

ORDINANCE NO. 12-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13. "CENTRAL BUSINESS DISTRICT (CBD)", SUBSECTION (F), "ARCHITECTURAL STANDARDS" TO REQUIRE APPROVAL BY CITY COMMISSION OF THE MASONRY MODERN AND ART DECO ARCHITECTURAL STYLES PRIOR TO SITE PLAN SUBMITAL; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City Commission directed Staff to draft the subject amendments to Section 4.4.13, Central Business District (CBD) of the Land Development Regulations ("LDR") at its workshop on February 21, 2023 to require City Commission approval of the Masonry Modern and Art Deco architectural styles prior to review the Site Plan Review and Appearance Board and / or the Historic Preservation Board; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on March 20, 2023 and voted \_\_ to \_\_ to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

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

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

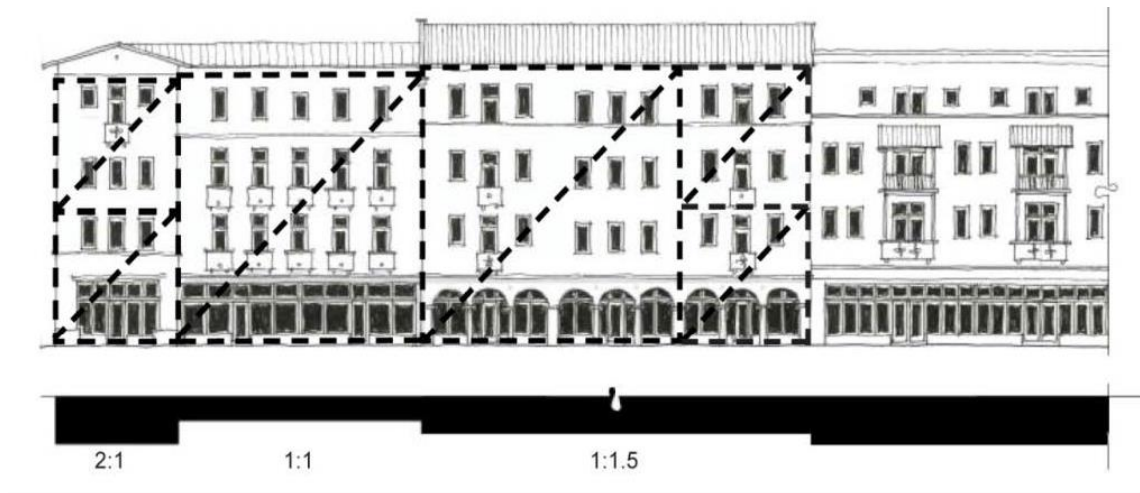
Section 2. The City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan and in the best interests of the City.

Section 3. Section 4.4.13, "Central Business (CBD) District," Subsection (F), "Architectural standards," of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, 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 1:2 (Figure 4.4.13-F-1).
    2. Building articulations shall be reinforced by changes in roof design, fenestration patterns, or architectural elements.

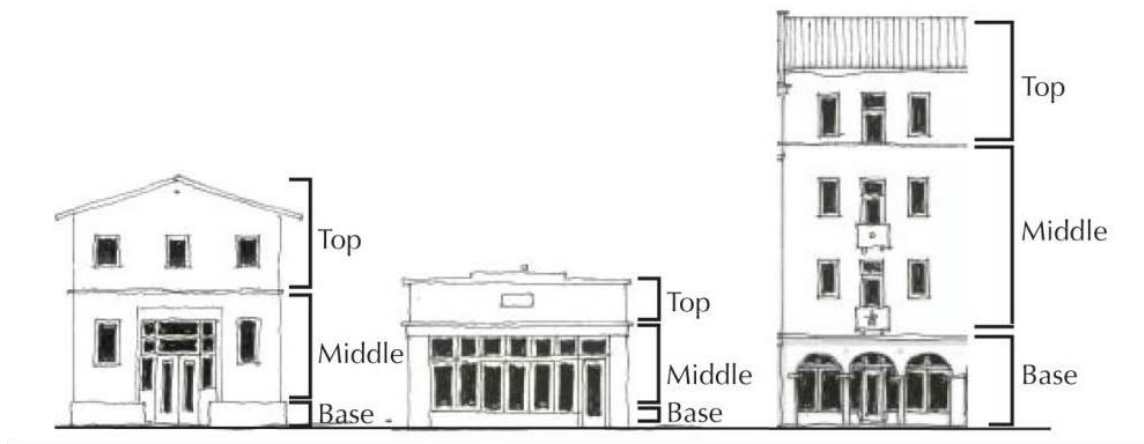
**Figure 4.4.13-F-1 Façade Articulation Proportions**



- (b) **Tripartite composition (base, middle, top).** All buildings shall have a clearly expressed base, middle, and top in the façade design.
  1. **Base.** The building base demonstrates the building is solidly anchored to the ground. The base may be configured in a number of ways, including, but not limited to the following:

- a. A thickening of the lower portion of the wall surface, accompanied by a change in material or color;
- b. the base of a storefront frontage type; or
- c. the first story of buildings three or more stories tall, demarcated by a cornice or molding.

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



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

**Figure 4.4.13-F-3**

**Character Examples for Building Façade Screening Secondary Street Uses**



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



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

- (d) ***Façade composition compliance.*** All development submittals shall provide diagrams and/or documentation to illustrate compliance with the requirements of this Section which includes Building Articulation, Tripartite Composition, and Visual Screening. Additional analysis demonstrating compliance may be required by the Development Services Director at any point in the process.
- (3) ***Appropriate architectural styles.*** The adopted "Delray Beach Central Business District Architectural Design Guidelines", as amended, identifies architectural styles as appropriate for downtown Delray Beach, based on historical precedent, climate, and building scale. Defining characteristics and character examples are provided for each of the styles as guidance.
  - (a) ***Permitted architectural styles.*** One of the architectural styles shall be identified on permit application drawings and the building design shall reflect the defining characteristics outlined in the "Delray Beach Central Business District Architectural Design Guidelines" document.
  - (b) Eclectic combinations or mixing of styles is not permitted; however, projects comprised of multiple buildings may use more than one style, provided each building uses one style (e.g. an Anglo-Caribbean building next to a Florida Vernacular building), and façade portions of long buildings may use different styles provided each portion uses one style.
  - (c) ***Other Architectural Styles.*** Elevations introducing a new style may be utilized with City Commission approval, via recommendation by 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) The use of Masonry Modern or Art Deco architectural styles requires 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 an explanation, including graphics, demonstrating how the proposed building design implements the selected style.
- (ef) Accessory structures such as enclosures used for the screening of mechanical and electrical equipment, loading and service areas, and/or dumpster and recycling areas shall be consistent with the architectural style of the principal building.
- (4) (10) (These subsections shall remain in full force and effect as adopted.)

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

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

Section 6. Specific authority is hereby given to codify this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its adoption on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney