

ORDINANCE NO. 26-21

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 (I), "CBD PARKING STANDARDS"; AND, SUBSECTION (K) "CBD REVIEW AND APPROVAL PROCESS"; TO PROVIDE CLARIFICATION OF EXISTING REGULATIONS, RENUMBERING OF FIGURES, AND AMENDING THE PARKING REQUIREMENT FOR BUILDINGS ON PROPERTIES LESS THAN 65 FEET WIDE AND CONTAINING MORE THAN TWO-STORIES; AND, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the subject amendments to Section 4.4.13, Central Business District (CBD) of the Land Development Regulations ("LDR") clarify existing regulations and include additional revisions that eliminate duplicative exhibits, renumber exhibits, and amend the parking requirement for buildings on properties less than 65 feet wide and with more than two-stories; 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 (included as part of 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. The recitations set forth above are incorporated herein.

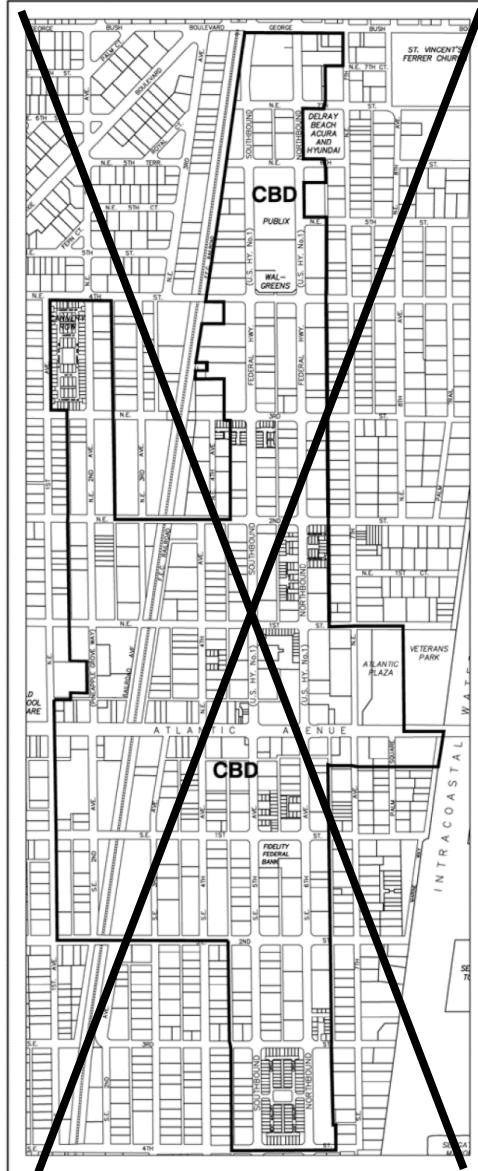
Section 2. Section 4.4.13, “Central Business (CBD) District,” Subsection (A), “Purpose and Intent,” of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, is hereby amended as follows:

- (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 comprised of four sub-districts, each with regulations to support their distinctive characteristics. The CBD is compatible with land areas designated as Commercial Core on the 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.~~

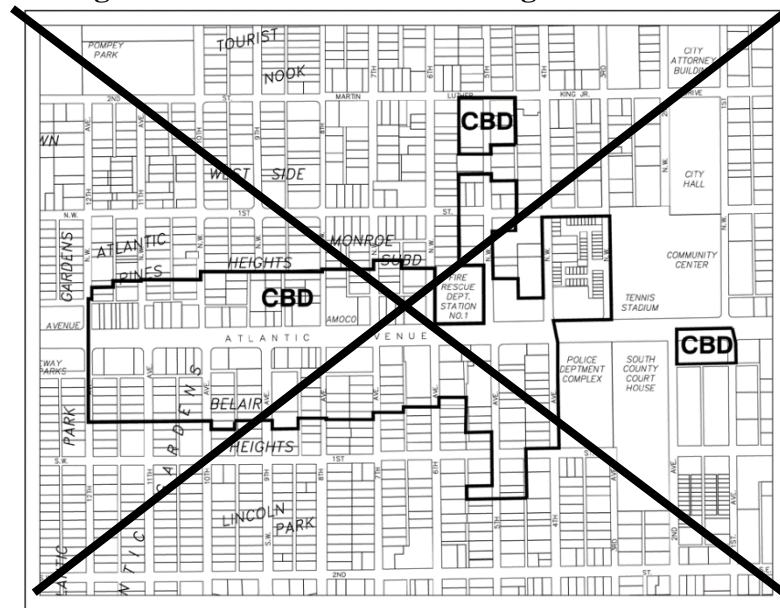
- (1) ***Central Core Sub-district.*** The Central Core Sub-district regulations are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown. Residential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

Figure 4.4.13-1 Central Core Sub-district



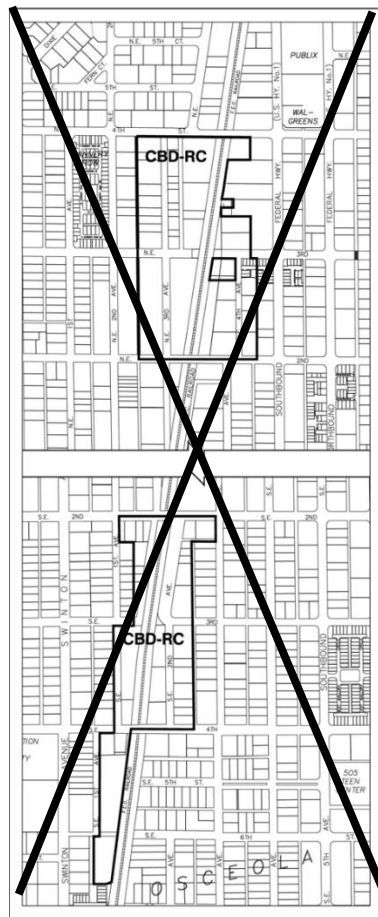
- (3) ***West Atlantic Neighborhood Sub-district.*** The West Atlantic Neighborhood Sub-district regulations are intended to be consistent with the Downtown Delray Beach Master Plan and the West Atlantic Master Plan and The Set Transformation Plan. The emphasis of these regulations is on the preservation 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 4.4.13-3B-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 the northern part of the CBD and one in the southern part of the CBD. Density incentives are available for redevelopment in a limited area of this sub-district to promote the inclusion of workforce housing as provided for in Section 4.4.13(H)(1)(d). See Figure 4.4.13-4B-3 “Railroad Corridor Sub-District Regulating Plan.”

Figure 4.4.13-4 Railroad Corridor Sub-district



Section 3. Section 4.4.13, “Central Business (CBD) District,” Subsection (B), “Regulating plans,” of the Land Development Regulations of the City of Delray Beach, Florida, 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 sSection and are hereby officially adopted as an integral part of these regulations. A Regulating Plan for each CBD Sub-district is provided in this sSection and versions at larger scales are available in the Planning and Zoning Development Services Department. The Regulating Plans depict the following information:

(1)–(6) (These subsections shall remain in full force and effect as adopted.)

Figure 4.4.13-5B-1 Central Core and Beach Sub-districts Regulating Plan

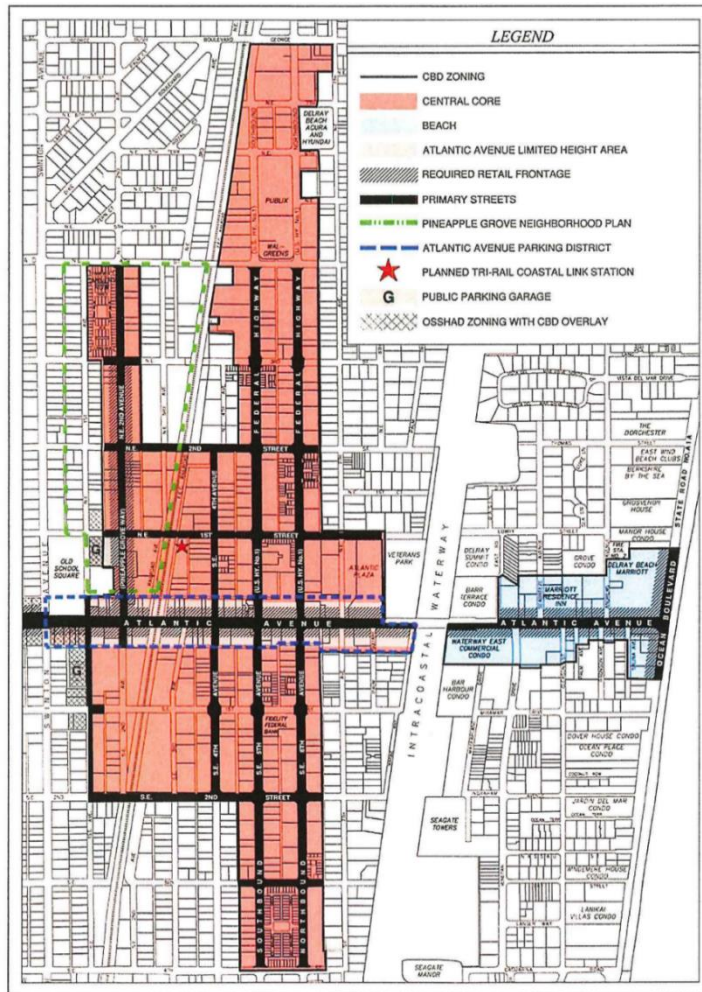
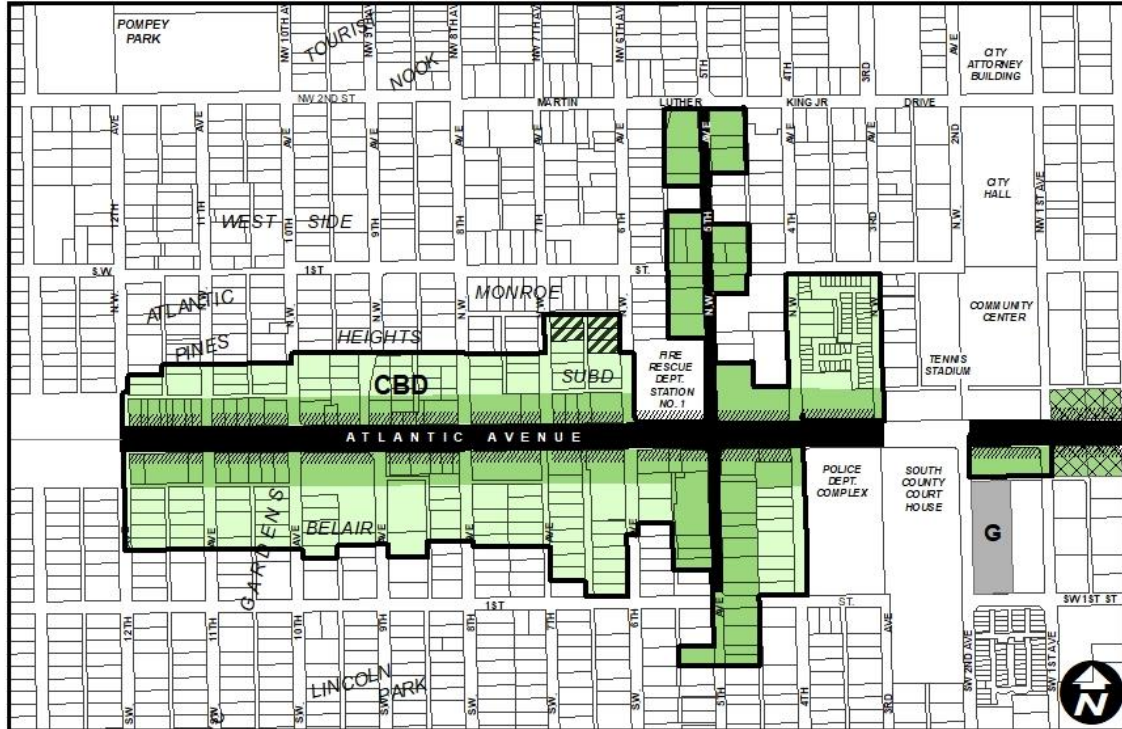


Figure 4.4.13-6B-2 West Atlantic Neighborhood Sub-district Regulating Plan



Legend

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

Figure 4.4.13-7B-3 Railroad Corridor Sub-district Regulating Plan

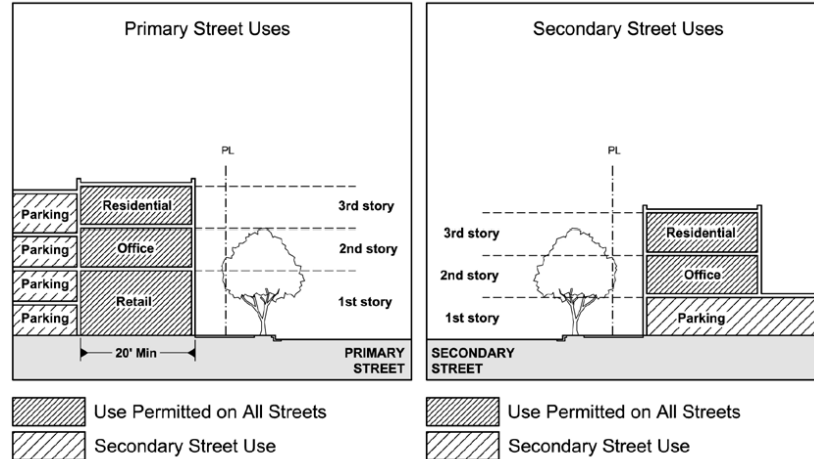


Section 4. Section 4.4.13, "Central Business (CBD) District," Subsection (C), "Allowable uses," of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

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

- (1) (This subsection shall remain in full force and effect as adopted.)
- (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~~B-1, "Central Core & Beach Sub-districts Regulating Plan," and Figure 4.4.13-~~6~~B-2, "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



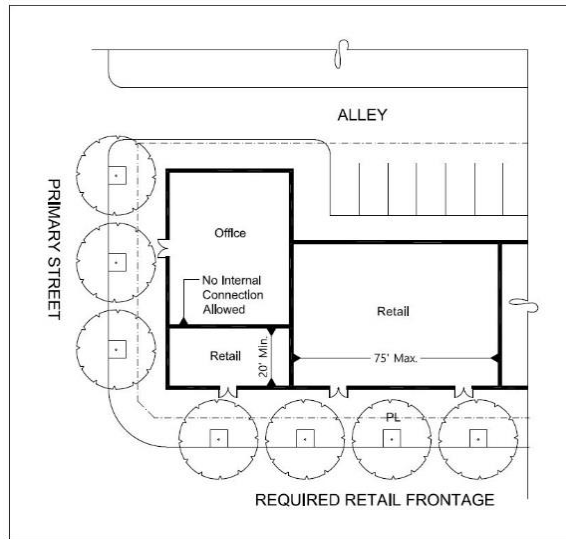
- (3) ***Required Retail Frontage Use Limitations.*** Streets designated on the Regulating Plan with Required Retail Frontage are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Properties on streets designated with Required Retail Frontage 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- C-2-8-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)-(c) (These subsections shall remain in full force and effect as adopted.)

Table 4.4.13(A), Allowable Uses and Structures in the CBD Sub-Districts
(This Table shall remain in full force and effect as adopted.)

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

(a)-(d) (These subsections shall remain in full force and effect as adopted.)

(e) ***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.

(f)-(g) (These subsections shall remain in full force and effect as adopted.)

Section 5. Section 4.4.13, “Central Business (CBD) District,” Subsection (D), “Configuration of buildings,” of the Land Development Regulations of the City of Delray Beach, Florida, 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 4.4.13-40 D-2.
 1. Within the Atlantic Avenue Limited Height Area, maximum overall building height 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 B-1).
 - 2.–8. (These subsections shall remain in full force and effect as adopted.)
 9. 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 D-1.
 - 10.–12. (These subsections shall remain in full force and effect as adopted.)

Figure 4.4.13-9D-1 Counting the Number of Stories

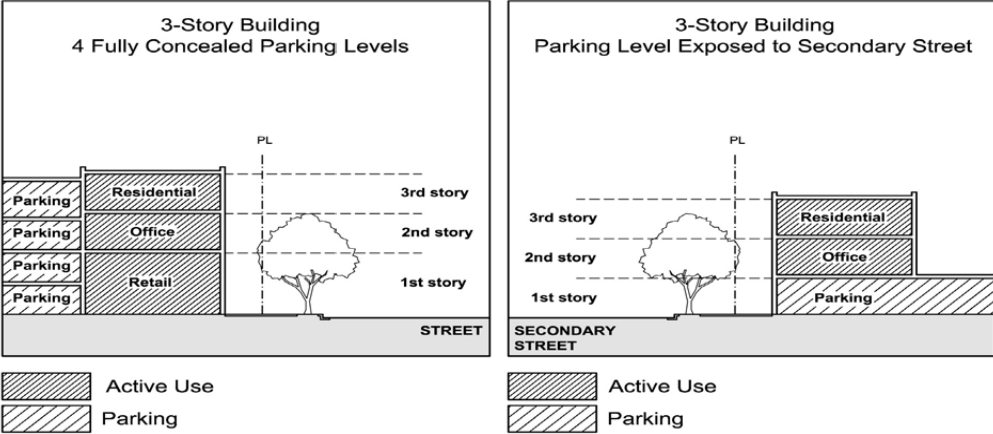


Figure 4.4.13-10D-2 Measuring Building Height

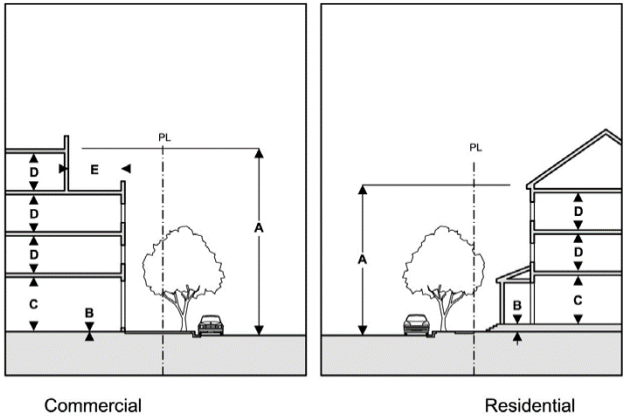
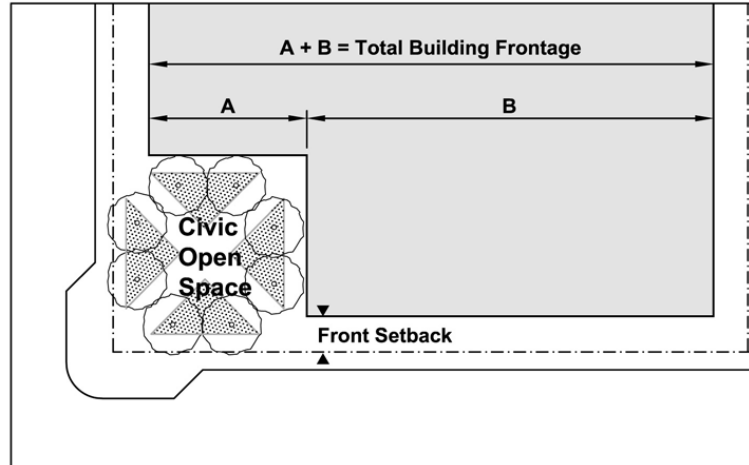


Table 4.4.13(B), Building Height
(This Table shall remain in full force and effect as adopted.)

(b) (This subsection shall remain in full force and effect as adopted.)

Figure 4.4.13-D-311 Building Frontage Requirement



(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.

1. Building façades shall be generally parallel to the right-of-way, located in accordance with the minimum and maximum front setback requirements.
2. 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-311.
3. On corner lots, the building façade shall extend from the corner to ensure that new development (or civic open space) defines the corner.

(d)-(e) (These subsections shall remain in full force and effect as adopted.)

(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-4 illustrates the dimensional requirements from the table.

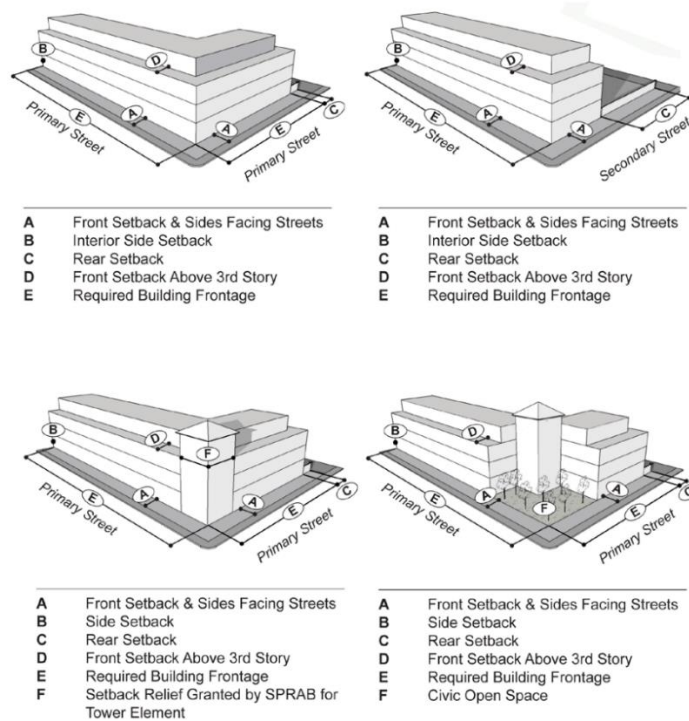
(a) Buildings shall be located in accordance with the minimum and maximum setbacks in Table 4.4.13(C).

- 1.-3. (These subsections shall remain in full force and effect as adopted.)

4. Where the rear or side of a property ~~directly~~ abuts a residential zoning district with a height limitation of 35 feet without ~~any~~ at least 30 feet of separation between them the properties of 30 feet or more, such as a street, ~~alley~~, railroad, waterway, park, or other public open space; the following shall apply:
 - a.-b. (These subsections shall remain in full force and effect as adopted.)
 - 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 or HPB determines they would promote desirable connectivity between properties.
5. ~~On Primary Streets, the minimum building frontage is 75 percent and the maximum frontage is 100 percent. On Secondary streets, minimum building frontage is not required and the maximum building frontage is 100 percent.~~ 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.
 - b. On Primary Streets in the Railroad Corridor Sub-district, minimum building frontage is not required.
 - c. On Secondary streets in all sub-districts, minimum building frontage is not required.
6. (This subsection shall remain in full force and effect as adopted.)

Table 4.4.13(C), Dimensional Requirements by CBD Sub-district
 (This Table shall remain in full force and effect as adopted.)

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



Section 6. Section 4.4.13, “Central Business (CBD) District,” Subsection (E), “Frontage standards,” of the Land Development Regulations of the City of Delray Beach, Florida, 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) (This subsection shall remain in full force and effect as adopted.)
 - (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.
3. ***Remaining front setback area.*** ~~The~~ Any remaining front setback area within the ~~minimum~~ 15-foot feet wide minimum 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 or hotel 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. (This subsection shall remain in full force and effect as adopted.)
 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.–6. (These subsections shall remain in full force and effect as adopted.)

Figure 4.4.13-E-113
Commercial Use Streetscape

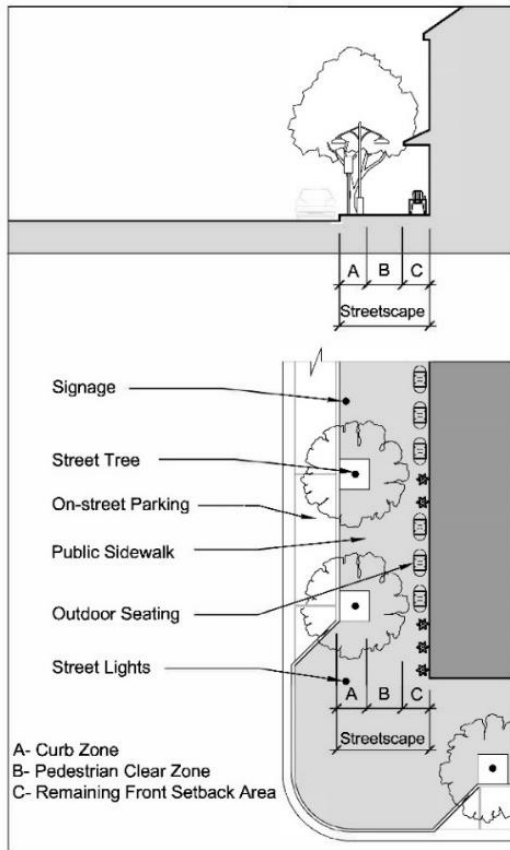
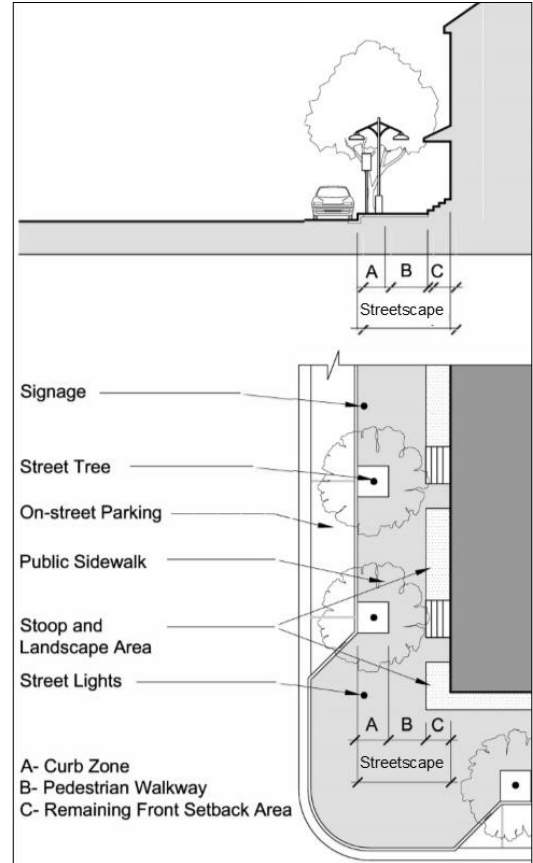


Figure 4.4.13-E-214
Residential Use Streetscape



- (3) (This subsection shall remain in full force and effect as adopted.)
- (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

(This Table shall remain in full force and effect as adopted.)

- (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-3 ~~15~~ illustrates the

dimensional requirements from Table 4.4.13(E). Figure 4.4.13-E-416 provides a character example.

Table 4.4.13(E), Dimensional Requirements for Porches
(This Table shall remain in full force and effect as adopted.)

Figure 4.4.13-E-315 Porch Frontage Type

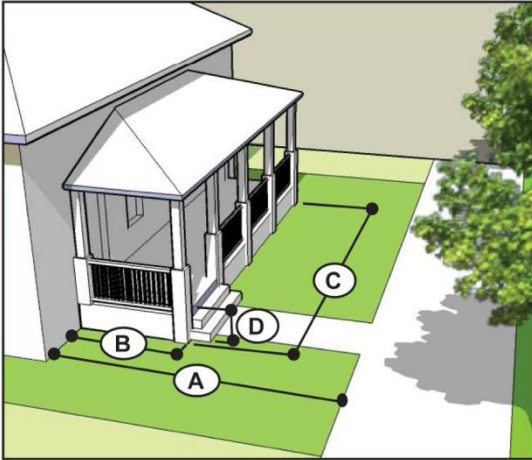


Figure 4.4.13-E-416 Porch Character (Example)



- (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-517 illustrates the dimensional requirements from Table 4.4.13(F). Figure 4.4.13-E-618 provides a character example.

Table 4.4.13(F), Dimensional Requirements for Stoops
(This Table shall remain in full force and effect as adopted.)

Figure 4.4.13- E-517 Stoop Frontage Type

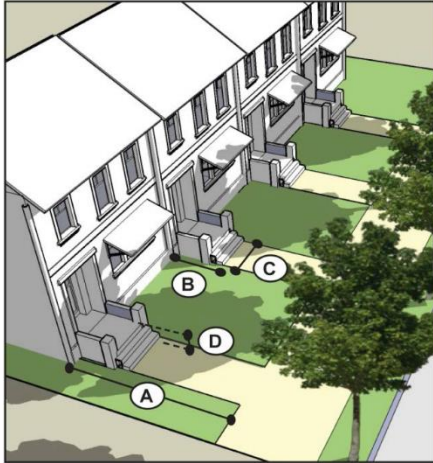


Figure 4.4.13-E-618 Stoop Character (Example)



- (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-719 illustrates the dimensional requirements from Table 4.4.13(G). Figure 4.4.13-E-820 provides a character example.

Table 4.4.13(G), Dimensional Requirements for Bracketed Balconies
(This Table shall remain in full force and effect as adopted.)

Figure 4.4.13-E-719 Bracketed Balcony Frontage Type

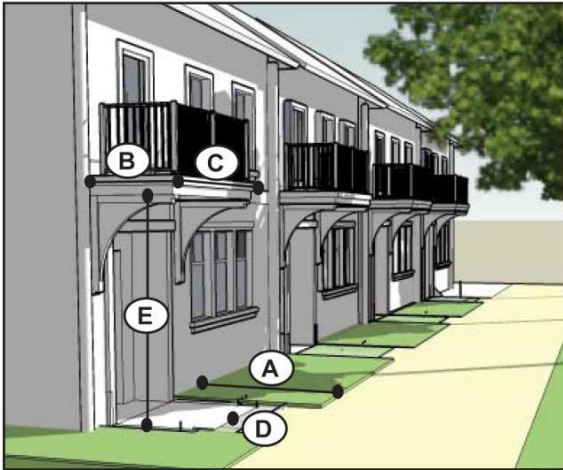


Figure 4.4.13-E-820 Bracketed Balcony Character (Example)



- (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.

Table 4.4.13(H), Dimensional Requirements for Forecourts
(This Table shall remain in full force and effect as adopted.)

Figure 4.4.13-E-921
Forecourt Frontage Type



Figure 4.4.13-E-1022
Forecourt Character (Example)



- (e) **Storefront.** The storefront is a frontage type along the 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. – e. (These subsections shall remain in full force and effect as adopted.)

Table 4.4.13(I), Dimensional Requirements for Storefronts
 (This Table shall remain in full force and effect as adopted.)

Figure 4.4.13-E-1123
Storefront Frontage Type

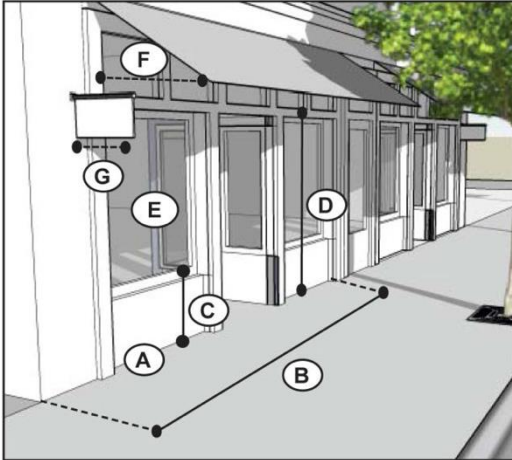


Figure 4.4.13-E-1224
Storefront Character (Example)



2. (This subsection shall remain in full force and effect as adopted.)

(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.

Table 4.4.13(J), Dimensional Requirements for Arcade
(This Table shall remain in full force and effect as adopted.)

Figure 4.4.13-E-1325
Arcade Frontage Type



Figure 4.4.13-E-1426
Arcade Character, Example



- a.-b. (These subsections shall remain in full force and effect as adopted.)
- 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.-f. (These subsections shall remain in full force and effect as adopted.)

2. (This subsection shall remain in full force and effect as adopted.)

- (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.–d. (These subsections shall remain in full force and effect as adopted.)

Table 4.4.13(K) Dimensional Requirements for Lobby Entry			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Lobby Entry Width	N/A	N/A
Maximum Allowable Encroachment of Elements in All Districts			
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. Section 4.4.13, “Central Business (CBD) District,” Subsection (F), “Architectural standards,” of the Land Development Regulations of the City of Delray Beach, Florida, is 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) (This subsection shall remain in full force and effect as adopted.)
 - (2) **Façade composition.**

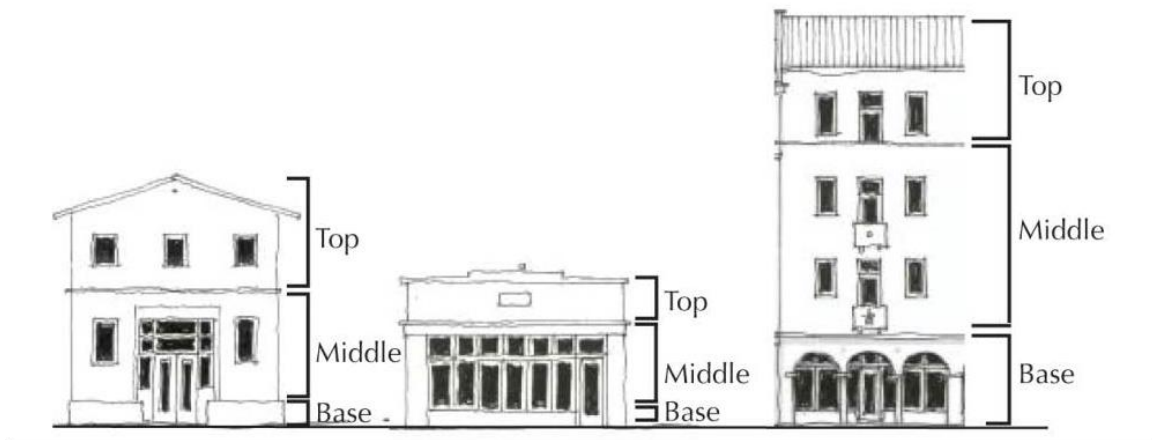
- (a) **Building Articulations.** Buildings articulations that respond to the site's unique urban condition, such as but limited to, locations on corners, near public open spaces, terminating the visual axis of a street, and/or that emphasize main building entries, shall be clearly expressed in the design.
1. Building articulations in the form of a change in building height and building placement shall be incorporated so that building façade proportions do not exceed height to width ratios of 3:1 or 1:2 (Figure 4.4.13-F-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) (This subsection shall remain in full force and effect as adopted.)

Figure 4.4.13-F-230 Examples of Base, Middle, Top Configurations



- (c) (This subsection shall remain in full force and effect as adopted.)

**Figure 4.4.13-F-331 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 ~~s~~Section which includes Building Articulation, Tripartite Composition, and Visual Screening. Additional analysis demonstrating compliance may be required by the ~~Planning and Zoning Development Services~~ Director at ~~my~~ any point in the process.
- (3) (This subsection shall remain in full force and effect as adopted.)
- (4) ***Walls.***
- (a)–(d) (These subsections shall remain in full force and effect as adopted.)
- (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 approved artworks or murals.

(5) – (6) (These subsections shall remain in full force and effect as adopted.)

(7) ***Elements.***

(a)-(c) (These subsections shall remain in full force and effect as adopted.)

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

1. Streetwalls located within the front setback shall be three to four feet in height.
2. Streetwalls located in line with a building façade shall be three to six feet in height.
3. 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) (This subsection shall remain in full force and effect as adopted.)

~~(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)~~(f) 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)~~(g) 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)~~(h) 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, or Public Arts Advisory Board, as appropriate.~~ An example of this may be a design element associated with an Art Deco project.
- (8) **Parking garages.** Above ground parking garages shall comply with the architectural requirements of this ~~s~~Section and the following additional requirements:
 - (a)–(c) (These subsections shall remain in full force and effect as adopted.)
 - (d) **Setback waiver.** The SPRAB or HPB may grant a waiver from the setback requirements of Section 4.4.13(D) for any portions of the building above three stories ~~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 if located in Historic District, from the setback requirements of Section 4.4.13(D) (for portions of the building above three stories) subject to compliance with the following requirements:~~
 - 1.–3. (These subsections shall remain in full force and effect as adopted.)
- (9)–(10) (These subsections shall remain in full force and effect as adopted.)

Section 8. Section 4.4.13, “Central Business (CBD) District (CBD),” Subsection (G), “Civic Open Spaces,” of the Land Development Regulations of the City of Delray Beach, Florida, 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) (This subsection shall remain in full force and effect as adopted.)
 - (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)–(h) (These subsections shall remain in full force and effect as adopted.)

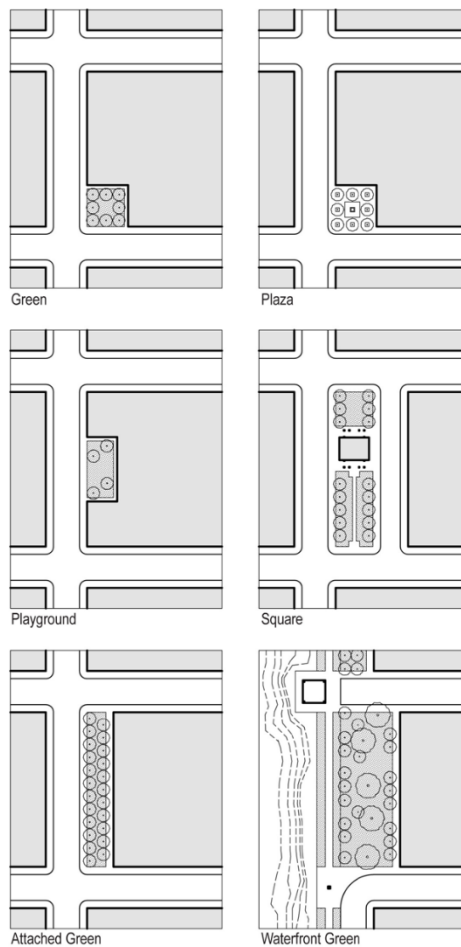
**Figure 4.4.13-G-132 Character Example of
Landscaped Pedestrian Passageway**



**Figure 4.4.13-G-233 Character Example of
Living Wall**

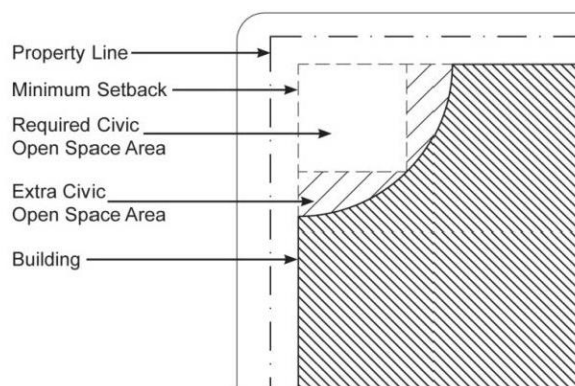


Figure 4.4.13-G-334 Civic Open Spaces



- (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-4 35).

Figure 4.4.13-G-435 Civic Open Space Configuration



(c)-(e) (These subsections shall remain in full force and effect as adopted.)

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

Section 9. Section 4.4.13, “Central Business (CBD) District,” Subsection (I), “CBD parking standards,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

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

(1) (This subsection shall remain in full force and effect as adopted.)

(2) ***Minimum number of off-street parking spaces.***

(a)-(c) (These subsections shall remain in full force and effect as adopted.)

(d) Properties less than 65 feet in width with a building 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 with a building more than two stories in height shall provide the full parking requirement for all uses in all stories.

(e) (This subsection shall remain in full force and effect as adopted.)

Table 4.4.13(L), Minimum Number of Off-street Parking Spaces Required in the CBD
(This table shall remain in full force and effect as adopted.)

- (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-~~B-15~~) 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- ~~B-15~~) 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)–(j) (These subsections shall remain in full force and effect as adopted.)

(3)–(4) (These subsections shall remain in full force and effect as adopted.)

Section 10. Section 4.4.13, “Central Business (CBD) District,” Subsection (K), “CBD review and approval process,” Subsection (4), “Conditional uses,” Subsection (b), “Gasoline stations,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

- (b) ***Gasoline stations.*** Gasoline Stations are not permitted on Primary Streets. In addition to the standards in 4.3.3(J), the following configuration is required.
 1. A ground-story shop must be located along a street, with the gas pumps located to the rear of the lot as illustrated in Figure 4.4.13-~~K-136~~. No more than eight dispensing locations are permitted.
 2. The shop shall have the primary entrance facing and directly accessible from the street; an additional entrance facing the parking lot is permitted.
 3. Gasoline Stations may be one story in height.

Figure 4.4.13-K-136



Section 11. 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 12. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 13. Specific authority is hereby given to codify this Ordinance.

Section 14. 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 _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney