

ORDINANCE NO. 20-21

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 (H), "INCENTIVE PROGRAM"; AND, SUBSECTION (I), "CBD PARKING STANDARDS"; TO CREATE THE "SOUTH PAIRS NEIGHBORHOOD SUB-DISTRICT" IN THE CBD AND 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, 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 to facilitate expansion of the Central Business District (CBD) zoning designation boundary along SE 5th Avenue and SE 6th Avenue from SE 4th Street to SE 10th Street; and

WHEREAS, on January 10, 2019, and August 29, 2019, community workshops were held by the City of Delray Beach and the Treasure Coast Regional Planning Council to obtain public input regarding the unique developmental needs for this area while taking the surrounding neighborhood character into consideration; and

WHEREAS, the proposed text amendment establishes a new CBD Sub-District, the South Pairs Neighborhood 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. 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~~ five 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.

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

- (5) ***South Pairs Neighborhood Sub-district.*** The South Pairs Neighborhood 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 residential 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-B-4 “South Pairs Neighborhood Sub-District Regulating Plan.”

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 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 Development Services Department. The Regulating Plans depict the following information:

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

- (4) ***Limited Height Areas.*** Building height is limited in specific areas to protect and enhance existing development patterns. 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.
- b. Building height is limited in certain areas in the West Atlantic Neighborhood and South Pairs Neighborhood Sub-districts to encourage compatible transitions to the surrounding single-family neighborhoods.

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

Figures 4.4.13-B-1 through 4.4.13-B-3

(These figures shall remain in full force and effect as adopted.)

Figure 4.4.13-B-4 South Pairs Neighborhood Sub-district Regulating Plan



Section 4. Section 4.4.13, “Central Business (CBD) District,” Subsection (C), “Allowable uses,” Table 4.4.13(A), “Allowable Uses and Structures in the CBD Sub-Districts,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts					
<u>Uses</u>	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh.⁵	<u>South Pairs Neigh</u>
General retail uses and/or facilities, as in GC district (4.4.9) ¹²	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) ² , excluding drive-through facilities	P	P	P	P	<u>P</u>
Multiple-family dwellings ³	P	P	P	P	<u>P</u>
<u>Astrologist, clairvoyants, fortune tellers, palmists, phrenologists, psychic reads, spiritualists, numerologists and mental healers as in GC district (4.4.9)</u>	-	-	-	-	<u>P</u>
Community residences ⁷	See 4.4.13(C)(4)(a)				
Nursing homes, abused spouse residences, continuing care facilities, and assisted living facilities that do not comport with the definition of "community residence"	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 ³ (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 ⁴	-	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>
CBD Oil Establishments (see 4.3.3 (CC))	P,A	P,A	-	-	-
Family day care homes (see 4.3.3(T))	A	A	A	A	<u>A</u>
Home occupations (see 4.3.3(K))	A	A	A	A	<u>A</u>
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	-	-	-
<u>Neighborhood Automotive Rental facility (See 4.3.3(C))</u>	-	-	-	-	<u>C</u>

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. ⁵</u>	<u>South Pairs Neigh</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, and skating rinks, <u>and amusement game facilities</u>	C	C	C	C	<u>C</u>
Drive-through facilities (serving banks, financial institutions, retail uses, etc.) ² 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(TT))	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>
<u>Clubs and Lodges as in GC (4.4.9)</u>	-	-	-	-	<u>C</u>
<u>Flea Markets, Bazaars as in GC (4.4.9)</u>	-	-	-	-	<u>C</u>
<u>Sales and service of all terrain vehicles and personal watercraft as in GC (4.4.9)</u>	-	-	-	-	<u>C</u>
<u>Vehicle care (See 4.4.13(C)(4)(f)(5))</u>	-	-	-	-	<u>C</u>
<u>Churches or places of worship (See 4.4.13(C)(4)(c))</u>	-	-	-	<u>C</u>	<u>C</u>
LEGEND: P = Principal Use A = Accessory Use C = Conditional Use - = Prohibited Use S = Secondary Street Use					

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

² Drive-thru and Drive-in restaurants are not permitted within the CBD.

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

⁴ 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)

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

Section 5. Section 4.4.13, “Central Business (CBD) District,” Subsection (C), “Allowable uses,” Subsection (4), “Supplemental use standards,” of the Land Development Regulations of the City of Delray Beach, Florida, is hereby amended as follows:

(4) Supplemental use standards.

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

(e) South Pairs Neighborhood Sub-district Supplemental Use Standards: The following supplemental district regulations apply in the South Pairs Neighborhood Sub-district:

1. Hotels, motels or residential-type inns shall only be permitted as a conditional use and on sites located between SE 5th Avenue and SE 6th Avenue.
2. Automobile brokerages/rental: Inventory must only be located within an enclosed building and shielded from the primary street. Automobiles that are part of the business inventory must not be stored in public or required parking areas.
3. 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.
4. 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.

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

(fg) 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.

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

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

Section 6. 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 Tables 4.4.13(B) and 4.4.13(C)). Stories are measured from the finished floor to finished ceiling. (See Figure 4.4.13-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-B-1).
 2. Within the West Atlantic Neighborhood Limited Height Area, the maximum overall building height ~~in feet~~ is 35 feet and the maximum number of stories is three. The West Atlantic Neighborhood Limited Height Area is required for those properties rezoned from Single-family Residential (R-1-A) to Central Business District.
 3. ~~Except within limited height areas and the Railroad Corridor Sub-district south of SE 2nd Street, the maximum overall building height in feet is 54 feet and maximum height in number of stories is four.~~ Within the South Pairs Neighborhood Limited Height Area, maximum overall building height is 48 feet and the maximum number of stories is four. The South Pairs Neighborhood Limited Height Area is defined as those properties or portions of properties located west of SE 5th Avenue or east of SE 6th Avenue. (See Figure 4.4.13-B-4)
 - 4.–9. (These subsections shall remain in full force and effect as adopted.)
 10. Within the Central Core, Railroad Corridor, ~~and Beach~~ and South Pairs Neighborhood 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.

11.–12. (These subsections shall remain in full force and effect as adopted.)

Figures 4.4.13 D-1 and D-2
(These figures shall remain in full force and effect as adopted.)

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 the West Atlantic Neighborhood Limited Height Area	3 stories and 35 ft.
	Maximum Building Height in South Pairs Neighborhood Limited Height Area	4 stories and 48 ft.
	Maximum Building Height in the Railroad Corridor Sub-district south of SE 2 nd Street	5 stories and 54 ft.
	Maximum Building Height outside of the Atlantic Avenue Limited Height Area <u>in all other areas of the CBD</u>	4 stories and 54 ft.
B	Ground Floor Finish Level	
	Residential Units in the Beach, Central Core, <u>South Pairs Neighborhood</u> and Railroad Corridor Sub-districts	18" min.
	Residential Units in the West Atlantic Neighborhood Sub-district	12" min.
C	Ground Story Height	
	Commercial and Mixed-Use Buildings, 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 rd Story	varies

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

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

3. In the South Pairs Neighborhood District, lot lines adjoining SE 7th Avenue shall be considered a rear and regulated by rear setback requirements. Development abutting SE 7th Avenue shall not face or provide vehicular or pedestrian access to or from SE 7th Avenue.

(c)–(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. 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 Neighborhood Sub-district on SE 5th Avenue and SE 6th 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 ten feet and minimum side interior setbacks are zero feet, unless required per 4.4.13(D)(1)(b)2. Side lot lines adjoining alleys are regulated by rear setbacks.

3. Buildings over two ~~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 above the third story are 20 feet minimum.

b. With approval from the SPRAB or HPB, building entries, lobbies, and vertical circulation areas located above the second ~~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 Neighborhood Sub-district, rear setbacks above the second story are 20 feet minimum for buildings located either along SE 7th Avenue or the alley between SE 4th Avenue and SE 5th Avenue.

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

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.
- b. On Primary Streets in the Railroad Corridor Sub-district, minimum building frontage is not required.
- c. On Primary Streets in the South Pairs Neighborhood Sub-district, the minimum building frontage is 60 percent.
- ed. 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						
		Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood	<u>South Pairs Neighborhood</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>						
A	Front Setback ¹	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	<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	Side Setback ¹	0 ft. or 5ft. min. ²	0 ft. or 5 ft. min. ²	0 ft. or 5ft. min. ²	0 ft. or 5ft. min. ²	<u>0 ft. or</u> <u>5ft. min. ²</u>
C	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 2nd Story⁴</u>
B C	Side Setback Abutting Res. District; 1 st to 3 rd Story	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.	<u>10 ft. min.</u>

Table 4.4.13 (C) Dimensional Requirements by CBD Sub-district						
		Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood	<u>South Pairs Neighborhood</u>
B C	Side/Rear Setback Abutting Res. District Above 3 rd Story	30 ft. min.	30 ft. min.	30 ft. min.	30 ft. min.	<u>30 ft. min.</u>
D	Front Setbacks Above 3 rd Story ¹	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.	<u>20 ft. min.</u>
E	Building Frontage Required on Primary Streets	75% min./ 100% max.	N/A	75% min./ 100% max.	75% min/ 100% max.	<u>60% min/ 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>
Max. Building Height in West Atl. Neigh. Limited Height Area		N/A	N/A	N/A	3 stories and 35 feet <u>ft.</u>	N/A
<u>Max. Building Height in South Pairs Neigh. Limited Height Area</u>		N/A	N/A	N/A	N/A	<u>4 Stories and 48 ft.</u>
Max. Height outside of the Limited Height Areas		4 Stories and 54 ft.	4 Stories and 54 ft. north of NE 2 nd Street, 5 stories and 54 ft. south of SE 2 nd Street	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 ³	12 du/ac	12 du/ac ³	<u>12 du/ac³</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>

Table 4.4.13 (C) Dimensional Requirements by CBD Sub-district					
	Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood	<u>South Pairs Neighborhood</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"

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

² See Section 4.4.13(D)(1)(b)(2).

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

⁴ See Section 4.4.13(D) for additional setback standards.

Figure D-4

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

Section 7. 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. (This subsection shall remain in full force and effect as adopted.)

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-1 and 4.4.13-E-2). 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 Neighborhood 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. (This subsection shall remain in full force and effect as adopted.)

(b) (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 8. 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)–(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. 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.
4. In the South Pairs Neighborhood Sub-district, instead of the streetwall requirement above and the streetscape requirements in Section 4.4.13(E), development adjacent to SE 7th Avenue shall provide a solid finished masonry wall along SE 7th Avenue at least six feet in height, but not more than eight feet in height, measured from the side with the higher grade. A 10-foot-wide planting strip 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.

(e)–(h) (These subsections shall remain in full force and effect as adopted.)

- (8) **Parking garages.** Above ground parking garages shall comply with the architectural requirements of this 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, subject to the following requirements:

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

4. In the South Pairs Neighborhood 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 5th Avenue and SE 6th Avenue.

(9)–(10) (These subsections shall remain in full force and effect as adopted.).

Section 9. Section 4.4.13, “Central Business (CBD) District,” 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) **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)–(d) (These subsections shall remain in full force and effect as adopted.)

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

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

Section 10. Section 4.4.13, “Central Business (CBD) District,” Subsection (H), “Incentive program,” of the Land Development Regulations of the City of Delray Beach, Florida, 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 sSection and may be revised or amended after seeking community input and in response to factors such as updates 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 ~~CDB~~ CBD or ~~CDB~~ CBD sub-district, no incentives programs shall be considered on a case-by-case basis or project-by-project basis.

(1) ***Residential Incentive Program.*** 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 Residential Incentive Program is the only way to obtain increases in density for property zoned CBD. The maximum density allowed by Table 4.4.13(C) in certain CBD Sub-districts may only be increased in the locations described below. ~~The required 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. 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 Residential Incentive Program., unless specifically allowed by sub-district.~~

(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 Residential Incentive Program., except properties that meet the criteria in (c) below. West Atlantic Neighborhood Sub-district.~~

1. 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).

- (e) 2. Properties located within the West Atlantic Neighborhood Sub-district that are also located within the West Settlers Historic District may utilize the Residential Incentive Program to increase the density to over 12 du/ac (up to 20 du/ac) if the following criteria is met:
 - 1a. The property is located between West Atlantic Avenue and NW 1st Street; and,
 - 2b. The property does not contain a contributing structure;
 - 3c. The property does not contain a non-contributing structure that is at least 30 years old, from the original date of construction;
 - 4d. If the property is vacant, it has not contained a structure on the site for at least 15 years.
- (~~e~~c) Railroad Corridor Sub-district. Density may be increased over 30 du/ac (up to 70 du/ac) within the Railroad Corridor Sub-district south of SE 2nd Street.
- (d) South Pairs Neighborhood Sub-district. Density may be increased over 12 du/ac within the South Pairs Neighborhood 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;
 - 2. For parcels between SE 5th Avenue and SE 6th 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; and
 - 3. For parcels between SE 5th Avenue and SE 6th Avenue, density may be increased up to 50 du/ac, subject to the following:
 - a. the Performance Standards set forth in Section 4.4.13(H)(2) are met;
 - b. 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 is provided; and
 - c. compliance with the provisions of Section 2.4.4(D), Establishment of Project, is achieved by December 31, 2025. Failure to timely establish a project pursuant to Section 2.4.4(D) will void any approval under this Subsection.
- (2) ***Performance standards for density increases.*** Projects proposing to increase density from the base amount allowed in the West Atlantic Neighborhood Sub-district, ~~or~~ the Railroad Corridor Sub-district, or the South Pairs Neighborhood Sub-district between SE 5th Avenue and SE 6th Avenue, shall provide workforce housing units as follows:

- (a) 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).
 - (b) The workforce housing units shall be at the low or moderate income levels and shall comply with other applicable provisions of Article 4.7.
 - (c) Projects within the Railroad Corridor Sub-district shall provide at least 20 percent of the total units as workforce housing units located on-site with an equal distribution of units for very low, low, and moderate Average Median Income levels for Palm Beach County.
- (3) (This subsection shall remain in full force and effect as adopted.).

Section 11. 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)–(2) (These subsections shall remain in full force and effect as adopted.)

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

Table 4.4.13(L) Minimum Number of Off-street Parking Spaces Required in the CBD	
Commercial Uses	
<u>Retail and Commercial Uses in the South Pairs Neighborhood Sub-District</u>	<u>1 space per 500 sf. of gross floor area</u>
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.
Residential	
Community Residence	The number of off-street spaces required by Section 4.6.9(C)(7)(I) of these Land Development Regulations
Efficiency Dwelling Unit	1 space per unit
One Bedroom Dwelling Unit	1.25 spaces per unit
Two or More Bedroom Dwelling Unit	1.75 spaces per unit
Guest Parking shall be provided cumulatively as follows	
- For the first 20 units	0.50 spaces per unit
- For units 21-50	0.30 spaces per unit
- For units 51 and above	0.20 spaces per
Live/Work Units	2 spaces per unit
Alternative Fuel Parking Spaces	
Residential	3% of Required Parking Spaces
Commercial	3% of Required Parking Spaces

- (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.-7. (These subsections shall remain in full force and effect as adopted.).
- (b) **Access.** In addition to the standards in Section 6.1.4, the following standards apply in all CBD Sub-districts:
- 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 Development Services 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 Neighborhood Sub-district shall not provide pedestrian or vehicular access to or from SE 7th Avenue.

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

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 concurrent with the effective date of Ordinance No. 18-21, amending the Comprehensive Plan, and upon approval at second reading. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

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