (c); combinations of permitted uses with other uses not permitted at the sidewalk level are not allowed (See Figure 4.4.13-8 A); and,

- d. Uses not permitted in 4.4.13(C)(3)(b) and (c) shall not be accessed from the street designated with Required Retail Frontage and must be physically separated with no interior connections between common walls (See Figure 4.4.13-8 A).
- ~~3. On Required Retail Streets The maximum width of an individual commercial tenant space located in the first story adjacent to the sidewalk is 75 feet.~~
3. Valet and passenger loading areas and access are not permitted.

Figure 4.4.13-8 A Required Retail Frontage



- (b) ***Central Core and Beach Sub-districts.*** One hundred percent of the building frontage ~~of at the sidewalk-level story shall be for the following uses (as described in Table 4.4.13(A)), for a minimum depth of 20 feet:~~
 1. General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, or secondhand material (other than verifiable antiques) are not permitted.

2. Services and facilities, subject to the following:
 - a. ~~Excluding tattoo~~ Tattoo establishments are not permitted.
 - b. Financial institutions are limited to banks and savings and loan establishments; brokerage firms and private wealth management firms are not permitted. The following regulations also apply:
 - i. No more than 75 feet of financial institution frontage is allowed per block face; and
 - ii. No more than a total of 100 feet of financial institution frontage is allowed on facing street frontages. (For example, a new financial institution with 30 feet of street frontage may locate across the street from an existing financial institution with 70 feet of street frontage.)
3. Hotels, motels, or residence-type inns.

(c) ***West Atlantic Neighborhood Sub-district.***

1. At least 50 percent of the building frontage of the sidewalk level story shall be for the following uses (as described in Table 4.4.13(A)), ~~for a minimum depth of 20 feet:~~
 - a. General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, firearms, or secondhand material (other than verifiable antiques) are not permitted.
 - b. Services and facilities.
 - c. Hotels, motels, or residential-type inns as a Conditional Use.
2. Up to 50 percent of the building frontage of the sidewalk level story may be for business, professional, and medical uses/offices; more than 50 percent may be approved as a Conditional Use.

Table 4.4.13(A)—Allowable Uses in the CBD Sub-Districts				
	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh. ⁵
General retail uses and/or facilities, as in GC district (4.4.9) ^{1 2}	P	P	P	P
Business, professional, and medical uses, as in GC district (4.4.9)	P	P	P	P
Services and facilities, as in GC district (4.4.9) ² , excluding drive-through facilities	P	P	P	P
Multiple-family dwellings ³	<u>P</u>	P	P	P
Community residences ⁷	See footnote 7 4.4.13(C)(4)(a)			
<u>Nursing homes, abused spouse residences, continuing care facilities, and assisted living facilities that do not comport with the definition of "community residence"</u>	P	P	P	P
Live/work units (see 4.3.3(KKK))	P	P	P	P
Hotels, motels, and residential-type inns ³ (see 4.3.3(M) and 4.3.3(X))	P	P	P	C
Bed and breakfast inns (see 4.3.3 (Y))	P	P	P	C
Public Parking Garages, as mapped on a Regulating <u>P</u> plan	P,S	P,S	P,S	P,S
Fabrication and/or Assembly	-	P	-	-
Wholesaling, Storage, and Distribution ⁴	-	P	-	-
Contractor and trade services	-	P	-	-
Automobile brokerage, including vehicle display within an enclosed structure	-	P	-	-
Tattoo Establishments (see 4.3.3(ZB))	P,A	P,A	P,A	P,A
Family day care homes (see 4.3.3(T))	A	A	A	A
Home occupations (see 4.3.3(K))	A	A	A	A
Mechanical parking lifts (see 4.6.9(D)(11) and 4.6.9(F)(4))	A,S	A	A,S	A,S
<u>Parking areas, passenger drop-off, loading/unloading, and refuse and service areas</u>	A,S	A	A,S	A,S
Recreational facilities (for a multiple-family <u>complex development</u>)	A	A	A	A
Services and repair (incidental to the <u>associated</u> principal use)	A,S	A	A,S	A,S
Single-family dwelling (occupied by owner, proprietor, or employee of the principal use)	A	A	A	A

Storage of inventory (not shared or leased independent of the principal use)	A,S	A	A,S	A,S
Automobile repair	-	C	-	-
Child care Facilities (see 4.3.3(E)) and adult day care facilities (see 4.3.3(FE))	C	C	C	C
Commercial recreational <u>facilities</u> , such as bowling alleys and skating rinks	C	C	C	C
Drive-through facilities (serving banks, <u>financial institutions</u> , retail uses, etc.) ² See 4.4.13(J)(7)(a)	C	C	C	C
Food Preparation and/or Processing <u>including bakeries and catering</u>	-	C	-	-
Flea markets, bazaars, and similar retail uses	€	€	€	€
Funeral homes, including accessory uses such as a chapel or crematory	C	C	C	C
Gasoline stations (<u>See 4.4.13(J)(7)(b)</u>) and/or car washes (See 4.4.13(J)(7)(c))	C	C	-	-
Large family child care homes (see 4.3.3(IT))	C	C	C	C
Dry-cleaning Processing Plants	-	C	-	-
Segway tours and Segway sales (see 4.3.3(ZZZZ))	C	C	C	C
Theaters, excluding drive-ins	C	C	C	C
Veterinary Clinics	C	C	C	C
24-hour or late-night businesses, within 300 feet of residential <u>zoned</u> property[see 4.3.3(VV)]	C	C	C	C
Urban Agriculture [4.3.3 (D)] excluding outdoor Urban Farms	P, A	P, A	-	P, A
Outdoor Urban Farms [4.4.3(D)]	C	C	C	C
LEGEND: P = Principal Use A = Accessory Use C = Conditional Use - = Prohibited Use S = Secondary Street Use				

¹ Sales of automotive parts, lawn care equipment, firearms, or secondhand material (other than verifiable antiques) are not allowed on properties facing a ~~street~~ designated as a Required Retail Street on the Regulating Plan or anywhere within the West Atlantic Neighborhood.

² ~~See Section 4.4.13 (C)(4)(c) for limitations on the rental of sporting goods and equipment. Drive-thru and Drive-in restaurants are not permitted within the CBD.~~

³ For density limits, see ~~Section 4.4.13(D)~~ (Table 4.4.13(C)).

⁴Not self-storage facilities; products and materials shall not exceed 55 gallons of any substance which is listed on the Generic Substances List of the Palm Beach County Wellfield Protection Ordinance (Ref.: Palm Beach County LDC, Article 9, Section 9.3)

⁵See Section 4.4.13(C)(4)(a) for limits on ~~C~~commercial use locations in the West Atlantic Neighborhood Sub-district.

⁶~~Drive-thru and Drive-in restaurants are not permitted within the CBD.~~

⁷~~Except as required by state law, a Community Residence housing four to ten individuals shall be allowed as a permitted use in all four CBD Sub-Districts if it (1) would be located 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. Except as required by state law, a conditional use permit must be obtained for any community residence that does not meet both criteria (1) and (2).~~

(4) ***Supplemental use standards.***

- (a) ***Community Residence Housing.***~~*Sporting goods/equipment rentals.*~~ The rental of sporting goods and equipment shall be limited to no more than one business renting a specific category of item (i.e. bicycles, skates, etc.) every 300 feet measured in a straight line from door to door, and any outdoor displays are subject to the restrictions set forth in Section 4.6.6(C)(3). Except as required by state law, a Community Residence housing four to ten individuals shall be allowed as a permitted use in all four CBD Sub-Districts if it (1) would be located 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. Except as required by state law, a conditional use permit must be obtained for any community residence that does not meet both criteria (1) and (2). See additional and related regulations at Section 2.4.7(G) and 4.3.3(I) of the Land Development Regulations.
- (b) ***Worker transport/assembly points.*** The picking-up, dropping-off, or otherwise transporting workers, assigned through an employment agency, from an assembly point in the CBD to the work site is prohibited, except within the West Atlantic Neighborhood area provided the structure ~~involved does not have~~

~~an entrance from and/or windows facing or assembly point is not located on~~ West Atlantic Avenue.

- (c) ***West Atlantic Neighborhood Sub-district Supplemental Use Standards:*** The following supplemental district regulations apply in the West Atlantic Neighborhood Sub-district:

1. ***West Atlantic Neighborhood Commercial Area.*** Commercial structures are allowed on NW 5th Avenue, SW 5th Avenue, and may extend up to 150 feet from West Atlantic Avenue. Accessory uses such as parking areas, landscaping, and drainage retention areas may extend beyond the 150-foot limit. Full service grocery stores may extend beyond the 150-foot limit on commercial structures with approval by the SPRAB of a site plan design that ensures compatible transitions between commercial and residential areas. Establishment or expansion of other structures beyond the 150-foot limit may be allowed as a conditional use, subject to the required findings of Section 2.4.5(E)(5). The West Atlantic Neighborhood Commercial Area is mapped on the West Atlantic Neighborhood Regulating Plan.
2. There is no restriction on repair ~~and/or reconstruction~~ of non-conforming single family residences located ~~a minimum of more than~~ 150 feet from West Atlantic Avenue.

- (d) ***Railroad Corridor Sub-district Supplemental Use Standards:*** The following supplemental district regulations apply in the Railroad Corridor Sub-district: Within the Railroad Corridor Sub-district, except for outside storage approved pursuant to Section 4.6.6(C)(2) and outdoor dining, all principal and conditional uses shall be conducted within an enclosed building.

1. Outdoor Uses: Within the Railroad Corridor Sub-district, except for outside storage approved pursuant to Section 4.6.6(C)(2) and outdoor dining, all principal and conditional uses shall be conducted within an enclosed building.
2. Automobile brokerages: Inventory must only be located within an enclosed building. Automobiles which are part of the business inventory must not be placed in parking areas.

- (e) ***Special Requirements for Specific Uses:*** Permitted uses which are not specified in Table 4.4.13(A) may also have additional regulations in Section 4.3.3.

- (f) ***Outdoor use areas:*** All outdoor uses areas, with the exception of accessory uses clearly ancillary to the principal use, are subject to parking requirements.

This provision is applicable to balconies, porches, rooftops, and any other outdoor use area regardless of which story it is located.

(g) **Rooftop Terraces:** These regulations are intended to guide the use of rooftops in the downtown.

1. **Rooftop uses.** Rooftop terraces may be used for outdoor dining, open-air lounges, exercise and fitness activities (both as principal or accessory uses), rooftop gardens, urban agriculture, and recreational amenities.
2. **General Standards for rooftops.** All rooftop terraces shall comply with the following standards.
 - a. Rooftop terraces shall be architecturally compatible with the design of the overall building.
 - b. Rooftop terraces shall be designed to mitigate potential impacts to surrounding properties.
 - i. Lighting standards of Section 4.6.8 apply. All rooftop lighting shall be full cutoff luminaries to minimize spillover on adjacent properties. Light poles may not extend beyond the maximum building height limit.
 - ii. Noise control is subject to the City's Noise Ordinance.
 - iii. For properties adjoining or separated by an alley from a residential zoning district, OSSHAD, or an existing residential use, rooftop terrace design shall provide screening at least six feet in height along the adjoining perimeter to limit oversight into residential properties. Privacy screening shall not extend above 60 feet and may consist of a parapet, landscape, railings, etc.
 - c. Parking must be provided when a principal use is located on a rooftop terrace. (For example, restaurant seating or an outdoor yoga studio). Parking is not required for amenities that are ancillary to the principal use. (For example, a swimming pool for a condominium).

- d. Railings or parapets shall be a minimum of four feet in height, consistent with proposed architectural style, and provided for the full perimeter of rooftop terrace. Railing and parapet height may not extend beyond the maximum building height of 60 feet.

3. **Rooftops on Buildings with the Maximum Number of Stories.**

These regulations are intended to guide the non-habitable use of rooftops for buildings built to the maximum story height limit to allow rooftop terraces. Rooftop terraces and rooftop amenities, such as roof gardens, observation decks, swimming pools, and running tracks, are encouraged to create unique gathering spaces, to aid in the reduction of the urban heat index, and to add aesthetic value to the buildings. Rooftop terraces are not intended to add additional story height. Rooftop terraces shall be subject to the following criteria:

- a. Rooftop terraces that are entirely open to the sky may occupy 100 percent of the total gross roof area.
- b. Rooftop terraces shall be hardscaped with materials such as, but not limited to, patterned concrete, pavers, or wood decking.
- c. Rooftop terraces shall be landscaped over a minimum of 10 percent of the rooftop terrace area. Landscaping shall consist of trees, shrubs, ground cover, and vines.
- d. Covered structures located above the maximum allowable number of stories are permitted to cover a maximum area of 25 percent of the gross rooftop area. For the purposes of calculating the maximum area, the term "covered structures" shall not include enclosures for screening mechanical systems, elevator shafts, or stair towers. The following restrictions apply:
 - i. Covered structures located above the maximum number of stories shall not exceed a maximum height of 60 feet.
 - ii. Covered structures that may be climate-controlled are limited to elevator lobby areas, restrooms, and kitchen facilities.

4. **Swimming pools on rooftops.** Swimming pools and/or hot tubs are permitted in rooftop terraces subject to the following criteria:

- a. Swimming pools and hot tubs are only permitted as amenities to residential or hotel buildings.
- b. Swimming pools and hot tubs are permitted provided the top of the surrounding deck does not exceed eight feet above the top of the main rooftop.
- c. Swimming pools and/or whirlpools shall be surrounded by a minimum five-foot wide walkway.
- d. Supporting restroom facilities associated with swimming pools shall comply with the standards for covered structures.

Section 5. That Section 4.4.13, “Central Business District (CBD)”, Subsection (D) “Configuration of buildings”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(D) ***Configuration of buildings.***

- (1) ***Standards for CBD Generally.*** The following building configuration standards apply to all CBD Sub-districts:
 - (a) ***Building height.*** Unless otherwise specified herein, the height of buildings shall be measured in and regulated by the number of stories and the maximum overall building height (See Table 4.4.13(C)). ~~Increasing the maximum number of stories allowed may not be approved as a waiver.~~ Stories are measured from the finished floor to finished ceiling. (See Figure 4.4.13-10).
 1. Within the Atlantic Avenue Limited Height Area, maximum overall building height ~~in feet~~ is 38 feet and maximum building height in number of stories is three. The Atlantic Avenue Height Limit Area is defined as those properties, or portions of properties, located within 125 feet north or south of the East Atlantic Avenue right-of-way line, between Swinton Avenue and the ~~Inter~~Intracoastal Waterway. (See Figure 4.4.13-5).
 2. Except within the Atlantic Avenue Limited Height Area, maximum overall building height ~~in feet~~ is 54 feet and maximum building height in number of stories is four. ~~For the purposes of this section, height is measured from the average crown of road or the FEMA published minimum finished floor elevation (whichever is greater) to the highest finished roof surface of a flat roof or the soffit of a gable, hip, or gambrel roof.~~
 3. Stories located below grade are for parking or storage uses only and are not counted for the purpose of measuring building height unless. ~~If the~~

floor of the first habitable story is elevated more than four feet above the adjacent sidewalk, then the space below counts as the first story for the purposes of measuring building height.

4. The ground story of commercial or mixed-use buildings shall be a minimum of 12 feet tall.
5. The ground story of residential buildings shall be a minimum of ten feet tall.
6. Each story above the ground story in all buildings must be at least nine feet tall.
7. Mezzanines that exceed the percentage of floor area for a mezzanine defined in the Florida Building Code are counted as stories for the purpose of measuring height. For the purpose of measuring building height, parking levels are counted as set forth in Section 4.4.13(D)(8).
8. Each parking garage level exposed to a street or civic open space shall be counted as a story for the purposes of measuring height. Parking levels fully lined and concealed from view by a story containing an active use (i.e. retail, residential, office) are not counted as stories for the purpose of measuring height. See Figure 4.4.13-9.
9. Within the Central Core, Railroad Corridor, and Beach Sub-districts, residential units must have the floor of the first habitable story elevated at least 18 inches above the adjacent sidewalk. Within the West Atlantic Neighborhood Sub-district, residential units must have the floor of the first habitable story elevated at least 12 inches above the adjacent sidewalk. Lobbies and common areas in multi-unit or mixed-use buildings may have a lower ground floor finish level.
10. Architectural features including church spires, steeples, belfries, and cupolas are not limited by story height; however, any part of any such feature shall not ~~extend above the height of 64 feet~~ exceed 10 feet above the maximum overall building height unless specifically approved by action of the City Commission.
11. Elevator overruns and stairways are not limited by the number of stories and shall not exceed 10 feet above the maximum overall building height.

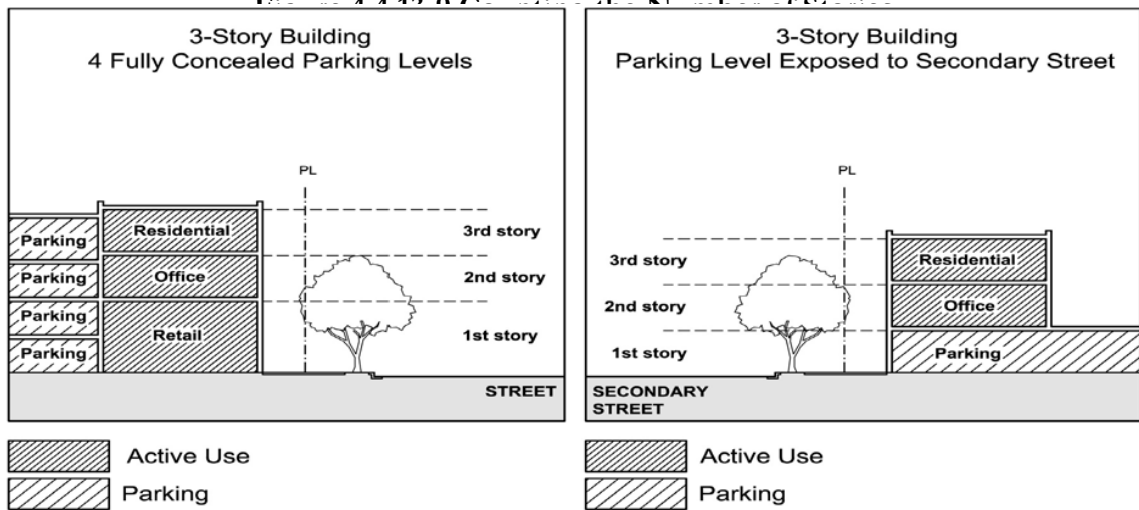


Figure 4.4.13-10 Measuring Building Height

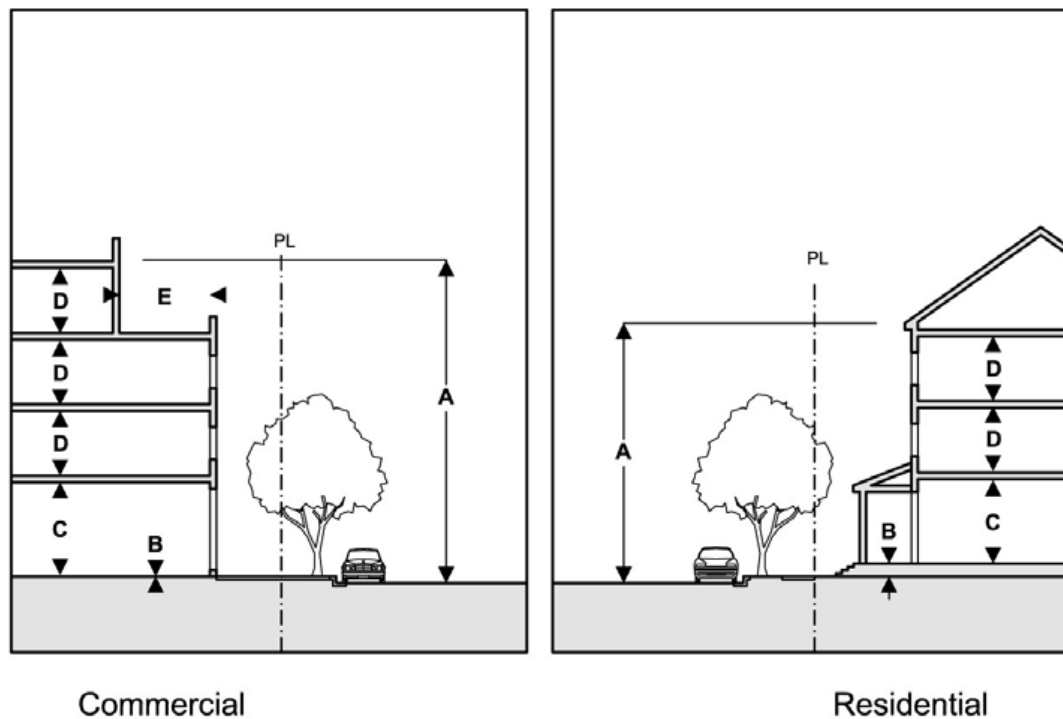
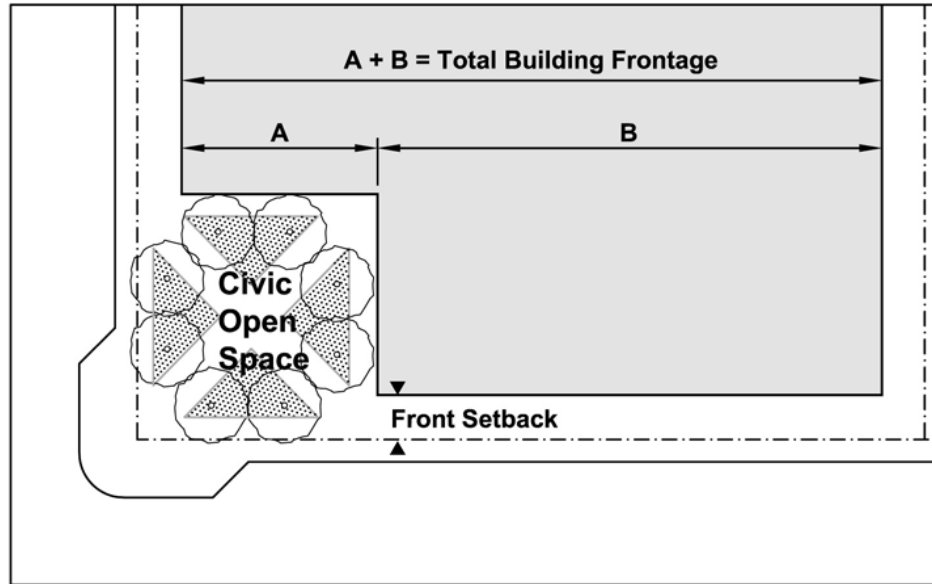


Table 4.4.13(B) Building Height		
A	Maximum Building Height in the Atlantic Avenue Limited Height Area	3 stories and 38 ft.
	Maximum Building Height outside of the Atlantic Avenue Limited Height Area	4 stories and 54 ft.
B	Ground Floor Finish Level	
	Commercial Uses	6" max.
	Residential Units in the Beach, Central Core, and Railroad Corridor Sub-districts	18" min.
	Residential Units in the West Atlantic Neighborhood Sub-district	12" min.
C	Ground Story Height	
	Commercial and Mixed-Use Buildings, <u>with ground floor commercial uses.</u>	12 ft. min.
	Residential Buildings	10 ft. min.
D	Upper Story Height	9 ft. min.
E	Additional Setback Above 3 rd Story	varies

(b) ***Building placement.***

1. Front setbacks shall be measured from the property lines coinciding with public rights-of-way, including streets and parks.
 - a. Awnings, porches, balconies, stoops and arcades may encroach into the setbacks as set forth in Section 4.4.13(E) when utilized as the Frontage Type.
 - b. Roof Eaves, awnings, and balconies may encroach into the setbacks a maximum of four feet.
 - c. Section 4.3.4(H)(4) identifies additional structures permitted in setbacks.

Figure 4.4.13-11 Building Frontage Requirement



2. Where development may build with no side setback, the following limitations also apply:
 - a. Side setbacks are required ~~only~~ when ~~an~~ abutting a residential zoning district or a property with a building existing as of February 24, 2015, the effective date of ~~this~~ Ordinance No. 02-15 ~~[date]~~ with windows facing the adjoining lot line. Then, new development shall set back a minimum of five feet or the amount necessary to provide at least ten feet of separation between the existing and new buildings, whichever is greater.
 - b. Buildings with openings, including doors, windows, and glass wall materials, facing an interior side property line must setback a minimum of five feet from the property line. to provide all ~~All light and air shafts, including those necessary per the percentage of openings on building facades, shall be provided within the subject property.~~
 - c. Buildings taller than three stories in height have additional setback requirements for the upper stories, as described in Section 4.4.13(D)(2).
- (c) **Frontage percentages.** Building frontage is the percentage of the total width of a lot minus the required setbacks, which is required to be occupied by the ~~primary~~ primary facade of a building facade. Building frontage requirements are set forth in Table 4.4.13(C) for each CBD Sub-district.

1. ~~The primary Building façades shall be generally parallel to the right-of-way, located in accordance with the minimum and maximum front setback requirements of the zoning district.~~
2. ~~The location of the primary façade is not changed by the projection of architectural elements such as cornices, bay windows, awnings, porches, balconies, stoops, or arcades.~~
32. The primary building façade may adjust around a Civic Open Space that meets the requirements in Section 4.4.13(G) as shown in Figure 4.4.13-11.
43. On corner lots, the primary building façade shall extend from the corner to ensure that new development (or civic open space) defines the corner.

(d) ***Dwelling unit standards.***

1. ***Diverse unit types.*** A number of different unit types, sizes and floor plans shall be available within the development. Two and three-bedroom units are encouraged, as are a combination of multi-level units and flats. In projects consisting of more than 12 dwelling units, the proportion of efficiency or studio type units may not exceed 25 percent of the total units. One-bedroom units may not exceed 30 percent; however, if no efficiency or studio units are constructed, the cumulative amount of one bedroom units may not exceed 55 percent. There is no maximum percentage for unit types established for projects having 12 or fewer units, however, a mix of unit types and sizes is encouraged.
2. ***Minimum floor area.*** Minimum floor area for multi-family residential dwelling units shall be as established for the Medium Density Residential (RM) zoning district in Section 4.3.4(K).

(e) ***Other standards.*** Other standards also apply in CBD sub-districts:

1. Frontage Standards are in Section 4.4.13(E).
2. Architectural Standards are in Section 4.4.13(F).
3. Civic Open Space Standards are in Section 4.4.13(G).
4. Incentive Program is in Section 4.4.13(H).
5. Parking Standards are in Section 4.4.13(I).
6. Review and Approval Process is in Section 4.4.13(J)

- (2) ***Dimensional requirements for CBD Sub-districts.*** Table 4.4.13(C) provides the dimensional requirements regarding lot size, building placement, building size, height, density, and civic open space for each CBD Sub-district. Figure 4.4.13-12 illustrates the dimensional requirements from the table.

- (a) Buildings shall be located in accordance with the minimum and maximum setbacks in Table 4.4.13(C).
1. The front setback or side setback facing a street or park is a minimum of 10 feet and a maximum of 15 feet, which is coordinated with streetscape requirements in Section 4.4.13(E)(2).
 2. The ~~M~~minimum rear setback is 10 feet and minimum side interior setbacks are 0 feet, unless required per 4.4.13(D)(1)(b)2. Side lot lines adjoining alleys are regulated by rear setbacks.
 3. Buildings over three stories in height are subject to additional setback requirements ~~in order~~ to ensure architectural articulation and reduce the impact of taller building heights.
 - a. At the top of the third story, front and rear setbacks are 20 feet minimum.
 - b. With approval from the SPRAB, building entries, lobbies, and vertical circulation areas located above the third story may not be required to increase the setback to 20 feet, if configured as tower elements determined to be consistent with the Delray Beach Architectural Design Guidelines.
 4. Where the rear or side of a property directly abuts a residential zoning district with a height limitation of 35 feet without any ~~subsection or~~ separation between them of 30 feet or more, such as a street, alley, railroad, waterway, park, or other public open space; the following shall apply:
 - a. For buildings or portions of buildings three stories or less in height, a minimum side set back of ten feet from the property line shall be provided.
 - b. At the top of the third story, minimum side and rear building setbacks of 30 feet shall be provided from the property line for the portion of the building that is over three stories in height.
 - c. A solid finished masonry wall six feet in height, or a continuous hedge at least four and one-half feet in height at the time of installation, shall be located inside and adjacent to the portion of the boundary line of the CBD-zoned property which directly abuts the residentially zoned property. Walkways and other pedestrian or bicycle connections shall be placed through the wall or hedge if they provide links identified on any adopted bicycle and pedestrian master plan or if SPRAB determines they would promote desirable connectivity between properties.

5. On Primary Streets, the minimum building frontage is 75 percent and the maximum frontage is 100 percent. On Secondary streets, minimum building frontage is not required and the maximum building frontage is 100 percent.
6. Buildings with more than 250 feet of street frontage shall provide a pedestrian/bicycle passageway at least ten feet wide connecting rear alleys and/or parking to the public sidewalk. The passageway elevation(s) shall have transparent windows covering at least 50 percent of the wall area have and the incorporation of storefront windows with a base between nine inches and three feet high with transparent glazed windows extending to at least eight feet high for 50 percent of the length of the wall. is encouraged.

Table 4.4.13 (C) Dimensional Requirements by CBD Sub-district					
		Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood
<i>Lot Size</i>					
Lot Width		20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
Lot Area		2000 sf. min.	2000 sf. min.	2000 sf. min.	2000 sf. min.
<i>Building Placement</i>					
A	Front Setback ¹	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.
B	Side Setback ¹	0 ft. <u>or</u> 5 ft. min. ²	0 ft. <u>or</u> 5 ft. min. ²	0 ft. <u>or</u> 5 ft. min. ²	0 ft. <u>or</u> 5 ft. min. ²
C	Rear Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
B C	Side Setback Abutting Res. District; 1 st to 3 rd Story	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
B C	Side/Rear Setback Abutting Res. District Above 3 rd Story	30 ft. min.	30 ft. min.	30 ft. min.	30 ft. min.
D	Front Setbacks Above 3 rd Story ¹	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.

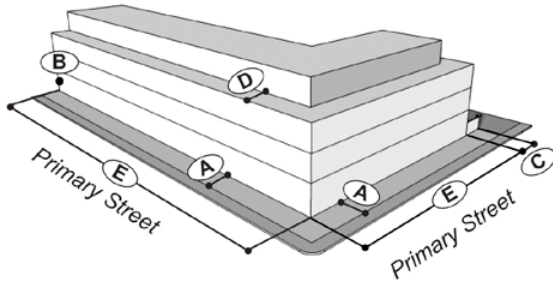
E	Building Frontage Required on Primary Streets	75% min./100% max.	N/A	75% min./100% max.	75% min./100% max.
<i>Building Height</i>					
	Min. Building Height on Primary Streets	1 Story and 18 ft.	1 Story	1 Story and 18 ft.	1 Story
	Max. Building Height in Atlantic Avenue Limited Height Area	3 Stories and 38 ft.	N/A	N/A	N/A
	Max. Height outside of the Atlantic Avenue Limited Height Area	4 Stories and 54 ft.	4 Stories and 54 ft.	4 Stories and 54 ft.	4 Stories and 54 ft.
<i>Density</i>					
	Density	30 du/ac	30 du/ac	12 du/ac	12 du/ac ³
<i>Civic Open Space Requirement (See Section 4.4.13(G))</i>					
	Sites smaller than 20,000 sq.ft.	0%	0%	0%	0%
	Sites Between 20,000 and 40,000 sq. ft.	5% of area above 20,000	5% of area above 20,000	5% of area above 20,000	5% of area above above 20,000
	Sites Greater than 40,000 sq. ft.	5% of area above 20,000 + 72% of area above 40,000	5% of area above 20,000 + 72% of area above 40,000	5% of area above 20,000 + 72% of area above 40,000	5% of area above 20,000 + 72% of area above 40,000

N/A is "Not Applicable"

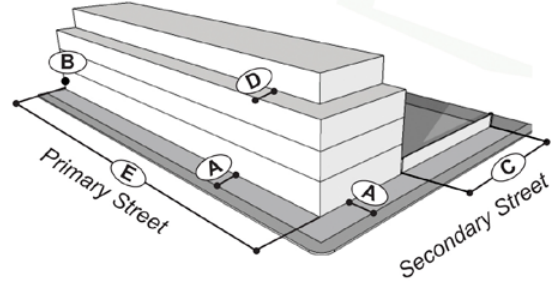
¹Side lot lines facing streets are regulated by front setback requirements. Side lot lines along alleys are regulated by rear setbacks.

²~~All light and air shafts shall be provided within the lot. See Section 4.4.13(D)(1)(b)2~~

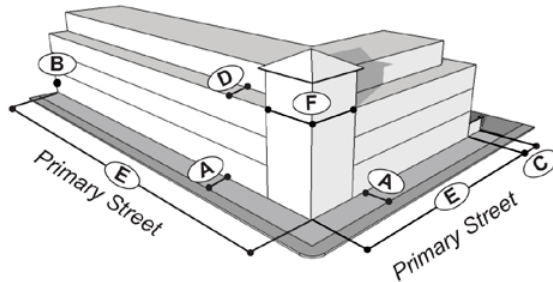
³See Incentive Program in Section 4.4.13(H) for potential density increases pursuant to certain location and performance criteria.



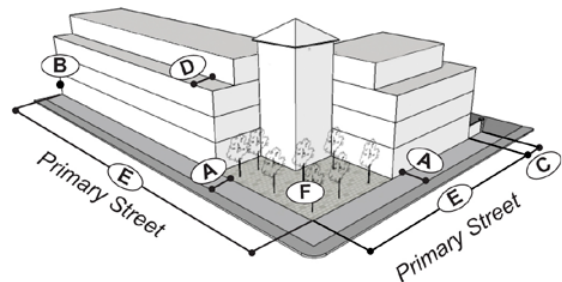
- A** Front Setback & Sides Facing Streets
- B** Interior Side Setback
- C** Rear Setback
- D** Front Setback Above 3rd Story
- E** Required Building Frontage



- A** Front Setback & Sides Facing Streets
- B** Interior Side Setback
- C** Rear Setback
- D** Front Setback Above 3rd Story
- E** Required Building Frontage



- A** Front Setback & Sides Facing Streets
- B** Side Setback
- C** Rear Setback
- D** Front Setback Above 3rd Story
- E** Required Building Frontage
- F** Setback Relief Granted by SPRAB for Tower Element



- A** Front Setback & Sides Facing Streets
- B** Side Setback
- C** Rear Setback
- D** Front Setback Above 3rd Story
- E** Required Building Frontage
- F** Civic Open Space

Section 6. That Section 4.4.13, “Central Business District (CBD)”, Subsection (E) “Frontage standards”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (E) **Frontage standards.** Frontage Standards define architecture and design components for the entrance(s) to buildings and the area between building facades and streets. Building setbacks and other development standards are coordinated with street cross-sections to ensure a superior public realm results, improving both the overall visual appearance and multi-modal uses of downtown streets.
- (1) **Frontage standards and allowable uses.** The use of the ground story is an important factor in streetscape design and appropriate frontage types. For the purposes of Frontage Standards, unless otherwise specified, residential uses are single-family homes, townhomes, multi-~~ple~~ family residential dwellings, assisted living facilities that do not comport with the definition of "community residence", nursing homes, continuing care facilities, community residences, and large family childcare homes and live/work uses. All other uses are considered to be "commercial uses" for the purposes of this section.
- (2) **Streetscape standards.** Front setback areas, which include side setback areas facing streets, shall be detailed to augment public right-of-way design, to establish shaded, continuous routes for pedestrians, and to organize landscaping and other elements to ensure a superior public realm.
 - (a) **Minimum Streetscape Width.** The combination of public sidewalk (located within the right-of-way) and hardscape (located in front setback areas) shall provide a minimum streetscape area no less than 15 feet in width, measured from the back of curb. The streetscape area shall be organized as follows:
 - 1. **Curb zone.** The curb zone ~~is shall be~~ at least four feet wide, measured from the back of curb ~~(See Figures 4.4.13-13 and 4.4.13-14)~~ to the pedestrian clear zone. This zone accommodates street trees and public infrastructure needs such as utility poles, street lights, street signs, parking meters, etc. These elements shall be located as close to the curb as possible; signs and parking meters shall be consolidated as much as possible. Space for pedestrian use is also accommodated in the curb zone. See Figures 4.4.13-13 and 4.4.13-14.
 - 2. **Pedestrian clear zone.** A pedestrian clear zone at least six feet wide shall be provided on all streetscapes (See Figures 4.4.13-13 and 4.4.13-14). Any portion of the pedestrian clear zone within the front setback area shall be improved as an extension of the public sidewalk and shall match the public sidewalk in design and material, providing a seamless physical transition. A sidewalk easement, in a form acceptable to the City Attorney, over any portion of the pedestrian clear zone located within the front setback shall be granted to the City. The property owner shall also be

required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any improvements made or installed by the owner to meet the requirements of this section. The sidewalk easement and maintenance agreement require City Commission approval subsequent to site plan approval and shall be recorded prior to site plan certification.

3. ***Remaining front setback area.*** The remaining front setback area within the minimum 15 feet wide streetscape shall be detailed appropriately for the ground story use of the building (See Figures 4.4.13-13 and 4.4.13-14):

- a. ***Commercial uses.*** Buildings with retail or commercial uses in the ground story shall detail and design any remaining front setback area within the 15-foot wide minimum streetscape area using a hardscape design. This portion may be used to accommodate outdoor dining areas, subject to Section 6.3. Landscaping comprised of plants in removable planters, palms; and/or ground planting may be installed adjacent to the building provided ~~it does not obstruct~~ views into storefront windows are not obstructed.

- b. ***Residential uses.*** Buildings with residential uses in the ground story shall detail and design any remaining front setback area within the 15-foot wide minimum streetscape area using hardscape or foundation planting landscaping. The encroachment of porches or stoops in this area may be permitted, pursuant to Section 4.4.13(E)(4).

- (b) ***Street trees.*** Street trees are intended to provide a shaded environment for the pedestrian, provide a physical separation between pedestrians and vehicles, ~~and~~ improve the overall visual appearance of the street, and reduce urban heat island effects.

1. All new construction, relocation of a building, or addition equal to or greater than 20 percent of the gross floor area of an existing building shall install street trees at the time of development. Street trees shall be a canopy species, planted in the public right-of-way directly in front of the property line(s), uniformly spaced no greater than 30 feet on center. Spacing of trees may only exceed 30 feet in order to accommodate curb cuts, fire hydrants, utilities, existing trees, and other infrastructure elements. Palm varieties may be used at corners, crosswalks, or to accent building entrances and may be permitted in lieu of shade trees when physical conditions may prevent the proper growth of shade trees, as determined by the Planning, ~~and Zoning and Building~~ Director ~~in consultation with the Environmental Services Director.~~ Consistency in street tree species shall be established on both sides of the street along each block. The first to develop shall establish the species with approval

from the Planning, ~~and Zoning and Building~~ Director ~~in consultation with the Environmental Services Director.~~

2. Street trees shall be located in the curb zone of the streetscape, in order to separate pedestrians from vehicular lanes and to provide room for tree canopies. Street trees may be planted in planting strips, landscaped planters or tree grates with approval from the Planning, ~~and Zoning and Building~~ Director ~~in consultation with the Environmental Services Director.~~
3. All trees shall be Florida Grade #1 or better and satisfy the following standards at the time of planting:
 - a. Canopy species: Minimum 14 feet in height with a clear trunk space of six feet and a spread of no less than eight feet.
 - b. Palm trees: Minimum 18 feet in height, with a clear trunk space of eight feet.
4. In the event that site constraints, such as existing utility easements, infrastructure, or right-of-way constraints prevent the installation of required street trees, the Planning, Zoning and Building Director may approve a different organization of the curb and pedestrian clear zones. Additional elements such as removable planters of small palms and shrubs, vines or seasonal flowers may be required~~shall be installed~~. In addition, the building shall provide devices such as awnings or roof overhangs to establish a shaded pedestrian environment.
5. The property owner shall be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any tree grates, irrigation, and landscaping installed by the property owner to meet the requirements of this section.
6. For those properties where street trees exist at the time of site plan approval, the property owner shall either provide the required street trees in another location on-site or pay into the Tree Trust Fund, in accordance with the fee schedule in Section 4.6.19(E)(5)(d).

Figure 4.4.13-13 Commercial Use Streetscape

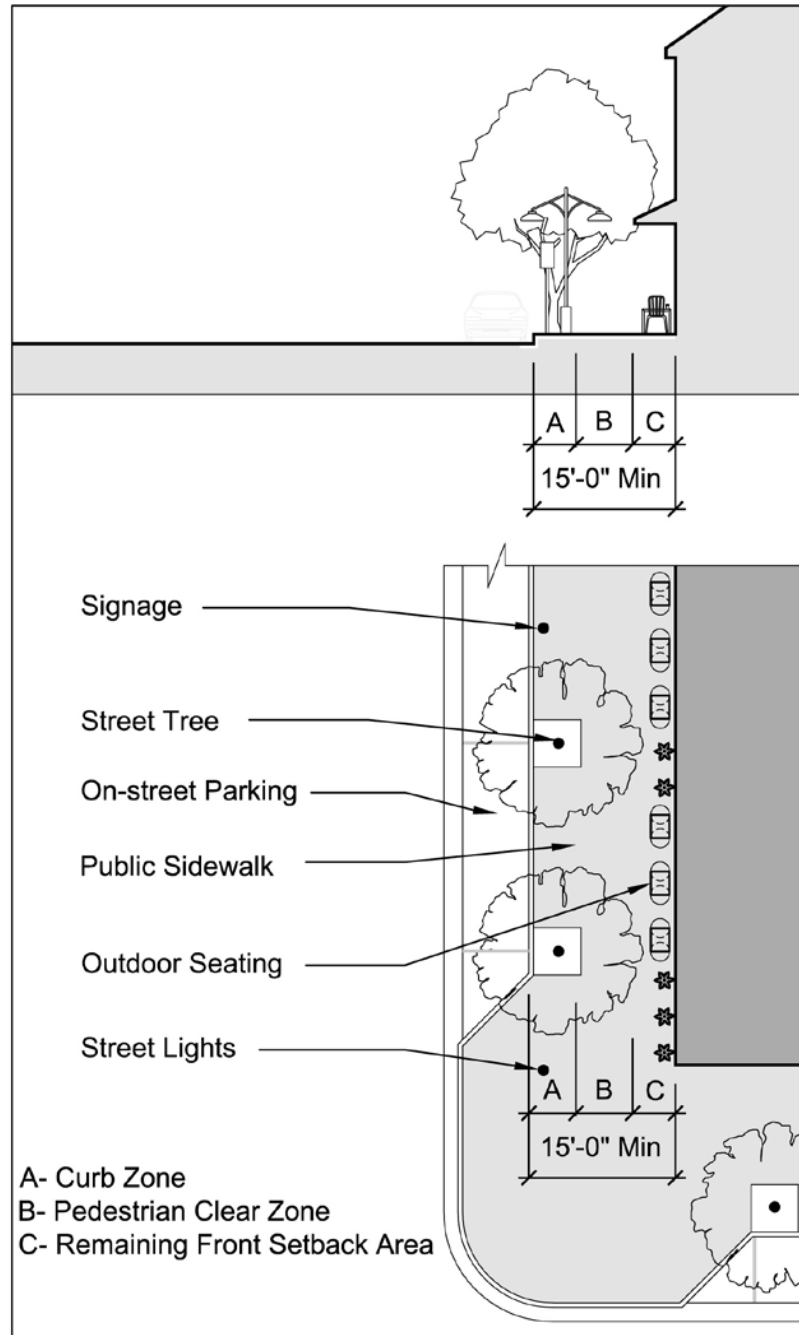
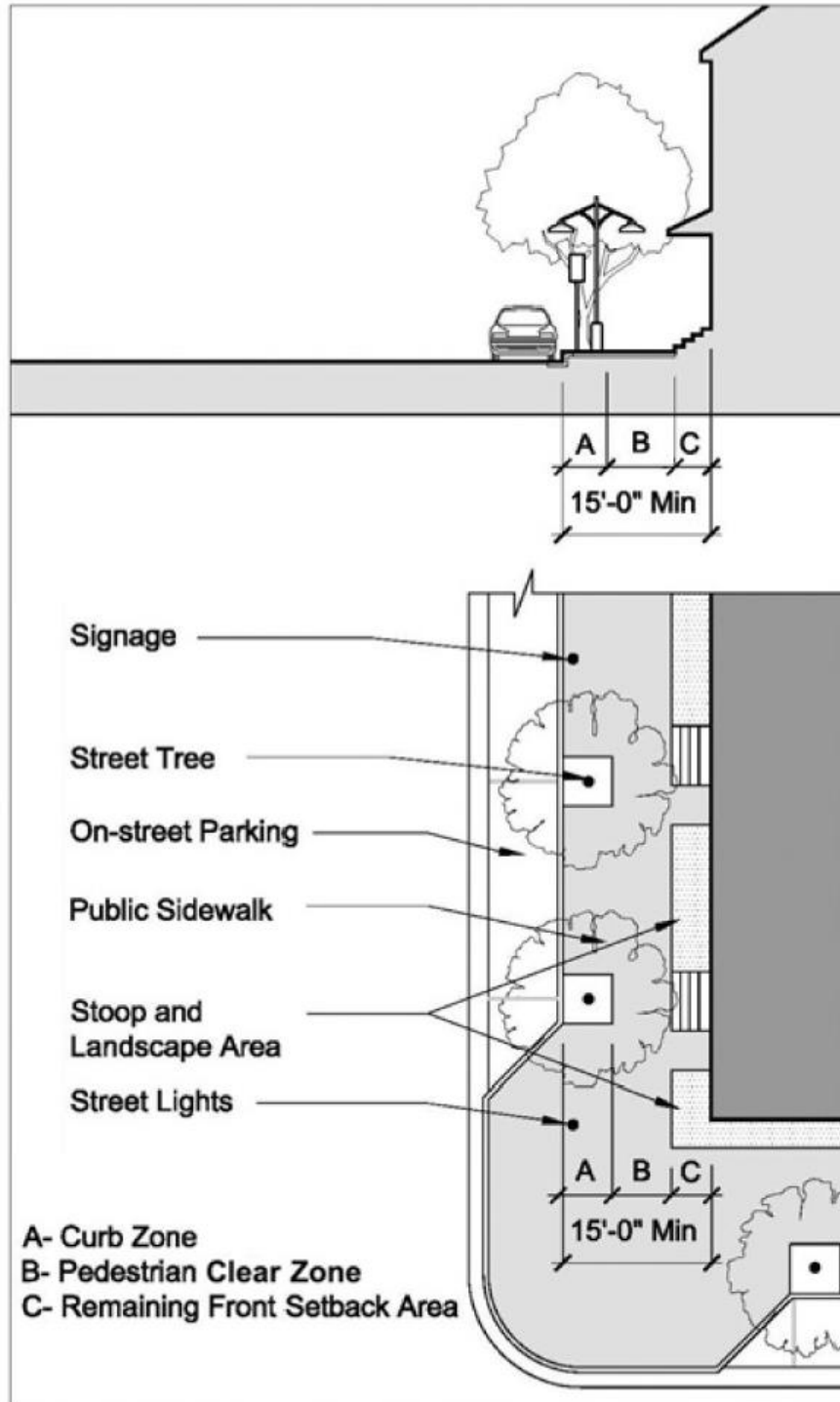


Figure 4.4.13-14 Residential Use Streetscape



- (3) ***Building entrances.*** The main entrance to every building shall be accessible directly from and face a public right-of-way or civic open space. The main entrance(s) to ground story commercial space(s) shall be directly from and face a public right-of-way or civic open space. Doors allowing public access shall occur at intervals no greater than 75 feet.
- (4) ***Frontage types.*** Frontage Types define architectural characteristics for the detailing of building entrances. Seven distinct frontage types have been identified, which are appropriate for different uses. Table 4.4.13 (D) identifies the frontage types appropriate for each use by an "X". Using one or more of frontage types identified is required.

Table 4.4.13(D) Frontage Types per Use							
	<i>Porch</i>	<i>Stoop</i>	<i>Bracketed Balcony</i>	<i>Forecourt</i>	<i>Storefront</i>	<i>Arcade/ Colonnade</i>	<i>Lobby Entry</i>
Commercial	X	<u>X</u>	X	X	X	X	X
Live/Work	X	X	X	X	X	X	X
Townhomes and Single-Family Dwelling	X	X	X	X			
All Other Types of Residential	X	X	X	X			X

- (a) **Porch**. A porch is an open-air structure attached to a building forming a covered entrance large enough for comfortable use as an outdoor room. Table 4.4.13(E) provides the dimensional requirements and the maximum encroachment allowed, provided porches do not encroach into the minimum required curb zone or pedestrian clear zone as described in Section 4.4.13(E)(2). Figure 4.4.13-15 illustrates the dimensional requirements from Table 4.4.13(E). Figure 4.4.13-16 provides a character example.

Table 4.4.13(E) Dimensional Requirements for Porches			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Depth	8 ft.	12 ft.
C	Width	40% Facade	100% Facade
D	Floor Elevation	.5 ft.	4 ft.
Allowable Encroachment ¹		-	8 ft.
¹ May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))			

Figure 4.4.13-15 Porch Frontage Type

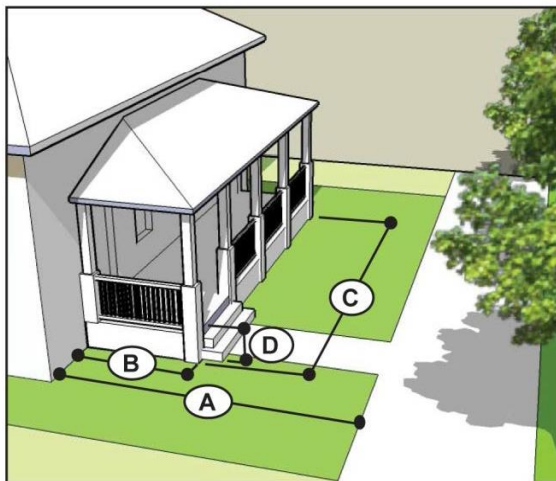


Figure 4.4.13-16 Porch Character Example



- (b) **Stoop.** A stoop is a small staircase leading to the entrance of a building that may be covered. The elevation of the stoop is necessary to ensure privacy for residential uses in the ground story of buildings. Stoops should provide sufficient space for a person to comfortably pause before entering or after exiting the building. Table 4.4.13(F) provides the dimensional requirements and the maximum encroachment allowed provided stoops do not encroach into the minimum required curb zone or pedestrian clear zone as described in Section 4.4.13(E)(2). Figure 4.4.13-17 illustrates the dimensional requirements from Table 4.4.13(F). Figure 4.4.13-18 provides a character example.

Table 4.4.13(F) Dimensional Requirements for Stoops			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Depth	5 ft.	8 ft.
C	Width	4 ft.	-
D	Floor Elevation	1 ft.	4 ft.
Allowable Encroachment ¹		-	5 feet
¹ May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))			

Figure 4.4.13-17 Stoop Frontage Type

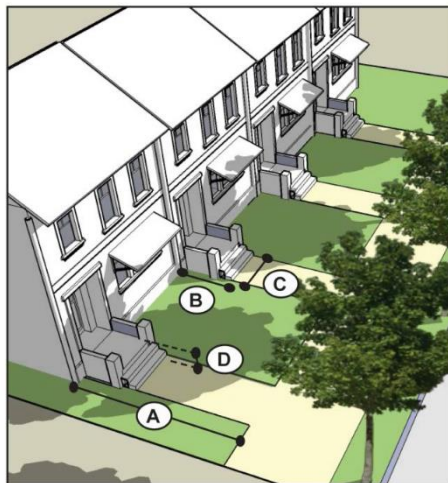


Figure 4.4.13-18 Stoop Character Example



- (c) ***Bracketed balcony.*** A bracketed balcony is a second-story balcony, located over the main building entry, which provides cover for a person entering or exiting the building, emphasizes the entryway, and creates a semi-public space overlooking the street. The Delray Beach Architectural Design Guidelines provide guidance on balcony detailing. Bracketed balconies are typically associated with buildings with commercial uses in the ground story; however, bracketed balconies may be used with residential uses if combined with a stoop. Figure 4.4.13-19 illustrates the dimensional requirements from Table 4.4.13(G). Figure 4.4.13-20 provides a character example.

<i>Table 4.4.13(G)</i> <i>Dimensional Requirements for Bracketed Balconies</i>			
		<i>Minimum</i>	<i>Maximum</i>
A	Building Setback	10 ft.	15 ft.
B	Depth	-	5 ft.
C	Width	4 ft.	-
D	Floor Elevation	0 ft.	-
Allowable Encroachment		-	5 feet

**Figure 4.4.13-19 Bracketed Balcony
Frontage Type**



**Figure 4.4.13-20 Bracketed Balcony
Character Example**



- (d) **Forecourt.** A forecourt is an open area in front of the main building entrance(s) designed as a small garden or plaza. Low walls or balustrades no higher than three feet six inches in height may enclose the forecourt. Forecourt walls are constructed of similar material as the principal building or are composed of a continuous, maintained hedge. A forecourt may afford access to one or more first floor residential dwelling units or incorporate storefronts for commercial uses. The forecourt is suitable for outdoor seating for residents or restaurants. Forecourts are typically associated with multifamily, mixed-use, and commercial buildings. Figure 4.4.13-21 illustrates the dimensional requirements from Table 4.4.13(H). Figure 4.4.13-22 provides a character example.

Table 4.4.13(H) Dimensional Requirements for Forecourts			
		<i>Minimum</i>	<i>Maximum</i>
A	Building Setback	10 ft.	15 ft.
B	Depth	10 ft.	20 ft.
C	Width	20 ft.	50% of Facade
D	Floor Elevation	0 ft.	3 ft.
Allowable Encroachment		Not Applicable	

Figure 4.4.13-21 Forecourt Frontage Type



Figure 4.4.13-22 Forecourt Character Example

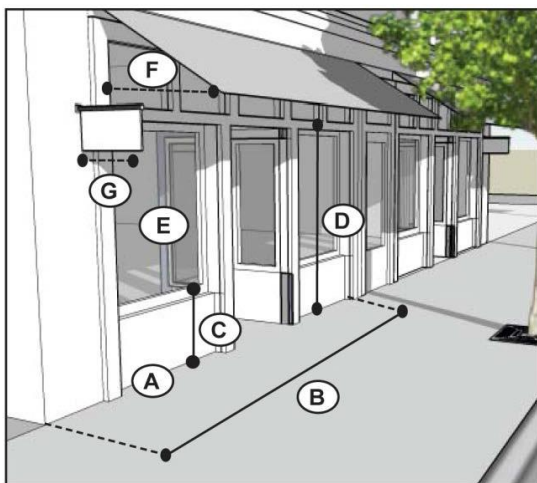


- (e) **Storefront.** The storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. Storefronts are frequently shaded by awnings or arcades.

1. **Storefront dimensions.** Table 4.4.13(I) provides the dimensional requirements and the maximum allowable encroachment permitted. Figure 4.4.13-23 illustrates the dimensional requirements and Figure 4.4.13-24 provides a character example.

Table 4.4.13(I) Dimensional Requirements for Storefronts			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Store Width	N/A	75 ft. on Required Retail Streets
C	Storefront Base	9 in.	3 ft.
D	Glazing Height	8 ft.	-
E	Required Openings	80%	-
Maximum Allowable Encroachment of Elements in All Districts			
F	Awning Projection	5 3 feet	-
G	Projecting Sign	N/A	3 feet

**Figure 4.4.13-23 Storefront
Frontage Type**



**Figure 4.4.13-24 Storefront Character
Example**



- a. Storefronts shall be directly accessible from sidewalks; storefront doors may be recessed up to ten feet.
- b. Storefront (window and door) openings shall extend along at least 80 percent of the width of the facade of the commercial space, measured by the sum of the widths of the rough openings. ~~Storefront windows shall have a base nine inches to three feet high. Transparent glazed windows shall extend from the base to at least eight feet in height as measured from sidewalk grade. Transparent means non-solar, non-mirrored, glass with a light transmission reduction of no more than 20 percent.~~
- c. Storefront windows shall have a base nine inches to three feet high.
- d. Transparent glazed windows shall extend from the base to at least eight feet in height as measured from sidewalk grade adjacent to the building. Transparent means non-solar, non-mirrored, glass with a light transmission reduction of no more than 20 percent.
- e. Metal storefront window and door frames shall have powder-coated finishes.

2. ***Storefront elements.***

- a. Storefronts shall have either awnings or an arcade. Awnings shall project a minimum of ~~three~~ five feet from the building facade. Arcades shall meet the Arcade frontage standards in Section 4.4.13.(E)(4)(f).
- b. Awnings shall be consistent with the building's architecture and proportionate to the façade opening shape and size. Except for curved awnings, all awnings shall be sloped 15 to 35 degrees from the horizontal plane. Valances shall be no more than 12 inches long. Internally illuminated or plastic awnings are prohibited.
- c. Storefronts may be combined with forecourts, porches, or arcades.

- (f) **Arcade.** An Arcade is a covered, unglazed, linear hallway attached to the front of a building, supported by columns or pillars. The arcade extends into the public right-of-way, over the streetscape area, creating a shaded environment ideal for pedestrians. This frontage type is typically associated with commercial uses.

1. **Arcade dimensions.** Table 4.4.13(J) provides the dimensional requirements and the maximum allowable encroachment permitted. Figure 4.4.13-25 illustrates the dimensional requirements and Figure 4.4.13-26 provides a character example.

Table 4.4.13(J) Dimensional Requirements for Arcade			
		Minimum	Maximum
A	Building Setback	Varies	15 ft.
B	Arcade Depth	10 ft.	20 ft.
C	Arcade Height	10 ft.	20 ft.
D	Column/Pillar to Face of Curb	2 ft.	4 <u>5</u> ft.
E	Column/Pillar Width and Depth	1 ft.	-
Maximum Allowable Encroachment of Elements in All Districts			
F	Arcade	varies by street	

Figure 4.4.13-25 Arcade Frontage Type



Figure 4.4.13-26 Arcade Character Example



- a. Arcades shall extend over the sidewalk. A sidewalk should not run parallel to an arcade, allowing pedestrians to bypass storefront windows.
- b. Use of the arcade on local streets requires entering into a right-of-way agreement, in a form acceptable to the City Attorney, with the City. The City Commission shall determine in its sole and absolute discretion whether to approve or deny an agreement, which shall be based upon a determination of whether the arcade is in the best interest of the general public. This agreement shall establish liability, indemnification, and insurance responsibilities in a form acceptable to the City. For County, State, and Federal roads, agreements with the appropriate agencies and the City ~~may be necessary~~ shall be required.
- c. Arcades shall have a clear depth between the interior face of the columns and the building facade of at least ten feet and no more than 20 feet. If the distance between the property line and the face of curb is not sufficient to accommodate the minimum depth of ten feet required for an arcade, or, if the distance between the property line and the face of curb is deep enough that using the required building setback results in an arcade with a clear depth greater than 12 feet, the front setback may be administratively adjusted by the Planning and Zoning Director, taking into consideration the ultimate location of the face of curb. If determined necessary by the City, the property owner shall grant a pedestrian and underground utility easement to the City, in a form acceptable to the City Attorney, on the applicant's property to reach ten feet of clear depth.
- d. Arcade ceilings shall be designed with coffers or exposed beams extruding at least six inches, aligned with columns or pillars. Arcades shall have a clear height above the sidewalk of at least ten feet and no more than 20 feet.
- e. Support columns or pillars shall be at least 12 inches wide and deep. See Section 4.6.18(B)(14)(iii). Columns and pillars shall be placed two to ~~four~~ five feet from the face of the curb.
- f. The arcade area extending over the public right-of-way may contain a second story or incorporate roof terraces; additional stories are not permitted.

2. ***Arcade elements***

- a. Arcades shall be combined with storefronts.
- b. The height and proportions of the arcade shall be consistent with the architecture and proportions of the building to which it is attached.
- c. Potted landscaping or ground planting shall be provided between the face of the columns or pillars and the face of curb.
- d. Lighting shall be incorporated into arcades to meet CPTED principles.

(g) ***Lobby entry.*** The lobby entry is a frontage type that emphasizes the main entrance to the reception area of a building with a significant architectural feature. The lobby entry type provides an integral architectural element that provides a sheltered area to congregate in front of the main entrance to a commercial, mixed-use, multi-family, or civic building. The entry may be at sidewalk level or elevated.

1. ***Lobby entry dimensions*** Table 4.4.13(K) provides the dimensional requirements and the maximum allowable encroachment permitted for certain elements. Figures 4.4.13-27 and 4.4.13-28 provide character examples.
 - a. Lobby entry features shall be consistent with the architecture of building and encroaching elements shall be harmonious in scale and proportion to the building.
 - b. Lobby entries shall be directly accessible from the sidewalk and may be recessed up to 10 feet.
 - c. Overhangs or awnings may encroach into the front setback area up to 10 feet.
 - d. Columns, pilasters, and posts may encroach into the front setback up to five feet.

<i>Table 4.4.13(K)</i> <i>Dimensional Requirements for Lobby Entry</i>			
		<i>Minimum</i>	<i>Maximum</i>
A	Building Setback	10 ft.	15 ft.
B	Lobby Entry Width	N/A	N/A
<i>Maximum Allowable Encroachment of Elements in All Districts</i>			
C	Overhang/Awning Projection	N/A	10 ft.
D	Columns, Pilaster, Posts	N/A	5 ft.

Figure 4.4.13-27 Lobby Entry
Character Example 1



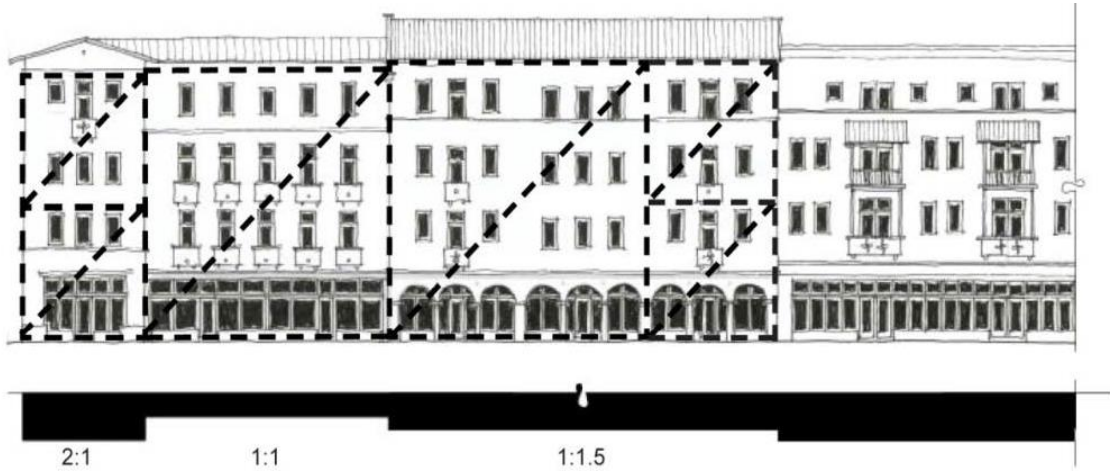
Figure 4.4.13-28 Lobby Entry
Character Example 2



Section 7. That Section 4.4.13, “Central Business District (CBD)”, Subsection (F) “Architectural standards”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby 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 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 1:3~~2~~ (Figure 4.4.13-29).
 2. Building articulations shall be reinforced by changes in roof design, fenestration patterns, or architectural elements.

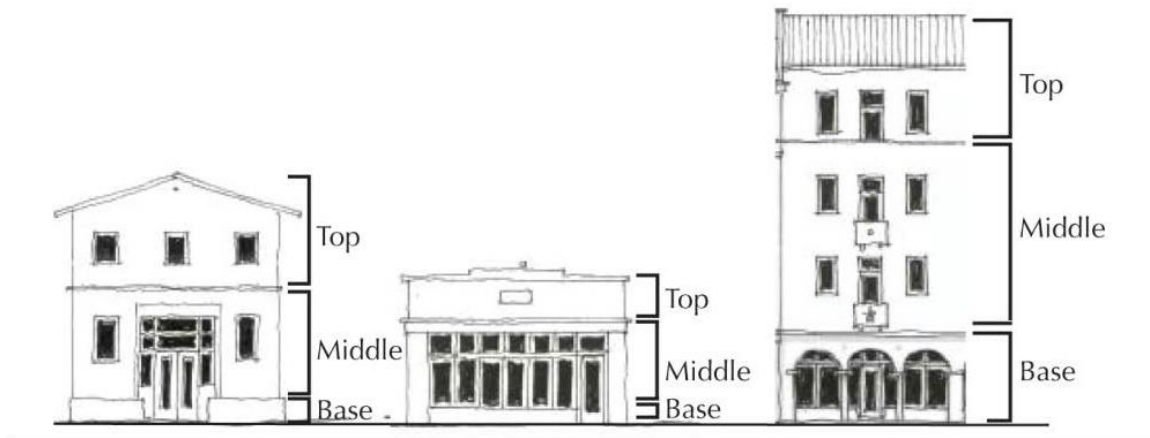
Figure 4.4.13-29 Façade Articulation Proportions



(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 4.4.13-30 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 4.4.13–2931 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 Planning and Zoning Director at my point in the process.
- (3) **Appropriate architectural styles.** The adopted "Delray Beach Central Business District Architectural Design Guidelines", as amended ~~adopted by Ordinance 28-15 on December 8, 2015~~, identifies ~~seven~~ 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 ~~following~~ 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:
 - 1. ~~Florida Vernacular;~~
 - 2. ~~Anglo-Caribbean;~~
 - 3. ~~Mediterranean Revival;~~
 - 4. ~~Classical Tradition;~~
 - 5. ~~Art Deco;~~
 - 6. ~~Masonry Modern;~~
 - 7. ~~Main Street Vernacular.~~
- (b) 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 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 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) 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) ***Walls.***

- (a) Walls shall have a maximum of two primary materials, excluding windows, doors, accents and trims. The materials shall be appropriate to the architectural style and shall be consistent on all sides of the building. Materials that simulate other materials shall count as separate materials if there is a change in texture, color, or pattern of the finish.
- (b) Materials or patterns not expressly prohibited may be used if consistent with the architectural style of the building.
- (c) Metal curtain walls are permitted only on buildings designed in the Masonry Modern style and shall be limited to 30 percent of the total building exterior elevation.

(d) ***Prohibitions.***

- 1. Prefabricated and pre-engineered metal wall panels.
- 2. Metal curtain wall systems with 100 percent glass and metal combination.

(e) ***Treatment of blank walls.***

- 1. Blank walls shall not exceed a length of 50 feet, or 20 percent of the length of the building facing the street, whichever is less.
- 2. ***Blank walls.*** Blank walls shall receive two or more of the following special design treatments in order to increase pedestrian comfort or create visual interest:
 - a. Vertical trellis in front of the wall with climbing vines or other plant materials over at least 30 percent of the blank wall surface.
 - b. Small setbacks, projections, or indentations with a minimum depth of eight inches, or intervals of material change to break up the wall's surface.
 - c. Additional architectural details such as pilasters, medallions, decorative panels or castings, decorative accent tiles, wall-mounted fountains, or public art shall be integrated on any exterior wall to avoid a blank wall appearance.

(5) ***Openings.***

- (a) Building façades facing streets or civic open spaces must have transparent windows covering between 20 percent and 75 percent of the wall area of each story as measured between finished floors. Transparent means non-solar, non-mirrored glass with a light transmission reduction of no more than 20 percent.
- (b) Storefronts are required on all buildings located on streets designated on the Regulating Plan with Required Retail Frontage and on all new

retail or restaurant uses. All storefronts shall meet the design requirements in Section 4.4.13(E)(4)(e).

- (c) All public entries, excluding emergency exits, shall be easily identifiable and integrated into the building architecture and use one of the frontage types in Section 4.4.13(E)(4). Each freestanding principal structure shall have a minimum of one clearly defined primary public entrance facing the street.
- (d) Window and door shutters shall be sized to match the dimensions of the wall openings.
- (e) Overhead doors shall be prohibited from facing any adjacent residentially zoned property. Overhead doors shall be oriented away from any adjacent public right-of-way, except where currently existing.
- (f) Garage doors, entrances and exits with street frontage shall be designed to have a decorative appearance consistent with the overall architectural composition of the project.

(6) ***Roofs.***

- (a) Roof eaves above pedestrian walkways must be guttered to promote a pedestrian friendly environment. Plastic gutters are prohibited.
- (b) Roof types and roofing materials must be consistent with the architectural style of the building.
- (c) Flat roofs shall be screened from adjacent properties and streets with decorative parapets. The maximum height of the parapet wall shall be six feet in height or sufficient height to screen all roof mounted equipment, whichever is greater, measured from the top of the roof deck to the top of the parapet wall. Exception to the height requirements shall be pursuant to Section 4.3.4(J)(3).
- (d) Roof mounted electrical, mechanical, air conditioning, and communication equipment shall be completely screened from adjacent properties and streets.

~~(e) Rooftop terraces and uses are regulated in 4.4.13(C)(4)(h).~~

~~(e)~~ Prohibitions.

1. Flat asphalt shingles. Architectural 3-tab asphalt shingles with a minimum 30-year warranty are permitted.
2. Plastic gutters.

(7) ***Elements.***

- (a) Cornices and moldings shall extend a minimum of two inches from the surface plane of the building wall. Cornices and moldings are continuous façade elements and may not be covered by awnings or signs. Significant architectural elements such as columns, pilasters, and towers may interrupt moldings.
- (b) Arcades, porches, trellises, loggias and balconies.
 - 1. Materials for arcades, porches, trellises, loggias and balconies shall be consistent with the architectural style of the principal building.
 - 2. The spacing between columns, pillars, and posts shall have a height to width or width to height ratio of 1:1, 2:1, or 2:3 and shall be consistent with the building's architectural style. The maximum spacing between columns, from centerline to centerline shall be 24 feet.
 - 3. Columns, pillars and posts shall be appropriate for the architectural style of the building. Masonry columns or pillars shall be a minimum of 12 inches in width or depth. Wood posts shall be a minimum six inches in size, width, or depth.
 - 4. Arches over columns that are part of an arcade shall have no less than 8 inches in depth.
- (c) Awnings shall be consistent with the building's architecture and façade opening shape. Awnings shall project a minimum of three feet from the building facade. Except for curved awnings, all awnings shall be sloped 15 to 35 degrees from the horizontal plane. Valances shall be no more than 12 inches long. Internally illuminated or plastic awnings are prohibited. Any names or logos printed on awnings shall be counted as square footage against the overall permitted signage.
- (d) ~~In the absence of a building façade, a~~ A streetwall is required along both Primary and Secondary Streets where there is no building frontage. Streetwalls located within the front setback shall be three feet to ~~three~~ four feet, six inches in height and streetwalls located in line with the a building façade shall be three feet to six feet in height. ~~or the front setback.~~ Streetwalls shall be composed of either an opaque wall of the same material and color as the building, a metal or wood capped rail fence, or of a continuous, maintained hedge. In addition, one shade tree per 30 lineal feet, uniformly spaced, shall be installed along the length the streetwall.
- (e) Chain link fences are prohibited except within sites containing outdoor recreation uses or facilities such as baseball, tennis, racquetball, etc. in which case they must be appropriately screened with landscaping pursuant to Section 4.6.16.
- (f) A maximum of four base wall colors shall be used for each building, except as required for artworks or murals as approved by the Site Plan Review and Appearance Board or Historic Preservation Board.

- (g) Mechanical elements and equipment necessary to the operation or maintenance of the building such as, but not limited to, elevator, stair, and mechanical rooms, cooling towers, vent stacks and antennae shall be designed to be integral parts of the overall building design, provide a balanced and graceful silhouette, and ameliorate the visual impact to adjacent buildings. Minor features not exceeding one foot in height shall be exempted from this regulation.
- (h) Miscellaneous free standing, wall or ground mounted appurtenances such as electrical and gas meters, dumpster/recycling, trash compactors, gas tanks, air conditioning and communication equipment shall be enclosed or screened and integrated into the building's architectural treatment. The appurtenances shall also be prohibited within the front yards.
 - (i) Prohibitions.
 - a. Security bars on storefronts or display windows.
 - b. Neon or fluorescent lighting, unless incorporated into the architectural concept of the project or public artwork and approved by the Site Plan Review and Appearance Board or the Historic Preservation Board. An example of this may be a design element associated with an Art Deco project.
- (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. 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.*** To maximize the efficiency of a parking garage, parking garages or the garage portion of the building may request a waiver by Site Plan Review and Appearance Board, or HPB if located in Historic District, from the setback requirements of Section

4.4.13(D) (for portions of the building above three stories) subject to compliance with 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. 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 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.

(9) ***Reduction of Urban Heat Islands.*** In order to reduce urban heat islands for both roofed and non-roofed areas, the following standards shall apply to building and site design:

- (a) ***Non-roofed:*** Provide shade (within five years) on at least 30 percent of non-roof impervious surface on the side, including parking lots, walkways, plazas, etc.; or use light-colored/high-albedo materials (reflectance of at least 0.3) for 30 percent of the site's non-roofed impervious surfaces; or, use open-grid pavement system (net impervious area of less than 50 percent) for a minimum of 50 percent of the parking lot area.
- (b) ***Roofed:*** Use Energy Star roof-compliant, high-reflectance and high emissivity roofing (initial reflectance of at least 0.65 and three-year-aged reflectance of at least 0.5 when tested in accordance with ASTM E903 and emissivity of at least 0.9 when tested in accordance with ASTM 4080 for a minimum of 75 percent of the roof surface; or install a "green" (vegetated) roof for at least 50 percent of the roof area.
- (c) ***Parking garage roofs:*** Provide shade on at least 30 percent (within five years) of any exposed parking on the roof.

(10) ***Green building practices.*** Cross-ventilation, energy efficiency, and green building design shall be considered for all projects. All development which proposes to build 50,000 square feet or more, in one or more buildings, shall be at a minimum certified as Silver by the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) standards or equivalent standards adopted or approved by the City.

- (a) At the time of Building Permit application, the owner shall submit:
 1. Proof of registration with the Green Building Certification Institute, or equivalent agency;
 2. A signed and sealed affidavit from a LEED Accredited Professional, or applicable designation, stating that the proposed Building is designed to achieve the required certification; and
 3. A LEED Scorecard, or equivalent document, identifying anticipated credits to be achieved.
- (b) ~~At the time of application,~~ Prior to the issuance of a Certificate of Occupancy, the owner shall submit:
 1. Proof of certification by the Green Building Certification Institute, or equivalent agency;
 2. A bond posted in a form acceptable to the City, in the amount indicated below;
 - a. Four percent of the total cost of construction for a building up to 100,000 square feet;
 - b. Five percent of the total cost of construction for a building 100,001 to 200,000 square feet;
 - c. Six percent of the total cost of construction for any building greater than 200,000 square feet; or
 3. Proof of partial compliance from the Green Building Certification Institute, or applicable agency, which demonstrates the credits presently achieved. In addition, a prorated portion of the full bond amount, as indicated in subsection 2(b) above, shall be posted based on the number of remaining credits needed to meet minimum certification requirements. The bond amount to be posted shall be calculated as follows:

$$(\text{credits remaining for certification} / \text{credits required for certification}) \times \text{full bond amount} = \text{prorated bond amount}$$
- (c) Forfeiture of bond. The bond required under this Section 4.4.13(H)(2)(c) shall be forfeited to the City in the event that the building does not meet the for LEED Silver certification or applicable certification. The City will draw down on the bond funds upon failure of the owner to submit proof of LEED Silver certification in a form acceptable to the City within one year of the City's issuance of the Certificate of Occupancy for the building. If required certification is not achieved but a majority of the credits have been verified, the owner shall forfeit a portion of the bond based on any outstanding credits which shall be calculated as follows:

(credits remaining for certification / credits required for certification)
x full bond amount = bond amount forfeited

If the amount to be forfeited is greater than 50 percent of the full bond amount, the bond shall be forfeited in its entirety. Funds that become available to the City from the forfeiture of the bond shall be placed in the In-Lieu Parking Fee Fund and earmarked for bicycle and pedestrian infrastructure purposes.

Section 8. That Section 4.4.13, “Central Business District (CBD)”, Subsection (G) “Civic Open Spaces”. of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows and Subsection (H) “Incentive program” shall remain the same as previously adopted:

(G) ***Civic open spaces.*** 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.

(1) ***Amount required.*** New development or additions of gross floor area equal to 20 percent or more to existing buildings shall provide civic open space as follows:

(a) Sites smaller than 20,000 square feet have no civic open space requirement. The first 20,000 square feet of sites larger than 20,000 square feet are not used in the computation of required civic open spaces.

(b) Sites between 20,000 and 40,000 square feet are required to provide five percent of the site's area that is above 20,000 square feet as civic open space.

(c) ~~Sites 40,000 square feet or more.~~ Sites 40,000 square feet of more in size are required to provide civic open space as follows:

1. Five percent of the site's area between 20,000 and 40,000 square feet; plus

2. ~~Seven~~ Nine percent of the site's area above 40,000 square feet.

For example, a site 62,000 square feet in size will calculate civic open space as follows:

20,000 square feet = 0

20,000 square feet x 5% = 1,000 square feet

22,000 square feet x ~~72~~9% = ~~1,540~~ 1,980 square feet

Total Civic Open Space Required = ~~2,540~~ 2,980 square feet

- (d) Dedicated rights-of-way and area used to meet the minimum setback or minimum streetscape standards in Section 4.4.13(E) do not count toward fulfilling the required amount.
- (2) ***Types of civic open spaces.*** Civic open space shall be designed as one of the following types, which shall be identified on the site plan:
- (a) ***Green.*** A green is at least 1,500 square feet in size and adjoins streets on at least two sides or a street and a pedestrian passageway or main building entry. Greens are designed primarily for passive uses, consisting primarily of lawn with either formally or informally arranged landscaping.
 - (b) ***Plaza.*** A plaza is at least 1,500 square feet in size and adjoins streets on at least two sides or a street and a pedestrian passageway or main building entry. Plazas are mostly hardscaped with formally arranged landscaping and a water feature.
 - (c) ***Playground.*** A playground is at least 2,500 square feet in size. Playgrounds provide children's play equipment and shaded seating. Playgrounds adjoin a street on at least one side and the configuration should ensure easy surveillance of the area from adjacent buildings and streets.
 - (d) ***Square.*** A square is at least 10,000 square feet and adjoins streets on at least three sides. Squares may be up to 50 percent hardscaped, with formal landscaping. Squares accommodate both passive uses and community gatherings.
 - (e) ***Attached Green.*** An attached green is generally 2,000 to 6,000 square feet and spans the entire length of a block. Attached greens shall be at least 30 feet wide and are appropriate on the short end of a block. Attached greens are primarily laws with formally arranged landscaping.
 - (f) ***Community Garden.*** A community garden is 2,500 to approximately 5,000 square feet and adjoins a street on at least one side. Community gardens are land that is cultivated collectively by members of a community (See Section 4.3.3 (D)).
 - (g) ~~***Forecourt.***~~ For civic open space requirements between 250 and 1,500 square feet, buildings shall provide the required space using ~~utilize a Forecourt frontage type (see Section 4.4.13(E)(4)(d)) or incorporate additional landscaped space into a pedestrian passageway.~~ one of the following:
 - 1. A Forecourt frontage type (see Section 4.4.13(E)(4)(d)).
 - 2. A pedestrian passageway open to the sky connecting the front of the property to the rear, at least 10 feet in width, and containing a minimum of 50% pervious,

landscaped area, with decorative elements of interest, such as benches, trellises, sculptures, and water features which complement the design style of the building. Outdoor use areas may be provided adjacent to but not within the minimum required pedestrian passageway area.

- (h) ***Public art.*** For civic open space requirements less than 250 square feet, ~~a the space shall incorporate incorporating~~ a fountain, living wall, mural, or sculpture ~~or work of art may~~ shall be provided facing a street or a pedestrian passageway.

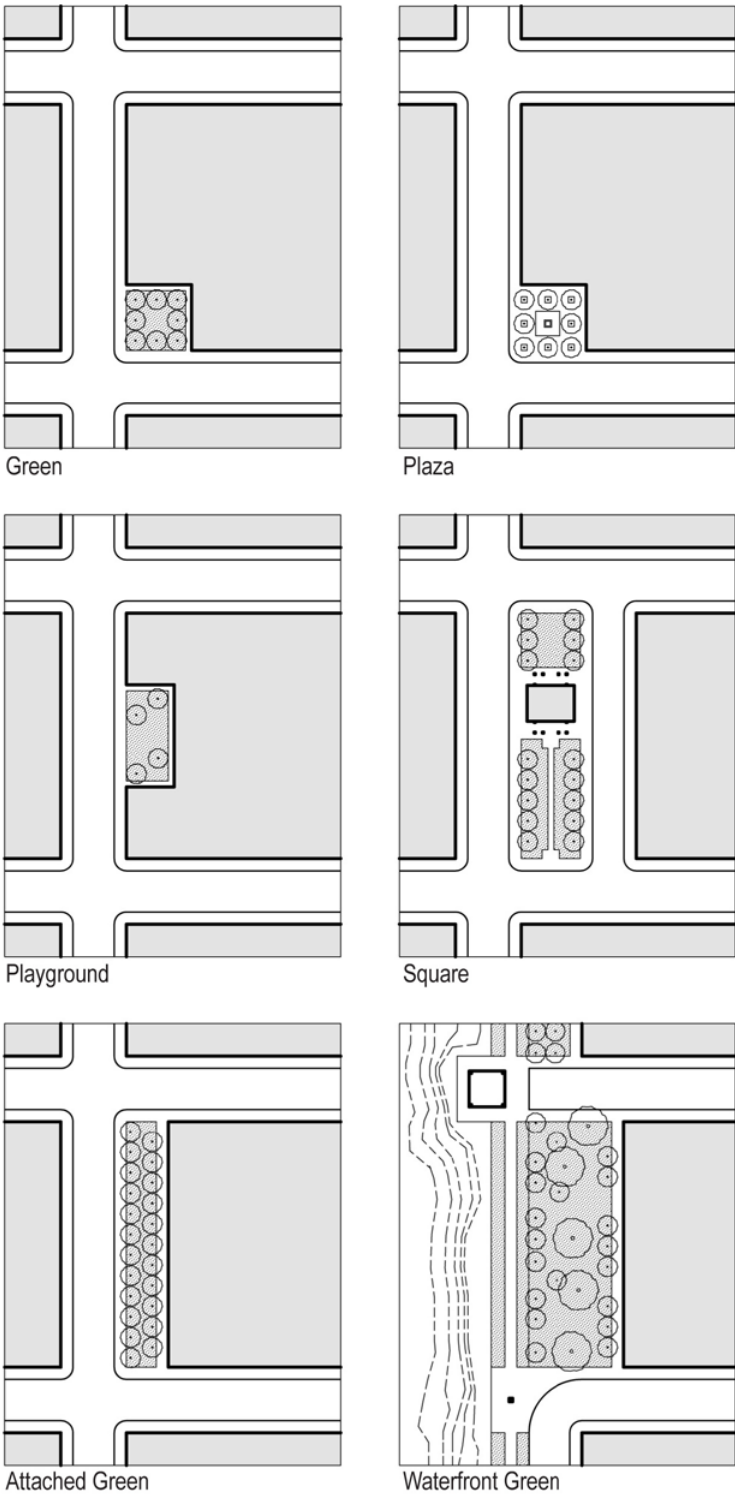
**Figure 4.4.13-2832 Character Example of
Landscaped Pedestrian Passageway**



**Figure 4.4.13-2933 Character Example of
Living Wall**

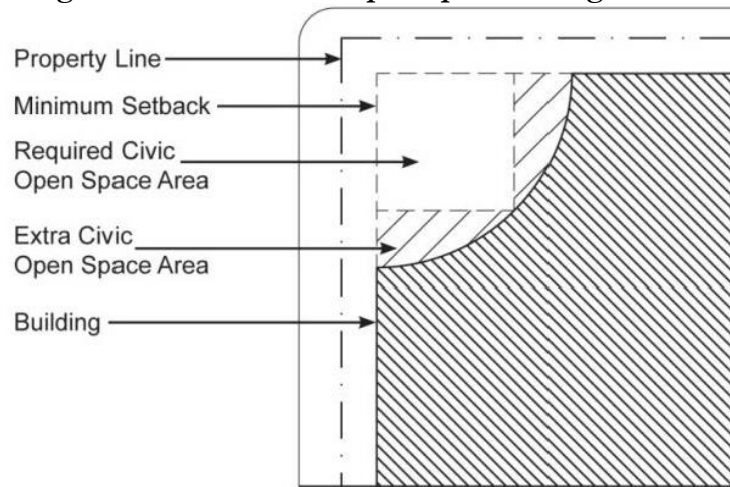


Figure 4.4.13-3034 Civic Open Spaces



- (3) **Configuration.** Civic open spaces shall be configured as follows:
- (a) The civic open space shall adjoin a street front property line for no less than 30 linear feet.
 - (b) The required amount of civic open space shall be configured in square or rectangle; additional area above the required amount may augment the space, creating another shape (See Figure 4.4.13-335).

Figure 4.4.13-335 Civic Open Space Configuration



- (c) Except for attached greens, civic spaces shall have a proportion so that the depth is no more than two and one-half times the width and the width is no more than five times the depth.
 - (d) Civic open spaces shall be lined by building facades or streets on all sides. In order to provide oversight of the space, buildings facing civic open spaces shall contain active uses; parking lots, parking garages, and storage areas are not considered active uses.
 - (e) Civic open space requirements of 3,000 square feet or more may be provided in up to two spaces; requirements less than 3,000 square feet shall be provided in one space.
- (4) **Additional standards.** Civic open spaces shall meet the following minimum standards:
- (a) Civic open spaces must be accessible to the public during all daylight hours. A portion of a civic open space may accommodate outdoor dining provided:
 1. The business is located adjacent to the open space;
 2. The open space provides an alternative location for a sidewalk café instead of ~~to~~ using the streetscape area of an adjoining street right-of-way; and

3. The size of the area is generally consistent with the potential size of a sidewalk café that could be located within the streetscape of an adjoining street right-of-way.
- (b) Civic open spaces must be situated to allow easy ingress and egress by pedestrians. Except for playgrounds, which may be fenced, no streetwalls, gates, fences or other impediments to pedestrian accessibility shall be permitted along the frontage lines;
- (c) Civic open spaces must be located at the sidewalk level;
- (d) Civic open spaces must be completely open to the sky, with no roofs, awnings, structural elements or covered areas above; ~~however,~~ Retractable awnings, trellises, and open-air garden structures such as pergolas, gazebos or band shells are permitted within civic open spaces;
- (e) 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.
- (f) Each civic open space shall provide the following street furniture elements, specifications subject to approval by the City of Delray Beach Engineering Department:
 1. Seating for at least two people per 350 square feet of area. Seating may be provided on benches, chairs, or other horizontal surfaces designed for people to sit upon, including retaining walls, planter edges, tiers and other similar surfaces. Seating surfaces shall have a maximum height of 24 inches and have a minimum depth of 16 inches.
 2. One drinking fountain;
 3. One bicycle rack with no less than four spaces;
 4. One trash receptacle;
 5. One pet clean up station.
- (g) Fences are permitted only to enclose playgrounds. Fences may be composed of wood or metal pickets and shall not exceed four feet in height.
- (h) Vehicular traffic shall not be permitted within a civic open space.
 - (i) Civic open spaces shall be designed to enhance user safety and security using Crime Prevention Through Environmental Design (CPTED) principles by:
 1. Being well lighted;

2. Having one or more focal points within the open space visible from all perimeter streets;
 3. Having a clear landscape zone between three feet and eight feet in height providing sightlines unobstructed by berms or bushes.
- (5) **Availability.** 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.
- (H) **Incentive program.** [Subsection (H) shall remain the same as previously adopted].

Section 9. That Section 4.4.13, “Central Business District (CBD)”, Subsection (I) “CBD Parking Standards”. at Table 4.4.13(L), “Minimum Number of Off-Street Parking Spaces Required in the CBD”, along with amendment to and redesignation of Table 4.4.13(K), of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(1) – (3) [Shall remain the same as previously adopted]

<i>Table 4.4.13(L)</i> <i>Minimum Number of Off-street Parking Spaces Required in the CBD</i>	
<i>Commercial Uses</i>	
Hotels/Motels ⁺	0.7 space per guest room plus 1 space per 800 sf. of meeting rooms and shops
Business and Professional Office <10,000 sf	1 space per 500 sf. of net floor area
Business and Professional Office >10,000 sf located more than 750 feet from a public parking garage or Planned Tri-Rail Coastal Link station	1 space per 300 sf. of net floor area
Business and Professional Office >10,000 sf located within 750 feet of a public parking garage or Planned Tri-Rail Coastal Link station	1 space per 500 sf. of net floor area
Retail and Commercial Uses	1 space per 500 sf. of gross floor area
Restaurants and lounges (including those located within hotels/motels) NOT in the Atlantic Avenue Parking District	6 spaces per 1,000 sf. of gross floor area
Restaurants and lounges (including those located within hotels/motels) in the Atlantic Avenue Parking District	12 spaces per 1,000 sf. for the first 6,000 sf. Plus 15 spaces per each additional 1,000 sf.
<i>Residential</i>	

Community Residence	The number of off-street spaces required by Section 4.6.9(C)(7)(I) of these Land Development Regulations
Efficiency Dwelling Unit	1 space per unit
One Bedroom Dwelling Unit	1.25 spaces per unit
Two or More Bedroom Dwelling Unit	1.75 spaces per unit
Guest Parking shall be provided cumulatively as follows	
- For the first 20 units	0.50 spaces per unit
- For units 21-50	0.30 spaces per unit
- For units 51 and above	0.20 spaces per
Live/Work Units	2 spaces per unit
<i>Alternative Fuel Parking Spaces¹</i>	
Residential	3% of Required Parking Spaces
Commercial	3% of Required Parking Spaces
¹ When parking spaces are not required, but are provided, then 3% of those provided shall be an Alternative Fuel space.	

- (4) ***Bicycle parking and facilities.*** Bicycle parking and facilities shall be provided within the CBD Sub-districts.

- (a) ***Minimum Number of Bicycle Parking Spaces.*** Table 4.4.13(~~FM~~) identifies the minimum number of on-site bicycle parking spaces required per use.

1. All new non-residential uses ~~over 2,000 square feet~~ shall provide at least ~~one~~ two bicycle parking spaces.
2. For mixed use projects, both the non-residential and residential requirements shall be provided.
3. Bicycle Parking requirements are applied to new development, expansion of an existing use, and changes of use.

<i>Table 4.4.13(FM)</i>	
<i>Minimum Number of Bicycle Parking Spaces Required in the CBD</i>	
<i>Commercial Uses</i>	
Hotels/Motels	1 space per 10 guest rooms plus 1 space per 5,000 sf. of restaurant, meeting rooms, and shops; <u>if more than 10 spaces are required, then 50% shall be in lockers or secured, inside storage area</u>
Professional Office <50,000 sf.	1 space per 2,000 sf. of net floor area

Professional Office >50,000 sf.	1 space per 2,000 sf. of net floor area; 50% in lockers <u>plus shower facilities or secured</u> , inside storage area plus shower facilities
Retail, Restaurant, and Commercial Uses	≥ 1 space per 1,000 sf. of gross floor area
<i>Residential</i>	
Residential < 50 units	1 space per ≥ 4 units
Residential > 50 units	1 space per ≥ 4 units; 50% in lockers or inside storage area
Live/Work Unit	1 space per 2 units
Townhouses and Single- family Homes	-

(b) ***Design and Location.***

1. Visitor, employee and resident bicycle parking facilities shall be visible to the intended users within a location shown on the site plan that meets the following standards;
 - a. Provided in a safe, accessible and convenient location within 300 feet of a main building entrance; when there is more than one building entrance, bicycle parking shall be distributed to serve all entrances.
 - ~~b. Located within 300 feet of a main building entrance.~~
 - ~~e.b. Does not encroach into the minimum streetscape area (see Section 4.4.13(E)(2)). If bicycle parking is proposed within the minimum streetscape area (see Section 4.4.13(E)(2)), it shall not encroach within the minimum pedestrian clear zone.~~
 - ~~d.c. The Planning and Zoning Director shall review the location, design, and details of the bicycle spaces as part of the site plan review. If bicycle parking is proposed within the right-of-way, a maintenance agreement (in a form acceptable to the City Attorney) is required.~~
 - ~~d. If lockers or a secured inside storage area are required, then a specification shall be included within the plan set illustrating the enclosure details.~~
2. ***Shower facilities.*** Offices greater than 50,000 square feet shall ~~at least provide one~~ at least two shower and changing facilities ~~per gender. The~~ Each changing facility shall be installed adjacent to showers in a safe and secured area.

3. Unless otherwise provided by law, residential condominium covenants are encouraged not to prohibit the storage of bicycles inside individual dwelling units.

Section 10. That Section 4.4.13, “Central Business District (CBD)”, Subsection (J) “Streets and blocks”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (J) ***Streets and blocks.*** The highly connected street and block structure of the downtown CBD area is a critical component of the cultural and historic character of the city. The network fosters multi-modal options, by reducing bike and walk distances, and allowing traffic to disperse.
- (1) ***Streets and alleys.*** Within the CBD, the following standards apply to streets and blocks:
 - (a) Local streets within the CBD may have travel lanes ten feet in width provided on-street parking is incorporated in the cross-section and with approval by the City Engineer.
 - (b) On-street parking spaces shall be located outside of the applicable sight visibility triangle measurement ~~Streets and alleys may not be abandoned, vacated or closed to accommodate new development.~~
 - (c) ~~Streets and alleys may not be abandoned, vacated or closed to accommodate new development. Alleys provide an important tertiary support system. Alleys may be relocated provided access and service is maintained to all properties and the reconfigured alley maintains public access and has at least two separate access points for entry and exit within the same block. Alleys that are identified routes in the City's adopted bicycle and pedestrian master plan may not be relocated. Dead-end service courts are not permitted. In order to meet the City's sustainability goals, alleys that are improved as a result of redevelopment are encouraged to use permeable paving such as porous asphalt or concrete, subject to approval by the City Engineer. Development on property alongside an alley shall provide street lights as set forth in Section 6.1.5.~~
 - (d) Alleys provide an important tertiary support system. Alleys may be relocated provided access and service is maintained to all properties and the reconfigured alley maintains public access and has at least two separate access points for entry and exit within the same block. Alleys that are identified routes in the City's adopted bicycle and pedestrian master plan may not be relocated. Dead-end service courts are not permitted. To meet the City's sustainability goals, alleys that are improved as a result of redevelopment are encouraged to use permeable paving such as porous asphalt or concrete, subject to

approval by the City Engineer. Development on property alongside an alley shall provide street lights as set forth in Section 6.1.5.

- (2) ***Analysis of traffic circulation and access points.*** To minimize impacts and coordinate traffic circulation, development which meets one of the following criteria must provide a professional study that analyzes options for internal traffic circulation and distribution to the external street network ~~shall be provided for proposed development that meets one of the following criteria.~~ The professional study will be reviewed and analyzed by the City Engineer, or his designee. The applicant shall comply with the City Engineer recommendations prior to review by the acting body on the site plan.
- (a) The development proposes to move an alley;
 - (b) The development is located on a block that does not have an alley;
 - (c) The site is two acres or more in size; or
 - (d) The site is located along the Intracoastal Waterway or a waterfront park.
 - ~~(e) The development proposes valet parking circulation on public rights-of-way.~~

Section 11. That Section 4.4.13, “Central Business District (CBD)”, Subsection (K) “CBD review and approval process”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(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 my 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.
- ~~(1) In established structures, uses shall be allowed therein upon application to and approval by the Chief Building Official for a Business Tax Receipt.~~
- (2) ***Site Plan Review and Appearance Board (SPRAB)***. For any new development requiring approval under Sections 2.4.5(F), 2.4.5(H), or 2.4.5(I), approval must be granted by the ~~Site Plan Review and Appearance Board (SPRAB)~~, unless the property is located within a designated historic district or is individually designated (see subsection (3) below). In addition, the SPRAB has the following authority within the CBD:
 - (a) Modification of building frontage and setback requirements by waiver ~~in order~~ 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 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 impossible. The SPRAB may require special perimeter treatments to protect and improve the pedestrian experience along the street.
 - (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 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). 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) ***West Atlantic Redevelopment Coalition (WARC).*** Projects located within the West Atlantic Neighborhood Sub-district shall be reviewed by the WARC for consistency with the requirements of this Section and the Development Standards recommendations of The Set Transformation Plan prior to review by the SPRAB or HPB.
- (5) ***Pineapple Grove Design Review Committee.*** Projects located within the boundaries of the Pineapple Grove Neighborhood Plan, as mapped on the Central Core and Railroad Corridor Sub-districts Regulating Plans (See Section 4.4.13(B)), shall be reviewed by the Pineapple Grove Design Review Committee for consistency with the requirements of this Section Development Standards and compliance with the Pineapple Grove Neighborhood Plan prior to consideration by SPRAB or HPB.

- (6) **DDA and CRA.** All development applications under their purview which are processed through the Planning and Zoning Board, SPRAB, or HPB shall be referred to the Downtown Development Authority and the Community Redevelopment Agency in sufficient time to allow for review and comment prior to action by the approving body.
- (7) **Conditional uses.** Conditional uses listed on Table 4.4.13(A) may be considered pursuant to the provisions of Section 2.4.5(E). 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 4.4.13-336. 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 4.4.13-346



- (c) **Car Wash establishments.** Car Wash establishments, with automatic/mechanical systems ~~only, for vehicles, except that such use~~ 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. 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 ~~Site Plan Review and Appearance Board.~~ 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.

(8) **Waivers.** This ~~code~~ 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 ~~Site Plan Review and Approval Board~~ SPRAB and the ~~Historic Preservation Board~~ 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.** Waivers to increase the number of stories or maximum height of a building are not permitted~~may not be granted~~.
- b. **Front Setback Waivers.** Waivers to decrease the minimum front setback depth are ~~not~~ 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 12. 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 13. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 14. Specific authority is hereby given to codify this Ordinance.

Section 15. 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 the _____ day of _____, 2018.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney