

ORDINANCE NO. 06-20

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 (A), "PURPOSE AND INTENT"; SUBSECTION (B), "REGULATING PLANS"; SUBSECTION (C), "ALLOWABLE USES"; SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; SUBSECTION (E), "FRONTAGE STANDARDS"; SUBSECTION (F), "ARCHITECTURAL STANDARDS"; SUBSECTION (G), "CIVIC OPEN SPACES"; SUBSECTION (H), "INCENTIVE PROGRAM"; SUBSECTION (I), "CBD PARKING STANDARDS"; AND, SUBSECTION (K) "CBD REVIEW AND APPROVAL PROCESS"; TO CREATE A CBD SUB-DISTRICT, INCLUDE REGULATIONS SPECIFIC TO THE NEW SUB-DISTRICT, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, PARKING, BUILDING CONFIGURATION, FRONTAGE STANDARDS, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, PROVIDING FOR NEW FIGURES AND REDESIGNATION OF OTHER TABLES OR FIGURES, AND ADDITIONAL CLARIFICATIONS OF EXISTING REGULATIONS, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on September 6, 2018, the City Commission approved Resolution No. 110-18, an interlocal agreement with the Treasure Coast Regional Planning Council for professional services associated with consideration to expand the Central Business District (CBD) zoning designation boundary along SE 5<sup>th</sup> Avenue and SE 6<sup>th</sup> Avenue from SE 4<sup>th</sup> Street to SE 10<sup>th</sup> Street; and

WHEREAS, on January 10, 2019, and August 29, 2019, community workshops were held to facilitate public input to ensure the text amendments reflect the character and respond to the unique needs for this area; and

WHEREAS, on January 10, 2019, and August 29, 2019, community workshops were held to facilitate public input; and

WHEREAS, the proposed text amendments establish a new CBD Sub-District, the South Pairs Sub-District, to ensure the Land Development Regulations enhance the character and respond to the unique conditions of the area; 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 (as Ordinance No. 36-19) at a public hearing on October 21, 2019 and voted 7 to 0 to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

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.

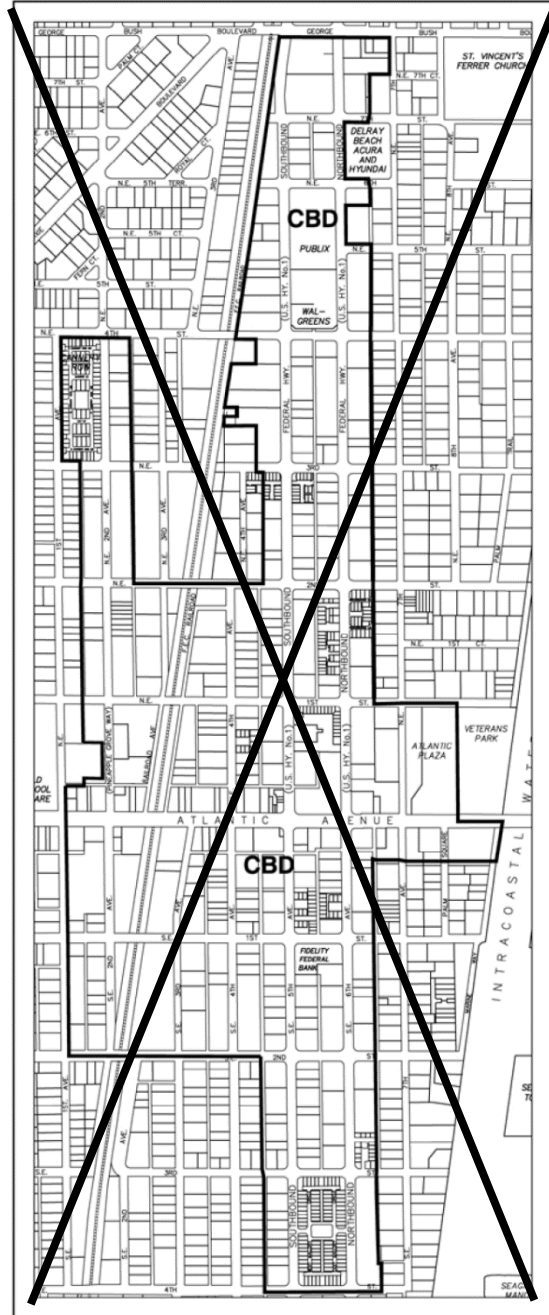
Section 2. That Section 4.4.13, “Central Business District (CBD)”, Subsection (A) “Purpose and Intent”, of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (A) ***Purpose and intent.*** The Central Business District (CBD) is established 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. The CBD is generally applied to the land areas designated as Commercial Core on the Future Land Use Map.

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

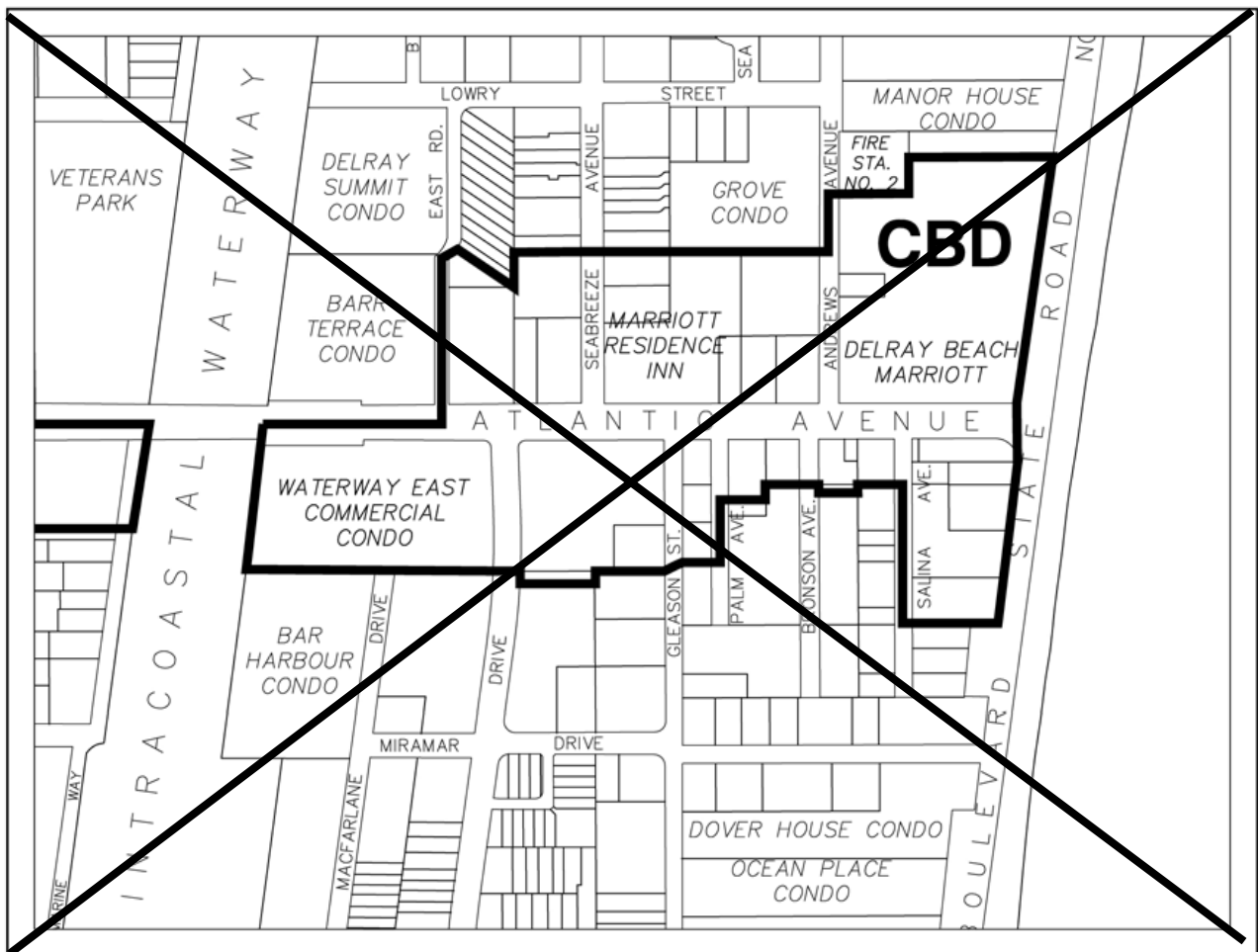
- (1) ***Central Core Sub-district.*** The regulations are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown. Residential development is permitted at a density which fosters compact, pedestrian oriented growth that will support downtown businesses. See Figure 4.4.13-A-1 “Central Core and Beach Sub-Districts Regulating Plan”.

Figure 4.4.13-1 Central Core Sub-district



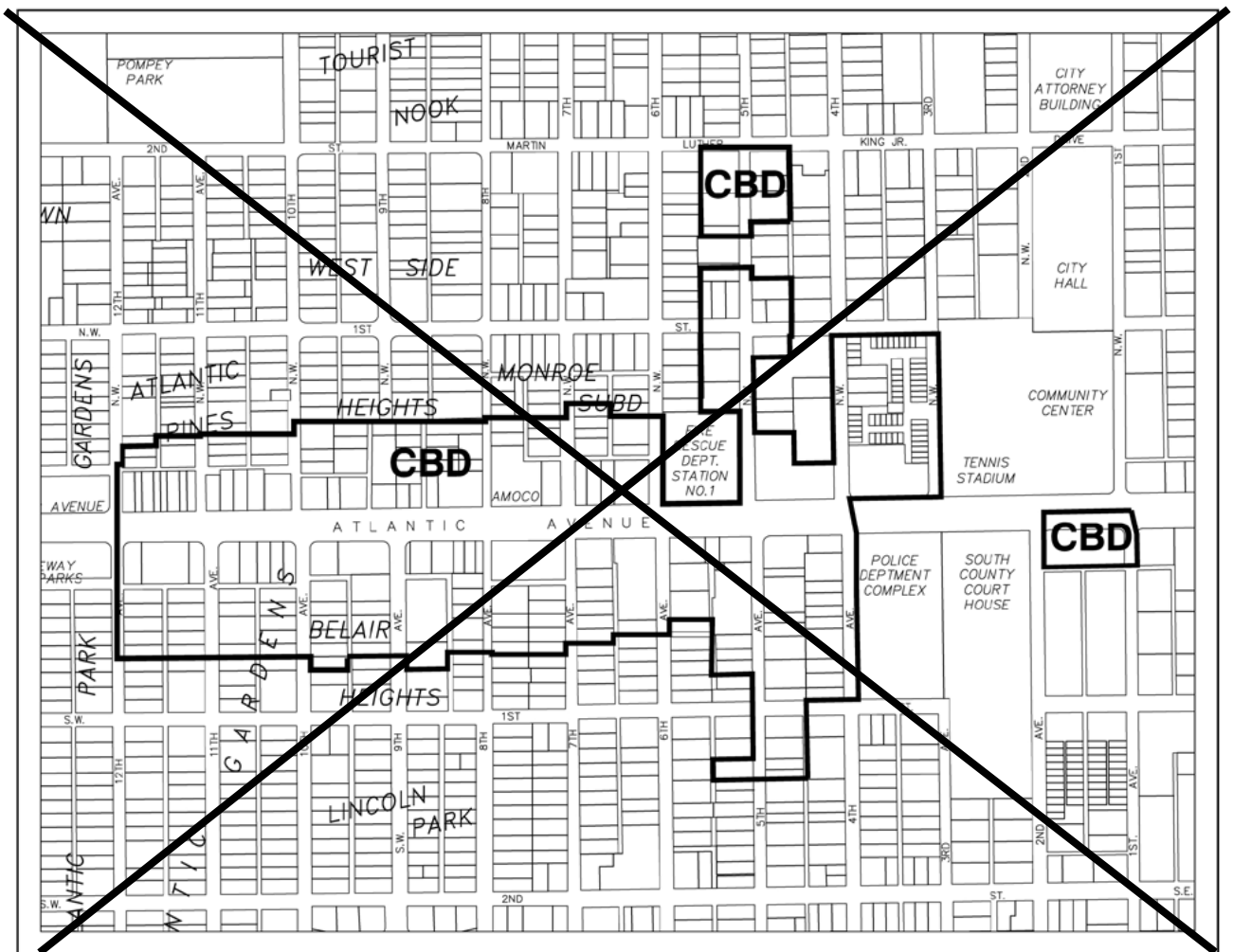
- (2) ***Beach Sub-district.*** The Beach Sub-district regulations are intended to "preserve and enhance the character of these areas, the public condition of the beach, the vitality of its center, and the natural environment." Within this area, the Delray Beach Master Plan calls for redevelopment of existing buildings in a manner that places storefronts close to the street and parking 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 4.4.13-2A-1 "Central Core and Beach Sub-Districts Regulating Plan".

**Figure 4.4.13-2 Beach Sub-district**



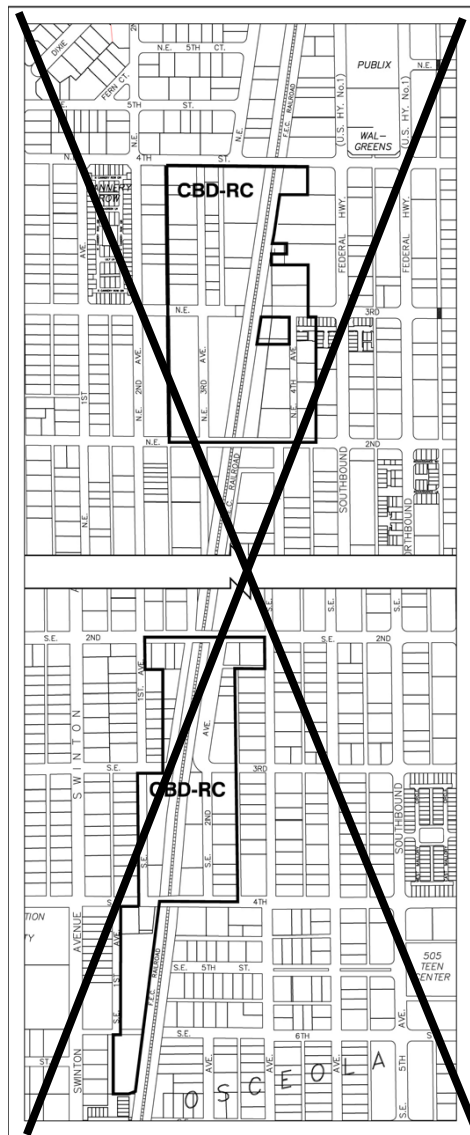
- (3) ***West Atlantic Neighborhood Sub-district.*** The West Atlantic Neighborhood Sub-district regulations are intended to be consistent with the Downtown Delray Beach Master Plan ~~and The Set Transformation Plan~~. The emphasis of these regulations is on the preservation and enhancement of existing 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 4.4.13-3A-2, “West Atlantic Neighborhood Sub-District Regulating Plan.”

**Figure 4.4.13-3 West Atlantic Neighborhood Sub-district**



- (4) ***Railroad Corridor Sub-district.*** The Railroad Corridor Sub-district regulations are intended 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. 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 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. See Figure 4.4.13-4A-3 “Railroad Corridor Sub-District Regulating Plan.”

**Figure 4.4.13-4 Railroad Corridor Sub-district**



- (5) **South Pairs Sub-district.** The South Pairs Sub-district regulations are intended to result in development that promotes an attractive, walkable, mixed-use environment along the South Federal Highway corridor, while providing a compatible and appropriate transition to the single-family neighborhoods to the east and west of the Sub-district. Density incentives are available in specific areas of this Sub-district to spur redevelopment along the corridor, to promote the inclusion of workforce housing, and to encourage compatible transitions to adjacent single-family neighborhoods. See Figure 4.4.13-A-4 “South Pairs Sub-District Regulating Plan.”

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 Section 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 Retail Frontage.*** Certain Primary Streets within the CBD are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Streets designated 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)(2).
  - (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 Areas.*** Building height is limited in specific areas to protect and enhance existing development patterns. ~~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).
    - a. 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).

- b. Building height is limited in certain areas in the South Pairs Neighborhood Sub-district to encourage compatible transitions to the surrounding single-family neighborhoods.
- (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.*** Section 4.4.24(E) 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 4.4.13-5A-1 Central Core and Beach Sub-districts Regulating Plan

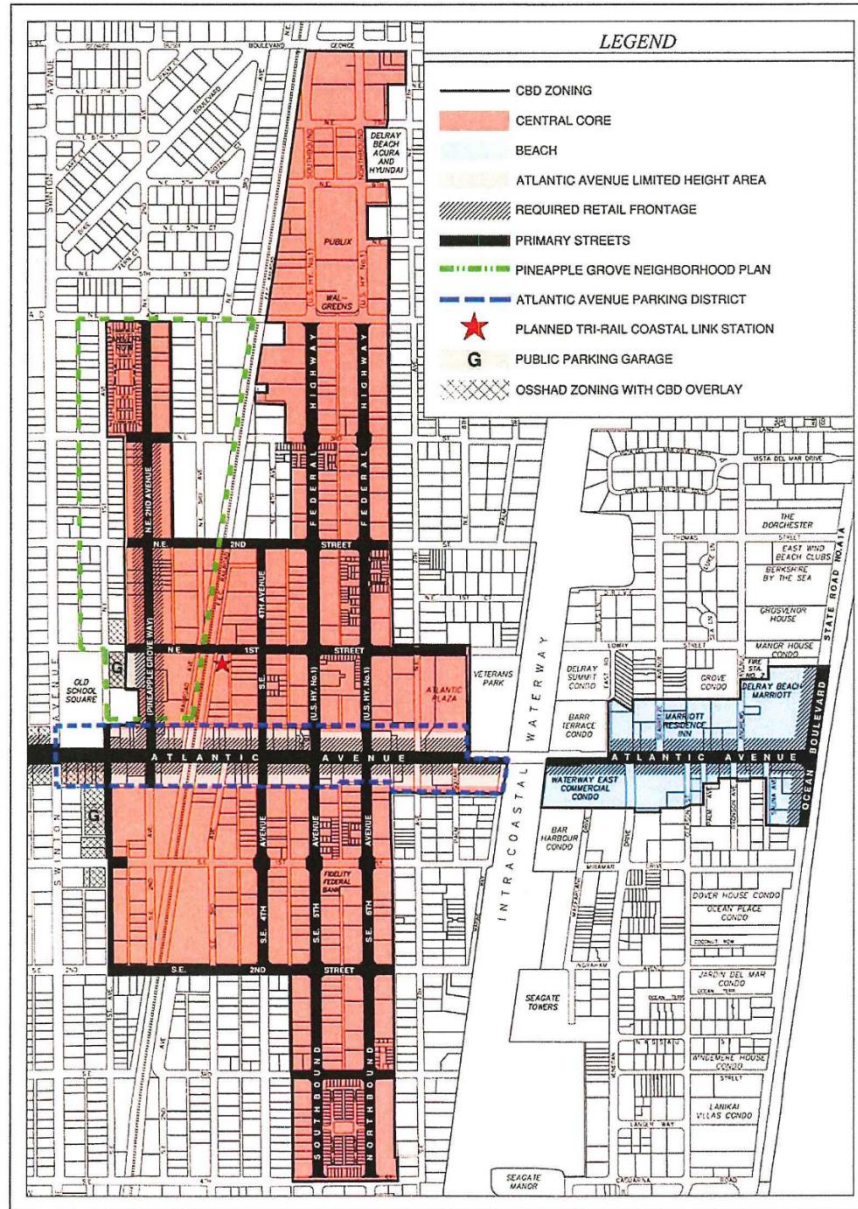
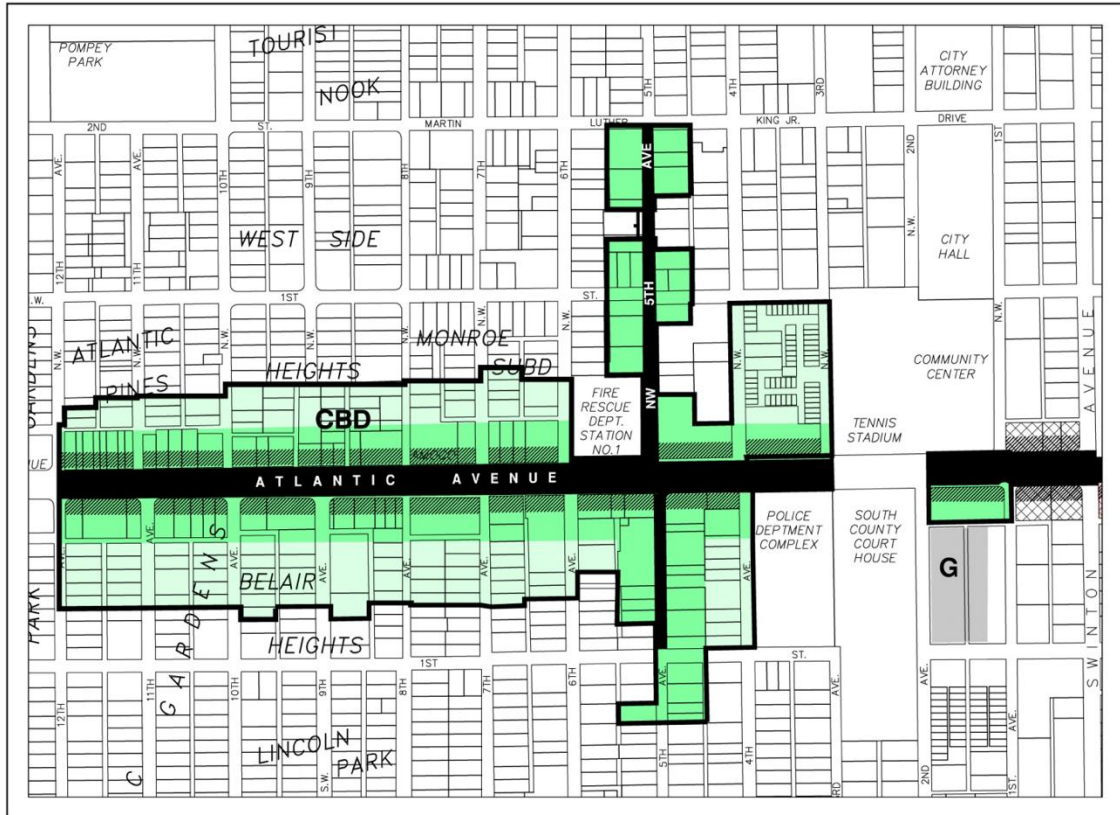


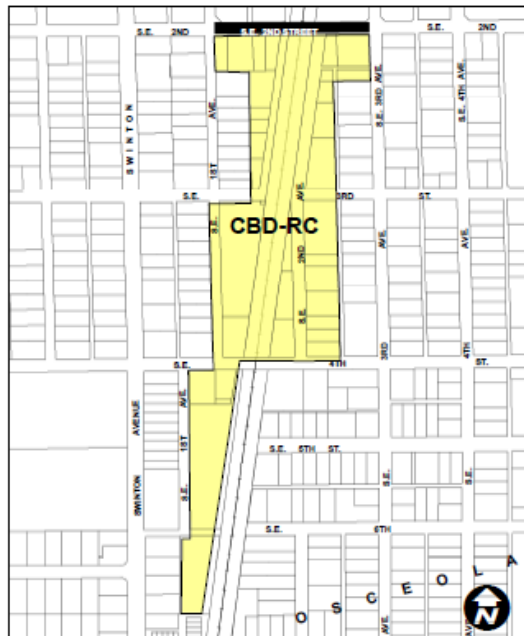
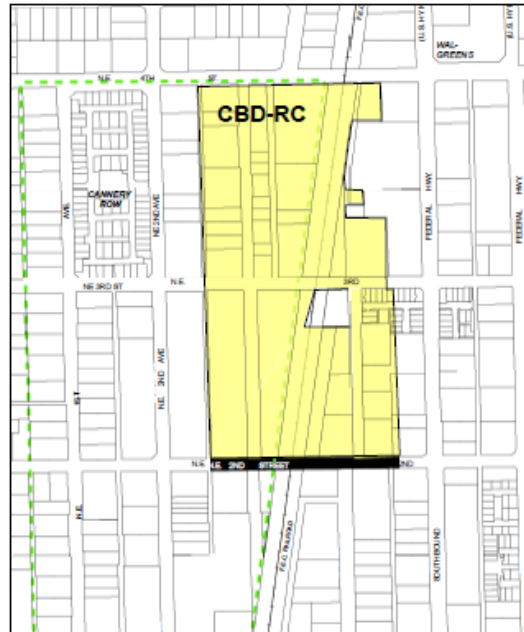
Figure 4.4.13-6A-2 West Atlantic Neighborhood Sub-district Regulating Plan



LEGEND

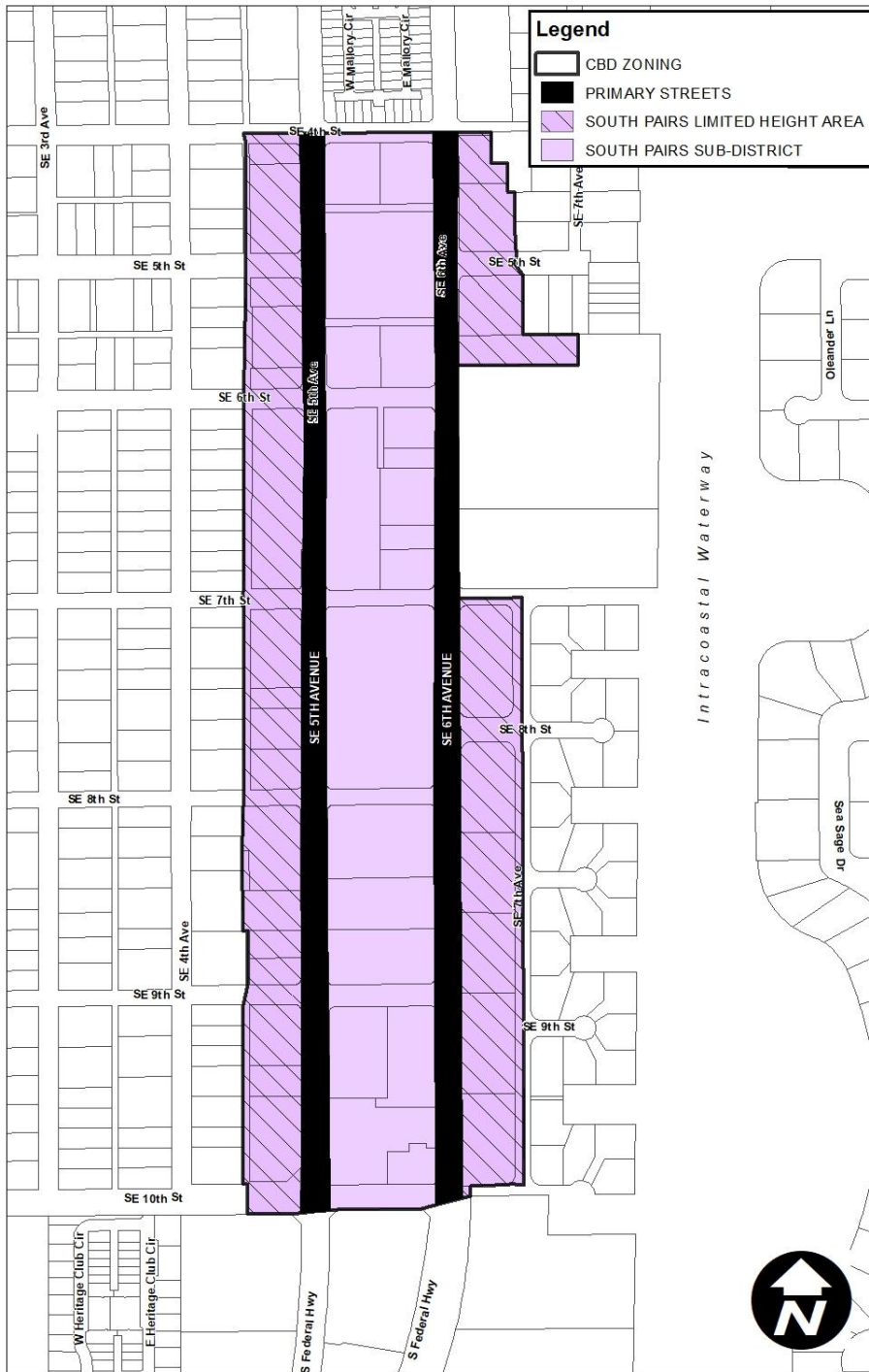
- CBD ZONING
- WEST ATLANTIC NEIGHBORHOOD
- WEST ATLANTIC NEIGHBORHOOD COMMERCIAL AREA
- REQUIRED RETAIL FRONTAGE
- PRIMARY STREETS
- G PUBLIC PARKING GARAGE
- OSSHAD ZONING WITH CBD OVERLAY

Figure 4.4.13-73 Railroad Corridor Sub-district Regulating Plan



- Legend**
- CBD ZONING
  - RAILROAD CORRIDOR(NEW)
  - - - PINEAPPLE GROVE NEIGHBORHOOD PLAN
  - PRIMARY STREETS

**Figure 4.4.13-4 South Pairs Sub-district Regulating Plan**

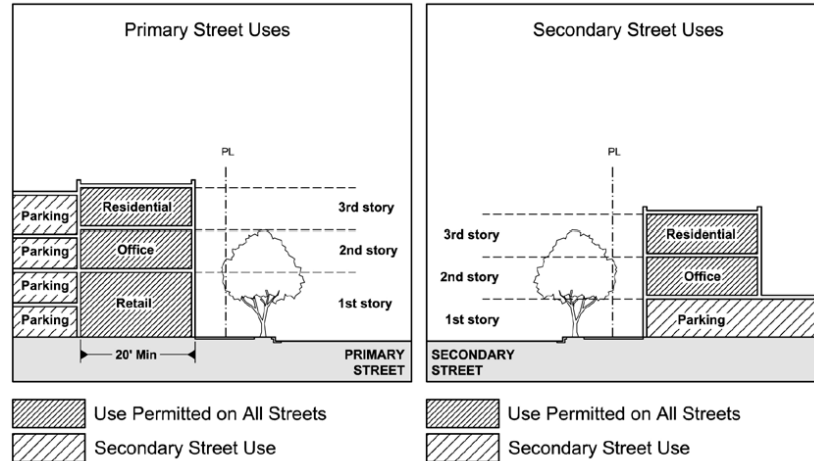


Section 4. That Section 4.4.13, “Central Business District (CBD)”, Subsection (C) “Allowable uses”, along with the addition of Figure 4.4.13-8-A “Required Retail Frontage”, of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(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 Frontage" on any Regulating Plan have additional standards.
- (2) ***Use variations for Primary and Secondary 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 designate 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-~~C-1-8~~).
    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-C-1-8 Primary and Secondary Street Uses**



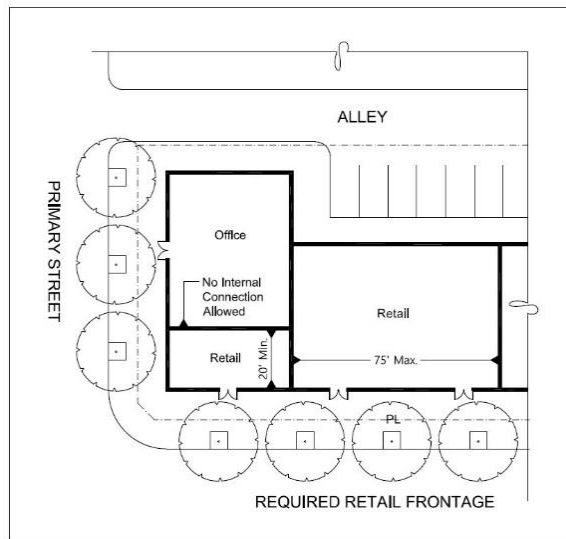
- (3) **Required Retail Frontage Use Limitations.** Streets designated on the Regulating Plan with Required Retail Frontage are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Properties on streets designated with Required Retail Frontage 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:
  - 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-C-2-8-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-C-2-8-A).

3. Valet and passenger loading areas and access are not permitted.

**Figure 4.4.13-C-2-8-A Required Retail Frontage**



(b) ***Central Core and Beach Sub-districts.*** One hundred percent of the building frontage at the sidewalk-level story shall be for the following uses (as described in Table 4.4.13(A)):

1. General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, or second hand material (other than verifiable antiques) are not permitted.
2. Services and facilities, subject to the following:
  - a. 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)):
  - a. General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, firearms, or second hand 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 and Structures in the CBD Sub-Districts**

<u>Uses</u>	<u>Central Core</u>	<u>Railroad Corridor</u>	<u>Beach Area</u>	<u>West Atlantic Neigh.<sup>5</sup></u>	<u>South Pairs Neigh</u>
General retail uses and/or facilities, as in GC district (4.4.9) <sup>1,2</sup>	P	P	P	P	<u>P</u>
Business, professional, and medical uses, as in GC district (4.4.9)	P	P	P	P	<u>P</u>
Services and facilities, as in GC district (4.4.9) <sup>2</sup> , excluding drive-through facilities	P	P	P	P	<u>P</u>
Multiple-family dwellings <sup>3</sup>	P	P	P	P	<u>P</u>
<del>Astrologist, clairvoyants, fortune tellers, palmists, phrenologists, psychic reads, spiritualists, numerologists and mental healers as in GC district (4.4.9)</del>	-	-	-	-	<u>P</u>
Community residences <sup>7</sup>	See 4.4.13(C)(4)(a)				
<del>Nursing homes, abused spouse residences, continuing care facilities, and assisted living facilities that do not comport with the definition of "community residence"</del>	P	P	P	P	<u>C</u>
Live/work units (see 4.3.3(KKK))	P	P	P	P	<u>P</u>
Hotels, motels, and residential-type inns <sup>3</sup> (see 4.3.3(M) and 4.3.3 (X))	P	P	P	C	<u>C</u>
Bed and breakfast inns (see 4.3.3 (Y))	P	P	P	C	<u>C</u>
Public Parking Garages, as mapped on a Regulating Plan	P,S	P,S	P,S	P,S	<u>P,S</u>
Fabrication and/or Assembly	-	P	-	-	=
Wholesaling, Storage, and Distribution <sup>4</sup>	-	P	-	-	=
Contractor and trade services	-	P	-	-	<u>P</u>
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	<u>P,A</u>
Family day care homes (see 4.3.3(I))	A	A	A	A	<u>A</u>
Home occupations (see 4.3.3(K))	A	A	A	A	<u>A</u>

Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts					
Uses	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh. <sup>5</sup>	South Pairs Neigh
Mechanical parking lifts (see 4.6.9(D)(11) and 4.6.9(F)(4))	A,S	A	A,S	A,S	<u>A,S</u>
Parking areas, passenger drop-off, loading/unloading, refuse and service areas	A,S	A	A,S	A,S	<u>A,S</u>
Automated Parking Garages	-	S	-	-	=
Refuse and service areas					
Recreational facilities (for a multiple-family development)	A	A	A	A	<u>A</u>
Services and repair (incidental to the associated principal use)	A,S	A	A,S	A,S	<u>A,S</u>
Single-family dwelling (occupied by owner, proprietor, or employee of the principal use)	A	A	A	A	<u>A</u>
Storage of inventory (not shared or leased independent of the principal use)	A,S	A	A,S	A,S	<u>A,S</u>
Automobile repair, service	-	C	-	-	-
Neighborhood Automotive Rental facility (See 4.3.3(C))	-	-	-	-	<u>C</u>
Child care Facilities (see 4.3.3(E)) and adult day care facilities (see 4.3.3(F))	C	C	C	C	<u>C</u>
Commercial recreational facilities, such as bowling alleys, <del>and</del> skating rinks, <del>and</del> amusement game facilities	C	C	C	C	<u>C</u>
Drive-through facilities (serving banks, financial institutions, retail uses, etc.) <sup>2</sup> See 4.4.13(J)(7)(a)	C	C	C	C	<u>C</u>
Food Preparation and/or Processing including bakeries and catering	-	C	-	-	=
Funeral homes, including accessory uses such as a chapel or crematory	C	C	C	C	<u>C</u>
Gasoline stations (See 4.4.13(J)(7)(b) and/or car washes (See 4.4.13(J)(7)(c))	C	C	-	-	<u>C</u>
Large family child care homes (see 4.3.3(IT))	C	C	C	C	<u>C</u>
Dry-cleaning Processing Plants	-	C	-	-	=
Segway tours and Segway sales (see 4.3.3(ZZZZ))	C	C	C	C	<u>C</u>
Theaters, excluding drive-ins	C	C	C	C	<u>C</u>
Veterinary Clinics	C	C	C	C	<u>C</u>
24-hour or late-night businesses, within 300 feet of residential zoned property [see 4.3.3(VV)]	C	C	C	C	<u>C</u>
Urban Agriculture [4.3.3 (D)] excluding outdoor Urban Farms	P, A	P, A	-	P, A	<u>P,A</u>
Outdoor Urban Farms [4.4.3(D)]	C	C	C	C	<u>C</u>
Clubs and Lodges as in GC (4.4.9)	-	-	-	-	<u>C</u>
Flea Markets, Bazaars as in GC (4.4.9)	-	-	-	-	<u>C</u>
Sales and service of all terrain vehicles and personal watercraft as in GC (4.4.9)	-	-	-	-	<u>C</u>
Vehicle care (See 4.4.13(C)(4)(f)(5))	-	-	-	-	<u>C</u>
Churches or places of worship (See 4.4.13(C)(4)(c))	-	-	-	<u>C</u>	<u>C</u>
<b>LEGEND: P</b> = Principal Use <b>A</b> = Accessory Use <b>C</b> = Conditional Use <b>-</b> = Prohibited Use <b>S</b> = Secondary Street Use					

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

<sup>2</sup> Drive-thru and Drive-in restaurants are not permitted within the CBD.

<sup>3</sup> For density limits, see Table 4.4.13(C).

<sup>4</sup> Not 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)

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

(4) **Supplemental use standards.**

- (a) ***Community Residence Housing.*** Except as required by state law, a Community Residence housing four to ten individuals shall be allowed as a permitted use in all ~~four~~ five 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 or assembly point is not located on West Atlantic Avenue.
- (c) Churches or places of worship, and their attendant Sunday school, recreational and columbarium facilities not exceeding 3,500 square feet of gross floor area. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care.
- (d) **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 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 of non-conforming single-family residences located more than 150 feet from West Atlantic Avenue.

(e) **Railroad Corridor Sub-district Supplemental Use Standards:** The following supplemental district regulations apply in the Railroad Corridor Sub-district:

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.
3. Parking Garages, Automated: Automated parking garages are allowed on Secondary Streets located north of NE 2<sup>nd</sup> Street. Automated parking garages are subject to the following requirements:
  - a. A traffic statement must be provided detailing the ingress, egress, queuing, and circulation demonstrating the specific measures taken to minimize stacking onto public right-of-way resulting from the automated parking garage.
  - b. An attendant must be on-site during all hours of operation, defined as any time the parking garage is accessible for parking purposes by the public, and the garage must be secured when not accessible for parking purposes. An attendant is not required if the parking garage is limited to private use, i.e. not available to the general public.
  - c. Projects with driveways that limit the ability to install the required number of street trees shall either provide the required trees at another location on-site or contribute to the Tree Fund, in accordance with the fee schedule in Section 4.6.19(E)(5)(d).
  - d. The SPRAB may approve automated parking garages that utilize an alternative façade design or cladding materials provided photovoltaic cells (solar panels) are incorporated into the structure and used as a power source for the garage operations or uses associated with the automated parking garage; if solar panels are not incorporated, facades that do not meet the architectural standards in Section 4.4.13(F) require City Commission approval.

- (f) **South Pairs Sub-district Supplemental Use Standards:** The following supplemental district regulations apply in the South Pairs Sub-district:
1. Development abutting SE 7<sup>th</sup> Avenue shall not face or provide vehicular or pedestrian access to or from SE 7<sup>th</sup> Avenue.
  2. Hotels, motels or residential-type inns shall only be permitted as a conditional use and on sites located between SE 5<sup>th</sup> Avenue and SE 6<sup>th</sup> Avenue.
  3. Automobile brokerages/rental: Inventory must only be located within an enclosed building and shielded from the primary street. Automobiles which are part of the business inventory must not be stored in public or required parking areas.
  4. Astrologists, clairvoyants, fortune tellers, palmists, phrenologists, psychic readers, spiritualists, numerologists and mental healers are limited to no more than one business every 300 feet, measured in a straight line from lot line to lot line.
  5. Vehicle care limited to the changing of oil and filters and lubrication, with no mechanical work or outside storage of vehicles, except as part of a gasoline station.
- (g) **Special Requirements for Specific Uses:** Permitted uses ~~which that~~ are not specified in Table 4.4.13(A) may also have additional regulations in Section 4.3.3.
- (h) **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.
- (i) **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.
    - iii. Live music and music played by a disc jockey are not permitted unless within enclosed spaces; and, 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.
    - iv. Outdoor rooftop activities (not within enclosed areas) are limited on Sunday through Thursday to the time between 7 a.m. and 10 p.m., and on Friday and Saturday to the time between 7 a.m. and 11 p.m.
  - 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 rooftop terrace 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. The uses within covered structures shall not be for residential or similar use or for uses generally with a 24-hour occupancy. Covered structures that may be climate-controlled are limited to elevator lobby areas, restrooms, restaurants, lounges, fitness centers, and similar uses.
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:

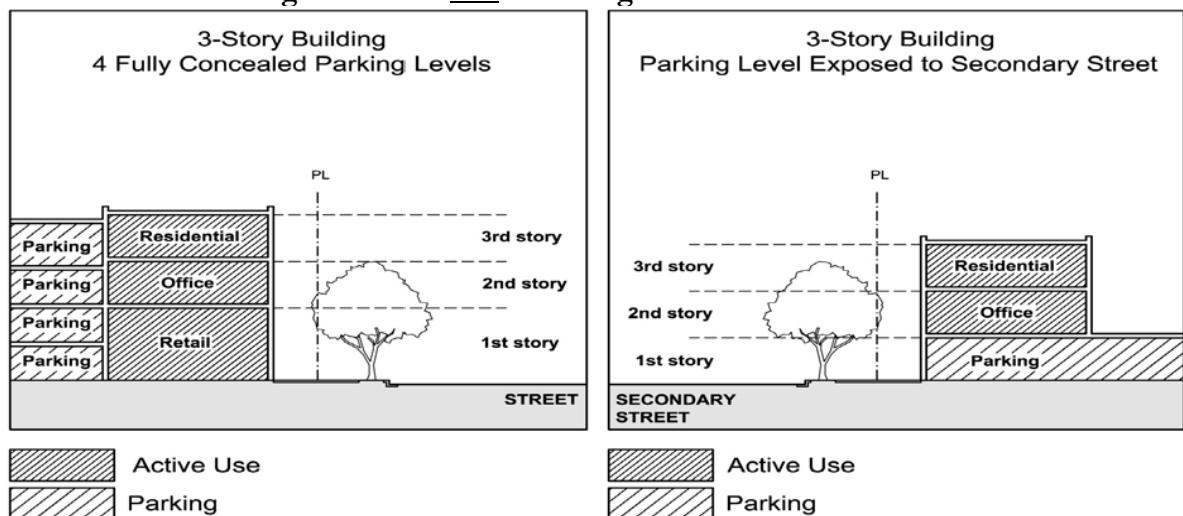
(D) **Configuration of buildings.**

- (1) **Standards for CBD.** 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)). 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 Intracoastal Waterway. (See Figure 4.4.13-5).
  2. Within the South Pairs Neighborhood Limited Height Area, maximum overall building height in feet is 48 feet and the maximum number of stories is four. The South Pairs Limited Height Area is defined as those properties or portions of properties located on the west side of SE 5<sup>th</sup> Avenue or on the east side of SE 6<sup>th</sup> Avenue.
  - ~~23.~~ Except within ~~the Atlantic Avenue limited height~~ areas, maximum overall building height in feet is 54 feet and maximum building height in number of stories is four.
  - ~~34.~~ Stories located below grade are for parking or storage uses only and are not counted for the purpose of measuring building height. 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.
  - ~~45.~~ The ground story of commercial or mixed-use buildings shall be a minimum of 12 feet tall. The ground story of residential buildings shall be a minimum of ten feet tall.
  - ~~56.~~ Each story above the ground story in all buildings must be at least nine feet tall.
  - ~~67.~~ 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).

78. 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.
89. Within the Central Core, Railroad Corridor, ~~and~~ Beach and South Pairs 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.
910. Architectural features including church spires, steeples, belfries, and cupolas are not limited by story height; however, any part of any such feature shall not exceed 10 feet above the maximum overall building height unless specifically approved by action of the City Commission.
4011. 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 4.4.13-9D-1 Counting the Number of Stories**



**Figure 4.4.13-10D-2 Measuring Building Height**

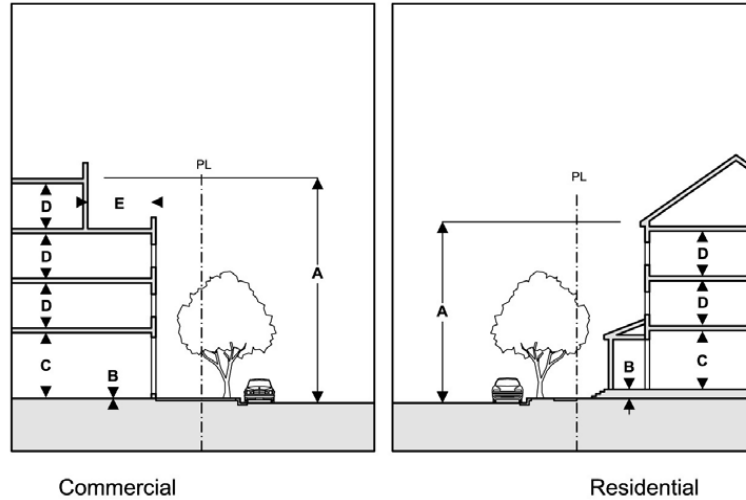


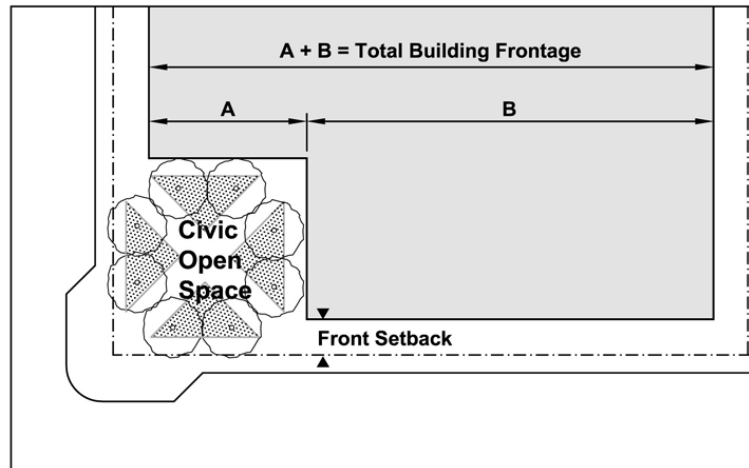
Table 4.4.13(B) Building Height		
A	Maximum Building Height in the Atlantic Avenue Limited Height Area	3 stories and 38 ft.
	Maximum Building Height in South Pairs Limited Height Area	4 stories and 48 ft.
	Maximum Building Height outside of the Atlantic Avenue Limited Height Areas	4 stories and 54 ft.
Ground Floor Finish Level		
B	Residential Units in the Beach, Central Core, South Pairs and Railroad Corridor Sub-districts	18" min.
	Residential Units in the West Atlantic Neighborhood Sub-district	12" min.
Ground Story Height		
C	Commercial and Mixed-Use Buildings, with ground floor commercial uses.	12 ft. min.
	Residential Buildings	10 ft. min.
D	Upper Story Height	9 ft. min.
E	Additional Setback Above 3 <sup>rd</sup> Story	varies

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

- i. 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-D-341 Building Frontage Requirement**



- 2. Where development may build with no side setback, the following limitations also apply:
  - a. Side setbacks are required when abutting a residential zoning district or a property with a building existing as of February 24, 2015, the effective date of Ordinance No. 02-15, with windows facing the adjoining lot line. Then, new development shall setback 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.
  - 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 building facade. Building frontage requirements are set forth in Table 4.4.13 (C) for each CBD Sub-district.

- i. Building façades shall be generally parallel to the right-of-way, located in accordance with the minimum and maximum front setback requirements.
- ii. The 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-D-344.
- iii. On corner lots, the 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-D-412 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),~~ except within the South Pairs Sub-district on SE 5<sup>th</sup> Avenue and SE 6<sup>th</sup> Avenue where the front or side setbacks facing a street or park are a minimum of 15 feet and a maximum of 20 feet.
  2. The minimum rear set back 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. In the South Pairs Neighborhood District, SE 7<sup>th</sup> Avenue shall be considered a rear and regulated by rear setback requirements.
  3. Buildings over two and 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 second or 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.
    - c. In the South Pairs Sub-district, rear setbacks at the top of the second story are 20 feet minimum for buildings located either along SE 7<sup>th</sup> Avenue or the alley between SE 4<sup>th</sup> Avenue and SE 5<sup>th</sup> Avenue.
  4. Where the rear or side of a property directly abuts a residential zoning district with a height limitation of 35 feet without any 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. Minimum building frontage requirements for Primary and Secondary Streets:
  - a. On Primary Streets in the Central Core, Beach, and West Atlantic Neighborhood Sub-districts, the minimum building frontage is 75 percent and the maximum frontage is 100 percent.
  - b. On Primary Streets in the South Pairs Sub-district, the minimum building frontage is 60 percent and the maximum frontage is 100 percent.
  - c. Primary Streets in the Railroad Corridor Sub-district do not have a minimum building frontage requirement and the maximum building frontage is 100 percent.
  - d. On Secondary streets in all sub-districts, 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 storefront windows with a base between nine inches and three feet high with transparent glazed windows extending to at least either feet high for 50 percent of the length of the wall.

Table 4.4.13 (C) Dimensional Requirements by CBD Sub-district						
		Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood	<u>South Pairs</u>
<i>Lot Size</i>						
Lot Width		20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.	<u>20 ft. min.</u>
Lot Area		2000 sf. min.	2000 sf. min.	2000 sf. min.	2000 sf. min.	<u>2000sf. min.</u>
<i>Building Placement</i>						
<b>A</b>	Front Setback <sup>1</sup>	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	<u>Primary Streets:</u> <u>15 ft. min./</u> <u>20 ft. max.</u>
						<u>Secondary Streets:</u> <u>10 ft. min./</u> <u>15 ft. max.</u>
<b>B</b>	Side Setback <sup>1</sup>	0 ft. or 5ft. min. <sup>2</sup>	0 ft. or 5 ft. min. <sup>2</sup>	0 ft. or 5ft. min. <sup>2</sup>	0 ft. or 5ft. min. <sup>2</sup>	<u>0 ft. or</u> <u>5ft. min. <sup>2</sup></u>
<b>C</b>	Rear Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	<u>10 ft. min.</u> <u>20 ft. min. above</u> <u>the 2<sup>nd</sup> Story<sup>4</sup></u>
<b>B</b> <b>C</b>	Side Setback Abutting Res. District; 1 <sup>st</sup> to 3 <sup>rd</sup> Story	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	<u>10 ft. min.</u>
<b>B</b> <b>C</b>	Side/Rear Setback Abutting Res. District Above 3 <sup>rd</sup> Story	30 ft. min.	30 ft. min.	30 ft. min.	30 ft. min.	<u>30 feet</u>
<b>D</b>	Front Setbacks Above 3 <sup>rd</sup> Story <sup>1</sup>	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.	<u>20 ft. min.</u>
<b>E</b>	Building Frontage Required on Primary Streets	75% min./ 100% max.	N/A	75% min./ 100% max.	75% min/ 100% max.	<u>60% min/</u> <u>100% max.</u>
<i>Building Height</i>						
Min. Building Height on Primary Streets		1 Story and 18 ft.	1 Story	1 Story and 18 ft.	1 Story	<u>1 Story and 18 ft.</u>
Max. Building Height in Atlantic Avenue Limited Height Area		3 Stories and 38 ft.	N/A	N/A	N/A	<u>N/A</u>

Table 4.4.13 (C) Dimensional Requirements by CBD Sub-district					
	Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood	<u>South Pairs</u>
<u>Max. Building Height in South Pairs Neighborhood Limited Height Area</u>	N/A	N/A	N/A	N/A	<u>4 Stories and 48 feet.</u>
Max. Height outside of <del>the Atlantic Avenue</del> Limited Height Areas	4 Stories and 54 ft.	4 Stories and 54 ft.	4 Stories and 54 ft.	4 Stories and 54 ft.	<u>4 Stories and 54 ft.</u>
<i>Density</i>					
Density	30 du/ac	30 du/ac	12 du/ac	12 du/ac <sup>3</sup>	<u>12 du/ac<sup>3</sup></u>
<i>Civic Open Space Requirement (See Section 4.4.13(G))</i>					
Sites smaller than 20,000 sq.ft.	0%	0%	0%	0%	<u>0%</u>
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 20,000	<u>3% of area above 20,000</u>
Sites Greater than 40,000 sq. ft.	5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000	<u>3% of area above 20,000 + 5% of area above 40,000</u>

N/A is "Not Applicable"

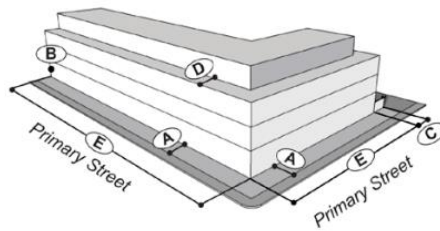
<sup>1</sup> Side lot lines facing streets are regulated by front setback requirements. Side lot lines along alleys are regulated by rear setbacks.

<sup>2</sup> See Section 4.4.13(D)(1)(b)(2).

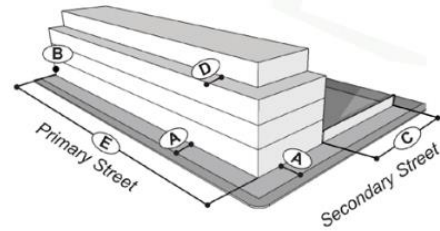
<sup>3</sup> See Incentive Program in Section 4.4.13(H) for potential density increases pursuant to certain location and performance criteria.

<sup>4</sup> See Section 4.4.13(D)(2)(a)(3) for additional setback standards.

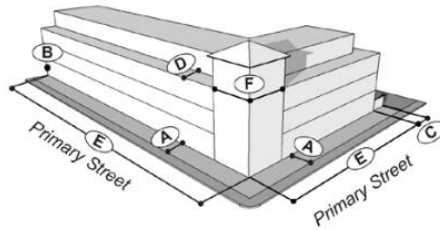
Figure 4.4.13-D-412 Building Placement and Configuration and Street Types



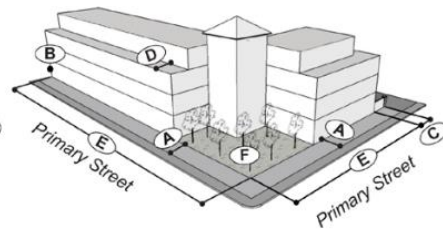
- A Front Setback & Sides Facing Streets
- B Interior Side Setback
- C Rear Setback
- D Front Setback Above 3rd Story
- E Required Building Frontage



- 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-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 shall be at least four feet wide, measured from the back of curb 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-E-143 and 4.4.13-E-244
  2. **Pedestrian clear zone.** A continuous pedestrian clear zone ~~at least six feet wide~~ shall be provided on all streetscapes (See Figures 4.4.13-E-143 and 4.4.13-E-244). 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.

a. The minimum width of the pedestrian clear zone in the Central Core, Beach, West Atlantic Neighborhood and Railroad Corridor Sub-districts is six feet.

b. The minimum width of the pedestrian clear zone on Primary Streets in the South Pairs Sub-district is 10 feet and the minimum width of the pedestrian clear zone on all other streets in the sub-district is six feet.

3. ***Remaining front setback area.*** ~~The~~ Any 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-~~E-143~~ and 4.4.13-~~E-244~~):

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 views into storefront windows are not obstructed.

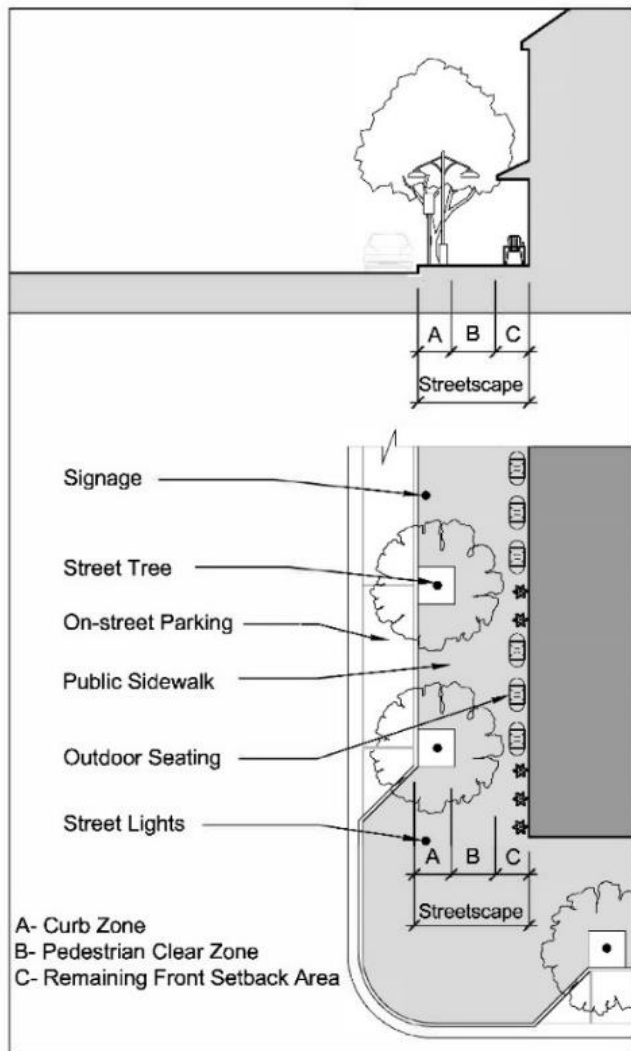
b. ***Residential uses.*** Buildings with residential or hotel uses in the ground story shall detail and design any remaining front setback area within the 15-foot wide minimum streetscape area using hardscape or foundation planting landscaping. The encroachment of porches or stoops in this area may 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, improve the overall visual appearance of the street, and reduce urban heat island effects.

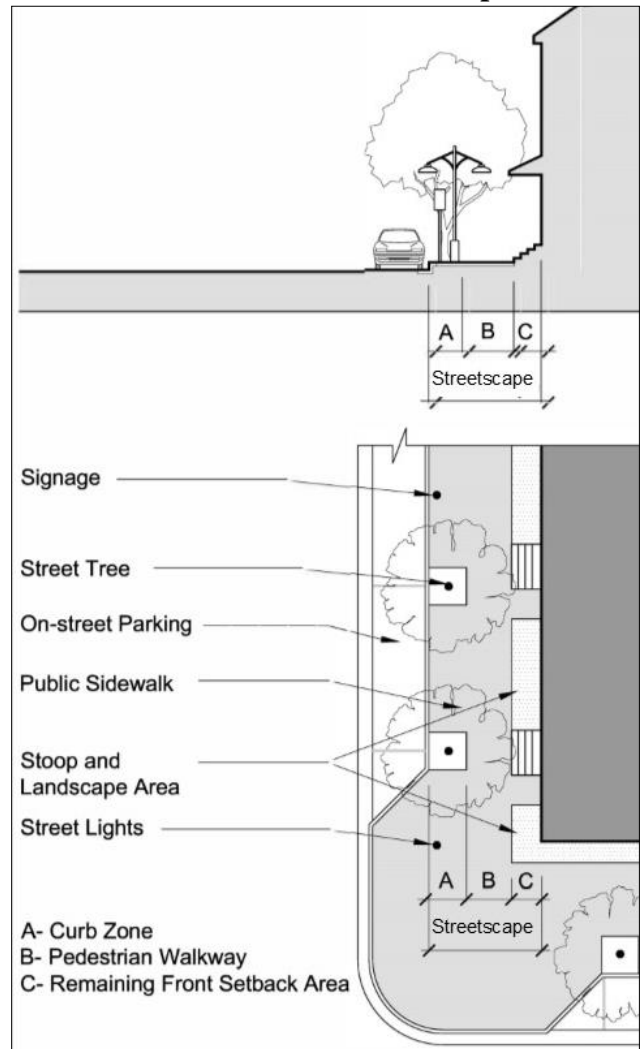
1. All new construction, relocation of a building, or addition equal to or greater than 20 percent of the gross floor area of an existing building shall install street trees at the time of development. Street trees shall be a canopy species, planted in the public right-of-way directly in front of the 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, Zoning, and Building Development 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, Zoning, and Building Development 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, Zoning, and Building~~ Development 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~~ Development Services 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. 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-E-113**  
**Commercial Use Streetscape**



**Figure 4.4.13-E-214**  
**Residential Use Streetscape**



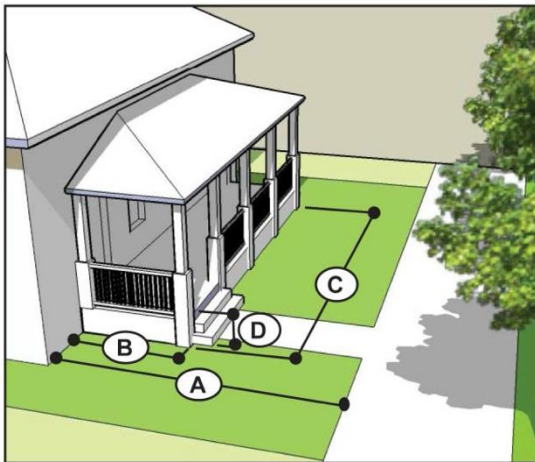
- (3) **Building entrances.** The main entrance to every building shall be accessible directly from and face a public right-of-way or civic open space. The main entrance(s) to ground story commercial space(s) shall be directly from and face a public right-of-way or civic open space. Doors allowing public 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	X	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-~~E-345~~ illustrates the dimensional requirements from Table 4.4.13(E). Figure 4.4.13-~~E-446~~ provides a character example.

<i>Table 4.4.13(E)</i> <i>Dimensional Requirements for Porches</i>			
		<i>Minimum</i>	<i>Maximum</i>
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 <sup>1</sup>		-	8 ft.
<sup>1</sup> May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))			

**Figure 4.4.13-~~E-345~~ Porch Frontage Type**



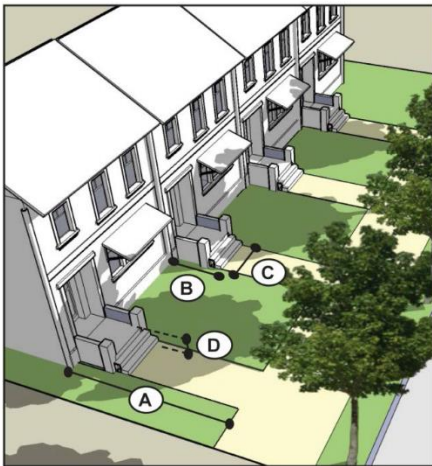
**Figure 4.4.13-~~E-446~~ Porch Character (Example)**



- (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-E-547 illustrates the dimensional requirements from Table 4.4.13(F). Figure 4.4.13-E-648 provides a character example.

<b>Table 4.4.13(F)</b> <b>Dimensional Requirements for Stoops</b>			
		<b>Minimum</b>	<b>Maximum</b>
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 <sup>1</sup>		-	5 feet
<sup>1</sup> May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))			

**Figure 4.4.13- E-547 Stoop Frontage Type**



**Figure 4.4.13-E-648 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-E-749 illustrates the dimensional requirements from Table 4.4.13(G). Figure 4.4.13-E-820 provides a character example.

<b>Table 4.4.13(G)</b> <b><i>Dimensional Requirements for Bracketed Balconies</i></b>			
		<b><i>Minimum</i></b>	<b><i>Maximum</i></b>
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-E-749 Bracketed Balcony Frontage Type**



**Figure 4.4.13-E-820 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-E-924 illustrates the dimensional requirements from Table 4.4.13(H). Figure 4.4.13-E-1022 provides a character example.

<b>Table 4.4.13(H)</b> <b>Dimensional Requirements for Forecourts</b>			
		<b>Minimum</b>	<b>Maximum</b>
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-E-924**  
**Forecourt Frontage Type**



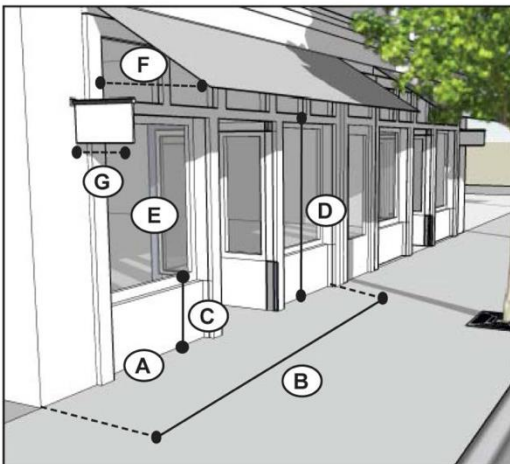
**Figure 4.4.13-E-1022**  
**Forecourt Character (Example)**



- (e) **Storefront.** The storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. Storefronts are 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-E-1123 illustrates the dimensional requirements and Figure 4.4.13-E-1224 provides a character example.
    - a. Storefronts shall be directly accessible from sidewalks; storefront doors may be recessed up to ten feet.

<b>Table 4.4.13(I)</b> <b>Dimensional Requirements for Storefronts</b>			
		<b>Minimum</b>	<b>Maximum</b>
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%	-
<b>Maximum Allowable Encroachment of Elements in All Districts</b>			
F	Awning Projection	5 feet	-
G	Projecting Sign	N/A	3 feet

**Figure 4.4.13-E-1123**  
**Storefront Frontage Type**



**Figure 4.4.13-E-1224**  
**Storefront Character (Example)**



- 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.
- 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 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-E-1325 illustrates the dimensional requirements and Figure 4.4.13-E-1426 provides a character example.

<b>Table 4.4.13(J)</b> <b>Dimensional Requirements for Arcade</b>			
		<b>Minimum</b>	<b>Maximum</b>
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.	5 ft.
E	Column/Pillar Width and Depth	1 ft.	-
<b>Maximum Allowable Encroachment of Elements in All Districts</b>			
F	Arcade	varies by street	

**Figure 4.4.13-E-1325**  
**Arcade Frontage Type**



**Figure 4.4.13-E-1426**  
**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 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 Development Services Director ~~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 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-E-1527 and 4.4.13-E-1628 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.

