

ORDINANCE NO. 32-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 12.20 ACRES IN SIZE PRESENTLY ZONED MIXED INDUSTRIAL AND COMMERCIAL (MIC) TO SPECIAL ACTIVITIES DISTRICT (SAD), FOR THE PROPERTY AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," SECTION 4.4, "BASE ZONING DISTRICT," SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)," SUBSECTION 4.4.25(H), "S.A.D.S", TO ADD "AURA DELRAY BEACH"; SAID LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH CONGRESS AVENUE AND WEST ATLANTIC AVENUE, AND CONSISTING OF APPROXIMATELY 12.20 ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the property hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Mixed Industrial & Commercial (MIC); and

WHEREAS, Trinsic Residential (the "Petitioner") is the contract purchaser of an aggregation of parcels (the "Property") that measures approximately 12.20± acres and is generally located at the northwest corner of North Congress Avenue and West Atlantic Avenue and more particularly described in Exhibit A – "Legal Description" and shown on the map in Exhibit B – "Proposed Zoning Map"; and

WHEREAS, the property includes a total of 8 parcels that are identified by the following Property Control Numbers (PCN) and addresses: 12-43-46-18-00-000-1190, 40 North Congress Avenue; 12-43-46-18-00-000-5090, West Atlantic Avenue; 12-43-46-18-00-000-5100, West Atlantic Avenue; 12-43-46-18-00-000-5101, 2101 West Atlantic Avenue; 12-43-46-18-00-000-5110, 2189 West Atlantic Avenue; 12-43-46-18-00-000-5111, 2200 West Atlantic Avenue; 12-43-46-18-00-000-5120, 20 North Congress Avenue; and, 12-43-46-18-00-000-5122, West Atlantic Avenue; and

WHEREAS, the Petitioner has requested a rezoning of the property from MIC to Special Activities District (SAD), providing regulations for the property; and

WHEREAS, Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts of the Always Delray Comprehensive Plan Neighborhoods, Districts, and Corridors Element identifies SAD as a compatible implementing zoning district with the Commerce (CMR) Land Use Map designation and the SAD regulations will neither exceed a residential density of 24 dwelling units per acre nor a maximum floor area ratio (FAR) of 0.60 for commercial development; and

WHEREAS, the Aura Delray Beach SAD provides 292 residential units with 25 percent of the total number of units provided as workforce housing units located on-site; and

WHEREAS, the 2016 “Congress Avenue: Delray Beach’s Next Great Street” report identifies the need for additional residential development, transit-oriented development, and diverse housing choices as catalysts for transforming the Congress Avenue corridor; and

WHEREAS, a portion of the Aura Delray Beach SAD along West Atlantic Avenue is located within a half-mile radius of the Delray Beach Tri-Rail Station; and

WHEREAS, the adopted development standards for the Aura Delray Beach Overlay District also contain such restrictions; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on July 20, 2020 and voted 4 to 0 to recommend that property hereinafter described be rezoned to Special Activities District (SAD), finding that the request and approval thereof is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification.

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

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

Section 2. The Zoning District Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a zoning classification of Special Activities District (SAD) for the property described in Exhibit A, “Legal Description,” and shown on the map in Exhibit B, “Proposed Zoning Map,” attached hereto and incorporated herein.

Section 3. That Section 4.4.25(H), “S.A.D.s”, of the Land Development Regulations shall be amended to add the following:

(1) – (15) (These subsections shall remain in full force and effect as previously adopted)

(16) Aura Delray Beach, located at the northwest corner of North Congress Avenue and West Atlantic Avenue, by Ordinance No. 32-20.

Section 4. That Exhibit C, “Permitted Uses, Supplemental Standards, and Development Standards for Aura Delray Beach,” is attached hereto and incorporated herein.

Section 5. The Zoning District Map of the City of Delray Beach, Florida, shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof.

Section 6. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

PASSED AND ADOPTED in regular session on second and final reading on this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

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

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

Approved as to form and legal sufficiency:

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

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_

## **EXHIBIT A LEGAL DESCRIPTION**

A PORTION OF TRACT 27, "MODEL LAND COMPANY'S SUBDIVISION OF THE NORTH HALF AND PART OF THE SOUTH HALF OF SECTION 18-46-43", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6 AT PAGE 51 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 18; THENCE SOUTH 89°47'40" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, ALSO LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE; THENCE CONTINUE SOUTH 89°47'40" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 754.34 FEET; THENCE NORTH 11°08'27" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-4 CANAL, A DISTANCE OF 349.89 FEET; THENCE NORTH 89°55'29" EAST, ALONG THE SOUTH LINE AND EASTERLY EXTENSION THEREOF, OF TRACT 1, "PALM TRAN SOUTH COUNTY FACILITY", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 127 AT PAGES 194 AND 195 OF SAID PUBLIC RECORDS, A DISTANCE OF 681.33 FEET; THENCE SOUTH 00°54'26" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE, A DISTANCE OF 341.53 FEET TO THE POINT OF BEGINNING.

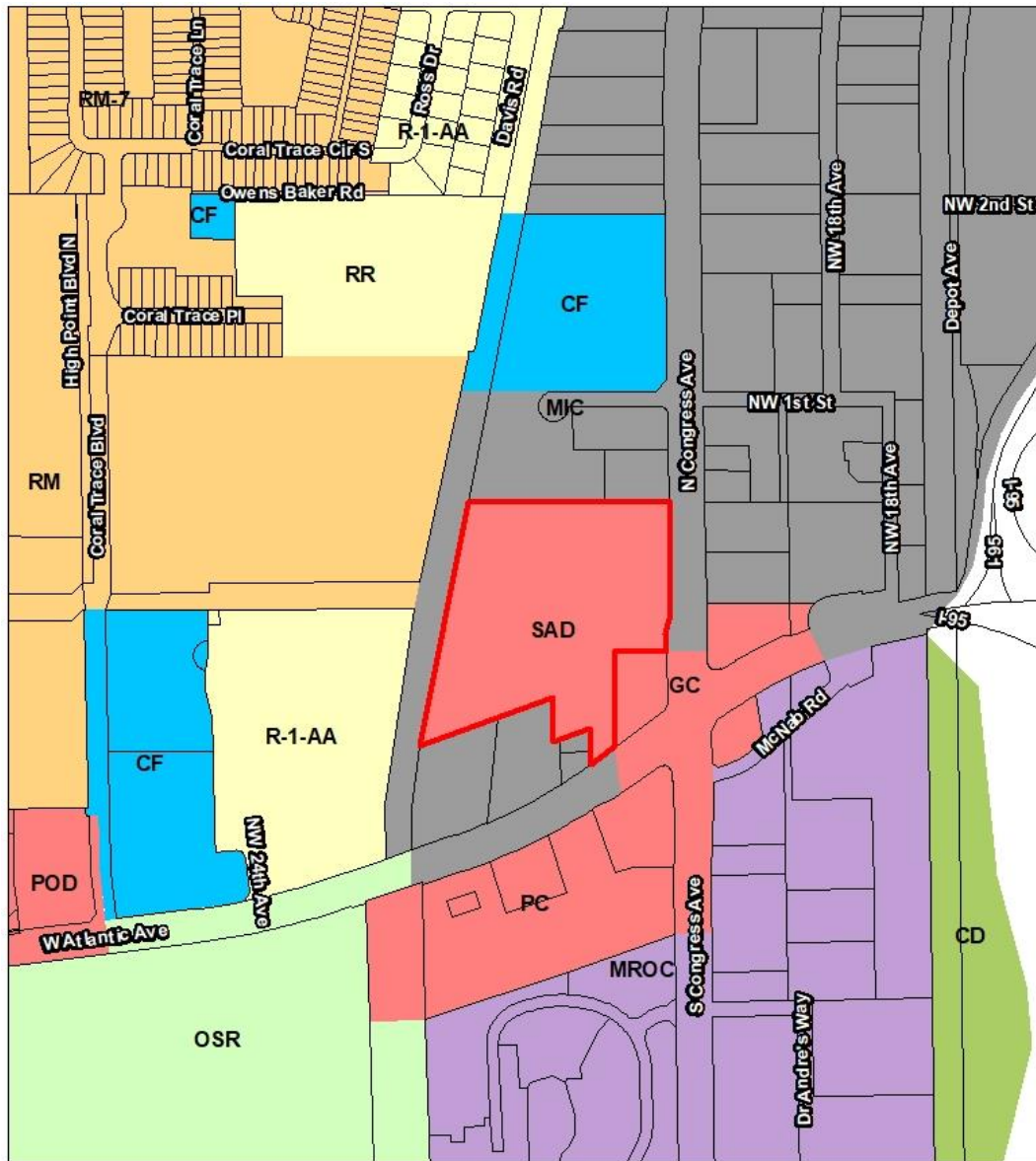
TOGETHER WITH:

A PORTION OF TRACTS 38 AND 39, "MODEL LAND COMPANY'S SUBDIVISION OF THE NORTH HALF AND PART OF THE SOUTH HALF OF SECTION 18-46-43", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6 AT PAGE 51 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 18; THENCE SOUTH 89°47'40" WEST, ALONG THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, ALSO LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE; THENCE SOUTH 00°53'40" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 38.29 FEET; THENCE SOUTH 15°07'58" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, AS RECORDED IN OFFICIAL RECORDS BOOK 29036 AT PAGE 463 OF SAID PUBLIC RECORDS, A DISTANCE OF 67.36 FEET; THENCE SOUTH 00°53'40" EAST, ALONG SAID WEST LINE, A DISTANCE OF 60.32 FEET; THENCE SOUTH 89°49'29" WEST, ALONG THE NORTH LINE OF TRACT A OF "CHEVRON 50128 TRACT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 60 AT PAGE 187 OF SAID PUBLIC RECORDS, A DISTANCE OF 174.43 FEET; THENCE SOUTH 00°53'52" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 319.15 FEET; THENCE SOUTH 53°51'39" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST ATLANTIC AVENUE (STATE ROAD 806), ACCORDING TO THE ORDER OF TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 29115 AT PAGE 34 OF SAID PUBLIC RECORDS, A DISTANCE OF 109.46 FEET; THENCE NORTH 00°53'52" WEST, A DISTANCE OF 120.83 FEET; THENCE SOUTH 70°17'01" WEST, A DISTANCE OF 128.78 FEET; THENCE NORTH 00°53'52" WEST, A DISTANCE OF 149.91 FEET; THENCE SOUTH 70°12'20" WEST, ALONG THE NORTH LINE AND EASTERLY EXTENSION THEREOF, OF TRACT A, "CAUSEWAY LUMBER PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72 AT PAGE 146 OF SAID PUBLIC RECORDS, A DISTANCE OF 474.44 FEET; THENCE NORTH 10°48'51" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-4 CANAL, A DISTANCE OF 487.16 FEET; THENCE NORTH 89°47'40" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 754.34 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 12.200 ACRES, MORE OR LESS.

# **EXHIBIT B PROPOSED ZONING MAP**



<b>Proposed Zoning</b>	Subject Site	Institutional	Open Space / Recreation
	Single Family Residential	Mixed Use	Agricultural
	Multiple Family Residential	Industrial	Conservation
	Commercial	Industrial / Commercial	
	CF - Community Facilities	CD - Conservation District	SAD - Special Activities District
	MIC - Mixed Industrial Commercial	GC - General Commercial	
	OSR - Open Space and Recreation	MROC - Mixed Residential Office and Commercial	
	POD - Professional Office District	PC - Planned Commercial	
	R-1-AA - Single Family Residential	RR - Rural Residential	
	RM - Medium Density Residential	RM7 - Medium Density Residential	



## **EXHIBIT C AURA DELRAY BEACH DEVELOPMENT STANDARDS**

### **PURPOSE AND INTENT**

The Aura Delray SAD regulations provide for multifamily residential and limited neighborhood serving commercial use in a master planned environment. The district encourages standalone residential buildings and small scale neighborhood retail uses adjacent to the transit corridors along Atlantic Avenue and Congress Avenue and in close proximity to the major Interstate 95 thoroughfare, civic and recreation uses, and general commercial uses in order to promote a more walkable and sustainable atmosphere at the Atlantic and Congress node.

### **USE STANDARDS**

#### **Principal Uses and Structures Allowed**

The following types of uses are allowed within the Aura Delray SAD as permitted uses:

- (1) General retail uses. Retail uses and/or facilities not to exceed 20 percent of the total building square footage of the entire Aura Delray Beach SAD, including, but not limited to:
  - a. Restaurants, baked goods, books, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, pharmacies, flowers and plants, fruits and vegetables, food, gifts, glassware, ice cream, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, pets and pet supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry.
  - b. Barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, outdoor cafes, tailoring, tobacconist.
  - c. Galleries, butcher shops, cocktail lounges, exercise facilities, museums, libraries, newsstands, commercial or public parking lots and parking garages.
- (2) Multi-family Dwelling Units: Multi-family residential uses excluding duplexes with a maximum density of 24 units per acre subject to establishment of a workforce housing incentive program.

#### **Accessory Uses and Structures Permitted**

The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots and parking garages.
- (2) Refuse, service and loading areas.

- (3) Meeting and conference facilities when associated with allowed uses in the Master Plan.
- (4) Provision of services and repair of items incidental to the principal use.
- (5) Recreational facilities attendant to a multi-family residential development, which may include but are not limited to swimming pools, exercise areas, dog parks, leasing facilities, club rooms, business centers, offices, and meeting rooms.
- (6) Family Home Day Care, subject to the provisions of Section 4.3.3(T).
- (7) Urban Agriculture, subject to the provisions of Section 4.3.3(D).

#### Conditional Uses and Structures Allowed

The following uses are allowed as conditional uses within the Aura Delray SAD:

- (1) Health spas, fitness centers, gymnasiums, and exercise facilities which are open to the general public
- (2) Veterinary clinics.
- (3) Drive-thru facilities associated with any allowed use.
- (4) Twenty-four-hour/late night businesses (except for governmental offices and services) as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(vv).
- (5) Day Care Centers, subject to the provisions of Section 4.3.3(E).
- (6) Educational Facilities, training centers, and vocational schools.
- (7) Live/Work Unit, subject to the provisions of Section 4.3.3(KKK).
- (8) Large Family Child Care Home, subject to the provisions of Section 4.3.3(TT).

#### MASTER PLAN & SITE PLAN APPROVAL

##### 1. Review and Approval Process

- a) All development parcels within the development plan shall be governed by regulations set in association with the approval of the Master Plan.
- b) The Master Plan shall consist of a narrative and a land use map designating dwelling units and intensity of development and a supporting development standard document that will include data to be utilized in preparing site plans and landscaping plans.
- c) The Master Plan shall be reviewed by the Planning and Zoning Board to make a recommendation to the City Commission. The Master Plan shall be forwarded to the City Commission with the Planning & Zoning Board's recommendation. The City Commission will conduct two public hearings at which the final action will be taken at the second hearing.
- d) Site Plan(s) shall be reviewed and approved by the Site Plan Review and Appearance Board prior to second reading of the SAD Rezoning and Master Plan. Architectural elevations shall be provided at

the time of submittal of a site plan application.

- e) In accordance with Section 2.4.5(F)(7), upon final approval of the Master Plan, such plan shall be stamped and certified by the Development Services Department as to its status and shall serve as the baseline for any subsequent submittals. All subsequent submissions shall conform in every respect to the Master Plan as may be modified as provided below.

## 2. Master Plan Modifications

- a) Subsequent to approval of the original Master Plan, any site and development plans shall be filed in accordance with Section 2.4.5(F)(1) through (5). An approved Master Plan may be modified either by administrative approval or by review by the Planning & Zoning Board through the public hearing process, depending on the degree of modification proposed to the Master Plan. If the modification relates to number of dwelling units, parking count, intensity or the dimensional standards, including setbacks (“Standards”) and is less than or equal to a 5% deviation from such standard, the modification shall be processed administratively or reviewed by the Planning and Zoning Board as a MDP modification, at the discretion of the Development Services Director. All other modifications to the MDP, development standards, timing obligations (i.e. the sequencing plan, phasing, etc.) or other requirements contained herein, and those modifications of Standards in excess of 5% shall be processed and approved by the Planning and Zoning Board in accordance with 2.4.4 E(6), except for changes that increase density and intensity, (including additional uses not previously adopted as part of the SAD) which shall be processed and approved by the City Commission as an amendment to the SAD Ordinance.
- b) All Site Plan applications for new development, including site plan modifications, must receive approval by Site Plan Review and Appearance Board (SPRAB) and be consistent with the approved Master Development Plan (MDP).

## 3. Sequencing Plan

- a) The Master Plan establishes the location of the uses which include each use’s respective acreage, number of units and unit type, parking, and intensities for the commercial parcel, location of the main streets, buffers, pedestrian paths, and the open space area serving the overall development.
- b) The residential and commercial components may be developed independently as separate phases of development.

## PARKING

- a) Guest parking spaces must be accessible to all visitors and guests and may be centralized or located near recreational features within a development project.
- b) Parking adjacent to Congress Avenue must be screened by buildings, landscaping, fencing, and/ or a berm adequately landscaped to obscure the view of the parked cars from Congress Avenue.
- c) Parking lots for the multifamily buildings are located to minimize pedestrian conflicts while providing



locations within close proximity of destinations once cars are parked.

- d) Access to parking lots shall be restricted to specific driveway locations to minimize curb cuts as well as minimize conflicts between vehicles and pedestrians.
- e) Parking shall be provided for the residential multifamily buildings as follows:

<b>PARKING REQUIREMENTS</b>	
Efficiency dwelling unit	1.0 space/unit
One bedroom dwelling unit	1.0 spaces/unit
Two or more bedroom dwelling unit	2.00 spaces/unit
Guest parking shall be provided cumulatively as follows:	
for the first 20 units	0.50 spaces/unit
for units 21—50	0.30 spaces/unit
for units 51 and above	0.20 spaces/unit

- f) Parking for non-residential uses within the development shall be provided to meet the minimum parking requirements in the LDRs.
- g) For commercial mixed-use developments with a residential component, the shared parking formula under LDR Section 4.6.9(c)(8) may be utilized when a balanced mix of uses is provided.
- h) Parking areas shall be provided in accordance with the following dimensional standards:

<b>MINIMUM PARKING STANDARDS</b>	
<b>PARKING SPACE SIZE</b>	
STANDARD	9' x 18'
COMPACT	8'-16'
PARALLEL	8' x 22'
HANDICAP	12' X 18'
PARKING DRIVING AISLE (TWO-WAY)	24'-0"
PARKING LANDSCAPE ISLAND	9'-0" WIDE
PARKING LANDSCAPE STRIP	5'-0"
FRONT OF BUILDING FAÇADE TO PARKING SPACE	5'-0"

- i) Wheel Stops shall be provided for all parking, other than parallel spaces, in the form of concrete wheel stops or a continuous concrete curb which is located so that there is two feet of clear distance from the front edge of the device to the front of the parking space.
- j) Two-way parking lot driving aisles 24 feet wide must be used when perpendicular parking spaces are used.
- k) The minimum drive aisle for two-way traffic flow for short distances where there are no parking spaces on either side of the driving aisle is 20 feet.

- l) The minimum width of sidewalks along Congress Avenue shall be six feet. All other sidewalks shall be a minimum of five feet.

## LANDSCAPING REGULATIONS

Landscaping shall be provided in accordance with the Landscape Regulations as listed below:

### 1. Perimeter requirements adjacent to public and private rights-of-way:

- a) The landscaping shall consist of at least one tree for each 30 linear feet or fraction thereof. The trees shall be located between the right-of-way line and the off-street parking or vehicular use area. Where the depth of the perimeter landscape strip adjacent to the right-of-way exceeds 15 feet, shade trees may be planted in clusters, but the maximum spacing shall not exceed 50 feet. The remainder of the landscape area shall be landscaped with grass, ground cover, or other landscape treatment excluding pavement.
- b) A hedge, fence, wall or other durable landscape area shall be placed along the interior perimeter of the landscape strip. If a hedge is used, it must be a minimum of two feet in height at the time of planting and attain a minimum height of three feet above the finished grade of the adjacent vehicular use or off-street parking area within one year of planting.
- c) Multiple tier plantings are strongly encouraged for all properties, regardless of the depth of the landscape buffer. Those properties that have a landscape buffer depth of ten feet or more shall be required to provide an additional layer of groundcover. The groundcover shall be located directly in front of the required hedge, so as to be visible from the adjacent right-of-way. This groundcover shall be installed at one-half of the height of the required perimeter hedge.
- d) If a nonliving barrier is used, it shall be a minimum of three feet above the finished grade of the adjacent vehicular use. Nonliving barriers shall require additional landscaping to soften them and enhance their appearance. For each ten feet of nonliving barrier, a shrub or vine shall be planted along the street side of the barrier, in addition to tree requirements.
- e) Earth berms may be used only when installed in conjunction with sufficient plant materials to satisfy the screening requirements. The slope of the berm shall not exceed a 3:1 ratio.
- f) Hedges for multi-family projects which are used to separate a residential use from an adjacent arterial or collector road right-of-way may attain a height of eight feet to mitigate the impact of the adjacent roadway.
- g) The unpaved portion of the right-of-way adjacent to the property line shall be landscaped with sod and provided with irrigation and maintenance.
- h) The width of access ways which provide access to a site or vehicular use areas may be subtracted from the linear dimensions used to determine the number of trees required.

### 2. Perimeter landscaping requirements relating to abutting properties:

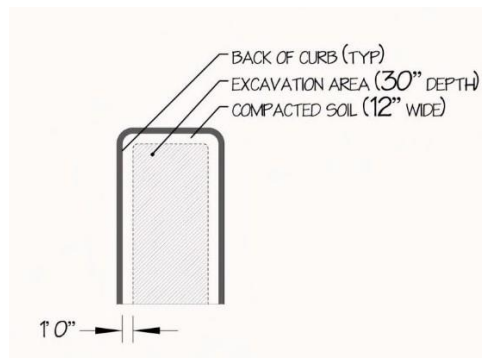
- a) A landscaped barrier shall be provided between the off-street parking area or other vehicular use area and abutting properties. The landscape barrier may be two feet at the time of planting and achieve and

be maintained at not less than three nor greater than six feet in height to form a continuous screen between the off-street parking area or vehicular use area and such abutting property. This landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five feet in width that is free of any vehicular encroachment, including car overhang. In addition, one tree shall be provided for every 30 linear feet of such landscaped barrier or fraction thereof.

- b) The provisions for perimeter landscape requirements relating to abutting properties shall not be applicable where a proposed parking area or other vehicular use area abuts an existing hedge or established tree line, the existing hedge and trees may be used to satisfy the landscape requirements provided the existing material meets all applicable standards. The landscape strip, a minimum of five feet in depth, however, is still required, and must be landscaped with sod or ground cover and be free of any vehicular encroachment, including car overhang. If the existing landscaping does not meet the standards of this article, additional landscaping shall be required as necessary to meet the standards. In the event the landscaping provided by the adjacent property which has been used to satisfy the landscaping requirements for the property making application is ever removed, the property heretofore using the existing vegetation to satisfy landscaping requirements, must then install landscaping as required to comply with the provisions of this code.
- c) There shall be a cluster of 3 palms or a shade tree for every 125 square feet of required interior landscaping. No more than 35 percent of these required trees shall be palms.
- d) Landscape islands which contain a minimum of 135 square feet of planting area, with a minimum dimension of nine feet, exclusive of the required curb, shall be placed at intervals of no less than one landscaped island for every 13 standard parking spaces. One shade tree shall be planted in every island with a minimum of 75 square feet of shrubs and groundcovers. Tree specifications shall adhere to those listed in Section 4.6.16(E)(5) and 4.6.16(E)(6) of the Land Development regulations. Where approval for the use of compact parking has been approved, islands may be placed at intervals of no less than one island for every 15 compact parking spaces. In locations where both standard and compact spaces are proposed within a parking row, islands may be placed at intervals of no less than one island for every 14 spaces.
- e) The distance between parking islands can be increased up to 15 standard or 17 compact parking spaces but the width of the parking island must be increased by one foot for each additional space (i.e. if the distance between parking islands is 15 standard parking spaces the parking island would have to be 11 feet wide). In locations where both standard and compact parking spaces are proposed within a parking row, the distance between parking islands may be increased up to 16 spaces, but the width of the parking island must be increased by one foot for each additional space.
- f) Unobstructed cross-visibility shall be maintained at all terminal landscape islands where it intersects a right-of-way. Clear visibility shall be maintained between three feet to six feet above ground. Proper plant selection shall be utilized that fully accounts for the mature height and spread of that plant. The proper design shall have low groundcovers within the nose of the island with small shrubs located at the back end of the island.
- g) Each row of parking spaces shall be terminated by landscape islands with dimensions as indicated above. An exception to this requirement is when a landscaped area, with the dimensions above, or

buffer area exists at the end of the parking row.

- h) Perimeter landscape strips which are required to be created by this code or requirements of the zoning code shall not be credited to satisfy any interior landscaping requirements, however, the gross area of perimeter landscape strips which exceed minimum requirements may be credited to satisfy the interior landscape requirements of this section.
- i) Interior landscaping in both parking areas and other vehicular use areas shall, insofar as possible, be used to delineate and guide major traffic movement within the parking area so as to prevent cross-space driving wherever possible. A portion of the landscaping for interior parking spaces, not to exceed 25 percent of the total requirement, may be relocated so as to emphasize corridors or special landscape areas within the general parking area or adjacent to buildings located on the site, if helpful in achieving greater overall aesthetic effect. Such relocated landscaping shall be in addition to the perimeter landscaping requirements.
- j) Existing native soil within all landscape islands, interior landscape strips and perimeter landscape strips, adjacent to vehicular use areas, shall be excavated down to a depth of 30 inches below existing grade, except for a 12-inch buffer from the inside of curb or pavement (see diagram below). A suitable planting soil mixture of 50/50, 60/40 (sand/topsoil) or as otherwise indicated by the Registered Landscape Architect, shall either be backfilled in place of the native soil or efficiently mixed with the native soil to create an optimum environment for successful root development. If native soil is to be mixed, it shall first be screened to remove rocks and debris larger than one-half inch in diameter prior to mixing. All properties under this section shall be required to have an open landscape bed inspection prior to backfilling to insure the 30-inch depth has been met.



- k) All air-conditioning units and other mechanical equipment and refuse areas whose height is five feet or less shall be screened with shrubbery that is tall enough to fully screen the units from view. Equipment five feet to 16 feet above grade shall be screened with hedges that are half of the height of the item to be screened. In such instances, the required hedge shall not be any less than five feet in height. Anything higher than 16 shall be screened with shrubbery that is a minimum of eight in height.
- l) Landscaping may be permitted in easements only with the written permission of the easement holder. Written permission shall be submitted as part of the site plan or landscape plan review.

### 3. Foundation landscaping requirements

- a) Foundation landscaping shall be required. This shall incorporate trees, shrubs and groundcovers.

Multiple tiers of plant material should be utilized and thoughtfully designed to accomplish the goal of softening the building mass while adding vibrant color and textures.

- b) New multi-story structures shall adhere to the landscape requirements set forth in this section. The purpose of these requirements is to aesthetically and visually buffer larger structures and to maintain an appropriately scaled relationship between the height of the structure and its surrounding landscape.
- c) Foundation trees with specifications listed in Table 1 below shall be planted along the building façade that faces a dedicated Right-of-Way. The spacing of these trees shall be determined based on the average canopy width of the proposed tree.

Foundation Tree Specifications			
Mean Structure Height (feet)	Minimum Tree Height (feet)	Minimum Tree Spread (feet)	Minimum Overall Palm Height (feet)
To 15	12 to 14 (code)	5	12 (code)
15 to 25	14 to 16	6	14
26 to 35	16	7	16
36 and greater	16	7	16

**4. Street trees for new residential developments**

Street trees are an integral component of creating a themed landscape and shall be required as per this section. Street trees shall be located along the edge of the sidewalk to provide shade for pedestrians.

**DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARDS		
	Proposed Standard	Provided
Maximum Lot Coverage	70%	48.7%
Minimum Open Space	30%, non-vehicular	43.6%, non-vehicular
Minimum Perimeter Setback (Front, Rear, Side & Site Street)	15 feet	Front (East) – 30 feet Rear (West) – 60 feet Side (North) – 29 feet Side (South) – 111'-8.5"
Maximum Height	55 feet*	55 feet
* Subject to the approval of a Conditional Use, pursuant to LDR Section 4.3.4(J)(4), Increases to height regulations.		

**PERIMETER SETBACK AND BUFFER**

A minimum setback of 15 feet shall be established around the perimeter of the Aura Delray SAD. Along Congress Avenue and any street side setback, the 15-foot setback area shall be a landscape area and no pavement shall be allowed therein except for pedestrian ways and driveways (or streets) which provide access to the property and which are generally perpendicular to the abutting street.

## LOT COVERAGE AND OPEN SPACE

- (1) Lot coverage by building, pavement and hardscape site improvements excluding sidewalks or multipurpose paths shall not exceed 70 percent of the gross area of the Master Plan.
- (2) Land area, equal to at least 30 percent of the total district including the perimeter landscaped boundary, shall be in open space including sidewalks and multi- purpose paths. Paved areas shall not be included in the meeting of this 30 percent open space requirement.

## HEIGHT

The maximum height of all buildings shall be 55 feet. Buildings located along Congress Avenue shall be limited to three stories. Floor heights for all buildings shall comply with the following:

- a) Non-residential uses shall have a minimum floor height of nine feet floor to floor on all floors, with the exception of ceiling drops for mechanical distribution and, in that case, no less than seven feet and six inches.
- b) Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.

## BUILDING SEPARATIONS

BUILDING SEPARATIONS (MINIMUM REQUIREMENTS)	
5 Story Multi-family building to 5 Story Multi-Family building	30'-0"
Sidewalk to Multi-Family building	5'-0"
Property line to building	Minimum buffer requirements
NOTE: Distances are measured to the shortest distance between building elements, excluding porches, balconies, and covered entries.	

## MINIMUM FLOOR AREA

- a) Residential units are subject to the minimum square footage per the chart below.

UNIT SIZES (MINIMUM REQUIREMENTS)	
Unit Type	Size
Efficiency	450 sq. ft.
One Bedroom	600 sq. ft.
Two Bedroom	900 sq. ft.
Three Bedroom	1,200 sq. ft.

- b) There are no minimum floor area requirements for non-residential uses.
- c) For purposes of bedroom count, a room used as a den, library or study without a closet shall not be counted as a bedroom.

### ENCLOSURE SCREENING

Utility enclosures shall be enclosed on three sides and have vision obscuring gates on the fourth side. Landscaping in the form of a hedge must be provided in front of the enclosures to screen the enclosure from view. The enclosure may not be located within a required setback or easement area.

Screening for all ground level and roof top level air-conditioning units and mechanical equipment shall be provided.

### TRAFFIC CALMING

The traffic circulation system shall be designed to control speed and reduce volumes on the interior street network, not to include driveways within parking access. This may be accomplished through the use of traffic calming devices which may include but are not limited to the installation different pavement patterns, parallel parking, landscape nodes, striping, and a round-a-bout. Signage will also remind motorists of speed limit and locations of traffic calming devices.

### RECREATION FACILITIES

Tot lots and recreational areas, serving children from toddler to teens, shall be a feature as part of the design to accommodate households having a range of ages. Recreation facilities shall include the following:

The Club House is a private recreational facility which may be equipped with but is not limited to the following amenities to serve residents:

- a) Restrooms
- b) Business Center
- c) Fitness Center with yoga/aerobics room
- d) Club Room

Note: The leasing/ management office will be located within the clubhouse.

The outdoor component, distributed within the residential areas of the master plan, may include, but will not be limited to the following elements:

- a) Main private outdoor pool, with cabanas and barbeques;
- b) Tot lot

## WORKFORCE HOUSING PROGRAM ESTABLISHED

A Workforce Housing Incentive Program shall be provided as follows:

1. A minimum of 25 percent of the project density shall be provided on-site as Workforce Housing Units to Moderate Income Households as defined herein.
2. If the development contains a mix of different types of units, (e.g. condominium, townhouse, detached, etc.), the proportion of workforce units by bedroom count must be approximately the same (within 10%) as the proportion of market rate units by bedroom count to total market rate units with the exception of efficiency or studio units, which shall not be allowed under the City of Delray Beach family / workforce housing program.
3. Moderate income household. A household with a gross, combined income between 80 percent and 120 percent of the Palm Beach County Median Family Income, published annually for Palm Beach County by the U.S. Department of Housing and Urban Development, for a 2-person household for 1 BR units, for a 3-person household for 2 BR units and for 4-person+ household for 3 BR+ units.
4. For moderate income households, the maximum price shall be established by the Community Improvement Department based on a formula that considers the prevailing mortgage interest rates.
5. Rent ranges shall be based on the monthly rent ranges published annually by Palm Beach County based on the Florida Housing Finance Corporation Multi-Family Rental Programs, by number of bedrooms.
6. For the purposes of annual price updates, the Workforce Housing Unit prices initially established for the rental unit's income category at the time of approval of the subject development shall be the rental floor throughout the affordability period. No Workforce Housing Unit is required to be rented at a price below the rental floor, though an owner may opt to do so.
7. The exteriors of Workforce Housing Units shall be designed compatible with market rate units in the development; however, the developer shall not be required to provide interior design finishes consistent with the market rate units provided within the development.
8. Workforce Housing Units shall be distributed throughout the development, and not clustered in any one location.
9. The breakdown of unit type shall be based upon market demand and there shall be no restriction from providing a certain type of unit, provided that the Workforce Housing Units are provided in the same proportion as the Market Rate Units.

## PERFORMANCE STANDARDS FOR SITE PLAN

The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The performance standards are as follows:

- a) The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exits into the development; and similar measures that are intended to minimize through traffic and keep speeds within the



development at or below 20 m.p.h.

- b) Buildings are placed throughout the development in a manner that reduces the overall massing and provides a feeling of open space.
- c) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a mix of efficiency, one, two- and three-bedroom units with varying floor plans. The development is designed to provide open space and create new native habitat.
- d) The project provides a convenient and extensive pedestrian network, and access to available transit.