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

**Figure 4.4.13-E-1527**  
**Lobby Entry Character Example 1**



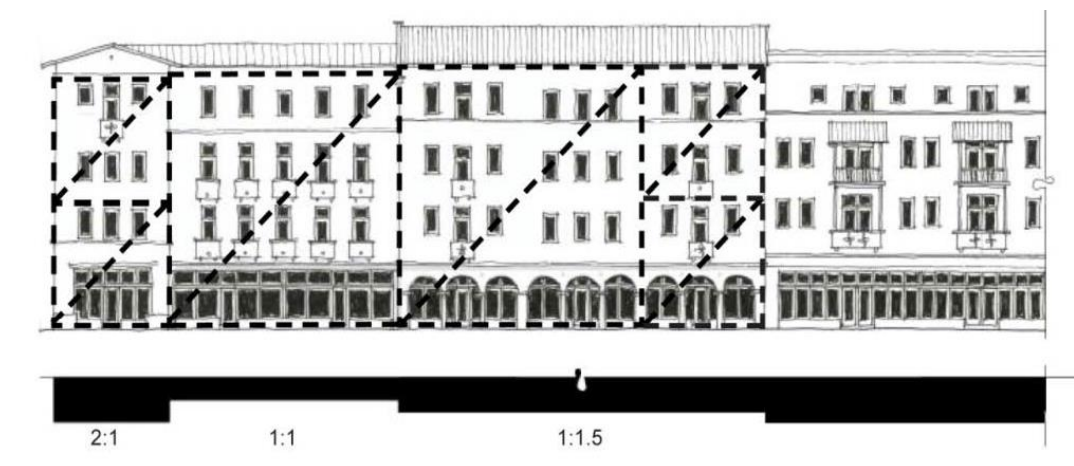
**Figure 4.4.13-E-1628**  
**Lobby Entry Character Example 2**



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:

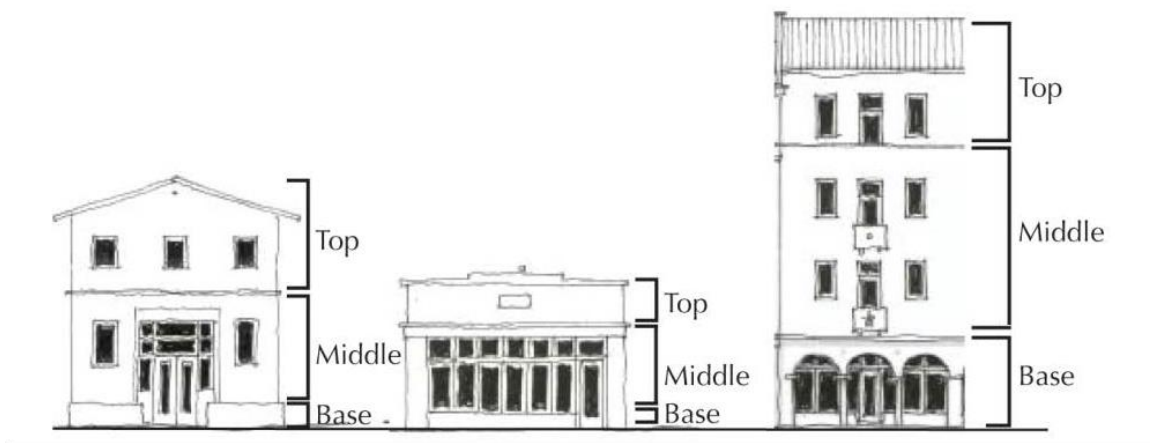
- (F) **Architectural standards.** To ensure high quality architecture in the downtown area, the following architectural standards apply to all buildings in the Central Business District Sub-districts and in the OSSHAD with CBD Overlay. In addition to the standards in Section 4.6.18, the following standards 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 (Figure 4.4.13-F-129).
      2. Building articulations shall be reinforced by changes in roof design, fenestration patterns, or architectural elements.

**Figure 4.4.13-F-129 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-230 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-329 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, identifies architectural styles 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) 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.

(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.

(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)(f)~~ 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) A streetwall is required along both Primary and Secondary Streets where there is no building frontage as follows:
  - 1. Streetwalls located within the front setback shall be three feet to four feet in height.
  - 2., and ~~s~~ Streetwalls located in line with a building façade shall be three to six feet in height.

3. In the South Pairs Sub-district, instead of the streetwall requirement above and the streetscape requirements in Section 4.4.13(E), development adjacent to SE 7<sup>th</sup> Avenue shall provide a solid finished masonry wall at least six feet in height, but not more than eight feet in height, measured from the side with the higher grade. A planting strip 10 feet wide shall be provided between the wall and the edge of road pavement with a continuous installation of upright cluster palms or hedge bamboo a minimum of 8 feet in height at the time of installation at a spacing whereby the branches are touching at the time of planting. The landscaping shall be planted and maintained to form a continuous, solid, visual screen within a maximum of one year of planting.
4. 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)~~(e) 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)~~(f) 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)~~(g) 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.
  - c. 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.

- (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 the Site Plan Review and Appearance Board, or ~~HPB~~ Historic Preservation Board if located in the Historic District, from the setback requirements of Section 4.4.13(D) ~~(for portions of the building above three stories)~~ may be requested, 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.
    - 4. In the South Pairs Sub-district, waivers to the setback requirements of Section 4.4.13(D) for parking garages may only be requested for property located between SE 5<sup>th</sup> Avenue and SE 6<sup>th</sup> Avenue.
- (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) Prior to 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:

$$(\text{credits remaining for certification} / \text{credits required for certification}) \times \text{full bond amount} = \text{bond amount forfeited}$$

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:

- (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 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. 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 9% = 1,980 square feet

Total Civic Open Space Required = 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.

(e) Sites within the South Pairs Sub-district have reduced civic open space requirements as noted in table 4.4.13 (C).

(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 lawns 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) For civic open space requirements between 250 and 1,500 square feet, buildings shall provide the required space using 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, the space shall incorporate a fountain, living wall, mural, or sculpture shall be provided facing a street or a pedestrian passageway.

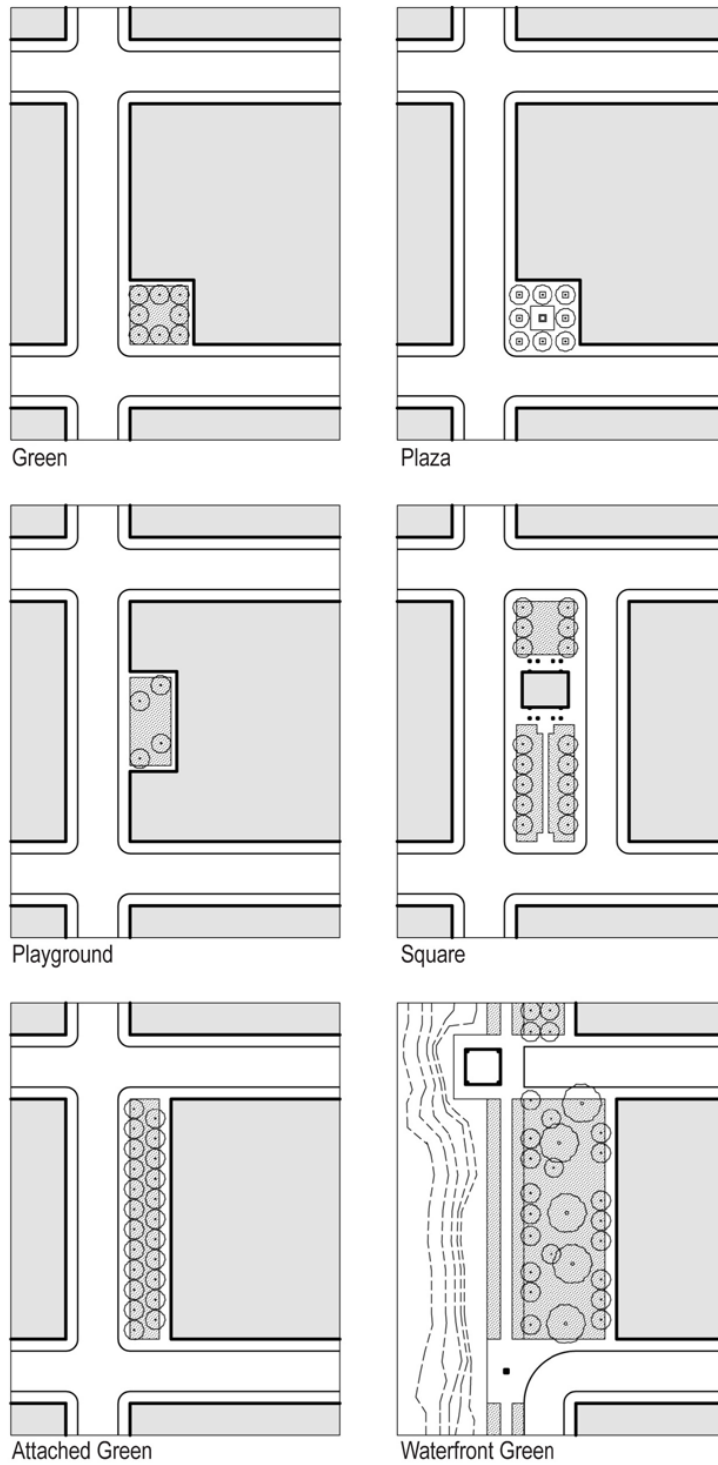
**Figure 4.4.13-G-128 Character Example of  
Landscaped Pedestrian Passageway**



**Figure 4.4.13-G-229 Character Example of  
Living Wall**

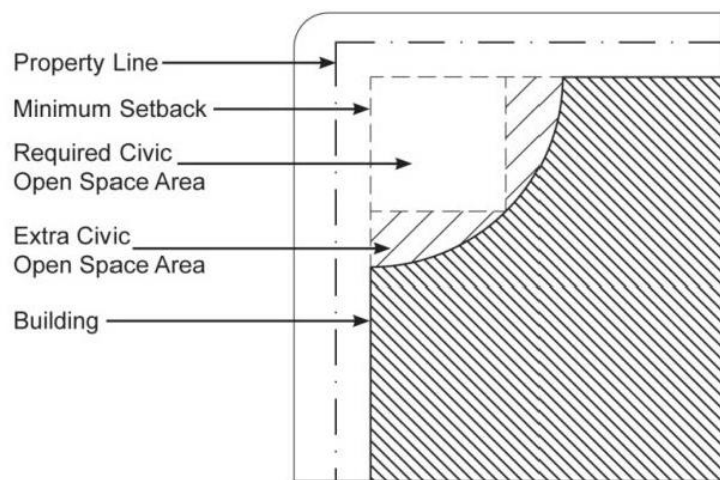


Figure 4.4.13-G-330 Civic Open Spaces



- (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-G-433).

**Figure 4.4.13-G-433 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 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. 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.

Section 9. That Section 4.4.13, “Central Business District (CBD)”, Subsection (H) “Incentive Programs” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

- (H) **Incentive program.** Certain incentives may be offered from time to time to encourage development that advances City strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or office uses within the CBD. The specific incentives and required performance criteria are set forth in this section and may be revised or amended after seeking community input and in response to factors such as update to the Downtown Master Plan, changing conditions within the CBD, transportation impacts, or market and/or demographic shifts. Any incentives shall be broad based and applicable within the entire CBD or CBD sub-district, no incentives programs shall be considered on a case-by-case basis or project-by-project basis.
- (1) **Residential incentives.** In order to encourage a variety of unit types, and income ranges within the downtown area, opportunities to increase density are offered in certain CBD Sub-districts. This incentive program is the only way to obtain increases in density in the CBD. The maximum density allowed by Table 4.4.13(C) in certain CBD Sub-districts may be increased in the locations described below. ~~Performance Standards are set forth in Section 4.4.13(H)(2).~~
- (a) Density may be increased over 12 du/ac (up to 30 du/ac) within the West Atlantic Neighborhood Sub-district, subject to the Performance Standards set forth in Section 4.4.13(H)(2).
  - (b) Properties located within a historic district or on individually designated sites as listed on the Local Register of Historic Places in Section 4.5.1(I) are not eligible to use the Incentive Program.
  - (c) Density may be increased over 12 du/ac within the South Pairs Sub-district as follows:
    1. for properties located in the limited height area on the west of SE 5th Avenue , density may be increased up to 22 du/ac provided the development is comprised of attached single-family townhouses or live-work units (See 4.3.3(KKK)) and is no more than three stories and 38 feet in height; or,
    2. for parcels between SE 5<sup>th</sup> Avenue and SE 6<sup>th</sup> Avenue, density may be increased up to 30 du/ac provided the Performance Standards set forth in Section 4.4.13(H)(2) are met;
    3. for parcels between SE 5<sup>th</sup> Avenue and SE 6<sup>th</sup> Avenue, density may be increased up to 50 du/ac for a limited duration, subject to the following:
      - a. the Performance Standards set forth in Section 4.4.13(H)(2); and,

- b. the provision of civic open space in the amount equal to 5% of the lot area above 20,000 square feet plus 9% of the lot area above 40,000 square feet; and,
- c. compliance with the Section 2.4.4(D), Establishment of Project, by December 31, 2023.

- (2) ***Performance standards for density increases.*** Projects which propose to increase density from the base amount allowed in the West Atlantic Neighborhood Sub-district and the South Pairs Sub-district between SE 5<sup>th</sup> Avenue and SE 6<sup>th</sup> Avenue, shall provide workforce housing units. Workforce housing units, equal to at least 20 percent of the bonus density shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 (fractions shall be rounded up). The workforce housing units shall be at the low or moderate income levels and shall comply with other applicable provisions of Article 4.7.
- (3) ***Approval process for incentives.***
  - (a) Applications to utilize the Incentive Program will be reviewed as part of a Class V site plan by the SPRAB for compliance with the regulations in this code that direct building configuration, uses, open space, streetscape design, parking location and quantity, and the performance standards in Section 4.4.13(H)(2). The SPRAB will make a recommendation to the City Commission on the entire Class V site plan before the City Commission takes final action to approve or deny the site plan and the increased density.
  - (b) Applications must include, in addition to the standard application items of 2.4.3(A), a site and development plan (including landscaping, elevations, and floor plans) of sufficient detail to determine that the applicable development and performance standards are being met.

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

(I) ***CBD parking standards***

- (1) ***Purpose of revised standards.*** This section provides modified regulations for off-street parking and bicycle parking within the CBD. These regulations recognize that the downtown is a compact, interconnected area with multimodal transportation options, and that improper placement of parking and mandatory duplication of the parking supply on each building site separates the various land uses from each other. This separation reduces the viability of the mixed-use districts and harms the walkability of the streets in the downtown area. These regulations reflect the needs of the urban, mixed use downtown. When in conflict with the regulations in Section 4.6.9, this section shall rule.
- (2) ***Minimum number of off-street parking spaces.***

- (a) The minimum number of parking spaces required in Section 4.6.9(C) "Number of Parking Spaces Required" is modified by this section for use in the CBD; Table 4.4.13(L) identifies the minimum number of off-street parking spaces required per use and location. Medical Offices, call centers, and any other uses not listed in the table shall use the requirements in Section 4.6.9(C).
1. The Atlantic Avenue Parking District is mapped on the Central Core Regulating Plan (See Figure 4.4.13-5).
  2. Alternative Fuel Parking spaces are spaces provided on-site, clearly marked with adjacent charging stations for electric (EV)/plug-in hybrid vehicles (PHEV) and golf carts.
- (b) The parking required for the creation of new floor area, shall also include the replacement of any previously required parking which may be eliminated.
- (c) When the parking requirements are applied to new development or expansion of an existing use, which results in the requirement of only one new parking space, a one space exemption shall be allowed. This exemption may only occur once per property.
- (d) Properties less than 65 feet in width and no more than two stories in height are not required to provide off-street parking, except for restaurant and lounge uses. Properties less than 65 feet in width and more than two stories in height shall provide the full parking requirement for all uses in all stories.
- (e) Properties located within 750 feet of a public parking garage or the Planned Tri-Rail Coastal Link station (See Figure 4.4.13-5) are not required to provide additional parking resulting from a change in use, except for new restaurant and lounge uses, within an existing building, provided additional floor area is not created. The distance shall be measured along the closest pedestrian route between nearest building entrances/the planned station location.

<b>Table 4.4.13(L)</b> <b>Minimum Number of Off-street Parking Spaces Required in the CBD</b>	
<b>Commercial Uses</b>	
Hotels/Motels <sup>1</sup>	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
<u>Business and Professional Office &lt;5,000sf in the South Pairs Sub-District</u>	<u>1 space per 500sf of net floor area</u>
<u>Business and Professional Office &gt;5,000sf in the South Pairs Sub-District</u>	<u>1 space per 300sf of net floor area</u>

<b>Table 4.4.13(L)</b> <b>Minimum Number of Off-street Parking Spaces Required in the CBD</b>	
<b>Commercial Uses</b>	
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.
<b>Residential</b>	
Community Residence	The number of off-street spaces required by Section 4.6.9(C)(7)(l) 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
<b>Alternative Fuel Parking Spaces</b>	
Residential	3% of Required Parking Spaces
Commercial	3% of Required Parking Spaces

- (f) Business and Professional Office uses located within 750 feet of a public parking garage or the Planned Tri-Rail Coastal Link Station (See Figure 4.4.13-5) have lower parking requirements than those located farther from those transportation resources. The distance shall be measured along, the closest pedestrian route between nearest building entrances/the planned station location. Offices less than 10,000 square feet in area also have lower parking requirements; this reduction is not cumulative and is only available to small businesses.

- (g) Properties located within 750 feet of a public parking garage or the Planned Tri-Rail Coastal Link Station (See Figure 4.4.13-5) may opt to use the in-lieu fee option provided in Section 4.6.9(E)(3) up to 50 percent of the required off-street parking amount, except that restaurant and lounge uses are limited to 30 percent. The distance shall be measured along the closest pedestrian route between nearest building entrances/the planned station location.
  - (h) Restaurants, Cocktail Lounges, Hotels, and Residential Type Inns may provide their required vehicular parking as valet parking, subject to the provisions of Section 4.6.9(F)(3).
  - (i) Within the West Atlantic Neighborhood Sub-district, west of NW/SW 4th Avenue and east of NW/SW 12th Avenue, changes in commercial use within existing commercial buildings shall not be required to provide additional on-site parking. The provisions of this sub-subsection shall only be effective until December 31, 2020, and subject to submittal of a building permit.
  - (j) Existing buildings located in the portion of the CBD Railroad Corridor Sub-district between SE 2nd Street and SE 3rd Street that undergo a change of use are not required to provide additional on-site parking spaces required by the new use category, if applicable. The provisions of this sub-subsection shall only be effective until April 3, 2021, and subject to submittal of a building permit.
- (3) ***Location and Access to Off-Street Parking.*** Parking and service areas shall be accessed and located at the rear or side of the building(s) whenever possible.
- (a) ***Location.***
    - 1. Parking is not permitted in front setbacks or in side setbacks facing streets, parks, or civic open spaces.
    - 2. On Primary Streets, all parking lots shall be located to the rear of buildings. The SPRAB can approve alternative locations where parking in the rear is inappropriate or impossible and may require special perimeter treatments to protect and improve the pedestrian experience along the street.
    - 3. On Secondary Streets, parking lots may also be located on the side of buildings provided the parking is screened from view of the street by a streetwall (See Section 4.4.13(F)(7)) and landscaping as set forth in Section 4.6.16(H).
    - 4. On Primary Streets, parking garage levels shall be lined by another use permitted on Primary Streets for at least 20 feet of depth. (See Section 4.4.13(C)). On Secondary Streets, parking garage levels not lined by another use shall be screened by a building façade that meets the architectural requirements in Section 4.4.13(F).
    - 5. Offsite parking arrangements may be provided in lieu of providing on-site parking as set forth in Section 4.6.9(E)(5), except that the other property must be located

within 750 feet, measured along the closest pedestrian route between nearest building entrance and nearest pedestrian garage entrance.

6. If the required parking is not or cannot be provided on-site or off-site, the in-lieu fee option provided in Section 4.6.9(E)(3) may be applied.
7. Within Townhouse and Townhouse type developments, parking may be provided in front of garage units provided that such parking does not result in the space for one unit impeding access to a space of the other unit.

(b) **Access.** In addition to the standards in Section 6.1.4, the following standards apply in all CBD Sub-districts:

1. On Primary Streets, alleys and Secondary Streets, when present, shall be the primary source of vehicular access to off-street parking. Alleys may provide access to parking lots and garages and function as standard drive aisles, provided public access is maintained and access to all properties adjacent to the alley is maintained. Vehicles may back out onto alleys.
2. When neither alleys nor Secondary Streets are present, primary vehicular access may be from a Primary Street. In the instance that site constraints necessitate access from a Primary Street, and the provision of an access drive precludes meeting the minimum building frontage percentage required, the Planning and Zoning Director may administratively allow a reduction from the minimum building frontage in order to allow vehicular access to the site.
3. When an alley is not present, bicycle, pedestrian, and vehicular access between adjacent parcels across property lines is required, and shall be accommodated within the site layout. The first property owner to develop shall be required to make an irrevocable offer of cross-access to the adjacent parcels prior to issuance of a building permit. When adjacent property develops, a reciprocal offer of cross-access is required, and the physical connection shall be completed.
4. Parking lots and structures shall provide pedestrian and bicycle access directly from a street. In addition, pedestrian access may also be provided directly from a building.
5. 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 shall have transparent windows covering at least 50 percent of the wall area and the incorporation of storefront windows is encouraged.
6. Public sidewalks may not be deviated to accommodate drop-off or valet parking.
7. Notwithstanding the regulations above, development in the South Pairs Sub-district shall not provide pedestrian or vehicular access to or from SE 7<sup>th</sup> Avenue.

- (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(M) identifies the minimum number of on-site bicycle parking spaces required per use.
1. All new non-residential uses shall provide at least 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.

<b><i>Table 4.4.13(m)</i></b> <b><i>Minimum Number of Bicycle Parking Spaces Required in the CBD</i></b>	
<b><i>Commercial Uses</i></b>	
Hotels/Motels	1 space per 10 guest rooms plus 1 space per 5,000 sf. of restaurant, meeting rooms, and shops; if more than 10 spaces are required, then 50% shall be in lockers or secured, inside storage area
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 plus shower facilities or secured, inside storage area plus shower facilities
Retail, Restaurant, and Commercial Uses	1 space per 1,000 sf. of gross floor area
<b><i>Residential</i></b>	
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. If bicycle parking is proposed within the minimum streetscape area (see Section 4.4.139E)(2)), it shall not encroach within the minimum pedestrian clear zone.
  - c. 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 provide at least two shower and changing facilities. 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 11. That “Figure 4.4.13-31” of 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 in title only, as follows:

**Figure 4.4.13-K-131**



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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

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

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

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

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

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney