

SUPPLEMENT NO. 35
July 2026

LAND DEVELOPMENT REGULATIONS

of

DELRAY BEACH, FLORIDA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 26-26, enacted May 5, 2026.

See the Land Development Regulations Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 07-26, enacted January 20, 2026.

See the Land Development Regulations Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 37-25, enacted December 8, 2025.

See the Land Development Regulations Comparative Table for further information.

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Ordinance No. 23-25, enacted November 4, 2025.

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Ordinance No. 11-25, enacted July 8, 2025.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 03-25, enacted February 18, 2025.

See the Land Development Regulations Comparative Table for further information.

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Ordinance No. 14-24, enacted December 10, 2024.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 21-24, enacted August 19, 2024.

See the Land Development Regulations Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 13-24, enacted July 9, 2024.

See the Land Development Regulations Comparative Table for further information.

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SUPPLEMENT NO. 26
July 2024

LAND DEVELOPMENT REGULATIONS

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 12-24, enacted May 21, 2024.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 22-22, enacted October 11, 2022.

The Land Development Regulations are up-to-date through:

Ordinance No. 08-24, enacted March 5, 2024.

See the Land Development Regulations Comparative Table for further information.

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Ordinance No. 08-24, enacted March 5, 2024.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 33-23, enacted October 17, 2023.

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Ordinance No. 25-23, enacted July 18, 2023.

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Ordinance No. 13-23, enacted May 16, 2023.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 04-23, enacted March 6, 2023.

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Ordinance Nos. 28-21 and 26-22, enacted December 6, 2022.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 23-22, enacted August 16, 2022.

The Code is up-to-date through:

Ordinance No. 18-22, enacted October 25, 2022.

See the Land Development Regulations Comparative Table for further information.

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Ordinance No. 17-21, enacted October 19, 2021.

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Ordinance No. 01-20, enacted June 16, 2020.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

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See the Land Development Regulations Comparative Table for further information.

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LAND DEVELOPMENT REGULATIONS

of

DELRAY BEACH, FLORIDA

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LAND DEVELOPMENT

REGULATIONS

CITY OF DELRAY BEACH, FLORIDA

Effective: October 1, 1990

Published in 2017 by Order of the City Commission

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OFFICIALS
OF
DELRAY BEACH, FLORIDA
AT THE TIME OF THIS PUBLICATION

Cary Glickstein
Mayor

James Chard
Vice Mayor

Shirley Johnson
Deputy Vice Mayor

Shelly Petrolia
Mitchell Katz
Commissioners

PREFACE

This volume contains the City of Delray Beach Land Development Regulations, effective October 1, 1990, as amended.

The regulations have been printed as submitted by the City and, except as otherwise noted, the original numbering system has been retained. Obvious typographical errors have been corrected without notation. Words or phrases added by the editor for purposes of clarification are enclosed in brackets.

Amendatory Legislation

A feature of this publication that is particularly useful is the table of amendments. Any amendatory legislation may be located therein by number and date of enactment, and the sections or subsections amended will be listed. In addition, the sources of any amendments to a section are listed in a parenthetical history note following the amended section. The absence of such a note indicates that the section derives unamended from the regulations as originally adopted.

Index

As part of the publication project, a comprehensive index was prepared. Each particular subject has been placed under several headings, some couched in lay phraseology and others in legal terminology. There are numerous cross references within the index which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

Another special feature of this volume is the supplemental service, by which the publication will be kept up to date periodically. Upon the final passage of amendments, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the publication with instructions for the manner of inserting the pages and deleting the obsolete pages. The instruction sheet for the most current supplement should be placed in the front of the volume, and it is recommended that deleted pages be saved and filed for historical reference.

Acknowledgements

This volume is presented for the use and benefit of the citizens of the City of Delray Beach, Florida. This Publication was under the direct supervision of Carren Pastrana and Denise Thompson, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers would also like to extend their sincere appreciation to the City officials for their cooperation and assistance throughout the publication of the volume.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

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(This checklist will be updated with the
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

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11-20	Included	9
12-20	Included	9
20-20	Omitted	9
29-20	Included	9
32-20	Included	9
41-20	Included	9
44-20	Included	9
50-20	Included	9
58-20	Included	9
60-20	Included	10
61-20	Included	10
01-21	Included	10
53-20	Included	11
02-21	Included	11
03-21	Included	11
04-21	Included	11
05-21	Included	11
11-21	Included	11
09-21	Omitted	12
10-21	Included	12
13-21	Omitted	12
25-21	Included	12
26-21	Included	12
17-21	Included	13
21-21	Included	14
18-21	Omitted	15
19-21	Omitted	15
20-21	Included	15
23-21	Included	16
20-22	Included	17
15-22	Omitted	18
18-22	Included	18
23-22	Included	18
10-22	Included	19
26-22	Included	19

SUPPLEMENT HISTORY TABLE

Ordinance No.	Included/Omitted	Supp. No.
28-21	Included	19
41-22	Included	20
04-23	Included	20
05-23	Omitted	20
30-22	Included	21
32-22	Included	21
03-23	Included	21
12-23	Included	21
13-23	Included	21
06-23	Omitted	22
07-23	Omitted	22
10-23	Included	22
11-23	Included	22
20-23	Omitted	22
25-23	Included	22
21-23	Omitted	23
22-23	Omitted	23
30-23	Omitted	23
31-23	Included	23
32-23	Included	23
33-23	Included	23
23-23	Omitted	24
36-23	Omitted	24
37-23	Omitted	24
38-23	Omitted	24
39-23	Included	24
06-24	Included	24
08-24	Included	24
22-22	Included	25
24-23	Omitted	25
27-23	Omitted	25
12-24	Included	26
04-24	Included	27
11-24	Included	27
13-24	Included	27
21-24	Included	28
05-24	Included	29
14-24	Included	29
20-24	Included	29
28-24	Included	29
27-24	Included	30
03-25	Included	30
04-25	Included	31
06-25	Included	31
09-25	Included	31
10-25	Included	31

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance No.	Included/Omitted	Supp. No.
11-25	Included	31
07-25	Included	32
23-25	Included	32
37-25	Included	33
24-25	Included	34
06-26	Included	34
07-26	Included	34
09-26	Included	35
10-26	Included	35
12-26	Included	35
14-26	Included	35
15-26	Included	35
20-26	Included	35
21-26	Included	35
26-26	Included	35

Chapter 1

GENERAL PROVISIONS

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ARTICLE 1.1. ADOPTION OF CODE**Sec. 1.1.1. Reference.**

These regulations are part of the City of Delray Beach Code of Ordinances and shall be known as the Land Development Regulations (LDR) of the City of Delray Beach. As such, the regulations are subject to Chapter 10, General Provisions, of the Code of Ordinances. (Ord. No. 25-21, § 2, 8-10-21)

Sec. 1.1.2. Authority.

These regulations have been adopted pursuant to requirements imposed by F.S. ch. 163, the Department of Economic Opportunity, and the City's adopted Comprehensive Plan. (Ord. No. 23-20, § 2, 9-10-20)

Sec. 1.1.3. Repeal of previous regulations.

These regulations repeal and replace the following portions of the City Code:

- Chapter 55 Public Improvements and Special Assessments.
- Section 91.02(A) Keeping of Animals.
- Chapter 102 Streets and Sidewalks.
- Sections 113.16-18 Re Locations for Sale of Alcohol.
- Chapter 114 Amusements (Circuses and Carnivals).
- Chapter 150 Building Regulations.
- Chapter 151 Coastal Construction.
- Chapter 152 Community Appearance.
- Chapter 153 Soil Erosion Control.
- Chapter 155 Electricity.
- Chapter 156 Flood Hazard Control.
- Chapter 157 Gas Code.
- Chapter 158 Housing Code.
- Chapter 159 Landscaping Code.
- Chapter 160 Mechanical Code.

- Chapter 161 Plumbing Code.
- Chapter 162 Signs and Billboards.
- Chapter 163 Swimming Pools.
- Chapter 164 Well and Sprinkler Systems.
- Chapter 165 Unsafe Buildings.
- Chapter 170 Community Redevelopment.
- Chapter 171 Comprehensive Plan.
- Chapter 172 Subdivision Code.
- Chapter 173 Zoning Code.
- Chapter 174 Historic Preservation.
- Chapter 175 Safe Neighborhood Improvement Districts.

Sec. 1.1.4. Minimum requirements.

In their interpretation and application, the provisions of these Land Development Regulations shall be held to be the minimum requirements adopted for the promotion of public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the City. Whenever the requirements of these Land Development Regulations are at variance with the requirements of any other lawfully adopted ordinances, regulations, or rules, the most restrictive or that imposing the higher standards shall govern.

Sec. 1.1.5. Effective date and applicability.

(A) **Effective date.** The effective date of these Land Development Regulations shall be October 1, 1990.

(B) **New submissions.** The provisions of these Land Development Regulations shall apply to each and every development application and permit, which is regulated by these Regulations, which is submitted and accepted for processing on, or subsequent to October 1, 1990.

(C) **Previous submissions.** Any development application or permit application which was accepted prior to October 1, 1990, and which was in processing and did not receive a final action thereon as of October 1, 1990, shall continue to be processed under all applicable regulations which existed prior to that date. For the

purposes of processing such applications, the provisions of prior codes and regulations shall apply including but not limited to: processing, authority for action, development standards, and appeals.

(D) ***Change of regulations prohibited.*** A development application or a permit application shall not be subject to or processed by provisions from these current regulations and previous regulations, except as specifically provided for herein. If an applicant desires a previously submitted application to be subject to these regulations, it shall first be necessary that the previous application be withdrawn and a new application, attendant with fees and all required material, be submitted.

Sec. 1.1.6. Amendments.

(A) The text of the LDR may from time to time be amended, changed, supplemented, or repealed. No such action, however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. Any such change shall be made by ordinance, pursuant to procedures found in LDR Section 2.4.5(M). [Amd. Ord. 50-97 11/18/97] (Ord. No. 25-21, § 3, 8-10-21)

(B) Requests by a member of the public to amend the text, graphics, maps, or other information adopted as part of the LDR must be sponsored by at least one member of the City Commission at a public meeting. Upon receipt of sponsorship, the request shall be presented at a City Commission workshop for consideration. At the workshop meeting, at least three Commissioners must support the request in order to submit an application for the privately initiated amendment. Privately initiated amendments to the LDR shall be made pursuant to the provisions of Section 2.4.5(M). (Ord. No. 25-21, § 3, 8-10-21; Ord. No. 04-23, § 3, 3-6-23)

(C) Changes to the Zoning Map shall be made pursuant to the provisions of Section 2.4.5(D). (Ord. No. 25-21, § 3, 8-10-21)

ARTICLE 1.2. EFFECT ON EXISTING LAW AND PREVIOUS DEVELOPMENT APPROVALS

Sec. 1.2.1. Existing laws.

Except as specifically provided herein, these Land Development Regulations shall not be interpreted to repeal, abrogate, annul, or in any way affect any existing provisions of any statute, permit, deed restriction, or covenant adopted or issued relating to the use of land or buildings, or the erection, construction, moving, alteration, or enlargement of any structure or improvement.

Sec. 1.2.2. Previous development application approvals.

(A) **Established projects.** Any development project which has not yet been completed by October 1, 1990, but is determined to have been established under provisions of the previous regulations [173.868(A) and 173.849(A)] shall be allowed to continue to completion pursuant to that previous approval.

(B) **Projects not established.** Any development application which was approved, with or without conditions, but which was not established under provisions of the previous regulations [173.868(A) and 173.849(A)] shall be allowed to initiate and continue to completion pursuant to that previous approval within the time period allowed for establishment of the project. It shall not be necessary, as a condition to obtain a building permit, that a variance be obtained to achieve conformity with these Land Development Regulations.

(C) **Expiration and extensions of previously approved projects.**

- (1) **Not under construction.** Any development application which was approved, with or without conditions, and which did not receive a building permit for construction of structures prior to the expiration of that approval shall become void at that time. In order to reestablish approval of the project, development application(s) must be submitted and processed as if the project were new.
- (2) **Under construction.** Any development project which commenced construction but did not become established upon the expiration of that approval shall be deemed void at that time unless a request for extension of approval had been granted prior to the expiration of the previous approval. [See Section 2.4.4(E) for procedures for seeking an extension of approval.] [See Section 1.3.1 (C) for criteria re "actual construction"].

(D) **Compliance with new regulations.**

- (1) Any development application which expired pursuant to 1.2.2(C)(1) shall, if resubmitted, fully comply with these Land Development Regulations.
- (2) Any development application which expires because an extension was not granted under 1.2.2(C)(2) shall, if resubmitted, fully comply with these Land Development Regulations.
- (3) Any development application which is granted an extension pursuant to 1.2.2(C)(2) may be required, as a condition of extension approval, to be modified in whole, or in part, to comply with the provisions of these Land Development Regulations.

- (4) Any development application which seeks an extension under 1.2.2(C)(2) shall not be approved if the resulting use of the land or structures will be in conflict with the Land Use Map of the adopted Comprehensive Plan or with the allowable uses pursuant to the property's zoning designation. (Ord. No. 23-20, § 3, 9-10-20)

ARTICLE 1.3. NONCONFORMING USES, LOTS, AND STRUCTURES*

Sec. 1.3.1. Purpose and intent.

(A) Within the City of Delray Beach, there exist lots, structures, uses of land and structures, and characteristics of use, which were lawful before the passage of certain code amendments but are now prohibited, further regulated, or restricted. It is the intent of this article to allow such legal nonconformities to continue until they are eliminated, provided they meet the conditions established in this article. Nonconformities shall not be enlarged, expanded, extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district. (Ord. No. 20-18, § 2, 11-27-18)

(B) Nonconforming uses are declared to be incompatible with uses allowed in the zoning districts involved. A nonconforming use of a structure, land, or structure and land in combination shall not be extended or enlarged, either by erecting additional signs, adding additional square footage to a structure, or adding other uses of a nature which would be prohibited in the zoning district involved, except as provided for in this article under specific circumstances. (Ord. No. 20-18, § 2, 11-27-18)

(C) To avoid undue hardship, nothing herein shall require a change in the plans, construction, or designated use of any structure on which actual construction has been carried on diligently for an approved project which may now contain a non-conformity. Actual construction shall include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition, excavation, or removal of an existing structure has been substantially started preparatory to rebuilding, such demolition, excavation, or removal shall be considered actual construction, provided the work is carried on diligently, and the development becomes established pursuant to 2.4.4(D). (Ord. No. 20-18, § 2, 11-27-18)

***Editor's note**—Ord. No. 20-18, § 2, adopted Nov. 27, 2018, amended Art. 1.3 in its entirety to read as herein set out. Former Art. 1.3, §§ 1.3.1—1.3.8, pertained to similar subject matter and derived from Ord. 17-95, adopted March 21, 1995; Ord. 18-95, adopted April 4, 1995; Ord. 21-04, adopted May 4, 2004; Ord. 81-06, adopted Jan. 2, 2007; Ord. 47-07, adopted Oct. 16, 2007; and Ord. 55-07, adopted Jan. 15, 2008.

Sec. 1.3.2. Nonconforming lots of record.

Nonconforming Lots of Record may be used only as allowed in Section 4.1.4. (Ord. No. 20-18, § 2, 11-27-18; Ord. No. 10-26, § 3, 2-24-26)

Sec. 1.3.3. Nonconforming uses on the land.

(A) **Definition.** A nonconforming use on the land shall mean any use on the land only, outside of a building or structure, that was lawfully established but does not now comply with the current standards of the land development regulations. (Ord. No. 20-18, § 2, 11-27-18)

(B) **Rules and regulations of nonconforming uses on land.** (Ord. No. 20-18, § 2, 11-27-18)

- (1) **Enlargement.** A nonconforming use on land shall not be enlarged, increased, nor extended to occupy a greater area of land. (Ord. No. 20-18, § 2, 11-27-18)
- (2) **Relocation.** A nonconforming use on land shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use, nor shall such nonconforming use on land be moved to any other parcel or located in any district within which said use is not permitted. (Ord. No. 20-18, § 2, 11-27-18)
- (3) **Discontinuance of use.** If any nonconforming use on land ceases for any reason for a continuous period of 30 days, every subsequent use of the land shall conform to the requirements specified for the zoning district in which the land is located. (Ord. No. 20-18, § 2, 11-27-18)
- (4) **Erection of structures.** No structures shall be erected in connection with such nonconforming use on the land. (Ord. No. 20-18, § 2, 11-27-18)

Sec. 1.3.4. Nonconforming uses of structures.

(A) **Definition.** A nonconforming use of structure shall mean any use of a structure or building that was lawfully established but does not comply with the use standards applied by the Land Development Regulations. (Ord. No. 20-18, § 2, 11-27-18)

(B) **Rules and regulations of nonconforming use of structure.** (Ord. No. 20-18, § 2, 11-27-18)

- (1) **Enlargement.** A nonconforming use of a structure shall not be permitted to occupy any other portion of the structure. Additionally, nonconforming uses shall not be extended to occupy any land outside the existing structure or within any additional structure on the same lot not used for such nonconforming use. (Ord. No. 20-18, § 2, 11-27-18)

(2) **Discontinuance of use.** (Ord. No. 20-18, § 2, 11-27-18)

- (a) If any nonconforming use of a structure ceases for any reason for a continuous period of 180 days as to its then current use, every subsequent use of the structure shall conform to the requirements specified for the zoning district in which it is located. Notwithstanding the above, within the area designated on the regulating plan with required retail frontage in the Central Business District, if the nonconforming use ceases for a continuous period of 90 days as to its then current use, every subsequent use of the structure shall conform to the use requirements of the regulating plan. (Ord. No. 20-18, § 2, 11-27-18)
- (b) Time spent renovating or repairing a structure devoted to the nonconforming use is not considered a discontinuance of the use, provided: (Ord. No. 20-18, § 2, 11-27-18)
 - (i) All appropriate development permits are obtained; (Ord. No. 20-18, § 2, 11-27-18)
 - (ii) The renovation or repair is completed within 18 months after commencement of the repair or renovation; (Ord. No. 20-18, § 2, 11-27-18)
 - (iii) The use is reestablished within one month after completion of the renovation or repairs; and (Ord. No. 20-18, § 2, 11-27-18)
 - (iv) Any discontinuance of use caused by government action and without the contributing fault by the nonconforming user shall not be considered in determining the length of discontinuance. (Ord. No. 20-18, § 2, 11-27-18)

(3) **Reconstruction or repair after damage.** Except as provided in Section 1.3.9, a structure used for a nonconforming use which is destroyed by any means, the following shall apply: (Ord. No. 20-18, § 2, 11-27-18)

- (a) **Damage up to 50 percent of value.** If a structure used for a nonconforming use is damaged by any means to an extent whereby the cost of restoring the current structure to its before-damaged condition would be 50 percent or less of the structure's current improvement value as determined by the Palm Beach County Property Appraiser before the damage, the structure may be reconstructed or repaired if: (Ord. No. 20-18, § 2, 11-27-18)
 - i. The reconstruction or repair does not increase, expand, enlarge, or extend the nonconforming use; and (Ord. No. 20-18, § 2, 11-27-18)

- ii. The reconstruction or repair is actually begun within one year after the damage and is diligently pursued to completion. (Ord. No. 20-18, § 2, 11-27-18)
- (b) **Damage greater than 50 percent of value.** If a structure used for a nonconforming use is damaged by any means to an extent whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the structure's current improvement value (as determined by the Palm Beach County Property Appraiser) before the damage, the structure shall only be reconstructed for a conforming use. (Ord. No. 20-18, § 2, 11-27-18)
- (c) **No restriction on repairs exemption.** For properties located within the West Atlantic Neighborhood District, there is no restriction on repair of nonconforming, single-family residences located a minimum of 150 feet from Atlantic Avenue. (Ord. No. 20-18, § 2, 11-27-18)

Sec. 1.3.5. Nonconforming structures.

(A) **Definition.** A nonconforming structure shall mean any structure or building that was lawfully developed but does not comply with the following standards governed by the Land Development Regulations: size, height, coverage, setbacks, or other location or design aspects. (Ord. No. 20-18, § 2, 11-27-18)

(B) **Rules and regulations of nonconforming structures.** (Ord. No. 20-18, § 2, 11-27-18)

- (1) **Enlargement or alteration.** A nonconforming structure shall not be altered or enlarged in any way which increases its nonconformity, vertically or horizontally. Enlargement or alteration of the structure in a way that complies with applicable dimensional standards and does not create any new nonconformity, or alteration of the structure in a way that decreases the degree of nonconformity, is permitted. (Ord. No. 20-18, § 2, 11-27-18)
- (2) **Relocation.** A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless the entire structure thereafter conforms to the requirements of this Code. (Ord. No. 20-18, § 2, 11-27-18)
- (3) **Reconstruction or repair after damage.** Except as provided in Section 1.3.9 the following shall apply: (Ord. No. 20-18, § 2, 11-27-18)
 - (a) **Damage up to 50 percent of value.** If a nonconforming structure is damaged by any means to an extent whereby the cost of restoring the

structure to its before-damaged condition would be 50 percent or less of the structure's current improvement value as determined by the Palm Beach County Property Appraiser before the damage, the structure may be reconstructed or repaired if: (Ord. No. 20-18, § 2, 11-27-18)

- i. The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity; and (Ord. No. 20-18, § 2, 11-27-18)
 - ii. The reconstruction or repair is actually begun within one year after the damage and is diligently pursued to completion. (Ord. No. 20-18, § 2, 11-27-18)
- (b) **Damage greater than 50 percent of value.** If a nonconforming structure is damaged by any means to an extent whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the structure's current improvement value as determined by the Palm Beach County Property Appraiser before the damage, the structure shall not be reconstructed or repaired except in conformity with the provisions of this Code. (Ord. No. 20-18, § 2, 11-27-18)
- (c) **No restriction on repairs exemption.** For properties located within the West Atlantic Neighborhood District, there is no restriction on repair of nonconforming single-family residences located a minimum of 150 feet from Atlantic Avenue. (Ord. No. 20-18, § 2, 11-27-18)

Sec. 1.3.6. Repairs and maintenance.

On any nonconforming structure or on a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of fixtures, nonbearing walls, plumbing, or wiring, provided the repair work does not exceed 25 percent of the current improvement value of the structure as determined by the Palm Beach County Property Appraiser in any 12-month period, unless the damage is caused by an Act of God in which case Section 1.3.9 shall apply. The following exceptions may apply:

- (A) **West Atlantic Neighborhood District.** For properties located within the West Atlantic Neighborhood District, there is no restriction on repair of nonconforming single-family residences located a minimum of 150 feet from Atlantic Avenue. (Ord. No. 20-18, § 2, 11-27-18)
- (B) **Unsafe structures.** If the Chief Building Official declares a nonconforming structure or structure containing a nonconforming use to be unsafe or

unlawful due to its physical condition, such structure shall not be rebuilt, except in conformance with the requirements of the zoning district in which it is located. (Ord. No. 20-18, § 2, 11-27-18)

- (C) **Conforming structures.** Nothing herein shall prevent the strengthening or restoring to a safe condition, any conforming structure, or part thereof declared to be unsafe by the Chief Building Official. (Ord. No. 20-18, § 2, 11-27-18)
- (D) **Historic structures.** If granted approval by the Historic Preservation Board (HPB), as a certificate of appropriateness, repairs and maintenance to contributing structures within historic districts or to individually listed historic structures can exceed the 25% threshold referenced in this section. (Ord. No. 20-18, § 2, 11-27-18)

Sec. 1.3.7. Exterior remodeling.

(A) Exterior modifications to a nonconforming structure or a structure containing a nonconforming use shall be approved only in compliance with ALL of the following: (Ord. No. 20-18, § 2, 11-27-18)

- (1) The value of the modifications in any 12-month period does not exceed 25 percent of the current improvement value as determined by the Palm Beach County Property Appraiser, except that improvements to contributing structures within historic districts or to individually listed historic structures can exceed the 25 percent exterior remodeling maximum thresholds, if approved by the Historic Preservation Board. (Ord. No. 20-18, § 2, 11-27-18)
- (2) The exterior remodeling does not result in an increase of the floor area devoted to a nonconforming use; (Ord. No. 20-18, § 2, 11-27-18)
- (3) The exterior remodeling does not result in the increase in the number of dwelling units; and (Ord. No. 20-18, § 2, 11-27-18)
- (4) The modification is approved as follows: (Ord. No. 20-18, § 2, 11-27-18)
 - a. Single-family detached residence or duplex requires approval by the Chief Building Official or designee. (Ord. No. 20-18, § 2, 11-27-18)
 - b. Non-residential structure, mixed-use structure, or multifamily structure requires approval pursuant to Article 2.4. (Ord. No. 20-18, § 2, 11-27-18)
 - c. Structures located within the historic districts or individually listed historic structures require approval by the Historic Preservation Board. (Ord. No. 20-18, § 2, 11-27-18)

Sec. 1.3.8. Uses allowed as conditional uses.

Any legally established use which is now allowed as a conditional use in a zoning district but which, was once a legally established permitted use shall not be deemed a nonconforming use but shall, without further action, be considered a conforming, conditional use. Any modification of a use considered a conforming, conditional use must be processed in the same manner as a modification to a conditional use as required by these regulations. A use previously established as a conditional use and now allowed as such, shall be subject to conditions as originally imposed thereon.

(Ord. No. 20-18, § 2, 11-27-18)

Sec. 1.3.9. Reconstruction necessitated by an Act of God.

(A) Definition. An Act of God (the event) is an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature which man cannot resist which may include, but not be limited to, floods, storms, fire and other catastrophes. An event shall not be considered an Act of God if it results from or is contributed to by the intentional or deliberate act or negligence of the owner that may have been prevented by the exercise of reasonable diligence or ordinary care. When an Act of God combines or occurs with the intentional or deliberate act or negligence of the owner and the damage necessitating the reconstruction would not have resulted but for the owner's intentional or deliberate act or negligence or omission, the event shall not be considered an Act of God. (Ord. No. 20-18, § 2, 11-27-18)

(B) If a lawful nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by an Act of God (the event), the owner shall be permitted to rebuild the structure in accordance with the use and number of units and square footage permitted by the certificate of occupancy in existence prior to the occurrence of the event. Where necessary, in order to accommodate the use or the same number of such units, structures may be reconstructed to heights previously established on building permit plans approved prior to the occurrence of the event. All rebuilding shall comply with fire and building codes in effect at the time of reconstruction, and shall comply to the greatest extent possible with applicable provisions of the Land Development Regulations. (Ord. No. 20-18, § 2, 11-27-18)

(C) To receive approval for rebuilding pursuant to this section, applications for building permits must be submitted within one year of the date on which the event occurred and all reconstruction must be completed within three years from the date of the event. (Ord. No. 20-18, § 2, 11-27-18)

ARTICLE 1.4. INTERPRETATION, ENFORCEMENT, AND PENALTIES**Sec. 1.4.1. Interpretation of Land Development Regulations.**

(A) **Building regulations.** All questions of interpretation of Chapter 7, Building Regulations, shall first be presented to the Chief Building Official. Such questions shall be presented to the Board of Adjustment only upon an appeal from the decision of the Chief Building Official. [Amd. Ord. 47-07 10/16/07]

(B) **Development standards, private property.** All questions of interpretation of Article 4.6, Supplemental District Regulations; the application of development standards contained within individual zoning districts; the application of standards contained within overlay and environmental management districts, Article 4.5; requirements imposed under Section 4.3.3 for Special Uses; and Article 1.3, Non-conforming Uses, Lots, and Structures, shall first be presented to the Chief Building Official unless there is a specific delegation for the interpretation of application of the requirements elsewhere. Such questions shall be presented to the Board of Adjustment only upon an appeal from the decision of the Chief Building Official.

(C) **Uses.** All questions of interpretation of the allowable or categorization or definition of uses shall first be presented to the Director. If the Director determines that a requested use is not allowed within a specific zoning district, a letter requesting a "determination of similarity of use" of a proposed use with permitted and conditional uses listed within a specific zoning district may be brought to the Planning and Zoning Board for said determination. [See 4.3.2(C)]

(D) **Infrastructure and public property.** All questions of interpretation of Chapter 6, Infrastructure and Public Property shall first be presented to the City Engineer. If the applicant desires review of the interpretation of the City Engineer, such questions shall be presented to the City Commission either as an appeal from the decision of the City Engineer or as a request for waiver when the item is associated with a development application.

(E) **Graphics.** All graphics and drawings are supplemental to the text and in the event of a conflict the text shall govern. [Amd. Ord. 21-04 5/4/04]

Sec. 1.4.2. Notice of violations.

(A) **Private property.** The Chief Building Official and the Code Compliance Administrator shall enforce these Land Development Regulations as they pertain to the placement of structures and improvements upon and the use of private property.

(B) **Public rights-of-way and easements.** The City Engineer and the Code Compliance Administrator shall enforce these Land Development Regulations as they pertain to the placement of improvements and the use of public right-of-way, or easements which are dedicated to the public as general utility easements or as specific utility easements, or easements which are dedicated to the City for any general or specific purpose.

(C) **Method and actions.** If the Chief Building Official, the City Engineer, or the Code Compliance Administrator finds that such provisions of these Regulations are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal uses of land, rights-of-way, easements, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these Regulations to insure compliance with, or to prevent violations of its provisions.

Sec. 1.4.3. Enforcement.

(A) Code Enforcement Board/Hearing Officer and County Court. When The City Code Enforcement Board/Hearing Officer and County Court in Palm Beach County shall have concurrent jurisdiction to hear and decide cases seeking compliance with these regulations or an order to correct a violation and when a hearing is sought with respect to an alleged violation, the matter shall be decided by the Code Enforcement Board/Hearing Officer pursuant to Chapter 37 of the City Code. [Amd. Ord. 55-07 1/15/08]

(B) A Certificate of Occupancy shall not be issued for any building, or structure, or portions thereof, that fails to meet all applicable requirements of these Land Development Regulations. The use of a building without proper issuance of a Certificate of Occupancy is a violation of Code and shall be grounds for issuance of a stop work order or cease and desist order by the Chief Building Official, and other remedies set forth herein.

(C) Nothing herein shall prevent the City of Delray Beach from taking such other lawful action deemed necessary to prevent or remedy any violation.

(D) The neglect of individually designated historic structures and/or structures located within historic districts shall constitute a "nuisance" violation of the City's Code of Ordinances pursuant to Section 100.10. [Amd. Ord. 55-07 1/15/08]

Sec. 1.4.4. Penalty.

(A) Violation of the provisions of these Regulations, or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses shall constitute a punishable violation. Any person who violates these Regulations, or fails to comply with any of its requirements, may be issued a civil citation pursuant to Section 37.45 of the City Code or a notice of violation pursuant to Chapter 37 of the City's Code of Ordinances, and shall upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 60 days, or both, and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. [Amd. Ord. 55-07 1/15/08]; [Amd. Ord. 18-95 4/4/95]

(B) The owner or tenant of any building, structure, premise, or part thereof, and any architect, agent, builder, contractor, or other person who knowingly commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense, and suffer the penalties provided herein.

(C) In addition to any and all other penalties, any person who carries out or causes to be carried out any work in violation of this Section 4.5.1 shall be required to restore the subject improvement, building, site, structure, appurtenance, or landscape feature, either to its appearance prior to the violation or in accordance with its certificate of appropriateness required by the Historic Preservation Board.

(D) Structures that are individually designated as historic or are located in historic districts shall be maintained in a secure and attractive manner. Neglect of historic structures/structures in a historic district shall constitute a "nuisance" violation pursuant to Section 100.10 of the City's Code of Ordinances and shall result in maximum penalties. [Amd. Ord. 55-07 1/15/08]

(E) Nothing herein shall prevent the City of Delray Beach from taking such other lawful action deemed necessary to prevent or remedy any violation.

Sec. 1.4.5. Definitions.

For the purpose of these Land Development Regulations, the definitions as contained in Appendix "A" shall apply unless the context clearly indicates or requires a different meaning. Matters of interpretation of meaning fall within the purview of the Chief Building Official. Changes to the wording of definitions and/or the addition or deletion of definitions may be made by the City Commission upon adoption of a Resolution after review and recommendation by the Planning and Zoning Board.

Chapter 2

ADMINISTRATIVE PROVISIONS*

***Editor's note**—Ord. No. 31-23, adopted October 17, 2023, repealed ch. 2 and enacted a new ch. 2 as set out herein and later amended. Former ch. 2 pertained to similar subject matter and derived from Ord. 2-91, adopted January 29, 1991; Ord. 53-91, adopted August 27, 1991; Ord. 75-91, adopted November 19, 1991; Ord. 23-92, adopted August 11, 1992; Ord. 26-93, adopted April 13, 1993; Ord. 27-93, adopted April 13, 1993; Ord. 76-94, adopted October 18, 1994; Ord. 2-95, adopted January 17, 1995; Ord. 19-95, adopted April 4, 1995; Ord. 46-95, adopted September 5, 1995; Ord. 60-95, adopted October 24, 1995; Ord. 83-95, adopted January 9, 1996; Ord. 24-96, adopted June 18, 1996; Ord. 45-96, adopted October 15, 1996; Ord. 8-97, adopted February 18, 1997; Ord. 9-97, adopted February 18, 1997; Ord. 50-97, adopted November 18, 1997; Ord. 13-98, adopted March 17, 1998; Ord. 36-98, adopted October 6, 1998; Ord. 59-01, adopted December 4, 2001; Ord. 10-02, adopted March 5, 2002; Ord. 26-02, adopted July 16, 2002; Ord. 5-03, adopted April 15, 2003; Ord. 41-03, adopted November 4, 2003; Ord. 14-04, adopted June 22, 2004; Ord. 21-04, adopted May 4, 2004; Ord. 25-04, adopted May 18, 2004; Ord. 49-04, adopted November 16, 2004; Ord. 78-04, adopted January 18, 2005; Ord. 25-05, adopted May 3, 2005; Ord. 11-05, adopted March 15, 2005; Ord. 11-06, adopted March 21, 2006; Ord. 30-06, adopted July 11, 2006; Ord. 37-06, adopted September 19, 2006; Ord. 49-06, adopted September 19, 2006; Ord. 80-06, adopted January 2, 2007; Ord. 12-07, adopted March 20, 2007; Ord. 25-07, adopted August 21, 2007; Ord. 26-07, adopted September 4, 2007; Ord. 36-07, adopted September 18, 2007; Ord. 38-07, adopted February 5, 2008; Ord. 47-07, adopted October 16, 2007; Ord. 55-07, adopted January 15, 2008; Ord. 01-08, adopted January 15, 2008; Ord. 38-08, adopted September 16, 2008; Ord. 41-08, adopted November 3, 2008; Ord. 23-09, adopted May 19, 2009; Ord. 24-09, adopted May 19, 2009; Ord. 05-10, adopted January 19, 2010; Ord. 34-10, adopted October 19, 2010; Ord. 21-11, adopted August 2, 2011; Ord. 26-11, adopted September 20, 2011; Ord. 41-11, adopted November 15, 2011; Ord. 01-12, adopted August 21, 2012; Ord. 04-12, adopted February 21, 2012; Ord. 13-13, adopted August 20, 2013; Ord. 19-13, adopted September 17, 2013; Ord. 20-13, adopted September 17, 2013; Ord. 03-15, adopted February 24, 2015; Ord. No. 03-17, adopted January 24, 2017; Ord. No. 12-17, adopted May 2, 2017; Ord. No. 25-17, adopted July 18, 2017; Ord. No. 37-17, adopted November 7, 2017; Ord. No. 38-17, adopted November 7, 2017; Ord. No. 24-18, adopted November 27, 2018; Ord. No. 22-20, adopted August 26, 2020; Ord. No. 23-20, adopted September 10, 2020; Ord. No. 41-20, adopted October 20, 2020; Ord. No. 11-21, adopted April 20, 2021; Ord. No. 21-21, adopted November 2, 2021; Ord. No. 25-21, adopted August 10, 2021; Ord. No. 18-22, adopted October 25, 2022; Ord. No. 30-22, adopted November 1, 2022; Ord. No. 04-23, adopted March 6, 2023; and Ord. No. 13-23, adopted May 16, 2023.

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Article 2.1. Reviewing Officials and Authorities

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- Sec. 2.4.8. Subdivision Plats.
- Sec. 2.4.9. Public Right of Way and Easement Abandonments.
- Sec. 2.4.10. Site Plan Applications (Level 1, Level 2, Level 3, and Level 4), Master Development Plans, and Subdivision Plans.
- Sec. 2.4.11. Relief.
- Sec. 2.4.12. Certificate of Appropriateness.
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Article 2.5. Appeals

Article 2.6. Notice Requirements

- Sec. 2.6.1. General.
- Sec. 2.6.2. Forms of Notice.
- Sec. 2.6.3. Required Public Notice.
- Sec. 2.6.4. Courtesy notice and notice to external agencies.

ARTICLE 2.1. REVIEWING OFFICIALS AND AUTHORITIES**Sec. 2.1.1. Administrative Officials.****(A) Terms:**

- (1) *Director* means the Development Services Director or designee. The Director is responsible for the overall operations and management of the Historic Preservation, Current Planning, Long Range Planning, and Building Divisions.
- (2) *Chief Building Official* means this specific position, or designee.
- (3) *City Engineer* means a licensed engineer employed by the City.

(B) Director: Responsibilities of the Director include, but are not limited to, the following:

- (1) Administering the Comprehensive Plan and ensuring its compliance with state laws.
- (2) Administering the Land Development Regulations and interpreting all Land Development Regulations unless specifically delegated to the City Engineer or Chief Building Official.
- (3) Certifying approved site plans, Subdivision Plans, and Certificates of Appropriateness. (Ord. No. 24-25, § 3, 1-6-26)
- (4) Approving Level 1 and Level 2 Site Plan applications and Zoning Certificates of Use, with the sole discretion to elevate applications to board review with a written determination for the action.
- (5) Granting administrative relief as authorized in the LDR.
- (6) Maintaining the Official Zoning Map and the Land Use Map.
- (7) Designation as the City Preservation Officer.
- (8) Responsibilities assigned as set forth throughout the Land Development Regulations.
- (9) Approving Plats. (Ord. No. 24-25, § 3, 1-6-26)

(C) Chief Building Official: Responsibilities of the Chief Building Official include, but are not limited to, the following:

- (1) Interpreting Chapter 7 (Building) and Chapter 10 (Flood Damage Control Districts and Coastal Construction).

(2) Administering and enforcing the Building Code as adopted in Chapter 7, including approval of building permits and certificates of occupancy.

(3) Granting administrative relief as authorized in the LDR.

(D) **City Engineer:** Responsibilities of the City Engineer include, but are not limited to, the following:

(1) Interpreting Chapter 6 (Infrastructure and Public Improvements).

(2) Approving paving, grading and drainage plans; traffic control signage and pavement markings plans; water and sewer plans.

(3) Granting administrative relief as authorized in the LDR.

(4) Responsibilities assigned as set forth throughout the LDR.

Sec. 2.1.2. Review Authorities.

This Section establishes the review authorities that are primarily responsible for the administrative review for technical compliance with these Land Development Regulations.

(A) **Technical Advisory Committee (TAC).** TAC is coordinated by the Director and provides administrative review for technical compliance with the Land Development Regulations, City policies, and all other applicable ordinances. TAC consists of two sub-groups: 1) development application review and 2) special event permits.

(1) Membership.

(a) TAC members designated for development application review shall be comprised of representatives from the following disciplines:

1. Building.
2. Engineering.
3. Fire.
4. Landscape.
5. Current, Long Range, and Historic Preservation Planning Divisions.
6. Police.

7. Utilities.
8. Neighborhood and Community Services.
9. Parks and Recreation, as applicable.
10. External Agencies, as applicable.

(b) Special Event Technical Advisory Committee (SETAC) shall be comprised of the membership defined in the City's Special Event Policy.

(2) **Meetings.**

- (a) The development application group shall meet weekly, or as called for by the Director, to review all submissions for technical compliance prior to consideration by the official or board with decision-making authority.
- (b) The special event permit review group shall meet bi-weekly, as needed, or as called for by the Special Events Administrator to review all requests based on City event policies and technical compliance prior to consideration by the Development Services Management Group (DSMG).

(B) **Development Services Management Group (DSMG).** The DSMG provides an administrative body to guide the implementation of the Land Development Regulations and local ordinances, to recommend amendments and policy changes, and to consider and grant relief to technical requirements, as authorized by the Land Development Regulations.

(1) **Membership.** DSMG shall be comprised of the following officials and City Departments:

- (a) Director.
- (b) Chief Building Official.
- (c) City Engineer.
- (d) Fire Chief, or designee.
- (e) Director of Neighborhood and Community Services, or designee.
- (f) Director of Public Works, or designee.
- (g) Director of Utilities, or designee.

- (h) Representatives of other departments as deemed appropriate by the City Manager.
- (i) The City Attorney, or designee, shall attend all meetings, acting in an advisory capacity and participating fully in board discussions, but having no right to vote.

(2) **Meetings.**

- (a) The DSMG shall meet monthly, or as called for by the Director.
- (b) A quorum shall consist of four members.
- (c) All meetings are subject to Florida Sunshine Law, pursuant to Chapter 286, Florida Statutes.

(3) **Duties, powers, and responsibilities.**

- (a) **Recommendations.** The DSMG has the authority to review and recommend changes to local ordinances and policies.
- (b) **Actions.** A majority vote of a quorum is required to pass any action. The DSMG has the authority to take action on the following items pursuant to the procedures and standards of the LDR:
 - 1. Grant administrative relief limited to the following:
 - a. Modifications to the streetscape standards in Central Business District (CBD).
 - b. Deviations up to five percent, up to a maximum of one foot, from an already approved waiver during construction.
 - c. Adjustments to setback requirements for detached single-family and duplex structures resulting from right-of-way dedications, equal to the amount of the dedication, but no more than five feet.
 - 2. Appeal of an administrative interpretation of regulations that are not related to use associated with a project in the TAC review process, where the LDR does not identify a process for such a request.
 - 3. Review and approve special event applications.

Sec. 2.1.3. Boards with Responsibilities for Land Development.

This Section establishes the boards that have responsibilities for the implementation and application of these Land Development Regulations. General provisions that govern each board along with specific provisions for individual boards and establishment of powers, duties, and responsibilities are set forth in following sections. Additional provisions are also found in Chapter 32 of the Code of Ordinances. All actions of each Board shall be reported to the City Commission, with the exception of the Board of Adjustment. Actions of the Boards are not final until the report has been approved by the City Commission.

(A) **General provisions.** The following general provisions apply to all Boards established under this Article. Additional provisions pertaining to any of the following matters may be found within the Sections pertaining to an individual Board and within Sections 32.06 to 32.10 of the Code of Ordinances.

(B) **Appointment and term, officers.**

- (1) Members of a Board shall be appointed by the City Commission. A term shall consist of two years or the completion of an unexpired term and the subsequent two years.
 - (a) In the case of reorganization or reconstitution of a Board, three members shall be appointed for an initial term of one year.
 - (b) A member shall not serve more than two successive terms on a Board.
 - (c) A member appointed to fill an unexpired term shall not automatically proceed to the next full term but must be reappointed to the Board.
- (2) **Board Positions.** A Board shall elect from among its members a Chairperson, Vice-Chairperson, and second Vice-Chairperson. Elections shall be held at a Board's regular monthly meeting in September of each year.
 - (a) The Chairperson shall call all meetings of a Board to order and shall conduct business pursuant to Roberts Rules of Order, newly revised.
 - (b) In the absence of the Chairperson, the Vice-Chairperson shall call and conduct meetings.
 - (c) In the absence of both, the second Vice-Chairperson shall call and conduct meetings.

- (d) In the event of a vacancy in an office, a Board shall hold a special election for any such vacancy after a full membership has been appointed by the Commission.
- (e) An officer may succeed himself.

(C) **Meetings.**

- (1) Each Board shall meet at least once each month.
 - (a) In addition to regular meetings, additional business meetings and work sessions may be held, subject to the approval of the City Manager.
 - (b) All meetings shall be noticed pursuant to the requirements of Chapter 2 and shall be open to the public.
 - (c) Required regular meetings shall be canceled if no applications are deemed ready for Board consideration.
- (2) The regularly scheduled business meetings and special meetings of each Board shall be held in the evening hours (after 5:00 p.m.). This requirement shall not apply to work sessions.

(D) **Board Support.**

- (1) The Director shall assign appropriate staff to assist each board in the performance of its duties.
- (2) An employee of the City shall be designated, by the Director, as an "ex-officio" member of a board and shall sign documents as the Board Secretary.
- (3) The City Attorney, or designee, shall attend all meetings, acting in an advisory capacity and participating fully in board discussions, but having no right to vote.

(E) **Conduct.** Public meetings shall be conducted in accordance with the rules adopted by the applicable board, or if none have been adopted, by the Local Rules of Procedure and Quasi-Judicial Rules of the City Commission.

(F) **Appealable Report of Board Actions.** All actions of each Board shall be reported to the City Commission. Reported Board actions are not final until the report has been approved by the City Commission. The City Commission may request to appeal a Board's action. Appeals are processed pursuant to

the requirements of Chapter 2. The reporting of actions to the City Commission does not apply to variances considered by the Board of Adjustment or Planning and Zoning Board.

Sec. 2.1.4. Notice requirements.

The City Commission, the Planning and Zoning Board, and other Boards involved with the implementation of these Land Development Regulations shall conduct meetings and provide public notice of tentative actions. All costs incurred by the City for advertising, providing notice and recording of any documents shall be paid by the Applicant.

- (A) **Public meeting requirements.** The meetings of all Boards listed in Chapter 2 are subject to Florida Sunshine Law, pursuant to Chapter 286, Florida Statutes.
 - (1) **Notice and agenda required.** An agenda shall be established for every meeting of each Board.
 - (a) Board agendas shall be posted in the main lobby of City Hall at least five business days prior to a regular meeting.
 - (b) Board agendas for a special meeting shall be posted at least 24 hours prior.
 - (c) A Board shall only consider items that have been duly placed upon a posted agenda with the exception of items deemed as an emergency and that are added to an agenda by a majority of the Board members present.
 - (2) **Public information.** Any background material or documentation that is provided to Board Members shall be available for public review at City Hall at least 24 hours prior to the start of the meeting where the item will be considered.

Sec. 2.1.5. The Planning and Zoning Board.

(A) **Purpose.** The Planning and Zoning Board for the City of Delray Beach has been created under the authority of Section 3.14 of the City Charter and is designated as the Local Planning Agency under the Florida Community Planning Act, Section 166.3164 et seq., Florida Statutes, for the City of Delray Beach.

(B) **Composition and qualifications.** The Planning and Zoning Board shall consist of seven members.

- (1) At least five seats on the Board must be filled with either an architect, landscape architect, realtor/real estate broker, civil engineer, developer, general contractor, land planner or land use attorney.

- (2) The remaining two seats shall be at large.
- (3) The appointing body shall endeavor to appoint as many of the required disciplines as possible to the Board.
- (C) **Quorum.** Four members of the Board shall constitute a quorum.
- (D) **Actions.**
 - (1) A majority vote of a quorum is required to pass any motion, with the exception of variances.
 - (2) A motion to approve a variance requires at least five votes to pass the motion.
 - (3) If a tie vote results from a motion, then the matter considered will be deemed to have been denied.
- (E) **Duties, powers, and responsibilities.**
 - (1) To advise and recommend on the preparation and adoption of a comprehensive plan for the city pursuant the Charter, as amended, and by the Florida Statutes Chapter 163, as amended from time to time.
 - (2) To determine whether or not specific proposed developments are consistent with the Goals, Objectives, and Policies of the comprehensive plan as to growth and improvement.
 - (3) To perform all of the duties of the Local Planning Agency under the Florida Community Planning Act, as may be amended.
 - (4) To conduct an annual infrastructure hearing to obtain public input prior to the annual review of proposed capital budget in accordance with Policy PFE 1.1.2 of the Comprehensive Plan.
 - (5) **Board Recommendations.** The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):
 - (a) Amendments to the Comprehensive Plan and the Land Use Map.
 - (b) Rezoning of land.
 - (c) Amendments to any portion of the LDR.

- (d) Annexation of territory to the City.
 - (e) Establishment of a Conditional Use.
 - (f) Reserved.
 - (g) Abandonment of rights-of-way or public easements, except single purpose easements.
 - (h) Establishment or modification of the names of streets, alleys, or other pathways providing access for vehicles, bicycles, or pedestrians, whether public or private, in accordance with the adopted City of Delray Beach Addressing and Street Naming Manual.
 - (i) Subdivision Plans, including associated relief requests. (Ord. No. 24-25, § 4, 1-6-26)
 - (j) Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc.
 - (k) Relief to the requirements of the Central Business District prior to the consideration of an associated site plan application.
- (6) **Board Actions.** The Planning and Zoning Board hereby has the authority to take final action on the following items pursuant to the procedures and standards of the LDR:
- (a) Level 3 Site Plan applications, including any relief, as applicable.
 - (b) Level 2 Site Plan applications, if a variance is associated with the request.
 - (c) Master Development Plans as required in certain zoning districts.
 - (d) Determinations of Similarity of Use.
 - (e) Minor modification of a prior Conditional Use approval.
 - (f) Relief from the number of parking spaces required for specific uses pursuant to Section 4.6.9(F)(1).
 - (g) Variances associated with a Level 2 or Level 3 Site Plan application, limited to the following:
 - 1. Base district development standards, Section 4.3.4, unless otherwise stated.

2. Supplemental District Regulations, Article 4.6, except where said authority is expressly prohibited, granted to others, or relief is available through another process.
 3. Flood Damage Control Districts and Coastal Construction, Chapter 10.
- (h) Subdivision Plans, including any relief associated with Landscape Plans. (Ord. No. 24-25, § 4, 1-6-26)
 - (i) Appeals from determinations by the Chief Building Official for the Standards of Approval in Article 7.9, Docks, Dolphins, Finger Piers, and Boat Lifts, associated with commercial or multi-family residential development. (Ord. No. 24-25, § 4, 1-6-26)
 - (j) Approval of the use of Masonry Modern or Art Deco Architectural style on Level 4 Site Plan Applications and site plans that PZB has the authority to take final action on within the Central Business District. (Ord. No. 26-26, § 2, 5-5-26)
 - (k) Any other regulations or requirements that specify relief is available by the body acting upon the development application. (Ord. No. 24-25, § 4, 1-6-26; Ord. No. 26-26, § 2, 5-5-26)

(F) **Final Actions.** All final actions, except variances, may be appealed to the City Commission, pursuant to the procedures of Chapter 2. Final action on a variance request may seek review of such action in the Circuit Court of Palm Beach County.

Sec. 2.1.6. The Site Plan Review and Appearance Board.

(A) **Purpose.** The purpose of the Site Plan Review and Appearance Board (SPRAB) is to promote certain functional and aesthetic goals, objectives, and policies as set forth in the adopted Comprehensive Plan.

(B) **Composition.** The SPRAB shall consist of seven members.

- (1) At least five seats on the Board must be filled with either an architect, landscape architect, land use attorney, realtor/real estate broker, civil engineer, general contractor, land planner or interior designer.
- (2) The remaining two seats shall be at large.
- (3) The appointing body shall endeavor to appoint as many of the required disciplines as possible to the Board.

(C) **Quorum.** Four members of the Board shall constitute a quorum.

(D) **Actions.**

- (1) A majority vote of a quorum is required to pass any motion.
- (2) If a tie vote results from a motion, then the matter considered will be deemed to have been denied.

(E) **Duties, powers, and responsibilities.**

- (1) **Board Action.** The SPRAB has the authority to take action on the following items pursuant to the procedures and standards of the LDR, except where authority is granted to the Historic Preservation Board:
 - (a) Level 1 or Level 2 Site Plan applications when associated with the following requests for relief:
 1. Waivers that do not require City Commission action.
 2. Reduction in the number of parking spaces required for specific uses, pursuant to Section 4.6.9(F)(1).
 3. Waivers to Section 4.6.16, Landscape Regulations.
 - (b) Master Sign Programs and any sign that does not meet the minimum requirements of Section 4.6.7, Signs, and requires relief.
 - (c) Appeal of an administrative interpretation or decision associated with the following:
 1. Section 4.6.7, Signs.
 2. Section 4.6.16, Landscape Regulations.
 3. Level 1 Site Plan Applications.
 4. Level 2 Site Plan Applications.
 - (d) Appeals to adopted Design Guidelines.
 1. Design Guidelines in Section II of the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods as set forth in Section 4.5.13.
 2. Central Business District Architectural Design Guidelines.

- (e) Approval of the use of Masonry Modern or Art Deco Architectural style on site plans SPRAB has the authority to take final action on within the Central Business District. (Ord. No. 26-26, § 3, 5-5-26)

(F) **Final Actions.** All decisions of the SPRAB may be appealed to the City Commission, pursuant to the procedures of Chapter 2.

Sec. 2.1.7. The Board of Adjustment.

(A) **Purpose.** The Board of Adjustment for the City of Delray Beach has been created under the authority of Section 3.14 of the City Charter.

(B) **Composition.** The Board of Adjustment shall consist of seven regular members.

- (1) At least four seats on the Board must be filled with either a land use attorney, architect, landscape architect, realtor/real estate broker, civil engineer, general contractor, land planner, building inspector, fire safety professional, or other design professional who is familiar with the Florida Building Code.
- (2) The remaining three seats may be at large.
- (3) The appointing body shall endeavor to appoint as many disciplines as possible to the Board. If there is a lack of applicants to fill the seats reserved for professionals, at large members may be considered.

(C) **Quorum.** Five members of the Board shall constitute a quorum.

(D) **Actions.**

- (1) A motion to approve a variance requires at least five votes to pass the motion.
- (2) A motion to approve a request to reverse a decision of the Chief Building Official requires at least five votes to pass.
- (3) If a tie vote results from a motion, then the matter considered will be deemed to have been denied.

(E) ***Duties, powers, and responsibilities.***

- (1) **Board Action.** The Board of Adjustment has the authority to take action on the following items pursuant to the procedures and standards of the LDR:
- (a) Decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Chief Building Official.
 - 1. Such appeals do not include interpretations of use matters and other items specifically preempted or granted to others pursuant to the LDR.
 - 2. So long as its actions are in conformity with the LDR, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, or decision, or determination under appeal, and to that end shall have the same powers of the Chief Building Official.

- (b) The Board has the authority to take action on duly filed appeals of an interpretation, administrative decision, or enforcement action by the Chief Building Official related to the following regulations:
1. Building Code, Article 7.1, except Sections 7.1.5 through 7.1.7;
 2. Electrical Code, Article 7.2;
 3. Gas Code, Article 7.3;
 4. Housing Code, Article 7.4;
 5. Mechanical Code, Article 7.5;
 6. Plumbing Code, Article 7.6;
 7. Unsafe Buildings or Structures, Article 7.8;
 8. Moving of Building, Article 7.10.
- (c) The Board hereby has the authority to grant variances and hear appeals from the following:
1. Base district development standards, Section 4.3.4, for single-family or duplex uses, unless otherwise stated.
 2. Flood Damage Control Districts and Coastal Construction, Chapter 10, for single-family or duplex uses.
 3. Supplemental District Regulations, Article 4.6, for single-family or duplex uses, unless otherwise stated, except where said authority is expressly prohibited, granted to others, or relief is available through another process.
 4. Docks, Dolphins, Finger Piers, and Boat Lifts, Article 7.9, for single-family or duplex structures.
 5. Fire Prevention Codes, Chapter 96 of The City Code of Ordinances, per Section 96.06.
 6. Section I, "District Regulations and Incentives," of the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods as set forth in Section 4.5.13.

(F) **Final Actions.** All actions are final and may be reviewed in the Circuit Court of Palm Beach County.

Sec. 2.1.8. Public Art Advisory Board.

(A) **Purpose.** The Public Art Advisory Board was established via Ordinance No. 77-04 for the purpose of advising and making recommendations to the City Commission with respect to public art policy and related issues including, but not limited to, the selection, construction, placement and/or funding of public art in or on City right-of-way, City owned property or private property where an agreement acceptable to the City, has been executed regarding the art and the art is clearly visible by the public.

(B) **Composition and qualifications.** The Public Art Advisory Board shall consist of seven members.

- (1) At least three seats on the Board must be filled with either an artist, architect, landscape architect or engineer.
- (2) The remaining four seats shall be at large and consist of lay persons of knowledge, experience and judgment who have an interest in public art shall make up the balance of the board.
- (3) The appointing body shall endeavor to appoint as many of the required disciplines as possible to the Board.

(C) **Quorum.** Four members of the Board shall constitute a quorum.

(D) **Actions.**

- (1) A majority vote of a quorum is required to pass any motion.
- (2) If a tie vote results from a motion, then the matter considered will be deemed to have been denied.

(E) **Duties, powers, and responsibilities.** The following duties, powers, and responsibilities shall be carried out by the Public Art Advisory Board:

- (1) **All Recommendations and Decisions.** The Board shall apply the guidelines and criteria in Section 8.5 for making recommendations or decisions on the installation of public art, whether as part of a public or private project.
- (2) **Board Recommendations, City Commission.** The Board shall review and make recommendations to the City Commission, as follows:
 - (a) Constructing, placing, or installing public art with Capital Improvement Projects (CIP) projects above \$200,000.00. Review of CIP projects under \$200,000.00 is at the discretion of the Board.

- (b) Funding or placing of public art on private property, where such art is clearly visible by the public and the City has obtained an agreement for the funding or placement of such art with the property owner.
 - (c) Funding or placing of public art in the public right-of-way, on City owned property, or on structures that are located in the public right-of-way.
 - (d) Installations of all public art throughout the city.
- (3) **Board Recommendations, Historic Preservation Board.** The Board shall review and make recommendations to the Historic Preservation Board regarding the installation of murals on property located within a historic district or on any individually designated site listed on the Local Register of Historic Places.
- (4) **Board Advisory Opinion.** Render an advisory opinion to City Commission regarding the following:
- (a) The suitability of the construction project as a location for works of art;
 - (b) The nature of the works of art which are most appropriate for the construction project;
 - (c) The best method for securing the recommended works of art.
- (5) **Board Actions.** The Board shall take action on all requests for the installation of murals on property not located within a historic district or on any individually designated site listed on the Local Register of Historic Places.
- (F) **Final Actions.** All decisions may be appealed to the City Commission, pursuant to the procedures of Chapter 2.

Sec. 2.1.9. The Historic Preservation Board.

(A) **Purpose.** The purpose of the Historic Preservation Board is to foster and promote the recognition, protection, enhancement, and use of historic resources in the City of Delray Beach. The Board, through the City's Historic Preservation Division of Development Services, shall also promote certain functional and aesthetic goals, objectives and policies as set forth in the City's Comprehensive Plan, particularly the Historic Preservation Element, as they relate to the preservation of Delray Beach's historic resources. The Historic Preservation Board reviews all matters pertaining to Certificate of Appropriateness requests for property, sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1 (I).

(B) **Composition and qualifications.** The Historic Preservation Board shall consist of seven members.

- (1) At least five seats on the Board must be filled with either an architect, landscape architect, civil engineer, general contractor, historian, preservationist, land planner, archaeologist, cultural anthropologist, museum curator, or conservationist.
- (2) The remaining two seats shall be at large. Lay persons with knowledge, experience and judgment who have an interest in historic preservation shall make up the balance of the Board.
- (3) The appointing body shall endeavor to appoint as many of the required disciplines as possible to the Board to ensure compliance with the requirements of the City's designation as a Certified Local Government by the State of Florida.
- (4) Preference should be given to professional and lay persons who own property within historic districts or whose property is individually listed in the Local Register of Historic Places.

(C) **Quorum.** Four members of the Board shall constitute a quorum.

(D) **Actions.**

- (1) A majority vote of a quorum is required to pass any motion.
- (2) If a tie vote results from a motion, then the matter considered will be deemed to have been denied.

(E) **Duties, powers, and responsibilities.** The following duties, powers, and responsibilities shall be carried out by the Historic Preservation Board:

- (1) Act as a regulatory body on development applications and Certificates of Appropriateness for properties located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1 (I) as authorized in paragraph 12, below.
- (2) Provide recommendations to the Chief Building Official concerning building code amendments, as they apply to Historic structures and districts.
- (3) Develop, establish, and regulate guidelines concerning contemporaneous architectural styles, colors, building materials, and so forth for all properties which are Individually Designated and/or located within historic districts. Such guidelines will be subject to approval by the City Commission.

- (4) Develop, maintain, and update survey reports of archaeological sites, properties, buildings, structures, and districts of special historic, aesthetic, architectural, cultural, or social value or interest. The Board will endeavor to improve, expand, and make more accurate the survey report as additional documents, information, oral histories, and other such materials may become available, and it will periodically reevaluate all survey reports. The Board will work with the Delray Beach Historical Society, the State Bureau of Historic Preservation, and other appropriate public and nonprofit organizations in maintaining the survey reports.
- (5) Nominate buildings, sites, and districts for historic designation on the Local Register of Historic Places.
- (6) Nominate and participate in the listing of buildings, sites, and districts on the National Register of Historic Places.
- (7) Increase public awareness of the value of historic preservation by developing, conducting, and participating in public education programs.
- (8) Contact public and private organizations, businesses, and individuals and endeavor to arrange agreements to aid in the conservation and preservation of historically and aesthetically significant buildings and structures for which demolition is proposed.
- (9) In the name of the City, and only with the express approval of the City Commission, seek, apply for, solicit, receive, and expend any federal, state, or private grant, gift, or bequest of any funding, property, or interest in property to further the purposes of historic and heritage conservation and preservation.
- (10) Advise the City Commission on all matters related to the use, administration, and maintenance of city-owned designated historic sites.
- (11) Execute any other functions relevant to the duties, powers and responsibilities of the Board regarding historic preservation planning programs and policies which may be approved by ordinance or resolution of the City Commission.
- (12) **Board Actions.** The Board hereby has the authority to take action on the following items associated with property, sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1 (I), pursuant to the procedures and standards of the LDR:
 - (a) Certificate of Appropriateness applications.

- (b) Level 1, 2, and 3 Site Plan applications.
 - (c) Master Development Plans.
 - (d) Variances and appeals from the following:
 - 1. Base district development standards, Section 4.3.4, unless otherwise stated.
 - 2. Flood Damage Control Districts and Coastal Construction, Chapter 10.
 - 3. Supplemental District Regulations, Article 4.6, except where said authority is expressly prohibited, granted to others, or relief is available through another process.
 - 4. Fire Prevention Codes, Chapter 96 of The City Code of Ordinances, per Section 96.06.
 - 5. Docks, Dolphins, Finger Piers, and Boat Lifts, Article 7.9.
 - (e) Variances from Section 4.6.7, Signs, for those nonconforming signs that existed at the time of enactment of Ordinance 51-75, adopted on December 8, 1975.
 - (f) Relief to Section 4.6.16, Landscape Regulations, through the waiver process.
 - (g) Relief from the number of parking spaces required for specific uses pursuant to Section 4.6.9(F)(1).
 - (h) Waivers within the Central Business District.
 - (i) Subdivision Plans, including associated relief. (Ord. No. 24-25, § 5, 1-6-26)
 - (j) Any other regulations or requirements that specify relief is available by the body acting upon the development application. (Ord. No. 24-25, § 5, 1-6-26)
- (13) **Board Recommendations, Planning and Zoning Board.** The Board shall review and make recommendations to the Planning and Zoning Board with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):
- (a) Amendments to the LDR, as they apply to Historic structures and districts and rezoning of sites within a historic district or of individually designated sites.

- (b) Conditional Use requests, and the accompanying Level 4 Site Plan application, associated with historic structures and/or districts.
- (14) **Board Recommendations, City Commission.** The Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):
 - (a) Level 4 Site Plan applications not associated with a Conditional Use.
 - (b) Amendments to the Historic Preservation Element of the adopted Comprehensive Plan, to the Land Use Map, and to other Elements that may have an impact on historic preservation efforts in the City.
 - (c) Facade easements, the imposition of other restrictions, and the negotiation of contracts for the purposes of historic preservation.
 - (d) The use of grants and City funds to promote the preservation and conservation of historically and aesthetically significant archaeological sites, historic sites, and historic districts.
 - (e) The deliberations and decisions of other public agencies affecting the physical development and appearance of historically and aesthetically significant archaeological sites, historic sites, and historic districts.
 - (f) Integration of historic preservation concepts as an ongoing part of all City planning efforts.
 - (g) The installation of public art within a historic district or on any individually designated site listed on the Local Register of Historic Places.
- (F) **Final Actions.** All final actions may be appealed to the City Commission, pursuant to the procedures of Chapter 2.

ARTICLE 2.2. GENERAL PROCEDURES

Sec. 2.2.1. Process for Review and Action.

The procedure for review and final action of an application will vary according to the type of application and the decision-maker authorized under these Land Development Regulations to approve or deny the application.

- (A) **General Processing Schedule.** Within 120 days after the Director has deemed an application complete and sufficient, or 180 days for applications that require final action through a quasi-judicial hearing or public hearing, the

City will approve, approve with conditions, or deny the application. The applicant or the Director may request an extension of time for a decision. The request must be in writing and made prior to the 120 or 180-day period, as applicable. If the extension is agreed upon by the applicant and Director, the new time for the decision shall be memorialized in writing. There shall be no limitation on the number of extensions agreed upon for the review process.

- (B) **Procedures for submitting and processing applications.** This Section sets forth the obligations of both the City and the applicant for timely review and action on development, land use, or other applications.
- (1) **Initiation of applications.** Any person, firm, or corporation owning property within the City may initiate an application for development approval.
 - (2) **Application form.** When submission of an application is required prior to review or action by the city, the applicant shall utilize the forms provided by the Development Services Department. The applicant is responsible for providing complete and accurate information and sufficient documentation to determine compliance with these Land Development Regulations and other city ordinances, and for consistency with the Comprehensive Plan, if applicable.
 - (3) **Filing.** Applications shall be filed at such times as prescribed by the Director.
 - (4) **Fees.** All fees required for the application(s) shall be submitted with the application. Applications missing required fees will not be accepted.
 - (5) **Sufficiency Review and Determination.** Within ten business days of the submission of an application, a determination shall be made as to whether or not the application contains complete and sufficient information for substantive review. The applicant shall be notified in writing within 30 days of the receipt of the application if any deficiencies exist and the information necessary for review to commence. Review of the application shall commence after a determination that the application is sufficient.
 - (6) **Refiling of Automatically Withdrawn Applications:** Should an applicant wish to re-file an application once withdrawn pursuant to this Section, the Director shall determine whether the applicant must follow the procedure and submittal requirements for a new application, or whether

the application may be reactivated with a lesser fee and submittal of only the deficient or missing items. This determination shall be based upon the amount of time that has elapsed since the application was automatically withdrawn, the extent to which the application was incomplete or deficient, and whether any amendments to the comprehensive plan or Land Development Regulations have occurred that may affect the review of the application.

(C) **Administrative review for technical compliance.** Once an application is determined to be complete and sufficient, the application will be circulated for technical review.

- (1) **Department Review.** Certain Level 1 Site Plan applications may only require technical review by the Development Services Department and will be reviewed within 10 business days after the determination of sufficiency.
- (2) **Technical Advisory Committee (TAC).** Applications that require review by Development Services and other City Departments or external agencies shall be distributed at the next regularly scheduled TAC meeting following the determination of sufficiency.
 - (a) TAC review comments shall be provided in writing to the applicant no later than 30 days from the distribution date, unless a reasonable extension of time, not to exceed 60 days, is needed due to the complexity, size, or other characteristic(s) of the application.
 - (b) Review comments may include requests for additional information or require resubmissions of documents.
 - (c) Review comments that require relief or other board action prior to a determination of compliance by technical reviewers will not receive final TAC comments until the dependent board action is complete.
 - (d) Resubmissions will be distributed to TAC for compliance review. Resubmissions must be provided within 60 days of the receipt of comments and shall include a written statement identifying how each review comment has been addressed. The applicant and City may agree to a reasonable extension of time based upon circumstances, such as the complexity, size, or necessary relief through a board action; however, failure to contact the City in

writing within 60 days of the receipt of TAC comments will be considered an automatic withdrawal of the project and the application file will be closed.

- (e) TAC review is considered complete when all technical comments have been addressed or an application for concurrent relief is submitted.

(D) **Board Scheduling.** Upon determination by the Director that the TAC review process and any required advisory board review is complete, and all required public notices are provided, an application can be scheduled for Board review.

- (1) **Agenda assignment.** Applications will be placed on the next available board meeting that affords adequate time to meet public notice requirements.
- (2) **Prerequisite actions.** When an action of one Board, or approval body, is dependent upon the action of another Board, the dependent action shall not be taken until the prerequisite action is completed.
- (3) **Recommendations.** Development applications that require forwarding of board recommendations shall be considered by the City Commission at the following available meeting provided public notice requirements and any deadlines established by the City Clerk's Office can be met. When an application is conditioned upon certain items being completed prior to consideration by the City Commission, documentation that such items are completed must be provided prior to scheduling.
- (4) **Retroactive action.** Applicants seeking retroactive approval for compliance with code violations will be scheduled for the first available meeting and are prohibited from requesting an alternate meeting date.

(E) **Board Action.**

- (1) A written report shall be prepared by Staff for Board review, providing an assessment of the application based on consistency with the adopted Comprehensive Plan, compliance with the criteria in the LDR and any other relevant City ordinances or external agency requirements, and an analysis with the required findings for the application type.

- (2) The Board may approve, approve with conditions, or deny the application using findings to support the decision. A denial shall include a reference to the authority for denial.
- (3) **Approval with conditions.** In granting approval to any development application, the granting body may impose conditions it deems necessary to ensure:
 - (a) The compatibility of the use with nearby existing and proposed uses.
 - (b) Consistency with the requirements of these Land Development Regulations.
 - (c) Meeting concurrency requirements.
 - (d) Consistency with the Comprehensive Plan.
 - (e) The fulfillment of requirements of the Land Development Regulations that should have or could have been fulfilled prior to the approval action but were not due to conditions beyond the control of the applicant.
 - (f) The fulfillment of requirements of the Land Development Regulations that could have been fulfilled prior to the approval action, but remain outstanding, providing that they will be completed in a later stage of processing.
 - (g) Notwithstanding the provisions above, neither a final subdivision plat, nor an abandonment of a right-of-way or an easement shall be approved subject to conditions.
- (4) **Findings upon approval.** Prior to the approval of a development application, certain findings must be made in a form that is part of the official record.
- (5) **Re-application.** Whenever the City Commission or Board has denied a development application:
 - (a) Any further application for the same request shall not be considered on any part or all of the same property for a period of 24 months from the date of such action.
 - (b) Changes to other land use or zoning designations on any part or all of the same property may be considered six months from the date of such action.

- (c) The time limits stated above may be waived by four affirmative votes of the City Commission when such action is found necessary to prevent injustice or to facilitate the proper development of the City. Further, the above limitations shall not apply to an application that expires during processing or that was denied.

Sec. 2.2.2. Financial guarantees.

This Section establishes the parameters and procedure associated with providing a financial guarantee to provide for the timely and proper installation of public improvements that are required to support the proposed development.

- (A) Items requiring a financial guarantee. Any improvement for which the City will assume responsibility or that is necessary to adequately provide service to or on a site shall have provisions for guaranteeing its installation and function. Such improvements, whether publicly or privately maintained, include, but are not limited to: (Ord. No. 24-25, § 6, 1-6-26)
 - (1) Water mains and fire hydrants;
 - (2) Sewer mains and lift stations;
 - (3) Drainage systems; (Ord. No. 24-25, § 6, 1-6-26)
 - (4) Street improvements; (Ord. No. 24-25, § 6, 1-6-26)
 - (5) Street lighting;
 - (6) Traffic signal installation;
 - (7) Any improvement to be located in a public right-of-way; (Ord. No. 24-25, § 6, 1-6-26)
 - (8) Street trees;
 - (9) Landscaping pursuant to Subsection (G).
- (B) **Financial Guarantee of Infrastructure Improvements.** A financial guarantee must be provided to the City to ensure the installation of infrastructure improvements pursuant to the approved plan. (Ord. No. 24-25, § 6, 1-6-26)
 - (1) **Major subdivision.** A financial guarantee must be provided to the City prior to plat approval. (Ord. No. 24-25, § 6, 1-6-26)
 - (2) **Minor subdivision or certified site plan.** A financial guarantee must be provided to the City at the time application is made for a building permit. (Ord. No. 24-25, § 6, 1-6-26)

- (C) **Required for warranty.** A financial guarantee shall be required as a part of an agreement between the City and the developer to defray all expenses incurred by the City because of defects in materials or workmanship used in the required improvements. The guarantee shall be for a minimum period of one year after acceptance of the improvement.
- (D) **Amount.** The amount of a financial guarantee required in-lieu of improvements shall be equal to 110 percent of the cost of the improvements as estimated by the developer and concurred with by the City Engineer. A financial guarantee for a warranty not associated with an in-lieu situation shall be for ten percent of the cost of original installation.
- (E) **Forms.** A financial guarantee may take any of the following forms: however, each individual document must be approved by the City Attorney.
- (1) Surety Bond, or other equivalent security instrument, conditioned to secure the construction of the required improvements in a satisfactory manner within a one-year time period. The bond shall be executed by a surety company authorized to do business in Palm Beach County. No such bond shall be acceptable unless it is enforceable by, or payable to, the City. The surety bond shall be in the form provided in the Subdivision Forms.
 - (2) Deposit with the City in the form of cash, cash placed in escrow, a cashier's check, or a certified check.
 - (3) Letter of Credit established with a financial institution wherein the City has access to funds in the event it becomes necessary for the City to complete installation and/or maintenance of the improvements. The letter of credit shall be in the form provided in the Subdivision Forms.
- (F) **Release of funds.** The City Engineer shall release all funds at the time of acceptance of improvements with the exception of an amount of ten percent which shall be retained for a period of one year after acceptance of all improvements. This amount may be used by the City if it becomes necessary to provide for the repair or maintenance of the improvement within that one-year period. Upon request and at the time of acceptance of a specific improvement, the City Engineer may release any funds which are provided by deposit or letter of credit to the extent that they were provided for the improvement being accepted.

(G) **Landscaping bond.**

- (1) If the landscaping requirements of this Section have not been met at the time that a Certificate of Occupancy could be granted and is requested, the owner or his agent must post with the Development Services Department a bond of 110 percent covering the costs of materials, labor and other costs incidental to the installation of the required landscaping.
- (2) A landscape bond will only be accepted in extreme hardships where the landscape plant materials are not available due to drought or freeze, or similar conditions occur that would warrant acceptance of the bond as determined by the Director.

Sec. 2.2.3. Developer's agreements.

Developer's Agreements shall be allowed if the City determines in its sole and absolute discretion that entering into such an agreement is in the best interests of the City. All Developer's Agreements shall conform to the provisions set forth in Section 163.3220 through 163.3243, Florida Statutes.

Sec. 2.2.4. Certification of actions taken.

This Section sets forth responsibilities with respect to ensuring that an action taken by the City on a development application is understood by the applicant; and sets forth the procedures for obtaining a certified copy of any such action.

- (A) **Responsibilities of the applicant.** It is the responsibility of an applicant, or agent, to keep abreast of the status of the development application. Correspondence from the City to a designated agent is the only act required by the City with respect to notification of status. Actions of a review Board or the approving body are not required to be provided to the applicant or agent. However, upon written request a certified copy of minutes or a letter of certification shall be provided.
- (B) **Certification of plans.** When a site and development plan has been approved, or approved subject to conditions, upon receipt of a revised plan that includes all required modifications, including Architectural Elevations and Landscape plans, the Director shall sign and have the site plan stamped "Approved." All subsequent development activity shall be carried out pursuant to a certified site plan.

- (C) **Recording of plats.** Upon approval of a plat, a signed and sealed reproducible mylar of the plat shall be executed by the Director. Upon release by Development Services, the plat shall be provided to the applicant for recordation with the Palm Beach County Clerk of Courts. Building permits shall not be issued for structures until the plat has been recorded. (Ord. No. 24-25, § 7, 1-6-26)
- (D) **Recording other documents:** Whenever documents are to be recorded as a condition of approval, the applicant is responsible for recordation and providing certified copies of the recorded document to the City Clerk. Recordation of official City documents (e.g. a Resolution of Abandonment of an Easement) shall be made under the auspices of the City Clerk.
- (E) **Establishment of project.** All approvals shall be considered established when it meets one of the following tests:
- (1) Improvements representing 25 percent of the total cost of all improvements, excluding demolition, associated with the project approval.
 - (2) A certificate of occupancy has been issued for use of the property pursuant to the development approval.
- (F) **Expiration of approvals.**
- (1) **Conditional uses, site plans, subdivision plans, and zoning certificates of use.** (Ord. No. 24-25, § 7, 1-6-26)
 - (a) Site Plans, Conditional Uses, Conditional Use modifications, and Subdivision Plans shall be valid for a period of 24 months. Level 2-4 Site Plans or Conditional Use actions that modify an approved and established project, shall be considered a new approval and shall be valid for 24 months. Level 1 Site Plan modifications to an approved, yet unestablished project, shall be valid until the expiration date for the original Site Plan and/or Conditional Use approval. (Ord. No. 24-25, § 7, 1-6-26)
 - (b) Zoning Certificates of Use shall be valid for a period of 180 calendar days from the date of approval by the Director. If a Business Tax Receipt application is not submitted prior to the expiration date, a new Zoning Certificate of Use must be requested, and a new fee will be required. (Ord. No. 24-25, § 7, 1-6-26)
 - (2) **Extensions.** Extensions of approved applications may be granted pursuant to LDR Section 2.2.4(H).

- (3) **Relief from parking requirements, waivers, adjustments.** These approvals, associated with a specific development application, shall remain valid for the same period as said development application, do not run with the land, nor are they transferable to another development proposal.
 - (4) **Plats.** Plats must be recorded within 18 months of approval. If the plat is not recorded within 18 months, the approval expires. (Ord. No. 24-25, § 7, 1-6-26)
 - (5) **Master development plans.** Master Development Plans approvals are valid for a period of 24 months. (Ord. No. 24-25, § 7, 1-6-26)
 - (6) **Murals.** Mural permits shall be valid for a period of 12 months from the approval date. The installation of an approved mural shall be completed and inspected no later than 12 months from the approval date.
- (G) **Extensions.** Extensions may be granted to a project approval, pursuant to the following:
- (1) **General.**
 - (a) A written request for an extension must have been received by the City at least 45 days prior to the expiration date;
 - (b) The letter must set forth the basis and reason for the extension;
 - (c) The extension shall be considered by the same body that granted the original approval;
 - (d) The extension, if granted, shall be for 18 months unless otherwise stated.
 - (2) **Construction has commenced.** When there are substantial improvements on the site but the 25 percent establishment standard is not met, the granting body shall consider the diligence and good faith of the developer to actually commence and complete construction. In this case, an extension to the originally approved project without change or without evaluation pursuant to subsection (3), which follows, shall be granted to enable the developer to complete the project as opposed

to allowing a continuing approval in order to more readily sell the land and/or project. In considering "diligence and good faith", the granting body shall consider:

- (a) When the construction commenced (construction which is commenced immediately preceding expiration generally indicates a lack of good faith);
 - (b) The extent to which construction has proceeded;
 - (c) The extent to which a bonafide continuous effort to develop is evident but because of circumstances beyond the control of the developer, it was not possible to meet the 25 percent standard.
- (3) **No construction.** When the project has not commenced construction, or construction has not been deemed substantial, the request for extension shall be considered pursuant to the following:
- (a) The project shall be evaluated pursuant to the Land Development Regulations in effect at the time of consideration of the extension request and shall comply with such current requirements.
 - (b) Additional submittal information including a new application and copies of previously submittal material may be required.
 - (c) The granting body must make findings applicable to the approved application type.
 - (d) The granting body may impose additional conditions of approval to ensure compliance with any applicable changes to regulations or changes in circumstances which have occurred since the previous approval.
- (4) **Litigation preventing construction.** When a lawsuit is filed against the City, a developer, owner or applicant challenging the granting of a development approval by the City, an extension of the development approval shall be granted without further review. The extension of time shall be effective until the litigation is concluded. In no event shall the extension of time exceed seven years from the initial date of approval of the development application. If the litigation is not resolved within a maximum of seven years from the initial date of approval, the developer, owner or applicant shall be required to follow the extension requirements of this Section. The litigation shall be deemed to be concluded after all appeals have been exhausted and a Final Order/

Decision from the Court having jurisdiction over the matter has been entered. This subsection does not apply to lawsuits filed by the developer, owner or applicant against some other party, nor does it apply in any way to allow the developer, owner or applicant to extend the 24-month deadline because of financial issues.

- (a) This subsection does not apply to lawsuits filed by the developer, owner or applicant against some other party, nor does it apply in any way to allow the developer, owner or applicant to extend the 24-month deadline because of financial issues.
 - (b) To be eligible for an extension of time, the developer, owner or applicant seeking an extension must send written notification and documentation that shows ongoing litigation to the City within 30 days of the service of the suit, unless the City is a party to the suit.
 - (c) Subsection 2.4.4(F)(4) shall also apply to those development applications that were approved by the City prior to the adoption date of this ordinance, which approval is still valid in that the approval period has not expired, but construction has not commenced as litigation over the approval of the development application has prevented the commencement of construction. In order to qualify under this exception provided for in this paragraph, the developer, owner or applicant must provide the required notification/documentation to the City within 30 days of the adoption of this ordinance.
- (5) Development orders eligible for extension by State of Florida Statutes must be submitted prior to the expiration date.

ARTICLE 2.3. PRE-APPLICATION REQUESTS

This Article establishes procedures for preliminary review processes for potential development to provide applicants with an informal, non-binding review of a proposal without full submission and procedural requirements.

(A) **Zoning Verification Letters.**

- (1) **General.** An application for a Zoning Verification Letter (ZVL) may be submitted by any individual seeking verification of the zoning status or other zoning-related information of a specific parcel(s) of land.

(2) Review procedures.

- (a) **Applications.** Applications shall be made pursuant to the requirements of Chapter 2. The applicant is solely responsible for the completeness and accuracy of the information provided in the application.
- (b) **Staff review.** Upon receipt of a completed application, the Director shall review the application and issue a ZVL that may only address the following information:
 - 1. The land use designation of the property.
 - 2. The zoning district of the property.
 - 3. A list of permitted uses in the property's zoning district.
 - 4. Verification that a particular use is permitted within the property's zoning district.
 - 5. The development regulations applicable to the property.
 - 6. Identification of any outstanding notice of violations issued for code enforcement violations of the property.

(3) Duration, limitations, effect.

- (a) **Duration.** Zoning Verification Letters do not expire; however, the Land Development Regulations are continually under review and may change at any time, and any ZVLs issued are subject to changes adopted after the issuance of the letter. Applicants have the responsibility of ensuring that all applicable rules, regulations, and circumstances have not changed subsequent to the issuance of a ZVL.
 - (b) **Limitations.** If the Director determines that a ZVL was based on inaccurate, incomplete, or misleading information or if the ZVL does not comply with this Chapter, then the Director at any time may issue a modified ZVL that complies with this Chapter or revoke the ZVL.
 - (c) **Effect.** A ZVL does not authorize development activity. The determinations made by a ZVL are not subject to appeal.
- (B) **Pre-application meeting.** A pre-application meeting is required to avoid unnecessary delays or confusion in the application and review processes.

An informal meeting will be scheduled among the applicant, Development Services staff, and other appropriate city staff to discuss the proposal and to review any preliminary plans. The usefulness of the meeting is largely dependent upon the accuracy of the information and level of detail provided by the applicant. Discussions at the meeting must not be construed to be a preliminary approval of the development concept as the Land Development Regulations are subject to change.

(C) **Concept plan review by a board.**

- (1) **General.** A property owner, business owner, or potential developer may submit an application to appear before the appropriate development board for an informal, nonbinding, concept plan review of a potential development proposal.
- (2) **Submission requirements.** The depth of review is largely dependent upon the accuracy of information and level of detail provided. A completed application must be received at least 30 days prior to a regularly scheduled meeting of the Board that includes, at a minimum, the following:
 - (a) A written description of the potential development including, but not limited to, existing zoning, conditions, uses on the site, intended use, and proposed improvements.
 - (b) A survey, photographs of existing conditions, or other representation of the property to identify the site layout, existing improvements, and character.
 - (c) A graphic representation of the proposed modifications.
- (3) **Non-binding review.** The material provided by the applicant shall be presented to the review board as submitted, without staff review and analysis. The Board shall review and comment on the potential development at a public meeting. No action will be taken by the Board, no written report will be provided, and the discussions at the meeting must not be construed to be a preliminary approval of the development concept.

(D) **Sketch plan review by staff.**

- (1) **General.** An applicant may request informal sketch plan review of a potential development proposal by the Director for a non-binding

written assessment of a proposal as it pertains to the City's Comprehensive Plan, development philosophy, availability of utilities and services, and general compliance with Land Development Regulations.

- (2) **Submission requirements.** A completed application must include, at a minimum, the following:
 - (a) A letter stating the applicant's interest in the property and a description of the proposed development.
 - (b) A general location map and a survey or other representation of the property, which identifies its general dimensions and character.
 - (c) A graphic representation of one or more ways the developer intends to develop the property.
- (3) **Review and comment process.** The application shall be distributed to the Technical Advisory Committee (TAC) for review. Within 30 days of submission, the applicant shall be invited to a TAC meeting to discuss the review of the proposal. Following that meeting, the Director shall issue a non-binding letter of comment in accordance with the intent of Subsection (C)(1) above.
- (E) **Combined review.** An applicant may request a combination of the above processes and is subject to both fees.

ARTICLE 2.4. DEVELOPMENT APPLICATION REQUIREMENTS

Sec. 2.4.1. Applicability.

The following requirements shall apply to all applications, unless otherwise modified for specific articles in this Chapter.

Sec. 2.4.2. Application Submittal Requirements.

(A) **Standard Forms and Requirements.** All approvals requested under this Chapter require submittal of a City application, including the information and items enumerated on the submittal checklist accompanying the application form, and an application fee as established by the resolution of the City Commission.

(B) **Proof of Ownership.** Proof of ownership shall be established by a copy of the most recent warranty deed, as recorded with the County Clerk, a certificate from an attorney-at-law or a title insurance company certifying the current fee simple

title holders of record, and the nature and extent of his or her interest therein. Corporations shall provide the names and addresses of the corporation and principal executive officers.

(C) **Authorization to File.** If the applicant is other than a single person owner, the written consent of the owners must be provided in a certified form. When an application is executed on behalf of a corporation or a business entity, documentation must be provided that demonstrates the corporation's representative is authorized to act on its behalf.

(D) **Waiver or Combining of Submittal Requirements.** The Director has the authority to waive or allow the combining the submittal requirements, other than an application fee, on a case-by case basis, upon finding that such material is not relevant or necessary to fully analyze or to make a determination relative to an application.

(E) **Provision of Additional Information.** The Director has the authority to require submission of additional information or material on a case-by-case basis upon determination that such information or material is necessary to adequately evaluate a development proposal. Additional information or materials may be necessary based upon the scope of the request, circumstances that are particular to the physical, locational, or historical aspects of the property or properties, or if a change in regulations directly or indirectly creates the need for the item.

(F) **Fees.** Application fees shall accompany each application, unless exempted in Subsection (E), below. Application fees are established and amended by resolution of the City Commission. Fees shall be charged in an amount to offset the costs incurred by the City to review and process an application. Such costs include, but are not limited to, public notice advertisements; public notice postage; and planning, engineering, scientific, technical, and related professional and staff services necessary to process the application.

- (1) **Cost Recovery.** Applications requiring additional technical analysis by credentialed professionals, such as traffic studies, Special Flood Hazard Areas, arborist reports, etc. are subject to full cost recovery. The applicant is responsible for the costs of review to be performed by an outside consultant selected by the City of Delray Beach. The applicant shall pay prior to review an initial preliminary deposit of \$10,000.00 which shall be credited toward the overall costs and shall pay additional deposits of half of the initial deposit whenever the account balance is 20 percent or less of the original deposit. The review costs shall cover 100 percent of the city staff costs and outside consultant fees required for the review. At the time the Director determines

that no further action is necessary for the review of the request, any remaining funds shall be refunded to the applicant within two months of the determination.

(2) **Fee Exemptions.**

- (a) Application and permit fees shall not apply to requests initiated by the City, any agency of the City, or by other units of government.
- (b) Waiver of payment of development application, plan check and permit fees may be granted by the City Manager upon a written request from eligible non-profit and service organizations. Those organizations eligible for waiver consideration are:
 - 1. Non-profit organizations currently receiving a portion of their annual operating budget from the United Way and/or the City and possessing a 501(c)(3) designation from the Internal Revenue Code.
 - 2. Service organizations, as defined by the City's Special Event Policy, which elect to sponsor and participate in special event and/or fund raising activities that are of benefit to the general public. For this purpose, eligible organizations must provide in writing the extent of their involvement with the proposed activity. A group's physical presence (active involvement) during the event is required.
- (c) The waiver of fees is applied in the following manner:
 - 1. For fees assessed for development applications, 100 percent of assessed fees may be waived.
 - 2. For Plan Check and Permit Fees, no more than 70 percent of the assessed fees may be waived.

(3) **Refunds.** Refunds or partial refunds may be issued at the discretion of the Director for an application withdrawn prior to Board review.

(G) **Notice requirements.** All notice information required pursuant to Article 2.6 must be submitted with the application.

Sec. 2.4.3. Specifications for Plans and Documents.**(A) *Credential requirements of the preparer.***

- (1) ***Plans to be certified.*** The following submissions are to be signed and sealed by the professional, as authorized by Florida Statutes):
- (a) Boundary Survey, As-built Survey, and Sketch and Legal Description by a licensed surveyor or licensed engineer;
 - (b) Traffic statement or study by a licensed engineer;
 - (c) A landscape plan by a licensed landscape architect;
 - (d) A site development plan by a licensed architect, a licensed landscape architect, or licensed engineer;
 - (e) Final Engineering Plans by a licensed civil engineer;
 - (f) Photometric plans shall be signed and sealed by a licensed professional knowledgeable in lighting design, an electrical engineer, or other licensed professional that the Director deems qualified.
 - (g) Architectural elevations by a registered architect.
 - (h) Drainage plans prepared by a licensed engineer.
 - (i) Water and Sewer plans prepared by a licensed engineer.

(2) *Exceptions.*

- (a) ***General.*** Exceptions to the above sign and seal requirement include the preparation of plans, when allowed, by owners and others, who are not registered professionals, pursuant to Florida State Statute.
- (b) ***Site plans.*** A site plan to be certified as meeting conditions of approval must be signed and sealed without exception. The Director may accept a site plan prepared by an owner, or other person, when the site plan is considered as a preliminary submission or when the essence of the review is to evaluate compliance with code requirements as opposed to application of design principles to the proposed development.

(B) *Drainage plans.*

- (1) ***General.*** Prior to approval of a plat, certification of a site plan, or issuance of a building permit, the City Engineer shall review and approve the associated drainage plan(s).

- (2) **Required information.** In addition to the standard application requirements, the following information may also be required to approve a drainage plan:
- (a) A standard application prepared for the South Florida Water Management District, the Lake Worth Drainage District, or the Florida Department of Transportation.
 - (b) A permit issued by the South Florida Water Management District, the Lake Worth Drainage District, or the Florida Department of Transportation, as appropriate or a letter of exception from them.
- (3) **Procedures.**
- (a) Preliminary Plans: Such drainage plans shall be provided as a part of the development application and shall be processed as are other portions of such submission.
 - (b) Final Drainage Plans: A final drainage plan which requires approval by either South Florida Water Management District, the Lake Worth Drainage District, or the Florida Department of Transportation shall be submitted to them under separate application with a copy of the submission, clearly noted as such, provided to the City prior to, or concurrent with, a final plat or a request for certification of a site plan or issuance of a building permit.
- (4) **Findings.** Prior to approving any drainage plan, the City Engineer must find that the drainage plan:
- (a) Has been approved by the either South Florida Water Management District or Lake Worth Drainage District, as appropriate and if necessary;
 - (b) Is in compliance with general engineering practice as exercised by the City of Delray Beach; and,
 - (c) Is consistent with and compatible to the approved site plan, landscaping plan, and/or associated plat.
- (C) **Water and/or sewer plans.**
- (1) **General.** Prior to approval of a plat, certification of a site plan, or issuance of a building permit, as is appropriate, the Utilities Director, or designee, must review and approve the associated water and sewer plans.
 - (2) **Required information.** The following information is required in order to certify the acceptance of water and sewer plans:
 - (a) A standard application prepared for the Florida Department of Health (DOH) or the City of Delray Beach, as appropriate.

- (b) A permit issued by the DOH or a letter from the City Director of Utilities stating that such a permit is not required.

(3) **Procedures.**

- (a) **Preliminary plans and/or small scale projects.** Such plans shall be provided and reviewed as a part of the development application.
 - (b) **Final plans.** Final water and sewer plans which require DOH. approval shall be submitted to the City's Utilities Department for review and approval prior to forwarding to DOH. Such plans must be provided to the City prior to, or concurrent with, a final plat or certification of a site plan. A project that does not require review or approval by DOH, shall be reviewed and approved by the City.
- (4) **Findings.** Prior to certifying any water or sewer plan, the Utilities Director, or designee, must find that the plan:
- (a) Has been approved by either the Florida Department of Health or the Director of Utilities, as appropriate;
 - (b) Is in compliance with general engineering practice as exercised by the City of Delray Beach; and,
 - (c) Is consistent with and compatible to the approved site plan, landscaping plan, and/or associated plat.

Sec. 2.4.4. Annexations.

(A) *General.* Any property owner with land located in an unincorporated area that is contiguous to the municipal boundary of Delray Beach may request that his or her property be annexed. Additionally, the City may initiate an annexation of private property if a water service agreement has been executed, and as otherwise allowed pursuant to Florida Statutes.

(B) **Submittal Requirements.**

- (1) **Voluntary Annexations:** An application for voluntary annexation must be accompanied by applications for a Land Use Map amendment and an amendment to the official zoning map ("rezoning"), pursuant to submittal requirements in Chapter 2.
- (2) **City-Initiated Annexations:** Requirements for non-voluntary annexations are as established in Florida Statutes Chapter 171.

(C) **Procedure.**

- (1) **Voluntary Annexation:** A voluntary petition for Annexation must be processed concurrently with land use and rezoning applications, which shall be processed in the following general sequence.
 - (a) A request for voluntary annexation shall be in the form of an application to the City. The application must identify the property to be annexed by legal description, identify the points of contiguity on a survey, and identify the desired land use and zoning designations.
 - (b) Within ten calendar days of receipt of the application that bears the signatures of all owners in the area proposed to be annexed, the City shall submit a copy of the application to the County Administrator and County Planning Director pursuant to Section 5 of Palm Beach County Ordinance No. 2007-018.
 - (c) Determination of sufficiency, followed by technical review of the complete application.
 - (d) The proposed annexation shall be reviewed at a public hearing that has been noticed pursuant to Article 2.6. The Planning and Zoning Board shall make a recommendation to the City Commission based on the required findings.
 - (e) The City shall provide a copy of the notice via certified mail to the Board of County Commissioners (F.S. 177.044) at least ten days prior to publishing the first newspaper notice for City Commission consideration of the ordinance.
 - (f) The ordinance for annexation shall be considered on first reading by the City Commission at a public hearing noticed pursuant to Article 2.6. The ordinance must include a map that clearly shows the annexed area and a complete legal description of the area by metes and bounds.
 - (g) If approved on first reading, the annexation shall be considered on second and final reading. Notice of the hearing shall be published in a newspaper of general circulation within the city at least once each week for two consecutive weeks. The notice shall comply with Florida Statutes Section 171.044, as amended from time to time.
- (2) **City-Initiated Annexation:** City-initiated annexations require a recommendation of the Planning and Zoning Board to the City Commission and shall be processed pursuant to applicable requirements of Florida Statutes Chapter 171.

(D) **Required Findings.** The City Commission must make findings that the annexation is consistent with the adopted Comprehensive Plan, as may be amended from time to time, and that the annexation complies with Florida Statutes Chapter 171.

(E) **Imposition of Conditions.** Prior to consideration of an annexation ordinance, the City Commission may require the applicant(s) to enter into a pre-annexation agreement that provides for conditions precedent to annexation.

Sec. 2.4.5. Land Use Actions.

(A) Amendments to the Comprehensive Plan.

- (1) Amendments to the Comprehensive Plan shall be processed pursuant to the Florida Community Planning Act in F.S. 163.3184 through 163.3253, as may be amended from time to time.
- (2) Requests to amend the Land Use Map are subject to the Performance Standards in Chapter 3.
- (3) Map amendments proposed within historic districts shall be reviewed by the Historic Preservation Board and a recommendation made to the City Commission; all other proposed Map amendments shall be reviewed by the Planning and Zoning Board and a recommendation made to the City Commission.

(B) Change of zoning district designation.

- (1) **Initiation.** Amendments to the Official Zoning Map ("rezoning") may be initiated by the city or by the owner of the property.
- (2) **General.** The City Commission, by ordinance, after review and recommendation for approval by the Planning and Zoning Board, may amend the Official Zoning Map.
- (3) **Required information.** A complete application that includes the following:
 - (a) Traffic analysis that addresses the development of property under reasonable intensity pursuant to the existing and proposed zoning
 - (b) A statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning are:
 1. The zoning had previously been changed, or was originally established, in error;

2. There has been a change in circumstance which makes the current zoning inappropriate;
 3. The requested zoning is of similar intensity as allowed under the Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.
- (4) **Procedure.** A rezoning application shall be processed as follows:
- (a) Determination of sufficiency, followed by technical review of the complete application.
 - (b) Review by any applicable advisory board for recommendation to the Planning and Zoning Board.
 - (c) Consideration at a public hearing before the Planning and Zoning Board;
 - (d) Forwarding of a recommendation for approval to the City Commission and consideration at first reading of the enacting ordinance;
 - (e) Public hearing before the City Commission and adoption or rejection at second reading.
- (5) **Conditions.** A rezoning may be conditioned in such a way to limit the intensity of development when such a limitation is necessary in order to provide for concurrency or to mitigate against the violation of an adopted level of service standard.
- (6) **Findings.** In addition to provisions of Chapter 3, the City Commission must make a finding that the rezoning fulfills at least one of the reasons listed under Subsection (3) and is in furtherance of the public health, safety, and welfare.
- (7) **Limitations of rezonings.** Consideration of a rezoning request after a denial is subject to Article 2.2.

Sec. 2.4.6. Regulation of Uses.

(A) **Establishment of a Conditional Use.**

- (1) **General.** The City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a conditional use.

- (2) **Required information.** Standard application items shall be provided. In addition, if establishment of the use requires new improvements or substantial changes to existing improvements, a sketch plan showing the extent of those improvements shall be provided. At its discretion, the Planning and Zoning Board may require submission of a site plan prepared pursuant to City standards. At the applicant's discretion, a simultaneous site plan application and conditional use application may be filed.
- (3) **Procedure.** A conditional use request shall be processed through the following sequence:
 - (a) Determination of sufficiency, followed by technical review of the complete application.
 - (b) Review by any applicable advisory board for recommendation to the Planning and Zoning Board.
 - (c) Consideration at a public hearing before the Planning and Zoning Board.
 - (d) Forwarding of a recommendation of approval to the City Commission.
 - (e) Action by motion of the City Commission to either approve, approve subject to conditions, or deny.
- (4) **Conditions.** Conditions may be imposed pursuant to Article 2.2. In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.
- (5) **Findings.** In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:
 - (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located.
 - (b) Hinder development or redevelopment of nearby properties.
- (6) **Modification of a conditional use approval.** An approved conditional use may be modified. If the modification involves only the implementation of or compliance with the conditions of approval, the modification may be approved by the Director. If the modification involves intensity of use or hours of operation, the modification must be approved by the Planning and Zoning Board. If the Board finds that the requested modification is significant, then the modification must be heard as a new Conditional Use application. Any request for a modification may be denied.

- (7) **Abandonment of an established conditional use.** When an established conditional use is discontinued or abandoned for a continuous period of 180 days, or an intervening use is established, the conditional use may not be reestablished without a new application for said conditional use being filed, reviewed, and approved pursuant to this Subsection (E).

(B) **Revocation of an established conditional use.** The City Commission shall have the authority to revoke or modify an established conditional use with the concurring vote of four members.

(1) **Procedure.**

- (a) The City Attorney shall prepare a written notice of violation to the property owner, business owner, and property manager citing the violation and time frame to correct the violation(s).
 - (b) If violations are not corrected within the stated time frame, the City will notify the aforementioned parties by certified mail at least 30 days in advance of the public hearing date where the revocation of the conditional use permit will be considered.
 - (c) Notification of the public hearing shall be published in the official newspaper at least ten days prior to the hearing, and written notification of said hearing shall be mailed at least ten days prior to all property owners within 500 feet of the perimeter of the property under consideration.
 - (d) Development Services staff shall prepare a report for the public hearing and include the details of the violation(s), revocation findings, and an analysis of the terms of approval in consideration of the violation(s).
- (2) **Findings.** A conditional use may be revoked by the City Commission only upon making a finding that:
- (a) The approval of the conditional use was obtained by misrepresentation of material fact; or
 - (b) The conditional use is not being exercised in compliance with the terms of approval; or
 - (c) The conditional use is having a significantly detrimental effect upon the stability of the neighborhood; or
 - (d) The conditional use is hindering development or redevelopment of nearby properties.

- (3) **Revocation Terms.** If City Commission finds that the conditional use must be revoked:
- (a) Operation of the use and/or the non-compliant component of the use (i.e. hours of operation) shall cease immediately.
 - (b) Any improvements associated with the non-compliant component of the use must be removed immediately.
 - (c) If a permit or other approvals are necessary for compliance with the revocation, then the removal must be complete within 60 days of the revocation.

(C) **Zoning Certificate of Use.**

- (1) **General.** A Zoning Certificate of Use is an administrative action by the Director required for any change of use to an allowed use, addition of use(s), or a change in business within an existing building where no exterior site improvements are required or proposed.
- (2) **Submittal requirements.** A completed application with a site survey, an exhibit showing the business floor plan, and any additional documentation necessary to assess the proposed use.
- (3) **Procedure.** A Zoning Certificate of Use shall be processed as follows:
 - (a) Determination of sufficiency, followed by technical review of the complete application.
 - (b) The Director may approve, approve with conditions, or deny the application.
 - (c) An approval by the Director is required prior to application for a business tax receipt.
- (4) **Conditions.** The Director may impose reasonable conditions upon the issuance of a Zoning Certificate of Use.
- (5) **Expiration.** Approval of a zoning certificate of use shall be valid for a period of 180 days from the date of approval by the Director. If a business tax receipt application is not submitted prior to the expiration date, a new zoning certificate of use must be requested, and a new fee will be required.

(D) **Determination of similarity of use.**

- (1) **General.** A determination of Similarity of Use shall be made only by the Planning and Zoning Board.

- (2) **Required information.** A complete application that includes a written statement identifying:
- (a) The requested use and its description;
 - (b) The appropriate zoning designation; and
 - (c) Rationale as to why the use should be deemed similar to other uses already allowed in the identified zoning district.
- (3) **Procedure.** Upon receipt of a complete application, the request will be distributed to the City Manager and the City Commission with the date of the Planning and Zoning Board hearing. The request shall be placed on the next available agenda of the Planning and Zoning Board at which time action will be taken.
- (4) **Conditions.** The imposition of conditions is not appropriate as this item is an interpretation of the zoning code.
- (5) **Findings.** Prior to approving a requested determination of similarity of use, the Planning and Zoning Board must find that the requested use is, indeed, similar to other uses allowed in the zoning district and is in keeping with the stated purpose of the district.

(E) **Temporary use permit.** A temporary use permit is required for any of the uses listed below. The granting authority of each use is as follows:

TABLE 2.4.6-A—Granting Authority for Temporary Use Permits	
Granting Authority	Use
City Commission	• Circuses or Carnivals • City Operated Facilities • Seasonal Farmer's Market • Temporary Parking Lots • Horse Drawn Carriage Rides, Ice Skating Rink, Carousel, and Other Related Holiday, Seasonal/Temporary Uses
Chief Building Official	• Sales Offices and Models at a Residential Development Site • Construction Trailers and Compounds
Development Services Director	• Uses under a Tent

(Ord. No. 12-24, § 3, 5-21-24)

- (1) **Rule.** No temporary use shall be allowed except as provided in this Subsection or as otherwise provided for in these regulations.

(2) **Procedures.** Upon receipt of a complete application, the granting authority shall take the request under consideration and upon assurance that all applicable regulations and requirements will be met, the authority shall issue a temporary use permit for a period of time as specified in the permit.

(3) **Regulations and restrictions.**

(a) **Uses under a tent.**

1. The use of a tent, or tents, shall only be as follows:
 - a. The sale of seasonal items which, when protected from the sun, provides for a less hazardous product for public use (i.e. Christmas tree sales);
 - b. Shelters to protect the public from the elements. Tents for these uses can be approved for up to three days by the Chief Building Official. Requests for more than three days up to a maximum of seven days require City Commission approval.
 - c. The use of tents for retail sales or other commercial use that are not specified in this section is prohibited.
2. The tent and site shall comply with the following:
 - a. The tent shall be approved by the Fire Marshall for fire resistance.
 - b. Adequate fire protection equipment, of a type and capacity as approved by the Fire Marshall, shall be provided on the premises at all times.
 - c. Payment of a permit fee and a deposit which shall be returned upon determination by the Chief Building Official that all debris resulting from the use has been removed from the site.
 - d. Permits for electrical and health and sanitation facilities, as applicable.

(b) **Seasonal farmer's market.**

1. A farmer's market may be permitted within that portion of the City's Transportation Concurrency Exception Area that is west of the Intracoastal Waterway, for the purposes of downtown revitalization, subject to the following restrictions:
 - a. The market must be sponsored by the Community Redevelopment Agency, the Downtown Development Authority, or other agency which is formulated for the purposes of economic development as approved by the City Commission.

- b. Operation of the market is to be limited to the growing season (generally, November through May), but not more than one day per week, unless specifically authorized by the City Commission. The Commission shall establish the specific days and hours of operation, as well as the duration of the temporary use permit.
 - c. Products to be sold shall consist of agricultural produce, plants and flowers; baked goods; and cheeses. The City Commission may also at its discretion approve the limited sale of related products such as handmade crafts, prepared foods, and promotional items bearing the name of the City and the market. The sale of such additional items, if approved, shall be limited to a specific number or percentage of the total vendors.
 - d. The Commission may approve the design elements of the market (i.e. site layout, types of tents/booths to be erected, etc.), or may defer such elements to the Site Plan Review and Appearance Board (SPRAB) or the Historic Preservation Board (HPB), as appropriate. All elements must comply with applicable health, safety, and fire codes.
 - e. Permits for electrical and health and sanitation facilities, as applicable, shall be obtained.
- (c) ***Horse drawn carriage rides, ice skating rink, carousel, and other related holiday, seasonal/temporary uses.***
- 1. The horse drawn carriage rides, ice skating rink, carousel, and other related holiday, seasonal/temporary uses must be sponsored by the City, Community Redevelopment Agency, the Downtown Development Authority, or other agency which is formulated for the purposes of economic development as approved by the City Commission. The owner/operator of the horse drawn carriage rides must have a license agreement approved by the City Commission prior to commencing the use.
 - 2. In addition to the holiday, seasonal, and temporary uses allowed, horse drawn carriage rides are also permitted for certain special events under the terms and for the times permitted in a license agreement. Horse drawn carriage special event rides not specifically authorized above, are only permitted between 6:00 p.m. and

10:00 p.m. from June 1 through November 1, except for weddings, which may also occur between the hours of 8:00 a.m. and 12:00 noon from June 1 through November 1.

(d) ***Temporary parking lots.***

1. A temporary parking lot may be permitted within the following areas:
 - a. The portion of the Central Business District (CBD) and Community Facilities (CF) District bound by Swinton Avenue on the west, the Intracoastal Waterway on the east, N.E. 2nd Street on the north, and S.E. 2nd Street on the south; (Ord. No. 12-24, § 3, 5-21-24)
 - b. The portion of the CBD District bound by N.E. 2nd Avenue on the west, the FEC Railway on the east, N.E. 2nd Street on the south, and N.E. 4th Street on the north; (Ord. No. 12-24, § 3, 5-21-24)
 - c. The portion of the CBD located east of the Intracoastal Waterway;
 - d. The non-residential zoning districts bound by Swinton Avenue on the east, I-95 on the west, N.W. 1st Street on the north, and S.W. 1st Street on the south; and (Ord. No. 12-24, § 3, 5-21-24)
 - e. General Commercial (GC) zoned properties. (Ord. No. 12-24, § 3, 5-21-24)
2. Temporary parking lot spaces shall not be used to fulfill minimum off-street parking requirements for new development or redevelopment. Temporary lots may be used to supplement required parking.
3. Within the General Commercial Zoning District, temporary parking is limited to off-site storage of automotive dealership vehicle inventory. (Ord. No. 12-24, § 3, 5-21-24)
4. Prior to issuance of the temporary use permit, the applicant shall submit a site plan that includes proposed grade elevations, landscaping and other information that addresses the regular maintenance of the parking surface and irrigation of the landscaped

areas. TAC shall review the site plan for technical compliance prior to consideration by the City Commission. (Ord. No. 12-24, § 3, 5-21-24)

5. Permits for temporary parking lots shall be valid for no more than one year. Prior to a permit's expiration, a permit holder may request renewal by the City Commission for no more than three years from the date of issuance. Prior to City Commission action on a renewal request, the Development Services Director shall confirm the permit holder is in full compliance with the permit, including but not limited to, compliance with the site plan and any imposed conditions. (Ord. No. 12-24, § 3, 5-21-24)
6. The temporary parking lot shall be monitored for compliance with the approved plan. If the operation of a lot is not in compliance with the approval or if the lot has an adverse effect on surrounding properties, the permit may be reviewed by the City Commission for possible revocation. (Ord. No. 12-24, § 3, 5-21-24)
7. Within 30 days of expiration of the permit, all rock or gravel surfaces shall either be removed or covered with top soil. The site shall then be sodded or landscaped in compliance with the Land Development Regulations. (Ord. No. 12-24, § 3, 5-21-24)
8. A temporary parking lot shall be constructed to the following specifications:
 - a. The parking lot surface shall be brought to grade with a dust-free surface of six inches of mulch or four inches of pearock, gravel, or river rock, over soil compacted to 95 percent maximum density per AASHTO T-180. (Ord. No. 12-24, § 3, 5-21-24)
 - b. Lots not operated on a 100 percent valet basis. Wheel stops shall be provided to indicate individual spaces. The size of the parking spaces, maneuvering areas and aisle widths shall be subject to Section 4.6.9(D)(4). In addition, the parking lot shall meet the requirements of the "Florida Accessibility Code for Building Construction". (Ord. No. 12-24, § 3, 5-21-24)
 - c. Lots operated on a 100 percent valet basis. Wheel stops shall be provided at the edge of the parking surface. (Ord. No. 12-24, § 3, 5-21-24)

- d. The lot shall meet the requirements of Section 4.6.9(D)(3) for access to the street system. Driveway aprons between the edge of pavement and the right-of-way line shall be constructed of asphalt or concrete. (Ord. No. 12-24, § 3, 5-21-24)
- e. The following perimeter landscape buffer requirements apply to temporary parking lots: (Ord. No. 12-24, § 3, 5-21-24)
 - i. Not adjacent to a residential use. A landscape strip at least three feet wide with a minimum two-foot-high hedge and four-foot opaque fence is required. (Ord. No. 12-24, § 3, 5-21-24)
 - ii. Adjacent to a residential use. A landscape strip at least three feet wide with a minimum four-foot-high hedge and six-foot opaque fence is required. Additional landscaping may be required to address potential impacts based on site specific conditions. (Ord. No. 12-24, § 3, 5-21-24)
 - iii. If a site plan is approved for the property proposed for a temporary parking lot, the approved perimeter landscaping must be installed prior to using the temporary parking lot. (Ord. No. 12-24, § 3, 5-21-24)
 - iv. Water for irrigation must be available within 50 feet of all landscaped areas. (Ord. No. 12-24, § 3, 5-21-24)
- f. Site lighting in compliance with photometric requirements must be provided if the site is utilized at night. (Ord. No. 12-24, § 3, 5-21-24)
- g. Trees of four inches or greater in diameter at four and one-half feet above the ground shall not be removed. (Ord. No. 12-24, § 3, 5-21-24)

Sec. 2.4.7. Amendments to the Land Development Regulations.

(A) **Amendment to the Land Development Regulations (LDR).** Amendments to the LDR may be initiated by the City Commission, City administration, or by a member of the public.

(1) **Board Recommendations.** Members of the City Boards may request an amendment pursuant to the following procedures:

(a) The Development Services Management Group (DSMG) may recommend LDR amendments to the City administration for initiation.

- (b) City Boards may recommend LDR amendments via memo to the City Commission for consideration of initiation.
- (2) **Privately Initiated Amendments.** Members of the public may request an amendment pursuant to the following procedures:
- (a) Sponsorship.
 - 1. At least one member of the City Commission shall sponsor the proposed amendment at a public meeting for formal presentation of the request at a City Commission Workshop for consideration.
 - 2. At the workshop meeting, at least three Commissioners must support the request. Applications for a privately initiated amendment shall only be accepted by the Development Services Department after consideration and support at a City Commission Workshop and must be submitted within 90 days of the City Commission Workshop where the amendment was sponsored.
 - 3. Whenever the City Commission has denied a request for sponsorship for an amendment to the LDR, the City Commission shall not thereafter consider any further sponsorship for the same type of individually initiated amendment for a period of 36 months from the date of such action.
 - 4. Requests shall not significantly deviate from the amendment considered by the City Commission at the Workshop by including additional unrelated amendments or development standards, proposing higher density or intensity, adding uses that were not discussed or understood to be part of the initial request, etc.
 - (b) **Required information.** The following information must be submitted for an amendment to the LDR:
 - 1. A statement explaining the request, that includes a rationale for the requested amendment; and
 - 2. A draft of the proposed ordinance, submitted in both hardcopy and electronic format approved by the City that includes the appropriate whereas clauses and amendments, such as but not limited to text with deletions shown by strikethrough and additions shown by underline, graphics, maps, or other information; and
 - 3. An analysis of the amendment and its potential impacts or benefits, including supporting documentation such as exhibits, graphs, similar regulations from other municipalities, etc.

- (3) **Procedure.** An amendment to the LDR shall be processed through the following sequence:
- (a) An application may be submitted after securing City Commission sponsorship.
 - (b) Determination that the application is sufficient, followed by a technical review of the complete application.
 - (c) If a proposed amendment would affect historic districts or properties, consideration before the Historic Preservation Board for recommendation to the Planning and Zoning Board.
 - (d) Consideration at a public hearing before the Planning and Zoning Board.
 - (e) Forwarding of a recommendation to the City Commission and consideration at first reading of the enacting ordinance.
 - (f) Public hearing before the City Commission and consideration at second reading.
- (4) **Modification.** The proposed amendment to the LDR may be revised by the Planning and Zoning Board, Historic Preservation Board, or the City Commission.
- (5) **Findings.** For any approval, the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan, and that the amendment furthers the implementation of an adopted neighborhood plan, if applicable.
- (6) **Limitations of amendments.**
- (a) Except for City initiated amendments, whenever the City Commission has denied an application for an amendment to the LDR, the City Commission shall not thereafter consider any further application for the same type of individually initiated amendment for a period of 36 months from the date of such action.
 - (b) The time limit stated above may be waived by three affirmative votes of the City Commission when such action is found necessary to prevent injustice or to facilitate the proper development of the City.
 - (c) The above limitation shall not apply to a petition that expires during processing or denied in a manner deemed as "without prejudice."

Sec. 2.4.8. Subdivision Plats.

(A) **General.** The subdivision of any lot, tract, or parcel of land must be recorded through a plat. The plat shall include the layout and configuration of new lots or tracts; the dedication, and layout of public and private rights-of-way, access tracts, or easements; common areas, and the location of any utility easements or other facility for public use or for the common use of building occupants. This Section applies to all lands within the incorporated area of the city except as specifically exempted in Chapter 5. Requirements for the subdivision of land are found in Chapter 5 of the Land Development Regulations and Chapter 177, Florida Statutes. (Ord. No. 24-25, § 8, 1-6-26)

(B) **Major Subdivision Plat.** (Ord. No. 24-25, § 8, 1-6-26)

(1) **General.** A Major Subdivision Plat creates new lots that are dependent upon the extension of new public or private infrastructure, such as streets or utilities, or establishes common open space areas or facilities. A Major Subdivision Plat implements an approved Master Development Plan, Site Plan, or Subdivision Plan. (Ord. No. 24-25, § 8, 1-6-26)

(2) **Required information.** The following documents and information must be included in the application submittal: (Ord. No. 24-25, § 8, 1-6-26)

(a) Standard application items. (Ord. No. 24-25, § 8, 1-6-26)

(b) Standard plat items, in accordance with the City of Delray Beach, Department of Public Works Minimum Construction Standards and Specifications. (Ord. No. 24-25, § 8, 1-6-26)

(c) Engineering Plans. (Ord. No. 24-25, § 8, 1-6-26)

(d) Receipted copies of applications for all permits required for water, sewer, drainage, and public street improvements that must be permitted by agencies other than the City. (Ord. No. 24-25, § 8, 1-6-26)

(e) Preliminary cost estimates for the construction of public improvements. (Ord. No. 24-25, § 8, 1-6-26)

(3) **Procedure.** A Major Subdivision Plat shall be processed through the following sequence after the approval and certification of a Master Development Plan, Site Plan, or Subdivision Plan: (Ord. No. 24-25, § 8, 1-6-26)

(a) Determination that the application is sufficient, followed by a technical review of the complete application and associated plans. (Ord. No. 24-25, § 8, 1-6-26)

- (b) Receipt and acceptance of financial guarantee. (Ord. No. 24-25, § 8, 1-6-26)
 - (c) Submission of a mylar copy of the Major Subdivision Plat to the Development Services Department. (Ord. No. 24-25, § 8, 1-6-26)
 - (d) Review and signature by the Utilities Director, Fire Marshall, and City Engineer. (Ord. No. 24-25, § 8, 1-6-26)
 - (e) Consideration by the Director to approve, conditionally approve, or deny the proposed major subdivision plat. (Ord. No. 24-25, § 8, 1-6-26)
 - (f) Upon approval, the Director shall execute (sign) the plat on behalf of the City. (Ord. No. 24-25, § 8, 1-6-26)
 - (g) After execution by the City, the plat shall be provided to the applicant for recordation with the Palm Beach County Clerk of Courts. (Ord. No. 24-25, § 8, 1-6-26)
- (4) **Conditional approval.** A conditional approval shall be in the form of a letter signed by the Director, stipulating the specific condition(s). In the event a subdivision can only be conditionally approved due to the creation of non-conformities, such as a new lot line bifurcating an existing structure, the final execution and recording of the plat must be stayed until the non-conformity is resolved. In the event resolution of the condition(s) takes longer than 18 months, the plat approval shall expire. (Ord. No. 24-25, § 8, 1-6-26)
- (5) **Findings.** The Director must make a finding that the Plat is consistent with a certified Master Development Plan, Site Plan, or Subdivision Plan. (Ord. No. 24-25, § 8, 1-6-26)
- (C) **Minor Subdivision Plat.** (Ord. No. 24-25, § 8, 1-6-26)
- (1) **General.** A Minor Subdivision Plat creates new lots that meet all zoning district regulations, have access from an existing public or private right-of-way, do not require the extension of utilities or other infrastructure, and do not share common areas or facilities. A minor subdivision plat may also be used for a boundary plat, to delineate divided interests in an approved Master Development Plan, or to implement a qualifying certified Site Plan. (Ord. No. 24-25, § 8, 1-6-26)
- (2) **Required information.** The following documents and information must be included in the application submittal: (Ord. No. 24-25, § 8, 1-6-26)
- (a) Standard application items. (Ord. No. 24-25, § 8, 1-6-26)

- (b) Standard Plat Items, in accordance with the City of Delray Beach, Department of Public Works Minimum Construction Standards and Specifications. (Ord. No. 24-25, § 8, 1-6-26)
 - (c) Engineering Plans. (Ord. No. 24-25, § 8, 1-6-26)
 - (d) Receipted copies of applications for all permits required for water, sewer, drainage, and public street improvements which must be permitted by agencies other than the City. (Ord. No. 24-25, § 8, 1-6-26)
 - (e) Preliminary cost estimates for the construction of public improvements. (Ord. No. 24-25, § 8, 1-6-26)
- (3) **Procedure.** A minor subdivision plat shall be processed through the following sequence. (Ord. No. 24-25, § 8, 1-6-26)
- (a) Determination the application is sufficient, followed by a technical review of the complete application. (Ord. No. 24-25, § 8, 1-6-26)
 - (b) Receipt and acceptance of financial guarantee; (Ord. No. 24-25, § 8, 1-6-26)
 - (c) Following final technical review, a mylar copy of the plat for the subdivision shall be submitted to the Development Services Department. (Ord. No. 24-25, § 8, 1-6-26)
 - (d) Review and signature by the City Engineer, and Utilities Director and Fire Marshall, as applicable. (Ord. No. 24-25, § 8, 1-6-26)
 - (e) Consideration by the Director to approve, approve conditionally, or deny the proposed minor subdivision. (Ord. No. 24-25, § 8, 1-6-26)
 - (f) Upon approval, the Director shall execute (sign) the plat on behalf of the City; (Ord. No. 24-25, § 8, 1-6-26)
 - (g) After execution by the City, the plat shall be provided to the applicant for recordation with the Palm Beach County Clerk of Courts. (Ord. No. 24-25, § 8, 1-6-26)
- (4) **Conditional approval.** A conditional approval shall be in the form of a letter signed by the Director, stipulating the specific condition(s). In the event a subdivision can only be conditionally approved due to the creation of non-conformities, such as a new lot line bifurcating an existing structure, the final execution and recording of the plat must be stayed until the non-conformity is resolved. In the event resolution of the condition(s) takes longer than 18 months, the plat approval shall expire. (Ord. No. 24-25, § 8, 1-6-26)

- (5) **Findings.** The Director must make a finding that the request is consistent with a certified master development plan or site plan, as applicable. (Ord. No. 24-25, § 8, 1-6-26)
- (D) **Vacation of recorded plats.** (Ord. No. 24-25, § 8, 1-6-26)
- (1) **General.** A plat, or any part of, a plat may be vacated by the owner of the land at any time prior to the sale of any lot therein provided that the vacating is approved by the City Commission. When lots have been sold, a plat may be vacated only if all the property owners join in written execution of such in writing.
- (2) **Required information.** The following information must be submitted in order to vacate a recorded plat:
- (a) Proof of ownership pursuant to Article 2.4;
 - (b) A certified copy of the plat which is to be vacated;
 - (c) A petition, by letter, stating the action which is sought and the basis therefore;
 - (d) The legal instrument which is to effectuate the vacation.
- (3) **Procedures.** An application for vacation of a recorded plat shall be accomplished in the following manner:
- (a) Determination of sufficiency, followed by technical review of the complete application.
 - (b) Review by the Planning and Zoning Board with respect to appropriateness of the proposed action and its implications on the public rights in any of its public uses, improvements, streets, etc.;
 - (c) Review of the proposed legal instrument that will affect the vacation with respect to form by the City Attorney;
 - (d) Consideration by the City Commission at which time the request may be approved or denied;
 - (e) Recording of the legal instrument pursuant to procedures established by the City Clerk.
- (4) **Conditions.** A vacation instrument may not be conditionally approved; however, the instrument may require the applicant to mitigate adverse impacts associated with the vacation.

- (5) **Findings.** Prior to approving a vacation of a recorded plat, the City Commission must find that the abandonment of any affected public interest or public improvement that was or would have been created by the plat, but which would not now be provided shall not have a significantly adverse impact upon the City's ability to obtain, retain, or maintain public facilities or tests of concurrency.

Sec. 2.4.9. Public Right of Way and Easement Abandonments.

(A) **Applicability.** This section governs the abandonment of public rights-of-way and public easements. Public rights-of-way include, but are not limited to, streets and alleys. Public easements may include, but are not limited to, those for utilities, sidewalks, ingress and egress, and landscaping.

(B) **Abandonment of rights-of-way.**

- (1) **General.** Public right-of-way may be abandoned (returned) to the fee description of adjacent property to the same degree in which it was originally obtained, i.e. property dedicated exclusively from a single parcel shall be returned to that parcel; property dedicated through subdivision shall be divided at the center line and returned equally to abutting parcels. Abandonment of right-of-way may be granted by a formal resolution enacted by the City Commission.
- (2) **Effect of Abandonment.** Once abandoned, a right-of-way is returned to the fee description of abutting property to the same degree in which it was originally obtained, (i.e. property dedicated exclusively from a single parcel shall be returned to that parcel; property dedicated through subdivision shall be divided at the center line and returned equally to abutting parcels).
- (3) **Required information.**
- (a) A standard application.
 - (b) A survey of the property which is to be abandoned with said survey showing all improvements (including utility locations) which are within or immediately adjacent to the property to be abandoned; and including adjacent property lines and identification of property owners and business located thereon.
 - (c) A mailing list that complies with Article 2.6.
- (4) **Procedure.** Upon receipt of the above information, the following procedures shall be followed under the direction of the Director:
- (a) Determination of sufficiency, followed by technical review of the complete application.

- (b) The Director shall distribute the application and survey to all utilities who have or may have facilities within, or adjacent to, the right-of-way or easement, and to appropriate City Departments for review by the Technical Advisory Committee.
 - (c) Public notice shall be made pursuant to the requirements of Chapter 2.
 - (d) Upon receipt of all review comments, the application with the recommendation of the City Engineer shall be forwarded for review at an advertised public hearing before the Planning and Zoning Board. The recommendation of the Planning and Zoning Board shall be forwarded to the City Commission.
 - (e) If approved, the abandonment shall be approved by a resolution of the City Commission. After adoption, the resolution shall be recorded in the public records of Palm Beach County. Where deemed necessary by the City Engineer, an abandonment shall be consummated through the filing of a boundary plat, or replat, of the property to be abandoned and the receiving properties.
- (5) **Conditions.** Conditions may be imposed upon an abandonment to:
- (a) Ensure timely consummation.
 - (b) Ensure compliance with required findings.
 - (c) Require enhancement of the right-of-way proposed for abandonment in order to accomplish certain objectives and policies of the Comprehensive Plan e.g., street beautification.
 - (d) Require replacement easements and/or relocation of existing utilities, as may be appropriate.
 - (e) Cause reversion or voiding of the abandonment in the event of a failure to comply with other conditions.
- (6) **Findings.** Prior to granting an abandonment the City Commission must make the following findings:
- (a) That there is not, nor will there be, a need for the use of the right-of-way for any public purpose.
 - (b) That the abandonment does not, nor will not, prevent access to a lot of record.

- (c) That the abandonment will not result in detriment to the provision of access and/or of utility services to adjacent properties or the general area.

(C) **Abandonment of public easements.**

- (1) **Rule.** A general utility easement dedicated to the City or to the Public may be abandoned. Abandonment of such easements may be granted by a formal resolution enacted by the City Commission.
- (2) **Effect of abandonment.** Once an easement is abandoned, its encumbrance upon private property is eliminated, and the public has no rights to use the land formerly within the easement for the purpose(s) granted.
- (3) **Required information.**
 - (a) A standard application form.
 - (b) A survey of the property within the easement which is to be abandoned with said survey showing all improvements (including utility locations) which are within or immediately adjacent to the easement.
 - (c) A copy of the original plat, or portion thereof, or a copy of the original instrument which created the easement.
- (4) **Procedure.** Upon receipt of the above information, the following procedures shall be followed under the direction of the City Engineer:
 - (a) Determination of application sufficiency.
 - (b) Distribution of the application and survey to all utilities who have or may have facilities within the easement or adjacent to it.
 - (c) Upon receipt of all review comments, the application with the recommendation of the City Engineer shall be forwarded to the City Commission for action.
 - (d) If approved, the abandonment shall be consummated through the recordation of the enacting resolution.
- (5) **Conditions.** Conditions may be imposed upon an abandonment to:
 - (a) Ensure timely consummation.
 - (b) Require replacement easements and/or relocation of existing utilities, as may be appropriate.

- (6) **Findings.** Prior to granting an abandonment the City Commission must make a finding that the abandonment will not result in detriment for the provision of utility services to adjacent properties or the general area.

Sec. 2.4.10. Site Plan Applications (Level 1, Level 2, Level 3, and Level 4), Master Development Plans, and Subdivision Plans.

(A) Site Plan Applications.

- (1) **General.** A site plan application is required for all exterior site or building improvements or modifications, and/or new construction associated with a multi-family residential, commercial, or mixed-use development. Single family homes and duplexes, and associated site improvements, are reviewed for compliance with the Land Development Regulations (LDR) through the building permit approval process.
- (a) **Level 1.** Level 1 Site Plan applications include improvements or modifications to existing development that do not increase building square footage and are generally limited to landscaping, hardscaping, architectural elevations, materials, and colors.
- (b) **Level 2.** Level 2 Site Plan applications include new construction, additions to an existing building, or the conversion of an existing single-family residence or duplex, consisting of no more than a total of five dwelling units for multi-family residential development or 15,000 gross square feet of mixed-use or nonresidential development.
- (c) **Level 3.** Level 3 Site Plan applications include new construction, additions to an existing building, or the conversion of an existing single-family residence or duplex, consisting of more than a total of five dwelling units for multi-family residential development or 15,000 gross square feet of mixed-use or nonresidential development.
- (d) **Level 4.** Level 4 Site Plan applications include requests that could otherwise be classified as a Level 2 or Level 3 Site Plan application but have concurrent request requiring final action by the City Commission for one or more of the following:
1. Increase of height or density as part of a City workforce housing or incentive program.
 2. Utilization of the Central Business District (CBD) Incentive Program.
 3. Approval of Conditional Use.

4. Granting of an In-lieu of Parking Fee request.
5. Approval of Waiver(s) not otherwise authorized to other approving bodies.

(e) **Cumulative Reviews.** Excluding Level 1 Site Plan applications, only one site plan application per development or property shall be submitted for review and action at a time. Review thresholds are cumulative and are subject to gross square footage amounts and/or number of units.

(2) **Procedure.**

- (a) Determination of sufficiency, followed by technical review of the complete application.
- (b) Review by any applicable advisory board for recommendation to the approving authority or body.

(c) **Administrative Review.**

1. Level 1 and Level 2 Site Plan applications may be approved, denied, or approved with conditions pursuant to Article 2.2 by the Director. The Director has the sole discretion to elevate Level 1 and Level 2 Site Plan applications to board review with a written determination for the action.
2. All applications made under Chapter 166, Florida Statutes may be approved, denied, or approved with conditions pursuant to Article 2.2 by the Director, except as board or City Commission approval may be required by these Land Development Regulations and consistent with the statute.

(d) **Board Review.** The following applications require board action:

1. Level 1 and Level 2 Site Plan applications associated with a Certificate of Appropriateness (COA), inclusive of any variances or waivers, require action by the HPB.
2. Level 1 and Level 2 Site Plan applications that are dependent upon waiver relief require action by the SPRAB and/or the City Commission.
3. A Level 2 Site Plan application that is dependent upon a related variance requires action by the Planning and Zoning Board and shall include any other relief that does not require action by the City Commission.

4. Level 3 Site Plan applications require action by the Planning and Zoning Board or Historic Preservation Board.
 5. Level 4 Site Plan applications require review and recommendation by the Planning and Zoning Board and/or Historic Preservation Board prior to action by the City Commission.
- (3) **Findings.** All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.
- (a) Formal findings are not required for Level 1 Site Plan applications.
 - (b) Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.
 - (c) Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.
 - (d) Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.
 - (e) Site Plan applications that include a variance(s) are subject to the findings of Section 2.4.11(A).
 - (f) Site Plan applications that include a waiver(s) are subject to the findings of 2.4.11(B).
- (4) **Conditions.** Conditions may be imposed by the Director or the acting body pursuant to Article 2.2.
- (5) **Appeals.**
- (a) Final action by the Director on Level 1 or 2 Site Plan applications may be appealed by the applicant to the Site Plan Review and Appearance Board (SPRAB) or HPB for reconsideration.
 - (b) Approvals by the Director on Level 2 Site Plan applications shall be reported to the City Commission on the Appealable Report.
 - (c) All final board actions on Site Plan applications, except Variances, shall be reported to the City Commission on the Appealable Report.

- (6) *Certification.* Following any appealable period, final approved site plans, whether approved administratively or by a Board, shall be certified by the Director.

(B) **Master Development Plans.**

- (1) **General.** A Master Development Plan (MDP) is a land-use plan focused on one or more parcels that identifies site access and general improvements and shall be the guide for any subsequent site plan, subdivision action, and/or certificate of appropriateness. A site plan shall be required for any phase or for the entire area encompassed by a MDP. A MDP is required for properties within certain zoning districts or for phased projects.
- (2) **Procedure.** A MDP application shall be processed through the following sequence:
- (a) Determination of sufficiency, followed by technical review of the complete application.
 - (b) Consideration at a public meeting before the Planning and Zoning Board, or the Historic Preservation Board, as appropriate.
 - 1. A MDP for property not located within a designated historic district and not located on an individually listed property shall be approved by the Planning and Zoning Board.
 - 2. A MDP for property located within a designated historic district or on an individually listed property shall be approved by the Historic Preservation Board.
 - (c) Variances and waivers to the requirements of base district standards and supplemental district regulations may be granted by the approving body concurrent with approval of the MDP without the requirement of a separate public hearing.
 - (d) Upon approval of a MDP, the approved MDP shall be stamped and certified by the Director. Subsequent to approval of a MDP, all further submissions for review and permits shall conform in every respect with the MDP except as may be modified pursuant to Section 2.4.5(G).
 - (e) Modifications or a change in use to an approved MDP require application and approval by the appropriate approving Board.
- (3) **Conditions.** Conditions may be imposed by the appropriate Board for site plans pursuant to Article 2.2.

- (4) **Findings.** In addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.
- (5) **Certification.** Following any appealable period, approved Master Development Plans shall be certified by the Director.

(C) **Murals.**

- (1) **General.** Murals may not be installed except as authorized by the City through the issuance of a "mural permit." A mural permit is a Board Order issued by the Public Art Advisory Board or Historic Preservation Board. If a mural is appealed and acted on by the City Commission, then the mural permit is in the form of a Resolution. The Board Order or the Resolution shall contain the date of approval and vote and include the mural as an attached exhibit.
- (2) **Procedure.** Upon submission of a complete Mural application, the Public Art Advisory Board and/or Historic Preservation Board shall review and evaluate the mural application to determine conformity with Section 8.5.3, Murals, and any applicable sections of the Florida Building Code. The Board shall act on the mural application at the next available meeting.
- (3) **Enforcement.** Enforcement of this section shall be by Title 3, Chapter 37, of the City's Code, or any other remedies as provided by law and as further stated herein.
 - (a) A mural permitted by the City prior to the adoption of this section shall remain valid, and the owner or artist is not required to re-apply for approval following the adoption of Ordinance No. 22-20 on August 11, 2020.
 - (b) In the event that a mural is installed without permit, the applicant will be charged three times the application fee.
 - (c) In the event of a violation of the terms of this section, the City may employ all penalties and remedies set forth in Title 3, Chapter 37, "Delray Beach Code Enforcement," and in addition, may rescind any mural permits at the property found to be in violation. This provision is supplemental to all other remedies and penalties provided by law. If a permittee fails to timely remove any mural on a property found to be in

violation within 30 days of the decision being made final, the City may enter onto the property and remove any mural on the property, and may assess costs of such removal on the permittee.

(D) **Subdivision Plan.** (Ord. No. 24-25, § 9, 1-6-26)

- (1) **General.** A Subdivision Plan establishes the site design for the arrangement and configuration of new lots and general site improvements that include new public or private rights-of-way, the extension of new utilities or facilities, or common open areas or facilities. An approved Subdivision Plan is required prior to the submission and approval of a Major Subdivision Plat that is not implementing an approved Site Plan or Master Development Plan. (Ord. No. 24-25, § 9, 1-6-26)
- (2) **Procedure.** A Subdivision Plan application shall be processed through the following sequence: (Ord. No. 24-25, § 9, 1-6-26)
 - (a) Determination of sufficiency, followed by technical review of the complete application. (Ord. No. 24-25, § 9, 1-6-26)
 - (b) Board Review. Subdivision Plans require action by the Planning and Zoning Board or Historic Preservation Board, as applicable. (Ord. No. 24-25, § 9, 1-6-26)
 1. The Historic Preservation Board shall have final action over Subdivision Plans, including any associated relief. (Ord. No. 24-25, § 9, 1-6-26)
 2. The Planning and Zoning Board shall have final action over Subdivision Plans, including relief associated with Landscape Plans. Subdivision Plans that are dependent upon other types of relief require recommendation by the Planning and Zoning Board prior to final action by the City Commission. (Ord. No. 24-25, § 9, 1-6-26)
- (3) **Findings.** All Subdivision Plans require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances. (Ord. No. 24-25, § 9, 1-6-26)
 - (a) All Subdivision Plans require compliance with the findings in Chapter 3, Performance Standards. (Ord. No. 24-25, § 9, 1-6-26)
 - (b) Subdivision Plans that include a variance(s) are subject to the findings of Section 2.4.11(A). (Ord. No. 24-25, § 9, 1-6-26)

- (c) Subdivision Plans that include a waiver(s) are subject to the findings of Section 2.4.11(B). (Ord. No. 24-25, § 9, 1-6-26)
- (4) **Conditions.** Conditions may be recommended by the appropriate Board or imposed by the acting body, pursuant to Article 2.2. (Ord. No. 24-25, § 9, 1-6-26)
- (5) **Appeals.** All final board actions on subdivision plans shall be reported to the City Commission on the appealable report. (Ord. No. 24-25, § 9, 1-6-26)
- (6) **Certification.** Following any appealable period, an approved Subdivision Plan shall be certified by the Director. (Ord. No. 24-25, § 9, 1-6-26)

Sec. 2.4.11. Relief.

(A) **Variances.** A variance is a departure from the dimensional or numeric requirements of these land development regulations where such variance will not be contrary to the public interest and where, owing to the existing conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

- (1) **General.** A variance shall only be considered by the Board of Adjustment, the Planning and Zoning Board, or the Historic Preservation Board, as identified in this Chapter.
- (2) **Prohibited Variances.** Boards do not have the authority to grant variances for the following:
 - (a) Uses.
 - (b) Architectural elevations.
 - (c) Landscaping.
 - (d) Signs and signage, except as authorized for historic properties in Section 4.6.7.
 - (e) Density.
 - (f) Building height.
 - (g) Comprehensive Plan requirements.
- (3) **Required information.** The applicant must file an application for a variance with the Development Services Department that includes a petition setting forth the requirements, with reference to code section, for which the variance is sought along with the basis for the associated hardship.

- (4) **Process.** A request for a variance generally shall be processed in the following manner:
- (a) Determination of sufficiency, followed by technical review of the complete application.
 - (b) Consideration at a public hearing before the Board of Adjustment, Historic Preservation Board, or Planning and Zoning Board, as applicable.
 - (c) All actions are final unless an appeal is filed. Appeals to actions of the Board of Adjustment or the Planning and Zoning Board may be filed with the Circuit Court of Palm Beach County. Appeals to actions of the Historic Preservation Board may be filed with the City Commission.

- (5) **Findings.** The following findings must be made prior to approval of a variance:
- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.
 - (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.
 - (c) That the special conditions and circumstances have not resulted from actions of the applicant.
 - (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.
 - (e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to the public welfare.
- (6) **Findings of the Historic Preservation Board.** Instead of the criteria above, the following findings must be made by the Historic Preservation Board prior to the approval of a variance:
- (a) That a variance is necessary to maintain the historic character of property and demonstrating that the granting of the variance would not be contrary to the public interest, safety, or welfare.
 - (b) That special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.

- (c) That literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.
 - (d) That the variance requested will not significantly diminish the historic character of a historic site or of a historic district.
 - (e) That the requested variance is necessary to accommodate an appropriate adaptive reuse of a historic building, structure, or site.
- (7) **Conditions.** The reviewing Board may prescribe appropriate conditions and safeguards, in conformity with existing regulations, to provide mitigation of any adverse impacts associated with a required finding. Violations of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of existing ordinances and punishable under Section 1.4.4.
- (8) **Expiration of Variance approvals.**
- (a) **Not Associated with a Concurrent Site Plan Approval.** Variances not associated with a concurrent site plan review shall become void 12 months following the date of the approval by the board unless a validly issued building permit has been issued and development has commenced as defined in this Chapter. Prior to the expiration of this period, the applicant may request from the board that acted upon the approval, in writing, a one-time six-month extension. Further extensions of time shall require a new application.
 - (b) **Associated with a Concurrent Site Plan Approval.** Variances approved with a concurrent site plan action shall become void upon the expiration of the associated site plan, as defined in this Chapter.
- (B) **Waivers.** A waiver involves the granting of partial or total relief from a specific development regulation.
- (1) **General.** A waiver may be granted to the procedural and substantive provisions of these regulations. A waiver may be granted only for those substantive items within these regulations for which such provision is made. A waiver to substantive provisions may be granted only by the approving body with the final authority to approve or deny the related development application.

- (2) **Special power to the City Commission.** The City Commission in its sole discretion may grant a waiver to any provision of these regulations when there is no other avenue for relief available in these regulations. However, waivers shall not be considered from the following:
- (a) The use of land or structures.
 - (b) A requirement for a public hearing or public notice that an item will be considered by a board.
 - (c) A regulation for which it is stated that there shall be no waiver and/or variance provided.
 - (d) Within the Central Business District (CBD), that authority of the City Commission is further limited by the following restrictions:
 - 1. **Building Height Waivers.** Waivers to increase the number of stories or maximum height of a building are not permitted.
 - 2. **Front Setback Waivers.** Waivers to decrease the minimum front setback depth are permitted if the reduction would not result in a streetscape that does not meet the minimum requirements of Section 4.4.13(E)(2).
 - 3. **Sidewalk Width Waivers.** Waivers to decrease the minimum sidewalk width are not permitted.
- (3) **Required information.** The applicant must file an application for a waiver with the Development Services Department that includes a formal letter of request that describes the regulation to be waived, with reference to code section number, and the justification for granting the waiver.
- (4) **Procedure.** A request for a waiver shall be processed in the following manner:
- (a) Determination of sufficiency, followed by technical review of the complete application.
 - (b) **Generally.** A request for waiver shall be considered and acted upon prior to consideration of an associated development application. If a waiver request is made after review by an advisory body has been completed, the waiver request must first be reviewed by that body prior to action by the approving body.
 - 1. **Central Business District (CBD) Waivers.** For waiver requests to the requirements of the CBD zoning district, the PZB shall make formal recommendations to the City Commission regarding those waivers prior to final action.

2. **Waivers on Historic Properties or Sites.** For waiver requests, including those to the requirements of the CBD zoning district, the Historic Preservation Board (HPB) shall take final action on property under its purview.
 - (c) Consideration at a public hearing before the Site Plan Review and Appearance Board, Historic Preservation Board, Planning and Zoning Board, or City Commission, as applicable.
 - (d) All actions are final unless an appeal is filed. Appeals to actions of the Site Plan Review and Appearance Board, Historic Preservation Board, or the Planning and Zoning Board may be filed with the City Commission. All decisions by the City Commission are final.
- (5) **Findings.** Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:
 - (a) Shall not adversely affect the neighboring area;
 - (b) Shall not significantly diminish the provision of public facilities;
 - (c) Shall not create an unsafe situation; and
 - (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.
 - (e) Within the CBD, the following additional findings apply:
 1. The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.
 2. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
 3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
 4. The waiver shall not reduce the quality of civic open spaces provided under this code.
- (6) **Conditions.** Conditions may be imposed upon the granting of a waiver to the extent that they are directly related to mitigating any adverse effect which may be created by the waiver of a specific development regulation.

(7) **Expiration of Waiver approvals.**

- (a) **Not Associated with a Concurrent Site Plan Approval.** Waivers not associated with a concurrent site plan review shall become void 12 months following the date of the approval by the board unless a validly issued building permit has been issued and development has commenced as defined in this Chapter. Prior to the expiration of this period, the applicant may request from the board that acted upon the approval, in writing, a one-time six-month extension. Further extensions of time shall require a new application.
- (b) **Associated with a Concurrent Site Plan Approval.** Waivers approved with a concurrent site plan action shall become void upon the expiration of the associated site plan, as defined in this Chapter.

(C) **Internal adjustments.** An adjustment involves the lessening, or a total waiver, of those development standards which affect the spatial relationship among improvements on the land within the boundary of the site or development plan.

- (1) **General.** An adjustment shall only be considered during the site and development plan review process and shall be only for requirements that do not pertain to, or affect, standards that apply to the perimeter of a proposed development. An adjustment may be granted by the body or board with authority to approve or deny the site and development plan.
- (2) **Required information.** An applicant may request an internal adjustment. Upon a determination by the Director that an internal adjustment is the appropriate type of relief, the site plan application shall include a formal letter of request that describes the requirement and references the code section from which the applicant is seeking relief and the justification for granting the adjustment.
- (3) **Procedure.**
 - (a) Determination of sufficiency, followed by technical review of the complete application.
 - (b) A request for an internal adjustment may be considered concurrently with the development application with which it is associated. If a request is made after review by an advisory body has been completed, the waiver request must first be reviewed by that body prior to action by the approving body.
 - (c) Consideration at a public hearing before the Site Plan Review and Appearance Board, Historic Preservation Board, or Planning and Zoning Board, as applicable.

- (d) All actions are final unless an appeal is filed. Appeals to actions of the Site Plan Review and Appearance Board, Historic Preservation Board, or the Planning and Zoning Board may be filed with the City Commission. All decisions by the City Commission are final.
- (4) **Conditions.** Conditions may be applied only as they relate to ensuring that the setting of the approved adjustment will not change.
- (5) **Findings.** Concurrent with granting relief from a development standard or regulation, the granting body must find that such relief does not diminish the practical application of the affected regulation (requirement) and that by granting such relief a superior development product will result.

(D) **Administrative relief.** Administrative relief is the method whereby relief is granted from development regulations by an administrative official or the Development Services Management Group (DSMG).

- (1) **General.** Administrative relief can be granted only for instances in which it is specifically allowed by the provisions of the Land Development Regulations (LDR). The City Manager, Director, Building Official, City Engineer or DSMG, when specifically designated under applicable LDR sections, are the only administrative officials or body empowered to grant administrative relief.
- (2) **Required information.** The applicant must file an application for administrative relief with the Development Services Department that includes a formal letter of request that identifies the affected regulation(s), with reference to the code section number(s), and a justification for granting of the relief.
- (3) **Procedure.**
 - (a) When Associated with a Site Plan Review: A request for relief shall be considered concurrently with the development application it is associated with and shall be acted upon by the Administrative Official or the DSMG prior to consideration of the site plan.
 - (b) When Not Associated with a Site Plan Review: A request for relief shall be considered on its own merit pursuant to administrative processing requirements.
 - (c) All actions are final unless an appeal is filed. Appeals to the actions of the City Manager may be filed with the City Commission. Appeals to the actions of the Director or City Engineer may be filed with the DSMG. Appeals to the decisions of the Building Official may be filed with the

Board of Adjustment. Appeals to the actions by the DSMG may be filed with the City Commission. All decisions by the City Commission are final.

- (4) **Conditions.** Conditions may only be applied to ensure that the situation under which the relief is requested does not change.
- (5) **Findings.** Prior to granting administrative relief, the administrative official or body shall find:
 - (a) That the relief sought is consistent with the specific authorization provided for in these regulations;
 - (b) That the intent of the affected regulation is preserved;
 - (c) That the action will not be detrimental to the public health, safety, or welfare; and,
 - (d) The relief is consistent with the established character of the surrounding neighborhood.

(E) **Requests for accommodation.**

- (1) **Purpose.** The purpose of this section is to implement a procedure for processing requests for reasonable accommodation to the City's Code of Ordinances, Land Development Regulations, Rules, Policies, and Procedures for persons with disabilities as provided by the federal Fair Housing Amendments Act (42 U.S.C. 3601, et. seq.) ("FHA") and Title II of the Americans with Disabilities Amendments Act (42 U.S.C. Section 12131, et. seq.) ("ADAA"). For purposes of this section, a "disabled" person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the City's Land Development Regulations, Code of Ordinances, rules, policies, practices and/or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section.
- (2) **Notice to the public of availability of accommodation.** The City shall display a notice in the City's public notice bulletin board (and shall maintain copies available for review in the Development Services Department, the Building Department, and the City Clerk's Office), advising the public that disabled individuals (and qualifying entities) may request a reasonable accommodation as provided herein.
- (3) **Application.** A request by an Applicant for reasonable accommodation under this section shall be submitted by completion of a reasonable accom-

modation request form, which is maintained by (and shall be submitted to) the Development Services Department. The reasonable accommodation request form shall be date-signed by the City when received. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. The reasonable accommodation request form shall be substantially in the form set forth in this Subsection. (Ord. No. 37-25, § 2, 12-8-25)

- (a) **Confidential information.** Should the information provided by the disabled individual to the City include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled individual, such individual may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the disabled individual. The City shall thereafter endeavor to provide written notice to the disabled individual, and/or his or her representative, of any request received by the City for disclosure of the medical information or documentation which the disabled individual has previously requested be treated as confidential by the City. The City will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the City shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled individual.
- (b) **Fee.** There shall be no fee imposed by the City in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the City Commission, and the City shall have no obligation to pay a requesting party's (or an appealing party's, as applicable) attorney's fees or costs in connection with the request, or an appeal.
- (c) **City assistance.** The City shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure the process is accessible.

- (4) **Findings for reasonable accommodation.** In determining whether the reasonable accommodation request shall be granted or denied, the requesting party shall be required to establish that they or the occupants of the housing for which this request is made are protected under the Fair Housing Act and/or the Americans With Disabilities Act by demonstrating that they or the residents of the proposed housing are people with disabilities, as defined in these LDR.
- (a) The requesting party shall demonstrate that the proposed reasonable accommodations sought are reasonable and necessary to afford the subject individual(s) with disabilities an equal opportunity to use and enjoy the housing that is the subject of this request.
 - (b) A request for reasonable accommodation to permit more than ten unrelated individuals to occupy a community residence shall be granted only when the requesting party also meets the standards for community residences promulgated in Section 4.3.3 (1)(4) of these LDR.
 - (c) The foregoing shall be the basis for a written decision with findings of fact upon a reasonable accommodation request made by the City Manager or designee, or by a Special Magistrate in the event of an appeal.
- (5) **Notice of proposed decision.** The City Manager, or his or her designee, shall have the authority to consider and act on requests for reasonable accommodation. When a reasonable accommodation request form has been completed and submitted to the Development Services Department, it will be referred to the City Manager, or his or her designee, for review and consideration. The City Manager, or his or her designee, shall issue a written determination within 60 calendar days of the date of receipt of a completed application and may, in accordance with federal law, (1) grant the accommodation request, (2) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request, or (3) deny the request, in accordance with federal law. Any such denial shall be in writing and shall state with specificity the objective, evidence-based reasons for the denial and identify any deficiencies or actions necessary for reconsideration. If a final determination is not made within 60 days after receipt of a completed application, the request is deemed approved unless the City and applicant agree in writing to a reasonable extension of time. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his or her representative) by certified

mail, return receipt requested or hand delivery, receipt signed by the recipient. If additional information is reasonably necessary to reach a determination on the request for reasonable accommodation, the City Manager, or his/her designee, must notify the applicant in writing within the first 30 days after receipt of the application. The requesting party shall have 30 calendar days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the 60 calendar day period to issue a written determination shall no longer be applicable, and the City Manager, or his or her designee, shall issue a written determination within 30 calendar days after receipt of the additional information. If the requesting party fails to provide the requested additional information within said 30 calendar day period, the City Manager, or his or her designee, shall issue a written notice advising that the requesting party had failed to timely submit the additional information and therefore the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the City with regard to said reasonable accommodation request shall be required. (Ord. No. 37-25, § 2, 12-8-25)

- (6) **Appeal.** Within 30 calendar days after the City Manager's, or his or her designee's, determination on a reasonable accommodation request has been rendered and transmitted to the requesting party, which may be accomplished via hand delivery with signed confirmation of delivery, email with confirmation of delivery, certified mail, or overnight courier service with signature confirmation, the applicant may appeal the decision. All appeals shall contain a statement containing sufficient detail of the grounds providing the basis for the appeal. Appeals shall be filed with the City Manager and shall be to the Special Magistrate who shall, after public notice and a public hearing, render a determination as soon as reasonably practicable within 60 calendar days after the date on which the appeal was filed. An appeal from a decision of the Special Magistrate shall be handled exclusively in the Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida, and such appeal shall be taken by filing a petition for writ of certiorari within 30 days from the date of filing of the written order with the City Clerk or designee.
- (7) **Stay of enforcement.** While an application for reasonable accommodation, or appeal of a determination of same, is pending before the City, the City will not enforce the subject zoning ordinance, rules, policies, and procedures against the Applicant.

(8) **Request form for reasonable accommodation.**

(a) **Contents of reasonable accommodation request form.**

1. Name and contact information of the Applicant or the Applicant's authorized representative; (Ord. No. 37-25, § 2, 12-8-25)
2. Information regarding property at which reasonable accommodation is requested, including the address, parcel identification number, and legal description of such location as well as ownership of the subject property; (Ord. No. 37-25, § 2, 12-8-25)
3. Describe the accommodation and the specific regulation(s) and/or procedure(s) from which accommodation is sought;
4. Reasons the accommodation may be necessary for the Applicant or the individuals with disabilities seeking the specific accommodation, and if relating to housing, why the requested reasonable accommodation is necessary to use and enjoy the housing;
5. Describe qualifying disability or handicap;
6. Other relevant information pertaining to the disability or property that may be needed by the City in order for it to be able to evaluate the request for reasonable accommodation;
7. All certified recovery residences must provide proof of satisfactory, fire, safety, and health inspections as required by Section 397.487, Fla. Stats., as amended from time to time;
8. Signature of applicant;
9. If on-site supervisor or manager, provide the name and contact information (phone and email) for each;
10. Date of application;
11. Disclosure of ownership interests of property;
12. Owner's consent for application.

- (b) **Reasonable accommodation.** An applicant who seeks a reasonable accommodation to house more than ten unrelated individuals in a community residence shall also complete and submit the form the City requires of all applicants to establish a community residence.

- (9) **Expiration of approvals.** Approvals of requests for reasonable accommodation shall expire within 180 days if not implemented.
- (10) **Recertification.** All reasonable accommodation requests approved by the City Manager or his or her designee and implemented by the Applicant pursuant to this Section, 2.4.11 (F), "Requests for Accommodation", are valid for no more than one year and shall require annual recertification each year on or before April 1st. Failure to recertify annually shall result in the revocation of the approved reasonable accommodation. Recertification requests shall follow the same requirements as for an initial request pursuant to this Subsection 2.4.11 (F) and review of recertification requests shall follow the same procedures as outlined in this Subsection (4), "Notice of Proposed Decision", with the same appellate opportunities afforded to the applicant as provided under this Subsection for "Appeal" except the recertification notice will be sent annually by regular mail or hand delivered.
- (a) To be recertified, a community residence for which a reasonable accommodation was granted to locate in Delray Beach must provide verifiable evidence that it is currently licensed or certified by the State of Florida to operate at its present location.
- (b) A community residence for which a reasonable accommodation was granted to locate in Delray Beach that is not currently licensed or certified by the State of Florida to operate at its present location shall obtain licensure, certification or recertification from the designated state entity before the April 1 reasonable accommodation recertification deadline. Failure to obtain state certification or a required state license, or failure to maintain state certification or a required state license, shall result in revocation of the reasonable accommodation and cessation of operations within 60 days of termination of the license or certification.
- (11) **Severability.** If any part, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 2.4.11 (E), "Requests for Accommodation", is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 2.4.11 (E), "Requests for Accommodation". (Ord. No. 37-25, § 2, 12-8-25)

(F) ***In-Lieu of parking fee request.*** An in-lieu of parking fee is a payment to the City's Parking In-Lieu Fund as an alternative to providing required on-site parking. Fees shall be used for parking or pedestrian/bicycle infrastructure. (Ord. No. 14-24, § 3, 12-10-24)

- (1) ***Purpose.*** The in-lieu of parking fee is an incentive to promote historic preservation, to maintain the moderate scale of the downtown, and to encourage revitalization and adaptive reuse by providing an alternative method to meet off-street parking requirements. (Ord. No. 14-24, § 3, 12-10-24)
- (2) ***Required information.*** The following information must be submitted for an in-lieu of parking fee request: (Ord. No. 14-24, § 3, 12-10-24)
 - (a) Site plan illustrating the current and proposed building square footage and site improvements, including parking, lighting, landscaping, etc. (Ord. No. 14-24, § 3, 12-10-24)

- (b) Description of the proposed project (i.e. expansion of use, change of use, new construction, etc.). (Ord. No. 14-24, § 3, 12-10-24)
 - (c) Calculations for the required on-site parking and the amount provided on-site and/or on-street. (Ord. No. 14-24, § 3, 12-10-24)
 - (d) Additional information necessary to support the required findings of Subsection 2.4.11(F)(5). (Ord. No. 14-24, § 3, 12-10-24)
- (3) **Procedure.** An application for in-lieu of parking fee request must be filed with the Development Services Department and shall be processed in the following manner: (Ord. No. 14-24, § 3, 12-10-24)
- (a) Determination of sufficiency, followed by technical review of the complete application. (Ord. No. 14-24, § 3, 12-10-24)
 - (b) Consideration and action by City Commission prior to site plan consideration or Zoning Certificate of Use approval. (Ord. No. 14-24, § 3, 12-10-24; Ord. No. 23-25, § 3, 11-4-25)
 - (c) **Payment of in-lieu of parking fees.** In-lieu of parking fees shall be based upon location and historic classification of eligible properties and shall be established by the City Commission through Resolution. (Ord. No. 14-24, § 3, 12-10-24; Ord. No. 23-25, § 3, 11-4-25)
 - 1. Arrangements for payment shall be approved by the City Commission as part of the in-lieu of parking fee request. (Ord. No. 14-24, § 3, 12-10-24)
 - 2. The in-lieu of parking fee may be paid in a single payment or in installments. (Ord. No. 14-24, § 3, 12-10-24)
 - a. **Single Payment.** Applications approved for a single payment of the fees must provide payment concurrent with the issuance of a building permit or approval of a Zoning Certificate of Use. (Ord. No. 14-24, § 3, 12-10-24)
 - b. **Payment in installments.** Applications approved to pay fees in installments must execute an In-Lieu of Parking Fee Agreement with the City prior to issuance of a building permit or approval of a Zoning Certificate of Use. (Ord. No. 14-24, § 3, 12-10-24)
 - i. In-Lieu of Parking Fee Agreements shall only be made between the City and the Owner(s) of the subject prop-

erty and shall be recorded in the Public Records Office of Palm Beach County, Florida. The obligations imposed by such In-Lieu of Parking Fee Agreement constitute a covenant upon the property and shall bind successors, heirs, and assigns. (Ord. No. 14-24, § 3, 12-10-24)

- ii. Payments shall be made in three installments. A three percent administration fee shall be added to the in-lieu of parking fee. (Ord. No. 14-24, § 3, 12-10-24)
 - a. The first installment shall be 50 percent of the total fee and is to be paid upon execution of the agreement. (Ord. No. 14-24, § 3, 12-10-24)
 - b. The second installment shall be 25 percent of the total fee and is to be paid one year from the date of the execution of the agreement. (Ord. No. 14-24, § 3, 12-10-24)
 - c. The third and final payment of 25 percent of the total fee is to be paid two years from the date of the execution of the agreement. (Ord. No. 14-24, § 3, 12-10-24)
- iii. The covenant shall be released upon full payment of the total fee. (Ord. No. 14-24, § 3, 12-10-24)

(4) **Conditions.** Conditions may be imposed upon the granting of an in-lieu of parking fee request to the extent that they are directly related to other mobility options or mitigating any adverse effect that may be created by granting the in-lieu of parking fee request. (Ord. No. 14-24, § 3, 12-10-24)

(5) **Findings.** Prior to approving an in-lieu of parking fee request, the approving body shall make the following findings: (Ord. No. 14-24, § 3, 12-10-24)

- (a) Public parking options, including on-street parking, public parking lots, and public parking garages are available within 1,320 feet measured along a pedestrian route to the building entrance. Parking with utilization rates higher than 80 percent in the 12 months preceding the request is not considered to be available. Historic properties, as defined in Section 4.6.9(G)(2)(b) are exempt from this finding. (Ord. No. 14-24, § 3, 12-10-24)

- (b) The in-lieu of parking fee request supports at least one of the following City policy-driven goals: (Ord. No. 14-24, § 3, 12-10-24)
 - 1. Preservation of a historic structure by allowing its use, adaptive reuse, or expansion while maintaining the character of the property or historic district by avoiding excessive use of historic properties for parking; or (Ord. No. 14-24, § 3, 12-10-24)
 - 2. Investment in the West Atlantic Neighborhood Sub-district consistent with the West Atlantic Master Plan; or (Ord. No. 14-24, § 3, 12-10-24)
 - 3. Adaptive reuse or expansion of an existing building resulting in a building not more than a total of two stories in height. (Ord. No. 14-24, § 3, 12-10-24)
- (c) The in-lieu of parking fee request does not facilitate development that will demolish the following types of structures with Central Business (CBD) District or Old School Square Historic Arts District (OSSHAD) zoning: (Ord. No. 14-24, § 3, 12-10-24)
 - 1. An individually designated or contributing historic structure in a historic district; (Ord. No. 14-24, § 3, 12-10-24)
 - 2. A non-contributing structure that is at least 35 years old in a historic district, unless the Historic Preservation Board makes a finding the building should not be reclassified to contributing; or (Ord. No. 14-24, § 3, 12-10-24)
 - 3. Any structure that has been identified for potential designation through a resource survey. (Ord. No. 14-24, § 3, 12-10-24)
- (6) **Expiration of approval.** (Ord. No. 14-24, § 3, 12-10-24)
 - (a) **Not Associated with a Concurrent Site Plan Application.** In-lieu of parking fee approvals not associated with a concurrent Site Plan or Zoning Certificate of Use application shall become void 12 months following the date of the approval unless a building permit has been issued. Prior to the expiration of this period, the applicant may request, in writing, a one-time six-month extension subject to Director approval. Further extensions of time shall require a new application. (Ord. No. 14-24, § 3, 12-10-24)
 - (b) **Associated with a Concurrent Site Plan Application.** In-lieu of parking fee requests associated with a Site Plan application or Zoning Certificate of Use application shall become void upon the expiration of the associated approval. (Ord. No. 14-24, § 3, 12-10-24)

- (c) Any in-lieu of parking payments made will be returned to the applicant should the associated approval expire. (Ord. No. 14-24, § 3, 12-10-24)
- (d) If over 50 percent of the original square footage associated with the in-lieu of parking fee approval is demolished, the in-lieu of parking fee approval becomes void and no in-lieu of parking fee credits shall apply to the redevelopment. (Ord. No. 14-24, § 3, 12-10-24)

Sec. 2.4.12. Certificate of Appropriateness.

(A) *Certificate of appropriateness for individually designated historic structures and all properties located within historic districts.*

- (1) **General.** A Certificate of Appropriateness shall be required for the following activities which occur on a designated historic site, designated historic interiors, or within designated historic districts:
 - (a) Any development application processed under these regulations for which action is required by the Site Plan Review and Appearance Board, Planning and Zoning Board, or the Board of Adjustment; and in such case, the Historic Preservation Board shall act in lieu of such Board. (Ord. No. 24-25, § 10, 1-6-26)
 - (b) Any building, structure, appurtenance, improvement, or landscape feature, which will be erected, altered, restored, renovated, excavated, relocated, or demolished and which regards any exterior architectural features (and interior architectural features in the case of designated historic interiors), landscape features, or site improvements, except for those items specifically exempted by a list promulgated by the Director.
 - (c) Any material change in existing walls, fences, sidewalks, hardscape features, and changes of color.
 - (d) Reserved.
 - (e) A Certificate of Appropriateness is not required for general, occasional maintenance of any historic building, interior, structure, or site, or any building or structure within a historic district or in kind replacement of materials or colors. General, occasional maintenance shall include, but not be limited to lawn and landscaping care and minor repairs that restore or maintain the historic site or current character of the building or structure. General, occasional maintenance shall not include any of the activities described and defined in paragraphs (1)(a) through (1)(c)

of this Section. A Certificate of Appropriateness will not be required for construction, reconstruction, restoration, renovation, or demolition for any interior alteration (except for designated historic interiors). General, occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit from the City.

(2) **Required information.**

(a) **Application.** When an item goes before the Historic Preservation Board or is reviewed administratively and is not associated with any land development application, the following information in the form of photographs or plans shall be provided, as applicable:

1. Site plan and/or survey;
2. Building elevations, and/or architectural drawings, and/or artistic sketches or renderings;
3. Landscaping plan;
4. Floor plan(s);
5. Samples of building materials and color chips;
6. Engineering reports;
7. Demolition Plans;
8. Window and door schedule providing specifications, to include but not be limited to, window type, material, configuration, dimensions, and profile drawings;
9. Photographs of all existing elevations of the subject property, labeled with cardinal direction and address;
10. Other materials as may be requested by the Development Services Department or Historic Preservation Board; and
11. Standard COA application form, accompanied by payment of a processing fee per Chapter 2, must be provided.

(b) **Site Plan and Subdivision Plan applications.** Applications for site plan or subdivision plan approval shall be submitted in accordance with Chapter 2 in conjunction with the applicable information required for a COA in (a), above. (Ord. No. 24-25, § 10, 1-6-26)

(3) **Procedure.**

(a) **Applications reviewed by the Historic Preservation Board.** A complete application for a COA that requires Board approval, as provided in the COA approval matrix set forth in the Delray Beach Historic Preservation Design Guidelines, as amended from time to time, shall be scheduled for review and action at the next available meeting of the Historic Preservation Board, at which time an action of approval, denial, or approval of a modified application, continuance with direction, or denial may be taken. The Historic Preservation Board shall apply applicable ordinances, Delray Beach Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.

(b) **Administratively-Reviewed Applications:** A complete application for a COA that does not require approval by the Historic Preservation Board as provided in the COA approval matrix, as amended from time to time, set forth in the Delray Beach Historic Preservation Design Guidelines may be approved administratively in accordance with applicable ordinances, Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

(c) **Expirations.**

1. Certificates of Appropriateness approvals shall be valid for a period of 24 months.
2. Revisions to approved Certificates of Appropriateness shall be considered as follows:
 - a. Any major revision, as defined by Section 4.5.1(E)(2), of an approved, yet unestablished Certificate of Appropriateness, shall be considered a new approval and have an additional 24-month approval period.
 - b. Any minor revision, as defined by Section 4.5.1(E)(2), of an approved, yet unestablished Certificate of Appropriateness shall be valid for the original Certificate of Appropriateness approval period.

(4) **Conditions.** Conditions may be imposed pursuant to Section 2.4.4(C) and to ensure compliance with the Standards contained in Section 4.5.1.

- (5) **Findings.** Prior to approval, a finding must be made that any Certificate of Appropriateness is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the Comprehensive Plan; the provisions of Section 4.5.1; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation.

Sec. 2.4.13. Procedures for obtaining building permits and approvals.

The following procedures shall be followed in obtaining various building permits and approvals as indicated by subsection headings.

(A) **General.** The following items must be provided prior to the issuance of any permits under this Section.

- (1) **License prerequisite.** No permit for erection, construction, installation, or maintenance of any structure, or component thereof, shall be issued unless the person in control of the premises upon which the improvement is to be placed shall have first procured from the City of Delray Beach an occupational license to engage in the business associated with the permit. The fee for an occupational license will be collected and a temporary license issued in the event another agency, such as the Health Department, has not finished final approvals.
- (2) **Permits issued to responsible party.** All permits must be issued to a duly licensed contractor, except that this shall not be construed to prevent an owner or lessee of property from erecting certain items as contained within these regulations on his own property.
- (3) **Payment of fees.** No work which requires a permit shall be undertaken without its associated fee being paid. The fees shall be paid as a part of the permit application process. Where work is begun without a permit, the fees provided in Section 2.4.3(K) shall be tripled. The payment of such fee shall not relieve any persons from fully complying with the requirements of these regulations nor from any penalties which may be appropriate.
- (4) **Reinspection requirements.** Permit fees include the cost of inspecting the work to be done under a permit; however, if additional inspection trips are required, an additional inspection fee shall be charged. For example, and not in limitation of the foregoing, reasons necessitating additional inspection fees include, but are not limited to the following:
 - (a) The work, or correction to previously inspected work, does not meet code requirements.
 - (b) An incorrect address is on the application by action of the applicant.
 - (c) The work, or correction to previously inspected work, is not ready for reinspection at the time specified in the application for inspection.

- (B) **Building permits.** A building permit is required for all items as set forth in the current Florida Building Code and Chapter 7 of these Land Development Regulations, as amended. A building permit shall be sought via application through the Development Services Department.

(1) **Drawings and specifications.**

- (a) All drawings and specifications shall bear the appropriate seal of engineer or architect as required by Florida Statutes Chapter 471 for engineers and Chapter 481 for architects and Chapter 553 for threshold buildings.
- (b) Green building certification documents shall be provided if required by Section 7.11.1.

(2) **Plot diagram.**

- (a) Before a building permit shall be issued, the applicant must submit the following:
 - 1. Drawings to scale showing the location of the proposed building or structure and existing building or structure on the site or lot. Building permit applicants for developments having had either conditional use or site and development plan approval shall submit two copies of the approved site plan.
 - 2. A certified sketch prepared by a Florida registered land surveyor or a Florida registered engineer, showing the boundary line survey of said lot or site and existing building and/or structure, if any.

(3) **Permits.**

- (a) Work shall be done by either a general contractor, residential contractor or building contractor as appropriate, holding a current Florida State registration or certification and registered with the City of Delray Beach, Florida. Nothing hereby shall prohibit homeowners from doing this work in accordance with Section 7.1.1.

(4) **Conditions of the permit.**

- (a) The Building Official shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to

violate, cancel, alter or set aside any of the provisions of this code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction, or violations of this code. Any permit issued shall become invalid (1) unless the work authorized shall have been commenced within six months after its issuance, or (2) if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

- (b) One or more extensions of time, for periods not exceeding 90 days each, may be allowed in writing by the Chief Building Official, pursuant to LDR Subsection 2.4.4(F). However, only one extension shall be allowed for any permits issued for construction occurring in a single-family district as set forth in Subsection 4.4.3(A). All construction shall be completed within 18 months of issuance of the building permit; unless evidence is presented that a shortage of materials or an Act of God has caused the delay in which case the owner/contractor may request an extension of time, from the Chief Building Official, not to exceed six months. In addition to the other penalties herein provided, failure to complete construction within the time allotted or any extension thereof shall result in a penalty equivalent to 100 percent of the original building permit fee, which shall be paid prior to the granting of a Certificate of Occupancy.

(5) ***Schedule of permit fees.***

- (a) On all buildings, structures, or alterations requiring a building permit, a fee for each building permit shall be paid as required at the time of filing application, in accordance with the schedule as established herein.
- (b) For new buildings, the value of construction for the purposes of calculating permit fees shall be established by the Building Division from recognized sources, such as the latest edition of the Means Cost Estimating Publications.
- (c) For additions, remodeling, or partial contracts, the Building Division will accept signed contracts between the owner and contractor as evidence of construction costs or in lieu thereof will determine costs using Means Cost Estimating Publications.

- (d) The permit fees to be charged shall be based upon the total cost of the work being performed, including equipment, labor, and material costs required to complete the work as illustrated by the permit drawings.

(C) **Certificate of occupancy.** A Certificate of Occupancy is required prior to the establishment of use on any site or occupancy of a structure. An occupancy permit shall be sought via application through the Building Division on the standard Department application.

- (1) Prior to issuance of an occupancy permit, the Chief Building Official shall certify that all conditions of approval affixed to an associated development approval and that requirements of the current Florida Building Code, and Chapter 4 and Chapter 7 of the Land Development Regulations are met. A certificate of occupancy will not be issued for any building or structure or portion thereof which fails to meet all applicable development standards and zoning requirements.
- (2) A conditional Certificate of Occupancy may be issued when all conditions of development or permit approval are not met but the Chief Building Official has assurance, to his satisfaction, that they will be met and that occupancy will not present a danger to the public's health, safety, or general welfare. A failure to comply with conditions as imposed by the Chief Building Official shall be cause for vacation of use of the structure.

(D) **Site clearing permit.**

- (1) **Rule.** It shall be unlawful for any person, without first obtaining a permit, to clear real property of shrub vegetation.
- (2) **Required information.** An application form, and attendant fee, shall be completed and delivered to the Chief Building Official, or his designee. The application form shall be as promulgated by the Chief Building Official.
- (3) **Procedure.** Upon acceptance of the application, the Chief Building Official shall cause the site to be visited and a report made which provides the status of trees in excess of two inches in diameter at four and one-half feet above the ground. The report shall identify what measures must be taken with respect to tree protection and removal required by Section 4.6.19 and erosion control measures required by Section 4.6.17.

- (4) **Issuance of permit.** Upon acceptance of the report by the Chief Building Official, a permit shall be issued. The permit shall require compliance with the report, a copy of which shall be provided with the permit. The permit shall be valid for a period of 180 days.

(E) **Permit to construct in a flood hazard area.**

- (1) **Rule.** A permit to construct in a flood hazard area pursuant to Chapter 10 must be issued by the Chief Building Official.
- (2) **Required information.** An application for a permit to construct in a flood hazard area shall be made to the Chief Building Official on forms furnished by the Department.
- (a) **General data.** Plans drawn to scale that contain the following data are required:
1. Nature, location, boundary, and general elevations of the territory under consideration;
 2. Existing and proposed structures;
 3. Fill areas, storage areas, drainage facilities;
 4. The elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
 5. Elevation, in relation to mean sea level, to which a nonresidential structure has been flood-proofed;
 6. Certification from a registered professional engineer, or architect, that the nonresidential flood-proofed structure meets the flood-proofing criteria in Chapter 10;
 7. A description of the extent to which any water course will be altered or relocated as a result of the proposed development.
- (b) **Construction stage of development.** At appropriate stages of construction in a flood hazard area, the following information must be provided as a part of the flood permit requirements:
1. The floor elevation for flood-proofing certification after the lowest floor is complete, or in the instance where the structure is subject to the regulations applicable to Coastal High Hazard Area, after placement of the horizontal structure members of the lowest floor;

2. The above elevation shall be prepared by, or under the direction of, a registered land surveyor or professional engineer and certified by same.

(3) **Procedures.**

- (a) **Pre-construction.** The general data material may be provided as a part of a site plan and/or preliminary engineering plans which are submitted as a part of a site plan or plat submittal. However, a separate submission is required when not so associated. A separate submission shall be processed concurrent with review of the building permit application.
- (b) **Construction certification.** Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Chief Building Official a certification of the lowest floor, flood-proof elevation, or elevation of the lowest portion of the horizontal structural member of the lower floor, whichever is applicable, in relation to mean sea level. When flood-proofing is certified for a particular building, said certification shall be prepared by, or under, the direct supervision of a professional engineer and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Chief Building Official shall review the floor elevation survey data submitted, and any discrepancies detected by said review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to correct deficiencies or to submit the survey shall be cause to issue a stop-work order.

(F) **Approval of work in the public right-of-way or a public easement.**

- (1) **Rule.** A work permit shall be required for construction, excavation, or repair work in public rights-of-way or public easements, including bicycle paths and sidewalks and for work owned by the City or dedicated to the City. Such permits shall be required for:
 - (a) Work which includes, but is not limited to, water and sewer systems, street paving, bridges, sidewalks, driveways, swales, curbs, median paving, overhead and underground structures and cable systems, or any other underground installation;

- (b) And for routes for moving houses, buildings, or heavy equipment;
 - (c) And use of rights-of-way for purposes other than for which they were intended;
 - (d) Infrastructure improvements that are related to an approved plat, certified site plan, or building permit associated with an address do not require a separate work permit.
- (2) **Required information.** The following information is required when seeking a work permit:
- (a) An "application for work permit" promulgated by the City Engineer;
 - (b) Agreements, per standard format, that address liability and restoration;
 - (c) Two sets of plans depicting the proposed work;
 - (d) Processing fee.
- (3) **Procedures.** An application shall be delivered directly to the City Engineer who shall be responsible for its processing. The City Engineer is hereby authorized to approve, deny, or approve with conditions such an application.
- (4) **Compliance requirements and conditions.**
- (a) The applicant must agree to inform the City Engineer of commencement of work, allowing sufficient time for establishing field control points and orders providing for Temporary Traffic Control.
 - (b) The applicant must agree to assume full responsibility for any injury to persons, and for any damage to property of existing facilities that may arise as a result of the work for which a permit is obtained.
 - (c) The applicant must agree to immediately restore all property which is disturbed or damaged in connection with the work for which the permit was issued; and further agree that if he fails to do so, the City may proceed to do so and all costs thereof, including a reasonable attorney's fee and court costs shall be borne by the applicant.
 - (d) Work under the permit shall be discontinued on Saturdays, Sundays, or legal holidays except in cases where the work must proceed in order to protect the public health, safety or welfare and for which permission must be first obtained from the City Engineer.

- (e) If the City Engineer determines that there is a likelihood of damage, he or she may require the applicant to post a bond or other equivalent security in an amount which shall be set by the City Engineer and in a form with surety and conditions approved by the City Attorney.
 - (f) The applicant must agree that if the City Engineer, or designee, determines that the work is being performed in a manner not in compliance with the City Standards for Construction, including but not limited to Temporary Traffic Control and National Pollutant Discharge Elimination System, such work must cease immediately, and steps be taken to correct identified deficiencies before work may be permitted to continue.
- (5) **Findings.** Upon satisfaction of the above, the City Engineer shall issue a nontransferable work permit, which shall be void after 60 days from the date of issuance unless work has been started.

ARTICLE 2.5. APPEALS

(A) **General.** An appeal is a request for a review and reversal of any action which, if not appealed, is final. An appeal may be made of an administrative interpretation, or a decision made by an administrative official or body, or acting body. The appeal of an administrative interpretation shall be made to the Board for which such power has been granted; an appeal of an administrative or acting Board's action shall be made to the City Commission. All such actions are appealable unless an appeal is expressly prohibited. Only the applicant and the City Commission may appeal a decision to the City Commission.

(B) **Required information.** Except for an appeal initiated by the City Commission, an appeal must be made in writing, directed to the City Clerk, and must provide the following information:

- (1) The name of the appellant.
- (2) Identification of the action being appealed.
- (3) Identification of who took the action and when it was made.
- (4) The basis of the appeal.

(C) **Procedures.** The following procedures shall be adhered to in the processing of any appeal:

- (1) The appellant, except for the City Commission, shall submit a letter, accompanied by the appropriate fee, to the city clerk within fourteen calendar days of the decision or action being appealed.
- (2) If the appeal is initiated by the City Commission, a motion to appeal the action shall be made at the Commission meeting at which the board's action is reported.
- (3) Whenever an appeal is filed, the action being appealed shall be stayed i.e. the development application or appealed part thereof shall be considered neither approved or denied.
- (4) The hearing shall be held no more than 60 days from date of the City Clerk's receipt of the request to appeal or, in the case of an appeal initiated by the City Commission, no more than 60 days after the meeting at which the decision to appeal was made, unless both the appellant and the City Commission or the appellant and the board hearing the appeal mutually agree to postpone the hearing.
- (5) Upon the request of the appellant, the body hearing the appeal may grant a one-time postponement of the hearing upon a showing of good cause. All requests for postponement must be considered at the meeting prior to the scheduled appeal hearing. All postponement requests shall be submitted in writing to the city clerk at least ten days prior to the meeting upon where the postponement request will be considered. In no case shall a postponement exceed 60 days.
- (6) The appeal hearing will be conducted as a new evidentiary hearing in accordance with the city's quasi-judicial procedures. The appellant may offer or submit additional evidence and testimony at the hearing. At the hearing, the subject of the appeal may be granted, granted with conditions, denied, or set for further consideration, except that no conditions may be placed on the grant of an appeal of an interpretation of regulations. Conditions may be placed on any other grant of appeal in the same manner as the development application may have been conditioned originally.

(D) **Conditions.**

- (1) The granting of an appeal of an interpretation is not subject to conditions.

- (2) The granting of an appeal pertaining to a decision on a development application may be conditioned in the same manner as the development application may have been conditioned originally.

(E) **Standard of review.**

- (1) The appeal of an administrative interpretation may be granted upon a finding that the administrative officer's interpretation was plainly erroneous or inconsistent with the City's ordinances and regulations.
- (2) The appeal of a decision made by an approving body shall be subject to de novo review and shall not be limited to the record from the previous hearing. The appellant may offer or submit additional evidence and testimony at the hearing.
- (3) The appeal of a board decision or other administrative decision, in accordance with quasi-judicial proceedings, will be based on the substantial competent evidence in the record and the application of the correct law.

(F) **Stay of previous action.** Whenever an appeal is filed, the action being appealed shall be stayed i.e. the development application or appealed part thereof shall be considered neither approved or denied.

ARTICLE 2.6. NOTICE REQUIREMENTS

Sec. 2.6.1. General.

(A) **Requirements.** The notice provisions in this article shall be required prior to Board and City Commission hearings held pursuant to the Land Development Regulations and are supplemental to any notice required by state law. Where state law expressly sets forth notice requirements, such notice is sufficient to meet all legal notice requirements, despite the additional notice set forth in this article.

(B) **Concurrent notice.** If two public hearings are required, then notice required by this Section shall be provided prior to the first public hearing. When it is necessary to provide a notice of a public hearing for multiple hearings before one or more bodies, said notice may be combined within a single notice.

(C) **Costs.** All costs incurred by the city for advertising, providing notice and recording of any documents shall be paid by the applicant. A request by the applicant to continue a hearing shall require the applicant to incur re-notification and re-advertising costs.

(D) **Required information.** Any notice for a public hearing shall, at a minimum, contain the following:

- (1) Date, time and place of the public hearing
- (2) Location of the property which is the subject of the hearing.
- (3) Subject matter of the hearing. If an ordinance, the title of the ordinance.
- (4) Identification of the location of information about the subject of the public hearing.
- (5) The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Sec. 2.6.2. Forms of Notice.

(A) **Mailed notice.** Unless otherwise provided by law, addresses for mailed notice required by this Chapter shall be obtained from the latest ad valorem tax records provided by the county property appraiser, no more than six months from the date of mailing.

- (1) Notice shall be mailed at least ten calendar days prior to the date of the board or City Commission hearing to all real property owners whose land will be affected and whose property lies within 500 feet of the perimeter of the property under consideration.
- (2) Notice for an application to abandon a right-of-way or easement shall be provided to all property owners within 100 feet of the right-of-way or easement at least 20 days prior to the public hearing.
- (3) Mailed notice is the responsibility of the applicant.
 - (a) A list of such owners along with the mailing addresses shall be provided as a part of the development application and shall be accompanied by an affidavit stating that to the best of the applicant's knowledge, the list is complete and accurate. The list shall be accompanied by a map showing all property lying within 500 feet of the property under consideration, and mailing labels with the property owners' name and mailing addresses.
 - (b) Staff will provide the applicant with the form of the notice at least one week prior to the required mailing date.

- (c) Prior to the date of the public hearing, an affidavit must be provided by the applicant affirming that the notice was mailed.

(B) **Posted property notice.**

- (1) Notice signs shall be posted by the applicant on the affected property in accordance with placard standards established by the city.
- (2) Placard signs shall be posted on the subject property visible from each adjoining right-of-way or on each street block face at least seven calendar days prior to the date of the board or Commission hearing. Each sign shall identify the action to be considered and state the time and place of the hearing. Photographic documentation of the posted placard(s) shall be provided to the City on the date of posting.
- (3) Signs shall be maintained by the applicant until such time as a final decision is made and shall be removed by the applicant within five calendar days of the decision.
- (4) Properties under consideration for a land use or zoning map change that involve more than 50 non-contiguous acres shall not be required to post signs when the application is initiated by the city.

(C) **Posting of Agenda.** An agenda shall be established for every meeting of each Board and City Commission. The agenda shall be posted in the main lobby of City Hall at least seven calendar days prior to the day of a regular meeting and shall provide notice of any public hearing. The agenda for a special meeting shall be posted at least 24 hours prior to the time of the special meeting. A board shall only consider items that have been duly placed upon a posted agenda except for items deemed an emergency and added to an agenda by a majority of the board members.

(D) **City Web Page.** Notice of a public hearing shall be posted on the City's web page at least ten calendar days prior to the date of the scheduled hearing.

(E) **Published notice.** Unless otherwise provided by statute, notice shall be by advertisement at least ten calendar days prior to the public hearing in the legal section of a newspaper that is published at least five days per week.

Sec. 2.6.3. Required Public Notice.

(A) **Amendments to the Comprehensive Plan (Text and/or Land Use Map Amendments).** Notice requirements contained within the applicable sections of Florida Statutes Chapter 163 shall apply. Additional notice in Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to the Public Hearing before the Planning and Zoning Board.

(B) **Annexations.** Notice requirements for both voluntary and non-voluntary requests contained within the applicable sections of Florida Statute Chapter 171 shall apply. No additional notice is required.

(C) **Conditional uses.** Notice requirements in Section 2.6.2 (A), (B), (C) and (D) shall be provided prior to the scheduled Public Hearing before the Planning and Zoning Board.

(D) **Land Development Regulations Text Amendment, principal, conditional or prohibited use.** Notice requirements contained within the applicable sections of Florida Statutes Chapter 166 shall apply.

(E) **Rezoning.** Notice requirements for both privately initiated and City-initiated requests contained within the applicable sections of Florida Statutes Chapter 166 shall apply. Additional notice in accordance with Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to the Public Hearing before the Planning and Zoning Board.

(F) **Right-of-way abandonments.** Notice in accordance with Section 2.6.2 (A), (B), (C), (D), and (E) shall be provided prior to a Public Hearing before the Planning and Zoning Board. The notice shall describe the property to be abandoned and shall generally describe the obligations that will accrue to the property owners if the abandonment is approved.

(G) **Variances.** Notice in accordance with Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to a Public Hearing before the applicable Board.

(H) **Waivers.** Notice in accordance with Section 2.6.2(A), (B), (C), and (D) shall be provided prior to a Public Hearing before the City Commission.
(Ord. No. 21-24, § 3, 8-19-24)

Sec. 2.6.4. Courtesy notice and notice to external agencies.

(A) **General.** Courtesy notice of receipt of a development application shall be made to affected and interested groups as identified in this Section. Notice shall be provided concurrent with agenda posting to allow for review and comment prior to action.

(B) **Neighborhood groups.** The City shall maintain a list of neighborhood groups that Development Services will provide notice to for development applications that require action by the Planning and Zoning Board, the Site Plan Review and Appearance Board, or the Historic Preservation Board. A neighborhood group must provide the name and address of a contact person; identification of the group; the types of items it wishes to be notified of; and its geographic area of

interest to the Neighborhood and Community Services Department. Development Services shall provide courtesy notices to groups of regarding development applications once such applications are set on a Board's agenda.

(C) **Utility Companies:** Utility providers for gas, electricity, telephone, cable television, etc. shall be notified of the submission of a site development plan or plat.

(D) **Adjacent Units of Government:** Whenever a development application involves land use review or implements a development proposed within the comprehensive plan and it is located within one-quarter mile of the boundary of an adjacent unit of government, notice shall be provided to that unit of government.

(E) **Florida Department of Transportation (FDOT):** Whenever a site development plan involves property adjacent to a thoroughfare maintained by FDOT, FDOT shall be notified upon receipt of the development application and FDOT approval of any required improvements or connections to the thoroughfare shall be required prior to approval of a plat or building permit when a plat is not required.

(F) **Palm Beach County Traffic Division:**

- (1) Whenever a site development plan involves property adjacent to a thoroughfare maintained by Palm Beach County, its Traffic Division shall be notified upon receipt of the development application and its approval of any improvements or connections to the thoroughfare shall be required prior to approval of a plat or building permit when a plat is not required.
- (2) Required Traffic Studies shall be provided by the applicant to the County Traffic Division for review and comment prior to any consideration by the approving body of the associated development application.

(G) **Lake Worth Drainage District (LWDD):** Whenever a proposed project is adjacent to LWDD facilities, the LWDD shall be notified upon receipt of the development application for comments as to impact upon its facilities.

(H) **City boards.** City Boards shall be noticed as follows:

- (1) **Downtown Development Authority.** Notice of all development applications within its geographic limits.
- (2) **Community Redevelopment Agency.** Notice of all development applications within its geographic limits.

- (3) **Historic Preservation Board.** Development applications that involve property located within a Historic District or on a designated Historic Site but will not be acted upon by the Historic Preservation Board may be referred to that Board at the Director's discretion so that a recommendation may be made prior to action by other reviewing officials or authorities.

Chapter 3

PERFORMANCE STANDARDS

Chapter 3 sets forth Level of Service Standards consistent with the Comprehensive Plan. It also sets forth performance standards by which a development application shall be assessed for the purpose of determining overall consistency with the Comprehensive Plan and with good planning, engineering and design practice.

Article 3.1. Required Findings For Land Use and Land Development Applications

Sec. 3.1.1. Required findings.

Article 3.2. Performance Standards

- Sec. 3.2.1. Basis for determining consistency.
- Sec. 3.2.2. Standards for rezoning actions.
- Sec. 3.2.3. Standards for site plan and/or subdivision plan actions.
- Sec. 3.2.4. Standards for specific areas or purposes.

ARTICLE 3.1. REQUIRED FINDINGS FOR LAND USE AND LAND DEVELOPMENT APPLICATIONS

Sec. 3.1.1. Required findings.

Prior to the approval of development applications, certain findings must be made in a form which is a part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

- (A) **Land Use Map.** The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 9, 9-10-20)
- (B) **Concurrency.** Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 9, 9-10-20)
- (C) **Consistency.** A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict. [Amd. Ord. 13-99 3/16/99]
- (D) **Compliance with LDRs.** Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations. [Amd. Ord. 13-99 3/16/99]

ARTICLE 3.2. PERFORMANCE STANDARDS**Sec. 3.2.1. Basis for determining consistency.**

The performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1 (C)] is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 10, 9-10-20)

Sec. 3.2.2. Standards for rezoning actions.

In addition to the standards listed below, rezoning actions shall be consistent with the land use designation applied to the land to be rezoned. Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element, identifies the land use designations and implementing zoning districts that provide appropriate development and improvements that further the adopted strategies of and are compatible with the assigned land use designation. (Ord. No. 23-20, § 11, 9-10-20)

- (A) The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)
- (B) Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)
- (C) Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth

of the mixed-use zoning to provide for more substantive, mixed use projects that provide compatible transitions in form and use to the surrounding area. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)

- (D) Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)
- (E) Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)

Sec. 3.2.3. Standards for site plan and/or subdivision plan actions.

(A) Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation. [Amd. Ord. 13-99 3/16/99]

(B) All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA). [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)

(C) Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)

(D) Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)

(E) Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)

(F) Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)

(G) Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)

(H) Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)

(I) Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation. [Amd. Ord. 13-99 3/16/99]

(J) Tot lots and recreational areas, serving children, teens, and adults shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)

(K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density. (Ord. No. 23-20, § 12, 9-10-20)

(L) Development shall meet the intent of CSR 5, Energy Efficiently and Diverse Energy Mix and, where applicable, the requirements of LDR Section 7.11.1, Green Building Regulations. (Ord. No. 30-22, § 4, 11-1-22)

Editor's note—Ord. No. 24-25, § 11, adopted January 6, 2026, amended the title of § 3.2.3 by changing "plat" to "subdivision plan."

Sec. 3.2.4. Standards for specific areas or purposes.

(A) **Wellfield protection zones.** The City shall continue to assure compliance with the County Wellfield Protection Ordinance by including compliance as a performance standard for which a specific finding must be made upon approval of any site plan or conditional use action, for any development or site improvements within a designated wellfield protection zone as designated on Map AD-20, in accordance with Goal 2, Water Resources, Conservation, and Protection, of the Conservation, Sustainability, and Resiliency Element. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 13, 9-10-20)

(B) **Environmentally sensitive areas.** Significant flora or fauna communities which are identified pursuant to a biological survey and habitat analysis required by Conservation, Sustainability, and Resilience Element Policy CSR 4.2.3 shall be appropriately treated as if they were environmentally sensitive areas as identified on Map AD-19, Location of Native Ecosystems and Conservation Areas. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 13, 9-10-20)

(C) **Barrier island.** Development on the barrier island shall occur in a manner which does not change the character, increase the intensity of use, or demand upon existing infrastructure; nor increase hurricane evacuation time beyond its present level in the Coastal Planning Area pursuant to Policy CME 4.1.4 and Policies contained under Objective CME 2.2 of the Coastal Management Element. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 13, 9-10-20)

(D) **Flood prone areas.** Development proposed on land which is located in a floodplain shall certify that the proper requirements for mitigation of potential flood damage have been provided. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 13, 9-10-20)

(E) **Historic districts and individually designated sites listed on the Local Register of Historic Places.** Proposed development shall be consistent with the purpose and provisions of LDR Section 4.5.1, Historic Preservation: Designated Districts, Sites, and Buildings, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation. [Amd. Ord. 38-07 2/05/08]; [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 13, 9-10-20)

(F) **Impact on adjacent communities.** The staff report prepared for any development application or development activities proposed in the plan and provided to the Local Planning Agency shall contain an assessment, if applicable, of how the proposed activity may affect the existing plans of any adjacent local government. [Amd. Ord. 13-99 3/16/99]

(G) ***Transportation demand management.*** A land use application, which will add use area or establish a new use, that will result in the addition on the premises of more than 50 employees, located in the City's Transportation Concurrency Exception Area (TCEA), shall include submittal of a program to implement employer-based Transportation Demand Management (TDM) activities. These activities may include, but are not limited to, ride sharing, van pooling, and flexible work hours. (Ord. No. 33-23, § 3, 10-17-23)

Chapter 4

ZONING REGULATIONS

Chapter 4 sets forth the zoning regulations for the use of land within the City of Delray Beach. This Chapter contains most of the regulations commonly included in a City's "zoning code". However, this Chapter is an integral portion of the entire Land Development Regulations and can only be applied in that context. To this end, there are many cross-references with Chapter 4 to other applicable sections of the Regulations.

Article 4.1. Establishment of Districts and Official Zoning Map

- Sec. 4.1.1. Establishment of districts.
- Sec. 4.1.2. The official zoning map.
- Sec. 4.1.3. Interpretation of district boundaries.
- Sec. 4.1.4. Use of lots of record.

Article 4.2. Reserved

Article 4.3. District Regulations, General Provisions

- Sec. 4.3.1. Application of district regulations.
- Sec. 4.3.2. Determining use.
- Sec. 4.3.3. Special requirements for specific uses.
- Sec. 4.3.4. Base district development standards.

Article 4.4. Base Zoning District

- Sec. 4.4.1. Agriculture Zone District (A).
- Sec. 4.4.2. Rural Residential (RR) Zone District.
- Sec. 4.4.3. Single Family Residential (R-1) Districts.
- Sec. 4.4.4. Mobile Home (MH) District.
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- Sec. 4.4.7. Planned Residential Development (PRD) District.
- Sec. 4.4.8. Reserved.
- Sec. 4.4.9. General Commercial (GC) District.
- Sec. 4.4.10. Automotive Commercial (AC) District.
- Sec. 4.4.11. Neighborhood Commercial (NC) District.
- Sec. 4.4.12. Planned Commercial (PC) District.
- Sec. 4.4.13. Central Business (CBD) District.
- Sec. 4.4.14. Resort/Tourism (RT) District.
- Sec. 4.4.15. Planned Office Center (POC) District.
- Sec. 4.4.16. Professional and Office (POD) District.

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- Sec. 4.4.17. Residential Office (RO) District.
- Sec. 4.4.18. Planned Commerce Center (PCC) District.
- Sec. 4.4.19. Mixed Industrial and Commercial (MIC) District.
- Sec. 4.4.20. Industrial (I) District.
- Sec. 4.4.21. Community Facilities (CF) District.
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- Sec. 4.4.23. Conservation (CD) District.
- Sec. 4.4.24. Old School Square Historic Arts District (OSSHAD).
- Sec. 4.4.25. Special Activities District (SAD).
- Sec. 4.4.26. Light Industrial (LI) District.
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- Sec. 4.4.28. Central Business District-Railroad Corridor (CBD-RC).
- Sec. 4.4.29. Mixed Residential, Office and Commercial (MROC) District.

Article 4.5. Overlay And Environmental Management Districts

- Sec. 4.5.1. Historic Preservation: Designated Districts, Sites, and Buildings.
- Sec. 4.5.2. Noise control.
- Sec. 4.5.3. Reserved.
- Sec. 4.5.4. Reserved.
- Sec. 4.5.5. Palm Beach County ordinances.
- Sec. 4.5.6. The West Atlantic Avenue Overlay District.
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- Sec. 4.5.8. The Wallace Drive Overlay District.
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- Sec. 4.5.11. The Carver Estates Overlay District.
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- Sec. 4.5.14. Four Corners Overlay District.
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- Sec. 4.5.16. Lake Ida Neighborhood Overlay District.
- Sec. 4.5.17. Silver Terrace Courtyards Overlay District.
- Sec. 4.5.18. Medical Arts Overlay District.
- Sec. 4.5.19. Lintco Development Overlay District.
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Article 4.6. Supplemental District Regulations

- Sec. 4.6.1. General application.
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- Sec. 4.6.6. Commercial and industrial uses to operate within a building.
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- Sec. 4.6.14. Sight visibility.
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Article 4.7. Family/Workforce Housing

- Sec. 4.7. Findings.
- Sec. 4.7.1. Definitions.
- Sec. 4.7.2. Applicability.
- Sec. 4.7.3. Provision of workforce housing units.
- Sec. 4.7.4. Density Bonus Programs for the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area.
- Sec. 4.7.5. Density Bonus Programs.
- Sec. 4.7.6. Rental housing units.
- Sec. 4.7.7. Resale and subsequent rentals of affordable units.
- Sec. 4.7.8. Other incentives.
- Sec. 4.7.9. Accessory Dwelling Unit (ADU).

ARTICLE 4.1. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP**Sec. 4.1.1. Establishment of districts.**

In order to provide for an orderly system for the establishment and regulation of land uses; to classify, regulate, and restrict the location of buildings designed for business, industrial, commercial, residential, and other uses; to regulate the intensity of the use of lot areas; to regulate and determine the areas of open space within and surrounding buildings; to regulate and limit the height and size of buildings; to insure the provision of adequate services e.g. parking, loading, and others; to provide for the protection of environmentally sensitive lands; and to protect the general public from dangerous, undesirable, and adverse consequences of improper land use and design, within the City of Delray Beach the following zone districts are hereby established.

(A) **Base zoning districts.** These "Base Zoning Districts" are applied to specific parcels of land, for the reasons as stated in Section 4.1.1, specifically as they related to land use and design. [Ord. No. 03-15 2/24/15]

- **A** Agriculture
- **RR** Rural Residential
- **R-1-AAA** Single Family Residential
- **R-1-AAAB** Single Family Residential
- **R-1-AA** Single Family Residential
- **R-1-AAB** Single Family Residential
- **R-1-A** Single Family Residential
- **R-1-AB** Single Family Residential
- **MH** Mobile Home
- **RL** Low to Medium Density Residential
- **RM** Medium to Medium High Density Residential
- **PRD** Planned Residential Development
- **GC** General Commercial
- **AC** Automotive Commercial
- **NC** Neighborhood Commercial

- **PC** Planned Commercial
- **CBD** Central Business District
- **RT** Resort/Tourism
- **POC** Planned Office Center
- **POD** Professional and Office District
- **RO** Residential Office
- **PCC** Planned Commerce Center
- **MIC** Mixed Industrial and Commercial
- **I** Industrial
- **CF** Community Facilities
- **OS** Open Space
- **CD** Conservation District
- **OSSHAD** Old School Square Historic Arts District
- **SAD** Special Activities District
- **LI** Light Industrial
- **OSR** Open Space and Recreation

(B) **Overlay and Environmental Management Districts.** These Districts may, or may not be shown, on the Official Zoning Map in that they pertain to unique features or characteristics of land or to items of environmental significance which are restricted to a particular parcel of land. These districts provided environmental standards and may restrict the intensity of use of land, as allowed in the Base Districts.

- HP Historic Preservation (designated sites and districts)
- WP Wellfield Protection
- FDC Flood Damage Control (Chapter 10)
- CC Coastal Construction (Chapter 10)
- N Noise Control

Sec. 4.1.2. The official zoning map.

(A) **Adoption by reference.** The City is hereby divided into zones or districts as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4.1.2 of the City's Land Development Code".

(B) **Changes.** If changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Commission, with an entry on the Official Zoning Map as follows: "On (date), by official action of the Commission, the following changes were made on the Official Zoning Map (brief description of the nature of the change)," which entry shall be signed by the Mayor and attested by the City Clerk.

(C) **Final authority.** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk, shall be the final authority as to current zoning status of land, buildings, structures, and water areas in the City.

Sec. 4.1.3. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- (B) Boundaries indicated as approximately following City limits, shall be construed as following such City limits.
- (C) Boundaries indicated as approximately following platted lot lines, shall be construed as following such lot lines.
- (D) Boundaries indicated as following railroad lines, shall be construed to be the center line of the railroad right-of-way.
- (E) Boundaries indicated as following shore lines, shall be construed to follow such shore lines. In the event of change in the shore line, the boundaries shall

be construed as moving with the shore line. Boundaries indicated as approximately following the center lines of canals, lakes, rivers, streams, or other bodies of water, shall be construed to follow such center lines.

- (F) Boundaries indicated as parallel to, or extensions of features indicated in subsections (A) through (E) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (G) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (A) through (F) above, the Commission shall interpret the zoning district boundaries.
- (H) Where a zoning district boundary line divides a lot, the regulations of the greater portion shall prevail for the entire lot. Unless it is clear in the application of the zoning that more than one district shall apply to the property.
- (I) Where any street, alley, or waterway is officially abandoned or vacated, the regulations applicable to each parcel of abutting property shall apply to that portion of such street, alley, or waterway added thereto by virtue of such abandonment or vacation.

Sec. 4.1.4. Use of lots of record.

(A) Any Lot of Record that does not comply with the minimum lot area, lot width, lot frontage, or lot depth standard for the zoning district may be used as allowed by that zoning district, subject to the following:

- (1) Within a residential zoning district, a single-family residential structure may be constructed on any Lot of Record that has at least 50 feet of frontage. A single-family residential structure may be constructed on a Lot of Record without frontage if access is provided by an approved triparty easement agreement between the property owner and the city.
- (2) In R-1 zoning districts, if two or more adjoining lots of record or portions of lots of record do not individually meet the minimum lot standards and were under the same ownership as of October 18, 1994, the lots must be replatted to meet all current minimum lot standards. Ownership shall be determined by the property tax rolls on file in the Palm Beach County Property Appraiser's Office on October 18, 1994. This limitation does not apply to properties subject to R-1-A zoning district development standards.

- (3) For property zoned R-1-A or subject to R-1-A development standards, lots of record having less than 50 feet of frontage, but at least 40 feet of frontage and 4,000 square feet of area may be developed subject to the Workforce Housing requirements.
- (4) **Workforce Housing requirement.** Nonconforming Lots of Record subject to the workforce housing requirement must adhere to Article 4.7.
 - (a) The Workforce Housing restrictive covenant must be recorded prior to the issuance of a building permit.
 - (b) Vehicular access shall be provided via an alley, if available.
 - (c) The residential structure must be developed in accordance with design features in Section 4.7.8.
- (5) **Legacy Property.**
 - (a) Any Legacy Property may be developed or redeveloped for a family member with a single-family residential structure without being subject to workforce housing requirements.
 - (b) A Legacy Property that is sold or transferred to anyone other than a lineal descendant, surviving spouse, qualified domestic partner, or collateral heir is subject to the following:
 - 1. Lots having less than 50 feet of frontage, but at least 40 feet of frontage and 4,000 square feet of area shall be developed as workforce housing.
 - 2. Lots with more than 50 feet of frontage, and more than 4,000 square feet of lot area may be developed as market rate housing.

(B) A nonconforming lot of record that was developed with a market rate single-family residential structure prior to October 1, 1990, may be redeveloped with a single-family residence without being subject to workforce housing requirements.

(C) Duplex and multiple family structures shall only be constructed on a lot that meets the minimum lot area within the zoning district.

(Ord. No. 10-26, § 4, 2-24-26)

Editor's note—Ord. No. 10-26, § 4, adopted February 24, 2026, in effect repealed § 4.1.4 and enacted a new § 4.1.4 as set out above and as may later be amended. Former § 4.1.4 pertained to similar subject matter and derived from Ord. 78-94,

adopted October 18, 1994; Ord. 11-00, adopted May 16, 2000; Ord. 20-06, adopted April 4, 2006; Ord. 38-07, adopted February 5, 2008; and Ord. No. 32-23, adopted October 17, 2023.

ARTICLE 4.2. RESERVED*

ARTICLE 4.3. DISTRICT REGULATIONS, GENERAL PROVISIONS

Sec. 4.3.1. Application of district regulations.

The regulations established by this Article shall be minimum regulations and shall apply uniformly to each class or type of structure or land.

- (A) All buildings, structures, and land shall be used in conformance with all applicable zoning and use regulations.
- (B) All buildings and structures shall only be constructed, modified, or relocated in conformity with all regulations specified for the zoning district.
- (C) Any yard, off-street parking space, loading space, or other open space required for compliance for one building shall not be used to satisfy compliance for any other building.
- (D) Any lot or yard created after October 1, 1990, must comply with the minimum lot area and dimensions for the zoning district, unless the City Commission approves a waiver. In addition to the waiver standards, the City Commission must also find that it is necessary and appropriate to create such a nonconformity. A lot created prior to October 1, 1990, may be used without relief if it meets the definition of a Lot of Record.
- (E) Only one principal residential structure is allowed per lot in the Single Family Residential District (R-1) and Rural Residential District (RR).

(Ord. No. 10-26, § 5, 2-24-26)

Editor's note—Ord. No. 10-26, § 5, adopted February 24, 2026, in effect repealed § 4.3.1 and enacted a new § 4.3.1 as set out above and as may later be amended. Former § 4.3.1 pertained to similar subject matter and derived from Ord. 11-00, adopted May 16, 2000.

***Editor's note**—Ord. No. 32-23, § 4, adopted October 17, 2023, repealed art. 4.2, §§ 4.2.1—4.2.3, which pertained to annexation and initial zoning and derived from Ord. 2-95, adopted January 17, 1995; and Ord. No. 23-20, adopted September 10, 2020.

Sec. 4.3.2. Determining use.

(A) **General.** Uses are allowed as provided for in individual zoning districts pursuant to the purpose statement, categories of use, and types of use allowed therein.

Categories of use are principal uses, accessory uses, and conditional uses as described below. Types of uses are identified within each zoning district. Interpretation of a specific use which is not listed is governed by Subsection (C) herein.

(B) **Categories of use.** All uses shall be categorized pursuant to the following:

- (1) **Principal use.** A principal use is allowed, by right, within a zoning district provided that all development regulations are met. A principal use must be conducted on a site in order to have accessory or ancillary uses on that site.
- (2) **Accessory use.** An accessory, or ancillary use, shall not be established before the principal use, and falls into one of three categories as follows: (Ord. No. 12-26, § 3, 4-7-26)
 - (a) A use that is otherwise allowed as a principal use but is subordinate in intensity to other principal uses (retail sales and business offices). (Ord. No. 12-26, § 3, 4-7-26)
 - (b) A use associated with a principal use that is specifically identified within the zoning district as an accessory use (for example, a garage used in conjunction with a single family house). Accessory uses provided in conjunction with a residential use may not be rented or used separately, unless specifically provided herein. (Ord. No. 12-26, § 3, 4-7-26)
 - (c) A use associated with a principal or accessory use by virtue of supplemental district requirements (for example, a parking lot required for a multiple family use). (Ord. No. 12-26, § 3, 4-7-26)
- (3) **Conditional use.** A use which may not be appropriate generally, or without restriction, within a zoning district. The purpose of identifying such conditional uses and regulating them in a special manner is that they possess certain characteristics which may make them incompatible with existing uses, contiguous zoning, permitted uses, or future uses. Through special conditions imposed through procedures set forth in Section 2.4.5(E), the adverse impacts of such a use may be mitigated. The allowing of a conditional use is discretionary.

(C) **Uses not listed.** In most instances it is clear that a specific use is allowable under a use category (i.e. the specific use of "sale of clothing directly to a consumer" is allowed under the category of "general retail sales"). Some specific uses (e.g. sale of automobiles) involve a special product which is identified as such within these regulations and hence are allowed only as listed. However, in some cases, it may be necessary to have an interpretation made to determine whether or not a use is allowable. In such cases, the following applies:

- (1) **Interpretation by Director.** In situations where a specific use is not listed in examples provided under a type, the Director may determine that a specific use is allowable on the basis that it is identical to uses listed in the examples. The Director shall maintain a list of such determinations.
- (2) **Determination of similarity of use.** In situations where the Director finds that the requested use is not identical but has similar characteristics to allowable uses or when the use is of a specific nature (e.g. automobile sales) and is listed as a specific use in another zone district, the use may be established within a specific zone district by action of the Planning and Zoning Board in authorizing it through a determination of similarity of use.
- (3) **Prohibited uses.** When a use is not allowed by application of Subsection 4.3.2(C)(1) or (2), it shall be considered as a prohibited use and not allowed within the Zoning District.

Sec. 4.3.3. Special requirements for specific uses.

By nature of characteristics unique to the following uses, such use may be established only in compliance with these special requirements. These requirements are in addition to those established elsewhere in these Regulations. Description of each use in this Section shall be of its common meaning or as pursuant to the Definitions Section of these Regulations.

- (A) **Self-service storage facilities (SSSF).** [Amd. Ord. 52-97 1/6/98]
 - (1) **Lot area.** The minimum lot area is two acres, and the maximum lot area is five acres. [Amd. Ord. 52-97 1/6/98]
 - (2) **Facilities and requirements.** [Amd. Ord. 52-97 1/6/98]
 - (a) Any SSSF which has outdoor bay type access to storage units must be designed in such a way to create a compound like structure with a defined masonry perimeter. In addition, the facility should

be designed in such a way to minimize or eliminate sight lines of any bay doors, or outdoor storage of boats and vehicles, from the adjacent rights-of-way. [Amd. Ord. 52-97 1/6/98]

- (b) No building shall exceed two stories or 30 feet in height. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
- (c) Parking shall be provided as follows: [Amd. Ord. 01-09 1/20/09]; [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
 - 1. One space per 5,000 square feet of gross floor area for single story SSSF buildings. This requirement may be modified during the site plan approval process if a sufficient number of storage units have direct vehicle access, and internal driveways are designed to allow customers to safely park in front of their storage unit without impeding internal circulation. (Ord. No. 15-16, § 2, 9-20-16)
 - 2. One parking space per 100 units of multi-story SSSF buildings. (Ord. No. 15-16, § 2, 9-20-16)
 - 3. A minimum of three and one-half spaces/1,000 square feet of accessory office. (Ord. No. 15-16, § 2, 9-20-16)
 - 4. A minimum of two spaces for an onsite manager's residence, if applicable. (Ord. No. 15-16, § 2, 9-20-16)
 - 5. A minimum of three loading spaces for each multi-story SSSF building. Each loading space must be a minimum of 12 feet by 25 feet with sufficient driveway access to accommodate vehicular maneuvering. (Ord. No. 15-16, § 2, 9-20-16)

(3) **Limitation of uses.** [Amd. Ord. 52-97 1/6/98]

- (a) Activities other than the rental or lease of storage units are not allowed to be conducted on the premises of the SSSF, unless specifically permitted by the City Commission. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
- (b) No business or activity other than dead storage shall be conducted from any storage unit in the facility. Examples of prohibited uses include, but are not limited to the following: the servicing, repair and/or restoration of automobiles, boats, recreational vehicles, lawnmowers and the like; garage sales; moving and storage companies; cabinet making and wood working (whether personal

or professional); personal hobbies and arts and crafts; and any other activity unless specifically permitted through the conditional use process. [Amd. Ord. 52-97 1/6/98]

- (c) There shall be no electrical power provided to, or accessible from, any individual storage units. This includes the provision of lighting fixtures to the interior of a storage unit, unless specifically addressed in the site plan approval. The use of portable generators is also prohibited. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
 - (d) The use or storage of any hazardous materials is expressly prohibited. [Amd. Ord. 52-97 1/6/98]
 - (e) The terms and conditions of this section shall be clearly expressed in all storage rental or leasing contracts, as well as conspicuously displayed on a sign no smaller than one foot by two feet in the leasing office. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
 - (f) Within the Light Industrial (LI) zoning district, facilities may not be located within a 750-foot radius of another approved SSSF. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
- (4) **On-site manager required.** All SSSF are required to have, and continuously maintain, an on-site manager during office business hours, and may provide on-site living quarters for such. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
- (5) **Hours of operation.** SSSF customers may not access individual storage units before 5:00 a.m. or any later than 10:00 p.m. Hours of operation may be further restricted when it is deemed that morning and evening traffic into and out of the facility may negatively impact the character of an adjacent residential area. In no circumstance shall customers of any SSSF have 24 hour access to their storage unit(s). [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
- (6) **Landscape requirements.** In addition to all applicable landscape requirements and other special provisions pursuant to the individual zone district, a minimum ten-foot landscape buffer shall be required for the entirety of the property. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)

- (7) **Outdoor storage of vehicles and boats.** The outdoor storage of boats and vehicles is permitted . In all cases, this use is permitted only as accessory to the main use, must be located in the interior of the masonry perimeter, and may not be visible from any rights-of-way. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
- (8) **Truck rental.** Truck rental may be conducted as an ancillary use, if an appropriate amount of additional parking spaces are provided. Storage of rental trucks must be located in the interior of the masonry perimeter, and may not be visible from any rights-of-way. [Amd. Ord. 52-97 1/6/98] (Ord. No. 15-16, § 2, 9-20-16)
- (AA) **Adult entertainment establishments.** In addition to the requirements of the underlying zoning district, other applicable general regulations, County licensing requirements, parking regulations and Section 113.20 of the Code of Ordinances of the City of Delray Beach, the following requirements shall apply to adult entertainment establishments: [Amd. Ord. 30-98 9/08/98]
 - (1) No adult entertainment establishment shall be located on properties with frontage on an arterial road, located south of Atlantic Avenue, or located east of the CSX railroad track. [Amd. Ord. 30-98 9/08/98] (Ord. No. 06-25, § 3, 6-3-25)
 - (2) No adult entertainment establishment shall be located closer than 1,000 feet from any house of worship, school, residential zoning district, community facilities zoning district (CF, OS, OSR, CD) where the use is or is to be regularly frequented by the general public (i.e. community center, parks, courthouse, child care facilities, offices, etc.) measured from lot line to lot line boundary along a straight airline route, except when the property containing the adult entertainment establishment is separated from the above by the I-95 right-of-way. [Amd. Ord. 30-98 9/08/98]
 - (3) No adult entertainment establishment shall be located within 200 feet of an alcoholic beverage establishment, measured from lot line to lot line boundary along a straight airline route except if the establishment permitting nudity or partial nudity is separated from an alcoholic beverage establishment by a Railroad Corridor or an Arterial Roadway as the width of the Railroad Corridor and/or Arterial Roadway shall be deemed a sufficient separation. [Amd. Ord 43-03 12/2/03]; [Amd. Ord. 30-98 9/08/98]; [Amd. Ord. 55-90 11/13/90]

- (4) Signage. Only one sign per adult entertainment establishment is permitted, and such sign shall not extend above 12 feet above ground level or have an area of greater than 36 square feet. No neon material shall be permitted on the sign. All other restrictions of the sign code shall apply herewith. [Amd. Ord. 55-90 11/13/90]

- (5) No adult entertainment establishment shall be located within an historic district, on an historic site, or on properties listed on the Local or National Register of Historic Places, unless the historic district, site or property was previously used for an adult entertainment type use. [Amd. Ord. 30-98 9/08/98]
 - (6) The minimum floor area per room or partitioned area within an adult entertainment establishment must be 2,000 square feet exclusive of kitchen, restrooms, storage areas, and other non-public/customer area of the establishment. [Amd. Ord. 30-98 9/08/98]
 - (7) Performers/entertainers or employees in the state of nudity or partial nudity shall not approach within four feet of patrons, customers, or other employees or other performers/entertainers, and must perform/entertain from a stage encompassing an area of at least 100 square feet. [Amd. Ord. 30-98 9/08/98]
- (AAA) **Adult gaming centers—Purpose.** It is the intent of this section to regulate adult gaming centers that mimic the look and feel of gambling venues but are operated in accordance with Florida State Statute Chapter 849 (Gambling). Regulation of these venues ensures that they are permitted as conditional uses in the appropriate compatible designation within the City and that appropriate police powers are established to ensure reduction of any secondary effects. This section does not purport to regulate adult arcades which are addressed in Section 4.3.3(AA) of the City's Land Development Regulations entitled "Adult Entertainment Establishments" and Section 113.20 of the City's Code of Ordinances, nor Amusement Game Facilities as defined herein. [Amd. Ord. 58-04 10/19/04]
- (1) **Development standards for adult gaming centers.** [Amd. Ord. 58-04 10/19/04]
 - (a) No Adult Gaming Center shall be located within 1,000 feet of or in the same block as, whichever distance is greater, an existing adult gaming center, measured from lot line to lot line in a straight line. [Amd. Ord. 58-04 10/19/04]
 - (b) Location: No adult gaming center shall be located within an historic district, on an historic site, on properties listed on the Local or National Register of Historic Places or in any Redevelopment Area. [Amd. Ord. 58-04 10/19/04]
 - (c) Adult gaming center requirements: [Amd. Ord. 58-04 10/19/04]
 - 1. An attendant must be provided on the premises during all hours of operation. [Amd. Ord. 58-04 10/19/04]

2. The hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., seven days a week. [Amd. Ord. 58-04 10/19/04]
 3. No one under 18 years of age shall be allowed in the Adult Gaming Center. [Amd. Ord. 58-04 10/19/04]
 4. The consumption and/or possession of alcohol shall be prohibited on the premises. [Amd. Ord. 58-04 10/19/04]
 5. The license for each machine shall be attached thereto. [Amd. Ord. 58-04 10/19/04]
 6. The use of gift certificates, gift cards, credit cards or other cash substitutes shall be prohibited. [Amd. Ord. 58-04 10/19/04]
 7. Prizes shall be limited to \$.75 retail value per game played. [Amd. Ord. 58-04 10/19/04]
 8. Any machine on the premises of the enterprise or business shall not violate the State's laws against slot machines and shall be in full compliance with Section 849.16, Florida Statutes. [Amd. Ord. 58-04 10/19/04]
 9. The enterprise or business shall permit unlimited access to law/code enforcement officials to enter the premises and inspect any machine at any time to ensure that the provisions of this Ordinance are in compliance. [Amd. Ord. 58-04 10/19/04]
- (2) **Conditional use criteria.** [Amd. Ord. 58-04 10/19/04]
- (a) **Application.** No person shall operate or conduct an adult gaming center for use by the general public in the City for the reward of prizes without first applying for a conditional use and stating in the application, at a minimum, the following: [Amd. Ord. 58-04 10/19/04]
 1. The name under which the enterprise or business is to be conducted; [Amd. Ord. 58-04 10/19/04]
 2. The location at which the enterprise or business is to be carried on; [Amd. Ord. 58-04 10/19/04]
 3. The name, address and principal occupation of every person with an interest in the enterprise or business. [Amd. Ord. 58-04 10/19/04]

4. The number of machines to be exhibited; [Amd. Ord. 58-04 10/19/04]
 5. The manufacturer, serial numbers, name of each machine, name of actual owner of each machine with address and phone numbers; and, [Amd. Ord. 58-04 10/19/04]
 6. Whether the applicant has ever been engaged in operating a gaming center, of whatsoever type or nature, and when, where and how long in each place within five years preceding the date of application. [Amd. Ord. 58-04 10/19/04]
 7. A conditional use shall not be approved if a person with an interest in the adult gaming center, or an employee of the adult gaming center, has been convicted of a violation of a Federal or State statute or any local ordinance pertaining to gambling or any other crime involving moral turpitude. [Amd. Ord. 58-04 10/19/04]
 8. The applicant shall be 18 years of age or more and provide proof thereof. [Amd. Ord. 58-04 10/19/04]
- (b) **Inspection.** As a prerequisite to the continuation of the granting of a conditional use within six months and periodically thereafter during the operation of the adult gaming center, the Chief Building Official, or designee, the City Fire Inspector or designee and the Delray Beach Police Department shall have the right to inspect the premises certifying that the adult gaming establishment is operating in accordance with the requirements of law and this ordinance. [Amd. Ord. 58-04 10/19/04]
- (c) **Registration.** Upon approval of a conditional use, registration for each coin operated amusement gaming device, however operated, shall be required. For each machine registered, a numbered metal tag or plastic decal shall be issued to the applicant for each machine so covered. Application for machine registration stickers must disclose the location where the machine is to be operated, the manufacturer of the machine, the manufacturer's serial number, and the software version, if any. Registration stickers are not transferable from person to person, place to place, or machine to

machine. No machine will be eligible for a registration sticker if its operation involves any material elements of chance, unless: [Amd. Ord. 58-04 10/19/04]

1. The applicant submits with the application, satisfactory proof that the applicant has registered with the United States Department of Justice pursuant to 15 United States Code 1171, and [Amd. Ord. 58-04 10/19/04]
 2. The applicant submits with the application, the records required under Federal law to be maintained by those who register under 15 United States Code 1171, and certifies the machine bears the permanent marking required by Federal law. [Amd. Ord. 58-04 10/19/04]
 3. The applicant shall keep the registered machines, the records of acquisition, location and disposition required by Federal law, and records of prize awards open to law/code enforcement inspection at any time. [Amd. Ord. 58-04 10/19/04]
- (3) ***Peace disturbances; gambling; intoxicated persons; minors.*** No licensee or owner of any adult gaming center, or any servant, agent or employee of such a licensee or owner, shall permit upon the premises housing a mechanical amusement devise any of the following: [Amd. Ord. 58-04 10/19/04]
- (a) Disorderly persons; [Amd. Ord. 58-04 10/19/04]
 - (b) Gambling, or the use, possession or presence of gambling paraphernalia; [Amd. Ord. 58-04 10/19/04]
 - (c) Intoxicated persons to loiter on the premises; [Amd. Ord. 58-04 10/19/04]
 - (d) Loud noise or music to emerge from the licensed premises, which noise or music is disturbing to the surrounding area; and [Amd. Ord. 58-04 10/19/04]
 - (e) Any licensee or owner, or any servant, agent or employee thereof, shall be presumptively deemed to have permitted the conduct enumerated in this Section if it occurs on the premises housing an adult gaming center. [Amd. Ord. 58-04 10/19/04]
- (4) ***Penalty.*** Section 10.99, "General Penalty" of the Code of Ordinances of the City of Delray Beach shall apply, but shall not be the exclusive

penalty for violations of this section, which may include but not be limited to a finding that the conditional use is null and void if any adult gaming center is found to be in violation of Chapter 849, Fla. Stat. or this ordinance or conditions of approval. [Amd. Ord. 58-04 10/19/04]

(AAAA) **Simulated gambling devices.** [New Section Added by Ord. 48-11 1/3/12]

- (1) **Purpose.** It is the intent of this section to prohibit the use of simulated gambling devices, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices.
- (2) **Prohibition of simulated gambling devices.** It shall be unlawful for any person to manage, supervise, maintain, provide, produce or use one or multiple simulated gambling devices. Each individual act to manage, supervise, maintain, provide, produce, or use a simulated gambling device constitutes a separate violation of this section.
- (3) **Exemptions.**
 - (a) This section does not prohibit the personal, recreational, non-commercial ownership, play, operation or use of a device which could be construed to be a simulated gambling device, provided such ownership, play, operation or use is not otherwise prohibited by Florida law and provided such ownership, play, operation or use does not constitute a lottery under Article X, Section 7 of the Florida Constitution.
 - (b) This section does not prohibit the ownership, play, operation, or use of any device expressly permitted by the Florida Statutes and not otherwise prohibited by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes, in Broward and Miami-Dade County only are not permitted by this section.
 - (c) This section does not prohibit Adult Gaming Centers, which are regulated by LDR Section 4.3.3(AAA).
- (4) **Conflict with state law.** Nothing in this section is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a conflict between this section and either the Florida Constitution or Chapter 849, Florida Statutes, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as applicable, control.

- (5) **Penalty.** Any person who violates this section is subject to the provisions of Section 10.99, "General Penalty", of the Code of Ordinances of the City of Delray Beach. Each simulated gambling device, possession or use thereof constitutes an individual offense for purposes of Section 10.99.

(B) **Abused spouse residence.**

- (1) **Occupancy.** Occupancy of sleeping rooms shall be as follows:
 - (a) One abused spouse and all minor or dependent children of that spouse may occupy a sleeping room;
 - (b) A maximum of four abused spouses with no minor or dependent children may occupy a sleeping room;
 - (c) Should conditions warrant unrelated individuals to share quarters, a maximum of four individuals (abused spouses and minor or dependent children) may occupy a sleeping room.
- (2) **Appearance.** Abused spouse residences in residential zoning districts shall have exterior architectural elevations which are residential in character, shall maintain appropriate landscaping, and shall have no signs or external devices to detract from the residential character of the structure.
- (3) **Inspections and licenses.**
 - (a) **Fire inspections.** Issuance of an occupational license shall be preceded by an annual fire safety inspection; issuance of an occupational license shall be contingent upon compliance with the recommendations of the City Fire Marshall and Chief Building Official.
 - (b) **State license.** Should a State license become mandatory for abused spouse residences, a valid State license shall be required for renewal of the City occupational license.

(BB) **Performance standards for multi-family development.** (Ord. No. 32-23, § 5, 10-17-23)

- (1) **Applicability.** Except for proposals within the Central Business District, these standards shall apply, as follows, to new site plans or to modifications to existing site plans that create additional residential units: (Ord. No. 32-23, § 5, 10-17-23)
 - (a) To increase the density beyond the minimum number of units per acre allowed by the zoning district. (Ord. No. 32-23, § 5, 10-17-23)

- (b) To meet the requirements of a revitalization incentive density bonus. (Ord. No. 32-23, § 5, 10-17-23)
 - (c) Some performance standards may not be entirely applicable to small, infill residential projects. In such cases, the ultimate density should be based upon the attainment of the applicable performance standards, as well as the development's ability to meet or exceed other minimum code requirements. (Ord. No. 32-23, § 5, 10-17-23)
- (2) Intent. The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The extent to which a project meets the standards will determine the number of units per acre that will be permitted. Projects which only partially achieve these standards will be permitted a correspondingly lower density. (Ord. No. 32-23, § 5, 10-17-23)
- (3) Performance standards. The performance standards are as follows: (Ord. No. 32-23, § 5, 10-17-23)
- (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. (Ord. No. 32-23, § 5, 10-17-23)
 - (b) Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space. (Ord. No. 32-23, § 5, 10-17-23)
 - (c) Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to those lower density areas. Building setbacks are increased by at least 25 percent of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25 percent or more; and a hedge, wall or fence is provided as a visual buffer between the properties. (Ord. No. 32-23, § 5, 10-17-23)

- (d) The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc. (Ord. No. 32-23, § 5, 10-17-23)
- (e) 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 one, two and three bedroom units with varying floor plans. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans. (Ord. No. 32-23, § 5, 10-17-23)
- (f) The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project. (Ord. No. 32-23, § 5, 10-17-23)
- (g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit. (Ord. No. 32-23, § 5, 10-17-23)
- (h) Parking garage elevations provide a unified design with the main building through the use of similar building materials and color, vertical and horizontal elements, and architectural style. (Ord. No. 32-23, § 5, 10-17-23)
- (i) The project design creates a unified architectural character by the use of common architectural elements in the building(s), parking lot, and landscaping. Examples of unifying features are decorative freestanding light poles and exterior light fixtures; pedestrian amenities such as benches, shaded walkways, and decorative pavement treatment; focal points such as public art, water feature/fountain, courtyard or public plazas along a continuous pedestrian walkway; or a combination of similar features that meet the intent of this standard. (Ord. No. 32-23, § 5, 10-17-23)
- (j) The development provides common areas and/or amenities for residents such as swimming pools, exercise rooms, storage rooms or lockers, gardens, or courtyards. (Ord. No. 32-23, § 5, 10-17-23)

- (k) The development promotes pedestrian movements by providing convenient access to the public sidewalk system. Pedestrian areas adjacent to the building are enhanced by providing additional sidewalk area at the same level as the abutting public sidewalk. Accessways to parking areas are designed in a manner that minimizes conflicts between vehicles and pedestrians. The public street(s) immediately adjacent to the development are enhanced consistent with the streetscape in the surrounding area (i.e., installation of landscape nodes, extension of existing paver block system, installation of approved street lighting, etc.). (Ord. No. 32-23, § 5, 10-17-23)
 - (l) The development provides opportunities to share parking, accessways, and driveways with adjoining properties, or additional parking spaces that may be used by the public. (Ord. No. 32-23, § 5, 10-17-23)
 - (4) Findings. The approving body must make a finding that the development substantially complies with the performance standards listed in this section. (Ord. No. 32-23, § 5, 10-17-23)
- (C) **Automotive rental facility.** (Ord. No. 24-17, § 2, 11-7-17)
- (1) **Purpose.** It is the intent of this section to regulate commercial establishments that rent vehicles and that are located outside of the Automotive Commercial (AC) zoning district by establishing the following uses: (Ord. No. 24-17, § 2, 11-7-17)
 - (a) Automotive rental facility, accessory. (Ord. No. 24-17, § 2, 11-7-17)
 - (b) Automotive rental facility, neighborhood. (Ord. No. 24-17, § 2, 11-7-17)
 - (2) **General rules and regulations.** (Ord. No. 24-17, § 2, 11-7-17)
 - (a) These uses are restricted to vehicle rentals only. Vehicle sales are not allowed. (Ord. No. 24-17, § 2, 11-7-17)
 - (b) Operations related to these uses including, but not limited to, vehicle returns, vehicle maintenance, and customer queuing, shall not impact the off-street parking lot circulation. (Ord. No. 24-17, § 2, 11-7-17)
 - (c) The square footage of the lease space for Automotive Rental Facility, Neighborhood shall be limited to five percent or less of the gross square footage of the shopping center, inclusive of outparcels. (Ord. No. 24-17, § 2, 11-7-17)

- (d) Approval of a Class III Site Plan shall be required for the following:
(Ord. No. 24-17, § 2, 11-7-17)
 - i. Modification to a site plan requesting a change of the use of an existing building or portion of a building to Automotive Rental Facility, Neighborhood. (Ord. No. 24-17, § 2, 11-7-17)
 - ii. Modification to a site plan requesting to add the Automotive Rental Facility, Accessory use to an existing business. (Ord. No. 24-17, § 2, 11-7-17)
- (e) Vehicle storage is subject to the following rules: (Ord. No. 24-17, § 2, 11-7-17)
 - i. Vehicle storage is permitted in the off-street parking spaces so long as the off-street parking spaces are not located along the main drive aisles, do not utilize the first two rows of parking spaces typically utilized by retail customers, and are not visible from any adjoining right-of-way and properties. (Ord. No. 24-17, § 2, 11-7-17)
 - ii. Vehicle storage is limited to no more than 10 percent of the off-street parking spaces, and in no event shall exceed 20 off-street parking spaces for each establishment. (Ord. No. 24-17, § 2, 11-7-17)
- (f) Vehicle maintenance shall be ancillary to the vehicle rental facility. At no time shall the facility serve as a commercial car wash. In addition, the facility shall be subject to the following standards:
(Ord. No. 24-17, § 2, 11-7-17)
 - i. Only hand-washing and vacuuming shall be permitted. The washing and vacuuming is permitted only in a designated washing and vacuuming area. (Ord. No. 24-17, § 2, 11-7-17)
 - ii. If the hand-washing and vacuuming area is exterior to the principal building, this area shall be limited to one wash bay which shall be setback a minimum of 25 feet from any residentially zoned property, and shall be designed to incorporate a hard roof covering that is compatible with the principal use or with the structures within the shopping center. The hand-washing and vacuuming area shall be screened by either a wall, opaque fence or hedge and shall not be visible from any adjoining right-of-way or adjacent properties. The hand-

washing and vacuuming area shall not have outdoor speakers or utilize a public address system. (Ord. No. 24-17, § 2, 11-7-17)

- iii. If the hand-washing and vacuuming area is interior to the principal building, this area shall be limited to one wash bay, which shall be fully enclosed. The access overhead bay door to this area shall remain closed during operation of all maintenance activities. (Ord. No. 24-17, § 2, 11-7-17)
- iv. Run-off from the washing operations shall be collected and contained on site. (Ord. No. 24-17, § 2, 11-7-17)
- v. All other vehicle services, including repair, maintenance, oil change and fueling shall not be permitted onsite. As a condition of site plan approval, the applicant shall provide documentation and an affidavit describing the location where these services will occur. (Ord. No. 24-17, § 2, 11-7-17)

(CC) **CBD Oil Establishments.** (Ord. No. 58-20, § 2, 12-1-20)

- (1) **Purpose and intent.** The purpose of this section is to regulate the location and operation of establishments that sell and distribute cannabidiol products ("CBD oil establishments") to protect: the unique character and aesthetic of the City of Delray Beach's family-friendly, historic downtown and neighborhoods and renowned beach resort community; property interests and rights; the public health, safety, and welfare; and the administration of local laws. (Ord. No. 58-20, § 2, 12-1-20)
- (2) **Hours of Operation.** CBD oil establishments are limited to operating between 8 a.m. to 10 p.m. (Ord. No. 58-20, § 2, 12-1-20)
- (3) **Accessory Use Regulations.** (Ord. No. 58-20, § 2, 12-1-20)
 - a) CBD oil sales shall be permitted as an accessory use within Medical, Medical Clinics and Pharmacies pursuant to all other provisions of the LDRs, without regard to the distance provisions of Section 4.3.3.(CC)(4) of the LDRs. (Ord. No. 58-20, § 2, 12-1-20)
 - b) Where a CBD oil establishment would otherwise be a permitted principal use but for the prohibition set forth by Section 4.3.3(CC)(4), CBD oil establishments shall be permitted as an accessory use pursuant to all other provisions of the LDRs. For example, CBD oil

establishments, even as an accessory use, shall not occupy "Required Retail Frontage" within any of the Central Business District Sub-districts. (Ord. No. 58-20, § 2, 12-1-20)

- c) When permitted as an accessory use, CBD oil establishments shall be limited as follows: (Ord. No. 58-20, § 2, 12-1-20)
 - i) 20% or less of gross floor area of the overall tenant space of the principal use. (Ord. No. 58-20, § 2, 12-1-20)
 - ii) No exterior signage specifically for CBD oil establishments or related activities. (Ord. No. 58-20, § 2, 12-1-20)

- (4) **Prohibition by Frequency.** CBD oil establishments shall be located no more than one per block or within 750 feet of another such use, or from a bar, as measured from lot line to lot line in a straight line. (Ord. No. 58-20, § 2, 12-1-20)

- (5) **Prohibition by Proximity.** CBD oil establishments, whether principal or accessory, shall not be located within 300 feet of an established residential zone, school, public park, day care facilities, or houses of worship. (Ord. No. 58-20, § 2, 12-1-20)

- a) With respect to schools and parks, the 300 feet distance shall be measured from the nearest point of the property of the place of business, location, or establishment to the nearest point of the school property in use as a part of the school facilities. (Ord. No. 58-20, § 2, 12-1-20)
- b) With respect to houses of worship and day care facilities, the 300 feet distance shall be measured from the nearest point of the property of place of business, location, or establishment to the nearest point of the property of the house of worship building or buildings. (Ord. No. 58-20, § 2, 12-1-20)
- c) With respect to established residential zones, the 300 feet distance shall be measured from the nearest point of the building of place of business, location, or establishment to the nearest point of the residential zoning district boundary. (Ord. No. 58-20, § 2, 12-1-20)
- d) The 300 feet distance shall be measured in a straight line. (Ord. No. 58-20, § 2, 12-1-20)

- (D) **Urban agriculture.** (Ord. No. 07-17, § 2, 5-16-17)

- (1) **Purpose and intent.** The purpose of this section is to promote local production of food for consumption as well as non-food ornamental

crops, such as flowers, cactus and shrubs and to promote the health, environmental, and economic benefits of having such uses in the City. (Ord. No. 07-17, § 2, 5-16-17)

- (a) Urban Agriculture includes commercial rooftop gardens, productive green walls, indoor farm facilities, urban farms, and other innovative food production methods in an urban area, excluding Community Gardens and School Gardens. (Ord. No. 07-17, § 2, 5-16-17)
- (b) Community Gardens and School Gardens are regulated by the City under the Community Gardens Program that has been adopted by the City of Delray Beach via resolution and, as such, are not regulated by this Section. (Ord. No. 07-17, § 2, 5-16-17)

(2) **Appearance.** (Ord. No. 07-17, § 2, 5-16-17)

- (a) Urban Agriculture shall contribute to the appearance and aesthetics of the area, shall be compatible with surrounding land uses, and shall not negatively impact the surrounding area. (Ord. No. 07-17, § 2, 5-16-17)
- (b) The owner or lessee of the property on which an Urban Agriculture site is located shall be responsible for maintaining the property so that it does not become overgrown with weeds, infested by invasive exotic plants or vermin, or a become a source of erosion due to storm water runoff. (Ord. No. 07-17, § 2, 5-16-17)
- (c) Failure to maintain an outdoor Urban Agriculture site shall be a violation of City's Code of Ordinances Sections 100.01, 100.05, and 100.07, as appropriate. If the site does not come into compliance with the Code of Ordinances within 180 days after the issuance of a citation, the site shall be deemed abandoned. The owner of an abandoned site will be responsible for restoring the site in accordance with the City's Landscape Regulations in LDR Section 4.6.16. (Ord. No. 07-17, § 2, 5-16-17)

(3) **General rules and regulations.** (Ord. No. 07-17, § 2, 5-16-17)

- (a) All forms of Animal Husbandry are prohibited. (Ord. No. 07-17, § 2, 5-16-17)
- (b) The following plants species are prohibited: (Ord. No. 07-17, § 2, 5-16-17)
 - (i) Invasive species identified on the Florida Exotic Pest Plant Council's list of exotic species, as amended, such as Old World

Climbing Ferns and Air Potato vines that are, and as determined by the Senior Landscape Planner. (Ord. No. 07-17, § 2, 5-16-17)

- (ii) Noxious weeds as defined by Rule 5B-57.007, Florida Administrative Code. (Ord. No. 07-17, § 2, 5-16-17)
- (c) Honeybee colonies must be registered with the Florida Department of Agriculture and Consumer Services in accordance with Rule 5B-54.010, Florida Administrative Code. (Ord. No. 07-17, § 2, 5-16-17)
- (d) The site shall be designed and maintained so that the water used in the production of agricultural products, compost, and fertilizer will not drain onto the adjacent property. (Ord. No. 07-17, § 2, 5-16-17)
- (e) Outdoor Urban Agriculture activities shall take place after sunrise or before sunset. Hours of operation will not be limited for indoor Urban Agriculture activities. (Ord. No. 07-17, § 2, 5-16-17)
- (f) The sale of produce, flowers, and plants produced by the site shall occur at the site only and shall not take place before 7:00 a.m. or after 9:00 p.m. (Ord. No. 07-17, § 2, 5-16-17)
- (g) Urban Farms must comply with the Americans with Disabilities Act design standards for accessible routes if the site allows customers to pick their own produce or other products. (Ord. No. 07-17, § 2, 5-16-17)
- (4) **Site standards.** (Ord. No. 07-17, § 2, 5-16-17)
 - (a) A site plan is required for all Urban Agriculture. Site plans shall be subject to review by the Site Plan Review and Appearance Board or the Historic Preservation Board in accordance with LDR Section 2.4.5(F) "Site and Development and Master Development Plans) and LDR Section 2.4.5 (G) "Modification to Site and Development Plans". The approving body shall make a finding that the site is compatible with respect to size and scale of the development in which they are located. All outdoor plantings for crop production shall be setback a minimum of 15 feet from the front property line and five feet from the side interior or rear property lines. Corner lots shall maintain a ten-foot side street setback. All plantings shall comply with the visibility at intersection requirements pursuant to LDR Section 4.6.14. (Ord. No. 07-17, § 2, 5-16-17)

- (b) A Site Management Plan must be submitted with the Site Plan application. The Site Management Plan shall include: (Ord. No. 07-17, § 2, 5-16-17)
 - (i) A narrative describing the types of crop(s) to be grown, the hours of operation, and a detailed maintenance plan. (Ord. No. 07-17, § 2, 5-16-17)
 - (ii) A list of chemicals, pesticides, fertilizers or any combination of same to be used as well as the frequency of use. (Ord. No. 07-17, § 2, 5-16-17)
 - (iii) Certification that the site is in compliance with LDR Section 4.5.5(B) "Wellfield Protection Ordinance". (Ord. No. 07-17, § 2, 5-16-17)
 - (iv) Description of the on-site water source and a water management plan addressing containment of run off onto adjoining properties, waterways or rights-of-way. (Ord. No. 07-17, § 2, 5-16-17)
 - (v) A description of proposed rain-capture systems including size, location and method of operation as well as how water stagnation will be prevented. (Ord. No. 07-17, § 2, 5-16-17)
 - (vi) Photograph of the proposed Urban Agriculture site and existing structures. (Ord. No. 07-17, § 2, 5-16-17)
 - (vii) Description of composting activities including, location, size and means of containment. (Ord. No. 07-17, § 2, 5-16-17)
 - (viii) Complete description of any aspects of the operation that may generate noise or odor on site and that may impact adjacent property. (Ord. No. 07-17, § 2, 5-16-17)
 - (ix) The Site Management Plan shall provide number of vehicles associated with the use and identification of permanent parking spaces on site, driveway, and drive aisle locations and the method of screening parking areas from adjacent properties and rights-of-way. (Ord. No. 07-17, § 2, 5-16-17)
- (c) The Urban Agriculture site shall be served by a water supply sufficient to support the cultivation practices used on the site. The use of City water services for irrigation may be permitted in accordance with Chapter 52 of the City's Code of Ordinances upon

written approval from the Director of the Environmental Services Department with the concurrence of the City Manager. The use of rain-capture systems is encouraged on the site. (Ord. No. 07-17, § 2, 5-16-17)

- (d) Lighting used for the Urban Agriculture site shall be limited to that required for operational and safety purposes. Lighting shall comply with LDR Section 4.6.8. (Ord. No. 07-17, § 2, 5-16-17)
- (e) A perimeter fence or hedge for a ground level outdoor Urban Agriculture site is required. The use of decorative metal, wood masonry, pickets, wrought iron, or board-type wood is encouraged. The fence or hedge shall comply with Section 4.6.5 of the Land Development Regulations. Vegetative screening is encouraged and should consist of drought-tolerant South Florida native trees and shrubs and must be located outside the perimeter fence. (Ord. No. 07-17, § 2, 5-16-17)
- (f) For rooftop gardens, all equipment and containers shall be screened so they are not visible from the adjacent right-of-way. (Ord. No. 07-17, § 2, 5-16-17)
- (g) The following accessory structures may be permitted on Urban Agriculture sites: tool storage sheds, greenhouses, hoop houses, cold frames, raised/accessible planting beds, compost or waste bins, farm stands, restrooms, and offices, that are not used for cultivating crops. The height of these accessory structures shall not exceed the height of the associated principal structure and in no case be greater than 20 feet. The combined total square footage for all accessory structures for an outdoor urban farm shall not exceed one-twentieth of the site. (Ord. No. 07-17, § 2, 5-16-17)
- (h) In Historic Districts, all accessory structures associated with an Urban Agriculture use shall be located to the rear of the principal structure(s). (Ord. No. 07-17, § 2, 5-16-17)
- (i) In Historic Districts, where an Urban Agriculture use is an accessory use to a residential use, the Urban Agriculture use shall not be located within the front setback. (Ord. No. 07-17, § 2, 5-16-17)
- (j) Compost and organic matter to be used on the Urban Agriculture site shall be stored in appropriate containers, which must be located on the subject site and shall be setback a minimum of 25

feet from the front property line and a minimum of ten feet from all side and rear yard property lines. Compost bins shall be shielded from the adjacent right-of-way by plantings or fencing pursuant to LDR Section 4.6.5. Such containers shall be maintained to minimize odors, prevent run-off, and prevent the harborage of rodents and pests. (Ord. No. 07-17, § 2, 5-16-17)

- (k) For Urban Farms, storage of toxic and flammable materials is regulated as follows: (Ord. No. 07-17, § 2, 5-16-17)
 - (i) Storage of toxic and flammable materials used for the operation of lawnmowers or other combustion engine-driven gardening machinery may be stored at the site and shall be kept in sealed containers in locked, ventilated structures in accordance of the National Fire Protection Association (NFPA) Code 30: "Flammable and Combustible Liquids" and the Florida Fire Prevention Code (FFPC). No other flammable materials or chemicals may be stored on site. A maximum of ten gallons of fuel is allowed to be stored at the site at any given time. (Ord. No. 07-17, § 2, 5-16-17)
 - (ii) Tires shall not be stored at the site. (Ord. No. 07-17, § 2, 5-16-17)
 - (iii) Toxic materials, such as pressure treated wood (creosote), shall not be used where they will come into contact with soils that are growing food. (Ord. No. 07-17, § 2, 5-16-17)
- (l) Signs shall conform to the standards set forth in Section 4.6.7 of the Land Development Regulations. (Ord. No. 07-17, § 2, 5-16-17)
- (m) Mechanical equipment used in the operation of outdoor Urban Agriculture sites that are located in districts that allow residential uses shall comply with the noise regulations in Chapter 99 of the Code of Ordinances and shall be limited to the following: (Ord. No. 07-17, § 2, 5-16-17)
 - (i) Riding/push mower designed for personal use. (Ord. No. 07-17, § 2, 5-16-17)
 - (ii) Handheld tillers or edgers that may be gas or electrically powered. (Ord. No. 07-17, § 2, 5-16-17)
 - (iii) Other handheld farming equipment that create minimal impacts related to the operation of said equipment, including noise, odors, and vibration. (Ord. No. 07-17, § 2, 5-16-17)

- (n) Required on-site parking shall comply with the off-street parking regulations set forth in Section 4.4.13(C), Table 4.4.13(L); and Section 4.6.9(C)(7)(m) of the Land Development Regulations. (Ord. No. 07-17, § 2, 5-16-17)
- (o) Notwithstanding the foregoing, all Urban Agriculture sites and Urban Farms shall comply with the additional requirements of the applicable zoning district. (Ord. No. 07-17, § 2, 5-16-17)

(DD) **Drug paraphernalia** (as defined by Section 893.145 Fla. Stat.): [Amd. Ord. 45-02 10/1/02]

(1) **General.** It shall be unlawful for any person to sell or offer for sale drug paraphernalia or to operate a business which primarily sells drug paraphernalia. [Amd. Ord. 45-02 10/1/02]

(a) **Exemptions.** This section shall not apply to: [Amd. Ord. 45-02 10/1/02]

- (i) Any person authorized by local, State, or Federal law to manufacture, possess, or distribute such items, or [Amd. Ord. 45-02 10/1/02]
- (ii) Any item that, in the normal lawful course of business is imported, exported, transported, or sold through the mail or by any other means, and traditionally intended for use with tobacco products, including any pipe, paper, or accessory. [Amd. Ord. 45-02 10/1/02]

(DDD) **Retail Tobacco and Nicotine Products Dealer.** (Ord. No. 04-25, § 3, 6-17-25)

(1) **Purpose and intent.** The purpose of this section is to regulate the location and operation of Retail Tobacco and Nicotine Products Dealers to protect the unique character and aesthetic of the City; for the public health, safety and welfare of all residents and visitors; and the administration of local laws. (Ord. No. 04-25, § 3, 6-17-25)

(2) **Prohibition by Frequency.** Standalone Retail Tobacco and Nicotine Products Dealers shall not be located within 750 feet of another such use as measured from lot line to lot line. This restriction does not apply to a duly licensed grocery store, convenience store, or pharmacy that sells tobacco and nicotine products. (Ord. No. 04-25, § 3, 6-17-25)

- (3) **Prohibition by Proximity.** Standalone Retail Tobacco and Nicotine Product Dealers shall not be located within 300 feet of an established residential zone, school, public park, daycare facility, or place of worship as measured from property line to property line. This restriction does not apply to a duly licensed grocery store, convenience store, or pharmacy that sells tobacco and nicotine products. (Ord. No. 04-25, § 3, 6-17-25)
- (4) **Limitations.** (Ord. No. 04-25, § 3, 6-17-25)
 - (a) **CBD Oil.** The sale of cannabidiol products is regulated by Section 4.3.3(CC), with such regulations determining if cannabidiol products may be sold by a standalone Retail Tobacco and Nicotine Products Dealer. (Ord. No. 04-25, § 3, 6-17-25)
 - (b) **Signage.** Exterior signage, including window signage, specifically advertising tobacco and nicotine products is prohibited, unless such wording is part of the business name. (Ord. No. 04-25, § 3, 6-17-25)
 - (c) **Window Displays.** Window displays of tobacco and nicotine products and accessories are prohibited. (Ord. No. 04-25, § 3, 6-17-25)
 - (d) **Hours of operation.** Standalone Retail Tobacco and Nicotine Product Dealers are limited to operating between 8:00 a.m. to 10:00 p.m. (Ord. No. 04-25, § 3, 6-17-25)
- (E) **Child care facilities.** (See Subsection (T) Re: Family Day Care).
 - (1) **Lot area.** The minimum lot area shall be 7,500 square feet.
 - (2) **Floor area.** Facilities shall contain a minimum floor area of 35 square feet per child, exclusive of space devoted to bathrooms, halls, kitchen, offices, and storage.
 - (3) **Outdoor area.** There shall be a minimum area of 75 square feet of outdoor play area per child. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback or adjacent to any outdoor storage area. The play area shall be surrounded by a six-foot high fence or wall.
 - (4) **Loading area.** A pickup and drop-off area for children shall be provided in a convenient area adjacent to the building and shall provide clear ingress and egress to the building.

- (5) **Other regulations.** All child care facilities shall comply with State and County regulations.
- (F) **Adult day care facilities.** All provisions of Section 4.3.3(E) shall apply except as follows:
- (1) No outdoor play area needs to be provided.
 - (2) The minimum floor area requirements shall be based upon adults instead of children.
- (G) **Medical marijuana treatment center—Dispensing facility.** Medical Marijuana Treatment Centers (MMTC)—Dispensing Facilities as defined in Appendix A are specifically prohibited in all zoning districts in the City of Delray Beach. (Ord. No. 34-17, § 2, 9-26-17)
- (H) **Nursing homes.** [Amd. Ord. 20-08 4/15/08]
- (1) **Lot area.** The minimum lot area for such uses shall be one acre.
 - (2) **Frontage.** The minimum frontage of the parcel upon which such a use is to be located is 100 feet.
 - (3) **Locational factors.**
 - (a) Such uses shall not be located on any arterial street.
 - (b) Should the facility require ambulance service, such access shall be from a collector street and shall be provided in such a manner to minimize adverse effects on adjacent property.
 - (c) The environment created should be of a pronounced residential nature and shall be designed to minimize any adverse condition which might detract from the primary convalescent purpose of the facility.
- (HH) **Public educational facilities of the School District of Palm Beach County.** The following regulations apply. Relief from these requirements shall only be granted by the City Commission through the waiver process [Section 2.4.7(B)]. [Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]
- (1) **Lot area.** The minimum lot area is one acre. [Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]
 - DELETED (2) AND RENUMBERED. [Amd. Ord. 24-02 7/16/02]

- (2) **Loading area.** A pickup and drop-off area for children shall be provided in a convenient area adjacent to the building and shall provide clear ingress and egress to the building. A minimum of 100 feet dedicated to vehicular drop-off / pick-up lane shall be provided. The stacking area is measured from the loading area and shall not block drive-aisles or parking areas. A greater distance may be required by the approving body based on the capacity of the facility. A reduced stacking distance may be approved by the Board based on a traffic impact statement. Pathways that cross vehicular use areas shall be defined by special paving, brick, striping or other method acceptable to the Board. [Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]
 - (3) **Landscape requirement.** When abutting residentially zoned properties, excluding separators such as streets, canals, and railroads, a perimeter setback area of 15 feet must be provided. The perimeter landscape area shall be a landscaped area. No paving is allowed except for driveways and walkways leading to structures on the premises provided they are perpendicular to the property line. This perimeter setback area may be decreased to ten feet when an outdoor recreation area is provided and abuts residentially zoned property. [Amd. Ord. 24-02 7/16/02]
 - (4) **Parking requirement.** Parking for public educational facilities of The School District of Palm Beach county must be provided pursuant to Section 4.6.9(C)(6)(e). [Amd. Ord. 24-02 7/16/02]
 - (5) **Other regulations.** All Public Education Facilities of The School Board of Palm Beach County must comply with Chapter 235 of the Florida Statutes and the State Requirements for Educational Facilities as amended. [Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]
- (HHH) **Private schools and other similar education facilities.** [Amd. Ord. 18-02 6/18/02]
- (1) **Floor area.** Facilities shall contain a minimum floor area of 35 square feet per child, exclusive of space devoted to bathrooms, halls, kitchen, offices, and storage. [Amd. Ord. 18-02 6/18/02]
 - (2) **Loading area.** A pickup and drop-off area for children shall be provided in a convenient area adjacent to the building and shall provide clear ingress and egress to the building. A minimum of 100 feet dedicated to vehicular drop-off/pick-up lane shall be provided. The stacking area is measured from the loading area and shall not block drive-aisles or

parking areas. A greater distance may be required by the approving body based on the intensity of the Private School. A lesser stacking distance may be approved by the Board based on a traffic impact statement. Pathways that cross vehicular use areas shall be defined by special pavings, brick, striping or other method acceptable to the Board. [Amd. Ord. 18-02 6/18/02]

- (3) **Outdoor area.** There shall be a minimum area of 75 square feet of outdoor play area per student. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback. The play area shall be surrounded by a six-foot-high opaque fence or chain link fence with a six-foot-high hedge. Outdoor play areas shall meet the minimum setbacks in the PC zoning district per LDR Section 4.3.4(K). Relief from this requirement shall only be granted by the City Commission through the waiver process [Section 2.4.7(B)]. [Amd. Ord. 18-02 6/18/02]
 - (4) **Transport vehicles.** For private schools that utilize transport vehicles, an area must be designated for the parking/storage of these vehicles and that these areas be screened when visible from a public right-of-way or residentially zoned property in accordance with LDR Section 4.6.4(A) and 4.6.16(H)(3)(e). [Amd. Ord. 18-02 6/18/02]
 - (5) **Other regulations.** All Private Schools and Similar Facilities shall comply with the American Disability Act (ADA), Standard Building Code, Fire Codes, and any other regulations including State and County regulations as may be required. [Amd. Ord. 18-02 6/18/02]
 - (6) **Private school facilities.** Private school facilities shall be limited to a maximum of 100 students when located in the PC district. [Amd. Ord. 18-02 6/18/02]
- (I) **Community residences application form and conditional use permit requirements.** (Ord. No. 25-17, § 6, 7-18-17)
- (1) **Application form.** A "Community Residence Zoning Application" form shall be required for all community residences with any number of occupants established beginning on the date on which this ordinance goes into effect, for any existing community residence with any number of occupants not licensed by the State of Florida that had not been granted a reasonable accommodation by the City of Delray Beach under the provisions of Section 2.4.7(G) that this ordinance amends, and for the recertification of any existing community residence with any

number of occupants to which the City of Delray Beach granted a reasonable accommodation prior to the date on which this ordinance went into effect. The "Community Residence Zoning Application" form shall be obtained from and shall be returned to the Director of the Planning, Zoning, & Building Department or his/her designee prior to occupancy or construction of the proposed community residence to determine whether the proposed community residence is a permitted use or requires a conditional use permit, to determine the maximum number of occupants allowed under city code provisions that apply to all residential uses, to determine the minimum number of off-street parking spaces required, and to identify whether any further accommodation is needed in accord with Section 2.4.7(G), "Requests for Accommodation" of these LDRs. (Ord. No. 25-17, § 6, 7-18-17)

- (2) **Applicability.** Subsection 4.3.3 (l)(1) shall be applicable to all community residences with any number of residents while subsections 4.3.3(l)(3) through 4.3.3(l)(6) are applicable only to those community residences that require a conditional use permit and house more than three unrelated individuals. (Ord. No. 25-17, § 6, 7-18-17)
- (3) **Purpose of conditional use permit.** In conjunction with Section 2.4.5(E) of these LDRs, the purpose of this section is to provide narrowly-tailored standards for determining whether to make the reasonable accommodation of granting a conditional use permit to ensure that the community residences these LDRs require to obtain a conditional use permit will:
 - (a) Be located a sufficient distance from any existing community residences so that the proposed community residence does not lessen nor interfere with the normalization and community integration of the residents of existing community residences or combine with any existing community residences to contribute to the creation or intensification of a de facto social service district, (Ord. No. 25-17, § 6, 7-18-17)
 - (b) Operate as a functional family (also known as emulating a biological family) that fosters normalization and community integration of its residents, and (Ord. No. 25-17, § 6, 7-18-17)
 - (c) Operate in a manner consistent with the protections afforded by the State of Florida's licensing or certification standards for community residences serving individuals with disabilities similar to those

of the proposed community residence in order to protect the residents of the proposed community residence from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications. (Ord. No. 25-17, § 6, 7-18-17)

- (4) ***Standards for awarding a conditional use permit.*** A required conditional use permit may be issued only if the proposed community residence meets the following standards: (Ord. No. 25-17, § 6, 7-18-17)
- (a) When the proposed community residence is required to obtain a conditional use permit because it would be located within 660 linear feet of an existing community residence, (Ord. No. 25-17, § 6, 7-18-17)
1. The applicant demonstrates that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence, and (Ord. No. 25-17, § 6, 7-18-17)
 2. The applicant demonstrates that the proposed community residence in combination with any existing community residences will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying a de facto social service district by concentrating community residences on a block or in a neighborhood. (Ord. No. 25-17, § 6, 7-18-17)
- (b) When the proposed community residence is required to obtain a conditional use permit because the State of Florida does not offer a license or certification for this type of community residence and the population it would serve, the application must demonstrate that the proposed community residence will be operated in a manner effectively similar to that of a licensed or certified community residence, that staff will be adequately trained, that the home will emulate a biological family and be operated to achieve normalization and community integration, and that the rules and practices governing how the home is run will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications. (Ord. No. 25-17, § 6, 7-18-17)

- (c) When the proposed transitional community residence is a conditional use in a specific zoning district, (Ord. No. 25-17, § 6, 7-18-17)
 - 1. The applicant demonstrates that the proposed transitional community residence will not interfere with the normalization and community integration of the residents of any existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence, and (Ord. No. 25-17, § 6, 7-18-17)
 - 2. The applicant demonstrates that the proposed transitional community residence in combination with any existing community residences will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying a de facto social service district by concentrating community residences on a block or in a neighborhood, and (Ord. No. 25-17, § 6, 7-18-17)
 - 3. The applicant demonstrates that the proposed transitional community residence will be compatible with the residential uses allowed as of right in the zoning district, and (Ord. No. 25-17, § 6, 7-18-17)
 - 4. When the proposed transitional community residence would be located in a single-family zoning district, the applicant demonstrates that the proposed transitional community residence will not alter the residential stability of the single-family zoning district, and (Ord. No. 25-17, § 6, 7-18-17)
 - 5. The applicant demonstrates that the applicant or the proposed transitional community residence has been granted certification by the State of Florida or license required by the State of Florida, and (Ord. No. 25-17, § 6, 7-18-17)
 - 6. When the State of Florida does not offer certification or require a license for this type of transitional community residence and the population it would serve, the application must demonstrate that the proposed transitional community residence will be operated in a manner effectively similar to that of a licensed or certified community residence, that staff will be adequately trained, that the home will emulate a biological family and be operated to achieve normalization and com-

munity integration, and that the rules and practices governing how the home is run will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications. (Ord. No. 25-17, § 6, 7-18-17)

- (5) **[Request for reasonable accommodation.]** To establish a community residence for more than ten individuals with disabilities, the applicant shall submit a Request for Reasonable Accommodation in accord with the procedures of Section 2.4.7 (G) of these LDRs. In all cases the City Manager or designee shall make findings of fact in support of all determinations and shall render the decision in writing. The City Manager or designee may meet with and interview the applicant to ascertain or clarify information sufficiently to make the required findings. To grant a Reasonable Accommodation to allow more than ten occupants in a community residence, the City Manager or designee shall affirmatively find compliance with all of the following standards in addition to the general standards promulgated in Section 2.4.7 (G)(4) of these LDRs: (Ord. No. 25-17, § 6, 7-18-17)
- (a) The applicant specifies by how many individuals it wishes to exceed the as of right maximum of ten residents and adequately demonstrates the financial and/or therapeutic need to house the proposed number of residents, and (Ord. No. 25-17, § 6, 7-18-17)
 - (b) The primary function of the proposed community residence is residential where any treatment is merely incidental to the residential use of the property, and (Ord. No. 25-17, § 6, 7-18-17)
 - (c) The applicant demonstrates that it will ensure that the proposed community residence emulates a biological family and operates as a functional family rather than as an institution, boarding house, nursing home, short term vacation rental, continuing care facility, motel, hotel, treatment center, rehabilitation center, or a nonresidential use, and (Ord. No. 25-17, § 6, 7-18-17)
 - (d) The applicant demonstrates that the requested number of residents in the proposed community residence will not interfere with the normalization and community integration of the occupants of any existing community residence. (Ord. No. 25-17, § 6, 7-18-17)
- (6) **[Review; fee.]**A conditional use permit under this Section will be reviewed in accord with Section 2.4.5(E), however the fee for consider-

ation of a conditional use permit under this Section is \$300.00 as this type of conditional use is a form of reasonable accommodation and therefore the fees set for conditional uses in Section 2.4.3(k)(1)(r) are not applicable. (Ord. No. 25-17, § 6, 7-18-17)

(II) **Senior housing.** See the definition of Senior Housing for clarification of terms and qualifying standards. [New Section Enacted by Ord. 39-05 6/21/05]

(1) **Floor area.**

- (a) **Rooms.** The total floor area for each unit shall be a minimum of 400 square feet in area.
- (b) **Common area.** At least ten percent of the total floor area shall be devoted to a common area, exclusive of halls, corridors, stairs, and elevator shafts, wherein a variety of recreational or therapeutic activities may occur.

(2) **Facilities and requirements.**

- (a) A sleeping room and separate bathroom facilities shall be provided for an on-site property manager who is required to remain on the premises overnight.
 - (b) Adult residents may utilize private medical care or personal services while in residence and may not have a nurse in residence.
 - (c) No more than two (2) residents shall be housed per unit.
 - (d) Senior Housing located in any zoning district shall provide outdoor amenities, landscaping, design features, and yard space to serve the residents. Such features shall be reviewed and approved concurrent with Conditional Use Approval.
 - (e) The facility shall not provide non-recreational services such as beautician, barber, tailor, seamstress, sale of convenience goods, and entertainment.
 - (f) Commercial rated cooking equipment may be permitted provided such features shall be reviewed and approved concurrent with the Conditional Use approval. Meals prepared from this equipment shall only serve the residents.
 - (g) The facility shall accommodate low to very-low income residents 60 years of age or older.
- (3) **Intensity.** A minimum of 900 square feet of lot area is required per bedroom.
- (4) **Appearance.** Senior Housing Facilities shall have building elevations which are residential in character and similar in appearance to the

surrounding neighborhood and shall not be institutional in appearance as determined by the Site Plan Review and Appearance Board or the Historic Preservation Board.

(5) **Locational factors.**

- (a) Such use shall also be within a 600 foot radius of a mass transit stop.
- (b) Such use shall not be located within a radius of 1,000 feet, measured from parcel to parcel, of another senior housing facility.

(6) **Parking requirement.** One parking space shall be provided for each sleeping room plus one parking space shall be provided for an on-site property manager.

(7) **Signage.** Signage is limited to one freestanding sign with a maximum of eight square feet in area and a maximum height of three feet, measured from finished grade to highest point.

(J) **Gasoline station.** A gasoline station is any establishment at which the sale and delivery of fuel to a motor vehicle occurs. Gasoline stations are classified as to other activities which occur on the site of the establishment and are thus regulated as provided for herein.

(1) **Service station.** A gasoline station which also sells and delivers lubricants and other products necessary to the operation of vehicles. It may include the sale and installation of accessories, tires, batteries, seat covers; and the provision of services such as tire repair, tune-ups, minor engine repair, wheel balancing and alignment, brake servicing, and washing either by hand or by an automated car wash facility. Food and drinks may be accommodated only through the use of vending machines.

(2) **Convenience mart (gasoline station with food sales).** A gasoline station which also sells foods and convenience items and does not accommodate repair or installation services provided that the sale of food and convenience items is secondary to use as a gasoline station.

(3) **Full service station.** A gasoline station at which activity of a service station and the sale of food and convenience items occurs.

(4) **Incidental gasoline sales.** A gasoline station at which the sale of fuel is incidental or secondary to the primary function of the site as a retail business. There may be no outside display of vehicle products (oil, tires, etc.) at such a facility.

- (5) **General development standards.** Development standards as set forth in the following shall apply to sites upon which a service station or convenience mart is to be located. An establishment with incidental gasoline sales shall be governed by the site development requirements for the site and the main business except that the requirement of Subsection (6) shall apply. A full service station shall adhere to a combination of the requirements for a service station and a convenience mart.

ITEM	SERVICE STATION	CONVENIENCE MART
Minimum Lot Area	15,000 Square Feet	15,000 Square Feet
Minimum Frontage	150 Feet	150 Feet
Parking Requirements	4.5/1,000 sq. ft. of non-repair gross floor area and 4 spaces per Service Bay or Lift	4.5/1,000 sq. ft. of gross floor area
Driveways	There shall be no more than two curb-cuts to any abutting street with a minimum distance of 25 feet between curb-cuts. Curb-cuts shall not have a width exceeding 35 feet, exclusive of transitions. Curb-cuts shall not be located closer than 25 feet to the intersection of the ultimate right-of-way lines at a corner nor closer than 15 feet from any abutting property line or alley.	

- (6) **Gasoline facility development standards.** The following standards apply to whatever classification, a gasoline station has.

- (a) **Location of dispensers.** Gasoline dispensers, tanks, dispenser island, and canopies shall not be located closer than 15 feet from any property line. When property directly abuts residentially zoned property, gasoline dispensers, tanks, dispenser islands and canopies, signs, or vents shall not be located closer than 40 feet from the property line abutting the residentially zoned property.

- (b) **Storage tanks.** All storage tanks shall be underground.
 - (c) **Lift and repair facilities.** All such facilities shall be located within a structure.
 - (d) **Display of products.** Vending machines are to be located under roof and screened on three sides. Racks containing cans of lubricating oil may be displayed on service islands. Racks or pedestals used for the display of tires shall be located along any side (as opposed to front) of a structure.
- (K) **Home-based business.** A business is considered a home-based business if it operates from a residential property and meets the following criteria: (Ord. No. 23-22, § 2, 8-16-22; Ord. No. 12-26, § 4, 4-7-26)
- (1) Employees must reside on the residential property. Two additional employees that reside elsewhere may also work at the residential property. The business may have additional employees who do not work at the residential property. (Ord. No. 23-22, § 2, 8-16-22; Ord. No. 12-26, § 4, 4-7-26)
 - (2) The business use shall be incidental and subordinate to the residential use of the property and shall under no circumstances change the residential character thereof. (Ord. No. 23-22, § 2, 8-16-22)
 - (3) As viewed from the street, the use of the residential property must be visually consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a business must conform to the residential character and architectural aesthetics of the neighborhood. (Ord. No. 23-22, § 2, 8-16-22)
 - (4) One exterior sign up to one square foot in area may be affixed to the residential structure where the business is located. (Ord. No. 23-22, § 2, 8-16-22; Ord. No. 12-26, § 4, 4-7-26)
 - (5) Businesses shall not be conducted by residents in accessory structures, except for home-based businesses in the primary or accessory residential structures. (Ord. No. 23-22, § 2, 8-16-22; Ord. No. 12-26, § 4, 4-7-26)
 - (6) No traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood. (Ord. No. 23-22, § 2, 8-16-22)

- (7) Parking related to the business activities shall comply with the zoning district parking regulations and cannot be greater in volume than would normally be expected at a similar residence where no business is conducted. (Ord. No. 23-22, § 2, 8-16-22)
 - (8) No equipment or process shall be used that creates fumes, glare, noise, odors, vibration, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises. (Ord. No. 23-22, § 2, 8-16-22)
 - (9) All business activities must comply with any relevant local, state, and federal regulations related to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Local regulations may not be more stringent than those that apply to a residence where no business is conducted. (Ord. No. 23-22, § 2, 8-16-22)
 - (10) A home-based business shall be subject to all applicable city business taxes. (Ord. No. 23-22, § 2, 8-16-22)
 - (11) Any business that does not meet the definition of a home-based business in Section 559.955, Florida Statutes, is not considered a home-based business, and is not permitted to operate in a residential zoning district. (Ord. No. 23-22, § 2, 8-16-22)
- (KK) Reserved. (Ord. No. 23-22, § 2, 8-16-22)
- (KKK) **Live/work units.** [New Section Ord. 23-10 10/5/10]
- (1) **General.**
 - (a) The occupant of the residential unit must be the proprietor or owner of the business that occupies the nonresidential portion of the building.
 - (b) Only one additional employee may work at the business.
 - (c) Residential appearance must be maintained.
 - (d) Unlighted signage with a maximum of 2 SF is permitted.
 - (e) The Live/Work Unit must face either a public or private street that has available on-street parking.

- (f) May only be permitted with new development approvals, or modifications to approved site plans for buildings that have not begun construction.
 - (g) The non-residential use must be internally connected to the residential unit and must also provide direct access from the public sidewalk adjacent to the street.
 - (h) The Live-Work Unit shall meet the Florida Building Code requirements at the time of construction for mixed occupancy buildings.
 - (i) Access to all Live-Work Units shall be clearly identified in order to provide for emergency services.
- (2) **Allowed non-residential uses.** Live-Work Units may include the following non-residential uses:
- (a) Business services, including but not limited to: commercial artist, photography, computer programming, detective agency, editing/proofreading, mail service, paralegal, photocopying service, secretarial service, telemarketing service.
 - (b) Personal Services, including but not limited to: alterations/dressmaking, barber/beauty shop, income tax service, locksmith, shoe shine and repair, tailor shop, massage, pedicure, photographic studio [subject to 4.3.3.KKK(4)(d)], facials, and fortune teller or similar if geographically allowed by the LDRs.
 - (c) Professional Services, including but not limited to: title company, accountant, insurance adjusters, advertising office, appraiser, ar-

chitect, attorney, auditor, broker, contractors office (no construction materials permitted), stenographers, engineers office, interior decorating, loan company, model agencies, notary public office, real estate sales/management, stock exchanges, travel agency.

- (d) Fabrication of arts and handicrafts, with retail sales limited to materials fabricated by the owner/proprietor.

(3) ***Interim residential use.***

- (a) Residential use is permitted in the approved non-residential portion of a Live-Work Unit.
- (b) Prior to the issuance of a Business Tax Receipt for an approved non-residential use within the Live-Work unit, the applicant shall apply to the City for a change in use, and indicate that the unit was previously designated as a Live-Work Unit as part of a development approval.

(4) ***Operation.***

- (a) The net area devoted to an approved non-residential use shall be a maximum of 200 square feet. The "net area" means all areas not utilized for stairways, vestibules, hallways, closets, bathrooms, and garages.
- (b) One hundred percent of the building's net area above the ground floor shall be designated as residential.
- (c) The non-residential use of a Live-Work Unit may operate only from 8:00 a.m. to 6:00 p.m.; deliveries are limited to between 9:00 a.m. to 6:00 p.m.
- (d) Non-residential uses creating industrial-type impacts, such as those that involve processes that generate significant amounts of heat, require the use of heavy machinery, loud speakers, bells, or emit gases, fumes, and/or smoke or that create a nuisance (i.e., noise, odors and/or vibration) are prohibited.

(L) ***Hospitals.***

- (1) ***Lot area.*** The minimum lot area shall be five acres
- (2) ***Frontage.*** The minimum frontage shall be 300 feet.

- (3) **Setbacks.** No structure shall be located within 50 feet of a property line. Parking areas shall not be located within 25 feet of a property line.
- (4) **Intensity.** The maximum intensity, in terms of patient rooms is 30.37 patient rooms per acre computed on the basis of one patient room allowable for each 1,500 square feet of lot area.
- (5) Use Restriction: No rooms or suites shall be designed, altered, or maintained for housekeeping or family living purposes.

(LL) **Kidney dialysis centers.** [Amd. Ord. 35-06 6/20/06]

- (1) **Generators.** [Amd. Ord. 35-06 6/20/06]
 - (a) All new kidney dialysis centers that apply for a building permit on or after July 1, 2006 shall provide auxiliary power generators; and [Amd. Ord. 35-06 6/20/06]
 - (b) All kidney dialysis centers in existence prior to July 1, 2006 shall have two years from the effective date of this ordinance to provide auxiliary power generators; and [Amd. Ord. 35-06 6/20/06]
 - (c) Generators shall not be dependent on a municipal water supply for cooling purposes; and [Amd. Ord. 35-06 6/20/06]
 - (d) Generators shall be designed and equipped to operate the full capacity of all of the kidney dialysis machines in the facility for a period not less than 120 hours; and [Amd. Ord. 35-06 6/20/06]
 - (e) Generators shall be tested at least once a month and a test log shall be maintained for inspection by the City of Delray Beach, upon request. [Amd. Ord. 35-06 6/20/06]

(LLL) **Pharmacies.** [Amd. Ord. 35-06 6/20/06]

- (1) **Generators.** [Amd. Ord. 35-06 6/20/06]
 - (a) All new pharmacies that apply for a building permit on or after July 1, 2006 shall provide auxiliary power generators; and [Amd. Ord. 35-06 6/20/06]
 - (b) All pharmacies in existence prior to July 1, 2006 shall provide auxiliary power generators within two years of the effective date of this ordinance; and [Amd. Ord. 35-06 6/20/06]
 - (c) Generators shall not be dependent on a municipal water supply for cooling purposes; and [Amd. Ord. 35-06 6/20/06]

- (d) Generators shall be designed and equipped to operate the full capacity of the facility for a period of not less than 120 hours; and [Amd. Ord. 35-06 6/20/06]
- (e) Generators shall be tested at least once a month and a test log shall be maintained for inspection by the City of Delray Beach, upon request. [Amd. Ord. 35-06 6/20/06]

(LLLL) **Medical, professional and business offices, and medical clinics.** [Amd. Ord. 36-10 10/19/10] [New Section Ord. 50-09 10/20/09]

- (1) **Applicability.** Medical, Professional and Business Offices, and Medical Clinics shall be subject to the following: [Amd. Ord. 36-10 10/19/10]; [Amd. Ord. 13-10 6/15/10]

- (a) On-site dispensing of controlled substances that are identified in Schedule II, III, or IV in Sections 893.03, and as further amended by Sections 893.035 or 893.0355, Florida Statutes, is prohibited, unless otherwise expressly permitted by statutory or general law. The following are exempt from this prohibition: [Amd. Ord. 13-10 6/15/10]
 - (i) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session.
 - (ii) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled which is licensed in this state.
 - (iii) A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital.
 - (iv) A health care practitioner when administering or dispensing a controlled substance to a person under the age of 16.
 - (v) A health care practitioner when dispensing a one-time, 72-hour emergency resupply of a controlled substance to a patient.

- (2) **Appeal.** An appeal from an administrative determination or board action, excluding the granting or denial of a variance, regarding

Medical Offices shall be appealed to the City Commission. The applicant shall follow the procedures and requirements set forth in Section 2.4.7(E). In addition to the requirements listed in Section 2.4.7(E) the applicant shall also list the following:

- (a) If the applicant is a potential claimant under a federal or state law; and
- (b) That the applicant believes in good faith that the City through implementation of this section has intentionally or unintentionally violated federal or state law. The law(s) the City has allegedly violated shall be identified.

(M) **Hotels and motels.**

- (1) **Minimum floor area.** Each sleeping room shall contain a minimum floor area of 325 square feet including closets and baths.
- (2) **Orientation.** If lounges, limo service, or rental car counters are provided as accessory uses, such uses shall be oriented primarily to guests of the establishment and shall be located within the building so as to not be visible to the general public, unless so approved through the conditional use process.
- (3) **Accessory signs.** Signage designating those accessory uses allowed in conjunction with a hotel shall be prohibited from being attached to the outside of the hotel unless such signage is approved as part of a conditional use approval.

(MM) **Grocery stores.** [Amd. Ord. 35-06 6/20/06]

- (1) **Generators.** [Amd. Ord. 35-06 6/20/06]
 - (a) All new grocery stores that apply for a building permit on or after July 1, 2006 that are 10,000 square feet or larger in size must provide auxiliary power generators; and [Amd. Ord. 35-06 6/20/06]
 - (b) All grocery stores that are in existence prior to July 1, 2006 and are 10,000 square feet or larger in size must provide auxiliary power generators within six years of the effective date of this ordinance or at the time of renovations exceeding 25 percent of the facility value, whichever comes first; and [Amd. Ord. 35-06 6/20/06]
 - (c) Generators shall not be dependent on a municipal water supply for cooling purposes; and [Amd. Ord. 35-06 6/20/06]

- (d) Generators shall be designed and equipped to operate the facility's refrigeration and freezer equipment in addition to basic lighting for customers and employees for a period of not less than 120 hours; and [Amd. Ord. 35-06 6/20/06]
- (e) Generators shall be tested at least once a month and test logs shall be maintained for inspection by the City of Delray Beach, upon request. [Amd. Ord. 35-06 6/20/06]

(N) ***Towing and attendant storage facilities.***

- (1) **Screening.** Outdoor motor vehicle storage must be entirely surrounded by a fence or wall which is a minimum of six feet in height. The enclosure shall be provided with vision obscuring gates.
- (2) **Landscaping.**
 - (a) **Frontage.** Along the frontage, the fence or wall shall be located along the interior of a required perimeter landscape strip of a minimum of ten feet. Shade trees shall be provided every 25 linear feet in addition to hedging.
 - (b) **Other sides.** Along other perimeters, the fence or wall shall be set on the property line with a ten-foot curbed planting island every 40 linear feet and shall abut the interior of the wall. One shade tree, with a minimum height of 12 feet and a minimum spread of six feet shall be planted therein.

(O) ***Townhouses and townhouse type of development.***

- (1) **Application.** These special requirements apply to townhome or townhouse development and to apartment complexes which are designed in the style of a townhome, except projects located within the Central Business District and Central Business District - Railroad Corridor, which shall comply with the applicable district regulations. [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 21-04 5/4/04]
- (2) **Plat required.** Each townhouse, or townhouse type, development shall be platted with a minimum designation of the interior street system as a tract. When the dwelling units are to be sold, each such unit must be shown on the plat.
- (3) **Setbacks.** Setbacks shall be measured as follows:
 - (a) Setbacks from the perimeter of the overall project shall be as established by the base zone district requirements.

- (b) Setbacks interior to the project shall be measured from the platted street system.
- (c) Setbacks interior to the project with respect to side and rear lot lines shall not be observed; but in-lieu thereof structures (dwelling unit groups) shall not be located closer than 25 feet for a two-story structure, nor 30 feet for a three story, or greater, structure.

(4) ***Design standards.***

- (a) No more than two townhomes may be constructed without providing a front setback of not less than four feet offset front to rear.
- (b) No townhouse row shall consist of more than eight (8) dwelling units or a length of 200 feet, whichever is less.
- (c) Service features, garages, parking areas, and entrances to dwelling units shall, where possible, be located on a side of the individual lot having access to the interior street. Walkways should be designed to connect dwelling units with each other and connect each dwelling unit with common open space.
- (d) Not less than 25 percent of the total area, less water bodies, shall be usable open space, either for recreational or some other suitable purpose, public or private. For the purpose of this section; streets, driveways, garages, parking areas, and water bodies shall not be construed as usable open space.

(OO) ***Multifamily residential buildings equipped with elevators.***

(1) ***Generators.***

- (a) All new multifamily residential buildings (including hotels and motels) equipped with public elevators that apply for a building permit after the effective date of this ordinance shall provide auxiliary power generators for all interior corridor lighting and exit signs and at least one public elevator; and
- (b) All existing (as of the date of this ordinance) multifamily residential buildings, including but not limited to apartments, hotels and motels, but excluding condominiums, that are three stories or more in height, and that are equipped with public elevators, shall provide auxiliary power generators for all interior corridor lighting and exit signs and at least one public elevator within six years of the effective date of this ordinance; and

- (c) All existing (as of the date of this ordinance) condominium residential buildings that are equipped with public elevators and that are three stories or more in height, shall provide auxiliary power generators for all interior corridor lighting and exit signs and at least one public elevator within six years of the effective date of this ordinance, unless by a two-thirds vote of the unit owners it is agreed to not provide the auxiliary power generators; and
- (d) In the event that a condominium residential building is converted to an apartment residential building, or vice versa, the building shall be required to comply with the applicable City ordinances.
- (e) Generators shall not be dependent on a municipal water supply or cooling purposes; and
- (f) Generators shall be designed and equipped to operate the full capacity of the equipment being served for a period not less than 120 hours; and
- (g) Generators shall be tested at least once a month and a test log shall be maintained for inspection by the City of Delray Beach, upon request.
- (h) All building permit fees for the installation of the generators installed pursuant to this ordinance shall be waived.

(OOO) **Clubhouses and country clubs.** [Amd. Ord. 35-06 6/20/06]

(1) **Generators.** [Amd. Ord. 35-06 6/20/06]

- (a) All new clubhouses and/or country clubs in residential communities that apply for a building permit on or after July 1, 2006 shall provide auxiliary power generators; and [Amd. Ord. 35-06 6/20/06]
- (b) Generators shall not be dependent on a municipal water supply for cooling purposes; and [Amd. Ord. 35-06 6/20/06]
- (c) Generators shall be designed and equipped to operate the full capacity of the facility for a period not less than 120 hours; and [Amd. Ord. 35-06 6/20/06]
- (d) Generators shall be tested at least once a month and a test log shall be maintained for inspection by the City of Delray Beach, upon request. [Amd. Ord. 35-06 6/20/06]

(P) **Satellite dish—Satellite television antenna.**

- (1) A satellite dish or satellite television antenna that is greater than one meter (39.37 inches) in diameter or any size satellite dish that is mounted on a mast higher than 12 feet above the roof line shall be considered a structure and shall require a building permit. Antennas or dishes shall be of non-combustible and corrosive resistant material, shall be erected in a secure wind resistant manner, and shall be adequately grounded for protection against direct strike of lightning. Portable satellite dishes are not permitted. Only satellite dishes which are actually required for obtaining a signal may be erected and maintained on any property. Satellite dishes may not be used for display or advertising purposes on the exterior of any structure. Where a commercial enterprise is engaged in the sale of satellite dishes, the erection of more than two dishes (each of which shall be of different sizes) which perform essentially the same function, on the exterior of the structure shall be presumed to be for display or advertising purposes. Satellite dishes may not have any writing on them which is visible from the right-of-way. These structures shall be subject to the provisions of Chapter Seven, Building Regulations, which do not conflict with this section as well as the following conditions: [Amd. Ord. 34-04 8/3/04]

- (a) **Application process.** The application for a permit shall be reviewed by the Building Department for a determination that the structure is designed and will be erected in a manner which meets the technical requirements of the code including those set forth in this section. The City Horticulturist shall review the plans for screening the structure.

1. All satellite dishes and/or satellite television antennas that are smaller than one meter (39.37 inches) in diameter and that receive video programming signals such as Direct Broadcast Satellites ("DBS"), Multichannel Multipoint Distribution (wireless cable) providers ("MMDS"), and Television Broadcast Stations ("TVBS") shall not require a permit and shall be exempted from these regulations but shall be subject to removal if they are located as to create a hazard or safety issue. [Amd. Ord. 34-04 8/3/04]

- (b) **Screening.** The satellite dish shall be effectively screened from off-premises view and from visibility from public rights-of-way to the greatest extent practicable, except that such screening shall not

be required in locations surrounding the satellite dish where and only to the extent it is proved that such screening interferes with reception. The visibility of the satellite dish shall be mitigated as much as possible by screening. The structure shall be screened by the use of landscaping or by a nonliving barrier such as a wall or fence, or by some combination of the above. Walls or fences used for screening may not exceed six feet in height unless they are erected in compliance with the building setbacks. Trees and shrubs used in screening shall be of a species capable of obtaining such height, spread, and density of canopy at maturity so as to effectively screen the satellite dish from off-premises view. Landscaping to be used as screening shall be planted at the time of construction or placement of the satellite dish and the landscaping shall be at least equal to four feet at the time of planting. Landscaping shall be maintained by the property owner or the persons or groups in control of the property in a manner which will encourage maximum screening without interference with the maintenance or operation of the satellite dish.

- (2) The following requirements apply in single-family districts.
 - (a) One noncommercial satellite dish per residential dwelling unit shall be permitted.
 - (b) The satellite dish shall be located on the lot in the rear of the house or in a side yard (which does not front on a public right-of-way) behind the front roof line of the house provided that the satellite dish shall be substantially screened from the right-of-way and from the adjacent property. A satellite dish must be located so as to provide the screening required by subsection (P)(1)(b) above.
 - (c) Notwithstanding the provisions of the above, and subject to sufficient proof being submitted to the city, to prove that it is not possible to locate a proposed satellite dish in the rear yard or side yard as described above, then and only then satellite dishes which are 12 feet in diameter or less may be permitted on the roof of property in a single-family residential zoning district and such a dish may not be more than eight feet above the roof line as measured from the highest point of the dish.
- (3) The following requirements apply in multi-family districts:
 - (a) Satellite dishes may be erected on individual multi-family lots if the ownership of an individual unit includes ownership of sufficient

property to locate the dish in compliance with the requirements in single-family districts. (Property owned jointly or in common with other unit owners may not be used for purposes of calculating the unit owner's individual property.) Nothing in this provision shall be construed to alter or impair any rights, authority, or restrictions imposed by deed or under the rightful authority of any homeowners' association.

- (b) A satellite dish in a multi-family district may be erected to meet the following requirements:
 - 1. Only one satellite dish (other than those complying with (a) above) may be located in a multi-family complex and must be placed so as to be effectively screened from all public rights-of-way and adjacent residential complexes. In no event shall the dish be placed between a structure and any public right-of-way (other than an alleyway) unless the dish can be erected in compliance with this section and other code requirements so as to be entirely invisible from the public right-of-way and adjacent residential developments.
 - 2. Satellite dishes must be located to provide the screening required in subsection (1)(b).
 - 3. A satellite dish may not be located on a roof unless it complies with subsection (2)(c).
- (4) The following requirements apply in commercial and industrial zoning districts.
 - (a) The satellite dish shall be located on the property so as to be effectively screened from all public rights-of-way and adjacent residential properties
 - (b) A satellite dish may not be located on a roof so that the dish would thereby be visible from a public right-of-way or residential district; provided, however, if it is proved that there is no such location on a roof where the satellite dish may be located to gain proper reception, then and only then such a satellite dish may be located where it might be so visible, but only to the extent required to gain such proper reception.

- (c) Satellite dishes which are mounted on a tower and used for communication in connection with the operation of a business shall be required to provide reasonable screening and shall be subject to conditional use approval.
- (5) Nothing herein shall be construed to allow the use of any public rights-of-way for the carriage of a signal from a satellite dish erected in compliance with this section.
- (6) The City Manager shall have authority to grant administrative relief from LDR Section 4.3.3(P) to allow temporary portable satellite dishes provided that: [Amd. Ord. 76-94 10/18/94]
 - (a) The satellite facilities are part of an approved special event. [Amd. Ord. 76-94 10/18/94]
 - (b) The administrative relief shall not exceed ten calendar days in duration. [Amd. Ord. 76-94 10/18/94]
- (PP) **Private parking lots and garages.** Private parking lots and garages are defined as any parking facility not owned or operated by the City of Delray Beach or other governmental entities within City limits. Property temporarily being utilized for parking as part of a City-approved special event shall not be considered a private parking lot or garage for the purpose of these regulations. (Ord. No. 03-25, § 3, 2-18-25)
- (1) **Required Signage.** (Ord. No. 03-25, § 3, 2-18-25)
 - (a) **Lot entrance.** One 12-inch x 18-inch parking sign with a blue background and white lettering is required at each entrance outside of the public right-of-way, with a 12-inch x 4-inch sign with a red background and white lettering stating "NOT A CITY LOT." Only one sign per entrance is allowed. (Ord. No. 03-25, § 3, 2-18-25)

Figure 4.3.3(PP)-1

(Ord. No. 03-25, § 3, 2-18-25)

- (b) **Rate and operator information.** An 18-inch x 24-inch sign containing the information listed below shall be prominently displayed internally to the lot that conforms to the example in Figure 4.3.3(PP)-2, along with an 18-inch x 4-inch sign with a red background and white lettering stating "NOT A CITY LOT." No more than one sign is permitted for every 10 spaces. One additional sign with the full contract and appeal process is allowed per lot. (Ord. No. 03-25, § 3, 2-18-25)

Figure 4.3.3(PP)-2

(Ord. No. 03-25, § 3, 2-18-25)

1. Parking rate, including peak hour or special event parking; (Ord. No. 03-25, § 3, 2-18-25)
2. Charges for violating the posted regulations; (Ord. No. 03-25, § 3, 2-18-25)
3. A monitored phone number and email address for the operator and vendor issuing violations, immobilization, or towing of vehicles; (Ord. No. 03-25, § 3, 2-18-25)
4. Notice of a grace period and appeal process; (Ord. No. 03-25, § 3, 2-18-25)
5. Language that says the lot is not operated by a government entity; (Ord. No. 03-25, § 3, 2-18-25)
6. A quick-response code (QR) code, mobile app, or text to payment information may also be provided on this sign; and (Ord. No. 03-25, § 3, 2-18-25)
7. Payment vendor logos are permitted, but signage must conform with signage requirements. (Ord. No. 03-25, § 3, 2-18-25)

- (c) **Payment devices.** If a payment kiosk is installed, it must be co-located with the required rate and operator signage and illuminated after dark if the parking facility is open after sunset. (Ord. No. 03-25, § 3, 2-18-25)
 - (d) **Wheel stops.** Wheel stops may be painted with the language "NOT A CITY LOT." (Ord. No. 03-25, § 3, 2-18-25)
- (2) **Logos.** The private operator may not use the logo of the City of Delray Beach or a logo that resembles it on any signage or printed materials. (Ord. No. 03-25, § 3, 2-18-25)
- (3) **Adjacent lots.** When adjacent lots are operated by different entities, signage must clearly indicate the spaces associated with each operator. (Ord. No. 03-25, § 3, 2-18-25)
- (4) **Site condition requirements.** (Ord. No. 03-25, § 3, 2-18-25)
 - (a) On-site employees must wear clothing that clearly identifies the parking facility's operator including the company name and/or logo. (Ord. No. 03-25, § 3, 2-18-25)
 - (b) Private parking lots and garages must be maintained in a clean condition, and free from hazardous conditions, such as but not limited to broken glass, debris, non-operational lighting, and pot-holes. (Ord. No. 03-25, § 3, 2-18-25)
 - (c) Signage must be maintained free of visible post-production modifications. (Ord. No. 03-25, § 3, 2-18-25)
- (5) **Violation/enforcement.** (Ord. No. 03-25, § 3, 2-18-25)
 - (a) It shall be unlawful to charge a rate or fee higher than the rate published on the posted signage or displayed on pay kiosks. (Ord. No. 03-25, § 3, 2-18-25)
 - (b) Any violation of these regulations shall be subject to enforcement in accordance with Section 10.99 of the Code of Ordinances of the City of Delray Beach. (Ord. No. 03-25, § 3, 2-18-25)
 - (c) Parking invoices that do not conform to the requirements of Section 715.075, Florida Statutes, shall be grounds for immediate enforcement action in accordance with Section 10.99 of the Code of Ordinances of the City of Delray Beach. (Ord. No. 03-25, § 3, 2-18-25)

- (6) **Historic Districts.** Parking lot signage in historic districts must maintain the standard blue parking symbol and contrasting "NOT A CITY LOT" signage on a black painted post; post design, sign framing, and font type may be adjusted through the administrative review and approval process for consistency with the character of the district. (Ord. No. 03-25, § 3, 2-18-25)

(Q) **Accessory Residential Structures.** (Ord. No. 12-26, § 5, 4-7-26)

- (1) **General Standards.** To promote aesthetically harmonious neighborhoods, accessory structures in residential zoning districts must comply with the regulations herein. (Ord. No. 12-26, § 5, 4-7-26)
- (a) The height of an accessory structure shall not exceed the height of the principal structure. This limitation does not apply to Accessory Dwelling Units (ADUs). (Ord. No. 12-26, § 5, 4-7-26)
 - (b) The floor area of an accessory structure shall not exceed 40 percent of the floor area of the principal structure. This limitation does not apply to ADUs. (Ord. No. 12-26, § 5, 4-7-26)
 - (c) Accessory structures larger than 350 square feet or taller than ten feet are subject to the following design standards: (Ord. No. 12-26, § 5, 4-7-26)
 - 1. The accessory structure must be designed with a similar architectural style and be finished with materials similar in appearance to the principal structure. (Ord. No. 12-26, § 5, 4-7-26)
 - 2. Foundation landscaping, in accordance with Section 4.6.16, must be provided along the entire building frontage, if visible from the right-of-way. (Ord. No. 12-26, § 5, 4-7-26)
 - 3. All doors, including garage and overhead doors, must have a decorative appearance consistent with the overall architectural style of the primary residential structure. (Ord. No. 12-26, § 5, 4-7-26)
 - 4. Blank walls visible from the right-of-way are prohibited. Fenestration consistent with the design and appearance of the principal structure and/or design treatments such as trellises with climbing vines or other plant materials, or architectural details may be used to avoid the appearance of blank walls. (Ord. No. 12-26, § 5, 4-7-26)

(2) **Guest Cottage.** (Ord. No. 12-26, § 5, 4-7-26)

- (a) Guest Cottages are accessory residential structures for use by members of the family occupying the principal dwelling, their nonpaying guests (except in Bed and Breakfast Inns), or persons employed for service on the premises. (Ord. No. 12-26, § 5, 4-7-26)
- (b) The guest cottage, whether detached or attached to the principal structure, shall not occupy more than one-twentieth of the lot area and shall not exceed a floor area of 700 square feet. (Ord. No. 12-26, § 5, 4-7-26)
- (c) The guest cottage shall comply with the minimum setbacks required for the principal structure. (Ord. No. 12-26, § 5, 4-7-26)
- (d) Only one guest cottage shall be allowed on a property. (Ord. No. 12-26, § 5, 4-7-26)
- (e) The guest cottage shall not have a kitchen. (Ord. No. 12-26, § 5, 4-7-26)
- (f) A guest cottage shall not have a separate water or electric meter. (Ord. No. 12-26, § 5, 4-7-26)

(3) **Accessory dwelling unit (ADU).** (Ord. No. 12-26, § 5, 4-7-26)

- (a) **Purpose and Intent.** ADUs are accessory residential structures intended to expand affordable housing options for very-low, low, and moderate income households within Delray Beach, and to support wealth-building. (Ord. No. 12-26, § 5, 4-7-26)
- (b) Only one ADU shall be allowed on a property. (Ord. No. 12-26, § 5, 4-7-26)
- (c) **Architectural Requirements.** (Ord. No. 12-26, § 5, 4-7-26)
 - 1. All ADUs regardless of size are subject to the design standards in Subsection (1)(c), supra. (Ord. No. 12-26, § 5, 4-7-26)
 - 2. All ADUs shall have an independent entrance. (Ord. No. 12-26, § 5, 4-7-26)
 - 3. For ADUs located in front of the primary structure, a porch facing the street must be provided. (Ord. No. 12-26, § 5, 4-7-26)
- (d) **Occupancy.** (Ord. No. 12-26, § 5, 4-7-26)
 - 1. A homesteaded property owner or family member must reside on site, either in the principal dwelling unit or in the ADU. (Ord. No. 12-26, § 5, 4-7-26)

2. An ADU shall not consist of more than two bedrooms. (Ord. No. 12-26, § 5, 4-7-26)
 3. An ADU shall not be used for transient residential use, lodging, or short-term vacation rentals. (Ord. No. 12-26, § 5, 4-7-26)
- (e) **Affordability standards.** (Ord. No. 12-26, § 5, 4-7-26)
1. ADUs may only be leased as workforce housing. A family member occupying an ADU is not subject to workforce housing income restrictions or limitations. (Ord. No. 12-26, § 5, 4-7-26)
 2. ADUs must comply with the requirements of Section 4.7.9—Accessory dwelling unit (ADU). (Ord. No. 12-26, § 5, 4-7-26)
- (f) **Development standards.** (Ord. No. 12-26, § 5, 4-7-26)
1. ADUs are not included in the calculation of density. (Ord. No. 12-26, § 5, 4-7-26)
 2. ADUs are subject to the standards in Table 4.3.3(Q), except that ADUs with Central Business District Zoning follow the setback and frontage standards in Section 4.4.13. (Ord. No. 12-26, § 5, 4-7-26)
 3. A detached ADU may be located to the front, rear, or side yard of the principal structure. (Ord. No. 12-26, § 5, 4-7-26)
 4. A detached ADU is only allowed when the principal structure is two stories or less. (Ord. No. 12-26, § 5, 4-7-26)
 5. ADUs must provide independent sanitation, living, cooking and sleeping facilities from the principal dwelling unit. (Ord. No. 12-26, § 5, 4-7-26)

Table 4.3.3(Q)—ADU Development Standards

Floor Area¹	220 square feet minimum to 750 square feet maximum
Maximum Number of Bedrooms	2
Minimum Setbacks for Detached ADUs in Residential Zoning Districts	
Front	Same as the principal dwelling requirement
Side Street	15 feet

Side Interior	Same as the principal dwelling requirement
Improved Alley (Rear or Side)	10 feet
Rear	10 feet
Required separation from principal structure	10 feet
Minimum Setbacks for Attached ADUs	Same as principal dwelling requirements
Maximum height	1 story 2 stories total, if located above a one-story garage

¹ Garages or other accessory structures attached to the ADU shall not be included in the maximum floor area calculation. Open-air elements, such as porches or balconies, shall not be included in the maximum floor area calculation.

(Ord. No. 12-26, § 5, 4-7-26)

(g) **Parking and access.** (Ord. No. 12-26, § 5, 4-7-26)

1. One parking space shall be provided for each ADU. (Ord. No. 12-26, § 5, 4-7-26)
2. A walkway (concrete, pavers, gravel, etc.) shall be provided from the parking space(s) to the main access point of the ADU. (Ord. No. 12-26, § 5, 4-7-26)
3. Vehicular access and parking are allowed from improved alleys. Parallel parking along the alley is allowed within the rear yard. (Ord. No. 12-26, § 5, 4-7-26)
4. For lots with 50 feet of frontage or less, driveways may be set back a minimum of two feet from the side interior property lines. (Ord. No. 12-26, § 5, 4-7-26)

(R) **Keeping of livestock.** The keeping, maintaining, or pasturing of horses, cattle, mules, goats, sheep, swine, poultry, or other livestock in the City of Delray Beach is prohibited except on property within the Agricultural (A) and Rural Residential (RR) Zone Districts and then only in compliance with provisions of those regulations.

Notes:

- Subsection (S) Junkyards deleted in its entirety. [Amd. Ord. 59-93 10/12/93]
- Enacted the following new Subsection (S) Telecommunication Towers and Antennas. [Amd. Ord. 21-97 6/3/97]

(RR) **Rooftop uses.** (Ord. No. 02-21, § 2, 3-2-21)

- (1) **Purpose and intent.** These regulations are intended to provide guidance for the use of rooftop terraces in residential and non-residential zoning districts while maintaining building scale, privacy, and character of the surrounding area. The use of rooftops in mixed-use and commercial zoning districts is encouraged to create unique gathering spaces and to support sustainability efforts. (Ord. No. 02-21, § 2, 3-2-21)
- (2) **Allowable rooftop uses.** (Ord. No. 02-21, § 2, 3-2-21)
 - (a) **Rooftop uses in all residential zoning districts.** Rooftop uses shall not be located higher than 26 feet and shall be limited to open air terraces and amenities that are ancillary or accessory to the principal use, including but not limited to outdoor kitchen areas, swimming pools, and hot tubs. Rooftops located higher than 26 feet shall not have rooftop uses, may only be accessed for maintenance and repair, and shall not provide elevator access. (Ord. No. 02-21, § 2, 3-2-21)

(b) **Rooftop uses in non-residential and mixed-use zoning districts.**

Central Business District (CBD) rooftop terraces shall be regulated by Section 4.4.13. Rooftops in OSSHAD and RO located higher than 26 feet shall not have principal or accessory rooftop uses, may only be accessed for maintenance and repair, and shall not provide elevator access. For all other nonresidential zoning districts, rooftops may be used for the following uses when allowed in the zoning district, subject to the height limitations in Section 4.3.4(J). (Ord. No. 02-21, § 2, 3-2-21)

1. Open air terraces. (Ord. No. 02-21, § 2, 3-2-21)
2. Exercise and fitness activities (both as principal and accessory uses). (Ord. No. 02-21, § 2, 3-2-21)
3. Swimming pools and hot tubs are only permitted as amenities to hotel, motel, residential-type inn, or residential buildings. (Ord. No. 02-21, § 2, 3-2-21)
4. Restroom facilities located above the maximum building height subject to approval pursuant to Section 4.3.4(J)(3). (Ord. No. 02-21, § 2, 3-2-21)
5. Outdoor dining associated with a restaurant. (Ord. No. 02-21, § 2, 3-2-21)
6. Retail display. (Ord. No. 02-21, § 2, 3-2-21)
7. Rooftop gardens. (Ord. No. 02-21, § 2, 3-2-21)
8. Urban agriculture. (Ord. No. 02-21, § 2, 3-2-21)

(3) **General design standards for rooftop uses and terraces.** All rooftop uses and terraces shall meet the following: (Ord. No. 02-21, § 2, 3-2-21)

- (a) Features or structures shall not extend beyond the maximum building height, except pursuant to Section 4.3.4(J)(3), "Exceptions to zoning district height", or as specifically increased by the zoning district regulations. (Ord. No. 02-21, § 2, 3-2-21)
- (b) Parking must be provided for principal uses, such as restaurant seating, located on rooftops. Parking is not required for amenities that are ancillary or accessory to the principal use, such as a swimming pool for a condominium. (Ord. No. 02-21, § 2, 3-2-21)

- (c) Rooftop use areas greater than 100 square feet and located below the maximum building height shall landscape a minimum of ten percent of the rooftop use area. Rooftop use areas that are located at the maximum building height shall landscape a minimum of 20 percent. Landscaping shall consist of trees, shrubs, ground cover, and vines. (Ord. No. 02-21, § 2, 3-2-21)
- (d) Rooftop use areas shall be hardscaped with materials that reduce the urban heat island effect such as cool or reflective roofs, patterned concrete, pavers, or wood decking. Open-air shade elements, such as awnings, trellises, and shade sails are allowed up to ten feet in height subject to the setback requirements of the zoning district. (Ord. No. 02-21, § 2, 3-2-21)
- (e) Railings and parapets shall be provided as follows: (Ord. No. 02-21, § 2, 3-2-21)
 - 1. The full perimeter of rooftop use area shall be surrounded by a parapet or railing at a minimum height of four feet that is consistent with the architectural style. (Ord. No. 02-21, § 2, 3-2-21)
 - 2. For non-residential rooftop uses adjoining or separated by an alley from OSSHAD, RO, or a residential zoning district, rooftop uses and terraces larger than 100 square feet located at any story or height shall provide privacy and mitigate potential impacts to the adjoining property through at least one of the following: (Ord. No. 02-21, § 2, 3-2-21)
 - a. a solid parapet or screening, greater than 75 percent opaque and minimum of six feet in height along the adjoining perimeter; or (Ord. No. 02-21, § 2, 3-2-21)
 - b. a setback of at least 20 feet from the property line(s) with a railing or parapet at least four feet in height along the adjoining perimeter. (Ord. No. 02-21, § 2, 3-2-21)
- (f) Restroom facilities allowed to be located above the maximum building height shall be setback an additional ten feet on all sides. (Ord. No. 02-21, § 2, 3-2-21)
- (g) All rooftop lighting shall comply with Section 4.6.8 and shall provide full cutoff luminaires to minimize spillover on adjacent properties. Light poles shall not extend beyond the maximum building height. (Ord. No. 02-21, § 2, 3-2-21)

- (h) Relief to the general design standards for rooftop uses and terraces is subject to review and action by the City Commission through the waiver process per Section 2.4.7(B). (Ord. No. 02-21, § 2, 3-2-21)

(S) **Telecommunication towers and antennas.** [Amd. Ord. 21-97 6/3/97]

- (1) **Purpose and intent.** The regulations and requirements of this section are intended to:
 - (a) Promote the health, safety and general welfare of the citizenry;
 - (b) Provide for the appropriate location and development of telecommunication towers and antennas within the City;
 - (c) Minimize adverse visual impacts of telecommunication towers and antennas through careful design, siting, and screening criteria;
 - (d) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and
 - (e) Protect residential areas and land uses from potential adverse impacts of telecommunication towers and antennas by maximizing use of any new or existing telecommunication towers through shared use, i.e., co-location, to reduce the number of towers.
- (2) **Freestanding telecommunication towers.** Freestanding telecommunication towers are permitted as follows:
 - (a) Monopole towers having a maximum height of 64 feet are a permitted use in the following zoning districts:
 - 1. Planned Commercial (PC)
 - 2. Planned Commerce Center (PCC)
 - 3. Mixed Industrial and Commercial District (MIC)
 - 4. Light Industrial (LI)
 - 5. Industrial (I)
 - 6. Open Space and Recreation (OSR)
 - 7. Community Facilities (CF)

(b) Monopole towers having a maximum height greater than 64 feet may be permitted as a conditional use in the following zoning districts:

1. Planned Commerce Center (PCC)
2. Mixed Industrial and Commercial District (MIC)
3. Light Industrial (LI)
4. Industrial (I)
5. Open Space and Recreation (OSR) (on sites greater than 10 acres in size)
6. Community Facilities (CF) (on sites greater than 10 acres in size)

(c) Notwithstanding the above listed requirements, monopole towers greater than 64 feet in height are a permitted use when located on the public properties listed below. Towers that are to be located on these properties are not subject to the minimum separation requirement between towers. Towers shall be located so as to create the least potential visual impact on adjacent rights-of-way and residential areas.

1. Miller Park, 1905 S.W. 4th Avenue
2. Delray Beach Municipal Golf Course, 2200 Highland Avenue
3. Public Works Complex, 434 South Swinton Avenue
4. South Central Regional Wastewater Treatment Facility, 1801 North Congress Avenue
5. Lakeview Golf Course [Amd. Ord. 26-08 6/17/08]
6. Barwick Park [Amd. Ord. 26-08 6/17/08]

(d) Lattice and guyed towers may be permitted as a conditional use in the following zoning districts:

1. Community Facilities (CF) (on sites greater than 10 acres in size)
2. Industrial (I)

(e) Development standards and criteria.

1. Height.

- a. Tower height shall not exceed 125 feet unless a waiver is granted pursuant to Subsection 4.3.3(S)(7)
- b. Tower height is to be measured from the crown of the road of the nearest public right-of-way. The measurement of the tower height shall include any apparatus that extends above the tower structure, with the following exceptions:
 - (1) Lightning rods, safety lighting, and any other apparatus required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC) to ensure the safe operation of the facility.
 - (2) Whip antennas not exceeding 6 inches in diameter may extend 10 feet above the height of the tower structure.

2. Setbacks.

- a. Towers shall be located a minimum of 50 feet from any existing or proposed public street right-of-way line.
- b. The minimum distance between a monopole tower and the nearest property line of a residential zoning district shall be equal to 200 percent of the height of the tower.
- c. The minimum distance between a lattice or guyed tower and the nearest property line of a residential zoning district shall be equal to 400 percent of the height of the tower.
- d. Monopole, lattice, or guyed telecommunication towers shall not be located within 1,000 feet of any existing monopole, lattice, or guyed telecommunication tower.
- e. Equipment buildings and other structures associated with a telecommunication tower shall conform to the setbacks established for the underlying zoning district.

3. Buffering Requirements.
 - a. An eight foot high fence or wall shall be constructed around the base of a telecommunication tower. The fence or wall shall be screened in accordance with LDR Section 4.6.5.
 - b. Accessory equipment and structures shall be screened in accordance with Section 4.6.16.
 - c. Landscaping may be required around anchors or supports, as well as around the perimeter of the site on which the tower is located, in order to enhance compatibility with adjacent properties.
4. High voltage and "no trespassing" warning signs.
 - a. If high voltage is necessary for the operation of the telecommunication tower or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.
 - b. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than 40 feet apart.
 - c. The letters for the above described signs shall be at least six inches in height. The two warning signs may be combined into one sign. Warning signs shall be installed at least five feet above the finished grade of the fence.
 - d. Where the warning signs could be obscured by landscaping, they may be installed on free standing poles, at least five feet above the finished grade.
5. Signs and advertising. The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc. is strictly prohibited.
6. Color. Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunication towers, telecommunication towers shall be constructed in neutral colors, designed to blend into the surrounding environment, such as non-contrasting gray.

7. Lighting. Artificial tower lighting shall be limited to mandatory safety lighting required by county, state, or federal regulatory agencies possessing jurisdiction over telecommunication towers. Security lighting around the base of a tower may be provided if such lighting conforms with the requirements of Section 4.6.8.
 8. Hazardous materials. Review and approval by the Fire Marshal is required where telecommunication towers are proposed within 200 feet of a proposed or existing principal use which includes the storage, distribution, or sale of volatile, flammable, explosive, or hazardous wastes such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals, unless such materials are used for backup power purposes.
 9. Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.
- (f) Required information. All applications for telecommunication towers shall contain the following information:
1. Standard application items pursuant to 2.4.3(A).
 2. Site plan showing the location, dimensions, and elevations of the tower and accessory structures.
 3. An aerial photograph produced at a scale of not less than one inch equals 300 feet indicating all residential land uses and all existing telecommunication towers located within 1,500 feet of the proposed tower.
 4. Landscape plan pursuant to Section 4.6.16.
 5. A statement prepared by a professional registered engineer licensed to practice in the State of Florida, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the Standard Building Code, and any associated regulations; and describes the tower's capacity, including an example of the number and type of antennas it can accommodate. For all towers at-

tached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower.

Deleted number 6. and renumbered. [Amd. Ord. 37-03 10/7/03]

6. Written approval or a statement of no objection from other federal or state agencies that may regulate telecommunication tower siting, design, and construction. [Amd. Ord. 37-03 10/7/03]
7. Verification that the facility has been licensed by the Federal Communications Commission (FCC). [Amd. Ord. 37-03 10/7/03]
8. A certified statement that the construction and placement of the tower will not unnecessarily interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties. A statement shall be prepared by a radio frequency engineer identifying any interference that may result from the proposed construction and placement. [Amd. Ord. 37-03 10/7/03]
9. A line of sight analysis shall be required to assess the tower's visual impact on residential areas. Such analysis shall include a visual representation of the tower on the site, and an illustration of its impact when viewed from at least three specific points within a 1,000 foot radius of the proposed tower location. The exact location of the points to be included in the analysis shall be coordinated with Planning and Zoning Department staff. [Amd. Ord. 37-03 10/7/03]

(g) Inspections.

1. The owner of a telecommunication tower shall have the tower periodically inspected for structural and electrical integrity by an engineer licensed to practice in the State of Florida, in accordance with the following schedule:
 - (a) Monopole: at least once every five years.
 - (b) Self-support lattice: at least once every two years.

- (c) Guyed: at least once every two years.
 - 2. Inspections may be required on a more frequent basis if there is reason to believe that the structural or electrical integrity of the tower is jeopardized.
 - 3. Reports detailing the results of the inspections shall be submitted to the Chief Building Official. Based upon the results of an inspection, the Chief Building Official may require repair or removal of a telecommunication tower.
 - 4. The City Commission may approve an alternative inspection program when the Chief Building Official has determined that the alternative program is sufficient to ensure the safety of the facility.
 - 5. The City may conduct its own periodic inspections of a telecommunication tower to ensure its structural or electrical integrity.
- (h) Existing towers.
- 1. Notwithstanding the above provisions of this section, whip and panel type telecommunication antennas may be placed on existing towers with sufficient loading capacity after approval by the Chief Building Official. Any other type of antenna requires a modification of the conditional use approval. The loading capacity of a tower shall be certified by an engineer licensed to practice in the State of Florida.
 - 2. Notwithstanding the provisions of this section, towers in existence as of May 6, 1997, may be replaced with a tower of equal or less visual impact upon approval by the Planning and Zoning Director, provided that the following criteria are met:
 - a. The tower meets the minimum requirements of this section; or
 - b. The tower received conditional use approval prior to May 6, 1997.

Replacement of existing towers which do not meet the above specified criteria may be approved by the City Commission as a new conditional use.

(i) Abandoned towers.

1. A tower shall be considered abandoned if its use for telecommunication service has been discontinued for 180 consecutive days. All abandoned or unused telecommunication tower facilities shall be removed by the tower owner/operator within 90 days of abandonment.
2. Where a tower is abandoned but not removed within the specified time frame, the City may remove or demolish the tower and place a lien on the property following the procedures (but not the criteria) for demolition of unsafe buildings/structures contained in Article 7.8 of the LDRs, Unsafe Buildings or Structures. Telecommunication towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.

(3) ***Antennas not located on telecommunication towers.***

- (a) Non stealth and stealth antennas mounted on rooftops, buildings, or other structures which constitute a principal use, are a permitted use in the following zoning districts, subject to the limitations and requirements contained herein:
1. Medium Density Residential (RM) [Ord. No. 03-15 2/24/15]
 2. General Commercial (GC) [Ord. No. 03-15 2/24/15]
 3. Central Business District (CBD) [Ord. No. 03-15 2/24/15]
 4. Automotive Commercial (AC) [Ord. No. 03-15 2/24/15]
 5. Planned Commercial (PC) [Ord. No. 03-15 2/24/15]
 6. Resort /Tourism (RT) [Ord. No. 03-15 2/24/15]
 7. Planned Office Center (POC) [Ord. No. 03-15 2/24/15]
 8. Professional and Office District (POD) [Ord. No. 03-15 2/24/15]
 9. Planned Commerce Center (PCC) [Ord. No. 03-15 2/24/15]
 10. Mixed Industrial and Commercial (MIC) [Ord. No. 03-15 2/24/15]
 11. Industrial (I) [Ord. No. 03-15 2/24/15]

12. Light Industrial (LI) [Ord. No. 03-15 2/24/15]
13. Community Facilities (CF) [Ord. No. 03-15 2/24/15]
14. Open Space and Recreation (OSR) [Ord. No. 03-15 2/24/15]

(b) Non-stealth antennas:

1. Shall only be permitted on buildings or structures which are at least 50 feet tall. Antennas may be placed on buildings or structures less than 50 feet tall in the CF or OSR zoning districts if public safety needs warrant the antenna.
2. Shall be placed in a manner so as to minimize the visual impact of the antenna on adjacent properties, and shall be of a color which matches the exterior of the building or structure upon which it is situated.
3. May not extend more than ten feet above the highest point of the roof or structure. Antennas may exceed this maximum height in the CF or OSR zoning districts if public safety needs warrant the antenna.
4. Shall be accompanied by a statement which demonstrates in a technical manner why a stealth antenna cannot be used for the particular application.
5. Require approval by the Site Plan Review and Appearance Board.

(c) Stealth antennas:

1. May extend up to 20 feet above the highest point of the roof or structure. If a greater height is necessary, the antenna must be approved by the Site Plan Appearance and Review Board.
2. Requires approval by the Director of Planning and Zoning to ensure that the antenna is consistent with the definition of a stealth facility.

(d) Requirements and standards:

1. Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices.

2. No commercial advertising shall be allowed on an antenna or on the screening devices or elements.
3. The antenna must be in compliance with FAA requirements. No signals, lights, or illumination shall be permitted on an antenna, unless required by the FCC or FAA.
4. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height; and
5. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than 25 percent of the roof area.
6. An antenna proposed for location on a structure or site that is listed on the local or national register of historic places, or is located within a designated historic district, may be denied if the antenna creates an adverse impact on the historic character of the structure, site, or district.

(4) **Co-Location.**

- (a) In order to minimize adverse visual impacts associated with a proliferation of towers, co-location of communication antennas by more than one provider on existing or new telecommunication towers shall take precedence over the construction of new single use telecommunication towers. An application for a new tower that is greater than 64 feet in height shall not be approved unless it can be demonstrated by the applicant that there is a need for the new tower which cannot be met by placing the antenna on an existing tower. Accordingly, the following requirements apply to each application for a new telecommunication tower that is greater than 64 feet in height.
 1. All new telecommunication towers shall be constructed so as to have the capacity to permit multiple uses. Monopole towers shall be able to accommodate a minimum of two users, and lattice or guyed towers shall be able to accommodate a minimum of three users.
 2. All applications for new telecommunication towers shall include a written analysis of the feasibility of sharing any existing

telecommunication tower located within a half-mile radius of the proposed tower site. The analysis shall consider the following factors:

- a. Availability of existing towers for co-location.
 - b. Structural capacity of existing tower or towers.
 - c. Geographic service area requirements.
 - d. Radio frequency interference.
 - e. Mechanical or electrical incompatibility.
 - f. Restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower.
 - g. Any other information that would demonstrate the need for the new tower.
3. An existing telecommunication tower that is determined to be inappropriate for sharing shall be assumed to be inappropriate for sharing the same types of facilities in the future. Such towers will not need to be evaluated in the future regarding sharing with the same type of facility for which it has been determined to be inappropriate. The Planning and Zoning Department shall retain a list of such towers, and will provide a copy of the list to all potential applicants. The City may require additional sharing feasibility evaluations if warranted by changes in technology.
 4. A requirement to allow co-location will be a condition of approval for all new towers. This requirement will be deemed to have been met if the facility owner shows that it has executed a joint use agreement with at least one other unaffiliated entity for shared use, and agrees to offer the same contract to others. In other cases, the facility owner must provide a statement of intent to offer space on the tower on fair, reasonable, nondiscriminatory terms, at fair market value, and to negotiate leases promptly and without undue delay. A condition of any permit for a new telecommunication tower shall be that the permit shall be terminated, and the facility removed, if the City finds that the facility owner is not complying with its obligations under this section.

5. For any telecommunication tower approved for shared use, the owner of the tower shall send a written notice to all potential users of the new tower, informing them of the opportunity for co-location, and including information on the tower's location and load capacity. Copies of the notice letters shall be provided to the City at the time that the application is filed. The list of potential users shall be provided by the Planning and Zoning Department.
6. The City may deny an application if an available co-location is feasible and the application is not for such co-location.
7. The requirement for a new tower to provide for co-location, and the applicable provisions of this subsection, may be waived pursuant to the requirements and findings stipulated in subsection 4.3.3(S)(7).

(5) ***Use of city-owned property for telecommunication facilities.***

- (a) No municipally-owned property may be used without a lease agreement with the City. The City shall authorize the application and use of City property after the applicant executes a lease agreement that is acceptable to the City. The City shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth in this section.
- (b) The City may, as appropriate, to protect its property and the public interest, establish additional requirements beyond the minimum requirements of this section for facilities located on municipally-owned property.
- (c) The City may issue letters of interest for the purposes of leasing sites on designated City property for the construction and installation of personal wireless service facilities. The City will encourage the installation of facilities which have a minimal impact on the surrounding areas and are consistent with the development of the public property on which the facility is located.

(6) ***Review and approval process.***

- (a) The City shall process all applications for telecommunication towers and antennas in a timely manner and in accordance with established procedures. [Amd. Ord. 37-03 10/7/03]
 1. Application for new tower permits will be processed within 90 business days of receipt of a properly completed application. [Amd. Ord. 37-03 10/7/03]

2. Applications for co-location permits will be processed within 45 business days of receipt of a properly completed application. [Amd. Ord. 37-03 10/7/03]
 3. The city will notify permit applicants within 20 business days after the date of submission of an application whether the application is for administrative purposes only, properly completed and properly submitted. [Amd. Ord. 37-03 10/7/03]
- (b) A waiver of the time frames set forth above must be voluntarily agreed to by the applicant and the City except in the case of a declared local, state or federal emergency that directly affects the administration of all permitting activities of the City. [Amd. Ord. 37-03 10/7/03]
 - (c) The reason for the rejection or denial of any application filed in accordance with the provisions of this section shall be set forth in writing within the above specified time frames. [Amd. Ord. 37-03 10/7/03]
 - (d) All conditional uses must be approved pursuant to the provisions of Section 2.4.5(E). In addition to the requirements of that section, the following finding must be made in connection with a conditional use approval for a new communication tower: [Amd. Ord. 37-03 10/7/03]
 1. That the visual impact of the tower has been minimized to the greatest extent possible through careful design, siting, and screening. [Amd. Ord. 37-03 10/7/03]
- (7) **Waivers.**
- (a) The City Commission may waive the requirements of this section pursuant to the authority granted in Section 2.4.7(B). In addition to the requirements and standards specified in that section, the following findings which are applicable to the nature of the waiver must be made:
 1. **Waiver of locational restrictions:**

Finding: That approval of the waiver will allow for the construction of a facility at a location that is more appropriate than sites which comply with the zoning and separation require-

ments, based upon factors such as its distance from residential uses, existence of permanent screening or buffers, and location within a large-scale non-residential area.

2. **Waiver of height restrictions:** At least one of the following findings must be made:

- a. That a height greater than 125 feet is necessary to accommodate co-location by another provider, and it has been illustrated through a line of sight analysis that the additional height will not significantly impact residential neighborhoods. Waivers granted pursuant to this provision shall not allow heights in excess of 150 feet.
- b. That a height greater than 125 feet is required to meet public safety needs.

3. Waiver of Co-Location Requirements:

Finding: That it has been specifically demonstrated through data and analysis that co-location is not feasible because of factors such as site constraints, radio frequency (RF) interference, geographic service area incompatibilities, mechanical or electric incompatibilities, or similar circumstances.

(T) **Family day care home:** [Amd. Ord. 25-10 10/19/10]

- (1) Shall only be as an accessory use in a private residence and may function as either for or not for profit
- (2) Is limited to no more than six children at any one time but may be conducted 24 hours a day. [Amd. Ord. 25-10 10/19/10]
- (3) The person furnishing such service shall have a current, valid permit from Palm Beach County for operation of a family day care home, as required by Article II of Chapter 39, Palm Beach County Code; and a City of Delray Beach occupational license as a "Family Day Care Home". [Amd. Ord. 25-10 10/19/10]
- (4) A Family Day Care Home which is registered with the State Department of Health and Rehabilitative Services (HRS) are specifically exempt from having to obtain any special exemption or use permit or pay any special fee in excess of \$50 to operate within the City (F.S. 166.0445). [Amd. Ord. 25-10 10/19/10]

- (5) Baby-sitting services provided by an individual at the home of the parents or legal guardians are deemed to be exempt from these provisions.

(TT) **Large family child care home.** [New Section Ord. 25-10 10/19/10]

- (1) **Requirements:** Two full-time child care personnel must be on the premises during the hours of operation.
 - (a) One of the full-time child care personnel must be the owner or occupant of the residence.
 - (b) Such use must first have operated as a licensed family day care home for two years, with an operator who has had a child development associate credential or its equivalent for one year.
 - (c) A large family child care home shall be allowed to provide care for one of the following groups of children which shall include those children under 13 years of age who are related to the caregiver:
 - (i) A maximum of eight children from birth to 24 months of age, or;
 - (ii) A maximum of 12 children with no more than four children under 24 months of age.
- (2) **Floor area:** Facilities shall contain a minimum floor area of 35 square feet per child, exclusive of space devoted to bathrooms, halls, kitchen, offices, and storage.
- (3) **Outdoor area:** There shall be a minimum area of 75 square feet of outdoor play area per child. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback or adjacent to any outdoor storage area. The play area shall be surrounded by a six-foot high fence or wall.
- (4) **Loading area:** A pick-up and drop-off area for children shall be provided in a convenient area adjacent to the building and shall provide clear ingress and egress to the building.
- (5) **Other regulations:** All child care facilities shall comply with state and county regulations.

- (U) **Live aboard vessels:** Live aboard vessels may be located only at full service marinas which used their facilities for such use as of September 1, 1985. In no event shall dockage at real property improved with a residential dwelling unit or residential dwelling units qualify as a full-service marina. [173.182(K)]

(V) **Uses involving alcoholic beverages:** [Amd. Ord. 42-03 11/18/03]

(1) **Defined:** For this subsection, alcoholic beverage is defined as:

* Distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. [Amd. Ord. 42-03 11/18/03]

(2) **Prohibitions by frequency:** The sale of alcoholic beverages for on-site consumption shall be allowed as a principal use within standalone bars and as an accessory use in chartered private clubs and golf courses with the restriction that: [Amd. Ord. 42-03 11/18/03]

(a) Not more than one standalone bar shall be located within any one block, nor within 750 feet of another standalone bar measured from lot line to lot line in a straight line. [Amd. Ord. 42-03 11/18/03]

(b) The above restriction does not apply to a duly licensed grocery store which sells beer and wine in packages for off-site consumption nor does it apply to a restaurant which holds a special restaurant license issued by the Department of Business Regulations of the State Division of Alcoholic Beverages and Tobacco. [Amd. Ord. 42-03 11/18/03]

(c) To be allowed to begin operating a business as a standalone bar, the following rules shall apply: [Amd. Ord. 22-05 4/19/05]

1. A written request to establish a standalone bar shall be submitted to the Planning and Zoning Department. Attached to the written request shall be a copy of a valid 4COP License, evidence of an executed lease to operate the business at the proposed location and a copy of an approved site plan for a restaurant or bar use (hereinafter referred to as the submission). The submission shall be date and time stamped by the Planning and Zoning Department. The submission shall be valid for a period of six months. [Amd. Ord. 22-05 4/19/05]

2. If locational requirements allow for a standalone bar to be established, a person or entity that has filed a submission as set forth above at the earliest time and date will be notified that the use may be established. If the stand alone bar use is not legally established pursuant to LDR Section 2.4.4(D) within 60 days after notification, the person or entity who filed a submission next in time and date shall have an opportunity to establish a standalone bar use. That person or entity and subse-

quent persons or entities that have a submission on file must also comply with the 60-day establishment requirement. Persons or entities that fail to establish the stand alone bar use in accordance with LDR Section 2.4.4(D) within the 60-day period shall not have any further priority to establish the stand alone bar use and the submission shall be deemed void unless no other persons or entities have filed a submission wherein a longer time to establish the use may be permitted upon request. [Amd. Ord. 22-05 4/19/05]

3. If for any reason the City is unable to determine who was first in time or unable to determine if the use was legally established and operational within the time permitted, the Planning and Zoning Board shall review all valid submissions on file regardless of time or date of the submission or establishment of the use, based on the required findings of LDR Section 2.4.5(E) and make a recommendation to the City Commission. The City Commission will then determine which standalone bar use is the most compatible with surrounding uses, based on the following: [Amd. Ord. 22-05 4/19/05]
 - a. Compliance with code requirements, [Amd. Ord. 22-05 4/19/05]
 - b. site's physical appearance, [Amd. Ord. 22-05 4/19/05]
 - c. location, [Amd. Ord. 22-05 4/19/05]
 - d. consistency with the Comprehensive Plan, and [Amd. Ord. 22-05 4/19/05]
 - e. capacity of infrastructure to accommodate the proposed use, [Amd. Ord. 22-05 4/19/05]
 - f. whether the stand alone bar will have a deleterious effect on adjacent businesses. [Amd. Ord. 22-05 4/19/05]

The standalone bar use deemed most compatible will then have the right to establish a standalone bar use as a permitted use within 60 days of the decision of the City Commission. [Amd. Ord. 22-05 4/19/05]

4. No assignment of any submission or rights obtained as a result of a submission to establish a standalone bar use under this

section shall be permitted, provided, however, an established standalone bar use may continue to exist at the same location without participating in the process outlined in Subsection (c) for as long as the use is operational. If the stand alone bar use is not operational for a period of 180 days or the business location has been occupied by an intervening use, then the process described in subsection (c) herein shall apply. [Amd. Ord. 22-05 4/19/05]

5. New letters with attachments set forth above may be submitted once every six months. [Amd. Ord. 22-05 4/19/05]

- (3) **Prohibition by proximity (schools and churches):** Alcoholic beverages shall not be sold at any establishment which is located within 300 feet of an established school or church.

(a) With respect to schools, the 300 feet distance shall be measured from the nearest point of the building of the place of business, location, or establishment to the nearest point of the school grounds in use as a part of the school facilities.

(b) With respect to churches, the 300 feet distance shall be measured from the nearest point of the building of place of business, location, or establishment to the nearest point of the church building or buildings.

(c) The 300 feet distance shall be measured in a straight line.

(d) The above restriction does not apply to a duly licensed grocery store which sells beer and wine in packages for off-site consumption nor does it apply to a restaurant which holds a special restaurant license issued by the Department of Business Regulations of the State Division of Alcoholic Beverages and Tobacco.

- (4) **Bottle clubs prohibited:** Bottle Clubs as defined in Appendix A are prohibited in all zone districts. [Amd. Ord. 42-03 11/18/03]

(VV) 24-Hour or Late Night Businesses: [Amd. Ord. 41-01 8/7/01]

- (1) **Purpose and intent:** The purpose and intent of the regulations of this section are: [Amd. Ord. 41-01 8/7/01]

(a) To promote the health, safety and general welfare of the citizenry; [Amd. Ord. 41-01 8/7/01]

- (b) To provide conditions upon the use of 24-Hour or late night businesses in order to minimize impacts upon residentially-zoned properties from such uses. [Amd. Ord. 41-01 8/7/01]
- (2) **Requirements:** Unless otherwise specified, the following regulations shall apply to 24-Hour or late night businesses: [Amd. Ord. 41-01 8/7/01]
 - (a) **Conditional use:** Any 24-Hour or late night business located or proposed to be located within a 300-foot straight line route from any residentially-zoned property shall obtain a conditional use permit from the City for the operation of such use. The distance shall be measured from the nearest point of the property on which the 24-Hour or late night business is or will be located to the nearest point of a residentially-zoned property. [Amd. Ord. 41-01 8/7/01]
 - (b) **Conditions:** In addition to complying with Section 2.4.5(E) of the Land Development Regulations, all other applicable regulations, and with any conditions imposed through the conditional use process, the following conditions shall apply to all 24-Hour or late night businesses which meet the requirements of subsection (2)(a): [Amd. Ord. 41-01 8/7/01]
 - 1. **Security plan:** A 24-Hour or late night business shall submit a security plan detailing the manner in which the business intends to address the security of the establishment, its patrons, employees and nearby residents. A convenience business as defined in Section 812.171, Florida Statutes (2000), as may be amended from time to time, is exempted from filing a security plan with the City pursuant to this subsection. However, convenience businesses shall comply with all applicable provisions of Sections 812.101-812.175, Florida Statutes (2000), as may be amended from time to time. A security plan shall include, at a minimum, a detailed description of the following: [Amd. Ord. 41-01 8/7/01]
 - a. external lighting; and, [Amd. Ord. 41-01 8/7/01]
 - b. other external security measures, such as security cameras or other similar measures; and, [Amd. Ord. 41-01 8/7/01]
 - c. internal security measures, such as drop safes, silent alarms, security personnel or other similar measures. [Amd. Ord. 41-01 8/7/01]

2. **Buffering:** A 24-Hour or late night business shall provide adequate buffering to minimize the effects of noise and to act as a visual buffer to the property from nearby residential districts. [Amd. Ord. 41-01 8/7/01]
- (c) **Findings:** In addition to any findings required by Section 2.4.5(E) of the Land Development Regulations, and any other required findings, the following specific findings shall be made in order for any 24-Hour or late night business to be approved for a conditional use: [Amd. Ord. 41-01 8/7/01]
 1. That the use will be consistent with Housing Element Policy HOU 1.1.12 of the adopted Comprehensive Plan of the City of Delray Beach. [Amd. Ord. 41-01 8/7/01] (Ord. No. 23-20, § 16, 9-10-20)
 2. That the submitted security plan contains measures adequate to reasonably protect the safety of patrons, employees and nearby residents. [Amd. Ord. 41-01 8/7/01]
 3. That the amount and type of proposed buffering is adequate to minimize the effects of noise impacts upon surrounding uses and nearby residential properties and to act as a visual buffer to the property from surrounding uses and nearby residential properties. [Amd. Ord. 41-01 8/7/01]
- (3) **Applicability.** [Amd. Ord. 41-01 8/7/01]
 - (a) The provisions of this section shall not apply to 24-Hour or late night businesses which:
 1. are more than a 300-foot straight line route from any residentially zoned property as determined by the provisions of subsection (2)(a); or, [Amd. Ord. 41-01 8/7/01]
 2. are in operation at the time of the adoption of this ordinance; or, [Amd. Ord. 41-01 8/7/01]
 3. are under construction pursuant to a validly issued building permit at the time of the adoption of this ordinance. [Amd. Ord. 41-01 8/7/01]
 - (b) Any 24-Hour or late night business which is in existence at the time of the adoption of this ordinance, which meets the requirements of subsection (2)(a), and which changes its use from one type of

24-Hour or late night business to another type of 24-Hour or late night business (e.g., restaurant to nightclub), shall be required to obtain a conditional use approval pursuant to the provisions of this section. [Amd. Ord. 41-01 8/7/01]

(W) **Domestic animal services.** Facilities providing domestic animal services shall obtain a permit issued by Palm Beach County Animal Care and Control Division prior to the establishment of the use and must comply with the following: (Ord. No. 17-21, § 2, 10-19-21)

- (1) Hours of operation are limited to 7:00 a.m. to 8:00 p.m., except for veterinary clinics providing emergency services. (Ord. No. 17-21, § 2, 10-19-21)
- (2) Domestic animal service facilities shall be fully enclosed with solid core doors and walls sufficiently insulated to minimize noise and odor detection from outside the facility. If frequent, habitual, or long continued animal sounds are plainly audible from adjacent properties, the building is not considered sufficiently insulated. (Ord. No. 17-21, § 2, 10-19-21)
- (3) Outside activities and services are limited to drop-off and necessary outdoor walks of animals in direct control of a person by means of a leash or cord. Pursuant to Section 4.6.6, any other outside use requires approval through the conditional use process specifically determining the outside aspects of the use are appropriate. (Ord. No. 17-21, § 2, 10-19-21)
- (4) Pet services that are limited as an accessory use by the zoning district must be accessory to an approved domestic animal service. (Ord. No. 17-21, § 2, 10-19-21)
- (5) On-site disposal of carcasses is prohibited. (Ord. No. 17-21, § 2, 10-19-21)
- (6) *Parking Requirements.* The minimum number of parking spaces required shall be determined by the gross floor area. Facilities offering a mix of domestic animal services shall provide parking spaces based on the cumulative use designation of each area. (Ord. No. 17-21, § 2, 10-19-21)
 - (a) Pet services and veterinary clinics shall provide 4.5 spaces per 1,000 square feet. (Ord. No. 17-21, § 2, 10-19-21)
 - (b) Pet hotels and animal shelters shall provide one space per 300 square feet. (Ord. No. 17-21, § 2, 10-19-21)

- (c) Common areas within a facility offering a mix of domestic animal services shall calculate parking spaces based on the use requiring the least amount of parking spaces. (Ord. No. 17-21, § 2, 10-19-21)
- (7) *Overnight boarding.* Only veterinary clinics, pet hotels, and animal shelters may offer overnight boarding services subject to the following: (Ord. No. 17-21, § 2, 10-19-21)
- (a) An on-site attendant shall be present at all times during boarding services. (Ord. No. 17-21, § 2, 10-19-21)
 - (b) Pet hotels and animal shelters shall not be located within a mixed-use building with residential uses. (Ord. No. 17-21, § 2, 10-19-21)
 - (c) *Emergency Preparedness Plan.* Facilities approved for and offering overnight boarding services shall provide an Emergency Preparedness Plan to ensure continued humane care conditions are provided for the animals and their attendants, in case of an emergency, power outage, natural disaster, or other similar event. The plan shall include the following: (Ord. No. 17-21, § 2, 10-19-21)
 - 1. Description of how the animals in the facility will be accommodated if the main power source is out for more than 12 hours. (Ord. No. 17-21, § 2, 10-19-21)
 - 2. An auxiliary power generator, either portable or permanent, is required, and shall be designed and equipped to power, at a minimum, the surgery and boarding rooms, for a period of not less than 24 hours. (Ord. No. 17-21, § 2, 10-19-21)
 - a. Generators shall not be dependent on a municipal water supply for cooling purposes. (Ord. No. 17-21, § 2, 10-19-21)
 - b. Both portable and permanent generators shall be tested on a quarterly basis and a test log shall be maintained for inspection by the City of Delray Beach, upon request. (Ord. No. 17-21, § 2, 10-19-21)
 - 3. A minimum of one attendant on-site must be able to operate the generators. (Ord. No. 17-21, § 2, 10-19-21)
 - 4. Veterinary clinics, pet hotels and animal shelters that provide overnight boarding services and were legally established prior to the adoption of Ordinance No. 17-21 shall provide the facility's emergency preparedness plan within two years of the effective date. (Ord. No. 17-21, § 2, 10-19-21)

5. Businesses that do not provide an on-site or portable auxiliary generator may request relief through the waiver process pursuant to Section 2.4.7(B). (Ord. No. 17-21, § 2, 10-19-21)
- (8) *Outside use areas.* Domestic animal service facilities may be approved for outside use areas pursuant to Section 4.6.6, subject to the following: (Ord. No. 17-21, § 2, 10-19-21)
- (a) Outdoor cages, crates, kennels, or other enclosures intended for animal habitation, and not for exercise or training purposes, are prohibited. (Ord. No. 17-21, § 2, 10-19-21)
 - (b) A solid finished masonry wall or privacy fence six feet in height shall be provided on all sides of outside use areas designated for domestic animal services. (Ord. No. 17-21, § 2, 10-19-21)
 - (c) Pervious outside use areas intended for domestic animal services may be counted towards open space requirements. (Ord. No. 17-21, § 2, 10-19-21)
 - (d) Outside activities are limited to 7:00 a.m. to 8:00 p.m., except for necessary outdoor walks of one animal at a time in direct control of a person by means of a leash or similar device. (Ord. No. 17-21, § 2, 10-19-21)
 - (e) Separation requirements: (Ord. No. 17-21, § 2, 10-19-21)
 1. Properties with outside use areas intended for domestic animal services shall not be located within 300 feet of residentially zoned properties or other properties with outside use areas intended for domestic animal services as measured from lot line to lot line in a straight line. (Ord. No. 17-21, § 2, 10-19-21)
 2. Outside use areas are subject to required minimum building setbacks, which may be increased as part of the conditional use approval. (Ord. No. 17-21, § 2, 10-19-21)
- (X) ***Residential-type inns:*** Residential-type inns shall be subject to the following provisions, limitations, and restrictions: [Amd. Ord. 9-98 2/17/98]
- (1) The use must be located with frontage on, or access from, at least one arterial or collector street as delineated on the City's Transportation Element;
 - (2) The use must be located in proximity to office, industrial, or commercial uses; [Amd. Ord. 9-98 2/17/98]

- (3) The minimum floor area per suite shall be 450 square feet;
 - (4) Accessory uses may include recreational facilities (i.e. swimming pool, whirlpool, jacuzzi, steam room, tennis courts), meeting rooms, complimentary room service, and other non-residential uses as permitted within the respective zoning district. [Amd. Ord. 9-98 2/17/98]
 - (5) Parking shall be provided pursuant to Section 4.6.9(C)(7)(e). [Amd. Ord. 9-98 2/17/98]
- (Y) **Bed and breakfast inns.** In addition to the requirements of the underlying zone district, Section 4.5.1, Historic Preservation Districts and Sites, other applicable general regulations, parking regulations, and special conditions imposed through the conditional use process, the following requirements shall apply to Bed and Breakfast Inns: [Entire Section Revised Ord. 11-10 7/20/10]
- (1) **Location.** Bed and Breakfast Inns shall only be established as follows:
 - (a) Within designated historic buildings, which are located on Individually Designated sites as listed in Section 4.5.1(K) or on those properties classified as "Contributing" within a designated historic district, as listed in Section 4.5.1(L); and which are a permitted or conditional use within the zoning district.

- (b) Not within 300 feet of another Bed and Breakfast Inn, measured lot line to lot line in a straight line, when located within the Medium-Density, Multi-Family (RM) district.
- (2) **Parking.** Parking for Bed and Breakfast Inns shall be provided as follows:
- (a) Parking shall comply with the requirements in Section 4.6.9.
 - (b) One parking space shall be provided for the manager/owner and one parking space shall be provided for each guest room.
 - (c) All required parking shall be provided in a manner which will not detract from the character of either the neighborhood or the historic property. No designated parking spaces may be located within the front or side-street setback areas
 - (d) Circular driveways, and/or tandem parking spaces with a maximum two car depth are permitted
 - (e) No parking may be provided via mechanical lift.
- (3) **Common area.** Within each Bed and Breakfast Inn, a common area must be provided for a central dining area and for, at least, one reading/discussion/living room.
- (4) **Guest rooms.**
- (a) There shall be no cooking facilities or food storage facilities in any guest room. Guest rooms do not have to contain bathroom facilities.
 - (b) The number of bedrooms provided for guest use shall be as existed when the structure was originally constructed with subsequent additions, unless modifications are necessary to comply with Building, Fire, and/or Health codes. An existing guest cottage, subject to the requirements of Section 4.3.3(Q) may be used as the primary residence of the Property Owner. Historically designated guest cottages may also be used for paying guests.
- (5) **Meals.** Breakfast shall be the only meal provided for paying guests who are using the facility overnight. The breakfast meal shall not be served after 11:00 a.m.
- (6) **Maximum stay.** The maximum stay for each guest shall be not more than 14 days during any 30-day period. A guest book which accurately identifies all customers for each night's lodging shall be maintained by the owner and/or manager.

- (7) **Employees and personnel.** No more than one nonresident may be employed in the management and administration of the facilities on-site. This restriction excludes maintenance and cleaning personnel.
- (8) **Property owner.** The owner of the Bed and Breakfast Inn property must reside on the property.
- (9) **Events.** Events and/or private parties shall be limited to the property owner and guests staying at the Bed and Breakfast Inn.
- (Z) **Resource recovery or waste management facilities.**
 - (1) **Rule.** Pursuant to the Palm Beach County Solid Waste Act (Chapter 75-473, Laws of Florida, as amended) requires that "No person shall operate, maintain, construct, expand, or modify any resource recovery and/or waste management facility without first having applied for and received a valid operating permit from the Solid Waste Authority". Examples of facilities which require such permitting include: landfills, transfer stations, mulching/composting sites, recycling facilities, biohazardous waste treatment facilities, and any facility that stores, processes, treats, incinerates or disposes of solid waste.
 - (2) **Notification required.** Accordingly, as a part of any application, at any step of the land use and/or development approval process, which involves the aforementioned facilities, it shall be required that a letter from the Solid Waste Authority which states its knowledge of the proposed facility shall accompany said application.
 - (3) **Locations.** Such facilities shall be allowed only upon land which is zoned Community Facilities (CF) with an underlying Future Land Use Map designation of Community Facilities. Such facilities shall not be located within Wellfield Protection Zones 1, 2, or 3. [Amd. Ord. 31-97 9/9/97]
- (ZB) **Tattooing and tattoo establishments.** (Ord. No. 33-16, § 1, 11-15-16)

Purpose: It is the intent of this section to permit Tattooing and Tattoo Establishments, which are expressive activities protected by the U.S. Constitution, pursuant to reasonable time, place, and manner restrictions which are narrowly tailored to protect: the unique character and aesthetic of the City of Delray Beach's award-winning, family-friendly, historic downtown and neighborhoods and renowned beach resort community; property interests and rights; the public health, safety, and welfare; and the administration of local laws.(Ord. No. 33-16, § 1, 11-15-16)

- (1) Tattoo means a mark or design made on or under the skin of a human being by a process of piercing and ingrainig a pigment, dye, or ink in the skin.(Ord. No. 33-16, § 1, 11-15-16)

- (2) Tattooing Establishment is any establishment or business engaged in tattooing excluding micropigmentation or permanent cosmetic makeup which is considered a personal service typically provided at a medical office, beauty salon or day spas.(Ord. No. 33-16, § 1, 11-15-16)
- (3) Hours of operation. Tattoo establishments are limited to operating between 8:00 a.m. to 10:00 p.m.(Ord. No. 33-16, § 1, 11-15-16)
- (4) Visibility of tattooing. Tattooing shall not be visible from a public right-of-way public land, public open space or any private property open to the public, including common areas.(Ord. No. 33-16, § 1, 11-15-16)
- (5) Accessory use regulations.(Ord. No. 33-16, § 1, 11-15-16)
 - (a) Tattooing shall be permitted as an accessory use within Medical, Professional, and Business Offices pursuant to all other provisions of the LDRs, except where expressly prohibited.(Ord. No. 33-16, § 1, 11-15-16)
 - (b) Where a tattoo establishment would otherwise be a permitted principal use but for the prohibition set forth by Section 4.3.3(ZB)(4), tattooing shall be permitted as an accessory use pursuant to all other provisions of the LDRs. For example, tattooing, even as an accessory use shall not occupy "Required Retail Frontage" within any of the CBD Sub-districts.(Ord. No. 33-16, § 1, 11-15-16)
 - (c) When permitted as an accessory use, tattooing shall be limited as follows:(Ord. No. 33-16, § 1, 11-15-16)
 - (i) Twenty percent or less of GFA of the overall tenant space of the principal use.(Ord. No. 33-16, § 1, 11-15-16)
 - (ii) No exterior signage specifically for tattooing or related activities.(Ord. No. 33-16, § 1, 11-15-16)
- (6) Prohibition by frequency. Whether allowed as a principal use, tattoo establishments and/or tattooing shall be located no more than one per block or within 750 feet of another such use, as measured from lot line to lot line in a straight line.(Ord. No. 33-16, § 1, 11-15-16)

- (7) Prohibition by proximity. Tattoo establishments shall not be located within 300 feet of an established school or places of worship. (Ord. No. 33-16, § 1, 11-15-16)
 - (a) With respect to schools, the 300 feet distance shall be measured from the nearest point of the building of the place of business, location, or establishment to the nearest point of the school grounds in use as a part of the school facilities. (Ord. No. 33-16, § 1, 11-15-16)
 - (b) With respect to churches, the 300 feet distance shall be measured from the nearest point of the building of place of business, location, or establishment to the nearest point of the church building or buildings. (Ord. No. 33-16, § 1, 11-15-16)
 - (c) The 300 feet distance shall be measured in a straight line. (Ord. No. 33-16, § 1, 11-15-16)

(ZZ) **Permanently installed generators:** The following standards shall apply to all permanently installed generators: [Section Added by Ord. 28-06 5/16/06]

- (1) Generators are prohibited in the front yard and side street setbacks.
- (2) Generators and accessory above ground facilities, such as fuel tanks, are to be screened from view from adjacent properties or rights-of-way by a wall or hedge equal to the height of the generator at the time of installation.
- (3) Generators may be operated for exercising purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. to 6:00 p.m.
- (4) A maximum of one generator is allowed per single family, duplex, or townhouse residential dwelling unit except for multiple family, which is allowed one generator per multiple family structure. Non-residential uses are allowed one generator per tenant.
- (5) Generators are setback a minimum of three feet from the side interior property line in the R-1-A, R-1-AB and R-1-AAB Single Family Residential zoning districts, conventionally sited homes in the Planned Residential District, Mobile Home District, and Old School Square Historic Arts District and five feet from the side interior property line (development perimeter for townhouses) in all other zoning districts.

- (6) Generators are setback a minimum of five feet from the rear property line in all zoning districts.

(ZZZ) **Transient residential use:** The entire dwelling unit or any part thereof, located in a Single Family or Planned Residential Development Zoning District, and is operated or used in such a way that any part of the dwelling unit turns over occupancy more than six times in any one year, shall be presumed to be a Transient Residential Use and therefore prohibited. [Amd. Ord. 40-12 11/6/12]; [Amd. Ord. 03-12 2/21/12]; [Section Added by Ord. 29-09 7/7/09]; (Ord. No. 21-26, § 3, 4-22-26)

[Deleted (1) and renumbered Ord. 03-12 2/21/12]

(1) **Exceptions/exemptions.**

- (a) Existing transient residential uses in single-family and planned residential development zoning districts may continue until 12 months after the effective date of Ordinance No. 03-12. [Amd. Ord. 40-12 11/6/12]; [Amd. Ord. 03-12 2/21/12] (Ord. No. 21-26, § 3, 4-22-26)
 - (b) The leasing, renting, licensing, subleasing or otherwise allowing in any manner or form the use of a single-family dwelling unit for a Community Residence is exempt. (Ord. No. 25-17, § 7, 7-18-17)
 - (c) The real property owners of the dwelling unit and their family are exempt regardless of how much time the owners and family spend at the dwelling unit on a yearly basis. [Amd. Ord. 03-12 2/21/12]
- (2) **Waiver for undue economic hardship:** In all instances where there is a claim of undue economic hardship, the property owner may be granted a waiver from Section 4.3.3(ZZZ) after submission of a waiver request to the Development Services Department. [Amd. Ord. 40-12 11/6/12] (Ord. No. 21-26, § 3, 4-22-26)
- (a) All waivers requests shall include the following documentation:
[Amd. Ord. 40-12 11/6/12]
 - 1. The amount paid for the property, the date of purchase, and the party from whom it was purchased; (Ord. No. 21-26, § 3, 4-22-26)
 - 2. The assessed value of the land and improvements thereon, according to the two most recent assessments;
 - 3. Real estate taxes for the previous two years;

4. Annual debt service or mortgage payments, if any, for the previous two years;
 5. All appraisals, if any, obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 6. Any listing of the property for sale or rent, price asked, and offers received, if any;
 7. The annual gross income from the property for the previous two years, if any;
 8. The annual cash flow, if any, for the previous two years;
 9. An applicant may submit and the Director or his/her designee may require that an applicant furnish additional information relevant to the determination of any alleged undue economic hardship; and [Amd. Ord. 03-12 2/21/12] (Ord. No. 21-26, § 3, 4-22-26)
 10. In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file a statement of the information that cannot be obtained and the reasons why such information cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates which will be as accurate as are feasible. (Ord. No. 21-26, § 3, 4-22-26)
- (b) **Notice of decision.** The Director, or his/her designee, shall have the authority to consider and act on waivers for undue economic hardship under this section. [Amd. Ord. 40-12 11/6/12] (Ord. No. 21-26, § 3, 4-22-26)
1. When a waiver has been requested, the Director, or his/her designee, shall issue a written determination within 45 days of the date of receipt of all required documentation and may: (Ord. No. 21-26, § 3, 4-22-26)
 - a. Grant the waiver request; (Ord. No. 21-26, § 3, 4-22-26)
 - b. Grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or (Ord. No. 21-26, § 3, 4-22-26)

- c. Deny the request. Any such denial shall be in writing and shall state the grounds therefore. (Ord. No. 21-26, § 3, 4-22-26)
 2. If reasonably necessary to reach a determination on the request for reasonable accommodation, the Director, or his/her designee, may, prior to the end of said 45-day period, request additional information from the requesting party, specifying in sufficient detail what information is required. (Ord. No. 21-26, § 3, 4-22-26)
 3. The requesting party shall have 15 days after the date of the request for additional information to provide the requested information. (Ord. No. 21-26, § 3, 4-22-26)
 4. In the event a request for additional information is made, the 45-day period to issue a written determination shall no longer be applicable, and the Director, or his/her designee, shall issue a written determination within 30 days after receipt of the additional information. (Ord. No. 21-26, § 3, 4-22-26)
 5. If the requesting party fails to provide the requested additional information within 15 days, the Director, or his/her designee, shall issue a written notice advising that the requesting party failed to submit the additional information thereby deeming the request abandoned and/or withdrawn and that no further action by the City would take place. (Ord. No. 21-26, § 3, 4-22-26)
 6. All denied requests, denied portions of requests, or impose conditions on a request may be appealed pursuant to Article 2.5, Appeals. (Ord. No. 21-26, § 3, 4-22-26)
- (c) **Appeal.** Appeals are processed in accordance with Article 2.5, Appeals, and shall be heard by the City Commission at a public hearing. Notice of the public hearing shall be provided in accordance with Section 2.4.6(A) and (B). [Amd. Ord. 40-12 11/6/12] (Ord. No. 21-26, § 3, 4-22-26)
- (3) **Reasonable accommodation.** Reasonable Accommodations from this section may be obtained pursuant to LDR Section 2.4.11(E). (Ord. No. 21-26, § 3, 4-22-26)
- (4) **Penalties for violations.** The City adopts all enforcement methods, which include, but are not limited to, the issuance of a citation, sum-

mons, notice to appear in county court, arrest for violation of municipal ordinances, civil citations, injunction or any other enforcement method authorized by law including penalties as set forth in Section 10.99 of the City's Code of Ordinances. Any property owner that leases, rents, licenses, subleases, or otherwise allows in any manner or form the use of an entire dwelling unit within a single-family zoning district for a period of less than 12 months with a turnover in occupancy of any part of the dwelling unit more often than six times in any one year shall be in violation of this section. [Amd. Ord. 40-12 11/6/12]; [Amd. Ord. 03-12 2/21/12] (Ord. No. 21-26, § 3, 4-22-26)

(ZZZZ) **Segway tours and segway sales.** Segway Tours and Segway Sales shall mean a business that is approved as a conditional use under Section 4.4.13 (D) which conducts tours on Segways and/or sells Segways. [Section Added by Ord. 04-11 4/5/11]

- (1) "Segway" is used as a generic term and does not refer to a particular manufacturer's product. Segway is defined for these purposes as an electric personal assistive mobility device (EPAMD) as set forth in Appendix "A".
- (2) Special conditions and limitations. The following Special Conditions and Limitations are imposed on Segway tours and sales:
 - (a) The applicant for Conditional Use will designate routes for the tours and shall be limited to only routes that are approved.

- (b) No more than nine tours shall be conducted each day.
- (c) All servicing of Segways shall be indoors and not utilize more than 20 percent of the floor area of the premises.
- (d) No Segway sales or tour businesses shall be located within 300 feet of any other Segway sales or tour business, as measured from property line to property line in a straight line.
- (e) Tour guides shall not amplify voice or music while operating tours.
- (f) Pre-tour instructions shall not be conducted on public streets, sidewalks, or between the building and the adjacent street.
- (g) Segway tours shall operate in compliance with the requirements of Chapter 132 of the City of Delray Beach Code of Ordinances.

Sec. 4.3.4. Base district development standards.

(A) **General.** The following standards are provided in order to fulfill those purpose statements found in Section 4.1.1 which pertain to determination and regulation of area, size, bulk, height, and other physical aspects of development. Standards for the following items are applicable to all zoning districts in the manner set forth in Subsection (K). The basis for measurement or calculation of those standards are set forth below as are provisions for exceptions.

(B) **Lot area.** The area contained within the perimeter of the lot upon which the use is to be located.

- (1) Said area shall be calculated prior to dedication of additional land for right-of-way purposes or for dedication as a lake management tract. The lot area described in the matrix is the minimum lot area which is required for the establishment of use.
- (2) Notwithstanding the above, the lot area for a duplex which is to be held in separate ownership may be reduced to a minimum of 4,000 square feet per lot when a two hour or more fire rated tenant separation wall becomes the basis for the separation of lots. [Amd. Ord. 23-97 5/20/97]
- (3) Minimum lot areas do not need to be provided for individual ownerships within condominium and townhome developments; or for lots which are platted as tracts for specific purposes other than residential or commercial development.

(C) **Width.** The mean horizontal distance between the side lines of a lot measured at right angles to the depth. Other than at this point, the width of a lot may be less than the minimum set forth in the matrix.

(D) **Depth.** The distance measured from the midpoint of the front lot line to the midpoint of the opposite rear line of the lot. Other than at this point, the depth of a lot may be less than the minimum set forth in the matrix.

(E) **Front and frontage.** [Amd. Ord. 43-98 11/3/98]

- (1) Each lot is required to have frontage.
- (2) On curving streets and cul-de-sacs the frontage may be reduced by 40 percent provided the centerline radius of the street is 100 feet or less. [Amd. Ord. 43-98 11/3/98]
- (3) The front of a lot is the side with frontage on a street. For corner lots, the side having the least street frontage shall be the front for setback purposes. Where a corner lot or through lot has frontage on an arterial or collector street, the front shall be the side with frontage on the arterial or collector. For lots with frontage on both an arterial and a collector, the front shall be the arterial frontage. [Amd. Ord. 43-98 11/3/98]
- (4) Notwithstanding the previous description, if a limited access easement or limited access right-of-way runs the length of the frontage on a street, then the front of the lot shall be on a frontage without such access restrictions. [Amd. Ord. 43-98 11/3/98]

(F) **Floor area.**

- (1) In single family detached units and duplex structures, the floor area shall be all enclosed space in the principal structure exclusive of terraces and unroofed areas and 50 percent of the area for attached garages, carports, and screened porches.
- (2) In multiple family structures, the floor area shall be the net living area for each unit within the structure exclusive of balconies, decks, porches, and common areas such as corridors, lobbies, etc.

(G) **Lot coverage.** Formerly "ground floor building area", lot coverage is the maximum amount of the lot which may be devoted to coverage by a structure or structures.

(H) **Setbacks.**

- (1) **General.** Setbacks are measured at right angles to the lot line and represent the minimal distance within which a structure may come to said lot line. Setbacks are established for front, interior side, street side, and rear lot lines. Lot lines along rights-of-way are established, for setback purposes, as being for the ultimate right-of-way as required for the minimum section for the class of street or as otherwise required by the Traffic Network as contained in the Transportation Element of the Comprehensive Plan.
- (2) **Large lot development.** Where structures are established within a development which does not have interior lot lines (apartment complex), building setbacks shall be measured from the right-of-way or easement or other description provided for the interior street system and distance between building requirements as set forth in Section 4.6.2. However, in any event the setback requirements for the district shall be observed around the perimeter of the overall development.
- (3) **Zero lot line development.**
 - (a) A zero lot line development allows the placement of a structure coterminous to a side property line provided the distance between the structure and the structure on the adjacent lot is a minimum of 15 feet. A zero lot line cannot occur adjacent to property which is not a part of a zero lot line development.
 - (b) All accessory buildings, structures, or uses attached or unattached to the principal structure shall comply with the applicable setbacks for the zoning district in which the development is located except that attached garages may be placed contiguous to the side property line on which the principal structure is located.
 - (c) Roof eaves may project over the zero lot line up to a maximum of 18 inches if adequate gutters are provided to prevent runoff onto the contiguous property and if an appropriate easement is recorded for roof encroachment. Eaves or other overhangs may not project over utility easements.

- (4) **Building elements or site improvements allowed in setbacks.*** The building elements and site improvements identified in Table 4.3.4(A) are allowed in building setbacks, subject to the limitations herein. These limitations apply to both structural and decorative features. When in conflict with the Central Business District (CBD) standards in Section 4.4.13, the CBD standards shall govern. (Ord. No. 13-24, § 3, 7-9-24)

Table 4.3.4(A) Building Elements or Site Improvements Allowed in Building Setbacks					
Building Elements					
Building Element	Maximum Encroachment into the Setback (Feet)				Limitations
	Front	Side Street	Side Interior	Rear	
Attached arbors and trellises	3	3	3	3	-
Awnings and covered entries	3	3	3	3	Supporting brackets are allowed; columns are not allowed in the required setback.
Balconies	3	3	-	-	Elements such as, but not limited to, columns, privacy walls, louvres, screens, and railings taller than 42 inches are not allowed in the required setback.
Bay windows	3	3	-	-	Limited to 25% of width of the associated interior space/room.
Decorative architectural features	0.5	0.5	0.5	0.5	Lintels, trim, cornices, stucco banding, molding, or similar detailing
Roof eaves	3	3	3	3	-
Underground parking	0	0	0	0	Any portion of the structure located above grade is subject to setback requirements

***Editor's note**—Ord. No. 13-24, § 3, adopted July 9, 2024 amended subsection 4.3.4(H)(4) in its entirety to read as set out herein and as may later be amended.

Table 4.3.4(A) Building Elements or Site Improvements Allowed in Building Setbacks					
Site Improvements					
Site improvements, less than 3 feet in height	Minimum Setback from Property Line (Feet)				Limitations
	Front	Side Street	Side Interior	Rear	
Air conditioning units, transformers	7	5	2	5	Adjacent to structure, subject to manufacturer specifications. Requires screening if located within the front or side street yards.
Barbecue pits or outdoor kitchens	-	-	5	5	Uncovered, not to exceed 6 by 6 feet
Boat slips	-	-	10	0	No more than 20 percent of the total lot area
Permanently installed generators	See Section 4.3.3(ZZ)				Subject to Section 4.3.3(ZZ)
Uncovered patio, walkways	5	5	5	5	-
Steps or platforms leading to buildings	0	0	3	6	Not to exceed 3 feet in height
Open-air ramps leading to buildings	0	0	4	4	For the purpose of ADA accessibility.
Splash pools, fish or lily ponds	0	0	0	0	Maximum of 24 inches in depth
Planter walls	0	0	0	0	-
Pool pump houses	-	5	5	5	Pool pump houses are only allowed a reduced setback when associated with a variance request.
Permanently installed sculptures and other similar objects of art	3	3	3	3	-
Swimming pools, residential zoning districts	See Section 4.6.15				Subject to Section 4.6.15

Table 4.3.4(A) Building Elements or Site Improvements Allowed in Building Setbacks					
Site improvements greater than 3 feet in height	Minimum Setback from Property Line (Feet)				Limitations
	Front	Side Street	Side Interior	Rear	
Standalone, open-air pergolas	-	-	5	5	Maximum of 10 feet by 10 feet, no greater than 10 feet in height at the highest point.
Fences, walls	0	0	0	0	Subject to Section 4.6.5, including maximum height limitations
Recreational equipment	5	5	5	5	-
"-" indicates building element or site improvement is not allowed within the setback.					

(Ord. No. 13-24, § 3, 7-9-24; Ord. No. 10-25, § 3, 5-20-25)

- (5) **Reduction in setbacks for screen enclosures and screen porches.** Setbacks may be reduced for screen enclosures in residential zoning districts under the following conditions: [Amd. Ord. 12-91 3/13/91] (Ord. No. 13-24, § 3, 7-9-24; Ord. No. 10-25, § 3, 5-20-25)

(a) **Screen Porches.** (Ord. No. 10-25, § 3, 5-20-25)

1. The minimum rear setback for attached screen porches with a solid roof on residential dwelling units shall be ten feet whenever at least 50 feet of common open area, as defined in subsection (c) below, separates that rear property line from the abutting common open area. (Ord. No. 13-24, § 3, 7-9-24; Ord. No. 10-25, § 3, 5-20-25)
2. In zero-lot line developments, screen porches with a solid roof may be located on the side of the lot with zero setbacks, provided a solid masonry fire-rated wall is constructed on the property line. (Ord. No. 10-25, § 3, 5-20-25)

(b) **Screen Enclosures.** (Ord. No. 10-25, § 3, 5-20-25)

1. Swimming pool screen enclosures may have a zero rear yard setback whenever at least 50 feet of common open area as defined in Subsection (c) below separates the rear property line from the property line directly across and abutting the common open area. (Ord. No. 13-24, § 3, 7-9-24; Ord. No. 10-25, § 3, 5-20-25)
2. In zero-lot line developments, screened pool enclosure may extend into the interior side setback areas up to five feet from the property line. (Ord. No. 10-25, § 3, 5-20-25)

- (c) For the purpose of Subsection (5), common open area shall mean any exterior open area clear from the ground upward, such as canals, lakes, golf courses, parks, sidewalks, streets, parking areas, and bicycle paths. If a common open area, such as a golf course, includes buildings or structures utilized in connection therewith, the reduced setback shall still apply if there is a minimum of 50 feet between such buildings and structures, and the property line on which the subject screen porch is to be located. The common open area must either consist of common open space that is owned or leased by the owners of residential units within the subdivision, or be dedicated to the public, or restricted to such open space use by covenants, declarations, easements, or deed restrictions that guarantee the continuity of the common open area. (Ord. No. 13-24, § 3, 7-9-24)
- (d) In the case of a conflict between this subsection and the regulations in an individual residential zoning district, this subsection shall take precedent. (Ord. No. 13-24, § 3, 7-9-24; Ord. No. 10-25, § 3, 5-20-25)
- (6) **Special setbacks.** Three types of special setbacks are established in order to provide for preservation of area for expansion of roadways and/or streetscape beautification. These are: special building setbacks, special landscape setbacks, and a combination thereof.
- (a) **Special building setbacks.** Within the following special building setbacks, no structures shall be altered, erected, or reconstructed:
- * Along Ocean Boulevard (State Road A1A), a twenty-foot setback shall be provided from the "Brockway Line," as shown in Plat Book 20, Page 4, Public Records of Palm Beach County, Florida. The "Brockway Line" shall be the "building line" for Lots 1 thru 7 inclusive, Block 1, Ocean Park, as shown in Plat Book 5, Page 15, Public Records of Palm Beach County, Florida.
 - * Reserved. [DELETED BY AMD. ORD. 70-95 12/5/95]
 - * Within the residential district along the west side of S.W. 8th Avenue, between West Atlantic Avenue and S.W. 1st Street, a 50-foot setback shall be provided from the east property line.
 - * Along Lake Ida Road extending from Swinton Avenue westward to Military Trail, a 64-foot setback shall be provided on both sides of the centerline. [Amd. Ord. 64-06 11/21/06]
 - * Along George Bush Boulevard, between Swinton Avenue and A-1-A, a 50-foot setback shall be provided on both sides of the centerline.

- (b) ***Special landscape setbacks.*** Within the following special landscape setbacks, no structures shall be altered, erected, or reconstructed; nor shall any paving be allowed except for driveways and sidewalks which lead to structures on, or provide access to, the site and then only when generally perpendicular to the frontage. However, waivers may be granted to these restrictions at the time of site plan review in order to accommodate landscape features, decorative walls, meandering sidewalks, and other decorative pedestrian ways.
1. Along Federal Highway (U.S. Highway 1), including the one way pairs (5th and 6th Avenues), extending from the south City limits to S.E. 10th Street, special landscape areas shall be provided as shown below on both sides of the ultimate right-of-way: [Amd. Ord. 17-99 6/15/99]

LOT DEPTH	SINGLE FRONTAGE	DOUBLE FRONTAGE*
Up to 200'	10'	10'
201 to 250'	15'	10'
251 to 300'	20'	15'
Over 300'	25'	20'

* Includes frontage on both Federal Highway and Dixie Highway
[Amd. Ord. 17-99 6/15/99]

2. Along Federal Highway (U.S. Highway 1), including the one-way pairs (5th and 6th Avenues), extending from S.E. 10th Street to the north City limits, but excluding the blocks between S.E. 1st Street and N.E. 1st Street, a ten- foot special landscape area shall be provided on both side of the ultimate right-of-way. [Amd. Ord. 17-99 6/15/99]

The special landscape area shall not be required between the front building edge and the ultimate right-of-way where storefronts face the roadway and no parking or vehicular circulation areas are provided between the building and the right-of-way. However, the body acting upon the development application may require that foundation plantings, street trees or other landscape features be installed in front of the building to add interest and provide relief from the building mass. [Amd. Ord. 17-99 6/15/99]

3. Along West Atlantic Avenue, From I-95 to the Western City Limits, a special landscape area shall be provided on both sides of the ultimate right-of-way. [Amd. Ord. 17-99 6/15/99]

This landscape area shall be the smaller distance of either 30 feet or ten percent of the average depth of the property; however, in no case shall the landscape area be less than ten feet.

4. Along Linton Boulevard, from A-1-A to the western City limits, a special landscape area shall be provided. This landscape area shall be the smaller distance of either 30 feet or ten percent of the average depth of the property; however, in no case shall the landscape area be less than ten feet: [Amd. Ord. 17-99 6/15/99]
5. Along Congress Avenue, from the L-38 Canal northward to the L-30 Canal, a special landscape area shall be provided. This landscape area shall be the smaller distance of either 30 feet or ten percent of the average depth of the property; however, in no case shall the landscape area be less than ten feet. [Amd. Ord. 17-99 6/15/99]

6. Along Military Trail, from the L-38 Canal northward to the L-30 Canal, a special landscape area shall be provided. This landscape area shall be the smaller distance of either 30 feet or ten percent of the average depth of the property; however, in no case shall the landscape area be less than ten feet. [Amd. Ord. 17-99 6/15/99]

- (c) **Combination building and landscape setbacks.** Within the following special setbacks, no structures shall be altered, erected, or reconstructed. Further, within the first ten feet thereof there shall be no paving except for driveways and sidewalks which lead to structures on, or provide access to, the site and then only when generally perpendicular to the frontage.

* Along South 10th Street and Lowson Boulevard, extending from S.E. 5th Avenue to Military Trail, a 30-foot special combination setback shall be provided. [Amd. Ord. 39-09 9/22/09]

- (7) **Reduction along cul-de-sacs:** When at least 50 percent of the frontage of a lot is located on a cul-de-sacs, the front building setback may be reduced by five feet. [Amd. Ord. 12-91 3/13/91]

(I) **Density.**

- (1) **Defined.** Density is the calculation of the number of residential dwelling units allowed per gross acre of the land to be developed. The approved density for any project may be less than that defined as the maximum in that a project is reviewed in its totality and, in addition to meeting density requirements, it must comply with all other provisions of these regulations.

- (2) **Calculation of unit count.** The allowable unit count is determined by the maximum number shown for the base zoning district as reflected in the Matrix [Section 4.3.4(K)]. This number is multiplied times the lot area expressed in acres and rounded to one-hundredth of an acre. When a fraction exists, it shall be rounded down.

(3) **Duplexes.**

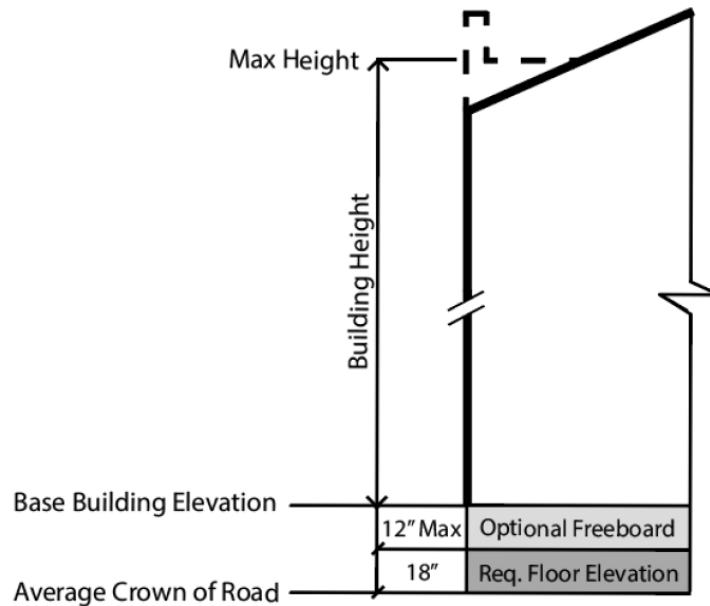
- (a) A duplex on a single lot is allowed, regardless of the provisions of Subsection (2), provided that the minimum lot size for the zone district is met and provided that the use, a duplex, is allowed.
- (b) On a platted lot, where duplexes are permitted, and where the lot has at least 8,000 square feet, and where there is a two hour or more fire rated tenant separation wall separating the duplex units, each unit

together with approximately one-half the lot may be conveyed, providing that each portion of the lot contains no less than 4,000 square feet and the dividing line runs through the separation wall. [Amd. Ord. 23-97 5/20/97]

(J) **Height.**

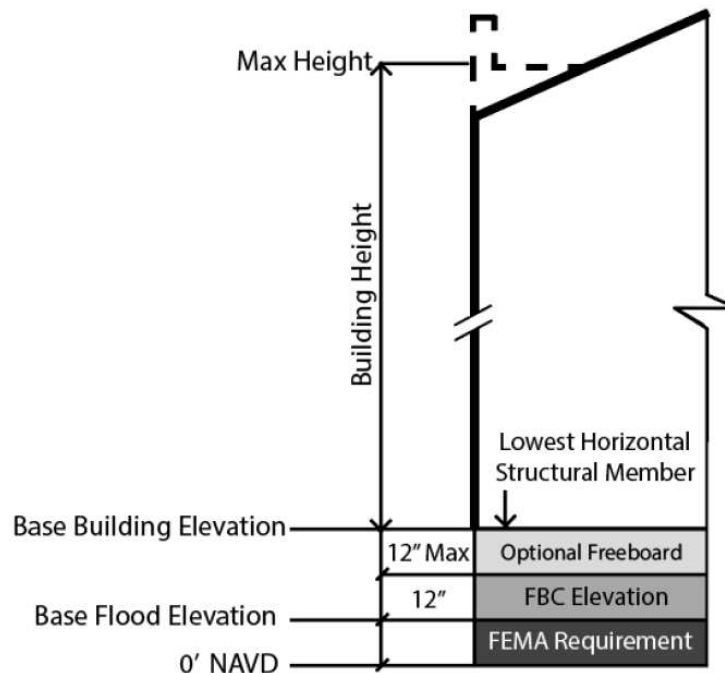
- (1) The height of all structures within the City of Delray Beach shall be measured as the vertical distance from the base building elevation to the highest finished roof surface of a flat roof or to the mean level between tie beams and ridge for gable, hip, or gambrel roofs, except as provided below. The maximum height is established in the Development Standards Matrix for all structures within the respective zone district, except: [Ord. No. 03-15 2/24/15] [Amd. Ord. 2-06 1/17/06] (Ord. No. 02-19, § 2, 4-16-19)
 - (a) as provided for in Subsection 4.3.4(J)(3) and (4); and (Ord. No. 02-19, § 2, 4-16-19)
 - (b) the CBD zoning district as provided for in Subsection 4.4.13(D)(1)(a). [Ord. No. 03-15 2/24/15] [Amd. Ord. 2-06 1/17/06] (Ord. No. 02-19, § 2, 4-16-19)
 - (c) Base building elevation is not used in the calculation of Building Height Plane in Section 4.5.1. (Ord. No. 02-19, § 2, 4-16-19)
- (2) The base building elevation, specifically for the measurement of building height, is defined as the highest point for the following site conditions: (Ord. No. 02-19, § 2, 4-16-19)
 - (a) For sites not located within a FEMA designated special flood hazard area (SFHA), the base building elevation shall be a minimum of 18 inches (or less with approval by the City Engineer) and a maximum of 30 inches (which allows for 12 inches of freeboard) above the mean elevation of the crown of the street along the lot frontage or the average of the mean elevation of the crowns of the streets for lots with multiple lot frontages. (Ord. No. 02-19, § 2, 4-16-19)

**Base Building Elevation:
Not within a Special Flood Hazard Area (SFHA)**



- (b) For sites located within a FEMA designated SFHA, as amended, the base building elevation is established as the higher of the following: (Ord. No. 15-18, § 2, 6-19-18; Ord. No. 02-19, § 2, 4-16-19)
- (i) The minimum required base flood elevation, as required by FEMA and the Florida Building Code (FBC), as amended, and allowing up to 12 inches for freeboard; or, (Ord. No. 15-18, § 2, 6-19-18; Ord. No. 02-19, § 2, 4-16-19)

**Base Building Elevation:
Within a Special Flood Hazard Area (SFHA)**



- (ii) The average crest of the dune located within the property limits, measured from north to south on the subject site. Any portion of the structure between the minimum required base flood elevation and the point of the average crest of the dune shall not be included in the height measure of the buildings on the subject site. (Ord. No. 15-18, § 2, 6-19-18; Ord. No. 02-19, § 2, 4-16-19)

- (3) **Exceptions to the zoning district height.*** The height limitations for freestanding and architectural features, rooftop appurtenances, parapets, and certain building structures constructed or placed above the roof are established in Table 4.3.4(J)(3), Height Exceptions, or in the specific zoning district regulations. Table 4.3.4(J)(3) identifies the maximum height and roof area allowed for each type. For the purposes of regulating exceptions to the zoning district height, references to residential zoning districts include the

***Editor's note**—Ord. No. 02-21, § 3, adopted March 2, 2021, repealed subsection 4.3.4(J)(3) and enacted a new subsection 4.3.4(J)(3) as set out herein and later amended. Former subsection 4.3.4(J)(3) pertained to exceptions to district height limitations and derived from Ord. 2-06, adopted January 17, 2006.

R-1, RO and OSSHAD. References to non-residential zoning districts include all other zoning districts, excluding the CBD pursuant to Section 4.4.13. (Ord. No. 02-21, § 3, 3-2-21)

- (a) **Height exceptions allowed.** Exception types that are "Allowed" in Table 4.3.4(J)(3) may be approved administratively if not associated with a request that requires board action. Height exception types that are "Allowed" in Table 4.3.4(J)(3) and are associated with a request that requires board action, do not require additional findings by the approving body. (Ord. No. 02-21, § 3, 3-2-21)
- (b) **Height exceptions subject to action by the approving body.** Exception types that are "Subject to Action by the Approving Body" in Table 4.3.4(J)(3), require board action by the approving body and are subject to the following procedure: (Ord. No. 02-21, § 3, 3-2-21)
 - 1. Documentation supporting the requested height exception must be provided, such as, but not limited to, massing study, line of sight diagrams, architectural proportion analysis, or roof area calculations, and justification statement addressing the necessity of the request and the criteria for board action in Section 4.6.18(E). (Ord. No. 02-21, § 3, 3-2-21)
 - 2. The approving body shall make findings that the granting of the height exception meets the standards in Section 4.6.18(E), and Section 4.5.1 (E), as applicable. (Ord. No. 02-21, § 3, 3-2-21)
- (c) For detached single family and duplex residences not subject to review by the Historic Preservation Board, height exception requests "Subject to Action by the Approving Body" shall be reviewed by the Site Plan Review and Appearance Board. (Ord. No. 02-21, § 3, 3-2-21)
- (d) Requests that exceed the maximum allowable height or maximum allowable roof area in Table 4.3.4(J)(3) require approval by the City Commission through the waiver process in Section 2.4.7(B) with the additional findings of Sections 4.6.18(E) and 4.5.1 (E), as applicable. (Ord. No. 02-21, § 3, 3-2-21)

TABLE 4.3.4(J)(3) HEIGHT EXCEPTIONS ALLOWED		
Exception Type ¹	Maximum Height	Maximum Roof Area
Free-standing features in residential zoning districts	20% taller than the height of the building or 40 feet, whichever is less	-
Free-standing features in non-residential zoning [districts]	20% taller than the height of the building or 64 feet, whichever is less	
Rooftop appurtenances	4 feet	10%
Parapet or roof screening		-
Sloped parapet	4 feet in height, 3 feet projection beyond face of building, and 12 feet projection into the roof surface	50%
SUBJECT TO ACTION BY THE APPROVING BODY		
Exception Type ¹	Maximum Height	Maximum Roof Area
Architectural features in non-residential zoning districts	20% taller than the height of the building	-
Rooftop appurtenances in non-residential zoning districts	more than 4 feet and up to 10 feet	10%
Parapet (flat or sloped) or roof screening in non-residential zoning districts		-
Restroom facilities in non-residential districts ²	10 feet above the height of the building	10% per type or the minimum required by the Florida Building Code, whichever is greater, and a maximum of 20% in total for two or more types combined.
Stair tower ²	8 feet	
Elevator and vestibule in nonresidential zoning districts ²	Up to 10 feet in height	
¹ Refer to Appendix A for definitions		
² See Section 4.3.3(RR) for rooftop uses		

(Ord. No. 02-21, § 3, 3-2-21)

(4) Increases to height regulations.

- (a) **Prohibitions.** There are no provisions which allow, nor is any Board empowered to grant, an increase of height for any purpose in the following zone districts: (Ord. No. 32-23, § 6, 10-17-23)

Single Family (R-1) Districts	Rural Residential (RR)
Agriculture (Ag)	Mobile Home (MH)
Low Density Residential (RL)	Medium Density Residential (RM)
Planned Residential Development (PRD)	Residential Office (RO)
Neighborhood Commercial (NC)	Professional and Office District (POD)
Conservation District (CD)	Open Space (OS)

(b) **Allowances.** An increase, to a maximum height of 60 feet, may be approved by the City Commission in any zone district not listed above, except for the CBD zoning district, when approved as part of a site plan, based upon a finding of compliance with the applicable criteria below. [Ord. No. 03-15 2/24/15] [Amd. Ord. 05-13 3/5/13] (Ord. No. 32-23, § 6, 10-17-23)

(i) The structure must be located in one of the following geographic areas: (Ord. No. 32-23, § 6, 10-17-23)

(1) Area "A" - all property located east of Congress Avenue and west of I-95.

(2) Area "B" - the property encompassed by the Delint DRI, with the exception of that portion platted as "Waterford Village"; along with property located west of S.W. 10th Avenue, south of Linton Boulevard, and east of I-95.

(3) Area "C" - the property encompassed by the boundary of Linton Boulevard, Wallace Drive, S.W. 10th Street, and I-95.

(4) Area "D" - the properties located south of Atlantic Avenue, north of S.W. 1st Street, west of S.W. 2nd Avenue, and east of S.W. 4th Avenue; and the properties located north of Atlantic Avenue, south of N.W. 1st Street, west of N.W. 1st Avenue, and east of N.W. 3rd Avenue. [Amd. Ord. 21-04 5/4/04]; [Amd. Ord. 71-95 12/5/95]

(5) Area "E" - the property encompassed on the west by the F.E.C. Railroad, on the east by the Intracoastal Waterway, on the south by Allen Avenue extended to said easterly and westerly boundaries, and on the north to the northernmost boundary of the City.

- (6) Area "F" - the property located between the one-way pair system of Federal Highway (5th and 6th Avenues), except for property located in the CBD zoning district. [Ord. No. 03-15 2/24/15]
 - (7) Area "G" - the property on either side of Linton Boulevard, extending 200 feet north and south of its ultimate right-of-way, extending from I-95 to Dixie Highway, and shall also include the Linton Commons Overlay District in its entirety. (Ord. No. 01-21, § 2, 1-19-21)
 - (8) Area "H" - the area bounded by Linton Boulevard on the south, the F.E.C. Railroad on the east, the combination of Southridge Road and Swinton Avenue on the north, and S.W. 4th Avenue on the west.
 - (9) Area "I" - the property within the Aura Delray Beach Overlay District, located on the west side of North Congress Avenue, north of Atlantic Avenue, east of the E-4 Canal, and south of the Palm Beach County Palm Tran property as depicted on the map in Ordinance No. 31-20. (Ord. No. 31-20, § 2, 9-10-20) (Ord. No. 32-23, § 6, 10-17-23)
 - (10) Area "J" - the property encompassed by Lindell Boulevard on the north, Federal Highway on the east, Dixie Highway on the west, and the City limits on the south.
 - (11) Area "K" - the property within the project known as Delray Medical Center (Delray Hospital), located on the south side of Linton Boulevard approximately 1,240 feet west of Military Trail, and as annexed into the City of Delray Beach via Ordinance No. 33-05. [Amd. Ord. 05-13 3/5/13] (Ord. No. 32-23, § 6, 10-17-23)
- (ii) The increase in height will not accommodate, an increase in the floor area beyond that which could be accommodated by a development that adheres to a height limitation of 48 feet, except to accommodate residential use on the top floor of the structure. [Amd. Ord. 51-08 11/18/08]; [Amd. Ord. 16-06 4/4/06] (Ord. No. 31-20, § 2, 9-10-20; Ord. No. 32-23, § 6, 10-17-23)
 - (iii) Workforce housing units, equal to at least 20 percent of the residential units on the top floor, shall be provided within the develop-

ment onsite, offsite, or through monetary contributions as referenced in Article 4.7. The workforce housing units shall be at the low or moderate income levels and shall comply with other applicable provisions of Article 4.7 or any workforce housing regulations specified as part of an adopted SAD Ordinance. [Amd. Ord. 51-08 11/18/08] (Ord. No. 31-20, § 2, 9-10-20; Ord. No. 32-23, § 6, 10-17-23)

- (iv) An increase in height shall be allowed if two or more of the following development standards are met: [Amd. Ord. 51-08 11/18/08]; [Amd. Ord. 16-06 4/4/06]; [Amd. Ord. 67-04 1/4/05] (Ord. No. 31-20, § 2, 9-10-20; Ord. No. 32-23, § 6, 10-17-23)

- (1) For each foot in height above 48 feet, an additional building setback of two feet is provided from the building setback lines which would be established for a 48-foot tall structure. The additional setback is required from all setbacks for the portion of the building that extends above 48 feet; [Ord. No. 03-15 2/24/15]; [Amd. Ord. 21-04 5/4/04] (Ord. No. 32-23, § 6, 10-17-23)

- (2) A minimum of 50 percent of the ground floor building frontage consists of nonresidential uses (excluding parking); [Amd. Ord. 67-04 1/04/05] (Ord. No. 32-23, § 6, 10-17-23)

- (3) Open areas, such as courtyards, plazas, and landscaped setbacks, are provided to add visual interest and reduce the building mass. [Amd. Ord. 16-06 4/4/06] (Ord. No. 32-23, § 6, 10-17-23)

- (5) **Special Activities Districts.** Increases above 60 feet are allowed for special uses within a particular Special Activities District (SAD), provided it is located within one of the geographic areas described above (not including residential, commercial, or industrial uses) that can only be accommodated by the SAD. The height limitations for such a use shall be specifically established in the enacting ordinance of that specific SAD. (Ord. No. 32-23, § 6, 10-17-23)

(K) **Development standards matrix.** The following matrices set forth the minimum and maximum development standards for each zoning district subject to descriptions, interpretations, and exceptions as provided for elsewhere in Section 4.3.4.

ZONING REGULATIONS

§ 4.3.4

DEVELOPMENT STANDARDS MATRIX – RESIDENTIAL ZONING DISTRICTS**																
			MINIMUM LOT SIZE (sq. ft.)	LOT WIDTH I/C ^a (ft.)	LOT DEPTH (ft.)	LOT FRONTAGE I/C ^a (ft.)	MINIMUM FLOOR AREA (sq. ft.)	MAXIMUM LOT COVERAGE	MINIMUM OPEN SPACE	SETBACKS				DENSITY	HEIGHT (4) (FT.)	MINIMUM DEVELOPMENT AREA
										FRONT 1 st & 2 nd / 3 rd (7) (ft.)	SIDE STREET 1 st & 2 nd / 3 rd (7) (ft.)	SIDE INTERIOR 1 st & 2 nd / 3 rd (7) (ft.)	REAR (ft.)			
Agriculture Rural Residential Single Family	AG	-	10 AC. (2)	100	110	100	1,500			35	25	15	25		35	
	RR	-	12 ACRES				2,200			35	17	12	12		35	
	R-1-AAA	Conventional	12,500	100	110	100	2,200			35	17	12	12		35	
	R-1-AAAB	Conventional	12,500	100	110	100	1,500			35	17	12	12		35	
	R-1-AA	Conventional	100	75/95	100	75/95	1,500	N/A		30	15	10	10	N/A	35	
Medium Density (5)	R-1-AAB	Conventional	9,000	90	100	90	1,500			25	20	8.5	25		35	
	R-1-A	Conventional	7,500	60/80	100	60/80	1,000			25	15	7.5	10		35	
	R-1-AB	Conventional	7,500	60/80	100	60/80	1,500			25	15	7.5	10		35	N/A
	RL	Multi-family Duplex	8,000	60	100	60	(1)	40%	(3)	25/30	25/30	15/30	25	3-6 UNITS / ACRE	35	
	RM	Multi-family Duplex	4,800	60	80	60	(1)	40%					25 (6)	6-12 UNITS / ACRE	35	
Planned Residential Development	PRD	Zero Lot Line	4,800	60	80	60	(1)	40%		25/30 (6)	25/30 (6)	15/30 (6)	25	PER LAND	35	
		Multi-family	N/A	N/A	N/A	N/A	(1)	40%		25/30	25/30	15/25	25	USE MAP OR NUMERICAL SUFFIX	35	5 ACRES
		Conventional	7,500	60/80	100	60/80	1,200	N/A		25	15	7 1/2	10		35	
		Zero Lot Line	4,500	40/60	80	40/60	1,000			20		0/15				
Mobile Home	MH	Park Sites	2 ACRES	120	N/A	N/A	N/A	N/A		25	15	7 1/2	10	N/A	35	2 ACRES
			3,200	N/A						5	5	5	5			
Notes:																
* I/C = Interior Lot/Corner Lot																
** This matrix is to be interpreted and applied pursuant to Section 4.3.4.																
(1) = Minimum Floor Area for Duplexes and Multifamily Dwelling Units:																
Duplexes - 1000 sq. ft. (Represents absolute minimum size. Must also comply with minimums for corresponding number of bedrooms.																
Efficiency - 400 sq. ft.																
One Bedroom - 600 sq. ft.																
Two Bedroom - 900 sq. ft.																
Three Bedroom - 1,250 sq. ft.																
Four Bedroom - 1,500 sq. ft.																
(2) = See Section 4.4.1(F) for exceptions.																
(3) = A minimum of 25 percent non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.																
(4) = See Section 4.3.4(J)(2) for single family detached structures in residentially zoned districts.																
(5) = The provisions for the R-1-A District shall apply for single family dwellings.																
(6) = Refer to individual district regulations "Development Standards" section for special setbacks in the Southwest Neighborhood Overlay District, Carver Estates Overlay District and Infill Workforce Housing Area.																

DEVELOPMENT STANDARDS MATRIX—NONRESIDENTIAL ZONING DISTRICTS

	LOT SIZE (sq. ft.)	MINIMUM			MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA (sq. ft.)	SETBACKS					MINIMUM DEVELOPMENT AREA	OTHER
		LOT WIDTH (ft.)	LOT DEPTH (ft.)	LOT FRONTAGE (ft.)			PERIMETER (ft.)	FRONT (ft.)	SIDE STREET (ft.)	SIDE INTERIOR (ft.)	REAR (ft.)		
General Commercial	0	0	0	0	0	N/A	N/A	10 (5)	10 (5)	(2) (5)	10 (5)	N/A	
Automobile Commercial	10,000(1)	50(1)	100(1)	50(1)	(3)	N/A	(1)	15 (5)	15	(2)	10	(1)	Refer to special requirements for auto sales
Neighborhood Commercial	1 ACRE	100	200	100	40% (3)	4,000	N/A	40	30	30	10 (4)	1 ACRE	Maximum site area of two (2) acres
Planned Commercial	10,000	50	100	50	(3)	6,000	N/A	10	10	0	10	N/A	Refer to Section 4.4.12(2) restrictions on floor area
Central Business District	0	0	0	0	(1)	N/A	N/A	(1)	(1)	(1)	(1)	N/A	
Resort-Tourism	1 ACRE	100	100	100	60% (3)	N/A	15	N/A	N/A	N/A	N/A	N/A	
Planned Office Center	1 ACRE	N/A	N/A	N/A	60% (3)	4,000	(1)	30	30	10	10	3 ACRES	
Professional/Office	0	0	0	0	40% (3)	N/A	N/A	25	25	0(2)	10	N/A	
Residential Office	8,000	80	100	80	40% (3)	N/A	N/A	25	15	7 1/2	10	N/A	
Planned Commerce Center													
Mixed Industrial/Commercial	0	0	0	0	50% (3)	N/A	N/A	25	25	10	10	10 ACRES	
Industrial	20,000	100	200	100	50% (3)	N/A	(1)	30	30	10	10	N/A	
Light Industrial	20,000	0	0	100	50% (3)	N/A	N/A	10	10	5	10	(1)	
O.S.S. Historic Arts	8,000	80	100	80	40% (3)	(1)	N/A	25 (1)	15 (1)	7 1/2 (1)	10 (1)	N/A	Refer to Section 4.4.24 for special areas and additional regulations
Community Facilities	0	0	0	0	(3)	N/A	10	N/A	N/A	N/A	N/A	N/A	Refer to Section 4.4.21(p) for additional setback & open space requirements
Open Space													
Open Space and Recreation													
Conservation													
Special Activities District	0	0	0	0	(1) (3)	N/A	15	(1)	(1)	(1)	(1)	(1)	
Mixed Residential/Office/Commercial	0	N/A	N/A	N/A	75% (3)	4,000	(1)	(1)	(1)	(1)	(1)	3 ACRES (6)	Refer to Section 4.4.28 for additional regulations

NOTES:

- (1) = Refer to individual district regulations.
- (2) = When there is no dedicated access to the rear of any structure a ten-foot side yard setback shall be provided.
- (3) = In addition to lot coverage restrictions, a minimum of 25-percent non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.
- (4) = Minimum rear yard setback is ten feet and then one additional foot for each foot in building height above ten feet.
- (5) = Refer to individual district regulations "Development Standards" section for special setbacks in the North Federal Corridor.
- (6) = Waivers to this minimum size may be granted during the Master Plan approval process.

[Ord. No. 03-15 2/24/15] (Ord. No. 25-23, § 3, 7-18-23)

ARTICLE 4.4. BASE ZONING DISTRICT

NOTE: Each individual zoning district, except Central Business District, is structured as follows. This Article sets forth a description of each of the zoning districts established in Section 4.1.1 by addressing: [Ord. No. 03-15 2/24/15]

- (A) Purpose
- (B) Principal Uses and Structures Permitted
- (C) Accessory Uses and Structures Permitted
- (D) Conditional Uses and Structures Allowed
- (E) Review and Approval Process
- (F) Development Standards by Reference to 4.3.4
- (G) Supplemental District Regulations by Reference to Article 4.6
- (H) Special Regulations, as appropriate

Reference to a zone district by its symbol shall be interpreted to be a reference to its full title i.e., (A) is equivalent to Agriculture Zone District.

Sec. 4.4.1. Agriculture Zone District (A).

(A) **Purpose and intent.** The Agriculture (A) Zone District provides a means to allow existing agricultural uses to continue and be expanded upon as permitted uses within the City; to allow the conduct of other agricultural uses; and to allow for the operation of nurseries and similar open space activities. The (A) designation may also be affixed to properties at the time of annexation in which case, the designation shall serve as a holding zone. Further, land so zoned shall be eligible for an agricultural property tax reduction pursuant to the rules and regulations of the County Tax Assessor.

(B) **Principal uses and structures permitted.** The following types of use are allowed within the (A) District as a permitted use:

- (1) The conduct of agricultural operations such as: crop lands, poultry, dairies, grazing lands, flower growing and fruit, citrus, and orchard groves; and structures normally associated there with such as: barns, chicken coops, drying sheds, farmhouses, greenhouses.

- (2) Horse Ranches, Horse Boarding Stables, Riding Stables and Academies; and structures normally associated there with such as: stables and training facilities.
- (3) Single family detached dwellings.
- (4) Family Community Residence, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 8, 7-18-17)
- (5) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3 (HH). [Amd. Ord. 24-02 7/16/02]
- (6) Reserved. [Amd. Ord. 01-10 1/19/10]
- (7) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 3, 5-16-17)

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) A "Farmer's Market" as an outlet for products produced on the property.
- (2) Migrant worker housing for individuals employed on the site and their family
- (3) The keeping of livestock normally associated with a farm such as: cattle, fowl, goats, horses, ponies, sheep.
- (4) Uses and structures normally associated with residences such as: bird aviaries, boat docks, dog houses and dog runs, garages, greenhouses, guest cottages, playhouses, pool houses and covers, pump houses, slat houses, storage sheds, tennis courts, workshops, swimming pools, and home-based businesses. (Ord. No. 23-22, § 3, 8-16-22)
- (5) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 3, 5-16-17)

(D) **Conditional uses and structures allowed.** Except for family and transitional community residences as specified herein, there are no unrelated conditional uses listed based upon the premise that once an agricultural operation ceases, it is more appropriate to have the land rezoned to a district more in keeping with the designation on the Land Use Map. However, nurseries, either retail or wholesale, may be accommodated as a conditional use. (Ord. No. 25-17, § 9, 7-18-17; Ord. No. 23-20, § 17, 9-10-20)

- (1) Family Community Residence, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 9, 7-18-17)
- (2) Transitional Community Residence, except as required by state law. (Ord. No. 25-17, § 9, 7-18-17)

(E) Reserved. (Ord. No. 32-23, § 7, 10-17-23)

(F) **Development standards.** The development standards as set forth in Section 4.3.4 shall apply. Except for the following:

- (1) Nurseries duly approved as a conditional use, shall not be subject to a minimum lot size nor to lot dimension requirements;
- (2) When the Agriculture Zone District is used as a "holding zone: upon an annexation, the lot size and dimension requirements shall be as exist upon annexation.

(G) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply with the exception of those pertaining to parking, loading, and outside storage.

Sec. 4.4.2. Rural Residential (RR) Zone District.

(A) **Purpose and intent.** The Rural Residential (RR) Zone District has been created in order to establish areas throughout the City where large lot and estate development may occur, be promoted, and be preserved and to encourage the preservation of a semi-rural residential character without the maintenance of farm size acreage.

(B) **Principal uses and structures permitted.** The following types of use are allowed within the (RR) District as a permitted use:

- (1) Single family detached dwellings.
- (2) Family Community Residence, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 10, 7-18-17)
- (3) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3 (HH).
- (4) Reserved. [Amd. Ord. 01-10 1/19/10]
- (5) Reserved. [Amd. Ord. 10-11 4/5/11]

(C) **Accessory uses and structures permitted.** The following uses and structures are allowed when a part of, or accessory to, the principal use: (Ord. No. 22-22, § 3, 10-11-22)

- (1) The keeping of livestock normally associated with a rural environment. However, the keeping of such livestock is for domestic use only; commercial use or sale of such livestock is prohibited. (Ord. No. 22-22, § 3, 10-11-22)
- (2) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ). (Ord. No. 23-22, § 4, 8-16-22)
- (3) Urban Agriculture, subject to Section 4.3.3(D). (Ord. No. 07-17, § 4, 5-16-17; Ord. No. 22-22, § 3, 10-11-22)
- (4) Home-based businesses, subject to Section 4.3.3(K). (Ord. No. 22-22, § 3, 10-11-22)
- (5) Boat docks, subject to Article 7.9. (Ord. No. 22-22, § 3, 10-11-22)

(6) Guest cottages, subject to Section 4.3.3(Q). (Ord. No. 22-22, § 3, 10-11-22)

(D) **Conditional uses and structures allowed.** Except for family and transitional community residences as specified here, there are no conditional uses listed based upon the premise that the RR District is to preserve a rural lifestyle and the introduction of other uses within the District is inappropriate to that end. (Ord. No. 25-17, § 11, 7-18-17)

(1) Family Community Residence, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 11, 7-18-17)

(2) Transitional Community Residence, except as required by state law. (Ord. No. 25-17, § 11, 7-18-17)

(E) Reserved. (Ord. No. 32-23, § 8, 10-17-23)

(F) **Development standards.** The development standards as set forth in Section 4.3.4 shall apply.

(G) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply.

Sec. 4.4.3. Single Family Residential (R-1) Districts.

(A) **Purpose and intent.** The Single Family Residential Districts have been created to provide areas for traditional single family detached residences and other complimentary housing types consistent with the single family character of the district. The following Single Family Residential Districts are regulated by this Section: [Bullets Changed to Numbers Ord. 36-07 9/18/07] (Ord. No. 23-20, § 18, 9-10-20; Ord. No. 12-26, § 7, 4-7-26)

(1) R-1-AAA

(2) R-1-AAAB

(3) R-1-AA

(4) R-1-AAB

(5) R-1-A

(6) R-1-AB

(B) **Principal uses and structures permitted.** The following types of use are allowed within the Single Family Districts as a permitted use:

- (1) Conventionally sited single family detached residences.
- (2) Family Community Residence, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 12, 7-18-17)
- (3) Parking lots not associated with a use, pursuant to an adopted neighborhood or redevelopment plan. [Amd. Ord. 8-00 4/4/00]
- (4) Pocket parks. [Amd. Ord. 8-00 4/4/00]
- (5) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3 (HH). [Amd. Ord. 24-02 7/16/02]

(C) **Accessory uses and structures permitted.** The following uses and structures are allowed when a part of, or accessory to, the principal use: [Amd. Ord. 68-04 1/4/05] (Ord. No. 22-22, § 4, 10-11-22)

- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ). (Ord. No. 22-22, § 4, 10-11-22)
- (2) Home-based businesses subject to the Section 4.3.3(K). [Amd. Ord. 20-95 4/18/95] (Ord. No. 23-22, § 5, 8-16-22)

- (3) Family day care home, subject to Section 4.3.3(T). [Amd. Ord. 25-10 10/19/10] (Ord. No. 22-22, § 4, 10-11-22)
- (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association, such as tennis courts, swimming pools, exercise area, clubhouse, and golf courses. (Ord. No. 23-22, § 5, 8-16-22) (Ord. No. 22-22, § 4, 10-11-22)
- (5) Boat docks, subject to Article 7.9. The rental or lease of a boat dock is allowed. (Ord. No. 23-22, § 5, 8-16-22; Ord. No. 22-22, § 4, 10-11-22; Ord. No. 06-26, § 3, 1-20-26)
- (6) Guest cottages, subject to Section 4.3.3(Q)(2). (Ord. No. 22-22, § 4, 10-11-22)
- (7) Accessory Dwelling Units (ADUs), subject to Section 4.3.3(Q) within the Northwest/Southwest Neighborhood Overlay District. (Ord. No. 12-26, § 7, 4-7-26)

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the Single Family Districts.

- (1) Child care and adult day care.
- (2) Churches, or places of worship, and their attendant educational, nursery, Sunday school, recreational, and columbarium facilities. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care; however, such uses may be established by a separate conditional use application for child care or rezoning to C.F., as appropriate.
- (3) Private educational facilities subject to the restrictions set forth in Section 4.3.3(HHH). [Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]
- (4) The use of common recreational facilities such as swimming pools and tennis courts, associated with a subdivision, for club or commercial purposes.
- (5) Single family detached residences in zero lot developments but only in the R-1-A and R-1-AA Districts.

Deleted (6) [Amd. Ord. 02-10 1/19/10]
- (6) Large Family Child Care Home, subject to Section 4.3.3(TT). [Amd. Ord. 25-10 10/19/10]
- (7) Family Community Residence, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing

four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 13, 7-18-17)

(8) Transitional Community Residence, except as required by state law. (Ord. No. 25-17, § 13, 7-18-17)

(E) Reserved. (Ord. No. 32-23, § 9, 10-17-23)

(F) **Development standards.** The development standards in Section 4.3.4 shall apply, except as modified below: [Amd. Ord. 68-04 1/4/05] (Ord. No. 32-23, § 9, 10-17-23)

(1) Properties located east of the Intracoastal Waterway that are not subject to subsection (4) below shall comply with the following regulations: [Amd. Ord. 36-07 9/18/07]; [Amd. Ord. 68-04 1/4/05] (Ord. No. 32-23, § 9, 10-17-23; Ord. No. 08-24, § 3, 3-5-24)

(a) The maximum floor area ratio for a single family structure is 0.65. (Ord. No. 08-24, § 3, 3-5-24)

(b) Properties not located within the North Beach/Seagate and Ocean Overlay Districts shall provide the following: (Ord. No. 08-24, § 3, 3-5-24)

1. A five-foot step-back above the second story and/or at 26 feet of height, whichever is less, on the rear, side street, and side interior building facades. (Ord. No. 08-24, § 3, 3-5-24)

2. On building facades that exceed 25 feet in length above the first story facing side interior and rear lot lines, at least one horizontal articulation at least two feet in depth for a combined minimum of 20 percent of the length of building elevation(s). (Ord. No. 08-24, § 3, 3-5-24)

(c) Properties located within the North Beach/Seagate and Ocean Overlay Districts shall comply with the adopted Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods, including but not limited to, visual compatibility standards relating to limitations on height, width, mass, scale, materials, color, style, form, and square footage. (Ord. No. 08-24, § 3, 3-5-24)

- (2) In addition to the requirements of Section 4.3.4(K), properties located within the Lake Ida Neighborhood Overlay District shall comply with the following regulations: [New Section Amd. Ord. 24-08 6/17/08] (Ord. No. 32-23, § 9, 10-17-23)
- (a) Maximum lot coverage:
 - 1. Forty percent for one story houses.
 - 2. Thirty percent for multi-story houses.
 - (b) The maximum Floor Area Ratio is .35 for a multi-story house. Property with frontage on Lake Ida are allowed a Floor Area Ratio of .40 for a multi-story house.
 - (c) The area of the upper floors shall not be greater than 75 percent of the area of the first floor. Properties with frontage on Lake Ida are allowed to have upper floors with up to 100 percent of the area of the first floor.
 - (d) Minimum setback for multi-story homes in the R-1-AA zoning district shall be 25 feet for the front yard and 15 feet for the rear yard.
 - (e) Minimum setback for multi-story homes in the R-1-AAA and R-1-AAAB zoning districts shall be 30 feet for the front yard and 17 feet for the rear yard.
 - (f) Additional landscaping required for both new multi-story houses or additions to existing multi-story houses shall be as follows:
 - 1. New houses: landscaping requirements shall be the same as the Beach Districts as provided in the Beach Property Owners Design Manual for the North Beach and Seagate Neighborhoods.
 - 2. Additions: supplemental landscaping shall be provided along that portion of the house where the new upper floor addition occurs within five feet of the minimum required setback lines. The intent of the requirement is to soften and screen the upper story addition and shall generally consist of additional vertical landscaping which would include 14-foot shade trees or 18-foot Palm trees at spacings determined by the City Landscape Department to be sufficient to meet the intent of this requirement.
 - (g) First floor maximum height:
 - 1. Single-story or first floor limits shall be established by:
 - a. Height from finished floor elevation to top of beam (tie or bond) shall not exceed 14 feet.

- b. Any portion exceeding the dimensions described in Section 4.4.3(F)(2)(g) 1.a. above shall be considered multi-story structures.
 - (h) Upper story height:
 - 1. Height from finished floor elevation to finished floor elevation or top of beam (tie or bond) shall not exceed 12 feet.
- (3) **Carver Square Brownfield Area development standards.** The following development standards apply to properties located in the Carver Square Brownfield Area (Resolution No. 20-07 - Carver Square Lots 11-30). [Amd. Ord. 25-09 5/19/09]
 - (a) **Setbacks.**
 - (1) Front: 20 feet
 - (2) Side (Street): Ten feet
 - (3) Side (Interior): Seven and on-half feet
 - (4) Rear: Ten feet
 - (b) **Setbacks for garages, carports and porte-cocheres.** Required parking is not allowed in the front or street side setback. Garages, carports and porte-cocheres must have a minimum 20 feet setback when the entrance faces a public street or alley. [Amd. Ord. 25-09 5/19/09]
 - (c) **Porch encroachments.** Front porches may extend five feet into the front or side street setback and cannot be enclosed in any manner. [Amd. Ord. 25-09 5/19/09]
- (4) **Historic districts, sites, and buildings.** Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(l), are subject to Section 4.5.1. [Amd. Ord. 01-12 8/21/12] (Ord. No. 32-23, § 9, 10-17-23)
- (5) **Northwest/Southwest Neighborhood.** Legacy Properties with 40 to 50 feet of frontage may utilize the incentives in Section 4.7.8 and are subject to the following: (Ord. No. 10-26, § 6, 2-24-26)
 - (a) Vehicular access shall be provided via an alley, if available. (Ord. No. 10-26, § 6, 2-24-26)
 - (b) Residential structures must be developed in accordance with design features in Section 4.7.8. (Ord. No. 10-26, § 6, 2-24-26)

(G) ***Supplemental district regulations.*** The supplemental district regulations in Article 4.6 apply, except as modified below: [Amd. Ord. 68-04 1/4/05] (Ord. No. 32-23, § 9, 10-17-23)

- (1) Within the Carver Square Brownfield Area (Resolution No. 20-07 - Carver Square Lots 11-30), all irrigation must be connected to a City water system and irrigation from a well system is prohibited. [Amd. Ord. 25-09 5/19/09] (Ord. No. 32-23, § 9, 10-17-23)

(H) **Special regulations.** Accessory structures are subject to Section 4.3.3(QQ). [Amd. Ord. 77-94 10/18/94] (Ord. No. 22-22, § 4, 10-11-22)

(I) **Construction site conditions/restrictions.** Any construction activity, other than construction activity performed by the City or its agents and/or contractors, which requires a permit from the City and which occurs in any of the six single family zoning districts listed under Subsection 4.4.3(A) shall adhere to all rules, regulations, laws, policies of the City and in addition shall adhere to the provisions set forth herein. [Amd. Ord. 30-06 7-11-06]

- (1) Work Hours and the time that supplies/materials may be delivered shall be Monday through Friday from 7:00 a.m. to 6:00 p.m., and Saturday from 8:00 a.m. to 4:00 p.m. [Amd. Ord. 30-06 7-11-06]
- (2) Work is prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day. [Amd. Ord. 30-06 7-11-06]
- (3) A temporary trailer, building or storage shed shall be allowed on site from the time a permit is issued and until the certificate of occupancy is granted. No more than one of these trailers/structures/sheds shall be allowed on the site at the same time and the size (footprint) of the trailer/structure/shed shall not exceed ten feet by 12 feet. [Amd. Ord. 30-06 7-11-06]
- (4) After submission of a construction permit application, if requested by the City, a silt fence shall be installed around the entire perimeter of the property and maintained in a secure operational manner, however part of the silt fence may be removed for site access. [Amd. Ord. 30-06 7-11-06]
- (5) In the event of tropical storm or hurricane warnings the Applicant/Owner shall empty all dumpsters, remove and/or secure all loose construction debris/materials and port-o-lets, and all roof tiles must be strapped or removed. [Amd. Ord. 30-06 7-11-06]
- (6) Dumpsters shall be provided if the construction debris, and other debris on site, is of such magnitude that the debris cannot be maintained in a safe or orderly manner on site. Dumpsters containing construction debris shall be promptly emptied when full. When full and waiting removal, the Applicant/Owner must cover the dumpster in an appropriate manner to prevent trash from blowing into neighboring property. Construction materials that are to be used on the job site must be stored in an orderly and neat manner or removed. [Amd. Ord. 30-06 7-11-06]

- (7) To the extent feasible, provisions for storm water must be made during construction to ensure that no water flows onto neighboring properties. [Amd. Ord. 30-06 7-11-06]
- (8) Portable toilets are to be placed in as unobtrusive a location as possible, so as not to affect neighboring property, and must be maintained in a neat, clean and sanitary condition. [Amd. Ord. 30-06 7-11-06]
- (9) All construction activity must be confined to the property under construction. [Amd. Ord. 30-06 7-11-06]
- (10) All deliveries to the site shall be placed on the construction site or compound only. Third party deliveries (deliveries by anyone other than the property owner) are prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day. Deliveries may not be made between the hours of 9:00 p.m. and 6:00 a.m. [Amd. Ord. 30-06 7-11-06] (Ord. No. 20-19, § 2, 9-17-19)
- (11) Streets adjoining the project shall be cleaned of construction debris and other trash and debris and dirt on a daily basis. The Applicant/Owner is responsible for protecting and cleaning City drainage systems of construction dirt and debris, upon request from the City. [Amd. Ord. 30-06 7-11-06] (Ord. No. 20-19, § 2, 9-17-19)

(J) **Violations of Section 4.4.3(I).** The City shall have any and all legal remedies available to it to enforce Section 4.4.3(I), including but not limited to, injunctive relief, issuance of a Notice to Appear, issuance of a Code Enforcement Citation, issuance of a Stop Work Order and any other penalty herein provided in the Code of Ordinances and the Land Development Regulations and as set forth in Section 10.99 of the Code of Ordinances. [Amd. Ord. 30-06 7-11-06]

Sec. 4.4.4. Mobile Home (MH) District.

(A) **Purpose and intent.** The Mobile Home (MH) District is provided to make provision for certain existing mobile home parks and subdivisions in the City. The MH District is not intended to be applied to the development of vacant land.

(B) **Principal uses and structures permitted.** The following types of use are allowed within the (MH) District as a permitted use:

- (1) Mobile Home Parks which provide the sale or rental of sites for occupancy by mobile homes, wherein the park is operated as a unit.

- (2) The sale, by its owner or licensed dealer, of used mobile homes on sites presently or previously occupied by the owners of such mobile homes.
- (3) Storage or parking of mobile homes on sites preparatory to occupancy or between periods of occupancy.
- (4) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3(HH). [Amd. Ord. 24-02 7/16/02]

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Attached appurtenant and accessory structures such as enclosed porches, screened enclosures, storage closets, and carports.
- (2) Family Day Care pursuant to restrictions set forth in Section 4.3.3(T) (Child care, up to five children).
- (3) Recreational facilities attendant to a mobile home park such as tennis courts, swimming pools, exercise area, clubhouse, and golf courses.

(D) **Conditional uses and structures allowed.** There are no conditional uses prescribed in the MH District.

(E) Reserved. (Ord. No. 32-23, § 10, 10-17-23)

(F) **Development standards.** The development standards as set forth in Section 4.3.4 shall apply to individual sites within a Mobile Home Park. The following standards apply to the Park, itself:

- (1) Minimum area of two acres
- (2) Minimum width of 120 feet.
- (3) Setbacks around the perimeter of the Park as follows:
 - (a) Front of 25 feet.
 - (b) Interior side of seven and one-half feet.
 - (c) Street side of 15 feet.
 - (d) Rear of ten feet.

(G) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply.

(H) **Special regulations.**

- (1) A mobile home consisting of one or more units designed as a single dwelling shall not be placed on a lot which is less than 3,200 square feet in area and which is not less than 40 feet in average width on sites in being as of November 12, 1985.
- (2) No part of any mobile home, or any addition or appurtenance thereto shall be located within ten feet of any accessory or service building or structure used in connection with a mobile home park.
- (3) Structures of a permanent nature shall not be added or attached to a mobile home, unless such mobile home is placed upon a site conforming to the minimum requirements for a mobile home.
- (4) The combined area of all additions or attachments shall not exceed the gross area of the mobile home itself. Carports are not included in the above limitation, if the width of site is adequate for separation requirements.

Sec. 4.4.5. Low Density Residential (RL) District.

(A) **Purpose and intent.** The Low Density Residential (RL) District provides a residential zoning district with flexible densities having a base of three units per acre and a range to six units per acre. [Amd. Ord. 6-05 3/15/05] (Ord. No. 23-20, § 19, 9-10-20)

(B) **Principal uses and structures permitted.** The following types of use are allowed within the (RL) District as a permitted use:

- (1) Single family detached dwellings.
- (2) Duplex structures.
- (3) Multiple family structures.
- (4) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national ac-

crediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 14, 7-18-17)

- (5) Parking lots not associated with a use, pursuant to an adopted neighborhood or redevelopment plan. [Amd. Ord. 8-00 4/4/00]
- (6) Pocket parks. [Amd. Ord. 8-00 4/4/00]
- (7) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3(HH). [Amd. Ord. 24-02 7/16/02]
- (8) Reserved. [Amd. Ord. 01-10 1/19/10]
- (9) Residential Licensed Service Provider Facilities. [Amd. Ord. 10-11 4/5/11]

(C) **Accessory uses and structures permitted.** The following uses and structures are allowed when a part of, or accessory to, the principal use: (Ord. No. 22-22, § 5, 10-11-22)

- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ). [Amd. Ord. 77-94 10/18/94] (Ord. No. 23-22, § 6, 8-16-22; Ord. No. 22-22, § 5, 10-11-22)
- (2) Home-based businesses, subject to Section 4.3.3(K). (Ord. No. 22-22, § 5, 10-11-22)
- (3) Family day care home, subject to Section 4.3.3(T). [Amd. Ord. 25-10 10/19/10] (Ord. No. 22-22, § 5, 10-11-22)
- (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association, such as tennis courts, swimming pools, exercise area, clubhouse, and private golf courses. (Ord. No. 23-22, § 6, 8-16-22) (Ord. No. 22-22, § 5, 10-11-22)
- (5) Boat docks, subject to Article 7.9, with the rental or lease allowed. (Ord. No. 23-22, § 6, 8-16-22; Ord. No. 22-22, § 5, 10-11-22; Ord. No. 06-26, § 4, 1-20-26)
- (6) Guest cottages, subject to Section 4.3.3(Q). [Amd. Ord. 77-94 10/18/94] (Ord. No. 23-22, § 6, 8-16-22; Ord. No. 22-22, § 5, 10-11-22)

- (7) Community Gardens, subject to Section 4.3.3(D). [Amd. Ord. 12-11 6/7/11] (Ord. No. 23-22, § 6, 8-16-22; Ord. No. 22-22, § 5, 10-11-22)

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the RL District.

- (1) Child care and adult day care.
- (2) Churches, or places of worship, and their attendant educational, nursery, Sunday school, recreational, and columbarium facilities. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care; however, such uses may be established by a separate conditional use application for child care or rezoning to C.F. as appropriate.
- (3) Private educational facilities subject to the restrictions set forth in Section 4.3.3(HHH). [Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]
- (4) The use of common recreational facilities such as swimming pools, tennis courts, and golf courses (associated with a subdivision) for club or commercial purposes.
- (5) Single family detached residences in zero lot developments.
- (6) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 15, 7-18-17)
- (7) Large Family Child Care Home, subject to Section 4.3.3(TT). [Amd. Ord. 25-10 10/19/10]

(E) Reserved. (Ord. No. 32-23, § 11, 10-17-23)

(F) **Development standards.** The development standards in Section 4.3.4 shall apply, except as modified below. (Ord. No. 08-24, § 4, 3-5-24)

- (1) The development standards for the R-1-A District shall apply for single family detached dwellings. (Ord. No. 08-24, § 4, 3-5-24)

- (2) The development standards in Section 4.3.4 apply to duplex and multi-family development, except as modified herein. (Ord. No. 08-24, § 4, 3-5-24)
- (a) Duplex and multi-family development located east of the Intracoastal waterway that is not subject to subsection (3) below shall comply with the following regulations: (Ord. No. 08-24, § 4, 3-5-24)
- (i) The maximum floor area ratio is as follows: (Ord. No. 08-24, § 4, 3-5-24)

Lot Size	Maximum Floor Area Ratio (FAR)
Up to 30,000 sf	0.70
30,000 sf and above	0.75

(Ord. No. 08-24, § 4, 3-5-24)

- (3) Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to the provisions of Section 4.5.1. [Amd. Ord. 01-12 8/21/12] (Ord. No. 08-24, § 4, 3-5-24)

(G) Supplemental District Regulations: The supplemental district regulations as set forth in Article 4.6 shall apply, except as modified below: [Amd. Ord. 01-12 8/21/12]

- (1) **Historic districts, sites, and buildings.** Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), shall comply with the Visual Compatibility Standards of Section 4.5.1(E)(7). [Amd. Ord. 01-12 8/21/12]

(H) **Special regulations.**

- (1) A minimum density of three units per acre is established for duplex and multiple family housing development within this district. Density may exceed the base of three units per acre only after the approving body makes a finding that the project has substantially complied with performance standards in Section 4.3.3(BB). In no event shall a development's total density exceed six units per acre. [Amd. Ord. 6-05 3/15/05] Ord. No. 22-22, § 6, 10-11-22; Ord. No. 32-23, § 11, 10-17-23)
- (2) The density for a specific RL development in the RL zoning district may be limited by a numerical suffix affixed to the designation and shown on the zoning map (i.e. RL-5 limits the density to five units per acre). To seek a density greater than allowed by the suffix, it is necessary to rezone the property. (Ord. No. 32-23, § 11, 10-17-23)

- (3) For proposals to rezone property to RL with a density suffix, the approving body must make a finding that the proposed density is appropriate based upon the land use map designations of surrounding property as well as the prevailing development pattern of the surrounding area. (Ord. No. 32-23, § 11, 10-17-23)
 - (4) Accessory structures are subject to Section 4.3.3(QQ). [Amd. Ord. 77-94 10/18/94] Ord. No. 22-22, § 6, 10-11-22; Ord. No. 32-23, § 11, 10-17-23)
 - (5) Recreational areas are required for all new rental apartment developments, and owner occupied developments with homeowner associations are responsible for the maintenance of retention areas, private streets, or common areas. Recreational features should be designed to accommodate activities for children and youth of all ages. Tot lots are appropriate for toddlers; features such as a basketball court, volleyball court, and open playfields are appropriate for older children. A pool and clubhouse, unless specifically designed for children, does not meet this requirement. Projects with fewer than 25 units may be exempted from this standard where it is determined by the approving body that it is not practical or feasible to comply. [Amd. Ord. 6-05 3/15/05] (Ord. No. 22-22, § 6, 10-11-22; Ord. No. 32-23, § 11, 10-17-23)
- (I) Reserved. (Ord. No. 32-23, § 11, 10-17-23)

Sec. 4.4.6. Medium Density Residential (RM) District.

(A) **Purpose and intent.** The Medium Density Residential (RM) District is a residential zoning district with flexible densities having a base of six units per acre and a maximum standard density of 12 units per acre, with a maximum incentive density of 24 units per acre in designated areas, subject to compliance with Article 4.7 and Section 4.3.3(BB). [Amd. Ord. 24-07 8/21/07]; [Amd. Ord. 7-05 2/15/05]; [Amd. Ord. 42-97 10/7/97] (Ord. No. 32-23, § 12, 10-17-23)

(B) **Principal uses and structures permitted.** The following types of use are allowed within the (RM) District as a permitted use:

- (1) Single family detached dwellings.
- (2) Duplex structures.
- (3) Multiple family structures.
- (4) An abused spouse residence with 12 or fewer residents.

- (5) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 16, 7-18-17)
 - (6) Parking lots not associated with a use, pursuant to an adopted neighborhood or redevelopment plan. [Amd. Ord. 8-00 4/4/00]
 - (7) Pocket parks. [Amd. Ord. 8-00 4/4/00]
 - (8) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3(HH). [Amd. Ord. 24-02 7/16/02]
 - (9) Assisted Living Facilities that do not comport with the definition of "community residence" and Continuing Care Facilities. [Amd. Ord. 20-08 4/15/08] (Ord. No. 25-17, § 16, 7-18-17)
 - (10) Nursing Homes within multi-family structures only. [Amd. Ord. 10-11 4/5/11] (Ord. No. 25-17, § 16, 7-18-17)
 - (11) Transient Residential Use, subject to Section 4.3.3(ZZZ). (Ord. No. 21-26, § 4, 4-22-26)
 - (12) Within the Medical Arts Overlay District, as defined in Section 4.5.18. Medical Office uses that are co-located with nursing homes, assisted living facilities, or community residences, limited to providing services to the residents. (Ord. No. 14-26, § 3, 5-5-26)
- (C) **Accessory uses and structures permitted.** The following uses and structures are allowed when a part of, or accessory to, the principal use: (Ord. No. 22-22, § 6, 10-11-22)
- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ). [Amd. Ord. 77-94 10/18/94] (Ord. No. 23-22, § 7, 8-16-22; Ord. No. 22-22, § 6, 10-11-22)

- (2) Home-based businesses, subject to Section 4.3.3(K). (Ord. No. 22-22, § 6, 10-11-22)
- (3) Family day care home pursuant to Section 4.3.3(T). [Amd. Ord. 25-10 10/19/10] (Ord. No. 22-22, § 6, 10-11-22)
- (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association such as tennis courts, swimming pools, exercise area, clubhouse, and private golf courses. (Ord. No. 23-22, § 7, 8-16-22; Ord. No. 22-22, § 6, 10-11-22)
- (5) Boat docks, subject to Article 7.9, with the rental or lease allowed. (Ord. No. 23-22, § 7, 8-16-22; Ord. No. 22-22, § 6, 10-11-22; Ord. No. 06-26, § 5, 1-20-26)
- (6) Guest cottages subject to Section 4.3.3(Q). [Amd. Ord. 77-94 10/18/94] (Ord. No. 23-22, § 7, 8-16-22; Ord. No. 22-22, § 6, 10-11-22)
- (7) Community Gardens, subject to Section 4.3.3(D). [Amd. Ord. 12-11 6/7/11] (Ord. No. 23-22, § 7, 8-16-22; Ord. No. 22-22, § 6, 10-11-22)
- (8) Accessory Dwelling Units (ADUs), subject to Section 4.3.3(Q), within the Northwest/Southwest Neighborhood Overlay District. (Ord. No. 12-26, § 8, 4-7-26)

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the RM District.

DELETED NUMBERS AND RENUMBERED. [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 20-08 4/15/08]

- (1) Child care and adult day care.
- (2) Private educational facilities subject to the restrictions set forth in Section 4.3.3(HHH). [Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 79-94 10/18/94]
- (3) Churches, or places of worship, and their attendant educational, nursery, Sunday school, recreational, and columbarium facilities. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care; however, such uses may be established by a separate conditional use application for child care or rezoning to CF, as appropriate.
- (4) The use of common recreational facilities such as swimming pools, tennis courts, and golf courses (associated with a subdivision) for club or commercial purposes.

- (5) Single family detached residences in zero lot developments.
- (6) Yacht club with facilities.
- (7) Dock master facilities when associated with a multi-family development which has a marina. [Amd. Ord. 23-01 5/1/01]
- (8) Private beach clubs with attendant recreational, dining, and related accessory facilities within one of the following areas: (a) the area lying south of

Atlantic Dunes Park and east of State Road A1A, or (b) south of Casurina Road, north of Bucida road, and east of State Road A1A. [Amd. Ord. 62-05 8/16/05]; [Amd. Ord. 17-98 5/5/98]

- (9) Bed and Breakfast Inns, subject to LDR Section 4.3.3(Y). [Amd. Ord. 11-10 7/20/10] (Ord. No. 32-23, § 12, 10-17-23)
- (10) Large Family Child Care Home, subject to Section 4.3.3(TT). [Amd. Ord. 25-10 10/19/10] (Ord. No. 32-23, § 12, 10-17-23)
- (11) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 17, 7-18-17; Ord. No. 32-23, § 12, 10-17-23)
- (E) Reserved. (Ord. No. 32-23, § 12, 10-17-23)

(F) **Development standards.**

- (1) The R-1-A District regulations apply to single family detached dwellings. (Ord. No. 32-23, § 12, 10-17-23)
- (2) The development standards in Section 4.3.4 apply to duplex and multi-family development, except as modified herein. [Amd. Ord. 7-05 2/15/05] (Ord. No. 32-23, § 12, 10-17-23)
 - (a) Southwest Neighborhood, Carver Estates, and the Flo Delray Overlay Districts, and Infill Workforce Housing Area Development Standards. Duplex and multi-family development in the Southwest Neighborhood Overlay District, Carver Estates Overlay District, The Flo Delray Overlay District, and the Infill Workforce Housing Area that are developed pursuant to Article 4.7, "Family/Workforce Housing" shall comply with the following regulations: [Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 20-05 4/19/05]; [Amd. Ord. 7-05 2/15/05] (Ord. No. 32-23, § 12, 10-17-23; Ord. No. 08-24, § 5, 3-5-24; Ord. No. 39-23, § 3, 12-5-23)
 - 1. **Setbacks.** [Amd. Ord. 17-06 4/4/06] [Amd. Ord. 7-05 2/15/05] (Ord. No. 08-24, § 5, 3-5-24)
 - a. Front: 15 feet. (Ord. No. 32-23, § 12, 10-17-23; Ord. No. 08-24, § 5, 3-5-24)

- b. Side (Street): 15 feet. (Ord. No. 32-23, § 12, 10-17-23; Ord. No. 08-24, § 5, 3-5-24)
 - c. Side (Interior): 10 feet (One- and two-story) 15 feet (third story and above). (Ord. No. 32-23, § 12, 10-17-23; Ord. No. 08-24, § 5, 3-5-24)
 - d. Rear: Ten feet. (Ord. No. 32-23, § 12, 10-17-23; Ord. No. 08-24, § 5, 3-5-24)
2. **Setbacks for garages, carports and porte-cocheres.** Garages, carports and porte-cocheres must have a minimum 20 feet setback when the entrance faces a public street or alley. [Amd. Ord. 7-05 2/15/05] (Ord. No. 08-24, § 5, 3-5-24)
 3. **Porch encroachments.** Front porches may extend five feet into the front or side street setback and cannot occupy more than 50 feet of the building frontage and cannot be enclosed in any manner. [Amd. Ord. 7-05 2/15/05] (Ord. No. 08-24, § 5, 3-5-24)
- (b) Duplex and multi-family development located east of the Intracoastal Waterway that is not subject to subsection (3) below shall comply with the following regulations: (Ord. No. 08-24, § 5, 3-5-24)
1. The maximum floor area ratio is dictated by lot size, as follows:

Lot Size	Maximum Floor Area Ratio (FAR)
Up to 30,000 sf	0.70
30,000 sf and above	0.75

(Ord. No. 08-24, § 5, 3-5-24)

2. A five-foot step-back must be provided above the second story and/or 26 feet of height, whichever is less, on the rear, side street, and side interior elevations. (Ord. No. 08-24, § 5, 3-5-24)
 3. Building facades that exceed 25 feet in length above the first story facing side interior and rear lot lines shall provide at least one horizontal articulation at least two feet in depth for a combined minimum of 20 percent of the length of building elevation(s). (Ord. No. 08-24, § 5, 3-5-24)
- (3) **Historic districts, sites, and buildings.** Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(l), are subject to Section 4.5.1. [Amd. Ord. 01-12 8/21/12] (Ord. No. 32-23, § 12, 10-17-23; Ord. No. 08-24, § 5, 3-5-24)

(G) **Supplemental district regulations.** In addition to the supplemental district regulations in Article 4.6, the following supplemental regulations also apply in the RM zoning district. [Amd. Ord. 7-05 2/15/05] (Ord. No. 32-23, § 12, 10-17-23)

- (1) **Southwest Neighborhood, Carver Estates, and Flo Delray Overlay Districts and Infill Workforce Housing Area.** The following supplemental district regulations shall apply to duplex and multi-family development in the Southwest Neighborhood Overlay District, Carver Estates Overlay District, Flo Delray Overlay District, and the Infill Workforce Housing Area, that are developed pursuant to Article 4.7, "Family/Workforce Housing". [Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 20-05 4/19/05]; [Amd. Ord. 7-05 2/15/05] (Ord. No. 32-23, § 12, 10-17-23; Ord. No. 39-23, § 3, 12-5-23)

- (a) Street-facing garages and parking is discouraged. Parking shall only be allowed in the front yard if there is no dedicated access to the side or rear of the property. [Amd. Ord. 7-05 2/15/05] (Ord. No. 32-23, § 12, 10-17-23)
- (b) When garages are provided in the side or rear of the property, on-street parking must be provided. [Amd. Ord. 7-05 2/15/05] (Ord. No. 32-23, § 12, 10-17-23)

(H) **Special regulations.**

- (1) Density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with the performance standards in Section 4.3.3(BB), which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses. In no event shall a development's total density exceed 12 units per acre, except within the following incentive areas:[Amd. Ord. 26-11 9/20/11]; [Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 7-05 2/15/05]; [Amd. Ord 42-97 10/7/97]; [Amd. Ord. 40-93 6/22/93] (Ord. No. 22-22, § 6, 10-11-22; Ord. No. 32-23, § 12, 10-17-23)
- (a) **Southwest Neighborhood Overlay District:** Up to 24 dwelling units per acre are allowed within the Southwest Neighborhood Overlay District, defined in Section 4.5.9, subject to compliance with Article 4.7. (Ord. No. 32-23, § 12, 10-17-23)
- (b) **Carver Estates Overlay District:** Up to 24 dwelling units per acre are allowed within the Carver Estates Overlay District, defined in Section 4.5.11, subject to compliance with Article 4.7. (Ord. No. 32-23, § 12, 10-17-23)

- (c) **Infill Workforce Housing Area:** Within the Infill Workforce Housing Area defined in Section 4.5.12, up to 18 dwelling units per acre are allowed, subject to compliance with Article 4.7. (Ord. No. 32-23, § 12, 10-17-23)
 - (d) **S.W. 10th Street Overlay District:** Within the S.W. 10th Street Overlay District defined in Section 4.5.10, up to 24 dwelling units per acre are allowed, subject to compliance with Article 4.7. (Ord. No. 32-23, § 12, 10-17-23)
 - (e) **The Flo Delray Overlay District:** Within the Flo Delray Overlay District defined in Section 4.5.22, up to 24 dwelling units per acre are allowed, subject to compliance with Article 4.7. (Ord. No. 39-23, § 3, 12-5-23)
- (2) The density for a specific RM development may be limited by a numerical suffix affixed to the designation and shown on the zoning map (i.e. RM-8 limits the density to eight units per acre). To seek a density greater than allowed by the suffix, it is necessary to rezone the property. [Amd. Ord. 26-11 9/20/11]; [Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 7-05 2/15/05]; [Amd. Ord. 42-97 10/7/97]; [Amd. Ord. 40-93 6/22/93] (Ord. No. 22-22, § 6, 10-11-22; Ord. No. 32-23, § 12, 10-17-23)
 - (3) For proposals to rezone property to RM with a density suffix, the approving body must make a finding that the proposed density is appropriate based upon the land use map designations of surrounding property as well as the prevailing development pattern of the surrounding area. (Ord. No. 32-23, § 12, 10-17-23)
 - (4) Accessory structures are subject to Section 4.3.3(QQ). (Ord. No. 22-22, § 6, 10-11-22)
 - (5) Recreational areas are required for all new rental apartment developments, and owner occupied developments with homeowner associations are responsible for the maintenance of retention areas, private streets, or common areas. Recreational features should be designed to accommodate activities for children and youth of all ages. Tot lots are appropriate for toddlers; features such as a basketball court, volleyball court, and open playfields are appropriate for older children. A pool and clubhouse, unless specifically designed for children, does not meet this requirement. Projects with fewer than 25 units may be exempted from this standard where it is determined by the approving body that it is not practical or feasible to comply. [Amd. Ord 42-97 10/7/97] (Ord. No. 22-22, § 6, 10-11-22; Ord. No. 32-23, § 12, 10-17-23)

(I) Reserved. (Ord. No. 32-23, § 12, 10-17-23)

Sec. 4.4.7. Planned Residential Development (PRD) District.

(A) **Purpose and intent.** The Planned Residential (PRD) District provides a residential zoning district with flexible densities in which multiple family and single family detached dwellings are designed together so as to: promote improved design, character, and quality of development; to preserve natural, scenic, and open space features of a site; and to accommodate flexibility in design. Further, the PRD provides for implementation of the adopted Comprehensive Plan and, more specifically Policy HOU 3.1.2 and Policy HOU 4.1.5 of the Housing Element, which calls for the provision of a variety of housing types, and Objective NDC 1.2 and Policy NDC 1.2.3 of the Neighborhoods, Districts, and Corridors Element, which calls for the provision of planned residential development with single-family residential housing or residential uses with a mix of housing types. (Ord. No. 23-20, § 20, 9-10-20)

(B) **Principal uses and structures permitted.** The following types of use are allowed within the (PRD) District as a permitted use:

- (1) Single family detached dwellings whether conventional or zero lot line design.
- (2) Duplex structures.
- (3) Multiple Family structures.
- (4) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3(HH). [Amd. Ord. 24-02 7/16/02]
- (5) Family Community Residence, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 18, 7-18-17)

(C) **Accessory uses and structures permitted.** The following uses and structures are allowed when a part of, or accessory to, the principal use: (Ord. No. 22-22, § 7, 10-11-22)

- (1) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, play-

houses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops, subject to Section 4.3.3(QQ). (Ord. No. 23-22, § 8, 8-16-22; Ord. No. 22-22, § 7, 10-11-22)

- (2) Home-based businesses, subject to Section 4.3.3(K). (Ord. No. 22-22, § 7, 10-11-22)
- (3) Family Day Care Home, subject to Section 4.3.3(T). [Amd. Ord. 25-10 10/19/10] (Ord. No. 22-22, § 7, 10-11-22)
- (4) Recreational facilities attendant to a subdivision which is operated under a homeowners association such as tennis courts, swimming pools, exercise area, clubhouse, and private golf courses. (Ord. No. 22-22, § 7, 10-11-22)
- (5) Boat docks, subject to Article 7.9, with the rental or lease allowed. (Ord. No. 22-22, § 7, 10-11-22; Ord. No. 06-26, § 6, 1-20-26)
- (6) Guest cottages, subject to Section 4.3.3(Q). (Ord. No. 22-22, § 7, 10-11-22)

(D) Conditional uses and structures allowed. The following uses are allowed as conditional uses within the PRD District.

- (1) Child Care and Adult Day Care.
- (2) The use of common recreational facilities such as swimming pools, tennis courts, and golf courses for club or commercial purposes.

- (3) Private educational facilities subject to the restrictions set forth in Section 4.3.3 (HHH). [Amd. Ord. 24-02 7/16/02]
- (4) Large Family Child Care Home, subject to Section 4.3.3(TT). [Amd. Ord. 25-10 10/19/10]
- (5) Family Community Residence, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 19, 7-18-17)
- (6) Transitional Community Residence, except as required by state law. (Ord. No. 25-17, § 19, 7-18-17)

(E) ***Review and approval process.***

- (1) All principal uses and structures must be approved by the Planning and Zoning Board through a Master Development Plan processed pursuant to Chapter 2. (Ord. No. 32-23, § 13, 10-17-23)
- (2) Site specific plans for open space, common areas, and recreational elements of the PRD must be approved pursuant to Chapter 2. (Ord. No. 32-23, § 13, 10-17-23)
- (3) Building Elevations must be approved pursuant to Chapter 2. (Ord. No. 32-23, § 13, 10-17-23)
- (4) All PRDs must be platted pursuant to Chapter 2. (Ord. No. 32-23, § 13, 10-17-23)

(F) ***Development standards.***

- (1) The development standards in Section 4.3.4 apply to individual lots. (Ord. No. 32-23, § 13, 10-17-23)
- (2) The following standards apply to the overall development project:
 - (a) At least 50 percent of the units must be in single family detached units where the overall density is six units per acre or less, or at least 40 percent where the overall density is greater than six units per acre;

- (b) Fifteen percent of the gross area of the site must be placed in common open space where the overall density is six units per acre or less, or at least 20 percent where the overall density is greater than six units per acre;
- (c) Minimum site area is five acres.

(G) **Supplemental district regulations.** The supplemental district regulations in Article 4.6 apply. (Ord. No. 32-23, § 13, 10-17-23)

(H) **Special regulations.**

- (1) The density for a PRD is established by a numerical suffix affixed to the designation and shown on the zoning map i.e. PRD-8 limits the density to eight units per acre. To seek a density greater than the established density, it is necessary to rezone the property. If there is no density suffix, then the maximum density shall be as allowed by the Land Use Map. (Ord. No. 23-20, § 21, 9-10-20; Ord. No. 32-23, § 13, 10-17-23)
- (2) Prior to approving a Master Site Plan, the Planning and Zoning Board must make findings that:
 - (a) The development plan provides for an effective and unified treatment of the development potential of the site, making appropriate provisions for the preservation of scenic features and amenities of the site;
 - (b) The development plan fosters harmony with existing or proposed development in areas surrounding the site.
 - (c) Buildings in the layout shall be an integral part of the development and have convenient access to and from adjacent uses and blocks;
 - (d) In the multiple family portion, individual buildings shall be related to each other in design, masses, materials, placement, and connections so as to provide a visually and physically integrated development. Treatment of the sides and rear of buildings shall be comparable in amenity and appearance to the treatment given to the front.
 - (e) The landscape treatment for plazas, streets, paths, and service and parking areas shall be designed as an integral part of a coordinated landscape and street furniture design.
 - (f) The location, shape, size, and character of the common open space must be suitable for the contemplated development in terms of density, population characteristics, and housing types;

- (g) Common open space must be used for amenity or recreational purposes and must be suitably improved for its intended use. Natural features, worthy of preservation, shall be incorporated into the common open space system;
 - (h) Roads, pedestrian ways, and open space shall be designed as an integral part of the overall design and shall be properly related to buildings and appropriately landscaped;
 - (i) There shall be an adequate network of pedestrian pathways and landscape areas to provide safe pedestrian use of separate from vehicular travel lanes, and to separate pedestrian pathways and public transportation loading areas from general vehicular circulation; (Ord. No. 32-23, § 13, 10-17-23)
 - (j) The location and design of pedestrian pathways should emphasize desirable views of new and existing development. (Ord. No. 32-23, § 13, 10-17-23)
 - (k) Tot lots and recreational areas shall be a feature of all new housing developments containing more than 12 units located outside the downtown area. (Ord. No. 23-20, § 21, 9-10-20; Ord. No. 32-23, § 13, 10-17-23)
- (3) Accessory structures are subject to Section 4.3.3(QQ). [Amd. Ord. 77-94 10/18/94] (Ord. No. 22-22, § 7, 10-11-22)

Sec. 4.4.8. Reserved.

Sec. 4.4.9. General Commercial (GC) District.

(A) **Purpose and intent.** The General Commercial (GC) District provides basic regulations for small parcels which are best suited for general retail and office uses. In addition, this district has regulations in the Four Corners Overlay District that encourages mixed use development that may include retail, office, and multi-family uses. The GC designation is applied to small parcels, most of which are developed, where adherence to standard regulations is most appropriate. The GC designation is to be applied primarily along arterial and collector streets. Uses may be conducted singularly or in combination within the same structure. [Amd. Ord. 8-07 3/20/07] (Ord. No. 32-23, § 14, 10-17-23)

(B) **Principal uses and structures permitted.** The following are allowed within the GC District as permitted uses, except as modified in the Four Corners Overlay District by Section 4.4.9(G)(3)(a). [Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 64-04 11/16/04]

(1) General retail uses and/or facilities, including, but not limited to: [Amd. Ord. 35-10 10/19/10]

(a) Antiques, arts and crafts, automotive parts, baked goods, books, carpet and floor covering, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, draperies and slipcovers, pharmacies, electrical fixtures and supplies, fabrics, fish, flowers and plants, fruits and vegetables, food, garden supplies, gifts, glassware, hardware and paints, home furnishings, ice cream, lawn care equipment, 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. [Amd. Ord. 35-10 10/19/10]

(2) Business, Professional, and Medical uses including, but not limited to: [Amd. Ord. 09-10 7/20/10]

(a) Interior decorating, medical and dental clinics, medical and dental laboratories, photographic studios, printing and publishing, business offices, professional offices, and medical offices. [Amd. Ord. 09-10 7/20/10]

(3) Contractor's Offices, including but not limited to:

(a) Air conditioning, general contractor, electrical, painting, and plumbing; however, any outside storage of materials is prohibited.

(4) Services and Facilities including, but not limited to:

(a) Auctions, barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, financing e.g. banks and similar institutions including drive-through facilities, laundromats limited to self-service facilities, restaurants including drive-in and drive-through, tailoring, tobacconist, vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo, small item repair, Neighborhood Electric Vehicle (NEV) sales, lease

or rental transactions only (no inventory on-site for any purpose), and rental of sporting goods and equipment (such as but not limited to bicycles, skates, boogie boards). With the exception of bicycles with an electric-helper motor as defined in Section 72.02, Delray Beach Code of Ordinances, all rented sporting goods must be non-motorized. [Amd. Ord. 36-11 10/18/11]; [Amd. Ord. 15-98 4/21/98] (Ord. No. 36-16, § 2, 1-10-17; Ord. No. 17-21, § 3, 10-19-21)

- (b) Abused spouse residence with 40 or fewer residents, galleries, broadcast studios, butcher shops, cocktail lounges, exercise facilities e.g. gyms and clubs, indoor shooting ranges, museums, libraries, news-stands, commercial or public parking lots and parking garages, theaters excluding drive-ins.
- (5) Dwelling units in the same structure as commercial uses provided that: commercial uses must be provided on the ground floor; commercial uses on the ground floor must occupy no less than 25 percent of the total structure excluding square footage devoted to vehicular use; residential uses are not located on the ground level; residential uses and non-residential uses are physically separated and have separate accessways; and the residential density does not exceed 12 units per acre, except the Four Corners District which may have a free standing residential building as part of a multi-building unified master plan or the residential component may be a part of a single mixed use building. The density of the Four Corners Master Plan shall not exceed 30 dwelling units per acre and is subject to the provisions under Section 4.4.9(G)(3)(d)(4). [Amd. Ord. 47-11 1/3/12]; [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 43-04 8/17/04]; [Amd. Ord. 6-00 3/21/00] (Ord. No. 25-17, § 20, 7-18-17)
- (6) Astrologists, clairvoyants, fortune tellers, palmists, phrenologists, psychic readers, spiritualists, numerologists and mental healers, subject to the locational restrictions of Section 4.4.9(H)(3). [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 27-98 8/4/98]
- (7) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national ac-

crediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 20, 7-18-17)

- (8) Tattoo Establishments, pursuant to restrictions set forth in Section 4.3.3(ZB). (Ord. No. 33-16, § 2, 11-15-16)
- (9) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 7, 5-16-17)
- (10) CBD oil establishments, pursuant to restrictions set forth in Section 4.3.3(CC). (Ord. No. 58-20, § 3, 12-1-20)
- (11) Veterinary clinics, subject to Section 4.3.3(W). (Ord. No. 11-25, § 3, 7-8-25)

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots;
- (2) Refuse and service areas;
- (3) Provision of services and repair of items incidental to the principal use;
- (4) Storage of inventory either within the same structure as where the sale of goods occurs or in a separate structure on the same parcel provided that such storage facilities are not shared or leased independent of the primary commercial use of the site;
- (5) Single family detached dwellings for residence by business owners, proprietors, or employees.
- (6) Family day care home pursuant to Section 4.3.3(T). [Amd. Ord. 25-10 10/19/10]
- (7) Automotive rental facility, accessory, subject to the requirements of Section 4.3.3(C). (Ord. No. 24-17, § 3, 11-7-17)

(D) **Conditional uses and structures allowed.** The following are allowed as conditional uses within the GC District, except as modified in the North Federal Highway Overlay District by Section 4.4.9(G)(2) and in the Four Corners Overlay District by Section 4.4.9(G)(3)(c). [Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 53-01 10/16/01]; [Amd. Ord. 53-96 11/19/96] (Ord. No. 32-23, § 14, 10-17-23)

DELETED NUMBERS AND RENUMBERED [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 30-98 9/8/98]; [Amd. Ord. 21-97 6/3/97]

- (1) Amusement game facilities. [Amd. Ord. 58-04 10/19/04]
- (2) Wash establishments or facilities for vehicles.
- (3) Child Care and Adult Day Care.
- (4) Clubs and Lodges; social, fraternal, and recreational not exceeding 3,500 square feet of gross floor area. [Amd. Ord. 70-04 1/4/05]
- (5) Drive-in Theaters.
- (6) Flea Markets, bazaars, merchandise marts, and similar retail uses. [Amd. Ord. 51-92 10/27/92]
- (7) Funeral Homes.
- (8) Gasoline Stations or the dispensing of gasoline directly into vehicles.
- (9) Hotels and Motels.
- (10) Free-standing multiple-family housing subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section. [Amd. Ord. 10-11 4/5/11] (Ord. No. 25-17, § 21, 7-18-17)
- (11) Recreational establishments such as bowling alleys, gymnasiums, health spas, miniature golf courses, skating rinks.
- (12) Sales and service of All Terrain Vehicles and personal watercraft (waverunners, jet skis), with no outside display, outside storage or outside service. [Amd. Ord. 1-96 1/23/96]
- (13) Vehicle care limited to the changing of oil and filters, and lubrication with no mechanical work or outside storage of vehicles except as a part of a gasoline station. [Amd. Ord. 1-96 1/23/96]
- (14) Pet services and pet hotels, subject to Section 4.3.3(W). [Amd. Ord. 1-96 1/23/96]; Amd. Ord. 14-91 02/26/91] (Ord. No. 17-21, § 4, 10-19-21; Ord. No. 11-25, § 4, 7-8-25)
- (15) Group Home, Type 2 and Community Residential Homes, pursuant to restrictions set forth in Section 4.3.3(I). [Amd. Ord. 23-01 5/1/01]
- (16) Adult Gaming Centers. [Amd. Ord. 58-04 10/19/04]

- (17) Churches or places of worship, and their attendant Sunday school, recreational and columbarium facilities not exceeding 3,500 square feet of gross floor area. The foregoing does not allow establishment of educational and care uses such as elementary school and general day care. [Amd. Ord. 70-04 1/4/05]
- (18) Assisted Living Facilities that do not comport with the definition of "community residence", Nursing Homes, and Continuing Care Facilities subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section. [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 20-08 4/15/08] (Ord. No. 25-17, § 21, 7-18-17; Ord. No. 32-23, § 14, 10-17-23)
- (19) Large Family Child Care Home, subject to Section 4.3.3(TT). [Amd. Ord. 25-10 10/19/10] (Ord. No. 32-23, § 14, 10-17-23)
- (20) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 21, 7-18-17; Ord. No. 32-23, § 14, 10-17-23)

(E) **Review and approval process.**

- (1) All development within the Four Corners Overlay District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; conceptual site plan, landscaping, and utility plans; and conceptual elevations and architectural information. A MDP shall be processed pursuant to Chapter 2 with approval granted by the Planning and Zoning Board. A MDP may be modified pursuant to Chapter 2. Approval of any new development within an MDP must be granted pursuant to Chapter 2 and be consistent with the approved MDP. A site plan modification shall follow procedures outlined in Chapter 2. [Amd. Ord. 8-07 3/20/07] (Ord. No. 32-23, § 14, 10-17-23)
 - (a) Applications for site plan approval must include a site and development plan (including landscaping, elevations, and floor plans) with sufficient detail to determine that the applicable performance stan-

dards are being met, and that is consistent with the adopted MDP. The detailed site plan is processed pursuant to Chapter 2. [Amd. Ord. 8-07 3/20/07] (Ord. No. 32-23, § 14, 10-17-23)

- (b) Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board as a part of the approval of the MDP. [Amd. Ord. 8-07 3/20/07] (Ord. No. 32-23, § 14, 10-17-23)
- (c) When considering a MDP in the Four Corners Overlay, the Planning and Zoning Board may attach conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development. [Amd. Ord. 8-07 3/20/07] (Ord. No. 32-23, § 14, 10-17-23)

(F) **Development standards.** The development standards set forth in Section 4.3.4 shall apply except as modified below: [Amd. Ord. 21-04 5/4/04]

- (1) If there is no vehicular access available to the rear of any structure, a side setback of ten feet shall be provided. For a side interior lot, a ten-foot setback is required only on one side. [Amd. Ord. 21-04 5/4/04]
- (2) North Federal Highway Area: The following development standard shall apply to parcels which have frontage on North Federal Highway or the North Federal Highway one-way pairs (N.E. 5th Avenue and N.E. 6th Avenue) between N.E. 4th Street and the north City limits. [Amd. Ord. 17-99 6/15/99]
 - (a) Parcels shall have a minimum front building setback of five feet measured from the ultimate right-of-way line. The maximum setback shall be 15 feet, unless it can be demonstrated to the Site Plan Review and Appearance Board that it is not feasible to comply with this standard. [Amd. Ord. 17-99 6/15/99]
- (3) Four Corners Overlay District. The following development standards shall apply to parcels within the Four Corners Overlay District: [New Subsection added by Ord. 8-07 3/20/07]
 - (a) **Minimum site area.**
 - 1. Minimum site area for the total development within the Four Corners Overlay District is to be four acres. However, the approving body for the Four Corners Overlay may grant a waiver to the four acre requirement upon a determination that the development is consistent with the purpose and intent of the Four Corners Overlay

District and attempts have been made to aggregate adjacent parcels. Evidence must be provided that aggregation is not feasible.

(b) **Minimum floor area.**

1. Residential units are subject to the minimum square footage per unit requirements of LDR Section 4.3.4(K) (Development Standards Matrix for Residential Zoning Districts - Subnote #1).

(c) **Lot coverage.**

1. Lot coverage by building, pavement and hardscape site improvements shall not exceed 75 percent of the area of development of any individual lot.

(d) **Perimeter buffers.**

1. A landscape buffer shall be provided around the perimeter of each parcel within the development pursuant to the applicable buffers as listed below in this section. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or ten percent of the average depth of the property; however, in no case shall the landscape area be a width of less than ten feet:
 - a. When adjacent to a collector or arterial street: 30 feet
 - b. When abutting residentially zoned property: 40 feet
 - c. When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park: 25 feet
 - d. When abutting non residentially zoned property: 25 feet
 - e. When commercial and/or office uses abut residential parcels within the Four Corners Overlay master development plan: 25 feet

(e) **Building height.**

1. Buildings shall be allowed to a maximum height of 60 feet on parcels of four acres or more and a maximum of 48 feet for parcels less than four acres.

(f) **Setbacks.**

1. Atlantic Avenue / Military Trail Frontage: To the greatest extent possible buildings shall be placed at the minimum setback of 30 feet to a maximum building height of 42 feet. Thereafter, additional setbacks for the portion of the building exceeding 42 feet shall be a minimum of an additional ten feet.
2. If a Master Plan consists of multiple parcels, the setback from the internal parcel lines shall be 25 feet.
3. Master Development Plan (MDP) perimeter non-frontage setbacks shall be consistent with the applicable perimeter buffers as specified in Sections (F)(3)(d).

(G) **Supplemental district regulations.** In addition to the supplemental district regulations in Article 4.6, the following supplemental district regulations apply in the GC District. [Amd. Ord. 72-95 12/5/95] [Amd. Ord. 64-04 11/16/04] [Amd. Ord. 07-09 3/3/09] (Ord. No. 32-23, § 14, 10-17-23)

DELETED (1) AND RENUMBERED [Amd. Ord. 64-04 11/16/04]

ADDED (1) AND RENUMBERED [Amd. Ord. 07-09 3/3/09]

- (1) The parking requirement for business and professional offices within that portion of the GC zoning district bounded by S.E. 5th Avenue on the west, S.E. 6th Avenue on the east, S.E. 4th Street on the north and S.E. 10th Street on the south is established at one space per 300 square feet of net floor area. [Amd. Ord. 07-09 3/3/09]
- (2) North Federal Highway Overlay District: The following supplemental district regulations apply to the North Federal Highway Overlay District, as defined in Section 4.5.7. [Amd. Ord. 53-96 11/19/96]
 - (a) In addition to the uses listed in 4.4.9(D), the following light industrial uses are allowed as conditional uses: [Amd. Ord. 53-96 11/19/96]
 1. Fabrication and/or assembly of manufactured materials or parts for distribution or sale, such as sheet metal, sign shops, glass shops, electronics, cabinet and furniture making. [Amd. Ord. 53-96 11/19/96]
 2. The wholesaling, storage and distribution of products and materials; [Amd. Ord. 7-03 4/15/03]; [Amd. Ord. 53-96 11/19/96]

3. Self-service storage facilities that comply with subsection (c) below. [Amd. Ord. 7-03 4/15/03]
- (b) All uses listed under subsection (a) above must: [Amd. Ord. 53-96 11/19/96]
1. Operate in conjunction with a permitted service or retail use that is located on the premises; [Amd. Ord. 53-96 11/19/96]
 2. Maintain a commercial facade along North Federal Highway, with the light industrial aspect of the business oriented toward Dixie Highway; [Amd. Ord. 53-96 11/19/96]
 3. Operate within an enclosed building, with no outside storage; [Amd. Ord. 53-96 11/19/96]
 4. Orient overhead doors away from adjacent rights-of-way, except where existing, or where the approving body determines that it is not feasible to comply; and, [Amd. Ord. 53-96 11/19/96]
 5. Along the property line adjacent to Dixie Highway, provide a landscape buffer consisting of a four feet high hedge, and trees planted 25 feet on center to form a solid tree line. [Amd. Ord. 53-96 11/19/96]
- (c) In addition to subsection (b) above, any self-service storage facility shall comply with the following. The following regulations supersede Section 4.3.3(A). [Amd. Ord. 7-03 4/15/03]
1. **Lot area.** The minimum lot area is one and one-half acres and the maximum lot area is three acres. [Amd. Ord. 7-03 4/15/03]
 2. **Facilities and requirements.**
 - a. Outdoor bay type access to individual self-storage units that face a street is prohibited. The exterior loading access points shall be designed in such a way to minimize sight lines from adjacent roads. [Amd. Ord. 7-03 4/15/03]
 - b. No building shall exceed 48 feet in height. [Amd. Ord. 7-03 4/15/03]
 - c. Parking shall be provided at the rates set forth in Section 4.6.9 for the permitted service, office and retail uses and for self-storage uses, parking shall be at a rate of one parking space per 100 storage units or portion thereof, including: (a) a mini-

minimum of three loading spaces for the self-service storage facility that must be striped and signed to limit the time for loading and unloading to one hour; and in addition (b) three and one-half spaces for each 1,000 square feet of accessory office use associated with the self-storage use. Notwithstanding the above, a minimum of five parking spaces other than loading spaces shall be provided in connection with the self-storage use. [Amd. Ord. 24-03 8/5/03]; [Amd. Ord. 7-03 4/15/03]

- d. At least 2,500 square feet of ground floor area shall be devoted to at least one additional principal retail or service use without limiting the foregoing. The additional principal uses may be eating and drinking establishments, retail or personal service. [Amd. Ord. 7-03 4/15/03]

3. ***Limitation of uses.***

- a. Activities not related to the rental or lease of self-storage units shall not be conducted within the self-service storage facility area, unless specifically permitted through the conditional use process. [Amd. Ord. 7-03 4/15/03]
- b. Except as otherwise provided in subsection (c), no business or activity other than self-storage shall be conducted from any self-storage unit in the facility. Examples of prohibited uses include, but are not limited to the following: the servicing, repair and/or restoration of automobiles, boats, recreational vehicles, and/or restoration of automobiles, boats, recreational vehicles, lawnmowers and the like; moving and self-storage companies; cabinet making and wood working (whether personal or professional); personal hobbies and arts and crafts; and any other activity unless specifically permitted through the conditional use process. [Amd. Ord. 7-03 4/15/03]
- c. Except as otherwise provided in this subsection (c), there shall be no electrical power provided to, or accessible from any individual self-storage units. This includes the provision of lighting fixtures to the interior of a self-storage unit, unless specifically addressed in the conditional use approval. The use of portable generators is also prohibited. [Amd. Ord. 7-03 4/15/03]
- d. The use or storage of any hazardous materials is prohibited. [Amd. Ord. 7-03 4/15/03]

- e. the terms and conditions of this section shall be clearly expressed in all self-storage rental or leasing contracts, as well as conspicuously displayed in plain view on a sign no smaller than one foot by two feet in the leasing office at the facility. [Amd. Ord. 7-03 4/15/03]
4. **On-site manager.** An on-site manager shall be employed at the facility during all hours of operation. [Amd. Ord. 7-03 4/15/03]
5. **Hours of operation.** Customers of the self-service storage facility may not access individual self-storage units before 5:00 a.m. or any later than 9:00 p.m. Hours of operation may be further restricted when it is deemed that morning and evening traffic into and out of the facility may negatively impact the character of an adjacent residential area. In no circumstance shall customers of any self-service storage facility have 24-hour access to their self-storage unit(s). [Amd. Ord. 7-03 4/15/03]
6. **Landscape Requirements:** In addition to all applicable landscape requirements and other special provisions pursuant to the individual zone district, a minimum ten-foot landscape buffer shall be required adjacent to Federal Highway and Dixie Highway and a minimum five-foot landscape buffer shall be required along all property lines that do not abut a roadway. [Amd. Ord. 7-03 4/15/03]
7. **Outdoor storage of vehicles, boats and truck rental.** Outdoor storage of boats and vehicles and truck rental is prohibited. [Amd. Ord. 7-03 4/15/03]
8. **Architecture.** All self-service storage facility buildings must comply with the following architectural standards. [Amd. Ord. 7-03 4/15/03]
 - a. Building facades visible from the public right-of-way shall have the appearance of a service and/or retail building through the use of doors, windows, awnings, and other appropriate building elements. [Amd. Ord. 7-03 4/15/03]
 - b. Exterior building material shall be stucco or a similar material. [Amd. Ord. 7-03 4/15/03]
 - c. Buildings that can accommodate two or more stories shall be designed where facing a street to have the appearance of a

multi-story building through the use of windows, doors, awnings, canopies or other appropriate building elements. [Amd. Ord. 7-03 4/15/03]

- d. Building facades facing a public right-of-way must have a 15 percent minimum transparency consisting of windows that provide visibility from the public right-of-way from the interior. [Amd. Ord. 7-03 4/15/03]
- e. Detailed building elevations shall be submitted prior to the Conditional Use public hearing. [Amd. Ord. 7-03 4/15/03]

- 9. **Location.** A self-service storage facility shall not be located within a radius of 1,000 feet of another existing self-service storage facility. [Amd. Ord. 7-03 4/15/03]

- (3) **Four Corners Overlay District.** The following supplemental district regulations apply to the Four Corners Overlay District, as defined in Section 4.5.14. [New Subsection added by Ord. 8-07 3/20/07]

- (a) The permitted uses shall be those uses listed in Sections 4.4.9(B)(1,2,4,5,8, 11). (Ord. No. 07-17, § 7, 5-16-17; Ord. No. 11-25, § 5, 7-8-25)
- (b) The accessory uses shall be those uses listed in Section (C).
- (c) The conditional uses shall be those uses listed in Sections (D)(2, 3, 9, 11, 14, 19, and 20). [Amd. Ord. 45-11; 1/3/12]; [Amd. Ord. 25-10; 10/19/10]; [Amd. Ord. 20-08 4/15/08]
- (d) Allocation of uses. (Ord. No. 32-23, § 14, 10-17-23)
 - 1. Office uses can encompass up to 100 percent of the total building square footage within a Four Corners Overlay master development plan.
 - 2. Retail uses shall not encompass more than 100 percent of the total building area square footage of the Four Corners Overlay master development plan.
 - 3. Hotels, motels, and residential all suite lodging shall not encompass more than 20 percent of the total building area square footage of the Four Corners Overlay master development plan. Notwithstanding the above, hotels, motels and residential all suite lodging can comprise 100 percent of the floor area of an individual building within a MDP containing multiple buildings.
 - 4. Multi-family dwelling units: Multi-family uses and assisted living facilities, excluding duplexes, subject to (a)(b)(c)(d)(e) below,

with a density not to exceed 30 units per acre, subject to the following: [Amd. Ord. 47-11 1/3/12] (Ord. No. 32-23, § 14, 10-17-23)

- a. Residential units may comprise 75 percent of the total floor area of the development master plan at a maximum density of 30 units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses.
 - b. Residential developments must include a minimum of 20 percent moderate income workforce units as defined by Article 4.7 Family/Workforce Housing. (Ord. No. 32-23, § 14, 10-17-23)
 - c. Workforce units are subject to general requirements of Article 4.7.5, 4.7.6, and 4.7.7. (Ord. No. 32-23, § 14, 10-17-23)
 - d. For mixed-use developments, the shared parking provisions in Section 4.6.9(C)(8) apply. (Ord. No. 32-23, § 14, 10-17-23)
 - e. Developments with a residential component are subject to the performance standards in Section 4.3.3(BB). (Ord. No. 32-23, § 14, 10-17-23)
- (e) Standards unique to the Four Corners Overlay District. Where standards unique to the Four Corners Overlay District conflict with standards established elsewhere in the LDR, the standards of this Subsection apply: (Ord. No. 32-23, § 14, 10-17-23)
1. **Lot coverage and open space.** Land area equal to at least 25 percent of the individual MDP, including the perimeter landscaped boundary, must be open space. Water bodies and paved areas cannot be applied to the 25 percent open space requirement. [Amd. Ord. 41-09 10/20/09] (Ord. No. 32-23, § 14, 10-17-23)
 2. **Minimum structure size.** Any free-standing non-residential principal structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the MDP; and shall have direct access to and from other portions of the Four Corners Overlay development. (Ord. No. 32-23, § 14, 10-17-23)

3. **Required floor heights.** The first floor shall be a minimum of 12 feet floor to floor, and all floors above shall be ten feet floor to floor. Residential uses shall have a minimum of nine feet floor to floor on all floors. Hotel, motel and residential all suite lodging shall have a minimum of eight feet six inches floor to floor on all floors. 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. (Ord. No. 32-23, § 14, 10-17-23)
- (4) **Lintco Development Overlay District.** Within the Lintco Development Overlay District, as defined by Section 4.5.19(A), non-residential development intensity in non-residential or mixed-use developments shall be limited to a maximum Floor Area Ratio (FAR) of 0.36. [Amd. Ord. 21-12 8/7/12] (Ord. No. 32-23, § 14, 10-17-23)
- (5) **Infill Workforce Housing Overlay District.** Within the Infill Workforce Housing Overlay District, as defined by Section 4.5.12, non-residential development intensity in non-residential or mixed-use developments shall be limited to a maximum Floor Area Ratio (FAR) of 0.75. Multiple family residential development, including assisted living facilities that do not comport with the definition of "community residence," are subject to RM District development standards, except for setback and height requirements, which are pursuant to GC standards. Density may exceed 12 units per acre, up to a maximum of 22 units per acre, subject to compliance with Section 4.3.3(BB) and Article 4.7. [Amd. Ord. 08-14 07/01/14] (Ord. No. 32-23, § 14, 10-17-23)

(H) **Special regulations.**

- (1) The first ten feet of the front yard setback which is adjacent to a right-of-way shall be a landscaped area, except within the North Federal Highway Area as defined in 4.4.9(F)(2), which is subject to the special landscape setbacks of Section 4.3.4(H)(6)(b), and the Four Corners Overlay district which is subject to special landscape buffers under Section 4.4.9 (F)(3)(d).

Within the required front landscape area, no paving shall be allowed except for driveways and walkways which shall be generally perpendicular to the property line. [Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 17-99 6/15/99]

DELETED (2) and (3) AND RENUMBERED [Amd. Ord. 64-04 11/16/04]

- (2) Any outdoor display of sporting goods and equipment for rent is subject to the restrictions set forth in Section 4.6.6(C)(3). [Amd. Ord. 15-98 4/21/98]

- (3) Astrologists, clairvoyants, fortune tellers, palmists, phrenologists, psychic readers, spiritualists, numerologists and mental healers are limited to the geographical areas along N.E. and S.E. 5th and 6th Avenues (Federal Highway pairs), between S.E. 10th Street and S.E. 3rd Street, and between N.E. 4th Street and N.E. 7th Street, and shall be limited to no more than one of each business every 300 feet, measured in a straight line from lot line to lot line. [Amd. Ord. 27-98 8/4/98]
- (4) Twenty-four-hour or late night businesses as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV). [Amd. Ord. 41-01 8/7/01]
- (5) No Clubs and Lodges (social, fraternal and recreational) or Church or Places of Worship shall be located closer than 750 feet from another such facility measured from lot line to lot line boundary along a straight airline route. [Amd. Ord. 70-04 1/4/05]

Sec. 4.4.10. Automotive Commercial (AC) District.

(A) **Purpose and intent.** The Automotive Commercial (AC) District has been created to provide specific regulations for this class of use and related uses when those related uses are not located within Commerce or Industrial Districts; and to further Objective NDC 1.1 of the Neighborhoods, Districts, and Corridors Element. (Ord. No. 23-20, § 22, 9-10-20)

(B) **Principal uses and structures permitted.** The following uses are allowed within the AC District each as a separate and distinct permitted use:

- (1) Full service automotive dealerships.
- (2) The sale, lease, or rental of automobiles.
- (3) The sale, lease, or rental of boats.
- (4) The sale, lease, or rental of recreational vehicles, including Neighborhood Electric Vehicles (NEVs). (Ord. No. 36-16, § 3, 1-10-17)
- (5) The sale, lease, or rental of trucks.
- (6) The sale, lease, or rental of motorcycles.
- (7) Retail and wholesale sales of vehicular parts, equipment, and accessories without on-site installation.

- (8) The sale of new utility trailers. However, trailers in excess of 24 feet in length may not be stored on the premises. [Amd. Ord. 54-96 1/7/97]

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, a use as specified:

- (1) Principal use. Full-service automotive dealerships may also have the following accessory uses:
 - (a) Paint and body shops.
 - (b) Repair shops and garages.
 - (c) Limousine service.
 - (d) Towing service.
- (2) Principal use. Sale, lease, or rental of used cars, trucks, and recreational vehicles may also have the following accessory uses:
 - (a) Vehicle preparation area.
- (3) All uses may have the following accessory uses:
 - (a) Parking lots for customers, employees, temporary storage of vehicles awaiting repair, and for the display of vehicles
 - (b) Refuse and delivery/loading areas.
 - (c) Storage of inventory either within the same structure in which the sale of goods occurs or in a separate structure on the same parcel provided that such storage facilities are not shared or leased independent of the primary commercial use of the site.

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the AC District:

- (1) Bus terminals.
- (2) Taxi stands, taxi terminals, or taxi dispatch facility at which more than one taxi may be located at the same time.
- (3) Limousine service.
- (4) Wash establishments for vehicles.
- (5) Gasoline and Service Stations.

- (6) Specialized Service Shops e.g., muffler shops, brake shops, tire shops, lubrication and oil change, window tinting, detailing.
- (7) Full service vehicle repair.
- (8) Commercial parking lots, so long as such lots are secondary to an existing legal conforming use, and such lots are developed and maintained in accordance with Section 4.6.9 of the City's Land Development Regulations. [Amd. Ord. 55-91 9/10/91]

(E) Reserved. (Ord. No. 32-23, § 15, 10-17-23)

(F) **Development standards.**

- (1) The development standards in Section 4.3.4 apply. (Ord. No. 32-23, § 15, 10-17-23)
- (2) The sale, lease, or rental of automobiles, boats, recreational vehicles, or trucks shall be conducted on a lot which has the following dimensions and area: (Ord. No. 32-23, § 15, 10-17-23)
 - (a) Minimum frontage of 125 feet.
 - (b) Minimum width of 125 feet.
 - (c) Minimum depth of 200 feet.
 - (d) Minimum area of one and one-half acres.
 - (e) Exception. The foregoing may be waived for properties where a use listed above was legally established and continues in a nonconforming state, or for the expansion of such a site where it is sufficiently demonstrated that it is not possible to achieve the minimum requirements. The area established for such use must be comprised of a single lot, or a combination of abutting lots, which may be separated by an alley but not by a street. (Ord. No. 32-23, § 15, 10-17-23)
- (3) North Federal Highway Area. The following development standard applies to parcels with frontage on North Federal Highway or the North Federal Highway one-way pairs (N.E. 5th Avenue and N.E. 6th Avenue) between N.E. 4th Street and the north City limits. [Amd. Ord. 17-99 6/15/99] (Ord. No. 32-23, § 15, 10-17-23)
 - (a) Parcels shall have a minimum front building setback of five feet measured from the ultimate right-of-way line. The maximum setback shall be

15 feet, unless it can be demonstrated to the approving body that it is not feasible to comply with this standard. [Amd. Ord. 17-99 6/15/99] (Ord. No. 32-23, § 15, 10-17-23)

(G) **Supplemental district regulations.** The supplemental district regulations in Article 4.6 apply except as modified herein. (Ord. No. 32-23, § 15, 10-17-23)

(1) **Outside display.** Outside display areas for sale, lease, or rental of vehicles shall be designed as follows:

- (a) Such areas must be separated from all adjacent streets, asphalt, or vehicular use areas by a hedge or berm at least three feet high and trees planted at least 40 feet on center. However, the hedge may be planted at such a location that at least 24 inches of the hedge is above the finished grade of the adjacent parking area.
- (b) Such areas must be separated from all residential zoning districts, whether or not separated by a street or alley, by a six-foot high, solid masonry wall with decorative finished surfaces (e.g., stucco and capped) on both sides. If a display area is separated from residential zoning districts by an arterial or collector right-of-way, or under other singular circumstance, the wall may be waived by the approving body concurrent with site plan approval action. [Amd. Ord. 29-93 4/13/93] (Ord. No. 32-23, § 15, 10-17-23)
- (c) The depth of the landscape strip between the car display and the ultimate right-of-way shall be as provided in Section 4.3.4(H)(6), with the following exceptions. (Ord. No. 32-23, § 15, 10-17-23)
 1. Lots with a depth greater than 250 feet. As an alternative to the special landscape setback requirements in Section 4.3.4(H)(6), the outdoor display area may be allowed to encroach into the required landscaped setback up to 50 percent, so as to form a scalloped effect. However, the total amount of green space required along the right-of-way may not be reduced. In no case may the car display area encroach closer than ten feet to the ultimate right-of-way. (Ord. No. 32-23, § 15, 10-17-23)
 2. Other exceptions. Further, the approving body may waive or reduce the special landscape setback provision on existing sites or for additions to existing sites where it can be demonstrated that it is not feasible to comply due to physical constraints of the property. [Amd. Ord. 29-93 4/13/93] (Ord. No. 32-23, § 15, 10-17-23)

- (d) If the outdoor display area is located adjacent to a street or alley that separates it from a residential zoning district, the display area shall not be located closer than ten feet to the adjacent street or alley. This ten-foot setback shall be required to be landscaped and the six-foot wall required in subsection (G)(1)(b) above may be permitted within five feet of the street or alley with trees planted 25 feet on center inside the wall. (Ord. No. 32-23, § 15, 10-17-23)
- (e) If the outdoor display area is located adjacent to nonresidential zoning, a landscape strip with a minimum width of five feet is required. (Ord. No. 32-23, § 15, 10-17-23)
- (f) The outdoor display area shall be designed and constructed in accordance with Section 4.6.9(D). However, establishments that sell or lease at least 50 percent of their stock as compact cars may design up to 50 percent of their outdoor display area in accordance with the compact parking design criteria. (Ord. No. 32-23, § 15, 10-17-23)

(2) **Bullpen areas.**

- (a) Vehicles may be stored on an approved parking surface without reference to parking stalls, stall striping, or wheel stops. This type of parking, called bullpen parking shall be allowed only pursuant to a site plan which is prepared and approved based upon the following:
 - 1. Wherever reasonably possible as determined by the approving body, bullpen areas shall be separated from a street by an outdoor display area, customer or employee parking area, or a building. Where not possible, the landscaping and separation requirements of Subsection (G)(1)(b) shall apply. (Ord. No. 32-23, § 15, 10-17-23)
 - 2. Landscaping strips and landscaped islands internal to the bullpen parking area are not required; however, the ten percent interior landscaping requirement shall be met by transferring the required landscaping to the perimeter of the site and/or bullpen area. The transferred landscaped areas shall be designed and located to mitigate and buffer the impact of the aggregated car storage area. (Ord. No. 32-23, § 15, 10-17-23)
- (b) Bullpen parking shall not be counted toward the parking requirements in Section 4.6.9. (Ord. No. 32-23, § 15, 10-17-23)
- (c) A bullpen parking arrangement may be used for an employee parking area provided that it complies with Subsection (G)(2)(a) and is in

conjunction with a full-service new car automobile dealership. Employee parking provided in a bullpen arrangement may count toward meeting employee parking requirements. (Ord. No. 32-23, § 15, 10-17-23)

(3) **Customer and employee parking areas.** Customer and employee parking areas shall be provided in accordance with Section 4.6.9(C)(3)(f).

(4) **Locational restrictions.**

(a) Repair facilities and paint and body shops shall be located at least 100 feet from any residentially-zoned property. Service bay doors shall not be oriented toward any adjacent residentially-zoned property, except where currently existing, nor oriented toward any adjacent public street unless it can be demonstrated to the approving body that it is not feasible to comply. [Amd. Ord. 29-93 4/13/93] (Ord. No. 32-23, § 15, 10-17-23)

(b) Accessory fuel pump islands and automated wash facilities for vehicles shall not be located within 100 feet of any residentially-zoned property. Wash facilities shall be located within a completely enclosed building. Fuel pump islands, shall be located within an enclosed area so that they are not visible off premises.

(5) **Use and operating restrictions.**

(a) Except for automobiles, trucks, pickup trucks, vans, jeeps, motorcycle and recreation vehicles, no other outdoor sales or display of any materials, products, or goods shall be permitted. No industrial equipment shall be sold, leased, rented, or otherwise stored within the AC District. However, wherever reasonably possible, as determined by the City, trucks other than pickup trucks, vans, and jeeps shall be displayed in areas which are separated from a street by an outdoor display area for other permitted vehicles, customer or employee parking areas, or buildings.

(b) No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway.

(c) Other than information required by law to be posted on the side window of vehicles, advertising, flags, pennants, streamers, balloons, signs or vehicle stock numbers shall not be displayed on any vehicle or equipment. Similar objects, or advertising designed to attract the pub-

lic's attention shall not be displayed outdoors on any lot, building, vehicle, or equipment except as permitted by Section 4.6.7. [Amd. Ord. 45-95 9/5/95] (Ord. No. 32-23, § 15, 10-17-23)

- (d) Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles or for loading and deliveries shall be located to the rear of buildings and shall be located to contain noise on-site. These areas shall not be located closer than 100 feet from any residentially-zoned lot, and shall be appropriately designated, marked, and signed.
- (e) Dealers are prohibited from using residential streets for the testing of vehicles after servicing and for the demonstration of vehicles. [Amd. Ord. 2-92 02/11/92]
- (6) **Lighting restrictions.** Exterior lighting fixtures shall not exceed 25 feet in height; shall be directed away from adjacent properties; shall be a sharp cutoff, luminary; shall confine light to the site only; and shall not exceed when measured at ten feet inside any property line, the following illumination:
 - (a) One hundred foot-candles within display areas.
 - (b) Forty foot-candles within all other areas.
 - (c) After 11:00 p.m., the illumination in display areas shall be reduced to 50 foot-candles.
- (H) **Special regulations.**
 - (1) **Compliance upon expansion of area.** When there is not a change of use, but there is an expansion of area devoted to any use and such expansion involves an increase in use area of 30 percent, or greater, in a cumulative amount, than that which existed as of April 14, 1987, the entire site shall be brought into compliance with the standards and supplemental regulations of this Section. If such expansion is less than 30 percent, the standards and design portions of the supplemental regulations shall apply only to that portion of the site which is being improved. (Ord. No. 32-23, § 15, 10-17-23)
 - (2) **Compliance upon expansion of building area.** When there is not a change of use, but there is an expansion of building area and such expansion involves an increase in total floor area of 30 percent, or greater, in a cumulative amount, than that which existed as of April 14, 1987, the entire site shall be brought into compliance with the standards and supplemental

regulations of this Section. If such expansion is less than 30 percent, the standards and design portions of the supplemental regulations shall apply only to that portion of the site which is adjacent to and required to be improved to comply with landscape and parking requirements made necessary by the addition. This provision for total site upgrading may be waived by the approving body in instances where because of the small size of the structure in relationship to the totality of the site, the upgrade is infeasible or impractical. [Amd. Ord. 29-93 4/13/93] (Ord. No. 32-23, § 15, 10-17-23)

- (3) **Compliance with operating and use procedures.** Notwithstanding the previous, the requirements of Subsection (G)(5) shall be complied with by all uses whether preexisting or not. (Ord. No. 32-23, § 15, 10-17-23)
- (4) **Relief from open space requirements:** Whenever the requirement to bring an existing site into full compliance triggers a requirement to increase the percentage of open space pursuant to Section 4.3.4(K), a reduction of that requirement may be approved by the approving body; however, in no instance shall the percentage be reduced below the existing percentage of open space. Concurrent with granting a reduction, the Board must find that such reduction does not diminish the practical application of the requirement, particularly as it relates to the perimeter of the site. [Amd. Ord. 3-95 1/17/95] (Ord. No. 32-23, § 15, 10-17-23)

Sec. 4.4.11. Neighborhood Commercial (NC) District.

(A) **Purpose and intent.** The Neighborhood Commercial (NC) District provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to residential areas. (Ord. No. 23-20, § 23, 9-10-20)

(B) **Principal uses and structures permitted.** The following uses are allowed as a permitted use within the NC District subject to the limitations in Subsection (H): [Amd. Ord. 22-03 8/19/03] (Ord. No. 32-23, § 16, 10-17-23)

- (1) Retail uses and/or facilities such as: convenience foods; household supplies; garden and lawn supplies; pharmacies; small appliance sales and repairs; baked goods; delicatessen goods. [Amd. Ord. 35-10 10/19/10]
- (2) Provision of services such as: barber and beauty shops; dry cleaning limited to on-site processing for customer pickup only; dry cleaning and laundry pickup stations; vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling, and karate-judo; financing e.g. banks and similar institutions excluding drive-through facilities;

laundromats limited to self-service facilities; Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose), dining at sit down restaurants including takeout and ice cream parlors but excluding drive-in, drive-through facilities; newsstands. [Amd. Ord. 22-03 8/19/03]; [Amd. Ord. 1-02 2/5/02] (Ord. No. 36-16, § 4, 1-10-17)

- (3) Business and professional offices. [Amd. Ord. 22-03 8/19/03]; [Amd. Ord. 40-01 8/7/01]
- (4) Urban Agriculture pursuant to Section 4.3.3(D). (Ord. No. 07-17, § 8, 5-16-17; Ord. No. 32-23, § 16, 10-17-23)
- (5) Veterinary clinics, subject to Section 4.3.3(W). (Ord. No. 11-25, § 6, 7-8-25)

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking areas for employees and customers.
- (2) Refuse and service areas. [Amd. Ord. 40-01 8/7/01]

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the NC District subject to the limitations per Subsection (H). [Amd. Ord. 22-03 8/19/03]

- (1) Child care and adult day care.
- (2) Display and sale of lawn furniture, playground equipment, sheds and accessories. [Amd. Ord. 65-93 12/07/93]
- (3) Pet services, subject to Section 4.3.3(W). [Amd. Ord. 65-93 12/07/93] (Ord. No. 17-21, § 5, 10-19-21; Ord. No. 11-25, § 7, 7-8-25)
- (4) Equipment rental and display. [Amd. Ord. 1-02 2/5/02]

(E) Reserved. (Ord. No. 32-23, § 16, 10-17-23)

(F) **Development standards.** In addition to the development standards in Section 4.3.4, the following shall apply: (Ord. No. 32-23, § 16, 10-17-23)

- (1) Maximum site area of two acres. [Amd. Ord. 65-93 12/07/93]
- (2) Special Landscape Area: Within the first ten feet of the front yard setback area (abutting the property line) full landscaping shall be provided. Driveways and sidewalks shall be accommodated only when generally perpendicular to the property line.

- (3) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), any free-standing structure which accommodates a principal or conditional use shall have a minimum floor area of 4,000 square feet. [Amd. Ord. 17-12 6/5/12]
- (4) Wallace Drive Overlay District Development Standards: Within the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the Development Standards depicted in the Section 4.3.4(K) Development Standards Matrix, shall be the same as those of the MIC (Mixed Industrial and Commercial) zoning district. [Amd. Ord. 17-12 6/5/12]

(G) **Supplemental district regulations.** In addition to the supplemental district regulations in Article 4.6, the following shall apply. [Amd. Ord. 17-12 6/5/12] (Ord. No. 32-23, § 16, 10-17-23)

- (1) Within the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum Floor Area Ratio (FAR) is 0.25. [Amd. Ord. 17-12 6/5/12]

(H) **Special regulations.**

- (1) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum area devoted to a single tenant for office or service uses shall not exceed 2,000 square feet in floor area. Banks or similar financial institutions excluding drive-through bank facilities, may not exceed 6,000 square feet. The intent of these restrictions is to maintain the center at the neighborhood scale. [Amd. Ord. 17-12 6/5/12]; [Amd. Ord. 23-05 4/19/05]; [Amd. Ord. 65-93 12/07/93] (Ord. No. 32-23, § 16, 10-17-23)
- (2) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the maximum floor area which can be allocated to a single retail use, or groups of similar (retail, office, services) principal uses, shall not exceed 10,000 square feet. [Amd. Ord. 17-12 6/5/12]; [Amd. Ord. 65-93 12/07/93]
- (3) Outdoor storage of any kind is prohibited, except as permitted herein. [Amd. Ord. 40-01 8/7/01]
- (4) Twenty-four-hour or late night businesses are subject to Section 4.3.3(VV). [Amd. Ord. 41-01 8/7/01] (Ord. No. 32-23, § 16, 10-17-23)

Sec. 4.4.12. Planned Commercial (PC) District.

(A) **Purpose and intent.** The Planned Commercial (PC) District provides for the establishment of retail, office, commercial activities, and limited institutional uses on large sites in a well-planned, functional, and aesthetically pleasing manner;

residential is allowed on a limited basis to preserve the generally non-residential character of the PC district. The PC District shall be applied to properties designated as General Commercial on the Land Use Map where the unified development is, or will be, in excess of five acres; or when it is appropriate to preserve the character of certain specialty retail and office centers; or to ensure that certain high visibility areas are attractively developed. [Amd. Ord. 09-11 4/5/11]; [Amd. Ord. 8-07 3/20/07] (Ord. No. 23-20, § 24, 9-10-20; Ord. No. 01-21, § 3, 1-19-21; Ord. No. 32-23, § 17, 10-17-23; Ord. No. 15-26, § 3, 5-5-26)

(B) **Principal uses and structures permitted.** The following types of uses are allowed within the PC District as a permitted use, except within the Four Corners Overlay District, which is subject to Section 4.4.9(G)(3)(a): [Amd. Ord. 8-07 3/20/07] (Ord. No. 01-21, § 3, 1-19-21; Ord. No. 32-23, § 17, 10-17-23)

- (1) All uses allowed as such within the GC District (Section 4.4.9(B)(1) through (5), (7), (8), (10), and (11)). [Amd. Ord. 02-10 1/19/10] (Ord. No. 33-16, § 3, 11-15-16; Ord. No. 07-17, § 9, 5-16-17; Ord. No. 58-20, § 4, 12-1-20; Ord. No. 11-25, § 8, 7-8-25)
- (2) Automobile brokerage, including vehicle display within an enclosed structure, but excluding any preparation, service, or repair work.
- (3) Within the Medical Arts Overlay District, as defined in Section 4.5.18, Institutional uses, such as Non-residential Licensed Service Provider Facilities; Hospitals, with or without helipads and associated laboratories; Treatment Centers; Rehabilitation Centers; Testing Facilities; and Mental Health Treatment Facilities, including residential care, are allowed as permitted uses. (Ord. No. 15-26, § 3, 5-5-26)

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use, except within the Four Corners Overlay District which shall be pursuant to Section 4.4.9(G)(3)(b): [Amd. Ord. 8-07 3/20/07]

- (1) Parking lots.
- (2) Refuse and service areas.
- (3) Provision of services and repair of items incidental to the principal use.
- (4) Storage of inventory either within the same structure as where the sale of goods occurs or in a separate structure on the same parcel provided that such storage facilities are not shared or leased independent of the primary commercial use of the site.

- (5) Automotive rental facility, accessory, subject to the requirements of Section 4.3.3(C). (Ord. No. 24-17, § 4, 11-7-17)

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the PC District except as modified in the Lindell/Federal (Redevelopment Area #6) Overlay District and the Silver Terrace Courtyards Overlay District by Section 4.4.12(G) and within the Four Corners Overlay District which shall be pursuant to Section 4.4.9(G)(3)(c): [Amd. Ord. 38-09 8/18/09]; [Amd. Ord. 8-07 3/20/07]; [Amd. Ord. 22-00 9/19/00]

- (1) All uses allowed as such within the GC District [Section 4.4.9(D)].
- (2) Playhouses, Dinner Theaters, and places of assembly for commercial entertainment purposes (e.g., concerts, live performances).
- (3) Private schools and other similar educational facilities, subject to Section 4.3.3(HHH). [Amd. Ord. 18-02 6/18/02]
- (4) Adult Gaming Centers. [Amd. Ord. 58-04 10/19/04]
- (5) Live/Work Unit, subject to 4.3.3(KKK). [Amd. Ord. 23-10 10/5/10]
- (6) Automotive Rental Facility, Neighborhood subject to the requirements of Section 4.3.3(C), provided that the use shall not fundamentally alter the retail nature of the shopping center. This use is allowed as a conditional use within the Four Corners Overlay District. (Ord. No. 24-17, § 4, 11-7-17)

(E) **Review and approval process.**

- (1) A Master Development Plan may be processed for large scale or phased projects. (Ord. No. 32-23, § 17, 10-17-23)

(F) **Development standards.** In addition to the development standards set forth in Section 4.3.4, the following shall apply, except within the Four Corners Overlay District which shall be pursuant to Section 4.4.9(F)(3): [Amd. Ord. 8-07 3/20/07]

- (1) Special landscape area. Within the first ten feet of the front yard setback area (abutting the property line) full landscaping shall be provided. Driveways and sidewalks shall be accommodated only when generally perpendicular to the property line.
- (2) Any free-standing structure shall have a minimum floor area of 6,000 square feet; shall be architecturally compatible with other structures, shall take access from the interior circulation system of the development and shall be able to meet all code requirements if it were to be situated on an outparcel. Architectural compatibility shall be determined pursuant to Section 4.6.18.

(G) **Supplemental district regulations.** In addition to the supplemental district regulations in Article 4.6, the following shall apply. [Amd. Ord. 22-00 9/19/00] (Ord. No. 32-23, § 17, 10-17-23)

- (1) Development within the Lindell/Federal Redevelopment Area Overlay District (Redevelopment Area #6) shall be consistent with the adopted Redevelopment Plan for the area, with particular attention to "Section 4: Plan for Future Development." [Amd. Ord. 22-00 9/19/00] (Ord. No. 32-23, § 17, 10-17-23)
- (2) Within the portion of the Redevelopment Area bounded by Dixie Highway on the west, the C-15 canal on the south, Federal Highway on the east, and Avenue K (extended) on the north, multiple family residential development and assisted living facilities with densities of up to 16 units per acre are allowed, subject to RM development standards in Section 4.3.4, the performance standards in Section 4.3.3(BB), and based upon the development's conformity to the applicable standards and criteria in the adopted Redevelopment Plan. [Amd. Ord. 22-00 9/19/00] (Ord. No. 32-23, § 17, 10-17-23)
- (3) Dwelling units are permitted within the same structure as commercial uses with no restriction on the percentage of each use allowed. Residential uses and nonresidential uses must be physically separated and have separate accessways. [Amd. Ord. 22-00 9/19/00] (Ord. No. 32-23, § 17, 10-17-23)
- (4) All development within the Four Corners Overlay District shall also comply with Section 4.4.9(G)(3)(d) and (e) and Section 4.4.9(E)(4). [Amd. Ord. 8-07 3/20/07] (Ord. No. 32-23, § 17, 10-17-23)
- (5) Within the Silver Terrace Courtyards Overlay District, as defined by Section 4.5.17, multi-family residential, assisted living facilities and mixed-use development with residential densities up to 22 units per acre are allowed, subject to Article 4.7. The maximum nonresidential Floor Area Ratio (FAR) within the overlay district is 0.75. [Amd. Ord. 47-11 1/3/12]; [Amd. Ord. 38-09 8/18/09] (Ord. No. 32-23, § 17, 10-17-23)
- (6) Within the Linton Commons Overlay District, as defined in Section 4.5.21, multi-family residential, assisted living facilities and mixed-use development with residential densities up to 30 units per acre are allowed, provided at least 20 percent of the units are workforce units that comply with Article 4.7, "Family/Workforce Housing." (Ord. No. 01-21, § 3, 1-19-21; Ord. No. 32-23, § 17, 10-17-23; Ord. No. 15-26, § 3, 5-5-26)

(H) **Special regulations.**

- (1) Where it is appropriate to limit the type, character, or intensity of use within a PC development, this may be accomplished by affixing the added designation of "S" (Small Scale) to the PC designation (i.e. PC-S). In such designated development, the maximum floor area which can be allocated to a single tenant or specific use, singularly or in the aggregate, shall not exceed 60,000 square feet. (e.g. although retail sales may exceed 60,000 square feet, the retail sale of home furnishings shall not exceed 60,000 square feet). [Amd. Ord. 3-91 1/29/91]
- (2) Twenty-four-hour or late-night businesses as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV). [Amd. Ord. 41-01 8/7/01]
- (3) No Clubs and Lodges (social, fraternal and recreational) or Church or Places of Worship shall be located closer than 750 feet from another such facility measured from lot line to lot line boundary along a straight airline route. [Amd. Ord. 70-04 1/4/05]

Sec. 4.4.13. Central Business (CBD) District.*

(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 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. (Ord. No. 19-18, § 2, 10-16-18; Ord. No. 23-20, § 25, 9-10-20; Ord. No. 26-21, § 2, 8-10-21; Ord. No. 20-21, § 2, 12-7-21)

- (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 that fosters compact, pedestrian oriented

***Editor's note**—Ord. No. 26-21, §§ 2—8 and 10, adopted August 10, 2021, repealed Figures 4.4.13-1—4.4.13-4 and redesignated the existing Figures 4.4.13-5—4.4.13-7, 4.4.13-8, 4.4.13-8A, 4.4.13-9—4.4.13-12, 4.4.13-13—4.4.13-28, 4.4.13-29—4.4.13-31, 4.4.13-32—4.4.13-35, and 4.4.13-36 as Figures 4.4.13-B-1—B-3, 4.4.13-C-1, 4.4.13-C-2, 4.4.13-D-1—4.4.13-D-4, 4.4.13-E-1—4.4.13-E-16, 4.4.13-F-1—4.4.13-F-3, 4.4.13-G-1—4.4.13-G-4, and 4.4.13-K-1, respectively.

growth that will support downtown businesses. See Figure 4.4.13-B-1 "Central Core and Beach Sub-Districts Regulating Plan." (Ord. No. 19-18, § 2, 10-16-18; Ord. No. 26-21, § 2, 8-10-21)

- (2) **Beach Sub-district.** The Beach Sub-district regulations are intended to preserve and enhance the character of these areas, the public condition of the beach, the vitality of its center, and the natural environment. Within this area, the Delray Beach Master Plan calls for redevelopment of existing buildings in a manner that places storefronts close to the street and parking to the rear. Where existing buildings are separated from the pedestrian ways by wide landscaped areas, the addition of arcades and new building square footage to bring the storefronts closer to the street is encouraged. The Beach Sub-district is located within the Coastal Planning Area, and as such, density and intensity are limited to promote community resiliency. See Figure 4.4.13-B-1 "Central Core and Beach Sub-Districts Regulating Plan." (Ord. No. 19-18, § 2, 10-16-18; Ord. No. 26-21, § 2, 8-10-21)

- (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. 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-B-2, "West Atlantic Neighborhood Sub-District Regulating Plan." (Ord. No. 19-18, § 2, 10-16-18; Ord. No. 26-21, § 2, 8-10-21)
- (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. See Figure 4.4.13-B-3 "Railroad Corridor Sub-District Regulating Plan." (Ord. No. 19-18, § 2, 10-16-18; Ord. No. 26-21, § 2, 8-10-21)
- (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." (Ord. No. 20-21, § 2, 12-7-21)

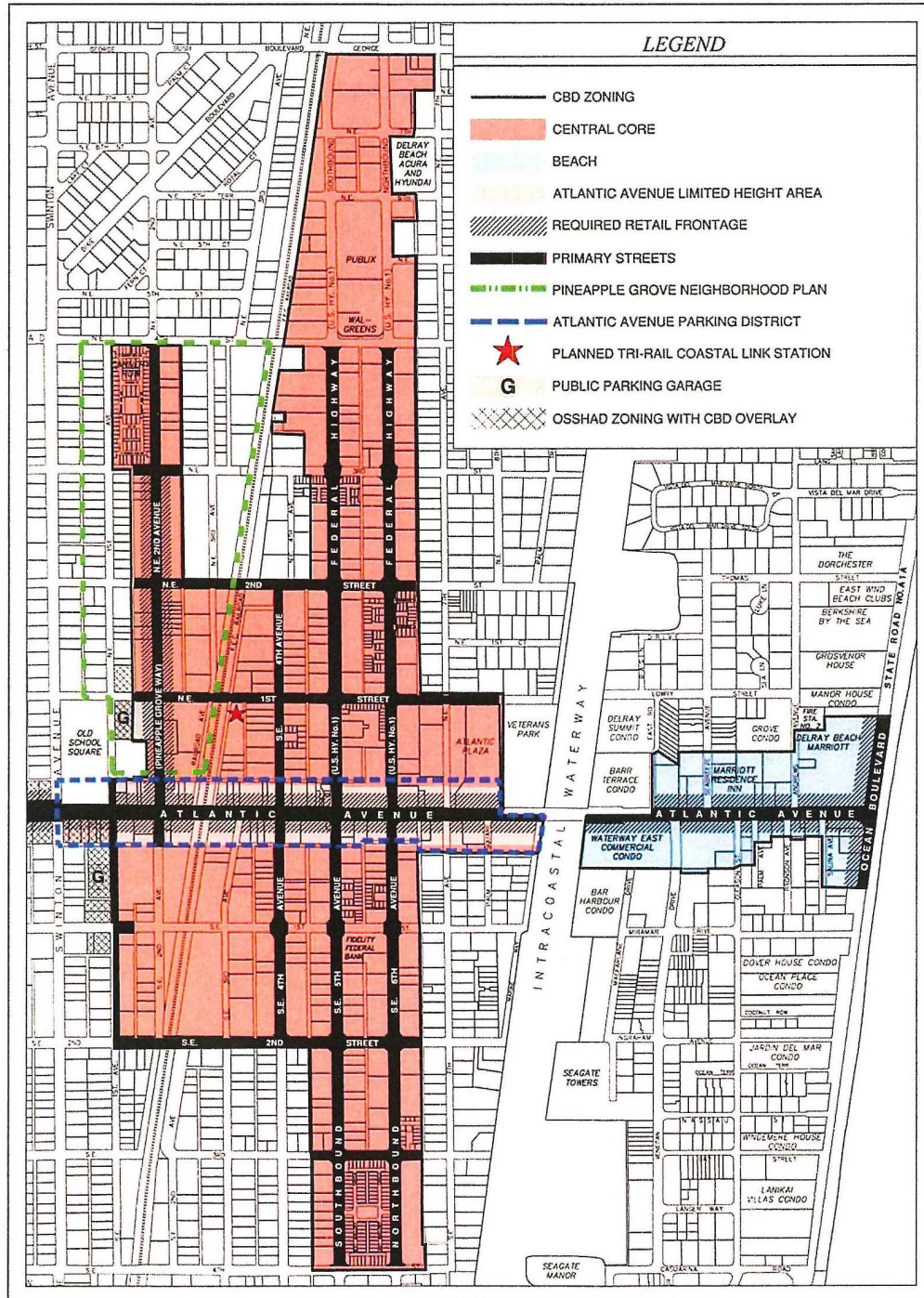
(B) **Regulating plans.** The Delray Beach Central Business District Regulating Plans depict additional information necessary to apply the standards contained in this Section and are hereby officially adopted as an integral part of these regulations.

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: (Ord. No. 19-18, § 3, 10-16-18; Ord. No. 26-21, § 3, 8-10-21)

- (1) **Primary and secondary streets and alleys.** Primary Streets are intended to develop over time as superior pedestrian environments and, as such, are held to higher standards in the regulations regarding building placement, building frontage, and the location of parking and service uses. Streets not designated as Primary Streets are considered Secondary Streets, which can accommodate service functions and vehicular-oriented development needs, including parking, loading, and drive-through facilities. Alleys are important assets in the CBD, performing many functions within small rights-of-way. See Section 4.4.13(C)(2). (Ord. No. 19-18, § 3, 10-16-18)
- (2) **Required retail frontage.** Certain Primary Streets within the CBD are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Streets designated as with Required Retail Frontage are held to stricter standards regarding allowable frontage types and uses located within side-walk level stories. See Section 4.4.13(C)(3). (Ord. No. 19-18, § 3, 10-16-18)
- (3) **Parking and transit locations.** The locations of public parking garages and the planned Tri-Rail Coastal Link station are mapped on the Regulating Plan. Parking requirements may be adjusted based on the proximity to these transportation resources. In addition, the Atlantic Avenue Parking Area is mapped, which has special parking requirements for restaurant and lounge uses. See Section 4.4.13(I).
- (4) **Limited Height Areas.** Building height is limited in specific areas to protect and enhance existing development patterns. See Section 4.4.13(D). (Ord. No. 19-18, § 3, 10-16-18; Ord. No. 07-20, § 2, 5-19-20)
 - 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. (Ord. No. 07-20, § 2, 5-19-20)
 - 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. (Ord. No. 07-20, § 2, 5-19-20; Ord. No. 20-21, § 3, 12-7-21)

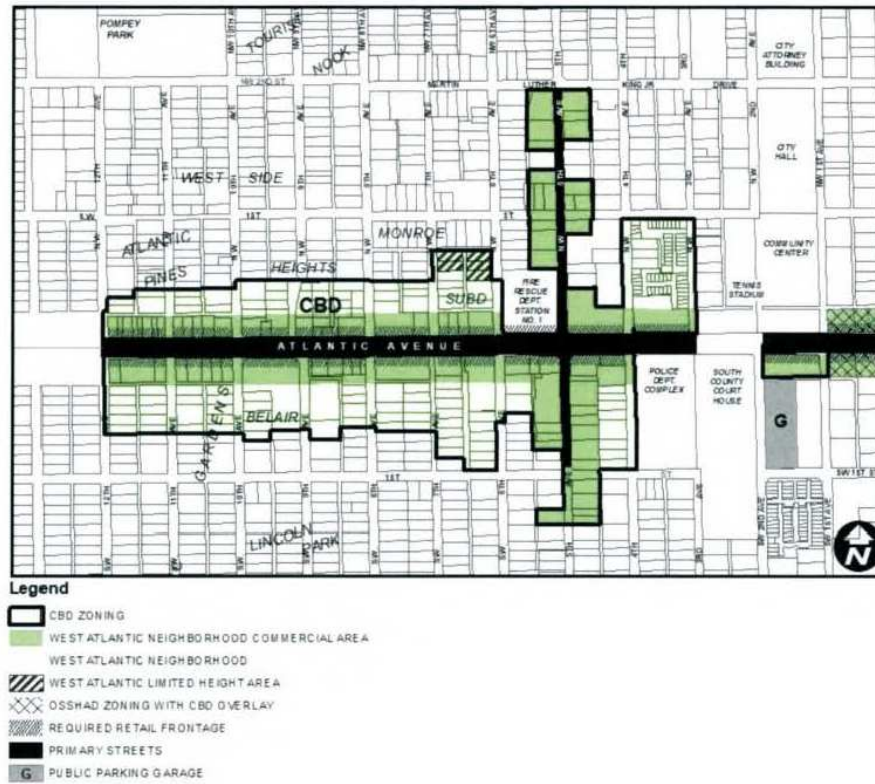
- (5) **West Atlantic Neighborhood Commercial Area.** The location of commercial uses is limited within the West Atlantic Neighborhood Sub-district to protect established residential areas from commercial intrusion. See Section 4.4.13(C)(4)(c). (Ord. No. 19-18, § 3, 10-16-18)
- (6) **Old School Square Historic Arts District (OSSHAD) Zoning with CBD Overlay.** Section 4.4.24(E) identifies OSSHAD properties with CBD Overlay and which CBD Sub-district standards apply. [Amd. Ord. 27-15 10/20/15] (Ord. No. 19-18, § 3, 10-16-18)
- a. Properties with OSSHAD Zoning with CBD Overlay may follow the applicable CBD Sub-district development standards for principal and accessory uses only and may not apply for conditional uses or participate in the Incentive Program in Section 4.4.13(H). (Ord. No. 19-18, § 3, 10-16-18)
 - b. CBD Overlay properties are also subject to the OSSHAD Special District Regulations of Section 4.4.24(H). (Ord. No. 19-18, § 3, 10-16-18)
 - c. CBD Overlay properties must adhere to the required standards set forth in Section 4.4.13(F)(1), and 4.4.13(K)(3). (Ord. No. 19-18, § 3, 10-16-18)

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



(Ord. No. 13-16, § 1(Exh. A), 6-7-16; Ord. No. 26-21, § 3, 8-10-21)

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



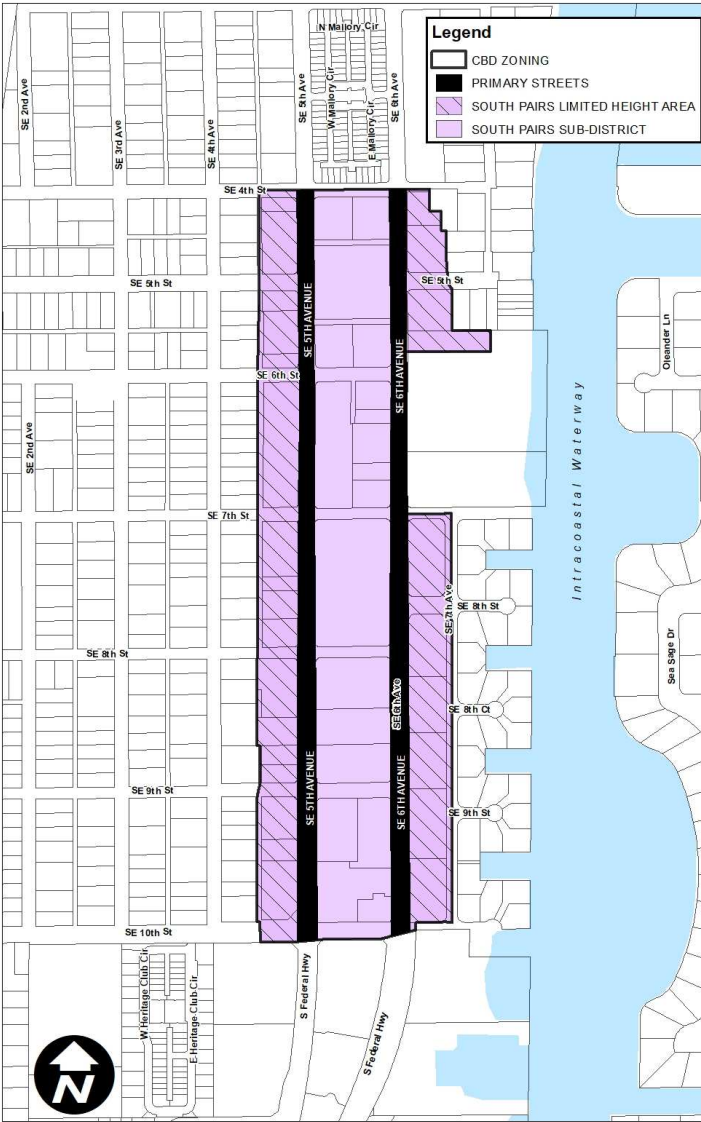
(Ord. No. 07-20, § 3, 5-19-20; Ord. No. 9-20, § 3 Exh. C, 8-18-20; Ord. No. 26-21, § 3, 8-10-21)

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



(Ord. No. 10-21, § 3(Exh. C), 5-4-21; Ord. No. 26-21, § 3, 8-10-21)

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



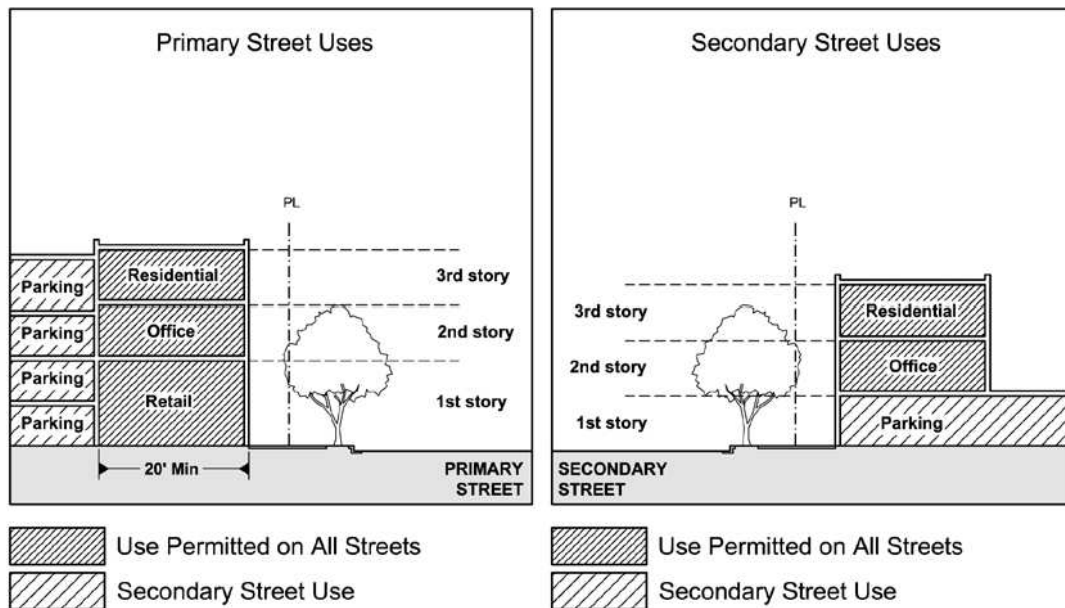
(Ord. No. 20-21, § 3, 12-7-21)

(C) **Allowable uses.**

- (1) **Principal, accessory, and conditional uses.** Table 4.4.13(A) identifies the allowable principal, accessory, and conditional uses for each area of the CBD. See Section 4.4.13(J) for approval standards. Streets designated as "Primary Streets" and/or with "Required Retail Frontage" on any Sub-district Regulating Plan have additional standards. (Ord. No. 19-18, § 4, 10-16-18)
- (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 designates certain streets as "Primary Streets" and all other streets are considered to be "Secondary Streets." (Ord. No. 19-18, § 4, 10-16-18)
 - (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-B-1, "Central Core & Beach Sub-districts Regulating Plan," and Figure 4.4.13-B-2, "West Atlantic Neighborhood Regulating Plan." [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-21, § 4, 8-10-21)
 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. [Amd. Ord. 28-15 12/08/15]
 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). (Ord. No. 28-15, § 2, 12-8-15; Ord. No. 26-21, § 4, 8-10-21)
 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. (Ord. No. 28-15, § 2, 12-8-15)

- (c) Additional standards for Conditional Uses are in Section 4.4.13(K)(7).
(Ord. No. 19-18, § 4, 10-16-18)

Figure 4.4.13-C-1 Primary and Secondary Street Uses



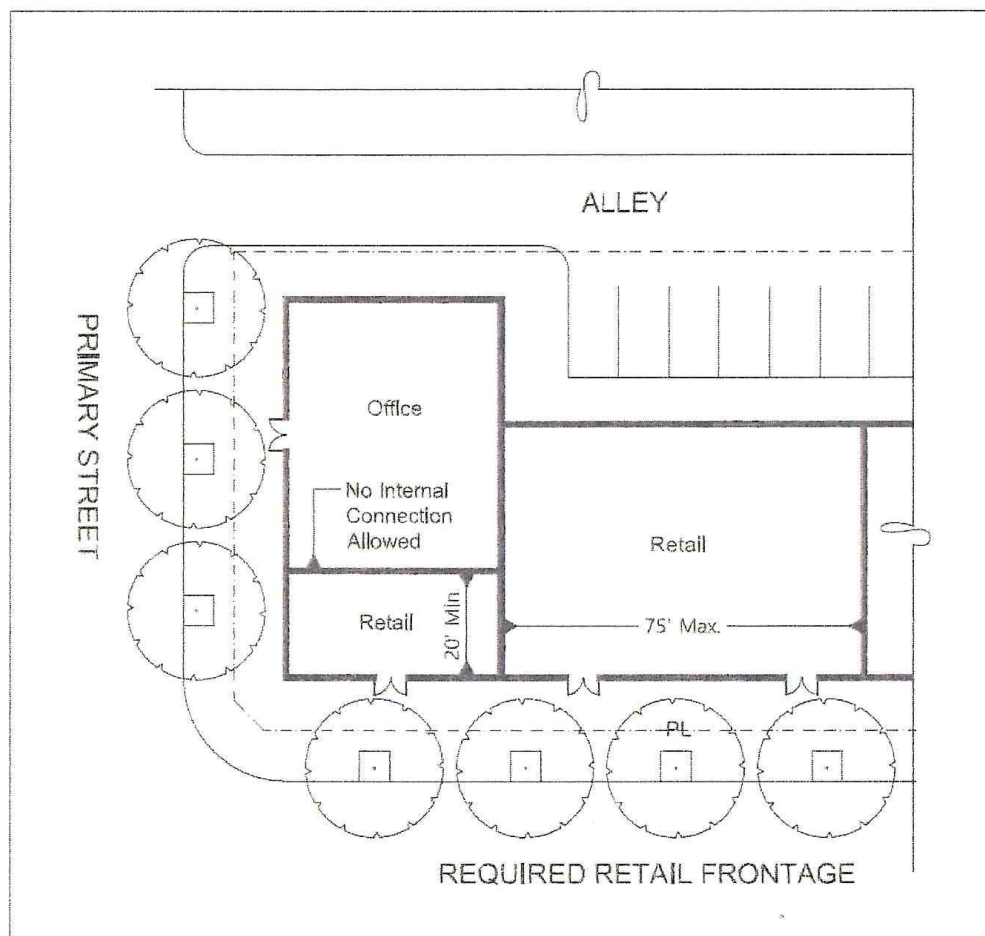
(Ord. No. 26-21, § 4, 8-10-21)

- (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.
(Ord. No. 19-18, § 4, 10-16-18)

(a) **All Sub-districts.** (Ord. No. 19-18, § 4, 10-16-18)

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: [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 4, 10-16-18)
 - a. The frontage type shall be either a Storefront or Arcade with a Storefront. See Section 4.4.13(E); (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 26-21, § 4, 8-10-21)

- b. The width of an individual commercial space shall not exceed 75 feet (See Figure 4.4.13-C-2); (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 26-21, § 4, 8-10-21)
 - 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); and (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 26-21, § 4, 8-10-21)
 - 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). (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 26-21, § 4, 8-10-21)
- 3. Valet and passenger loading areas and access are not permitted. (Ord. No. 19-18, § 4, 10-16-18)

Figure 4.4.13-C-2 Required Retail Frontage

(Ord. No. 26-21, § 4, 8-10-21)

(b) **Central Core and Beach Sub-districts.** One hundred percent of the building frontage at the sidewalk-level story shall be for the following uses (as described in Table 4.4.13(A)): (Ord. No. 19-18, § 4, 10-16-18)

1. General retail uses and/or facilities. (Ord. No. 12-20, § 2, 10-20-20)
2. Services and facilities. (Ord. No. 33-16, § 5, 11-15-16; Ord. No. 19-18, § 4, 10-16-18; Ord. No. 12-20, § 2, 10-20-20)
3. Hotels, motels, or residence-type inns.
4. NEV sales, lease or rental offices. (Ord. No. 36-16, § 5, 1-10-17)
5. Limitations and exceptions. (Ord. No. 12-20, § 2, 10-20-20)
 - a. Tattoo establishments are not permitted. (Ord. No. 12-20, § 2, 10-20-20)

- b. Financial institutions are limited to banks and savings and loan establishments; brokerage firms and private wealth management firms are not permitted. The following regulations also apply: (Ord. No. 12-20, § 2, 10-20-20)
 - i. No more than 75 feet of financial institution frontage is allowed per block face; and (Ord. No. 12-20, § 2, 10-20-20)
 - ii. No more than a total of 100 feet of financial institution frontage is allowed on facing street frontages. (For example, a new financial institution with 30 feet of street frontage may locate across the street from an existing financial institution with 70 feet of street frontage.) (Ord. No. 12-20, § 2, 10-20-20)
- c. Sale of automotive parts, lawn care equipment, firearms, or secondhand material (other than verifiable antiques) are not permitted. (Ord. No. 12-20, § 2, 10-20-20)
- d. Buildings constructed prior to 1980 located in the Beach Sub-district that have 80 percent or more of their frontage at a setback of 25 feet or greater shall be exempted from the 100 percent ground floor retail requirement. (Ord. No. 12-20, § 2, 10-20-20)
- e. CBD oil establishments as a principal use, or the sale of CBD oil products as an accessory use are not permitted. (Ord. No. 58-20, § 5, 12-1-20; Ord. No. 04-25, § 4, 6-17-25)
- f. Eyeglass stores with accessory optometry services are limited to one store per block face and are not permitted on facing street frontages. (Ord. No. 26-22, § 3, 12-6-22)

(c) **West Atlantic Neighborhood Sub-district.**

- 1. At least 50 percent of the building frontage of the sidewalk level story shall be for the following uses (as described in Table 4.4.13(A)): (Ord. No. 19-18, § 4, 10-16-18)
 - a. General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, firearms, or second hand material (other than verifiable antiques) are not permitted.
 - b. Services and facilities

c. Hotels, motels, or residential-type inns as a Conditional Use

2. Up to 50 percent of the building frontage of the sidewalk level story may be for business, professional, and medical uses/offices; more than 50 percent may be approved as a Conditional Use. (Ord. No. 19-18, § 4, 10-16-18)

Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts					
Uses	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh.⁵	South Pairs Neigh
General retail uses and/or facilities, as in GC district (4.4.9) ¹	P	P	P	P	P
Business, professional, and medical uses, as in GC district (4.4.9)	P	P	P	P	P
Services and facilities, as in GC district (4.4.9) ² , excluding drive-through facilities	P	P	P	P	P
Townhouse and Multiple-family dwellings ³	P	P	P	P	P
Astrologist, clairvoyants, fortune tellers, palmists, phrenologists, psychic reads, spiritualists, numerologists and mental healers as in GC district (4.4.9)	-	-	-	-	P
Community residences	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	C
Live/work units (see 4.3.3(KKK))	P	P	P	P	P
Hotels, motels, and residential-type inns ³ (see 4.3.3(M) and 4.3.3(X))	P	P	P	C	C
Bed and breakfast inns (see 4.3.3(Y))	P	P	P	C	C
Public Parking Garages, as mapped on a Regulating Plan	P,S	P,S	P,S	P,S	P,S
Fabrication and/or Assembly	-	P	-	-	-

Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts					
Uses	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh.⁵	South Pairs Neigh
Wholesaling, Storage, and Distribution ⁴	-	P	-	-	-
Contractor and trade services	-	P	-	-	P
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	P,A
CBD Oil Establishments (see 4.3.3(CC))	P,A	P,A	-	-	-
Accessory Dwelling Units (see 4.3.3(Q))	-	-	-	A	-
Family day care homes (see 4.3.3(T))	A	A	A	A	A
Home-based businesses (see 4.3.3(K))	A	A	A	A	A
Mechanical parking lifts (see 4.6.9(D)(11) and 4.6.9(F)(4))	A,S	A	A,S	A,S	A,S
Parking areas, passenger drop-off, loading/unloading, refuse and service areas	A,S	A	A,S	A,S	A,S
Automated Parking Garages	-	S	-	-	-
Refuse and service areas					
Recreational facilities (for a multiple-family development)	A	A	A	A	A
Services and repair (incidental to the associated principal use)	A,S	A	A,S	A,S	A,S
Single-family dwelling (occupied by owner, proprietor, or employee of the principal use)	A	A	A	A	A
Storage of inventory (not shared or leased independent of the principal use)	A,S	A	A,S	A,S	A,S
Automobile repair, service	-	C	-	-	-
Neighborhood Automotive Rental facility (See 4.3.3(C))	-	-	-	-	C

Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts					
Uses	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh.⁵	South Pairs Neigh
Child care Facilities (see 4.3.3(E)) and adult day care facilities (see 4.3.3(F))	C	C	C	C	C
Commercial recreational facilities, such as bowling alleys, skating rinks, and amusement game facilities	C	C	C	C	C
Drive-through facilities (serving banks, financial institutions, retail uses, etc.) ² See 4.4.13(J)(7)(a)	C	C	C	C	C
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	C
Gasoline stations (See 4.4.13(J)(7)(b) and/or car washes (See 4.4.13(J)(7)(c))	C	C	-	-	C
Large family child care homes (see 4.3.3(TT))	C	C	C	C	C
Dry-cleaning Processing Plants	-	C	-	-	-
Segway tours and Segway sales (see 4.3.3(ZZZZ))	C	C	C	C	C
Theaters, excluding drive-ins	C	C	C	C	C
Pet Services [See 4.3.3(W)]	C	C	C	C	C
Pet Hotels [see 4.3.3(W)]		C			C
Veterinary Clinics [see 4.3.3(W)]	P	P	P	P	P
24-hour or late-night businesses, within 300 feet of residential zoned property [see 4.3.3(VV)]	C	C	C	C	C
Urban Agriculture [4.3.3 (D)] excluding outdoor Urban Farms	P,A	P,A	-	P,A	P,A
Outdoor Urban Farms [4.4.3(D)]	C	C	C	C	C
Clubs and Lodges as in GC (4.4.9)	-	-	-	-	C

Table 4.4.13(A)—Allowable Uses and Structures in the CBD Sub-Districts					
Uses	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh.⁵	South Pairs Neigh
Flea Markets, Bazaars as in GC (4.4.9)	-	-	-	-	C
Sales and service of all terrain vehicles and personal watercraft as in GC (4.4.9)	-	-	-	-	C
Vehicle care (See 4.4.13(C)(4)(f)(5))	-	-	-	-	C
Churches or places of worship (See 4.4.13(C)(4)(c))	-	-	-	C	C
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. (Ord. No. 07-17, § 10, 5-16-17; Ord. No. 25-17, § 22, 7-18-17; Ord. No. 19-18, § 4, 10-16-18; Ord. No. 31-18, § 2, 1-15-19; Ord. No. 58-20, § 6, 12-1-20; Ord. No. 17-21, § 6, 10-19-21; Ord. No. 20-21, § 4, 12-7-21; Ord. No. 23-22, § 9, 8-16-22; Ord. No. 11-25, § 9, 7-8-25; Ord. No. 12-26, § 9, 4-7-26)

(4) Supplemental use standards.

- (a) **Community Residence Housing.** Except as required by state law, a Community Residence housing four to ten individuals shall be allowed as a permitted use in all four CBD Sub-Districts if it (1) would be located at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Con-

gress to operate the proposed community residence. Except as required by state law, a conditional use permit must be obtained for any community residence that does not meet both criteria (1) and (2). See additional and related regulations at Section 2.4.7(G) and 4.3.3(I) of the Land Development Regulations. (Ord. No. 19-18, § 4, 10-16-18)

- (b) **Worker transport/assembly points.** The picking-up, dropping-off, or otherwise transporting workers, assigned through an employment agency, from an assembly point in the CBD to the work site is prohibited, except within the West Atlantic Neighborhood area provided the structure or assembly point is not located on West Atlantic Avenue. (Ord. No. 19-18, § 4, 10-16-18)
- (c) **West Atlantic Neighborhood Sub-district Supplemental Use Standards:** The following supplemental district regulations apply in the West Atlantic Neighborhood Sub-district: (Ord. No. 19-18, § 4, 10-16-18)
 - 1. **West Atlantic Neighborhood Commercial Area.** Commercial and mixed-use structures may extend up to 150 feet from West Atlantic Avenue and are allowed on NW 5th Avenue and SW 5th Avenue. Residential structures and accessory uses such as parking areas, landscaping, and drainage retention areas may extend beyond the 150-foot limit. Full service grocery stores may extend beyond the 150-foot limit from West Atlantic Avenue with approval by the SPRAB or the HPB of a site plan design that ensures compatible transitions between commercial and residential areas. Establishment or expansion of commercial and mixed-use structures beyond the 150-foot limit may be allowed as a conditional use, subject to the required findings of Section 2.4.5(E)(5). The West Atlantic Neighborhood Commercial Area is mapped on the West Atlantic Neighborhood Regulating Plan. (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 07-20, § 4, 5-19-20)
 - 2. There is no restriction on repair of non-conforming single family residences located more than 150 feet from West Atlantic Avenue. (Ord. No. 19-18, § 4, 10-16-18)
- (d) **Railroad Corridor Sub-district Supplemental Use Standards.** The following supplemental district regulations apply in the Railroad Corridor Sub-district: (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 31-18, § 3, 1-15-19)
 - 1. **Outdoor uses:** Within the Railroad Corridor Sub-district, except for outside storage approved pursuant to Section 4.6.6(C)(2) and outdoor dining, all principal and conditional uses shall be conducted within an enclosed building. (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 31-18, § 3, 1-15-19)
 - 2. **Automobile brokerages:** Inventory must only be located within an enclosed building. Automobiles which are part of the business inventory must not be placed in parking areas. (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 31-18, § 3, 1-15-19)

3. **Parking garages, automated:** Automated parking garages are allowed on Secondary Streets located north of NE 2nd Street. Automated parking garages are subject to the following requirements: (Ord. No. 31-18, § 3, 1-15-19)
 - a. A traffic statement must be provided detailing the ingress, egress, queuing, and circulation demonstrating the specific measures taken to minimize stacking onto public right-of-way resulting from the automated parking garage. (Ord. No. 31-18, § 3, 1-15-19)
 - b. An attendant must be on-site during all hours of operation, defined as any time the parking garage is accessible for parking purposes by the public, and the garage must be secured when not accessible for parking purposes. An attendant is not required if the parking garage is limited to private use. i.e, not available to the general public. (Ord. No. 31-18, § 3, 1-15-19)
 - c. Projects with driveways that limit the ability to install the required number of street trees shall either provide the required trees at another location on-site or contribute to the Tree Fund, in accordance with the fee schedule in Section 4.6.19(E)(5)(d). (Ord. No. 31-18, § 3, 1-15-19)
 - d. The SPRAB may approve automated parking garages that utilize an alternative façade design or cladding materials provided photovoltaic cells (solar panels) are incorporated into the structure and used as a power source for the garage operations or uses associated with the automated parking garage; if solar panels are not incorporated, facades that do not meet the architectural standards in Section 4.4.13(F) require City Commission approval. (Ord. No. 31-18, § 3, 1-15-19)
- (e) **South Pairs Neighborhood Sub-district Supplemental Use Standards:** The following supplemental district regulations apply in the South Pairs Neighborhood Sub-district: (Ord. No. 20-21, § 5, 12-7-21)
 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. (Ord. No. 20-21, § 5, 12-7-21)

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. (Ord. No. 20-21, § 5, 12-7-21)
 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. (Ord. No. 20-21, § 5, 12-7-21)
 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. (Ord. No. 20-21, § 5, 12-7-21)
- (f) **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. (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 26-21, § 4, 8-10-21; Ord. No. 20-21, § 5, 12-7-21)
- (g) **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. (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 20-21, § 5, 12-7-21)
- (h) **Rooftop Terraces:** These regulations are intended to guide the use of rooftops in the downtown. (Ord. No. 19-18, § 4, 10-16-18; Ord. No. 20-21, § 5, 12-7-21)
1. **Rooftop uses.** Rooftop terraces may be used for outdoor dining, open-air lounges, exercise and fitness activities (both as principal or accessory uses), rooftop gardens, urban agriculture, and recreational amenities. (Ord. No. 19-18, § 4, 10-16-18)
 2. **General Standards for rooftops.** All rooftop terraces shall comply with the following standards: (Ord. No. 19-18, § 4, 10-16-18)
 - a. Rooftop terraces shall be architecturally compatible with the design of the overall building. (Ord. No. 19-18, § 4, 10-16-18)
 - b. Rooftop terraces shall be designed to mitigate potential impacts to surrounding properties. (Ord. No. 19-18, § 4, 10-16-18)

- i. Lighting standards of Section 4.6.8 apply. All rooftop lighting shall be full cutoff luminaries to minimize spillover on adjacent properties. Light poles may not extend beyond the maximum building height limit. (Ord. No. 19-18, § 4, 10-16-18)
 - ii. Live music and music played by a disc jockey are not permitted unless within enclosed spaces; and, noise control is subject to the City's Noise Ordinance. (Ord. No. 19-18, § 4, 10-16-18)
 - iii. For properties adjoining or separated by an alley from a residential zoning district, OSSHAD, or an existing residential use, rooftop terrace design shall provide screening at least six feet in height along the adjoining perimeter to limit oversight into residential properties. Privacy screening shall not extend above 60 feet and may consist of a parapet, landscape, railings, etc. (Ord. No. 19-18, § 4, 10-16-18)
 - iv. Outdoor rooftop activities (not within enclosed areas) are limited on Sunday through Thursday to the time between 7 a.m. and 10 p.m., and on Friday and Saturday to the time between 7 a.m. and 11 p.m. (Ord. No. 19-18, § 4, 10-16-18)
 - c. Parking must be provided when a principal use is located on a rooftop terrace. (For example, restaurant seating or an outdoor yoga studio). Parking is not required for amenities that are ancillary to the principal use. (For example, a swimming pool for a condominium). (Ord. No. 19-18, § 4, 10-16-18)
 - d. Railings or parapets shall be a minimum of four feet in height, consistent with proposed architectural style, and provided for the full perimeter of rooftop terrace. Railing and parapet height may not extend beyond the maximum building height of 60 feet. (Ord. No. 19-18, § 4, 10-16-18)
3. ***Rooftops on Buildings with the Maximum Number of Stories.*** These regulations are intended to guide the non-habitable use of rooftops for buildings built to the maximum story height limit to allow rooftop terraces. Rooftop terraces and rooftop amenities, such as roof gardens, observation decks, swimming pools, and running

tracks, are encouraged to create unique gathering spaces, to aid in the reduction of the urban heat index, and to add aesthetic value to the buildings. Rooftop terraces are not intended to add additional story height. Rooftop terraces shall be subject to the following criteria: (Ord. No. 19-18, § 4, 10-16-18)

- a. Rooftop terraces that are entirely open to the sky may occupy 100 percent of the total gross roof area. (Ord. No. 19-18, § 4, 10-16-18)
 - b. Rooftop terraces shall be hardscaped with materials such as, but not limited to, patterned concrete, pavers, or wood decking. (Ord. No. 19-18, § 4, 10-16-18)
 - c. Rooftop terraces shall be landscaped over a minimum of ten percent of the rooftop terrace area. Landscaping shall consist of trees, shrubs, ground cover, and vines. (Ord. No. 19-18, § 4, 10-16-18)
 - d. Covered structures located above the maximum allowable number of stories are permitted to cover a maximum area of 25 percent of the rooftop terrace area. For the purposes of calculating the maximum area, the term "covered structures" shall not include enclosures for screening mechanical systems, elevator shafts, or stair towers. The following restrictions apply: (Ord. No. 19-18, § 4, 10-16-18)
 - i. Covered structures located above the maximum number of stories shall not exceed a maximum height of 60 feet. (Ord. No. 19-18, § 4, 10-16-18)
 - ii. The uses within covered structures shall not be for residential or similar use or for uses generally with a 24-hour occupancy. Covered structures that may be climate-controlled are limited to elevator lobby areas, restrooms, restaurants, lounges, fitness centers, and similar uses. (Ord. No. 19-18, § 4, 10-16-18)
4. **Swimming pools on rooftops.** Swimming pools and/or hot tubs are permitted in rooftop terraces subject to the following criteria: (Ord. No. 19-18, § 4, 10-16-18)
- a. Swimming pools and hot tubs are only permitted as amenities to residential or hotel buildings. (Ord. No. 19-18, § 4, 10-16-18)

- b. Swimming pools and hot tubs are permitted provided the top of the surrounding deck does not exceed eight feet above the top of the main rooftop. (Ord. No. 19-18, § 4, 10-16-18)
 - c. Swimming pools and/or whirlpools shall be surrounded by a minimum five-foot wide walkway. (Ord. No. 19-18, § 4, 10-16-18)
 - d. Supporting restroom facilities associated with swimming pools shall comply with the standards for covered structures. (Ord. No. 19-18, § 4, 10-16-18)
- (i) **Retail Tobacco or Nicotine Products Dealer.** No more than one stand-alone retail tobacco or nicotine products dealer is allowed per block, and products may not be displayed in the window. Additional and related regulations in Section 4.3.3(DDD) apply. (Ord. No. 04-25, § 4, 6-17-25)

(D) **Configuration of buildings.**

- (1) **Standards for CBD.** The following building configuration standards apply to all CBD Sub-districts: (Ord. No. 19-18, § 5, 10-16-18)
- (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). (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 26-21, § 5, 8-10-21; Ord. No. 20-21, § 6, 12-7-21)
- 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). (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 26-21, § 5, 8-10-21)
 - 2. Within the West Atlantic Neighborhood Limited Height Area, the maximum overall building height 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. (Ord. No. 07-20, § 5, 5-19-20; Ord. No. 20-21, § 6, 12-7-21)

3. 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

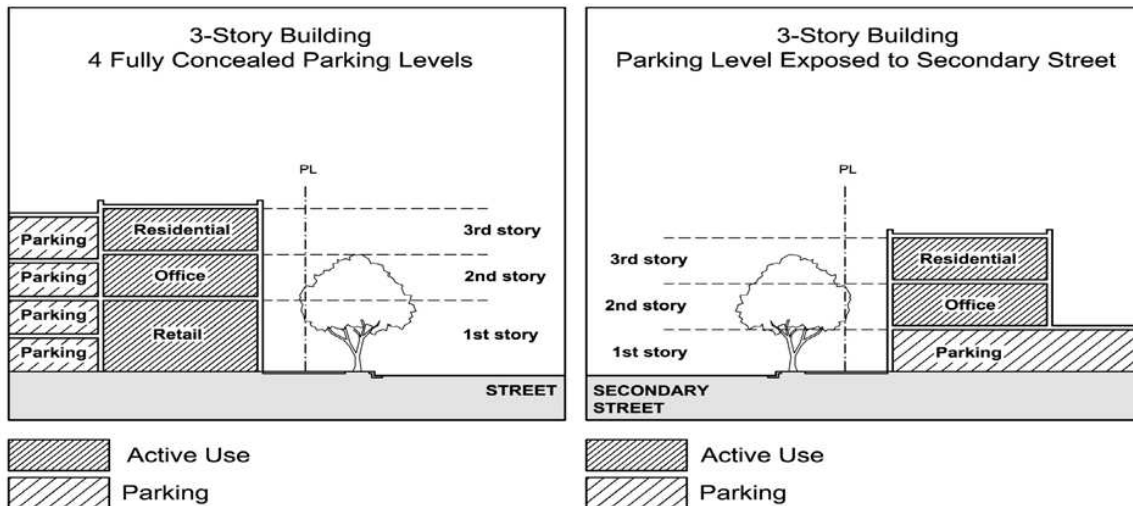
of SE 5th Avenue or east of SE 6th Avenue. (See Figure 4.4.13-B-4) (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 07-20, § 5, 5-19-20; Ord. No. 10-20, § 3, 9-22-20; Ord. No. 03-21, § 2, 3-2-21; Ord. No. 20-21, § 6, 12-7-21)

4. Stories located below grade are for parking or storage uses only and are not counted for the purpose of measuring building height unless the floor of the first habitable story is elevated more than four feet above the adjacent sidewalk, then the space below counts as the first story for the purposes of measuring building height. (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 07-20, § 5, 5-19-20)
5. The ground story of commercial or mixed-use buildings shall be a minimum of 12 feet tall. (Ord. No. 07-20, § 5, 5-19-20)
6. The ground story of residential buildings shall be a minimum of ten feet tall. (Ord. No. 07-20, § 5, 5-19-20)
7. Each story above the ground story in all buildings must be at least nine feet tall. (Ord. No. 07-20, § 5, 5-19-20)
8. Mezzanines that exceed the percentage of floor area for a mezzanine defined in the Florida Building Code are counted as stories for the purpose of measuring height. For the purpose of measuring building height, parking levels are counted as set forth in Section 4.4.13(D)(8). [Amd. Ord. 27-15 10/20/2015] (Ord. No. 07-20, § 5, 5-19-20)
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-D-1. (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 07-20, § 5, 5-19-20; Ord. No. 26-21, § 5, 8-10-21)
10. Within the Central Core, Railroad Corridor, 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. (Ord. No. 07-20, § 5, 5-19-20; Ord. No. 20-21, § 6, 12-7-21)

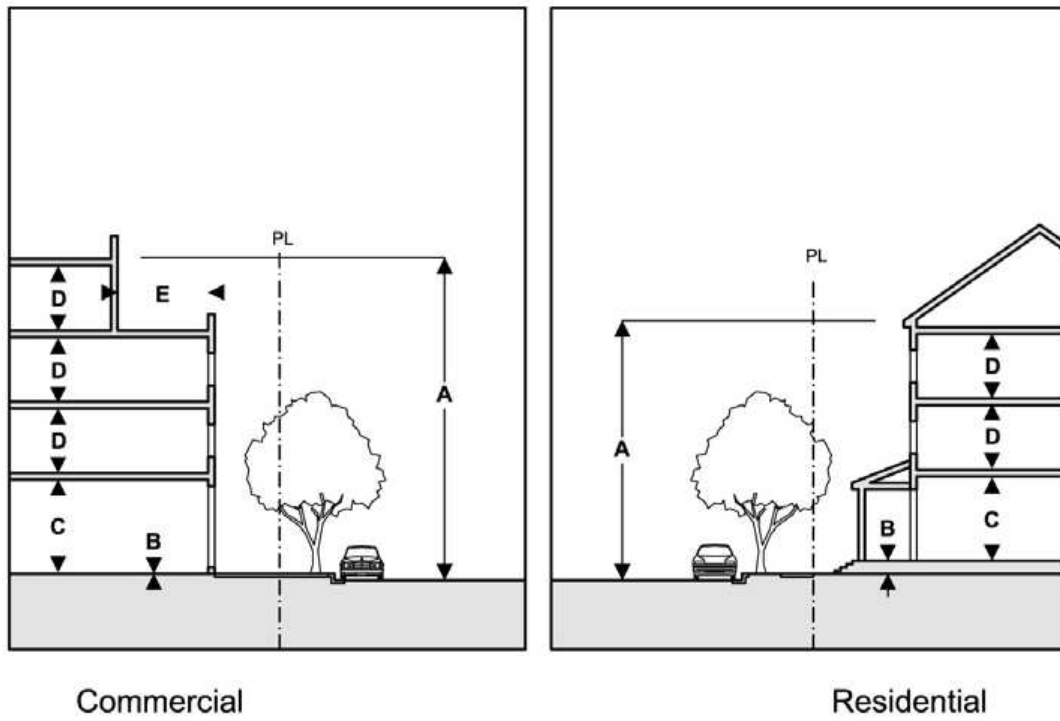
11. Architectural features including church spires, steeples, belfries, and cupolas are not limited by story height; however, any part of any such feature shall not exceed ten feet above the maximum overall building height unless specifically approved by action of the City Commission. (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 07-20, § 5, 5-19-20)
12. Elevator overruns and stairways are not limited by the number of stories and shall not exceed 10 feet above the maximum overall building height. (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 07-20, § 5, 5-19-20)

Figure 4.4.13-D-1 Counting the Number of Stories



(Ord. No. 26-21, § 5, 8-10-21)

Figure 4.4.13-D-2 Measuring Building Height



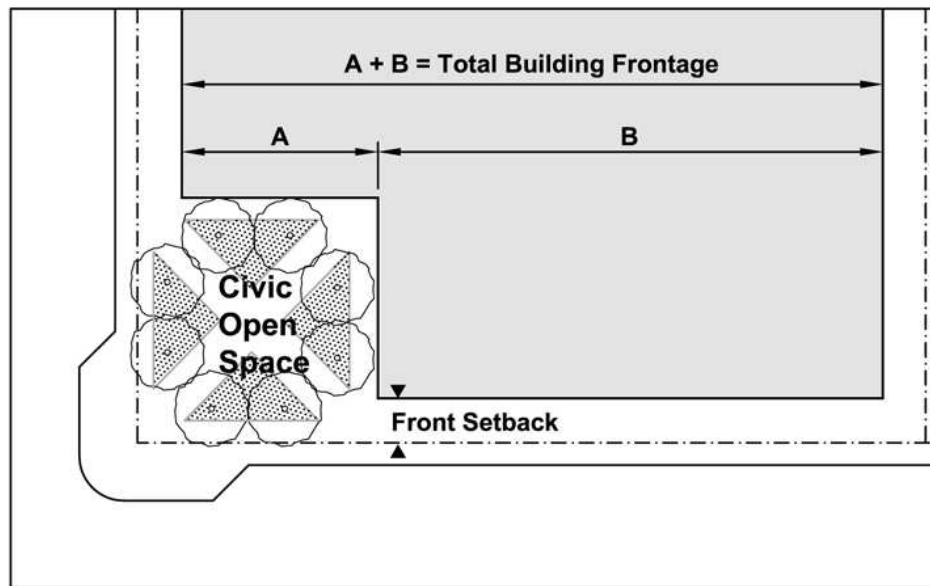
(Ord. No. 26-21, § 5, 8-10-21)

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 in all other areas of the CBD	4 stories and 54 ft.
B	Ground Floor Finish Level	
	Residential Units in the Beach, Central Core, South Pairs Neighborhood 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

(Ord. No. 19-18, § 5, 10-16-18; Ord. No. 07-20, § 6, 5-19-20; Ord. No. 03-21, § 3, 3-2-21; Ord. No. 20-21, § 6, 12-7-21)

(b) **Building placement.**

1. Front setbacks shall be measured from the property lines coinciding with public rights-of-way, including streets and parks.
 - a. Awnings, porches, balconies, stoops and arcades may encroach into the setbacks as set forth in Section 4.4.13(E) when utilized as the Frontage Type. (Ord. No. 19-18, § 5, 10-16-18)
 - b. Roof Eaves, awnings, and balconies may encroach into the setbacks a maximum of four feet. (Ord. No. 19-18, § 5, 10-16-18)
 - c. Section 4.3.4(H)(4) identifies additional structures permitted in setbacks.
 - d. Underground parking or storage may encroach into the front setbacks. (Ord. No. 10-20, § 3, 9-22-20)

Figure 4.4.13-D-3 Building Frontage Requirement

(Ord. No. 26-21, § 5, 8-10-21)

2. Where development may build with no side setback, the following limitations also apply:
 - a. Side setbacks are required when abutting a residential zoning district or a property with a building existing as of February 24, 2015, the effective date of Ordinance No. 02-15 with windows facing the adjoining lot line. Then, new development shall set back a minimum of five feet or the amount necessary to provide at least ten feet of separation between the existing and new buildings, whichever is greater. (Ord. No. 19-18, § 5, 10-16-18)
 - b. Buildings with openings, including doors, windows, and glass wall materials, facing an interior side property line must set-back a minimum of five feet from the property line. (Ord. No. 19-18, § 5, 10-16-18)
 - c. Buildings taller than three stories in height have additional setback requirements for the upper stories, as described in Section 4.4.13(D)(2).
 - d. These requirements shall not apply to any underground parking or storage located below grade. (Ord. No. 10-20, § 3, 9-22-20)

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. (Ord. No. 20-21, § 6, 12-7-21)
- (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. (Ord. No. 19-18, § 5, 10-16-18)
1. Building façades shall be generally parallel to the right-of-way, located in accordance with the minimum and maximum front setback requirements. (Ord. No. 19-18, § 5, 10-16-18)
 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-3. (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 26-21, § 5, 8-10-21)
 3. On corner lots, the building façade shall extend from the corner to ensure that new development (or civic open space) defines the corner. (Ord. No. 19-18, § 5, 10-16-18)
- (d) **Dwelling unit standards.**
1. **Diverse unit types.** A number of different unit types, sizes and floor plans shall be available within the development. Two and three bedroom units are encouraged, as are a combination of multi-level units and flats. In projects consisting of more than 12 dwelling units, the proportion of efficiency or studio type units may not exceed 25 percent of the total units. One bedroom units may not exceed 30 percent; however, if no efficiency or studio units are constructed, the cumulative amount of one bedroom units may not exceed 55 percent. There is no maximum percentage for unit types established for projects having 12 or fewer units, however, a mix of unit types and sizes is encouraged.
 2. **Minimum floor area.** Minimum floor area for multi-family residential dwelling units shall be as established for the Medium Density Residential (RM) zoning district in Section 4.3.4(K).
- (e) **Other standards.** Other standards also apply in CBD sub-districts:
1. Frontage Standards are in Section 4.4.13(E).

2. Architectural Standards are in Section 4.4.13(F).
 3. Civic Open Space Standards are in Section 4.4.13(G).
 4. Incentive Program is in Section 4.4.13(H).
 5. Parking Standards are in Section 4.4.13(I).
 6. Review and Approval Process is in Section 4.4.13(J)
- (2) **Dimensional requirements for CBD Sub-districts.** Table 4.4.13(C) provides the dimensional requirements regarding lot size, building placement, building size, height, density, and civic open space for each CBD Sub-district. Figure 4.4.13-D-4 illustrates the dimensional requirements from the table. (Ord. No. 26-21, § 5, 8-10-21)
- (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, 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. (Ord. No. 20-21, § 6, 12-7-21)
 2. The minimum rear setback 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. (Ord. No. 19-18, § 5, 10-16-18)
 3. Buildings over two stories in height are subject to additional setback requirements in order to ensure architectural articulation and reduce the impact of taller building heights. (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 20-21, § 6, 12-7-21)
 - a. Front and rear setbacks above the third story are 20 feet minimum. (Ord. No. 20-21, § 6, 12-7-21)
 - b. With approval from the SPRAB or HPB, building entries, lobbies, and vertical circulation areas located above the second 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. (Ord. No. 20-21, § 6, 12-7-21)

- 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. (Ord. No. 20-21, § 6, 12-7-21)
- 4. Where the rear or side of a property abuts a residential zoning district with a height limitation of 35 feet without at least 30 feet of separation between the properties, such as a street, railroad, waterway, park, or other public open space; the following shall apply: (Ord. No. 19-18, § 5, 10-16-18; Ord. No. 26-21, § 5, 8-10-21)
 - a. For buildings or portions of buildings three stories or less in height, a minimum side set back of ten feet from the property line shall be provided.
 - b. At the top of the third story, minimum side and rear building setbacks of 30 feet shall be provided from the property line for the portion of the building that is over three stories in height.
 - c. A solid finished masonry wall six feet in height, or a continuous hedge at least four and one-half feet in height at the time of installation, shall be located inside and adjacent to the portion of the boundary line of the CBD-zoned property which directly abuts the residentially zoned property. Walkways and other pedestrian or bicycle connections shall be placed through the wall or hedge if they provide links identified on any adopted bicycle and pedestrian master plan or if SPRAB or HPB determines they would promote desirable connectivity between properties. (Ord. No. 26-21, § 5, 8-10-21)
- 5. Minimum building frontage requirements for Primary and Secondary Streets: (Ord. No. 26-21, § 5, 8-10-21)
 - a. On Primary Streets in the Central Core, Beach, and West Atlantic Neighborhood Sub-districts, the minimum building frontage is 75 percent. (Ord. No. 26-21, § 5, 8-10-21)
 - b. On Primary Streets in the Railroad Corridor Sub-district, minimum building frontage is not required. (Ord. No. 26-21, § 5, 8-10-21)
 - c. On Primary Streets in the South Pairs Neighborhood Sub-district, the minimum building frontage is 60 percent. (Ord. No. 20-21, § 6, 12-7-21)

- d. On Secondary streets in all sub-districts, minimum building frontage is not required. (Ord. No. 26-21, § 5, 8-10-21; Ord. No. 20-21, § 6, 12-7-21)
- 6. Buildings with more than 250 feet of street frontage shall provide a pedestrian/bicycle passageway at least ten feet wide connecting rear alleys and/or parking to the public sidewalk. The passageway elevation(s) shall have storefront windows with a base between nine inches and three feet high with transparent glazed windows extending to at least eight feet high for 50 percent of the length of the wall. (Ord. No. 19-18, § 5, 10-16-18)
- 7. These requirements shall not apply to any part of an underground parking facility located below grade. (Ord. No. 10-20, § 3, 9-22-20)

Table 4.4.13(C) Dimensional Requirements by CBD Sub-district					
	Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood	South Pairs Neighborhood
Lot Size					
Lot Width	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
Lot Area	2,000 sf. min.	2,000 sf. min.	2,000 sf. min.	2,000 sf. min.	2,000 sf. min.
Building Placement					
A	Front Setback ¹	10 ft. min./15 ft. max.	10 ft. min./15 ft. max.	10 ft. min./15 ft. max.	Primary Streets: 15 ft. min./20 ft. max. Secondary Streets: 10 ft. min./15 ft. max.
B	Side Setback ¹	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²
C	Rear Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min. 20 ft. min. above the 2 nd Story ⁴
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.
B C	Side/Rear Setback Abutting Res. District Above 3 rd Story	30 ft. min.	30 ft. min.	30 ft. min.	30 ft. min.
D	Front Setbacks Above 3 rd Story ¹	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
E	Building Frontage Required on Primary Streets	75% min./100% max.	75% min./100% max.	75% min./100% max.	60% min/100% max.
Building Height					
Min. Building Height on Primary Streets	1 Story and 18 ft.	1 Story	1 Story and 18 ft.	1 Story	1 Story and 18 ft.
Max. Building Height in Atlantic Avenue Limited Height Area	3 Stories and 38 ft.	N/A	N/A	N/A	N/A
Max. Building Height in West Atl. Neigh. Limited Height Area	N/A	N/A	N/A	3 stories and 35 ft.	N/A
Max. Building Height in South Pairs Neigh. Limited Height Area	N/A	N/A	N/A	N/A	4 Stories and 48 ft.
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.	4 Stories and 54 ft.

Table 4.4.13(C) Dimensional Requirements by CBD Sub-district					
	Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood	South Pairs Neighborhood
Density					
Density	30 du/ac	30 du/ac ³	12 du/ac	12 du/ac ³	12 du/ac ³
Civic Open Space Requirement (See Section 4.4.13(G))					
Sites smaller than 20,000 sq. ft.	0%	0%	0%	0%	0%
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	3% of area above 20,000
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	3% of area above 20,000 + 5% of area above 40,000

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.

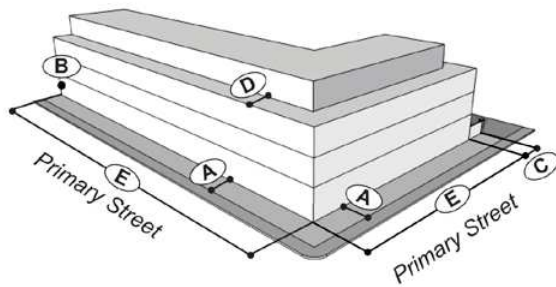
² See Section 4.4.13(D)(1)(b)(2).

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

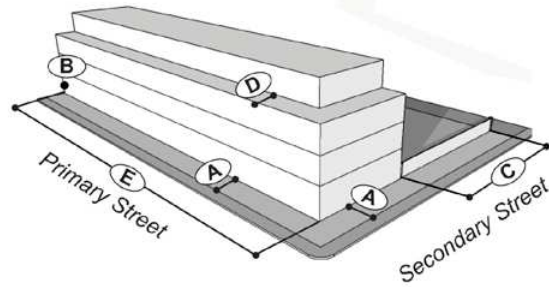
⁴ See Section 4.4.13(D) for additional setback standards.

(Ord. No. 19-18, § 5, 10-16-18; Ord. No. 07-20, § 7, 5-19-20; Ord. No. 03-21, § 4, 3-2-21; Ord. No. 20-21, § 6, 12-7-21)

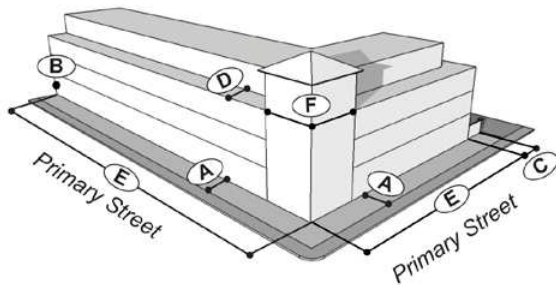
Figure 4.4.13-D-4 Building Placement and Configuration and Street Types



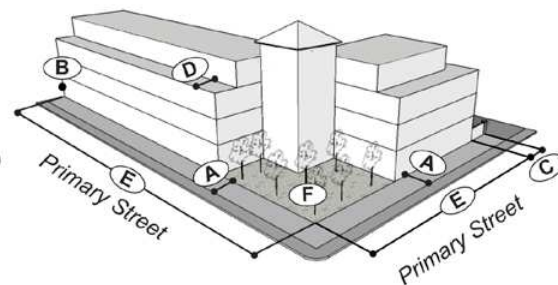
- A** Front Setback & Sides Facing Streets
- B** Interior Side Setback
- C** Rear Setback
- D** Front Setback Above 3rd Story
- E** Required Building Frontage



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



- A** Front Setback & Sides Facing Streets
- B** Side Setback
- C** Rear Setback
- D** Front Setback Above 3rd Story
- E** Required Building Frontage
- F** Setback Relief Granted by SPRAB for Tower Element



- A** Front Setback & Sides Facing Streets
- B** Side Setback
- C** Rear Setback
- D** Front Setback Above 3rd Story
- E** Required Building Frontage
- F** Civic Open Space

(Ord. No. 26-21, § 5, 8-10-21)

(E) **Frontage standards.** Frontage Standards define architecture and design components for the entrance(s) to buildings and the area between building facades and streets. Building setbacks and other development standards are coordinated with street cross-sections to ensure a superior public realm results, improving both the overall visual appearance and multi-modal uses of downtown streets.

- (1) **Frontage standards and allowable uses.** The use of the ground story is an important factor in streetscape design and appropriate frontage types. For the purposes of Frontage Standards, unless otherwise specified, residential uses are single-family homes, townhomes, multi-family residential dwellings, assisted living facilities that do not comport with the definition of "community residence", nursing homes, continuing care facilities, community residences, and large family childcare homes and live/work uses. All other uses are considered to be "commercial uses" for the purposes of this section. (Ord. No. 25-17, § 23, 7-18-17; Ord. No. 19-18, § 6, 10-16-18)
- (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: (Ord. No. 26-21, § 6, 8-10-21)
 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-1 and 4.4.13-E-2 (Ord. No. 19-18, § 6, 10-16-18; Ord. No. 26-21, § 6, 8-10-21)

2. **Pedestrian clear zone.** A continuous pedestrian clear zone 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. (Ord. No. 19-18, § 6, 10-16-18; Ord. No. 26-21, § 6, 8-10-21; Ord. No. 20-21, § 7, 12-7-21)
 - 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. (Ord. No. 20-21, § 7, 12-7-21)
 - 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. (Ord. No. 20-21, § 7, 12-7-21)
3. **Remaining front setback area.** Any remaining front setback area within the 15-foot wide minimum streetscape shall be detailed appropriately for the ground story use of the building (See Figures 4.4.13-E-1 and 4.4.13-E-2): (Ord. No. 26-21, § 6, 8-10-21)
 - 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. (Ord. No. 19-18, § 6, 10-16-18)

- 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). (Ord. No. 26-21, § 6, 8-10-21)
- (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. (Ord. No. 19-18, § 6, 10-16-18)
- 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 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 Development Services Director. (Ord. No. 19-18, § 6, 10-16-18; Ord. No. 26-21, § 6, 8-10-21)
 - 2. Street trees shall be located in the curb zone of the streetscape 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 Development Services Director. (Ord. No. 19-18, § 6, 10-16-18; Ord. No. 26-21, § 6, 8-10-21)
 - 3. All trees shall be Florida Grade #1 or better and satisfy the following standards at the time of planting:
 - a. Canopy species: Minimum 14 feet in height with a clear trunk space of six feet and a spread of no less than eight feet.

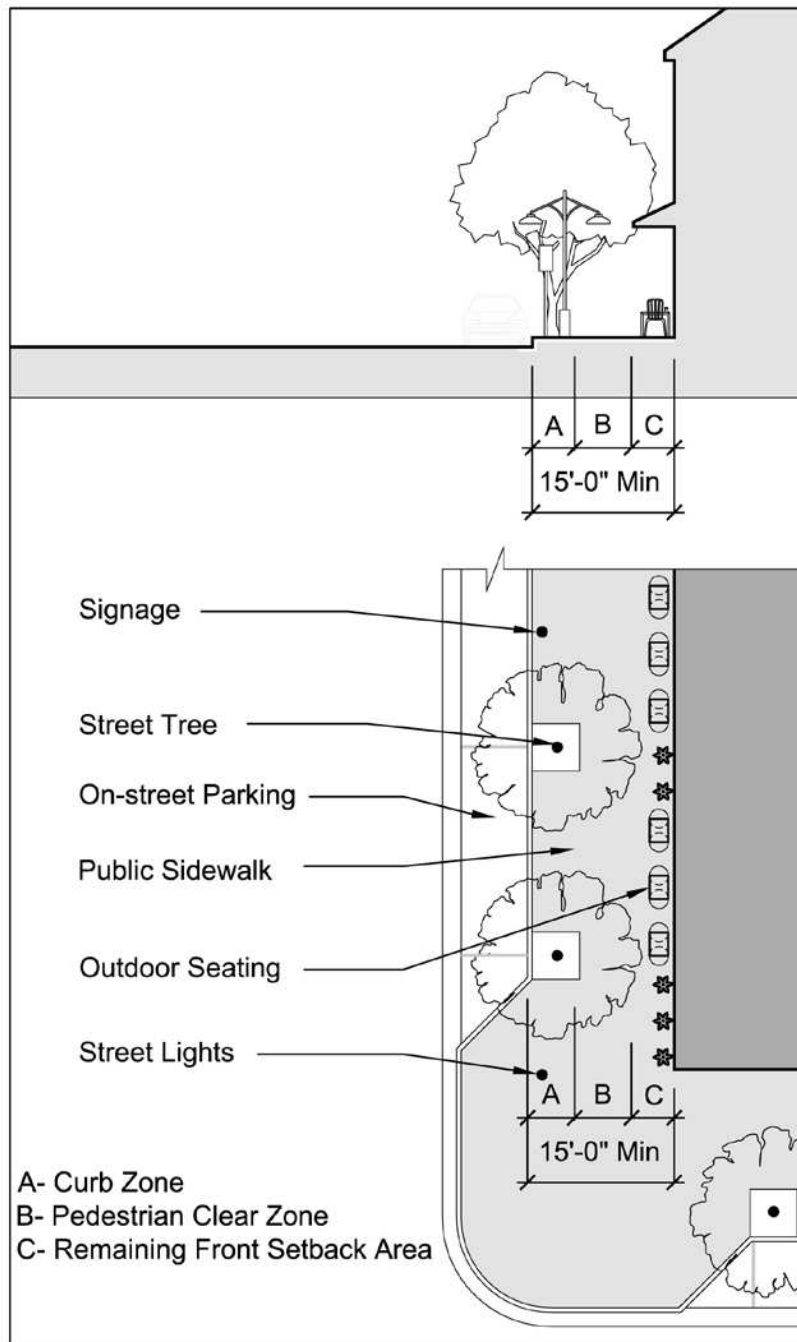
§ 4.4.13

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

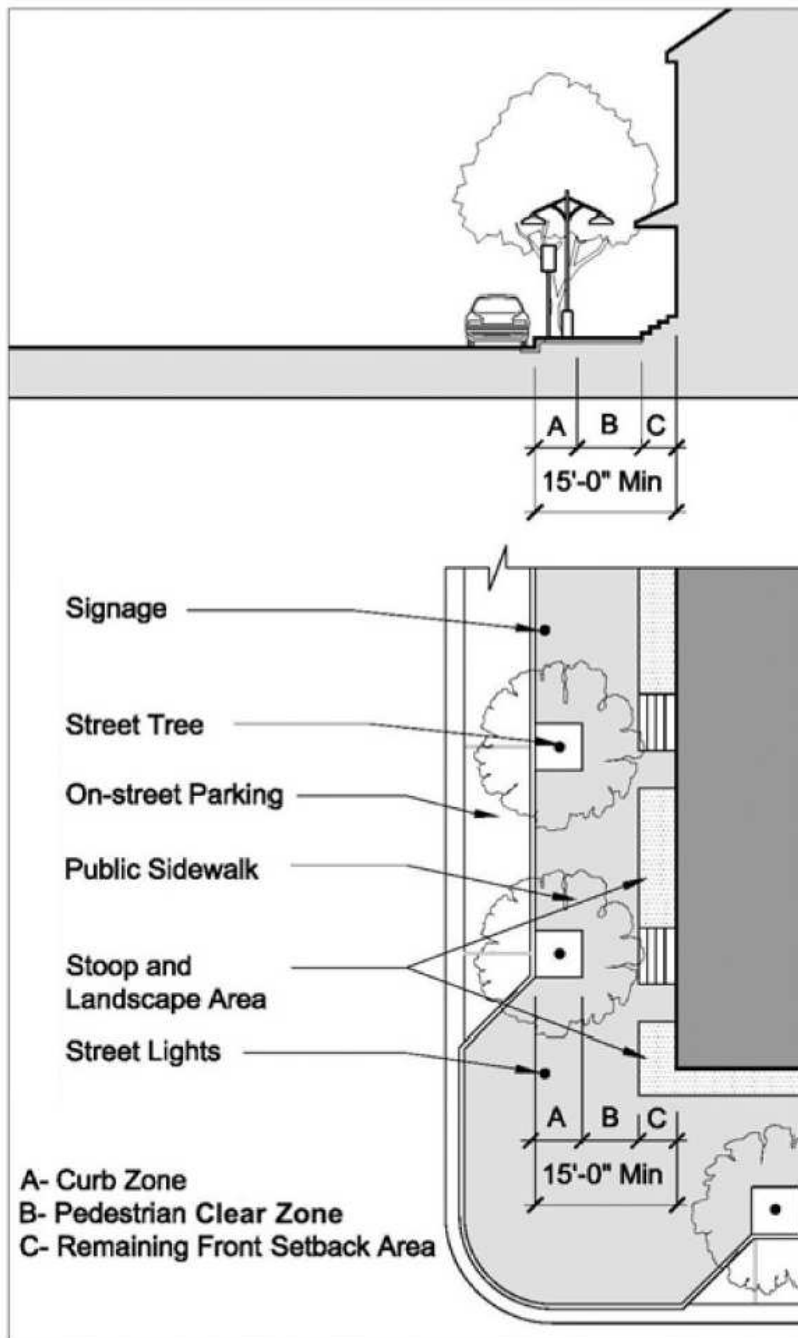
- b. Palm trees: Minimum 18 feet in height, with a clear trunk space of eight feet.

4. In the event that site constraints such as existing utility easements, infrastructure, or right-of-way constraints prevent the installation of required street trees, the 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. (Ord. No. 19-18, § 6, 10-16-18; Ord. No. 26-21, § 6, 8-10-21)
5. The property owner shall be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any tree grates, irrigation, and landscaping installed by the property owner to meet the requirements of this section.
6. For those properties where street trees exist at the time of site plan approval, the property owner shall either provide the required street trees in another location on-site or pay into the Tree Trust Fund, in accordance with the fee schedule in Section 4.6.19(E)(5)(d). (Ord. No. 19-18, § 6, 10-16-18)

Figure 4.4.13-E-1 Commercial Use Streetscape



(Ord. No. 26-21, § 6, 8-10-21)

Figure 4.4.13-E-2 Residential Use Streetscape

(Ord. No. 26-21, § 6, 8-10-21)

- (3) **Building entrances.** The main entrance to every building shall be accessible directly from and face a public right-of-way or civic open space. The main entrance(s) to ground story commercial space(s) shall be directly from and face a public right-of-way or civic open space. Doors allowing public access shall occur at intervals no greater than 75 feet.
- (4) **Frontage types.** Frontage Types define architectural characteristics for the detailing of building entrances. Seven distinct frontage types have been identified, which are appropriate for different uses. Table 4.4.13 (D) identifies the frontage types appropriate for each use by an "X". Using one or more of frontage types identified is required. [Amd. Ord. 27-15 10/20/15]

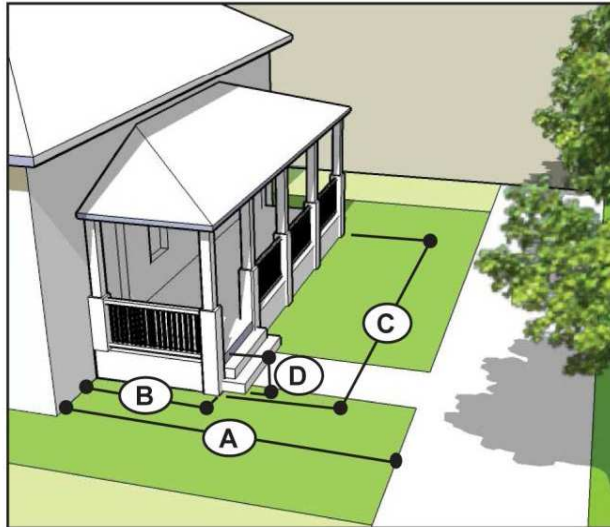
Table 4.4.13(D) Frontage Types per Use							
	Porch	Stoop	Bracketed Balcony	Forecourt	Storefront	Arcade/Colonnade	Lobby Entry
Commercial	X	X	X	X	X	X	X
Live/Work	X	X	X	X	X	X	X
Townhomes and Single-Family Dwelling	X	X	X	X			
All Other Types of Residential	X	X	X	X			X

[Amd. Ord. 27-15 10/20/15] (Ord. No. 19-18, § 6, 10-16-18)

- (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 illustrates the dimensional requirements from Table 4.4.13(E). Figure 4.4.13-E-4 provides a character example. (Ord. No. 26-21, § 6, 8-10-21)

Table 4.4.13(E) Dimensional Requirements for Porches			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Depth	8 ft.	12 ft.
C	Width	40% Facade	100% Facade
D	Floor Elevation	.5 ft.	4 ft.
Allowable Encroachment ¹		-	8 ft.
¹ May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))			

Figure 4.4.13-E-3 Porch Frontage Type



(Ord. No. 26-21, § 6, 8-10-21)

Figure 4.4.13-E-4 Porch Character Example

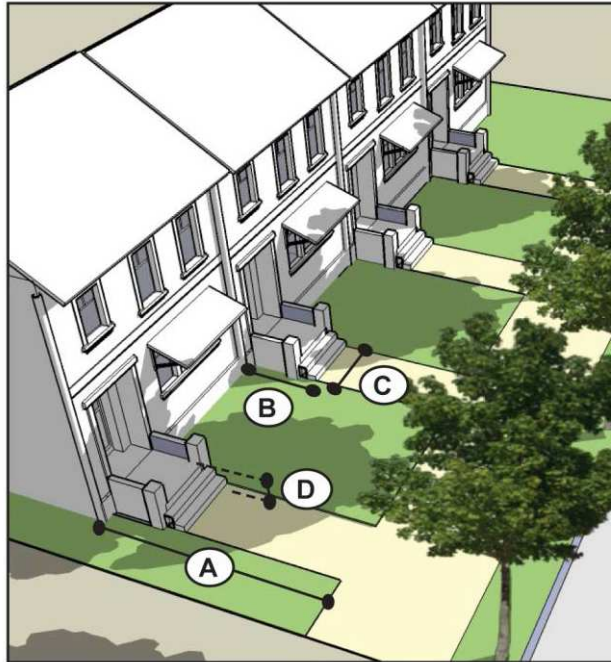


(Ord. No. 26-21, § 6, 8-10-21)

- (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-5 illustrates the dimensional requirements from Table 4.4.13(F). Figure 4.4.13-E-6 provides a character example. (Ord. No. 26-21, § 6, 8-10-21)

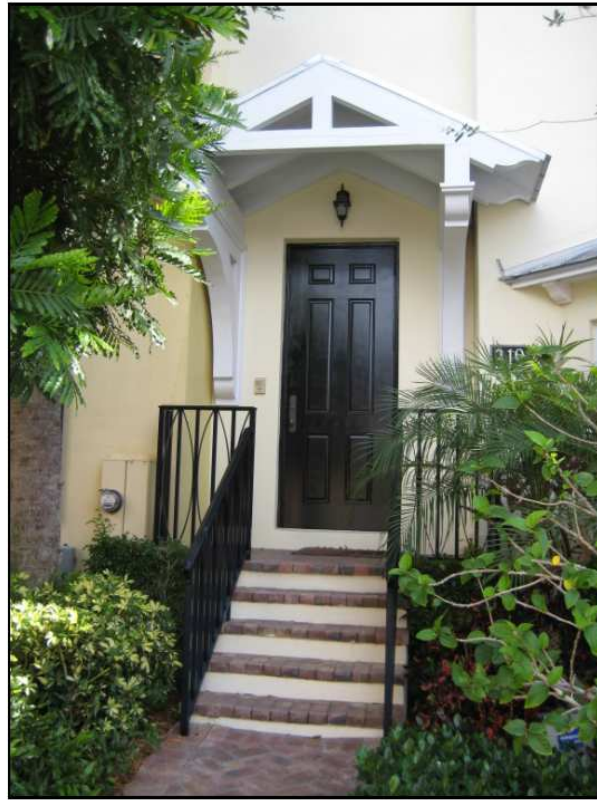
Table 4.4.13(F) Dimensional Requirements for Stoops			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Depth	5 ft.	8 ft.
C	Width	4 ft.	-
D	Floor Elevation	1 ft.	4 ft.
Allowable Encroachment ¹		-	5 feet
¹ May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))			

Figure 4.4.13-E-5 Stoop Frontage Type



(Ord. No. 26-21, § 6, 8-10-21)

Figure 4.4.13-E-6
Stoop Character Example

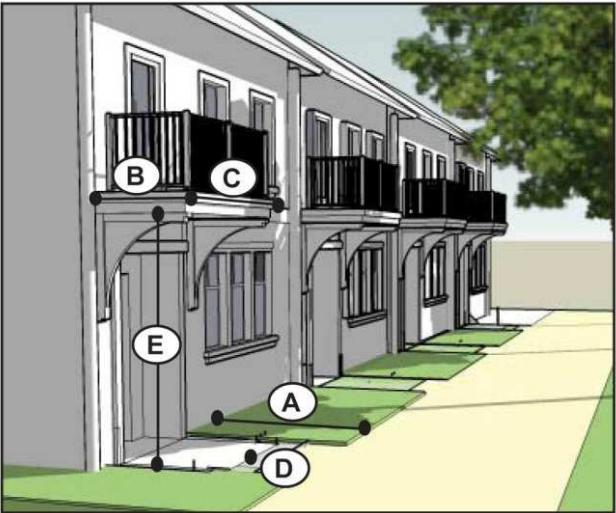


(Ord. No. 26-21, § 6, 8-10-21)

- (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-7 illustrates the dimensional requirements from Table 4.4.13(G). Figure 4.4.13-E-8 provides a character example. (Ord. No. 26-21, § 6, 8-10-21)

Table 4.4.13(G) Dimensional Requirements for Bracketed Balconies		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Depth	-	5 ft.
C	Width	4 ft.	-
D	Floor Elevation	0 ft.	-
Allowable Encroachment		-	5 feet

Figure 4.4.13-E-7
Bracketed Balcony Frontage Type



(Ord. No. 26-21, § 6, 8-10-21)

Figure 4.4.13-E-8
Bracketed Balcony Character Example



(Ord. No. 26-21, § 6, 8-10-21)

- (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-9 illustrates the dimensional requirements from Table 4.4.13(H). Figure 4.4.13-E-10 provides a character example. (Ord. No. 26-21, § 6, 8-10-21)

Table 4.4.13(H) Dimensional Requirements for Forecourts			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Depth	10 ft.	20 ft.
C	Width	20 ft.	50% of Facade
D	Floor Elevation	0 ft.	3 ft.
Allowable Encroachment		Not Applicable	

Figure 4.4.13-E-9 Forecourt Frontage Type

(Ord. No. 26-21, § 6, 8-10-21)

**Figure 4.4.13-E-10
Forecourt Character Example**



(Ord. No. 26-21, § 6, 8-10-21)

(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. (Ord. No. 19-18, § 6, 10-16-18; Ord. No. 26-21, § 6, 8-10-21)

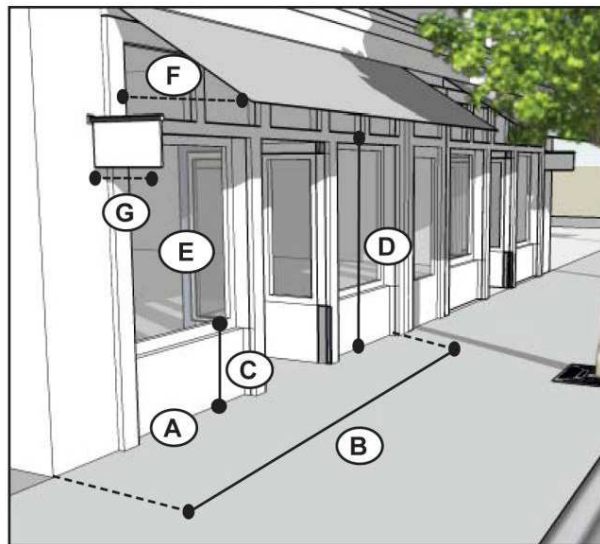
1. **Storefront dimensions.** Table 4.4.13(I) provides the dimensional requirements and the maximum allowable encroachment permitted. Figure 4.4.13-E-11 illustrates the dimensional requirements and Figure 4.4.13-E-12 provides a character example. (Ord. No. 26-21, § 6, 8-10-21)

a. Storefronts shall be directly accessible from sidewalks; storefront doors may be recessed up to ten feet. [Amd. Ord. 28-15 12/08/15]

Table 4.4.13(I) Dimensional Requirements for Storefronts		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Store Width	N/A	75 ft. on Required Retail Streets
C	Storefront Base	9 in.	3 ft.
D	Glazing Height plus Storefront Base	8 ft.	-
E	Required Openings	80%	-
Maximum Allowable Encroachment of Elements in All Districts			
F	Awning Projection	5 feet	-
G	Projecting Sign	N/A	3 feet

[Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 6, 10-16-18)

Figure 4.4.13-E-11 Storefront Frontage Type



(Ord. No. 26-21, § 6, 8-10-21)

**Figure 4.4.13-E-12
Storefront Character Example**



(Ord. No. 26-21, § 6, 8-10-21)

- b. Storefront (window and door) openings shall extend along at least 80 percent of the width of the facade of the commercial space, measured by the sum of the widths of the rough openings. [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 6, 10-16-18)
 - c. Storefront windows shall have a base nine inches to three feet high. (Ord. No. 19-18, § 6, 10-16-18)
 - d. Transparent glazed windows shall extend from the base to at least eight feet in height as measured from sidewalk grade adjacent to the building. Transparent means non-solar, non-mirrored, glass with a light transmission reduction of no more than 20 percent. (Ord. No. 19-18, § 6, 10-16-18)
 - e. Metal storefront window and door frames shall have powder-coated finishes. (Ord. No. 19-18, § 6, 10-16-18)
2. **Storefront elements.**
- a. Storefronts shall have either awnings or an arcade. Awnings shall project a minimum of five feet from the building facade. Arcades shall meet the Arcade frontage standards in Section 4.4.13.(E)(4)(f). (Ord. No. 19-18, § 6, 10-16-18)

- b. Awnings shall be consistent with the building's architecture and proportionate to the façade opening shape and size. Except for curved awnings, all awnings shall be sloped 15 to 35 degrees from the horizontal plane. Valances shall be no more than 12 inches long. Internally illuminated or plastic awnings are prohibited.
 - c. Storefronts may be combined with forecourts, porches, or arcades. [Amd. Ord. 28-15 12/08/15]
- (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-13 illustrates the dimensional requirements and Figure 4.4.13-E-14 provides a character example. (Ord. No. 26-21, § 6, 8-10-21)

Table 4.4.13(J) Dimensional Requirements for Arcade			
		Minimum	Maximum
A	Building Setback	Varies	15 ft.
B	Arcade Depth	10 ft.	20 ft.
C	Arcade Height	10 ft.	20 ft.
D	Column/Pillar to Face of Curb	2 ft.	5 ft.
E	Column/Pillar Width and Depth	1 ft.	-
Maximum Allowable Encroachment of Elements in All Districts			
F	Arcade	varies by street	

(Ord. No. 19-18, § 6, 10-16-18)

Figure 4.4.13-E-13 Arcade Frontage Type



(Ord. No. 26-21, § 6, 8-10-21)

Figure 4.4.13-E-14 Arcade Character Example



(Ord. No. 26-21, § 6, 8-10-21)

- a. Arcades shall extend over the sidewalk. A sidewalk should not run parallel to an arcade, allowing pedestrians to bypass storefront windows.
- b. Use of the arcade on local streets requires entering into a right-of-way agreement, in a form acceptable to the City Attorney, with the City. The City Commission shall determine in its sole and absolute discretion whether to approve or deny an agreement, which shall be based upon a determination of whether the arcade is in the best interest of the general public. This agreement shall establish liability, indemnification, and insurance responsibilities in a form acceptable to the City. For County, State, and Federal roads, agreements with the appropriate agencies and the City shall be required. (Ord. No. 19-18, § 6, 10-16-18)
- 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, 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. (Ord. No. 26-21, § 6, 8-10-21)
- d. Arcade ceilings shall be designed with coffers or exposed beams extruding at least six inches, aligned with columns or pillars. Arcades shall have a clear height above the sidewalk of at least ten feet and no more than 20 feet.
- e. Support columns or pillars shall be at least 12 inches wide and deep. See Section 4.6.18(B)(14)(iii). Columns and pillars shall be placed two to five feet from the face of the curb. (Ord. No. 19-18, § 6, 10-16-18)

- f. The arcade area extending over the public right-of-way may contain a second story or incorporate roof terraces; additional stories are not permitted.

2. **Arcade elements**

- a. Arcades shall be combined with storefronts.
- b. The height and proportions of the arcade shall be consistent with the architecture and proportions of the building to which it is attached.
- c. Potted landscaping or ground planting shall be provided between the face of the columns or pillars and the face of curb.
- d. Lighting shall be incorporated into arcades to meet CPTED principles.

(g) **Lobby entry.** The lobby entry is a frontage type that emphasizes the main entrance to the reception area of a building with a significant architectural feature. The lobby entry type provides an integral architectural element that provides a sheltered area to congregate in front of the main entrance to a commercial, mixed-use, multi-family, or civic building. The entry may be at sidewalk level or elevated. [Amd. Ord. 27-15 10/20/15]

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-15 and 4.4.13-E-16 provide character examples. (Ord. No. 26-21, § 6, 8-10-21)

- a. Lobby entry features shall be consistent with the architecture of building and encroaching elements shall be harmonious in scale and proportion to the building.
- b. Lobby entries shall be directly accessible from the sidewalk and may be recessed up to ten feet.
- c. Overhangs or awnings may encroach into the front setback area up to ten feet.
- d. Columns, pilasters, and posts may encroach into the front setback up to five feet.

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-15 Lobby Entry Character
Example 1**



(Ord. No. 26-21, § 6, 8-10-21)

**Figure 4.4.13-E-16 Lobby Entry Character
Example 2**



(Ord. No. 26-21, § 6, 8-10-21)

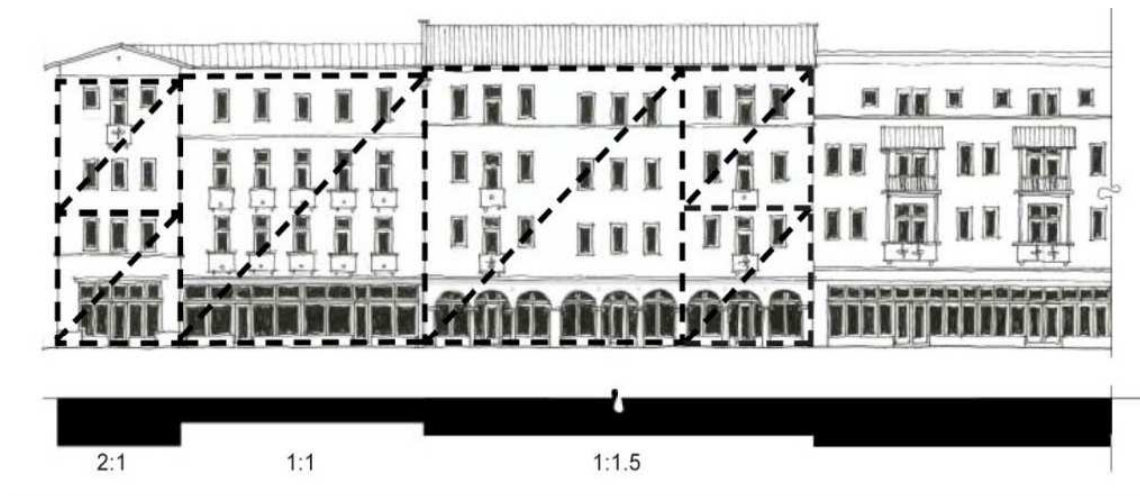
(F) **Architectural standards.** To ensure high quality architecture in the downtown area, the following architectural standards apply to all buildings in the Central Business District Sub-districts and in the OSSHAD with CBD Overlay. In addition to the standards in Section 4.6.18, the following standards apply in all CBD Sub-districts. [Amd. Ord. 28-15 12/08/15]

- (1) **Required standards.** In addition to the standards in this section, all buildings shall follow the Delray Beach Architectural Design Guidelines. Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1 (I), shall also comply with the Visual Compatibility Standards of Section 4.5.1 (E) (7). [Amd. Ord. 28-15 12/08/15]
- (2) **Façade composition.** [Amd. Ord. 28-15 12/08/15]
 - (a) **Building Articulations.** Buildings articulations that respond to the site's unique urban condition, such as but not 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. [Amd. Ord. 28-15 12/08/15] (Ord. No. 12-23, § 2, 5-16-23)
 1. Building articulations in the form of a change in building height and building placement shall be incorporated so that building façade

proportions do not exceed height to width ratios of 3:1 or 1:2 (Figure 4.4.13-F-1). [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 7, 10-16-18; Ord. No. 26-21, § 7, 8-10-21)

2. Building articulations shall be reinforced by changes in roof design, fenestration patterns, or architectural elements. [Amd. Ord. 28-15 12/08/15]

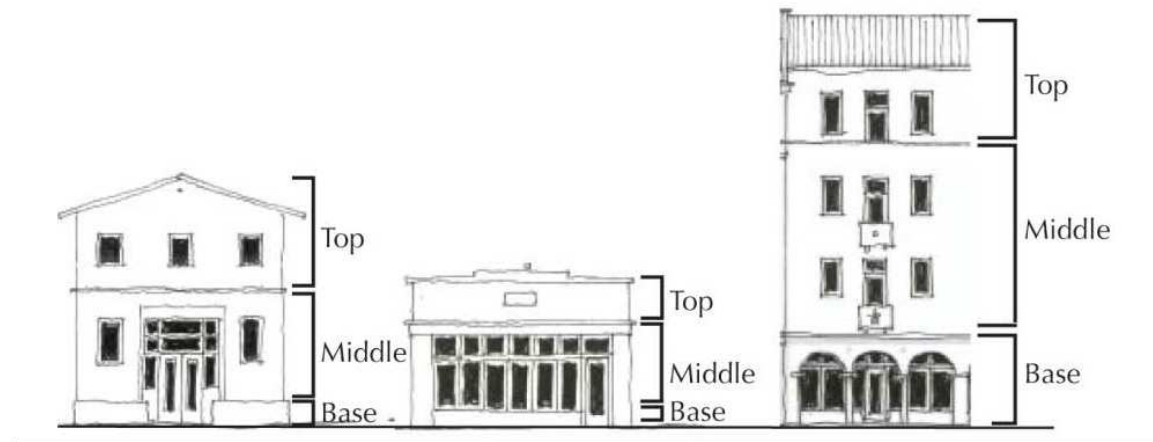
Figure 4.4.13-F-1 Façade Articulation Proportions



(Ord. No. 19-18, § 7, 10-16-18; Ord. No. 26-21, § 7, 8-10-21)

- (b) **Tripartite composition (base, middle, top).** All buildings shall have a clearly expressed base, middle, and top in the façade design. [Amd. Ord. 28-15 12/08/15]

1. **Base.** The building base demonstrates the building is solidly anchored to the ground. The base may be configured in a number of ways, including, but not limited to the following: [Amd. Ord. 28-15 12/08/15]
 - a. A thickening of the lower portion of the wall surface, accompanied by a change in material or color; [Amd. Ord. 28-15 12/08/15]
 - b. the base of a storefront frontage type; or [Amd. Ord. 28-15 12/08/15]
 - c. the first story of buildings three or more stories tall, demarcated by a cornice or molding. [Amd. Ord. 28-15 12/08/15]

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

(Ord. No. 26-21, § 7, 8-10-21)

2. **Top.** The building top may be demonstrated in a number of ways, including, but not limited to the following: [Amd. Ord. 28-15 12/08/15]
 - a. a change in fenestration patterns; [Amd. Ord. 28-15 12/08/15]
 - b. placement of architectural elements such as balconies, cornice line, and moldings; [Amd. Ord. 28-15 12/08/15]
 - c. the parapet or roofline in buildings one to three stories tall; or [Amd. Ord. 28-15 12/08/15]
 - d. a setback at the top story. [Amd. Ord. 28-15 12/08/15]
- (c) **Visual screenings.** Building facades shall be designed to visually screen "Secondary Street" uses (as identified in Table 4.4.13 (A)) and large expanses of blank walls. Appropriate façade design to screen these uses incorporates the consistent use of materials and construction assemblies, fenestration patterns, architectural articulation, and features such as, but not limited to, the application of architectural screens, louvers, or glass. In addition, at the sidewalk level, vegetated surfaces and planters or window display shall be incorporated. Paint, faux treatments, scoring, construction joints, lighting, and material projections less than two inches are permitted, but do not fulfill the façade design requirements. [Amd. Ord. 28-15 12/08/15]

Figure 4.4.13-F-3
Character Examples for Building Façade Screening Secondary Street Uses



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



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

(Ord. No. 26-21, § 7, 8-10-21)

- (d) **Façade composition compliance.** All development submittals shall provide diagrams and/or documentation to illustrate compliance with the requirements of this Section which includes Building Articulation, Tripartite Composition, and Visual Screening. Additional analysis demonstrating compliance may be required by the Development Services Director at any point in the process. [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-21, § 7, 8-10-21)
- (3) **Appropriate architectural styles.** The adopted "Delray Beach Central Business District Architectural Design Guidelines", as amended, identifies architectural styles as appropriate for downtown Delray Beach, based on historical precedent, climate, and building scale. Defining characteristics and character examples are provided for each of the styles as guidance. [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 7, 10-16-18)
 - (a) **Permitted architectural styles.** One of the architectural styles shall be identified on permit application drawings and the building design shall reflect the defining characteristics outlined in the "Delray Beach Central Business District Architectural Design Guidelines" document. [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 7, 10-16-18)

- (b) Eclectic combinations or mixing of styles is not permitted; however, projects comprised of multiple buildings may use more than one style, provided each building uses one style (e.g. an Anglo-Caribbean building next to a Florida Vernacular building), and façade portions of long buildings may use different styles provided each portion uses one style. [Amd. Ord. 28-15 12/08/15]
- (c) **Other Architectural Styles.** Elevations introducing a new style may be utilized with City Commission approval, via recommendation by PZB, SPRAB or HPB, as applicable. City Commission approval is required prior to consideration of the site plan. Applicants shall provide the following: [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 7, 10-16-18; Ord. No. 26-26, § 4, 5-5-26)
1. A description including images of a documented and substantiated Florida vernacular architecture; [Amd. Ord. 28-15 12/08/15]
 2. A written justification of the appropriateness of the style for downtown Delray Beach; and [Amd. Ord. 28-15 12/08/15]
 3. An explanation including graphics demonstrating how the building design follows the proposed style. [Amd. Ord. 28-15 12/08/15]
- (d) Eclectic combinations of architectural styles may be used for civic buildings or for additions or renovations to existing buildings with City Commission approval, via recommendation by the PZB, SPRAB or HPB, as applicable. Applicant shall provide a written justification of the appropriateness of the eclectic combination of styles for downtown Delray Beach. [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-26, § 4, 5-5-26)
- (e) The use of Masonry Modern or Art Deco architectural styles requires review and determination by the PZB, SPRAB or HPB, as applicable, that (1) the style is appropriate for the location; and (2) the design execution meets the architectural design guidelines. Board review shall occur prior to or at the time of the second review by the Technical Advisory Committee (TAC). By opting to use Masonry Modern or Art Deco, the applicant acknowledges that this may result in new comments that must be resolved prior to consideration for final site plan approval. Applicants shall provide an explanation, including graphics, demonstrating how the proposed building design implements the selected style. (Ord. No. 12-23, § 2, 5-16-23; Ord. No. 26-26, § 4, 5-5-26)

- (f) Accessory structures such as enclosures used for the screening of mechanical and electrical equipment, loading and service areas, and/or dumpster and recycling areas shall be consistent with the architectural style of the principal building. [Amd. Ord. 28-15 12/08/15] (Ord. No. 12-23, § 2, 5-16-23)
- (4) **Walls.** [Amd. Ord. 28-15 12/08/15]
 - (a) Walls shall have a maximum of two primary materials, excluding windows, doors, accents and trims. The materials shall be appropriate to

the architectural style and shall be consistent on all sides of the building. Materials that simulate other materials shall count as separate materials if there is a change in texture, color, or pattern of the finish. [Amd. Ord. 28-15 12/08/15]

- (b) Materials or patterns not expressly prohibited may be used if consistent with the architectural style of the building. [Amd. Ord. 28-15 12/08/15]
- (c) Metal curtain walls are permitted only on buildings designed in the Masonry Modern style and shall be limited to 30 percent of the total building exterior elevation. [Amd. Ord. 28-15 12/08/15]
- (d) **Prohibitions.** [Amd. Ord. 28-15 12/08/15]
 - 1. Prefabricated and pre-engineered metal wall panels. [Amd. Ord. 28-15 12/08/15]
 - 2. Metal curtain wall systems with 100 percent glass and metal combination. [Amd. Ord. 28-15 12/08/15]
- (e) **Treatment of blank walls.** [Amd. Ord. 28-15 12/08/15]
 - 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. [Amd. Ord. 28-15 12/08/15]
 - 2. Blank walls shall receive two or more of the following special design treatments in order to increase pedestrian comfort or create visual interest: [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-21, § 7, 8-10-21)
 - 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. [Amd. Ord. 28-15 12/08/15]
 - 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. [Amd. Ord. 28-15 12/08/15]
 - 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. [Amd. Ord. 28-15 12/08/15]
- (f) A maximum of four base wall colors shall be used for each building, except as required for approved artworks or murals. (Ord. No. 26-21, § 7, 8-10-21)

(5) **Openings.** [Amd. Ord. 28-15 12/08/15]

- (a) Building façades facing streets or civic open spaces must have transparent windows covering between 20 percent and 75 percent of the wall area of each story as measured between finished floors. Transparent means non-solar, non-mirrored glass with a light transmission reduction of no more than 20 percent. [Amd. Ord. 28-15 12/08/15]
- (b) Storefronts are required on all buildings located on streets designated on the Regulating Plan with Required Retail Frontage and on all new retail or restaurant uses. All storefronts shall meet the design requirements in Section 4.4.13(E)(4)(e). [Amd. Ord. 28-15 12/08/15]
- (c) All public entries, excluding emergency exits, shall be easily identifiable and integrated into the building architecture and use one of the frontage types in Section 4.4.13(E)(4). Each freestanding principal structure shall have a minimum of one clearly defined primary public entrance facing the street. [Amd. Ord. 28-15 12/08/15]
- (d) Window and door shutters shall be sized to match the dimensions of the wall openings. [Amd. Ord. 28-15 12/08/15]
- (e) Overhead doors shall be prohibited from facing any adjacent residentially zoned property. Overhead doors shall be oriented away from any adjacent public right-of-way, except where currently existing. [Amd. Ord. 28-15 12/08/15]
- (f) Garage doors, entrances and exits with street frontage shall be designed to have a decorative appearance consistent with the overall architectural composition of the project. [Amd. Ord. 28-15 12/08/15]

(6) **Roofs.** [Amd. Ord. 28-15 12/08/15]

- (a) Roof eaves above pedestrian walkways must be guttered to promote a pedestrian friendly environment. Plastic gutters are prohibited. [Amd. Ord. 28-15 12/08/15]
- (b) Roof types and roofing materials must be consistent with the architectural style of the building. [Amd. Ord. 28-15 12/08/15]
- (c) Flat roofs shall be screened from adjacent properties and streets with decorative parapets. The maximum height of the parapet wall shall be six feet in height or sufficient height to screen all roof mounted equipment, whichever is greater, measured from the top of the roof deck to the top of the parapet wall. Exception to the height requirements shall be pursuant to Section 4.3.4(J)(3). [Amd. Ord. 28-15 12/08/15]

- (d) Roof mounted electrical, mechanical, air conditioning, and communication equipment shall be completely screened from adjacent properties and streets. [Amd. Ord. 28-15 12/08/15]
- (e) Rooftop terraces and uses are regulated in 4.4.13(C)(4)(h). (Ord. No. 19-18, § 7, 10-16-18)
- (f) Prohibitions. [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 7, 10-16-18)
 - 1. Flat asphalt shingles. Architectural 3-tab asphalt shingles with a minimum 30-year warranty are permitted. [Amd. Ord. 28-15 12/08/15]
 - 2. Plastic gutters. [Amd. Ord. 28-15 12/08/15]
- (7) **Elements.** [Amd. Ord. 28-15 12/08/15]
 - (a) Cornices and moldings shall extend a minimum of two inches from the surface plane of the building wall. Cornices and moldings are continuous façade elements and may not be covered by awnings or signs. Significant architectural elements such as columns, pilasters, and towers may interrupt moldings. [Amd. Ord. 28-15 12/08/15]
 - (b) Arcades, porches, trellises, loggias and balconies. [Amd. Ord. 28-15 12/08/15]
 - 1. Materials for arcades, porches, trellises, loggias and balconies shall be consistent with the architectural style of the principal building. [Amd. Ord. 28-15 12/08/15]
 - 2. The spacing between columns, pillars, and posts shall have a height to width or width to height ratio of 1:1, 2:1, or 2:3 and shall be consistent with the building's architectural style. The maximum spacing between columns, from centerline to centerline shall be 24 feet. [Amd. Ord. 28-15 12/08/15]
 - 3. Columns, pillars and posts shall be appropriate for the architectural style of the building. Masonry columns or pillars shall be a minimum of 12 inches in width or depth. Wood posts shall be a minimum six inches in size, width, or depth. [Amd. Ord. 28-15 12/08/15]
 - 4. Arches over columns that are part of an arcade shall have no less than 8 inches in depth. [Amd. Ord. 28-15 12/08/15]
 - (c) Awnings shall be consistent with the building's architecture and façade opening shape. Awnings shall project a minimum of three feet from the

building facade. Except for curved awnings, all awnings shall be sloped 15 to 35 degrees from the horizontal plane. Valances shall be no more than 12 inches long. Internally illuminated or plastic awnings are prohibited. Any names or logos printed on awnings shall be counted as square footage against the overall permitted signage. [Amd. Ord. 28-15 12/08/15]

- (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: [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 7, 10-16-18; Ord. No. 26-21, § 7, 8-10-21)
 - 1. Streetwalls located within the front setback shall be three to four feet in height. (Ord. No. 26-21, § 7, 8-10-21)
 - 2. Streetwalls located in line with a building façade shall be three to six feet in height. (Ord. No. 26-21, § 7, 8-10-21)
 - 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. (Ord. No. 26-21, § 7, 8-10-21)
 - 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. (Ord. No. 20-21, § 8, 12-7-21)
- (e) Chain link fences are prohibited except within sites containing outdoor recreation uses or facilities such as baseball, tennis, racquetball, etc. in which case they must be appropriately screened with landscaping pursuant to Section 4.6.16. [Amd. Ord. 28-15 12/08/15]

- (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. [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-21, § 7, 8-10-21)*
- (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. [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-21, § 7, 8-10-21)
- (h) Prohibitions. [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-21, § 7, 8-10-21)
 - a. Security bars on storefronts or display windows. [Amd. Ord. 28-15 12/08/15]
 - 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, 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. [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-21, § 7, 8-10-21)
- (8) **Parking garages.** Above ground parking garages shall comply with the architectural requirements of this Section and the following additional requirements: [Amd. Ord. 28-15 12/08/15] (Ord. No. 26-21, § 7, 8-10-21)
 - (a) Ramps shall be visually screened from streets and adjacent residential zoning districts and oriented towards the interior of the lot within a project where possible. Ramp profiles shall be hidden on the exterior elevations. [Amd. Ord. 28-15 12/08/15]
 - (b) Roof top parking shall be visually screened with articulated parapet walls or other architectural treatment acceptable to the reviewing

***Editor's note**—Ord. No. 26-21, § 7, adopted August 10, 2021, repealed former subsection (f) and redesignated the existing subsections (g)—(i) as subsections (f)—(h). Former subsection (f) derived from Ord. 28-15, adopted December 08, 2015.

body. Exterior lighting shall utilize fixtures provided with cut-off shielding in order to eliminate glare and spillage onto adjacent properties and roadways. [Amd. Ord. 28-15 12/08/15] (Ord. No. 32-23, § 18, 10-17-23)

- (c) The openings of the garage shall be designed in a manner that obscures parked vehicles. Decorative architectural elements on the ground floor level shall be designed to accommodate the pedestrian scale. Parking levels above the ground floor shall maintain the same vertical and horizontal articulation or rhythm and incremental appearance established on the ground floor. [Amd. Ord. 28-15 12/08/15]
- (d) **Setback waiver.** The reviewing body 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: [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 7, 10-16-18; Ord. No. 26-21, § 7, 8-10-21; Ord. No. 32-23, § 18, 10-17-23)
 - 1. The garage or the garage portion of the building elevation provides unified design elements with the main building through the use of similar materials and color, vertical and horizontal elements, and architectural style. [Amd. Ord. 28-15 12/08/15]
 - 2. In OSSHAD and on Secondary Streets in the CBD, a minimum 50 percent of the ground floor perimeter of the garage or the garage portion of the building adjacent to street rights-of-way shall be devoted to window displays or floor area for active uses such as retail stores, personal and business service establishments, entertainment, offices, etc. This number may be reduced by the reviewing body. On Primary Streets in the CBD, the perimeter of the garage or the garage portion of the building adjacent to the street rights-of-way shall be lined by active uses (outlined in Section 4.4.13(C)). [Amd. Ord. 28-15 12/08/15] (Ord. No. 32-23, § 18, 10-17-23)
 - 3. Architectural features shall be incorporated into the facade to mitigate the building's mass and bulk and along portions of the building adjacent to street rights-of-way. [Amd. Ord. 28-15 12/08/15]
 - 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. (Ord. No. 20-21, § 8, 12-7-21)

(9) **Reduction of Urban Heat Islands.** To reduce urban heat islands for both roofed and non-roofed areas, the following standards shall apply to building and site design: [Amd. Ord. 28-15 12/08/15] (Ord. No. 30-22, § 5, 11-1-22)

- (a) **Non-roofed:** Provide landscaped or vegetated shade (within five years of planting) on at least 30 percent of non-roofed surfaces on the side, including parking lots, walkways, plazas, etc.; or use light-colored/high-albedo materials (reflectance of at least 0.3) for 30 percent of the site's non-roofed impervious surfaces; or, use open-grid pavement system (net impervious area of less than 50 percent) for a minimum of 50 percent of the parking lot area. [Amd. Ord. 28-15 12/08/15] (Ord. No. 30-22, § 5, 11-1-22)
- (b) **Roofed:** Use Energy Star roof-compliant, high-reflectance and high emissivity roofing based on the specifications of Low-Sloped Roofs (pitch: up to 2:12) and Steep-Sloped Roofs (pitch: greater than 2:12) or install a "green" (vegetated) roof for at least 50 percent of the roof area. [Amd. Ord. 28-15 12/08/15] (Ord. No. 30-22, § 5, 11-1-22)
- (c) **Parking on roofs:** Provide landscaped or vegetated shade to cover at least 30 percent (within five years of planting) of any exposed parking on the roof. [Amd. Ord. 28-15 12/08/15] (Ord. No. 30-22, § 5, 11-1-22)

(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: [Amd. Ord. 28-15 12/08/15]

- (a) Sites smaller than 20,000 square feet have no civic open space requirement. The first 20,000 square feet of sites larger than 20,000 square feet are not used in the computation of required civic open spaces.

- (b) Sites between 20,000 and 40,000 square feet are required to provide five percent of the site's area that is above 20,000 square feet as civic open space.
- (c) Sites 40,000 square feet or more in size are required to provide civic open space as follows: (Ord. No. 19-18, § 8, 10-16-18)
 - 1. Five percent of the site's area between 20,000 and 40,000 square feet; plus
 - 2. Nine percent of the site's area above 40,000 square feet. (Ord. No. 19-18, § 8, 10-16-18)

For example, a site 62,000 square feet in size will calculate civic open space as follows:

20,000 square feet = 0

20,000 square feet x 5% = 1,000 square feet

22,000 square feet x 9% = 1,980 square feet

Total Civic Open Space Required = 2,980 square feet

(Ord. No. 19-18, § 8, 10-16-18)

- (d) Dedicated rights-of-way and area used to meet the minimum setback or minimum streetscape standards in Section 4.4.13(E) do not count toward fulfilling the required amount. [Amd. Ord. 28-15 12/08/15]
 - (e) Sites within the South Pairs Neighborhood Sub-district have reduced civic open space requirements as noted in Table 4.4.13(C). (Ord. No. 20-21, § 9, 12-7-21)
- (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: (Ord. No. 19-18, § 8, 10-16-18)
- (a) **Green.** A green is at least 1,500 square feet in size and adjoins streets on at least two sides or a street and a pedestrian passageway or main building entry. Greens are designed primarily for passive uses, consisting primarily of lawn with either formally or informally arranged landscaping.
 - (b) **Plaza.** A plaza is at least 1,500 square feet in size and adjoins streets on at least two sides or a street and a pedestrian passageway or main building entry. Plazas are mostly hardscaped with formally arranged landscaping and a water feature.

- (c) **Playground.** A playground is at least 2,500 square feet in size. Playgrounds provide children's play equipment and shaded seating. Playgrounds adjoin a street on at least one side and the configuration should ensure easy surveillance of the area from adjacent buildings and streets.
- (d) **Square.** A square is at least 10,000 square feet and adjoins streets on at least three sides. Squares may be up to 50 percent hardscaped, with formal landscaping. Squares accommodate both passive uses and community gatherings.
- (e) **Attached Green.** An attached green is generally 2,000 to 6,000 square feet and spans the entire length of a block. Attached greens shall be at least 30 feet wide and are appropriate on the short end of a block. Attached greens are primarily lawns with formally arranged landscaping.
- (f) **Community Garden.** A community garden is 2,500 to approximately 5,000 square feet and adjoins a street on at least one side. Community gardens are land that is cultivated collectively by members of a community (See Section 4.3.3 (D)).
- (g) For civic open space requirements between 250 and 1,500 square feet, buildings shall provide the required space using one of the following: (Ord. No. 19-18, § 8, 10-16-18)
 - 1. A Forecourt frontage type (see Section 4.4.13(E)(4)(d)). (Ord. No. 19-18, § 8, 10-16-18)
 - 2. A pedestrian passageway open to the sky connecting the front of the property to the rear, at least ten feet in width, and containing a minimum of 50% pervious, landscaped area, with decorative elements of interest, such as benches, trellises, sculptures, and water features which complement the design style of the building. Outdoor use areas may be provided adjacent to but not within the minimum required pedestrian passageway area. (Ord. No. 19-18, § 8, 10-16-18)
- (h) **Public art.** For civic open space requirements less than 250 square feet, the space shall incorporate a fountain, living wall, mural, or sculpture shall be provided facing a street or a pedestrian passageway. (Ord. No. 19-18, § 8, 10-16-18)

**Figure 4.4.13-G-1 Character Example of
Landscaped Pedestrian Passageway**



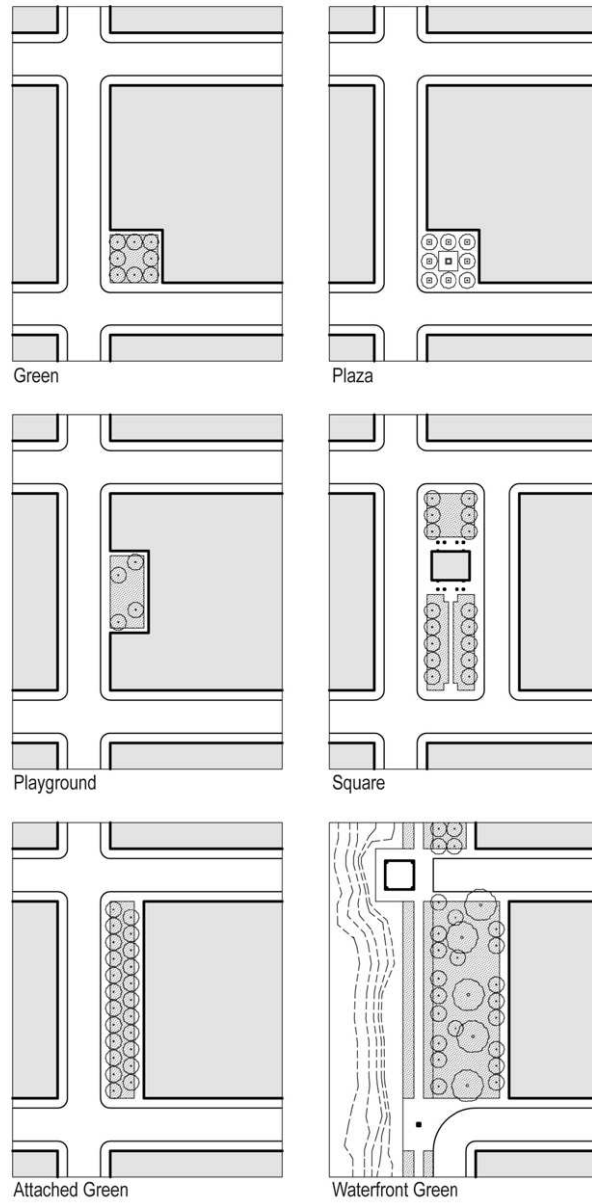
(Ord. No. 19-18, § 8, 10-16-18; Ord. No. 26-21, § 8, 8-10-21)

**Figure 4.4.13-G-2
Character Example of Living Wall**



(Ord. No. 19-18, § 8, 10-16-18; Ord. No. 26-21, § 8, 8-10-21)

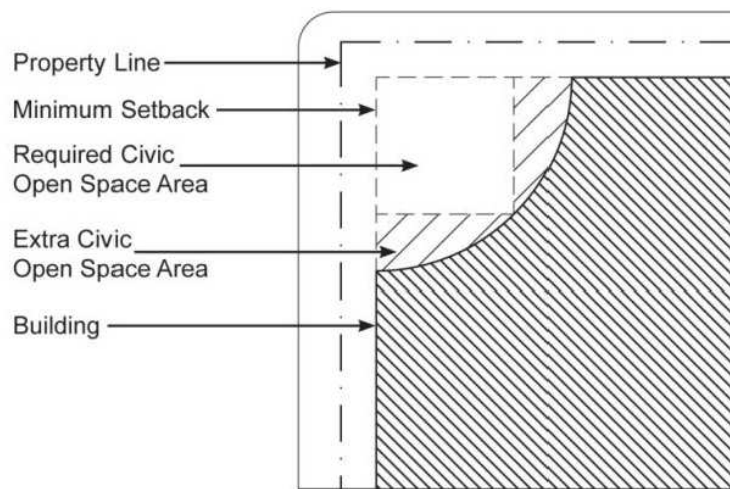
Figure 4.4.13-G-3 Civic Open Spaces



(Ord. No. 26-21, § 8, 8-10-21)

- (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). [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 8, 10-16-18; Ord. No. 26-21, § 8, 8-10-21)

Figure 4.4.13-G-4 Civic Open Space Configuration



(Ord. No. 19-18, § 8, 10-16-18; Ord. No. 26-21, § 8, 8-10-21)

- (c) Except for attached greens, civic spaces shall have a proportion so that the depth is no more than two and one-half times the width and the width is no more than five times the depth. [Amd. Ord. 28-15 12/08/15]
- (d) Civic open spaces shall be lined by building facades or streets on all sides. In order to provide oversight of the space, buildings facing civic open spaces shall contain active uses; parking lots, parking garages, and storage areas are not considered active uses. [Amd. Ord. 28-15 12/08/15]
- (e) Civic open space requirements of 3,000 square feet or more may be provided in up to two spaces; requirements less than 3,000 square feet shall be provided in one space. [Amd. Ord. 28-15 12/08/15]

- (4) **Additional standards.** Civic open spaces shall meet the following minimum standards:
- (a) Civic open spaces must be accessible to the public during all daylight hours. A portion of a civic open space may accommodate outdoor dining provided:
 - 1. The business is located adjacent to the open space;
 - 2. The open space provides an alternative location for a sidewalk café instead of using the streetscape area of an adjoining street right-of-way; and (Ord. No. 19-18, § 8, 10-16-18)
 - 3. The size of the area is generally consistent with the potential size of a sidewalk café that could be located within the streetscape of an adjoining street right-of-way.
 - (b) Civic open spaces must be situated to allow easy ingress and egress by pedestrians. Except for playgrounds, which may be fenced, no streetwalls, gates, fences or other impediments to pedestrian accessibility shall be permitted along the frontage lines;
 - (c) Civic open spaces must be located at the sidewalk level;
 - (d) Civic open spaces must be completely open to the sky, with no roofs, awnings, structural elements or covered areas above. Retractable awnings, trellises, and open-air garden structures such as pergolas, gazebos or band shells are permitted within civic open spaces; (Ord. No. 19-18, § 8, 10-16-18)
 - (e) Landscaping shall be arranged in a manner reflective of the type of civic open space. One shade tree per 20 feet of perimeter of the space is required. Trees may be arranged in regular spacing or in informal clusters, depending on the type of open space. Trees shall be installed to provide shade along walkways and for benches. Substituting shade trees for multiple palm species is not permitted; however, adding palms to the landscape design is permitted.
 - (f) Each civic open space shall provide the following elements, specifications subject to approval by the City of Delray Beach Public Works Department: (Ord. No. 29-20, § 2, 11-10-20)

1. Seating for at least two people per 350 square feet of area. Seating may be provided on benches, chairs, or other horizontal surfaces designed for people to sit upon, including retaining walls, planter edges, tiers and other similar surfaces. Seating surfaces shall have a maximum height of 24 inches and have a minimum depth of 16 inches.
 2. One drinking fountain with dual pet water fountain feature; (Ord. No. 29-20, § 2, 11-10-20)
 3. At least one bicycle rack, but no more than two racks, as part of the required bicycle parking requirement. Any additional bicycle parking required by Table 4.4.13(M) shall be provided in other locations on the site; (Ord. No. 29-20, § 2, 11-10-20)
 4. One trash receptacle;
 5. One pet clean up station.
- (g) Fences are permitted only to enclose playgrounds. Fences may be composed of wood or metal pickets and shall not exceed four feet in height.
- (h) Vehicular traffic shall not be permitted within a civic open space.
- (i) Civic open spaces shall be designed to enhance user safety and security using Crime Prevention Through Environmental Design (CEPTED) principles by:
1. Being well lighted;
 2. Having one or more focal points within the open space visible from all perimeter streets;
 3. Having a clear landscape zone between three feet and eight feet in height providing sightlines unobstructed by berms or bushes.
- (5) **Availability.** Civic open space shall be developed and open for use concurrent with the issuance of a certificate of occupancy for the building(s) for which the open space is required.

(H) **Incentive program.** Certain incentives may be offered from time to time to encourage development that advances City strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or office uses within the CBD. The

specific incentives and required performance criteria are set forth in this Section and may be revised or amended after seeking community input and in response to factors such as update to the Downtown Master Plan, changing conditions within the CBD, transportation impacts, or market and/or demographic shifts. Any incentives shall be broad based and applicable within the entire CBD or CBD sub-district, no incentives programs shall be considered on a case-by-case basis or project-by-project basis. (Ord. No. 20-21, § 10, 12-7-21)

(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. (Ord. No. 33-19, § 2, 12-3-19; Ord. No. 20-21, § 10, 12-7-21)

(a) 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. (Ord. No. 20-21, § 10, 12-7-21)

(b) West Atlantic Neighborhood Sub-district. (Ord. No. 33-19, § 2, 12-3-19; Ord. No. 20-21, § 10, 12-7-21)

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). (Ord. No. 20-21, § 10, 12-7-21)

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: (Ord. No. 33-19, § 2, 12-3-19; Ord. No. 20-21, § 10, 12-7-21)

a. The property is located between West Atlantic Avenue and NW 1st Street; and, (Ord. No. 33-19, § 2, 12-3-19; Ord. No. 20-21, § 10, 12-7-21)

b. The property does not contain a contributing structure; (Ord. No. 33-19, § 2, 12-3-19; Ord. No. 20-21, § 10, 12-7-21)

c. The property does not contain a non-contributing structure that is at least 30 years old, from the original date of construction; (Ord. No. 33-19, § 2, 12-3-19; Ord. No. 20-21, § 10, 12-7-21)

- d. If the property is vacant, it has not contained a structure on the site for at least 15 years. (Ord. No. 33-19, § 2, 12-3-19; Ord. No. 20-21, § 10, 12-7-21)
- (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. (Ord. No. 03-21, § 5, 3-2-21; Ord. No. 20-21, § 10, 12-7-21)
- (d) South Pairs Neighborhood Sub-district. Density may be increased over 12 du/ac within the South Pairs Neighborhood Sub-district as follows: (Ord. No. 20-21, § 10, 12-7-21)
 - 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 and is no more than three stories and 38 feet in height; (Ord. No. 20-21, § 10, 12-7-21)
 - 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 (Ord. No. 20-21, § 10, 12-7-21)
 - 3. For parcels between SE 5th Avenue and SE 6th Avenue, density may be increased up to 50 du/ac, subject to the following: (Ord. No. 20-21, § 10, 12-7-21)
 - a. The Performance Standards set forth in Section 4.4.13(H)(2) are met; (Ord. No. 20-21, § 10, 12-7-21)
 - 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 (Ord. No. 20-21, § 10, 12-7-21)
 - 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. (Ord. No. 20-21, § 10, 12-7-21)
- (2) **Performance standards for density increases.** Projects proposing to increase density from the base amount allowed in the West Atlantic Neighborhood Sub-district, the Railroad Corridor Sub-district, or the South Pairs Neighbor-

hood Sub-district between SE 5th Avenue and SE 6th Avenue, shall provide workforce housing units as follows: (Ord. No. 03-21, § 5, 3-2-21; Ord. No. 20-21, § 10, 12-7-21)

- (a) Workforce housing units, equal to at least 20 percent of the total density shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 (fractions shall be rounded up). (Ord. No. 03-21, § 5, 3-2-21; Ord. No. 20-21, § 10, 12-7-21)
- (b) The workforce housing units shall be equally distributed between the low and moderate-income levels and shall comply with other applicable provisions of Article 4.7. (Ord. No. 03-21, § 5, 3-2-21; Ord. No. 20-21, § 10, 12-7-21)
- (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. (Ord. No. 03-21, § 5, 3-2-21)

(3) **Approval process for incentives.**

- (a) Applications to utilize the Incentive Program will be reviewed as part of a site plan for compliance with the regulations in this code that direct building configuration, uses, open space, streetscape design, parking location and quantity, and the performance standards in Chapter 3 and Section 4.4.13(H)(2). The board reviewing the site plan will make a recommendation to the City Commission on the entire site plan application before the City Commission takes final action to approve or deny the site plan and the increased density. (Ord. No. 03-21, § 5, 3-2-21; Ord. No. 32-23, § 18, 10-17-23)
- (b) Applications must include, in addition to the standard application items, a site and development plan (including landscaping, elevations, and floor plans) of sufficient detail to determine that the applicable development and all performance standards are being met. (Ord. No. 32-23, § 18, 10-17-23)

(l) **CBD parking standards.**

- (1) **Purpose of revised standards.** This section provides modified regulations for off-street parking and bicycle parking and facilities within all Sub-districts of the CBD. These regulations reflect the needs of the urban, mixed use

downtown and recognize that it is a compact, interconnected area with multimodal transportation options. Improper placement of parking and mandatory duplication of the parking supply on each building site separates the various land uses from each other that reduces the viability of the mixed-use district and harms the walkability throughout the downtown area. When in conflict with the regulations in Section 4.6.9, this section shall rule. (Ord. No. 29-20, § 2, 11-10-20)

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

- (a) The minimum number of parking spaces required in Section 4.6.9(C) "Number of Parking Spaces Required" is modified by this section for use in the CBD; Table 4.4.13(L) identifies the minimum number of off-street parking spaces required per use and location. Medical Offices, call centers, and any other uses not listed in the table shall use the requirements in Section 4.6.9(C). [Amd. Ord. 27-15 10/20/15]
 - 1. The Atlantic Avenue Parking District is mapped on the Central Core Regulating Plan (See Figure 4.4.13-5).
 - 2. Alternative Fuel Parking spaces are spaces provided on-site, clearly marked with adjacent charging stations for electric (EV)/plug-in hybrid vehicles (PHEV) and golf carts.
- (b) The parking required for the creation of new floor area, shall also include the replacement of any previously required parking which may be eliminated.
- (c) When the parking requirements are applied to new development or expansion of an existing use, which results in the requirement of only one new parking space, a one space exemption shall be allowed. This exemption may only occur once per property.
- (d) Properties less than 65 feet in width 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. (Ord. No. 26-21, § 9, 8-10-21)
- (e) Properties located within 750 feet of a public parking garage or the Planned Tri-Rail Coastal Link station (See Figure 4.4.13-5) are not required to provide additional parking resulting from a change in use, except for new restaurant and lounge uses, within an existing building,

provided additional floor area is not created. The distance shall be measured along the closest pedestrian route between nearest building entrances/the planned station location. [Amd. Ord. 27-15 10/20/15]

Table 4.4.13(L) Minimum Number of Off-street Parking Spaces Required in the CBD	
Commercial Uses	
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
Business and Professional Office <5,000 sf. in the South Pairs Neighborhood Sub-District	1 space per 500 sf. of net floor area
Business and Professional Office >5,000 sf. in the South Pairs Neighborhood Sub-District	1 space per 300 sf. of net floor area
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
Retail and Commercial Uses in the South Pairs Neighborhood Sub-District	1 space per 300 sf. of gross floor area
Restaurants and lounges (including those located within hotels/motels) NOT in the Atlantic Avenue Parking District	6 spaces per 1,000 sf. of gross floor area
Restaurants and lounges (including those located within hotels/motels) in the Atlantic Avenue Parking District	12 spaces per 1,000 sf. for the first 6,000 sf. Plus 15 spaces per each additional 1,000 sf.
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

¹ When parking spaces are not required, but are provided, then 3% of those provided shall be an Alternative Fuel space.

(Ord. No. 19-18, § 9, 10-16-18; Ord. No. 20-21, § 11, 12-7-21)

- (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-1) 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. [Amd. Ord. 27-15 10/20/15] (Ord. No. 26-21, § 9, 8-10-21)
 - (g) Restaurants, Cocktail Lounges, Hotels, and Residential Type Inns may provide their required vehicular parking as valet parking, subject to the provisions of Section 4.6.9(F)(3). (Ord. No. 14-24, § 4, 12-10-24)
 - (h) Within the West Atlantic Neighborhood Sub-district, west of NW/SW 4th Avenue and east of NW/SW 12th Avenue, changes in commercial use within existing (as of November 7, 2017) commercial buildings and associated outdoor areas subject to the provisions of Section 4.6.6, shall not be required to provide additional on-site parking. The provisions of this sub-subsection shall only be effective until December 31, 2026, and subject to submittal of a building permit. (Ord. No. 39-17, § 2, 11-7-17; Ord. No. 01-20, § 2, 6-16-20; Ord. No. 04-24, § 3, 2-20-24; Ord. No. 14-24, § 4, 12-10-24)
 - (i) Existing buildings located in the portion of the CBD Railroad Corridor Sub-district between SE 2nd Street and SE 3rd Street that undergo a change of use are not required to provide additional on-site parking spaces required by the new use category, if applicable. The provisions of this sub-subsection shall only be effective until December 31, 2024, and subject to submittal of a building permit. (Ord. No. 02-18, § 2, 4-3-18; Ord. No. 05-21, § 2, 4-6-21; Ord. No. 14-24, § 4, 12-10-24)
- (3) **Location and Access to Off-Street Parking.** Parking and service areas shall be accessed and located at the rear or side of the building(s) whenever possible.
- (a) **Location.**
1. Parking is not permitted in front setbacks or in side setbacks facing streets, parks, or civic open spaces.
 2. On Primary Streets, all parking lots shall be located to the rear of buildings. The SPRAB can approve alternative locations where

parking in the rear is inappropriate or impossible and may require special perimeter treatments to protect and improve the pedestrian experience along the street.

3. On Secondary Streets, parking lots may also be located on the side of buildings provided the parking is screened from view of the street by a streetwall (See Section 4.4.13(F)(7)) and landscaping as set forth in Section 4.6.16(H).
 4. On Primary Streets, parking garage levels shall be lined by another use permitted on Primary Streets for at least 20 feet of depth. (See Section 4.4.13(C)). On Secondary Streets, parking garage levels not lined by another use shall be screened by a building façade that meets the architectural requirements in Section 4.4.13(F).
 5. Offsite parking arrangements may be used instead of providing on-site parking as provided in Section 4.6.9(E)(3), except that the other property must be located within 750 feet, measured along the closest pedestrian route between nearest building entrance and nearest pedestrian garage entrance. (Ord. No. 14-24, § 4, 12-10-24)
 6. If the required parking is not or cannot be provided on-site or off-site, the in-lieu of parking fee option provided in Section 4.6.9(G) may be requested for certain developments that advance City policy-driven goals. (Ord. No. 14-24, § 4, 12-10-24)
 7. Within Townhouse and Townhouse type developments, parking may be provided in front of garage units provided that such parking does not result in the space for one unit impeding access to a space of the other unit.
- (b) **Access.** In addition to the standards in Section 6.1.4, the following standards apply in all CBD Sub-districts:
1. On Primary Streets, alleys and Secondary Streets, when present, shall be the primary source of vehicular access to off-street parking. Alleys may provide access to parking lots and garages and function as standard drive aisles, provided public access is maintained and access to all properties adjacent to the alley is maintained. Vehicles may back out onto alleys.
 2. When neither alleys nor Secondary Streets are present, primary vehicular access may be from a Primary Street. In the instance that

site constraints necessitate access from a Primary Street, and the provision of an access drive precludes meeting the minimum building frontage percentage required, the Development Services Director may administratively allow a reduction from the minimum building frontage in order to allow vehicular access to the site. (Ord. No. 20-21, § 11, 12-7-21)

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. (Ord. No. 20-21, § 11, 12-7-21)

- (4) ***Bicycle parking and facilities.*** The requirements for bicycle parking and facilities include the provision of bicycle racks, bicycle storage rooms or lockers, and showers. (Ord. No. 29-20, § 2, 11-10-20)*

***Editor's note**—Ord. No. 29-20, § 2, adopted November 10, 2020, repealed and replaced subsection 4.4.13(l)(4) which pertained to similar subject matter and derived from Ord. 27-15, adopted October 20, 2015 and Ord. No. 19-18, adopted October 16, 2018.

- (a) **Minimum Requirements.** Table 4.4.13(M), Minimum Number of Bicycle Parking Spaces and Facilities Required in the CBD, identifies the minimum number of on-site bicycle parking spaces and facilities required per use. Any uses not listed in the table shall use the requirements in Section 4.6.9(C). (Ord. No. 29-20, § 2, 11-10-20)
1. For mixed use projects, both the non-residential and residential requirements shall be met. Calculations for mixed use projects are cumulative. (Ord. No. 29-20, § 2, 11-10-20)
 2. Bicycle Parking requirements are applied to new development, expansion of an existing use, and changes of use. (Ord. No. 29-20, § 2, 11-10-20)
 3. The required facilities associated with the provision of bicycle parking include showers and changing areas. When showers are required, an associated changing area must also be provided. Residential uses and public spaces are not required to provide any facilities. (Ord. No. 29-20, § 2, 11-10-20)

Table 4.4.13(M) Minimum Number of Bicycle Parking Spaces and Showers Required*			
Category	Type I	Type II	Showers
Commercial Uses			
Hotels/Motels	1 space per 15 guest rooms plus requirements for Type I based on use (e.g. restaurant, meeting rooms, and retail)	< 50 rooms: Not required ≥ 50 Rooms: Required at a rate of 2 per 50 rooms plus requirements for Type II based on use (e.g. restaurant, meeting rooms, and retail)	< 50 rooms: Not required ≥ 50 Rooms: Required at a rate of 2 per 50 rooms (no minimum)
Professional Office < 50,000 sf	1 space per 5,000 sf	< 30,000 sf: Not required 2 spaces for 30,001—50,000 sf	< 30,000 sf: Not required 30,001—50,000 sf: 2
Professional Office > 50,000 sf	5 spaces minimum plus 2 spaces per 10,000 sf	5 spaces, plus 2 spaces per 10,000 sf	2, plus 2 per every additional 50,000 sf
Retail, Restaurants and Bars, Grocery Stores	1 space per 2,500 sf	< 10,000 sf: Not required ≥ 10,000 sf: 2 spaces per 10,000 sf	< 10,000 sf: Not required ≥ 10,000 sf: 2 per 10,000 sf
Residential			
Multifamily Dwelling with individual garage for each unit	1 space per 10 units	Not required	Not required
Multifamily Dwelling without individual garage for each unit	1 space per 10 units	1 space per 6 units	Not required
Live/Work Unit	1 space per 2 units	Not required	Not required
Single-family attach Homes		Not required	

Table 4.4.13(M) Minimum Number of Bicycle Parking Spaces and Showers Required*			
Category	Type I	Type II	Showers
Other uses			
Community Facilities (Libraries, Government Buildings)	2 spaces per 8,000 sf of floor area	2 spaces per 10 employees	< 20,000 sf or 25 employees: Not required ≥ 20,000 sf or ≥ 25 employees: 2 per 20,000 sf or every 25 employees, whichever is greater
Public Space (Parks, Beaches, Public Amphitheaters)	2 spaces for 5% of maximum expected daily attendance	< 20 employees: Not required ≥ 20 employees: 2 spaces per 20 employees	Not required
Medical offices, clinics and similar facilities	2 spaces per 20 employees or one space for each 25,000 sf of floor area, whichever is greater	< 20,000 sf: Not required ≥ 20,000 sf: 2 spaces per 20,000 sf	< 20,000 sf or 25 employees: Not required ≥ 20,000 sf or ≥ 25 employees: 2 per 20,000 sf or every 25 employees, whichever is greater
* Square feet shall be measured as gross square feet. (Ord. No. 29-20, § 2, 11-10-20)			

- (b) **Bicycle Space Design and Location Requirements.** Visitor, employee, and resident bicycle parking facilities shall be located on-site and visible to the intended users and provided in a safe, accessible, and convenient location within 100 feet of a primary building entrance. When there is more than one building entrance, bicycle parking shall be distributed to serve all entrances. In addition to the requirements of this subsection, bicycle parking facilities shall follow the requirements of Section 4.6.9(E)(7), Location and Spacing Requirements for Bicycle Parking. Any *conflicts* between this subsection (b) and the standards and regulations set forth in Section 4.6.9 shall be governed by the provisions of this subsection. (Ord. No. 29-20, § 2, 11-10-20)
1. If bicycle parking is proposed within the minimum streetscape area (see Section 4.4.13(E)(2)), the bicycle rack or any parked bicycles shall not encroach within the minimum pedestrian clear zone. (Ord. No. 29-20, § 2, 11-10-20)
 2. Up to 50 percent of the required Type I bicycle parking may be located within a public right-of-way if the approving body with support from the City Engineer and the Development Services Director determines that existing conditions, such as the existing building location or configuration, limit bicycle parking from being located on site. Bicycle parking placed within the public right-of-way must meet the following requirements: (Ord. No. 29-20, § 2, 11-10-20)
 - a. All bicycle parking shall use the City standard rack, as approved by the City Engineer. (Ord. No. 29-20, § 2, 11-10-20)
 - b. A maintenance agreement (in a form acceptable to the City Attorney) is required. (Ord. No. 29-20, § 2, 11-10-20)
 3. If an improved alley is present or will be improved at the time of development, up to 20 percent of provided bicycle parking may be placed adjacent to the alley. (Ord. No. 29-20, § 2, 11-10-20)
 4. The acting body may approve bicycle parking spaces located further than 100 feet from the primary building entrance(s) if the applicant demonstrates this requirement is not feasible due to existing building or site conditions and provided a safe alternative is identified. (Ord. No. 29-20, § 2, 11-10-20)

(J) **Streets and blocks.** The highly connected street and block structure of the downtown CBD area is a critical component of the cultural and historic character of the city. The network fosters multi-modal options, by reducing bike and walk distances, and allowing traffic to disperse.

(1) **Streets and alleys.** Within the CBD, the following standards apply to streets and blocks:

- (a) Local streets within the CBD may have travel lanes ten feet in width provided on-street parking is incorporated in the cross-section and with approval by the City Engineer.
- (b) On-street parking spaces shall be located outside of the applicable sight visibility triangle measurement. (Ord. No. 19-18, § 10, 10-16-18)
- (c) Streets and alleys may not be abandoned, vacated or closed to accommodate new development. (Ord. No. 19-18, § 10, 10-16-18)
- (d) Alleys provide an important tertiary support system. Alleys may be relocated provided access and service is maintained to all properties and the reconfigured alley maintains public access and has at least two separate access points for entry and exit within the same block. Alleys that are identified routes in the City's adopted bicycle and pedestrian master plan may not be relocated. Dead-end service courts are not permitted. To meet the City's sustainability goals, alleys that are improved as a result of redevelopment are encouraged to use permeable paving such as porous asphalt or concrete, subject to approval by the City Engineer. Development on property alongside an alley shall provide street lights as set forth in Section 6.1.5. (Ord. No. 19-18, § 10, 10-16-18)

(2) **Analysis of traffic circulation and access points.** To minimize impacts and coordinate traffic circulation, development which meets one of the following criteria must provide a professional study that analyzes options for internal traffic circulation and distribution to the external street network. The professional study will be reviewed and analyzed by the City Engineer, or his designee. The applicant shall comply with the City Engineer recommendations prior to review by the acting body on the site plan. (Ord. No. 19-18, § 10, 10-16-18)

- (a) The development proposes to move an alley;
- (b) The development is located on a block that does not have an alley;

- (c) The site is two acres or more in size; or
- (d) The site is located along the Intracoastal Waterway or a waterfront park.
- (e) The development proposes valet parking circulation on public rights-of-way. (Ord. No. 19-18, § 10, 10-16-18)

(K) **CBD review and approval process.**

- (1) **Visual impact analysis:** A 3-D visual impact analysis will be required which includes a model of the proposed development in a format compatible with GIS, such as SketchUp, Communityviz, City Engine, etc. Models shall depict building height, massing, and other details such as rooftop equipment which may visually impact adjacent properties. The model analysis shall be in accordance with the following: [Amd. Ord. 28-15 12/08/15]
- (a) New construction of 10,000 gross square feet or less: Model of the development site. [Amd. Ord. 28-15 12/08/15]
 - (b) New construction of 10,001 gross square feet to 100,000 gross square feet: Model of the development site and all properties and structures within a 100-foot radius of the development site, as measured from the property lines of the development site. [Amd. Ord. 28-15 12/08/15]
 - (c) New construction of 100,001 gross square feet or more: Model of the development site and all properties within a 500-foot radius of the development site, as measured from the property lines of the development site. [Amd. Ord. 28-15 12/08/15]
 - (d) Additional analysis and/or an expanded analysis area may be required based upon project location or potential development impacts. This may be required by the Director at any point in the process. [Amd. Ord. 28-15 12/08/15] (Ord. No. 32-23, § 18, 10-17-23)
 - (e) A Sight Line Study of all development consisting of two or more stories shall be submitted for review by the approving body. The study shall include a one or more two-dimensional cross section, at a minimum scale of 1:100, of the site showing the building with the equipment screening in relation to the adjacent properties (including views from upper stories) and/or the public street. [Amd. Ord. 28-15 12/08/15]
 - (f) Graphic illustration showing that the equipment is not visible within a 200-foot radius. The radius shall be measured from the exterior side of the screen to a point ten feet above finished grade. [Amd. Ord. 28-15 12/08/15]

- (2) **Approving body.** For any new development requiring Board approval, the reviewing Boards have the following authority within the CBD: [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 11, 10-16-18; Ord. No. 32-23, § 18, 10-17-23)
- (a) Modification of building frontage and setback requirements by waiver to accommodate civic buildings such as libraries, cultural facilities, municipal buildings, etc. along with parking garages associated with any development on properties that are not located within a Historic District or Individually Designated Sites as listed on the Local Register of historic Places in Section 4.5.1(l). (Ord. No. 19-18, § 11, 10-16-18)
 - (b) Relief from the additional setback required above the third story for building entries, lobbies, and vertical circulation areas configured as tower elements consistent with the architectural character of the building; and setback relief for parking garage floors above the third story subject to Sec. 4.4.13(F)(8)(d). (Ord. No. 19-18, § 11, 10-16-18; Ord. No. 32-23, § 18, 10-17-23)
 - (c) Determination of compliance with the Performance Standards of the Incentive Program and provide recommendations of approval or denial to City Commission of requested increases in density under the program.
 - (d) Determination that a site plan design for a full service grocery store in the West Atlantic Neighborhood Sub-district has compatible transitions between adjacent commercial and residential areas. (Ord. No. 19-18, § 11, 10-16-18)
 - (e) Determination that desirable connectivity between properties and/or links identified on any adopted bicycle and pedestrian master plan are achieved on the site plan.
 - (f) Approval of alternative surface parking configurations for sites located on Primary Streets where parking in the rear is inappropriate or unfeasible. Special perimeter treatments to protect and improve the pedestrian experience along the street may be required. (Ord. No. 32-23, § 18, 10-17-23)
 - (g) Recommend approval or denial to the City Commission of proposed architectural styles and/or any addition of architectural styles for use in the CBD or modifications to the Delray Beach Central Business District Architectural Design Guidelines. Recommendations must include an explanation of support or denial by the reviewing board as part of the

motion to be transmitted to the City Commission. [Amd. Ord. 28-15 12/08/15] (Ord. No. 19-18, § 11, 10-16-18; Ord. No. 32-23, § 18, 10-17-23)

(3) **Historic Preservation Board.** Any development of properties located within a Historic District or Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I) is subject to review by the Historic Preservation Board (HPB), pursuant to Article 2.1. Architectural styles are determined by those which are both permitted in the CBD and identified as appropriate for the historic district based on the Period(s) of Significance per the adopted Ordinance. (Ord. No. 19-18, § 11, 10-16-18; Ord. No. 32-23, § 18, 10-17-23)

(4) **Conditional uses.** Conditional uses listed on Table 4.4.13(A) may be considered pursuant to Chapter 2. In addition, the following regulations apply: (Ord. No. 09-19, § 2, 3-12-19; Ord. No. 32-23, § 18, 10-17-23)

(a) **Drive-through facilities.**

1. Drive-in or drive-through restaurants are not permitted the CBD zoning district boundaries. [Amd. Ord. 27-15 10/20/15]
2. On Primary Streets, drive through facilities serving banks and other commercial uses shall have the drive through window(s) and stacking area located behind buildings. On Secondary Streets, drive through facilities may be located to the rear or side of buildings.

(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-1. No more than eight dispensing locations are permitted. [Amd. Ord. 27-15 10/20/15] (Ord. No. 19-18, § 11, 10-16-18; Ord. No. 26-21, § 10, 8-10-21)
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-1

(Ord. No. 19-18, § 11, 10-16-18; Ord. No. 26-21, § 10, 8-10-21)

- (c) **Car Wash establishments.** Car wash establishments, with automatic/mechanical systems shall not be located east of the Intracoastal Waterway or on lots which front along Primary Streets. Further, this use must be established on property with a minimum lot area of 20,000 square feet. (Ord. No. 19-18, § 11, 10-16-18)
- (d) **Automotive repair and detailing.** Automobile repair and automobile detailing may not be located north of S.E. 1st Street or south of SE 6th Street, extended. Conditional use approval may not be granted for a new automobile repair facility, or for the expansion of an existing facility, unless it is specifically demonstrated that off-street parking is available in accordance with the requirements of Section 4.6.9.

Sec. 4.4.14. Resort/Tourism (RT) District.

(A) **Purpose and intent.** The Resort Tourism (RT) District is a specialized commercial district which provides for the designation and regulation of certain land uses which are primarily intended for visitors to the City. The RT District may be applied to property which is best suited to accommodating the needs of the visiting public without inappropriate impacts upon the daily functioning of the community or inappropriate impacts upon established residential areas.

(B) **Principal use and structures permitted.** The following types of use are allowed within the RT District as a permitted use:

- (1) Residential Facilities for nonpermanent occupancy including Bed and Breakfast Establishments, Hotels, Motels, and Residence Inns.

- (2) Entertainment, Cultural and Recreation Facilities including Bowling (indoor and lawn alleys), Dinner Theaters, Exercise Facilities, Golf Courses, Handball and Racquetball Facilities, Tennis and Swimming Facilities, Theater for the Performing Arts, Museums, Art Galleries, Amusement Game Rooms.
- (3) Conference Facilities including meeting rooms, provisions for catering into the facilities, and business offices.
- (4) Service and Specialty Uses including: Beauty and Barber Shops, Delicatessens, Ice Cream Parlors, Gift Shops, Newsstands, and specialty food shops (including on-site preparation and service).

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking Lots;
- (2) Refuse and Service Areas;
- (3) Restaurant, Bars, Lounges;
- (4) Instructional classes associated with permitted entertainment and recreational uses.
- (5) Sale of exhibits and accessory items associated with principal entertainment and recreational uses.

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the RT District:

- (1) Entertainment and Recreational facilities which are designed for large audiences such as auditoriums and stadiums.
- (2) Outdoor activities such as go-cart tracks, skate board tracks, miniature golf.
- (3) Convention Centers/Facilities which provide meeting rooms and a complete range of services including food preparation, assembly for 200 people in a single room, and/or an exhibit area exceeding 3,000 square feet.

(E) Reserved. (Ord. No. 32-23, § 19, 10-17-23)

(F) **Development standards.** In addition to the development standards in Section 4.3.4, the following shall apply: (Ord. No. 32-23, § 19, 10-17-23)

- (1) A minimum of ten percent of the lot area must be provided in open space. This area shall be exclusive of open space provided for perimeter landscaping, parking lot landscaping, pools and pool decks, and area which is paved for parking and pedestrian way purposes.

- (2) A landscape area of not less than ten feet in width must be provided around the interior perimeter of the lot or parcel upon which the use is located. Within this landscape area, paving is not permitted except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the greenbelt. This requirement does not supersede other requirements for greater landscape areas.

(G) **Special regulations.** [Amd. Ord. 41-01 8/7/01]

- (1) Twenty-four-hour or late night businesses are subject to Section 4.3.3(VV). [Amd. Ord. 41-01 8/7/01] (Ord. No. 32-23, § 19, 10-17-23)

Sec. 4.4.15. Planned Office Center (POC) District.

(A) **Purpose and intent.**

- (1) The Planned Office Center (POC) District provides for the concentration of office and support uses in a well-planned and managed environment. It is not intended that the District be for commercial activities in which goods and merchandise are stored, displayed, or sold except as appropriate to meet the needs of users of the POC.
- (2) A POC is to be planned and developed on land under unified control and as a single development, or in a programmed series of development phases. Unified control may be achieved through single ownership or the existence of binding agreements among owners of individual parcels therein.
- (3) Institutional uses may also be permitted as part of the Medical Arts Overlay District. [Amd. Ord. 09-11 4/5/11]

(B) **Principal uses and structures permitted.** The following types of use are allowed within the POC District as a permitted use:

- (1) Banks and financial institutions including drive-in and drive-through facilities.
- (2) Brokerage establishments, including watercraft, aviation, and motor vehicles but without on premises storage of items, except that securities brokers may store securities brokered by them on the premises.
- (3) Business offices. [Amd. Ord. 09-10 7/20/10]
- (4) Computer and data management services, including the servicing of hardware.

- (5) Medical offices. [Amd. Ord. 09-10 7/20/10]
- (6) Medical Clinics. [Amd. Ord. 09-10 7/20/10]
- (7) Medical and dental laboratories.
- (8) Professional offices.
- (9) Photographic studios.
- (10) Real estate, insurance, accounting, travel arrangements and similar services.
- (11) Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose). (Ord. No. 36-16, § 6, 1-10-17)
- (12) Within the Medical Arts Overlay District, as defined in Section 4.5.18. Institutional uses, such as: Non-residential Licensed Service Provider Facilities; Hospitals, with or without helipads and associated laboratories; Treatment Centers; Rehabilitation Centers; Testing Facilities; and Mental Health Treatment Facilities, including residential care, are allowed as permitted uses. (Ord. No. 15-26, § 4, 5-5-26)

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots.
- (2) Refuse and service areas.
- (3) Ancillary uses such as retail sales of convenience items, newspapers, candies; lunch counters, cafeteria, snack shop; exercise facility; when located within an office structure and designed for use of employees and their guests.
- (4) Ancillary uses such as galleries, displays, meeting and conference facilities when relate to the purpose and use of the specific POC complex.

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the POC District:

- (1) Restaurants, excluding drive-in and drive-through facilities. [Amd. Ord. 45-99 11/16/99]
- (2) Child care and adult day care.

- (3) Residential all suite lodging (residential inns).
- (4) Health spas, fitness centers, and exercise facilities which are open to the general public
- (E) Reserved. (Ord. No. 32-23, § 20, 10-17-23)

(F) **Development standards.** In addition to the development standards in Section 4.3.4, the following shall apply: (Ord. No. 32-23, § 20, 10-17-23)

- (1) The minimum site area for the total POC is three acres with individual development parcels allowed to be one acre in size. However, the approving body may grant a waiver to the three acre requirement upon a determination that the development is consistent with the purpose and intent of the POC District and there exists good cause for not combining properties or aggregating additional property. (Ord. No. 32-23, § 20, 10-17-23)
- (2) When abutting residentially zoned property, a 25-foot setback must be provided.
- (3) Any free-standing structure shall have a minimum floor area of 4,000 square feet; shall be architecturally integrated with other structures; and shall have direct access to and from other portions of the POC. (Ord. No. 32-23, § 20, 10-17-23)

(G) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply except as modified by, or added to, as follows:

- (1) The first ten feet of the front yard setback which is adjacent to a right-of-way shall be a landscaped area. Within this area, no paving shall be allowed except for access drives and pedestrian ways which should be generally perpendicular to the property lines. [Amd. Ord. 48-92 10/13/92]

(H) **Special regulations.**

- (1) Documentation of unified control of the entire area within a POC must be provided at the time of submission of the site and development plan. (Ord. No. 32-23, § 20, 10-17-23)
- (2) A program for full provision, maintenance, and operation of common areas, improvements, facilities, and services for the common use of occupants of the POC and which specifically provides that no such elements or features shall be provided or maintained at the public's expense must be provided at the time of submission of the site and development plan.

- (3) Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of matters under Subsection (H)(2) and which bind successors in title to any such commitments shall be provided prior to certification of a POC site and development plan.
- (4) Twenty-four-hour or late night businesses are subject to Section 4.3.3(VV). [Amd. Ord. 41-01 8/7/01] (Ord. No. 32-23, § 20, 10-17-23)

Sec. 4.4.16. Professional and Office (POD) District.

(A) **Purpose and intent.** The Professional and Office District (POD) is created to provide a smaller-scale and very limited application of professional, office, and similar intensity uses to small parcels on properties designated as Transitional or General Commercial on the Land Use Map and mitigate against adverse effects which may occur with a higher intensity development. (Ord. No. 23-20, § 26, 9-10-20)

(B) **Principal uses and structures permitted.** The following types of use are allowed within the POD District as a permitted use:

- (1) Professional Offices such as accountants, architects, attorneys, chiropractors, dentists, engineers, independent trustees, landscape architects, opticians, optometrists, osteopaths, physicians, psychologists, surgeons, and interior designers.
- (2) General Business Offices for businesses without outside storage of inventory or equipment.
- (3) Banks and Financial Institutions including drive-through facilities.
- (4) Finance, insurance, travel, and real estate services.
- (5) Medical Offices. [Amd. Ord. 09-10 7/20/10]
- (6) Medical Clinics. [Amd. Ord. 09-10 7/20/10]
- (7) Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose). (Ord. No. 36-16, § 7, 1-10-17)
- (8) Veterinary clinics, subject to Section 4.3.3(W). (Ord. No. 11-25, § 10, 7-8-25)

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots.
- (2) Refuse and service areas.

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the POD District:

DELETED NUMBERS AND RENUMBERED. [Amd. Ord. 10-11 4/5/11]

- (1) Educational facilities, training centers, and vocational schools.
- (2) Funeral Homes. (Ord. No. 11-25, § 11, 7-8-25)
- (3) Licensed, professional providers of personal services, e.g. pedicurist, beauticians, and cosmetologists. (Ord. No. 11-25, § 11, 7-8-25)

(E) Reserved. (Ord. No. 32-23, § 21, 10-17-23)

(F) **Development standards.** The development standards in Section 4.3.4 shall apply. (Ord. No. 32-23, § 21, 10-17-23)

(G) **Supplemental district regulations.** The supplemental district regulations in Article 4.6 shall apply. (Ord. No. 32-23, § 21, 10-17-23)

Sec. 4.4.17. Residential Office (RO) District.

(A) **Purpose and intent.** The Residential Office (RO) District provides for mixed use of a neighborhood office and residential nature. The RO District is appropriate as:

- (1) A transitional land use between a commercial or industrial area and a residential area.
- (2) An incentive zoning in older residential areas which are in the need of redevelopment or revitalization or are in a state of transition.
- (3) To accommodate professional offices which will meet needs of nearby neighborhoods.
- (4) An incentive zoning designation for historic districts and/or individually designated historic properties to provide for the rehabilitation of residential structures into office use. [Amd. Ord. 38-07 2/5/08]

(B) **Principal uses and structures permitted.** The following types of use are allowed within the RO District as a permitted use:

- (1) Single family detached dwelling units.
- (2) Duplex structures. [Amd. Ord. 9-04 2/17/04]
- (3) Business, Professional, and Medical offices. [Amd. Ord. 09-10 7/20/10]
- (4) Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose). (Ord. No. 36-16, § 8, 1-10-17)
- (5) Abused spouse residence limited to 40 or fewer residents. (Ord. No. 36-16, § 8, 1-10-17)
- (6) Funeral parlors, funeral homes. (Ord. No. 36-16, § 8, 1-10-17)
- (7) Parking lots not associated with a use, pursuant to an adopted neighborhood or redevelopment plan. [Amd. Ord. 8-00 4/4/00] (Ord. No. 36-16, § 8, 1-10-17)
- (8) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 25, 7-18-17) (Ord. No. 36-16, § 8, 1-10-17)
- (9) Assisted Living Facilities that do not comport with the definition of "community residence" and Nursing Homes. [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 01-10 1/19/10] (Ord. No. 36-16, § 8, 1-10-17; Ord. No. 25-17, § 25, 7-18-17)

(C) **Accessory uses and structures permitted.** The following uses and structures are allowed when a part of, or accessory to, the principal use: (Ord. No. 22-22, § 8, 10-11-22)

- (1) Parking lots.
- (2) Refuse and service areas.

- (3) Uses and structures normally associated with residences, such as bird aviaries, dog houses and dog runs, detached garages, greenhouses, playhouses, pool houses, slat houses, storage sheds, tennis courts, swimming pools, and workshops subject to Section 4.3.3(QQ). (Ord. No. 23-22, § 10, 8-16-22; Ord. No. 22-22, § 8, 10-11-22)
- (4) Home occupations, subject to Section 4.3.3(K). (Ord. No. 22-22, § 8, 10-11-22)
- (5) Family day care home, subject to Section 4.3.3(T). [Amd. Ord. 25-10 10/19/10] (Ord. No. 22-22, § 8, 10-11-22)
- (6) Boat docks, subject to Article 7.9, with the rental or lease allowed. (Ord. No. 22-22, § 8, 10-11-22; Ord. No. 06-26, § 7, 1-20-26)
- (7) Guest cottages, subject to Section 4.3.3(Q).

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the RO District: [Amd. Ord. 35-00 1/2/01]

- (1) Child care and adult day care.
DELETED NUMBER (2) AND RENUMBERED. [Amd. Ord. 10-11 4/5/11]
- (2) Bed and Breakfast Inns, subject to the provisions of LDR Section 4.3.3(Y). [Amd. Ord. 11-10 7/20/10]
- (3) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 26, 7-18-17)
- (4) Large Family Child Care Home, subject to Section 4.3.3(TT). [Amd. Ord. 25-10 10/19/10]

(E) Reserved. (Ord. No. 22-22, § 8, 10-11-22; Ord. No. 32-23, § 22, 10-17-23)

(F) **Development standards.** [Amd. Ord. 01-12 8/21/12]

- (1) The development standards in Section 4.3.4 shall apply. [Amd. Ord. 01-12 8/21/12] (Ord. No. 32-23, § 22, 10-17-23)

- (2) Historic Districts, Sites, and Buildings: In addition to the requirements in Section 4.3.4, properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), are subject to Section 4.5.1. [Amd. Ord. 01-12 8/21/12] (Ord. No. 32-23, § 22, 10-17-23)

(G) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply except as modified and added pursuant to the following:

- (1) All uses shall be in completely enclosed buildings and any outdoor storage is expressly prohibited.
- (2) Parking required for business, medical, and professional offices shall be at the standard of one space per 300 square feet of net floor area (1/300). However, this requirement may be reduced to 1/400, or at least by one parking space, when there is a mix of residential and office use in the same structure or for an existing structure on a property located within a designated historic district or an individually designated historic site. [Amd. Ord. 09-10 7/20/10]; [Amd. Ord. 01-09 1/20/09]; [Amd. Ord. 38-07 2/5/08]
- (3) Historic Districts, Sites, and Buildings: Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), shall comply with the Visual Compatibility Standards of Section 4.5.1(E)(7). [Amd. Ord. 01-12 8/21/12]

(H) **Special regulations.**

- (1) All buildings and structures shall appear to be residential in character regardless of the actual use therein, and in established neighborhoods shall be generally compatible in architectural style and scale with the surrounding area. (Ord. No. 32-23, § 22, 10-17-23)
- (2) A building or structure in the RO District may contain either a residential use, an office use, or a mix of uses.
- (3) All parking for nonresidential principal uses and conditional uses shall be located in the side or rear yard or adjacent to a rear alley. No parking shall be located in the area between any street and the structure. Where there are existing buildings, administrative relief may be sought pursuant to Chapter 2, if the determination can be made that compliance with these requirements is not feasible, that the residential character of the area will be

maintained, and that such parking area shall be substantially screened from off-premises view by at least, a four-foot high hedge. (Ord. No. 32-23, § 22, 10-17-23)

Sec. 4.4.18. Planned Commerce Center (PCC) District.

(A) ***Purpose and intent.*** The PCC District regulations provide for a mix of light industrial, service industrial, research and development, office, and limited commercial use in an Industrial Park setting which is planned and then controlled through a Master Development Plan.

It is desired that the existence of the PCC Zoning District will encourage the planning and development of such commerce centers which will provide employment opportunities for the residents of the Greater Delray Beach Community.

The PCC District shall be applied to property which is best suited for light industrial land use, is shown as Industrial or Commerce on the City's Land Use Map, and is situated in proximity to the arterial street system of the community.

(B) **Allowed uses.** Use areas as identified herein shall be depicted upon the land use map component of the Master Development Plan (MDP). The list of specific uses allowed within a specific PCC shall be established in the narrative portion of the MDP. Thereafter, uses identified as being allowed in a specific land use area are allowed pursuant to provisions of the narrative. Alterations to the list of specific uses may be made through the site and development plan modification process.

- (1) **Office center.** The "Office Center" aspects of a PCC may comprise as much as 50 percent of the total land area within an entire PCC District. Uses identified in this subsection can only be located in that area of the Land Use Map which is depicted as "Office Center". Such uses are exclusive of the storage of materials used off-site or sold in the associated trade and/or the repair of same. These uses are:
 - (a) Business Offices e.g., travel agencies, bookkeeping agencies, general office location for an individual, partnership, or corporation
 - (b) Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose) (Ord. No. 36-16, § 9, 1-10-17)
 - (c) Educational Facilities e.g., vocational schools, commercial schools (sales, real estate, personal development, etc.)
 - (d) Financial Institutions e.g., banks, savings and loan establishments, brokerage firms
 - (e) Medical Offices e.g., physicians, dentists, chiropractors, podiatrists, optometrists, etc.
 - (f) Professional Offices e.g., attorneys, engineering firms, architectural firms, real estate agencies, consultation services, accounting firms, etc.
 - (g) Child Care Centers.
- (2) **Light industrial areas.** Manufacturing, fabrication, assembly, wholesale, and distribution uses are permitted within a PCC. Such uses, as further identified in this subsection are only permitted in those areas identifies as "Light

Industrial" on the land use map components of the MDP. All aspects of these uses, except overnight storage of vehicles used by the business, must be carried out within a structure. In keeping with the intent of the PCC to involve a mix of uses, light industrial areas within a PCC are limited to 50 percent of the total area of that PCC.

(a) **Manufacturing.** The processing of raw materials to create final products for distribution and which either involve or result in the following:

1. **Materials:**

- a. Ceramics and plaster.
- b. Fiberglass.
- c. Glass.
- d. Leather.
- e. Tobacco.
- f. Wood.

2. **Processes:**

- a. Millwork (woodwork).
- b. Welding.

3. **Products:**

- a. Appliances.
- b. Bakery products.
- c. Beverages, alcoholic and nonalcoholic.
- d. Cabinets.
- e. Clothes.
- f. Coffee.

- g. Computer chips and computer components.
 - h. Cosmetics.
 - i. Dairy products.
 - j. Dry ice.
 - k. Electronic components.
 - l. Furniture.
 - m. Ice.
 - n. Optical.
 - o. Pharmaceuticals.
 - p. Signs of all/any materials.
 - q. Sporting goods.
 - r. Textiles.
 - s. Toys.
- (b) ***Fabrication and/or assembly.*** The working or combining of processed for manufactured materials or parts which are then prepared for distribution for sale. All processes and products identified under "manufacturing" are permitted as are the following:
- 1. ***Processes:***
 - a. Assembly of mechanical and/or component parts.
 - b. Bottling.
 - c. Engraving.
 - d. Machine shops.
 - e. Printing.
 - f. Repair of damaged goods and products which may have been manufactured on the premises.

2. **Products:**

- a. Communication devices
(radio, television,
cameras).
- b. Confectioneries.
- c. Metal goods.
- d. Precision
instruments.
- e. Newspapers, books, periodicals.

(c) **Wholesaling, storage, and distribution.** The wholesaling, storage, and distribution of any products which may be manufactured, assembled, or fabricated on the premises. In addition, the following items may be wholesaled, stored, or distributed from or within the Light Industrial areas of a PCC:

- 1. Household furnishings and goods.

(d) **Other processes.** The following processes may also be conducted within the Light Industrial areas of a PCC:

- 1. Cold storage.
- 2. Dry cleaning.
- 3. Frozen food lockers, including personal lockers.
- 4. Laundries.
- 5. Tailoring.

(3) **Research and development.** Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others. The term "research and development use" does not include the actual manufacture, assembly, fabrication, or other processing techniques which result in either the direct wholesale or retail distribution of products from the premises. R&D uses may constitute 100 percent of the use of the entire PCC. Examples of such uses or resulting products include:

(a) **Product creation, testing, evaluation, and development.**

- 1. Computer hardware.

2. Computer software.
3. Pharmaceuticals.

(b) **Research and development services.**

1. Calibration laboratories or services.
2. Chemical laboratories.
3. Commercial testing laboratories.
4. Soil laboratories.
5. Scientific research laboratories.

(c) The following uses are also considered as Research and Development uses for the purposes of being permitted within a PCC:

1. Broadcast studios and facilities.
2. Communications facilities and equipment.
3. Motion picture and theater production facilities including the creation of props, scenery, costumes; filming and rehearsals; attendant storage; and screening and editing.

(4) **Service industry.** Service Industry uses are those which are primarily engaged in providing an off-site service but which maintain inventory, storage of materials, and a business office at a central location. The area which may be devoted to "Service Industry" uses within a PCC is limited to 25 percent of the total land area of that PCC. Repair of equipment and materials associated with the service is also permitted at this central location, except as restricted below. All aspects of these uses must be accommodated within a structure except for overnight storage of vehicles used by the business. Uses which are allowed within the "Service Industry" classification include: [Amd. Ord. 12-00 6/20/00]

- (a) Assembly, fabrication, wholesale, and storage per Section 4.4.18(B)(2) when such use is limited to no more than 5,000 square feet per tenant.
- (b) Land Development Services (e.g. surveying, soils testing, mapping, architectural, engineering).
- (c) Food catering establishments, preparation and storage only (no food served on premises). [Amd. Ord. 50-04 9/21/04]

- (d) Contractor and Trade Services (e.g. general contractor, electrician, plumbers, heating and air-conditioning specialists, swimming pool maintenance, landscaping services, exterminators, equipment and tool rental).
- (e) Repair of office equipment (e.g. typewriters, computers, data processing equipment).
- (f) Limousine services with no vehicle repair or detailing on the premises. [Amd. Ord. 12-00 6/20/00]
- (g) Business Services (e.g. photocopying/ printing, photofinishing, provision of office equipment and furnishings, delivery services, computer and data processing services).
- (h) Educational Facilities e.g. vocational schools, commercial schools (sales, real estate, personal development, etc.). [Amd. Ord. 40-05 6/21/05]
- (i) Limited Retail Trade only as a secondary use within any one building, but only to the extent that the floor area for all retail use (either accessory to the service industry use or not) shall not exceed 25 percent of the floor area of the total building. Although the intent of the PCC does not encourage retailing of items other than at the designated "retail center", additional retail uses may be allowed in the service Industry areas shown on the MDP. Such retail use may involve the sale of products associated with an established service industry use or may involve any of the following products:
 - 1. Apparel and accessories.
 - 2. Appliances.
 - 3. Baked goods.
 - 4. Building materials and garden supplies.
 - 5. Camera and photographic equipment and supplies.
 - 6. Furniture and home furnishing.
 - 7. Hobbies, games, toys.
 - 8. Jewelry, gifts, novelties.
 - 9. Luggage and leather goods.
 - 10. Radio, television, and communication products.

11. Sporting goods.

- (5) **Retail center.** A "Retail Center" may be a part of a PCC. It must be designed in such a manner that all access to it is from streets which are internal to the PCC. A "Retail Center" may not occupy more than ten percent of the total land area within a PCC; however, in no event, shall a "Retail Center" exceed 30,000 square feet in total floor area. The character of a "Retail Center" in a PCC should be such that it accommodates the other uses within the PCC. As such a "Retail Center" is restricted to the following uses:
- (a) Personal health services e.g. barbershop, beauty shop, salon, pharmacy, physical fitness centers.
 - (b) Personal services e.g. dry cleaning pickup, laundromat, tailoring.
 - (c) Child Care Facilities.
 - (d) Financial Institutions e.g. banks, S and L, brokerage firms.
 - (e) Personal Convenience Services e.g. florists, gift shops, hobby shops, newsstands, photo services and supplies, tobacconist.
 - (f) Restaurants.
 - (g) Specialty food shops.
 - (h) Liquor stores.
- (6) **Supplemental uses.** The following uses are allowed within any of the above use areas provided that they are of such a scale, design, and location to cater to the needs of employees of the industrial park or to otherwise meet the rational stated herein. Space allocations for these uses shall be identified during site plan approvals. These uses may not be established in areas other than as shown on approved site plans.
- (a) Lunch counters, snack bars, and vending machine areas.
 - (b) Classroom and training facilities.
 - (c) Child Care facilities.
 - (d) Sundry shops.
 - (e) Retail outlets for the sale of items manufactured, assembled, fabricated, or otherwise produced on-site; provide that the floor area dedicated to such a retail outlet shall not exceed ten percent of the area used for the production of the product or products of a business;

and, in no event, shall such uses exceed 1,000 square feet in area. This restriction does not apply to the Service Industry land use areas. See Section 4.4.18(B)(4) regarding retail use allowances in the Service Industry areas.

- (f) Pet services without outside use areas, subject to Section 4.3.3(W). (Ord. No. 17-21, § 8, 10-19-21)

(C) **Review and approval process.**

- (1) **General.** The development of a PCC shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a land use map; conceptual site, landscaping, and utility plans; and conceptual elevations and architectural information.
- (2) **Process.** A MDP shall be processed pursuant to Chapter 2 with approval granted by the Planning and Zoning Board. A MDP may be modified pursuant to Chapter 2. (Ord. No. 32-23, § 23, 10-17-23)

For areas which are zoned as PCC at the time of approval of this section, an MDP is required. The MDP may be processed as either a minor or major site plan modification, and is subject to approval by the Planning and Zoning Board. The MDP shall be evaluated against the site plan for record for the existing PCC. The MDP must be made of record prior to September 1, 1991. Failure to obtain a MDP of record shall be cause for the Building Department to not issue building permits for further development or modification to existing development within an existing PCC. (Ord. No. 32-23, § 23, 10-17-23)

(D) **Development standards.** The following standards shall be adhered to in the development of a PCC. Waivers and variances to these standards may be approved by the Planning and Zoning Board concurrent and as a part of the approval of a Master Development Plan (MDP).

It is the intent of this subsection to establish minimum standards for development within the PCC Zone District. When considering a Master Development Plan (MDP) in any Planned Commerce Center (PCC) development proposal, the Planning and Zoning Board may attach suitable conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development.

(1) **Standards pertaining to allocation of uses.**

- (a) Office Center shall not encompass more than 50 percent of the total land area within a PCC.

- (b) Light Industry shall not encompass more than 50 percent of the total land area within a PCC.
 - (c) Service Industry shall not encompass more than 25 percent of the total land area within a PCC.
 - (d) Research and Development is not limited with respect to the amount of land area devoted to it. Further, such use may be placed within any of the "land use areas" depicted on the MDP.
 - (e) Retail Center shall not encompass more than ten percent of the total land use area within a PCC; and, in no event, shall such use exceed more than 30,000 square feet in gross floor area.
- (2) **Standards unique to the PCC District.** Where standards unique to the PCC District conflict with standards contained elsewhere in the zoning, subdivision, and landscape codes, the standards of this Subsection (2) shall apply.
- (a) **Minimum parcel/lot size.**
 - 1. A PCC, in total, must be comprised of at least ten acres of land prior to computation of area required for public dedication purposes.
 - 2. Any use area within a PCC must have a minimum lot area of one acre exclusive of land dedicated for public purposes.
 - (b) **Minimum floor area.**
 - 1. Tenant space for uses in the light industrial designation must have a minimum of 3,000 square feet. Research and development, and service industry use areas must have a minimum of 1,000 square feet per tenant.
 - 2. There are no minimum requirements for office and commercial uses.
 - (c) **Lot coverage and open space.**
 - 1. By structures: a maximum of 50 percent of the area of any individual lot.
 - 2. For open space: land area equal to, at least 25 percent of the area included within the perimeter boundary of a MDP shall be in open space. Landscape areas required to meet parking lot design requirements, and paved areas shall not be included in the meeting of this 25 percent open space requirements.

- (d) **Perimeter development.** A landscape boundary shall be provided around each PCC. Parking, structures, perimeter roadways, and other paving is not permitted within this peripheral greenbelt except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the greenbelt. The width of the greenbelt shall be as follows:

Absolute minimum	25 feet
When adjacent to a collector or arterial street	30 feet
When abutting residentially zoned property	40 feet
When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park	25 feet

- (e) **Setback requirements.** Building setback requirements shall be established as a part of the MDP. Minimal setback requirements shall be the rule provided that:

- (a) Landscaping standards between buildings and perimeter boundaries are maintained.
- (b) Sight distance with respect to vehicular movements is adequate.

(E) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply with the exception of those pertaining to the following:

- (1) **Truck and equipment storage.** Trucks in excess of one ton carrying capacity shall be parking in rear or interior side yards. They shall be screened from the view of adjacent properties or any (adjacent) public right-of-way in a manner approved by the Site Plan Review and Appearance Board.

Industrial equipment (including bulldozers, cranes, drag lines, derricks, tractors, and other implements for moving equipment or construction) must be stored within fully enclosed buildings overnight or when otherwise not in use, or they shall be screened from the view of adjacent properties or any (adjacent) public right-of-way pursuant to requirements which may be specified within the Master Development Plan, as approved.

- (2) **Overhead doors.** Overhead doors are prohibited from facing an adjacent public right-of-way with the exception of the right-of-way of I-95.

- (3) **Undergrounding of utilities.** Within the boundary of a PCC all utilities, including telephone, television cable, and electrical systems shall be installed underground.

Primary facilities providing service to the site may be granted a waiver from the undergrounding requirement.

Appurtenances to utility systems which are normally located above are exempted from the undergrounding requirement; however, when located above ground they shall be screened in a manner approved by the Site Plan Review and Appearance Board.

- (4) **Maintenance of common areas.** All common open space shall conform to its intended use, per the MDP, through deeds, covenants, or other arrangements, as approved by the City Attorney, and which run with the land.
- (5) **Educational facilities which train in the repair of motorized vehicles or equipment.** Educational facilities which train in the repair of motorized vehicles or equipment must store vehicles and/or equipment used for training purposes within a fully enclosed building, shall not service motorized vehicles for the general public or conduct sales of such items, and overhead doors should remain in a closed position, except for delivery or removal of the vehicles and vehicle testing. [Amd. Ord. 40-05 6/21/05]

(F) **Special requirements/regulations.** In order for land to be rezoned to and/or developed pursuant to the PCC designation, the following criteria must be met:

- (1) The property within the proposed PCC designation shall be under unified control (an individual, partnership, joint venture or corporation; or group of individuals, partnerships, or corporations). Any rezoning, master development plan, or site plan request shall include legal documents, acceptable to the City Attorney, which constitute evidence of unified control of the entire area within a proposed PCC.
- (2) The applicant must be able to bind the entire area within a proposed PCC to the terms, conditions, uses, and site development plan as approved in the Master Development Plan.

Sec. 4.4.19. Mixed Industrial and Commercial (MIC) District.

(A) **Purpose and intent.** The Mixed Industrial and Commercial (MIC) District is created to provide for a mix of industrial, commercial, and office use in a single zoning district. The uses allowed are intended to enhance employment opportu-

nities in the industrial, manufacturing and trade sectors, with supporting business and professional office functions. Retail uses are appropriate on a limited basis, and only as a secondary use within the district. Residential uses are only allowed within the I-95/CSX Railroad Corridor Overlay District, subject to Article 4.7. The MIC District is applied to properties with a Commerce or Industrial designation on the Land Use Map. [Amd. Ord. 04-08 1/15/08]; [Amd. Ord. 10-07 3/20/07]; [Amd. Ord. 33-97 9/23/97] (Ord. No. 23-20, § 27, 9-10-20; Ord. No. 32-23, § 24, 10-17-23)

(B) **Principal uses and structures permitted.** The following uses are allowed within the MIC District as a permitted use: (Ord. No. 32-23, § 24, 10-17-23)

- (1) **Industrial uses.** The manufacturing, fabrication and wholesale of items and other uses as described in Section 4.4.20 (B) (1), (2) and (3). [Amd. Ord. 33-97 9/23/97]
- (2) **Service industry.** Uses which provide an off-site service but maintain inventory, storage and an office at a central location, as described in Section 4.4.20 (B) (5). [Amd. Ord. 33-97 9/23/97]
- (3) **Business and Professional Offices,** including, but not limited to finance, insurance, real estate, accounting and bookkeeping services, advertising services, photographic studios, architectural and engineering services, computer and data processing services, correspondence and vocational schools, credit reporting and collection, detective and protective services, legal services, travel agencies, Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose), and general offices for an individual, partnership or corporation. [Amd. Ord. 33-97 9/23/97] (Ord. No. 36-16, § 10, 1-10-17)
- (4) **Retail trade.** Retail uses as a secondary use within a building that has as its primary occupant an industrial or service industry use, but only to the extent that the floor area for all retail use (either accessory to an industrial use or not) does not exceed 25 percent of the floor area of the total building. Although an intent of this Zoning District is to allow retailing of items manufactured, fabricated, or wholesaled on-site, additional retail uses may be allowed. Such additional uses include, but are not limited to: [Amd. Ord. 33-97 9/23/97] (Ord. No. 32-23, § 24, 10-17-23)
 - (a) Apparel and accessory stores;
 - (b) Bakeries;
 - (c) Building materials and garden supplies, except mobile home dealers;

- (d) Camera and photographic equipment and supplies;
Deleted (e) and relettered. [Amd. Ord. 58-95 11/7/95]
 - (e) Hobbies, games, and toys;
 - (f) Jewelry, gifts, novelties;
 - (g) Luggage and leather goods;
 - (h) Mail order houses;
 - (i) Radio and television sets;
 - (j) Seasonal holiday items (Christmas trees, fruit baskets, other seasonal items);
 - (k) Sporting goods, including bicycles.
- (5) **Interior design and furnishings.** The wholesale, retail, storage and distribution of home furnishings, floor coverings, wall coverings, lighting, and other items related to the finishing and furnishing of interior space. [Amd. Ord. 58-95 11/7/95]
- (6) **Other processes and activities.** The following activities may also be conducted: [Amd. Ord. 33-97 9/23/97]
- (a) Dry cleaning and laundering. [Amd. Ord. 33-97 9/23/97]
 - (b) Emissions testing. [Amd. Ord. 33-97 9/23/97]
- (7) Adult Entertainment Establishments, subject to Section 4.3.3(AA). [Amd. Ord. 30-98 9/8/98] (Ord. No. 32-33, § 24, 10-17-23)
- (8) Urban Agriculture, subject to Section 4.3.3(D). (Ord. No. 07-17, § 11, 5-16-17; Ord. No. 32-23, § 24, 10-17-23)
- (9) CBD oil establishments, subject to Section 4.3.3(CC). (Ord. No. 58-20, § 7, 12-1-20; Ord. No. 32-23, § 24, 10-17-23)
- (10) Multiple family residential development up to 24 units per acre within the I-95/CSX Railroad Corridor Overlay District, as defined in Section 4.5.15, subject to Article 4.7. (Ord. No. 32-23, § 24, 10-17-23)
- (C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:
- (1) Parking lots.

- (2) Refuse and service areas.
- (3) Provisions or services and repair of items incidental to principal uses.
- (4) Storage of inventory, equipment, or materials, within a structure or in an approved outside locations. [Amd. Ord. 60-93 10/12/93]
- (5) The conducting of auctions incidental to a principal use, and subject to the provision of parking at the rate required for general commercial uses. [Amd. Ord. 30-94 6/21/94]
- (6) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 11, 5-16-17)

(D) **Conditional uses and structures allowed.**

- (1) The following uses are allowed as conditional uses within the MIC Zone District: [Amd. Ord. 33-97 9/23/97]; [Amd. Ord. 55-90 11/13/90]

Deleted (a) and Relettered. [Amd. Ord. 30-98 9/8/98]

- (a) Pet services with outside use areas, pet hotels, and animal shelters, subject to Section 4.3.3(W); [Amd. Ord. 33-97 9/23/97] (Ord. No. 17-21, § 9, 10-19-21)
- (b) Material and component recovery for reuse, such as the disassembly and resale of computer components, appliances, and electrical components. This does not include resource recovery facilities as described and regulated by Section 4.3.3(Z); [Amd. Ord. 33-97 9/23/97]

Deleted (c) and relettered. [Amd. Ord. 44-99 11/16/99]

- (c) Automobile paint, body, and repair shops; [Amd. Ord. 33-97 9/23/97]
- (d) Boat repair and service; [Amd. Ord. 33-97 9/23/97]
- (e) Self-Service Storage Facilities (SSSF), pursuant to Section 4.3.3(A). (Ord. No. 32-23, § 24, 10-17-23)

- (2) The following conditional uses are also allowed in the MIC zoning district. However, any outside storage associated with such uses may not be located within 150 feet of any property line adjacent to an arterial roadway (excluding Interstate 95); [Amd. Ord. 33-97 9/23/97] (Ord. No. 32-23, § 24, 10-17-23)

- (a) Lumberyards; [Amd. Ord. 33-97 9/23/97]

- (b) Garages and lots for the parking and storage of vehicles, including the storage of light trucks, up to and including two-ton trucks; [Amd. Ord. 33-97 9/23/97]
- (c) Storage and rental of light construction equipment up to 24 feet long, eight feet wide, and ten feet high; [Amd. Ord. 33-97 9/23/97] (Ord. No. 20-26, § 3, 5-5-26)
- (d) Monument and ornamental stone cutting; [Amd. Ord. 33-97 9/23/97]
- (e) Rental and sales of modular buildings; [Amd. Ord. 33-97 9/23/97]; [Amd. Ord. 4-91 1/29/91]
- (f) Towing services, with outside storage; [Amd. Ord. 61-05 8/16/05]; [Amd. Ord. 44-99 11/16/99]
- (g) Storage and rental of construction equipment up to 100 feet long, 14 feet wide, and 15 feet high, subject to the following requirements: [Amd. Ord. 61-05 8/16/05] (Ord. No. 20-26, § 3, 5-5-26)
 - i. Any outside storage associated with such use may not be located within 250 feet of any property line adjacent to an arterial roadway (excluding Interstate 95); [Amd. Ord. 61-05 8/16/05] (Ord. No. 20-26, § 3, 5-5-26)
 - ii. The property is buffered by a minimum six-foot wall or minimum six-foot hedge. However, if the property is adjacent to a public building, school, park, library, or residential area at the time of conditional use approval, a minimum six-foot high berm and either a six-foot wall or six-foot hedge on top of the berm shall be required; and [Amd. Ord. 61-05 8/16/05] (Ord. No. 20-26, § 3, 5-5-26)
 - iii. A ten-foot minimum landscape buffer with trees planted 25 feet on center around the perimeter of the storage area. [Amd. Ord. 61-05 8/16/05] (Ord. No. 20-26, § 3, 5-5-26)
- (h) Concrete products manufacturing and distribution, including concrete block, dry mix, gunite, and redimix concrete, in addition to the distribution of materials used in the processing of concrete products, such as sand, cement, and stone aggregates, with the following limitations: (Ord. No. 20-26, § 3, 5-5-26)
 - 1. The use is limited to properties located north of Atlantic Avenue; and (Ord. No. 20-26, § 3, 5-5-26)

2. The use shall not be located within a 1,000-foot radius of another concrete manufacturing and distribution business, measured from property line to a property line. (Ord. No. 20-26, § 3, 5-5-26)

(E) Reserved. (Ord. No. 32-23, § 24, 10-17-23)

(F) **Development standards.** The development standards in Section 4.3.4 shall apply, except as modified below: [Amd. Ord. 10-07 3/20/07] (Ord. No. 32-23, § 24, 10-17-23)

- (1) I-95/CSX Railroad Corridor Overlay District: The following development standards apply to parcels within the Overlay district as defined by Section 4.5.15, "I-95/CSX Railroad Corridor Overlay District." [Amd. Ord. 10-07 3/20/07] (Ord. No. 32-23, § 24, 10-17-23)

- (a) Residential uses, which may only be developed pursuant to Article 4.7, "Family/Workforce Housing" shall comply with the development standards in Section 4.4.6(F)(3) and the performance standards in Section 4.3.3(BB). [Amd. Ord. 10-07 3/20/07] (Ord. No. 32-23, § 24, 10-17-23)

- (2) **Adjacent to residential zoning.** When a parcel of land zoned MIC abuts a parcel of land zoned residential without any division or separator between them, such as a street, railway, waterway, park, or other public open space, but excluding an alley, the following shall be the minimum setbacks on the abutting property line of the MIC zoned parcel: (Ord. No. 20-26, § 4, 5-5-26)

- (a) Front: 30 feet, with a minimum landscape buffer of 15 feet. (Ord. No. 20-26, § 4, 5-5-26)
- (b) Side and Rear: 50 feet, with a minimum landscape buffer of 15 feet. (Ord. No. 20-26, § 4, 5-5-26)

- (3) **Concrete products manufacturing and distribution.** (Ord. No. 20-26, § 4, 5-5-26)

- (a) Properties with frontage on Congress Avenue or West Atlantic Avenue shall provide a special landscape setback of a minimum of 30 feet or ten percent of the average depth of the property, whichever is greater. (Ord. No. 20-26, § 4, 5-5-26)
- (b) Outdoor storage of materials shall not exceed 15 feet in height. (Ord. No. 20-26, § 4, 5-5-26)
- (c) Outdoor storage of materials shall provide the following minimum setbacks and landscape buffer. (Ord. No. 20-26, § 4, 5-5-26)
 1. Special Landscape Setback areas: 30 feet minimum. (Ord. No. 20-26, § 4, 5-5-26)

2. Side Street: 25 minimum. (Ord. No. 20-26, § 4, 5-5-26)
3. Side and Rear: 20 feet minimum. (Ord. No. 20-26, § 4, 5-5-26)
- (d) Required landscape buffers shall adhere to the following minimum landscape requirements: (Ord. No. 20-26, § 4, 5-5-26)
 1. A combination of a hedge, wall, and berm, at a 3:1 ratio, for a total height of six feet. (Ord. No. 20-26, § 4, 5-5-26)
 2. A row of trees on each side of the required wall, offset, and planted 25 feet on center. (Ord. No. 20-26, § 4, 5-5-26)

(G) **Supplemental district regulations.** The supplemental district regulations in Article 4.6 apply, unless otherwise modified. [Amd. Ord. 60-93 10/12/93] (Ord. No. 32-23, § 24, 10-17-23)

- (1) I-95/CSX Railroad Corridor Overlay District: In addition to the supplemental district regulations in Article 4.6, the supplemental district regulations in Section 4.4.6(G)(1) apply to parcels within the overlay district as defined by Section 4.5.15, "I-95/CSX Railroad Corridor Overlay District." [Amd. Ord. 10-07 3/20/07] (Ord. No. 32-23, § 24, 10-17-23)

(H) **Special regulations.**

- (1) Loading and unloading shall only be allowed in side and rear yards. (Ord. No. 32-23, § 24, 10-17-23; Ord. No. 20-26, § 5, 5-5-26)
- (2) Within the front yard setback, the first ten feet abutting the right-of-way shall be a landscaped area with no paving, except for driveways and walkways leading to the premises. Such driveways and walkways shall be generally perpendicular to the property line. (Ord. No. 32-23, § 24, 10-17-23)
- (3) Overhead doors shall not face an adjacent minor arterial right-of-way, residential zoning district, or residential use. The use of decorative doors is encouraged. [Amd. Ord. 58-95 11/07/95] (Ord. No. 32-23, § 24, 10-17-23; Ord. No. 09-25, § 3, 5-20-25)
- (4) Pursuant to Section 4.6.6, all principal and conditional uses shall be conducted within an enclosed building, except for outdoor storage allowed and approved as part of a conditional use. [Amd. Ord. 58-95 11/07/95; Amd. Ord. 75-94 10/18/94; Ord. No. 20-26, § 5, 5-5-26)
- (5) I-95/CSX Railroad Corridor Overlay District: Within the Overlay District, as defined in Section 4.5.15, residential development is allowed at a density up to 24 dwelling units per acre, subject to the requirements in Article 4.7. [Amd. Ord. 10-07 3/20/07] (Ord. No. 32-23, § 24, 10-17-23)

- (6) Concrete products manufacturing and distribution is also regulated as follows: (Ord. No. 20-26, § 5, 5-5-26)
- (a) Proof of compliance with all applicable Florida Department of Environmental Protection requirements. (Ord. No. 20-26, § 5, 5-5-26)
 - (b) Any outdoor use shall be completely screened from all property lines by landscaping, fences, walls, or buildings pursuant to the terms of the conditional use approval and compliance with the district regulations. (Ord. No. 20-26, § 5, 5-5-26)
 - (c) A building with a floor area of at least 2,000 square feet must be located on the lot frontage adjacent to the street with higher classification. (Ord. No. 20-26, § 5, 5-5-26)
 - (d) The maximum lot area is two acres. (Ord. No. 20-26, § 5, 5-5-26)

Sec. 4.4.20. Industrial (I) District.

(A) **Purpose and intent.** The Industrial (I) District provides for industrial land uses and their regulation so as to provide reasonable protection for the environment and the public with respect to the impacts of such use.

(B) **Principal uses and structures permitted.** The following types of use are allowed within the Industrial District as a permitted use:

- (1) **Manufacturing.** The processing of raw materials to create final products for distribution and which either involve or result in the following:

Materials:

- ceramics and plaster
- fiberglass
- glass
- leather
- tobacco
- wood

Processes:

- millwork (woodwork)

Products:

- appliances
- bakery products
- beverages, alcoholic and non-alcoholic
- cabinets
- clothes
- computer chips and computer components
- cosmetics
- dry ice
- electronic components
- furniture
- ice
- optical

- welding
- pharmaceuticals
- signs of all/any materials
- sporting goods
- textiles
- toys

- (2) ***Fabrication and/or assembly.*** The working or combining of processed or manufactured materials or parts which are then prepared for distribution for sale. All processes and products identified under "manufacturing" are permitted as are the following:

Processes:

- assembly of mechanical and/or component parts
- bottling
- engraving
- machine shops
- printing
- repair of damaged goods and products which may have been manufactured on the premises

Products:

- communication devices (radio, television, cameras)
- confectioneries
- metal goods
- precision instruments
- newspapers, books, periodicals

- (3) ***Wholesaling, storage, and distribution.*** The wholesaling, storage, and distribution of any products which may be manufactured, assembled, or fabricated on the premises. In addition, the following items may be wholesaled, stored, or distributed:

- household furnishings and goods
- moving and related storage

- (4) ***Other process and activities.*** The following activities and processes may also be conducted:

- automobile paint, body, and repair shops
- boat repair and service
- cold storage
- dry cleaning
- emissions testing
- frozen food lockers, including personal lockers

- laundering
 - publishing
 - tailoring
- (5) **Service industry.** Service Industry uses are those which are primarily engaged in providing an off-site service but which maintain inventory, storage of materials, and a business office at a central location. Repair of equipment and materials associated with the service is also permitted at this central location.
- Land Development Services (eg., surveying, soils testing, mapping, architectural, engineering).
 - Contractor and Trade Services (e.g. general contractor, electrician, plumbers, heating and air-conditioning specialists, swimming pool maintenance, landscaping services, exterminators, equipment and tool rental).
 - Repair of office equipment (e.g., typewriters, computers, data processing equipment).
 - Business Services (e.g. typewriters, computers, data processing equipment).
 - Limousine Service.
 - Gun Ranges (indoor).
 - Food preparation and/or processing, including but not limited to bakeries and catering operations. [Amd. Ord. 28-05 5/17/05]
- (6) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 12, 5-16-17)
- (7) CBD oil establishments, subject to the regulations of Section 4.3.3(CC). (Ord. No. 58-20, § 8, 12-1-20)

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots;
- (2) Refuse and service areas;
- (3) Outside storage;

- (4) Snack bar and sale of convenience goods when limited to employees who work in the general industrial area;
- (5) Caretaker residence and or facilities for temporary housing of security personnel;
- (6) Business offices, accessory to the primary industrial use.
- (7) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 12, 5-16-17)

(D) **Conditional uses and structures permitted.** The following uses are allowed as conditional uses:

- (1) Boat manufacturing, repair, and/or service;
- (2) Bulk storage, gas and oil;
DELETED (3) AND RENUMBERED [Amd. Ord. 21-97 6/3/97]
- (3) Concrete products manufacturing and distribution, including concrete block, dry mix, gunite, and redimix concrete, in addition to the distribution of materials used in the processing of concrete products, such as sand, cement, and stone aggregates; (Ord. No. 20-26, § 6, 5-5-26)
- (4) Custom fiberglass shops;
- (5) Dairy processing;
- (6) Heavy equipment and tool rental;
- (7) Bulk fertilizer sales, excluding compost heaps;
- (8) Garages for parking and storage of vehicles;
- (9) Junkyards; [Amd. Ord. 59-93 10/12/93]
- (10) Pet services with outside use areas, pet hotels and animal shelters subject to Section 4.3.3(W); (Ord. No. 17-21, § 10, 10-19-21)
- (11) Lumberyards;
- (12) Meat cutting and wholesale storage;
- (13) Monument and ornamental stone cutting;
- (14) Rental and sales of modular buildings;

- (15) Material and component recovery for reuse, such as the disassembly and resale of computer components, appliances, and electrical components. This does not include resource recovery facilities as described and regulated by Section 4.3.3(Z); [Amd. Ord. 31-97 9/9/97]
- (16) Scrap metal recycling, when all operations and storage are in a completely enclosed building, which generates no emissions, and which does not create a noise disturbance in violation of Chapter 99 of the City Codes;
- (17) Storage of light trucks, up to, and including two-ton trucks, and light construction equipment not over 24 feet long, eight feet wide, and ten feet high;
- (18) Towing services and attendant storage;
- (19) Truck terminals and storage facilities.
- (E) Reserved. (Ord. No. 32-23, § 25, 10-17-23)

(F) **Development standards.** The development standards in Section 4.3.4 apply, except for minimum lot area dimensions that do not apply to lots of record created as of September 1, 1990. (Ord. No. 32-23, § 25, 10-17-23)

(G) **Supplemental district regulations.** The supplemental district regulations in Article 4.6 shall apply. [Amd. Ord. 60-93 10/12/93] (Ord. No. 32-23, § 25, 10-17-23)

(H) **Special regulations.**

- (1) Loading and unloading shall be restricted to side and rear yards and shall be prohibited within the front yard setback.
- (2) Within the front yard setback, the first ten feet abutting the right-of-way shall be a landscaped area within which no paving shall be allowed except for driveways and walkways leading to structures on the premises. Such driveways and walkways shall be generally perpendicular to the property line.
- (3) Overhead doors shall not face an adjacent minor arterial right-of-way, residential zoning district, or residential use. (Ord. No. 09-25, § 4, 5-20-25)

Sec. 4.4.21. Community Facilities (CF) District.

(A) **Purpose and intent.** The Community Facilities (CF) District is a special purpose zone district primarily intended for uses providing a community service or benefit. [Amd. Ord. 09-11 4/5/11] [Amd. Ord. 32-94 6/21/94] (Ord. No. 23-20, § 28, 9-10-20; Ord. No. 07-25, § 3, 10-14-25)

(B) ***Principal uses and structures allowed.*** The following types of use are allowed within the CF District as a permitted use:

- (1) Governmental, such as: civic centers, courts, courthouses, temporary holding facilities, fire stations, governmental offices, public health facilities, law enforcement offices and facilities, post offices, public utility facilities (e.g. lift stations), water storage tanks, water treatment plants, water wells, wastewater treatment plants, drainage facilities. [Amd. Ord. 32-94 6/21/94]
- (2) Community, such as: civic centers, community centers, community theater, cultural facilities and auditoriums, arts and crafts centers, libraries, museums, public parking lots and garages. [Amd. Ord. 32-94 6/21/94]
- (3) Recreation, such as: community centers, tennis centers, swimming centers. [Amd. Ord. 32-94 6/21/94]
- (4) Services, such as: abused spouse residences, child care centers, day care centers. [Amd. Ord. 23-01 5/1/01]; [Amd. Ord. 32-94 6/21/94]
- (5) Places of Worship with attendant uses of day care, pre-school, educational facilities, and with other normal educational (Sunday school) and recreational facilities, and support facilities (e.g., parsonage). [Amd. Ord. 32-94 6/21/94] (Ord. No. 07-25, § 3, 10-14-25)
- (6) Restricted usage allowed pursuant to an ordinance enacted to sever developments rights under a Transfer of Developments (TDR). (See Section 4.6.20).
- (7) Public educational facilities of The School District of Palm Beach County, pursuant to the regulations set forth in Section 4.3.3(HH). [Amd. Ord. 24-02 7/16/02]
- (8) Clubs and Lodges provided that alcoholic beverages shall not be served or consumed on the property. [Amd. Ord. 46-05 7/19/05]
- (9) Assisted Living Facilities that do not comport with the definition of "community residence" and Continuing Care Facilities subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to this Section. [Amd. Ord. 01-10 1/19/10]; [Amd. Ord. 20-08 4/15/08] (Ord. No. 25-17, § 27, 7-18-17)
- (10) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 13, 5-16-17)

- (11) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 27, 7-18-17)
- (12) Single-family detached residence resulting from adaptive reuse of a Historic Place of Worship. (Ord. No. 07-25, § 3, 10-14-25)
- (13) Within the Medical Arts Overlay District, as defined in Section 4.5.18. Institutional uses, such as: Non-residential Licensed Service Provider Facilities; Hospitals, with or without helipads and associated laboratories; Treatment Centers; Rehabilitation Centers; Testing Facilities; and Mental Health Treatment Facilities, including residential care, are allowed as permitted uses. (Ord. No. 15-26, § 5, 5-5-26)

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots and garages.
- (2) Service and Refuse Areas.
- (3) Cafeterias, snack bars, restaurants, exercise facilities, etc., when contained in the same structure as the principal use.
- (4) Storage of inventory, equipment, or materials, within a structure or in an approved outside location. [Amd. Ord. 60-93 10/12/93]
- (5) Concessions and services provided under a license agreement with the City. [Amd. Ord. 32-94 6/21/94]
- (6) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 13, 5-16-17)

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the CF District: [Amd. Ord. 35-00 1/2/01]

DELETED (1) and RENUMBERED [Amd. Ord. 09-11 4/5/11]

- (1) Private educational facilities pursuant to the regulations set forth in Section 4.3.3 (HHH), and vocational schools except for training or programs which can be conducted in multipurpose buildings or offices (e.g. a dance school, real estate school, etc.) which may be located in various commercial districts, pursuant to the regulations set forth in Section 4.3.3 (HHH). [Amd. Ord. 24-02 7/16/02]; [Amd. Ord. 32-94 6/21/94]
- (2) Services, such as: Senior Housing as set forth in Section 4.3.3 (II). [Amd. Ord. 39-05 6/21/05]; [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 28, 7-18-17)
- (3) Transportation, such as: bus stations, railway stations, taxi dispatch (more than one taxi), and park and ride areas. [Amd. Ord. 32-94 6/21/94]
- (4) Special Services and Facilities, such as: privately operated parking lots and garages; stadiums and arenas; refuse transfer stations; resource recovery facilities, pursuant to provisions of Section 4.3.3(Z); and power transfer stations. [Amd. Ord. 31-97 9/9/97]; [Amd. Ord 21-97 6/3/97]; [Amd. Ord. 32-94 6/21/94]
- (5) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 28, 7-18-17)

(E) Reserved. (Ord. No. 32-23, § 26, 10-17-23)

(F) **Development standards.** The development standards in Section 4.3.4 shall apply, except as modified in this Subsection. [Amd. Ord. 01-12 8/21/12] [Amd. Ord. 32-94 6/21/94] (Ord. No. 07-25, § 3, 10-4-25)

- (1) Historic Districts, Sites, and Buildings: In addition to the requirements of Section 4.3.4, properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1 (I), are subject to Section 4.5.1, unless otherwise modified in this Subsection. [Amd. Ord. 01-12 8/21/12] (Ord. No. 32-23, § 26, 10-17-23; Ord. No. 07-25, § 3, 10-4-25)

- (2) A single-family detached residence resulting from the adaptive reuse of a Historic Place of Worship is subject to the development standards applicable to single-family detached residences within an R-1-A zoning district. (Ord. No. 07-25, § 3, 10-4-25)

(G) **Supplemental district regulations.** In addition to the supplemental district regulations in Article 4.6, the following supplemental district regulations apply in the CF District. [Amd. Ord. 09-11 4/5/11]; [Amd. Ord. 60-93 10/12/93] (Ord. No. 32-23, § 26, 10-17-23)

- (1) **Historic Place of Worship.** A single-family detached residence resulting from adaptive reuse of a Historic Place of Worship is subject to the supplemental district regulations applicable to single-family detached residences within a R-1-A zoning district. (Ord. No. 07-25, § 3, 10-4-25; Ord. No. 15-26, § 5, 5-5-26)

(H) **Special regulations.**

- (1) The perimeter setback area, when provided, shall be a landscaped area within which no paving shall be allowed except for driveways and walkways leading to structures on the premises. Such driveways and walkways shall be generally perpendicular to the property line. [Amd. Ord. 32-94 6/21/94]
- (2) When this zone district is adjacent to residential zoning, the perimeter landscape area should be increased to a depth of 15 feet; or, as an alternative, either a wall, decorative fencing, or hedging should be installed for aesthetic and buffer purposes. [Amd. Ord. 32-94 6/21/94]

- (3) For CF zoned properties located within the West Atlantic Avenue Redevelopment Area, a minimum of ten percent non-vehicular open space shall be provided. Notwithstanding the provisions of this section, the body acting upon a development application may require additional open areas, including but not limited to courtyards, plazas, and landscaped setbacks, in order to add interest and provide relief from the building mass. All landscape requirements for parking lots and buffering of residential properties, pursuant to Sections 4.6.5 and 4.6.16, shall apply. [Amd. Ord. 44-02 10/1/02]
- (4) For a Historic Place of Worship approved for adaptive reuse as a single-family detached residence: (Ord. No. 07-25, § 3, 10-4-25)
 - (a) The Special Regulations required for CF zoned properties do not apply. (Ord. No. 07-25, § 3, 10-4-25)
 - (b) A building mounted or free-standing sign that provides information about the property's historic value is required. Signage shall not exceed three square feet in area and shall not exceed six feet above grade when free-standing. (Ord. No. 07-25, § 3, 10-4-25)

Sec. 4.4.22. Open Space (OS) District.

(A) **Purpose and intent.** The Open Space (OS) District is established to identify parcels of land which are used primarily in an open space manner. Created to reflect some of the open space areas as shown on the Land Use Map, the OS District is applied to portions of land development projects which are primarily open space in nature (e.g., water bodies) and to other open space areas, including the municipal beach, which normally do not have intense use or commercialization. The OS District is deemed compatible with all land use designations shown on the Land Use Map. [Amd. Ord. 33-94 6/21/94] (Ord. No. 23-20, § 29, 9-10-20; Ord. No. 32-23, § 27, 10-17-23)

(B) **Principal uses and structures permitted.** The following types of use are allowed within the OS District as a permitted use: [Amd. Ord. 54-93 09/14/93]

- (1) Passive parks, public or private. [Amd. Ord. 33-94 6/21/94]
- (2) Water bodies and/or water management tracts within development projects.
- (3) Excess parcels located along the Interstate Highway System, Canals, and similar parcels which should be retained for open space and aesthetic purposes.

(4) The municipal beach. [Amd. Ord. 33-94 6/21/94]

(5) Drainage retention areas. [Amd. Ord. 33-94 6/21/94]

(C) **Accessory uses and structures allowed.** The following types of use are allowed when a part of, or accessory to, the principal use:

(1) Parking lots.

(2) Restrooms, rest areas, picnic facilities. [Amd. Ord. 33-94 6/21/94]

(3) Interpretative trails, jogging and exercise courses. [Amd. Ord. 33-94 6/21/94]

(4) Lifeguard stands, headquarters and necessary support facilities. [Amd. Ord. 33-94 6/21/94]; [Amd. Ord. 15-93 2/9/93]

(5) Maintenance facilities. [Amd. Ord. 33-94 6/21/94]

(6) Boat ramps. [Amd. Ord. 33-94 6/21/94]

(7) A beach cabana concession, under contract with the City, limited to the rental of chairs, umbrellas, cabanas, and boogie boards. [Amd. Ord. 67-95 12/5/95]

(D) **Conditional uses and structures allowed.** There are no listed conditional uses in the OS District. If a use is so contemplated, it may be more appropriate to seek CF District zoning.

(E) **Review and approval process.** The use of any land within the OS District must be pursuant to a site and development plan which has been approved pursuant to Chapter 2. (Ord. No. 32-23, § 27, 10-17-23)

(F) **Development, supplemental, and special regulations.** All standards for the development and or use of property zoned OS shall be established pursuant to the site and development plan.

Sec. 4.4.23. Conservation (CD) District.

(A) **Purpose and intent.** The Conservation (CD) District is established to preserve and protect those environmentally sensitive lands as identified in the Conservation, Sustainability, and Resiliency Element of the adopted Comprehensive Plan and Ordinance of Palm Beach County. (Ord. No. 23-20, § 30, 9-10-20)

(B) **Principal uses.** The only principal use of the Conservation District is that of conservation of the existing flora, fauna, and natural habitat of the site.

(C) **Accessory uses and structures.** The only accessory use, structure, or activity on CD property is that which is:

- (1) Necessary to maintain and promote the existing habitat.
- (2) For educational purposes and which is conducted through the auspices of a public agency.

(D) **Conditional uses.** There are no listed conditional uses which may be allowed on CD zoned property.

(E) Reserved. (Ord. No. 32-23, § 28, 10-17-23)

(F) **Development, supplemental, and special regulations.** All standards for the development and or use of property zoned OS shall be established pursuant to the development order issued by the Director.

Sec. 4.4.24. Old School Square Historic Arts District (OSSHAD).

(A) **Purpose and intent.** The Old School Square Historic Arts District (OSSHAD) is a mixed use district which is intended to:

- (1) Provide for mixed uses of residential, office, and commercial activities, with an emphasis on the arts, that will encourage the restoration or preservation of historic structures and, yet, maintain and enhance the historic and pedestrian scale of the area; [Amd. Ord. 13-93 2/23/93]
- (2) Stimulate greater awareness and pride in the City's architectural heritage, and create an atmosphere and feeling of "Old Delray Beach";
- (3) Improve the environmental quality and overall livability of this Historic District and stabilize and improve property value therein, and;
- (4) Allow uses which promote preservation and adaptive reuse of all structures within the District. [Amd. Ord. 13-93 2/23/93]

(B) **Principal uses and structures.** The following types of uses are allowed within the OSSHAD as a permitted use:

- (1) Single family detached dwellings. [Amd. Ord. 59-04 11/16/04]
- (2) Duplex structures. [Amd. Ord. 59-04 11/16/04]
- (3) Business, Professional, Medical and Governmental Offices. [Amd. Ord. 59-04 11/16/04]
- (4) Retail uses and/or facilities through specialty shops (single purpose businesses) such as: bath shops, book stores, gift shops, florists, hobby shops, kitchen shops, boutiques, bicycle shops, excluding liquor stores, convenience stores and pharmacies. [Amd. Ord. 35-10 10/19/10]; [Amd. Ord. 59-04 11/16/04]
- (5) Arts related businesses such as craft shops, galleries, and studios within which is conducted the preparation of, display of, and/or sale of art products such as antiques, collectibles, custom apparel, jewelry, paintings, photography, picture framing, pottery, sculpture, stained glass. [Amd. Ord. 59-04 11/16/04]

- (6) Educational and/or Instructional activities including training, vocational, or craft schools, the arts, personal development, and libraries, museums, and social and philanthropic institutions. [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]
- (7) Restaurants of a sit down nature such as a cafe, snack shop, full service dining but excluding any drive-in and/or drive-through facilities or features. [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]
- (8) Providing of personal services such as barbershops, beauty shops, salons, cosmetologists. [Amd. Ord. 59-04 11/16/04]
- (9) Bed and Breakfast Inns, subject to the provisions of LDR Section 4.3.3(Y). [Amd. Ord. 11-10 7/20/10]; [Amd. Ord. 59-04 11/16/04]
- (10) Catering services not associated with a restaurant, subject to the special regulations of Section 4.4.24(H). [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 5-00 3/21/00]
- (11) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence as measured from the nearest property line of the proposed community residence housing four or more individuals to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 29, 7-18-17)
- (12) Within the following described areas, the uses allowed as permitted uses in Section 4.4.13(B) pursuant to the base district and special regulations of the Central Business District regulations shall also be allowed in the OSSHAD: [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 23-01 5/1/01]; [Amd. Ord. 5-00 3/21/00]
 - (a) Lots 13—16, Block 60;
 - (b) Lots 1—4, Block 61;
 - (c) Lots 1—7, Lots 16—18 and 19-24, Block 69;[Amd. Ord. 09-14 7/1/14]
[Amd. Ord. 47-99 1/4/00]
 - (d) Lots 23-25, Block 70; [Amd. Ord. 09-14 7/1/14]

- (e) Lots 7—8, and the South 34.75 feet of Lot 6, Block 75; and [Amd. Ord. 79-04 1/18/05]
- (f) Lots 1—6, Block 76.
- (13) Assisted Living Facilities that do not comport with the definition of "community residence." (Ord. No. 25-17, § 29, 7-18-17)
- (14) Nursing Homes. [Amd. Ord. 10-11 4/5/11] (Ord. No. 25-17, § 29, 7-18-17)
- (15) Tattoo Establishments, pursuant to restrictions set forth in Section 4.3.3(ZB). (Ord. No. 33-16, § 6, 11-15-16) (Ord. No. 25-17, § 29, 7-18-17)
- (C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:
 - (1) Uses and structures normally associated with residences such as: bird aviaries, dog houses and dog runs, garages, greenhouses, guest cottages, playhouses, pool houses and covers/enclosures, pump houses, slat houses, storage sheds, workshops, swimming pools, and home-based businesses. (Ord. No. 23-22, § 11, 8-16-22)
 - (2) On a parcel that has as its principal use a non-residential use, there may be no more than two residential units, either within a separate structure or within a structure housing a non-residential use. [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]

DELETED (a), (b), (c). [Amd. Ord. 59-04 11/16/04]
 - (3) Family Day Care Home, pursuant to Section 4.3.3(T). [Amd. Ord. 25-10 10/19/10]
 - (4) Parking lots and refuse storage areas.
 - (5) Outdoor dining areas which are accessory or supplemental to a restaurant or business use, provided the operation of the outdoor dining area is limited to daylight hours. [Amd. Ord. 13-93 2/23/93]
 - (6) Within the following described areas, the uses allowed as accessory uses in Section 4.4.13(C) pursuant to the base district and special regulations of the Central Business District regulations shall also be allowed in the OSSHAD: [Amd. Ord. 57-07 1/03/08]
 - (a) Lots 13—16, Block 60;
 - (b) Lots 1—4, Block 61;

- (c) Lots 1—7, Lots 16—18 and 19-24, Block 69; [Amd. Ord. 09-14 7/1/14]
 - (d) Lots 23—25, Block 70; [Amd. Ord. 09-14 7/1/14]
 - (e) Lots 7—8, and the South 34.75 feet of Lot 6, Block 75; and
 - (f) Lots 1—6, Block 76.
- (7) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 13, 5-16-17)

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the OSSHAD:

DELETED (1) AND (2) AND RENUMBERED. [Amd. Ord. 59-04 11/16/04]

- (1) Outdoor dining which operates at night or which is the principal use or purpose of the associated restaurant. [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]
- (2) Child Care, and Adult Day Care. [Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 20-08 4/15/08]; [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 4-04 2/3/04]; [Amd. Ord. 35-00 1/2/01]
- (3) Public Parking lots not associated with a use. [Amd. Ord. 38-07 2/5/08]; [Amd. Ord. 59-04 11/16/04]
- (4) Residential-type inns, not to exceed more than 18 individually leased suites or rooms per acre. [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 9-98 2/17/98]
- (5) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 23-01 5/1/01] (Ord. No. 25-17, § 30, 7-18-17)
- (6) Large Family Child Care Home, subject to Section 4.3.3(TT). [Amd. Ord. 25-10 10/19/10]

- (7) Pet services and veterinary clinics, subject to Section 4.3.3(W) and Section 4.4.24(H)(8). (Ord. No. 17-21, § 11, 10-19-21)

(E) **Review and approval process.**

- (1) Structures which require a building permit for external work must receive approval from the Historic Preservation Board, or the Director of Development Services or designee, as applicable, through the issuance of a Certificate of Appropriateness. [Amd. Ord. 59-04 11/16/04] (Ord. No. 32-23, § 29, 10-17-23)
- (2) For new development, or a change in use which results in the requirement to provide additional parking, approval must be granted from the Historic Preservation Board pursuant to Chapter 2. [Amd. Ord. 59-04 11/16/04] (Ord. No. 32-23, § 29, 10-17-23)
- (3) Conditional uses must be approved pursuant to Chapter 2. Prior to action by the Planning and Zoning Board, the conditional use request must be reviewed by the Historic Preservation Board with a recommendation forwarded to the Planning and Zoning Board. [Amd. Ord. 59-04 11/16/04] (Ord. No. 32-23, § 29, 10-17-23)

(F) **Development standards.** The development standards as set forth, for the OSSHAD District, in Section 4.3.4 apply, except as modified below: [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]

- (1) The following locations shall be subject to the development standards of the Commercial Core (CC) area of the CBD Zone District, excluding exceptions to height limitations provided in Section 4.3.4(J)(4): [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 21-04 5/4/04]; [Amd. Ord. 13-93 2/23/93]
 - (a) Lots 1—7, Lots 16—18 and 19—24, Block 69; [Amd. Ord. 09/14 7/1/14]; [Amd. Ord. 21-04 5/4/04]; [Amd. Ord. 47-99 1/4/00]
 - (b) Lots 23—25, Block 70; [Amd. Ord. 09/14 7/1/14]
 - (c) Lots 7—8, and the South 34.75 feet of Lot 6, Block 75; and [Amd. Ord. 79-04 1/18/05]; [Amd. Ord. 21-04 5/4/04]
 - (d) Lots 1—6, Block 76. [Amd. Ord. 21-04 5/4/04]
- (2) The following locations shall be subject to the development standards of the West Atlantic Neighborhood (WAN) area of the CBD Zone District: [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 21-04 5/4/04]
 - (a) Lots 13—16, Block 60. [Amd. Ord. 21-04 5/4/04]

(b) Lots 1—4, Block 61. [Amd. Ord. 21-04 5/4/04]

- (3) Parcels located along N.E. 1st Avenue between N.E. 2nd Street and N.E. 3rd Street (Banker's Row) shall comply with either provisions of Section 4.3.4 or provisions of the Banker's Row Development Plan, whichever is more permissive. [Amd. Ord. 21-04 5/4/04]; [Amd. Ord. 13-93 2/23/93]
- (4) Except for properties identified in Sections 4.4.24(F)(1) and (2) and the Old School Square Cultural Arts Complex, the maximum width of a building fronting a street shall be limited to 60 feet and shall have a minimum separation of 15 feet between buildings fronting a street in a development site that contains more than one structure. [Amd. Ord. 59-04 11/16/04]
- (5) The floor area for the third floor shall be limited to 50 percent of the second floor area and the building setbacks or planes of the façade are offset and varied to provide visual relief. [Amd. Ord. 59-04 11/16/04]
- (6) Notwithstanding the provisions of Section 4.4.24(F)(4), or elsewhere in this code, residential-type inn developments, shall be permitted to connect adjacent on-site buildings using all-weather, covered walkways, that are constructed of not less than 70 percent vertical transparent glass or similar material. Said walkways shall be on the ground floor only, shall be located not closer than 15 feet from the front building face, and may be joined to elevators, lobbies, or accessory use facilities permitted herein. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 59-04 11/16/04]
- (7) All properties located within the Old School Square Historic District and are subject to the provisions of Section 4.5.1. [Amd. Ord. 01-12 8/21/12]

(G) **Supplemental district regulations.** Supplemental district regulations as set forth in Article 4.6, except as modified herein, apply:

- (1) Parcels located along N.E. 1st Avenue between N.E. 2nd Street and N.E. 3rd Street (Banker's Row) shall comply with either provisions of Article 4.6 of these Supplemental District Regulations [Subsection (G)], or provisions of the Banker's Row Development Plan, whichever is more permissive. [Amd. Ord. 13-93 2/23/93]
- (2) The perimeter landscaping requirements of Section 4.6.16(H)(3)(e) shall not apply. [Amd. Ord. 13-93 2/23/93]
- (3) All parking, except for single family homes and duplexes, shall be located in the side or rear yard or adjacent to a rear alley. No such parking shall be located in the area between any street and the closest building or structure.

Where there are existing buildings or structures, the Historic Preservation Board may waive this requirement during the site plan review process, provided that it is determined that compliance is not feasible and that the character of the area will be maintained. If approved, such parking shall be substantially screened from off-premises view by a hedge or decorative fencing. [Amd. Ord. 13-93 2/23/93]

(4) **Parking requirements.** [Amd. Ord. 83-93 1/11/94]

- (a) All non-residential uses, with the exception of restaurants, and business and professional offices, shall provide one parking space per 300 square feet of total new or existing gross floor area being converted to non-residential use. This requirement may be reduced to one parking space per 400 square feet of gross floor area, or by at least one space, where there is a mix of residential and non-residential use in the same structure. [Amd. Ord. 01-09 1/20/09]; [Amd. Ord. 83-93 1/11/94] [Amd. Ord. 13-93 2/23/93]
 - (b) Restaurants shall provide six spaces per 1,000 square feet of total new or existing floor area being converted to restaurant use, except for Lots 1 through 6 in Block 69 where 12 spaces per 1,000 square feet of gross floor area up to 6,000 square feet and then 15 spaces per 1,000 square feet of gross floor area over the initial 6,000 square feet is required. [Amd. Ord. 29-11 9/20/11]; [Amd. Ord. 83-93 1/11/94]
 - (c) Residential-type inns shall provide one parking space per guest room/unit. Other accessory uses shall be calculated separately based upon square footage of the use area as provided for in subsections 4.4.24 (G) (4) (a) and (b) above. [Amd. Ord. 9-98 2/17/98]
 - (d) Business and professional offices shall provide one space per 300 square feet of total new or existing net floor area being converted to office use. This requirement may be reduced to one parking space per 400 sq.ft. of net floor area, or by at least one space, where there is a mix of residential and office use in the same structure. [Amd. Ord. 01-09 1/20/09]
- (5) If the required parking is not or cannot be provided on-site or off-site, or it is just inappropriate to provide it on site, the in-lieu fee option provided in Section 4.6.9(E)(3) may be collected. For the purpose of this provision, "inappropriateness" may be considered in relationship to the historic character of this zone district. [Amd. Ord. 21-11 8/2/11]; [Amd. Ord. 13-93 2/23/93]

- (6) When the parking requirements are applied to either new development, expansion of an existing use or a change in use, which results in the requirement of only one new parking space, a one space exemption shall be allowed. This exemption may only occur once per property. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 6-01 2/20/01]
 - (7) **Historic districts, sites, and buildings.** Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), shall comply with the Visual Compatibility Standards of Section 4.5.1(E)(7). [Amd. Ord. 01-12 8/21/12]
- (H) **Special district regulations.**
- (1) The gross floor area of residential units within a structure containing permitted non-residential use(s) shall not exceed 50 percent of the gross floor area of the structure within which they are located. [Amd. Ord. 38-07 2/5/08];[Amd. Ord. 13-93 2/23/93]
 - (2) Residential uses shall comprise no less than ten percent of the uses in the OSSHAD District as expressed by the exclusive use of individual parcels, other than condominium ownerships. The existence of an occupational license, except for one issued for a home-based business, shall establish that such a parcel is non-residential. [Amd. Ord. 13-93 2/23/93] (Ord. No. 23-22, § 11, 8-16-22)
 - (3) Residential-type inns shall create a transitional or buffer area between residential uses and non-residential uses (such as office, commercial, etc.) which are either on or near the subject property. [Amd. Ord. 9-98 2/17/98]
 - (4) A residential-type inn shall be associated with an historic structure and must be residential in design, scale and character. [Amd. Ord. 9-98 2/17/98]
 - (5) Catering services cannot exceed 2,000 square feet of total floor area and shall not have overnight storage of more than two vehicles, which shall not exceed 1-1/2 ton capacity. [Amd. Ord. 5-00 3/21/00]
 - (6) 24-Hour or late night businesses as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV). [Amd. Ord. 41-01 8/7/01]
 - (7) Duplex structures must have an integrated design to give the appearance of a single family dwelling. [Amd. Ord. 59-04 11/16/04]

- (8) Pet Services and veterinary clinics. Pet service facilities providing services other than grooming and veterinary clinics are also subject to the following: (Ord. No. 17-21, § 12, 10-19-21)
 - (a) Veterinary clinics are limited to outpatient services only; (Ord. No. 17-21, § 12, 10-19-21)
 - (b) Overnight boarding and outside use areas for domestic animal services are prohibited; (Ord. No. 17-21, § 12, 10-19-21)
 - (c) Areas designated for daytime boarding and training services are limited to a maximum of 50 percent of the total gross floor area; and (Ord. No. 17-21, § 12, 10-19-21)
 - (d) Veterinary clinics and pet service facilities shall not be located within a mixed-use building with residential uses. (Ord. No. 17-21, § 12, 10-19-21)

Sec. 4.4.25. Special Activities District (SAD).

(A) **Purpose and intent.** The Special Activities District (SAD) is established to provide a zone district appropriate for developments not otherwise classified or categorized in other districts; or, cannot be properly accommodated in any other zone district. The SAD is to be used for large scale and mixed-use developments for which conventional zoning and development standards are not appropriate. The uses, activities, and characteristics of a SAD are to be consistent with the Land Use Map designation, and the Goals, Objectives, and Policies of the adopted Comprehensive Plan to provide a development that is suitable and compatible with surrounding existing development, and with any adopted redevelopment plans for the area. (Ord. No. 23-20, § 31, 9-10-20)

(B) **Allowed uses and structures.**

- (1) **General.** All uses which are to be allowed in a particular SAD shall be established at the time of establishment of the SAD zoning designation through inclusion in the rezoning ordinance. Additional uses may be allowed after review and recommendation by the Planning and Zoning Board and approval by ordinance of the City Commission.
- (2) **SAD required.** The SAD zone designation is required for the following:
 - (a) Any development which is designated as a Large Scale Mixed Use pursuant to the Comprehensive Plan.
 - (b) Any Development of Regional Impact (DRI).

- (c) A full service marina.
- (d) Any use which is otherwise not accommodated in any of the other zone districts.
- (3) A Community Residence housing four to ten individuals, except as required by state law, is allowed as of right when (1) it is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 30, 7-18-17)

(C) **Conditional Uses and Structures Allowed:** The following uses are allowed as conditional uses within the Special Activities District. (Ord. No. 25-17, § 31, 7-18-17)

- (1) A Community Residence housing four to ten individuals, except as required by state law, may be allowed by conditional use permit when (1) it is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 31, 7-18-17)

(D) **Review and approval process.**

- (1) **General.** All SAD's are established by an ordinance which is processed as is a rezoning. Concurrent with processing of the rezoning application, a complete site and development plan with, at least, preliminary engineering plans shall be processed.
- (2) **Alternative processing.** A proposed SAD may proceed to first reading based upon a lesser submission provided that, if approved on first reading, prior to second reading a complete site and development plan including landscaping plans and architectural elevations must be processed through, and approved by the Site Plan Review and Appearance Board. However, in no

event shall the time between first and second readings of the enacting ordinance exceed a period of 180 calendar days. In such an event, the rezoning process shall cease and the application considered denied without prejudice. A subsequent application may be processed thereafter anew. [Amd. Ord. 20-07 6/19/07]

- (3) **Establishment.** Vesting of a SAD project shall occur in the same manner established for the establishment of a site plan approval in Chapter 2, except that when the SAD is for a large Scale Mixed Use Development, the initial approval (validity) period shall be specifically stated in the enacting ordinance, but shall, in no event, be less than six years. In the event that a SAD project does not become established, all uses, waivers, adjustments, and other actions taken pursuant to the SAD shall be void. In order to proceed to establish the same, or another, use it shall be necessary to process a rezoning request. [Amd. Ord. 47-92 10/13/92, Amd. Ord. 31-91 3/26/91] (Ord. No. 32-23, § 30, 10-17-23)

(E) **Development standards.** The development standards as set forth in Section 4.3.4 shall apply except as modified by the following:

- (1) A minimum setback of 15 feet shall be established around the perimeter of any property developed under the SAD designation. Within the front 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.
- (2) Setbacks for all interior spaces shall be as set forth on the site and development plan.

(F) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply except as modified by the following:

- (1) Parking and loading requirements (number of spaces) shall be as set forth on the site and development plan. [Amd. Ord. 60-93 10/12/93]
- (2) Waterford Overlay District. Within the Waterford Overlay District, as defined by Section 4.5.20(A), non-residential development intensity in non-residential or mixed-use developments shall be limited to a maximum Floor Area Ratio (FAR) of 1.32. Residential development in free-standing residential and mixed-use developments shall not exceed 12 units per acre. [Amd. Ord. 22-12 8/7/12]

(G) **Special regulations.** Any special regulations may be applied through the SAD review and approval process.

(H) **S.A.D.s.** The following S.A.D.s are shown on the Official Zoning Map and are regulated by the provisions of this Section and the referenced Ordinance:

- (1) The Extra Closet, Ordinance No. 28-89, which established the Extra Closet S.A.D. is modified by Ordinance No. 6-06, which is now named United Stor-All; [Amd. Ord. 6-06 4/18/06]
- (2) Laver's North, Ordinance No. 65-80, modified by Ordinance Nos. 21-95, 34-96, and 19-98, established; [Amd. Ord. 19-98 5/19/98]; [Amd. Ord. 34-96 10/15/96]; [Amd. Ord. 21-95 5/16/95]
- (3) Waterford Place/Delint DRI, Ordinance No. 79-84, as amended by Ordinance Nos. 45-01, 96-87, 68-89, 64-92, 11-96 also governed by DRI Resolution No. 49-85, established; [Amd. Ord. 45-01 9/19/01]; [Amd. Ord. 11-96 3/5/96]
- (4) Marina Cay, Ordinance No. 51-89, not established, approval expires on August 22, 1995; [Amd. Ord. 47-92 10/13/92; Amd. Ord. 31-91 3/26/91]
- (5) Marina Delray, Ordinance No. 31-95, modified by Ordinance No. 25-96, established; [Amd. Ord. 25-96 7/23/96; Amd. Ord. 31-95 6/20/95]
- (6) 1177 Moderne, as established by Ordinance No. 04-21. [Amd. Ord. 01-11 2/1/11] (Ord. No. 04-21, § 5, 4-6-21)
- (7) Tutor Time Plaza, Ordinance No. 72-89, not established, approval expires on November 8, 1991.
- (8) Silver Terrace Subdivision, Ordinance No. 39-96, as amended by Ordinances 54-02, 51-02, and No. 30-00, established. [Amd. 54-02 1/7/03]; [Amd. Ord. 51-02 10/15/02]; [Amd. Ord. 30-00 11/21/00]
- (9) Robotic Space Savers, Ordinance No. 4-07.
- (10) Midtown Delray, Ordinance No. 46-07, modified by Ordinance 07-10. [Amd. 07-10 3/2/10]; [Amd. 46-07 12/11/07]
- (11) Delray Place, Ordinance No. 41-12. [Amd. 41-12 7/9/13]
- (12) Motor Lines truck Terminal, Ordinance No. 77-05 (Not listed in LDR). [Amd. 19-97 10/21/2015]
- (13) Levy Commercial Ordinance No. 42-96 (Not Listed in LDR). [Amd. 19-97 10/21/2015]

- (14) 1690-2350 South Congress Avenue SAD, by Ordinance No. 30-18 and amended by Ordinance No. 61-20. (Ord. No. 30-18, § 4, 12-11-18; Ord. No. 61-20, § 4, 1-5-21)
- (15) Collier Car Club SAD, located at 777 South Congress Avenue, by Ordinance No. 14-19. (Ord. No. 14-19, § 2, 4-16-19)
- (16) Aura Delray Beach, located at the northwest corner of North Congress Avenue and West Atlantic Avenue, by Ordinance No. 32-20. (Ord. No. 32-20, § 3, 11-10-20)
- (17) Alexan Delray, located at 1155 South Congress Avenue, by Ordinance No. 32-22. (Ord. No. 32-22, § 4, 5-2-23)

NOTE: Number (4), Delray Lakes (FKA Isles of Delray) has been deleted in its entirety. It was rezoned from SAD to PRD-4 on November 7, 1995.

Sec. 4.4.26. Light Industrial (LI) District.

[New Section Enacted by Ord. 20-93 2/23/93]

(A) **Purpose and intent.** The Light Industrial (LI) District provides an opportunity to site, develop, and maintain high quality industrial land uses outside of an industrial park setting. It also allows certain industrial land uses to be located in areas which are considered to be environmentally or aesthetically sensitive. This District is appropriate in such areas due, in part, to the development standards, which are more strict than those found in the "I" and "MIC" Districts. While the LI District has flexibility in its application, it is not to be applied to small lots or other circumstances which would lead to non-conforming site development. (Ord. No. 23-20, § 32, 9-10-20)

(B) **Principal uses and structures permitted.** The following types of uses are allowed within the Light Industrial (LI) Zone District as a permitted use:

- (1) **Research and development.** Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the providing of testing and evaluation services for products produced by others. However, this use does not include the actual manufacture, assembly, fabrication, or other processing techniques which result in either the distribution or sale, either wholesale or retail, of products from the premises. Further, when located within Wellfield Protection Zone 1, 2, or 3, materials used in such testing and evaluation shall not exceed an

aggregate amount of 25 gallons per gross acre of land area for any material which is listed on the Regulated Substance list as maintained per Section 4.5.5(B) (Wellfield Protection). [Amd. Ord. 74-94 10/18/94]

- (2) **Wholesaling, storage, and distribution.** The wholesaling, storage, and distribution of any product, however, when located within Wellfield Protection Zone 1, 2, or 3, the products may not include those which are listed on the Regulated Substance list as maintained per Section 4.5.5(B) (Wellfield Protection). [Amd. Ord. 74-94 10/18/94]
- (3) **Industrial (manufacturing, assembly).** Only manufacturing and assembly operations are allowed. When located within Wellfield Protection Zone 1, 2, or 3, any materials used in such operations shall not exceed an aggregate amount of 25 gallons per gross acre of land area for any material which is listed on the Regulated Substance list as maintained per Section 4.5.5(B) (Wellfield Protection). [Amd. Ord. 74-94 10/18/94]
- (4) **Office.** General business offices and business services are allowed, including but not limited to Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on site for any purpose). However, professional offices dealing with medical activities and medicine are not permitted. (Ord. No. 36-16, § 11, 1-10-17)
- (5) **Self-service Storage Facilities.** Self-service Storage Facilities, pursuant to the provisions of Section 4.3.3(A). (Ord. No. 15-16, § 3, 9-20-16)
- (6) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 14, 5-16-17)
- (7) CBD oil establishments, subject to the regulations of Section 4.3.3(CC). (Ord. No. 58-20, § 9, 12-1-20)

(C) **Accessory use and structures permitted.** The following uses are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots.
- (2) Refuse storage areas.
- (3) Monitoring Wells.
- (4) Retailing of items processed on the premises but only to the extent of no more than ten percent of the floor area of the structure or use area devoted to the item, but in no case to exceed 2,500 square feet of display and sales area. [Amd. Ord. 20-93 2/23/93]

- (5) Repair. Repair use is allowed only to the extent that it is consistent with or for items which may be manufactured or assembled within this zone district.
- (6) Outdoor storage of vehicles and boats, as an accessory to the self-service storage facility, subject to the provisions of Section 4.3.3(A)(7), and Section 4.6.6(C)(2), Restrictions on Outside Usage: Outside Storage. (Ord. No. 15-16, § 4, 9-20-16)
- (7) Truck rentals as an accessory use to self-service storage facilities, subject to the provisions of Section 4.3.3(A)(8), and Section 4.6.6(C)(2), Restrictions on Outside Usage: Outside Storage.(Ord. No. 15-16, § 4, 9-20-16)
- (8) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 14, 5-16-17)

(D) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the LI Zone District:

- (1) Rental and Sales of Modular Structures.
DELETED (2) AND RENUMBERED [Amd. Ord. 21-97 6/3/97]
- (2) Food preparation and/or processing including bakeries and catering operations.
- (3) Principal Uses which require the storage and/or use of regulated substances in a manner other than allowed under Subsection (B).
- (4) Pet services with outside use areas, pet hotels, and animal shelters, subject to Section 4.3.3(W). (Ord. No. 17-21, § 13, 10-19-21)

(E) Reserved. (Ord. No. 32-23, § 31, 10-17-23)

(F) **Development standards.** The development standards as set forth in Section 4.3.4 shall apply except as modified herein.

- (1) For each foot in height above 25 feet, front and street-side setbacks shall be increased by one foot.
- (2) Except as further modified below, the LI Zone District shall not be applied to any lot which does not meet these standards; however, under a unified development plan which contains control for site maintenance and provides for cross-access and mutual use, lots below the District minimum may be created for ownership purposes only, provided that the minimum development area requirements are met. [Amd. Ord. 1-04 2/3/04]

- (3) Wallace Drive Overlay District Development Standards: Within the Wallace Drive Overlay District, as defined in Section 4.5.8(A), the Development Standards depicted in the Section 4.3.4(K) Development Standards Matrix, shall be the same as those of the MIC (Mixed Industrial and Commercial) zoning district. [Amd. Ord. 1-04 2/3/04]

(G) **Supplemental district regulations.** The Supplemental District Regulations as set forth in Article 4.6 shall apply except as provided for herein.

- (1) **Truck and equipment storage.** Trucks, vans, and equipment may be stored in designated areas provided that such areas shall not be located along collector or arterial roadways or across from residential properties. Such areas shall be screened from view from adjacent properties and rights-of-way in a manner approved by the Site Plan Review and Appearance Board.

(H) **Special district regulations.** The following regulations apply on property zoned LI.

- (1) Overhead doors shall not face an adjacent minor arterial right-of-way, residential zoning district, or residential use. (Ord. No. 09-25, § 5, 5-20-25)
- (2) All required setback areas shall be landscaped with no paving except for driveways and walkways leading to structures on the premises. Such driveways and walkways shall be generally perpendicular to the property line.
- (3) Except in the Wallace Drive Overlay District, as defined in Section 4.5.8(A), a minimum floor area of, at least 4,000 square feet per tenant or bay shall be provided with the exception of office (business) uses. [Amd. Ord. 1-04 2/3/04]
- (4) All industrial operations and activity on the premises, except loading and unloading, shall be conducted wholly within an enclosed building.
- (5) Attention is drawn to Section 4.5.5(B) (Wellfield Protection) and Section 4.4.20 (Industrial Zone District) as they pertain to uses allowed in this LI District and protection of municipal wells and wellfields.

Sec. 4.4.27. Open Space and Recreation (OSR) District.

[New Section Enacted by Ord. 31-94 6/21/94]

(A) **Purpose and intent.** The Open Space and Recreation (OSR) District is established to most appropriately identify parcels of land which are used primarily for recreational or public purposes in an outdoor setting (e.g. a swimming facility). The

OSR District is generally applied to parks, golf courses, and properties where public recreational facilities may exist, and also accommodates the operation of activities licensed by the City. (Ord. No. 23-20, § 33, 9-10-20)

(B) **Principal uses and structures permitted.** The following types of use are allowed within the OSR District as a permitted use:

- (1) Parks, public or private, active or passive including playgrounds, ballfields, interpretative trails, educational exhibits, and the like.
- (2) Recreational facilities such as swimming pools, tennis courts, exercise and activity rooms.
- (3) Golf courses (public or private) including club-houses with restaurants, meeting rooms, proshops, and similar facilities.
- (4) Cemeteries and mausoleums, public or private.

(C) **Accessory uses and structures allowed.** The following types of use are allowed when a part of, or accessory to, the principal use:

- (1) Parking lots.
- (2) Restrooms, rest areas, picnic facilities.
- (3) Administrative and maintenance buildings.
- (4) Boat ramps.
- (5) Concessions and services provided under a license agreement with the City of Delray Beach.
- (6) Storage of inventory, equipment, and materials, within a structure or in an approved outside location.
- (7) Residential facilities for temporary occupancy by participants of recreational programs.
- (8) Child care programs as an accessory use to (B)(1) and (2) above. [Amd. Ord. 11-97 3/4/97]
- (9) Educational facilities. [Amd. Ord. 5-02 2/19/02]

Deleted Subsection 4.4.27(D), "Conditional Uses and Structures Allowed", in its entirety and relettered. [Amd. Ord. 21-97 6/3/97]

(D) **Review and approval process.** The use of any land within the OSR District must be pursuant to a site and development plan which has been approved pursuant to Chapter 2. (Ord. No. 32-23, § 32, 10-17-23)

(E) **Development, supplemental, and special regulations.** All standards for the development and/or use of property zoned OSR shall be established pursuant to the site and development plan.

Sec. 4.4.28. Central Business District-Railroad Corridor (CBD-RC).

[New Section Enacted by Ord. 22-95 5/16/95] Reserved [Amd. Ord. 03-15 02/24/2015]

Sec. 4.4.29. Mixed Residential, Office And Commercial (MROC) District.

[New Section Enacted by Ord. 33-06 12/5/06]

(A) **Purpose and intent.** The MROC District regulations provide for a transit-supportive, pedestrian-friendly mix of residential, office, and commercial uses in a master-planned environment. (Ord. No. 14-16, § 2, 6-21-16; Ord. No. 20-22, § 2, 8-9-22)

(B) **Principal uses and structures permitted.** The following types of uses are allowed within the MROC district as permitted uses:

- (1) Office center. The "Office Center" uses within an MROC development may comprise as much as one hundred percent (100%) of the total building square footage within the development. These uses can include:
 - (a) Financial Institutions, e.g., banks, savings and loan establishments, brokerage firms.
 - (b) Medical Offices, e.g., physicians, dentists, chiropractors, podiatrists, optometrists, etc.
 - (c) Professional Offices, e.g., attorneys, engineering firms, architectural.
 - (d) Governmental offices, e.g., including federal, state, county, and local offices, along with their related fleet and communications operations (which will be considered accessory uses to governmental offices and services), civic centers, courthouses, fire stations, public health facility, law enforcement offices and facilities, post office, public utility facilities, communication towers and community facilities such as civic centers,

cultural facilities, libraries, auditoriums, museums, and public recreation facilities, and services such as day care centers, abuse, child care centers.

- (e) Business Support Services, primarily engaged in rendering services to other building establishments, e.g., such as mailing, building maintenance, personnel and employment services, management, and consulting services, protective services, copy and printing, travel, office supply, and similar services.
 - (f) Veterinary clinics, subject to Section 4.3.3(W). (Ord. No. 11-25, § 12, 7-8-25)
- (2) Research and development. Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others. R&D uses may constitute 100 percent of the total building square footage within the development. Examples of such uses or resulting products include:
- (a) Product creation, testing, evaluation, and development.
 - 1. computer hardware.
 - 2. computer software.
 - 3. pharmaceuticals.
 - (b) Research and development services.
 - 1. calibration laboratories or services.
 - 2. chemical laboratories.
 - 3. commercial testing laboratories.
 - 4. soil laboratories.
 - 5. scientific research laboratories.
- (3) General retail uses. Retail uses and/or facilities not to exceed 20 percent of the total building square footage of the development, including, but not limited to: [Amd. Ord. 35-10 10/19/10]
- (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. [Amd. Ord. 35-10 10/19/10]

- (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.
 - (d) Neighborhood Electric Vehicle (NEV) sales, lease or rental transactions only (no inventory on-site for any purpose), accessory to any Research and Development or Office Center complex. (Ord. No. 36-16, § 12, 1-10-17)
- (4) **Multi-family Dwelling Units:** Multi-family uses are subject to Section 4.4.29(I), Special Regulations. [Amd. Ord. 17-11 5/17/11]; [Amd. Ord. 10-11 4/5/11] (Ord. No. 25-17, § 32, 7-18-17; Ord. No. 20-22, § 2, 8-9-22)
- (5) Hotel, motel and residential all suite lodging. These types of uses may comprise up to 20 percent of the total floor area of the overall master plan. For the purpose of calculating the percentages of uses within the development master plan, multiple hotels, motels, and residential all suite lodging uses will be considered one specific use category.
- (6) Assisted Living Facilities that do not comport with the definition of "community residence," Nursing Homes, and Continuing Care Facilities subject to the requirements set forth in Section 4.4.29(B)(4) a, b, and c above. [Amd. Ord. 20-08 4/15/08] (Ord. No. 25-17, § 32, 7-18-17)
- (7) Self-service storage facilities, pursuant to the Development Standards of Subsection (G)(1)(f). (Ord. No. 14-16, § 3, 6-21-16)
- (8) Community Residence housing four to ten individuals, except as required by state law, that (1) is at least 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, and (2) the operator or applicant is licensed or certified by the State of Florida to operate the proposed

community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 32, 7-18-17)

- (9) Urban Agriculture pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 14, 5-16-17)

(C) **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 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, such as tennis courts, swimming pools, exercise areas, and meeting rooms.
- (6) Fleet Management, field operations services, and communication facilities associated with governmental offices and services.
- (7) Family Day Care Home, pursuant to Section 4.3.3(T). [Amd. Ord. 25-10 10/19/10]
- (8) Urban Agriculture, pursuant to regulations set forth in Section 4.3.3(D). (Ord. No. 07-17, § 14, 5-16-17)

(D) **Supplemental uses.** The following uses are allowed within the Office and Research and Development use areas of the development provided that they are of such a scale, design, and location to cater to the needs of employees of the office center or research and development park. Space allocations for these uses shall be identified during the approval. (Ord. No. 14-16, § 4, 6-21-16)

- (1) Lunch counters, cafeterias, restaurants, snack bars, and vending machine areas. (Ord. No. 14-16, § 4, 6-21-16)
- (2) Classroom and training facilities. (Ord. No. 14-16, § 4, 6-21-16)
- (3) Child Care facilities. (Ord. No. 14-16, § 4, 6-21-16)
- (4) Sundry shops. (Ord. No. 14-16, § 4, 6-21-16)

- (5) Exercise facilities. (Ord. No. 14-16, § 4, 6-21-16)

(E) **Conditional uses and structures allowed.** The following uses are allowed as conditional uses within the MROC District. Uses approved in this section shall be part of the maximum percentage for each use.

- (1) Health spas, fitness centers, gymnasiums, and exercise facilities which are open to the general public
- (2) Pet services, subject to Section 4.3.3(W). (Ord. No. 17-21, § 14, 10-19-21; Ord. No. 11-25, § 13, 7-8-25)
- (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). (Ord. No. 20-22, § 2, 8-9-22)
- (5) Day Care Centers subject to LDR Section 4.3.3(E).
- (6) Educational Facilities, training centers, and vocational schools. This use will be considered similar to "Office Center" for the purposes of MROC regulations pertaining to types of uses, except for parking, which shall be pursuant to Section 4.4.29(H)(8). [Amd. Ord. 18-09 4/21/09]
- (7) Live/Work Unit, subject to Section 4.3.3(KKK). [Amd. Ord. 23-10 10/5/10]
- (8) Large Family Child Care Home, subject to Section 4.3.3(TT). [Amd. Ord. 25-10 10/19/10]
- (9) Community Residence housing four to ten individuals, except as required by state law, that (1) is less than 660 linear feet from the closest existing community residence housing four or more individuals as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence, or (2) the State of Florida does not require the operator or applicant to be licensed or certified to operate the proposed community residence, has no certification from an appropriate national accrediting agency, or has not been recognized or sanctioned by Congress to operate the proposed community residence. (Ord. No. 25-17, § 33, 7-18-17)

(F) **Review and approval process.**

- (1) All Development of parcels greater than three acres with development planned to be completed in a phased manner and/or which require

waivers within the MROC District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a land use map; conceptual site, landscaping, and utility plans; and conceptual elevations and architectural renderings. An MDP shall be processed pursuant to Chapter 2 with approval granted by the Planning and Zoning Board. An MDP may be modified pursuant to Chapter 2. (Ord. No. 14-16, § 5, 6-21-16; Ord. No. 32-23, § 33, 10-17-23)

- (2) All site plan applications for new development must receive approval consistent with the procedures and findings in Chapter 2, and be consistent with the approved MDP, as applicable. (Ord. No. 14-16, § 5, 6-21-16; Ord. No. 32-23, § 33, 10-17-23)

(G) **Development standards.** The following standards shall be adhered to for any new development within the MROC District. Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board as a part of the approval of an MDP, as applicable. When considering an MDP, the Planning and Zoning Board may require conditions to address the specific characteristics of the site and potential impacts of the proposed development. (Ord. No. 14-16, § 6, 6-21-16)

- (1) **Standards pertaining to allocation of uses per development.** (Ord. No. 14-16, § 6, 6-21-16)
 - (a) Office Center uses may encompass up to 100 percent of the total floor area of a development. (Ord. No. 14-16, § 6, 6-21-16)
 - (b) Research and Development uses may encompass up to 100 percent of the total floor area of the development. Such use may be placed within any of the "land use areas" depicted on the MDP. (Ord. No. 14-16, § 6, 6-21-16)
 - (c) Retail uses shall not encompass more than 20 percent of the total floor area of the development. (Ord. No. 14-16, § 6, 6-21-16)
 - (d) Hotels, motels, and residential all suite lodging shall not encompass more than 20 percent of the total floor area of the development. Hotels, motels, and residential all suite lodging may comprise 100 percent of the floor area of an individual building within an MDP containing multiple buildings. (Ord. No. 14-16, § 6, 6-21-16)
 - (e) Multi-family uses may comprise 75 percent to 100 percent of a development, subject to Table 4.4.29-A. (Ord. No. 14-16, § 6, 6-21-16; Ord. No. 20-22, § 2, 8-9-22)

- (f) Self-service Storage Facility uses shall not encompass more than 50 percent of the total floor area of the development, unless the Development Bonus requirements are met, pursuant to Subsection (G)(2)(h)(7). Self-service storage facilities may comprise 100 percent of the floor area of an individual building as part of a mixed-use development containing multiple buildings. (Ord. No. 14-16, § 6, 6-21-16)
- (2) **Standards unique to the MROC District.** Where standards unique to the MROC District conflict with standards contained elsewhere in the LDRs, the standards of this Subsection (2) shall prevail. (Ord. No. 14-16, § 6, 6-21-16)
 - (a) **Minimum site area.** Minimum site area for development within the MROC District is two acres. The approving body may grant a waiver to the two acre requirement upon a determination that the development is consistent with the purpose and intent of the MROC District. (Ord. No. 14-16, § 6, 6-21-16)
 - (b) **Minimum floor area.**
 - 1. Tenant space within research and development use areas must have a minimum of 1,000 square feet per tenant. (Ord. No. 14-16, § 6, 6-21-16)
 - 2. There are no minimum floor area requirements for office, retail, hotels, motels, and residential all suite lodging uses. (Ord. No. 14-16, § 6, 6-21-16)

3. Residential units are subject to the minimum square footage per unit requirements of LDR Section 4.3.4(K) (Development Standards Matrix for Residential Zoning Districts - Subnote #1). (Ord. No. 14-16, § 6, 6-21-16)
4. Self-service storage facilities are limited in floor area pursuant to Subsection (G)(1)(f). (Ord. No. 14-16, § 6, 6-21-16)

(c) **Lot coverage and open space.**

1. Lot coverage by building, pavement and hardscape site improvements shall not exceed 75 percent of the MROC development of the area of any individual lot, excluding any hardscaping within the Civic Open Space provided through the Community Benefit Bonus. (Ord. No. 14-16, § 6, 6-21-16)
2. Land area, equal to at least 25 percent of the total district including the perimeter landscaped boundary, shall be in open space. Landscape areas required to meet internal parking lot design requirements, water bodies and paved areas shall not be included in the meeting of this 25 percent open space requirement. (Ord. No. 14-16, § 6, 6-21-16)

(d) **Perimeter development.** A landscape buffer shall be provided around each development. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or ten percent of the average depth of the property; however, in no case shall the landscape area be a width of less than ten feet. (Ord. No. 14-16, § 6, 6-21-16)

- When adjacent to Congress Avenue (Ord. No. 14-16, § 6, 6-21-16) 15 feet
- When abutting residentially zoned property 40 feet
- When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park 25 feet
- All other perimeters (Ord. No. 14-16, § 6, 6-21-16) 15 feet
- Adjacent to CSX Railway (Ord. No. 14-16, § 6, 6-21-16) 25 feet

(e) **Minimum structure size.** Any free-standing non-residential principal structure shall have a minimum floor area of 4,000 square feet; shall be

architecturally consistent with other structures in the development plan; and shall have direct access to and from other portions of the development. (Ord. No. 14-16, § 6, 6-21-16)

- (f) **Height.** The maximum height of all buildings shall be 85 feet. The height of a self-service storage facility is limited to no more than two times the height of the lowest height of all other building(s) on the site. Floor heights for all buildings shall comply with the following: (Ord. No. 14-16, § 6, 6-21-16)

1. Office, Research, and Commercial Floor Heights shall be a minimum of 12 feet floor to floor on the first floor and ten feet floor to floor on all floors above. (Ord. No. 14-16, § 6, 6-21-16)
2. Residential uses shall have a minimum floor height of nine feet floor to floor on all floors. (Ord. No. 14-16, § 6, 6-21-16)
3. Hotel, motel, residential all suite lodging, and self-service storage facilities shall have a minimum floor height of eight feet, six inches floor to floor on all floors. (Ord. No. 14-16, § 6, 6-21-16)
4. 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. (Ord. No. 14-16, § 6, 6-21-16)

- (g) **Setbacks.**

1. **Congress Avenue frontage.** Setbacks shall be a minimum of ten feet and a maximum of 20 feet. (Ord. No. 14-16, § 6, 6-21-16)
2. **Front yard.** Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d), Perimeter Development Buffers, to a maximum height of 42 feet. Thereafter, additional setbacks for the portion of the building exceeding 42 feet shall be a minimum of an additional ten feet. (Ord. No. 14-16, § 6, 6-21-16)
3. **Side yard.** When adjacent to residential uses, excluding mixed-use development, the side yard setback requirements shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42 feet. Thereafter, additional setbacks for the portion of the building exceeding 42 feet shall be a minimum of an additional ten feet. (Ord. No. 14-16, § 6, 6-21-16)

4. **Rear yard.** Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42 feet. Thereafter, additional setbacks for the portion of the building exceeding 42 feet shall be a minimum of an additional ten feet, excluding those properties with rear yards adjacent to the CSX Railway which do not require the additional setback above 42 feet. (Ord. No. 14-16, § 6, 6-21-16)
 5. **Building separations.** Shall be a minimum of 25 feet. For the purpose of this section parking structures are not considered to be buildings. (Ord. No. 14-16, § 6, 6-21-16)
 6. **Properties adjacent to the CSX Railway.** The required building setback for properties adjacent to the CSX Railway shall be a minimum of 25 feet, whether determined to be the front, side interior, side-street, or rear of a property. (Ord. No. 14-16, § 6, 6-21-16)
- (h) **Self-service storage facilities.** The following requirements apply to self-service storage facilities: (Ord. No. 14-16, § 6, 6-21-16)
1. **Location.** Self-service storage facilities shall not be located within a radius of 1,000 feet of another existing self-service storage facility, measured from property line to property line. Self-service storage facilities are permitted only on properties east of Congress Avenue and adjacent to the Railway, as provided below: (Ord. No. 14-16, § 6, 6-21-16)
 - a. Self-service storage facilities may not be established on the first and second floors of a building located within 200 feet of Congress Avenue, as measured in a straight line, perpendicular to the right-of-way. (Ord. No. 14-16, § 6, 6-21-16)
 - b. The property containing the self-service storage facility must contain additional commercial and/or residential development between the self-service storage facility and Congress Avenue. (Ord. No. 14-16, § 6, 6-21-16)
 2. **Facilities and requirements.** (Ord. No. 14-16, § 6, 6-21-16)
 - a. **Bay access.** Outdoor bay type access to individual self-service storage facilities is prohibited. The exterior loading access points shall be designed in such a way to minimize sight lines from adjacent roads. (Ord. No. 14-16, § 6, 6-21-16)

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when it is deemed that morning and evening traffic into and out of the facility may negatively impact the character of an adjacent residential area. In no circumstance shall customers of any self-service storage facility have 24 hour access to their self-storage unit(s). (Ord. No. 14-16, § 6, 6-21-16)

5. **Outdoor storage of vehicles, boats and truck rental.** Outdoor storage of boats and vehicles and truck rental is prohibited. (Ord. No. 14-16, § 6, 6-21-16)
6. **Architecture.** All building facades shall have the appearance of an office and/or retail building through the use of doors, windows, awnings, and other appropriate building elements, consistent with the overall development, with multi-story buildings clearly defined. (Ord. No. 14-16, § 6, 6-21-16)
7. **Development bonuses and requirements.** Self-Service Storage Facilities may exceed the permitted floor area limit in Section (G)(1)(f), by complying with the following: (Ord. No. 14-16, § 6, 6-21-16)
 - a. Location of an Office Headquarters, where the company's executive offices and direct support staff are located and which has committed to staying on the site for at least three years, may permit the total square footage of the self-service storage facility to be double the amount of total square footage attributed to the other uses within the development, and; (Ord. No. 14-16, § 6, 6-21-16)
 - b. Provision of the required Community Benefit Bonuses, defined in Subsection (G)(2)(h)7.c.-g., may permit an additional square footage increase as established in Subsection (G)(2)(h)7.a., as follows: (Ord. No. 14-16, § 6, 6-21-16)

Community Benefit Bonuses	Percentage of Floor Area Increase	Bonus Type
1	Up to 50%	Select any "A" Bonus
2	51%—100%	Select one "A" Bonus and one "A" or "B" Bonus
3	101%—150%	Select two "A" bonuses and one "A" or "B" Bonus

Community Benefit Bonuses	Percentage of Floor Area Increase	Bonus Type
4	151%—200%	Select two "A" bonuses and two "A" or "B" Bonuses
"A" Bonus List		"B" Bonus List
Civic Open Space, in accordance with the design criteria of Subsection (G)(7)(C)		Mobility/transit contribution equal to 0.5% of the total project construction costs.
Congress Avenue Corridor Beautification contribution equal to 2% of the total project construction costs		Green Building Certification, minimum Silver level.
10' Greenway Easement along property line adjacent to CSX Railway with contribution equal to 2% of total project construction costs		Workforce Housing contribution equal to .75% of the total project construction costs
Community Benefit Agreement, in accordance with Subsection (G)(7)(i).		

Ex.

Total floor area of development pre-bonus	Permitted SSSF* Floor Area	Permitted SSSF* Floor Area w/Corporate Headquarter	Bonus SSSF* Floor area / % of Floor Area Increase	Total SSSF Floor Area	Community Benefit Bonuses Required
a	b	c	d	e	
	$a \times .5 = b$	$(a \times .5) \times 2 = c$	$c \times \% = d$	$c + d = e$	
50,000 sf	25,000 sf	50,000 sf	11,750 sf / 47%	86,750	2 Bonuses required; one bonus from "A" and one bonus from "A" or "B".

<i>Total floor area of development pre-bonus</i>	<i>Permitted SSSF* Floor Area</i>	<i>Permitted SSSF* Floor Area w/Corporate Head-quarter</i>	<i>Bonus SSSF* Floor area / % of Floor Area Increase</i>	<i>Total SSSF Floor Area</i>	<i>Community Benefit Bonuses Required</i>
a	b	c	d	e	
50,000 sf	25,000 sf	50,000 sf	48,500 sf / 194%	123,500	4 Bonuses required; two from "A" and two from "A" or "B"

* Self-Service Storage Facilities

- c. **Civic open space.** 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. Civic Open spaces shall be provided in accordance with the following: (Ord. No. 14-16, § 6, 6-21-16)
 - i. Civic open space shall consist of at least five percent of the total lot area in addition to the minimum required Open Space, and be clearly defined and contiguous. (Ord. No. 14-16, § 6, 6-21-16)
 - ii. The civic open space shall adjoin a street front property line for no less than ten percent of the frontage width. (Ord. No. 14-16, § 6, 6-21-16)
 - iii. Civic open spaces must be accessible to the public during all daylight hours. (Ord. No. 14-16, § 6, 6-21-16)
 - iv. Civic open spaces must be situated to allow easy ingress and egress by pedestrians, and may not be fenced. (Ord. No. 14-16, § 6, 6-21-16)
 - v. Civic open spaces must be located at the sidewalk level; (Ord. No. 14-16, § 6, 6-21-16)

- vi. Civic open spaces must be open to the sky; however, open-air garden structures such as gazebos or band shells are permitted within civic open spaces; (Ord. No. 14-16, § 6, 6-21-16)
- vii. Landscaping shall be arranged in a manner reflective of the type of civic open space. One shade tree per 20 feet of perimeter of the space is required. Trees may be arranged in regular spacing or in informal clusters, depending on the type of open space. Trees shall be installed to provide shade along walkways and for benches. Substituting shade trees for multiple palm species is not permitted; however, adding palms to the landscape design is permitted. (Ord. No. 14-16, § 6, 6-21-16)
- viii. Each civic open space shall provide street furniture elements, specifications subject to approval by the City of Delray Beach Engineering Department, including seating for at least two people per 500 square feet of area, one drinking fountain, one bicycle rack with no less than four spaces, one trash receptacle, and one pet clean up station. (Ord. No. 14-16, § 6, 6-21-16)
- ix. Civic open space shall be developed and open for use concurrent with the issuance of a certificate of occupancy for the building(s) for which the open space is required. (Ord. No. 14-16, § 6, 6-21-16)
- d. **Congress Avenue Corridor Beautification Contribution.** The Congress Avenue Corridor Beautification Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of improving the Congress Avenue Corridor. (Ord. No. 14-16, § 6, 6-21-16)
- e. **Greenway easement and contribution.** The Greenway Easement and Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of establishing and improving the CSX Railroad Greenway. (Ord. No. 14-16, § 6, 6-21-16)

- f. **Delray Beach Mobility/Transit Contribution.** The Delray Beach Mobility/Transit Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of mobility or transit within the Congress Avenue corridor. (Ord. No. 14-16, § 6, 6-21-16)
 - g. **Workforce housing contribution.** The Workforce Housing Contribution, which is based on the total project construction costs noted on the Building Permit application, shall be provided to the Planning and Zoning Department prior to the issuance of Certificate of Occupancy. Contributions are for the sole purpose of constructing additional Workforce Housing Units within the City. (Ord. No. 14-16, § 6, 6-21-16)
 - h. **Green building certification.** Green Building Certification (or equivalent) of a Silver level or higher must be obtained upon receiving the final inspection and Certificate of Occupancy by the Building Division. A surety bond in the amount of five percent of the total project construction costs will be submitted to the City, and released upon certification of a Silver level or higher. If this certification is not achieved, the City Commission may determine if the bond, or a percentage thereof, will be retained. (Ord. No. 14-16, § 6, 6-21-16)
 - i. **Community benefit agreement.** A Community Benefit Agreement (CBA), in a form acceptable to the City Attorney, approved and adopted via Resolution by the City Commission which directly benefits the community such as local hiring initiatives for construction jobs, provision of Living Wages for all new hires, location of Corporate Headquarters, and any other mutually agreed upon benefits. (Ord. No. 14-16, § 6, 6-21-16)
- 8. **Site development relief.** Developments which utilize the bonus program in Subsection (G)(7) above are not eligible to seek relief for the Development Standards listed in Section 4.3.4(K), or the requirements of this Section. (Ord. No. 14-16, § 6, 6-21-16)
 - 9. **Building permits.** All permits for an approved development which contains a self-service storage facility will not be issued prior to the issuance of permits for other uses on the site, or issued a Certificate of Occupancy until the other uses are completed. (Ord. No. 14-16, § 6, 6-21-16)

(H) **Supplemental district regulations.** The supplemental district regulations as set forth in Article 4.6 shall apply except as modified by, or added to, as follows:

- (1) The perimeter buffer shall be landscaped to provide a boulevard effect along Congress Avenue.
- (2) The parking requirement for restaurants is established at 12 spaces per 1,000 square feet of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (3) The parking requirements for residential units in multi-family structures or mixed-use buildings shall be as follows:

• Efficiency dwelling unit	1.0 space/unit
• One bedroom dwelling unit	1.25 spaces/unit
• Two or more bedroom dwelling unit	2.00 spaces/unit
• Two or more bedroom dwelling units within 1,000 feet of a Tri-Rail station	1.5 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
- (4) The parking for commercial uses shall be four and one-half spaces per 1,000 square feet of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (5) The parking for business and professional office uses shall be four spaces per 1,000 square feet of net floor area up to 3,000 square feet and then three and one-half spaces per 1,000 square feet of net floor area over the initial 3,000 square feet. [Amd. Ord. 01-09 1/20/09]
- (6) The parking for Medical office uses shall be five spaces per 1,000 square feet of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (7) The parking for governmental uses shall be as outlined in LDR Section 4.6.9.(C).
- (8) The parking for educational facilities, training centers and vocational schools shall be as outlined in LDR Section 4.6.9(C)(6)(e). [Amd. Ord. 18-09 4/21/09]
- (9) For mixed-use developments, the shared parking formula under LDR Section 4.6.9(c)(8) can be utilized.
- (10) Guest parking spaces must be accessible to all visitors and guests and may be centralized or located near recreational features within a development project.

- (11) Parking adjacent to Congress Avenue. Parking shall be located to the rear of buildings having direct frontage along Congress Avenue. To that end no surface parking shall be located between buildings and Congress Avenue. Notwithstanding the above, relief to this requirement can be granted to accommodate pre-existing conditions.

(I) **Special regulations.** (Ord. No. 20-22, § 2, 8-9-22)

- (1) **Development Plans.** Development proposals subject to the requirements of a Master Development Plan must comply with the following: (Ord. No. 20-22, § 2, 8-9-22)

- a. Documentation of unified control must be provided at the time of submission of the Master Development Plan. (Ord. No. 20-22, § 2, 8-9-22)
- b. A program for full provision, maintenance, and operation of common areas, improvements, facilities, and services for the common use of occupants of the MROC development, which specifies that no such elements or features shall be provided or maintained at the public's expense, must be provided at the time of approval. (Ord. No. 20-22, § 2, 8-9-22)
- c. Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of facilities, services, and common areas that bind successors in title to any such commitments shall be provided prior to plan certification. (Ord. No. 20-22, § 2, 8-9-22)

- (2) **Multi-family Development.** Developments with multi-family dwelling units are subject to Table 4.4.29-A and the following: (Ord. No. 20-22, § 2, 8-9-22; Ord. No. 32-33, § 33, 10-17-23)

- a. Residential density is regulated by the distance of the property to the Tri-Rail Transit Station as measured in linear feet from the nearest point of the property to the Station. (Ord. No. 20-22, § 2, 8-9-22)
- b. The Workforce Housing Incentive allows an increase from the standard density up to the maximum incentive density, provided at least 20 percent of the total number of residential units in the development are Workforce Housing units, as defined in Article 4.7. (Ord. No. 20-22, § 2, 8-9-22)
- c. Development must have ground floor, non-residential uses facing South Congress Avenue, except for property within 1,000 feet of the Tri-Rail Transit Station, which may be 100 percent residential in use. (Ord. No. 20-22, § 2, 8-9-22)

- d. Reserved. (Ord. No. 20-22, § 2, 8-9-22)
- e. The maximum Residential Floor Area is calculated across the entire development and may be provided in one or more structures. (Ord. No. 20-22, § 2, 8-9-22)
- f. Multi-family development is subject to the Performance Standards for multi-family residential uses in Section 4.3.3(BB). (Ord. No. 20-22, § 2, 8-9-22; Ord. No. 32-33, § 33, 10-17-23)

Table 4.4.29-A Multi-family Development Regulations					
<i>Distance from Tri-Rail Transit Station¹</i>	<i>Max. Residential Floor Area</i>	<i>Standard Density Max (du/acre)</i>	<i>Workforce Housing Incentive</i>		
			<i>Density Max. (du/acre)</i>	<i>WFH Units Required (Min.)</i>	<i>Maximum Income Level</i>
Within 1,000 feet	Up to 100%	40	50	20% of Total Number of Units	Moderate
Between 1,001 and 2,500 feet	Up to 80%	40	50		
Greater than 2,500 feet	Up to 75%	32	40		

¹ If portions of the parcel are located within different distance ranges, the regulations applicable to the closest distance to the Tri-Rail Station shall apply to the entire parcel.

(Ord. No. 20-22, § 2, 8-9-22)

ARTICLE 4.5. OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS

The Districts described in this Article do not establish uses or categorize uses. These Districts, however, do regulate allowable uses in a manner to mitigate adverse impacts of such uses upon the natural or man-made environment; or regulate development so as to mitigate potential dangers to the use of such developed land, or to otherwise implement policies and objectives of the Comprehensive Plan. Overlay and environmental management districts need not be shown on the Official Zoning Map.

Sec. 4.5.1. Historic Preservation: Designated Districts, Sites, and Buildings.

[Amd. Ord. 01-12 8/21/12]

(A) **General.** In recognition of findings as set forth in the original enactment of Ordinance 13-87, passed March 10, 1987, this Section is created in order to provide for the identification, preservation, protection, enhancement, perpetuation, and the use of districts, archeological sites, buildings, structures, improvements, and appurtenances that are reminders of past eras, events, and persons important in local, state, and national history; that provide significant examples of architectural

styles of the past; that are unique and irreplaceable assets to the City and its neighborhoods; or that provide this and future generations with examples of the physical surroundings in which past generations lived; and other purposes.

(B) **Criteria for historic designation of districts, sites, and buildings.** [Amd. Ord. 01-12 8/21/12]

- (1) To qualify as a historic site, historic district, historic structure, or historic interior, individual properties, structures, sites, or buildings, or groups of properties, structures, sites, or buildings must have significant character, interest, or value as part of the historical, cultural, aesthetic, and architectural heritage of the city, state, or nation. To qualify as a historic site, historic district, or historic structure, the property or properties must fulfill one or more of the criteria set forth in subsection (2) or (3) below; to qualify as a historic interior the interior must fulfill one or more of the criteria set forth in subsection (2) and meet the criteria set forth in subsections (3)(b) and (3)(d). [Amd. Ord. 38-07 2/5/08]
- (2) A building, structure, site, interior, or district will be deemed to have historical or cultural significance if it meets one or more of the following criteria:
 - (a) Is associated in a significant way with the life or activities of a major person important in city, state, or national history (for example, the homestead of a local founding family);
 - (b) Is the site of a historic event with significant effect upon the city, state, or nation;

- (c) Is associated in a significant way with a major historic event, whether cultural, economic, social, military, or political;
 - (d) Exemplifies the historical, political, cultural, economic, or social trends of the community in history; or,
 - (e) Is associated in a significant way with a past or continuing institution which has contributed substantially to the life of the city.
- (3) A building, structure, site, or district is deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria; except that to qualify as a historic interior, the interior must meet the criteria contained within subsections (3)(b) and (3)(d):
- (a) Portrays the environment in an era of history characterized by one or more distinctive architectural styles;
 - (b) Embodies those distinguishing characteristics of an architectural style, period, or method of construction;
 - (c) Is a historic or outstanding work of a prominent architect, designer, landscape architect, or builder; or
 - (d) Contains elements of design, detail, material, or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adaptation to the South Florida environment.
- (4) A building, structure, site, interior, or district will be deemed to have historic significance if, in addition to or in the place of the previously mentioned criteria, the building, structure, site, or zone meets historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places, as prepared by the United States Department of the Interior under the Historic Preservation Act of 1966, as amended. A copy of these standards for the National Register is made part of this section as if fully set forth herein.

(C) ***Procedures for historic designation.*** [Amd. Ord. 01-12 8/21/12]

- (1) Buildings, structures, archaeological sites, or districts which meet the criteria for historic sites or districts set forth in Section 4.5.1 (B) may be designated as historic sites or districts, and listed on the Local Register of Historic Places. [Amd. Ord. 01-12 8/21/12]

- (2) Nominations for historical site or district designation shall be made to the Historic Preservation Board on an application form developed and approved by the Board.
 - (a) Nominations for historic site status may be initiated by:
 - (1) The Historic Preservation Board;
 - (2) The City Commission; or
 - (3) The property owner.
 - (b) Nominations for historic district status may be initiated by:
 - (1) The Historic Preservation Board;
 - (2) The City Commission; or
 - (3) The property owner(s). [Amd. Ord. 01-12 8/21/12]
- (3) A preliminary evaluation of the information provided on each nomination application shall be conducted by the Historic Preservation Planner to determine if it generally conforms with historic status criteria. A designation report shall then be prepared which contains the following: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 30-91 3/26/91]
 - (a) Proposed legal boundaries of the historic building, archaeological site, structure, or district; [Amd. Ord. 30-91 3/26/91]
 - (b) Any proposed conditional zoning regulations designed to replace or complement existing zoning regulations with regard to, but not limited to use, floor area, density, height, setbacks, parking, and minimum lot size; [Amd. Ord. 30-91 3/26/91]
 - (c) Analysis of the historic significance and character of the nominated property; and [Amd. Ord. 30-91 3/26/91]
 - (d) Analysis of optional historic interiors for those buildings and structures with interior features of exceptional architectural, aesthetic, artistic, or historic significance. [Amd. Ord. 30-91 3/26/91]
- (4) A public hearing before the HPB shall be set, and notice of said hearing shall be made to the owner(s) of affected property at least ten days prior to the hearing by regular mail. Additional notice shall be given in the same manner as provided for a rezoning action [see Section 2.4.2(B)(1)(b)] and by notice

published in the newspaper at least ten days prior to the hearing, provided, however, posting pursuant to 2.4.2(B)(1)(b) is not required. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 78-04 1/18/05]; [Amd. Ord. 30-91 3/26/91]

DELETED (5) AND RENUMBERED [Amd. Ord. 24-05 4/19/05]

- (5) After conducting the public hearing, the Historic Preservation Board shall vote on the designation. A majority of the entire Board, present and voting, must act in the affirmative to approve the designation. The City Commission shall consider the recommendation of the Historic Preservation Board through its standard ordinance adoption procedures. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 24-05 4/19/05]; [Amd. Ord. 30-91 3/26/91]

DELETED (6) AND RENUMBERED [Amd. Ord. 01-12 8/21/12]

- (6) The Board will issue an official "certificate of historic significance" to owner(s) of properties which are individually designated or classified as contributing to a historic district listed on the Local Register of Historic Places, as identified in Section 4.5.1(I). [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 24-05 4/19/05]; [Amd. Ord. 30-91 3/26/91]

(D) **Development review and approval procedures.** Pursuant to Section 2.4.6(H), approval of a Certificate of Appropriateness (COA) must be obtained from the Historic Preservation Board prior to the exterior improvement of any property, building, or structure located within a Historic District or Individually Designated Site, as listed on the Local Register of Historic Places in Section 4.5.1(I). The COA process may occur concurrently with the processing of any additional reviews required for any such improvement of development. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 30-08 09/16/08]

(E) **Development standards.** All new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section. Relief from Subsections (1) through (9) below may be granted by seeking a waiver approvable by the Historic Preservation Board, unless otherwise stated. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

- (1) **Exterior architectural features.** For the purpose of this Section, exterior architectural features shall include, but not be limited to the following: [Amd. Ord. 38-07 2/5/08]
- (a) The architectural style, scale, general design, and general arrangement of the structure's exterior;

- (b) The type and texture of building material; and
 - (c) The type and style of all roofs, windows, doors, and signs.
- (2) ***Major and minor development.*** For the purposes of this section, major and minor development standards shall be applied as noted in the following table: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

ZONING REGULATIONS

§ 4.5.1

<i>Review Type by Use and Zoning District</i>						
Zoning District	Use	New Construction	Modification of Contributing Structures		Modification of Non-Contributing Structures	
			Under 25%	Over 25%	Under 25%	Over 25%
CBD and CF	Multi-Family	Minor	Minor	Minor	Minor	Minor
	Non-Residential	Minor	Minor	Minor	Minor	Minor
R-1-A, R-1-AA, RO, OSSHAD, RL, and RM,	Single Family/Duplex	Major	Minor	Major	Minor	Major
	Multi-Family	Major	Minor	Major	Minor	Major
	Non-Residential	Major	Minor	Major	Minor	Major

Notes:

1. All development on individually designated properties in all zoning districts is Minor.
2. All development on properties in the OSSHAD district which are subject to CBD regulations pursuant to Section 4.4.24(B)(12) is Minor.

(a) For the purposes of this section, "residential" includes single family, duplexes and multifamily in all historic districts and all development, regardless of use, in the Residential Office (RO) zoning district. [Amd. Ord. 38-07 2/5/08]

(b) Major development shall be considered: [Amd. Ord. 38-07 2/5/08]

1. New construction in all historic districts except CBD and CF zoned properties and properties zoned OSSHAD subject to Development Standards of Section 4.4.13(F); or, [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
2. The construction, reconstruction, or alteration of a building in excess of 25 percent of the existing floor area, and all appurtenances, except for properties zoned CBD, CF, or OSSHAD, subject to Development Standards of Section 4.4.13(F). For the purposes of this section, all limitations and regulations shall be reviewed in a cumulative manner from the date of passage of this ordinance in 2008; or, [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
3. The construction, reconstruction, or alteration of any part of the front façade of an existing contributing residential or non-residential structure and all appurtenances, except for properties zoned CBD, CF, or OSSHAD, subject to Development Standards of Section 4.4.13(F). [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

(c) Minor development shall be considered: [Amd. Ord. 38-07 2/5/08]

1. New construction in all historic districts on property zoned CBD, CF, or OSSHAD subject to the Development Standards of Section 4.4.13(F); or, [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

2. Modifications to existing contributing and noncontributing structures in all historic districts on property zoned CBD, CF, or OSSHAD subject to the Development Standards of Section 4.4.13(F); or, [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
 3. The construction, reconstruction, or alteration of any part of the front façade of an existing noncontributing residential or non-residential structures and all appurtenances; or, [Amd. Ord. 38-07 2/5/08]
 4. The construction, reconstruction, or alteration of less than 25 percent of the existing floor area of the building and all appurtenances. For purposes of this section, all limitations and regulations shall be reviewed in a cumulative manner from the date of passage of this ordinance in 2008. [Amd. Ord. 38-07 2/5/08]
 5. Any changes to Individually Historically Designated properties, whether already on site or newly designated, to help facilitate the move of a historic structure into a historic district. [Amd. Ord. 38-07 2/5/08]
- (3) **Buildings, structures, appurtenances and parking.** Buildings, structures, appurtenances and parking shall only be moved, reconstructed, altered, or maintained, in accordance with this chapter, in a manner that will preserve the historical and architectural character of the building, structure, site, or district: [Amd. Ord. 38-07 2/5/08]

DELETED (a) AND RELETTERED [Amd. Ord. 38-07 2/5/08]

- (a) **Appurtenances.** Appurtenances include, but are not limited to, stone walls, fences, light fixtures, steps, paving, sidewalks, signs, and accessory structures. [Amd. Ord. 38-07 2/5/08]
1. **Fences and walls.** The provisions of Section 4.6.5 shall apply, except as modified below: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
 - a. Chain-link fences are discouraged. When permitted, chain-link fences shall be clad in a green or black vinyl and only used in rear yards where they are not visible from a public right-of-way, even when screened by a hedge or other landscaping. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

- b. Swimming pool fences shall be designed in a manner that integrates the layout with the lot and structures without exhibiting a utilitarian or stand-alone appearance. [Amd. Ord. 38-07 2/5/08]
 - c. Fences and walls over four feet shall not be allowed in front or side street setbacks. [Amd. Ord. 38-07 2/5/08]
 - d. Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right-of-way. [Amd. Ord. 01-12 8/21/12]
 - e. Decorative landscape features, including but not limited to, arbors, pergolas, and trellises shall not exceed a height of eight feet within the front or side street setbacks. [Amd. Ord. 01-12 8/21/12]
2. **Garages and carports.** [Amd. Ord. 38-07 2/5/08]
- a. Garages and carports are encouraged to be oriented so that they may be accessed from the side or rear and out of view from a public right-of-way. [Amd. Ord. 01-12 8/21/12]
 - b. The orientation of garages and carports shall be consistent with the historic development pattern of structures of a similar architectural style within the district. [Amd. Ord. 01-12 8/21/12]
 - c. The enclosure of carports is discouraged. When permitted, the enclosure of the carport should maintain the original details, associated with the carport, such as decorative posts, columns, roof planes, and other features. [Amd. Ord. 01-12 8/21/12]
 - d. Garage doors shall be designed to be compatible with the architectural style of the principal structure and should include individual openings for vehicles rather than two car expanses of doors. Metal two car garage doors are discouraged; however, if options are limited and metal is proposed, the doors must include additional architectural detailing appropriate to the building. [Amd. Ord. 01-12 8/21/12]
- (b) **Parking.** [Amd. Ord. 38-07 2/5/08]
- 1. Parking areas shall strive to contribute to the historic nature of the properties/districts in which they are located by use of creative

design and landscape elements to buffer parking areas from adjacent historic structures. At a minimum, the following criteria shall be considered: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

- a. Locate parking adjacent to the building or in the rear. [Amd. Ord. 38-07 2/5/08]
 - b. Screen parking that can be viewed from a public right-of-way with fencing, landscaping, or a combination of the two. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
 - c. Utilize existing alleys to provide vehicular access to sites. [Amd. Ord. 38-07 2/5/08]
 - d. Construct new curb cuts and street side driveways only in areas where they are appropriate or existed historically. [Amd. Ord. 38-07 2/5/08]
 - e. Use appropriate materials for driveways. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
 - f. Driveway type and design should convey the historic character of the district and the property. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
2. Where feasible, and appropriate, alternative methods of meeting minimum parking standards contained in Sections 4.6.9(C)(8) and/or 4.6.9(E), as applicable, shall be explored to avoid excessive use of historic properties and/or properties located in historic districts for parking. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
 3. In accordance with Section 4.6.9(F)(1), the Historic Preservation Board may reduce the parking requirement when, upon receipt and special documentation, it is conclusively demonstrated that a reduced number of parking spaces will accommodate a specific use. [Amd. Ord. 01-12 8/21/12]
- (4) **Alterations.** In considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors. [Amd. Ord. 38-07 2/5/08]
 - (5) **Standards and guidelines.** A historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, pre-

served, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time. [Amd. Ord. 38-07 2/5/08]

(6) **Relocation.** [Amd. Ord. 30-08 09/16/08]; [Amd. Ord. 38-07 2/5/08]

(a) **Relocation of a structures in a historic district or on an individually designated site.** Relocation of a contributing or non-contributing building or structure or an individually designated building or structure to another site shall not take place unless it is shown that preservation on their existing or original site would cause undue economic hardship to the property owner in accordance with definition and requirements of undue economic hardship found in Section 4.5.1 (H) or a building permit has been issued. [Amd. Ord. 13-15 08/18/2015] [Amd. Ord. 01-12 8/21/12]

(b) **Relocation of contributing or individually designated structures.**

1. **Criteria.** When considering the relocation of a contributing structure from a historic district, or an individually designated structure from a site, the Board shall be guided by the following, as applicable: [Amd. Ord. 13-15 08/18/2015]
 - a. Whether the structure will be relocated within the same historic district, into a new historic district, or outside of a historic district; [Amd. Ord. 13-15 08/18/2015]
 - b. Whether the proposed relocation may have a detrimental effect on the structural soundness of the building or structure; [Amd. Ord. 13-15 08/18/2015]
 - c. Whether the proposed relocation would have a negative or positive effect on other historic sites, buildings, or structures within the originating historic district, at the new site; [Amd. Ord. 13-15 08/18/2015]
 - d. Whether the new surroundings of the relocated structure would be compatible with its architectural character; and, [Amd. Ord. 13-15 08/18/2015]
 - e. Whether the proposed relocation is the only practicable means of saving the structure from demolition. [Amd. Ord. 13-15 08/18/2015]

2. **Relocation plan.** When considering the relocation of a contributing or individually designated structure, the Board shall require a Relocation Plan that includes the following: [Amd. Ord. 13-15 08/18/2015]
 - a. A detailed explanation of the relocation method including the type of machinery and equipment to be utilized; [Amd. Ord. 13-15 08/18/2015]
 - b. A demolition plan illustrating any parts of the structure to be removed or modified to facilitate the relocation; [Amd. Ord. 13-15 08/18/2015]
 - c. An illustration of locations where the building will be split, as applicable; [Amd. Ord. 13-15 08/18/2015]
 - d. The name of the Florida Licensed Building Mover who will relocate the structure(s) and the following support materials, if available: [Amd. Ord. 13-15 08/18/2015]
 - i. A description of the Florida Licensed Building Mover's past experience in moving historic buildings of a similar construction technique. [Amd. Ord. 13-15 08/18/2015]
 - ii. Photographs of prior relocation projects completed by the Florida Licensed Building Mover taken before and after the relocation, if applicable. [Amd. Ord. 13-15 08/18/2015]
 - e. A certified engineering report which includes: [Amd. Ord. 13-15 08/18/2015]
 - i. A relocation feasibility study with an assessment of the building's structural condition to determine any damage that might occur during the move. [Amd. Ord. 13-15 08/18/2015]
 - ii. Details and a description of the historic structure's construction type including technique and materials and current condition of materials. [Amd. Ord. 13-15 08/18/2015]
 - iii. Identification of any areas of concern, and how these areas will be addressed prior to the relocation. [Amd. Ord. 13-15 08/18/2015]

DELETED 1. AND RENUMBERED [Amd. Ord. 01-12 8/21/12]

3. **Supplemental documentation.** The following information shall be provided with the application for a Certificate of Appropriateness for relocation of a contributing or individually designated structure prior to Board consideration: [Amd. Ord. 13-15 08/18/2015]
 - a. As built drawings of the building as it exists on its originating site before undertaking the move, particularly if the move will require substantial reconstruction, including but not limited to floor plans, elevations, and architectural details and profiles. [Amd. Ord. 13-15 08/18/2015]
 - b. Photographs of the site and the interior and exterior of the building, including but not limited to all elevations and exterior details. [Amd. Ord. 13-15 08/18/2015]
 - c. History of any code violations applied to the structure and property, along with an explanation of any pending violations or structure violations which have been issued within five years of the application request. [Amd. Ord. 13-15 08/18/2015]
4. **Concurrent new development review.** Applications for a Certificate of Appropriateness for relocation shall be submitted concurrently with the application for a Certificate of Appropriateness for the new development on the originating site. [Amd. Ord. 13-15 08/18/2015]
5. **Site Maintenance.** If the originating site is to remain vacant and construction of the new development will not commence for more than 90 days following the relocation, the lot shall be sodded and maintained in a manner consistent with other open space in the historic district. [Amd. Ord. 13-15 08/18/2015]
6. **Successful or unsuccessful relocation.** The relocation of a historic structure is deemed successful when either no damage occurs during or as a result of the relocation or minimal damage occurs which is not deemed to compromise the integrity (structurally and architecturally) of the structure, and when the relocation is completed in accordance with the approved Certificate of Appropriateness, including the associated Relocation Plan. [Amd. Ord. 13-15 08/18/2015]
 - a. If damage occurs during the relocation, then the property owner, applicant and/or Licensed Building Mover shall notify

the Historic Preservation Planner and Chief Building Official within 24 hours of completion of the move to determine if the damage has compromised the integrity of the structure, thereby deeming the relocation as unsuccessful. [Amd. Ord. 13-15 08/18/2015]

- b. If a relocation is not successful, then the property owner and/or applicant shall notify the Historic Preservation Planner and Chief Building Official within 24 hours of the failed relocation, or before the close of business on the next business day. [Amd. Ord. 13-15 08/18/2015]
 - c. Failure of any degree to successfully relocate the historic structure may result in the revocation of any site development relief (waivers, variances, internal adjustments, or other relief) associated with the relocation that has been granted by the Board or the City Commission, as required by the Planning and Zoning Director. [Amd. Ord. 13-15 08/18/2015]
 - d. The applicant or property owner may submit a written request for the reconsideration of any previously approved site development relief associated with the unsuccessfully relocated structure in accordance with the following: [Amd. Ord. 13-15 08/18/2015]
 - i. The reconsideration request shall be submitted to the Planning and Zoning Director within five business days of notification of the unsuccessful relocation. The reconsideration will be placed on the next available agenda of the recommending or approving body as appropriate. [Amd. Ord. 13-15 08/18/2015]
 - ii. Requests for reconsideration shall include a statement regarding the relocation, documentation of the relocation, an explanation of the relocation failure, and how the relocation failed to meet the Relocation Plan of the approved Certificate of Appropriateness and the corrective actions to address issues caused by failed relocation. [Amd. Ord. 13-15 08/18/2015]
7. **Public notice.** All applications for a Certificate of Appropriateness for the relocation of a contributing structure or an individually

designated structure shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(1)(j). [Amd. Ord. 13-15 08/18/2015]

- (c) **Relocation of eligible historic structures into a historic district or on an individually designated site.** An eligible historic structure is one which is not presently located within a historic district or is individually designated, and meets the criteria for Individually Designated for listing on the Local Register of Historic Places as outlined in LDR Section 4.5.1(B). [Amd. Ord. 13-15 08/18/2015]

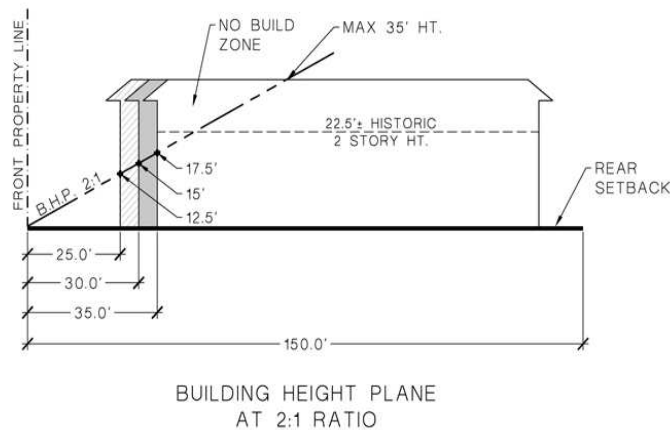
1. When considering the relocation of an eligible historic structure into a historic district, or onto an individually designated site, the Board shall be guided by the following, as applicable: [Amd. Ord. 13-15 08/18/2015]
 - a. Whether the proposed relocation would have a positive effect on other historic sites, buildings, or structures within the historic district into which it will be relocated, or at the new site. [Amd. Ord. 13-15 08/18/2015]
 - b. Whether the new surroundings of the relocated structure would be compatible with its architectural character. [Amd. Ord. 13-15 08/18/2015]
2. When a relocation permit is issued for an eligible historic structure which will be relocated into a historic district, the structure shall be required to be individually designated to the new location for listing on the Local Register of Historic Places prior to receiving the final inspection of the relocation permit. [Amd. Ord. 13-15 08/18/2015]
3. **Relocation plan.** When considering the relocation of an eligible historic structure, the Board shall require a Relocation Plan that includes the following: [Amd. Ord. 13-15 08/18/2015]
 - a. A demolition plan illustrating any parts to be removed to facilitate the relocation. [Amd. Ord. 13-15 08/18/2015]
 - b. An illustration of locations where the building will be split, as applicable. [Amd. Ord. 13-15 08/18/2015]

4. **Relocation review.** Applications for the relocation of eligible historic structures, whether into a historic district or onto an individually designated site, may be administratively approved subject to compliance with the following: [Amd. Ord. 13-15 08/18/2015]
 - a. That the request meets the applicable Development Standards of Section 4.3.4(K); [Amd. Ord. 13-15 08/18/2015]
 - b. That the request meets the requirements of the zoning district to which it will be relocated; [Amd. Ord. 13-15 08/18/2015]
 - c. That the request does not require any relief to accommodate the relocated structure; and, [Amd. Ord. 13-15 08/18/2015]
 - d. That no alterations of the structure are to occur to the structure. Alterations to the structure and/or property require a separate application. [Amd. Ord. 13-15 08/18/2015]
 - e. The relocation of eligible historic structures to non-conforming properties shall be considered in accordance with LDR Section 4.1.4(E). [Amd. Ord. 13-15 08/18/2015]
5. **Supplemental documentation.** Photographs of the site and the interior and exterior of the building, including but not limited to all elevations and exterior details shall be provided with the application for a Certificate of Appropriateness for relocation of an eligible historic structure prior to Board consideration. [Amd. Ord. 13-15 08/18/2015]
6. **Successful relocation.** The relocation of an eligible historic structure is deemed successful when either no damage occurs during or as a result of the relocation or minimal damage occurs which is not deemed to compromise the integrity (structurally and architecturally) of the structure, and when the relocation is completed in accordance with the approved Certificate of Appropriateness, including the associated Relocation Plan. If damage occurs during the relocation, then the property owner and/or applicant shall notify the Historic Preservation Planner and Chief Building Official within 24 hours of the occurrence, or before the close of business on the next business day to determine if the damage has compromised the integrity of the structure and individual designation. [Amd. Ord. 13-15 08/18/2015]

- (d) **Supplemental requirements.** All buildings and structures approved for relocation shall comply with the following: [Amd. Ord. 13-15 08/18/2015]
1. The building to be relocated shall be secured from vandalism and potential weather damage before and after its move, in a manner as approved by the Chief Building Official. [Amd. Ord. 13-15 08/18/2015]
 2. All structures approved for relocation and awaiting issuance of a building permit for the new development on the originating site shall be maintained so as to remain in a condition similar to that which existed at the time of the application. [Amd. Ord. 13-15 08/18/2015]
 3. All structures to be relocated pursuant to this Section shall comply with the requirements of Section 7.10.11, "Moving of Building: Historic Structures". [Amd. Ord. 13-15 08/18/2015]
- (7) **Visual compatibility standards.** New construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1 (E) (2) shall be determined by utilizing criteria contained in (a) through (m) below. Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site. [Amd. Ord. 30-08 09/16/08]; [Amd. Ord. 38-07 2/5/08]
- (a) **Height.** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with re-

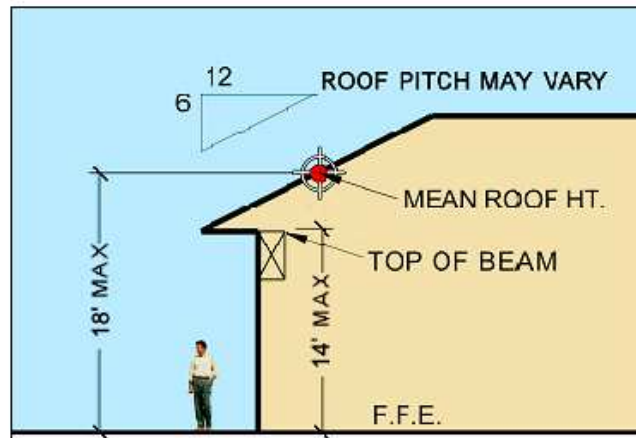
spect to the height of residential structures, as defined by 4.5.1 (E)(2)(a), shall also be determined through application of the following: [Amd. Ord. 38-07 2/5/08]

1. Building Height Plane (BHP): The building height plane technique sets back the overall height of a building from the front property line. [Amd. Ord. 38-07 2/5/08]
 - a. The building height plane line is extended at an inclined angle from the intersection of the front yard property line and the average grade of the adjacent street along the lot frontage. The inclined angle shall be established at a two to one (2:1) ratio. See illustration below. [Amd. Ord. 38-07 2/5/08]



- b. A structure relocated to a historic district or to an individually designated historic site shall be exempt from this requirement. [Amd. Ord. 38-07 2/5/08]
2. **First floor maximum height.** Single-story or first floor limits shall be established by: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
 - a. Height from finished floor elevation to top of beam (tie or bond) shall not exceed 14 feet. [Amd. Ord. 38-07 2/5/08]
 - b. Mean Roof Height shall not exceed 18 feet. [Amd. Ord. 38-07 2/5/08]
 - c. If any portion of the building exceeds the dimensions described in a. and b. above, the building shall be considered a multi-story structure. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]

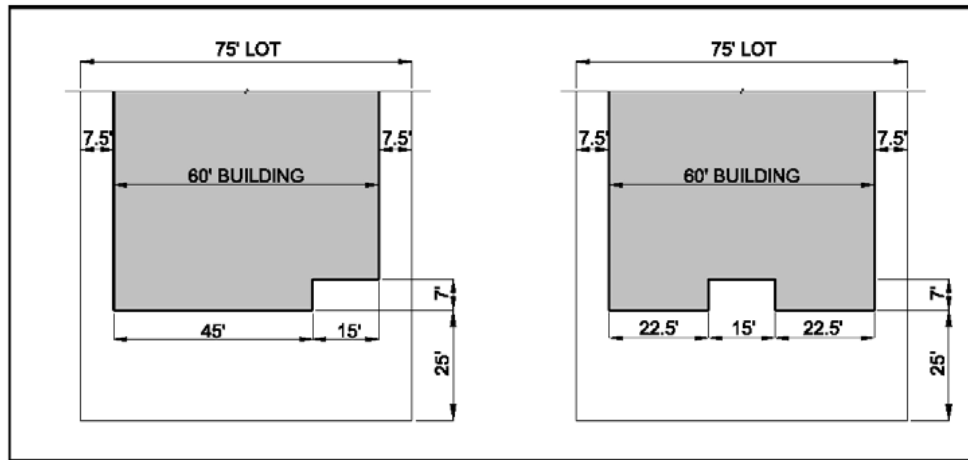
- d. See illustration below: [Amd. Ord. 38-07 2/5/08]



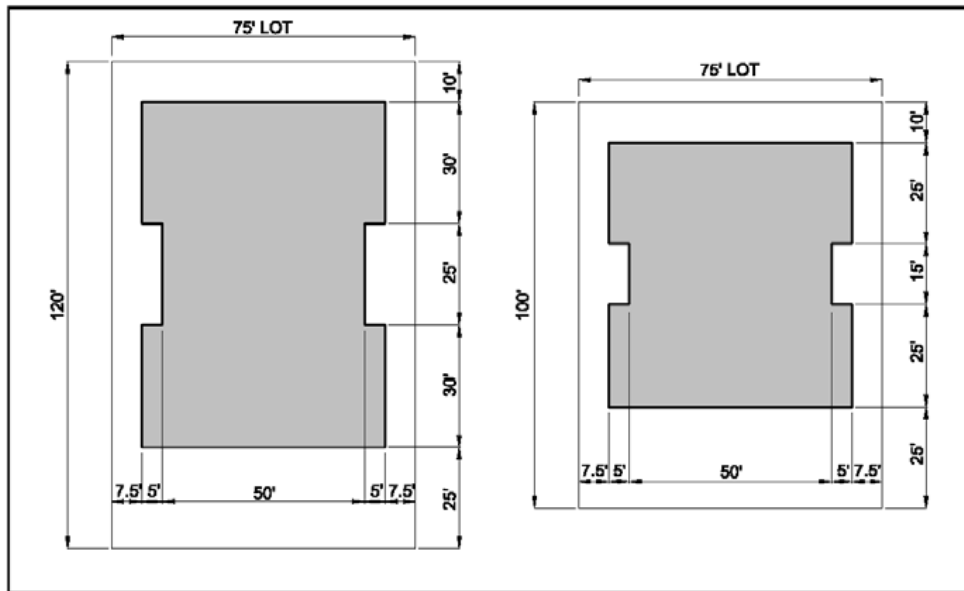
- e. Sections a., b., and c., above may be waived by the Historic Preservation Board when appropriate, based on the architectural style of the building. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
3. **Upper Story Height(s).** Height from finished floor elevation to finished floor elevation or top of beam (tie or bond) shall not exceed 12 feet. [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
- (b) **Front facade proportion.** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district. [Amd. Ord. 38-07 2/5/08]
- (c) **Proportion of openings (windows and doors).** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district. [Amd. Ord. 38-07 2/5/08]
- (d) **Rhythm of solids to voids.** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades. [Amd. Ord. 38-07 2/5/08]

- (e) ***Rhythm of buildings on streets.*** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district. [Amd. Ord. 38-07 2/5/08]
- (f) ***Rhythm of entrance and/or porch projections.*** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development. [Amd. Ord. 38-07 2/5/08]
- (g) ***Relationship of materials, texture, and color.*** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district. [Amd. Ord. 38-07 2/5/08]
- (h) ***Roof shapes.*** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building. [Amd. Ord. 38-07 2/5/08]
- (i) ***Walls of continuity.*** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related. [Amd. Ord. 38-07 2/5/08]
- (j) ***Scale of a building.*** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only: [Amd. Ord. 38-07 2/5/08]
 - 1. For buildings wider than 60 percent of the lot width, a portion of the front façade must be setback a minimum of seven additional feet from the front setback line: [Amd. Ord. 38-07 2/5/08]
 - a. Lots 65 feet or less in width are exempt from this requirement. [Amd. Ord. 38-07 2/5/08]

- b. To calculate how much of the building width must comply with this provision, multiply the lot width by 40 percent and subtract the required minimum side setbacks (example: 100' lot width x 40% = 40' - 15' side yard setbacks = 25'). [Amd. Ord. 38-07 2/5/08]
- c. Any part or parts of the front façade may be used to meet this requirement. [Amd. Ord. 38-07 2/5/08]
- d. See illustration below: [Amd. Ord. 38-07 2/5/08]

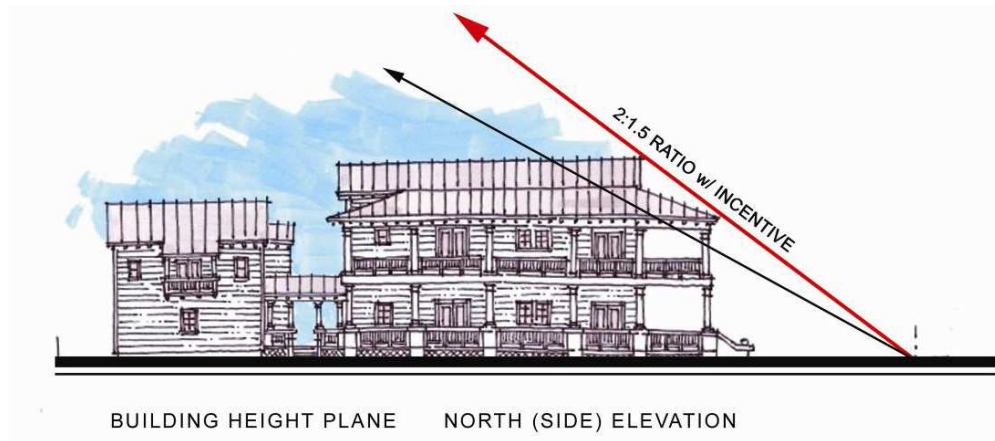


- e. If the entire building is set back an additional seven (7) feet, no offset is required. [Amd. Ord. 38-07 2/5/08]
2. For buildings deeper than 50 percent of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five additional feet from the side setback line: [Amd. Ord. 38-07 2/5/08]
 - a. To calculate how much of the building depth must comply with this provision, multiply the lot depth by 50 percent and subtract the required minimum front and rear setbacks (example: 120' lot depth x 50% = 60' - 25' front yard setback - 10' rear setback = 25'). [Amd. Ord. 38-07 2/5/08]
 - b. Any part or parts of the side façades may be used to meet this requirement. [Amd. Ord. 38-07 2/5/08]
 - c. See illustration below: [Amd. Ord. 38-07 2/5/08]

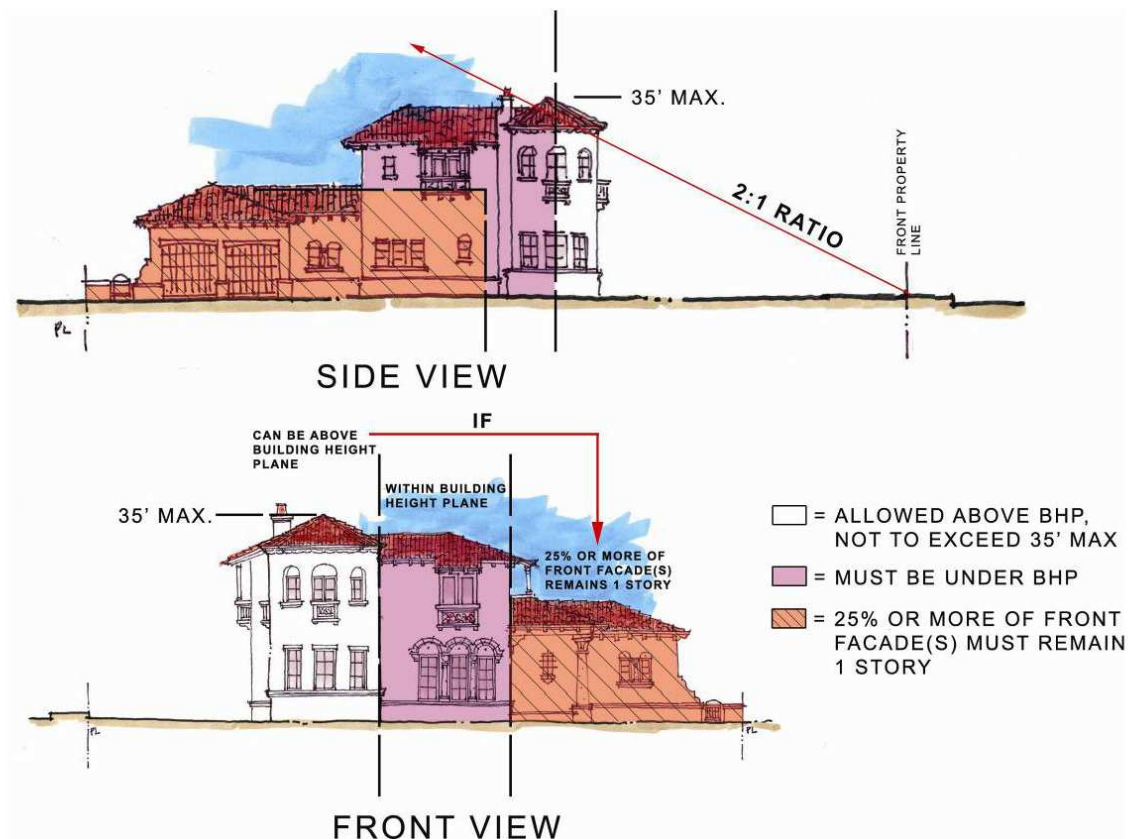


- d. If the entire building is set back an additional five feet from the side, no offsets are required on that side. [Amd. Ord. 38-07 2/5/08]
3. Porches may be placed in the offset portion of the front or side façades, provided they are completely open except for supporting columns and/or railings. [Amd. Ord. 38-07 2/5/08]
- (k) **Directional expression of front elevation.** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal. [Amd. Ord. 38-07 2/5/08]
- (l) **Architectural style.** All major and minor development shall consist of only one architectural style per structure or property and not introduce elements definitive of another style. [Amd. Ord. 38-07 2/5/08]
- (m) **Additions to individually designated properties and contributing structures in all historic districts.** Visual compatibility shall be accomplished as follows: [Amd. Ord. 01-12 8/21/12]; [Amd. Ord. 38-07 2/5/08]
 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible. [Amd. Ord. 38-07 2/5/08]

2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building. [Amd. Ord. 38-07 2/5/08]
 3. Characteristic features of the original building shall not be destroyed or obscured. [Amd. Ord. 38-07 2/5/08]
 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed. [Amd. Ord. 38-07 2/5/08]
 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design, but shall be coherent in design with the existing building. [Amd. Ord. 38-07 2/5/08]
 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building. [Amd. Ord. 38-07 2/5/08]
- (8) **Visual compatibility incentives.** In order to provide design flexibility for residential structures, as defined by LDR Section 4.5.1(E)(2)(a), that otherwise satisfy the Visual Compatibility Standards outlined in Section 4.5.1(E)(7), incentives for development shall include the following: [Amd. Ord. 38-07 2/5/08]
- (a) **Open air spaces.** The ratio of the Building Height Plane (BHP) can increase from two to one (2:1) to two to one and a half (2:1.5) for open air spaces limited to: first or second floor front porches (separation must be provided between floors), first or second floor side porches (separation must be provided between floors), balconies, and overlooks with open railings (see illustration below); and [Amd. Ord. 38-07 2/5/08]



- (b) **Front elevation.** Up to 25 percent of the front elevation(s) can extend above the Building Height Plane (BHP) to a maximum height of 35 feet, provided 25 percent or more of the front elevation(s) remains one story as defined by LDR Section 4.5.1 (E) (7) (a) (2). The total width of extension shall not exceed 18 feet along the front elevation(s). See illustration below. [Amd. Ord. 38-07 2/5/08]



(9) **Maintenance Requirements for Historic Sites and Buildings; Penalties.** (Ord. No. 12-18, § 2, 9-25-18)

- (a) Every owner of historic and archeological sites or owner of buildings, structures, improvements and appurtenances within historic districts shall keep in good repair and shall properly maintain both the exterior and site. The owner of a building or structure located within a historic district through the exercise of sufficient and reasonable care shall provide for the maintenance and upkeep of these sites and buildings to prevent destruction and decay as caused by either deterioration or other hazards. (Ord. No. 12-18, § 2, 9-25-18)

- (b) In addition to the general standards and guidelines set forth at Sub-paragraph 4.5.1.(E)(5) above, the owner shall preserve a historic structure against decay and deterioration through the correction of the following deficiencies: (Ord. No. 12-18, § 2, 9-25-18)
 - 1. Facades which may fall and injure the subject or adjoining structure or building, or members of the public. (Ord. No. 12-18, § 2, 9-25-18)
 - 2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports. (Ord. No. 12-18, § 2, 9-25-18)
 - 3. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration. (Ord. No. 12-18, § 2, 9-25-18)
 - 4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors. (Ord. No. 12-18, § 2, 9-25-18)
 - 5. Presence of signs that would indicate rotting wood or termite infestation. (Ord. No. 12-18, § 2, 9-25-18)
 - 6. Any fault or defect in the structure or building which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight. (Ord. No. 12-18, § 2, 9-25-18)
- (c) In the sole discretion of the City, a violation of any of the provisions of sub-paragraph 4.5.1.(E)(9) may be penalized either as set forth in the City of Delray Beach Operating Guidelines Manual for the Neighborhood and Community Services Department, as may be amended from time to time, or additionally by imposing the penalties provided for in Section 37.36 of the City Code of Ordinances which have been authorized pursuant to state law at Chapter 162, F.S. (Ord. No. 12-18, § 2, 9-25-18)
- (d) Notwithstanding the penalties set forth at above sub-paragraph (c), and in addition to the penalties authorized by this section and the Code of Ordinances, a violation of these maintenance regulations which are determined by the City to be a either a repeat violation, or a serious threat to the public health, safety and welfare; or if the violation is

irreparable or irreversible in nature, then in any of these circumstances, the owner may also be subject to the following provisions: (Ord. No. 12-18, § 2, 9-25-18)

1. Following the determination by the City of violations under one or more of the circumstances set forth above, no permit will be issued for any alteration or new construction affecting such property for a period of five years, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the Historic Preservation Board that the violation has been corrected, any remaining portion of the five-year prohibition on issuance of a permit may be waived. Notwithstanding this waiver, no other provision or penalty of Sub-paragraph 4.5.1.(E)(9) may be waived by the Historic Preservation Board. (Ord. No. 12-18, § 2, 9-25-18)
2. As a condition for any new land use approval, the owner may be required to rebuild, reconstruct, restore or replicate the structure or object on the property in accordance with applicable standards and development procedures as set forth in Section 4.5.1. (Ord. No. 12-18, § 2, 9-25-18)
3. The ad valorem tax exemption provided for historic structures or properties under Section 4.5.1 and all historic preservation incentives will not apply to historically designated buildings, structures, landscape features, improvements or sites that are damaged, destroyed, or demolished through either action or inaction of the owner concerning maintenance regulation violations identified in sub-paragraph 4.5.1.(E)(9)(b) herein. (Ord. No. 12-18, § 2, 9-25-18)

(F) **Demolitions.** Demolition of historic or archaeological sites, or buildings, structures, improvements and appurtenances within historic districts shall be regulated by the Historic Preservation Board and shall be subject to the following requirements: [Amd.-Ord. 14-15 7/7/2015]

- (1) No structure within a historic district or on a historic site shall be demolished before a Certificate of Appropriateness has been issued pursuant to Section 2.4.6(H). [Amd.-Ord. 14-15 7/7/2015]
- (2) The application for a Certificate of Appropriateness for demolition must be accompanied by an application for a Certificate of Appropriateness for alterations to the structure or the redevelopment of the property. [Amd.-Ord. 14-15 7/7/2015]

- (3) Demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness. [Amd.-Ord. 14-15 7/7/2015]
- (4) All structures approved for demolition and awaiting issuance of a building permit for the alterations or redevelopment shall be maintained so as to remain in a condition similar to that which existed at time that the Certificate of Appropriateness for demolition was approved unless the Chief Building Official determines that an unsafe building condition exists in accordance with Section 4.5.3(G). [Amd.-Ord. 14-15 7/7/2015]
- (5) A Certificate of Appropriateness for demolition of 25 percent or more of contributing or individually designated structure shall be subject to the following additional requirements: [Amd.-Ord. 14-15 7/7/2015]
 - (a) A demolition plan shall accompany the application for a Certificate of Appropriateness for demolition. The plan shall illustrate all portions of the existing structure that will be removed or altered. [Amd.-Ord. 14-15 7/7/2015]
 - (b) The Certificate of Appropriateness for demolition and the Certificate of Appropriateness for alternation or redevelopment shall meet the "Additional Public Notice" requirements of LDR Section 2.4.2(B)(1)(j). [Amd.-Ord. 14-15 7/7/2015]
- (6) The Board upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for a Certificate of Appropriateness for demolition of designated historic sites, historic interiors, or buildings, structures, or appurtenances within designated historic districts; [Amd.-Ord. 14-15 7/7/2015]
 - (a) Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register.
 - (b) Whether the structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or economically non-viable expense.
 - (c) Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city.
 - (d) Whether retaining the structure would promote the general and value of a particular culture and heritage.

- (e) Whether there are approved plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the historic district designation or the individual designation of the property. [Amd. Ord. 14-15 7/7/2015] [Amd.-Ord. 55-07 1/15/08]
- (7) No decision of the Board shall result in undue economic hardship for the property owner. The Board shall determine the existence of such hardship in accordance with the definition of undue economic hardship found in Section 4.5.1(H). [Amd.-Ord. 14-15 7/7/2015] [Amd. Ord. 30-08 09/16/08]
- (8) The Board's refusal to grant a Certificate of Appropriateness requested by a property owner for the purpose of demolition will be supported by a written statement describing the public interest that the Board seeks to preserve. [Amd.-Ord. 14-15 7/7/2015]
- (9) The Board may grant a certificate of appropriateness as requested by a property owner, for demolition which may provide for a delayed effective date. The effective date of the certificate will be determined by the Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The Board may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months while demolition of non-contributing buildings within the historic district may be delayed for up to three months. [Amd.-Ord. 14-15 7/7/2015]
- (10) **Request for demolition justification statement.** A justification statement shall accompany the application for a Certificate of Appropriateness for demolition of any contributing structure in a historic district or individually designated historic structure. The justification statement must include the following: [Amd.-Ord. 14-15 7/7/2015] [Amd. Ord. 55-07 1/15/08]
 - (a) A certified report from a registered architect or engineer which provides documentation explaining that the building is structurally unsound and is damaged beyond the ability to repair it at a reasonable cost. The report must include photographs to substantiate the damage. [Amd. Ord. 55-07 1/15/08]
 - (b) A certified report from an engineer, architect, general contractor, or other qualified professional which documents the projected cost of repairing the structure and returning it to a safe and habitable condition. [Amd. Ord. 55-07 1/15/08]
 - (c) An appraisal of the property in its current condition, its value as vacant land and its potential value as a preserved and restored historic property. [Amd. Ord. 55-07 1/15/08]

- (d) Documentation that reasonable efforts have been made to find a suitable alternate location for the structure within the City of Delray Beach to which the contributing/individually designated historic structure could be safely relocated. [Amd. Ord. 55-07 1/15/08]
- (e) Documentation that the applicant or property owner has taken such steps as it deems necessary to preserve the structure requested for demolition including consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies, or agencies and exploration of the possibility of moving one or more structures or other features. [Amd.-Ord. 14-15 7/7/2015]

(11) ***Salvage and recordation of historic structures.***

- (a) The property owner shall contact the Delray Beach Historical Society for the purpose of salvaging and preserving specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of the other historic properties. Confirmation of such efforts shall be provided in a written statement and submitted with the other demolition application prior to consideration by the Historic Preservation Board. [Amd. Ord. 14-15 7/7/2015]
- (b) The Board may, with the consent of the property owner, request that the Delray Beach Historical Society, or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition. [Amd. Ord. 14-15 7/7/2015]
 - i. The recording may include, but shall not be limited to photographs, documents and scaled architectural drawings to include elevations and floor plans. [Amd. Ord. 14-15 7/7/2015]
 - ii. One copy of the recording shall be submitted to the City's Planning and Zoning Department, and one copy shall be submitted to the Delray Beach Historical Society for archiving purposes. [Amd. Ord. 14-15 7/7/2015]

(G) ***Unsafe buildings.*** In the event the Chief Building Official determines that any structure within a designated historic site or designated historic district is unsafe pursuant to the applicable Code of Ordinances, the Chief Building Official will provide the Board with a written statement, photographs, and statement from the property owner to be presented by the Chief Building Official at the next meeting. When appropriate and in accordance with applicable ordinances, the Chief

Building Official will attempt to have the structure repaired rather than demolished, and will take into consideration any comments and recommendations by the Board. However, the provisions contained within subsection (A) of this section shall not apply to the Planning and Zoning Director's or designee's declaration that a building is unsafe, nor will the Chief Building Official be precluded from taking whatever steps, as may be required by applicable ordinances to protect the public health and safety of the community. The Board may also endeavor to negotiate with the owner and interested parties, provided such actions do not interfere with procedures in the applicable ordinances. [Amd.-Ord. 14-15 7/7/2015]

(H) **Undue economic hardship.*** (Ord. No. 12-18, § 3, 9-25-18)

- (1) A property owner(s) experiencing undue economic hardship may file an application for a Certificate of Economic Hardship. A Certificate of Economic Hardship application must be submitted within 30 days of the issuance of a violation notice. The violation notice shall state the defects observed as well as the various incentive programs and preservation organizations that may be available for repair. (Ord. No. 12-18, § 3, 9-25-18)
 - (a) The Historic Preservation Board shall schedule a public hearing within 60 days from the receipt of the application and shall provide notice of such hearing to the appropriate entities including the Special Magistrate and the Neighborhood and Community Services Department. A copy of the application for Certificate of Economic Hardship shall be provided to the Code Enforcement Board. (Ord. No. 12-18, § 3, 9-25-18)
 - (b) During the period between receipt of the Certificate of Economic Hardship application and the hearing before the Board, it is the sole responsibility of the applicant to discuss the proposed violation(s) with various local preservation organizations to consider alternatives that will avoid an economic hardship and have the least adverse effect to the property and the districts. Proof of the applicant's efforts will be a factor considered by the Historic Preservation Board in determining whether to issue a Certificate of Economic Hardship. (Ord. No. 12-18, § 3, 9-25-18)

***Editor's note**—Ord. No. 12-18, § 3, adopted September 25, 2018, repealed and replaced subsection 4.5.1 (H) in its entirety. Former subsection 4.5.1 (H) pertained to similar subject matter and derived from Ord. 30-08, adopted September 16, 2008.

(2) In all instances where there is a claim of undue economic hardship, the property owner shall submit with the application for Certificate of Economic Hardship, the following documentation: (Ord. No. 12-18, § 3, 9-25-18)

(a) For All Property: (Ord. No. 12-18, § 3, 9-25-18)

1. The amount paid for the property, the date of purchase, and the party from whom purchased; (Ord. No. 12-18, § 3, 9-25-18)
2. The assessed value of the land and improvements thereon, according to the two most recent assessments; (Ord. No. 12-18, § 3, 9-25-18)
3. Real estate taxes for the previous two years; (Ord. No. 12-18, § 3, 9-25-18)
4. Annual debt service or mortgage payments, if any, for the previous two years; (Ord. No. 12-18, § 3, 9-25-18)
5. All appraisals, if any, obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property; (Ord. No. 12-18, § 3, 9-25-18)
6. Any listing of the property for sale or rent, price asked, and offers received, if any; and (Ord. No. 12-18, § 3, 9-25-18)
7. Any consideration by the owner as to profitable adaptive uses for the property, including but not limited to possible fair market rents for the property if it were rented or leased in its current condition. (Ord. No. 12-18, § 3, 9-25-18)

(b) For Income Property (Actual or Potential): (Ord. No. 12-18, § 3, 9-25-18)

1. The annual gross income from the property for the previous two years, if any; (Ord. No. 12-18, § 3, 9-25-18)
2. The annual cash flow, if any, for the previous two years; and (Ord. No. 12-18, § 3, 9-25-18)
3. The status of leases, rentals, or sales for the previous two years. (Ord. No. 12-18, § 3, 9-25-18)

(3) An applicant may submit and the Board may require that an applicant furnish additional information relevant to the Board's determination of any alleged undue economic hardship. The Board may also require, in appropriate circumstances, that information be furnished under oath. (Ord. No. 12-18, § 3, 9-25-18)

- (4) In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file statement of the information which cannot be obtained and the reasons why such information cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates which will be as accurate as are feasible. (Ord. No. 12-18, § 3, 9-25-18)

Repealed Sections 4.5.1 (I), (J), (K), (L), (M), (N) and (O) in their entirety and enacted new sections 4.5.1 (I), (J), (K), and (L) [Ord. 01-12 8/21/12]

(I) **Local register of historic places.** The following Historic Districts, Sites, and/or Buildings are hereby affirmed or established:

- (1) Nassau Park Historic District which consists of Lots 2-19 of Nassau Park, as recorded in Plat Book 16, page 67 of Palm Beach County, Florida; Lots 1-12 of Wheatley Subdivision, as recorded in Plat Book 16, page 98 of Palm Beach County, Florida; and Block E, Lot 4 and Block F, Lot 1 of John B. Reid's Village as recorded in Plat Book 21, page 95 of Palm Beach County, Florida. (Original designation by Ordinance 97-87 adopted on January 12, 1988)
- (2) Old School Square Historic District which consists of the south one-half of Block 57 and Blocks 58-62, Blocks 65-70, the west half of Blocks 74 and 75, and Lots 1-6 of Block 76, Town of Linton Plat, as recorded in Plat Book 1, Page 3, Palm Beach County Records. (Original designation by Ordinance 1-88 adopted on February 9, 1988).
- (3) Del-Ida Park Historic District which consists of Blocks 1 through 13, inclusive, along with Tracts A, B, and C DEL-IDA PARK, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 9 at Page 62 (Original designation by Ordinance 9-88 adopted on March 22, 1988)
- (4) Sundy Feed Store, located on the South 85 feet of the North 153 feet of Lot 1, Block 84, Delray Beach, Palm Beach County. (Original designation by Ordinance 102-88, August 23, 1988, Note: In 1991, the structure was relocated outside of the City of Delray Beach.)
- (5) Historic Depot Square, located on a parcel of land lying in Section 18, Township 46 South, Range 43 East, City of Delray Beach (Original designation by Ordinance 119-88, October 11, 1988)

- (6) Marina Historic District which consists of Lots 1 to 11, inclusive, Lots 22 to 66, inclusive and Lots 83 to 93, inclusive, Palm Square, an unrecorded Plat

located in Block 125 and Block 133 of the Town of Linton n/k/a Delray Beach (according to the plat thereof as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida); Together with Lots A, D, E and F, Riker Square, according to the Plat thereof, recorded in Plat Book 18, Page 74 of the Public Records of Palm Beach County, Florida; Together with all of Anchorage Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 3060, Page 369, of the Public records of Palm Beach County, Florida, said Condominium being located within Lots B and C, Riker Square, according to the Plat thereof, recorded in Plat Book 18, Page 74 of the Public Records of Palm Beach County, Florida; Together with Lot 1 and Lots 5 to 12, inclusive, Re-subdivision of Block 118, Town of Linton n/k/a Delray Beach, according to the Plat thereof, recorded in Plat Book 2, Page 8 of the Public Records of Palm Beach County, Florida; Together with all of Sloan Hammock Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 9271, Page 258, of the Public records of Palm Beach County, Florida, said Condominium being located within Lots 2, 3 and 4, Re-subdivision of Block 118, Town of Linton n/k/a Delray Beach, according to the Plat thereof, recorded in Plat Book 2, Page 8 of the Public Records of Palm Beach County, Florida; Together with Lots 1 to 7, inclusive and Lots 13 to 24, inclusive, Re-subdivision of Block 126, Town of Linton n/k/a Delray Beach, according to the Plat thereof, recorded in Plat Book 11, Page 4 of the Public Records of Palm Beach County, Florida; Together with the South 50 feet of the North 176 feet of the West 165 feet of Block 126, Town of Linton n/k/a Delray Beach, according to the Plat thereof, recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida; Together with Lots 1 to 8, inclusive, and Tracts A and B, Marine Bay, according to the Plat thereof, recorded in Plat Book 89, Page 162 of the Public Records of Palm Beach County, Florida; Together with all of Block 134 lying West of Intracoastal Waterway, Town of Linton n/k/a Delray Beach, according to the Plat thereof, recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County, Florida; Together with Lots 13 to 24, inclusive (less South 15 feet SE 3rd Street and North 15 feet SE 2nd Street R/WS, Gracey-Byrd Subdivision, according to the Plat thereof, as recorded in Plat Book 10, Page 52 of the Public Records of Palm Beach County, Florida; Together with Lots A to E, inclusive, The Moorings, according to the Plat thereof, as recorded in Plat Book 20, Page 27 of the Public Records of Palm Beach County, Florida; Together with the North 1/2 of the South 1/2 of Block 127 (less the North 64 feet thereof, and the West 20 feet SE 7th Avenue R/W), Town of Linton n/k/a Delray Beach, according to the Plat thereof, recorded in Plat Book 1, Page 3 of the Public

Records of Palm Beach County, Florida; together with Lots 1 and 2, Stone Hedge, according to the Plat thereof, as recorded in Plat Book 58, Page 176 of the Public Records of Palm Beach County, Florida; Together with Lots 23 and 24, and the East 8 feet of abandoned alley lying west of and adjacent thereto, Block 120, Blank-Nichols Subdivision, according to the Plat thereof, as recorded in Plat Book 13, Page 28 of the Public Records of Palm Beach County, Florida; Together with Lots 1 to 3, inclusive, and the North 20 feet of Lot 4, Block 128, Blank-Nichols Subdivision, according to the Plat thereof, as recorded in Plat Book 13, Page 28 of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 156-88 adopted on December 20, 1988; Amended by Ordinance 38-07, February 2, 2008; Amended by Ordinance 10-09, March 17, 2009)

- (7) The Koch House, 777 North Ocean Boulevard. Palm Beach Shore Acres, Lot 21, Block D, Delray Beach, Palm Beach County. (Original Designation by Ordinance 162-88, January 10, 1989.)
- (8) Site of School No. 4 Delray Colored, located on Block 28, Lot 2, N.W. 5th Avenue. (Original designation by Ordinance 16-89, April 11, 1989)
- (9) Greater Mount Olive Missionary Baptist Church, 40 N.W. 4th Avenue, located on Lot 7, Block 28, Delray Beach. (Original designation by Ordinance 17-89, April 11, 1989)
- (10) St. Paul African Methodist Episcopal Church, 119 N.W. 5th Avenue, located on Lot 5, Block 27, Delray Beach (Original designation by Ordinance 18-89, April 11, 1989)
- (11) The Free and Accepted Masons Of Delray Beach Lodge 275, 85 N.W. 5th Avenue, located on Lot 1, Block 28, Delray Beach (Original designation by Ordinance 19-89, April 11, 1989)
- (12) St. Matthew Episcopal Church, 404 S.W. 3rd Street, located on Lot 1, Block 32, Delray Beach (Original designation by Ordinance 20-89, April 11, 1989)
- (13) Historic Fontaine Fox House Properties, The Fontaine Fox House is located at 610 N. Ocean Boulevard; the complete boundary of the site consists of Lot 1 of Ocean Apple Estates; Lots 1 and 2 of Ocean Apple Estates, Plat III; the South 50 feet of Lots 1 and 2, Ocean Apple Estates, Plat II; and Lot 3, Ocean Apple Estates, Plat II. (Original Designation by Ordinance 70-89, October 24, 1989, as amended by Ordinance 43-11, December 6, 2011 and Ordinance 04-13, February 19, 2013).

- (14) The Scott House, 19 Andrews Avenue, located on the North 50 feet of the West 110 feet of the South 100 feet, less the West 10 feet of the Beach Lot 15, Subdivision of the Fractional East Half of Section 16, Township 46 South, Range 43 East, Delray Beach, Palm Beach County, Florida. (Original designation by Ordinance 17-90, May 22, 1990).
- (15) The Colony Hotel and the Colony Hotel North Annex, located on the South 12 feet of Lot 18, Alley South of Lot 18, East 25 feet of Lot 21 and Lots 22, 23, 24 and 25, Inclusive, Block 108. And Lots 5, 6 and 7, Less 5 foot Road R/W, Block 108, Town of Delray, with the designation pertaining to the buildings only and not the grounds. (Original designation by Ordinance 22-91, March 26, 1991)
- (16) Milton-Myers Post No. 65, the American Legion of the United States, 263 N.E. 5th Avenue, located on Lots 5, 14 and 15, Block 106, Delray Beach, formerly Town of Linton, Palm Beach County, Florida. (Original designation by Ordinance 68-94, October 18, 1994.)
- (17) Solomon D. Spady House, 170 N.W. 5th Avenue, located on Lots 5, 6 and the north 26.25 feet of Lot 7, Block 19, Delray Beach, formerly Town of Linton, Palm Beach County, Florida. (Original designation by Ordinance 08-95, February 7, 1995.)
- (18) The Susan Williams House, located at 154 N.W. 5th Avenue, Delray Beach, Florida; more particularly described as follows: south 12 feet of Lot 7 and Lot 8, Melvin S. Burd Subdivision, as recorded in Plat Book 11, Page 73, of the Public Records of Palm Beach County, Florida (154 N.W. 5th Avenue). (Original designation by Ordinance 09-95, February 7, 1995; amended by Ordinance 29-02, July 16, 2002.)
- (19) The Monterey House, 20 North Swinton Avenue, located on Lot 12, Block 60, Delray Beach, formerly Town of Linton, Palm Beach County, Florida. (Original designation by Ordinance 27-95, June 6, 1995.)
- (20) The Historic Bungalow, 24 North Swinton Avenue, located south 50 feet of Lot 11, Block 60, Delray Beach, formerly Town of Linton, Palm Beach County, Florida. (Original designation by Ordinance 28-95, June 6, 1995.)
- (21) The Blank House, 85 S.E. 6th Avenue, located on Lots 12, 13, and 14, Block 117, Delray Beach, formerly Town of Linton, Palm Beach County, Florida. (Original designation by Ordinance 29-95, June 6, 1995.)

- (22) The Sandoway House, 142 South Ocean Boulevard. Beach Lots Delray, the South 73 feet of the North 100 feet of Lot 24, less the West 355 feet, as recorded in Plat Book 1, Page 25, of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 57-96, December 3, 1996.)
- (23) West Settlers Historic District is bounded on the north by Martin Luther King, Jr. Boulevard (N.W. 2nd Street). The eastern boundary is as follows: the alley running north and south in Block 43; N.W. 3rd Avenue between N.W. 1st Street and the east-west alley of Block 36. The southern boundary is N.W. 1st Street between N.W. 3rd Avenue and the alley in Block 43; the east-west alley in Block 36 and Block 28 and the south property line of Lot 13, Block 20. The western boundary is the north-south alley and the eastern one-half of the block south of the alley of Block 19; the north-south alley in the north half of Block 20. (Original designation by Ordinance 6-97, February 18, 1997; Amended by Ordinance 38-07, February 5, 2008).
- (24) The Trinity Evangelical Lutheran Church Chapel, located on a portion of the Trinity Evangelical Lutheran Church property at 400 North Swinton Avenue, Delray Beach, Florida; more particularly described as the East ½ of Lot 12, Section 8-46-43, Delray Beach, Palm Beach County, Florida. The chapel is the only building in the church complex receiving an historic designation. The church complex is located at the northwest corner of Lake Ida Road and Swinton Avenue. (Original designation by Ordinance 26-97, July 1, 1997.)
- (25) The Turner House, located at 145 N.E. 6th Avenue, Delray Beach, Florida; more particularly described as the South 27.6 feet of Lot 5, less the West 5 feet SR R/W, Lots 6 and 7, less the West 5 feet SR R/W, of Block 115, as recorded in Plat Book 1 at Page 3 of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 46-97, November 18, 1997.)
- (26) The Price House, located at 1109 Sea Spray Avenue, Delray Beach, Florida; more particularly described as Lot 11, Sea Spray Estates, as recorded in Plat Book 21 at Page 15 of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 12-98, March 3, 1998.)
- (27) The Fellowship Hall of the First Presbyterian Church of Delray Beach, located at 36 Bronson Street, Delray Beach, Florida; more particularly described as Lots 16, 17, 18 and 19, Block 3, Ocean Park Subdivision, as recorded in Plat Book 5 at Page 15 of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 46-99, November 16, 1999.)

- (28) The Atlantic Avenue Bridge (State Structure #930864), located at East Atlantic Avenue and the Intracoastal Waterway in the City of Delray Beach, Palm Beach County, Florida. (Original designation by Ordinance 18-00, August 15, 2000)
- (29) The George Bush Boulevard Bridge, formerly known as the N.E. 8th Street Bridge, (State Structure #930026), located at George Bush Boulevard and the Intracoastal Waterway in the City of Delray Beach, Palm Beach County, Florida. (Original designation by Ordinance 19-00, August 15, 2000.)
- (30) The Water House, located at 916 and 918 Northeast 5th Street, Delray Beach, Florida; more particularly described as the West 84.82 feet of Lot 37, Las Palmas, Delray Beach, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 10 at Page 68. (Original designation by Ordinance 15-01, February 20, 2001.)
- (31) The O'Neal House, located at 910 N.E. 2nd Avenue, Delray Beach, Florida, more particularly described as follows: Lots 1, 2, 3, 28 and 29, Block 10, Dell Park, Delray Beach, Palm Beach County, Florida, according to the Plat thereof, recorded in Plat Book 8 at Page 56 of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 27-02, July 16, 2002.)
- (32) The Amelung House, located at 102 NE 12th Street, Delray Beach, Florida, more particularly described as follows: Lot 9, Block 6, Dell Park, according to the Plat recorded in Plat Book 8, Page 56, recorded in the Public Records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida. (Original designation by Ordinance 25-03, August 19, 2003.)
- (33) The Dewitt Estate, located at 1110 North Swinton Avenue, Delray Beach, Florida, more particularly described as the East 365.69 feet of Lot 8 (less the West 40.00 feet of the South 20.00 feet of said East 365.69 feet of Lot 8) Subdivision of South half of East half of Lot 8, Section 8, Township 46 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 16, Page 80, of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 71-04, January 4, 2005.)
- (34) The Hartman House, located at 302 N.E. 7th Avenue, Delray Beach, Florida, more particularly described as follows: Lots 13 and 14, Block 113, Highland Park according to the map or plat thereof as recorded in Plat Book 2, Page 79, of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 26-05, May 3, 2005.)

- (35) The Sewell C. Biggs House, located at 212 Seabreeze Avenue, Delray Beach, Florida, more particularly described as follows: Lot 21 and the West 35 feet of Lot 22, Delray Beach Esplanade, according to the plat thereof, as recorded in Plat Book 18, Page 39, Public Records of Palm Beach County, Florida. (Original designation by Ordinance 50-05, July 19, 2005.)
- (36) The Harvel House, located at 182 NW 5th Avenue, Delray Beach, Florida, more particularly described as follows: Lots 2 and south five feet of Lot 1, Melvin S. Burd Subdivision, according to the map or plat thereof as recorded in Plat Book 11, Page 73, of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 16-10, July 20, 2010.)
- (37) Adams Auto Dealership, located at 290 SE 6th Avenue, Delray Beach, Florida, more particularly described as follows: Lots 30 and 31, Block 111, Town of Delray. (Original designation by Ordinance 24-12, August 21, 2012)
- (38) Waters-Wellenbrink Residence, located at 1108 Vista Del Mar Drive North, Delray Beach, Florida, more particularly described as follows: West 25.13 Feet of Lot 32 and Lot 33, Delray Beach Esplanade. (Original designation by Ordinance 29-12, October 16, 2012)
- (39) The Marina House, located at 170 Marine Way, Delray Beach, Florida, Lot 15, A Subdivision of Block 126, Delray, Florida, according to the Plat thereof, recorded in Plat Book 11, Page 4, of the Public Records of Palm Beach County, Florida. (Original designation by Ordinance 03-13. March 5, 2013.)
- (40) Two Fisher Lane, located at 2 Fisher Lane, Delray Beach, Florida, more particularly described as follows: Lots 40 and 41 and Part of 50 Feet abandoned Canal Street lying east of and adj to, Las Palmas Sub. (Original designation by Ordinance 18-13. September 3, 2013)
- (41) Ridley Temple Church of God In Christ, located at 102 SW 12th Avenue, Delray Beach, more particularly described as the Lots 1 and 13, Block 3, Atlantic Park Gardens, a subdivision of the City of Delray Beach, Florida as per Plat recorded in Plat Book 14, Page 56, of the Public Records of Palm Beach County, Florida together with Lot 14, Block 3, Atlantic Park Gardens, Delray, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 14, Page 56. (Original designation by Ordinance 01-16, January 19, 2016).
- (42) The Clint Moore House, located at 1420 North Swinton Avenue, Delray Beach, more particularly described as the North Half of the Northeast Quarter of Lot 7, less the West 189.7 feet thereof and also less the East 33 feet

thereof for road right-of-way of Swinton Avenue, of Section 8, Township 46 South, Range 43 East, Map Showing Subdivisions of Portions of Townships 45 and 46 South, Range 43 East, according to the map or plat thereof as recorded in Plat Book 1, Page 4, Public Records of Palm Beach County, Florida. Together with a sewer easement 6 feet in width on the South 6 feet or the South 100.24 feet of the West 189.7 feet of the North Half of the Northeast Quarter of Lot 7, of Section 8, Township 46 South, Range 43 East, less the West 25 feet for dedicated right-of-way as in O.R. Book 1443, Page 586, corrected in O.R. Book 1778, Page 268, Public Records of Palm Beach County, Florida. (Ord. No. 05-17, § 3, 4-4-17)

- (43) The Harden-Hart House, located at 516 North Swinton Avenue, Delray Beach, more particularly described as: The North 80 feet of the South 253 feet of the East 183 feet of the Southeast Quarter of Lot 11, Section 8, Township 46 South, Range 43 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 1, Page 4, less the East 33 feet thereof as conveyed to the City of Delray Beach as recorded in Deed Book 557, Page 269. (Ord. No. 15-19, § 3, 4-16-19)
- (44) The Wellbrock House, located at 20 and 22 North Swinton Avenue, Delray Beach, more particularly described as: Lot 12, LESS the South 4 feet thereof, Block 60, TOWN OF DELRAY, Florida as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida. (Ord. No. 44-20, § 2, 9-10-20)
- (45) DOC'S, located at 10 North Swinton Avenue, Delray Beach, more particularly described as: Lot 16, Block 60, Map of the Town of Linton (now Delray Beach), according to the map or plat thereof as recorded in Plat Book 1, Page 3, Public Record of Palm Beach County, Florida, LESS and EXCEPT that portion conveyed to the State of Florida by Warranty Deed recorded in the O.R. Book 1607, page 471 and described as follows: The South 20 feet of Lot 16, Block 60, according to the Plat of Original Town of Linton, as recorded in Plat Book 1, Page 3, in the Public Records of Palm Beach County, Florida, in Section 17, Township 46 South, Range 43 east, and that part of said Lot 16 which is included in the external area formed by a 25 foot radius arc which is tangent to a line 20 feet north of and parallel to the South line of said lot 16 and tangent to the East line of said Lot 16. (Ord. No. 28-21, § 2, 12-6-22)

(J) **Tax exemption for historic properties.** A tax exemption is available for improvements to qualifying contributing properties in a designated historic district or individually designated properties, as listed in Section 4.5.1 (I). Qualifying properties

shall be exempt from that portion of ad valorem taxation levied by the City of Delray Beach on 100 percent of the increase in assessed value resulting from any HPB approved renovation, restoration, rehabilitation, or other improvements of the qualifying property made on or after the effective date of the original passing of Ordinance 50-96 on November 19, 1996.

- (1) The exemption does not apply to:
 - (a) Taxes levied for payment of bonds;
 - (b) Taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article 7 of the Florida Constitution; or
 - (c) Personal property.
- (2) Duration of tax exemption. The exemption period shall be for ten years, unless a lesser term is set by the City Commission.
 - (a) The term of the exemption shall be specified in the resolution approving the exemption and shall continue regardless of any changes in the authority of the City to authorize such exemption or change in ownership of the property.
 - (b) To retain an exemption, the historic character of the property and the improvements which qualified the property for an exemption must be maintained in their historic state over the period for which the exemption was authorized.
- (3) Effective date of exemption. The effective date of the tax exemption shall be January 1 of the year following the year in which a historic preservation exemption covenant is recorded and a copy of the Final Application and resolution of the City Commission, as approved, have been transmitted to the Palm Beach County Property Appraiser.
- (4) Qualifying properties. Real property located within the City qualifies for the Historic Property Tax Exemption if, at the time the exemption is approved by the City Commission, the property:
 - (a) is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or,
 - (b) is a contributing property within a district listed on the National Register of Historic Places or,

- (c) is a contributing property within a locally designated historic district or is individually designated and listed on the Local Register of Historic Places; and,
 - (d) has been certified by the Historic Preservation Board as satisfying (a), (b), or (c).
- (5) Qualifying improvements. Improvements to a qualifying property for an exemption, the improvement must:
 - (a) be consistent with the United States Secretary of the Interior's Standards for Rehabilitation, as amended; and
 - (b) be a constructed and/or installed improvement as approved by the Historic Preservation Board and as established in rules adopted by the Department of State, Division of Historical Resources, FAC 1A-38, as amended which defines real property improvements as changes in the condition of real property brought about by the expenditure of labor and money for the restoration, renovation, or rehabilitation of such property. Improvements shall include, but are not limited to: modifications, repairs, or additions to the principal contributing building and its associated accessory structures (i.e. a garage, cabana, guest cottage, storage/utility structures, swimming pools), whether existing or new. The exemption does not apply to improvements made to non-contributing principal buildings, existing non-contributing accessory structures, or undesignated structures and/or properties; and,
 - (c) be consistent with Section 4.5.1(E), "Development Standards", of the City's Land Development Regulations; and
 - (d) include, as part of the overall project, visible improvements to the exterior of the structure.
- (6) Evaluation of property used for government or nonprofit purposes.
 - (a) For purposes of the exemption under Section 196.1998, Florida Statutes, a property is being used for government or nonprofit purposes if the sole occupant of at least 65 percent of the useable space is an agency of the federal, state or a local government unit or a nonprofit organization certified by the Department of State under Section 617.0301, Florida Statutes.
 - (b) For purposes of the exemption under Section 196.1998, Florida Statutes, a property is considered regularly and frequently open to the public if

public access to the property is provided not less than 12 days a year on an equitably spaced basis, and at other times by appointment. Nothing herein shall prohibit the owner from charging a reasonable nondiscriminatory admission fee, comparable to fees charged at similar facilities in the area.

- (7) Application for exemption. Any property owner, or the authorized agent of the owner, that desires an ad valorem tax exemption for the improvement of a historic property must submit a Historic Property Tax Exemption Application to the Planning and Zoning Department upon completion of the qualifying improvements.
- (a) The application shall indicate the estimated cost of the total project, the estimated cost attributed solely to the historic structure, and project completion date as determined by the Certificate of Occupancy issued by the Building Department.
 - (b) The Historic Property Tax Exemption Application shall be accompanied by a copy of the most recent tax bill from the Palm Beach County Property Appraiser for the property; a new property survey illustrating the improvements; a copy of the building permit application indicating estimated project cost; a copy of the Certificate of Occupancy/Final Inspection; and photographs illustrating the before and after of each improvement, including both the interior, exterior, and all new construction. The photographs shall be identified with a date and description indicating the impact of the improvement.
 - (c) The application must be submitted within three months from the date of issuance of a Certificate of Occupancy.
 - (d) The Historic Preservation Planner will inspect the completed work to verify such compliance prior to Historic Preservation Board review.
 - a. If the Historic Preservation Board determines that the work is a qualifying improvement and is in compliance with the approved plans and the review standards contained in Section 4.5.1 (E), the Board shall recommend that the City Commission grant the Historic Property Tax Exemption Application.
 - b. Upon a recommendation of approval of a Historic Property Tax Exemption Application by the Historic Preservation Board, the application shall be placed by resolution on the agenda of the City Commission for approval. The resolution of the City Commission

approving the application shall provide the name of the owner of the property, the property address and legal description, a recorded restrictive covenant in the official records of Palm Beach County as a condition of receiving the exemption, and the effective dates of the exemption, including the expiration date.

- c. If the Historic Preservation Board determines that the work as completed is either not consistent with the approved plans or is not in compliance with the review standards contained in Section 4.5.1 (E), the applicant shall be advised that the request has been denied.

(8) Historic preservation exemption covenant.

- (a) To qualify for an exemption, the applicant must sign and return the Historic Preservation Exemption Covenant. The covenant as established by the Department of State, Division of Historical Resources, shall be in a form approved by the City of Delray Beach City Attorney's Office and applicable for the term for which the exemption is granted and shall require the character of the property and qualifying improvements to be maintained during the period that the exemption is authorized.
- (b) On or before the effective date of the exemption, the owner of the property shall have the covenant recorded in the official records of Palm Beach County, Florida, and shall cause a certified copy of the recorded covenant to be delivered to the City's Historic Preservation Planner. Such covenant shall be binding on the current property owner, transferees, and their heirs, assigns and successors. A violation of the covenant shall result in the property owner being subject to the payment of the differences between the total amount of the taxes which would have been due in March of each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in Sec. 212.12(3), Florida Statutes.

(9) Notice of approval to the property appraiser.

- (a) Upon the receipt of a certified copy of the recorded restrictive covenant by the Historic Preservation Planner, the Planner shall transmit a copy of the approved Final Application/Request for Review of Com-

pleted Work, the exemption covenant and the resolution of the City Commission approving the Final Application and authorizing the tax exemption to the Palm Beach County Property Appraiser.

- (b) The resolution approving an historic tax exemption must be filed with the Palm Beach County Property Appraiser on or before January 1 of the year in which an exemption is requested. Therefore, the Final Application/Request for Review of Completed Work must be submitted no later than November 1 of the year the work was completed in order to process the application for both the Historic Preservation Board and City Commission approvals. If the Final Application/Request for Review of Completed Work is not submitted by November 1 of the year the work was completed, the abatement will not take effect until the following year of the date of submittal.

(10) **Revocation Proceedings:*** (Ord. No. 12-18, § 4, 9-25-18)

- (a) The Historic Preservation Board may initiate proceedings to revoke the ad valorem tax exemption provided herein, in the event the applicant, or subsequent owner or successors in interest to the property, fails to maintain the property according to the terms, conditions and standards as set forth at Sections 4.5.1(E)(5) and 4.5.1(E)(9) or violates the terms of the Historic Preservation Exemption Covenant. (Ord. No. 12-18, § 4, 9-25-18)
- (b) The Director of Development Services, or designee, shall provide notice to the current owner of record of the property and the Historic Preservation Board shall hold a revocation hearing and make a recommendation to the City Commission. (Ord. No. 12-18, § 4, 9-25-18)
- (c) The City Commission shall review the recommendation of the Historic Preservation Board and make a determination as to whether the tax exemption shall be revoked, a written resolution revoking the exemption and notice of penalties as provided in Paragraph 8 of the covenant will be provided to the owner, the Palm Beach County Property Appraiser, and filed in the official records of Palm Beach County. (Ord. No. 12-18, § 4, 9-25-18)

***Editor's note**—Ord. No. 12-18, § 4, adopted September 25, 2018, repealed and replaced subsection 4.5.1(J)(10) in its entirety. Former subsection 4.5.1(J)(10) pertained to similar subject matter and derived from Ord. 01-12, adopted August 21, 2012.

- (d) Upon receipt of the resolution revoking the tax exemption, the Palm Beach County Property Appraiser shall discontinue the tax exemption on the property as of January 1 of the year following receipt of the notice of revocation. (Ord. No. 12-18, § 4, 9-25-18)

(K) ***Criteria for change of historic designation and/or classification.***

- (1) A survey of all historic districts may be conducted by the City every five years. The survey report may recommend changes to the historic designation and/or classification of properties located within or immediately adjacent to a designated historic district.

(a) ***Change of historic designation through removal from a historic district.***

If a survey report reveals that a part of a historic district that touches the edge of the boundary of the historic district at the time of the original designation of that district has had its historic integrity irreversibly compromised due to inappropriate development then the offending part of the district may be removed and the boundary lines of the historic district revised to reflect the removal in accordance with LDR Section 4.5.1(O).

- 1. If a property owner within the part of the district seeking removal from the historic district desires to retain the historic designation for their property, then they may apply to individually designate their property pursuant to LDR Sections 4.5.1(B) and (C). If a property has received a tax exemption pursuant to LDR Section 4.5.1(M) as a contributing structure within a historic district but does not qualify for individual designation, then the part of the district seeking to be removed from the district which includes said property may not be removed until the tax exemption expires pursuant to LDR Section 4.5.1(M)(3).

- (b) ***Criteria for change of historic classification.*** If a City-initiated survey conducted within the last five years reveals that a property within a historic district should be reclassified as either contributing or non-contributing, then the classification may be revised in accordance with LDR Section 4.5.1(O) and shall be determined as follows:

- 1. The survey report recommends the inclusion of an additional "Period of Significance", which would reclassify properties from non-contributing to contributing; or
- 2. The survey report recommends that a property or properties have been so significantly altered that the changes are irreversible and

have compromised the structures historic integrity of the structure, which would reclassify the structure from contributing to non-contributing.

(c) ***Change of historic designation through expansion of a historic district.***

The boundaries of a historic district may be expanded based upon the recommendation of a survey report to include those properties recommended for inclusion within the district in accordance with LDR Section 4.5.1(O), or a new historic district may be created to include those identified properties in accordance with LDR Section 4.5.1(C).

(L) ***Procedures for change of historic designation and/or classification.***

(1) Procedures for change of historic designation through removal from or expansion of a historic district. Applications shall be made to the Historic Preservation Board and may be initiated by written request of:

- (a) The Historic Preservation Board based upon the recommendations of a survey report completed within five years prior to the application; or
- (b) The City Commission based upon the recommendations of a survey report completed within five years prior to the application; or
- (c) Any owner(s) of a property to be removed or added based upon the recommendation of a City-initiated survey completed within 12 months or less prior to application. Applications submitted by property owners shall include:
 - 1. photographs and addresses of all properties that will be either removed from or added to the historic district; and
 - 2. signatures of at least 75 percent of the property owners that are located in the area that will be removed from or added to the historic district.
- (d) For the purposes of this section, completion date of the final survey report is determined by the date of acceptance by the Historic Preservation Board.
- (e) The Planning and Zoning Director or his/her designee shall conduct a preliminary evaluation of the information provided on each application to determine if it generally conforms with criteria in LDR Section 4.5.1(N)(1). The Planning and Zoning Director or his/her designee shall then prepare a report which shall contain the following:
 - 1. Proposed revised legal boundaries of the historic district;
 - 2. Analysis of the historic significance and character of the property(ies) to be removed from or added to the historic district; and

3. A staff recommendation as to whether or not the properties should be removed due to irreversible loss of historic integrity as a result of inappropriate development within a historic district or part of a district or whether or not the additional properties should be added to the historic district due to an increase in contributing structures adjacent to the district.
- (f) A public hearing shall be scheduled before the Historic Preservation Board. Notice of said hearing shall be made to the owner(s) of all properties within the subject historic district and the owner(s) of all properties within 500 feet of the affected properties at least ten days prior to the hearing by regular mail. Additional notice shall be given in the same manner as provided for a rezoning action [see Section 2.4.2(B)(1)(b)] and by notice published in the newspaper at least ten days prior to the hearing, provided; however, posting pursuant to 2.4.2(B)(1)(b) is not required.
- (2) Procedures for change of historic classification. Applications to change the historic classification of a property or properties within a historic district shall be made to the Historic Preservation Board and may be initiated by written request of:
 - (a) The Historic Preservation Board based upon the recommendations of a City-initiated survey report completed within five years prior to the application; or
 - (b) The City Commission based upon the recommendations of a City-initiated survey report completed within five years prior to the application; or
 - (c) Any owner(s) of a property to be reclassified based upon the recommendation of a City-initiated survey report completed within 12 months prior to the application. Applications submitted by property owners shall include:
 1. photographs and addresses of all properties that will be reclassified as contributing or noncontributing; and
 2. signatures of at least 75 percent of the owners whose properties are to be reclassified.
 - (d) For the purposes of this section, completion date of the final survey report is determined by the date of acceptance by the Historic Preservation Board.

- (e) The Planning and Zoning Director or his/her designee shall conduct a preliminary evaluation of the information provided on each application to determine if it generally conforms with criteria in LDR Section 4.5.1(N)(1). The Planning and Zoning Director or his/her designee shall then prepare a report which shall contain the following:
 - i. Analysis of the properties to be reclassified; and
 - ii. A staff recommendation as to whether or not the properties should be reclassified due to either:
 - 1. loss of historic integrity as a result of irreversible alterations to a contributing property; or
 - 2. inclusion of an additional "Period of Significance" per the survey report recommendations.
 - (f) A public hearing shall be scheduled before the Historic Preservation Board. Notice of said hearing shall be made to the owner(s) of all properties within the subject historic district at least ten days prior to the hearing by regular mail.
- (3) After conducting the public hearing, the Historic Preservation Board shall vote on the recommendation. A majority of the entire Board, present and voting, must act in the affirmative to approve the application. The decision of the Board, whether the application is approved or denied, shall then be transmitted to the City Commission. The City Commission shall consider the recommendation of the Historic Preservation Board through its standard ordinance adoption procedures, except that if any property owner within the subject historic district seeking a change of historic designation and/or classification objects, the City Commission approval shall require a super majority vote of four votes.
- [Amd. Ord. 30-91, 3/26/91; Amd. Ord. 78-04, 1/18/05; Amd. Ord. 24-05, 4/19/05; Amd. Ord. 55-07, 1/15/08; Amd. Ord. 38-07, 2/5/08; Amd. Ord. 30-08, 09/16/08; Amd. Ord. 01-12, 8/21/12; Amd. Ord. 13-15, 08/18/2015; Amd. Ord. 14-15, 7/7/2015]

Sec. 4.5.2. Noise control.

Any land use established within the City of Delray Beach must comply with the requirements of Chapter 99, Noise Control, of the Code of Ordinances.

Sec. 4.5.3. Reserved.

Editor's note—Ord. No. 32-16, § 2, adopted Dec. 6, 2016, repealed § 4.5.3, which pertained to flood damage control districts and derived from Ord. 38-05, adopted June 21, 2005; Ord. 02-11, adopted Jan. 18, 2011; and Ord. 37-11, adopted Nov. 15, 2011. Similar provisions are now reflected in Ch. 10.

Sec. 4.5.4. Reserved.

Editor's note—Ord. No. 37-17, § 2, adopted Nov. 7, 2017, repealed § 4.5.4, which pertained to coastal construction.

Sec. 4.5.5. Palm Beach County ordinances.

Palm Beach County is a Charter County and, as such, has the ability to enact ordinances which are effective within municipal boundaries. The manner in which such ordinances, which impact the land development process, are accommodated within the City of Delray Beach is set forth below.

(A) **Wetlands protection ordinance.**

- (1) **Reference.** County Ordinance 90-5, adopted on January 23, 1990, applies within the municipal limits of Delray Beach.
- (2) **Applicability.** To lands defined in Section 3.v of the County Ordinance with exceptions per Section 4.01, therein.
- (3) **Process.** When this Ordinance is applicable to property which is subject to development review and approval, the applicant is responsible for compliance therewith. Compliance shall be initiated during the City's review process but satisfaction of Ordinance 90-5 may be made a condition of approval.

(B) **Wellfield protection ordinance.**

- (1) **Reference.** The Palm Beach County Wellfield Protection Ordinance as initially adopted on March 07, 1988, and as amended thereafter, applies within the municipal limits of Delray Beach. [Amd. Ord. 4-93 1/26/93]
- (2) **Applicability.** To land contained within Wellfield Protection Zones 1, 2, 3, and 4 as depicted upon the Wellfield Protection Map Series as maintained by the Palm Beach County Department of Environmental Resources Management and upon which any of the following uses or activities are proposed: [Amd. Ord. 4-93 1/26/93]
 - (a) Application for a building permit for nonresidential activity;

- (b) Application for a building permit for residential development of 25 or more units;
- (c) Application for a nonresidential development subject to site plan review or conditional use review and approval.

(3) **Process.**

- (a) Development applications. When the above activities occur, the City shall require the applicant to file an "Affidavit of Notification" signed by the County Department of Environmental Resources Management as a part of submission materials. When site plan or conditional approval is required, the staff report provided to the approving body shall contain information as to the potential existence of regulated substances and the manner in which compliance with applicable provisions of the Ordinance will be achieved. [Amd. Ord. 4-93 1/26/93]
 - (b) **Occupational licenses.** Prior to issuance of a new occupational license, certification from the Department of Environmental Resources Management as to conformance of the use to applicable requirements of the Wellfield Protection Ordinance must be provided to the City.
- (4) **Additional restrictions.** In addition to the provisions of the Countywide Wellfield Protection Ordinance, the following special regulations apply within the City of Delray Beach.
- (a) The installations of any private well within Zones 1, 2, and 3, as depicted on Palm Beach County's Department of Environmental Resources Management Wellfield Protection Map, for the City's Series 20 Wellfield is prohibited.
 - (b) The replacement, reconditioning, or extension of the depth of any private well within Zones 1, 2, and 3, as depicted on Palm Beach County's Department of Environmental Resources Management Wellfield Protection Map, for the City's Series 20 Wellfield is prohibited. [Amd. Ord. 4-93 1/26/93]

(C) **Traffic performance standards ordinance.** [Reference Section 2.4.3(E) of these Land Development Regulations].

(D) **Coastal resource protection ordinance.** [Reference Ordinance 34-90, of the City of Delray Beach, adopted on August 28, 1990].

Sec. 4.5.6. The West Atlantic Avenue Overlay District.

[Amd. Ord. 73-95 12/5/95]

(A) **General.** With the adoption of the City's Comprehensive Plan by Ordinance No. 82-89 on November 28, 1989, the City identified the West Atlantic Avenue Corridor as an area in need of redevelopment and revitalization. The West Atlantic Avenue Redevelopment Plan was prepared for the area and was adopted by the City Commission at its meeting of July 11, 1995. This section is created to implement the provisions of the adopted West Atlantic Redevelopment Plan and any updates subsequently adopted. All development within the West Atlantic Overlay District, as defined in Section (B) below, shall take place according to the provisions of the adopted plan. [Amd. Ord. 73-95 12/5/95] (Ord. No. 23-20, § 34, 9-10-20)

(B) **Defined.** The West Atlantic Avenue Overlay District is hereby established as the area bounded by I-95 on the west, Swinton Avenue on the East, S.W. 1st Street on the south, and N.W. 1st Street on the north, and extending one block north of N.W. 1st Street along N.W. 5th Avenue to include Blocks 19 and 27, Town of Delray. The regulations established in Section 4.4.13(G)(2) shall apply to all CBD zoned parcels within the Overlay District. [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 73-95 12/5/95]

(C) **Reserved.** [Amd. Ord. 64-04 11/16/04] (Ord. No. 09-19, § 3, 3-12-19)

Sec. 4.5.7. The North Federal Highway Overlay District. [Amd. Ord. 53-96 11/19/96]

(A) **Defined.** The North Federal Highway Overlay District is hereby established as the area bounded by Dixie Highway on the west, the northern City limits on the north, North Federal Highway on the east, and N.E. 14th Street on the south. The regulations established in Section 4.4.9(D) and G(2) shall apply to all GC zoned parcels within the overlay district. [Amd. Ord. 53-96 11/19/96]

Sec. 4.5.8. The Wallace Drive Overlay District. [Amd. Ord. 1-04 2/3/04]

(A) **Defined.** The Wallace Drive Overlay District is hereby established as the area bounded by SW 10th Street on the north, Georgia Street on the south, SW 9th Avenue on the east and Wallace Drive on the west. The regulations established in Section 4.4.26(F)(3) shall apply to all LI zoned parcels within the overlay district. [Amd. Ord. 1-04 2/3/04]

Sec. 4.5.9. The Southwest Neighborhood Overlay District.

[Amd. Ord. 33-08 8/19/08]; [Amd. Ord. 66-04 12/6/04]

(A) **Defined.** The Southwest Neighborhood Overlay District is the area zoned RM located between Interstate 95 and S.W. 1st Avenue from Atlantic Avenue to S.W. 2nd Street, except along SW 12th Avenue, where it extends south to SW 3rd Street. The applicable regulations set forth in Section 4.7, "Family/Workforce Housing" (in addition to applicable Land Development Regulations) shall apply to this district. [Amd. Ord. 06-14 4/1/14];

Sec. 4.5.10. The Southwest 10th Street Overlay District.

[Amd. Ord. 66-04 12/6/04]

(A) **Defined.** The Southwest 10th Street Overlay District is located between S.W. 10th Street to the north and Reigle Avenue to the South and between Swinton Boulevard to the east and S.W. 2nd Avenue, if it was extended to Reigle Avenue, to the west. The application regulations set forth in Section 4.7, "Family Workforce Housing" shall apply to the Southwest 10th Street Overlay District in addition to other applicable Land Development Regulations.

Sec. 4.5.11. The Carver Estates Overlay District.

[Amd. Ord. 66-04 12/6/04]

(A) **Defined.** The Carver Estates Overlay District covers two areas shown on the map in Section 4.7.1c of the Land Development Regulations. The applicable regulations set forth in Section 4.7, "Family/Workforce Housing", shall apply to the Carver Estates Overlay District in addition to other applicable Land Development Regulations.

Sec. 4.5.12. The Infill Workforce Housing Area.

[Amd. Ord. 17-06 4/4/06]

(A) **Defined.** The Infill Workforce Housing Area is located west of the Intracoastal Waterway and east of I-95 as shown on the map in Section 4.7.1(l) of the Land Development Regulations.

Sec. 4.5.13. North Beach/Seagate and Ocean Neighborhood Overlay Districts.

[Renumbered by Amd. Ord. 17-06 4/4/06]; [Amd. Ord. 68-04 1/4/05]

(A) **General.** The Beach Property Owners Design Manual (Manual) was prepared for the single family and low density residential zoned properties, east of the Intracoastal Waterway, as defined below in subsections (B)(1) and (2). All development within the North Beach/Seagate and Ocean District Neighborhood Overlay Districts, shall be regulated according to the provisions of the Manual adopted herein and shall follow the standards for visual compatibility provided within the guidelines including regulations limiting height, width, mass, scale, materials, color, style, form, and square footage. The Beach Property Owners Design Manual, as amended, is adopted by reference as a part of this section. The Manual will be available to the public on the City of Delray Beach's website and in the Development Services Department. [Amd. Ord. 36-07 9/18/07]; [Amd. Ord. 68-04 1/4/05] (Ord. No. 08-19, § 2, 3-12-19)

(B) **Defined.** [Amd. Ord. 68-04 1/4/05]

- (1) **North Beach/Seagate Neighborhood Overlay District.** The North Beach/Seagate Neighborhood Overlay District is hereby established as the area zoned Single Family Residential (R-1) Districts, including R-1-AA and R-1-AAA, located north of East Atlantic Avenue, south of George Bush Boulevard, east of the Intracoastal Waterway and west of North Ocean Boulevard (State Road A-1-A) together with the entire Seagate Neighborhood generally located south of Bucida Road, north of Lewis Cove, between the Intracoastal Waterway and south Ocean Boulevard (State Road A-1-A), less Lots 35 through 45, Block 5, of the plat of Seagate Extension. The regulations established in Section 4.4.3(E)(4), 4.4.3(F)(1), and 4.4.3(G)(1) shall apply to all parcels within the Overlay District, excluding those parcels located within a designated historic district or individually listed on the Local Register of Historic Places. [Amd. Ord. 68-04 1/4/05] (Ord. No. 08-19, § 2, 3-12-19)
- (2) **Ocean Neighborhood Overlay District.** The Ocean Neighborhood Overlay District is hereby established as the area located east of Ocean Boulevard (State Road A-1-A), zoned Single Family Residential (R-1) Districts, including R-1-A, R-1-AAA, and Low Density Residential (RL) District. The regulations established in Sections 4.4.3(E)(4), 4.4.3(F)(1), and 4.4.3(G)(1) shall apply to all parcels within the Overlay District, excluding those parcels located within a designated historic district or individually listed on the Local Register of Historic Places. [Amd. Ord. 68-04 1/4/05] (Ord. No. 08-19, § 2, 3-12-19)

Sec. 4.5.14. Four Corners Overlay District.

[Amd. Ord. 8-07 3/20/07]

(A) **Defined.** The Four Corners Overlay District is hereby established as the area located at the four corners of the intersection of West Atlantic Avenue and Military Trail. The Overlay District includes both GC (General Commercial) and PC (Planned Commercial) zoned properties. All development within the overlay district is subject to special provisions included within the GC and PC zoning district regulations. [Amd. Ord. 8-07 3/20/07]

Sec. 4.5.15. I-95/CSX Railroad Corridor Overlay District.

[Amd. Ord. 10-07 3/20/07]

(A) **Defined.** The I-95/CSX Railroad Corridor Overlay District is located east of the CSX Railroad, west of I-95, south of the E-4 Canal, and north of the Historic Depot property, as shown on the map in Section 4.7.1(t) of the Land Development Regulations. The applicable regulations set forth in Section 4.7, "Family/Workforce Housing", shall apply to the I-95/CSX Railroad Corridor Overlay District in addition to other applicable Land Development Regulations. [Amd. Ord. 10-07 3/20/07]

Sec. 4.5.16. Lake Ida Neighborhood Overlay District.

[Amd. Ord. 24-08 6/17/08]

(A) **Defined.** The Lake Ida Neighborhood Overlay District is hereby established as the area bounded by NW 22nd Street on the north, Swinton Avenue on the east, Lake Ida Road on the south, and Interstate 95 on the west for the properties that are zoned R-1-AA (Single Family Residential), R-1-AAA (Single Family Residential), and R-1-AAAB (Single Family residential). All development within the overlay district is subject to the special provisions included within the Single Family Residential (R-1) Districts.

Sec. 4.5.17. Silver Terrace Courtyards Overlay District.

[Amd. Ord. 38-09 8/18/09]

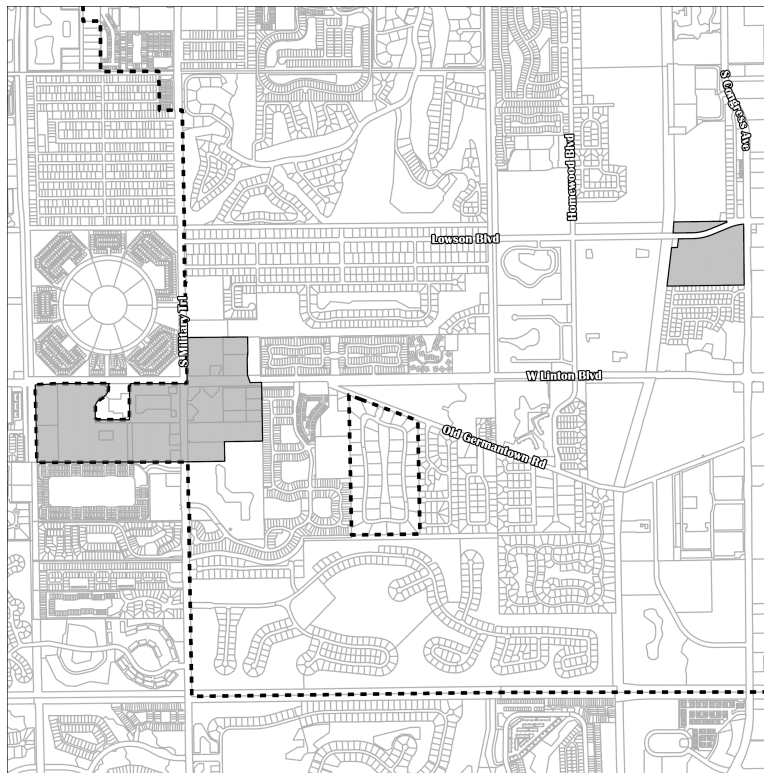
(A) **Defined.** The Silver Terrace Courtyards Overlay District is located on the west side of South Federal Highway, approximately 320 feet south of SE 10th Street and north of the Plaza at Delray, as shown on the map in Section 4.7.1(v) of the Land Development Regulations. The applicable regulations set forth in Section 4.7, "Family/Workforce Housing", shall apply to the Silver Terrace Courtyards Overlay District in addition to other applicable Land Development Regulations.

Sec. 4.5.18. Medical Arts Overlay District.

(A) **Defined.** The Medical Arts Overlay District is hereby established to include the following area: [Amd. Ord. 09-11 4/5/11] (Ord. No. 14-26, § 4, 5-5-26)

- (1) The North half (N ½) of the Northeast quarter (NE ¼) of Section 26, Township 46 South, Range 42 East, lying South of the Linton Boulevard road right-of-way, East of the LWDD E-3 Canal right-of way, and West of the Military Trail road right-of-way; together with Parcel 1, Delray Town Center, a Subdivision in Palm Beach County, Florida as per the Plat thereof recorded in Plat Book 65, Page 189, of the Public Records of Palm Beach County; together with Parcel A, Delray Outpatient Properties Plat, a Subdivision in Palm Beach County, Florida as per the Plat thereof recorded in Plat Book 99, Page 197, of the Public Records of Palm Beach County; together with the Northwest quarter (NW ¼) of the Northwest quarter (NW ¼), of Section 25, Township 46 South, Range 42 East, lying South of the Linton Boulevard road right-of-way, and East of the Military Trail road right-of-way, less the South half (S ½) of the Southeast quarter (SE ¼) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼).
- (2) Tracts A, B, C, and D. Replat of Abbey Delray, according to the plat thereof recorded in Plat Book 65, Pages 114 and 115, of the Public Records of Palm Beach County, Florida. [Amd. Ord. 09-11 4/5/11] (Ord. No. 14-26, § 4, 5-5-26)
- (3) The entirety of the Plat of Fairways on the Green, according to the map or plat thereof, as recorded in Plat Book 52, Page 89, of the Public Records of Palm Beach County, Florida. [Amd. Ord. 09-11 4/5/11] (Ord. No. 14-26, § 4, 5-5-26)

(B) **Map of overlay district.** [Amd. Ord. 09-11 4/5/11] (Ord. No. 14-26, § 4, 5-5-26)



(Ord. No. 14-26, § 4, 5-5-26)

Sec. 4.5.19. Lintco Development Overlay District.

[Amd. Ord. 21-12 8/7/12]

(A) **Defined.** The Lintco Development Overlay District is hereby established to include the area on the north side of Linton Boulevard, west of SW 4th Avenue as shown on the Map in Section 4.5.19 (B), below:

(B) **Map of overlay district.**



Sec. 4.5.20. Waterford Overlay District.

[Amd. Ord. 22-12 8/7/12]

(A) **Defined.** The Waterford Overlay District is hereby established to include the following area:

Parcel "B" as set forth on the plat of Waterford Park, recorded in Plat Book 91 at Pages 119 and 120 of the public records of Palm Beach County, Florida.

(B) **Map of overlay district.**

**Sec. 4.5.21. Linton Commons Overlay District.**

(A) **Defined.** The Linton Commons Overlay District is hereby established as the area located at the southwest corner of Linton Boulevard and SW 4th Avenue and made up of Parcel A, Parcel B and Parcel C of the New Century Commons Plat (Plat Book 65, Page 21). The overlay district includes PC (Planned Commercial) zoned properties. All development within the overlay district is subject to special provisions included within the PC zoning district regulations. (Ord. No. 01-21, § 4, 1-19-21)

Sec. 4.5.22. The Flo Delray Overlay District.

(A) **Defined.** The Flo Delray Overlay District is hereby established as the 4.86-acre of land bounded by the Marketplace of Delray on the south and east, High Point of Delray West on the north and west, and the abutting Lake Worth Drainage District's L-33 on the north, being more specifically identified as with the West ½ of the Northwest ¼ of the Northeast ¼ of the Southeast ¼ of Section 14, Township 46 South, Range 42 east, Palm Beach County. The overlay district is zoned Medium Density Residential (RM). All development within the overlay district is subject to RM zoning district regulations. (Ord. No. 39-23, § 4, 12-5-23)

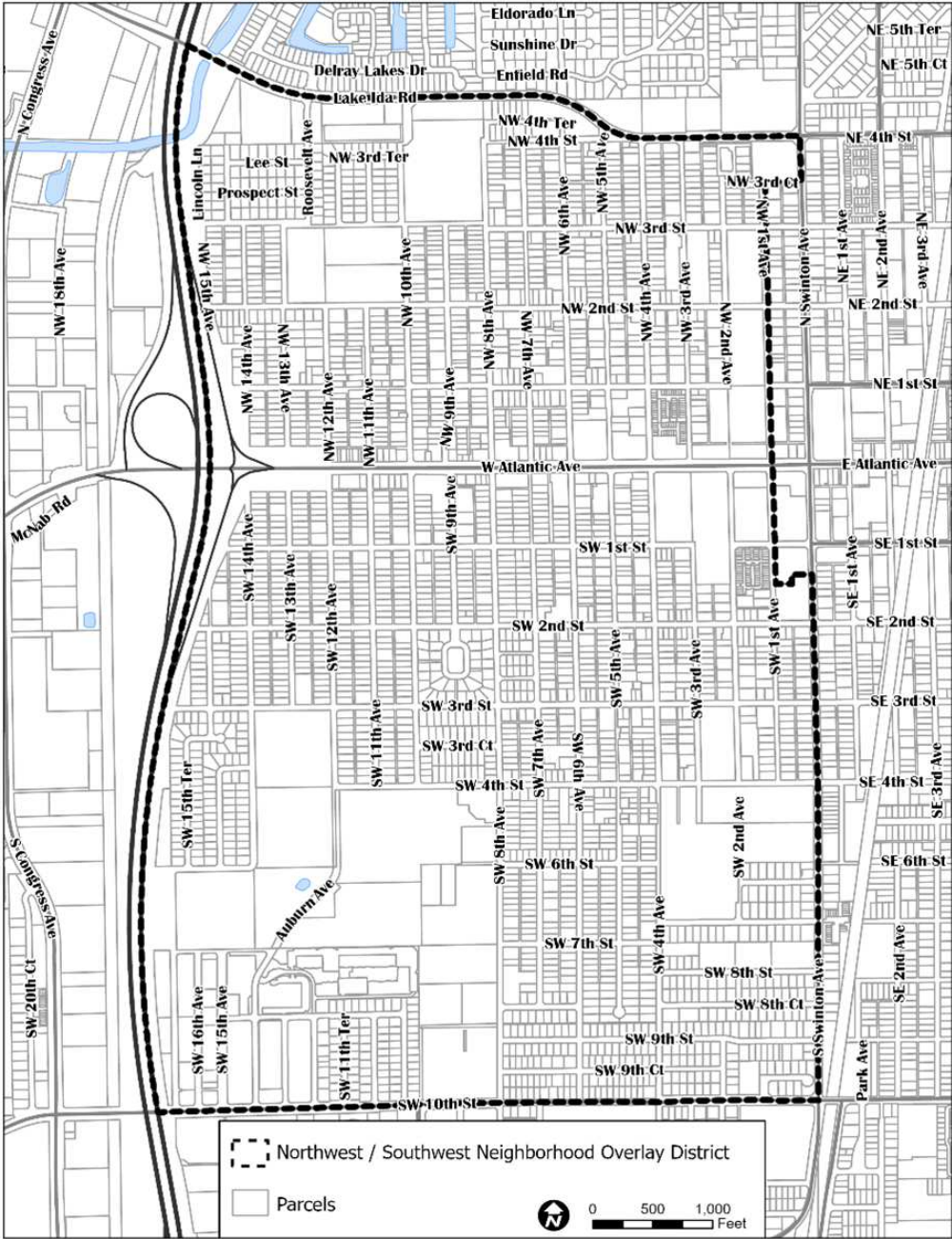


(Ord. No. 39-23, § 4, 12-5-23)

Sec. 4.5.23. The Northwest/Southwest Neighborhood Overlay District.

(A) **Defined.** The Northwest/Southwest Neighborhood Overlay District is hereby established as the area bounded by I-95 on the west, Swinton Avenue on the East, Lake Ida Road on the north, and S.W. 10th Street on the south. The Old School Square Historic Arts District (OSSHAD) pursuant to Article 4.4.24, is excluded from this Overlay.

(B) **Map of the Northwest/Southwest Neighborhood Overlay District.**



(Ord. No. 12-26, § 10, 4-7-26)

ARTICLE 4.6. SUPPLEMENTAL DISTRICT REGULATIONS**Sec. 4.6.1. General application.**

The supplemental district regulations contained in this Article apply to all zone districts in an equal manner unless specific provision to the contrary is made herein. In some instances, modifications of these supplemental regulations are provided for within subsection (G) of the individual zone districts.

Sec. 4.6.2. Distance between residential buildings.

(A) **Purpose.** The purpose of this Section is to provide for adequate distance between structures to allow for light, air, and open space; and to provide for aesthetically pleasing design relationships among buildings which are constructed within a townhouse, apartment, or condominium residential development.

(B) **Application.** The minimum horizontal distance(s) between any two residential buildings (referred to as Building A and Building B) shall vary according to the length and height of such buildings. Such minimum distances shall be the distance required under the following formula:

$$D = \frac{LA + LB + 2 (HA+HB)}{6}$$

D = Required Minimum Horizontal Distance

LA = Effective Length of Building A:
The effective length of Building A is the length of that portion of its wall, or walls, from which perpendicular lines drawn in a horizontal plane will intersect any wall of Building B. Where Building A has a curved or irregular surface, such surface shall be enclosed within an imaginary rectangle having its side nearest to Building B parallel with Building B, and all measurements shall be made from the imaginary rectangle.

LB = Effective Length of Building B:
The effective length of Building B is the length of that portion of its wall, or walls, from which perpendicular lines drawn in a horizontal plane will intersect any wall of Building A. Where Building B has a curved or irregular surface, such surface shall be enclosed within an imaginary rectangle having its side nearest to Building A parallel with Building A, and all measurements shall be made to the imaginary rectangle.

HA and HB = Building Heights of Building A and Building B:
The heights of Building A and Building B, being as set forth in
Section 4.3.4(J).

(Ord. No. 02-19, § 3, 4-16-19)

Sec. 4.6.3. Reserved.

(Deleted in its entirety from "Supplementary District Regulations" and relocated to
"Infrastructure and Public Property", Section 6.1.4 (B). [Amd. Ord. 12-99 3/16/99]

Sec. 4.6.4. Special district boundary treatment.

The following special district boundary treatments are established as minimums.
If other treatments are required, the requirements which provide for the greatest
separation and most buffering shall apply. (Ord. No. 20-26, § 7, 5-5-26)

**(A) Commercial zoning adjacent to residential zoning or zoning districts with a
35-foot height limitation.** [Amd. Ord. 21-04 5/4/04]

(1) Properties subject to the development standards of the Central Business District (CBD) shall comply with the following: [Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 21-04 5/4/04]

(a) Where the rear or side of a property directly abuts a zoning district with a height limitation of 35 feet without any division or separation between them of 30 feet or more, such as a street, alley, railroad, waterway, park, or other public open space, the following shall apply: [Amd. Ord. 21-04 5/4/04]

(i) For buildings or portion of the buildings three stories or less in height, a ten-foot minimum building setback from the property line shall be provided. [Amd. Ord. 03-15 02/24/2015]; [Amd. Ord. 21-04 5/4/04]

(ii) For buildings above three stories in height, at the top of the third story, minimum side and rear building setbacks of 30 feet shall be provided from the property line for the portion of the building that is over three stories in height. [Amd. Ord. 03-15 02/24/2015]; [Amd. Ord. 21-04 5/4/04]

(iii) 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 por-

tion of the boundary line of the CBD zoned property which directly abuts the residentially zoned property. Walkways and other pedestrian or bicycle connections shall be placed through the wall or hedge if they provide links identified on any adopted bicycle and pedestrian master plan or if SPRAB determines they would promote desirable connectivity between properties. [Amd. Ord. 03-15 02/24/2015]; [Amd. Ord. 21-04 5/4/04]

- (2) All other commercially zoned properties shall comply with the following: [Amd. Ord. 21-04 5/4/04]

- (a) Where the rear or side of commercially zoned property directly abuts residentially zoned property without any division or separation between them, such as a street, alley, railroad, waterway, park, or other public open space, the commercially zoned property shall provide a ten-foot building setback from the property line located adjacent to the residentially zoned property. In addition, either 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 commercially zoned property which directly abuts the residentially zoned property. If a wall is used, it shall have only those openings as required by other city codes to meet hurricane or severe storm construction standards. No walkways or other pedestrian ways shall be located through the wall or hedge. [Amd. Ord. 21-04 5/4/04]
- (b) Where the rear or side of commercially zoned property does not directly abut residentially zoned property but is separated from it by an alley, the commercially zoned property shall provide a ten-foot building setback from the property line located adjacent to the separator. [Amd. Ord. 21-04 5/4/04]

(B) *Industrial zoning adjacent to residential zoning.*

- (1) Where the rear or side of industrially zoned property directly abuts residentially zoned property without any division or separator between them, such as a street, alley, railroad, waterway, park, or other public open space, the industrially zoned property shall provide a 60-foot building setback from the property line located adjacent to the residentially zoned property.
- (a) In addition, either 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 that portion of the boundary line of the industrially zoned property, which directly abuts the residentially zoned property. If a wall is used, it shall have only those openings as required by other city codes to meet hurricane or severe storm construction standards. No walkways or other pedestrian ways shall be located through the wall or hedge.

- (b) Within the rear or side 60-foot building setback, parking and storage shall be allowed, provided such storage does not exceed the height of the barrier.
- (2) Where the rear or side of industrially zoned property does not directly abut residentially zoned property, but is separated from it by a street, alley, railroad, waterway, park, or other public open space, the industrially zoned property shall provide a 50-foot building setback from the property line located adjacent to the separator.
- (a) In addition, either 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 that portion of the boundary line of the industrially zoned property, which directly abuts the residentially zoned property. If a wall is used, it shall have only those openings as required by other city codes to meet hurricane or severe storm construction standards. No walkways or other pedestrian ways shall be located through the wall or hedge.
 - (b) A driveway of not more than 24 feet in width may be allowed through the wall or hedge even if the industrially zoned property has access from some other right-of-way or street.
 - (c) Within the rear or side 50-foot building setback, parking and storage shall be allowed, provided such storage does not exceed the height of the barrier.
 - (d) Where the rear of the industrially zoned property directly abuts the combined rights-of-way of I-95 and the railroad, or the I-95 right-of-way, the wall or hedge will not be necessary; but the landscaping requirements as described in subsection (3) below must be followed.
- (3) Where the rear or side of industrially zoned property does not directly abut a residentially zoned property, but is separated from it by the

combined I-95 right-of-way and the railroad right-of-way, or the I-95 right-of-way, the industrially zoned property shall provide a 50-foot building setback from the property line located adjacent to the right-of-way line.

(a) In addition, the following method of screening shall be provided:

- (i) If the Site Plan Review and Appearance Board determines that the architectural elevation facing I-95 and the Railroad right-of-way is an aesthetic asset to the corridor, the perimeter landscaping shall consist of the following:

Shade trees 30 feet 'on center' and a continuous hedge to be maintained at a minimum height of four feet. Shade trees shall be a minimum of 12 feet in height with a six-foot spread at the time of installation. Hedge materials shall be a minimum of two feet in height at time of installation.

- (ii) If the SPRAB determines that the architectural elevation facing I-95 and the Railroad right-of-way lends itself more to the industrial function of the building, and does not provide an aesthetic asset to the corridor, the perimeter landscaping shall consist of the following:

A 15 foot deep buffer adjacent to I-95 and the Railroad. Within this area, a double staggered row of shade trees shall be planted 20 feet 'on center' within the row. In addition, a hedge must be planted adjacent to the rear property line to be maintained at a six-foot height. Shade trees must be a minimum of 12 feet in height at the time of planting and hedge material must be a minimum of four feet in height.
[Amd. Ord. 17-91 2/26/91]

- (4) Where the front of industrially zoned property does not directly abut a residentially zoned property, but is separated from it by a street, alley, railroad, waterway, park, or other public open space, industrially zoned property shall provide a 30-foot building setback from the property line located adjacent to the separator. This front 30-foot building setback shall be landscaped, and no paving shall be permitted in the landscaped setback, except for permissible driveways or walkways leading to a structure.

- (C) **POC zoning adjacent to residential zoning.** In no event shall a building setback be less than then 25 feet on POC property which abuts residentially zoned property. Further, the total setback area shall be landscaped except for paths for pedestrian and vehicular access to the site.

Sec. 4.6.5. Walls, fences, and hedges.

(A) **Relationship to travelways.** Walls, fences, access gates, hedges, or similar structures shall not be erected in the public right-of-way nor close to the public right-of-way in a manner which will obstruct visibility or otherwise interfere with the proper flow of vehicular traffic, pedestrian safety, or the provision of services. Where deemed to create a sight obstruction, fences, hedges and walls shall be maintained at a height not exceeding three feet. On corner lots and at points of access, additional restrictions requiring provision of adequate sight triangles are provided in Section 4.6.14(A). [Amd. Ord. 7-97 2/18/97] (Ord. No. 11-20, § 2, 12-8-20)

(B) **Dangerous features.** No walls, fences, or hedges shall contain any substance such as, but not limited to, barbs, broken glass, nails, or spikes. No fence shall be electrically charged, unless designed and approved pursuant to Subsection (H). Two feet of barbed wire may be placed upon a six foot or higher fence in nonresidential zone districts. [Amd. Ord. 7-97 2/18/97] (Ord. No. 11-16, § 1, 6-7-16)

(C) **Height restrictions.** Walls, fences, or hedges located in a required front yard or street side yard shall not exceed six feet in height. Walls, fences, or hedges located in a required interior side or rear yard shall not exceed eight feet in height. Such height is further regulated by subsection (A), above. For the purpose of this section, height is to be measured from the undisturbed (natural) grade of the ground adjacent to the exterior of the fence, wall or hedge. [Amd. Ord. 7-97 2/18/97] (Ord. No. 11-16, § 1, 6-7-16)

(D) **Fence types.** Chain link fencing located in the front and street side yards shall be black or green vinyl coated, unless screened by hedging which is to be maintained at the full height of the fence. Fencing that is greater than 75 percent opaque and located in front and street side yards shall also be screened by hedging which is to be maintained at the full height of the fence. [Amd. Ord. 7-97 2/18/97]

(E) **Masonry walls.** Masonry walls located in the front and street side yards shall be screened by landscape material that is to be maintained at a minimum height equal to half of the height of the wall. Landscape materials must be of the type that will reach the required height within two years of planting. [Amd. Ord. 7-97 2/18/97]

(F) **Setbacks.** Fences and walls which are required to be landscaped shall be set back a minimum of two feet from the property line to provide adequate area for vegetation to mature. Additional restrictions with respect to setbacks are provided in Section 4.6.16(3)(a). [Amd. Ord. 7-97 2/18/97] (Ord. No. 11-16, § 1, 6-7-16)

(G) **Landscaping.** All required landscape materials shall be as approved by the City's Senior Landscape Planner and shall comply with applicable provisions of Section 4.4.16. [Amd. Ord. 7-97 2/18/97] (Ord. No. 11-16, § 1, 6-7-16)

(H) **Electrified fences.** Electrified fences are permitted in accordance with the regulations listed in this Subsection. (Ord. No. 11-16, § 1, 6-7-16)

(1) **Location.** Electrified fences are permitted where outdoor storage is approved as an accessory use within the Industrial (I) zoning district, and Special Activities District (SAD), when outdoor storage is associated with an industrial use or activity and is specified in the approved ordinance creating the SAD. (Ord. No. 11-16, § 1, 6-7-16)

(2) **Electrification.** (Ord. No. 11-16, § 1, 6-7-16)

(a) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. (Ord. No. 11-16, § 1, 6-7-16)

(b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electro Technical Commission (IEC) Standard No. 60335-2-76. (Ord. No. 11-16, § 1, 6-7-16)

(3) **Installation requirements.** (Ord. No. 11-16, § 1, 6-7-16)

(a) No electrified fence shall be installed within the front or side-street setback areas as designated for the zoning district where the fence will be located. (Ord. No. 11-16, § 1, 6-7-16)

(b) Electrified fences shall be completely surrounded by a non-electrified perimeter fence or wall which measures at least six feet in height and complies with the maximum height setbacks in Subsection 4.6.5(C). (Ord. No. 11-16, § 1, 6-7-16)

(c) The electrified fence shall be set back from the rear or side interior property lines as follows: (Ord. No. 11-16, § 1, 6-7-16)

(i) At least one foot when surrounded by a perimeter wall or fence; or, (Ord. No. 11-16, § 1, 6-7-16)

(ii) At least two feet when surrounded by a perimeter wall or fence that is less than 100 percent opaque and adjacent to residentially zoned property or property containing a residential use. (Ord. No. 11-16, § 1, 6-7-16)

- (d) Electrified fences shall measure at least two feet higher than the surrounding nonelectrical fence or wall and in no case measure more than 10 feet in height from grade. (Ord. No. 11-16, § 1, 6-7-16)
 - (e) Electrified entry gates may be attached to the inside of the main perimeter entry gate with a minimum separation of three inches between the two gates. (Ord. No. 11-16, § 1, 6-7-16)
- (4) **Signage requirements.** (Ord. No. 11-16, § 1, 6-7-16)
- (a) Electrified fences shall be clearly identified with warning signs measuring a minimum of one and one half square feet that read: "Warning-Electric Fence" in English, Spanish, and Creole. (Ord. No. 11-16, § 1, 6-7-16)
 - (b) Signs shall be placed on both the exterior and interior of the fence. (Ord. No. 11-16, § 1, 6-7-16)
 - (c) Signs shall be spaced no greater than 30 feet apart and mounted at least five feet above grade directly onto the fence. (Ord. No. 11-16, § 1, 6-7-16)
 - (d) Sign symbols and lettering must contrast with the sign background color. Sign letters shall be a maximum of four inches in height. (Ord. No. 11-16, § 1, 6-7-16)
- (5) **Permitting procedure.** (Ord. No. 11-16, § 1, 6-7-16)
- (a) Approval of a site plan illustrating the fence location and issuance of a building permit for the fence and electrical components shall be obtained prior to the installation of an electric fence. (Ord. No. 11-16, § 1, 6-7-16)
 - (b) Site plan and building permit review shall include approval by the Police Chief and the Fire Marshal or their designee. (Ord. No. 11-16, § 1, 6-7-16)
 - (c) Electrified fences shall also be governed and regulated under the City's Alarm System regulations of Chapter 112 of the Code of Ordinances. Subsequent to approval of a site plan and issuance of a building permit, electrified fences shall be subject to the same registration process and fees as Alarm Systems. (Ord. No. 11-16, § 1, 6-7-16)
- (6) **Emergency shut-off.** An emergency shut-off switch, for the purpose of de-energizing the electrified fence, shall be accessible to all emergency

personnel outside the perimeter of the fence to allow for emergency access. Control and access shall be of a type, location, and marking specified and approved by both the Police Chief and Fire Marshal, or their designees, and included in any site plans submitted to the Planning and Zoning Department. (Ord. No. 11-16, § 1, 6-7-16)

Sec. 4.6.6. Commercial and industrial uses to operate within a building.

(A) Intent.

- (1) All commercial and industrial uses shall conduct within a completely enclosed building rather than outside regardless of the zoning district. However, certain aspects of a use may be conducted outside and such aspects are identified in (B) below. [Amd. Ord 27-08 6/17/08]; [Amd. Ord 60-93 10/12/93]
- (2) Certain conditional uses that are allowed within commercial, industrial, and mixed use districts can be characterized as outside uses. Such operations may be conducted outside when it is specifically determined through the conditional use process that the outside aspects of the use are appropriate. Conditions may be applied to mitigate visual and other impacts. [Amd. Ord. 60-93 10/12/93]
- (3) Commercial and industrial uses may be allowed outside on a temporary basis for special events pursuant to Section 2.4.6(F). [Amd. Ord 27-08 6/17/08]

(B) Allowable outside usage. The following aspects of a use may be conducted outside, pursuant to the restrictions listed in Section 4.6.6(C) below. [Amd. Ord. 60-93 10/12/93]

- (1) Off-street parking.
- (2) Refuse and service areas. [Amd. Ord. 60-93 10/12/93]
- (3) Storage of nursery plants.
- (4) Fruit and vegetable displays.
- (5) Signage.
- (6) Outside dining areas. [Amd. Ord. 60-93 10/12/93]
- (7) Loading and unloading of materials. [Amd. Ord. 60-93 10/12/93]

- (8) Outside storage where specifically permitted within a zoning district. [Amd. Ord. 60-93 10/12/93]
- (9) Activities associated with outside conditional uses, pursuant to (A)(2) above. [Amd. Ord. 60-93 10/12/93]
- (10) Retail displays. [Amd. Ord. 60-93 10/12/93]

(C) ***Restrictions on outside usage.***

- (1) Dumpsters, recycling containers, and similar service areas must be enclosed on three sides and have vision obscuring gates on the fourth side, unless such areas are not visible from any adjacent public right-of-way. [Amd. Ord. 60-93 10/12/93]
- (2) Outside storage. Materials and equipment stored outside must be screened from view from adjacent public rights-of-way in a manner approved by the Site Plan Review and Appearance Board. Outside storage may not be located within a required setback area. It is not intended that sales or customer service be conducted in an area designated for storage. [Amd. Ord. 60-93 10/12/93]
- (3) Outdoor retail displays. [Amd. Ord. 60-93 10/12/93]
 - (a) Outdoor retail displays must be located adjacent to the building containing the main use, on property owned or leased by the business conducting the main use. No display is permitted on public rights-of-way, except when part of an approved special event. [Amd. Ord. 60-93 10/12/93]
 - (b) Outdoor display areas may not exceed ten percent of the square footage of the interior of the building which contains the main use. [Amd. Ord. 60-93 10/12/93]
 - (c) When an outside display of plants is associated with nurseries and garden shops, one-half of the ground area devoted to such use shall be considered as "floor area" for the purposes of calculating and providing on-site parking. [Amd. Ord. 60-93 10/12/93]
 - (d) The Fire Marshal may require the removal or modification of outside displays upon written order, when such displays prevent or impede adequate ingress and egress for emergency purposes. [Amd. Ord. 60-93 10/12/93]

- (4) The City Manager shall have authority to grant administrative relief from LDR Section 4.6.6(C)(3) provided that: [Amd. Ord. 76-94 10/18/94]
 - (a) The outside display areas are part of an approved special event. [Amd. Ord. 76-94 10/18/94]
 - (b) The administrative relief shall not exceed ten calendar days in duration. [Amd. Ord. 76-94 10/18/94]

Sec. 4.6.7. Signs.

[Section Repealed and New Section Enacted by Ord. 78-06 1/02/07; Ord. 14-04 6/22/04]

(A) **Purpose.** The purposes of these sign regulations are: to encourage the effective use of signs as a means of communications in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to foster the integration of signage with architectural and landscape designs; to streamline the approval process by requiring master signage plans; and to enable the fair and consistent enforcement of these sign regulations.

- (1) **Communication.** Signs should not deny other persons or groups the use of sight lines on public rights-of-way, should not obscure important public messages, and should not overwhelm readers with too many messages. Signs can and should help individuals to identify and understand the jurisdiction and the character of its sub-areas.
- (2) **Preservation of community's beauty.** The City of Delray Beach which includes a beach resort community as well as major office and industrial parks relies heavily on its natural surroundings and beautification efforts to retain its economic advantage. This concern is reflected by actively regulating the appearance and design of signs.
- (3) **Property value protection.** Signs should not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness, or movement. They should be in harmony with buildings, the neighborhood, and other conforming signs in the area.

(B) **Applicability.** It shall be unlawful for any persons to post, display, change, or erect a nonexempt sign or a sign structure, that requires a permit, without first having obtained a permit therefor. Signs or sign structures erected without a valid permit shall be deemed in violation and it shall be mandatory to obtain a permit,

based on this Section, or else remove the sign or sign structure. Signs erected, under a valid permit, prior to the effective date of this ordinance, which have since become nonconforming shall be allowed to remain in accordance with the time limitation and structure requirements set forth in these LDR's. All signs not expressly allowed by these LDR's are prohibited.

(C) **Procedures.**

- (1) **Issuance of permits, validity and renewal.** Permit applications shall be reviewed by the Chief Building Official or his/her designee within 30 days of submission of the permit application. Upon satisfactory compliance with the minimum submission requirements of the LDRs and a determination that the proposed sign meets all applicable standards set forth in the LDRs, the Chief Building Official, or his/her designee, shall cause a sign permit to be issued to the applicant.

The permit shall be valid for a period of 180 days during which period the sign may be erected; however, the Chief Building Official, or his/her designee, for good cause shown and upon payment of 50 percent of the original application fee, may renew the permit for an additional 90 day increment provided that there have not been enacted, in the 180 day period, standards of which the permit would be in violation. Permits shall be required for all signs not listed within this code as either exempt or prohibited.

- (2) **Permits for individual signs.** Permits for signs shall be on a form as promulgated by the Chief Building Official.

- (a) **Minimum submission requirements.** The application form and associated submission materials shall include the following:

1. The type of sign and/or sign structure as set forth in the LDRs.
2. The street address of the property upon which the sign and/or sign structure is to be located along with identification of where on said property the sign will be located. If there is no street address another suitable method of identifying the location shall be provided.
3. The area per sign face and the aggregate area of the sign and/or sign structure.
4. The name and address of the owner or other person in control or possession of the real property upon which the sign or sign structure is to be located.

5. Written consent of the owner, or his designated agent, granting permission for the construction, operation, maintenance, or displaying of the sign and/or sign structure.
6. Two copies of a blueprint, sketch, blue line print, or similar presentation, drawn to scale and dimensioned, showing elevations of the sign as proposed and its relationship to other existing or proposed signs or sign structures in the area. In the case of a free-standing sign, the representation shall include a sketch site plan showing the location of the sign.
7. Appropriate exhibits showing the proposed location of the sign with respect to nearby structures and vegetation.
8. The seal of a state registered engineer or architect shall be affixed to drawings of signs and/or sign structures where the sign face is in excess of 32 square feet certifying that it is designed in accordance with wind load requirements of the Florida Building Code.

A sign contractor shall provide a signed certificate stating that wind loading to withstand a pressure of 50 pounds per square foot when an application for signs less than or equal to 32 square feet in area is submitted.

(D) ***Aesthetic qualifications.***

- (1) ***Applicability.*** The following subsection describes basic aesthetic qualifications which apply to signs.
- (2) ***Basis.*** The aesthetic quality of a building, or of an entire neighborhood, is materially affected by achieving visual harmony of the sign on or about a structure as it relates to the architecture or the building or the adjacent surroundings. In addition to the limitations on signs imposed in Subsections (E) and (K), the following aesthetic considerations must be met.
 - (a) ***Garishness.*** The overall effect of the lettering, configuration or color of a sign shall not be garish. "Garish" signs are those that are too bright or gaudy, showy, glaring, and/or cheaply brilliant or involving excessive ornamentation. Garish signs are not in harmony with and are not compatible with the building or adjacent surroundings.
 - (b) ***Scale, design, and location.*** (Ord. No. 22-18, § 2, 11-27-18)
 1. Signs shall be appropriate in size, scale, and design for the neighborhood or streetscape where it is to be located. (Ord. No. 22-18, § 2, 11-27-18)

2. Signs placed on structures shall be proportionate in size and scale to the building facade, designed consistently with the building architecture, and positioned harmoniously with building features; architectural features shall not be provided solely for the purpose of accommodating signage, but shall relate to building location, function, and use. (Ord. No. 22-18, § 2, 11-27-18)

- (c) **Quality.** All signs shall have a professional appearance that enhances the visual aesthetics of the area.

(E) **Sign design standards.** The following subsections describe basic standards that apply to signs. The application of these standards to specific types of signs and their location in specific zoning districts is set forth in Table 4.6.7(A), Sign standards per zoning district. (Ord. No. 53-20, § 2, 3-2-21)

(1) **Types of signs.**

- (a) **Free-standing sign.** A free-standing sign is not affixed to any other structure and is limited to no more than two faces. It may be either a pole sign or a monument sign. All signs erected on a pole shall contain a pole cover. All freestanding signs shall contain the street number.



- (b) **Projecting sign.** A sign affixed to a structure and which extends at a right angle from the building. A projecting sign shall not have more than two sign faces.



- (c) **Under canopy sign.** A sign hung from a canopy or roof of a walkway. It may be rigid or it may swing. Such a sign may not have more than two sign faces.



- (d) **Wall sign.** A wall sign may be flush mounted or hand painted. Such a sign may be applied to a canopy/awning, mansard, or building face.



(2) **Sign Measurements.*** (Ord. No. 53-20, § 2, 3-2-21)

- (a) **Area.** Sign area is measured in square feet or square inches inclusive of each sign face and side. (Ord. No. 53-20, § 2, 3-2-21)
1. The sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which, or against which, it is placed. When there is no differentiation between the sign and the building or structure, the sign area shall be determined using a rectangle just large enough to include all lettering, illustrations, ornamentation, symbols, or logos. (Ord. No. 53-20, § 2, 3-2-21)
 2. A sign structure, such as a pole or monument base, shall not be included in the sign area measurement provided that no lettering, illustrations, ornamentation, symbols, or logos are displayed on, or designed as part of, the sign. (Ord. No. 53-20, § 2, 3-2-21)
- (b) **Height.** Height is the vertical distance measured from the highest point of the sign to the grade at the base of the sign. (Ord. No. 53-20, § 2, 3-2-21)
- (c) **Setback.** Setback is the distance measured from the closest portion of the sign to the ultimate right-of-way. (Ord. No. 53-20, § 2, 3-2-21)

(3) **Location requirements.** Standard sign location requirements are set forth in Table 4.6.7(A). The following supplemental location standards apply per sign type. (Ord. No. 53-20, § 2, 3-2-21)

(a) **Free-standing signs.** (Ord. No. 53-20, § 2, 3-2-21)

1. Free-standing signs shall have a setback of ten feet or the minimum special setback required per Section 4.3.4(H)(6), whichever is greater. (Ord. No. 53-20, § 2, 3-2-21)
2. For properties required to provide a setback of ten feet, free-standing signs may be partially or entirely located within the setback, subject to the following criteria: (Ord. No. 53-20, § 2, 3-2-21)
 - a. The sign height is a maximum of seven feet; and (Ord. No. 53-20, § 2, 3-2-21)

***Editor's note**—Ord. No. 53-20, § 2, adopted March 2, 2021, repealed subsections 4.6.7(E)(2)—(7) and enacted new subsections (E)(2)—(9). Former subsections (E)(2)—(7) pertained to similar subject matter.

- b. The sign area for that portion of the sign within the setback is a maximum of 20 square feet and the total sign area is a maximum of 40 square feet. (Ord. No. 53-20, § 2, 3-2-21)
 - 3. For properties required to provide special setback areas, pursuant to Section 4.3.4(H)(6), free-standing signs may be partially or entirely located within the setback, subject to the following criteria: (Ord. No. 53-20, § 2, 3-2-21)
 - a. Signs that are set back ten to 20 feet are allowed a maximum area of 40 square feet and a maximum height of seven feet. (Ord. No. 53-20, § 2, 3-2-21)
 - b. Signs that are set back 20 to 30 feet are allowed a maximum area of 96 square feet and a maximum height of 14 feet. (Ord. No. 53-20, § 2, 3-2-21)
- (b) **Wall signs and under canopy signs.** (Ord. No. 53-20, § 2, 3-2-21)
 - 1. Wall signs and under canopy signs may be located within the setback, including special setback areas pursuant to Section 4.3.4(H)(6); or (Ord. No. 53-20, § 2, 3-2-21)
 - 2. Wall signs and under canopy signs within the CBD or OSSHAD with CBD Overlay zoning districts may be located partially or entirely in the public right-of-way provided that the building or arcade was legally constructed with smaller setbacks or without setbacks. (Ord. No. 53-20, § 2, 3-2-21)
- (c) **Projecting signs.** (Ord. No. 53-20, § 2, 3-2-21)
 - 1. Projecting signs may be located within the setback, including special setback areas pursuant to Section 4.3.4(H)(6); or (Ord. No. 53-20, § 2, 3-2-21)
 - 2. Projecting signs within the CBD or OSSHAD with CBD Overlay zoning districts may be located partially or entirely in the public right-of-way provided that the building or arcade was legally constructed with smaller setbacks or without setbacks, subject to the following: (Ord. No. 53-20, § 2, 3-2-21)
 - a. Projecting signs that extend into the right-of-way more than two feet from the face of the building or contain more than five square feet are subject to approval by either the Site Plan Review and Appearance Board or Historic Preservation Board. (Ord. No. 53-20, § 2, 3-2-21)

- b. Projecting signs may extend from the face of the building located under an arcade. Projecting signs shall not extend from the exterior face of an arcade. (Ord. No. 53-20, § 2, 3-2-21)
- (4) **Obstructions.** Signs shall not obscure or be obscured by another sign, structure, or existing vegetation. (Ord. No. 53-20, § 2, 3-2-21)
- (5) **Safety.** Signs shall not create a hazard to automotive or pedestrian traffic. (Ord. No. 53-20, § 2, 3-2-21)
- (6) **Illumination.** (Ord. No. 53-20, § 2, 3-2-21)
 - (a) Signs may be illuminated directly or indirectly unless specifically prohibited. (Ord. No. 53-20, § 2, 3-2-21)
 - (b) In residential zoning districts, all sign illumination shall provide cutoff luminaire. (Ord. No. 53-20, § 2, 3-2-21)
- (7) **Design prohibitions.** (Ord. No. 53-20, § 2, 3-2-21)
 - (a) **Intermittent lighting, animation, moving or rotating signs.** A sign shall not involve intermittent lighting, animation, motion or rotation of any part of a sign structure or display; except for governmental traffic signals, traffic devices and traffic signs as required by law. (Ord. No. 53-20, § 2, 3-2-21)
 - (b) **Noise producing signs.** A sign shall not produce noise or sounds. (Ord. No. 53-20, § 2, 3-2-21)
 - (c) **Obscene signage.** A sign shall not exhibit thereon any lewd, lascivious, or obscene, character, or illustration. (Ord. No. 53-20, § 2, 3-2-21)
 - (d) **Restrictions as to functions.** The use of a sign may be restricted to functions as set forth in Table 4.6.7(A), Sign standards per zoning district, under the column of "Type of Sign." (Ord. No. 53-20, § 2, 3-2-21)
 - (e) **Smoke or odor producing signs.** A sign shall not produce or emit smoke, vapor, particles, or odor. (Ord. No. 53-20, § 2, 3-2-21)
- (8) **Agreement required.** When a sign requires a permit and is located within an easement or right-of-way, an agreement in a form acceptable to the City Attorney shall be executed between the property owner and the City. The agreement shall be executed by the City Manager, or their designee. A performance bond or acceptable substitute guarantee may be required. (Ord. No. 53-20, § 2, 3-2-21)

- (9) ***Sign standards per zoning district.*** Table 4.6.7(A), Sign standards per zoning district, establishes the standards for various types of signs per zoning district. (Ord. No. 53-20, § 2, 3-2-21)

Table 4.6.7(A) Sign standards per zoning district				
Type of Sign	Quantity	Area (max.)	Location*	Height
Residential Zoning Districts (R-1 Districts, PRD, RL, RM, RR and AG Districts)				
Wall		20 square feet		-
Free-standing	One per lot or parcel	20 square feet per face	Min. of 10 feet from property line	8 inches
CF, All Historic Districts, OS, OSR, OSSHAD and RO				
Wall		30 square feet	on building face	-
Projecting	Up to two per lot, parcel or development	30 square feet per face	from building or under canopy	-
Free-standing		30 square feet per face	may be in the front yard setback	8 feet
Under canopy		4 square feet per face	Under canopy	-
GC, AC, NC, PC, CBD, MIC, MROC, I, POD, POC and LI				
Wall	one per business	15% of building face (max. of 12 feet height, for computational purposes only, times the width) not to exceed 160 square feet	facing each dedicated street frontage	-
	one per building	9 square feet	on rear of building not facing street	-
	one per business	15% of building face (max. of 12 feet height, for computational purposes only, times the width) not to exceed 160 square feet	facing I-95	-
	one per building	24 square feet	on building face	-

Table 4.6.7(A) Sign standards per zoning district				
Type of Sign	Quantity	Area (max.)	Location*	Height
Projecting	one per business	30 square feet 3 feet from face of wall	from building or under canopy	-
Under canopy	one per business	4 square feet	under a canopy which extends store front access	-
Free-standing	one per frontage	One sign equal to half the length of the property's frontage in square feet, not to exceed 160 square feet. Each additional sign is limited to 50 square feet.		14 feet

* The standards in Table 4.6.7(A) apply unless otherwise limited in the LDR.

(Ord. No. 53-20, § 2, 3-2-21; Ord. No. 23-22, § 12, 8-16-22)

(F) **Signs requiring permits.**

(1) **General.** All signs, other than those exempted by Subsection (H) or prohibited by Subsection (J), must obtain a sign permit. Applications for sign permits shall be submitted and processed pursuant to these LDRs. Sign permits shall be issued by the Development Services Department under the direction of the Director for the following: (Ord. No. 41-22, § 3, 1-17-23)

- (a) **Master and blanket sign program signs.** Individual signs being permitted under the provisions of an approved Master Sign Program or Blanket Program.
- (b) **Signs meeting standards.** Individual signs which conform in all respects to the provisions of Subsection (E) and (K) of this Section.
- (c) **Special purpose signs.** Which comply with the requirements of Subsection (F)(3).

(2) **Master sign and blanket sign programs.**

- (a) Blanket sign program. A Blanket Sign Program may be required for a commercial property establishing the font, color, size and locations of signs on a multiple tenant building. A Blanket Sign Program shall be approved by the Site Plan Review and Appearance Board or the Historic Preservation Board if the project is in a historic district or historically designated site. After approval of a Blanket Sign Program, individual signs consistent therewith shall be administratively approved.
- (b) Master sign program. A Master Sign Program is to be used when the development of a project is of such a scale or character that the normal application of the design and/or aesthetic standards of Subsections (D) and (E), respectively, will not result in an effective sign program and signing more permissive than said standards is necessary. Approval of a Master Sign Program may include the automatic granting of waivers and/or adjustments to the provisions of Subsections (D) and (E) provided that the intent of the sign code is maintained and the character of the community and neighborhood is not diminished. A Master Sign Program shall be approved by the Site Plan Review and Appearance Board or if the project is in a historic district or historically designated site, by the Historic Preservation Board. After approval of a Master Sign Program, individual signs consistent therewith shall be administratively approved.

(c) Nothing contained herein shall prevent diversity and creativity of individual signs in the Master Sign Program.

(3) **Special purpose signs and signing.** Permits for the following signs may be issued administratively provided that the provisions contained herein are complied with.

(a) **Gasoline pricing signs.** Signs may advertise the price of gasoline subject to the following restrictions:

1. Not more than 12 square feet per sign face.
2. If free standing, it shall not exceed five feet in sign height.
3. If a part of a permanent free standing sign, the price sign shall be included in the area of the permanent sign.
4. One sign is permitted per frontage with a maximum of two signs per site.
5. Signs placed on pumps shall not exceed three square feet per sign face nor a total of six square feet per sign.

(b) **Grand opening banner.** One banner may be placed on the building of a newly opened business pursuant to the following:

1. Display is limited to four weeks.
2. The banner shall not exceed an area of 50 square feet.
3. The banner may not be more than 15 feet above the grade, and must be placed on the building of the business, in the front of the business.
4. Banners shall be made of color fast material.

(c) **Historic signing.** Signs which are building mounted or free-standing which provide information of historic value. Said signing shall not exceed six feet above grade when free-standing and shall not exceed three square feet in area in any circumstance. Such signing shall not be permitted until approval has been gained from the Historic Preservation Board.

1. **Maintenance of nonconforming nostalgic signs.**

- (i) Signs that have an historic or nostalgic appeal, and constitute artistic expression, and not solely advertising may be ex-

empted from the removal requirements if a recommendation by the Historic Preservation Board is approved by the City Commission. In considering whether to recommend that the existing nonconforming sign be designated as nostalgic, the Historic Preservation Board shall consider the sign's value as a part of the historical, cultural, aesthetic, and architectural heritage of the city, state, or nation. The Historic Preservation Board shall review the criteria contained in Section 4.5.1, of the Land Development regulations prior to making its recommendation.

- (ii) An owner of property on which an existing nonconforming sign is located may request the Historic Preservation Board to recommend to the City Commission that the existing nonconforming sign be designated as a "nostalgic sign."
 - (iii) Any existing nonconforming sign designated as a nostalgic sign must be maintained in good condition. If at any time the sign becomes unsightly, or becomes a danger to the public health, safety, or welfare, the City Commission, following notification to the owner, may remove the nostalgic designation and set a date by which time the sign must be removed.
- (d) **Drive thru window signs.** Signs used by businesses in conjunction with service at a drive-thru window may be permitted as long as the size of the menu board does not exceed seven feet in height, nor 24 square feet in size. A maximum of two signs per drive thru window.
- (e) **Special event non-roadway banner signing.** Special signing, in accordance with this Subsection, may be allowed by the Chief Building Official or his/her designee, for special events if it is determined that the sign type meets the following criteria: (Ord. No. 41-22, § 3, 1-17-23)
- 1. the sign provides notice to the public of a public meeting or other public event,
 - 2. the sign is temporary and for a limited time, and
 - 3. the sign, if allowed for a limited time, must meet the following criteria:
 - (i) the sign will not conceal or obstruct adjacent land uses or signs,

- (ii) the sign will not conflict with the principal permitted use of the site or adjoining sites,
 - (iii) the sign will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and
 - (iv) the sign will be installed and maintained in a safe manner. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign. The Chief Building Official or his/her designee shall render a decision within 14 days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the City Manager.
 - 4. Each sign limited to less than twenty square feet (20 sq.ft.) in area;
 - 5. Allowed 14 days prior to the event and must be removed by the second day after the event.
- (f) **Special event roadway banner signing.** (Ord. No. 41-22, § 3, 1-17-23)
- 1. **Roadway banner signs.** May be approved and issued by the Sign Administrator under the direction of the Director of Community Improvement, for special events. Such signing shall be subject to the following standards:
 - (i) The Roadway Banner Sign must be no more than three feet in height by 24 feet in length, and placed at least 15 feet above the surface of the roadway on City installed poles. The Roadway Banner sign must be constructed with a standard vinyl awning material and meet wind load requirements.
 - (ii) The text of a roadway banner shall be limited to the name of the special event, the date or dates of the event and the name or logo of the City and the name or logo of the association or organization co-sponsoring the event.
 - (iii) Display of the Roadway Banner Sign will be limited to a maximum of 14 days prior to the event and must be removed by no later than two days after the event.

- (iv) Roadway Banner Signs will only be allowed to be displayed at the following intersections within the City limits and on City installed poles:
 - NE 1st Avenue and East Atlantic Avenue;
 - Pineapple Grove Way and East Atlantic Avenue within the arch area;
 - Swinton and East Atlantic Avenue; and
 - NE 5th Avenue and West Atlantic Avenue.
 - (v) the sign will not conceal or obstruct adjacent land uses or signs,
 - (vi) the sign will not conflict with the principal permitted use of the site or adjoining sites,
 - (vii) the sign will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and
 - (viii) the sign will be installed and maintained in a safe manner. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign. The Chief Building Official or his/her designee shall render a decision within 14 days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the City Manager.
- (g) **Subdivision identification signs.** Residential subdivision identification signs shall be located only at the entrance to the subdivision and subject to the following standards: (Ord. No. 41-22, § 3, 1-17-23)
1. Such signs may be either one double-faced sign or two signs where there are two walls at the entrance and where the signs are permanently affixed to the walls at each entrance of the subdivision;
 2. Each sign area shall be no greater than 36 square feet in area;
 3. Such subdivision entrance signs are permitted within all residential zoning districts;

4. Such subdivision entrance signs may be erected within rights-of-way or median strips adjacent to the subdivision if approved by the City. A subdivision sign may also be located within the setbacks of private property within the subdivision or adjacent to the subdivision or adjacent to the subdivision within the guidelines set forth in 4.6.7(E)(3), if such sign was in existence as of July 1, 1988.
 5. Any such sign erected within a right-of-way or setback shall be at least ten feet from a paved roadway and signs located within a median shall be at least five feet from any paved roadway;
 6. Any such signs approved for location within the right-of-way or median, if such right-of-way or median is not within the jurisdiction of the City, shall obtain written permission from the governmental entity controlling the right-of-way or median to erect the sign in a requested and approved location;
 7. Any signs proposed to be located on adjacent private property shall be approved and permitted by the owners of the adjacent property. Any such signs lying on private property shall be considered an additional permitted sign without regard to other applicable sections of this code; and
 8. All signs proposed to be located within a right-of-way or median shall be reviewed and approved by the City Engineer or appointed designee for compliance with this section.
- (h) **Temporary identification signs.** Temporary identification signs shall be subject to the following standards: (Ord. No. 41-22, § 3, 1-17-23)
1. Freestanding Sign: One sign per street frontage, non-illuminated, with a sign area of not more than 32 square feet, nor more than seven feet in height.
 2. Sign Located on a Building: One sign per building frontage, non-illuminated with a sign area of not more than 32 square feet.
 3. The sign may be installed at the time of submission of a building permit application. It must be removed upon expiration of building permit or building permit application or when the project obtains a Certificate of Occupancy.
- (i) **Valet parking signs.** Signs for Valet Parking shall be allowed subject to the following restrictions: (Ord. No. 41-22, § 3, 1-17-23)
1. One pole mounted sign per approved Valet Queue, meeting the requirements of valet parking agreements.

2. Valet Parking signs shall be manufactured and installed by the City. The sign area shall not exceed six square feet in area. Such sign shall be pole mounted and inserted in a ground sleeve. The location of such sign shall be determined by the City. The sign must be removed and stored inside the business daily during business hours when the approved valet queue is not in use.
3. Traffic control cones may be used for queuing purposes, however they shall not contain any additional signage or markings.

(G) **Non-commercial message.** Notwithstanding anything contained in Section 4.6.7 "Signs", to the contrary, any sign erected pursuant to the provisions of this Code may, at the option of the applicant, contain either a non-commercial message unrelated to the business located on the premises where the sign is erected or a commercial message related to the business and located on the business premises. The non-commercial message may occupy the entire sign face or portion thereof. The sign face may be changed from commercial to non-commercial messages as frequently as desired by the owner of the sign, provided that the size and design criteria conform to the applicable portions of this section, the sign is allowed by this Code, the sign conforms to the requirements of the zoning designation and the appropriate permits are obtained. Noncommercial copy may be substituted for commercial copy wherever commercial copy appears. For the purposes of Section 4.6.7, non-commercial messages, by their very nature, shall never be deemed off-premises.

(H) **Exempt signs.** The following signs are allowed to be erected on private property in the City of Delray Beach, pursuant to the limitations set forth herein, and do not require a permit:

- (1) **Automated teller machine (ATM) panels.** One panel which is physically constructed within and is an integral part of an ATM, and bears the name of the ATM system to which it belongs.
- (2) **Directional signs.** Such signs shall not extend more than five feet from the ground and shall not be greater than four square feet in area.

(3) **Flags.**

(a) Flags may be displayed on any residential or non-residential parcel of land in accordance with the following rules:

1. A Flag is a piece of cloth usually attached at one edge to a staff/pole or cord.
2. No more than three flags may be placed upon any parcel or development less than one acre in size which is zoned and used for non-residential purposes.
3. For parcels or developments equal to or greater than one acre in area that are zoned and used for non-residential purposes, no more than one flag per 15,000 square feet of lot area shall be allowed.

(b) Two flags may be flown at a time when model homes or model apartments are open for inspection.

(4) **Hours of operation signs.** Signs denoting hours of operation shall be non-illuminated; have a sign face of not more than one square foot and be located close to the entry of the business.

(5) **Instructional signs.** Instructional signs are signs which convey instructions with respect to the premises on which it is located, such as "no trespassing", a danger sign, and similar signs (other than parking signs). Such signs shall not extend more than five feet from the ground and shall not be greater than three square feet in area.

(6) **Nameplates.** One nameplate sign per building, not exceeding three square feet in area, of a noncommercial nature, and bearing the name or street address of the principal occupant.

(7) **Non-residential.**

(a) **Non-residential real estate signs.**

1. One freestanding real estate sign along each street frontage, including those located within a historic district.
2. Non-residential Real Estate Signs shall not exceed 16 square feet, and shall be limited to seven feet in height.
3. Within a non-residential property located in a Historic District, real estate signs shall not exceed 16 square feet, and shall be limited to seven feet in height.

(8) **Residential.**

(a) **Residential real estate signs.**

1. One sign per lot, the sign being not greater than three square feet in area on residentially zoned property, however, where a lot is bordered by more than one street, one sign may be erected on each street; [Amd. Ord. 14-07 5/1/07]
2. One additional sign per lot may be erected on a lot which borders a waterway, provided that the additional sign is located along the waterway. Such sign shall not exceed nine square feet in area; [Amd. Ord. 14-07 5/1/07]
3. All real estate signs shall be non-illuminated; [Amd. Ord. 14-07 5/1/07]
4. An additional sign or "rider" sign, of not greater than three square feet, may be attached to or accompany a real estate sign.

(9) **Window signs.**

- (a) Plastic or painted signs may be placed upon windows when limited to 20 percent of the aggregate glass area, per tenant space or per main use.
- (b) Paper signs displayed two feet or more from the inside of the glass but which are visible from the outside shall be limited to 20 percent of the aggregate window area, per tenant space. [Amd. Ord. 14-07 5/1/07]

(10) **Temporary signs.**

(a) **Temporary non-commercial signs.**

1. Temporary non-commercial signs may be placed on public rights-of-way contiguous to private property with the adjacent private property owner's permission. Such signs shall not be placed in medians or on portions of rights-of-way contiguous to publicly owned property. [Amd. Ord. 34-08 8/19/08]; [Amd. Ord. 14-07 5/1/07]
2. Each temporary non-commercial sign within a public right-of-way shall be removed within ten days after the date of event, election or referendum. If said signs are not removed prior to the expiration of the ten-day period, the sign shall constitute an abandoned sign and the City shall remove the sign. [Amd. Ord. 14-07 5/1/07]

3. Temporary non-commercial signs are permitted on private property with the owner's permission; however, no temporary non-commercial sign shall exceed 12 square feet per sign face in area on any private lot or parcel. Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic. [Amd. Ord. 34-08 8/19/08]
4. Any temporary non-commercial sign in the public right-of-way shall not exceed three square feet. No temporary non-commercial sign shall be placed on any public property (non-right-of-way). Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic. [Amd. Ord. 34-08 8/19/08]; [Amd. Ord. 14-07 5/1/07]

(b) **Sponsorship signs.** [Amd. Ord. 53-09 10/20/09] [New Section Enacted by Ord. 13-08 4/01/08]

1. Sponsorship signs may be attached to the inside face of the fence surrounding the field at any sports field within the City so long as the advertising on the signs is not visible outside of the sports field area.
2. Each sponsorship sign shall not exceed 32 square feet.

(11) **Tenant panels.** A change of a tenant panel in a directory sign, or a sign which accommodates a tenant, is exempt from needing a permit provided that the sign was permitted and there is no change in colors or letter style.

(l) **Exempt signs requiring city manager or his/her designee's approval.**

(1) **Wayfinder and directional signs within public rights-of-way.**

- (a) the sign provides notice to the public of a public meeting or other public event,
- (b) An off-premise sign designed to guide or direct pedestrians or vehicular traffic and it also may include kiosks that provide information of general benefit to the community, and
- (c) the sign, if allowed for a limited time, will meet the following criteria:
 1. the signs will not conceal or obstruct adjacent land uses or signs,
 2. the signs will not conflict with the principal permitted use of the site or adjoining sites,

3. the signs will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and
4. the signs will be installed and maintained in a safe manner.
5. The approval, or disapproval, of such signs shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such signs. The City Manager or his/her designee shall render a decision within ten days after an application is made for utilizing this sign type at a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the City Commission.
6. Directional signs shall be no greater than eight inches by 30 inches per sign. The City Engineer must inspect each proposed location for traffic obstruction.

(J) **Prohibited signs.** The following signs, or sign features, are prohibited within the City of Delray Beach; however, exceptions as noted herein are allowed. It shall be unlawful for any persons to erect prohibited signs or use prohibited sign features. Further, any sign not provided for, or expressly permitted by these LDRs is also prohibited.

(1) **Banners and wind signs.**

(a) **Banners:** Prohibited.

(b) **Wind signs:** Prohibited.

(2) **Off-premise signs.** A sign, including building signs, that advertise an establishment, merchandise, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than the property on which the sign is located, however, non-commercial messages shall never be off-premises.

(3) **Roof sign.** A sign or any portion of a sign which is located on the roof or top of the building or which projects above the roof eave of a gable or hip roof or above the top of a parapet, tower, or any other architectural feature. (Ord. No. 22-18, § 3, 11-27-18)

(4) **Snipe signs.** Snipe signs are prohibited.

(5) **Traffic confusion.** A sign or other advertising matter erected at the intersection of any streets or in any street right-of-way in manner as to obstruct free

and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "stop", "look", "drive-in", "danger", or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse vehicular traffic.

- (6) **Vehicular signs.** Signs placed on vehicles or trailers that are parked in the street, public right-of-way or on private property for the primary purpose of displaying the sign for advertising a commercial enterprise.
- (7) **Waterbourne signs.** No sign or advertising shall be displayed on a vessel plying the waterways, excluding, the identification of the vessel.
- (8) **Commercial signs in public rights-of-way:** Prohibited, except as allowed in Section 4.6.7(E)(3). (Ord. No. 53-20, § 3, 3-2-21)

(K) **Structural standards.** In addition to provisions of the Standard Building Code and provisions of Chapter 7 of this Code, the following structural standards shall be required for all signs erected in the City.

- (1) **Securing signs.** Wall signs shall be securely attached to the building or structure by means of metal anchors, bolts, or expansion screws. No wood blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings or structures with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall.
- (2) **Wind loading.** Every sign shall be constructed in a manner as to withstand 140 miles per hour wind. Sign contractors or the owner shall submit plans showing location, structural members, and design calculations for wind loading and for signs 32 square feet or over, a certification sealed by a state registered engineer or architect stating that the design will meet the requirements of this code shall be submitted. All sign contractors shall sign a certificate stating wind loading will meet requirements of this chapter where signs under 32 square feet are submitted.

(L) **Removal of signs.**

(1) **Removal and disposition of non-complying signs.**

- (a) It shall be unlawful to erect, use or maintain a sign or sign structure when it does not comply with the requirements of Section 4.6.7. The City is authorized to remove unlawful signs and sign structures pursuant to the provisions of Section 4.6.7.

(b) Unauthorized signs are subject to removal pursuant to the following provisions:

1. **Temporary signs.**

- (i) The City finds that, in view of the inexpensive nature of these signs and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, any procedure other than summary removal of these signs when unlawfully erected and maintained would defeat the purpose of regulating such signs. The City Manager is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained below.
- (ii) After removal of a sign pursuant to this section, a notice will be sent, either in person or by first-class postage, prepaid, to the occupant of the property from which the sign was removed, and if the sign identifies a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed and shall state that the sign may be retrieved within 30 days of the date of the notice, and that, if the sign is not retrieved within 30 days, it will be disposed of by the City.
- (iii) The City shall dispose of all unclaimed signs after the expiration of the 30-day period.

2. **Permanent signs.**

- (i) Signs and sign structures not subject to removal pursuant to (L)(1)(b) 1.(i) above which are or have been erected or maintained unlawfully, may be referred to the code enforcement board for appropriate action or the City may proceed to pursue all remedies available at law or equity to it to remove signs or sign structures which are or have been unlawfully erected or maintained.

(2) **Unsafe signs.** Notwithstanding the above provisions, any sign which is declared to be a dangerous sign shall be removed or made to conform with the current building code immediately, upon notice, by the Chief Building Official.

(M) **Penalty.** Section 10.99, "General Penalty" of the Code of Ordinances of the City of Delray Beach shall apply.

(N) ***Procedure to appeal permit denial.***

- (1) Permit application may be denied for the following reasons:
 - (a) The application for permit is not fully completed and executed;
 - (b) The applicant has not tendered the required application fee with the application;
 - (c) The application for permit contains a material falsehood or misrepresentation;
 - (d) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City.
- (2) If permit application was denied, it may be appealed to the Circuit Court of Palm Beach County within 30 days of the decision.

(O) ***Severability.***

- (1) ***Generally.*** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the following subsections of this Article, Section 4.6.7(E)(7), "Design Standards Matrix" and Section 4.6.7(G), "Non-Commercial Message".
- (2) ***Severability where less speech results.*** Without diminishing or limiting in any way the declaration of severability set forth above in subsection (O)(1) or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect Subsections 4.6.7(E)(7) and 4.6.7(G) of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (3) ***Severability of provisions pertaining to prohibited signs.*** Without diminishing or limiting in any way the declaration of severability set forth above in subsection (O)(1) or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other law is declared unconstitutional by the valid judgment or decree of any court of

competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Subsection 4.6.7(J) is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any part, word or paragraph of Subsections 4.6.7(E)(7) and 4.6.7(G), thereby ensuring that sign height, size and location continue to be regulated.

Sec. 4.6.8 Lighting.

All developments/redevelopments are encouraged to utilize energy efficiency lighting.

Artificial lighting used to illuminate premises shall be directed in such a way to minimize light spillover on adjacent properties and reduce urban glow. In general any lighting requirements not covered by this section should follow the standards in the latest edition of ASHRAE/IESNA related to Exterior Lighting. When lighting is proposed within the vicinity of the beach it shall comply with all other City of Delray Beach Code Sections, including, but not limited to, Section 91.51 (Sea Turtles) which requires that all lighting shall be screened or shielded so that the light is not visible from the beach. In addition, the following standards shall be adhered to: [Entire Section Amended by Ord. 41-08 11/3/08]

(A) General requirements.

- (1) **Luminaries height.** The following chart indicates maximum heights allowed for luminaries.

Table 1

Buildings and Structures	25' or eave overhang whichever is lower
Parking Lots	
Residential	25'
Industrial	25'
Commercial	25'
Parking Structure	
Top Floor	15' if within 20' of structure edge 20' if greater than 20' from structure edge

Specialty Lighting

Per IESNA latest edition

- (2) **Cutoff luminaire required.** All perimeter exterior lighting shall be full cutoff luminaires to minimize spillover on adjacent properties. In order to decrease urban glow, no luminaires shall be directed upwards.
- (3) **Illumination standards.** The following illumination standards shall be adhered to:

Table 2

Outdoor Lighting	Max Illumination (ft-candles)	Min Illumination (ft-candles)	Max/Min	Average/Min
Buildings and Structures				
Accent pathway	5.0 (2)	0.5	—	—
Building Entrance	10.0	1.0	—	3:1
Landscape Lighting	5.0	—	—	—
Canopies, Drive-Thru and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
Multi-Family Residential	4.0	0.3	13:1	
Commercial and Industrial	12.0	1.0	12:1	3:1
Parking Garages/Structures				
Parking Area	10	1.0	10:1	4:1
Ramps - Day	20	2.0	10:1	
Ramps - Night	10	1.0	10:1	
Entrance Area- Day	500	50	10:1	
Entrance Area - Night	10	1.0	10:1	
Stairways	5.0	2.0	10:1	
Specialty Lighting				
Golf Courses, Outdoor Entertainment, Parks	Refer to latest edition of IESNA Lighting Handbook			
Other Lighting Types				
Outdoor Display other than Vehicle Sales and Rental	15 (1)	1.0	15:1	4:1
Outdoor display associated with Vehicle Sales and Rental	Refer to LDR Section 4.4.10(G)(6)			

Notes:

1. The first row closest to public rights-of-way of display outdoor sales may be increases to a max of 20 foot candles.
2. Fully shielded bollards not greater than 42 inches in height may be permitted up to a max of 20 foot candles.
3. The values for entrance area only applies to the first 66 feet inside the structure as it is needed to effect a transition from bright daylight to lower internal levels.
- (4) **Night hours reduction and security.** Full cutoff luminaries shall be used for all security lighting and dusk-to-dawn area lighting. Outdoor illumination, including areas used for outdoor sales and display, eating, parking, assembly, service of equipment and freight, loading and unloading, repair, maintenance, commercial activities and industrial activities shall not continue after 11:00 p.m., or more than one hour after active use of the area ceases, whichever is later, except for security lighting. Security lighting shall be required for all active entrances to

buildings, parking lots and access to buildings or parking lots. All security lighting shall maintain lighting levels as indicated in Table 2 and shall operate from dusk until dawn. No outdoor recreational facility shall be illuminated after 11:00 p.m. except to conclude a scheduled or sanctioned recreational or sporting event by City of Delray Beach or other authorized agency in progress prior to 11:00 pm. The luminaries shall be extinguished after outdoor recreational events are completed and the site has been vacated. Exceptions would include recreational facilities that are open to the public on a 24-hour basis.

(B) ***Requirements for outdoor parking areas and commercial sites.***

- (1) ***Standards.*** The complete installation of the area lighting system shall comply with applicable local codes and ordinances and meet the recommended illumination levels and uniformity ratios of the Illuminating Engineering Society of North America (I.E.S.), as set forth in this specification. The responsibility for performance to this specification, in its entirety, cannot be split up among individual suppliers of components comprising the system, but must be assumed solely by a single supplier.
- (2) ***Testing.*** Upon completion of installation, the system shall be subject to inspection by the City Engineer, at his discretion, to determine compliance with criteria set forth herein. Computer verification shall be made available upon his request.
- (3) ***Design criteria.***
 - (a) ***General.*** In determining a lighting design, consideration shall be given to the architectural and environmental aspects of the facility it is to serve. This consideration shall be instrumental in determining type of fixture mounting height, and light source.
 - (b) ***Light control and spillage.*** For perimeter exterior lighting, only full cutoff luminaries will be approved. The applicant is encouraged to minimize light spillage from building and site and to reduce urban-glow for the development/redevelopment proposed. Maximum allowable illumination at the property line of any adjoining parcel or public right-of-way is 0.25 horizontal and vertical foot-candles measured at six feet above grade level.

- (C) **Street light requirements.** Street light requirements for public rights-of-way shall meet the requirements of the City's Street Light Policy.
- (D) **Temporary lighting.** Lighting classified as temporary lighting for public festivals, celebrations and the observance of holidays are exempt from this section.
- (E) **Deviations.** Lighting may vary from this Section to the extent necessary to comply with specific State requirements, i.e., increased intensity required for automatic bank teller areas, etc.

Sec. 4.6.9. Off-street parking regulations.

(A) **Purpose and intent.** The purpose of this Section is to ensure that adequate off-street parking is provided and maintained to meet the needs of users of structures and usage of land. All parking areas shall be designed and situated to protect public safety and to mitigate potential adverse impacts on adjacent uses or properties. It is the responsibility of the developer of property to provide and maintain adequate off-street parking. [Amd. Ord. 46-96 11/5/96] (Ord. No. 14-24, § 5, 12-10-24)

(B) **Applicability.**

- (1) Off-street parking facilities shall be provided in the following situations:
 - (a) For any new building constructed;
 - (b) For any new category of use established including a new conditional use;
 - (c) For any addition or enlargement of an existing building or use;
 - (d) For any change in the occupancy of an existing building or the manner in which a use is conducted that would result in additional parking spaces being required.
- (2) For items (c) and (d) from above, the additional parking spaces shall be required only for such addition, enlargement, or change and not for the entire building or use, unless required as a condition of approval associated with the approval of the addition, enlargement, or change.
- (3) When existing parking is diminished by an addition or enlargement and such parking had been previously required, or would be required if the use were established at this point in time, such parking spaces must be replaced and be in addition to those spaces required for the addition or enlargement.

- (4) Notwithstanding the foregoing, effective January 1, 2005, if private land is acquired by a governmental entity for parking or park purposes, the parking spaces attributed to the demand created by the building square footage and use that existed on the land acquired by the governmental entity (less the number of spaces that existed on the property so acquired) shall be credited to land owned by private owner(s) if the land owned by the private owner(s) is located within 300 feet of the land acquired by the governmental entity for parking or park purposes. [Amd. Ord. 47-05 7/19/05]; [Amd. Ord. 80-04 1/18/05]
- (5) The requirements of this Section shall apply for temporary uses as well as permanent uses. [Amd. Ord. 80-04 1/18/05]

(C) **Number of parking spaces required.** The number of parking spaces required for new buildings, new uses, additions, enlargements, or changes shall be determined by the following standards for uses and categories of use and types of parking spaces.

(1) **General provisions.** The following apply in the application of this Subsection:

- (a) **Fractions.** When the determination of the number of required parking spaces results in a requirement of a fractional space, any fraction less than one-half space shall be rounded down to the nearest whole number and any fraction of one-half space or more shall be rounded up. [Amd. Ord. 01-09 1/20/09]
- (b) **Handicapped spaces.** Special parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. Such spaces shall not be in addition to, but shall substitute for, required parking. [Amd. Ord. 46-96 11/5/96]
- (c) **Bicycle parking and Showers.** Bicycle parking is required to meet recreational, transportation, or leisure purposes. Two types of bicycle parking and associated facilities may be required to meet the needs of different types of bicyclists. (Ord. No. 29-20, § 3, 11-10-20)*

1. Bicycle parking shall be provided at the rate defined in Table 4.6.9(C)-1. (Ord. No. 29-20, § 3, 11-10-20)

***Editor's note**—Ord. No. 29-20, § 3, adopted November 10, 2020, repealed and replaced subsection 4.6.9(C)(1)(c) which pertained to similar subject matter and derived from Ord. 46-96, adopted November 5, 1996 and Ord. 03-15, adopted February 24, 2015.

2. Type I bicycle parking is required and is intended to be used for short term bicycle parking by visitors. (Ord. No. 29-20, § 3, 11-10-20)
3. Type II bicycle parking is required at certain thresholds and provides long term storage options for people who reside, work, or are visiting for an extended duration. (Ord. No. 29-20, § 3, 11-10-20)
4. For uses not listed, new non-residential uses shall provide at least two Type I bicycle parking spaces and Type II bicycle parking spaces may be required for buildings greater than 20,000 square feet as determined by the Development Services Director, and based on a calculation required for a similarly intense use. (Ord. No. 29-20, § 3, 11-10-20)
5. If required, showers and Type II bicycle parking shall be co-located in a building and provided in a safe, access restricted area or otherwise not accessible to the public at large. Design shall consider crime prevention as a part of design. Specifications for these facilities shall be included within the site plan. (Ord. No. 29-20, § 3, 11-10-20)

Table 4.6.9(C)-1 Minimum Number of Bicycle Parking Spaces and Showers*			
Category	Type I	Type II	Showers
Commercial			
Hotel/Motel	1 space per 25 guest rooms plus requirements for Type I based on use (e.g. restaurant, meeting rooms, and retail)	< 50 guest rooms: not required ≥ 50 guest rooms: 2 spaces per 50 guest rooms plus requirements for Type II based on use (e.g. restaurant, meeting rooms, and retail)	< 50 guest rooms: Not required > 50 guest rooms: 2 per 50 rooms (no minimum) plus requirements for Type II based on use (e.g. restaurant, meeting rooms, and retail)
Professional Office less than 50,000 sf	1 space per 10,000 sf	2 spaces for 30,001—50,000 sf	< 30,000 sf: Not required 30,001—50,000 sf: 2
Professional Office more than 50,000 sf	6 spaces plus 1 space per 20,000 sf	6 spaces plus 2 spaces per 10,000 sf	2, plus 2 per every additional 50,000 sf
Retail, Restaurants and Bars, Grocery Stores	2 spaces per 10,000 sf	< 20,000 sf: Not required ≥ 20,000 sf: 2 spaces per 20,000	< 20,000 sf: Not required ≥ 20,000 sf: 2 per 20,000 sf
Manufacturing, industrial, warehouse, production	2 spaces minimum, additional spaces to be determined by the Development Services Director	< 15,000 sf: Not required ≥ 15,000 sf: 1 per 15,000 sf	Not required
Automotive sales, rental, delivery, servicing, repair, cleaning or storage	6 spaces or 1 space per 25,000 sf combined parking and floor area	< 50,000 sf: Not required ≥ 50,000 sf: 2 plus 2 per 50,000 sf of combined parking and floor area	< 50,000 sf: Not required > 50,000 sf: 2 plus 2 per 50,000 sf of combined parking and floor area

Table 4.6.9(C) - 1 Minimum Number of Bicycle Parking Spaces and Showers*			
Category	Type I	Type II	Showers
Residential			
Single Family Residential (including single family attached or detached homes)	Not required		
Planned Residential or Planned Unit Development (including Single and Multi-family Dwellings)	4 spaces per 50 dwelling units located at a common area or clubhouse	Not required	Not required
Multifamily Dwelling with individual garage per unit	1 space per 20 units	Not required	Not required
Multifamily Dwelling without individual garage per unit	1 space per 25 units	0.25 spaces per unit	Not required
Senior Housing	0.1 spaces per bedroom	0.25 spaces per bedroom unit	Not required
Civic/Cultural			
Non-assembly cultural (library, government buildings, etc.)	1 space per 5,000 sf	< 10 employees: Not required ≥ 10 employees: 1 space per 10 employees	< 10,000 sf or < 10 employees: Not required > 10,000 sf or > 10 employees: 2 plus 2 per 10,000 sf or 10 employees, whichever is greater
Assembly (church, theaters, stadiums, parks, beaches, etc.)	1 space per 20 employees	1 space per 20 employees	Not required

Table 4.6.9(C)-1 Minimum Number of Bicycle Parking Spaces and Showers*			
Category	Type I	Type II	Showers
Health care/Hospitals	1 space per 20,000 sf	< 25,000 sf or < 20 employees: Not required ≥ 25,000 sf or ≥ 20 employees: 2 per 25,000 sf or 20 employees, whichever is greater	< 25,000 sf or < 20 employees: Not required ≥ 25,000 sf or ≥ 20 employees: 2 per 25,000 sf or 20 employees, whichever is greater
Education			
Public, parochial, or private day-care centers for more than 15 children	1 space per 20 Students	< 20 employees: Not required ≥ 20 employees: 1 space per 20 employees	< 20 employees: Not required ≥ 20 employees, 2 per 20 employees
Public, private, or charter schools (grades 1—3)	1 space per 20 Students	< 20 employees: Not required ≥ 20 employees: 1 space per 20 employees	< 20 employees: Not required ≥ 20 employees, 2 per 20 employees
Public, private, or charter schools (grades 4—6), and junior and high schools	1 space per 20 employees plus 1 space per 20 Students	< 20 employees: Not required ≥ 20 employees: 1 space per 20 employees	< 20 employees: Not required ≥ 20 employees, 2 per 20 employees
Colleges and Universities	1 space per 10 in-person students	< 20,000 sf: Not required ≥ 20,000 sf: 1 space per 20,000 sf if over 20,000 sf	< 50 employees: Not required ≥ 50 employees, 2 per 50 employees

Table 4.6.9(C) - 1 Minimum Number of Bicycle Parking Spaces and Showers*				
Category	Type I	Other Uses		Showers
			Type II	
Trolley or bus stop	2 spaces maximum	NA		Not required
Rail stop	1.5% of am peak period daily ridership	5% of projected am peak period daily ridership		Not required

* Square feet shall be measured as gross square feet.

(Ord. No. 29-20, § 3, 11-10-20)

- (d) **Uses not listed.** Any use, or use category, which is not specifically listed herein shall have its parking requirement established at the time of approval of the site and development action associated with the new use or structure.
- (e) **Design requirements apply, exceptions.** The Design Requirements for parking lots as provided for in Section 4.6.9(D) shall apply to all parking spaces required in this subsection, except for specific provisions to the contrary contained herein. (Ord. No. 29-20, § 3, 11-10-20)
- (f) **Requirements are cumulative.** In situations where a combination of uses are developed on a site, parking requirements shall be determined for each of the uses according to the parking requirements set forth herein. An exception to this rule may be made, pursuant to Subsection (C)(8), Multiple Uses.
- (g) **Compact car parking.** Up to 30 percent of the required parking for any use may be designated for compact cars. Such approval may be granted concurrent with approval of the site and development plan. Spaces which are provided in excess of the number required may also be designated and designed as "compact car parking". [Amd. Ord. 46-96 11/5/96]

(2) **Requirements for residential uses.**

- (a) **Single family detached residences.** Two spaces per dwelling unit. Tandem parking may be used in the Single Family (R-1) Residential Districts or Low Density Residential (RL) District. Required parking spaces shall not be located in the front setback or side street setback areas. For lots that are less than 60 feet wide and do not have alley access, one parking space may be located in either the front setback area or the side street setback area, provided that no more than 50 percent of the front and side street setback area may be improved for parking purposes. [Amd. Ord. 01-10 1/19/10] (Ord. No. 25-17, § 34, 7-18-17; Ord. No. 01-18, § 2, 2-6-18)
- (b) **Duplexes.** Two spaces per dwelling unit. Tandem parking may be used provided that such parking does not result in the space for one unit impeding access to a space of the other unit. Further, curb cuts or direct access from parking areas onto a street shall not exceed 24 feet in width. [Amd. Ord. 01-10 1/19/10] (Ord. No. 25-17, § 34, 7-18-17)
- (c) **Multiple family structures.** (Ord. No. 25-17, § 34, 7-18-17)

- Efficiency dwelling unit 1.0 space/unit
- One bedroom dwelling unit 1.5 spaces/unit
- Two or more bedroom d.u. 2.0 spaces/unit
- Guest parking shall be provided cumulatively as follows:
 - for the first 20 units 0.5 spaces per unit
 - for units 21-50 0.3 spaces per unit
 - for units 51 and above 0.2 spaces per unit

Within townhouse and townhouse type developments, parking may be provided in front of garage units provided that such parking does not result in the space for one unit impeding access to a space of the other unit. [Amd. Ord. 01-10 1/19/10; Amd. Ord. 37-01 7/10/01; Amd. Ord. 46-96 11/5/96]

- (d) **Location of guest parking spaces.** Guest parking spaces must be accessible to all visitors and guests and may be centralized or located near recreational features within a development project. A portion of guest parking spaces may be provided in stabilized sod pursuant to Section 4.6.9(D)(8). [Amd. Ord. 6-03 5/20/03; Amd. Ord. 28-99 8/17/99]

(3) **Requirements for commercial uses.**

- (a) **General commercial uses.** Shall provide four and one-half spaces per 1,000 square feet of gross floor area that includes retail floor area, associated warehouse and storage floor area, and employee and management facilities. This use category includes Limited Indoor Dining Establishments. (Ord. No. 20-24, § 3, 11-4-24)
- (b) **Convenience stores with associated gasoline sales.** Shall provide four and one-half spaces per 1,000 square feet of gross floor area of the convenience store and any kiosk or cashier station.
- (c) **Gasoline stations.** With or without convenience food sales shall provide four and one-half spaces per 1,000 square feet of non-repair gross floor area and shall provide four spaces per service bay or lift. [Amd. Ord. 46-96 11/5/96]
- (d) **Restaurants and stand alone bars.** Shall provide 12 spaces per 1,000 square feet of gross floor area. [Amd. Ord. 10-12 4/3/12; Amd. Ord. 01-09 1/20/09] (Ord. No. 20-24, § 3, 11-4-24)
- (e) **Shopping centers.** Spaces required based upon size of center per gross leasable floor area, irrespective of uses: [Amd. Ord. 01-09 1/20/09]

Floor Area	Parking Requirement
• 25,000 to 400,000 square feet	4/1,000 square feet of gross floor area
• 400,000 to 600,000 square feet	4.5/1,000 square feet of gross floor area
• greater than 600,000 square feet	5/1,000 square feet of gross floor area

(Ord. No. 20-24, § 3, 11-4-24)

- (f) **Vehicle sales and rental.** Including auto sales, auto rental agencies, recreational vehicle sales and rental, and truck sales and rental, shall provide four spaces per 1,000 square feet of total building(s) gross floor area, except indoor display areas. Required parking spaces shall be designated for employee, customer, and/or service use at the standard of, at least, one and one-half spaces per service bay and two spaces per 1,000 square feet of gross floor area (less indoor display area). Any remaining spaces may be used for display purposes. [Amd. Ord. 01-09 1/20/09] (Ord. No. 20-24, § 3, 11-4-24)
- (g) **Personal service providers.** (Beauty Salons, Spas, etc.): Shall provide four and one-half spaces per 1,000 square feet of gross floor area in buildings up to 5,000 square feet and four and one-half spaces per 1,000 square feet of gross floor area plus one-half spaces per work station in buildings greater than 5,000 square feet as it pertains to the personal service provider uses. (Work stations providing manicure services that include both manicure table and pedicure chair shall be calculated as one work station for each table and chair combined). [Amd. Ord. 48-06 9/19/06] (Ord. No. 20-24, § 3, 11-4-24)

(4) **Requirements for office uses.**

- (a) **Business and professional offices.** Except governmental, medical, and call center offices, shall provide: [Amd. Ord. 22-11 7/19/11]
- 4 spaces per 1,000 sq.ft. of net floor area up to 3,000 square feet and then three and one-half spaces per 1,000 square feet of net floor area over the initial 3,000 square feet. [Amd. Ord. 01-09 1/20/09]
- (b) **Governmental offices.** Including public health and rehabilitative services, shall provide five spaces per 1,000 square feet of gross floor area.
- (c) **Medical and dental offices.** Including clinics and mental health treatment facilities, shall provide five spaces per 1,000 square feet of gross floor area.

- (d) **Call centers.** Two spaces per 1,000 square feet of gross floor area, plus one space per work station as shown on a floor plan schematic. [Amd. Ord. 22-11 7/19/11]

(5) **Requirements for industrial uses.**

- (a) **General.** General Industrial Uses (manufacturing, assembly, attendant offices) shall provide parking at the rate of three spaces per 1,000 square feet of gross floor area devoted to such uses. In addition, 1 space shall be provided for each 1,000 square feet of gross floor area devoted to storage and warehouse use. [Amd. Ord. 01-09 1/20/09]
- (b) **Vehicle paint, body, and repair shops.** Shall provide four and one-half spaces per 1,000 square feet of gross floor area.
- (c) Vehicle wrecking and salvage yards. Shall provide one space per 10,000 square feet of lot area.

(6) **Requirements for recreational and community facilities either public or private.**

- (a) **Auditoriums, meeting places.** Assembly halls, conference and meeting rooms, theaters, stadiums, civic centers, community theaters, cultural facilities, arts and crafts centers, and similar uses shall provide three-tenths of a parking space for each seat or one space for each 50 sq.ft. of gross floor area, whichever is greater. [Amd. Ord. 01-09 1/20/09]
- (b) **Bowling establishments.** Shall provide 4 parking spaces per lane.
- (c) **Churches.** Shall provide one space for every three seats provided in the sanctuary. Additional parking is not required for other uses on the church property (e.g. Sunday School, Day Care, Preschool, etc.) when such uses are operated as a part of, under the auspices of, the Church.
- (d) **Clubs and lodges.** Shall provide one space for every four seats or one for every 50 square feet of gross floor area, whichever is greater. [Amd. Ord. 01-09 1/20/09]
- (e) **Educational facilities.** Public or private, shall provide the following:
- Nursery and Kindergarten 1/300 square feet of gross floor area. [Amd. Ord. 01-09 1/20/09]
 - Elementary and Middle Two per classroom, plus 50 per cent of the requirement of an auditorium or stadium.

- High School, Vocational Schools, Colleges and Trade Schools shall provide one space for every five students which can be accommodated at maximum capacity.
- (f) **Fire stations.** Shall provide one space for each employee on the shift with greatest employment.
- (g) **Golf courses.** A full golf course shall provide seven parking spaces per hole; an executive golf course shall provide four parking spaces per hole.
- (h) **Miniature golf courses.** Shall provide one and one-half parking spaces per hole.
- (i) **Hospitals.** Shall provide one and one-half spaces per bed, plus one per 100 square feet of floor area in rooms for outpatient, emergency, and other special service areas open to the public.
- (j) **Libraries.** Shall provide four per 1,000 square feet of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (k) **Museums.** Shall provide five per 1,000 square feet of floor area which is open to the public.
- (l) **Police stations, public works complexes.** Shall provide four per 1,000 square feet of gross floor area. This requirement shall encompass all uses on the premises. [Amd. Ord. 01-09 1/20/09]
- (m) **Post offices.** Shall provide five per 1,000 square feet of gross floor area in addition to a parking area for employees. [Amd. Ord. 01-09 1/20/09]
- (n) **Swim clubs.** Shall provide one per 30 square feet of total water surface.
- (o) **Tennis clubs.** Shall provide four spaces per court.
- (p) **Community facilities within planned residential developments.** Shall provide parking sufficient to accommodate guest, service and local needs recognizing that residents have other means of access. The parking shall be pursuant to an approved site plan. [Amd. Ord. 46-96 11/5/96]
- (q) **Parks.** Shall have the parking needs assessed and determined by the City Manager or designee.
- (r) **Yacht clubs.** One space per 1,000 square feet of gross floor area and outdoor seating/eating area plus one-half spaces for each boat slip. [Amd. Ord. 01-09 1/20/09]; [Amd. Ord. 46-96 11/5/96]

(7) **Other uses.**

- (a) **Abused spouse residence.** One space per sleeping room plus one space for each shift employee.
- (b) **Nursing homes.** Shall provide one space for each four beds. [Amd. Ord. 02-10 1/19/10]; [Amd. Ord. 4-04 2/3/04]; [Amd. Ord. 35-00 1/2/01] (Ord. No. 25-17, § 35, 7-18-17)
- (c) **Assisted living facilities.** that do not comport with the definition of "community residence" and **Continuing Care Facilities:** Facilities shall provide 1.5 spaces per unit. (Ord. No. 25-17, § 35, 7-18-17)
- (d) **Bed and breakfast inns.** Shall provide one per guest room and one for the manager/owner.
- (e) **Hotels and motels.** Shall provide seven-tenths of a space for each guest room plus ten spaces per 1,000 square feet of floor area devoted to ballrooms, meeting rooms, restaurants, lounges, and shops.
- (f) **Broadcast facilities and communication facilities.** Shall provide four per 1,000 square feet of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (g) **Bus stations, taxi stations, and train stations.** Shall provide three per 1,000 square feet of gross floor area (including storage areas). [Amd. Ord. 01-09 1/20/09]
- (h) **Child care and adult day care.** Shall provide one per 300 square feet of gross floor area. [Amd. Ord. 01-09 1/20/09]
- (i) **Courts, courthouses and related facilities.** Shall provide one per 150 square feet (net) of courtroom space plus one per 250 square feet (gross) of non-courtroom area, excluding walls, elevators, stairwells, and mechanical equipment areas.
- (j) **Funeral homes.** Shall provide four per 1,000 square feet of gross floor area plus three-tenths per each seat in the chapel, if any. [Amd. Ord. 01-09 1/20/09]
- (k) **Marinas.** Shall provide five per 1,000 square feet of gross floor area of any building devoted to marina use plus one/slip. [Amd. Ord. 01-09 1/20/09]
- (l) **Community residences.** Shall provide off-street parking for the greater of (a) the number of off-street spaces required under this code for the type of dwelling unit (single family, duplex, multi-family, etc.) in which

the community residence is located, or (b) one-half off-street space for each staff member on a shift and/or live-in basis plus, when residents are allowed to maintain a motor vehicle on premises, the maximum number of occupants that is permissible under this land development regulation and the city's building and property maintenance codes. Off-street spaces may be provided on the premises or at an off-site location other than a street or alley. [Amd. Ord. 02-10 1/19/10] (Ord. No. 25-17, § 35, 7-18-17)

- (m) **Urban farm sites.** Shall provide one space for every two acres or portion thereof of outdoor production area and two spaces for every 1,000 square feet or portion thereof of gross floor area of buildings used for the Urban Agriculture site (excluding sheds and other utility structures used only to house equipment and/or supplies.) (Ord. No. 07-17, § 16, 5-16-17)

(8) **Multiple uses.**

- (a) **Shared parking.** When a building or combination of buildings on a unified site or sites contains a mix of uses as categorized in the table below, the minimum total number of required parking spaces shall be determined by the following method: [Amd. Ord. 35-09 8/4/09]; [Amd. Ord. 33-06 12/5/06]; [Amd. Ord. 28-99 8/17/99]

Multiply the required parking spaces for each individual use by the appropriate percentage listed in the table below for each of the designated time periods. Add the resulting minimum required spaces in each of the five vertical columns for the table. The minimum total parking requirement is the highest sum of the vertical columns. [Amd. Ord. 28-99 8/17/99]

Shared Parking Calculations Table
Use for multiple use projects

	Weekday			Weekend	
	Night Midnight to 6:00 a.m.	Day 9:00 a.m. to 4:00 p.m.	Evening 6:00 p.m. to Mid- night	Day 9:00 a.m. to 4:00 p.m.	Evening 6:00 p.m. to Mid- night
Use					
Residential	100%	60%	90%	80%	90%

Use	Weekday			Weekend	
	Night Midnight to 6:00 a.m.	Day 9:00 a.m. to 4:00 p.m.	Evening 6:00 p.m. to Mid- night	Day 9:00 a.m. to 4:00 p.m.	Evening 6:00 p.m. to Mid- night
Office	5%	100%	10%	10%	5%
Commercial/Retail	5%	70%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment/Recre- ational (theatres, bowling alleys, etc.)	10%	40%	100%	80%	100%
Other	100%	100%	100%	100%	100%

For mixed use developments utilizing the shared parking calculations table, which contain both residential and non-residential uses, a minimum of one parking space shall be reserved for each residential unit. These reserved spaces, or any spaces reserved for other uses, must be included in the "other" category and applied as 100 percent utilization. Furthermore, subsequent to the issuance of a Certificate of Occupancy (CO), the reservation of additional parking spaces will require a site plan modification and be subject to the provision of the minimum parking requirements. [Amd. Ord. 3-06 1/17/06]

- (b) **Differing hours of operation.** When uses within a structure or a development have separate hours of operation (e.g. 9:00 a.m. to 5:00 p.m. and 6:00 p.m. to 10:00 p.m.) administrative relief may be granted to allow double counting of parking spaces.
- (c) **Subordinate uses.** When parking spaces are provided based upon an intensive use of a site (e.g. church services) and, at different times, other uses are on the site (e.g. day care) administrative relief may be granted to the effect of not requiring parking for the subordinate uses.

(D) **Design standards.** All parking spaces which are created in order to fulfill requirements of this Section (i.e. required parking spaces) shall conform to the design standards of this subsection.

- (1) **General design concepts.** The following concepts shall be applied in the layout and design of parking lots:
 - (a) Parking spaces should be located and arranged in such a manner as to facilitate pedestrian access to the uses they are intended to serve. In general, parking spaces should be distributed proportionately to needs.

- (b) Employee parking should be located in the area least desirable for customer or short-term parking.
 - (c) Compact car parking, where allowed, should be integrated throughout a parking lot in such a manner that compact and standard cars have equal access to desirable parking spaces.
 - (d) Handicapped spaces are to be provided in accordance with the Florida Accessibility Code for Building Construction and shall be located as close as is practical to the entrances of the buildings they are intended to serve. To the greatest extent possible, they shall be oriented so that a user does not have to go past the rear of other parking spaces or cross an aisle in order to reach the building's main entrance. [Amd. Ord. 46-96 11/5/96]
 - (e) Single level mechanical parking lifts ("Lifts"), if utilized, shall be integrated into an existing or proposed building for the uses they serve and enclosed with three walls and a roof. A maximum of 50 percent of the required parking within a non-residential or the non-residential portion of a multi-use development may utilize Lifts. [Amd. Ord. 34-07 9/18/07]
 - (f) Underground parking, if utilized, is not subject to setback requirements, except for any portion of the structure located above grade. (Ord. No. 10-20, § 4, 9-22-20)
 - (g) Developments that include underground parking shall meet the requirements of Section 7.1.8, Construction Parking and Staging. (Ord. No. 10-20, § 4, 9-22-20)
- (2) **Provisions for ingress and egress.** Each required parking space shall be accessible at all times. Access which conforms with minimal aisle standards and which includes maneuvering area so that a vehicle must be able to enter and exit the parking area onto a street or alley in a forward manner shall be provided, except in the following situations. [Amd. Ord. 46-96 11/5/96]
- (a) When the land use is a single family detached dwelling, a townhouse (fee simple ownership), or a duplex;
 - (b) When the parking is adjacent to an alley and the parking space and alley have a combined minimum depth of 42 feet and a minimum width of ten feet and the location of parked vehicles does not impair sight distance of pedestrians or vehicles utilizing the alley; [Amd. Ord. 46-96 11/5/96]

- (c) When the street is a private street within a planned development and the street, at the location of the parking, has less than 200 ADT.
- (3) **Point of access to the street system.** (Ord. No. 11-20, § 3, 12-8-20)*
- (a) **Maximum width.** The point of access to a street or alley shall be a maximum of 24 feet unless a greater width is specifically approved as a part of site and development plan approval. However, in no event shall such point of access be greater than 36 feet. (Ord. No. 11-20, § 3, 12-8-20)
 - (b) **Minimum width.** The point of access to a street or alley shall not be less than: (Ord. No. 11-20, § 3, 12-8-20; Ord. No. 60-20, § 2, 12-8-20)
 - (1) 24 feet for a normal two-way private street or parking lot driveway aisle. (Ord. No. 11-20, § 3, 12-8-20; Ord. No. 60-20, § 2, 12-8-20)
 - (2) 20 feet for a private driveway which has less than 200 ADT. (Ord. No. 11-20, § 3, 12-8-20; Ord. No. 60-20, § 2, 12-8-20)
 - (3) 12 feet for a one-way driveway or parking lot aisle. (Ord. No. 11-20, § 3, 12-8-20; Ord. No. 60-20, § 2, 12-8-20)
 - (c) **Stacking distance.** Provisions must be made for stacking and transition of incoming vehicular traffic from a public street into a private property to maintain a clear and safe path for vehicles, bicyclists, and pedestrians. Vehicles shall not queue into or obstruct the public right-of-way, nor planned or existing public infrastructure in the ultimate right-of-way, per Always Delray Table MBL-1, Street Network Classification and Improvements. (Ord. No. 11-20, § 3, 12-8-20)
 - 1. The minimum distance between a right-of-way and the first parking space or aisleway in a parking lot not controlled by access gates shall be as outlined in Table 4.6.9(D)-1: (Ord. No. 11-20, § 3, 12-8-20)

***Editor's note**—Ord. No. 11-20, § 3, adopted December 8, 2020, repealed and replaced subsection 4.6.9(D)(3), which pertained to similar subject matter and derived from Ord. 22-92, adopted June 16, 1992; Ord. 46-96, adopted November 5, 1996; and Ord. 12-13, adopted August 20, 2013.

TABLE 4.6.9(D)-1, Stacking Distance		
Number of Spaces	Access Street Classification	Minimum Stacking Distance
20 or fewer	Local	5 feet
21—50	Local	20 feet
50 or fewer	Non-Local	20 feet
51 or more	All Streets	50 feet

(Ord. No. 11-20, § 3, 12-8-20)

2. The minimum stacking distance may be reduced to a minimum of 20 feet for parking lots containing more than 50 parking spaces when the parking lot is designed and operated with two or more access points. This reduction in stacking distance is subject to approval by the City Engineer based on the following: (Ord. No. 11-20, § 3, 12-8-20)
 - a. The primary access point to the parking lot is not located along a collector or arterial street; and (Ord. No. 11-20, § 3, 12-8-20)
 - b. A Traffic Statement or Study identifies that the site will generate no more than 200 ADT; or (Ord. No. 11-20, § 3, 12-8-20)
 - c. A dedicated right turn lane measuring at least 50 feet in length from the primary access point is located along a collector or arterial street. (Ord. No. 11-20, § 3, 12-8-20)
3. Drive-thru facilities must provide a minimum of 100 feet of stacking distance from the first point of transaction for each lane. (Ord. No. 11-20, § 3, 12-8-20)
- (4) A stacking area in advance of access gates, guardhouses, and other barriers shall be provided as follows: (Ord. No. 11-20, § 3, 12-8-20)
 - a. Single-Family dwelling units, duplexes and townhomes with direct, individual unit access to a public right-of-way shall provide: (Ord. No. 11-20, § 3, 12-8-20)
 - i. Along all road classifications, except local, a minimum stacking distance of 20 feet from the ultimate right-of-way (See Figure 4.6.9(D)4-1). (Ord. No. 11-20, § 3, 12-8-20)
 - ii. Along local roads, gates, wall, fences, or similar structures, that are 25 percent or less opaque and do not create visual obstructions,

are permitted on the ultimate right-of-way line or on the property line without a stacking distance, whichever distance is greater, and are not subject to the regulations in Section 4.6.14 (See Figure 4.6.9(D)4-2). (Ord. No. 11-20, § 3, 12-8-20)

- b. Planned residential developments, whether single or multi-family, and all other uses and access configurations not listed above, shall provide: (Ord. No. 11-20, § 3, 12-8-20)
 - i. A minimum stacking distance of 100 feet from the property line or ultimate right-of-way, whichever is greater (See Figure 4.6.9(D)4-3). (Ord. No. 11-20, § 3, 12-8-20)
 - ii. For commercial uses, a minimum stacking distance of 20 feet from the ultimate right-of-way, if the access gate or barrier remains open at all times during business hours (See Figure 4.6.9(D)4-4). (Ord. No. 11-20, § 3, 12-8-20)
 - c. Gates, walls, fences or similar structures that are more than 25 percent opaque must comply with the sight visibility requirements in Section 4.6.14 and regulations governing walls, fences, and hedges in Section 4.6.5. (Ord. No. 11-20, § 3, 12-8-20)
- (5) Additional stacking distance may be required to improve site access and public safety. A reduction to the minimum required stacking distance may be requested when supported by a traffic study and justification statement addressing access into the site and efforts to diminish the impact of queuing on the public right-of-way. The City Engineer shall provide a written determination regarding the request to reduce the stacking distance. A denial to reduce the minimum stacking distance requirement may be appealed to the City Commission and processed as a waiver request. (Ord. No. 11-20, § 3, 12-8-20)

Figure 4.6.9(D)4-1

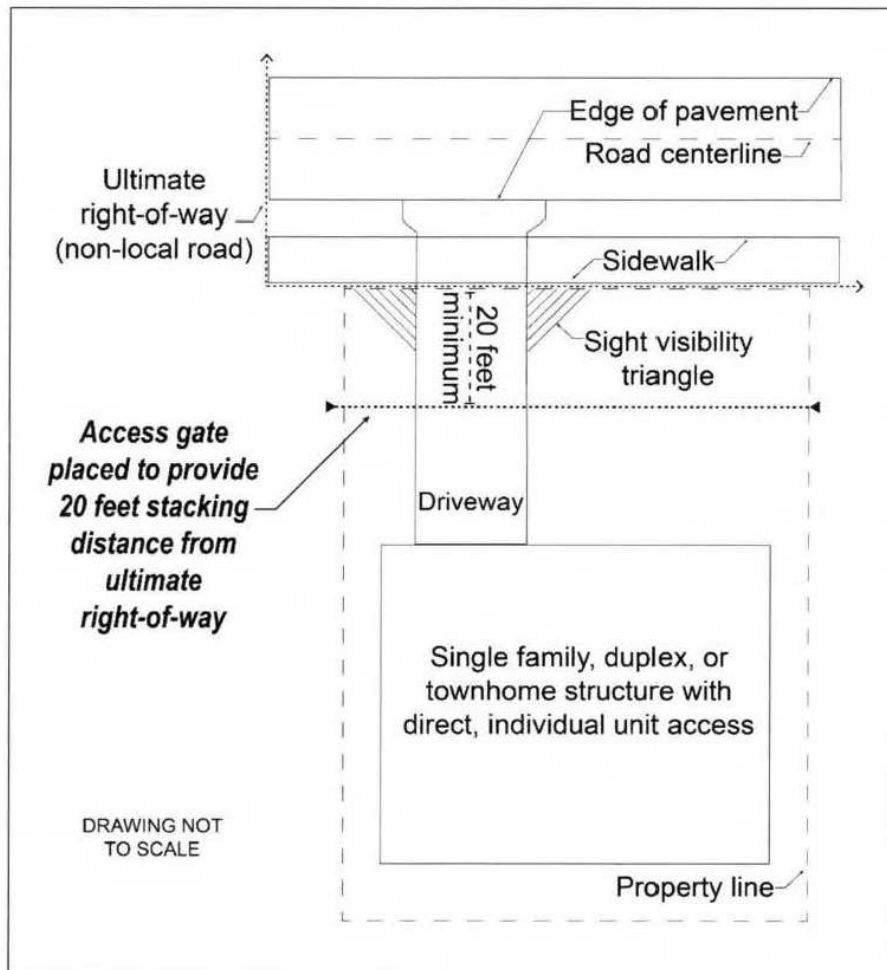


Figure 4.6.9(D)4-2

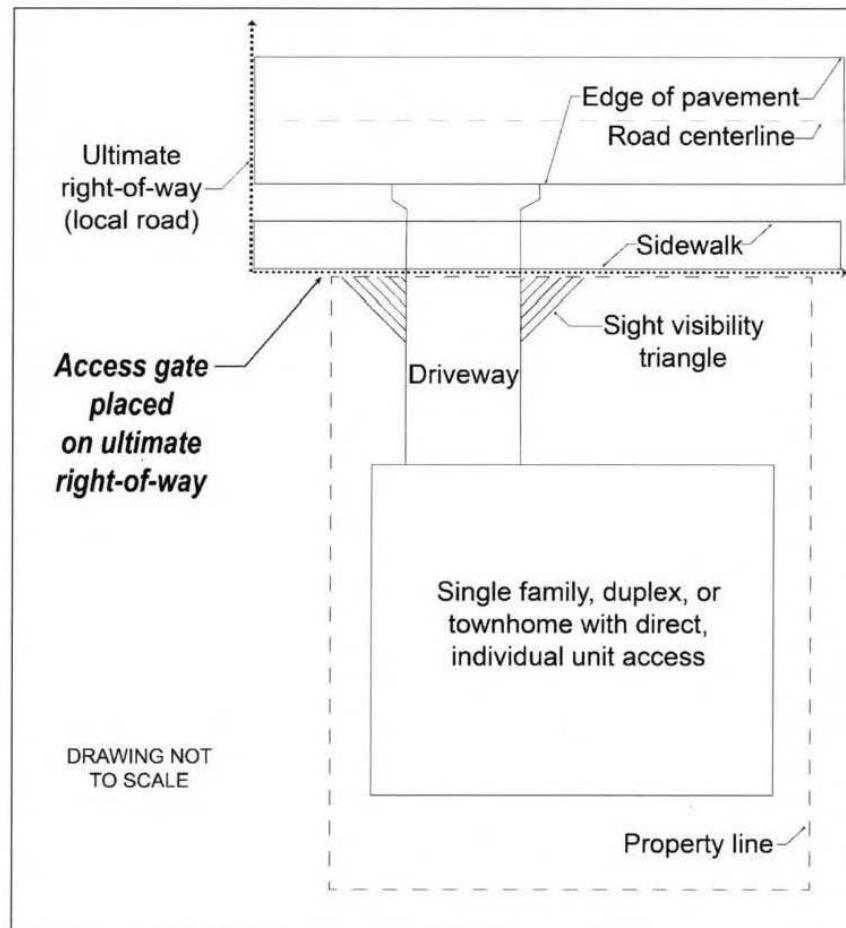


Figure 4.6.9(D)4-3

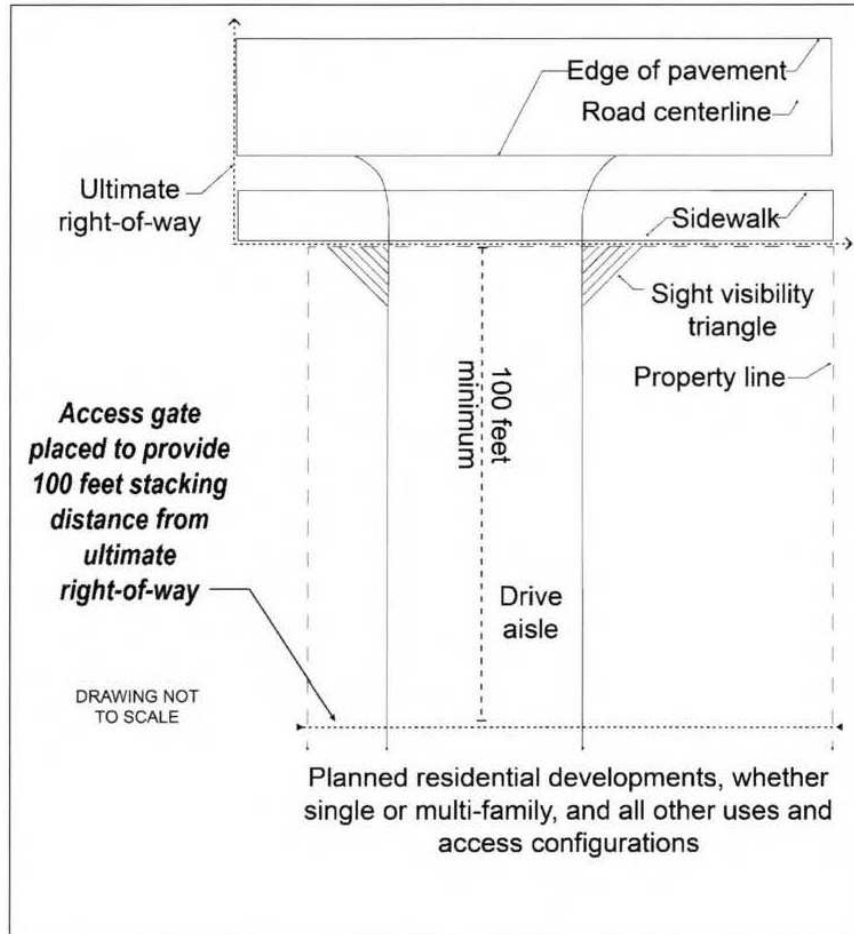
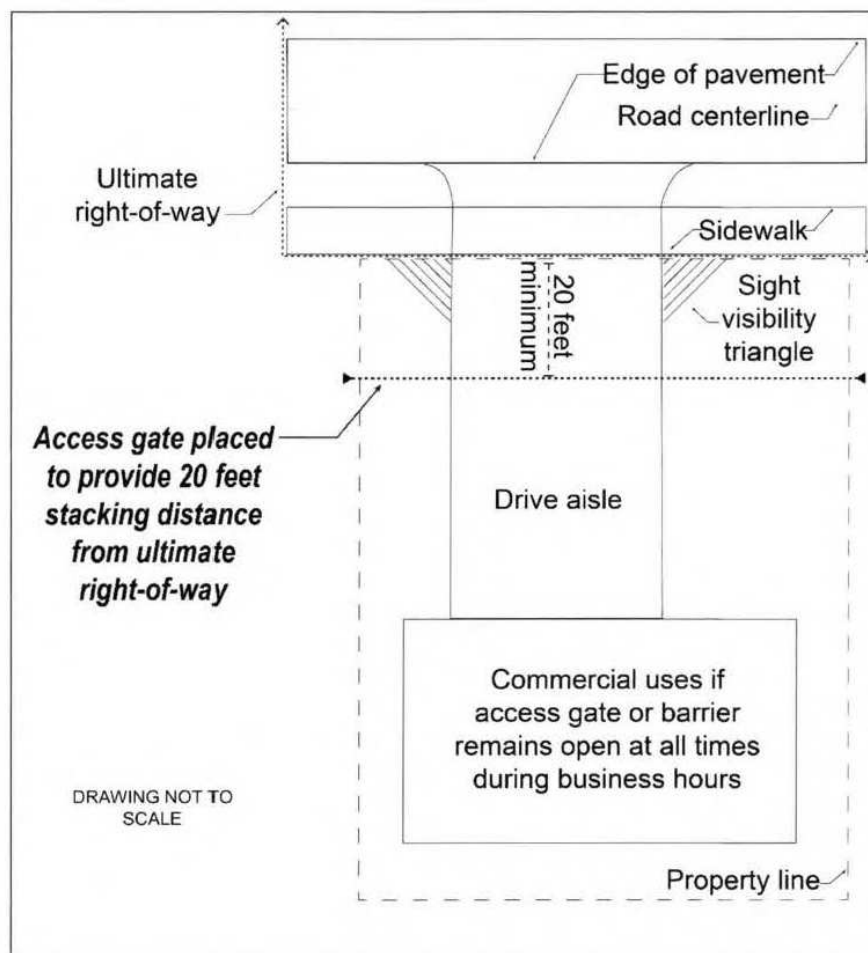


Figure 4.6.9(D)4-4



(6) **Maneuvering area, aisle width, space width.** (Ord. No. 11-20, § 3, 12-8-20)

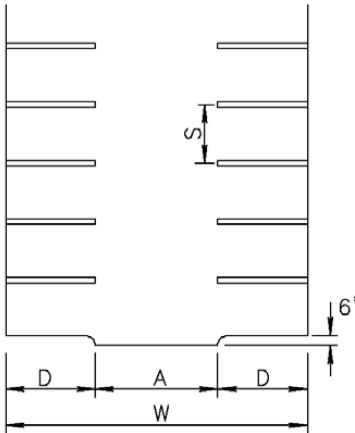
(a) The standard parking space is nine feet in width and 18 feet in length in a perpendicular configuration. Parallel parking spaces shall be eight feet in width and 22 feet in length. Parking space dimensions for other types of spaces are: [Amd. Ord. 46-96 11/5/96] (Ord. No. 60-20, § 2, 12-8-20)

(1) Compact Car Spaces at eight feet x 16 feet. (Ord. No. 11-20, § 3, 12-8-20; Ord. No. 60-20, § 2, 12-8-20)

(2) Handicapped Spaces at 12 feet x 18 feet. (Ord. No. 60-20, § 2, 12-8-20)

- (3) Diagonal Spaces per Subsection (4)(e). (Ord. No. 60-20, § 2, 12-8-20)
- (b) Wheel Stops shall be provided for all parking, other than parallel, in the form of concrete or asphalt 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. Treated wood, stones, or similar landscape features may be allowed upon approval through the site plan review process. The requirement for wheel stops may be waived through the site plan review process when the parking spaces are on stabilized sod. [Amd. Ord. 46-96 11/5/96]
- (c) Dead-end Parking Bays are discouraged, but when site conditions dictate that there be dead-end parking bays, they shall be designed so that there is a 24 feet wide by six feet deep maneuvering area at the end of the bay. This maneuvering area shall not encroach upon required landscape areas. [Amd. Ord. 46-96 11/5/96]
- (d) The standard aisle width is 24 feet for normal traffic flow with perpendicular parking. The maximum aisle width is 26 feet. Exceptions may be made at the time of site plan approval in order to accommodate pickup or drop-off areas. The width of aisles associated with diagonal parking is per Subsection (4)(e). Two-way traffic flow must be used when perpendicular parking spaces are used. The minimum aisle width for two-way traffic flow is twenty feet but this dimension can only be used for short distances where there are no parking spaces entering therein.
- (e) Alternative Parking Lot Designs: Parking lot designs which incorporate one-way aisles, two-way aisles, and diagonal parking may be used in lieu of the standard (perpendicular, two-way aisle) parking lot design. Diagrams depicting these designs are provided below. [Amd. Ord. 46-96 11/5/96]

90° PARKING



A	AISLE	24.0'
S	STALL WIDTH	9.0' *
D	STALL DEPTH	18.0'
W	MODULE WIDTH	60.0'

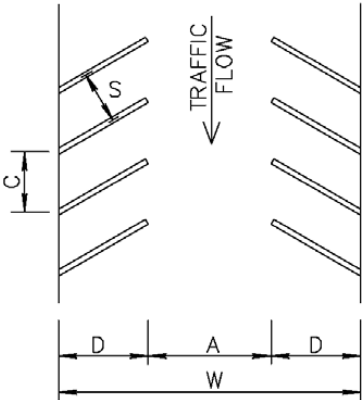
* COMPACT CAR SPACES – 8.0'
HANDICAP SPACES – 12.0'

PARALLEL



C	STALL LENGTH	22.0'
S	STALL WIDTH	8.0'

60° AND 45° PARKING



STANDARD		60°	45°
A	AISLE *	17.0'	15.0'
C	STALL LENGTH	10.5'	12.5'
S	STALL WIDTH	9.0'	9.0'
D	STALL DEPTH	20.0'	19.0'
W	MODULE WIDTH	57.0'	53.0'
HANDICAP SPACES		C	14.0'
		D	21.5'
		S	12.0'

* FOR TWO WAY FLOW A=24.0'

NOTE:
REFER TO TYPICAL PARKING
SPACE DETAIL RT 4.2 FOR
STRIPING INFORMATION

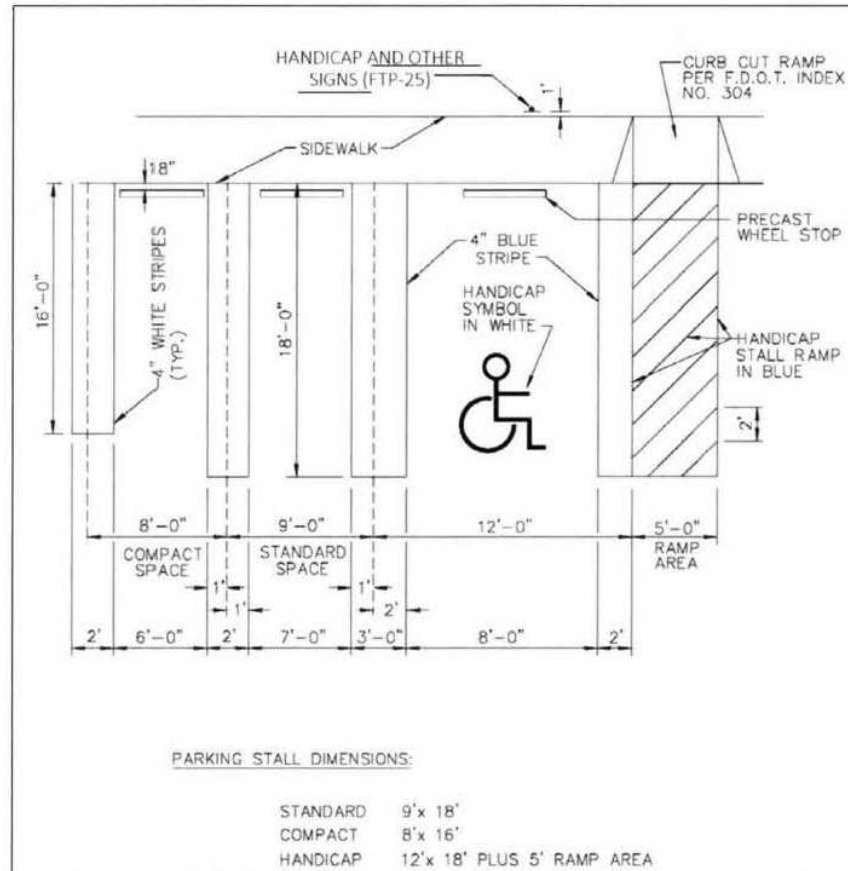
PARKING LOTS DETAIL RT 4.1

- (7) **Landscaping requirements.** All parking lots shall be landscaped in accordance with the provisions of Section 4.6.16. (Ord. No. 11-20, § 3, 12-8-20)

- (8) **Marking and signage.*** Parking spaces required to be striped shall comply with the Minimum Construction Standards and Specifications document developed by the City Engineer and Figure 4.6.9(D)(6)-1, Typical Parking Space Detail RT 4.2, as further identified: (Ord. No. 60-20, § 2, 12-8-20)
- (a) All parking stalls, with the exception of stabilized sod parking, shall be clearly demarcated as follows: [Amd. Ord. 46-96 11/5/96] (Ord. No. 60-20, § 2, 12-8-20)
1. Parallel parking stalls shall use a single line surface striping. (Ord. No. 60-20, § 2, 12-8-20)
 2. Diagonal, perpendicular, and other parking stalls shall use a double line surface striping. (Ord. No. 60-20, § 2, 12-8-20)
 3. Handicapped spaces shall be striped and marked as shown in Figure 4.6.9(D)(6)-1, Typical Parking Space Detail RT 4.2, and in accordance with the Florida Accessibility Code for Building Construction. Each handicapped space shall have a sign at the head of the stall reserving it for handicapped parking only. (Ord. No. 60-20, § 2, 12-8-20)
- (b) Parking spaces intended for operational uses, such as curbside pick-up and drop-off, or to reserve or limit the use of parking spaces, other than handicapped spaces, are subject to the following: (Ord. No. 60-20, § 2, 12-8-20)
1. A maximum of five percent of the total number of required spaces, or one space, whichever is greater, may be designated for operational uses. (Ord. No. 60-20, § 2, 12-8-20)
 2. Signs are limited to a maximum of four square feet and six feet in height. Signs shall be mounted to a wall or a fixed pole located in front or to the side of the space. (Ord. No. 60-20, § 2, 12-8-20)
 3. Markings on the parking space surface are discouraged. When necessary, such markings shall only include references to the space designation without business logos or symbols and are limited to a maximum of 25 percent of the total parking space area. (Ord. No. 60-20, § 2, 12-8-20)

***Editor's note**—Ord. No. 60-20, § 2, adopted December 8, 2020, in effect repealed subsection 4.6.9(D)(8) and enacted a new subsection 4.6.9(D)(8) as set out herein and later amended. Former subsection 4.6.9(D)(8) pertained to similar subject matter and derived from Ord. 19-91, adopted April 9, 1991; Ord. 46-96, adopted November 5, 1996; and Ord. No. 11-20, adopted December 8-20

- (c) Drive aisles, approach lanes, and maneuvering areas within parking lots and facilities containing more than 20 parking spaces shall include directional arrows and lines as approved by the City Engineer. The City Engineer may require additional signage to insure the smooth and safe flow of traffic. (Ord. No. 60-20, § 2, 12-8-20)
- (d) All signs and markings shall comply with the design criteria as set forth in the M.U.T.C.D. (Manual of Uniform Traffic Control Devices), except that the City Engineer, or his designee, may waive such compliance on a case-by-case basis. Any decision by the City Engineer or his designee may be appealed pursuant to Section 2.4.7 of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida. (Ord. No. 60-20, § 2, 12-8-20)
- (e) Parking spaces required to be striped shall comply with the Minimum Construction Standards and Specifications document developed by the City Engineer and Figure 4.6.9(D)(6)-1, Typical Parking Space Detail RT 4.2. (Ord. No. 60-20, § 2, 12-8-20)

Figure 4.6.9(D)(6)-1, Typical Parking Space Detail RT 4.2

(Ord. No. 60-20, § 2, 12-8-20)

- (9) **Compact car parking areas.** Compact car parking areas, where permitted, shall be clearly marked with markings as follows: [See Subsection (1)(g) as to approval for use of Compact Car Spaces]. [Amd. Ord. 46-96 11/5/96] (Ord. No. 11-20, § 3, 12-8-20)

- (a) All compact spaces shall have "compact car only" painted on the required wheel stops. [Amd. Ord. 46-96 11/5/96]
- (b) Alternate signage for compact car parking may be approved by the Chief Building Official when comparable to the standards set forth above. [Amd. Ord. 46-96 11/5/96]

- (10) **Parking surfaces and drainage.** (Ord. No. 11-20, § 3, 12-8-20)

- (a) All parking lots and parking spaces, including car storage and display areas, shall be improved either with a paved surface meeting Engineer-

ing Department standards, or with a hard surface material (such as brick or turf block on a base course laid in accordance with approved manufacturer's recommendations), or with some other type of surface material acceptable to the City Engineer. Parking lots and parking spaces on historic sites or within historic districts may be improved with a surface material other than pavement, where there are 12 or less parking spaces, subject to approval by the Historic Preservation Board.

- (b) A surface of sod over stabilized base shall be acceptable for required guest parking in multiple-family projects, as well as for parking used on a once-a-week or occasional basis. Parking lots and spaces proposed to be constructed of stabilized sod may be allowed through the site plan approval process. [Amd. Ord. 46-96 11/5/96]
- (c) In paved parking lots, that portion of the parking space extending beyond the car stop may be sodded. When this option is selected, a continuous curb at least six inches in height may be substituted for the wheel stops.
- (d) Handicapped parking spaces shall be paved and properly marked. A paved route shall be provided between the handicapped parking space and the building entrance. Where an abrupt grade change occurs, as between the surface of the parking area and a curb cut, a ramp shall be provided for handicap access. The ramp or curb cut with ramp shall be designed in accordance with the Florida Accessibility Code for Building Construction. [Amd. Ord. 46-96 11/5/96]
- (e) The City Engineer shall approve the drainage and grading plans for parking spaces and parking lots. He shall also conduct inspections

during and after construction of the parking area and its drainage system to ensure that it is constructed in accordance with the approved paving and drainage construction plans.

- (f) Parking lots, parking spaces and driveways that exist at the time of adoption of this ordinance that are not in compliance with Section 4.6.9(D)(8) shall be required to come into compliance with this section within 3 years of the adoption of this ordinance. This includes, but is not limited to, all duplexes, multi-family, and commercial property, but excludes single family homes. [Amd. Ord. 29-01 5/15/01]

(11) **Lighting.** Lighting of parking lots shall be pursuant to Section 4.6.8(B). (Ord. No. 11-20, § 3, 12-8-20)

(12) **Operations and maintenance.** (Ord. No. 11-20, § 3, 12-8-20)

- (a) All required parking facilities shall be maintained for the duration of the use requiring such facilities. Such facilities shall be used exclusively for the parking of vehicles. With the exception of vehicle rental or sales, parking facilities shall not be used for the storage or sale of merchandise, nor shall they be used for the storage or repair of vehicles or equipment. Parking facilities may be used for the sale of merchandise on a temporary basis for special events when approved in accordance with the provisions of Subsection (F)(2).
- (b) It shall be the responsibility of the owner or operator of a specific use to ensure that the parking facilities are kept in good operating condition and that the parking facilities are periodically swept and cleaned. All parking lots and spaces shall be maintained so as not to create a hazard, eyesore, or nuisance. This includes, but is not limited to, removing glass and litter; pruning, nourishing, and watering vegetation; resurfacing and restriping surface markings; reanchoring or replacing loose and broken wheel stops; and replacing or painting signs.

(13) **Mechanical parking lifts.** (Ord. No. 11-20, § 3, 12-8-20)

- (a) Single level mechanical parking lifts ("Lifts") shall be integrated into a structure for the uses they serve, constructed with at least three walls and a roof, in accordance with Section 4.4.13(F)(8), to provide adequate screening and containment of sound from operation of the lifts for the benefit of adjacent land uses. [Amd. Ord. 28-15 12/08/15]
- (b) Lifts may be utilized to provide up to but not more than 50 percent of the required non-residential parking for commercial or mixed-use developments.

- (c) Lifts and the spaces below them must be operated by an attendant during all hours of operation. Upon closing, the parking attendant shall remove all vehicles from atop and beneath the Lifts and park them in an area where the customer may retrieve their vehicle. At no time shall the general public be permitted to operate the Lifts.
 - (d) On-site staging spaces must be provided for the maneuvering of vehicles to facilitate the parking and retrieval of vehicles. At no time shall vehicles be staged within the adjacent public right-of-way. A minimum of two staging spaces shall be provided for the first 20 Lifts or less. One additional staging space shall be provided for every 20 additional Lifts or part thereof.
 - (e) Lifts must be manufactured with a full bottom panel to contain fluids which may be emitted from vehicles while parked (oil, condensation from air conditioners, etc.) No wheel or chassis lift mechanisms (historically used at service stations) are permitted.
 - (f) The balance of the required non-residential spaces shall be provided as "self-park" spaces.
 - (g) For each lift provided, a minimum of 75 square feet of landscaped area over and above the minimum required by code must be provided and shall be located to provide a view corridor for the general public. Lots of record having a width less than 50 feet shall be exempt from the requirement of this additional landscape/open space;
 - (h) The Lifts shall be regularly and routinely maintained to ensure safety and dependability of operation and minimization of operational noise levels. Maximum sound levels shall not exceed applicable thresholds as stipulated in Chapter 99 of the City Code of Ordinances.
- (14) **Bicycle Parking Typology.** A bicycle space is a permanently affixed bicycle rack for the purpose of parking a bicycle. The City of Delray Beach requires two distinct types of bicycle parking to meet the needs of different types of people who use a bicycle. All bicycle racks must be installed using the manufacturer's standard detail. (Ord. No. 29-20, § 3, 11-10-20)
- (a) **Type I Bicycle Parking.** A Type I Bicycle Parking space is a convenient bicycle space visible and publicly accessible from the street. Type I Bicycle Parking is used for a short period of time, approximately four hours. A Type I Bicycle Rack accommodates two spaces for the purposes of meeting the minimum number of required bicycle parking

spaces. Type I Bicycle Racks placed on private property to meet the minimum requirements for off-street bicycle parking shall follow the form identified as a Typical Type I Bicycle Rack in Figure 4.6.9(D)-1 unless a variation is approved through the Site Plan approval process. Variations from a Typical Type I Bicycle Rack may be approved if the rack meets all of the following requirements: (Ord. No. 29-20, § 3, 11-10-20)

- i. Supports bicycle by making two points of contact with the bicycle, preventing it from falling over; (Ord. No. 29-20, § 3, 11-10-20)
- ii. Allows locking of the frame and one or both wheels with a u-lock; (Ord. No. 29-20, § 3, 11-10-20)
- iii. Allows two bicycles to be parked per rack. (Ord. No. 29-20, § 3, 11-10-20)

Figure 4.6.9(D)(12) - 1, Typical Type I Bicycle Racks



- (b) Up to 50 percent of the required Type I bicycle parking may be located within a public right-of-way if the approving body with support from the City Engineer and the Development Services Director determines that existing conditions, such as the existing building location or configuration, limit bicycle parking from being located on site. Bicycle parking placed within the public right-of-way must meet the City Standard and a maintenance agreement must be provided in a form acceptable to the City Attorney. (Ord. No. 29-20, § 3, 11-10-20)
- (c) If an improved alley or loading area is present or will be improved at time of development, up to 20 percent of Type I bicycle parking may be placed adjacent to such an area. (Ord. No. 29-20, § 3, 11-10-20)
- (d) Bicycle racks shall not interfere with the sight visibility requirements of Land Development Regulation 4.6.14 (B). Placement of racks shall also not be placed in sight visibility triangles of County, State, or Federal rights-of-way as required by 4.6.14 (B) (5). (Ord. No. 29-20, § 3, 11-10-20)

- (e) **Type II Bicycle Parking.** A Type II Bicycle Parking space is an access restricted space providing for the long-term storage of bicycles, typically greater than four hours or overnight. Types of Type II bicycle parking include bicycle lockers or an enclosed, secure room. Generally, bike rooms are adjacent to showers, if required. (Ord. No. 29-20, § 3, 11-10-20)
- (f) If required, showers and Type II bicycle parking shall be co-located in a building and provided in a safe, access restricted area or otherwise not accessible to the public at large. Design shall consider crime prevention as a part of design. Specifications for these facilities shall be included within the site plan. (Ord. No. 29-20, § 3, 11-10-20)

(E) **Location of parking spaces.** Required off-street parking shall generally be provided on the same lot or parcel as the building and uses for which it is required. (Ord. No. 14-24, § 5, 12-10-24)

- (1) Street parking, parking located in the public right-of-way, or parking located in public parking facilities shall not be used to satisfy on-site parking requirements, except as provided for herein. The terms "on-site parking" and "off-street parking" are synonymous. [Amd. Ord. 58-06 10/17/06; Amd. Ord. 74-04 1/18/05; Amd. 53-02 1/7/03; Amd. Ord. 4-99 2/2/99] (Ord. No. 14-24, § 5, 12-10-24)
- (2) Construction of new on-street public parking spaces directly and wholly abutting the lot, or parcel, shall be credited towards the off-street parking requirement of the lot or parcel it is intended to serve on a one-to-one basis, provided: (Ord. No. 14-24, § 5, 12-10-24)
 - (a) The parking spaces are identified on the site plan and designed in accordance with applicable City, County or State standards. (Ord. No. 14-24, § 5, 12-10-24)
 - (b) The parking spaces shall be publicly accessible and cannot be reserved or restricted by the owner(s) or tenant(s) of the lot or parcel, unless approved by the City Commission for special events or valet parking. (Ord. No. 14-24, § 5, 12-10-24)
 - (c) The parking spaces shall not extend past a side property line of the lot it serves. (Ord. No. 14-24, § 5, 12-10-24)
 - (d) Parking spaces located on the opposite side of the right-of-way, and within the property lines, as extended to the opposite side of the

right-of-way, may be counted toward fulfilling the off-street parking requirement when the adjacent lot is a railroad or waterway, and does not warrant parking. (Ord. No. 14-24, § 5, 12-10-24)

- (e) In the event the City, County, or State removes the parking spaces at any time for a public purpose, the property shall be considered legally nonconforming with respect to parking. (Ord. No. 14-24, § 5, 12-10-24)

- (3) **Off-site parking.** In instances where uses do not have sufficient space to accommodate customer and employee parking demands on-site, required parking may be provided off-site in accordance with the following: [Amd. Ord. 79-05 1/3/06; Amd. Ord. 46-96 11/5/96] (Ord. No. 14-24, § 5, 12-10-24)

- (a) **Normal operations.** Parking for day-to-day operation may be provided on other property within 300 feet provided that both properties are of the same general type of zone designation (i.e. commercial, industrial, office, etc.) or when the off-site parking site is zoned CF and a conditional use approval for use as a parking lot has been approved, and when in compliance with, and pursuant to, the following: (Ord. No. 14-24, § 5, 12-10-24)

1. The 300-foot distance shall be measured along an acceptable pedestrian route; [Amd. Ord. 46-96 11/5/96] (Ord. No. 14-24, § 5, 12-10-24)
2. Approval of such off-site parking may be granted by the body which has approval authority of the related site and development plan; [Amd. Ord. 46-96 11/5/96] (Ord. No. 14-24, § 5, 12-10-24)
3. An agreement providing an easement for such use is prepared pursuant to Subsection (E)(3)(c) and is recorded prior to certification of the site and development plan; [Amd. Ord. 46-96 11/5/96] [Amd. Ord. 42-92 9/8/92] (Ord. No. 14-24, § 5, 12-10-24)
4. The provision of the parking easement shall not diminish the ability of the property upon which it is placed, to accommodate its required parking. [Amd. Ord. 46-96 11/5/96] (Ord. No. 14-24, § 5, 12-10-24)

- (b) **Special events/facilities.** In instances where uses and/or facilities have large parking demands/requirements and are otherwise subject to conditional use approval (e.g. stadiums, places of assembly, commu-

nity and civic centers, recreational areas, etc.), such parking may be provided off-site in accordance with the following: (Ord. No. 14-24, § 5, 12-10-24)

1. Off-site parking may be granted by the body with approval authority of the related conditional use. [Amd. Ord. 46-96 11/5/96] (Ord. No. 14-24, § 5, 12-10-24)
2. A parking and transportation plan must be provided that identifies parking areas and demonstrates the manner in which transportation to the site, security, maintenance, and related matters will be accommodated. [Amd. Ord. 46-96 11/5/96] (Ord. No. 14-24, § 5, 12-10-24)
3. Easements, agreements, or other appropriate legal documents assuring continued availability of such parking shall be required as a part of the parking and transportation plan. [Amd. Ord. 46-96 11/5/96] [Amd. Ord. 42-92 9/8/92] (Ord. No. 14-24, § 5, 12-10-24)

(c) **Off-site parking agreement.** The owner of the alternate off-street parking area and the owner of the principal use or building (including the land on which it is situated), shall enter into a written agreement with the City (in such form as may be approved by the City Attorney), providing that the alternate off-street parking area shall never be disposed of except in conjunction with the transfer or sale of the building that the parking area is intended to serve, so long as the parking facilities are required. The agreement shall constitute a covenant running with the land binding upon the owners, heirs, administrators, successors, and assigns, and shall be enforceable by the City. The agreement shall be recorded by the City Clerk, with the owner of the principal use or building bearing the costs of recordation. The agreement shall be released by the Commission at such time as the alternate off-street parking facilities are no longer required or when the owner provides other lawful off-street parking facilities. The owner of the principal use or building shall bear the expense of recording the release of the agreement. [Amd. Ord. 79-05 1/3/06] (Ord. No. 14-24, § 5, 12-10-24)

(4) **Location and Spacing Requirements for Bicycle Parking.** Bicycle parking shall be placed in a manner to avoid conflicts between vehicles, buildings,

and pedestrian clear zones or sidewalks. Bicycles are considered for site planning purposes to be six feet long by two feet wide. (Ord. No. 29-20, § 3, 11-10-20; Ord. No. 14-24, § 5, 12-10-24)

(a) **Type I.** Type I bicycle parking facilities shall be visible to the intended users within a location shown on the site plan that meets the following standards: (Ord. No. 29-20, § 3, 11-10-20)

1. All bicycle parking shall be provided in a safe, accessible and convenient location within 100 feet of a primary building entrance; when there is more than one primary building entrance or multiple buildings on a site, bicycle parking shall be distributed to serve all main entrances. The acting body may approve bicycle parking spaces located further than 100 feet from the primary building entrance if the applicant demonstrates this requirement is not feasible and does not create an unsafe condition or permit a special privilege. (Ord. No. 29-20, § 3, 11-10-20)
2. Bicycle parking shall not be placed on walkways or other pedestrian paths. (Ord. No. 29-20, § 3, 11-10-20)

(b) **Type I Bicycle Rack Placement in Site Design.** All bicycle racks shall meet the minimum distances for placement according to the City Standards published by the Public Works Department on a Site Plan. (Ord. No. 29-20, § 3, 11-10-20)

(c) Bicycle racks placed at bus shelters shall use City of Delray Beach Standard Bicycle Rack. (Ord. No. 29-20, § 3, 11-10-20)

(d) Unless otherwise provided by law, residential condominium covenants are encouraged not to prohibit the storage of bicycles inside individual dwelling units. (Ord. No. 29-20, § 3, 11-10-20)

(F) **Special provisions.**

(1) **Reduction allowed.** When, upon receipt and acceptance of special documentation, it is conclusively demonstrated that a reduced number of parking spaces will accommodate a specific use, the body which acts on the attendant site plan may reduce the parking requirements accordingly. [Amd. Ord. 46-96 11/5/96]

(2) **Temporary use of parking spaces for other purposes.** Parking lots may be used for the sale of merchandise on a temporary basis for special events. Request for such approval shall be governed by Section 2.4.6(H).

- (3) **Valet parking.** A parking facility with a valet service or operator which allows for attendants to receive, park and deliver the automobiles of occupants, tenants, customers, invitees, and visitors, including tandem parking may be utilized in lieu of the requirements of this Section provided the following requirements are complied with: [Amd. Ord. 37-01 7/10/01]
- (a) Any required valet or tandem parking utilized in lieu of the parking requirements set forth in this section shall be governed by an agreement with the City (in such form as may be approved by the City Attorney), and recorded in the public records of Palm Beach County. The agreement shall constitute a covenant running with the land binding upon the owners, heirs, administrators, successors, and assigns. The agreement may be released by the City Commission at such time that site plan approval is obtained for an alternative parking arrangement which satisfies the parking requirements for said use. [Amd. Ord. 37-01 7/10/01]
 - (b) The required queue is to be provided on private property as opposed to public rights-of-way. [Amd. Ord. 37-01 7/10/01]
 - (c) There is a parking professional available for the vehicle retrieval during business hours. [Amd. Ord. 37-01 7/10/01]
 - (d) The dimensions for valet and tandem parking spaces shall be a minimum of eight and one-half feet wide and 16 feet deep with a maximum stacking of two vehicles along with a drive aisle of 24 feet. [Amd. Ord. 37-01 7/10/01]
 - (e) Valet parking may be utilized to conform with the number of handicap accessible parking spaces provided that: [Amd. Ord. 37-01 7/10/01]
 - (i) At least two handicapped accessible spaces are provided adjacent to the vehicle queuing area for those vehicles which cannot be operated by the parking professional; and, [Amd. Ord. 37-01 7/10/01]
 - (ii) The disabled person's vehicle may be safely operated by aforementioned parking professional. [Amd. Ord. 37-01 7/10/01]
 - (f) Valet drop-off/queuing area must be provided with a minimum length of 100 feet. Greater queuing area may be required as a condition of site plan or conditional use approval based upon the intensity of the use. The length of the queuing area may be reduced when supported by a traffic study.

- (g) Interior landscape areas required by Section 4.6.16 shall not be required if landscape requirements which would otherwise have been installed on the interior of the parking lot are evenly distributed along the perimeter of the parking area or facility and subject to the following requirements: [Amd. Ord. 37-01 7/10/01]
 - (i) That a ten feet perimeter landscape buffer consisting of a hedge and trees 30-feet on center be provided. [Amd. Ord. 37-01 7/10/01]
- (4) **Mechanical parking lifts.** [Section Added by Ord. 34-07 9/18/07]
 - (a) Any mechanical lift parking utilized to meet parking requirements set forth in sections 4.4.13 and 4.6.9 shall be governed by an agreement with the City (in such form as may be approved by the City Attorney), and recorded in the public records of Palm Beach County. The agreement shall constitute a covenant running with the land, binding upon the owners, heirs, administrators, successors, and assigns. The agreement may be released by the City Commission at such time that site plan approval is obtained for an alternative parking arrangement which satisfies the parking requirements for said use.
- (G) **In-Lieu of Parking Fee.** (Ord. No. 14-24, § 5, 12-10-24)
 - (1) **Purpose.** The in-lieu of parking fee is an incentive to promote historic preservation, to maintain the moderate scale of the downtown, and to encourage revitalization and adaptive reuse by providing an alternative method to meet off-street parking requirements. (Ord. No. 14-24, § 5, 12-10-24)
 - (2) **Eligible Requests.** The in-lieu of parking fee is available in the following areas, subject to limitations and exceptions in Subsection (3) below. (Ord. No. 14-24, § 5, 12-10-24)
 - (a) **Central Business (CBD) District Zoning District.** (Ord. No. 14-24, § 5, 12-10-24)
 - 1. Within the West Atlantic Neighborhood Sub-district (Figure 4.4.13-B-2. Regulating Plan). (Ord. No. 14-24, § 5, 12-10-24)
 - 2. Within the Railroad Corridor Sub-district (Figure 4.4.13-B-3), except for the area located both south of SE 2nd Street and west of the FEC Railway. (Ord. No. 14-24, § 5, 12-10-24)
 - 3. Within the Central Core Sub-district in the area located south of NE 4th Street, north of SE 2nd Street, and west of NE and SE 6th Avenue, as well as the properties designated with Required Retail Frontage located east of 6th Avenue. (Ord. No. 14-24, § 5, 12-10-24)

- (b) **Historic Sites and Districts.** Individually designated properties or structures, contributing structures, or non-contributing structures at least 35 years in age located within a historic district with Central Business (CBD) District or Old School Square Historic Arts District (OSSHAD) zoning. (Ord. No. 14-24, § 5, 12-10-24)
- (3) **Limitations and exceptions.** In-lieu of parking fees may be approved subject to the findings in Section 2.4.11 (F) with the following limitations and exceptions: (Ord. No. 14-24, § 5, 12-10-24)
 - (a) Required parking for residential development or residential components of mixed-use developments, including required guest parking, is not eligible for the in-lieu of parking fee option. (Ord. No. 14-24, § 5, 12-10-24)
 - (b) All nonresidential parking required due to a change in commercial use of a building existing as of December 10, 2024, or associated outdoor use area, can be provided by in-lieu of parking fees. (Ord. No. 14-24, § 5, 12-10-24)
 - (c) **Non-historic properties.** A maximum of 30 percent of nonresidential required parking can be provided by in-lieu of parking fees for additions and/or new development resulting in a building not more than a total of two stories in height or for the expansion of outdoor use areas. (Ord. No. 14-24, § 5, 12-10-24)
 - (d) **Historic sites and districts.** As defined in Subsection (G)(2)(b) above, all nonresidential required parking can be provided by in-lieu of parking fees for use conversions, expansion of outdoor use areas, and additions resulting in buildings that are not more than a total of two stories in height. (Ord. No. 14-24, § 5, 12-10-24)
 - (e) Where adequate right-of-way, as determined by the City, exists adjacent to a proposed project for which an in-lieu of parking fee has been requested, the applicant must construct additional on-street parking, not to exceed the total number of spaces subject to in-lieu of parking fees. The number of on-street parking spaces provided shall offset the in-lieu of parking fee on a one-to-one basis. (Ord. No. 14-24, § 5, 12-10-24)
- (4) Approved in-lieu of parking fee requests shall credit subsequent occupants of the building with the same number of spaces toward required parking. (Ord. No. 14-24, § 5, 12-10-24)

Sec. 4.6.10. Off-Street Loading.

(A) **Rule.** Space for accommodating the unloading of merchandise, inventory, materials, supplies, and produce shall be provided on the site where a use which requires such items is located. Provisions for such (un)loading areas shall be shown on the site and development plan under which the site is to be developed.

(B) **Determination of adequacy.** The body approving the site plan associated with the proposed development shall determine the adequacy of the provisions which are made for (un)loading. In making such a determination, the standards and guidelines of this Section shall be considered. The final determination may result in accommodations in excess of or less than such guidelines, or in the waiving of any such accommodations.

(C) **Guidelines.** The following table sets forth guidelines which shall be used in determining adequacy of loading accommodations. In circumstances where these guidelines are not applicable or appropriate, the applicant may provide a "loading demand statement" in which the normal demands for loading are set forth along with any restrictions which may be appropriate.

USE OR USE CATEGORY	GROSS FLOOR AREA IN SQUARE FEET	LOADING SPACES REQUIRED
Auditoriums, assembly halls, stadiums	20,000 to 50,000	Two Berths
	Over 50,000	Four Berths
Automotive sales or service, recreation facilities, amusements	2,000 to 15,000	One Berth
	15,000 to 40,000	Two Berths
	Each additional 10,000 or fraction thereof, add	One Berth
Office buildings, apartments, hotel, motel, hospital, nursing or convalescent facility	5,000 to 20,000	One Bert
	20,000 to 100,000	Two Berths
	More than 100,000	Three Berths
Funeral homes or mortuaries	2,500 to 4,000	One Berth
	4,000 to 6,000	Two Berths
	Each additional 10,000 or fraction thereof, add	One Berth
Retail stores (including department stores, restaurants, consumer services), wholesale and jobbing establishments	3,000 to 10,000	One Berth
	10,000 to 20,000	Two Berths
	Each additional 10,000 or fraction thereof, add	One Berth

USE OR USE CATEGORY	GROSS FLOOR AREA IN SQUARE FEET	LOADING SPACES REQUIRED
Manufacturing or processing, research and development	Up to 15,000 15,000 to 40,000 40,000 to 65,000 Each additional 80,000 or fraction thereof, add	One Berth Two Berths Three Berths One Berth

(D) **Dimensions and location.**(1) **Dimensions.**

	FOR SINGLE UNITS	FOR TRAILER UNITS
Width	12'	14'
Length	30'	60'
Vertical Clearance	12'	15'
Maneuvering Apron	30'	60'

- (2) **Locations.** Where the entrance of a building is designed for loading and unloading operations, such entry shall provide, at least, one loading space. Otherwise loading areas shall not be located so as to create confusion or conflict with other use areas e.g. dumpster locations.

Sec. 4.6.11. Outside storage.

Outside storage of materials, supplies, products, vehicles, and the like shall only be as allowed for, within the requirements of each individual zoning district. Uses which are allowed out-of-doors are further identified in Section 4.6.6. All items which are stored outside of structures shall be screened.

Sec. 4.6.12. Industrial and hazardous waste disposal.

The operation of all uses allowed herein must also fully comply with the requirements and conditions of the City's industrial and hazardous waste disposal regulations as set forth in Chapter 53 of the City Code.

Sec. 4.6.13. Parking and storage of commercial vehicles, boats, trucks, and similar vehicles.(A) **Prohibitions and restrictions in residential districts.**

- (1) It shall be unlawful for any agent, operator, owner, or person in charge of any bus, pole trailer, semi-trailer, trailer, trailer coach, truck, truck trailer, or industrial equipment, to park, store, or keep such motor vehicle on any public street, avenue, alley, or other thoroughfare, or any right-of-way within any residential zoning district in the city, for a period exceeding one hour in any 24-hour period. Each such period shall commence at the time of first stopping or parking, unless a permit is first obtained from the Police Department.
- (2) Unless otherwise provided for, it shall be unlawful for the owner, agent, or operator of the motor vehicles and industrial equipment set forth herein, or

the owner of property in any residential zoning district in the city, to park on, or cause to be parked on, or allow to be parked on any residential property in the city, or in the streets, alleys, or parkways abutting the property, any bus, pole trailer, semi-trailer, trailer, trailer coach, truck, truck trailer, or industrial equipment, for a period exceeding one hour in any 24-hour period. Each such period shall commence at the time of first stopping or parking, unless a permit is first obtained from the Police Department, or as otherwise provided for in new references.

- (3) The restrictions of subsections (1) and (2) above shall not apply to the temporary parking of such vehicles on private property in residential zoning districts, whereon construction is underway. A current and valid building permit issued by the city must be properly displayed on the premises.
- (4) The restrictions of subsections (1) and (2) above of one hour in residential zoning districts shall not apply to routine deliveries by tradesmen, or the use of trucks in making service calls, providing such time in excess of one hour is actually in the course of business deliveries or servicing.
- (5) The restrictions of subsections (1) and (2) above shall not apply to vehicles which become disabled, and as a result of such emergency are required to be parked within a residential zoning district longer than one hour. Any disabled vehicle, however, shall be removed from the residential zoning district within 24 hours, by a wrecker if necessary, regardless of the nature of the emergency.

(B) **Permissible parking.**

- (1) **Trucks.** Truck parking in residential zoning districts is prohibited except if all of the following restrictions are met: [Amd. Ord. 25-99 7/20/99]
 - (a) Only panel, pickup, van, and similar type trucks are allowed in all residential zoning districts. [Amd. Ord. 25-99 7/20/99]
 - (b) In the R-1-A district, such trucks shall not exceed one and one-half (1 ½) ton rated capacity, except in the R-1-A zoned section included within the Seacrest/Del-Ida Neighborhood Plan, where such trucks shall not exceed three-quarter-ton rated capacity. In all other residential zoning districts, such trucks shall not exceed three-quarter-ton rated capacity. [Amd. Ord. 25-99 7/20/99]
 - (c) No more than two trucks may be parked on a lot improved with a residence. For the purposes of Section 4.6.13(B)(1), a lot includes the

property on which the residence is located and any adjacent lot which is under the control of the owner or lessee of the residence. Parking on vacant lots is otherwise prohibited. [Amd. Ord. 25-99 7/20/99]

- (d) Only trucks as defined in this section and used by a resident of the premises are allowed. [Amd. Ord. 25-99 7/20/99]
- (2) One boat, one boat trailer, and one recreational vehicle may be parked in a garage or carport which is effectively screened on three sides, provided no portion of the boat, boat trailer, or recreational vehicle extends beyond the roof line.
- (3) One boat, one boat trailer, and one recreational vehicle may be parked in the side or rear yard provided the plot is occupied by a permitted structure. Such boat, boat trailer, or recreational vehicle shall be effectively screened against direct view from abutting properties in the following manner: by a masonry wall, ornamental fence, or dense hedge, six feet high or equal to the height of the vehicle if the vehicle is less than six feet high. If a hedge is used as the method of screening, the hedge should be three feet at the time of planting and should be of a variety which can reasonably be expected to reach the required height within two years. This regulation is not to be construed as requiring screening from direct view from the street in front of the plot.
- (4) Such boat, boat trailer, or recreational vehicle must be owned and used by a resident of the premises.
- (5) No boat or recreational vehicle which is parked in a residential district shall be occupied or used for living, sleeping, or housekeeping purposes, nor shall it be connected to any utility service.
- (6) A boat, boat trailer, or recreational vehicle may be parked only if it is currently registered as required by state or federal law, and if the transportation of the vehicle is in compliance with F.S. Chapter 317.
- (7) One boat, one boat trailer, or one recreational vehicle may be parked in the front driveway for a 24-hour period for the purpose of loading or unloading.
- (8) No boat, boat trailer, or recreational vehicle shall be parked in the area between the street and the structure.

Sec. 4.6.14. Sight visibility. [Entire Section Replaced by Ord. 08-10 4/20/10]

(A) **Purpose and intent.** The objective of these requirements is to provide sufficient view corridors for safe interaction of vehicles and pedestrians at intersections. Except for sight visibility areas as prescribed by the Florida Department of Transpor-

tation, sight visibility triangles are to be measured from the edge of pavement for driveways and from the ultimate right-of-way line of alleys and streets. The sight visibility areas apply to all potential visual obstructions, including, but not limited to, landscaping, signs, utilities, traffic signal controller cabinets, structures, walls, access gates, and fences, etc. (Ord. No. 11-20, § 4, 12-8-20)

(B) ***Sight visibility triangle measurements.***

- (1) ***Driveway intersecting street or alley.*** The area on both sides of a driveway formed by the intersection of a driveway and a street or alley with a length of ten feet along the driveway, a length of ten feet along the street or alley right-of-way and the third side being a line connecting the ends of the other two lines.
- (2) ***Alley intersecting street.*** The area formed by the intersection of an alley and a street with a length of ten feet along the alley right-of-way, a length of 20 feet along the street right-of-way, and the third side being a line connecting the ends of the other two lines.
- (3) ***Rights-of-way intersecting in Central Business District.*** Within the Central Business District (CBD), the area formed by the intersection of two or more street rights-of-way with two sides of the triangular area being twenty (20) feet in length along each street, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.
- (4) ***Rights-of-way intersecting in single family residential areas.*** For single family residential zoned property the area of the property located at the corner formed by the intersection of two public rights-of-way with two sides of the triangular area being 25 feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.
- (5) ***Rights-of-way in county, state or federal jurisdiction.*** Sight visibility measurements at the intersection of a right-of-way, accessway, or driveway and a right-of-way under County, State or Federal jurisdiction are subject to sight visibility requirements from those authorities.
- (6) ***Other intersections.*** In all other situations, the area of property located at a corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being 40 feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.

(C) **Intersections.** When an access way intersects a public right-of-way, all visual obstructions within the sight visibility triangle shall provide unobstructed cross-visibility at a level between three feet and six feet. Trees or palms having canopy limbs, foliage and fronds shall be maintained in such a manner that cross visibility is provided. One tree or palm shall be permitted, providing the mature trunk diameter does not exceed 15 inches. Trees shall not be located within six feet from the edge of any uncurbed access way pavement. Trees may have a four-foot offset from the face of a non-mountable type curb.

(D) **Landscape nodes.** All trees or palms installed in nodes within a right-of-way shall maintain a four foot offset from the face of the curb. All shrubs and ground covers shall be maintained below 36 inches in height. All tree canopies must be maintained above eight feet in height. The mature trunk diameter of any tree or palms shall not exceed 15 inches. There shall be no encroachment of trees, tree limbs or palm fronds in or over a travel lane lower than 14.5 feet or lower than eight feet over a sidewalk. Private property owners shall be responsible for maintaining landscaping on their property that encroach into these areas.

(E) **Relief.** The request for a relief from the sight visibility triangle dimensions may be granted by the City Engineer on a case-by-case basis and the review shall take into consideration neighborhood characteristics such as the locations of schools, parks, and other community facilities, and street characteristics such as the pavement width, width of the right-of-way to curb or sidewalk, curvature of the street, one-way directional traffic, presence of on-street parking spaces, speed limit and other similar elements. Denial of relief by the City Engineer may be appealed to the City Commission.

Sec. 4.6.15. Swimming pool, whirlpools, and spas.

(A) **Enclosures required for private pools.** All private or family type pools, except those defined in (D) of this Section, shall be enclosed by fence or other enclosures so that the premises upon which the pool is located is enclosed from adjoining yards or property.

(B) **Prerequisite to approval; specifications.**

- (1) No swimming pool final inspection and approval shall be given by the Building Department, unless there has been erected a safety barrier as hereinafter provided.
- (2) The safety barrier shall take the form of a screened-in patio, a wooden fence, a wire fence, a rock wall, concrete block wall, or other materials so as

to enable the owner to blend the same with the style of architecture planned or in existence on the property. The safety barrier which shall not be less than 48 inches in height, shall be erected either around the swimming pool or around the premises on which the swimming pool is erected. In either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area, except that where the entire premises are fenced, and one side fronts on either the Intracoastal waterway, a finger canal, or the ocean, then no fence shall be required along that side fronting the water. All gates must be self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from the outside to small children; however, the door of any dwelling forming part of the enclosure hereinabove required need not be so equipped.

(C) *Responsibility for, plans to show compliance.*

- (1) No person in possession of property within the city, either as owner, purchaser, lessee, tenant, or a licensee, upon which is presently situated a swimming pool or a family pool having a minimum depth of 24 inches as determined hereinabove shall fail to provide and maintain a fence or wall as herein provided.
- (2) No building permit shall be issued for the construction of a family pool unless there is clearly shown on the plans submitted to the City Building Official or on other construction specifications submitted to the City Building Official provisions to comply with this section

(D) *Modification of requirements by Commission.*

- (1) The City Commission may make modification in individual cases, upon a showing of good cause with respect to the height, nature, or location of the fence, wall, gates, or latches, or the necessity therefor, or may permit other protective devices or structures in lieu thereof. In making these modifications or special exceptions, the City Commission shall be governed by the following standards: The purpose of the fencing requirement herein is to prevent small children from inadvertently wandering into family swimming pools.
- (2) The Commission realizes that there are locations within the city where an unfenced family pool would not create an obvious hazard. In these areas where, due to the nonexistence of a substantial number of small children, no obvious hazard exists, the City Commission may grant modifications or special exceptions and may even dispense with the requirement for fencing. All decisions shall be conditional and subject to revocation in the event circumstances or conditions change in the particular location.

(E) **Requirements not to affect other provisions of Code.** Although the provisions of this section are limited in applicability, nothing contained herein shall diminish or otherwise abate the applicability, force, and effect of provisions which allow that a dangerous excavation in the earth may be considered a public nuisance under certain circumstances or any ordinances regulating the construction, use, or maintenance of swimming pools or family pools.

(F) **Exemption for commercial pools; insurance required.** All pools connected with commercial ventures such as motels, and the like, within the city, and otherwise guarded or under surveillance by competent and responsible personnel shall not be covered by this Section. However, the owners of those operations shall be required to maintain adequate liability insurance policies covering those pools in an amount of not less than \$100,000.00 through \$300,000.00 coverage, if they choose not to erect a protective fence as described herein.

(G) **Setbacks.** Swimming pools at grade level are allowed to encroach into the required setbacks as follows. (Ord. No. 13-24, § 4, 7-9-24; Ord. No. 10-25, § 4, 5-20-25)

(1) **Conventional single-family lots.** (Ord. No. 13-24, § 4, 7-9-24)

- (a) Swimming pools may extend into the rear, interior or street side setback areas but no closer than ten feet to any property line. Swimming pools shall not extend into the required front setback area. [Amd. Ord. 24-04 5/18/04]; [Amd. Ord. 41-92 9/8/92]; [Amd. Ord. 13-91 2/26/91] (Ord. No. 13-24, § 4, 7-9-24; Ord. No. 10-25, § 4, 5-20-25)
- (b) When adjacent to at least 50 feet of common open area, as defined in Section 4.3.4(H)(5), swimming pools may extend into the rear or interior side setback area, no closer than five feet to the property line. [Amd. Ord. 24-04 5/18/04]; [Amd. Ord. 41-92 9/8/92] (Ord. No. 13-24, § 4, 7-9-24)
- (c) A screened pool enclosure is subject to Section 4.3.4. [Amd. Ord. 24-04 5/18/04]; [Amd. Ord. 41-92 9/8/92] (Ord. No. 13-24, § 4, 7-9-24; Ord. No. 10-25, § 4, 5-20-25)

(2) **Zero lot line developments.** (Ord. No. 13-24, § 4, 7-9-24)

- (a) Swimming pools may extend into the interior side setback no closer than five feet from the property line. (Ord. No. 13-24, § 4, 7-9-24)
- (b) A swimming pool may extend no closer than five feet from the rear property line, except along the perimeter of the development where a

10 foot setback is required, unless adjacent to at least 50 feet of common open area as defined in Section 4.3.4(H)(5). [Amd. Ord. 24-04 5/18/04] (Ord. No. 13-24, § 4, 7-9-24)

- (3) **Duplex and townhouse developments.** Swimming pools in duplex and townhouse developments may have a five-foot side interior setback between units. (Ord. No. 13-24, § 4, 7-9-24; Ord. No. 10-25, § 4, 5-20-25)
- (4) Swimming pools are prohibited in dedicated easements unless written approval of the easement holder is obtained and a hold harmless agreement is executed. [Amd. Ord. 24-04 5/18/04] (Ord. No. 13-24, § 4, 7-9-24)

Sec. 4.6.16. Landscape regulations.

(A) **Purpose and intent.** The objective of this Section is to improve the appearance of setback and yard areas in conjunction with the development of commercial, industrial, and residential properties, including off-street vehicular parking and open-lot sales and service areas in the City, and to protect and preserve the appearance, character and value of the surrounding neighborhoods and thereby promote the general welfare by providing minimum standards for the installation and maintenance of landscaping. This Section is further intended to fulfill objectives as contained within the Conservation, Sustainability, and Resiliency Element of the adopted Comprehensive Plan, by providing for the conservation of potable and non-potable water; the implementation of Florida-friendly landscaping principles; proper tree selection adjacent to or within utilities to mitigate damages which may be caused by trees; encouraging the creation or preservation of open space; maintaining permeable land areas essential to surface water management and aquifer recharge; encouraging the preservation of existing plant communities; encouraging the planting of site specific, native and drought tolerant plant materials; establishing guidelines for the installation and maintenance of landscape materials and irrigation systems; reducing air, noise, heat, and chemical pollution through the biological filtering capacities of trees; reducing the temperature of the microclimate through the process of evapotranspiration; and promoting energy conservation through the creation of shade. (Ord. No. 23-20, § 35, 9-10-20)

The provisions of this Section are minimum standards which may be increased in accordance with the guidelines contained herein as well as aesthetic criteria established by the Site Plan Review and Appearance Board and the Historic Preservation Board when applicable. Additional landscape requirements may be required for certain zoning districts and roadways as provided for elsewhere in these regulations. [Amd. Ord. 6-12 2/21/12]; [Amd. Ord. 50-98 1/5/99] (Ord. No. 23-20, § 35, 9-10-20)

(B) **Applicability.** The provisions of this Section shall apply as follows:

- (1) To the construction of single family homes, for which a building permit is applied for on or after October 1, 1990. Such properties shall comply with minimum standards set forth in Section 4.6.16(H)(1) and other applicable sections of 4.6.16; [Amd. Ord. 22-96 5/21/96]

- (2) To existing development of all types, including, but not limited to, commercial, industrial and multi-family development including duplexes, but excluding single family detached dwellings on a single lot. Such development shall comply with the minimum standards set forth within Sections 4.6.16(C)(1) and 4.6.16(H)(6) and other applicable Sections of 4.6.16, in addition to all requirements set forth in the approved landscape plan of record. [Amd. Ord. 6-12 2/21/12]; [Amd. Ord. 22-96 5/21/96]
- (3) To any new development, or any modification of existing development. That portion of the site which is being newly developed or modified must comply with the requirements contained herein; [Amd. Ord. 22-96 5/21/96]
- (4) To any modification to existing development which results in an increase of 25 percent in the gross floor area of the structure, or structures, situated on the site. In such cases the entire site shall be upgraded to present landscape standards; [Amd. Ord. 22-96 5/21/96]

(C) **Compliance, review, appeal, and relief.** [Amd. Ord. 22-96 5/21/96]

(1) **Compliance.**

- (a) Prior to the issuance of a building permit for a structure or a paving permit, compliance with the requirements of Section 4.6.16 shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3(C), including the following, if applicable: [Amd. Ord. 6-12 2/21/12]; [Amd. Ord. 22-96 5/21/96]
 - 1. A landscape permit, which shall be required for all work whose landscape improvement valuation is greater than \$1,000.00. [Amd. Ord. 6-12 2/21/12]
- (b) Prior to upgrading landscaping on an existing site, a landscape plan shall be submitted which shall: [Amd. Ord. 22-96 5/21/96]
 - 1. Be drawn to scale consistent with the site plan with crowded areas provided in a larger scale presentation. [Amd. Ord. 22-96 5/21/96]
 - 2. Clearly delineate the existing and proposed parking spaces or other vehicular use areas, access aisles, sidewalks, building locations and similar features. [Amd. Ord. 22-96 5/21/96]
 - 3. Clearly show property lines and all Right-of-Ways adjacent to existing property to be improved. [Amd. Ord. 6-12 2/21/12]

4. Contain a Statement of Intent as to the method and coverage of irrigation (irrigation systems require a separate permit; See Section 4.6.16(F) for additional irrigation regulations). [Amd. Ord. 6-12 2/21/12]; [Amd. Ord. 22-96 5/21/96]
5. Designate by name and location the plant material to be installed or preserved. [Amd. Ord. 22-96 5/21/96]
6. Show location of overhead lines and utility easements. [Amd. Ord. 22-96 5/21/96]
7. Show proposed or existing locations of refuse areas and methods of screening. [Amd. Ord. 22-96 5/21/96]
8. Show proposed or existing locations of free standing signs. [Amd. Ord. 22-96 5/21/96]
9. Provide an Existing Tree Survey documenting all trees with a caliper equal to or greater than four inches. All trees shall have a number or symbol that is referenced in a table. This table shall be shown on the Existing Tree Survey and shall document the botanical and common name, caliper, height and spread and overall condition for each tree. [Amd. Ord. 6-12 2/21/12]
10. Show landscape calculations in a legible tabular format. The type of calculations used will be determined by the property use. Single family dwellings shall utilize the Single family dwelling calculations. Duplexes shall utilize the Duplex calculations. Multi-family, Industrial and Commercial use properties shall utilize the Multi-family/Industrial/Commercial calculations. [Amd. Ord. 6-12 2/21/12]
11. Show proposed plant material in a tabular form. Include botanical and common names, specifications, quantity and symbol (if applicable). [Amd. Ord. 6-12 2/21/12]
12. Be accompanied by a Landscape Cost Estimate when proposed landscape improvements are valued at \$1,000.00 or more. Landscape improvements include the cost of material, labor and profit. [Amd. Ord. 6-12 2/21/12]
13. Label all plant material to be of Florida # 1 grade or better as illustrated in the Grades and Standards for Nursery Plants, Part 1 (current edition) by the Florida Department of Agriculture. All material that is graded lower than Florida #1 quality shall be rejected. [Amd. Ord. 6-12 2/21/12]

14. Show all sight triangles in their proper locations. See Section 4.6.14. [Amd. Ord. 6-12 2/21/12]
 15. Be prepared, signed and sealed by a Registered Landscape Architect. Exceptions include Single Family and Duplex Dwellings located in Single Family Zoning Districts that are not within an Overlay District that requires them to be prepared by a Registered Landscape Architect. [Amd. Ord. 6-12 2/21/12]
- (c) The final completion of landscaping prior to issuance of the Certificate of Occupancy. All landscaping and related items shall be installed in accordance with this section before the Certificate of Occupancy is issued. [Amd. Ord. 6-12 2/21/12]
- (2) **Review.** Landscape plans of existing properties shall be reviewed by City Staff as appointed by the Chief Building Official. The purpose of the review of landscape plans for existing duplex, industrial, commercial and multi-family properties is to determine if the plans meet the minimum required standards. [Amd. Ord. 6-12 2/21/12]; [Amd. Ord. 22-96 5/21/96]
- (3) **Appeals.** Appeal from the City Staff shall be to the Site Plan Review and Appearance Board or the Historic Preservation Board as applicable. Appeal from the Site Plan Review and Appearance Board or the Historic Preservation Board shall be to the City Commission. [Amd. Ord. 6-12 2/21/12]; [Amd. Ord. 22-96 5/21/96]
- (4) **Relief.** Relief from the provisions of this Section shall only be granted through the waiver process [Section 2.4.7(B)] by the City Commission, Site Plan Review and Appearance Board or Historic Preservation Board as applicable. [Amd. Ord. 22-96 5/21/96]; [Amd. Ord. 83-95 01/09/96]
- (D) **Site planning and design requirements.** The following site design standards, concepts, and practices shall be adhered to in the preparation of landscape plans. [Amd. Ord. 6-12 2/21/12]
- (1) **Concepts for water conservation.** Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:
- (a) The preservation of existing native plant communities;
 - (b) The re-establishment of native plant communities;
 - (c) The use of site specific plant materials;

- (d) The use of shade trees to reduce transpiration rates of lower story plant materials;
 - (e) Limited amounts of lawn grass areas;
 - (f) Site development that retains storm runoff on site;
 - (g) The use of pervious materials for non-landscaped and parking areas.
- (2) **Preservation and promotion of existing plant communities.** All existing native plant communities on sites proposed for development shall be preserved where possible through their incorporation into the required open space. Existing plant communities that are specified to remain shall be preserved to the greatest extent possible with trees, understory, and ground covers left intact and undisturbed, except for the eradication of prohibited plant species.
- (a) **Tree protection.** Trees which are to be preserved on a site shall be protected from damage during the construction process according to appropriate tree protection techniques. The "Tree Protection Manual for Builders and Developers" published by the Division of Forestry of the State of Florida, Department of Agriculture and Consumer Service, shall be the standard for determining the appropriateness of proposed techniques. All trees which are to be preserved and do not survive shall be replaced by a tree of equal size or an equivalent number of trees based on trunk diameter. [See Section 3.4.6(G) re Tree Removal Permits]
 - (b) **Portion of native communities to remain.** When natural plant communities occur on a parcel of land which is to be developed, at least 25 percent of the required open space must be in the form of preserved natural plant communities.
 - (c) **Native species required.** A portion of all plant materials required to be planted shall be native species. The percentage of native plant materials required shall be as follows:
 - (i) Effective October 1, 1990, 25 percent of required trees and 25 percent of all other required plant materials shall be native;
 - (ii) Effective October 1, 1991, 35 percent of the required trees and 25 percent of all other required plant materials shall be native;
 - (iii) Effective October 1, 1992, 50 percent of the required trees and 25 percent of all other required plant materials shall be native.

(d) ***Substitution of mature, exceptional tree specimens for required parking.***

The intent of this section is to preserve those selected mature trees that are not able to be located in required landscape areas while maintaining a reasonable level of off-street parking for new or expanding multi-family, commercial, and industrial developments or redevelopments, as the preservation of these trees, in most instances, is of higher order than providing the exact amount of required off-street parking. [Amd. Ord. 2-02 2/5/02]

The City may require or the applicant may request the substitution of existing, mature, healthy, exceptional tree specimens for required parking spaces in instances where the following conditions are met: [Amd. Ord. 2-02 2/5/02]

1. Such trees are of a hardwood and/or deciduous variety and a minimum of 12 inches in diameter measured one foot above grade. [Amd. Ord. 2-02 2/5/02]
2. Such trees are free of disease and insects. [Amd. Ord. 2-02 2/5/02]
3. Every effort has been made in planning and design of parking areas to accommodate such trees in the landscape islands required in Section 4.6.16(H)(3). [Amd. Ord. 2-02 2/5/02]
4. Such trees are protected during construction as prescribed in Section 4.6.16(D)(2)(a). [Amd. Ord. 2-02 2/5/02]

The applicant shall indicate on the site plan the location of all required parking spaces and indicate those spaces that will be eliminated in order to preserve trees. The amount of parking spaces permitted to be eliminated for any project shall be determined on a case by case basis. [Amd. Ord. 2-02 2/5/02]

The Historic Preservation Board (HPB) or Site Plan Review and Appearance Board (SPRAB), as appropriate, may approve such requests or require such preservation provided the conditions of this subsection are met. [Amd. Ord. 2-02 2/5/02]

A decision of HPB or SPRAB disapproving a request for or requiring tree preservation may be appealed to the City Commission pursuant to LDR Section 2.4.7(E). [Amd. Ord. 2-02 2/5/02]

All tree(s) which are to be preserved under this section and do not survive shall be replaced by a tree a minimum of 18 feet in height with a ten-foot spread of canopy. The City Horticulturist shall approve such replacements. [Amd. Ord. 2-02 2/5/02]

- (3) **Site specific planting materials.** Trees and other vegetation used in the landscape design should be appropriate to the conditions in which they are planted, to the greatest extent, they shall be:

- (a) Salt tolerant relative to the area in which they are planted;
- (b) Able to withstand reduced water conditions if planted in sandy soils;
- (c) Able to withstand wet conditions when planted around retention/detention ponds or in swales;
- (d) Deleted. [Amd Ord. 50-98 1/5/99]

- (4) **Tree selection adjacent to or within utility easements.** Required perimeter landscape buffers often coincide with utility easements. Careful selection of tree species is essential to minimize conflicts as trees mature. Trees planted subsequent to the effective date of this ordinance shall meet the following criteria: [Amd. Ord. 50-98 1/5/99]

- (a) The ultimate mature height and width of a tree to be planted should not exceed the available overhead growing space. Tree species shall be consistent with the recommendation in the most recent publication of Florida Power and Light Company's "Plant The Right Tree In The Right Place" (copies available from the Community Improvement Department), which provides recommendations for tree selections. [Amd. Ord. 50-98 1/5/99]
- (b) Trees shall not be planted within ten feet of any underground utilities. [Amd. Ord. 50-98 1/5/99]
- (c) Trees shall have non-invasive growth habits which will not interfere with adjacent above/underground utilities. [Amd. Ord. 50-98 1/5/99]

(E) **Landscape design standards.** The following shall be considered the minimum standards for the design and installation of all plant materials. (Ord. No. 11-23, § 3, 9-5-23)

- (1) **Florida-friendly landscape principles.** Florida-friendly landscape principles shall be utilized in landscape designs and installations including planting the right tree or plant in the right place, efficient watering, appropriate fertiliza-

tion, mulching, the use of plant materials that attract wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Important considerations include: [Amd. Ord. 6-12 2/21/12] (Ord. No. 11-23, § 3, 9-5-23)

- (a) Appropriate planning and design that considers the size, shape, and sun orientation of the lot, soil type, topography, intended use of area and site specific planting to minimize irrigation waste. (Ord. No. 11-23, § 3, 9-5-23)
 - (b) Soil analysis and appropriate preparation to provide better absorption of water and beneficial plant nutrients. (Ord. No. 11-23, § 3, 9-5-23)
 - (c) Efficient irrigation systems that permit turf and other less drought tolerant plantings to be watered separately from more drought tolerant plantings, consideration of low volume drip, spray or bubbler emitters for trees, shrubs and ground covers. (Ord. No. 11-23, § 3, 9-5-23)
 - (d) Reduction of turf areas and the installation of low water demand shrubs and living ground covers in conjunction with organic mulches. (Ord. No. 11-23, § 3, 9-5-23)
 - (e) Utilization of drought tolerant plant materials and the grouping of plants with similar water requirements.
 - (f) Application of mulches to increase moisture retention, reduce weed growth and erosion and increase the organic content of soil upon degradation. Mulch should be initially applied at a three inch depth, but pulled away from direct contact with stems and trunks to avoid rotting. Mulched planting beds are an ideal replacement for turf areas. (Ord. No. 11-23, § 3, 9-5-23)
- (2) **Installation.** All landscaping shall be installed according to sound horticultural and planting procedures with the quality of plant materials herein described. Landscaping shall be installed to meet all applicable ordinances and code requirements. (Ord. No. 11-23, § 3, 9-5-23)
- (3) **Vehicular encroachment.** There shall be no vehicular encroachment into any required landscape area. All landscape areas adjacent to parking spaces, accessways, and/or vehicular use areas shall be separated by carstops or non-mountable, reinforced concrete curbing of the type characterized as "Type D" in the State of Florida Department of Transportation roadway design manuals, or curbing of comparable durability. In the case of curbing around required landscaped islands, the width of the curbing

shall be excluded from the calculation of the minimum dimensions of the required island. Landscape islands are required to be a minimum of nine feet in width exclusive of the curb width. In paved parking lots, the portion of the parking space extending beyond the car stop may be sodded, and vehicles may encroach into the area. [Amd. Ord. 6-12 2/21/12] (Ord. No. 11-23, § 3, 9-5-23)

- (4) **Quality.** All plant materials shall conform to the Standards for Florida No. 1 or better as identified in "Grades and Standards for Nursery Plants" by the State of Florida Department of Agriculture and Consumer Services. (Ord. No. 11-23, § 3, 9-5-23)
- (5) **Trees.** All tree species shall have an average mature spread of crown greater than 20 feet and trunks that can be maintained in a clean condition with over six feet of clear mature wood. If necessary, a grouping of tree species with an average mature spread of crown less than 20 feet may be substituted so as to create the equivalent of a 20 foot spread of crown. Tree species shall be a minimum of 16 feet in overall height at the time of planting, with a minimum of six feet of single straight trunk with eight feet of clear trunk, and a seven-foot spread of canopy. Tree species required for single family homes and duplexes shall be a minimum of 12 feet in overall height at the time of planting, with a minimum of four feet of single straight trunk with six feet of clear trunk, and a six-foot spread of canopy. [Amd. Ord. 6-12 2/21/12] (Ord. No. 11-23, § 3, 9-5-23)

When more than ten trees are required, a mix of species shall be provided. The number of species shall vary according to the overall number of trees required. This species mix requirement shall not apply to areas of vegetation required to be preserved by law. The minimum number of species is as follows: (Ord. No. 11-23, § 3, 9-5-23)

REQUIRED NUMBER OF TREES	MINIMUM NUMBER OF SPECIES
11—20	2
21—30	3
31—40	4
41 +	5

- (6) **Palms.** Palms may be used for up to 50 percent of the required trees. Palms considered susceptible to lethal yellowing by the Florida Department of Agriculture shall not be used to fulfill the requirements of this article. (Ord. No. 11-23, § 3, 9-5-23)
- (a) Palms must have an overall height of a minimum of 16 feet and a minimum of eight feet of clear trunk at the time of planting, except for

single family homes and duplexes, which may have palms with an overall height of a minimum of 12 feet and a minimum of six feet of clear trunk at the time of planting. (Ord. No. 11-23, § 3, 9-5-23)

- (b) Palms with a mature spread of crown of at least 15 feet, including Canary Date Palms, Bismark Palms, Coconut Palms and Royal Palms may be credited on a one for one basis with shade trees. Coconut Palms are permitted to have a minimum of two feet of grey wood at the time of planting, providing they are located so that the fronds are not hazardous. Palm species that do not have a mature spread of crown of at least 15 feet shall be grouped in threes, and three palms shall equal one shade tree. (Ord. No. 11-23, § 3, 9-5-23)
 - (c) Minimum overall palm height may be increased if the palm variety has fronds that hang below an eight-foot clearance, and are located in an area where pedestrians may be adversely affected by the fronds. (Ord. No. 11-23, § 3, 9-5-23)
- (7) **Shrubs and hedges.** All shrubs and hedges shall be a minimum of two feet in height when measured immediately after planting. Hedges shall be planted and maintained to form a continuous, unbroken, solid, visual screen within a maximum of one year after planting. (Ord. No. 11-23, § 3, 9-5-23)
- (a) Shrubs shall be spaced a maximum of two feet, center to center, unless plants are exceptionally full, in which case the shrubs shall be permitted to be planted up to a maximum of 30 inches, center to center, provided the branches are touching at the time of planting. (Ord. No. 11-23, § 3, 9-5-23)
 - (b) Hedges must be allowed to attain height of 36 inches except where providing adequate and safe sight distance requires them to be maintained at a 30-inch height. (Ord. No. 11-23, § 3, 9-5-23)
 - (c) Hedges required for screening shall meet the following expectations: [Amd. Ord. 6-12 2/21/12] (Ord. No. 11-23, § 3, 9-5-23)

Height of Equipment	Landscaping Required Height
Less than 5 feet above grade	Full screening
5—16 feet above grade	Hedge, half the height of the equipment, no less than 5 feet
Greater than 16 feet above grade	Shrubbery, 8 feet minimum

[Amd. Ord. 6-12 2/21/12] (Ord. No. 11-23, § 3, 9-5-23)

- (8) **Lawn grass.** The irrigation of turf or sod lawn areas is a major source of water demand. Therefore, the use of lawn areas is regulated as follows: (Ord. No. 11-23, § 3, 9-5-23)
- (a) Maximum Coverage. Portions of landscaped areas that have been customarily designed as lawns shall be: Preserved as natural plant communities; planted as redeveloped native areas; or planted in traditional mixes of trees, shrubs, and ground covers. [Amd. Ord. 81-91 12/3/91] (Ord. No. 11-23, § 3, 9-5-23)
- (i) Commercial, industrial and multi-family developments. No more than 70 percent of the combination of the required interior greenspace and the required perimeter landscape buffers, shall be planted in lawn grass. The balance shall be planted in a mix of shrubs and ground covers. [Amd. Ord. 6-12 2/21/12]; [Amd. Ord. 81-91 12/3/91] (Ord. No. 11-23, § 3, 9-5-23)
- (ii) Single family and duplex residences. No more than 80 percent of the pervious lot area shall be planted in lawn grass. A minimum of 20 percent of the pervious lot area shall be planted in shrubs and ground covers. [Amd. Ord. 6-12 2/21/12; Amd. Ord. 81-91 12/3/91] (Ord. No. 11-23, § 3, 9-5-23)
- (b) Maintenance. Lawn grass shall be clean and reasonably free of weeds and noxious pests or diseases. When grass areas are to be seeded, sprigged or plugged, specifications must be submitted to and approved by the City. One hundred percent coverage must be achieved within 90 days. (Ord. No. 11-23, § 3, 9-5-23)
- (c) Mandatory Sod Usage. Solid sod must be used in swales, canal banks, rights-of-way and other areas subject to erosion. (Ord. No. 11-23, § 3, 9-5-23)
- (9) **Ground cover:** Ground covers used in lieu of grass, in whole or part, shall be planted at such spacing to present a finished appearance and reasonably complete coverage within six months after planting. All ground cover areas must be kept free from weeds. (Ord. No. 11-23, § 3, 9-5-23)
- (10) **Vines:** Vines shall be a minimum of 30 inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. (Ord. No. 11-23, § 3, 9-5-23)

- (11) **Organic Mulches:** Organic mulches may be used in combination with living plants as part of a landscape design, however, organic mulches shall not by themselves constitute landscaping. No more than 25 percent of a front or side street setback may be comprised of mulch independent of living plant materials. [Amd. Ord. 6-12 2/21/12] (Ord. No. 11-23, § 3, 9-5-23)
- (12) **Artificial Turf.** Artificial turf is allowed on both residential and non-residential properties, subject to the following requirements: (Ord. No. 11-23, § 3, 9-5-23)
- (a) General. (Ord. No. 11-23, § 3, 9-5-23)
- (i) The installation of artificial turf requires a landscape permit. (Ord. No. 11-23, § 3, 9-5-23)
 - (ii) Artificial turf areas may not be included in open space calculations. (Ord. No. 11-23, § 3, 9-5-23)
 - (iii) Artificial turf is considered pervious but cannot be used within permanent drainage features, including ponds and swales. (Ord. No. 11-23, § 3, 9-5-23)
 - (iv) Artificial turf shall not be installed closer than five feet to the property line. (Ord. No. 11-23, § 3, 9-5-23)
 - (v) Artificial turf shall not be installed in or be visible from a public or private right-of-way. (Ord. No. 11-23, § 3, 9-5-23)
 - (vi) Artificial turf may be used in combination with living plants as part of a landscape design, but artificial turf shall not by itself constitute landscaping. (Ord. No. 11-23, § 3, 9-5-23)
- (b) Locational criteria. (Ord. No. 11-23, § 3, 9-5-23)
- (i) Residential and commercial uses. Residential and commercial properties are subject to the following additional criteria: (Ord. No. 11-23, § 3, 9-5-23)
 - 1. After building coverage, hardscaping areas, and minimum open space requirement areas are subtracted from the total lot area, no more than 15 percent of the remaining lot area may be comprised of artificial turf. (Ord. No. 11-23, § 3, 9-5-23)
 - 2. Artificial turf is allowed in rear and interior side yards, and in side street yards when shielded from view. Artificial turf may also be used in conjunction with driveway pavers. (Ord. No. 11-23, § 3, 9-5-23)

- (ii) Recreational uses. Artificial turf is allowed in recreational use areas, and is not required to be shielded from view. (Ord. No. 11-23, § 3, 9-5-23)
 - (iii) Historic. On properties located within a Historic District or on Individually Designated Sites, as listed on the Local Register of Historic Places, artificial turf is only allowed in rear and side yards and must be shielded from view. (Ord. No. 11-23, § 3, 9-5-23)
- (c) Materials and installation. All artificial turf must comply with the following minimum standards for materials and installation. (Ord. No. 11-23, § 3, 9-5-23)
- (i) The artificial turf system shall be lead-free, and use recycled or organic plant-derived materials and natural infill components, including, but not limited to, cork, coconut, corn husk, rice husk, and sand. The use of crumb rubber and other synthetic materials shall be prohibited in all applications except for sports fields. Documentation must be provided that identifies all recyclable or natural components of the artificial turf system. (Ord. No. 11-23, § 3, 9-5-23)
 - (ii) Permit applications shall include Total Content Leach Protocol (TCLP) test documentation demonstrating that the artificial turf yarn and backing materials are disposable under normal conditions at any U.S. landfill station. (Ord. No. 11-23, § 3, 9-5-23)
 - (iii) A minimum eight-year manufacturer's warranty is required. (Ord. No. 11-23, § 3, 9-5-23)
 - (iv) All artificial turf shall be installed over a subgrade that provides positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material. Bases may not be comprised of sand only. Proper drainage shall be provided for all artificial turf installations to prevent runoff or pooling of water. (Ord. No. 11-23, § 3, 9-5-23)
 - (v) Artificial turf must be designed and permitted with a minimum permeability of 30 inches per hour per square yard. (Ord. No. 11-23, § 3, 9-5-23)
 - (vi) Artificial turf must have lifelike individual blades of grass that emulate natural turf or sod lawn areas with the grain pointing in a single direction, and no visible seams. (Ord. No. 11-23, § 3, 9-5-23)
 - (vii) Artificial turf shall not be installed directly against the trunk of trees or palms. A three-foot mulch bed measured from the base of the tree or palm must be maintained. Installation around existing trees

shall be monitored and may be restricted to ensure that the overall health of the tree will not be compromised. (Ord. No. 11-23, § 3, 9-5-23)

(viii) An in-progress inspection shall be required to ensure that the appropriate base material has been installed to manufacturer specifications. A final inspection shall also be required. (Ord. No. 11-23, § 3, 9-5-23)

(d) Maintenance. Artificial turf shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, impressions, and fading. Maintenance shall include, but not be limited to cleaning, brushing, debris removal, repairs of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matter areas, weeds, and invasive roots, and maintenance of edges. (Ord. No. 11-23, § 3, 9-5-23)

(F) **Irrigation requirements.** All landscaped areas shall be provided with a fully automated sprinkler system that will provide complete coverage of all plant materials and grass to be maintained. All systems shall be designed to allow for head-to-head coverage (100-percent coverage with 100-percent overlap). Low-volume irrigation systems, such as drip or micro-irrigation systems, are strongly encouraged. [Amd. Ord. 6-12 2/21/12]

(1) **Watering restrictions.** The Landscape Irrigation Restrictions set forth by the South Florida Water Management District (SFWMD), as amended, are hereby adopted and incorporated as if set forth. [Amd. Ord. 6-12 2/21/12]

(2) **Irrigation of existing plant communities.** Existing plant communities and ecosystems, maintained in a natural state, do not require and shall not have any additional irrigation water added in any form.

(3) **Reestablished native plant areas.** Native plant areas that are supplements to an existing plant community or newly installed by the developer may initially require additional water to become established. The water required during the establishment period shall be applied from a temporary irrigation system, a water truck or by hand watering from a standard hose bib source.

(4) **Irrigation design standards and practices.** The following standards shall be considered the minimum requirements for landscape irrigation design: [Amd. Ord. 6-12 2/21/12]

(a) All landscaped areas shall be provided with a fully automated sprinkler system that will provide complete coverage of all plant materials and grass to be maintained. The use of recycled water is encouraged. [Amd. Ord. 6-12 2/21/12]

- (b) All new installations of landscape irrigation systems and substantial modifications of existing irrigation systems which use well water, excluding single family residences, shall install, operate and maintain rust inhibitor equipment to prevent staining of structures and pavements. [Amd. Ord. 30-93 4/13/93]
- (c) Wherever feasible, sprinkler heads irrigating lawns or other high water demand landscape areas shall be circuited so they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water requirement areas.
- (d) Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering high water requirement areas on a different schedule from low water requirement areas.
- (e) Sprinkler heads shall be installed and maintained so as to minimize spray upon any public access, sidewalk, street or other non-pervious area.
- (f) The use of low trajectory spray nozzles is encouraged in order to reduce the effect of wind velocity on the spray system.
- (g) The use of low volume or drip systems is encouraged.
- (h) All new installations of landscape irrigation systems, and modifications of existing irrigation systems, shall be equipped with a rain sensing device which will override the irrigation cycle of the system when adequate rainfall has occurred. Further, these rain sensing devices must be operated and maintained for the life of the irrigation system. [Amd. Ord. 30-93 4/13/93]
- (i) The use of pop-up sprinkler heads is required in the swale area between the property line and the edge of pavement of the adjacent right-of-way to minimize pedestrian hazard.
- (j) The plant palette and irrigation system shall be appropriate for site conditions, taking into account that, in some cases, soil improvement can enhance water use efficiency. [Amd. Ord. 6-12 2/21/12]
- (k) Plants shall be grouped together by irrigation demand. [Amd. Ord. 6-12 2/21/12]
- (l) The percentage of landscaped area in irrigated high water use hydrozones should be minimized. Landscape plans shall depict the different hydrozones and irrigate according to demand. [Amd. Ord. 6-12 2/21/12]

- (m) All irrigation systems shall meet current Best Management Practices as established by the most current version of the Florida Green Industries Best Management Practices Handbook, including the uniform distribution of water throughout all zones. [Amd. Ord. 6-12 2/21/12]
- (n) Irrigation plan shall meet the following requirements: [Amd. Ord. 6-12 2/21/12]
 - (1) Scale of drawing shall be consistent with Site and Landscape Plans. [Amd. Ord. 6-12 2/21/12]
 - (2) Show location of existing and proposed buildings, paving, and site improvements. [Amd. Ord. 6-12 2/21/12]
 - (3) Show locations of Water Meter, Point of Connection (POC), Backflow Preventer, Controller, Pump, Zone Valves, Rain shutoff device, Rust-inhibiting device (if applicable), Main and Lateral Lines, Sprinkler Heads and Sleeves. [Amd. Ord. 6-12 2/21/12]
- (o) An irrigation legend shall be shown on irrigation plan. The irrigation legend will have the following elements: Separate symbols for all irrigation equipment with different spray patterns and precipitation rates and pressure compensating devices; general description of equipment; manufacturer's name and model number for all specified equipment; recommended operating pressure per nozzle and bubbler and low-flow emitter; manufacturer's recommended overhead and bubbler irrigation nozzle rating in gallons per minute or gallons per hour for low flow point applicators; minimum (no less than 75 percent of maximum spray radius) and maximum spray radius per nozzle; and manufacturer's rated precipitation rate per nozzle at specified per square inch. [Amd. Ord. 6-12 2/21/12]

(G) ***Prohibited and controlled species.***

- (1) ***Prohibited plant species.*** All prohibited plant species shall be eradicated from the development site and reestablishment of prohibited species shall not be permitted. The following plant species shall not be planted in the City of Delray Beach:
 - (a) Melaleuca quinquenervia (commonly known as Punk tree, paper bark, Cajeput, Melaleuca); or
 - (b) Schinus terebinthifolius (commonly known as Brazilian Pepper or Florida Holly); or

- (c) Casuarina Species (commonly known as Australian Pine); or
 - (d) Acacia auriculiformis (commonly known as Earleaf Acacia); or [Amd. Ord. 6-12 2/21/12]
 - (e) Cupianopsis anacardioides (commonly known as Carrotwood); or [Amd. Ord. 6-12 2/21/12]
 - (f) Schefflera actinophylla (commonly known as Schefflera or Umbrella tree); or [Amd. Ord. 6-12 2/21/12]
 - (g) Bischofia javanica (commonly known as Bischofia). [Amd. Ord. 6-12 2/21/12]
- (2) **Controlled plant species.** Ficus species can be planted as individual trees provided they are no closer than 12 feet from any public improvement. Ficus species may be planted within 12 feet of any public improvements only if they are maintained as a hedge which is constantly cultivated and does not exceed six feet in height if located within a setback area. Height may be permitted to reach eight feet when planted on a residential project and used to separate the residential use from an arterial or collector road right-of-way.

Ficus hedges located on private property are allowed to exceed the eight-foot maximum height limit so long as the respective property owner shows documentation that these hedges were taller than eight feet on or before January 31, 2012. [Amd. Ord. 6-12 2/21/12]

(H) **Minimum landscape requirements.**

- (1) **Single family detached residences.** The following minimum standards for landscaping shall apply: (Ord. No. 11-23, § 3, 9-5-23)
- (a) One shade tree shall be planted for every 2,500 square feet of lot area. Shade trees for single family residences shall be a minimum of 12 feet in height with a five-foot spread at the time of installation. Existing trees preserved on the site with the same specifications as above, may be credited toward this tree requirement. [Amd. Ord. 6-12 2/21/12]
 - (b) Shrubs shall be installed along the foundation of the side of the residence that faces any street.
 - (c) Air-conditioning units five feet or less in height shall be screened with shrubbery or wood fencing tall enough to fully screen the units from

view. Units higher than five feet above grade shall be screened with hedges that are half of the height of the unit, but no less than five feet in height. [Amd. Ord. 6-12 2/21/12] (Ord. No. 11-23, § 3, 9-5-23)

- (d) All other lot areas not covered by driveways or structures shall be planted with lawn grass or approved ground cover. (Ord. No. 11-23, § 3, 9-5-23)
- (e) The area between the property line and the edge of pavement of the abutting right-of-way shall be sodded. Rock, gravel, mulch, or artificial turf is expressly prohibited from being used in the right-of-way. (Ord. No. 11-23, § 3, 9-5-23)
- (f) All refuse container storage areas visible from an adjacent street must be screened with fencing, hedging, and an opaque gate in conjunction with hedging. (Ord. No. 11-23, § 3, 9-5-23)
- (g) All landscaped areas shall be provided with an irrigation system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained. The source of water may be either from City water or non-potable water. The use of recycled water is encouraged.

(2) **Duplex residential development.**

- (a) One tree shall be planted for every 2,000 square feet of lot area or fraction thereof. Existing trees preserved on the site may be credited toward this tree requirement. [Amd. Ord. 6-12 2/21/12]
- (b) In addition, in consideration of the fact that some duplex units have back-out parking, and no direct screening can be achieved between the parking and street area, hedging and a shade tree will be required to be installed on both sides of the back-out parking area.
- (c) A strip of land a minimum of five feet in width shall be provided around the foundation of the building where it faces the right-of-way and along the side of the building that provides entry for the units and shall be landscaped with shrubs and ground covers. All other lot areas not covered by buildings or paving will be landscaped with sod, shrubs or ground covers.
- (d) In addition the area between the property line and the edge of pavement of the abutting right-of-way shall be provided with sod, irrigation and maintenance.

- (e) 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 feet shall be screened with shrubbery that is a minimum of eight feet in height. [Amd. Ord. 6-12 2/21/12]
 - (f) For duplexes that have a parking lot that does not require back-out parking, the screening specified for new multi-family units provided below shall be required.
- (3) ***New multiple family, commercial, and industrial development.*** Multi-family, commercial, industrial and all other uses are required to comply with the minimum requirements for off-street parking. On the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, there shall be provided landscaping as follows:

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

- (a) A strip of land at least five feet in depth located between the off-street parking area or other vehicular use area and the right-of-way shall be landscaped, provided, however, that should the zoning code of the Delray Code of Ordinances require additional perimeter depths, that the provisions of the zoning code shall prevail. This landscape strip shall be free of any vehicular encroachment, including car overhang. 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.

Additionally, a hedge, 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

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.

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. [Amd. Ord. 6-12 2/21/12]

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.

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.

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

Perimeter hedging installed to effect screening of storage areas must be a minimum of 75 percent of the height of the storage structure at the time of installation and be permitted to grow to a height to conceal the materials being stored. Perimeter shade trees are required to be planted every 30 feet and are not permitted to be clustered. [Amd. Ord. 6-12 2/21/12]

- (b) The unpaved portion of the right-of-way adjacent to the property line shall be landscaped with sod and provided with irrigation and maintenance.

- (c) The width of accessways 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.

Perimeter landscaping requirements relating to abutting properties:

- (d) 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. Duplexes may be permitted to reduce the perimeter planting strip to two and one-half feet in width in cases where lot frontage is less than 55 feet. In addition, one tree shall be provided for every 30 linear feet of such landscaped barrier or fraction thereof. [Amd. Ord. 6-12 2/21/12]
- (e) Where any commercial or industrial areas abut a residential zoning district or properties in residential use, in addition to requirements established for district boundary line separators in the zoning code, one tree shall be planted every 25 feet to form a solid tree line.
- (f) 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 that 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. Interior landscape requirements for parking and other vehicular use areas: [Amd. Ord. 6-12 2/21/12]

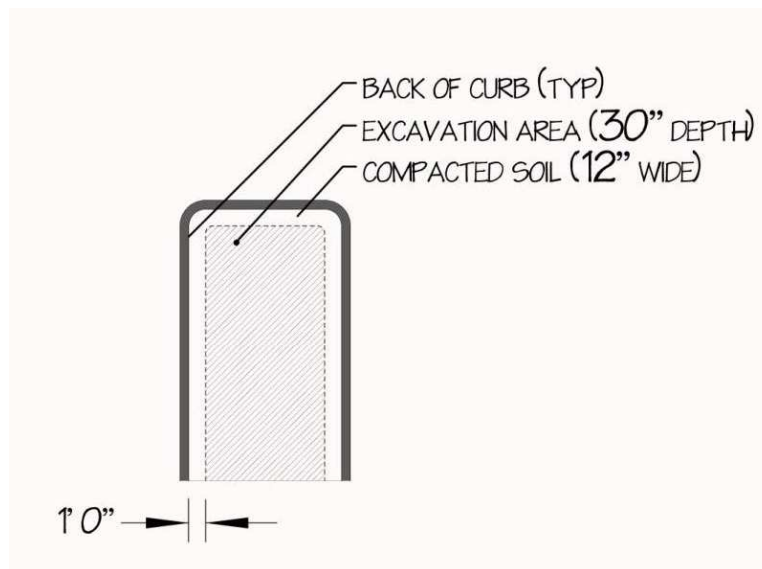
- (g) The amount of interior landscaping within off-street parking areas shall amount to no less than ten percent of the total area used for parking and accessways.
 - (h) There shall be a group of palms or a shade tree for every 125 square feet of required interior landscaping. No more than 25 percent of these required trees shall be palms.
 - (i) 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). 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: [Amd. Ord. 6-12 2/21/12]
- 1. 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). [Amd. Ord. 6-12 2/21/12]
 - i. Properties within the Central Business District (CBD) shall adhere to the same landscape island width stated above, unless documentation of site constraints provide that such island width is not feasible. In such cases, the City will accept landscape islands with a minimum width of seven feet, exclusive of curb, with 105 square feet of planting area. Under no circumstances shall any landscape island have a width smaller than seven feet, exclusive of curb. Tree specifications shall adhere to those listed in Section 4.6.16(E)(5) and 4.6.16(E)(6). Minimum tree height shall be increased to 18 feet in overall height with an eight-foot

spread if the option to increase the number of parking spaces between landscape islands is chosen. [Amd. Ord. 6-12 2/21/12]

2. 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. [Amd. Ord. 6-12 2/21/12]
- (j) 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, exists at the end of the parking row. [Amd. Ord. 6-12 2/21/12]
- (k) Whenever parking tiers abut, they shall be separated by a minimum five-foot wide landscape strip. This strip shall be in addition to the parking stall and be free of any vehicular encroachment, including car overhang. In addition, a two-foot hedge shall be installed within this landscape strip and run the entire length of the strip. Pedestrian walkways are permitted to allow passage through the hedge. Nonmountable curbs are not required for these landscaping strips, providing carstops are provided. [Amd. Ord. 6-12 2/21/12]
- (l) 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.
- (m) 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.

- (n) 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. [Amd. Ord. 6-12 2/21/12]



- (o) 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. [Amd. Ord. 6-12 2/21/12]

- (p) 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.

(4) ***Foundation landscaping requirements.*** [Amd. Ord. 6-12 2/21/12]

- (a) Foundation landscaping shall be required. This shall incorporate trees, shrubs and groundcovers with the minimum required specifications as set forth in 4.6.16(E). 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. [Amd. Ord. 6-12 2/21/12]
- (b) New multi-story structures or landscape improvements to existing 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.
 - (i) Foundation trees with specifications listed in Table 1 shall be planted along the building façade that faces a Right-of-Way, except in the CBD zoning district where alternate landscaping configurations have been incorporated into the Frontage Standards in Section 4.4.13(E). [Amd. Ord. 03-15 02/24/2015]
 - (ii) The spacing of these trees shall be determined based on the average canopy width of the proposed tree. These trees shall be spaced appropriately so that the canopies shall be touching at average maturity.
 - (iii) Typical Foundation trees and spacing requirements are listed in Table 2. All trees listed in Table 2 are examples. Other species may be used so long as the spacing meets the intent of this section. [Amd. Ord. 6-12 2/21/12]

Table 1. Foundation Tree Specifications [Amd. Ord. 6-12 2/21/12]

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	16
26 to 35	16 to 18	7	20
36 and greater	16 to 18	7	25

Table 2. Typical Foundation Trees and Spacing Requirements [Amd. Ord. 6-12 2/21/12]

Tree Species	Typical Spacing
Quercus virginiana (Live Oak)	30'
Bursera simaruba (Gumbo Limbo)	30'
Swietenia mahagoni (Mahogany Tree)	30'
Cocos nucifera (Coconut Palm)	20'
Wodyetia bifurcata (Foxtail Palm)	20'
Veitchia montgomeriana (Montgomery Palm)	15'
Bismarckia nobilis (Bismarck Palm)	25'
Phoenix dactylifera (Date Palm)	25'

(5) **Special landscape regulations for properties within the Central Business District (CBD).** [Amd. Ord. 6-12 2/21/12]

(a) Landscape Islands shall be installed within designated On-Street Parking locations. Properties submitting for Site Plan Modifications that are designated as Class IV or higher are required to install on-street landscape islands. Site Plan Modifications that are classified as Class III or lower that are proposing on street landscape islands shall adhere to the requirements outlined in this section. All islands are to be curbed with Type 'F' curbing to protect plant material. There are three types of landscape islands found within designated on-street parking sites. They are Intersection Islands, Driveway Islands and Parallel Parking Islands. [Amd. Ord. 6-12 2/21/12]

1. Intersection Islands are required at the corners of intersecting streets. These islands shall be a minimum of ten feet in length. One palm tree and associated understory plantings shall be located in each island and shall not pose a hazard to site visibility. If applicable, each palm shall be located behind traffic signs. Species and size to be consistent with those existing within adjacent on-street parking islands. [Amd. Ord. 6-12 2/21/12]

2. Driveway Islands are required on each side of the driveway apron leading into the property. These islands shall be a minimum of eight feet in length. One accent tree or palm and associated understory plantings shall be located in each island and shall not pose a hazard to site visibility. Species and size to be consistent with those existing within adjacent on-street parking islands. [Amd. Ord. 6-12 2/21/12]
3. Parallel Parking Islands shall be used to break up large expanses of pavement utilizing shade-producing canopy trees and associated understory plantings. No more than six parallel parking spaces are allowed between the nearest parallel parking island and the subject property submitting for a Site Plan Modification. Spaces will be counted from the nearest street intersection. Each island shall be a minimum of 22 feet in length and contain at least one canopy tree and associated understory plantings. Species and size to be consistent with those existing within adjacent on-street parking islands.

Properties abutting Atlantic Avenue are exempt from the requirement of constructing on-street landscape islands. The maintenance and irrigating of islands shall be the sole responsibility of the property owner who is located adjacent to these islands. Construction of landscape islands shall not create traffic safety hazards. The utilization of root barriers will be required in instances where underground utilities are present. All compacted soil, rock and other debris shall be removed to a depth of 30 inches below top of curb and replaced with a 60/40 mixture of sand to topsoil.

Existing site conditions will be examined during the plan review process. Flexibility for location and size of islands will be considered in achieving the overall goal of creating a consistent and unified streetscape. [Amd. Ord. 6-12 2/21/12]

- (6) ***Street trees for new residential developments.*** [Amd. Ord. 6-12 2/21/12] A themed landscape is very important for creating unity and common character within residential developments. Street trees are an integral component of creating a themed landscape and shall be required as per this section. All trees shall be in accordance with Section 4.6.16(E)(5). Tree selection shall be approved by City Staff. One street tree shall be required for every 40 linear feet of street frontage with a minimum of one tree per property. Street trees shall be located between the inside edge of sidewalk and edge of road pavement. Typical spacing for some commonly used street trees are listed in the below chart. [Amd. Ord. 6-12 2/21/12]

Tree Species	Typical Spacing (feet)
Quercus virginiana (Live Oak)	40'
Bursera simaruba (Gumbo Limbo)	35'
Swietenia mahagoni (Mahogany Tree)	40'
Peltophorum sp. (Yellow Poinciana)	40'

(7) **Existing multiple family, duplex, commercial, and industrial development.**

All existing multi-family units, duplexes, and commercial and industrial uses shall comply with the minimum standards for landscaping as follows: [Amd. Ord. 22-96 5/21/96]

(a) Provide for perimeter landscaping adjacent to public rights-of-way to screen vehicular parking, open-lot sales, service and storage areas to the extent physically possible and deemed feasible by the Landscape Compliance Review Committee. Elimination of parking spaces required by code will not be permitted to upgrade landscaping, however, the deletion of parking spaces in excess of code requirements will be required if they are in areas that will facilitate the required implementation of the minimum landscape requirements for existing development contained herein. [Amd. Ord. 22-96 5/21/96]

(b) Provide sod and irrigation within the right-of-way between the property line and the edge of pavement of the adjacent travel lane. The removal of existing asphalt may be required within the area between the property line and the edge of pavement of the adjacent travel lane. [Amd. Ord. 22-96 5/21/96]

(c) Provide screening for all dumpsters and refuse areas and all ground level air-conditioning units and mechanical equipment. Adequacy of screening shall be determined by the Landscape Compliance Review Committee. [Amd. Ord. 22-96 5/21/96]

(d) Foundation landscaping shall be provided for building elevations that are visible from adjacent rights-of-way.

(8) **Sight distance.** Sight distance for landscaping adjacent to rights-of-way and points of access shall be provided pursuant to Section 4.6.14.

(I) **Minimum maintenance requirements.**

(1) **General.** The owner or his agent shall be responsible for the maintenance of all landscaping required by ordinance or made a condition for approval for a building permit. Landscaping shall be maintained in a good condition so

as to present a healthy, neat, and orderly appearance at least equal to that which was required for the original installation, and shall be kept free from refuse and debris. Maintenance is to include mowing, edging, weeding, shrub pruning, fertilization and inspection and repair of irrigation systems to ensure their proper functioning.

(2) ***Yard waste management, composting and use of mulches.*** [Amd. Ord. 6-12 2/21/12]

- (a) Yard wastes shall not be disposed of or stored by shorelines, in ditches or swales, or near storm drains. [Amd. Ord. 6-12 2/21/12]
- (b) Composting of yard wastes provides many benefits and is strongly encouraged. The resulting materials are excellent soil amendments and conditioners. Other recycled solid wastes products are also available and should be used when appropriate. [Amd. Ord. 6-12 2/21/12]
- (c) Grass clippings are a natural benefit to lawns, replenishing nutrients drawn up from the soil and as an organic mulch that helps to retain moisture, lessening the need to irrigate. Grass clippings should be left on your lawn. All discharged clippings are to be kept far away from adjacent shorelines. [Amd. Ord. 6-12 2/21/12]
- (d) Mulches applied and maintained at appropriate depths in planting beds assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch, applied at a layer of two inches thick, shall be specified on landscape plans. Mulches shall be kept six inches away from trunk. Mulch from invasive trees such as Melaleuca and Eucalyptus are highly recommended as a suitable mulching resource. [Amd. Ord. 6-12 2/21/12]

(3) ***Pesticide management.*** [Amd. Ord. 6-12 2/21/12] (Ord. No. 28-24, § 2, 11-4-24)

- (a) All landscape applications of pesticides, including Weed and Feed products, should be made in accordance with State and Federal Law and with the most current version of the Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries. [Amd. Ord. 6-12 2/21/12]
- (b) Property owners and landscape management companies performing pesticide control within the City are strongly encouraged to use Integrated Pest Control (IPC). Biological control is a natural and effective

means of eradicating unwanted pests within a landscape. It has relatively little impact on the environment and prevents the unnecessary use of chemicals. [Amd. Ord. 6-12 2/21/12]

- (c) When using pesticides, all label instructions are state and federal law and must be adhered to. [Amd. Ord. 6-12 2/21/12]
- (4) **Pruning of trees.** Maintenance pruning of trees is to allow for uniform healthy growth. Trees shall be allowed to attain their normal size, and at a minimum attain a 20-foot spread of canopy, prior to any pruning except in conjunction with the removal of diseased limbs, or to remove limbs or foliage that present a hazard to power lines or structures. Lower branches and suckers must be selectively removed to provide a minimum of six feet of clear trunk. Severely cutting back lateral branches and canopy, or "hatracking" is expressly prohibited. Trees may be periodically thinned in order to reduce the leaf mass in preparation for tropical storms. All pruning shall be accomplished in accordance with the National Arborist's Standards. A tree's habit of growth must be considered before planting to prevent conflicts with view or signage and such a conflict shall not of itself necessarily permit the pruning or removal of a tree. (Ord. No. 28-24, § 2, 11-4-24)
- (J) **Fertilizer Management.** (Ord. No. 28-24, § 3, 11-4-24)
- (1) **Purpose and intent.** The Florida Department of Environmental Protection has determined that certain water bodies within Palm Beach County are impaired by excessive nutrient levels associated with improper Fertilizer use. This section adopts Best Management Practices for Fertilizer use from the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" in compliance with Section 403.067, Florida Statutes. (Ord. No. 28-24, § 3, 11-4-24)
- (2) **Applicability.** These regulations shall be applicable to and shall regulate any and all Applicators of Fertilizer and areas of Application of Fertilizer to Urban Landscapes within the City of Delray Beach, unless such Application is specifically exempted by Subsection (9). (Ord. No. 28-24, § 3, 11-4-24)
- (3) **Definitions.** The following definitions apply to Section 4.6.16(J): (Ord. No. 28-24, § 3, 11-4-24)
- Application, Apply, or Applying.* The actual physical deposit of Fertilizer to Turf or Landscape Plants. (Ord. No. 28-24, § 3, 11-4-24)
- Applicator.* Any person who Applies Fertilizer on Turf and/or Landscape Plants in the City of Delray Beach. (Ord. No. 28-24, § 3, 11-4-24)

Approved Test. A soil test from the University of Florida or other commercial laboratory licensed to perform soil testing. (Ord. No. 28-24, § 3, 11-4-24)

Best Management Practices (BMPs). Turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practical site-specific means, including economic and technological considerations, for improving water quality, conserving water supplies, and protecting natural resources. (Ord. No. 28-24, § 3, 11-4-24)

Commercial Fertilizer Applicator. Except as provided in Section 482.1562(9), Florida Statutes, any person who Applies Fertilizer for money, goods, services, or other valuable consideration. (Ord. No. 28-24, § 3, 11-4-24)

Fertilizer. Any substance or mixture of substances, except pesticide/fertilizer mixtures such as "weed and feed" products, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment. or provides other corrective measures to the soil. (Ord. No. 28-24, § 3, 11-4-24)

Fertilizing or Fertilization. The act of Applying Fertilizer to Turf, specialized turf, or Landscape Plants. (Ord. No. 28-24, § 3, 11-4-24)

Institutional Applicator. Any person, other than a private, non-commercial or a commercial Applicator (unless such definitions also apply under the circumstances), that Applies Fertilizer for the purpose of maintaining Turf and/or Landscape Plants. Institutional Applicators shall include, but shall not be limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium and/or common ownership. (Ord. No. 28-24, § 3, 11-4-24)

Landscape Plant. Any native or non-native tree, shrub, or groundcover (excluding Turf). (Ord. No. 28-24, § 3, 11-4-24)

Low Maintenance Zone. A minimum ten-foot wide area adjacent to water courses that is planted and managed in order to minimize the need for Fertilization, watering, mowing, etc. (Ord. No. 28-24, § 3, 11-4-24)

Pasture. Land managed for livestock grazing. (Ord. No. 28-24, § 3, 11-4-24)

Prohibited Application Period. The time period during which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or

warning is in effect for any portion of the City of Delray Beach, issued by the National Weather Service, or if heavy rain (two inches or more within a 24-hour period) is likely. (Ord. No. 28-24, § 3, 11-4-24)

Saturated Soil. Soil in which the voids are filled with water. Saturation does not require flow. Soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water. (Ord. No. 28-24, § 3, 11-4-24)

Turf or Lawn. An area of grass-covered soil held together by the roots of the grass. (Ord. No. 28-24, § 3, 11-4-24)

Urban Landscape. Pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with Turf or Landscape Plants. Agriculture has the same meaning as provided in Section 570.02, Florida Statutes. (Ord. No. 28-24, § 3, 11-4-24)

- (4) **Timing of Fertilizer applications.** (Ord. No. 28-24, § 3, 11-4-24)
- (a) Fertilizer containing nitrogen and/or phosphorus shall not be Applied before seeding or sodding a site and shall not be Applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevent plan for that site. (Ord. No. 28-24, § 3, 11-4-24)
 - (b) No Applicator shall Apply Fertilizers containing nitrogen and/or phosphorus to Turf and/or Landscape Plants during a Prohibited Application Period or to Saturated Soils. (Ord. No. 28-24, § 3, 11-4-24)
- (5) **Fertilizer free zones.** Fertilizer shall not be Applied within ten feet, or three feet if a deflector shield or drop spreader is used, of any pond, stream, water body, lake, canal, or wetland as defined by the Florida Department of Environmental Protection, Chapter 62-340, Florida Administrative Code, or from the top of a seawall or lake bulkhead. Newly planted Turf or Landscape Plants may be Fertilized in this zone only for a 60-day period beginning 30 days after planting, if needed, to allow the vegetation to become well established. Caution shall be used to prevent direct deposition of Fertilizer into the water. (Ord. No. 28-24, § 3, 11-4-24)
- (6) **Low Maintenance Zones.** A voluntary ten-foot Low Maintenance Zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of the Low Maintenance Zone. (Ord. No. 28-24, § 3, 11-4-24)

nance Zone to capture and filter runoff. If more stringent City of Delray Beach Code regulations apply, this Provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this Zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this Zone. (Ord. No. 28-24, § 3, 11-4-24)

- (7) *Fertilizer content and application rates.* (Ord. No. 28-24, § 3, 11-4-24)
- (a) Fertilizers Applied to Turf shall be Applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code. "Labeling Requirements for Urban Turf Fertilizers". Under Rule 5E-1.003(2), Florida Administrative Code, required Application rate and frequency maximums, which vary by plant and Turf types, are found on the labeled Fertilizer bag or container. (Ord. No. 28-24, § 3, 11-4-24)
 - (b) Nitrogen or phosphorus Fertilizer shall not be Applied to Turf or Landscape Plants except as provided in Subsection (7)(a) above for Turf, or in the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) recommendations for Landscape Plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an Approved Test. (Ord. No. 28-24, § 3, 11-4-24)
 - (c) Fertilizers used at golf courses shall be Applied in accordance with the recommendations in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated January 2007, as may be amended. Fertilizers used at parks or athletic fields shall be Applied in accordance with Rule 5E-1.003(2), Florida Administrative Code. (Ord. No. 28-24, § 3, 11-4-24)
- (8) ***Fertilizer application practices.*** (Ord. No. 28-24, § 3, 11-4-24)
- (a) Spreader deflector shields shall be used when Fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that Fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands. Any Fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. (Ord. No. 28-24, § 3, 11-4-24)
 - (b) Fertilizer released on an impervious surface must be immediately contained and either legally applied to Turf or any other legal site, or returned to the original or other appropriate container. (Ord. No. 28-24, § 3, 11-4-24)

- (c) In no case shall Fertilizer be washed, swept, or blown off impervious surfaces into storm water drains, ditches, conveyances, or water bodies. (Ord. No. 28-24, § 3, 11-4-24)
 - (d) Property owners and managers are encouraged to use an integrated pest management strategy as currently recommended by the University of Florida Cooperative Extension Service Publications and to utilize the plant selection and landscape design standards of the UF/IFAS Florida-Friendly Landscape Program. (Ord. No. 28-24, § 3, 11-4-24)
- (9) **Management of grass clippings and vegetative matter.** In no case shall grass clippings, vegetative material, and/or vegetative debris intentionally be washed, swept, blown, or otherwise deposited onto or into stormwater drains, drainage ditches or conveyances, water bodies, wetlands, sidewalks or roadways. Any material that is accidentally deposited shall be immediately removed to the maximum extent practicable and disposed of in accordance with applicable codes and regulations. (Ord. No. 28-24, § 3, 11-4-24)
- (10) **Exemptions.** The requirements in Section 4.6.16(J) shall not apply to: (Ord. No. 28-24, § 3, 11-4-24)
- (a) Bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14 Florida Statutes; (Ord. No. 28-24, § 3, 11-4-24)
 - (b) Other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock; or (Ord. No. 28-24, § 3, 11-4-24)
 - (c) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of Fertilizer use on urban stormwater, water quality, agronomics, or horticulture. (Ord. No. 28-24, § 3, 11-4-24)
- (11) **Training.** (Ord. No. 28-24, § 3, 11-4-24)
- (a) All commercial and Institutional Applicators of Fertilizer within the City of Delray Beach shall abide by and successfully complete the six-hour training program as described in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Palm Beach County Cooperative Extension Service Florida-Friendly Landscapes Program or an equivalent program acceptable to the City. (Ord. No. 28-24, § 3, 11-4-24)

- (b) Non-commercial and non-Institutional Applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the UF/IFAS "Florida-Friendly Landscape Program" and label instructions when Applying Fertilizers. (Ord. No. 28-24, § 3, 11-4-24)

(12) **Licensing of Commercial Applicators.** (Ord. No. 28-24, § 3, 11-4-24)

- (a) All businesses Applying Fertilizer to Turf or Landscape Plants (including, but not limited to, residential Lawns, golf courses, commercial/industrial properties, and multi-family and condominium properties) must ensure that the business owner or designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate. Owners for any category of occupation which may Apply any Fertilizer to Turf and/or Landscape Plants shall provide proof of completion of the Program to the City of Delray Beach business tax office. It is the responsibility of the business owner to maintain the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" certificate to receive their business tax receipt annually. (Ord. No. 28-24, § 3, 11-4-24)
- (b) After December 31, 2024, all Commercial Applicators of Fertilizer within the City shall have and carry in their possession at all times when Applying Fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(11), Florida Administrative Code. (Ord. No. 28-24, § 3, 11-4-24)
- (c) All businesses Applying Fertilizer to Turf and/or Landscape Plants (including, but not limited to, residential Lawns, golf courses, commercial/industrial properties, and multi-family and condominium properties) must ensure that at least one employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a business tax receipt. (Ord. No. 28-24, § 3, 11-4-24)

- (13) **Enforcement.** The requirements of this section shall be enforced by the City of Delray Beach Code Enforcement Board or Special Magistrate pursuant to the authority granted by Section 162.01, Florida Statutes, as may be amended, and the City of Delray Beach Code of Ordinances. (Ord. No. 28-24, § 3, 11-4-24)

- (14) **Penalties.** Violations of any of the provisions of this Section shall be punishable as set forth in Section 10.99 of this Code. (Ord. No. 28-24, § 3, 11-4-24)

Sec. 4.6.17. Erosion, soil, dust, and sediment control pollution prevention plan.

[Amd. Ord. 2-01 1/16/01]

(A) **Purpose.** The purpose of this Section is to provide standards and procedures, and to prescribe techniques and methods for the control of site erosion resulting from land-disturbing activities. [Amd. Ord. 2-01 1/16/01]

(B) **Applicability.** These regulations apply to any project which involves the disturbance of land in connection with land development, such land-disturbing activities shall include, but not be limited to land clearing, grading, filling, and excavation, construction of buildings, utilities, paving and drainage facilities, demolition, and any other land-disturbing process other than for agricultural purposes. [Amd. Ord. 2-01 1/16/01]

(C) **Erosion control standards.** The following site erosion control standards and procedures shall apply to all land-disturbing activities: [Amd. Ord. 2-01 1/16/01]

- (1) All site erosion and sediment control methods to be employed during construction shall be noted on the plans and included in a Pollution Prevention Plan submitted to the City for a building permit, right-of-way work permit, subdivision improvement, project involving clearing of property of shrub vegetation, and any other land-disturbing activity which requires a permit or approval by the city. A separate permit shall not be required for site erosion and sediment control, but it shall be a condition of approval of any permit received for building and construction. [Amd. Ord. 2-01 1/16/01]
- (a) Activities approved by the building permit shall be conducted in a manner which does not cause violations of state and federal water quality standards. The permittee shall implement Best Management Practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Silt screens, hay bales, or other such sediment control measures shall be utilized during

construction. The selected sediment control measures shall be installed landward of the upland buffer zones around all protected wetlands. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into the wetlands and upper buffer zones. All practices shall be in accordance with the guidelines and specifications in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, or latest edition, on file with the City of Delray Beach's Chief Building Official. [Amd. Ord. 2-01 1/16/01]

- (2) The developer/owner shall be required to comply with the State Ambient Air Quality Standards, in accordance with Florida Administrative Code Chapter 17-2, Unconfined Emissions, which specifies standards for air quality.

(D) ***Erosion and sediment control methods.*** [Amd. Ord. 2-01 1/16/01]

- (1) In connection with any land-disturbing activity, provision shall be made to control site erosion. Site erosion is considered to occur when material is carried beyond the site on which such land-disturbing activity is taking place, and is thus deemed to be a public nuisance with respect to the surrounding private properties and public areas. [Amd. Ord. 2-01 1/16/01]
- (2) During such land-disturbing activity, the developer/owner shall be required to control the site erosion by any means necessary to contain the soil, dust, and sediments within the project site. These methods may include, but are not limited to, the following: leaving a buffer strip of land around the perimeter of the site if the existing vegetation is sufficient to stop the site erosion, the construction of a silt fence around the entire site, covering loose fill material with fabric or other covering, and wetting down the loose material with moisture emulsions specific for that purpose. [Amd. Ord. 2-01 1/16/01]
- (3) Prior to and during construction of all sites, the permittee and/or responsible party shall implement and maintain all erosion and sediment control measures (Best Management Practices) included in the Pollution Prevention Plan, required to retain sediment on-site and to prevent violations of state and federal water quality standards. All practices shall be in accordance with the guidelines and specifications in the Florida Stormwater, Erosion and Sedimentation Control Inspectors manual, or latest edition, on file with the City of Delray Beach's Chief Building Official. [Amd. Ord. 2-01 1/16/01]
- (4) After the conclusion of the land-disturbing activity, no disturbed area may be left denuded, and every disturbed area must be covered by mulches such as straw, hay, filter fabric, seed and mulch, sod, or other approved material to the extent necessary to cover otherwise denuded areas, unless the City Engineer determines that the circumstances do not require such covering. Within 60 days after final grade is established on any portion of a project site, that portion of the site shall be provided with established permanent soil stabilization measures according to the original construction plan, whether by impervious surface or landscaping. [Amd. Ord. 2-01 1/16/01]
- (5) The permittee and/or responsible party shall correct any erosion that causes adverse impacts to water resources. Sediment accumulation in the stormwater system from construction activities must be removed at the cost of the permittee to prevent a loss of storage volume. [Amd. Ord. 2-01 1/16/01]

- (6) Construction sites that discharge directly or indirectly to a Municipal Separate Storm Sewer System (MS4) must have a Pollution Prevention Plan on-site at all times. [Amd. Ord. 2-01 1/16/01]

Sec. 4.6.18. Architectural elevations and aesthetics.

(A) *Minimum requirements.*

- (1) The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development.
- (2) It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings.

(B) *Building and structure requirements.*

- (1) Buildings or structures which are a part of a present or future group or complex shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the City, the design, scale and location on the site shall enhance rather than detract from the character, value, and attractiveness of the surroundings.
- (2) Buildings or structures located along strips of land or on single sites, and not a part of a unified multi-building complex, shall strive to achieve visual harmony with the surroundings. If they are built in undeveloped areas, the three primary requirements shall be met: express honest design construction, show proper design concepts, and be appropriate to the City.
- (3) All facades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear as a material foreign to the rest of the building.
- (4) To be harmonious, it is not to be inferred that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, proportion, site planning, landscaping, materials, and color.
- (5) Look-alike buildings are not allowed unless, in the opinion of the Site Plan Review and Appearance Board or the Historic Preservation Board, there is sufficient separation to preserve the aesthetic character of the present of

evolving neighborhood. This is not to be construed to prohibit duplication of floor plans and exterior treatment in a planned development where, in the opinion of the Board, the aesthetics of the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other. [Amd. Ord. 21-04 5/4/04]

- (6) Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by this Board. Symbols attached to buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building project and neighborhood.
- (7) Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the Board, the overall effect will be garish or detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional aesthetic value.
- (8) Building surfaces, walls, and roofs that are considered garish by the Board will be denied approval.
- (9) "Take-out" or "pick-up" windows or doors shall not be located on a building facade that faces a public right-of-way, unless they are designed in a manner as to be an aesthetic asset to the building and neighborhood. [Amd. Ord. 21-04 5/4/04]
- (10) All exterior forms, attached or not to buildings, shall be in conformity to, and secondary to, the building. They shall be an asset to the aesthetics of the site and to the neighborhood.
- (11) All telephones, vending machines, or any facilities dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building.
- (12) Gasoline stations.
 - (a) Symbolic color of the exterior facades or roofs may not be used unless they are harmonious with the atmosphere of the neighborhood and the city.

- (b) Exterior display of goods for sale or displays designating a service will not be allowed, except that a display of goods and tools of a service may be displayed on the pump island, provided the island is not considered by the Site Plan Review and Appearance Board or Historic Preservation Board to be enlarged to take advantage of this provision, and provided the goods and tools be such that they can be used or installed at the island. For example: An oil rack is acceptable, but a tire display is not. [Amd. Ord. 21-04 5/4/04]

(13) Outbuildings and shopping centers.

- (a) **Rule.** Outbuildings within a shopping center shall be compatible in terms of color, materials, and architectural style.
- (b) **Procedure.** The Site Plan Review and Appearance Board shall make a finding of such compatibility prior to approval of outbuilding elevations. If the Board determines that there is not compatibility with respect to any of the items, then it shall deny the elevations. However, if the Board feels, despite the incompatibility, the elevations should be approved they shall forward the elevations to the City Commission with a recommendation of approval and the City Commission shall take final action.

(14) Architectural features and building structures constructed or placed above the roof, such as stair towers, restroom facilities, and elevator overruns, shall be incorporated into the overall building design and shall be consistent with the architectural style. (Ord. No. 02-21, § 4, 3-2-21)

(15) Flat roofs shall be screened from the lateral view of adjacent properties by a parapet. New or replacement rooftop appurtenances, including mechanical equipment, shall be screened by a parapet, enclosure, or other method equal in height to the appurtenance. The screening must be integrated and compatible with the building architecture. (Ord. No. 02-21, § 4, 3-2-21)

(C) **Exterior space.** The scale of exterior space is to be relative to its neighborhood, adjacent properties, buildings, access (roads and pedestrian routes), and its activity. Building facades enclosing a space must be harmonious. Where, because of their use or age, like facades are not possible, consideration should be given to unifying the walls of the space by the application of landscaping, or man-made objects of like design, at modular spacing. The floor of a space is of primary importance. Its materials, texture, and color, contour, and shadow on it are to be considered, not only in relation to the space, but to its setting. Careful consideration shall be given to the preservation of natural vistas and to the future development of vistas which open into undeveloped areas.

(D) ***Parking lots and vehicular use areas.***

- (1) Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside, transitional space which is located between the access (such as roads) and the building, group of buildings, or other outside spaces, which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.

- (2) Parking lots, vehicular use areas, and their parked vehicles are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood, and facilities served.
- (3) The atmosphere within the parking lot and vehicular use area is to be park-like, rather than the harsh hardstand of paving. Trees are of primary importance in the landscape. They are not to be minimized in either height or quantity. The tree imparts, especially in a relatively flat area, a sense of three-dimensional space. It casts shadows that reduce the monotony of the expanse of paving and creates a refuge from the tropical sun. Signs designating entrances, exits, and regulations are to be of a tasteful design and subject to review by the Site Plan Review and Appearance Board or the Historic Preservation Board. The pavement is to be more than wall-to-wall asphalt. [Amd. Ord. 21-04 5/4/04]
- (4) It is recommended that pavement be varied in texture or color designating lanes for automobile traffic, pedestrian walks, and parking spaces. Bright-colored pavement is to be used only with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools, and benches. Design emphasis is to be given to the entrances and exits to the lot. Trash, refuse, and unaesthetic storage and mechanical equipment should be screened from the parking lot.
- (5) Lighting is to be designed not only from the standpoint of safety and resistance to vandalism, but for visual effect. It should avoid any annoyance to the neighbors from brightness or glare. It should not impart a prison-like atmosphere. Low lights of a modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances, and exits. The fixtures are to be selected not only for their functional value, but for their aesthetic qualities. They are to be considered furniture of the parking lot visible both day and night.

(E) **Criteria for board action.** The following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation Board, in the review of plans for building permits. [Amd. Ord. 21-04 5/4/04]

If the following criteria are not met, the application shall be disapproved.

- (1) The plan or the proposed structure is in conformity with good taste, good design, and in general, contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.

- (2) The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
- (3) The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

Sec. 4.6.19. Tree preservation, protection, enforcement, and maintenance.

(A) **Purpose.** The purpose of this section is to promote the public health, safety and general welfare and to encourage the preservation, protection, enforcement, and maintenance of trees. Through maintaining and enhancing their canopy, trees contribute to making cities sustainable by: providing food and securing nutrition, increasing natural biodiversity, housing wildlife, mitigating climate change, cooling the air, filtering pollutants, improving physical and mental health, reducing storm water runoff, reducing carbon emissions and increasing property values. (Ord. No. 19-17, § 1, 8-2-17)

(B) **Applicability.** This section shall apply to all improved and unimproved properties within the City, including single family homes and duplexes. (Ord. No. 19-17, § 1, 8-2-17)

(C) **Compliance, enforcement and relief.** (Ord. No. 19-17, § 1, 8-2-17)

(1) **Compliance.** (Ord. No. 19-17, § 1, 8-2-17)

(a) Prior to the issuance of a landscape permit or a building permit for a structure, a paving permit, or site permit for infrastructure installation, compliance with the requirements of this section shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3(C) and 4.6.16. (Ord. No. 19-17, § 1, 8-2-17)

(b) Prior to any tree removal or land clearing operation, a Vegetation Removal Permit per Sec. 4.6.19(E), must be submitted and approved. (Ord. No. 19-17, § 1, 8-2-17)

(2) **Enforcement.** Violations of this section that are deemed to be public nuisances under Chapter 100 of the Code of Ordinances may be enforced in accordance with all remedies and alternative remedies provided under Chapter 100. Violations may also be enforced by the Code Enforcement Board, County Court Citation, a Notice to Appear, and/or any other means available under state or federal law, inclusive. (Ord. No. 19-17, § 1, 8-2-17)

(D) **Preservation and promotion of existing trees and palms.** To the fullest extent practicable, all development proposals (land development application or building permits) must provide for the protection of existing trees having a trunk four inch or greater diameter measured at four and one-half feet above grade (Diameter at Breast Height "DBH") and palms having a Clear Trunk (CT) of eight feet or more. (See Appendix "A" Definitions) Concurrent with a land development application, a Tree Disposition Plan shall be required, displaying the location, diameter, species, condition, and disposition of all trees greater than four inches DBH and palms greater than eight feet CT and shall illustrate all new development in relation to the existing condition of the site. The Tree Disposition Plan shall identify trees and palms to be preserved, relocated, and removed. Tree and palm protection and relocation measures shall be specified on the plan, as well as mitigation calculations (i.e. In Lieu Fees). The Tree Disposition Plan, including the relocation measures and mitigation (including transport methods, watering details, etc.), shall be subject to review by the approving body, as a part of the development proposal's landscape plan, and may be approved, denied, or approved with conditions. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (1) **Preservation of native plant communities.** All existing native plant communities on sites proposed for development shall be preserved where possible through incorporation into the site design. Existing plant communities that are specified to remain shall be preserved to the greatest extent possible with trees, understory, and ground covers left intact and undisturbed, except for the eradication of prohibited and/or invasive plant species. In addition, stands of trees with or without understory plantings shall also be preserved. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (2) **Preservation of trees.** To the fullest extent possible, trees are to be preserved on site and protected from damage during the construction process. The Development Services Director, or designee, shall have the authority to require the preservation of trees on site and condition the approval of the development to incorporate existing trees into the site design. To accommodate the site development scenarios conducive to preserving trees, the City will consider flexible site design options. Proposed flexible site design options will be considered on a case-by-case basis and are subject to review and approval by the Historic Preservation Board (HPB) or Site Plan Review and Appearance Board (SPRAB), as appropriate. Trees designated for preservation that do not survive shall be replaced by a tree of equal DBH size or an equivalent number of trees with the total trunk DBH equal to the DBH size of the perished tree(s). Palms designated for preservation that do not survive shall be replaced by one palm of equal overall height for each

perished palm. Replacements shall be the same species or an alternate species approved by the City. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (3) **Relocation of trees and palms.** If tree preservation is not feasible, trees and palms must be relocated on site. If tree relocations severely restrict the use of the property, then trees and palms may be relocated off-site to a location approved by the City. To determine feasibility of relocation, a written report from a certified arborist, per Section 4.6.19(E)(2)(C), must be submitted with the land development application, as well as the arborist's assessment of relocation. (Ord. No. 19-17, § 1, 8-2-17)

Trees designated for relocation that do not survive shall be replaced by a tree of equal DBH size or an equivalent number of replacement trees with the total trunk caliper size equal to the total DBH size of the perished tree(s) as required by Section 4.6.16. Palms designated for relocation that do not survive shall be replaced by one palm of equal overall height for each perished palm. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (4) **Tree and palm removal.** A tree may be removed only when an applicant has demonstrated that the proposed development will preclude preservation of trees in place and that relocation of trees is not feasible either on or off-site. Tree removal requires the issuance of a Vegetation Removal Permit. All trees removed must be mitigated per Section 4.6.19(E)(5). (Ord. No. 19-17, § 1, 8-2-17)

- (E) **Vegetation removal.** (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (1) **Permit required.** It shall be unlawful for any person, without first obtaining a permit, to remove, cause to be removed, or effectively remove through damaging any tree, having a DBH of four inches. (Ord. No. 19-17, § 1, 8-2-17)
- (a) No Vegetation Removal Permit shall be issued for a property until the proposed development plan has received site plan approval, if required. Application for a Vegetation Removal Permit may commence only after the site plan and corresponding landscape plan has been approved and the building permit and mitigation fees have been paid. (Ord. No. 19-17, § 1, 8-2-17)
- (b) Single family homes and duplexes located within a historic overlay district or individually designated as historic properties shall follow the planning and zoning process as provided in the Land Development

Regulations. The Vegetation Removal Permit will be reviewed with the entire permit package, per Sections 4.6.16 and 4.6.19(E)(2)(a) through (e). (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (c) For all single family homes and duplexes not located in a historic overlay district or individually designated as historic, the Vegetation Removal Permit will be administratively reviewed by City Staff along with the proposed building and landscape plans, per Sections 4.6.16 and 4.6.19(E)(2)(f). (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (2) **Permit application information required.** The following information and documentation must be provided with the Vegetation Removal Permit application: (Ord. No. 19-17, § 1, 8-2-17)
 - (a) A copy of the approved site/landscape plan showing the location of proposed or existing driveways, parking and structures on the site. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) A tree survey for all projects, including single family homes and duplexes within the historic or beach overlay districts. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - (c) For development applications, a condition assessment for all trees performed by a certified arborist that describes the condition percentage rating of the tree, makes note of hazardous trees and identifies trees that are a threat to endanger structures, pavement, and/or utilities. Trees identified for relocation will require a written assessment of transplant feasibility. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - (d) Designation of the disposition of all trees proposed for preservation, relocation, or removal, presented on a Tree Disposition Plan. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - (e) Any proposed grade changes which might adversely affect or endanger any trees on the site with specifications as to how to maintain such endangered trees. (Ord. No. 19-17, § 1, 8-2-17)
 - (f) For single family homes and duplexes outside of the historic or beach overlay districts, a sketch plan, indicating the approximate location of all trees four-inch DBH and larger with identification of species, trunk DBH, approximate overall tree height, and the designation of the dispositions of the trees per Section 4.6.19(E)(2)(d) may be substituted

for a professional tree survey. An arborist report may be required per Section 4.6.19(E)(5)(e). (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (3) **Procedure.** Upon acceptance of an application, the Development Services Director, or designee, shall inspect the site, verify the information provided in the application, identify additional information required to complete the application, and approve or deny the application. Trees may be removed if either of the following conditions exist: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (a) The tree is located in the buildable area or yard area where a structure or improvements are to be placed and it unreasonably restricts the permitted use of the property; and, the tree cannot be relocated on the site or to an off-site location because of its condition, size, type, or age; or (Ord. No. 19-17, § 1, 8-2-17)
 - (b) The tree is diseased, injured, in danger of falling, interferes with utility services, creates unsafe vision clearance, or deemed to be hazardous by the Development Services Director or designee. Observable physical damage to building foundations, driveways, and water and sewer lines shall also constitute a reasonable request for the removal of a tree only if root protection devices (such as root barriers) are not a viable option. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (4) **Issuance of permit.** (Ord. No. 19-17, § 1, 8-2-17)
- (a) **Normal issuance.** Upon approval of the application and payment of the application fee, a permit shall be issued, and shall be valid for a period of 180 days. The permit shall require compliance with the conditions of approval, a copy of which shall be provided with the permit. Permit applications that include tree removal must be submitted by a licensed tree trimmer or arborist. Contractors licensed simply as a landscape contractor shall not remove trees. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - (b) **Issuance for single family homes and duplexes.** On the property of single family homes and duplexes, the owner may submit a tree removal permit application to do the work themselves, providing the dwelling is owner occupied and providing that the extent of the work, in the determination of the Development Services Director, or designee, can be done safely by the property owner. However, street trees that are depicted on the landscape plan of record for a subdivision may not be

removed unless conditions as described within LDR Section 4.6.9(E)(3) exist. Mitigation requirements shall apply per Section 4.6.19 E(5)(e). (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (c) **Emergency issuance.** In the event that any tree shall be determined to be hazardous or in a condition so as to endanger the public health or safety, and requires removal without delay, verbal authorization may be given by the Development Services Director, or designee, and the tree may be removed prior to the issuance of a permit as herein required. A permit shall be applied for retroactively within seven days of the verbal authorization and removal. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (d) **Hurricanes.** During emergencies caused by hurricanes or other disaster, the City may suspend all or part of the land clearing and tree removal permit requirements for an indefinite period of time. Trees which have been uprooted, blown over and cannot be righted, or whose major branches are split or broken may be removed after a hurricane, for a period of 60 days after the storm event without obtaining a permit from the City. Trees identified on a 'Landscape Plan of Record' will ultimately have to be replaced. Residential uses shall have one year after the storm event for replacements and non-residential uses shall have six months to replace required trees and palms. (Ord. No. 19-17, § 1, 8-2-17)
- (5) **Imposition of conditions.** The removal permit may require mitigation of adverse impacts as provided in the following: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - (a) **Relocation.** The tree or palm may be required to be relocated to a suitable location on the site or off site. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - (b) **Mitigation.** Mitigation is required as follows: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - i. Tree and palm removal shall be mitigated pursuant to Table 4.6.19(E)(5)(b)(i). Removed trees shall not be mitigated with palms; however, removed palms may be mitigated with trees. (Ord. No. 10-23, § 3, 9-5-23)

Table 4.6.19(E)(5)(b)(i)			
	Condition Rating	Measurement	Replacement
Tree	50% or greater	Total diameter at breast height (DBH) inches of trees	Equivalent caliper inches of tree
	Less than 50%	Number of trees	Tree-for-tree basis

Table 4.6.196(E)(5)(b)(i)			
	Condition Rating	Measurement	Replacement
Palm	50% of greater	Number of palms	Comparable size and species on palm-for-palm basis
	Less than 50%	Number of palms	Palm-for palm basis

(Ord. No. 10-23, § 3, 9-5-23)

- ii. Trees or palms designated for preservation or relocation that do not survive shall be replaced in accordance with Table 4.6.19(E)(5)(b)(i). Replacements shall be the same species, or an alternate species approved by the Development Services Director, or designee. (Ord. No. 10-23, § 3, 9-5-23)
 - iii. If trees or palms with a condition rating of less than 50 percent cannot be replaced on-site on a tree-for-tree or palm-for-palm basis, removed trees and palms shall be mitigated via an in-lieu fee as required by Section 4.6.19(E)(5)(d). (Ord. No. 10-23, § 3, 9-5-23)
 - iv. Trees or palms provided in excess of the required replacement are not subject to the minimum specifications. (Ord. No. 10-23, § 3, 9-5-23)
- (c) **Replacement.** All replacement trees must be planted within 90 days of the issuance of the permit, or prior to issuance of conditional certificate of occupancy or first certificate of occupancy, except for tree replacements in connection with major storm events as described in Section 4.6.196(E)(4)(d). (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (d) **In lieu fee.** Where the property cannot accommodate tree or palm replacement through mitigation, an in-lieu fee shall be deposited into the Tree Trust Fund prior to permit approval. The in-lieu fee shall be approved as part of the landscape plan. The in-lieu fee shall be calculated as established by Resolution of the City Commission: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (e) **Exemption.** Existing single family homes and duplexes outside of historic or beach overlay districts, are generally exempt from mitigation requirements provided the tree proposed for removal has a DBH of less than four inches, and the property contains the minimum number of code required trees per Section 4.6.16. Exemptions and exceptions are described as follows: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- i. Mitigation is required for the removal of code-required trees with a DBH of four inches or greater, unless the location interferes with a proposed addition to an existing structure or new accessory structure. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- ii. Code-required trees with a DBH four inches or greater can be removed for life safety issues, property destruction, irreversible structural deficiencies within the tree, or in an incurable disease can be documented by a certified arborist's report and no other tree saving options are available as determined by the Development Services Director or designee. Mitigation is not required for trees that present an unacceptable risk. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- iii. If applicable, mitigation of removed trees shall be the smaller of either the quantity of trees to reach the minimum code requirement for the size of the lot or a quantity of trees that equal the caliper measurement of the tree that is proposed for removal. Notwithstanding Sections 4.6.19(E)(6), 4.6.19(E)(4)(c), 4.6.19(E)(4)(d) of the Land Development Regulations, tree removal permits are required prior to removal and penalties may be assessed pursuant to Section 4.6.19(E)(8) where a permit was not obtained prior to removal. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(6) **Exceptions to permit requirements.** (Ord. No. 19-17, § 1, 8-2-17)

- (a) **Nuisance plant species exception.** Nuisance plant species are those plant species classified as Category I by Florida Invasive Species Council (FISC). Removal a nuisance plant species shall be authorized by the Development Service Director or designee and may be removed without a permit fee and without mitigation. When nuisance plant species are indicated on the landscape plan of record, approval shall be conditioned upon their removal. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (b) **Location exceptions.** Removal permits and mitigation shall not be required: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - i. On the property of licensed tree nurseries; or (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - ii. When work is done by the electric utility company within the city right-of-way or on city property; or (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- iii. Within the rights-of-way of the Lake Worth Drainage District, as governed by Interlocal Agreement; or (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- iv. On city lands, rights-of-way and easements, the City shall have the right to plant, prune, maintain and remove trees as may be necessary to ensure public safety or preserve and enhance the beauty of public grounds; or (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- v. On properties with a single-family detached building actively used for single-family residential purposes if the property owner possesses documentation from an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. (Ord. No. 10-23, § 3, 9-5-23)

(7) **Permit fees.** (Ord. No. 19-17, § 1, 8-2-17)

- (a) **Vegetation Removal Permit Fees:** Permit fee amounts are established by Resolution of the City Commission pursuant to Section 2.4.3(K) of the Land Development Regulations. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (b) **Permit Fees Waived:** Where a tree or palm has died due to natural causes, including disease, lethal yellowing, freezing, lightning or storms, or is a nuisance plant species, there shall be no permit fee, even though inspection and permitting and replacement requirements may be required. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(8) **Penalties.** The penalty for failing to obtain a vegetation removal permit shall result in a triple permit fee for each violation, including each tree or palm removed. Additionally, mitigation is required and must be provided using one of the following: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (a) **DBH Replacement:** Each tree removed shall be replaced with one or more trees with the equivalent DBH at the direction of the Development Services Director or designee. Where the property cannot accommodate tree replacement on a DBH basis, an in-lieu fee shall be deposited into the Tree Trust Fund, as set forth in Section 4.6.19(E)(5)(d). (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (b) **Palm Replacement:** Palms shall be replaced on a one-on-one basis with palms of the same clear trunk measurement, to be approved by the

Development Services Director or designee. Where the property cannot accommodate palm replacement on a one-on-one basis, an in-lieu fee shall be deposited into the Tree Trust Fund, as set forth in Section 4.6.19(E)(5)(d). (Ord. No. 10-23, § 3, 9-5-23)

- (c) **Canopy Replacement for most trees or palms:** If the DBH or clear trunk size of the removed trees(s) cannot be determined from any remnants, aerial photography will be used to calculate mitigation. The number of required replacement trees shall be based upon the size of canopy removed. The type of replacement trees selected by the applicant must be approved by the Development Services Director or designee. Replacement area credits shall equal the canopy removed, per Table 4.6.19(E)(8)(b). Where the property cannot accommodate tree replacement on a canopy replacement basis, an in-lieu fee shall be deposited into the Tree Trust Fund, as set forth in Section 4.6.19(E)(5)(d). (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

TABLE 4.6.19(E)(8)(b)
DETERMINING REQUIRED NUMBER OF REPLACEMENT TREES
(FOR TREES REMOVED BEFORE OBTAINING AUTHORIZATION BY PERMIT)

Replacement Tree Type	Replacement Canopy Area Credit (In Square Feet)
Type 1 Tree	300
Type 2 Tree	100
Type 3 Tree	50

Notes:

Type 1: Shade Tree;

Type 2: Understory Tree;

Type 3: Palm.

(Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (c) **Exceptional Specimen Trees:** If the removed tree qualifies as a Exceptional Specimen Tree, in addition to the triple permit fee penalty and mitigation requirements above, an additional penalty, as adopted by Resolution, shall apply. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(F) **Tree Pruning:** The purpose of tree pruning is to promote uniform and healthy growth. Pruning of tree limbs on a regularly scheduled basis will improve tree health, control growth, and enhance fruiting, flowering and appearance. Trees should be

pruned for the first time, two to three years after planting, and every five years thereafter, to remove diseased limbs, co-dominant leaders, sucker growth, or crossing branches, and to remove limbs or foliage that present a hazard to power lines or structures. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (1) Tree pruning does not require a permit, but if it is done in violation of these regulations, the property owner shall be cited, and the following remedial requirements shall be imposed: (Ord. No. 19-17, § 1, 8-2-17)
 - (a) The property owner will be required to replace the tree as per the landscape plan of record, or with a shade tree a minimum of 12 feet in height, with a six-foot spread of canopy. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) In lieu of replacement, the property owner may have the option of contracting with a certified arborist, to provide remedial pruning to the disfigured tree over a period of three years in an effort to repair the structural damage to the tree, if in the opinion of the arborist, this can be accomplished. A report from a certified arborist and a copy of the contract for remedial pruning must be submitted to the City for consideration of this option. (Ord. No. 19-17, § 1, 8-2-17)
- (2) Trees shall be allowed to attain their normal size, and at a minimum attain a 20-foot spread of canopy. Tree trimming practices in the City of Delray Beach must adhere to the following: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - (a) Lower branches and suckers must be selectively removed to provide a minimum of six feet of clear trunk, and as they mature, the clearance shall be increased to seven feet adjacent to sidewalks and in areas where trees may impact traffic and pedestrian visibility. (Ord. No. 19-17, § 1, 8-2-17)
 - (b) Severely cutting back branches and canopy, or "hatracking" is expressly forbidden. Topping a large tree causes excessive sprouting of weakly attached new branches, and increases wind resistance by creating denser branching patterns. All cuts must be made at the juncture of a lateral branch. (Ord. No. 19-17, § 1, 8-2-17)
 - (c) The practice of "Lion's Tailing" wherein all foliage is removed except at the end of the branch, is expressly forbidden. This excessive lifting creates a condition where trees become top-heavy and can increase the chances of wind damage. (Ord. No. 19-17, § 1, 8-2-17)

- (d) Trees shall be periodically thinned to reduce leaf mass in preparation of tropical storms. No more than 30 percent of a tree's interior canopy, however, shall be removed through thinning. Foliage within a tree's canopy can help protect structures from flying debris during high winds. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (e) All pruning shall be accomplished in accordance with the 'National Arborist's Association Standards' or 'The American National Standards Institute A 300 (ANSI A300)'. A tree's habit of growth must be considered before planting to prevent conflicts with view or signage, and such a conflict shall not, of itself, necessarily permit the removal of the tree. (Ord. No. 19-17, § 1, 8-2-17)

(G) **Palm tree pruning.** Many palms are self-pruning, however, for aesthetic reasons palm fronds are often removed. The practice of removing all but a few fronds significantly weakens the trunk of a palm and could result in it snapping in high winds, and, is therefore, prohibited. In particular, Sabal Palms are often 'carrot topped' or 'hurricane cut'. Unless palms are being prepared for relocation, no fronds shall be removed unless they hang below a horizontal position. Fronds that touch a structure should be removed. (Ord. No. 19-17, § 1, 8-2-17)

(H) **Tree pruning/removal/maintenance requirements in the public rights-of-way.** The adjacent property owner is responsible to maintain trees and vegetation between the property line/right-of-way line, and the edge of pavement of the adjacent improved right-of-way, or between the property line and the centerline of an unimproved alley. These trees may not be removed without obtaining a permit. Trees and vegetation must be maintained so as not to restrict use or visibility of public improvements, as follows: (Ord. No. 19-17, § 1, 8-2-17)

- (1) Trees and vegetation must not interfere with traffic flow or traffic safety. This includes maintaining visibility at intersections, not obstructing traffic lights, stop signs or other traffic signage. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (2) Trees and vegetation must not obstruct streetlights, street signs, sidewalks, roads, utilities and other public improvements. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(I) **Existing street trees.** New development and building expansion shall take into consideration the existing vegetation and provide designs which will not result in the removal of street trees, or diminish existing streetscapes. (Ord. No. 19-17, § 1, 8-2-17)

(J) **Hurricane preparedness and cleanup.** (Ord. No. 19-17, § 1, 8-2-17)

(1) **Shade tree and palm tree pruning.** (Ord. No. 19-17, § 1, 8-2-17)

- (a) Dead palm fronds should be removed. All coconut palms must have their coconuts removed prior to hurricane season. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
- (b) Shade trees can be pruned to enable trees to hold up better to high winds and storm damage. The following pruning practices can promote the growth of strong branches: (Ord. No. 19-17, § 1, 8-2-17)
 - i. Encourage a good branch angle. A narrow angle between branches signals a point of future weakness. To prevent this, remove one of the two branches when the tree is young. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - ii. Encourage strong branch/trunk size relationships. Lateral branches should be no more than $\frac{1}{2}$ to $\frac{3}{4}$ the diameter of the trunk. Branches heavier than that often cannot be supported by the trunk in high winds. Large lower lateral branches should be removed. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - iii. Maintain a stable center of gravity. If a tree has grown off center, due to loss of limbs or other problems. Selectively removing branches on the leaning side and encouraging branch growth on the opposite side can help re-balance the tree. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - iv. Remove rubbing branches, suckers and water sprouts. Branches rubbing against each other produce wounds and decay, and one of the branches should be removed. Water sprouts and sucker growth can occur at the base of the tree and inside the crown. These branches are weakly attached and should be removed before they increase in size and add stress to the tree's limbs. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)
 - v. Do not cut branches back to stubs or 'hatrack' the tree. When a branch is cut to a stub, new branches will grow from the edges which are weakly attached and will be a weak point in high winds. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(2) **Hazardous tree removal.** (Ord. No. 19-17, § 1, 8-2-17)

- (a) All dead trees and palms must be removed prior to hurricane season. Tree removal permits are required. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

- (b) Trees or palms that increase the probability of damage to life, property, or utilities during hurricane force winds, due to height, proximity to adjacent structures, physical condition or other peculiar characteristic are declared to be a hazard and a public nuisance. The City shall retain the right to require corrective measures that may include the removal of the tree(s), or pruning to reduce the tree's height or canopy. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(3) **Cleanup.** (Ord. No. 19-17, § 1, 8-2-17)

- (a) After a storm, all property owners are required to have trees trimmed to reduce hazards from hanging limbs and branches and to provide reconstructive pruning to restore the tree's canopy, to the extent possible. (Ord. No. 19-17, § 1, 8-2-17)
- (b) Tree stumps and remains of trees that constitute a hazard shall be removed within six months after the storm event. (Ord. No. 19-17, § 1, 8-2-17)
- (c) All properties with a landscape plan of record are required to replace trees and landscaping per the approved plan. Trees shall be replaced per the approved plan on a tree per tree basis and not on a caliper inch basis, thereby not requiring a deposit into the tree trust fund. Residential properties have one year from the storm event, and non-residential properties have six months after the storm event. The Development Services Director or designee may approve additional time for replacement in instances where damage has been severe or tree replacements are unavailable. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(K) **Nuisance species prohibited.** Nuisance plant species are those classified as Category I by Florida Invasive Species County (FISC). (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(L) **Prohibited species removed.** All Prohibited Species shall be removed from all properties and tree replacements may be required if trees were used to satisfy landscape code requirements at the direction of the Development Services Director or designee. Trees shall be replaced per an approved plan on a tree-per-tree basis and not on a caliper inch basis, thereby not requiring a deposit into the tree trust fund. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(M) **Lethal yellowing.** (Ord. No. 19-17, § 1, 8-2-17)

(1) Lethal yellowing is a systemic disease of palms caused by bacterium transmitted by tropical insects. Palms that are highly susceptible to lethal yellowing should be limited in use. The following palms are susceptible to lethal yellowing disease: (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(a) Christmas Palm — ***Adonidia merrillii***

(b) Coconut Palm — ***Cocos nucifera***

(c) Hurricane Palm — ***Dictyosperma album***

(f) Chinese Fan Palm — ***Livistonia Chinensis***

(g) Canary Island Date Palm — ***Phoenix canariensis***

(h) Edibe Date Palm — ***Phoenix dactylifera***

(d) Senegal Date Palm — ***Phoenix reclinata***

(e) Wild Date Palm — ***Phoenix sylvestris***

(f) Arikury Palm — ***Syagrus schizophylla***

(2) Palm varieties resistant to lethal yellowing shall be planted in favor of those susceptible to lethal yellowing. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

(3) Proposed coconut palms must be resistant to lethal yellowing. Proof of the variety must be provided at the time of permit inspection. (Ord. No. 19-17, § 1, 8-2-17; Ord. No. 10-23, § 3, 9-5-23)

Editor's note—Ord. No. 19-17, § 1, adopted Aug. 2, 2017, amended § 4.6.19 in its entirety to read as herein set out. Former § 4.6.19 pertained to similar subject matter and derived from Amd. 37-06, adopted Sep. 19, 2006; Amd. Ord. 35-08, adopted Sep. 16, 2008; Amd. Ord. 38-09, adopted Aug. 18, 2009; and Amd. Ord. 22-15, adopted Dec. 8, 2015.

Sec. 4.6.20. Transfer of development rights.

(A) **Concept and purpose.** Through a Transfer of Development Rights (TDR), the governing body severs the development rights from the underlying fee interest in the regulated property. Permission is given to the owner of the regulated property to either transfer the development rights in that property to another parcel owned by the regulated party or to sell the development rights to owners of land in other

designated areas. The TDR approach restricts development in the owner's parcel, but mitigates the overall harm of the land use control by permitting development elsewhere.

(B) **Procedure.**

- (1) **Creation.** To obtain or create a transferable development right (TDR), the City or the owner of property to be regulated shall proceed through the rezoning process for the purpose of rezoning to either the Community Facilities (CF), Open Space (OS), or Conservation (CD) Zone District, as appropriate depending upon the intended use of the regulated property.

- (2) **Concurrent rezoning.** When it is intended/desired to specifically determine the receiver property and its proposed development intensity at the same time as a Certificate is issued for the regulated property, a concurrent rezoning of both parcels shall be undertaken. However, such rezoning is not necessary if the receiver parcel is properly zoned and the proposed development will be consistent with the Comprehensive Plan and will meet provisions of the Land Development Regulations.

(C) **Determination of value of severed development rights.**

- (1) **Value base.** The value of the severed development rights shall be equal to current development potential of the regulated property in terms of residential dwelling units or floor area of office space less any compensation, including current and ongoing value of the current use, which is provided by the City at the time of rezoning and/or issuance of a Certificate of Development Rights.
- (2) **Value determination.** To determine the value of severed rights, the petitioner shall provide a site development plan which will comply with the City's development regulations. The intensity of the use accommodated by that site plan shall establish the base value of the property. From this base value, the ongoing value shall be subtracted. The Local Planning Agency shall determine the appropriateness of the intensity and shall certify it to the City Commission. This information shall be a part of the rezoning review and hearing record.
- (3) **Equivalency.** Office floor area and residential units can be interchanged at the rate of 2,000 square feet of office floor area being equal to one residential dwelling unit. A conversion from office to residential, or from residential to office, may occur at any time up to the application of the Certificate to a receiver property.
- (4) **Certificate.** Within the rezoning ordinance, the value of the severed development rights shall be stated. In addition to the rezoning ordinance, the owner of the regulated land shall be issued a Certificate of Development Rights. The Certificate shall be a separate document prepared in a form as approved by the City Attorney. It shall not be issued until the regulated property is rezoned and a determination of value is made. The Certificate is transferable (it may be sold). The Certificate shall provide its owner with a development credit to be used pursuant to Subsection (D). Ownership of a Certificate is not equivalent to a demand of project approval; rather, it allows its owner to seek an increase in otherwise allowed intensity of use

(D) **Limitations.**

- (1) **Limitations on regulated properties.** To be eligible for transference of development rights, the resulting use of the "to be regulated" property must be in a manner to advance goals, objectives, and policies of the adopted Comprehensive Plan through: (Ord. No. 23-20, § 36, 9-10-20)
- (a) Preservation of historic structures and sites;
 - (b) Obtaining land for public facilities (e.g. fire stations, tennis courts, water storage tanks, etc.);
 - (c) Preservation of designated conservation areas;
 - (d) Any time when a voluntary action would aide in fulfilling a policy or objective of the adopted Comprehensive Plan. (Ord. No. 23-20, § 36, 9-10-20)
- (2) **Limitations on receiver properties.** To apply a TDR to a receiver property, it must be able to be developed in accordance with the goals, objectives, and policies of the adopted Comprehensive Plan. (Ord. No. 23-20, § 36, 9-10-20)*

ARTICLE 4.7. FAMILY/WORKFORCE HOUSING†**Sec. 4.7.1. Purpose and intent.**

(A) The City has determined that there is a severe shortage of housing in the City of Delray Beach that is affordable to asset-limited, income-constrained, individuals and families of the City; and

***Editor's note**—Ord. No. 23-20, § 36, adopted September 10, 2020, repealed subsections (2)(a) and (b) which pertained to which areas receiver properties must be located.

†Editor's note—Ord. No. 32-23, § 34, adopted October 17, 2023, repealed art. 4.7, §§ 4.7—4.7.11, and enacted a new art. 4.7 as set out herein and later amended. Former art. 4.7 pertained to similar subject matter and derived from Ord. 66-04, adopted December 6, 2004; Ord. 18-06, adopted April 4, 2006; Ord. 39-06, adopted July 25, 2006; Ord. 2-07, adopted February 20, 2007; Ord. 10-07, adopted March 20, 2007; Ord. 11-07, adopted March 20, 2007; Ord. 03-08, adopted January 15, 2008; Ord. 25-08, adopted June 17, 2008; Ord. 33-08, adopted August 19, 2008; Ord. 52-08, adopted November 18, 2008; Ord. 02-09, adopted February 3, 2009; Ord. 38-09, adopted August 18, 2009; Ord. 06-14, adopted April 1, 2014; Ord. 15-15, adopted July 7, 2015; Ord. No. 23-17, adopted July 6, 2017; Ord. No. 31-20, adopted September 10, 2020; Ord. No. 01-21, adopted January 19, 2021; and Ord. No. 10-22, adopted May 17, 2022.

(B) Florida Statutes § 166.04151 provides that a municipality may adopt and maintain any ordinance that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances not withstanding any other provision of law; and

(C) The City recognizes that there is a growing gap between housing costs and wages in the City; and

(D) The City of Delray Beach has a legitimate public interest in assuring the availability of workforce housing for very low, low, and moderate income households in the City; and

(E) The City recognizes that affordable housing that allows people to live and work in the same area is critical to maintaining a diversified and sustainable City with a sense of a community; and

(F) Revitalization incentives in the form of density or height incentives encourage private affordable housing development in the context of high land costs and rapidly diminishing vacant land.

Sec. 4.7.2. Applicability.

(A) **Definitions.** The following words, terms and phrases apply to this Article.

- (1) **Adjusted median income (A.M.I.).** The Palm Beach County median income, based on a family of four, as published by Florida Housing Finance Corporation.
- (2) **Affordability controls.** Restrictions placed on dwelling units by which the price of such units and/or the income of the purchaser or lessee will be restricted in order to ensure that the units remain affordable to very low, low, or moderate income households.
- (3) **Community Land Trust.** A nonprofit, community-based organization whose mission is to provide affordable housing in perpetuity by owning land and leasing it to those who live in houses built on that land.
- (4) **CRA.** The Delray Beach Community Redevelopment Agency.
- (5) **Density bonus.** A density bonus, or revitalization incentive, is an incentive to encourage developers to build affordable owner-occupied and rental housing within the City. For every workforce housing unit that a developer builds, a calculated number of market rate units at a density greater than would be allowed otherwise may be built.

- (6) **Density bonus unit.** An additional dwelling unit added above the base number of units authorized once performance standards have been applied and the density has been computed under existing codes.
- (7) **Eligible occupant.** A person who income-qualifies for participation in the program. Priority will be given to persons who have lived or worked within the City limits of Delray Beach continually for one year immediately prior to the date of application for a workforce housing unit and who otherwise qualify for participation.
- (8) **First time home buyer.** A person who has not held ownership of a residence within the past three years.
- (9) **Household.** A single person living alone, or two or more persons sharing residency, with a combined income available to cover household expenses.
- (10) **Household income.** The cumulative income of all tenants or purchasers under one roof.
- (11) **Housing Trust Fund.** The Housing Trust Fund is comprised of the City's State Housing Initiatives Partnership (SHIP) allocation and is administered by the City of Delray Beach Neighborhood and Community Services Department. All monetary contributions in lieu of workforce housing units shall be deposited into the trust for the purpose of supplementing annual SHIP allocations. The interest received on any such investment shall be credited to the fund. The City shall administer the fund exclusively for the purpose of implementing programs described in the City's Local Housing Assistance Plan.
- (12) **Low income household.** A household with a gross, combined income between 61 percent and 80 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance Corporation).
- (13) **Moderate income household.** A household with a gross, combined income between 81 percent and 120 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance Corporation).
- (14) **Restrictive covenant.** A deed restriction on the property shall prohibit any subletting or assignment of the respective workforce housing unit to a tenant(s) or purchaser(s) whose income exceeds the percent of the AMI under which the unit is originally approved.
- (15) **Very low income household.** A household with a gross, combined income not exceeding 60 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance Corporation).

- (16) **Workforce housing unit.** A dwelling unit for which the rent or mortgage payment, (including principal, interest, taxes and Insurance (PITI), does not exceed 35 percent of the gross income of households that classify as very low, low, or moderate income households and meets the other requirements of the Family/Workforce Housing Program.

(B) **Workforce housing incentive areas.** This section identifies the areas that have revitalization incentives available in the form of density bonuses.

- (1) **Aura Delray Beach Overlay District.** The area located between Congress Avenue and the E-4 Canal, from West Atlantic Avenue to the Palm Beach County Palm Tran property, as fully described in Ordinance No. 32-20.



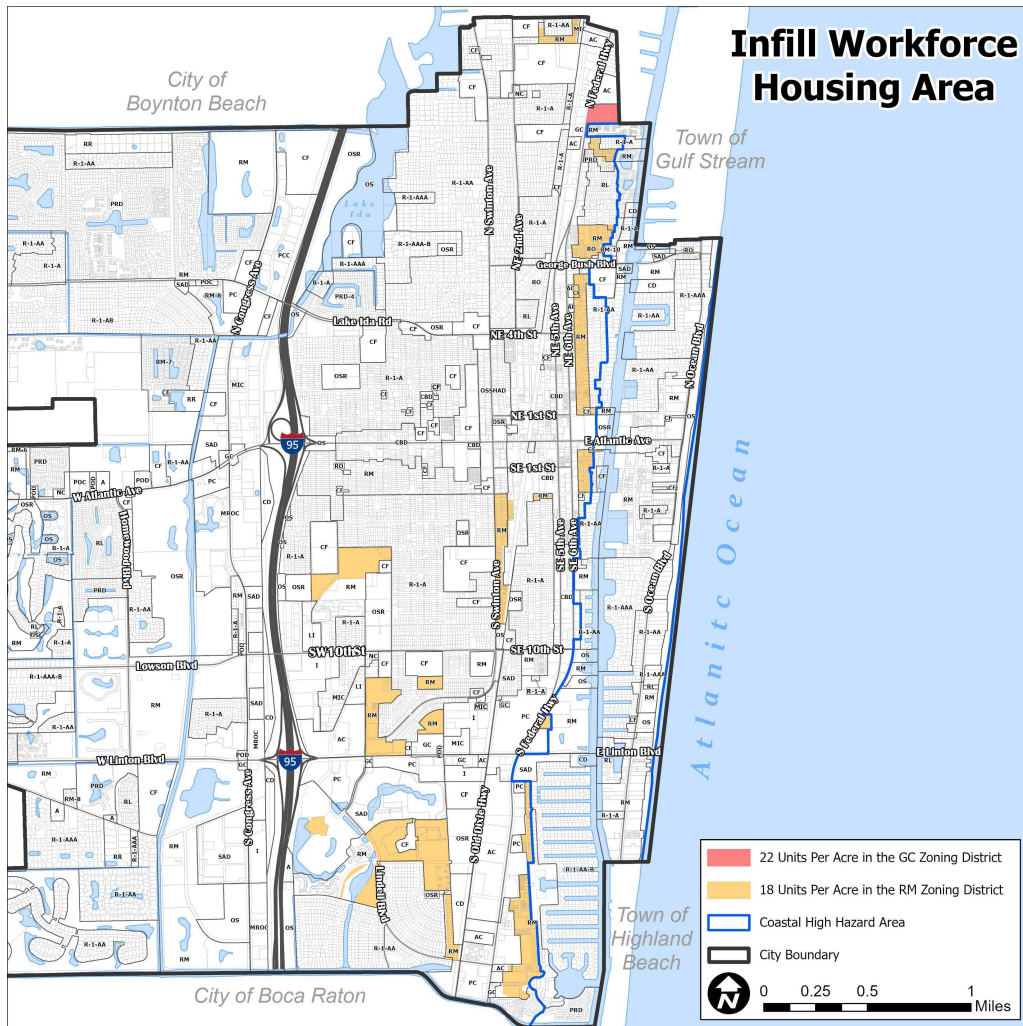
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- A map showing the subject property, which is a large, irregularly shaped lot shaded in light gray. The property is bounded by Old Germantown Rd to the north and S Congress Ave to the east. To the west of the property is SW 22nd Ave. A north arrow is located in the top right corner of the map.

- (4) **Four Corners Overlay District.** The area located at the four corners of the intersection of West Atlantic Avenue and Military Trail, as adopted by Ordinance No. 08-07 and more specifically defined in Section 4.5.14. The Overlay District includes both GC (General Commercial) and PC (Planned Commercial) zoned properties.
- (5) **I-95/CSX Railroad Corridor Overlay District.** The City Commission established an additional workforce housing overlay district known as the I-95/CSX Railroad Corridor Overlay District for certain properties located east of the CSX Railroad, west of I-95, south of the E-4 Canal, and north of the Historic Depot property, as depicted on the map below.



- (6) **Infill workforce housing area.** The City Commission established an additional workforce housing overlay district known as the Infill Workforce Housing Area for certain properties located west of the Intracoastal and east of I-95, outside of the coastal high hazard area.



(Ord. No. 27-24, § 3, 1-7-25)

- (7) **Linton Commons Overlay District.** The area located at the southwest corner of Linton Boulevard and SW 4th Avenue and made up of Parcel A, Parcel B and Parcel C of the New Century Commons Plat (Plat Book 65, Page 21).



- (8) **Silver Terrace Courtyards Overlay District.** The area located on the west side of South Federal Highway, approximately 320 feet south of SE 10th Street and north of the Plaza at Delray, as shown in the map below.



(9) Reserved.

(10) Reserved.

(11) Reserved.

- (12) **Southwest Neighborhood Overlay District.** The City Commission adopted the Southwest Area Neighborhood Redevelopment Plan and Comprehensive Plan changes recognizing the need to redevelop the Southwest Neighborhood in a manner that preserves the neighborhood and provides workforce housing. The area zoned RM between Interstate 95 and S.W. 1st Avenue, from Atlantic Avenue to S.W. 2nd Street, except along SW 12th Avenue, where it extends south to SW 3rd Street, as shown on the map below.



- (13) **Southwest 10th Street Overlay District.** The area at the Southwest corner of Swinton Avenue and 10th Street as shown on the map below.



- (14) **West Atlantic Avenue Overlay.** The area bounded by I-95 on the west, Swinton Avenue on the East, S.W. 1st Street on the south, and N.W. 1st Street on the north, and extending one block north of N.W. 1st Street along N.W. 5th Avenue to include Blocks 19 and 27, Town of Delray.



- (15) ***The Flo Delray Overlay District.*** The 4.86-acre area bounded by the Market-place of Delray on the south and east, High Point of Delray West on the north and west, and the abutting Lake Worth Drainage District's L-33 on the north, as more specifically defined in Section 4.5.22 as shown on the map below. (Ord. No. 39-23, § 4, 12-5-23)



(Ord. No. 39-23, § 4, 12-5-23)

Sec. 4.7.3. General requirements.

Developers may earn additional density or height by building housing for very low, low, or moderate income households, as defined in a specific incentive area. All developments shall meet the requirements for units as specified in this Article and meet all applicable Land Development Regulations. Workforce units shall include those units in a development, which are regulated in terms of sales price or rent levels; marketing and initial occupancy; and continued requirements pertaining to resale or rent increases. Except as otherwise provided in this ordinance, these regulations generally apply:

- (A) A development must be located within the established workforce housing incentive areas in Article 4.7 to qualify for density bonuses.
- (B) Subject to this Article and district zoning regulations, developments requesting an increase in height and / or density must provide a proposal to provide workforce housing units onsite, through an in-lieu payment, by delivery of offsite units, or a combination of these three options.
 - (1) The applicant must schedule a pre-application meeting with Development Services and the Neighborhood and Community Services Department.

ments to discuss any workforce housing proposal. Offsite units may be located anywhere within the City of Delray Beach. These units cannot be previously allocated as workforce housing units in another project.

These units would be constructed at the time of the first vertical building permit issuance. If the project is built in phases, then the workforce units would be constructed in the same proportion and manner as the number of workforce units required for each phase.

- (2) The developer's proposal to satisfy its workforce housing obligations pursuant to this section shall be subject to review and approval by the appropriate board and City Commission. The City Commission may, in its sole and absolute discretion, accept the developer's plan for workforce housing, reject the developer's plan for workforce housing, or direct the developer to modify and re-submit a workforce housing proposal. For each workforce housing unit approved by the City Commission as an in-lieu payment, developers shall make a payment of a sum equal to \$160,000.00, payable to the City of Delray Beach Housing Trust Fund, in lieu of providing the workforce housing unit within the development.
 - (3) **Final approval conditions.** Final conditions of approval shall specify that the restricted units are priced and/or rented at workforce housing levels and shall state that those units shall be rented and/or sold to the eligible income group in accordance with this article. The conditions will also specify the requirements for reporting to the City's Community Improvement Department on buyer eligibility, housing prices, as well as any applicable requirement to record a covenant or to enforce resale restrictions.
- (C) In order to qualify for a density bonus, a project must consist of at least five new or substantially rehabilitated dwelling units. The U.S. Department of Housing and Urban Development (HUD) definition shall be used to determine whether there has been substantial rehabilitation. In addition, the units must contain design features, such as, but not limited to front porches, eyebrows, outriggers, gables, dormers, arbors, trellises, shutters, balconies, decorative vents, siding, textured stucco finishes, undulating facades and other such appropriate architectural features.
 - (D) The developer or responsible party must provide relocation assistance per household displaced as a result of the proposed project in the amount required by state or federal guidelines, as adopted in the Residential Anti-displacement and Relocation Assistance Plan approved by the City.
 - (E) All on-site workforce housing units shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

- (F) Workforce housing units, if located within a market rate unit development or located offsite, shall be integrated with the rest of the development and shall be compatible in exterior design, appearance, construction, and quality of materials and contain comparable HVAC systems and appliances with market rate units and provide them as standard features. All workforce housing units shall contain comparable square footage to the corresponding market-rate unit.
- (G) The construction schedule for workforce housing units shall be consistent with the construction of market rate units.
- (H) There shall be no lot premiums charged on the workforce housing units.
- (I) All fractional bonus densities shall be rounded down.
- (J) Workforce housing units constructed according to this policy shall only be rented or sold as a primary residence.
- (K) The developer shall provide workforce housing units that include unit types in the same proportion as the market rate housing unit types. The required unit mix and affordability shall be as follows, unless otherwise regulated in a particular workforce housing area:

TABLE 4.7.3-A COMPOSITION OF WORKHOUSE HOUSING UNITS	
Unit Type	Distribution
Efficiency or studio	Not allowed
One-bedroom	No greater than 30 percent of the total units, including market rate and workforce housing units. The proportion of one-bedroom workforce units to total workforce units may not exceed the proportion of one bedroom market rate units to total market rate units.
Two-bedroom	The proportion of two-bedroom workforce units to total workforce units may not exceed the proportion of two-bedroom market rate units to total market rate units.
Three-bedroom	The proportion of three-bedroom workforce units to total workforce units must meet or exceed the proportion of three bedroom market rate units to total market rate units, unless four plus bedroom workforce units are provided.
Four-plus bedrooms	The proportion of four-plus-bedroom workforce units to total workforce units must meet or exceed the proportion of four plus bedroom market rate units to total market rate units.

TABLE 4.7.3-A COMPOSITION OF WORKHOUSE HOUSING UNITS

Unit Type	Distribution
Unit types	If the development contains a mix of different types of units, (e.g. condominium, townhouse, detached, etc.), the proportion of workforce units of each type to total workforce units must be approximately the same as the proportion of market rate units of each type to total market rate units
For sale and for rent units	The proportion of for rent workforce units to for sale workforce units must not exceed the proportion of for rent market rate units to for sale market rate units. If the workforce housing units are funded under Florida Housing Finance Corporation's Housing Credit or State Apartment Incentive Loan (SAIL) Programs, the proportionality requirement herein stated shall not apply if the development provides at least 20 percent of the "for sale" units as workforce housing units.

- (L) A restrictive covenant shall specify that the units designated as workforce housing are sold and/or rented at the approved income levels to the eligible income group in accordance with this article. The restrictive covenant shall also require reporting to the City's Community Improvement Department on buyer eligibility, housing prices, as well as any applicable requirement to record a covenant or to enforce resale restrictions.

Sec. 4.7.4. Density bonus areas.

Proposed developments will be allowed additional density or height in exchange for providing workforce housing units, subject to the limits and requirements of this chapter. Developments will be allowed additional density, beyond the base number allowed by the Land Development Regulations after performance standards have been met.

- (A) The Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area. Development proposals in the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area will earn bonus units for building workforce housing for very low, low and moderate income families.
- (1) The size of the bonus varies based on several factors including:
- (a) Affordability (i.e., homes affordable to very low, low, or moderate households)

- (b) Home Size (i.e., workforce housing units with four or more bedrooms are awarded larger bonuses)
 - (c) Ownership versus Rental (i.e., larger bonuses are awarded for workforce housing units offered for sale to low and very-low income families and larger bonuses are awarded for ownership versus rental units.)
- (2) To be eligible for bonus units, developments must meet one or more of the following criteria:
- (a) A designated number of the total units are restricted to very low income households, and/or
 - (b) A designated number of the total units are restricted to low income households, and/or
 - (c) A designated number of the units are restricted to moderate income households
- (3) Subject to the review and approval by the City Commission, workforce housing units may be located off-site provided the off-site location chosen is within the City of Delray Beach.
- (4) The bonus allowances are set forth in Table 4.7.4-A below. Sample calculations are available from Development Services.

TABLE 4.7.4-A DENSITY BONUS ALLOCATIONS IN THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT, THE INFILL WORKFORCE HOUSING AREA AND THE CARVER ESTATES OVERLAY DISTRICT

OPTION SALE/RENT	NUMBER OF BONUS UNITS PER WORK-FORCE UNIT PROVIDED
VERY LOW 60%	4
LOW 61%—80%	3
MODERATE 81%—120%	2
LARGE HOME OPTION	
4+ bedroom workforce housing units	Additional 0.5 bonus will be added to the bonus provided above in this chart

- (5) Instead of or in addition to providing workforce housing units, developments may also accrue bonus units by contributing to the City of Delray Beach Housing Trust Fund. Development proposals may earn one bonus unit for each payment to the City of Delray Beach Housing Trust Fund as provided in Section 4.7.3. (Ord. No. 27-24, § 4, 1-7-25)

- (6) Also, instead of or in addition to providing workforce housing units, development proposals may earn bonus units by donating buildable lots in the City Delray Beach to be used for workforce housing. The appraised value of donated land will be valued in accordance with Subsection (5) above and may be prorated. The appraisal shall be obtained by the project developer at developer's cost.
 - (7) The maximum total density of a development in the Southwest Neighborhood Overlay District and the Carver Estates Overlay District shall not exceed 24 units per acre. The maximum total density of a development in the Infill Workforce Housing Area shall not exceed 18 units per acre for properties zoned RM and 22 units per acre and a Floor Area Ratio of 0.75 for properties zoned GC.
- (B) Density Bonus Program for the Southwest 10th Street, I-95/CSX Railroad Corridor and Silver Terrace Courtyards Overlay Districts.
- (1) **Southwest 10th Street Overlay District.** Development proposals in the Southwest 10th Street Overlay District shall provide a minimum of 20 percent of the residential units as workforce housing units.
 - (a) The 20 percent that are developed as workforce housing units must contain units that are affordable to very low, low, or moderate income families.
 - (b) In the Southwest 10th Street Overlay District, the maximum density allowed is the maximum zoning density allowed in the zoning district. To obtain the maximum density allowed in the zoning district, not only must a minimum of 20 percent of the residential units be developed as workforce housing, but all the performance standards that allow increased density shall also be substantially met.
 - (c) Workforce housing units may be located off-site provided the location is within the City of Delray Beach.
 - (d) All sections of Article 4.7 apply to the Southwest 10th Street Overlay District, except for Sections 4.7.4 and 4.7.11.
 - (e) Notwithstanding Table 4.7.3-A, in the Southwest 10th Street Overlay District at least 75 percent of the workforce housing units shall be three-bedroom units offered for initial sale in an amount not to exceed \$225,000.00 and 25 percent of the workforce housing units may be two bedroom units offered at the low income affordability rate.

- (2) ***I-95/CSX Railroad Corridor Overlay District.*** Development proposals in the I-95/CSX Railroad Corridor Overlay District shall provide a minimum of 25 percent of the residential units as workforce housing units.
 - (a) The 25 percent that are developed as workforce housing units must contain units that are affordable to very low, low, or moderate income families.
 - (b) In the I-95/CSX Railroad Corridor Overlay District, the maximum density allowed is 24 units per acres. To obtain a density greater than six units per acre, not only must a minimum of 25 percent of the residential units be developed as workforce housing, but the performance standards in Section 4.3.3(BB) shall also be substantially met.
 - (c) All sections of Article 4.7 apply to the I-95/CSX Railroad Corridor Overlay District, except for Sections 4.7.4 and 4.7.11.
 - (3) ***Silver Terrace Courtyards Overlay District.*** Development proposals in the Silver Terrace Courtyards Overlay District shall provide a minimum of 20 percent of the residential units as workforce housing units.
 - (a) The 20 percent that are developed as workforce housing units must contain units that are affordable to very low, low, or moderate income families.
 - (b) In the Silver Terrace Courtyards Overlay District, the maximum density allowed is 22 units per acre. To obtain a density greater than six units per acre, not only must a minimum of 20 percent of the residential units be developed as workforce housing, but the performance standards of Section 4.3.3(BB), shall also be substantially met.
 - (c) All sections of Article 4.7 apply to the Silver Terrace Courtyards Overlay District, except for Sections 4.7.4 and 4.7.11.
- (C) ***Aura Delray Beach Overlay District.*** A minimum of 25 percent of the project density must be provided onsite as workforce housing. The Overlay District shall be developed in accordance with the following:
 - (1) Twenty-five percent of the residential units must be developed and provided on-site as workforce housing for moderate income households.
 - (2) The maximum density allowed is 24 units per acres.

- (3) The provisions of Article 4.7 are to be applied, or any workforce housing regulations specified as part of an adopted SAD Ordinance, as applicable.
- (D) **Linton Commons Overlay District.** Developers of property in the Linton Commons Overlay District shall develop the properties to afford a minimum of 20 percent of the residential units as workforce housing units.
- (1) The workforce housing units must be provided on-site and be affordable to an equal distribution of very low, low, or moderate income families.
 - (2) The maximum density allowed is 30 units per acre. To obtain a density greater than six units per acre, the performance standards of Section 4.3.3(BB), shall also be substantially met.
 - (3) All sections of Article 4.7 apply to the Linton Commons Overlay District, except for Sections 4.7.3(K), 4.7.4, and 4.7.11.
- (E) **Congress Avenue Special Activities District (SAD).** Residential development shall have ten percent moderate income rental units and ten percent moderate income for-sale units, as regulated by Ordinance No. 30-18 and any subsequent amendments.
- (F) **Central Business (CBD) District.** Certain broad based and applicable incentives are available within certain CBD sub-districts to advance City strategic, policy-driven goals, such as the expansion of workforce housing. The specific incentives and required performance criteria are identified in Section 4.4.13(H).
- (1) West Atlantic Neighborhood Subdistrict of the CBD. Developments which must provide workforce housing pursuant to a request for increase in density as outlined in Section 4.4.13(H) shall contain units that are affordable to low or moderate income families.
 - (2) Railroad Corridor Sub-district. Density may be increased over 30 dwelling units per acre up to 70 dwelling units per acre with the provision of at least 20 percent workforce housing units on-site with an equal distribution of units for very low, low, and moderate income units.
 - (3) South Pairs Sub-district. Density may be increased from 12 dwelling units per acre up to 50 dwelling units per acre.

- (G) **Four Corners Overlay District.** Multi-family dwelling units, excluding duplexes, may comprise 75 percent of the total floor area of the development master plan at a maximum density of 30 units per acre, when proposed as part of a mixed-use development containing office and/or commercial uses. Residential developments must include a minimum of 20 percent moderate income workforce units subject to provisions of Section 4.4.9, Article 4.7, and the Performance Standards of Section 4.3.3(BB).
- (H) **Mixed Residential, Office, and Commercial District (MROC).** As regulated by Section 4.4.29, density may be increased as high as 50 dwelling units per acre, subject to locational criteria and the provision of a minimum of 20 percent moderate income workforce units. An increase in square footage is also allowed for self-storage facilities that provide a workforce housing contribution equal to 0.75 percent of the total project construction cost.
- (I) **The Flo Delray Overlay District.** To achieve a maximum density of 24 dwelling units per acre, developers of property in the Flo Delray Overlay District shall provide a minimum of 20 percent of the residential units as workforce housing units, further regulated as follows: (Ord. No. 39-23, § 5, 12-5-23)
- (1) The units must be affordable to an equal distribution of low and moderate income families. (Ord. No. 39-23, § 5, 12-5-23)
 - (2) The performance standards of Section 4.3.3(BB) shall be substantially met to obtain a density greater than 12 units per acre. (Ord. No. 39-23, § 5, 12-5-23)
 - (3) All sections of Article 4.7 apply to The Flo Delray Overlay District, except for Section 4.7.3(K). The following unit and affordability mix is required as follows: (Ord. No. 39-23, § 5, 12-5-23)

Table 4.7.4-A, The Flo Delray Overlay Composition of Workforce Housing Units	
Unit Type	Distribution
Efficiency	No more than 22 percent of efficiency units can be allocated as workforce units.
One and Two-Bedroom	One-bedroom and two-bedroom workforce units shall be provided in equal percentages.
Three-Bedroom	One three-bedroom unit will be allocated as a moderate income workforce unit.

(Ord. No. 39-23, § 5, 12-5-23)

- (J) **Requests for increase in height.** Increases in height from 48 feet to a maximum of 60 feet are permitted in the areas identified in Section 4.3.4(J) and must provide low or moderate income workforce housing units onsite, offsite, or through monetary contributions that comply with the provisions of Article 4.7, equal to at least 20 percent of the residential units on the top floor. (Ord. No. 39-23, § 5, 12-5-23)

Sec. 4.7.5. Rental housing units.

(A) A covenant shall be recorded in the Public Records specifying the income level served, rent levels, reporting requirements and all restrictions applicable to the workforce housing units. All leases shall contain language incorporating covenants applicable to the workforce housing unit and reference recorded covenants.

(B) Household income levels, affordability ranges, and maximum rental rates are provided in Table 4.7.6-A—Rental Housing Units.

Table 4.7.6-A Workforce Housing—Rental Units		
Household Income Level	Affordability Level Range (determined by Palm Beach County Median Income)	Units shall not have rental rates that exceed the fol- lowing percent of the HUD determined fair market rent for the area:
Very Low	Under 60%	60%
Low	61% to 80%	80%
Moderate	81% to 120%	120%
NOTE: Any developments previously approved with another maximum rent for a particular household income level shall remain subject to the terms of project approval.		

(C) No workforce housing units shall be offered for rent to the general public until all requirements of this Section are met.

(D) All Restrictive Covenants shall meet the requirements of this Article and are subject to approval of the City Attorney.

(E) Workforce housing rental units shall be marketed continuously as workforce housing units. If the total number of occupied workforce housing units does not equal 100 percent of the workforce units required by the restrictive covenant, workforce units that have remained vacant for 45 days or more due to a lack of eligible occupants may be rented to non-eligible occupants at market rents subject to the following conditions:

- (1) At the end of each calendar year, the developer shall pay to the Delray Beach Housing Trust Fund (DBHTF) any rents received from the non-eligible occupants of the workforce units for that year in excess of the rents that would have been received from eligible occupants for such workforce units based on workforce rents at the time of the signing of the lease ("Excess Rental Payment").
 - (a) Excess Rental Payments shall accrue only for periods in which the required 100 percent is not satisfied.
 - (b) No later than 20 days following the end of the month, the developer shall provide the DBHTF with a monthly statement highlighting those units which require Excess Rental Payments.
 - (c) No later than 30 days following the end of the year, the developer shall provide the DBHTF with an annual statement and shall submit the amounts due to the DBHTF within 30 days following written notice from the DBHTF of its approval of each annual statement.
- (2) Workforce units rented to non-eligible occupants will be considered workforce housing units for the purposes of complying with these regulations, but only until the next vacant unit is rented to an eligible candidate, at which time the non-eligible unit will cease to be considered a workforce housing unit. If less than 100 percent of the total number of workforce units required for the project are occupied with workforce eligible occupants, then each subsequent vacant unit shall be marketed to workforce eligible applicants until all required workforce units are rented to eligible occupants.

Sec. 4.7.6. For sale housing units.

(A) With the exception of workforce housing units sold as part of a Community Land Trust, all deeds shall include the restrictive covenants applicable to workforce housing units. All sales contracts shall state that the unit is part of a workforce

housing program and subject to Article 4.7 of the Land Development Regulations of the City. All deeds to buyers of workforce housing units shall contain restrictive covenants providing that the Community Land Trust shall have the right of first refusal to purchase the workforce housing unit on the same terms and conditions as a prospective buyer. The restrictive covenant shall give the Community Land Trust 15 business days to enter a contract to purchase the property on the same terms and conditions as the prospective buyer.

(B) All purchasers of workforce housing units shall be very low, low or moderate income households; provided, however, in exceptional circumstances when persons in households above the moderate income level are displaced due to redevelopment or catastrophic events, the persons so affected shall also be eligible for workforce housing.

(C) Owners of workforce housing units shall be required to occupy the unit unless evidence is presented to Neighborhood and Community Services Department staff indicating that the owner is unable to continuously occupy the unit due to illness or incapacity.

(D) Closing costs and title insurance shall be paid pursuant to the custom and practice in Palm Beach County at the time of opening of escrow. No charges or fees shall be imposed by the seller on the purchaser of a workforce housing unit which are in addition to or more than charges imposed upon purchasers of market rate units, except for administrative fees charged by the City/CRA, or their designee.

(E) The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the Palm Beach County statistical area. The average area purchase price may be calculated for any 12-month period beginning no earlier than the fourth calendar year prior to the year in which the purchase occurs. The sales price of new and existing units can be lower than, but not in excess of 90 percent of the median area purchase price established by the U.S. Treasury Department or as described above.

(F) No workforce housing units shall be offered for sale to the general public until all requirements of this chapter are met.

(G) All Restrictive Covenants shall meet the requirements of this Article and are subject to approval of the City Attorney.

Sec. 4.7.7. Resale and subsequent rentals of affordable units.

To maintain the availability of workforce housing units which may be constructed pursuant to the requirements of this program, the following resale conditions shall be imposed on the workforce housing units and included in the deed or restrictive covenant and recorded in the Public Records of Palm Beach County:

- (A) Except for Community Land Trust properties, a deed restriction, restrictive covenant, or bylaws to ensure continued affordability, shall be approved by the City Attorney, prior to recording in the Public Records of Palm Beach County.
- (B) The deed restriction shall limit the maximum permitted resale price to the initial sale price of the workforce housing units, increased at the same rate as the Palm Beach County median income has increased from the initial date of purchase. Prior to the closing on any sale, resale or prior to any rental of any workforce housing unit, the City shall be notified of the sale, resale or rental.
- (C) Conversions of rental units to owner occupied units or vice versa shall require the subsequent rental or sale to be for the same workforce housing income category.
- (D) For both sale and rental of workforce housing units, affordability and occupancy restrictions shall remain in effect for no less than 40 years commencing from the initial date of occupancy of the unit. These restrictions shall also apply to any replacement structure or structures constructed if a workforce housing unit or units is demolished or destroyed, provided that the demolition or destruction of the structure was unintentional. Restrictions on the units in the structure may terminate on demolition or destruction if it occurs 35 years after recording of the restrictions.
- (E) A lessee or owner of an income restricted unit is not required to vacate or sell the unit if the tenant(s) or purchaser (s) income later exceeds the AMI.
- (F) The City of Delray Beach, its successors and assigns may enforce the restrictive covenants. No amendments to the covenants shall be made unless by written instrument approved by the City.
- (G) All workforce housing units must only be sublet, rented or sold to income-eligible households of the same income category; tenant or purchaser income may not exceed the percent of the AMI under which the unit was originally approved. There shall be no provisions for releases from the sale or rental of workforce units to eligible households. Workforce housing units may only be resold to non-eligible households only when the restriction expires.

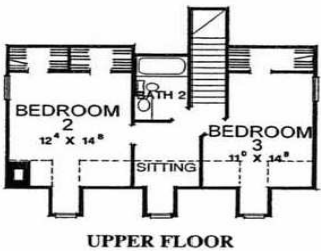
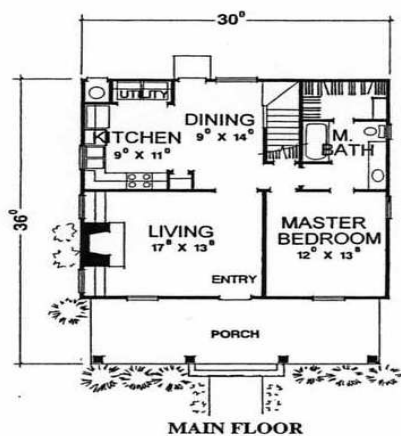
- (H) Workforce housing units sold as part of any Delray Beach Community Land Trust sale shall not contain resale restrictions other than those contained in the ground lease recorded as part of the original sale.
- (I) Workforce housing unit resales shall be limited to households of the same category relative to income.
- (J) The sales price of workforce housing units may not exceed the upper limit of affordability for the income category to which the unit was originally assigned.
- (K) Transfers of title under the following circumstances shall be allowed, and are not subject to the restrictions included in this program:
 - (1) Transfers by inheritance to the unit owner's surviving spouse, qualified domestic partner, or lineal descendants, or
 - (2) Transfers of title to a spouse as part of a divorce decree, or to a qualified domestic partner as part of a court approved property settlement agreement, or;
 - (3) Acquisition of title or interest therein by an existing unit owner's spouse if it is in conjunction with marriage of the unit owner and his or her spouse or by an existing unit owner's qualified domestic partner.
- (L) No resales of workforce housing units shall be completed until the requirements of this chapter are met.

Sec. 4.7.8. Other incentives.

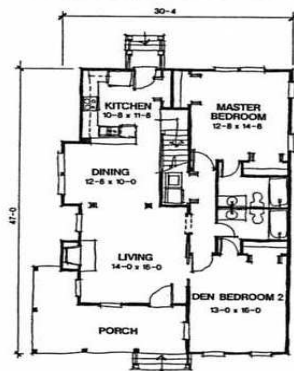
(A) **Nonconforming lots of record.** To address a shortage of workforce housing, nonconforming lots of record having 50 feet of frontage or less, but at least 40 feet of frontage and 4,000 square feet of area may be used for workforce housing and have the following adjusted development standards: (Ord. No. 10-26, § 7, 2-24-26)

- (1) Adjusted Minimum Setbacks. The minimum setbacks required by the zoning district are adjusted for single-family workforce housing structures that are no more than two stories and 26 feet in height as follows: (Ord. No. 10-26, § 7, 2-24-26)
 - (a) Side street or alley; ten feet. (Ord. No. 10-26, § 7, 2-24-26)
 - (b) Side Interior: five feet. (Ord. No. 10-26, § 7, 2-24-26)
- (2) Open-air front porches that are at least six feet in depth may encroach into the front setback up to six feet. (Ord. No. 10-26, § 7, 2-24-26)

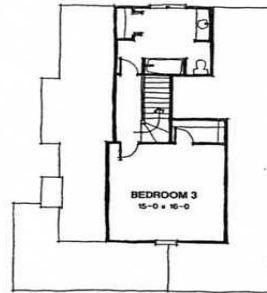
- (3) Driveways may be setback a minimum of two feet from the side interior property lines. (Ord. No. 10-26, § 7, 2-24-26)
- (4) Vehicular access shall be provided via an alley, if available. (Ord. No. 10-26, § 7, 2-24-26)
- (5) At least five of the following design features, must be used: front porches, eyebrows, outriggers, gables, dormers, arbors, trellises, shutters, balconies, decorative vents, siding, textured stucco finishes, or undulating façades. The sketches below provide examples that incorporate these design features. (Ord. No. 10-26, § 7, 2-24-26)



Upper Floor	565 sq. ft.	Footprint 30'-0" x 36'-0"	3 Bedrooms 2 Bathrooms Basement, Crawlspace or Slab Foundation	
Main Floor	840 sq. ft.			
Total Living Area	1,405 sq. ft.			
Basement	840 sq. ft.			

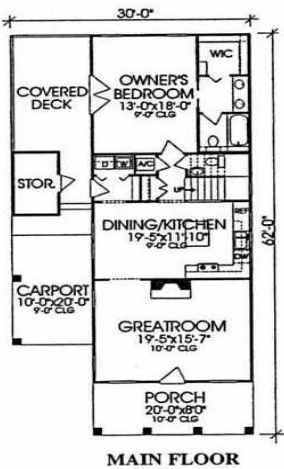
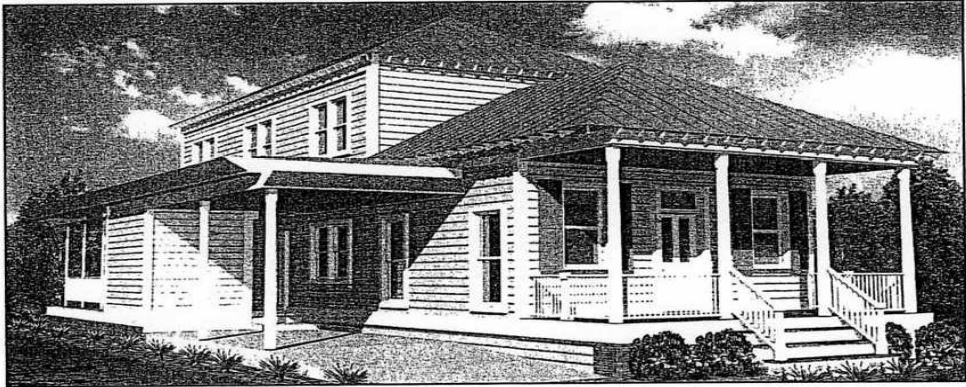


MAIN FLOOR

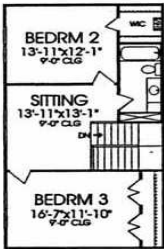


UPPER FLOOR

Upper Floor	480 sq. ft.	Footprint 30'-4" x 47'-0"	2+ Bedrooms	
Main Floor	1,238 sq. ft.		3 Bathrooms	
Total Living Area	1,718 sq. ft.		Crawlspace	
			Foundation	

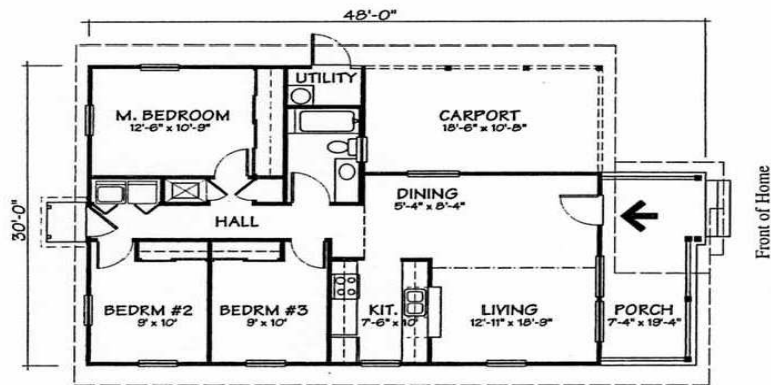


MAIN FLOOR

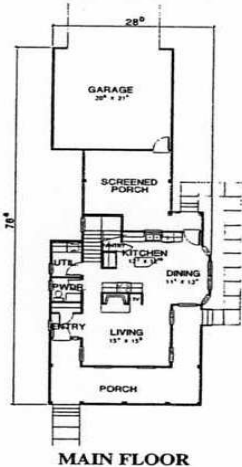


UPPER FLOOR

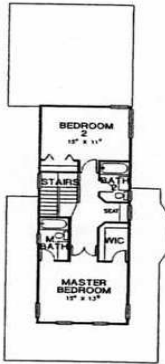
Upper Floor	698 sq. ft.	Footprint 30'-0" x 62'-0"	3 Bedrooms 2½ Bathrooms Crawlspace, Slab or Basement Foundation	
Main Floor	1,080 sq. ft.			
Total Living Area	1,778 sq. ft.			
Basement	1,080 sq. ft.			



Main Floor	978 sq. ft.	Footprint 30'-0" x 48'-0"	3 Bedrooms 1 Bathroom Slab Foundation	
Total Living Area	978 sq. ft.			

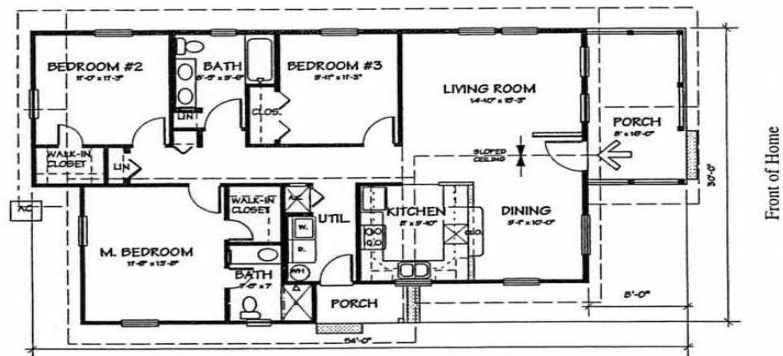


MAIN FLOOR

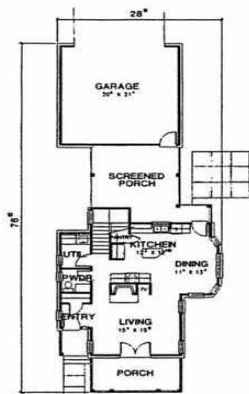


UPPER FLOOR

Upper Floor	681 sq. ft.	Footprint 28'-0" x 76'-4"	2 Bedrooms 2½ Bathrooms Crawlspace or Slab Foundation	
Main Floor	706 sq. ft.			
Total Living Area	1,387 sq. ft.			



Main Floor 1,234 sq. ft. Total Living Area 1,234 sq. ft.	Footprint 30'-0" x 54'-0"	2 Bedrooms 2 Bathrooms Slab Foundation	



MAIN FLOOR



UPPER FLOOR

Upper Floor	681 sq. ft.	Footprint 28'-11" x 76'-10"	2 Bedrooms 2½ Bathrooms Crawlspace or Slab Foundation	
Main Floor	706 sq. ft.			
Total Living Area	1,387 sq. ft.			

Sec. 4.7.9. Accessory Dwelling Unit (ADU).

(A) **Purpose and Intent.** To expand housing options, ADUs may be constructed for workforce housing in the R-1, RM, and CBD Districts within the Northwest/Southwest Neighborhood Overlay District.

(B) **Restrictive covenant.** A restrictive covenant approved by the City Attorney shall be recorded with the Palm Beach County Clerk of the Circuit Court. The restrictive covenant shall be provided with the building permit application and shall indicate the following:

- (1) Either the primary dwelling unit or the ADU must be for a very low, low, or moderate income household.

- (2) The workforce housing covenant for the ADU shall run with the land in perpetuity.
 - (3) The ADU may be occupied by a family member without being subject to the income limitations.
 - (4) A property must have a homestead exemption pursuant to the Palm Beach County Property Appraiser requirements to construct or rent an ADU.
 - (5) A property owner or family member must reside on site in either the ADU or the primary dwelling unit.
- (Ord. No. 12-26, § 11, 4-7-26)

Chapter 5

SUBDIVISION REGULATIONS

Article 5.1. General Provisions

- Sec. 5.1.1. Rule.
- Sec. 5.1.2. Purpose and intent.
- Sec. 5.1.3. Applicability.
- Sec. 5.1.4. Exemptions.
- Sec. 5.1.5. Compliance with the Comprehensive Plan.
- Sec. 5.1.6. Compliance with zoning regulations.

Article 5.2 Platting

- Sec. 5.2.1. Rule.
- Sec. 5.2.2. Requirements.

Article 5.3. Dedication and Impact Requirements

- Sec. 5.3.1. Streets (rights-of-way).
- Sec. 5.3.2. Park land dedication.
- Sec. 5.3.3. Water and sewer systems.
- Sec. 5.3.4. Drainage systems.

ARTICLE 5.1. GENERAL PROVISIONS***Sec. 5.1.1. Rule.**

Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner (or his authorized agent) shall apply for and secure approval of such proposed subdivision in accordance with the provisions of this Article.

Sec. 5.1.2. Purpose and intent.

The purpose of this section is to promote the public health, safety, comfort and welfare of the City through the harmonious, orderly and, progressive development of land by insuring:

- (A) The establishment of standards for subdivision design which will encourage the development of a sound and economically stable community, and the creation of healthy living environments.
- (B) The efficient, adequate and economic supply of infrastructure and services to land developments.
- (C) The prevention of traffic hazards and the provision of safe and convenient vehicular and pedestrian traffic circulation in land developments.
- (D) The provision of public open spaces in land development for recreational, educational, and community facilities.
- (E) Consistency with the policies and goals of the Comprehensive Plan.
- (F) Site design respecting unique environmental characteristics of the site, and preservation of such characteristics to the maximum extent possible.
- (G) The establishment of standards of design and procedures for plats and replats, to further the orderly layout and use of land, and to insure the proper legal description and monumentation of subdivided land.
- (H) Consistency with Florida State Statutes, Chapter 177.

Sec. 5.1.3. Applicability.

(A) **Plat required.** A plat is required for the subdivision of any lot, tract or parcel of land; and for the dedication, layout, opening or construction of any street, storm sewer, sanitary sewer, water main, or other facility for public use or for the common use of building occupants. The provisions of this section shall apply to all lands within the incorporated area of the City except as specifically exempted.

***Note—**[Article Repealed and New Article Enacted by Amd. Ord. 46-95 9/5/95]

Sec. 5.1.4. Exemptions.

The following are hereby exempt from the platting procedure:

- (A) The proposed construction of a new building or structure occupying a previously platted lot in its entirety, to be maintained under a single ownership, or condominium occupied by the owner or lessees holding leases other than a divided land lease or ownership, whereupon no additional right-of-way is required.
- (B) A duplex or triplex residence on an existing street, requiring no extension of water and sewer services.
- (C) The combination or recombination of portions of platted lots where no additional lots are created and the new lots conform to the development regulations for the applicable zoning district in which the properties are located. A survey of the revised lot layout shall be filed with the City Engineer.
- (D) The sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots and does not reduce any lot to an area less than the development regulations for the applicable zoning district, in which the properties are located, and no dedication or improvements are required under this section. A survey of the revised lot layout shall be filed with the City Engineer.
- (E) Conveyance of undivided interests in previously platted lots subject to conformance with the development regulations for the applicable zoning district in which the property is located.
- (F) Other exemptions may be granted after review and approval by the Development Services Management Group (DSMG).

Sec. 5.1.5. Compliance with the Comprehensive Plan.

(A) **General.** No land shall be subdivided unless such subdivision and future use thereof is consistent with the Land Use Map and policies of the adopted Comprehensive Plan. (Ord. No. 23-20, § 37, 9-10-20)

(B) **Provision of land for facilities.** Whenever land, which is to be subdivided, includes existing features such as streets; parks; conservation sites; sites for public schools; drainage courses; sites for water tanks, lift stations and similar public utility facilities; and easements for water, sewer and drainage devices, the feature(s) shall be included in the proposed subdivision. (Ord. No. 23-20, § 37, 9-10-20)

Sec. 5.1.6. Compliance with zoning regulations.

(A) **General.** All subdivisions shall conform with, at least, the minimum zoning regulations applicable to the property being subdivided (i.e. a nonconforming situation cannot be created through the act of subdivision unless a variance to such effect is approved by the Board of Adjustment, or relief granted by the City Commission pursuant to Section 4.3.1(D)) prior to action on a subdivision plat. [Amd. Ord. 11-00 5/16/00]

(B) **Unbuildable sites.** Land which is found unsuited for development due to poor soil qualities, flooding, poor drainage, or other features likely to be harmful to the health, safety, and general welfare of future residents shall not be subdivided as a separate building site, unless adequate methods of correction and mitigation are formulated by the subdivision and guaranteed to be observed. However, such land may be subdivided and identified as a tract of unbuildable land.

ARTICLE 5.2 PLATTING**Sec. 5.2.1. Rule.**

Platting is the process of preparing and recording a plat. A "plat" is a map or delineated representation of the subdivision of land, or boundary of a property, being a complete exact representation of the subdivision or boundary and other information in compliance with the requirements of F.S. Chapter 177 and these Land Development Regulations.

Sec. 5.2.2. Requirements.

(A) A plat shall comply with the provisions of F.S. Chapter 177, as amended.

(B) A plat submission shall contain information as set forth in Section 2.4.3(H).

(C) A plat shall be processed pursuant to Sections 2.4.5(J), (K), or (L), as appropriate.

ARTICLE 5.3. DEDICATION AND IMPACT REQUIREMENTS**Sec. 5.3.1. Streets (rights-of-way).***

(A) ***Right-of-way Dimensions and Dedication required.*** Right-of-way dimensions and dedications, whether public or private, shall be consistent with Table MBL-1 "Street Network and Classification and Improvements" of the Mobility Element, providing for coordinated rights-of-way dedications with the Florida Department of Transportation and Palm Beach County. (Ord. No. 23-20, § 38, 9-10-20)

- (1) Streets, public or private, shall be shown on all subdivision plats as tracts dedicated for such purposes. When development occurs absent platting, such streets may be provided for through easements (private property) or dedication of right-of-way by deed (public property).
- (2) When a street is contained entirely within a subdivision, the entire dedication shall be provided.
- (3) When development is adjacent to an existing or planned street, the development shall be responsible for providing one-half of the ultimate right-of-way or such portion of the ultimate right-of-way which is yet undedicated and which is on that development's side of the ultimate right-of-way center line. In situations where there are unusual topographic features, greater or lesser dedications may be required.
- (4) Proposed streets shall be extended to provide access to adjoining property, as appropriate. (Ord. No. 23-20, § 38, 9-10-20)
- (5) Corner clip. A right-of-way dedication will be required at all intersections in the Central Business District (CBD). This right-of-way dedication will consist of an area of property located at the corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being 20 feet in length along the abutting public right-of-way lines. Further, a dedication of ten feet shall be required along both sides at the intersection of an alley and right-of-way. These areas are to be measured from their point of intersection, and the third side being a line connecting the ends of the other two lines. This right-of-way dedication will be referred to as a "corner clip"

***Editor's note**—Ord. No. 23-20, § 38, adopted September 10, 2020, repealed subsections (B) and (D) and renumbered the existing subsection (C) as subsection (B). Former subsection (B) pertained to compliance with throughfare plans. Former subsection (D) pertained to right-of-way dimensions and derived from Ord. 29-98, adopted August 18, 1998; Ord. 9-02, adopted March 5, 2002; Ord. 08-10, adopted April 20, 2010.

and is provided to ensure adequate right-of-way for the safe movement of pedestrians in the CBD. The request for relief from the corner clip requirement may be granted by the City Engineer. (Ord. No. 23-20, § 38, 9-10-20)

- (6) Additional width. Additional right-of-way width may be required to promote public safety and welfare; to provide for stormwater management; to provide adequate area for street trees; and to assure adequate access, circulation, and parking in high intensity use areas. Such a determination shall be advanced by a recommendation from the City Engineer and may be based upon the results of a traffic study or general knowledge of the City. The authority for requiring such additional right-of-way shall rest with the body having the approval authority of the associated development application. (Ord. No. 23-20, § 38, 9-10-20)
- (7) Reduction in width. A reduction in the required right-of-way width may be granted by the body having the approval authority of the associated development application in developments in which new streets are created. For existing streets, reductions in right-of-way width may be granted by the City Engineer upon a favorable recommendation from the Development Management Services Group (DSMG). Reductions in the required right-of-way width may be granted pursuant to the following: (Ord. No. 23-20, § 38, 9-10-20)
 - (a) The reduction is supported by the City Engineer. Nonsupport by the City Engineer may be appealed to the City Commission. (Ord. No. 23-20, § 38, 9-10-20)
 - (b) That requiring full dedication would constitute a hardship in a particular instance and that all required improvements will be provided in a manner which will not endanger public safety and welfare (Ord. No. 23-20, § 38, 9-10-20)
 - (c) That acceptable, alternative provisions are made to accommodate features which would otherwise be accommodated within the right-of-way e.g. alternative drainage systems, alternative pedestrian walkways, alternative on-street parking, etc. (Ord. No. 23-20, § 38, 9-10-20)

(B) **Standard improvements.** Standard improvements shall be provided in accordance with the Goals, Objectives, and Policies of the Mobility Element and the design standards set forth in Sections 6.1.2 and 6.1.3. The standard improvements to be accommodated in street rights-of-way are listed in (a) through (e) below. Additional improvements may be required to further the Goals, Objectives, and Policies of the adopted Comprehensive Plan: (Ord. No. 23-20, § 38, 9-10-20)

- (a) Travel lanes, including turning lanes; (Ord. No. 23-20, § 38, 9-10-20)

- (b) Parking lanes, where appropriate; (Ord. No. 23-20, § 38, 9-10-20)
- (c) Drainage devices either curb and gutter or swale systems; (Ord. No. 23-20, § 38, 9-10-20)
- (d) Pedestrian ways (sidewalks); (Ord. No. 23-20, § 38, 9-10-20)
- (e) Bicycle lanes or paths, where appropriate. (Ord. No. 23-20, § 38, 9-10-20)

(C) **Improvement obligations.** Concurrent, or prior to, construction associated with an approved development application, the development shall provide for the construction of improvements as imposed as conditions of approval as well as improvements identified under Section 6.1.2(A). Whenever subdivision, development or redevelopment occurs on property where abutting streets are included in the Comprehensive Plan, Neighborhood Plan, Redevelopment Plan or Capital Improvement Program, provisions shall be made for the accommodation of such improvements. [Amd. Ord. 08-10 4/20/10]; [Amd. Ord. 12-99 3/16/99]

(D) **Street names.** The naming of all streets, alleys, or other pathways shall be made in accordance with the adopted City of Delray Beach Addressing and Street Naming Manual. (Ord. No. 18-22, § 3, 10-25-22)

Sec. 5.3.2. Park land dedication.

(A) **Dedication required.** Whenever a development is proposed upon land which is designated for park purposes in the Comprehensive Plan or required to be dedicated pursuant to policies of the Plan, dedication of such land shall be made prior to approval of any development request on such property with the exception of annexation and or zoning. Dedication shall be made through platting.

(B) **Limitation on dedication requirement.** However, the degree to which dedication without compensation is imposed shall be limited to the following:

- (1) In a single family subdivision with lot sizes of 12,500 square feet or less, an amount of land equal to eight percent of the total subdivision shall be dedicated
- (2) In a single family subdivision with lot sizes in excess of 12,500 square feet , an amount of land equal to five percent of the total subdivision shall be dedicated.
- (3) For multiple family projects, planned residential developments (PRD's), hotels, motels, or resort dwelling developments, such dedication shall be at the rate of five acres per 1,000 persons projected to reside in the proposed development. For the purpose of this Section, an occupancy factor of 2.31 persons per unit shall be used and there shall be no vacancy factor.

(C) **Impact fee required.** Whenever a development is proposed upon land which is not designated for park purposes in the Comprehensive Plan, an impact fee assessed for the purpose of providing park and recreational facilities shall be imposed.

- (1) The amount of the fee shall be \$500.00 per dwelling unit regardless of the size or occupancy of the unit.
- (2) The fee shall be assessed against the following type of development:
 - (a) single family homes,
 - (b) duplexes,
 - (c) multiple family dwelling units,
 - (d) motels, hotels, residential inns,
 - (e) resort dwelling units.

- (3) The impact fee for single family dwellings shall be imposed and collected upon first development of the lot and collected at the time of issuance of the building permit. Upon redevelopment of a lot, an impact fee credit shall be given for the demolition of any structure built after February 23, 1982. No credit shall be given for structures built prior to February 23, 1982 and a park impact fee is due upon issuance of a building permit. [Amd. Ord. 34-09 8/18/09]; [Amd. Ord. 9-92 3/11/92]
- (4) The impact fee for all other types of development shall be imposed for each structure/dwelling unit and collected at the time of issuance of a building permit. If such development involves previously permitted and inhabited dwelling units which must be demolished that were constructed after February 23, 1982, a credit for each dwelling unit demolished shall be applied. If the structure/dwelling unit to be demolished was constructed before February 23, 1982, no credit shall be issued and a park impact fee will be required at issuance of a building permit. If the development involves a lot that has been subdivided since the initial impact fee was paid, a new impact fee shall be imposed for each new structure/dwelling unit on each new lot. [Amd. Ord. 34-09 8/18/09]; [Amd. Ord. 9-92 3/11/92]

Sec. 5.3.3. Water and sewer systems.

(A) Rule.

- (1) Whenever subdivision occurs or a development requires the extension of water and/or sewer facilities as provided through the City of Delray Beach Utilities Department, the developer shall comply with all pertinent regulations, controls, and standards as stipulated by the City, the County, and the State. Such compliance shall ensure future users with an adequate water distribution system and sewerage collection system.
- (2) Whenever subdivision or development occurs on property where water and/or sewer facilities are proposed by the Comprehensive Plan or any Water and/or Sewer Master Plan, provisions shall be made for the accommodation of such facilities.

(B) **Plans required.** Plans, sufficient for the step in the review process, shall be provided pursuant to Sections 2.4.3(D) and 2.4.3(F). Approval of such plans shall be pursuant to Section 2.4.6(L).

(C) Dedication required.

- (1) Water and sewer mains and appurtenances thereto, e.g. a fire hydrant, shall be shown on all subdivision plats within easements or rights-of-way dedi-

cated for such purposes. When development occurs absent platting, such mains may be contained within easements (private property) or dedication of right-of-way by deed (public property).

- (2) Sites for City lift stations and water storage facilities shall be shown within a tract dedicated for such purposes. Such tracts shall then be conveyed to the City in fee simple interest.

(D) **Off-site impact assessment.** At the time of platting or site plan approval, as appropriate, an investigation shall be made with respect to the items delineated in the following subsections (1) through (4). An initial assessment shall be made by the Director of Utilities; however, if additional information is needed or special investigations are required, such items may be required as a part of the submission materials associated with the development application.

- (1) **Lift stations.** Adequacy of downstream lift stations and their ability to accommodate flows from the proposed development, existing development, and from previously approved but not yet built development proposals which will continue to be valid at the time of approval of the new development application.
- (2) **Water storage.** Adequacy of water storage capacity in terms of providing water storage reserve required by level of service standards and for providing water pressure sufficient for fire suppression at the site given demands from the proposed development, existing development, and from previously approved but not yet built development proposals which will continue to be valid at the time of approval of the new development application.
- (3) **Water pressure.** Adequacy of water pressure in terms of accommodating normal domestic and/or commercial use and in providing sufficient pressure for fire suppression.
- (4) **Assessment of support system.** Adequacy of the appropriate collection or distribution system with respect to condition of mains, the sizing of mains, and the current capacity of those mains.

(E) **Improvements required.**

- (1) In addition to providing water and sewer systems and system components necessary to adequately serve the proposed development, approval of a development application may be conditioned with the construction of

improvements which are required to mitigate any adverse impacts determined in Subsection (D), above. Such improvements may include, but not be limited to:

- Upgrade and/or replace lift stations or their components
 - Install a new lift station
 - Install a new water storage tank
 - Loop water mains, on or off site, in order to increase reliability of water flows and pressure
 - The replacement of deteriorated mains
 - The upgrading in size of existing mains
- (2) When a master plan facility is required on, or for, the property being developed the developer shall provide for the standard installation plus any additional increment which is required to serve his project. The City shall participate in the cost for any additional increase in sizing or construction which is predicated upon the proposed facilities pursuant to the Comprehensive Plan or any Master Sewer and/or Water Plan.

(F) **Mains to be extended.** Wherever development occurs which is subject to site plan and/or subdivision approval, water and sewer mains shall be extended from their existing terminus to the furthest boundary of the property involved in order to provide for the continuation of service. However, such extension shall not be required if, in the opinion of the City Engineer, it is determined that there is no reasonable need for such an extension in that there will be no use of it. Where it may not be practical to actually install such facilities concurrent with development of the proposed project, this obligation may be met through the payment of cash. In this latter situation, easements for the mains shall be required.

(G) Deleted in its entirety. [Amd. Ord. 10-97 2/18/97]

Sec. 5.3.4 Drainage systems.

(A) **Rule.**

- (1) Whenever development occurs, provisions must be made to accommodate drainage which flows from the developed property.
- (2) Whenever development occurs on property where drainage facilities are proposed by the Comprehensive Plan or any Storm Drainage Master Plan, provisions shall be made for the accommodation of such facilities.

(B) **Plans required.** Plans, sufficient for the step in the review process, shall be provided pursuant to Sections 2.4.3(D) and 2.4.3(F). Approval of such plans shall be pursuant to Section 2.4.6(L).

(C) **Dedication required.**

- (1) Drainage facilities shall be shown on all subdivision plats within easements or rights-of-way dedicated for such purposes. When development occurs absent platting, such facilities may be contained within easements (private property) or dedication of right-of-way (public property).
- (2) Sites for retention of drainage shall be shown within a tract dedicated for such purpose (i.e. a lake management tract). Provisions for the perpetual maintenance of such tracts must be provided on the plat.

(D) **Drainage assessment.** Any development application which deals with actual improvements (site plan, engineering plans) shall be accompanied by a drainage assessment in which a plan for retention of drainage pursuant to adopted levels of service and the standards of Section 6.1.9 shall be provided.

(E) **Improvements required.**

- (1) In addition to providing drainage facilities necessary to adequately serve the proposed development, approval of a development application may be conditioned with the construction of improvements which are necessary to convey drainage from the site or adjacent property through the site which is being developed and to a natural drainage course, canal, or municipal facility.
- (2) The City shall participate in the cost for any additional increase in sizing or construction which is predicated upon the proposed facilities pursuant to the Comprehensive Plan or any Master Drainage Plan.
- (3) Drainage facilities shall be extended from their existing terminus to the furthest boundary of the property involved in order to provide for the continuation of service. However, such extension shall not be required if, in the opinion of the City Engineer, it is determined that there is no reasonable need for such an extension in that there will be no use of it. Where it may not be practical to actually install such facilities concurrent with development of the proposed project, this obligation may be met through the payment of cash. In this latter situation, easements for the mains shall be required.

(F) **Storm water drainage utility fee.** Refer to Chapter 56 of the City Code.

Chapter 6

INFRASTRUCTURE AND PUBLIC PROPERTY

Article 6.1 Design Standards and Requirements

- Sec. 6.1.1. General.
- Sec. 6.1.2. Streets and alleys.
- Sec. 6.1.3. Sidewalks.
- Sec. 6.1.4. Driveways and points of access.
- Sec. 6.1.5. Street lighting.
- Sec. 6.1.6. Traffic signals.
- Sec. 6.1.7. Bicycle trails, paths, and lanes.
- Sec. 6.1.8. Undergrounding of utilities.
- Sec. 6.1.9. Drainage systems.
- Sec. 6.1.10. Water system.
- Sec. 6.1.11. Sewer system.
- Sec. 6.1.12. Street furniture, landscaping, and name signs.
- Sec. 6.1.13. Monuments and markers.
- Sec. 6.1.14. Transit.

Article 6.3. Use and Work in the Public Right-of-Way

- Sec. 6.3.1. General.
- Sec. 6.3.2. Plans and permits required.
- Sec. 6.3.3. Sidewalk café.
- Sec. 6.3.4. Canopies.

ARTICLE 6.1 DESIGN STANDARDS AND REQUIREMENTS**Sec. 6.1.1. General.**

(A) **Rule.** The standards contained within this Article are applicable to the provision of essential services associated with development and redevelopment. These standards apply to the installation of infrastructure whether or not it is publicly or privately maintained.

(B) **Waivers allowed.** Waivers to the Standards set forth in this Article 6.1 are allowed pursuant to Section 2.4.7(B)(1)(a) provided that the City Engineer concurs in the granting of the waiver.

Sec. 6.1.2. Streets and alleys.

[Amd. Ord. 12-99 3/16/99]

(A) **Improvement obligations.** Concurrent, or prior to, construction associated with an approved development application, the development shall provide for the construction of improvements as identified in Section 5.3.1(C) and off-site improvements to the following extents. [Amd. Ord. 12-99 3/16/99]

- (1) When the street or alley is totally contained within a subdivision or development project, all improvements necessary to accommodate the demands and impacts of the project shall be provided. [Amd. Ord. 12-99 3/16/99]
- (2) When the street or alley is located on a boundary of the project, the project is responsible for providing one-half of the current costs (in cash funds) of such improvements along its property line unless the project requires greater participation as follows in subsections (a) or (b). [Amd. Ord. 12-99 3/16/99]
 - (a) When access to the project is provided from a local street and/or alley, then the project must provide appropriate traffic lanes meeting requirements of Section 5.3.1 (C) in order to provide continuous paved access from the nearest paved street or alley to the project in addition to the improvements on its side of the center line of right-of-way. [Amd. Ord. 12-99 3/16/99]
 - (b) When additional travel lanes are required to accommodate demands made by the project, then the project needs to provide such additional traffic lanes in addition to the improvements on its side of the center line of right-of-way and those required by 6.1.2(A)(2)(a). [Amd. Ord. 18-07 5/15/07; [Amd. Ord. 12-99 3/16/99]

- (3) Off-site improvements must be provided as imposed by conditions of approval on the development application. [Amd. Ord. 12-99 3/16/99]

(B) **Principles of design.** The following principles of street and alley design and layout shall be followed in the platting of subdivisions and development of single lots and large tracts of land. [Amd. Ord. 12-99 3/16/99]

- (1) The arrangement, character, extent, width, grade, and location of all streets shall conform to the Palm Beach County Thoroughfare Plan, the Florida Department of Transportation Highway Plan, and the Master Street Plan as contained in the Traffic Element of the Comprehensive Plan. Also, these factors shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, in their appropriate relationship to the proposed use of the land to be served by such streets, and the most advantageous development of the surrounding neighborhood.
- (2) A proposed street or alley layout shall provide for the continuation or projection of existing streets and alleys in the surrounding area unless the Planning and Zoning Board deems such extension undesirable for specific reasons of topography or design. [Amd. Ord. 12-99 3/16/99]
- (3) Any new street or alley that is an extension of an existing street or alley shall have the same width of right-of-way and be paved to the same widths as the existing street or alley provided that it must meet the minimum construction standards of these regulations and that such widths meet the minimum requirements of this Section. [Amd. Ord. 12-99 3/16/99]
- (4) Residential streets, alleys and access roadways shall be laid out to discourage through traffic, but provision for street and alley connections into and from adjacent areas will generally be required. [Amd. Ord. 12-99 3/16/99]
- (5) Where development abuts, or contains, an existing or proposed arterial street, the City may require marginal access streets, reverse frontages with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (6) Where a development borders on or contains a railroad right-of-way, expressway, drainage canal, or waterway, the City may require a street approximately parallel to and on each side of the right-of-way, at a dis-

tance suitable for the appropriate land use of the intervening land. The distance shall also be determined with due regard for the requirements of approach grades for future bridges or grade separations.

- (7) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under approved conditions. Such reserve strips shall be required, as limited access easements, along all arterial and collector streets except for approved points of ingress and egress.
- (8) Curvilinear streets are recommended for residential, minor, and collector streets in order to discourage excessive vehicular speeds and to provide attractive vistas.
- (9) "T" intersections of minor and collector streets are encouraged.

(C) **Design requirements.** The following standards shall be met in the design of all streets or alleys. [Amd. Ord. 12-99 3/16/99]

(1) **Curves.**

- (a) Whenever a street or alley changes direction, or connection street lines deflect from each other by more than ten degrees, there shall be a horizontal curve.
- (b) A tangent shall be provided between reverse curves. The tangent shall have the minimum lengths of:
 - 100 feet along collector streets
 - 250 feet along arterial streets
- (c) Center line radii for horizontal curves shall be:
 - 150 feet along local streets
 - 300 feet along collector streets
 - 500 feet along minor arterials
 - 750 feet along major arterials

(2) **Intersections.**

- (a) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60 degrees except at a "Y" intersection of local streets.

- (b) Intersections involving junction of more than two streets are prohibited except where found to be unavoidable by the Local Planning Agency.
- (c) As far as possible, intersections along arterial streets shall be located not less than 800 feet apart, measured from center line to center line.
- (d) Street jogs with center line off-sets less than 125 feet shall be avoided.
- (e) Property line radii shall be as follows:
 - 25 feet along local streets
 - Greater than 25 feet, as determined by the City Engineer, at intersections which are less than 60 degrees
 - Edge of paving shall be on a minimum radii of 40 feet excepting in cases where the width of right-of-way does not so permit.

(3) **Paving widths.**

- (a) **Minimums.** The following are the minimum paving widths which are required for the category of street or alley. [Amd. Ord. 08-10 4/20/10]; [Amd. Ord. 12-99 3/16/99]

CATEGORY	MINIMUM PAVING WIDTHS
Arterial Street	24 Feet
Collector Street	24 Feet
Local Street	22 Feet
Marginal Access Street	24 Feet
Access Roadway	24 Feet
Alleys	20 Feet

- (b) **Additional paving.** Additional width may be required by the City Engineer to promote public safety and welfare, and to assure adequate access, circulation, and parking in high-density residential areas, commercial areas, and industrial areas. To determine the necessity for additional pavement, the City Engineer may require the applicant to furnish a traffic impact analysis and, based upon this analysis, the City Engineer shall determine the extent to which any additional paving will be needed.
- (c) **Reduction in paving width.** A reduction in the required paving widths established in Subsection (3)(a), above, may be granted by the City Engineer upon a favorable recommendation from the Development Services Management Group (DSMG). Denial by the City Engineer may be appealed to the City Commission. [Amd. Ord. 08-10 4/20/10]

(4) **Dead-end streets and cul-de-sacs.**

- (a) **Rule.** Dead-end streets without provision of a turnaround are prohibited. Generally, a cul-de-sac shall be required; however, in unique situations where a cul-de-sac cannot reasonably be accommodated either a "T" or "hammerhead" turn around may be accepted by the Local Planning Agency if approved by the Fire Marshal.
- (b) **Temporary dead-ends.** If a street is to be a through street but shall terminate in a dead-end for a significant period of time, a temporary turnaround shall be provided. The temporary turnaround shall be paved unless otherwise provided for by the Planning and Zoning Board.
- (c) **Length.** A dead-end street shall not exceed 1,000 feet except upon a finding by the Planning and Zoning Board that one or more of the following would occur:
 - The preservation of natural features and resources
 - Elimination of unnecessary traffic in the area
 - Preservation or increasing of open space.
- (d) **Cul-de-sac turnaround design standards.** The cul-de-sac shall be constructed to the following standards:
 - Minimum diameter to the outer edge of pavement, or curb line, of 90 feet.
 - Minimum diameter to property line of 100 feet.

(D) **Street and alley construction standards.** Before any street or alley construction plans are approved by the City Engineer, he shall be satisfied that the following requirements, conditions, and standards are complied with. [Amd. Ord. 12-99 3/16/99]

- (1) **Standard reference.** The Florida Department of Transportation Specification for Road and Bridge Construction, Edition of 2007, as amended from time to time, and all Supplemental Specifications, all of which shall be hereinafter referred to as the DOT Specifications, are hereby made a part of this subsection. Where reference is made to the department in the DOT Specifications, it shall be construed to refer to the City. Any and all work not specifically mentioned hereafter shall be performed in accordance with the applicable portions of the DOT Specifications. [Amd. Ord. 06-08 3/18/08]

- (2) **Clearing and grubbing.** Unless specifically approved in the plans and specifications the entire width of the right-of-way shall be cleared and grubbed in accordance with Section 110 of the DOT Specifications.
- (3) **Excavation and embankment.** Excavation and fill, if called for in the approved plans and specifications, shall be in accordance with the applicable portions of Section 120 of the DOT Specifications.
- (4) **Subgrade.** The subgrade shall be uniformly stabilized to a depth of 12 inches to produce a Florida bearing value of 75 psi, in accordance with Section 160 in the DOT Specifications. A compaction of 98 percent of the maximum density as determined by AASHTO Method T-180 shall be deemed sufficient. Unless specifically deleted in the approved plans and specifications, shoulders eight feet in width on each side of the base course shall be stabilized in accordance with Section 160 of the DOT Specification. The subgrade shall be brought to true grade and approved by the City Engineer prior to installation of the base course. [Amd. Ord. 06-08 3/18/08]
- (5) **Base course.**
 - (a) A base course of limerock as specified in Section 911 of the DOT Specifications or crushed concrete shall have a minimum depth of eight inches after compaction, and shall be compacted in two layers to the 98 percent dry density, all in accordance with the provisions of Section 200 of the DOT Specifications. Ocala formation or Miami Oolite formation is acceptable; minimum percentage of carbonates (of calcium and magnesium) in limerock material shall be 95 percent for Ocala limerock and 70 percent for Miami limerock. The width of the base course shall exceed the width of pavement as called for in the approved plans and specifications by 12 inches on each side. The use of forms for this course will not be required, and the use of suitable equipment shall be approved by the City Engineer. The base course shall be inspected and approved by the City Engineer prior to installation of the prime coat. [Amd. Ord. 06-08 3/18/08]
 - (b) In case the above materials are not available, the City Engineer may allow deviations from the above specifications on a case by case basis. Alternate base materials must conform to DOT Specifications. [Amd. Ord. 06-08 3/18/08]
- (6) **Priming.** After approval, the base course shall be primed and a tack coat applied all in accordance with Section 300 of the DOT Specifications.

- (7) **Surface course.** The surface course shall be S-I or S-III hot laid asphaltic concrete and shall have a minimum depth of one and one-half inches after compaction. Width of paving shall be as called for in the approved plans and specifications and all work shall be in accordance with the applicable portions of Sections 320, 330, 331, and 332 of the DOT Specifications. Final inspection and approval of the surface course by the City Engineer shall be required. [Amd. Ord. 06-08 3/18/08]
- (8) **Clean up.** The site shall be cleared of all debris, excess fill, and equipment in a good and workmanlike manner as approved by the City Engineer.
- (9) **Grade, drainage.** The City Engineer shall approve the grade and drainage facilities for all construction before a permit shall be issued therefor.
- (10) **Specifications for curbs and gutters.** Where the road section approved by the Commission calls for curbs and gutters, they shall be constructed of Class I concrete with a minimum strength of 3,000 psi in accordance with Section 520 of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, Edition of 2007, as amended from time to time. [Amd. Ord. 06-08 3/18/08]

Sec. 6.1.3. Sidewalks.

(A) **Principles of design.** The primary purpose of sidewalks is to provide a safe place for pedestrian travel. Generally sidewalks are required along both sides of all streets.

(B) **Sidewalk design requirements.**

- (1) **Widths.** [Amd. Ord. 08-10 4/20/10]
 - (a) Low density residential areas: five feet
 - (b) Medium and high density residential areas: five feet to eight feet
 - (c) Commercial areas: five feet to ten feet
 - (d) Atlantic Ave. between I-95 and SR A1A: ten feet
 - (e) US 1 between SE 2nd St. and NE 2nd St.: ten feet
 - (f) Central Business District: eight feet
 - (g) Other areas: five feet

- (h) Areas that are on County, State or Federal maintained rights-of-way shall meet the requirements above or those of the governing agency, whichever are greater.
- (2) **Location.** Sidewalks shall be constructed within the street right-of-way (or easement or tract) and shall be constructed adjacent to the right-of-way (easement or tract) line.
- (3) **Separation.** A strip of grass, or landscape area, of a least two feet in width shall separate sidewalks from the street pavement or curb section, as applicable.
- (C) **Sidewalk construction requirements.**
 - (1) Sidewalks shall be constructed with concrete; however, when the sidewalk is to function both as a pedestrian way and a bicycle pathway it may have concrete or asphalt as its finished surface.
 - (2) Concrete sidewalks, which are located in driveways, shall have a minimum depth of six inches, and shall be constructed of Class I concrete with a minimum strength of 3,000 p.s.i. [Amd. Ord. 30-01 5/15/01]; [Amd. Ord. 5-98 1/20/98]
 - (3) Sidewalks shall be constructed through all driveways. [Amd. Ord. 21-15 10/20/2015]
 - (4) Sidewalks shall be constructed prior to the issuance of a certificate of occupancy for the property upon which they abut. However, within a residential subdivision, sidewalks are not required to be constructed adjacent to unimproved lots until the issuance of the final certificate of occupancy for the subdivision. [Amd. Ord. 21-15 10/20/2015]
 - (5) Sidewalks shall be constructed in accordance with Section 6.1.3(B) for the following development applications:
 - (a) All non-residential developments.
 - (b) New Master Plan Developments.
 - (c) New residential developments.
 - (d) New infill/replacement residential dwelling units.
 - (e) Renovations that are equal to or greater than 50 percent of the gross square footage of the existing principal residential dwelling unit.

- (f) Additions or new accessory structures that are equal to or greater than 25 percent of the gross square footage of the existing principal residential dwelling unit. [Amd. Ord. 21-15 10/20/2015]

(D) ***Relief from sidewalk installation.***

- (1) ***Alternative pedestrian system.*** For a new residential or mixed-use Master Development Plan (MDP), the Planning and Zoning Board or the Historic Preservation Board if located within a Historic District, upon recommendation from the Development Services Management Group, may approve an alternative pedestrian system as a substitute for providing sidewalks parallel to the street(s) within the proposed MDP. If the proposed alternative pedestrian system is located outside of the right-of-way, the property owner shall grant to the City a perpetual access easement for the use of the alternative pedestrian system by the residents of the development and by the general public. The owner shall be responsible for recording the easement deed. [Amd. Ord. 21-15 10/20/2015]

(2) ***Payment in lieu of installation.***

- (a) The sidewalk requirements for development applications as described in Section 6.1.3(C)(5) may be met by payment of an in-lieu fee sufficient to install a sidewalk of similar size. A request to make an in-lieu fee payment must be made to the City Engineer, who shall approve the request upon a determination that, in his or her sole discretion, the request is consistent with the City's sidewalk policy. [Amd. Ord. 21-15 10/20/2015]
- (b) The calculation of the in-lieu fee shall be based on the construction cost of the entire required sidewalk for the property, as approved by the City Engineer. [Amd. Ord. 21-15 10/20/2015]
- (c) The unit cost per square foot that forms the basis of the calculation of the in-lieu fee shall be established by the City Engineer and adjusted on an annual basis according to the City's average construction costs for public sidewalks. [Amd. Ord. 21-15 10/20/2015]
- (d) The fees collected by the City shall be specifically identified and maintained as a separate account within the City's General Fund and may only be used by the City for the construction of public sidewalks, anywhere within the City, in furtherance of the City's sidewalk policy. [Amd. Ord. 21 15 10/20/2015] [Amd. Ord. 21-15 10/20/2015]

Sec. 6.1.4. Driveways and points of access.**(A) Principles of design.**

- (1) **General application.** Regulation of the configuration of driveways and limitations on the points of access from private property onto street systems are necessary to provide for safe and efficient control of vehicular movement.

(B) Access requirements and restrictions. [Amd. Ord. 12-99 3/16/99]

- (1) All buildings and structures shall be on a lot that takes access from a paved street, alley, or road. All buildings and structures shall be located on lots in such a manner as to provide for safe and convenient access for servicing, fire protection, and required off-street parking. Driveways and points of access are further governed by Section 6.1.4. [Amd. Ord. 12-99 3/16/99]
- (2) Where commercially zoned property is adjacent to, but separated by a street from single family zoned property, the commercially zoned property shall not use such separating street as access unless no other means of ingress and egress to the commercially zoned property exists. [Amd. Ord. 12-99 3/16/99]
- (3) All improved lots shall have frontage on a paved private or public street. All access to improved lots shall be from a paved private or public street, road or alley. If paved access is not available the development must provide continuous paved access from the site to the nearest paved street, road or alley. [Amd. Ord. 12-99 3/16/99]
- (4) All streets and alleys shall be defined by being a dedicated right-of-way (for public streets) or as a tract of land (private streets). [Amd. Ord. 12-99 3/16/99]

(C) Design requirements. [Amd. Ord. 12-99 3/16/99]

- (1) **Minimum width.** A two-way driveway shall normally have a width of 24 feet. In instances where there are no points of conflict in the immediate vicinity of the driveway and the internal circulation system, the width may be approved at a minimum width of 20 feet. One-way points of ingress and egress shall have a width of 12 feet. These minimum provisions do not apply to detached single family development.
- (2) **Maximum width.** Exceptions to the normal 24 feet width may be granted for:
 - (a) Points of ingress and egress to gasoline stations up to a maximum width of 36 feet;

- (b) Controlled access points into a shopping center may have a width greater than 24 feet when such width is necessary to handle the volume of traffic at the point of access; The need for such width shall be demonstrated through a traffic study;
- (c) Points of egress for Fire Stations and similar facilities which require ample maneuvering area.

Note: The above regulation prohibits "curb-cuts" greater than 24 feet and will, thus, not accommodate the practice of vehicles backing from the parking area of duplexes into adjacent streets, except from a 24 feet wide driveway. [Amd. Ord. 12-99 3/16/99]

- (3) **Number, location, spacing, and stacking.** The following spacing requirements shall be observed in the location and spacing of driveways.

- (a) **Number.** There shall be no more than two points of access into a non-residential development along any street unless the need for additional access is proven by a traffic study and the additional points of access are specifically granted through the site plan review process. [Amd. Ord. 08-10 4/20/10]

- (b) **Location.**

1. No driveway shall be located within 25 feet of the extension of ultimate right-of-way lines at any intersection.
2. No driveway shall be located within five feet of a property line except on the zero lot line side of a zero lot line development lot. [Amd. Ord. 08-10 4/20/10]
3. Driveways at gasoline stations or convenience food stores shall not be within 15 feet of an interior property line.
4. Access roads and driveways which access parking lot with more than 100 spaces shall be located so as to be directly across from or off-set by a minimum distance of 50 feet from existing driveways located on parcels or lots across a common street, unless cross access is prohibited by a median.

- (c) **Spacing.** A minimum distance of 25 feet shall be maintained between driveways located on the same parcel or lot.

- (d) **Stacking.** See Section 4.6.9(D)(3)(c). [Amd. Ord. 22-92 6/16/92]

(4) ***Sight distance.***

- (a) Sight distance pursuant to Section 4.6.14 shall be provided at the intersection of driveways and streets.
- (5) A nonpublic (private) access easement upon one Lot or Parcel which provides ingress and egress for one adjoining single family Lot (or Parcel) of Record, and similar uses, is excluded from the provisions of this Subsection (C).
- (6) Exemption of backing into alleys. The design requirements of this subsection (C) do not apply to situations where vehicles are allowed to back directly into adjacent alleys. All other subsections shall apply including A, B, and D. [Amd. Ord. 12-99 3/16/99]

(D) ***Construction requirements.*** [Amd. Ord. 12-99 3/16/99]

- (1) Driveways may be constructed of concrete or asphalt. In addition, the City Engineer may approve an alternative surface type including, but not limited to, stamped concrete which creates a noticeable pattern in the finished product. When the alternative surface is loose rock (i.e. Chatahoochee) and there is a sidewalk in front of the property, the loose rock shall be limited to the private property side of the sidewalk (no loose stone in the right-of-way). If the City has to perform maintenance within the rights-of-way, any displaced stamped concrete will be replaced with a smooth, non-colored, non-stamped finish. At the discretion of the City Engineer, the stamped surface may be replaced with a similar stamped surface if the additional cost (over and above smooth, non-colored, non-stamped finish) is borne by the abutting property owner. Alternative surfaces other than stamped concrete will be replaced with material at the discretion of the City Engineer. [Amd. Ord. 5-98 1/20/98]
- (2) Driveways shall include that portion of the street located between the travelway (traffic lanes) and private property and said area shall be paved or improved with an alternative surface as approved by the City Engineer.
- (3) If an alternative driveway surface other than concrete is selected, the subbase is to comply with standards outlined in LDR Section 6.1.2 (C). [Amd. Ord. 5-98 1/20/98]
- (4) Maintenance of concrete, asphalt or alternative surface driveways constructed within the right-of-way is the responsibility of the abutting property owner. [Amd. Ord. 5-98 1/20/98]

- (5) All property owners, including but not limited to, duplexes, multi-family and commercial, but, excluding single family homes, that are not in compliance with Section 6.1.4, prior to the adoption of this ordinance, shall be required to come into compliance with Section 6.1.4 within three years of the adoption of this Ordinance. Persons that received a variance exempting the property from this requirement or approval from the City Engineer allowing another type of surface prior to the effective date of this ordinance are not required to comply with the provisions of this ordinance. [Amd. Ord. 29-01 5/1/01]

Sec. 6.1.5. Street lighting.

The development of property alongside a public or private street shall be responsible for the installation of street lights pursuant to the practice of the Florida Power and Light Company. Arrangements for the deferred installation of such lighting may be accommodated. The financial guarantee for such lighting may be a cash bond, initially retained by the City, and then delivered to FP&L at the time of installation.

Sec. 6.1.6. Traffic signals.

When the traffic from a proposed development, combined with projected traffic at the time of completion of the development, warrants installation of a traffic signal, the installation of such a signal shall be required prior to issuance of a specified occupancy permit. Similarly, when a traffic signal exists but traffic from a proposed development will necessitate a change in the traffic signal, the effecting of such a change shall be required.

Sec. 6.1.7. Bicycle trails, paths, and lanes.

When a development is located between improved portions of a bicycle trail system, provisions shall be made for the completion of any unimproved linkage. For the purpose of this requirement, it is not necessary that the improved portion of the trail system abut or be adjacent to the property proposed for development.

Sec. 6.1.8. Undergrounding of utilities.

Utility facilities serving the development including but not limited to gas, electric power, telephone, and CATV cables shall be located underground throughout the development.

Sec. 6.1.9. Drainage systems.

(A) The drainage system shall be designed and constructed for long life, low maintenance cost, and ease of maintenance.

(B) An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, inlets, bridges, and the like shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full width roadway and required slopes.

(C) Developers of subdivisions whose storm drainage system discharges into the Lake Worth Drainage District shall contract with the Lake Worth Drainage District for maintenance of drainage facilities prior to annexation to the City.

(D) Lots shall be laid out and graded to provide positive drainage away from all existing or proposed buildings.

(E) The drainage system shall be designed using accepted engineering principles for rainstorms of maximum intensity based on a ten-year interval for the South Florida area. The system shall provide for drainage of lots, streets, roads, and other public areas as well as handling any run-off from adjacent areas that naturally flows into the subject area. Run-off coefficients shall be based on completed projects. The following standards shall apply to all drainage projects.

(1) Storm sewers, culverts, and related installations shall be provided, where necessary, according to the City Engineer:

- (a) To permit unimpeded flow of natural water courses.
- (b) To insure adequate drainage of all low points along the line of streets.
- (c) To intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained.

(F) In the design of storm sewerage installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water run-off over adjacent properties.

(G) The subdivider may be required to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

(H) A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer shall approve the design and size of the facility based on anticipated run-off from a ten-year storm under conditions of total potential development permitted by the zoning code in the watershed.

(I) The subdivider's engineer shall also study the effect of such subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the City Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a ten-year storm, the subdivision shall not be approved until provision has been made for the improvement of the condition.

(J) The owner or responsible entity of any land development or redevelopment that discharges directly or indirectly to a Municipal Separate Storm Sewer System is required to provide for annual inspections, and operation and maintenance of its stormwater management system, to ensure that the system functions as designed and permitted. [Amd. Ord. 2-01 1/16/01]

Sec. 6.1.10. Water system.

(A) **Required.** Water mains properly connected with the City water supply system shall be provided as to adequately serve all lots and sites shown on a subdivision plat for the purpose of both domestic use and fire suppression. Pertinent specifications from the City and other regulatory bodies must be followed.

(B) Design standards.

(1) **Size.** All public water mains shall have a minimum diameter of eight inches unless a reduced size is specifically allowed by the City Engineer.

(2) Fire protection provisions.

(a) Maximum length of dead end mains shall be as follows:

- i. Single family and duplex residential districts maximum dead end of 500 feet, provided the hydrant will deliver 1,000 gallons per minute (GPM) at 20 PSI residual pressure.
- ii. Multi-family residential districts with buildings two stories or less in height - maximum 400 feet, provided the fire hydrant will deliver 1,500 GPM at 20 PSI residual.
- iii. Multi-family residential districts more than two stories in height and all commercial, business, industrial and special hazard districts - maximum 300 feet, provided the fire hydrant will deliver 2,000 GPM at 20 PSI residual. Dead end mains normally will only be used for fire protection purposes to supply fire hydrants, fire pumps, standpipe

systems, automatic fire sprinkler systems and similar devices. Domestic supplies normally will be connected to circulating mains to minimize bacteriological issues.

- iv. All fire hydrants shall be placed in a position so as to be accessible at all times from a paved road. [Amd. Ord. 28-01 5/15/01]
- (b) Fire hydrant spacing shall be in accordance with the following:
- i. Single family and duplex residential districts: Not more than 500 feet between hydrants.
 - ii. Multi-family residential districts (townhouses, garden apartments, cluster developments, and the like and similar buildings two stories or less in height): Not more than 400 feet between hydrants.
 - iii. Multi-family residential districts with buildings more than two stories in height, all commercial districts, all business districts, all industrial districts, and special hazard applications: Not more than 300 feet between hydrants.
 - iv. Areas with divided or multi-lane road systems should have hydrant distribution on both sides of the highway, utilizing spacing criteria listed above when existing and proposed parallel mains will support this criteria.
 - v. Measurement of spacing shall be by way of road travel.

DELETED (c) AND RE-LETTERED BELOW. [Amd. Ord. 15-10 7/20/10]

- (c) Fire flow shall be based on the most recent Insurance Service Office (ISO) table for determining fire flow requirements. Buildings which are protected throughout with complete automatic fire sprinkler protection in accordance with the appropriate National Fire Protection Association Standard 13 shall only be required to meet the flow requirement within that standard. The Fire Chief may modify fire flow requirements in consideration of unusual circumstances or building features and process hazards. [Amd. Ord. 15-10 7/20/10]; [Amd. Ord. 31-93 4/13/93]

The Engineer of Record will submit to the Public Utilities Department with the preliminary water distribution drawings, two copies of the hydraulic calculations for verifying required fire flow, signed and sealed by a registered professional engineer in the State of Florida.

The Engineer of Record will perform fire flow tests in the presence of the Public Utilities Department Inspector.

- (d) A double check valve assembly shall be the minimum requirement on all fire suppression water lines longer than 25 feet. The double check valve assembly shall be installed within 25 feet of the distribution line. The assembly shall be installed in accordance with the Public Utilities Department's latest specification and standard details. The double check valve assembly on the fire suppression water line shall not be required if an active water service connection with required backflow prevention device is tapped within 25 feet of the end of the fire suppression line.

Deleted Subsection 6.1.10(B)(3), "Prohibition of Interconnections"; Subsection 6.1.10(B)(4), "Limitation on Number of Structures Per Meter"; Subsection 6.1.10(B)(5), "Prohibition on Use of City Water for Irrigation"; and Subsection 6.1.10(B)(6), "Water Meter Sizing" in Their Entirety. [Amd. Ord. 28-01 5/15/01]

(C) **Construction requirements and standards.**

- (1) To eliminate future street openings, all underground work shall be completed prior to paving of new streets. Where paving exists, water mains shall be installed through bore-n-jack methods.

(D) **Incorporation by reference.** Chapter 52 of the Code of Ordinances of the City of Delray Beach, as may be amended from time to time, is incorporated herein. [Amd. Ord. 28-01 5/15/01]

Sec. 6.1.11. Sewer system.

(A) **Required.** Sanitary sewers, properly connected with the City sewerage system shall be provided. In addition to mains, laterals shall be installed to each platted lot and stubbed off at the property line for future connection. [Amd. Ord. 4-02 2/19/02]

(B) **Incorporation by reference.** Chapter 53 of the Code of Ordinances of the City of Delray Beach, as it may be amended from time to time, is incorporated herein. [Amd. Ord. 4-02 2/19/02]

Deleted Subsection 6.1.11(B), "Discharge Prohibitions"; Subsection 6.1.11(C), "Private Sewage Disposal Systems, Subsection 6.1.11(D), "Design Standards; and Subsection 6.1.11(E), "Construction Requirements and Standards", in Their Entirety. [Amd. Ord. 4-02 2/19/02]

Sec. 6.1.12. Street furniture, landscaping, and name signs.

(A) **Street furniture and landscaping.** Street furniture such as benches, shelters, and waste baskets must be approved by the City Engineer. Grassing and mulching shall be done in the strip between curbs and sidewalks. Planting of shade trees and street lighting are required, in conformance with pertinent plans approved by the City Engineer. (Ord. No. 18-22, § 4, 10-25-22)

(B) **Street name signs.** Street name signs with the approved name properly affixed shall be installed at the intersection of all streets and over rights-of-way at the expense of the developer. Location and color design of street name signs shall be subject to the approval of the City Engineer. (Ord. No. 18-22, § 4, 10-25-22)

Editor's note—Ord. No. 18-22, § 4, adopted October 25, 2022, in effect repealed § 6.1.12 and enacted a new § 6.1.12 as set out above and later amended. Former § 6.1.12 pertained to street signs, furniture, and landscaping and derived from the original codification.

Sec. 6.1.13. Monuments and markers.

(A) At the intersection of the center line of all streets there shall be installed a one-inch pipe, three feet long, embedded in concrete with the top flush with the finished pavement.

(B) All other lot corners shall be marked with an iron pipe not less than one-half inch in diameter and 24 inches long and set so as to be flush with the finished grade.

(C) Permanent reference monuments shall be as required by Florida Plat Law.

Sec. 6.1.14. Transit.

[Section added by Ord. 13-13 8/20/13]

(A) Provision of bus shelters. (Ord. No. 33-23, § 4, 10-17-23)

(1) The following projects shall include a bus shelter: (Ord. No. 33-23, § 4, 10-17-23)

(a) A new residential development with 25 or more units; (Ord. No. 33-23, § 4, 10-17-23)

(b) A non-residential development greater than 10,000 square feet; (Ord. No. 33-23, § 4, 10-17-23)

(c) A development adjacent to an existing or proposed transit stop. (Ord. No. 33-23, § 4, 10-17-23)

- (2) When the placement of a bus shelter for a qualifying project would be located less than the standard minimum distance from an existing shelter (applied and determined by Palm Tran), then the project shall contribute the full cost of the purchase and installation of a complete bus shelter. (Ord. No. 33-23, § 4, 10-17-23)
 - (3) New residential projects that have fewer than 25 units, non-residential projects that are smaller than 10,000 square feet, or projects that are not located adjacent to a transit stop shall contribute 50 percent of the cost of the purchase and installation of a complete bus shelter. (Ord. No. 33-23, § 4, 10-17-23)
- (B) Bus shelters shall include a pad, an ADA-compliant boarding and alighting area, and an ADA-compliant structure which includes a mounted trash receptacle, bike rack, bench, and sufficient illumination. (Ord. No. 33-23, § 4, 10-17-23)

ARTICLE 6.3. USE AND WORK IN THE PUBLIC RIGHT-OF-WAY**Sec. 6.3.1. General.****Sec. 6.3.2. Plans and permits required.**

A permit is required for any work undertaken within the public right-of-way pursuant to Section 2.4.6(N). Before the City Engineer shall issue a permit for such work, he shall first cause the person or persons seeking to make the improvements to file, in his office, plans and specifications of the proposed improvements which he shall examine to determine that they meet the standards set forth in these Regulations.

Section 6.3.3 Movable Fixtures Within the Right-of-Way: Repealed in its entirety and enacted in the City Code of Ordinances, Section 102.40. [Amd. Ord. 27-96 8/06/96]

Sec. 6.3.3. Sidewalk café.

- (A) **Definition.** A "Sidewalk Café" is a grouping of dining furniture which may include tables and chairs, approved by the City through a Sidewalk Café permit and is situated and maintained outside within a public right-of-way, a portion of which may be located in a public pedestrian way (sidewalk), between the building front (and/or side for corner lots) and the curb at the edge of the roadway and such area is used for the consumption of food and beverages sold to the public from an adjoining restaurant or other eligible business. Sidewalk Cafés are allowed only when in compliance with this Section. [Amd. Ord. 51-05 7/19/05]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (B) **Permit and fees.** It shall be unlawful for any person to establish a Sidewalk Café unless a valid permit to operate a Sidewalk Café has been obtained from the City pursuant to this Section. The permit shall be issued on a form provided by the City. No permit shall be issued until all the requirements of this Section have been met. Permits shall not be transferable. All permits shall comply with the following: [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (1) Each Sidewalk Café permit shall be effective for one year, from July 1 until June 30. Any new permit application received after July 1 until December 31 will pay the full cost of the permit fee and the permit shall expire June 30 of the following year. Any new permit application received after December 31 will pay one-half of the cost of the permit

fee and the permit shall expire June 30 of the same year. In addition, should the initial Sidewalk Café permit or any renewal permit be cancelled for any reason pursuant to this section, a new application fee shall be required for any subsequent permits issued. [Amd. Ord. 56-09 10/20/09]; [Amd. Ord. 51-05 7/19/05]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)

- (2) The initial Sidewalk Café application fee along with the annual permit fee based upon per the square footage of approved Sidewalk Café spacer shall both be established by a resolution of the City Commission. Additional "leasing fees" shall be collected for any Sidewalk Café located in the Florida Department of Transportation (FDOT) right-of-way along East Atlantic Avenue and along South Ocean Boulevard. The FDOT leasing fees will also be established by resolution of the City Commission and collected based on the terms outlined in the Lease Agreement between the City and the FDOT, which may be amended from time to time. [Amd. Ord. 23-12 8/7/12]; [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (3) Renewals of a Sidewalk café permit and payment of fees must be submitted and approved on or before July 1 of each year. [Amd. Ord. 51-05 7/19/05]; [Amd. Ord. 5-05 3/1/05]
- (4) Late renewal fee. If a renewal payment is not submitted by July 1st, it shall be considered late and subject to a late fee of ten-percent, plus an additional five-percent late fee if payment is not received by the first of each month thereafter until paid, provided that the total late fee shall not exceed 20 percent of the permit fee. If a renewal payment is not submitted by July 1, the City has the right to immediately cancel the Sidewalk Café permit upon written notice to the permit holder and the City may also cancel such permit without notice if the payment, along with accrued late fees is not fully paid by October 1, of any renewal period. [Amd. Ord. 56-09 10/20/09] (Ord. No. 17-17, § 2, 6-13-17)
- (5) Any applicant that was issued a Café permit prior to this ordinance and no longer meets the definition of a Sidewalk Café shall be eligible for one one-year extension of their Sidewalk Café permit after which the applicant shall be required to submit a site plan modification (if the area of the Café is not shown on an approved site plan) or shall be required to remove all Sidewalk Café elements. (Ord. No. 17-17, § 2, 6-13-17)

- (B) **Reserved.** [Amd. Ord. 5-05 3/1/05]; [Amd. Ord. 25-98 7/21/98]
- (C) **Required information.** In addition to the required permit application and permit fee, the following must be provided at the time the application is submitted or renewed: [Amd. Ord. 5-05 3/1/05]; [Amd. Ord. 25-98 7/21/98]
- (1) A copy of a valid business tax receipt; and description of use. [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05]
 - (2) A sketch plan of the area between the store front and vehicular travel surface or public space, drawn to a minimum scale of one inch equals ten feet which shows: [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 25-98 7/21/98]
 - (a) The sidewalk café area including square footage and dimensions; [Amd. Ord. 5-05 3/1/05]
 - (b) The store front and all openings (doors, windows); [Amd. Ord. 5-05 3/1/05]
 - (c) The location of curb, sidewalk, and any utility poles, fire hydrants, landscaping, or other items, within the right-of-way and private property, between the curb and the store front including dimensions; [Amd. Ord. 5-05 3/1/05]
 - (d) The location of any of the above items which are within six feet of the ends of the proposed use area; and the location of parking spaces (or use of the street or public space) adjacent to the proposed use area; [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05]
 - (e) Clear delineation of the boundary between private property and the right-of-way including dimensions; [Amd. Ord. 5-05 3/1/05]
 - (f) Delineation of "clear pedestrian pathways" and "No Table Zones" as required by Subsection (F)(5); [Amd. Ord. 5-05 3/1/05]
 - (g) Proposed location of chairs with tables, and other private features such as but not limited to hostess stands, umbrellas, etc.; [Amd. Ord. 5-05 3/1/05]
 - (h) Proposed location of sidewalk café barriers as required by Subsection (F)(7); [Amd. Ord. 5-05 3/1/05]
 - (i) Photographs and/or manufacturer brochures depicting the chairs, tables, umbrellas, menu boards and logos, and other temporary

private features including, but not limited to, lighting, planters, ropes, stanchions and other equipment to be used in the proposed sidewalk café area. [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05]

- (j) If the Permittee intends to use property in front of an adjacent business, the permittee must submit a notarized statement from the adjacent business owner(s) indicating the adjacent business owner has allowed the use of the sidewalk in the front of their business(s), on a form acceptable to the City. [Amd. Ord. 5-05 3/1/05]
- (3) Proof of Insurance and a Hold Harmless Agreement in a form acceptable to the City Attorney.
- (D) **Processing.** The permit application including the Required Information as requested in Subsection (C) above shall be submitted to the Community Improvement Department for processing. Appeals shall be governed by Section 2.4.7(E). [Amd. Ord. 5-05 3/1/05]; [Amd. Ord. 25-98 7/21/98]
- (E) **Geographic limitation.** A permit for a sidewalk café may be issued within those zoning districts which allow restaurants, subject to any limitations or restrictions of the particular district. [Amd. Ord. 25-98 7/21/98]
- (F) **Use, design, and maintenance of a sidewalk café.** [Amd. Ord. 25-98 7/21/98] (Ord. No. 17-17, § 2, 6-13-17)
 - (1) A Sidewalk Café shall only be established in conjunction with a legally established restaurant or business where the food product is prepared, processed, or assembled on the premises (for example: deli, ice cream store, sandwich shop) where the food product preparation is the main or sole purpose of the business. These businesses shall be deemed eligible to apply for a Sidewalk Café permit. A business that prepares., processes., or assembles food on the premises, where such food preparation or assemblage is not the main or sole purpose of the business shall not be allowed to establish a Sidewalk Café. [Amd. Ord. 10-12 4/3/12]; [Amd. Ord. 37-10 11/2/10] (Ord. No. 17-17, § 2, 6-13-17)
 - (2) A Sidewalk Café may only be established in the area between the curb of a public roadway and in the front of the business or along a side street adjacent to the business on include portions of a public pedestrian ways (sidewalk) or a public plaza. However, businesses located on Atlantic Avenue which also have a side street frontage shall be allowed to establish a Sidewalk Café along only one of the street frontages (e.g.

Sidewalk Café permitted on either the side street or on Atlantic Ave, but not on both street frontages). The Sidewalk Café shall not be established adjacent to a travel lane or on-street parking, unless there is no ability to establish a Sidewalk Café adjacent to the storefront, in which case a Sidewalk Café may be located adjacent to a traffic lane or street parking as long as a six foot clear pedestrian path is provided and the tables and associated chairs provide a minimum setback of five feet from the vehicular travel lane and associated curbing. This five feet setback does not apply when the tables are immediately adjacent to on-street parking. [Amd. Ord. 03-15 02/24/2015]; [Amd. Ord. 10-12 4/3/12]; [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)

- (3) Alcoholic beverages may be consumed at a sidewalk café.
- (4) The use of the dining furniture shall be only for the customers of the business with which the Sidewalk Café is associated. Tables, chairs, umbrellas, barriers and other objects associated with a Sidewalk Café shall be of quality design, materials and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment, as previously approved by the City and as shown and depicted in the approved Sidewalk Café permit. All tables, chairs, umbrellas, barriers and associated objects must be located within the Sidewalk Café permit area. All umbrellas and canopies must maintain a minimum seven feet clear area and shall not extend outside of the Sidewalk Café area. All barriers shall be three feet in height. See Figures 6.3.3—1 and 2 for more details. [Amd. Ord. 37-10 11/2/10] (Ord. No. 17-17, § 2, 6-13-17)

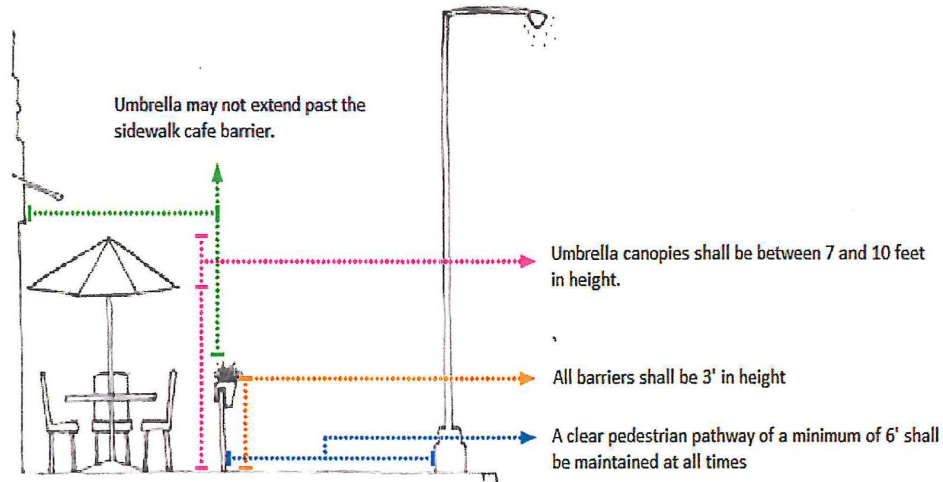


Figure 6.3.3-1 Sidewalk Café Cross Section Diagram

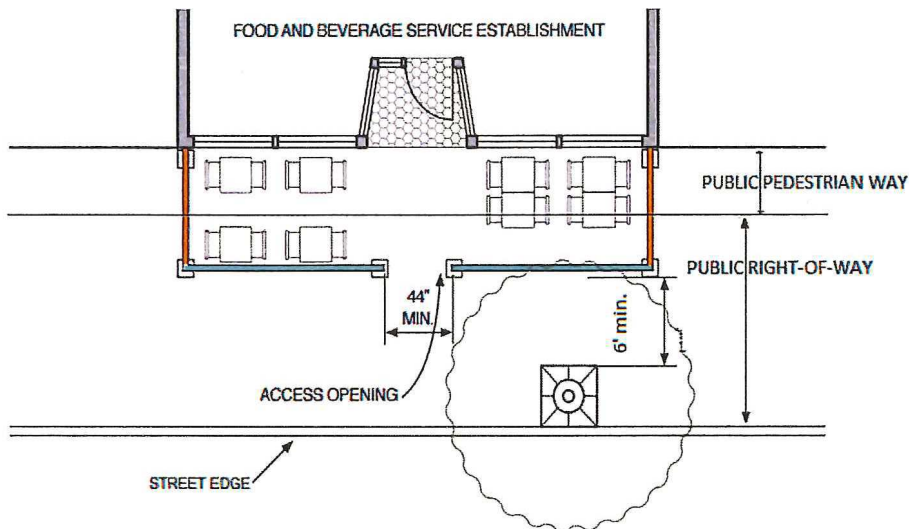


Figure 6.3.3-2 Sidewalk Café Plan View Diagram (Example)

- (5) Within "ZONE-1", defined as that area east-to-west between Swinton Avenue and the Intracoastal Waterway, and north-to-south between NE 1st Street and SE 1st Street (see Figure 6.3.3-3), the following regulations shall apply: [Amd. Ord. 03-15 02/24/2015]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
 - (a) When a Sidewalk Café operator provides a clear pedestrian path of a minimum of six feet, the operator can choose to place the

associated tables and chairs on either side of the pathway, but not on both sides. The six-foot clear pedestrian path shall be parallel to the street and/or alley. (Ord. No. 17-17, § 2, 6-13-17)

- (b) In the event that a six-foot clear pedestrian path adjacent to the curb is interrupted by street furniture, trees, tree grates or similar impediments, then the Sidewalk Café operator may provide for a six-foot clear pedestrian path commencing from the edge of the impediment closest to the building facade for a distance of six feet towards the building. (Ord. No. 17-17, § 2, 6-13-17)
- (c) If a Sidewalk Café operator provides a clear pedestrian path of a minimum of seven feet the operator can place the associated tables and chairs on both sides of the pathway. The seven-foot clear pedestrian path shall be parallel to the street and/or alley. (Ord. No. 17-17, § 2, 6-13-17)

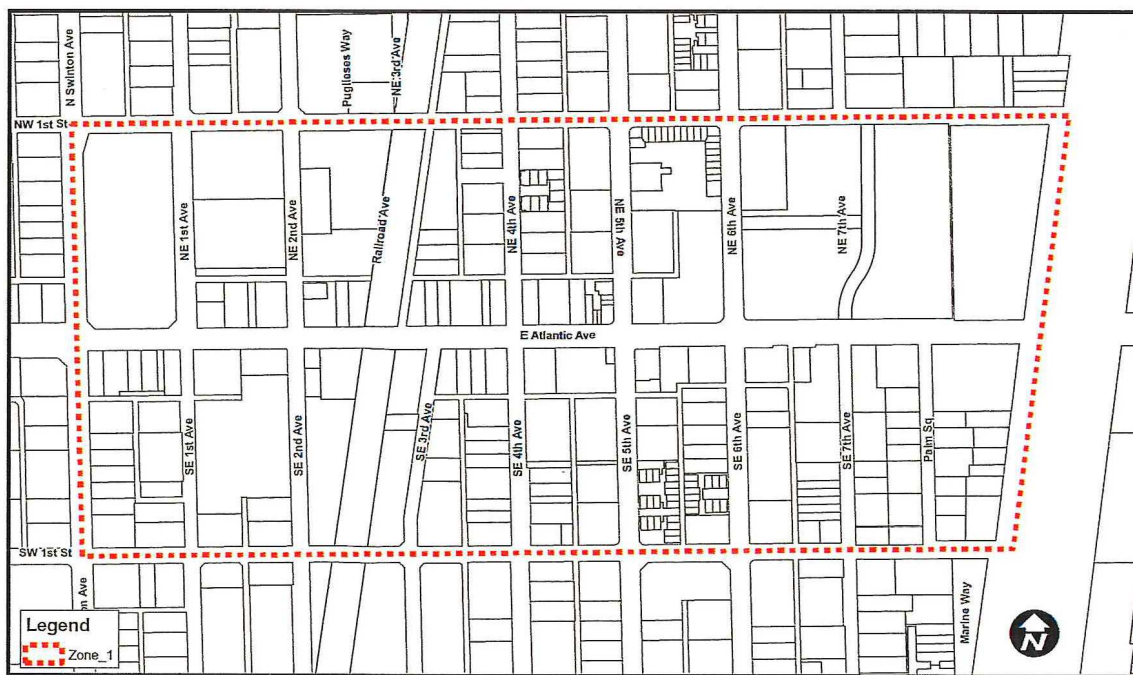


Figure 6.3.3-3 Sidewalk Café Zone 1

- (d) For Sidewalk Cafés with permits approved prior to the effective date of this ordinance, the dimensions of approved pedestrian paths will prevail until the next annual permit renewal. In the event of any dispute as to the placement and/or dimension of any required pedestrian path within any ZONE, the Planning Zoning

and Building Director, or a designee of the Director, shall make the final determination in order to bring the operator into conformance with any pedestrian pathway regulations set forth herein. (Ord. No. 17-17, § 2, 6-13-17)

- (6) Within "ZONE-2" as defined as all other geographical areas of the City, the following regulations shall apply: (Ord. No. 17-17, § 2, 6-13-17)
 - (a) When a Sidewalk Café operator provides a clear pedestrian path of a minimum of six feet, the operator can choose to place the associated tables and chairs on either side or both sides of the pathway. In either case, the six-foot clear pedestrian path shall be parallel to the street and/or alley. (Ord. No. 17-17, § 2, 6-13-17)
 - (b) When the Sidewalk Café is established on one side of the six-foot clear pedestrian path adjacent to the curb and is interrupted by street furniture, trees, tree grates or similar impediments, then the Sidewalk Café operator may provide for a six-foot clear pedestrian path commencing from the edge of the impediment closest to the building facade for a distance of six feet towards the building. (Ord. No. 17-17, § 2, 6-13-17)
 - (c) For Sidewalk Cafés with permits approved prior to effective date of this ordinance, the dimensions of approved pedestrian paths will prevail until the next annual permit renewal. (Ord. No. 17-17, § 2, 6-13-17)
- (7) A "No Table Zone" is hereby established. No Sidewalk Café tables or chairs shall be located within the "No Table Zone". The "No Table Zone" is that area located at the intersections of Atlantic Avenue with any side street, within 15 feet of the extended curb line. The 15 feet will be measured perpendicular to the street from the extended curb. For non-Atlantic Avenue intersections, the "No Table Zone" shall be ten feet as measured above. [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (8) The Sidewalk Café area is to be segregated from the pedestrian pathway by means of barriers such as planters, railings or other similar moveable fixtures or other clearly visible demarcation. No part of the barrier shall be located within the required clear pedestrian pathway as defined in subsection (5) and (6) above. [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)

- (9) In addition to previously approved business signs, the Sidewalk Café may have one additional business sign. [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
 - (a) The business sign shall not exceed four square feet. [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
 - (b) The business sign shall not exceed 42 inches in height. [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (10) Use area and/or seating capacity realized through a Sidewalk Café use and contiguous outdoor dining areas shall not invoke provisions of the zoning code as they pertain to parking or other matters. [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (11) Food may be carried to tables by patrons or served by a table waiter/waitress for all uses that have been assessed restaurant parking requirements. All other uses that have been assessed general commercial parking requirements, but otherwise qualifying for Sidewalk Café permit, shall be for take-out food only (food may be carried to tables by patrons; no waiter/waitress service is allowed). The use of food preparation stations, trash receptacles and cash registers are prohibited within the Sidewalk Café area. [Amd. Ord. 10-12 4/3/12]; [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (12) The use of carpeting, artificial turf, or other services of any kind must be approved as a part of the Sidewalk Café application. [Amd. Ord. 37-10 11/2/10] (Ord. No. 17-17, § 2, 6-13-17)
- (13) All services provided to patrons of a Sidewalk Café and ah patron activity (i.e., sitting, dining, etc.) shall occur within the designated Sidewalk Café area, and shall not impinge on the required clear pedestrian pathways as provided for in subsections (F) (5) and (6) above for pedestrian passage at any time. Chairs shall be arranged parallel to the clear pedestrian path so that they do not encroach into the clear pedestrian path to accommodate patrons. [Amd. Ord. 37-10 11/2/10] [Amd. Ord. 03-15 02/24/2015] (Ord. No. 17-17, § 2, 6-13-17)
- (14) Hours of operation shall be the same as the associated businesses. [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (15) The area covered by the permit, including the sidewalk, curb and gutter immediately adjacent to it, shall be maintained in a clean, neat, attractive and orderly manner at all times and the area shall be cleared

of all debris and stains on a periodic basis during the day and again at the close of each business day, ensuring a tidy appearance. The permittee shall also be responsible to pressure clean the sidewalk surface on which the Sidewalk Café is located at least once a week or more frequently, if needed and pick up all litter and debris including litter and debris in the landscaped areas adjacent to the Sidewalk Café area under permit. [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)

- (16) No tables, chairs, or any other part of Sidewalk Cafés shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area. [Amd. Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)

(G) **Liability and insurance.** [Amd. Ord. 25-98 7/21/98]

- (1) Prior to the issuance of a permit, the applicant shall furnish a signed statement that the permittee shall hold harmless the City, its officers and employees and shall indemnify the City, its officers and employees from any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.
- (2) Permittee shall furnish insurance and insurance certificate and maintain such public liability, food products liability, and property damage insurance from all claims and damages to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury, and property damage respectively, per occurrence. Such insurance shall name the City, its officers and employees as additional insureds and shall further provide that the policy shall not terminate or be canceled without 30 days written notice to the City. [Amd. Ord. 25-98 7/21/98]

Enacted a new letter (H) and relettered. [Amd. Ord. 5-05 3/1/05]

(H) **Penalties for violations.** In addition to the remedies provided in Section 6.3.3(I), the following penalties will be imposed upon the issuance of a written notice to the permittee shall be given as follows: [Amd. Ord. 5-05 3/1/05]

1st violation — a written warning [Amd. Ord. 5-05 3/1/05]

2nd violation — up to \$150.00 fine [Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05]

3rd violation — up to \$250.00 fine [Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05]

- (l) ***Denial, revocation, or suspension of permit; removal and storage fees; jurisdiction of the Code Enforcement Board or civil violations; emergencies.*** [Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05]; [Amd. Ord. 25-98 7/21/98] (Ord. No. 17-17, § 2, 6-13-17)

(1) In addition to the remedies for late fees set forth hereinabove at subparagraph (A)(4). The City Manager or his/her designee may deny, revoke, or suspend a permit of any Sidewalk Café in the City if it is found that: (Ord. No. 17-17, § 2, 6-13-17)

- (a) Any necessary business or health permit has either been suspended, revoked, or canceled or has lapsed. (Ord. No. 17-17, § 2, 6-13-17)
- (b) The permittee does not have insurance which is correct and effective. (Ord. No. 17-17, § 2, 6-13-17)
- (c) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal or modification of the Sidewalk Café, in order to avoid danger to the health, safety or general welfare of pedestrians or vehicular traffic. [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (d) The permittee has failed to correct violations of this subchapter or conditions of permitting within three days of receipt of written notice of same. (Ord. No. 17-17, § 2, 6-13-17)
- (e) If the permittee receives more than three Code Enforcement violations and/or civil violations in a twelve-month period from the issuance of its permit for non-compliance to this Section, the permit shall be terminated and no refunds of the permit application fee shall be granted. The permittee may not receive a new permit for six months. [Ord. 37-10 11/2/10]; [Amd. Ord. 5-05 3/1/05] (Ord. No. 17-17, § 2, 6-13-17)
- (f) The Sidewalk Café does not enhance or conform to the aesthetic ambiance of the area or is not compatible with other adjacent businesses or Sidewalk Cafés. [Amd. Ord. 51-05 7/19/05] (Ord. No. 17-17, § 2, 6-13-17)

(2) The City may remove or relocate or order the removal or relocation of tables and chairs and other vestiges of the sidewalk café and a

reasonable fee charged for labor, transportation, and storage, should the permittee fail to remove said items within 36 hours of receipt of the written notice from the City Manager or his/her designee ordering removal or relocation. However, in the event of an emergency, no written notice of relocation or removal shall be given and relocation and/or removal shall commence immediately. [Amd. Ord. 5-05 3/1/05]

- (3) The permittee may appeal the order of the City Manager pursuant to Section 6.3.3(J), below. [Amd. Ord. 5-05 3/1/05]; [Amd. Ord. 25-98 7/21/98]
- (4) Fines for noncompliance shall be in accordance with Chapter 37 of the Code of Ordinances. [Ord. 37-10 11/2/10]; [Amd. Ord. 51-05 7/19/05]
- (5) The sidewalk café permit may be suspended upon written notice of the City Manager or his/her designee and removal may be ordered by the City when repairs necessitate such action. [Amd. Ord. 5-05 3/1/05]
- (6) In addition, the City may immediately remove or relocate all or parts of the sidewalk café or order said removal or relocation in emergency situations, without written notice. In an emergency or upon the issuance of a hurricane warning or notification of another weather emergency by the county, the permittee shall forthwith place indoors all tables, chairs, and other equipment located on the sidewalk. Failure to comply shall result in violation of this subsection which shall result in the issuance of a fine not to exceed \$500.00. [Amd. Ord. 5-05 3/1/05]

(J) **Appeals.** [Amd. Ord. 5-05 3/1/05]; [Amd. Ord. 25-98 7/21/98]

- (1) Appeals of the decision of the City Manager or his/her designee shall be initiated within ten days of a permit denial, revocation or suspension, or of an order of removal or relocation, by filing a written notice of appeal with the City Manager. [Amd. Ord. 25-98 7/21/98]
- (2) The City Manager shall place the appeal on the first available regular City Commission agenda. At the hearing on appeal, the City Commission shall hear and determine the appeal, and the decision of the City Commission shall be final and effective immediately. The City Commission shall apply the standards set forth in 6.3.3(I). [Amd. Ord. 51-05 7/19/05]; [Amd. Ord. 25-98 7/21/98]
- (3) The filing of a notice of appeal by a permittee shall not stay an order of the City Manager or his/her designee regarding the suspension, revocation or denial of the permit, or the relocation or removal of the

vestiges of the sidewalk café. Vestiges of the sidewalk café shall be removed as set forth in this subchapter, pending disposition of the appeal and the final decision of the City Commission. [Amd. Ord. 25-98 7/21/98]

- (4) Appeals from the decision of the Code Enforcement Board shall be to the circuit court and not to the City Commission. [Amd. Ord. 25-98 7/21/98]

Sec. 6.3.4. Canopies.

Canopies, marquees, and covered walkways may extend into the public right-of-way when approved by the Chief Building Official through approval of an applicable agreement with the City. [Amd. Ord. 10-92 3/11/92; Amd. Ord. 18-91 2/26/91]

Chapter 7

BUILDING REGULATIONS

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- Sec. 7.1.2. Work done by homeowner.
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DELRAY BEACH LAND DEVELOPMENT REGULATIONS

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- Sec. 7.11.1. Green building regulations.

ARTICLE 7.1. BUILDING REGULATIONS**Sec. 7.1.1. General provisions.****Sec. 7.1.2. Work done by homeowner.**

Nothing herein contained shall prohibit any bona fide owner from performing work in his own home which would be subject to the regulations of this subchapter. The Building Official may require that:

- (A) File with Building Official or his designated representative, approved plans and specifications.
- (B) Satisfy the Building Official or his designated representative, as to his ability to perform work.
- (C) Apply for and secure a building permit.
- (D) Pay required fee.
- (E) Do work in accordance with this subchapter.

Sec. 7.1.3. Building Code.

(A) **Adopted by reference.** The 2001 Florida Building Code, as amended, and the amendments to the 2001 Florida Building Code as adopted by Palm Beach County are hereby adopted and incorporated as if set forth herein, except as amended in Section 7.1.2(B) of this Article. This Article also adopts the 1999 Windborne Debris Impact Standard (SSTD 12-99). If a later edition of this code or subsequent amendments are made to the applicable minimum code, then those revisions or amendments shall automatically become the adopted code under this chapter. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

- (1) Appeals concerning interpretation or administration of the provisions of this chapter shall be heard by the Board of Adjustment. [Amd. Ord. 47-07 10/16/07]; [Amd. Ord. 21-96 7/9/96]; [Amd. Ord. 21-91 2/26/91]

(B) **Amendments and additions to Code.** The following amendments and additions are made to the 2001 Florida Building Code adopted by this subchapter: [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

- (1) Unity of title declaration. When it is found necessary in order to obtain a building site plan of sufficient size and dimension to meet the minimum applicable yard requirements, setback distances or lot area that separate

lots, plots, parcels or portions thereof, must be combined, added or joined together the applicant for such building permit shall first place on file or record as a public document in the official records in the office of the Clerk of the Circuit Court of Palm Beach County, an instrument hereinafter referred to as a Unity of Title Declaration. Such Unity of Title Declaration shall be in a form and content sufficient to unequivocally state that the aforesaid combination of separate lots, plots, parcels, or portions thereof shall be regarded as unified under one title as an indivisible building site. Where a Unity of Title has been recorded and the owner abandons the project before utilizing the Unity of Title, the Chief Building Official is authorized to release the Unity of Title. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

- (2) **Survey.** Before slab inspection or prior to framing, the Building Department shall be supplied two surveyors engineering plans certified by a Florida registered engineer or surveyor, showing setback distances from each property line to the stem walls or sills of the building or structure under construction. The Building Department shall also be furnish written certification from a Florida registered engineer or land surveyor, stating that the top of the floor slab is above the one hundred-year flood plain and a minimum of 18 inches above the crown of the road or measured to the bottom of the wood joists will be a minimum of 18 inches above the crown of the road. Should the property owner desire to set the floor elevation at less than 18 inches above the crown of the road, but above the one hundred-year storm or National Flood Insurance minimum elevations, then a variance may be granted by the City Engineer or designee if the applicant provides an acceptable justification letter from an engineering firm certifying the drainage conditions have been investigated, and the proposed floor elevation is above the flooding level. To determine whether the proposed floor elevation is above the flooding level, it must be shown that the structure has adequate drainage to ensure that flooding will not occur in a one hundred-year storm. No wall, however, shall be constructed which would exceed by over one foot the elevation of the floor slab before the stem wall survey has been submitted to the Building Department. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]
- (a) Any violations existing at this stage of construction must be corrected before the construction may proceed and before other inspections are made. [Amd. Ord. 5-03 4/15/03]
- (3) **Handicapped accessibility.** The requirements of this section shall apply to all levels and areas of buildings and structures except as modified by the

Florida Accessibility Code for Building Construction as amended. Refer to the Fair Housing Act for application in the case of multiple family residential units consisting of condominium or rental units. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

(4) **Cooling towers.** [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

- (a) Cooling towers in excess of 250 square feet in base area or in excess of 15 feet in height, when located on buildings more than 50 feet in height in or out of the fire district, shall be noncombustible construction; except that drip boards may be of wood not less than one inch nominal thickness and the enclosing framework may be of wood, if covered on the exterior of the tower with noncombustible material. Cooling towers shall not exceed one-third of the supporting roof area. [Amd. Ord. 5-03 4/15/03]
- (b) Positive provisions shall be made for adequate disposal of bleed water overflow and maintenance draining or properly designed drywells. All cooling towers shall be sited or constructed to prevent any nuisance due to spray, spatter, foaming, drainage or excessive noise or the like onto any building, walk, alley, or street, or the public in general. When after erection such nuisance is found in the opinion of the Building Official to occur, it shall be abated within a period of 90 days. [Amd. Ord. 5-03 4/15/03]

Sec. 7.1.4. Building and property maintenance; hurricane precautions.

(A) **Definition.** For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

(B) **Debris.** Remains of anything broken down or destroyed, ruins, fragments, rubbish, trash, waste material, litter, and rubble.

(C) **Maintenance of building and property.**

(1) **Buildings.**

- (a) The requirements contained in this code and incorporated codes covering the maintenance of buildings, shall apply to all buildings or structures now existing or hereafter erected. All buildings or structures and all parts thereof shall be maintained in a safe condition and all devices or safeguards which are required by this code shall be maintained in good working order.

- (b) This division shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized by the Building Official.
 - (2) **Property.** No debris of any kind shall remain on any lot or on a contiguous sidewalk or street resulting from a fire, windstorm, or from demolition or partial demolition of any building; nor shall any equipment, excess building materials, storage sheds, or debris remain on any lot, sidewalk, or street, upon completion of any new building upon the lot; nor shall any equipment, materials, tool shed, or debris be stored on any vacant or partially vacant lot, except as provided for in the zoning ordinances. It is hereby made the duty of the owner or his agent to remove or cause to be removed from the sidewalk, street or lot all equipment, materials, tool sheds, and debris within five days after written notice by the Building Official. For failure to comply with this notice after the period of five days, the owner or permit holder is subject to the penalties specified herein, the Certificate of Occupancy for the structure or structures may be revoked and the Building Official shall have the work done and public property restored and shall notify the legal authority, who shall institute the necessary action to have the costs placed as a lien against the property.
- (D) **Hurricane precautions; investigations and inspections.**
- (1) **Hurricane precautions.**
 - (a) During the periods of time as are designated by the United States Weather Service as being a hurricane warning or alert, the owner, occupant, or user of a property shall take precaution for the securing of buildings and equipment. Canvas awnings and swing signs shall be lashed to rigid construction, tents shall be taken down and stored or lashed to the ground, and other precautions shall be taken for the securing of buildings or structures or material or equipment as may be reasonably required.
 - (b) During the periods of time designated by the United States Weather Service as being a hurricane warning or alert, all construction materials or equipment shall be secured against displacement by wind forces; provided that where a full complement of personnel is employed or otherwise in attendance, or engaged for protection purposes, normal construction procedures, or uses of materials or equipment may continue allowing a reasonable time as may be necessary to secure the materials or equipment before winds of hurricane force are antici-

pated. Construction materials and equipment shall be secured by guying and shoring, by tying down loose materials, equipment, and construction sheds.

- (c) During the periods of time designated by the United States Weather Service as a hurricane alert, all furniture, display rack, material, and similar loose objects in exposed outdoor locations shall be lashed to rigid construction or stored in buildings. Orders shall be oral or written and shall be given to any person on the premises most logically responsible for maintenance and the orders shall be carried out before winds of hurricane velocity are anticipated.

(2) **Special hurricane inspections.**

- (a) After winds of hurricane velocity are experienced and have subsided, the Building Official shall investigate to determine if damage has occurred to buildings or other structures.
- (b) No building or other structure or assembly or part thereof which was damaged or collapsed or out of plumb or line shall be repaired or altered or otherwise returned to its original position without inspection and approval by the Building Official or his designated representative.

Sec. 7.1.5. Numbering of buildings and structures.

The system for the numbering of buildings, building suites, and building units within a single development, whether in a single building or multiple buildings, is identified in the adopted City of Delray Beach Addressing and Street Naming Manual. (Ord. No. 18-22, § 5, 10-25-22)

Editor's note—Ord. No. 18-22, § 5, adopted October 25, 2022, in effect repealed § 7.1.5 and enacted a new § 7.1.5 as set out above and later amended. Former § 7.1.5 pertained to similar subject matter and derived from the original codification; Ord. 26-92, adopted August 11, 1992; and Ord. 21-96, adopted July 9, 1996.

Sec. 7.1.6. Threshold buildings.

(A) **Definitions.** For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **Special inspector.** In accordance with F.S. § 553.79(5)(b), an individual: [Amd. Ord. 21-96 7/9/96]
 - (a) Certified in accordance with Department of Business and Professional Regulations, Florida Statute 468, Part XVII. [Amd. Ord. 21-96 7/9/96]

- (b) Licensed or Registered Under Florida Statutes: Chapter 471 as an Engineer or Chapter 481 as an Architect; [Amd. Ord. 21-96 7/9/96]

(2) **Threshold building.**

- (a) In accordance with F.S. § 553.71, any building or structure which meets either of the following criteria:
 - (b) Is greater than three stories or 50 feet in height;
 - (c) Has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.
- (3) Alterations or additions to existing buildings which by themselves satisfy any of the standards for a "Threshold Building" are subject to this subchapter. This subchapter is also applicable to structures not intended for human occupancy such as transmission towers, antennae, signs, and the like.

(B) **Special inspection services; procedures.** In accordance with F.S. 553.79(5)(a) which requires that a special inspector be present at the construction of and inspect the structural components of a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record, and shoring and reshoring plan as accepted by the Building Official:

- (1) The Building Official shall not issue a building permit for a structure which meets the criteria for designation as a threshold building until the following documents have been filed with the Building Department.
 - (a) A copy of the written agreement between the owner and the special inspector retaining the special inspector to provide services as described in Subsection 7.1.6(C) and required by any provision of this section.
 - (b) Special inspectors preconstruction affidavit as set forth in Subsection 7.1.6(D).
 - (c) A copy of the special inspectors professional liability insurance policy in an amount not less than \$500,000.00 to cover all liability arising from the activities and responsibilities of the special inspector in connection with the proposed project. [Amd. Ord. 21-96 7/9/96]
 - (d) A structural inspection plan prepared by the engineer or architect of record must be submitted to and approved by the Building Official. The structural inspection plan shall provide inspection procedures and schedules so that the building can be adequately inspected for safety in

compliance with permitted documents. The structural inspection plan shall also provide for inspection to determine conformity with all shoring and reshoring plans submitted to and accepted by the Building Official.

- (2) The Building Official shall issue a stop work order upon notification that the special inspector has terminated his employment on the project and further work will not be permitted until a new special inspector's preconstruction affidavit with proof of insurance has been properly filed with the Building Department. In the absence of the notification, the Building Department shall not be responsible for ascertaining whether a special inspector continues to be employed. However, if the owner is unable to provide an affidavit of compliance as set forth in Subsection 7.1.6(E), at the completion of the project, the Building Department, in compliance with division (C) of this section, will be unable to issue a Certificate of Occupancy.
- (3) The Building Official shall not issue a Certificate of Occupancy for any threshold building unless a special inspector's affidavit of compliance is on

file for all components shown on the structural inspection plan and on the shoring and reshoring plans. The form of the affidavit of compliance is set forth in Subsection 7.1.6(E). The Building Official shall rely solely upon the affidavit of compliance regarding the structural components set forth in the structural inspection plan and in the shoring and reshoring plans for purposes of issuing a Certificate of Occupancy. Although the Building Department may keep on file for purposes of public information, the special inspector's inspection reports, those reports need not be consulted by the Building Official for purposes of issuing a Certificate of Occupancy.

(C) *Responsibility of owner to retain special inspector.*

- (1) It shall be the responsibility of the owner to retain a special inspector to inspect the structural components of the threshold building in accordance with the structural inspection plan prepared by the engineer or architect of record and to inspect the shoring and reshoring plans.
- (2) The owner shall execute a written agreement with the special inspector which sets forth the terms of employment, provides for adequate compensation, and which requires the special inspector to comply with the following requirements:
 - (a) Have in force at all times during the inspector's contract with, or employment as, a special inspector on the threshold building, professional liability insurance in an amount not less than \$500,000.00 covering all liability arising from the employment and duties of the special inspector.
 - (b) Complete the special inspectors preconstruction affidavit as set forth in Subsection 7.1.6(D).
 - (c) Be present at the construction of, and inspect, the structural components of the threshold building in accordance with the structural inspection plan prepared by the engineer or architect of record as well as the shoring and reshoring plans. The licensed architect or registered engineer serving as the special inspector shall be permitted to send his duly authorized representative to the job site to perform the necessary inspections provided that all required written reports shall be prepared by and bear the seal of the special inspector and that these written reports shall be submitted to the enforcement agency.
 - (d) Maintain adequate written records of each inspection indicating the name of the inspector, the date of inspection, the job site, the part of

the structure prepared for placing, details on the actual placing operation, the materials used, whatever tests were conducted, information on curing, and whatever other information the special inspector deems necessary to show compliance or lack of compliance with the structural inspection plan and the shoring and reshoring plans. The owner shall require the special inspector to file copies of reports in accord with the directions of the Building Official, but in any event copies of all inspection reports shall be filed at the completion of the inspector's employment on the project.

- (e) Complete the special inspector's affidavit of compliance as set forth in Subsection 7.1.6(E) at the termination of the project, or the termination of the special inspector's employment on the project whichever occurs first.
- (f) In the case of termination of the inspector prior to the completion of the project, the employment agreement shall require the special inspector to:
 - (1) Immediately notify the Building Department in writing of his termination;
 - (2) Complete an affidavit of compliance for those portions of the structural components which he has inspected and which have been found to be in compliance;
 - (3) Submit a true copy of reports on any and all inspections made on the threshold building to the Building Department.
 - (3) [(4)] The owner may retain more than one special inspector during the course of the project. But, in any event the owner must be able to document to the Building Department by special inspector's affidavit of compliance as set forth in the structural inspection plan and shoring and reshoring plans have been inspected and have been found to be in compliance with specifications, plans, and applicable building codes
 - (4) [(5)] Should the owner fail to comply with any requirement of this section, the Building Official may, as appropriate, deny a building permit for the threshold building, issue a stop work order on any or all phases of construction, deny a Certificate of Occupancy. [Amd. Ord. 21-96 7/9/96]

(D) **Preconstruction affidavit.** In accordance with Subsection 7.1.6(B)(1) and (2) of this article, the owner shall require each individual or firm retained to provide services as a special inspector on a threshold building, to complete a special inspectors preconstruction affidavit which shall be filed with the Building Department and shall be in the following form: [Amd. Ord. 21-96 7/9/96]

I, (name)_____, hereby swear that I am a (professional qualification)_____, therefore qualified to be a special inspector for (name of building or project)_____ under Florida Statute 553.79(5)(b) which requires that a special inspector be a person certified, licensed or registered under Florida Statute, Chapter 471 as an engineer or Florida Statute, Chapter 481 as an architect, and qualified by the State Board of Building Codes and Standards.

I further declare that I have adequate knowledge and training to inspect, determine, and evaluate the structural components of the threshold building for safety and to verify in accordance with the structural inspection plans that they comply with permitted documents as well as shoring and reshoring plans. I also state that I am not an employee of the general contractor nor any subcontractor and neither are any special inspectors working under my direction.

I agree to be present, or to have a representative under any supervision and direction qualified to make inspections on my behalf present, in conformity with the structural inspection plan and as needed for determining compliance with shoring and reshoring plans, to conduct required inspections, and to keep a written report of the inspection. The report shall set forth in detail any lack of compliance with plans, specifications, or applicable Minimum Building Codes. I agree to file reports in accordance with the directions of the Building Official. I understand that I shall be permitted to send a duly authorized representative to the job site to perform the necessary inspection provided that all written reports shall be prepared and bear my seal and that such written reports will be submitted to the Building Official.

I understand that I will be required to file a second affidavit at the completion of the project which shall state that I was present and inspected all, or in some cases certain enumerated, structural components of the building as required by the structural inspection plan and shoring and reshoring plans and deem them to be safe and find that the materials and workmanship comply fully with the plans, specifications and applicable Minimum Building Codes.

I understand that my affidavit shall be relied upon completely by the City of Delray Beach in issuing a Certificate of Occupancy.

If my (our) employment as a special inspector on this project terminates prior to completion for any reason, I agree to turn over to the Building Department a copy of my written reports on whatever structural components I have inspected or supervised the inspection of, up to the time of my termination.

I understand that the City of Delray Beach, Florida has no obligation to compensate me for my services as a special inspector, or to determine the amount of my compensation. I also understand that I am neither an employee nor an agent of the City.

I have in force at this time professional liability insurance in an amount not less than \$500,000.00 to cover all liability arising from my (our) employment and duties as a special inspector on this project. I agree to hold harmless, save, indemnify and defend the City of Delray Beach from all liability arising out of my obligations, actions, failure to act and employment on this project.

(E) ***Affidavit of compliance.***

- (1) In accordance with Subsection 7.1.6(B)(3) owner shall require each individual or firm retained to provide special inspection services on the threshold building to complete a special inspector's affidavit of compliance on any and all structural components which the special inspector has inspected and has found to be in conformity with plans, specifications, and applicable minimum building codes. The form of the special inspector's affidavit of compliance shall be as follows:

I, (name) _____, being a (professional qualification) _____ and therefore qualified under Florida Statute 553.79 to be a special inspector for the purposes of inspecting the structural components of the threshold building pursuant to the structural inspection plan on file with and accepted by the Building Department and the shoring and reshoring plans which have been accepted by the Building Department hereby swear that I, or my duly authorized representative have been present during the construction of and inspected the structural components of this building as required by the structural inspection plan and certify that the materials and workmanship of all such components have been safely constructed and comply fully with permitted documents and applicable Building Codes.

- (2) A Certificate of Occupancy will not be issued until a sworn-to special inspector's affidavit of compliance is on file for all items included in the structural inspection plan as well as the shoring and reshoring plan.

(F) ***Submission of proposal to install alternate structural product or system required.*** Any proposal to install an alternate structural product or system to which building codes apply, shall be submitted to the Building Official for review for compliance with the codes and made part of the Building Department's recorded set of permit documents.

(G) **Shoring and reshoring installation.** All shoring and reshoring procedures, plans, and details be submitted to the Building Department for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor.

(H) **Plans to comply with applicable minimum building codes.** All plans for threshold buildings and structures required to be signed and sealed by the architect or engineer of record shall contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes.

(I) **Permit to be issued to licensed general contractor.** The Building Department shall not issue a building permit for construction of any threshold building except to a licensed general contractor as defined in F.S. § 489.105(3)(a) or a licensed building contractor, within the scope of his practice, as defined in F.S. § 489.105(3)(b). The named contractor to whom the building permit is issued shall have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit is issued. [Amd. Ord. 21-96 7/9/96]

Sec. 7.1.7. Seawalls.

(A) *Purpose and intent.* The purpose of this section is to establish a consistent minimum elevation for tidal flood barriers that will: (Ord. No. 23-21, § 2, 1-11-22)

- (1) Provide a standard for flood mitigation infrastructure that serves as a barrier to tidal flooding by accounting for water levels predicted under combined conditions of sea level rise, high tides, and high frequency storm surge through the year 2050; and (Ord. No. 23-21, § 2, 1-11-22)
- (2) Ensure new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers through application of consistent standards that account for future predicted tidal flood conditions and coastal water levels associated with sea level rise in accordance with current regional sea level rise projections. (Ord. No. 23-21, § 2, 1-11-22)

(B) *Applicability.* This section applies to all new tidal flood barriers, to substantial repair or substantial rehabilitation of shorelines and shoreline structures, and the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring or dock structures) on the Intracoastal Waterway. (Ord. No. 23-21, § 2, 1-11-22)

(C) *Definitions.* For the purposes of this section, the following definitions apply: (Ord. No. 23-21, § 2, 1-11-22)

- (1) *Mooring device.* A subset of mooring structures as defined herein including, but not limited to, boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include docks, slips, seawall, or mooring pile. (Ord. No. 23-21, § 2, 1-11-22)
- (2) *Mooring structure.* A dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or similar structure attached to land more or less permanently to which a vessel can be moored. (Ord. No. 23-21, § 2, 1-11-22)
- (3) *NGVD 29 of the National Geodetic Vertical Datum of 1929.* The vertical control datum established for vertical control surveying in the United States of America by the General Adjustment of 1929. The datum is used to measure elevation or altitude above, and depression or depth below, mean sea level (MSL). (Ord. No. 23-21, § 2, 1-11-22)
- (4) *NA VD88 or the North American Vertical Datum.* The vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988. (Ord. No. 23-21, § 2, 1-11-22)
- (5) *Seawall.* Vertical or near vertical structures placed between an upland area and a waterway. For the purposes of this section, rip rap is not considered a seawall. (Ord. No. 23-21, § 2, 1-11-22)
- (6) *Rip rap.* A foundation of unconsolidated boulders, stone, concrete or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion. (Ord. No. 23-21, § 2, 1-11-22)
- (7) *Tidal flood barriers.* Any structure or shoreline feature including, but not limited to, banks, berms, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public right-of-way, and located within or along a tidally influenced area. This definition is not meant to include rip-rap, derelict erosion control structures, or permeable earthen mounds that do not provide a substantially impermeable water barrier to tidal flooding. (Ord. No. 23-21, § 2, 1-11-22)
- (8) *Tidally influenced areas.* The real property adjacent to, or affected by, a waterway with water level changes in response to the daily tide. (Ord. No. 23-21, § 2, 1-11-22)

(D) *Requirements.* (Ord. No. 23-21, § 2, 1-11-22)

- (1) *Elevations.* The maximum elevation of a seawall or dock is determined by the base flood elevation (BFE) for the property, as identified in the corresponding FEMA Flood Insurance Rate Map (FIRM). Property owners choosing to construct seawalls at less than five feet NAVD88 must design and construct seawalls to accommodate a future seawall height extension up to a minimum elevation of five feet NAVD88. The minimum and maximum seawall height requirements are identified in Table 7.1.7(D), Seawall Height Requirements: (Ord. No. 23-21, § 2, 1-11-22)

Table 7.1.7(D) Seawall Height Requirements		
Property's FEMA Flood Insurance Rate Map Location	Minimum (NAVD88)	Maximum Allowable Seawall or Dock Elevation
In a floodplain with a BFE greater than or equal to 5.0 feet NAVD88	4.2 feet NAVD88	Base flood elevation of the property
In a floodplain with a BFE equal to 4.0 feet NAVD88		5 feet NAVD88
In an X zone, not in a floodplain		Meet the definition of grade as determined by Section 4.3,4(J)(2)

(Ord. No. 23-21, § 2, 1-11-22)

- (2) *Design.* Seawalls must be designed and built in a substantially impermeable manner to prevent tidal waters from flowing through the seawall while still allowing for the release of hydrostatic pressure from the upland direction. (Ord. No. 23-21, § 2, 1-11-22)
- (3) *Attached structures.* The height of structures attached to a seawall shall not exceed the elevation permitted by Section 7.9.5. (Ord. No. 23-21, § 2, 1-11-22)
- (4) *Seawall maintenance.* All property owners must maintain their seawalls in good repair. A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall, or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public right-of-way. (Ord. No. 23-21, § 2, 1-11-22)
- (5) *Substandard seawalls.* Property owners with seawalls below the minimum elevation, or permeable erosion barriers such as rip rap, or a land/water interface of another nature shall not allow tidal waters entering their prop-

erty to impact adjacent properties, public infrastructure, or public rights-of-way. Seawalls are subject to the provisions of Chapter 100, Nuisances, Section 100.04, Seawalls, of the Code of Ordinances. (Ord. No. 23-21, § 2, 1-11-22)

- (6) *Seawall improvements.* Seawall improvements constituting substantial repair at the time of permit application shall meet the minimum elevation and consider the design recommendations in Section 7.1.7(D) for the continuous seawall along the property's entire shoreline. For the purposes of this section, the substantial repair threshold shall mean the following: (Ord. No. 23-21, § 2, 1-11-22)
 - a. Any improvement to the seawall of more than 50 percent of the length of the structure, including both the seawall and cap; or (Ord. No. 23-21, § 2, 1-11-22)
 - b. Any improvement to the seawall that results in an elevation change along more than 50 percent of the length of the structure, including both the seawall and cap. (Ord. No. 23-21, § 2, 1-11-22)
- (7) *Required disclosure in contracts for sale of real estate.* In any contract for the sale of real estate located in tidally influenced areas of the City of Delray Beach executed after February 1, 2022, the seller shall include in the contract, or a rider to the contract, the following disclosure in not less than 14-point, capitalized, bold-faced type: (Ord. No. 23-21, § 2, 1-11-22)

THIS REAL ESTATE IS LOCATED IN A TIDALLY INFLUENCED AREA. THE OWNER MAY BE REQUIRED BY COUNTY OR MUNICIPAL ORDINANCE TO MEET MINIMUM TIDAL FLOOD BARRIER ELEVATION STANDARDS DURING CONSTRUCTION OR SUBSTANTIAL REPAIR OR SUBSTANTIAL REHABILITATION TO THE PROPERTY OR THE SEAWALLS, BANKS, BERMS, AND SIMILAR INFRASTRUCTURE OR WHEN REQUIRED TO ABATE NUISANCE FLOODING. (Ord. No. 23-21, § 2, 1-11-22)

(E) *Approval procedures.* The construction of a new seawall, or alteration of an existing seawall requires the issuance of a building permit. In addition to the requirements of Section 2.4.6, the permit application is subject to the following: (Ord. No. 23-21, § 2, 1-11-22)

- (1) A survey showing the location and elevation of the seawall in conjunction with adjoining lands, waters and channels; (Ord. No. 23-21, § 2, 1-11-22)
- (2) Plans and specifications prepared and sealed by a professional engineer registered in the State of Florida; and (Ord. No. 23-21, § 2, 1-11-22)

- (3) Approval from the applicable reviewing agencies prior to issuance of a building permit. Application to these agencies is the responsibility of the applicant. (Ord. No. 23-21, § 2, 1-11-22)

Editor's note—Ord. No. 23-21, § 2, adopted January 11, 2022 in effect repealed § 7.1.7 and enacted a new 7.1.7 as set out above and later amended. Former § 7.1.7 pertained to similar subject matter and derived from Ord. 5-03, adopted April 15, 2003.

Sec. 7.1.8. Construction parking and staging.*

- (A) **Construction parking.** (Ord. No. 50-20, § 2, 10-20-20)

- (1) **On-site parking.** (Ord. No. 50-20, § 2, 10-20-20)

- (a) All construction parking shall be accommodated within the construction site or compound as approved by the Chief Building Official pursuant to Section 2.4.6(F), as amended. (Ord. No. 50-20, § 2, 10-20-20)
- (b) A site plan, delineating where all on-site parking and material staging will be located, shall be provided prior to issuance of the first building permit associated with the construction parking. (Ord. No. 50-20, § 2, 10-20-20)
- (c) If all construction-related parking cannot be accommodated on-site, the off-site parking regulations shall apply. (Ord. No. 50-20, § 2, 10-20-20)

- (2) **Off-site parking—single-family construction projects.** (Ord. No. 50-20, § 2, 10-20-20)

- (a) Parking is limited to within the swale on the same side of the street as the site and confined to the area of the swale within the virtual extension of the property boundaries into the right-of-way. (Ord. No. 50-20, § 2, 10-20-20)
- (b) No parking shall encroach into the street pavement. (Ord. No. 50-20, § 2, 10-20-20)
- (c) The swale area must be restored with sod prior to issuance of the Certificate of Occupancy. (Ord. No. 50-20, § 2, 10-20-20)
- (d) No parking is permitted within 25 feet of any public right-of-way intersection. (Ord. No. 50-20, § 2, 10-20-20)

***Editor's note**—Ord. No. 50-20, § 2, adopted October 20, 2020, repealed § 7.1.8 and enacted a new § 7.1.8. Former § 7.1.8 pertained to similar subject matter and derived from Ord. No. 20-19, adopted September 17, 2019.

- (e) The street must remain open for vehicular travel at all times unless a temporary street closure with a Maintenance of Traffic (MOT) Plan has been approved by the City Engineer. (Ord. No. 50-20, § 2, 10-20-20)

(3) **Off-site parking—all construction.** (Ord. No. 50-20, § 2, 10-20-20)

- (a) If all construction parking cannot be accommodated on-site as required in Subsections (A)(1) or (A)(2), the contractor or applicant is required to submit a construction parking management plan with the following: (Ord. No. 50-20, § 2, 10-20-20)
 - i. Location of off-site parking, including on-street public parking spaces. (Ord. No. 50-20, § 2, 10-20-20)
 - ii. Off-site parking property plan, including proposed access and screening. (Ord. No. 50-20, § 2, 10-20-20)
 - iii. Proof of lease or property owner's consent for off-site parking, including an approved agreement for use of on-street public parking spaces. (Ord. No. 50-20, § 2, 10-20-20)
 - iv. A site plan delineating where all parking will be located on the property. (Ord. No. 50-20, § 2, 10-20-20)
 - v. If the property is also being utilized for material staging or as an off-site construction compound, a list of all building materials and supplies stored on the site or in containers on the site shall be provided to the Chief Building Official. (Ord. No. 50-20, § 2, 10-20-20)
 - vi. Transportation plan indicating how employees will get to and from the jobsite and the offsite parking location. (Ord. No. 50-20, § 2, 10-20-20)
 - vii. Acknowledgement confirming an understanding of the construction parking plan requirements and requirement to restore off-site parking property within 30 days of certificate of occupancy for associated construction. (Ord. No. 50-20, § 2, 10-20-20)
- (b) On-street public parking spaces, limited to the same side of the street as the site and confined to the area of the public right-of-way within the virtual extension of the property boundaries into the right-of-way, may be utilized with an agreement approved by the City Manager, or designee. The agreement shall include the cost of lost revenue of any paid parking spaces. (Ord. No. 50-20, § 2, 10-20-20)

- (c) The Chief Building Official shall approve the construction parking management plan prior to the issuance of a building permit. (Ord. No. 50-20, § 2, 10-20-20)
 - (d) Any modifications to the construction parking management plan must be submitted 72 hours, excluding weekends and holidays, in advance for review and approval by the Chief Building Official, prior to implementation. (Ord. No. 50-20, § 2, 10-20-20)
- (B) **Construction Staging.** (Ord. No. 50-20, § 2, 10-20-20)
- (1) **Purpose and intent.** This subsection provides procedures and standards for staging materials and equipment at construction sites to minimize closures of vehicle travel lanes, bicycle lanes, and pedestrian pathways during the construction process. (Ord. No. 50-20, § 2, 10-20-20)
 - (2) **Requirements.** All construction staging shall meet the following provisions: (Ord. No. 50-20, § 2, 10-20-20)
 - (a) A Construction Staging Plan must be provided concurrent with a request for site plan approval when it is anticipated that the construction of a project will occupy any portion of the Right-of-Way. (Ord. No. 50-20, § 2, 10-20-20)
 - (b) The vehicular travel lanes must remain open in all directions throughout construction unless an approved Maintenance of Traffic (MOT) Plan includes a temporary street closure not to exceed 14 days. (Ord. No. 50-20, § 2, 10-20-20)
 - (c) The reduction of vehicular travel lanes shall not be permitted for any reason other than the installation of required off-site improvements or short-term temporary loading/unloading. (Ord. No. 50-20, § 2, 10-20-20)
 - (3) **Use of Right-of-Way.** Use of the City's Right-of-Way for construction activities that exceed 14 days in duration shall be considered long-term construction staging and shall be limited to sidewalk or on-street parking areas. (Ord. No. 50-20, § 2, 10-20-20)
 - (a) The use of on-street parking for construction purposes shall be as per Land Development Regulation Section 7.1.8. (Ord. No. 50-20, § 2, 10-20-20)
 - (b) Use of sidewalk areas for construction staging shall require a sidewalk detour be provided during the duration of use. (Ord. No. 50-20, § 2, 10-20-20)

- (c) If adjacent sidewalks are not available for detours, they shall be constructed to facilitate the detour. (Ord. No. 50-20, § 2, 10-20-20)
- (d) When the Right-of-Way is under the jurisdiction of Palm Beach County or Florida Department of Transportation, construction staging is subject to review and approval by each jurisdiction. (Ord. No. 50-20, § 2, 10-20-20)

(C) **Maintenance of Traffic (MOT) Plan.** All construction parking and staging that involves travel lane, bike lane, or sidewalk closures shall submit a MOT Plan as follows: (Ord. No. 50-20, § 2, 10-20-20)

- (1) Closures greater than 14 days throughout the course of construction, which eliminate travel lanes or change the flow of traffic must be approved by the City Commission. Street closures that do not exceed 14 days throughout the course of construction may be approved administratively. (Ord. No. 50-20, § 2, 10-20-20)
- (2) Single-family construction projects requiring temporary street closures shall submit a MOT Plan for approval by the City Engineer concurrent with a request for building permit approval. (Ord. No. 50-20, § 2, 10-20-20)
- (3) All MOT Plans shall be prepared by a person possessing a valid certification to do so. (Ord. No. 50-20, § 2, 10-20-20)
- (4) If access to or signage of nearby establishments is obscured or impacted by construction activity, temporary signage shall be included in the MOT to guide access and improve visibility of businesses during construction. Temporary construction signage shall conform to the standards for commercial real estate signage and can be approved administratively as part of the MOT, or by the Development Services Director or designee. (Ord. No. 50-20, § 2, 10-20-20)

(D) **Enforcement.** Any violation of the approved construction parking management plan shall be enforced in accordance with Chapter 37, "Delray Beach Code Enforcement," of the Code of Ordinances, as amended from time to time. Any parking violations shall be enforced in accordance with Section 71.090 of the Code of Ordinances. (Ord. No. 50-20, § 2, 10-20-20)

ARTICLE 7.2. ELECTRICAL CODE**Sec. 7.2.1. General provisions.**

(A) **Definitions.** For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **Electrical construction.** All work and material used in installing, maintaining, and extending a system of electrical wiring for lights, heat, or power, and all appurtenances thereto; and all apparatus or equipment used in connection therewith, inside of, or attached to any building, lot or premises, done by licensed electricians, public utilities companies, or firms, corporations, or individuals.
- (2) **Electrical contractor.** A person engaging in the business of electrical contracting. The individual in charge of the electrical installations for that person shall have passed the Department of Professional Regulation or the County competency test and registered same with the state or have passed the state certification examination.
- (3) **Licensed sign electrician.** A person who possesses the necessary qualifications, training, and technical knowledge to plan, build lay out, and supervise the installation of all types of electrical signs.

(B) **Electrical code adopted by reference.** Except as in this chapter otherwise provided, all electrical construction and all material and appliances used in connection with electrical work and the operation of all electrical apparatus within the City shall conform to the rules and regulations of the National Electrical Code, 1999 edition, as recommended and published by the National Fire Protection Association for the installation of wiring and electrical apparatus for electrical purposes, provided that the rules and regulations of the National Electric Code are not in any respect in conflict with the provisions of this chapter, this code, the laws of the State of Florida, or subsequent ordinances and resolutions of the City. If a later edition of this code or subsequent amendments are made the applicable minimum code, then those revisions or amendments shall automatically become the adopted code under this chapter. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

(C) **Licensed electrician permitting misuse of name.** No licensed electrician shall allow his name to be used by any person or party, directly or indirectly, either for the purpose of obtaining a permit or to do any work under his license.

Sec. 7.2.2. Permits and inspections.

(A) ***Issuance of permits to licensed electricians; exception.*** Permits to do electrical work will be issued to licensed electricians only, holding a current Florida State registration or certification and registered with the City of Delray Beach, Florida. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

- (1) The plans shall show the outline of the total floor area, the square feet of the building under consideration, the point at which the service connection is to be made with the public utility or isolated plant, or with another building, the

size of service and subfeeder wires, the location of service switches and center, or centers, of distribution, and the arrangement of circuits showing the number of outlets connected thereto, together with location and size of all appliances, motors, and space heating units.

- (2) The installation of the wiring, apparatus, or equipment for light, heat, or power, within or attached to any building or premises, whether for private or public use, must be done in accordance with the plans and specifications submitted as described in this chapter. [Amd. Ord. 5-03 4/15/03]
- (3) Any changes or omissions in the wiring system shown on the plans must be made by the owner in the form of a letter setting forth the changes and accepting the responsibilities for the changes. This letter must be addressed to the Building Official or his designee and shall be filed in his office. [Amd. Ord. 5-03 4/15/03]

(B) ***Final inspection and approval; covering uninspected work.*** [Amd. Ord. 5-03 4/15/03]

- (1) It shall be unlawful to lath, seal, or in any manner conceal, any electrical wiring or equipment until the same has been inspected and a notice posted as herewith required. [Amd. Ord. 5-03 4/15/03]

(C) ***Using uninspected apparatus.*** It shall be unlawful for any person to use any electrical current in, or through, any wiring apparatus or fixtures for lights, heat, or power in, or on, any building, structure, lot, or premises within the City without having first received written approval from the Chief Building Official or designee to furnish current for that wiring, apparatus, or fixtures. The approval shall be given by the Chief Building Official or designee at any time after the certificate hereinafter provided shall have been issued. [Amd. Ord. 5-03 4/15/03]

(D) ***Temporary permission to furnish current.*** [Amd. Ord. 5-03 4/15/03]

- (1) The Building Official or his authorized assistants may, before a certificate of final approval is issued, give temporary permission to connect and furnish electric current to any wiring, apparatus, or fixtures for a period of not exceeding 30 days, if in his opinion, that wiring, apparatus, or fixtures are in a condition that current may be safely connected therewith, and there exists an urgent necessity for such use, when written application is filed with him requesting permission.
- (2) The person or company requesting temporary electrical power shall sign an affidavit stating that it is understood that the service is temporary and may

be disconnected upon 48 hour notice at the expiration of the temporary period upon the request of the Building Official. The Building Official may at his option extend the temporary power for an additional 30 day time period. The Building Official shall have the authority to order the power company to disconnect its service wires from any building, structure, lot, or premises when the time period has expired.

Sec. 7.2.3. Technical requirements.

(A) **Various services.** [Amd. Ord. 5-03 4/15/03]

- (1) Approved rigid metal conduit or electrical metallic tubing required for certain types of buildings. Approved galvanized rigid metal conduit, electrical metallic tubing, or approved rigid nonmetallic conduit with metal detector strip shall be required, except as hereinafter provided, for all wires used to conduct current for lights, heat, or power in the wiring of new buildings, the rewiring of old buildings and in installation of new wiring in old buildings, or additions thereto, within the fire limits of the City, as they now are, or may be hereafter established, and in apartment houses to be occupied by three families or more, or where three or more dwelling units are on the same lot; in churches, schools, hotels, theaters, public buildings, commercial buildings, manufacturing establishments, unfinished basements, and all garages of three cars or more, public or private, outside of the fire limits, but within the City limits.
- (2) Service wires from the outside of a buildings. Overhead service entrance conductors must be installed in rigid metal conduit or as approved by the Electrical Inspector. Direct buried service is permitted for Florida Power Utility Company. The direct buried service shall be installed and maintained at a minimum depth of not closer than 24 inches to the surface of the ground. This service shall be restricted to single-family and duplex dwellings only. All service shall be installed, operated, and maintained by a public utility company or communication company. No direct buried cable shall be installed under any construction unless in conduit and in conformance with the National Electrical Safety Code. (Exception: aluminum conductors are prohibited). [Amd. Ord. 21-96 7/9/96]

Sec. 7.2.4. Radio and television antennae.

(A) **Permits required.** It shall be unlawful to install or substantially alter any radio or television antenna on the exterior of any building without having first obtained a permit therefore from the Electrical Inspector.

(B) **Permit fees.** The fee for permits required by this subchapter shall be \$30.00 except that reinspections caused by: condemned work; work or corrections not ready for inspection at the time specified in the application for inspections; incorrect address being on the application by action of the applicant shall be subject to a reinspection fee of \$25.00.

(C) **Installation specifications.** The following specifications shall apply to all television and radio antenna installations:

- (1) Masts and towers shall be of corrosion-resistant material and approved type. When a mast or antenna is installed on a roof, it must be supported on its own platform and securely anchored with guy wires.
- (2) Guy wires shall be of corrosion-resistant material and when anchored into masonry, shall be mounted with lead anchors or lead expansion shields.
- (3) Transmission lines must be of approved type, and must be kept at all times free from electric and telephone wires and must be so secured that they cannot swing closer than two feet to power lines carrying 250 volts or less, or closer than ten feet to lines carrying over 250 volts.
- (4) **Guy wire interval.** Guy wires shall be placed at intervals close enough to guarantee support sufficient to withstand hurricane winds.
- (5) **Guy wire spacing.** Minimum spacing for guy wires shall be as follows:
 - (a) Two-inch pipe every 20 feet in three directions;
 - (b) One and one-half-inch pipe every 15 feet in three directions;
 - (c) One-inch pipe every ten feet in three directions.
- (6) **Grounding.** Every mast or antenna shall be permanently grounded by approved methods.
- (7) **Mast restriction.** No mast for the support of antennas shall be erected within the distance of its height plus six feet of any wires operating in excess of 600 volts, unless the antenna is lower than the wires operative in excess of 600 volts or by written consent of the Building Department.

(D) **Inspection; correction of faulty installations.** All outside antennas for television receiving apparatus or equipment maintained and in use within the City shall be subject to inspection by the Electrical Inspector, and when the installation of an antenna is found to be in a dangerous or unsafe condition, the person owning, using, or operating the same shall be notified in writing and shall make the

necessary repairs or changes required to place such installation in safe condition and have that work completed within 30 days or any longer period specified by the Electrical Inspector in the notice. After completion or repairs, the Electrical Inspector shall be notified. The Electrical Inspector will then perform a final inspection to determine that repairs or corrections have been completed. However, in the event subsequent inspections are required, the reinspection fee hereinabove specified shall be paid.

(E) **Enforcement by electrical inspector.** Permits for antenna installations shall be obtained from the office of the Electrical Inspector. All installations shall be inspected by the Electrical Inspector.

Sec. 7.2.5. Administration and enforcement.

(A) **Authority of building officials and inspectors.** The Building Official and his authorized assistants shall have the authority to issue permits for, and inspect, all electric wiring, apparatus, or equipment for lights, heat, and power, inside of, or attached to, any building, structure, lot, or premises within the limits of the City, and may enforce the laws, rules, and regulations relating to same, and to exercise a general supervision over all electrical construction.

(B) Inspection of unsafe conditions; disconnection.

- (1) The Building Official and his authorized assistants are empowered to inspect or reinspect, at his option, all interior or exterior wiring and apparatus, conducting or using electrical current for lights, heat, or power, and when the conductors or apparatus are found to be unsafe to life or property, he shall notify the person owning, using or operating them, to place the same in a safe and secure condition within 48 hours, or within further times as the Inspector shall determine is necessary, after the receipt of the notice, shall be guilty of a violation of this code.
- (2) The Building Official and his assistants are given authority to order the power company to disconnect its service wires from any building, structure, lot, or premises, containing any electrical installation which the Electrical Inspector shall consider defective.
- (3) The Building Official and his assistants are given the power to disconnect extension cords, temporary wiring, branch circuits, switch feed conductors, or the main service supplying electrical energy to any portion of an electrical wiring system, on or in buildings, or on premises, if this wiring is deemed by the Inspector to be hazardous to life or property.

(C) ***Interfering with enforcement.*** It shall be unlawful for any person to hinder or interfere with the City Electrical Inspector or any of his deputies, in the discharge of their duties under this chapter.

ARTICLE 7.3. GAS CODE

Sec. 7.3.1. Adoption by reference.

The 2001 Florida Building Code - Fuel Gas Volume, as amended, is hereby adopted as the Gas Code for the City of Delray Beach. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

Sec. 7.3.2. Amendments and additions to Code.

Section 110. Permits. Add the following: Work to be done by a licensed plumber or certified liquid petroleum contractor, as appropriate, holding a current Florida State registration or certification. Nothing hereby shall prohibit homeowners from doing this work in accordance with Section 7.1.2.

ARTICLE 7.4. HOUSING CODE

Sec. 7.4.1. Adoption by reference.

With the exception of those sections repealed in Section 7.4.2 the 1994 edition of the Standard Housing Code, together with the revisions thereto, as compiled by Southern Building Code Congress International Inc., of which not less than three copies have been and are now filed in the office of the City Clerk, is hereby adopted and incorporated as fully as if set forth at length herein. The provisions therein shall be controlling in the use, maintenance, and occupancy of all dwellings, dwelling units, or structure within the area of jurisdiction of the City. If a later edition of this code or subsequent amendments are made the applicable minimum code, then those revisions or amendments shall automatically become the adopted code under this chapter. [Amd. Ord. 21-96 7/9/96]

Sec. 7.4.2. Amendments and additions to Code.

Sections 106 and 107 of the above referred to Standard Housing Code, pertaining to the Housing Board of Adjustments and Appeals, are hereby repealed.

Sec. 7.4.3. Notice of Termination of Residential Tenancies and Payment Increase.

(A) **Authority.** This Section is adopted under the authority of Article VIII, Section 2 of the Florida Constitution; Chapter 166, Florida Statutes; and Article 1 of the Delray Beach Charter. (Ord. No. 03-23, § 2, 4-4-23)

(B) **Notice Requirements.** (Ord. No. 03-23, § 2, 4-4-23)

- (1) A landlord desiring not to renew a residential tenancy with a specific duration as described in Section 83.575(1), Florida Statutes, at the end of its term shall give not less than 60 days' written fair notice of non-renewal prior to the end of any tenancy. (Ord. No. 03-23, § 2, 4-4-23)
- (2) A landlord desiring to terminate a residential tenancy without a specific term under Section 83.57(1) through (3), Florida Statutes, shall give not less than 60 days' written fair notice of termination prior to the end of any tenancy. (Ord. No. 03-23, § 2, 4-4-23)
- (3) A residential landlord that proposes to increase the rental rate by more than five percent at the end of a lease for a specific duration under Section 83.575(1), or during any tenancies without a specific term under Section 83.57(1) through (3), Florida Statutes, must provide not less than 60 days' written fair notice to the tenant before the tenant must either: (Ord. No. 03-23, § 2, 4-4-23)
 - (a) accept the proposed amendment; (Ord. No. 03-23, § 2, 4-4-23)
 - (b) reach an acceptable compromise; or (Ord. No. 03-23, § 2, 4-4-23)
 - (c) reject the proposed amendment to their tenancy. (Ord. No. 03-23, § 2, 4-4-23)

If the required 60 days' written fair notice has been provided and the tenant has not agreed to the proposed amendment or an acceptable compromise, the landlord may impose the proposed amended term(s) or require the tenant(s) to vacate the residence in accordance with the lease agreement and law. (Ord. No. 03-23, § 2, 4-4-23)

- (4) The written fair notices required by (1) through (3) above shall run concurrently if a landlord provides both a notice to increase the rental rate by more than five percent and, in lieu of tenant agreeing to such increase or both parties reaching an acceptable compromise, a notice of termination. (Ord. No. 03-23, § 2, 4-4-23)

- (5) Except for the notice provisions set forth in subsections (1) through (3), all other provisions set forth in Part II of Chapter 83, Florida Statutes, as such may be amended, shall govern residential tenancies. (Ord. No. 03-23, § 2, 4-4-23)

(C) **Enforcement.** (Ord. No. 03-23, § 2, 4-4-23)

- (1) City of Delray Beach Code Enforcement Officers and any other enforcement personnel as authorized by the City Manager are authorized to enforce the provisions of this ordinance within the municipal boundaries of the City. (Ord. No. 03-23, § 2, 4-4-23)
- (2) The violation of any provision of this section may be enforced pursuant to terms and procedures in Chapter 162, Florida Statutes, Local Government Code Enforcement Boards Act, as may be amended or recodified from time to time. Pursuant to Section 162.09(2)(d), Florida Statutes, the City of Delray Beach Special Magistrate may impose fines that shall not exceed \$1,000.00 per day per violation for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the Special Magistrate finds the violation to be irreparable or irreversible in nature. In determining the amount of the fine, the Special Magistrate shall consider: (Ord. No. 03-23, § 2, 4-4-23)
- (a) The gravity of the violation; and (Ord. No. 03-23, § 2, 4-4-23)
- (b) Any actions taken by the violator to correct the violation; and (Ord. No. 03-23, § 2, 4-4-23)
- (c) Any previous violations committed by the violator. (Ord. No. 03-23, § 2, 4-4-23)

ARTICLE 7.5. MECHANICAL CODE

Sec. 7.5.1. Adoption by reference.

The 2001 Florida Building Code - Mechanical Volume, as amended, is hereby adopted as the Mechanical Code for the City of Delray Beach. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

Sec. 7.5.2. Amendments and additions to Code.

(A) Work to be done by a licensed mechanical contractor holding a current Florida State registered or certified mechanical license and registered by the City of Delray Beach, Florida. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

(B) Change-Out Permit Fees. The provisions of Section 7.1.3, Building Code, regarding change-out permits, shall also be applicable to this chapter. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

ARTICLE 7.6. PLUMBING CODE

Sec. 7.6.1. Adoption by reference.

The 2001 Florida Building Code - Plumbing Volume, as amended, is hereby adopted as the Plumbing Code for the City of Delray Beach. [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

Sec. 7.6.2. Amendments and additions to Code.

The following amendments and additions are hereby made to the Plumbing Code adopted by this chapter:

(A) **Prohibited traps.** [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

- (1) No trap which depends for its seal upon the action of movable parts shall be used. [Amd. Ord. 5-03 4/15/03]
- (2) Tubular traps less than 17 gauge are prohibited. [Amd. Ord. 5-03 4/15/03]

(B) **Lawn sprinklers.** [Amd. Ord. 5-03 4/15/03]; [Amd. Ord. 21-96 7/9/96]

- (1) Lawn sprinkler systems shall be equipped with an approved backflow preventer on the discharge side of each of the last valves. The backflow preventer shall be at least six inches above the highest head, and at no

time less than six inches above the surrounding ground. Where combination control valves and backflow preventers are installed, the bottom of the valve shall constitute the bottom of the backflow preventer. [Amd. Ord. 5-03 4/15/03]

- (2) All sprinkler systems shall also comply with the State sanitary code and any current revisions. [Amd. Ord. 5-03 4/15/03]
- (3) Sprinkler heads will be installed so that no water shall spray on a public street or sidewalk. If after they are installed the plumbing inspector should find such a condition exists at any time, the contractor who installed same, shall correct the condition after being notified by the plumbing inspector. [Amd. Ord. 5-03 4/15/03]
- (4) Refer to Section 4.6.16(F) for additional requirements. [Amd. Ord. 5-03 4/15/03]

ARTICLE 7.7. WELLS AND SPRINKLER SYSTEMS

WELLS FOR POTABLE WATER

Sec. 7.7.1. Scope.

The provisions contained in this Subchapter shall apply to all land within the limits of the City.

Sec. 7.7.2. Compliance.

No water wells for potable use shall be allowed except in strict accordance with the provisions of this chapter.

Sec. 7.7.3. Permit required.

Any person who desires to install a water well for portable use, shall first make application to the City Building Department and obtain the required permit therefor.

Sec. 7.7.4. Permit fees.

Permit fee to be charged by the City for drilling or driving a potable well is \$60.50.

Sec. 7.7.5. Inspection of wells.

During the construction or use of any potable water well, the Building Official may cause to be made periodic inspections as deemed necessary to ensure conformity with applicable standards as set forth in this Subchapter.

Sec. 7.7.6. Connection to City water supply system required.

Permits issued under this Subchapter shall become void and all permittees shall be required, at their own expense, to connect to the City water supply system within 120 days after notification by the City that connection is feasible and mandatory.

Sec. 7.7.7. Public water supply systems; requirements.

All public water supply systems shall meet all of the following requirements:

- (A) Issuance of all permits required by the County Health Department and the State Department of Environmental Regulation as evidence of compliance with standards and regulations set by the State relating to public water supply systems.
- (B) Construction of an approved interim water treatment plant in accordance with the requirements of the County Health Department and the State Department of Environmental Regulation and approved by the City Engineer.
- (C) If the subject development would ordinarily require installation of water lines for connection to the City system, these water lines will still be required except that during the interim period while water wells are in use, these lines shall be used for fire protection purposes only. Connection to the City water supply system shall be by a method as approved by the City Engineer and the City Building Department.
- (D) Execution of an agreement between property owner and City for the operation, maintenance, and of the removal of any interim water treatment plant installed hereunder. The agreement shall be in form and content approved hereafter by resolution of the City Commission.
- (E) Receipt of a permit from the City Building Department, which shall be issued if applicant complied with conditions of divisions (A) through (D) of this section and has paid the proper permit fee.

Sec. 7.7.8. Nonpublic water supply system wells; requirements.

All potable water well uses not in the category of public water supply systems shall meet all of the following requirements:

- (A) All rules adopted by the State Department of Environmental Regulation relating to water well construction standards as found in Part II, Chapter 71-21, Florida Administrative Code, (Minimum Water Well Construction Standards) are hereby adopted and incorporated by reference as part of this section as fully as if set forth completely herein and shall be controlling in the construction of water wells for potable use under this division.
- (B) Installation of water wells in accordance with the approved drawing attached to Ordinance 25-78 and declared to be a part hereof. If the subject development would ordinarily require installation of water lines for connection to the City system, these water lines will still be required except that during the interim period while water wells are in use, these lines shall be used for fire protection purposes only. Connection to the City water supply system shall be by such method as approved by the City Engineer and the City Building Department.
- (C) Submission with the application for the permit of a detailed set of plans in form and content satisfactory to the City Building Department with specifications meeting the requirements of divisions (A) and (B) of this section.
- (D) Receipt of a permit from the City Building Department, which shall be issued if applicant has complied with conditions of divisions (A) through (C) of this section.
- (E) Submission prior to final approval of any well of an analysis of the water by a licensed sanitary laboratory verifying that the water is of satisfactory quality for potable use.

WELLS FOR NONPOTABLE WATER; SPRINKLER SYSTEM**Sec. 7.7.9. Permit required.**

It shall be unlawful for any person or his agents or employees, to drive or drill any water well for nonpotable uses or to install any sprinkler system within the City without first having obtained a permit from the City Building Department to do that work.

Sec. 7.7.10. Application of State Sanitary Code.

All sprinkler systems shall be installed in accordance with Chapter 4, Section 10-D of the State Sanitary Code and current revisions.

Sec. 7.7.11. Duties of City Building Official; inspections.

(A) Before a permit shall be issued, the Building Official, or his designee, shall ascertain whether or not the well or sprinkler system is to be connected with the public water supply of the City in any way and shall see that the requirements of all ordinances, rules, and regulations protecting the health and safety of the citizens of the City are met.

(B) The Building Official shall inspect all work including any sprinkler system, that may be supplied by the well before the well is covered and final connection is made.

Sec. 7.7.12. Location of well from septic tank or drain field.

No well shall be permitted within a distance of 75 feet from any septic tank or drain field.

Sec. 7.7.13. Work to be done by licensed plumber.

The following work must be performed by a person holding a current state registered or certified plumbing license and registered with the City. Nothing herein shall prohibit the homeowner from performing this work in accordance with Section 7.7.2 of this Article.

- (A) The main water line shall rise a minimum of six inches above the highest sprinkler head with gate valve installed in line to control each sprinkler circuit.
- (B) An approved backflow preventer shall be installed on the discharge side of the gate valve controlling the circuit.
- (C) An approved check valve shall be installed in the main supply line on the meter side of the first sprinkler circuit takeoff.
- (D) The house or building water supply shall be connected to main supply pipe between meter and check valve.

ARTICLE 7.8. UNSAFE BUILDINGS OR STRUCTURES***Sec. 7.8.1. Application.**

(A) Except as inconsistent with the provisions of this chapter, all building codes and building requirements adopted by this title as well as those codes adopted in Section 96.16, are hereby adopted and incorporated as fully as if set out at length

***Note**—Article Repealed and New Article Enacted by Amd. Ord. 82-94, 10/18/94.

herein and the provisions therein shall be controlling in the use, maintenance, and occupancy of all buildings and structures within the jurisdiction of the City. Amendments to any of the above codes or code sections which are adopted by the City shall be considered amendments hereto.

(B) This chapter shall apply to all unsafe buildings and structures, as defined in Section 7.8.2 of this chapter and shall apply equally to new and existing conditions. To the extent that the provisions of this chapter are inconsistent with any codes adopted herein and any ordinances pertaining to the elimination or repair of unsafe buildings, this chapter shall supersede those codes and ordinances.

Sec. 7.8.2. Definitions.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code, Standard Fire Codes (as adopted in 96.16), as those codes have been adopted and/or amended by the City or other applicable codes duly adopted and/or amended by the City.

Applicable Governing Body. The City of Delray Beach.

Approved. Approved by the Chief Building Official or his designee.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind which has enclosing walls for 50 percent or more of its perimeter. The term "Building" shall be construed as if followed by the words "or parts thereof." For the purpose of this chapter, each portion of a "Building" separated from other portions by a fire wall shall be considered as a separate "Building." "Building" shall also include a structure which was partially constructed in a manner such that it would have qualified as a "Building" if completed but which has been damaged or left incomplete so that it no longer has enclosing walls for 50 percent of its perimeter.

Building Official. The Chief Building Official who is charged with the administration and enforcement of this chapter, or the duly authorized designee of the Chief Building Official.

Codes. Wherever reference is made in this chapter to any code, the meaning will be that conveyed by that particular code as amended by the City or if not specifically named, to the codes mentioned in section 7.8.2(B) above.

Cost of Alterations or Repairs. The estimated cost of repairs or alterations if done by a professional contractor, duly licensed and hired to effect those repairs or alterations, as determined by the Chief Building Official or his designee using generally accepted practices for estimating cost.

Department. The Community Improvement Department charged with the enforcement of this chapter.

Dilapidated. In a state of decay or disrepair due to a lack of maintenance and upkeep; deteriorated due to lack of adherence to standard codes.

Fire Official or Inspector. Building Inspectors, Fire Inspectors, Code Enforcement Officers, Engineers, etc. employed by the City and whose regular job functions include inspecting buildings, structures, properties, etc.

Legally Cognizable Interest. The interest of an owner, tenant, person or entity having a recorded lien on the subject real property as shown by a title search conducted within 30 days prior to the date of Notice of Unsafe Building/Structure.

Office of the Recorder. The Recorder of deeds of a county.

Owner. Any person, agent, firm, or corporation having a fee simple legal or equitable interest in the property.

Structure. Anything which is built, erected or constructed. This definition includes, among other things, docks, dolphins, piers, boat lifts, fences, posts, buildings (see above), walls, pilings, signs, canopies, tents, stairs, stoops, awnings, slabs, asphalt or concrete driveways, poles, septic tanks, and other items as determined by the Chief Building Official.

Unsafe Building or Structure. Any building or structure that has any of the following conditions, such that the life, health, property, or safety of the general public, building or structure occupants, or any others are endangered:

- (1) Whenever any means of egress or required egress or portion thereof is blocked, partially blocked, not of adequate size or not arranged or provided to provide a safe and unobstructed path of travel to the outside in case of fire or panic.
- (2) Whenever required fire doors, fire protection equipment, means of egress, closing devices, or fire resistance rating materials are in disrepair, in a dilapidated or nonworking condition or installed incorrectly or are inadequate.

- (3) Whenever the stress in any member of a building or structure or portion thereof, due to all imposed loads, including dead load, exceeds the working stress allowed in the Standard Building Code for new buildings.
- (4) Whenever a building, structure, or portion thereof has been damaged by fire, flood, earthquake, wind, or any other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings.
- (5) Whenever any exterior appendage or portion of a building or structure is not securely fastened, attached, or anchored such that it is capable of resisting wind, seismic, or similar loads as required by the Standard Building Code for new buildings.
- (6) Whenever, for any reason, a building, structure, or portion thereof is in a dilapidated condition due to lack of maintenance or is manifestly unsafe or unsanitary for the purpose for which it is actually being used or for the purpose for which it was designed to be used.
- (7) Whenever any building, structure, or portion thereof, as a result of decay, deterioration, dilapidation or any other reason is likely to fully or partially collapse.
- (8) Whenever any building, structure, or portion thereof has been constructed or maintained in violation of a specific requirement of the standard codes of the City.
- (9) Whenever any building, structure, or portion thereof is in a condition as to constitute a public nuisance such as, but not limited to, being left open and unattended, or being abandoned by its owners, or lacks security to prevent entry, or is without operational, electrical, water or sewer service, or lacks security to prevent entry or is left partially complete, but not guarded or not adequately guarded against unauthorized entry.
- (10) Whenever any building, structure, or portion thereof is unsafe, unsanitary, not provided with adequate egress, or which constitutes a fire or health hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- (11) Whenever a requirement is lacking and which is necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, such as, but not limited to, hot and cold

water supply and electricity, and even if not specifically covered by this chapter or other codes, as determined by the Chief Building Official, in accord with the standards set forth herein.

Sec. 7.8.3. Maintenance of buildings or structures required; responsibility.

All buildings or structures, both existing and new, and all parts thereof, including all materials, fixtures or appliances installed therein shall be maintained in a safe, secure and sanitary condition. All policies, procedures, requirements and safeguards which are required by the Standard Building Code, Life Safety Code, Fire Prevention Code or Standard Housing Code and/or any other applicable codes adopted by the City, or as may be amended from time to time, in a building when erected, altered, repaired, moved or occupied, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

Sec. 7.8.4. Requirements for alterations, additions, or repairs.

(A) Subject to the provisions of Paragraph (C) of this subsection, alteration, repair, or rehabilitation work may be made to an existing building or structure without requiring the entire building or structure to comply with all the requirements of this code, provided that the alteration, repair, or rehabilitation work conforms to the requirements of the code for new construction. However, if an existing building or structure is damaged by fire or otherwise requires repairs in excess of 50 percent of the structure's current improvement value as determined by the Palm Beach County Property Appraiser, the entire building or structure shall be made to conform to all current codes and Land Development Regulations for new buildings and current land use regulations. Additionally, any buildings or structure containing a nonconforming use must comply with current Land Development Regulations if required repairs of the structure exceed 25 percent of the structure's current improvement value as determined by the Palm Beach County Property Appraiser. (Ord. No. 20-18, § 3, 11-27-18)

(B) Additions to existing buildings must be made in conformity with current codes. However, existing buildings or structures need not be modified to comply with current codes except where the addition involves replacement or reconstruction of materials in the original structure or otherwise affects the safety or materials in the original structure. Any reconstruction or replacement materials or related repairs shall conform with current codes.

(C) Whenever more than 25 percent of a roof covering is replaced within a 12-month period, the entire roof covering shall be made to conform with the requirements of the code for new buildings.

(D) Repairs, alterations, and additions may not be made so as to extend or increase an existing nonconformity or hazard.

Sec. 7.8.5. Chapter remedial.

This chapter is declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health, and general welfare through structural strength, stability, security, maintenance, sanitation, adequate light and ventilation, electrical power, hot and cold water supplies and safety to life and property from fire, health and other hazards incident to the construction, security, moving, alteration, repair, removal, demolition, use, and occupancy of buildings or structures.

Sec. 7.8.6. Enforcement officer designated.

The provisions of this chapter shall be enforced by the Chief Building Official and/or his designee. The Chief Building Official or his designee may utilize the Fire Department, Code Enforcement Division, Environmental Services, etc. to aid in the enforcement of the provisions of this chapter.

Sec. 7.8.7. Liability of enforcement personnel.

Any officer or employee, or member of a board, charged with the enforcement of this chapter acting for the City in the discharge of their duties, shall not thereby render themselves personally liable, and are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties. Any suit brought against any officer or employee because of an act performed in the enforcement of any provision of this chapter shall be defended by the City Attorney or Special Counsel retained by the City Commission, until the final termination of the proceedings, providing the individual acted within the scope of his authority.

Sec. 7.8.8. Authority to make inspections; initiating abatement.

(A) The Chief Building Official or his designee, Building Inspectors, Code Enforcement Officers, Fire Department Officials, etc. are authorized to make any inspections and recommend any actions to the Chief Building Official or his designee as may be required to enforce the provisions of this chapter.

(B) After the Chief Building Official or his designee has determined that a building, structure, or portion thereof is unsafe, he may initiate proceedings to abate the unsafe conditions.

Sec. 7.8.9. Investigation; notice.

(A) The Chief Building Official or his designee shall cause a title search to be made of the affected property to determine the names of all persons having an interest in the property. The Chief Building Official or his designee shall then prepare and issue a Notice of Unsafe Building/Structure directed to the owner of record and all persons having a legal interest in the property, including all known tenants. The notice shall contain, but not be limited to, the following information:

- (1) The street address and legal description of the building, structure, or premise, as disclosed by the title search and/or County or City records.
- (2) A statement indicating that the building or structure has been declared unsafe by the Chief Building Official or his designee and a detailed report documenting the conditions determined to have rendered the building or structure or portion thereof unsafe under the provisions of this chapter.
- (3) The action required to be taken as determined by the Chief Building Official or his designee.
 - (a) The notice shall require that all necessary permits be secured and the repair work be commenced within 60 days from the date of service of the Notice of Unsafe Building/ Structure, and continued to completion within 6 months from the date the permits are available for issuance. The notice shall also set forth the provisions of Section 7.8.4 of this chapter.
 - (b) If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.
 - (c) If emergency action was taken by the Chief Building Official or his designee pursuant to 7.8.12(C), the notice shall state the emergency action taken and any costs incurred.
- (4) The notice shall state what action shall be taken by the City in the event that repairs are not made in accordance with the directions in the Notice of Unsafe Building/Structure. The Chief Building Official or his designee may in that case bring the matter before the Code Enforcement Board or order the building to be vacated and demolished or boarded up in accordance with the standards set forth in Section 7.8.12 of this chapter.
- (5) A statement advising that any person having a legal interest in the property may appeal the finding of the Chief Building Official or his designee to the Board of Adjustment and that the appeal shall be in writing in the form

specified in Section 7.8.14 and 7.8.16 of this Chapter, and must be received by the Chief Building Official or his designee no later than 30 days from the date of service of the Notice of Unsafe Building/Structure and that failure to deliver an appeal in the correct form in the time specified will constitute a waiver of all rights to an administrative hearing. [Amd. Ord. 47-07 10/16/07]

(B) The Notice of Unsafe Building/Structure and all attachments thereto shall be served upon the owners of record and posted on the property in conspicuous locations. A copy of the Notice and all attachments thereto shall also be served on any person determined from a title search to have a legal interest in the property.

(C) The Notice of Unsafe Building/Structure shall be served either personally or by dual service of certified or registered mail, return receipt requested, and postage paid first class mail to each person required to receive notice at the address as it appears in official public records as disclosed by a title search and a review of County tax roll records or any other address as is known by the Chief Building Official or his designee to be the address of those required to receive service or address of those authorized to receive service. If addresses are not available for any persons, firms, companies, corporations, etc. required to be served, except owners of record, after reasonable efforts are made to determine such address(es), the notice to those persons, firms, companies, corporations, etc. shall be mailed by first class mail to the address of the building or structure involved in the proceedings. Notice to tenants shall be by posting the premises and shall be effective on the date of such posting. The failure of any person to receive notice, other than the owner(s) of record, shall not invalidate any proceedings under this chapter. Service by certified or registered mail, return receipt, as herein described shall be effective on the date the notice was received as indicated on the return receipt. Where notice is not received by certified or registered mail or personally, the notice shall be effective the date of first class mailing as above. In those cases where the address of the actual owner(s) of record cannot be determined after reasonable efforts are made to locate such address(es), notice to such owner(s) of record may be given by one advertisement of a "Notice of Unsafe Building/Structure" in a newspaper of general circulation in the county where the affected building or structure is located. In the case of advertisement of a Notice of Unsafe Building/Structure, the service date shall be the publication date.

Sec. 7.8.10. Posting of premises for vacating or demolishing.

(A) In addition to the above notice requirements, Unsafe Building/Structure notices shall be posted at or near each exit and/or entrance to the effected building or structure and shall contain:

UNSAFE BUILDING/STRUCTURE DO NOT ENTER OR OCCUPY

It is a violation of Land Development Regulations of the City of Delray Beach to enter or occupy this building/structure or to remove or deface this notice without written permission from the Chief Building Official.

The notice shall be signed and dated by the Chief Building Official or his designee.

(B) This notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm, or corporation or their agents to remove the notice or to enter or occupy this building/structure without prior written permission of the Chief Building Official or his designee.

Sec. 7.8.11. Recording of Affidavit I, Affidavit III.

If the remedial action required under Section 7.8.12 of this chapter is not commenced within 60 days from the date of service of the Notice of Unsafe Building/Structure on the owner of record, the Chief Building Official or his designee shall file in the public records of the County Affidavit I describing the property and certifying that the building or structure is unsafe and that the owner of record has been served. This affidavit shall remain on file until the conditions rendering the building or structure unsafe have been abated or corrected and inspected by the Chief Building Official or his designee. When the unsafe conditions are abated or corrected and inspected, the Chief Building Official or his designee shall file Affidavit III in the public records indicating that the building or structure is no longer unsafe as a result of those conditions specified in the subject notice pursuant to Section 7.8.12 of this chapter.

Sec. 7.8.12. Standards for determining action to be taken by Building Official.

The following actions shall be taken by the Chief Building Official or his designee when ordering the repair, vacation, demolition or boarding up of an unsafe building or structure or portion thereof:

(A) If the building or structure poses an immediate hazard to the life or to the safety of the occupant or user thereof, or to the neighborhood, or to the public, or to the property of others, it shall be ordered immediately vacated. Additionally, where the building is not repaired in the time permitted, it will be ordered vacated and demolished, in accordance with the general guidelines in this section.

(B) The building or structure will be ordered demolished when the condition of the building structure or portion thereof is sufficiently unsanitary, unsafe, unsecured, unguarded or detrimental to neighboring properties due to lack of completion,

upkeep or exterior maintenance and where the required repairs are not performed within the time prescribed in the Notice of Unsafe Building/Structure or by order of the Board of Adjustment, and where the continued existence of the structure poses a hazard to the health or safety of the public or the occupants or users of the effected building or to the property of others. This applies even if the building is secured against entry and where the building is sufficiently damaged, unsound, unsafe, unsanitary or detrimental to property values in the vicinity due to incomplete condition or lack of maintenance and upkeep. [Amd. Ord. 47-07 10/16/07]

(C) In certain cases where the Chief Building Official or his designee, based upon his own experience and knowledge, or upon the advice of fire officials, determines that an immediate peril exists and that certain preventative action must be taken immediately without notice or title search to prevent injury to occupants, neighbors or the public or destruction of the property of neighbors or the public, the Chief Building Official or his designee may order immediate preventative actions which may include, but shall not be limited to, vacating the property, demolition, erecting fences or other barricades, boarding up, ordering the disconnection of power and water supplies and the City may assess the costs of such action as a lien upon the property in accordance with this chapter. In the aforementioned cases, a Notice of Unsafe Building/Structure shall be served after preventative action is taken in the same manner as when action is taken after service. An appeal to the Board of Adjustment based upon an emergency action is proper only as it relates to costs incurred by the City, providing such appeal is received in the form prescribed by Sections 7.8.9, 7.8.14, and 7.8.16, and is received by the Chief Building Official no later than 30 days after service of the Notice of Unsafe Building/Structure. [Amd. Ord. 47-07 10/16/07]

(D) The Chief Building Official or his designee shall have the authority to approve one extension of time to complete repairs to make a building or structure safe or to complete demolition. Such extension shall not exceed 60 days from the original expiration date for repair or demolition. The extension shall only be granted where the Chief Building Official or his designee determines that a good faith effort is being made to correct the unsafe condition, and that the extension will not unreasonably endanger the public. The building official may require that premises be guarded by fencing, barricading or other means until all repairs are made or demolition is completed.

Sec. 7.8.13. Reserved.

[Deleted by Ord. 47-07 10/16/07.]

Sec. 7.8.14. Appeals, generally; board of adjustment.

[Amd. Ord. 47-07 10/16/07]

(A) Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer or bureau of the governing body of the City, affected by any decision of the Chief Building Official concerning interpretation, administration, or enforcement of the following provisions of the Land Development Regulations: [Amd. Ord. 47-07 10/16/07]

- (1) Building regulations: Article 7.1 except Sections 7.1.5 through 7.1.7.
- (2) Gas Code: Article 7.3
- (3) Mechanical Code: Article 7.5
- (4) Plumbing Code: Article 7.6
- (5) Electrical Code: Article 7.2
- (6) Housing Code: Article 7.4
- (7) Unsafe building/structure: Article 7.8
- (8) Moving buildings: Article 7.10

(B) It is the intent of this subchapter that all questions of interpretation, administration, and enforcement shall first be presented to the Chief Building Official. Questions shall be presented to the Board of Adjustment only as an appeal of the Chief Building Official's determination. Appeals shall be filed in writing via certified U.S. Mail return receipt requested, and received by the Chief Building Official no later than 30 days after receipt of a written decision from the Chief Building Official except as specified in 7.8.9. The form of the appeal is as specified in 7.8.16. The Chief Building Official shall forth with transmit to the Board all papers constituting the record on which the appeal is based. [Amd. Ord. 47-07 10/16/07]

Sec. 7.8.15. Decisions, generally.

In exercising its powers, the Board of Adjustment, so long as the action is in conformity with the terms of existing ordinances, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make the order, requirement, decision, or determination as should be made, and to that end shall have powers of the Chief Building Official from whom the appeal is taken. [Amd. Ord. 47-07 10/16/07]

Sec. 7.8.16. Appeals, authorized form.

(A) For all authorized matters other than Unsafe Building/ Structure, any person or persons who have an interest adversely impacted by the Chief Building Official's decision may file an appeal.

(B) For Unsafe Building/Structures, any person entitled to service in accordance with the provisions of Section 7.8.9 may appeal any action of the Chief Building Official or his designee.

(C) Appeals must be in the form described below:

- (1) Identification of the land, and building or structure by street address and/or legal description, as appropriate.
- (2) A statement identifying the legal interest of the appellant or the interest of the appellant adversely impacted by the Chief Building Official's decision.
- (3) A statement identifying specific portions or sections of the Notice of Unsafe Building/Structure or written decision of the Chief Building Official which are being appealed.
- (4) A statement detailing the issues on which the appellant desires to be heard in relation to (3) above.
- (5) The legal signature of the appellant(s) and his official mailing address(es).

(D) Upon receipt of an appeal, the Board of Adjustment shall fix a date, time, and location for the hearing of the appeal. The hearing date shall not be more than 30 days from the date the appeal was received by the Chief Building Official unless the appellant agrees to a later date or the City demonstrates good cause. [Amd. Ord. 47-07 10/16/07]

(E) Waiver of appeal. All appeals must be received by the Chief Building Official no later than 30 days from the date of service the Notice of Unsafe Building/ Structure or 30 days after receipt of the Chief Building Official's written decision which is appealed. Failure to appeal within the time period specified shall constitute a waiver and shall make the decision of the Building Official a final decision or order.

Sec. 7.8.17. Hearing; failure to appear at hearing, Board of Adjustment.

[Amd. Ord. 47-07 10/16/07]

(A) Scope of hearing.

- (1) The hearing shall offer the appellant(s) reasonable opportunity to be heard on only those specific matters or issues raised in his written appeal. Other

persons having a legally cognizable interest in the property but who did not register a written appeal may be heard at the Board of Adjustment's discretion on only those matters or issues raised by the appellant on his appeal and only to the extent that they affect the legally cognizable right of the person seeking to intervene in the appeal. [Amd. Ord. 47-07 10/16/07]

- (2) The Chief Building Official or his designee shall offer relevant testimony to the Board and/or the Chief Building Official may call others to testify who may offer relevant testimony.
- (3) The appellant or other person with a legally cognizable interest may appear at the hearing in person or through his attorney or other designated representative.
- (4) The Board, in hearing appeals under this chapter, shall determine whether the decision of the Chief Building Official or his designee as to the unsafe condition of the structure or the remedial action required or his interpretation, administration or enforcement of relevant matters, as related to those matters raised by the appellant, is appropriate under the guidelines of this chapter. With regard to emergency actions, the Board's sole determination shall be to determine whether the costs incurred were reasonably related to the action undertaken.

(B) The failure of any person to appear at the hearing set by the Board of Adjustment without permission from the Board shall constitute a waiver of his right to an administrative hearing on the Notice of Unsafe Building/Structure or other matter appealed. The Board of Adjustment may, for good cause shown, excuse the failure to appear and set a new hearing date. [Amd. Ord. 47-07 10/16/07]

Sec. 7.8.18. Rules of procedure for hearing appeals, Board of Adjustment.

[Amd. Ord. 47-07 10/16/07]

(A) **Reasonable dispatch.** The Board of Adjustment shall proceed with reasonable dispatch to conclude any matter before it. [Amd. Ord. 47-07 10/16/07]

(B) **Form of hearing notice to appellant(s).**

- (1) The Hearing Notice shall include, but not be limited to, the following information:
 - (a) The date, time, and place of the hearing;
 - (b) The legal description and/or address of the subject property, as applicable;

- (c) A statement that persons may be represented by counsel; and
- (d) A statement that appellants may present all relevant testimony on those issues which they intend to raise in accordance with their appeal request as addressed to the Chief Building Official.

(C) ***Procedures for hearing.***

- (1) The Hearing Notice shall be served personally or by certified mail, return receipt requested, at least seven days prior to the hearing date unless the appellant waives such requirement.
- (2) The Board of Adjustment may grant a continuance for good cause. [Amd. Ord. 47-07 10/16/07]
- (3) When the hearing is scheduled, the Board of Adjustment shall: [Amd. Ord. 47-07 10/16/07]
 - (a) Hear from the Chief Building Official or his designees or others who may offer relevant testimony as to and as applicable to:
 - (i) The Notice of Unsafe Building/Structure and all attachments thereto or other matters being appealed.
 - (ii) Proof of service of the Notice of Unsafe Building/Structure on the owner of record and on any person determined from official public records to have a legal interest in the property or proof of service or receipt by the appellant(s) of any other written decision which is being appealed.
 - (iii) The time of posting the Notice of Unsafe Building/Structure, including time to vacate, if any, and the location of the notices on the building or structure
 - (iv) The particulars of the defects and conditions determined to have rendered the building or structure or portion thereof unsafe under the provisions of this chapter, with photographs as necessary.
 - (v) The recommended corrective actions to be taken and the reasons for the recommendations.
 - (vi) Corrective actions, if any, already undertaken.
 - (vii) The reasons and bases supporting the written decision made by the Chief Building Official which is being appealed.

- (b) Hear from other interested parties present in accordance with requirements of this chapter.
- (4) Evidence.
 - (a) The Hearing before the Board of Adjustment shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony. [Amd. Ord. 47-07 10/16/07]
 - (b) In any proceedings under this chapter any member of the Board shall have the power to administer oaths and affirmations and to certify official acts.
 - (c) Oral evidence shall be taken only on oath or affirmation.
 - (d) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. The further use of hearsay evidence shall be limited to that which would be admissible in civil court.
 - (e) Relevant evidence shall be admitted if it is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of evidence over objection in civil courts.
- (5) The Board of Adjustment may inspect any building, structure or portion thereof involved in the appeal during the course of the hearing, provided the following are complied with: [Amd. Ord. 47-07 10/16/07]
 - (a) Notice of an inspection is given to the appellant prior to the inspection;
 - (b) The appellant is allowed to be present during the inspection; and
 - (c) The Board members conducting the inspection state for the record, upon completion of their inspection, the conditions observed and any conclusions drawn therefrom.
- (6) When an appeal is heard before the Board itself, any member who does not hear the evidence presented shall not vote or take part in the decision.
- (7) The Board of Adjustment may be provided independent counsel, including counsel from the City Attorney's office, to advise it during the course of an appeal hearing. [Amd. Ord. 47-07 10/16/07]
- (D) **Decision of the Board.**
 - (1) The Board, if requested, shall determine whether the finding of the Chief Building Official or his designee that the building or structure is unsafe is

proper under the guidelines of this chapter, and whether the mandated corrective action is necessary to render the building safe under the guidelines of this chapter. In cases where demolition has been ordered if repairs are not made, the Board shall, if requested, determine that demolition is proper. The Board may uphold the determination of the Chief Building Official or his designee, may send the matter back for further investigation and review by the Chief Building Official or his designee, or may make a finding that the condition complained of by the Chief Building Official or his designee does not render the building unsafe within the guidelines of this chapter, or that the corrective action required by the Chief Building Official or his designee is beyond what is required under this chapter to render the building safe.

As to any other matter or appeal, the Board may affirm, deny or modify the written decision of the Chief Building Official in accordance with codes and ordinances adopted by the City.

- (2) The Board shall issue its written decision within 15 working days of the conclusion of the hearing. The decision shall be in writing and shall set forth the evidence presented and the findings of the Board. The effective date of the Board's final decision shall be the date of the written decision. The Board may grant one and only one extension of the time specified for making repairs and that extension may not exceed 60 days from the date of the Board's written decision to grant an extension. The Board may require the appellant to take actions to ensure the safety of the public or occupants during the extension period.

(E) **Recourse.** If the appellant or the City is aggrieved by the decision of the Board, nothing in this chapter shall be construed to deprive him or the City of seeking redress in a court of competent jurisdiction. The appeal must be filed within 30 days from the effective date of the Board's final written decision and shall constitute a stay of any enforcement by the Chief Building Official or his designee except an order to vacate which was unappealed or upheld by the Board.

Sec. 7.8.19. Staying of notice under appeal to Board of Adjustment.

(A) As to an order to vacate issued in accordance with Section 7.8.9(3)(a) or 7.8.12(C) of this chapter, enforcement of any notice issued by the Chief Building Official or his designee under the provisions of this chapter shall be held in abeyance during the course of an appeal. In the event that an order to vacate was issued pursuant to the aforementioned sections of this chapter, the Chief Building Official shall certify in writing as soon as practicable after the notice of appeal has

been filed that, in his opinion, a stay of enforcement of an order to vacate would cause imminent peril to the life or safety of natural persons, or the property of persons other than the appellant. The certification shall set forth in detail those conditions causing the peril. An appellant desiring to challenge the order to vacate may request an emergency hearing of the Board of Adjustment. The hearing shall be held within 72 hours of the appellant's request. [Amd. Ord. 47-07 10/16/07]

(B) As to other matters under appeal, an appeal stays all proceedings in furtherance of the action appealed from, unless the Chief Building Official from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment at an emergency hearing of the Board as requested by the appellant, as noted above, or by a court of competent jurisdiction. [Amd. Ord. 47-07 10/16/07]

Sec. 7.8.20. Failure to comply with final order or decision.

(A) Any person who, after the order or decision of the Chief Building Official or his designee or the decision of the Board of Adjustment becomes final, fails or refuses to act in accord with the direction of that order shall be in violation of this chapter and may be prosecuted in accordance with Chapter 37 of the Code of Ordinances of the City or the City may seek relief through a court of competent jurisdiction. [Amd. Ord. 47-07 10/16/07]

(B) Alternatively, where persons fail to comply with the final order of the Chief Building Official or his designee or the Board of Adjustment, the Chief Building Official will require the building to be immediately vacated and demolished or boarded up as provided in Section 7.8.12. Except in emergency situations, the Chief Building Official or his designee shall mail a Final Notice by certified and first class mail 15 days prior to demolition or boarding up to all persons who were required to receive Notice of Unsafe Building/Structure and shall post the Final Notice on the effected building/structure. The Final Notice shall state:[Amd. Ord. 47-07 10/16/07]

- (1) That the building or structure has been determined to be unsafe by a final order of the Chief Building Official or Board of Adjustment. [Amd. Ord. 47-07 10/16/07]
- (2) That repairs were not effected as required.

- (3) That all persons having a legally cognizable interest were served with notice that the failure to make the required repairs would result in an order to vacate and/or to demolish or to board-up the building.
- (4) That the building must be vacated immediately, if it has not already been vacated.
- (5) Advising that the building shall be demolished or boarded up, and stating an approximate date of demolition or boarding up.
- (6) The approximate costs of boarding up or demolition and that such costs, if not paid, shall be charged as a lien against the property and that other costs incurred will be added to the total cost along with a ten-percent administrative fee.

(C) The Chief Building Official shall also execute an Affidavit II to be included with the above Final Notice which shall state that the continued existence of the structure creates a danger to the health, safety, or welfare of the public, or is a danger or detriment to the property of the public, along with the reasons therefor, and the factual support for those reasons.

(D) No person shall obstruct or interfere with the implementation of any action required by the Final Notice of the Chief Building Official, his designee or the Board of Adjustment. Any person found interfering with or obstructing such actions shall be in violation of this chapter and shall be prosecuted as provided in Section 7.8.22. [Amd. Ord. 47-07 10/16/07]

(E) Performance of work. The demolition or board-up of an unsafe building as required in the Final Notice of the Chief Building Official or the final decision by the Board of Adjustment shall be performed in an expeditious and workmanlike manner. [Amd. Ord. 47-07 10/16/07]

Sec. 7.8.21. Recovery of cost of demolition; liens.

(A) Whenever the Chief Building Official or his designee is required to take emergency action as described in Section 7.8.12(C) or where compliance with a Final Notice is effected by the City, the City administration is authorized and directed to keep an accurate account of all expenses incurred, including but not limited to photographs, recording notices and affidavits, demolition, vacation, barricading, boarding-up, title searches, mailings, asbestos inspections, septic tank emptying, fencing, asbestos removal, utility disconnections, legal notice advertising or any other expenses necessitated by the demolition or board-up of the building/structure, and based upon same certify the cost involved for that work

with respect to each parcel of property. The City shall also add to the total of such costs a ten percent administrative charge to cover the expense of administering and inspecting the work performed, overhead, and other contingent expenses. The cost of advertising shall be added to the total costs as a separate expense.

(B) If the City has the condition abated and payment is not received within 30 days after the mailing of an invoice for the appropriate expenses incurred together with administrative costs, an invoice requesting payment of the total costs and administrative charges shall be sent to the last known address of the record owner. In the event the invoice remains fully or partially unpaid 30 days after the date of mailing the invoice, the cost shall be reported by the City Manager to the City Commission. Thereupon the City Commission shall, by resolution, assess that cost against the parcel. The resolution shall describe the land and show the cost of effecting compliance, whether by demolition and removal or otherwise, actually incurred by the City and the additional ten percent administrative expenses. The assessment shall also include costs of collection and reasonable attorney fees, and shall be legal, valid, and binding obligations against the subject property. The resolution shall become effective 30 days from the date of adoption, and the assessment contained therein shall become due and payable no later than 30 days after the mailing date of the Notice of Assessment, after which interest shall accrue at the rate of eight percent per annum on any unpaid portion.

(C) The City shall send an invoice for the total amount due, a copy of the Notice of Assessment along with a copy of the Commission resolution, to the last known address of the record owner. Service shall be by personal delivery or by certified mail, postage prepaid, return receipt requested. In the event that the assessment remains fully or partially unpaid after 30 days of the mailing date or personal delivery of the Notice of Assessment, the City shall cause to be recorded in the official records of the County, against those properties for which payment in full has not been received, an affidavit certifying: that a resolution assessing those costs against the subject property was passed by the City Commission; the amount remaining unpaid including recording costs and any additional administrative costs authorized by City policies; the date the resolution was passed and the number of the resolution; that the assessment remains unpaid as of the date of the affidavit; that interest in the amount of eight percent per annum of the unpaid balance shall accrue; and that the affidavit is recorded by the City pursuant to this chapter. In the event payment in full with interest accrued is received, the City shall cause a satisfaction for such assessment to be recorded. The Notice of Assessment resolution shall be in substantially the following form:

**CITY OF DELRAY BEACH
UNSAFE BUILDING/STRUCTURE
NOTICE OF ASSESSMENT**

DATE

TO: _____

ADDRESS: _____

PROPERTY: _____

You, as the record owner of, or holder of an interest in, the above described property are hereby advised that a cost of _____ by resolution of the City Commission of the City of Delray Beach, Florida, dated _____, 19_____, has been levied against the above described property.

The costs were incurred as a result of an abatement action regarding the above described property. You were given notice on _____ that the Chief Building Official had determined that a building/structure located on the above described property was unsafe. You were advised in that notice of the action that would be taken to remedy that unsafe condition and that the action would be initiated by the City if you failed to act. _____ You failed to appeal the decision of the Chief Building Official to the Board of Adjustment although you were informed of your right to an appeal and of the procedures for obtaining an appeal. You have also failed to take the corrective action required in the Notice of Unsafe Building/Structure. _____ You appealed the decision of the Building Official to the Board of Adjustment. You were given written notification on _____ that you were required to take the corrective action required by the decision of the Board of Adjustment within a stated period of time. You failed to take the action as required by the order of the Board of Adjustment. _____ You appealed the decision of the Building Official to the Board of Adjustment on _____. The Board of Adjustment upheld the decision of the Building Official.

The City of Delray Beach has therefore taken remedial action to remove the unsafe condition existing on the above described property on _____ at a cost of _____ which includes a ten percent administrative fee. If you fail to pay this cost within 30 days, that cost plus additional administrative and recording costs shall be recorded in the official Records of Palm Beach County, Florida against the above-described property.

THE CITY MAY ENFORCE THE ASSESSMENTS BY EITHER AN ACTION AT LAW OR FORECLOSURE OF THE LIEN, WHICH SHALL BE FORECLOSED IN THE SAME MANNER AS MORTGAGES ARE FORECLOSED UNDER STATE LAW. IN EITHER TYPE OF ACTION, THE CITY SHALL BE ENTITLED TO INTEREST AT THE RATE OF EIGHT PERCENT FROM THE DATE OF ASSESSMENT, COLLECTION COSTS, AND REASONABLE ATTORNEY'S FEES. SUCH LIENS SHALL BE ON A PARITY WITH GENERAL CITY TAXES AND SHALL HAVE PRIORITY OVER ALL OTHER LIENS AND ENCUMBRANCES, INCLUDING MORTGAGES.

Copies of all notices referred to in this notice are available in the office of the Chief Building Official.

BY ORDER OF THE CITY COMMISSION.

City Clerk

(D) The City may enforce the assessments by either an action at law or foreclosure of the lien, which shall be foreclosed in the same manner as mortgages are foreclosed under state law. In either type of action, the City shall be entitled to interest at the rate of eight percent from the date of assessment, collection costs, and reasonable attorney's fees. Such liens shall be on a parity with general City taxes and shall have priority over all other liens and encumbrances, including mortgages.

Sec. 7.8.22. Violations; providing for independent judicial proceeding.

(A) Any person or his agent, who shall violate a provision of this chapter or fail to comply therewith, including orders and findings of the Board of Adjustment, may be prosecuted and punished in accordance with Chapter 37 of the City's Code of Ordinances. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued. The administration may alternatively seek enforcement in a court of competent jurisdiction. [Amd. Ord. 47-07 10/16/07]

(B) Any person, firm or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500.00 or imprisonment for a term not exceeding 30 days or both. Each day any violation shall continue to exist shall constitute a separate offense.

(C) All remedies and procedures in this chapter are not exclusive and shall not prevent the City from instigating an independent legal action in a court of competent jurisdiction.

ARTICLE 7.9. MOORING STRUCTURES***Sec. 7.9.1. Purpose and Intent.**

The intent of this Article is to provide safe navigation, to allow access to waterways, to maintain reasonable water views, and to safeguard the public and natural environment by providing standards for the construction of docks, pilings, finger piers, boat lifts, marinas and other marine appurtenances.

(Ord. No. 07-26, § 3(Exh. A), 1-20-26)

Sec. 7.9.2 Locations of Mooring Structures.

(A) Mooring Structures may be located on the following properties:

- (1) Single family lots and duplex structures on a single lot.
- (2) Multi-family, commercial, and public properties, as regulated by zoning district regulations.

(Ord. No. 07-26, § 3(Exh. A), 1-20-26)

Sec. 7.9.3. Procedure.

(A) Permits from the City are required to construct docks, pilings, finger piers, boat lifts, and marinas.

(B) Marine construction requires review and approval by the respective jurisdiction with authority over the waterbody prior to issuance of a City permit.

(Ord. No. 07-26, § 3(Exh. A), 1-20-26)

Sec. 7.9.4. Technical Requirements: Docks, Pilings, Finger Piers, Boat Lifts, and Marinas.

(A) **General.**

- (1) A combination of docks, finger piers, and other mooring structures that comply with this section may be allowed on a property.

***Editor's note**—Ord. No. 07-26, § 3(Exh. A), adopted January 20, 2026, repealed art. 7.9 and Exh. B of the same enacted a new art. 7.9 as set out herein and as may later be amended. Former art. 7.9 pertained to docks, dolphins, finger piers, and boat lifts, and derived from the original codification; Ord. 40-95, adopted August 8, 1995; Ord. 14-11, adopted April 21, 2011; Ord. 11-12, adopted May 15, 2012; and Ord. No. 23-21, adopted January 11, 2022.

- (2) A mooring structure shall not be located within the distance established for the side yard setback or ten feet, whichever is greater, from the adjacent property line. Dockage for multiple vessels on single-family lots may be allowed if the setback requirement is met.
- (3) For purposes of this article, an extended property line shall mean the extension into the water of a plot line intersecting the property line along the body of water if the extension forms right angles with the property line along the water. When the property line along the body of water is curved, the extended property line shall mean a line extended into a body of water at right angles to the tangent of the curve at the point of intersection with the plot line.

(B) **Docks.** Docks, whether fixed or floating, shall be constructed pursuant to the following specifications:

- (1) Docks shall not extend closer than ten feet from a property line adjoining an adjacent property or the distance established for the side yard setback, whichever is greater.
- (2) Docks shall not extend more than eight feet from the seawall, wetface, or property line.
- (3) Docks attached to a seawall may be constructed at an elevation less than the elevation of the seawall, but shall not exceed the seawall elevation per Section 7.1.7.
- (4) At least one ladder extending from the dock surface to two feet below the mean low waterline shall be provided for each 50 feet of dock.
- (5) Only one floating dock shall be allowed for single-family detached residential property and must be permanently attached to a fixed-structure such as a dock or seawall.
- (6) No floating dock shall create a hazard that obstructs the waterway or discourages safe mooring practices.

(C) **Pilings.** Pilings for mooring purposes may be installed in conjunction with docks and finger piers, and shall be constructed pursuant to the following specifications:

- (1) Pilings for mooring purposes shall not extend any further than 25 percent of the width of the existing waterway from the property line, seawall, or bulkhead, whichever is closest to the waterway.

- (2) A minimum of 50 percent of the waterway width must remain to guarantee safe mooring for other vessels.
- (3) For waterways greater than 100 feet in width, the maximum distance a piling may be installed shall be 25 feet from the extended property line or seawall or bulkhead, whichever is closer to the waterway.
- (4) Pilings shall be constructed of preservative-treated wood or other material with a minimum butt dimension or diameter of ten inches. A piling shall be of sufficient length so that after being driven it will extend not less than six feet nor more than eight feet from the water level at mean high tide. All pilings shall have a reflectorized band approximately two feet below the top.

(D) **Finger piers.** A finger pier shall be constructed pursuant to the following specifications:

- (1) Finger piers shall not extend further than 25 percent of the width of the existing waterway from the property line or seawall, bulkhead, or dock, whichever is nearest to the waterway.
- (2) Finger piers shall not exceed eight feet in width.
- (3) The distance between finger piers must be at least 25 feet.
- (4) At least one ladder extending from the dock surface to two feet below the mean low waterline shall be provided for each 50 feet of finger pier.
- (5) T-shaped and L-shaped configurations, created by the combining of a dock or finger pier compliant with the technical requirements above shall be allowed.

(E) **Boat Lifts.** A boat lift may be installed subject to the following specifications:

- (1) Only one boat lift is allowed per single-family lot.
- (2) The boat lift shall be located so that the vessel in its raised position shall not extend closer to the adjacent property line than ten feet or the building side setback, whichever is greater.

(F) **Marinas.** Marinas are subject to the following specifications:

(1) **New marina or docking facilities.** New marinas and docking facilities are subject to all applicable zoning regulations and the site plan approval process in Section 2.4.10.

(a) The following facilities must be provided:

1. At least one sewage pumpout connected to the City sanitary sewer system.
2. One potable water hose bib and one electrical outlet for each 25 feet of dock length or major fraction (over 50 percent) thereof or for each boat where the design of the docks and finger piers clearly indicates a specific number of boats to be moored.

(2) **Modifications to existing marinas or docking facilities.** All proposed work to existing marinas, including maintenance, removal and replacement of any marine structures including seawalls, mooring structures and pilings are subject to the requirements of this article.

(a) An improvement that changes over 50 percent of the configuration of an existing facility is subject to the review process for new marinas or docking facilities.

(Ord. No. 07-26, § 3(Exh. A), 1-20-26)

Sec. 7.9.5. Maintenance; nuisance abatement of unsafe structures.

(A) Docks, pilings, finger piers, and boat lifts shall be maintained by the property owner in a safe condition.

(B) A dock, piling, finger pier, or boat lift that is determined to be in an unsafe condition shall be declared a public nuisance and shall be repaired or removed.

(Ord. No. 07-26, § 3(Exh. A), 1-20-26)

Sec. 7.9.6. Modification of technical requirements; appeals.

(A) Relief or modifications of the technical requirements in this article are subject to the relief process in Chapter 2.

(B) To approve a relief request, the approving body must make a finding that the request meets the required findings in Section 2.4.11.

(Ord. No. 07-26, § 3(Exh. A), 1-20-26)

ARTICLE 7.10. MOVING OF BUILDING**Sec. 7.10.1. Permit required.**

No person, firm, or corporation of any kind shall move any building over, along, or across any highway, street, or alley in the City, without first obtaining a permit from the Building Official.

Sec. 7.10.2. Application for permit.

(A) **Filing.** A person seeking issuance of a permit hereunder shall file an application for a permit with the Building Official of the City.

(B) **Form.** The application shall be made in writing, upon forms provided by the Building Official and shall be filed in the office of the Building Official.

(C) **Contents.** The application shall set forth:

- (1) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, and condition of exterior and interior;
- (2) A full legal description of the lot from which the building is to be moved;
- (3) A full legal description of the lot to which it is proposed the building be removed, if located within the City;
- (4) The portion of the lot to be occupied by the building when moved; Documented by a plat plan;
- (5) The highways, streets, and alleys over, along or across which the building is proposed to be moved;
- (6) Proposed moving date and hours;
- (7) Any additional information which the Building Official shall find necessary to a fair determination of whether a permit should issue.

(D) **Accompanying papers.** The applicant shall submit written evidence of his ownership of the building; or if the applicant is other than the owner, written evidence of his right and authority that he is entitled to move the building.

Sec. 7.10.3. Approval of application.

The application must have the written approval of the proposed moving endorsed thereon of the Florida Power and Light Company, the Southern Bell Tele-

phone and Telegraph Company, the Police Department of the City, any railroad where applicable, and of any other public utility holding a franchise in the City which may be damaged by the moving. This approval must be secured prior to the actual moving of the structure over, along, or across any highway, street, alley, or other rights-of-way within the City.

Sec. 7.10.4. Inspection prerequisite to permit.

The Building Official shall inspect the building and the applicant's equipment (or that of his mover) to determine whether the standards for issuance of a permit are met.

Sec. 7.10.5. Cash deposit, bond, or insurance required.

(A) **Cash deposit.** An application hereunder shall be accompanied by a cash deposit in the sum of \$5,000.00, as an indemnity for any damage which the City may sustain by reason of damage or injury to any highway, street, or alley, sidewalk,

fire hydrant, or other property of the City, which may be caused by or be incidental to the removal of any building over, along, or across any highway, street, alley, or other rights-of-way within the City and to indemnify the City against any claims of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the City.

(B) **Bond in lieu of deposit.** Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the Building Official a bond, approved as to form by the City Manager, executed by a bonding or surety company authorized to do business in the state in the amount of \$5,000.00, conditioned upon the assurance that this subchapter and other applicable ordinances and laws will be complied with. This bond shall run to the City for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment for any damages or losses resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

(C) **Insurance policy in lieu of deposit.** Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the Building Official a liability insurance company authorized to do business in the state, and approved as to form by the City Manager, in the same amount and providing the same protection as would be required for a bond hereunder.

(D) **Historic structure relocation bond.** In addition to the above, an applicant requesting the relocation of a contributing structure or an individually designated structure shall provide a Surety Bond or a Letter of Credit in favor of the City of Delray Beach and in a form satisfactory to the City Attorney's Office of an amount equal to 125 percent of the "fair market value" of the property which includes the value of the land and any improvements such as the historic structure, as determined by or through an MAI (Member of the Appraisal Institute) appraisal. The appraisal must be performed no more than 60 days prior to the date of application for a relocation permit. The Surety Bond or Letter of Credit shall not be released until final inspection of the successfully completed relocation to the new foundation. Failure to successfully relocate a Historic structure may result in the forfeiture of the Surety Bond or a draw on the Letter of Credit as determined by the City Commission upon recommendation by the Historic preservation Board. [Amd.- Ord. 13 15 08/18/2015]

Sec. 7.10.6. Grounds for denying permit.

The Building Official shall refuse to issue a permit if he finds:

- (A) That any application requirement or any fee or deposit requirement has not been complied with;

- (B) That the building is too large to move without endangering persons or property in the City;
- (C) That the building is in a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;
- (D) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
- (E) That the applicant's equipment is unsafe, and that persons and property would be endangered by its use;
- (F) That the zoning, building, electrical, plumbing, minimum housing standards, and other applicable ordinances would be violated by the building in its new location;
- (G) That for any other proper reason persons or property in the City would be endangered by the moving of the building.

Sec. 7.10.7. Who may move buildings.

No building shall be moved within the City except by a duly licensed house mover.

Sec. 7.10.8. Duties of permittee moving building.

Every permittee under this subchapter shall:

- (A) Move a building only over streets designated for the use by the Police Department of the City.
- (B) Notify the Building Official in writing of a desired change in moving date and hours as proposed in the application.
- (C) Notify the Building Official in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.
- (D) Comply with the Building Code, the fire zones, or district regulations, the zoning ordinance, minimum housing standards, and all other applicable ordinances and laws.
- (E) Pay the expenses incurred by the City, including the expense of a traffic officer ordered to accompany the movement of the building to protect the public from injury, if deemed necessary.

- (F) Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.
- (G) See that all utilities servicing the vacated premises are terminated.

Sec. 7.10.9. Deposit and return of fees, deposits, bonds, insurance policies.

(A) The Building Official shall deposit all fees and deposits, and all bonds or insurance policies with the City Clerk or City Treasurer.

(B) Upon his refusal to issue a permit, the Building Official shall return to the applicant all deposits, bonds, and insurance policies. Permit fees filed with the application shall not be returned.

(C) After the building has been removed, the Building Official shall furnish the City Manager with a written statement of all expenses incurred in connection therewith, together with a statement of all damage caused to or inflicted upon City property. The City Manager shall authorize the Building Official to return to the applicant all deposits after the City Treasurer deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

Sec. 7.10.10. Enforcement authority.

The Building Official and the Police Department shall enforce and carry out the requirements of this subchapter.

Sec. 7.10.11. Historic structures.

In addition to the above requirements, the relocation of structures from or to a historic district or individually designated property shall comply with the requirements of Section 4.5.1(E)(6), prior to the issuance of a relocation permit. The final inspection for new foundation permits associated with a relocated structure shall occur concurrently with the final inspection for the relocation. The final inspection for the relocation and foundation permits shall be finalized within 90 calendar days of permit issuance. [Amd.- Ord. 13 15 08/18/2015]

ARTICLE 7.11 SUSTAINABLE DESIGN AND CONSTRUCTION PRACTICES**Sec. 7.11.1. Green building regulations.**

(A) **Purpose.** To promote sustainable development within the City of Delray Beach through efficient design and construction practices for new construction and addition(s) to achieve the following objectives: (Ord. No. 30-22, § 6, 11-1-22)

- (1) increase energy efficiency in buildings; (Ord. No. 30-22, § 6, 11-1-22)
- (2) encourage conservation and protection of water and other resources; (Ord. No. 30-22, § 6, 11-1-22)
- (3) reduce waste generated by construction projects; (Ord. No. 30-22, § 6, 11-1-22)
- (4) reduce long-term building operating and maintenance costs; (Ord. No. 30-22, § 6, 11-1-22)
- (5) improve indoor air quality and occupant health; (Ord. No. 30-22, § 6, 11-1-22)
- (6) increase use of solar, renewable, and alternative energy sources; (Ord. No. 30-22, § 6, 11-1-22)
- (7) contribute to meeting state and local commitments to reduce greenhouse gas emissions; (Ord. No. 30-22, § 6, 11-1-22)
- (8) encourage sound urban planning principles; and (Ord. No. 30-22, § 6, 11-1-22)
- (9) encourage use of native and Florida Friendly landscaping, and habitat restoration. (Ord. No. 30-22, § 6, 11-1-22)

(B) **Green Building Certification Entities.** The City recognizes the rating systems of green building certification entities, including but not limited to: the Florida Green Building Coalition (FGBC), National Green Building Standard (NGBS), Green Globes, or Leadership in Energy and Environmental Design (LEED). (Ord. No. 30-22, § 6, 11-1-22)

(C) **Green Building Certification Required.** Certification is required through a green building certification entity as follows: (Ord. No. 30-22, § 6, 11-1-22)

- (1) New construction or addition(s) consisting of 15,000 square feet of Gross Floor Area that is conditioned space, up to 50,000 square feet in one or more

buildings on a single parcel or as a part of a unified development shall achieve at least the minimum level of certification from a green building certification entity. (Ord. No. 30-22, § 6, 11-1-22)

- (2) New construction or addition(s) consisting of more than 50,000 square feet of Gross Floor Area that is conditioned space in one or more buildings on a single parcel or as a part of a unified development shall achieve at least a certification level of LEED Silver or equivalent. (Ord. No. 30-22, § 6, 11-1-22)
- (3) The following development is excluded from the green certification requirement: (Ord. No. 30-22, § 6, 11-1-22)

- (a) Historic Buildings and Sites (Ord. No. 30-22, § 6, 11-1-22)
- (b) Substantial Improvements, as defined in Appendix A, Definitions, provided the existing exterior walls and roof deck remain. (Ord. No. 30-22, § 6, 11-1-22)

(D) **Procedure.** (Ord. No. 30-22, § 6, 11-1-22)

- (1) At the time of Building Permit application, the following shall be submitted: (Ord. No. 30-22, § 6, 11-1-22)
 - (a) Proof of registration with a green building certification entity; (Ord. No. 30-22, § 6, 11-1-22)
 - (b) A signed and sealed affidavit from a professional, who holds accreditation with the green building certification entity, stating the proposed building is designed to achieve the required certification; and (Ord. No. 30-22, § 6, 11-1-22)
 - (c) A rating checklist from the green building certification entity, identifying anticipated credits to be achieved. (Ord. No. 30-22, § 6, 11-1-22)
- (2) Prior to the issuance of a Certificate of Occupancy, the following shall be submitted: (Ord. No. 30-22, § 6, 11-1-22)
 - (a) Proof of attainment of the required green building certification; or (Ord. No. 30-22, § 6, 11-1-22)
 - (b) For private development, a bond posted in a form acceptable to the City, in the amount indicated below: (Ord. No. 30-22, § 6, 11-1-22)
 - 1. Three percent of the total cost of construction for building(s) 15,000 to 25,000 square feet; (Ord. No. 30-22, § 6, 11-1-22)

2. Four percent of the total cost of construction for building(s) 25,001 up to 75,000 square feet; (Ord. No. 30-22, § 6, 11-1-22)
3. Five percent of the total cost of construction for building(s) 75,001 to 150,000 square feet; (Ord. No. 30-22, § 6, 11-1-22)
4. Six percent of the total cost of construction for building(s) greater than 150,000 square feet; or (Ord. No. 30-22, § 6, 11-1-22)
5. A prorated portion of the full bond amount, as indicated above, shall be posted if proof of partial compliance from the green building certification entity is submitted, which demonstrates the credits already accepted by the certification entity. The prorated bond amount to be posted shall be calculated as follows: (Ord. No. 30-22, § 6, 11-1-22)

(credits remaining for certification/total credits required for certification) x full bond amount = prorated bond amount (Ord. No. 30-22, § 6, 11-1-22)

- (c) Public development. The City, any agency of the City, and other units of government including the housing authority are not required to post a bond. If a public building does not achieve the required certification within one year of the issuance of a Certificate of Occupancy, a report stating the reasons why certification was not achieved and a plan to obtain the required certification shall be submitted to the City Manager and City Commission. (Ord. No. 30-22, § 6, 11-1-22)
- (3) Forfeiture of bond. The bond required under this section shall be forfeited to the City if the building does not obtain the required green building certification. The City will draw upon the bond funds upon failure of the owner to submit proof of certification or proof of partial compliance, in a form acceptable to the City, within one year of the City's issuance of the Certificate of Occupancy for the building. Any forfeited bond funds shall be placed in the Sustainability and Resilience Fund. (Ord. No. 30-22, § 6, 11-1-22)
 - (a) If required certification is not achieved, but a majority of the credits have been verified, the owner shall forfeit a portion of the bond based on any outstanding credits which shall be calculated as follows: (Ord. No. 30-22, § 6, 11-1-22)

(credits remaining for certification/total credits required for certification) x full bond amount = bond amount forfeited (Ord. No. 30-22, § 6, 11-1-22)

- (b) If the amount to be forfeited is greater than 50 percent of the full bond amount, the bond shall be forfeited in its entirety. (Ord. No. 30-22, § 6, 11-1-22)

(E) **Regulation Reevaluation.** The provisions of this section shall be reevaluated within two years of adoption for effectiveness in achieving the desired result of increasing sustainable development throughout the City. (Ord. No. 30-22, § 6, 11-1-22)

Chapter 8

SPECIAL IMPLEMENTATION PROGRAMS

Article 8.1. Reserved

Secs. 8.1.1—8.1.4. Reserved.

Article 8.2. The Downtown Development Authority (DDA)

- Sec. 8.2.1. The Downtown Development Authority.
- Sec. 8.2.2. Provisions of the Act.

Article 8.3. West Atlantic Avenue Neighborhood Improvement District

- Sec. 8.3.1. Districts authorized.
- Sec. 8.3.2. Method of establishment.
- Sec. 8.3.3. District created.
- Sec. 8.3.4. Name of district.
- Sec. 8.3.5. Authority to apply for and receive grants.
- Sec. 8.3.6. Authorization to levy tax.
- Sec. 8.3.7. Special assessment authorization.
- Sec. 8.3.8. Designation of Board of Directors.
- Sec. 8.3.9. Establishment of advisory board.

Article 8.4. Special Assessments

- Sec. 8.4.1. Authority to make special assessments.
- Sec. 8.4.2. Method of making special assessments.
- Sec. 8.4.3. Resolution of necessity required.
- Sec. 8.4.4. Preliminary assessment roll.
- Sec. 8.4.5. Publication of preliminary assessment roll.
- Sec. 8.4.6. Final consideration of special assessments.
- Sec. 8.4.7. Priority of lien; interest; and method of payment.
- Sec. 8.4.8. Legal proceedings.
- Sec. 8.4.9. Provisions declared supplementary.

Article 8.5. Public Arts Program

- Sec. 8.5.1. Establishment of Public Arts Program.
- Sec. 8.5.2. Public art criteria.
- Sec. 8.5.3. Murals.

Article 8.6. Proportionate Fair-Share Program

ARTICLE 8.1. RESERVED*

Secs. 8.1.1—8.1.4. Reserved.

ARTICLE 8.2. THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA)**Sec. 8.2.1. The Downtown Development Authority.**

(A) **Creation.** Due to conditions in the downtown area of Delray Beach, the City Commission by Resolution 9-71, petitioned the State of Florida for establishment of a Downtown Development Authority. An Act to that effect became law on March 22, 1971.

(B) **Reference to the Act.** Provisions of the Act which have direct application to the Land Development activity of the City of Delray Beach are provided in the following subsections. These subsections cannot be amended or altered without concurrent modification of the Act.

Sec. 8.2.2. Provisions of the Act.

[Repealed Section in its entirety and enacted new Section by Ord 19-09 4/21/09]

(A) **Definition and rules of construction.** Unless qualified in the text the following definitions and rules of construction shall apply hereto:

- (1) **Authority** means the Delray Beach Downtown Development Authority hereby created, and any successor to its functions, authority, rights, and obligations.
- (2) **City** and **Delray Beach** means the City of Delray Beach, Florida.
- (3) **City Commission** means the Delray Beach City Commission and any succeeding governing body of the City.
- (4) **Downtown** and **Downtown area** mean the area herein described and to which this Act primarily relates, including the central business district and its environs.
- (5) **Herein, hereby, hereof,** and similar compounds refer to the entire Act.

***Editor's note**—Ord. No. 05-18, § 2, adopted May 1, 2018, repealed Art. 8.1, §§ 8.1.1—8.1.4, which pertained to the Community Redevelopment Agency and derived from Ord. No. 17-92, adopted May 26, 1992; and Ord. No 21-13, adopted Sep. 17, 2013.

- (6) **Including** shall be construed as merely introducing illustrative examples and not as limiting in any way the generality of the inclusive term.
- (7) **Majority** without qualification means a majority of a quorum.
- (8) **State** means the State of Florida.

(B) **Downtown area description.** Downtown Area Description: The original boundary of the Downtown Development Authority as established by Section 3, Chapter 71-604 Laws of Florida 1971, effective May 22, 1971, and the expanded boundary of the Downtown Development Authority as defined by Section 3, Chapter 2003-314 Laws of Florida 2003, effective June 26, 2003, are depicted in Section 8.2.2(B)(1), "Map of the Downtown Development Authority Area", and are generally described within Appendix B of the Land Development Regulations.

- (1) **Map of the Downtown Development Authority Area.**



(C) ***Creation of the authority, composition, and provisions relating to members.***

There is hereby created a board composed of seven members to be known officially as the "Delray Beach Downtown Development Authority." It is hereby constituted a body corporate and an agency of the City, and performance by the Authority of its duties and exercise of its powers are hereby designated municipal functions and shall be so construed.

- (1) The City Commission shall by vote of a majority of its entire membership appoint the members of the Authority, and by vote of four-fifths of its entire membership, after notice specifying the charges and a hearing held not earlier than ten days after personal delivery of notice or mailing thereof by registered or certified mail addressed to the member at his or her latest known residence, the City Commission may remove a member of the Authority for good cause, including willful neglect of duty, incompetence or unfitness to perform his or her duty, or conviction of an offense involving moral turpitude. A member so removed shall be entitled to review by the circuit court of the action taken.
- (2) Each member shall be appointed for a term of three years beginning July 1. Two members shall be appointed commencing on July 1 following the referendum approving the expansion of the Delray Beach Downtown Development Authority boundaries.
- (3) To qualify for appointment to the Authority, and to remain qualified for service on it, a prospective member or a member already appointed shall reside in or have his or her principal place of business in the City and shall not be serving as a City officer or employee. At least four of the members shall be owners of realty within the Downtown area, a lessee thereof required by the lease to pay taxes thereon, or a director, officer, or managing agent of an owner or of a lessee thereof so required to pay taxes thereon. To the extent that it is possible, appointments to the Authority shall be made so that the members shall be geographically proportioned as evenly as is possible within the Downtown area as described in Section 8.2.2(B).
- (4) Vacancy in office, which shall be filled within 30 days of its occurrence for the remainder of the unexpired term, shall occur whenever a member is removed from office, becomes disqualified or otherwise unable to serve, resigns, or disappears without explanation for a period of six months. The City Commission shall fill any vacancy in office for the unexpired term.
- (5) Each member of the Authority shall serve without compensation for services rendered as a member but may be reimbursed by the Authority for neces-

sary and reasonable expenses actually incurred in the performance of duty. The Authority need not but may require that all of its members or any or all of its officers or employees be required to post bond for faithful performance of duty, and the Authority shall pay bonding costs. No member of the Authority shall be personally liable for any action taken in attempting in good faith to perform his or her duty, or for a decision not to act, except in instances of fraud or willful neglect of duty.

(D) **Authority bylaws and internal government.** The Authority shall formulate and may amend its own rules of procedure and written bylaws not inconsistent herewith. A majority of its entire membership shall constitute a quorum for the transaction of business.

All action shall be taken by at least four affirmative votes of the Authority, and each member present shall vote on each matter unless barred from voting as herein provided. The Authority shall select one of its members as Chair and another as Vice Chair and shall prescribe their duties, powers, and terms of serving. It shall hold regular meetings at least once a month and shall provide in its bylaws for holding special meetings. All meetings shall be open to the public.

The bylaws may provide for the Mayor of the City, or his or her representative, to attend meetings of the Board as an ex officio member, but he or she shall not have any vote or power over the Board except that he or she shall be entitled to speak on any issue or question before the Board.

(E) **Functions of the authority.** The Authority shall perform the following functions:

- (1) Prepare an analysis of the economic conditions and changes occurring in the Downtown area, including the effect thereon of such factors as metropolitan growth, traffic congestion, lack of adequate parking and other access facilities, and structural obsolescence and deterioration.
- (2) Formulate long-range plans for improving the attractiveness and accessibility to the public of Downtown facilities, promoting efficient use thereof, remedying the deterioration of Downtown property values, and developing the Downtown area.
- (3) Recommend to the City Commission and to Downtown businesspersons and residents the actions deemed most suitable for implementing the Downtown development plans, including removal, razing, repair, renovation, reconstruction, remodeling, and improvement of existing structures, addition of new structures and facilities, relocation of any of those existing, and changes in patterns of and facilities for getting thereto and therefrom.

- (4) Participate actively in the implementation and execution of Downtown development plans, including establishment, acquisition, construction, ownership, financing, leasing, licensing, operation, and management of public facilities deemed feasible and beneficial in effecting implementation, but this paragraph shall not give the Authority any power or control over any City property unless and until assigned to it by the City Commission under the provisions of paragraph (6) of this section.
- (5) Participate actively in plans and programs to encourage economic development and promotion of the Downtown as a prosperous Downtown Area.
- (6) Carry on all projects and undertakings authorized by law and within the limits of the powers granted to it by law, and such additional public projects and undertakings related to the Downtown area as the City Commission may assign to it with its consent.

(F) **Powers of the authority.** In the performance of the functions vested in or assigned to the Authority it is hereby granted the following powers:

- (1) To enter into contracts and agreements, and to sue and be sued as a body corporate;
- (2) To have and use a corporate seal;
- (3) To acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type, and grant or acquire licenses, easements, and options with respect thereto;
- (4) To accept grants and donations of any type of property, labor, or other thing of value from any public or private source;
- (5) To receive the proceeds of the tax hereby imposed;
- (6) To receive the revenues from any property or facility owned, leased, licensed, or operated by it or under its control, subject to the limitations imposed upon it by trusts or other agreements validly entered into by it;
- (7) To have exclusive control of all funds legally available to it, subject to limitations imposed upon it by law or by any agreement validly entered into by it;
- (8) To cooperate and enter into agreements with any governmental agency or other public body;

- (9) To make to or receive from the City or Palm Beach County conveyances, leasehold interests, grants, contributions, loans, and other rights and privileges;
- (10) To request by resolution that the City exercise its municipal power of eminent domain in specific instances for the use and benefit of the Authority and, if the City complies with the request and the property involved is acquired, the Authority shall take over and assume control of such property on terms mutually agreed upon between the City and the Authority, but the Authority shall not thereafter be authorized to sell, lease, or otherwise dispose of such property so acquired without the formal consent of the City Commission;
- (11) To issue and sell revenue certificates as hereinafter provided, or in any other manner permitted by law and not inconsistent with the provisions hereof, and to take all steps deemed by it necessary or expedient for efficient preparation and marketing of the certificates at public or private sale at the best price obtainable, including the entry into binding agreements with corporate trustees, underwriters, and the holders of the certificates, and the employment and payment, as a necessary expense of issuance, for the services of consultants on valuations, costs, and feasibility of undertaking, revenues to be anticipated and other financial matters, architecture, engineering, legal matters, accounting matters, and any other fields in which expert advice may be needed to effectuate advantageous issuance and marketing;
- (12) To fix, regulate, and collect rates and charges for facilities and services furnished by it or under its control and to pledge the revenue to the payment of revenue certificates issued by it;
- (13) To borrow money on its unsecured notes, for a period not exceeding nine months, in an aggregate amount for all outstanding unsecured notes not exceeding 50 percent of the proceeds received during the immediately prior fiscal year from the tax hereby imposed, and at an annual rate of interest not exceeding the rate being charged at the time of the loan by banks in the City on unsecured short-term loans to local businesses
- (14) To acquire by rental or otherwise and to equip and maintain a principal office for the conduct of its business;
- (15) To employ, when deemed necessary, and prescribe the duties, authority, compensation, and reimbursement of expenses of the Director of the Authority, who shall act as its chief executive officer, a general counsel, who

shall be an attorney with at least two years of experience in active Florida practice and so engaged at the time of appointment, and such other personnel as it may, after consultation with the Director, deem necessary from time to time; provided, its personnel shall not be under civil service regulations and shall be employed to serve at its pleasure. Its personnel shall not while employed by it serve as City officers or employees, and, with the exception of its Secretary, shall not while employed by it serve as a member of it; and

- (16) To exercise all powers incidental to the effective and expedient exercise of the foregoing powers to the extent not in conflict herewith or inconsistent herewith.

(G) **Levy of ad valorem tax.** For the fiscal year of the Authority beginning within the calendar year 1972, and for each fiscal year thereafter, an ad valorem tax in addition to all other ad valorem taxes is hereby levied annually for the purpose of financing the operation of the Authority on all property in the Downtown area that is subject to ad valorem taxation for City operation expenses. The tax base shall be the assessed valuation made annually by the County tax assessor. The rate shall be one mill on each dollar of tax base in 1972 and each year thereafter; provided, for each year after the first year of levy the Authority, by written notice to the County tax collector at such time as he or she shall specify, may set a rate of less than one mill for the ensuing fiscal year. The County tax collector shall collect the tax when and in the same manner in which he or she collects the City ad valorem taxes, with the same discounts for early payment, and shall pay the proceeds into the City treasury for the account of the Authority.

(H) **Authority records and fiscal management.** The fiscal year of the Authority shall coincide with that of the City.

- (1) All funds of the Authority shall be received, held, and secured like other public funds by the appropriate fiscal officers of the City. The funds of the Authority shall be maintained under a separate account, shall be used for only the purposes herein authorized, and shall be disbursed only by the direction of or with the approval of the Authority pursuant to requisitions signed by the Director or other designated chief fiscal officer of the Authority and countersigned in such instances and manner as the Authority bylaws may prescribe. The Authority may pay the City, as an operating expense, a reasonable amount for the services rendered by the City to it at its request.
- (2) The Authority bylaws shall provide for maintenance of minutes and other official records of its proceedings and actions, for preparation and adop-

tion of an annual budget for each ensuing fiscal year, for internal supervision and control of its accounts, which function the appropriate City fiscal officers may perform for it at its request, and for an external audit at least annually by an independent certified public accountant who has no personal interest, direct or indirect, in its fiscal affairs. The bylaws shall specify the means by which each of these functions is to be performed and, as to those functions assigned to Authority personnel, the manner and schedule of performance.

- (3) No member or employee of the Authority shall participate by vote or otherwise on behalf of the Authority in any matter in which he or she has a direct financial interest or an indirect financial interest other than that of the benefits to be derived generally from the development of the Downtown area. Participation with knowledge of such interest shall constitute malfeasance and shall result, as regards a member, in automatic forfeiture of office or, as regards an employee, in prompt dismissal.

(I) **Tax exemption of authority property.** All income, donations, property, and facilities of the Authority are hereby dedicated to the effectuation of essential municipal purposes, their use is declared an essential municipal function, and they are granted the same exemptions from taxation as are afforded to income, property, and facilities of the City.

(J) **Provisions governing issuance of certificates.** Issuance of revenue certificates by the Authority shall be governed by the following general provisions:

- (1) Revenue certificates for purposes hereof are limited to obligations that are secured solely by pledge of revenues produced by the facility or facilities for the benefit of which the certificates are issued and the sale proceeds used, that do not constitute a general debt of the Authority, that are not secured directly or indirectly, in whole or in part, by pledge of taxing powers, and that do not constitute a lien or encumbrance, legal or equitable, on any real property of the Authority or on any of its personal property other than the revenues pledged to secure payment of the certificates.
- (2) The faith and credit of the City shall not be pledged and the City shall not be obligated directly or indirectly to make any payments on or appropriate any funds for certificates issued by the Authority.
- (3) The rate or rates of interest and the sale price of the certificates by the Authority shall be such that the net interest cost to it on the proceeds received from the sale shall not exceed an average annual rate of eight

percent, computed with relation to the absolute maturity of the certificates in accordance with standard tables of bond values and excluding from the computation the amount of any premium to be paid on redemption of the certificates prior to maturity.

- (4) Before issuing any revenue certificates, the Authority shall, as to each issue:
(a) prepare or procure from a reputable source detailed estimates of the total cost of the undertaking for which the certificates are contemplated and of the annual revenues to be obtained therefrom and pledged as security for payment of the certificates; (b) determine that the anticipated net proceeds from their sale, together with any other funds available and intended for the purposes of the issue, will be sufficient to cover all costs of the undertaking and of preparing and marketing the issue or connected therewith; (c) determine that the annual revenues anticipated from the undertaking will be sufficient to pay the estimated annual cost of maintaining, repairing, operating, and replacing to any necessary extent not only the undertaking but also the punctual payment of the principal of and interest on the contemplated certificates; and (d) shall specify these determinations in and include the supporting estimates as parts of the resolution providing for the issue.
- (5) The Authority may, as to any issue or revenue certificates, engage the services of a corporate trustee for the issue and may treat any or all of the costs of carrying out the trust agreement as part of the operating costs of the undertaking for which the certificates are issued.
- (6) The Authority shall from time to time establish such rentals, rates, and charges, or shall by legally binding agreement maintain such control thereof, as to meet punctually all payments on the certificates and also the costs of operation of the undertaking and its maintenance and repair, including reserves therefor and for depreciation, replacement, and any necessary extensions.
- (7) Revenue certificates may be issued for the purposes of funding, refunding, or both.
- (8) All revenue certificates issued pursuant hereto shall be negotiable instruments for all purposes.

(K) **Transfer upon cessation of the authority.** Should the Authority cease to exist or to operate for whatever reason, all its property of whatever kind shall forthwith become the property of the City, subject to the outstanding obligations of the

Authority, and the City shall use this property to the maximum extent then practicable for effectuating the purposes hereof and shall succeed to and exercise all powers of the Authority insofar as such exercise is not in conflict with or inconsistent with the provisions of the City Charter or other law applicable to the City.

ARTICLE 8.3. WEST ATLANTIC AVENUE NEIGHBORHOOD IMPROVEMENT DISTRICT

Sec. 8.3.1. Districts authorized.

Safe Neighborhood Improvement Districts, as provided by Florida Statutes, may be established by further ordinance within the city.

Sec. 8.3.2. Method of establishment.

The method of establishing such safe Neighborhood Improvement Districts in the city shall be as described by Florida Statutes relating to Safe Neighborhood Improvement Districts.

Sec. 8.3.3. District created.

A Local Government Safe Neighborhood Improvement District is hereby created pursuant to Florida Statutes to include approximately 236 acres in an area bounded on the south by southwest Second Street, on the west by I-95, on the north by northwest Second Street, and on the east by Swinton Avenue.

Sec. 8.3.4. Name of district.

The Local Government Safe Neighborhood Improvement District hereby created shall be known as the West Atlantic Avenue Neighborhood Improvement District.

Sec. 8.3.5. Authority to apply for and receive grants.

The local government Safe Neighborhood Improvement District is hereby authorized to apply for and receive from the State Department of Economic Opportunity a planning grant in the amount of \$250,000.00. (Ord. No. 23-20, § 39, 9-10-20)

Sec. 8.3.6. Authorization to levy tax.

The West Atlantic Avenue Neighborhood Improvement District is authorized to levy an ad valorem tax on real and personal property of up to two mills annually.

Sec. 8.3.7. Special assessment authorization.

The West Atlantic Avenue Neighborhood Improvement District is authorized to use special assessments pursuant to F.S. Chapter. 170, to support planning and implementation of District improvements. For the purposes of making such assessments, the terms "municipality" and "governing board of the municipality" used in F.S. Chapter. 170 shall mean the District and the Board, respectively.

Sec. 8.3.8. Designation of Board of Directors.

The City Commission is hereby designated as the initial Board of Directors of the District.

Sec. 8.3.9. Establishment of advisory board.

(A) An Advisory Board is hereby established for the Local Government Safe Neighborhood Improvement District created by this chapter.

(B) The Advisory Board shall be composed of no fewer than five members who shall be owners of real property located in the District or residents of the District.

(C) The members of the Advisory Board shall be appointed by the Board of Directors and serve at the pleasure of the Board of Directors. The terms of the members of the Advisory Board shall be for two two-year terms.

(D) The Advisory Board shall perform such duties as may be prescribed by the Board of Directors and shall submit within the time proposed activities and a proposed budget to accomplish the District's objectives. In formulating a plan for services or improvements, the Advisory Board shall consult in public session with the appropriate staff of consultants of the city responsible for preparation of the District's plan.

ARTICLE 8.4. SPECIAL ASSESSMENTS***Sec. 8.4.1. Authority to make special assessments.**

(A) The City Commission is authorized, in the manner herein provided, to cause the city or its designated agent to construct, install, repair, or otherwise improve any and all of the following:

- (1) streets, highways, boulevards, avenues, lanes, alleys, or any part thereof,
and

***Note**—Article Repealed and New Article Enacted by Ord. 10-99, 4/6/99.

- (2) curbs, medians, gutters, or other such amenities, and
- (3) any and all sidewalks, paths, trails, foot bridges or other related travel ways, and
- (4) associated street lighting, landscaping, signage, street furniture or other related amenities, and
- (5) on- or off- street parking facilities or related amenities, and
- (6) sanitary sewers, storm sewers, sewers, drains, swales or related amenities, and
- (7) walls as a barrier from public roadways, alleys and other public areas, and
- (8) seawalls, and
- (9) canals or other waterways, and
- (10) mass transportation systems, and
- (11) water mains, water laterals, alternative water systems and other related amenities, and
- (12) parks and related amenities, and
- (13) any other public improvements not heretofore enumerated that the City Commission deems appropriate.

The City Commission is further authorized and empowered to provide for the payment of the whole or any part of the cost thereof by levying and collecting special assessments upon abutting, adjoining and contiguous or other specially benefited property. The amount assessed against the property benefited by improvements authorized by this subsection shall not exceed the estimated benefits accruing to that property by reason of the public improvements.

In addition to other lawful authority to levy and collect special assessments, the City Commission may levy and collect special assessments to fund capital improvements and municipal services, including, but not limited to, garbage disposal, sewer improvement, street improvement, and parking facilities. The City Commission may apportion costs of such special assessments in accordance with Section 8.4.2.

(B) However, parking garages and mass transportation systems shall have the prior approval of affected property owners. If the City is ever in the situation where it is legally obligated for providing capital improvements for water or sewer facilities

within an unincorporated area of the county, it may recover the costs of the capital improvements by levying and collecting special assessments for the purposes authorized in this section on the specially benefited property; however, collections of the special assessment shall not take place until the specially benefited property connects to the capital improvement.

Sec. 8.4.2. Method of making special assessments.

Special assessments upon the property benefited by any public improvement herein authorized shall be by any one of the following methods:

- (1) By foot frontage of the property bounding or abutting upon the improvement.
- (2) By any other method, including but not limited to each lot, so long as each property shall receive a special benefit from the improvements.

Sec. 8.4.3. Resolution of necessity required.

When the Commission shall determine to make a public improvement, then it shall so declare by resolution, stating the necessity for and the nature of the proposed improvements, the location of the proposed improvements, and what part or portion of the expenses thereof shall be paid by special assessments. The resolution shall also state the total estimated cost of the proposed improvements; the method of payment of assessments; the number of annual installments; the lands upon which the special assessments shall be levied; and the anticipated benefits which shall accrue to such lands from the special assessments.

(A) *Scope and conditions of resolution.*

- (1) The resolution required under this section may embrace improvements of like character upon or in more than one street, alley or public right-of-way, and these improvements need not be continuous, but no improvements, except the laying of storm sewers, canals or other open waterways, shall be embraced in any single resolution except such improvements that are related in character or are a part of an integrated plan. The resolution shall designate the boundaries of the district comprising the property which the Commission deems will be specially benefited by the improvement.
- (2) The grading of sidewalks may be included in the cost of sidewalk construction, and curbing may be included either with street improvement or with sidewalk construction as the resolution may direct.

- (3) The estimated cost stated in the resolution required under this section shall include an estimate of the cost of preliminary and other surveys, inspection, and superintendence of the work, the preparation of the plans, specifications, and an estimate of the printing and publishing of notices and proceedings, the preparation of certificates, bonds, and any other expenses necessary or proper, which expenses, except the cost of the work itself, are hereinafter referred to as incidental expenses.
 - (4) The improvements covered by a single resolution may be designated in all proceedings, assessments, or publications by any short or convenient designation, and property against which assessments may be made for the cost of the improvement may be designated as a district followed by a letter or number or name to distinguish it from other districts.
- (B) **Publication of resolution.** The resolution to be adopted as aforesaid shall be published in a newspaper published in the County, once each week for two consecutive weeks, together with a notice setting forth that the Commission has determined the necessity for the improvements to be made, setting forth the method of assessment to be utilized and setting forth the anticipated benefits that the assessed properties will gain from the proposed improvements, according to the plans and specifications of the proposed improvements on file in the office of the City Clerk.
- (C) **Plans and specifications.** At the time of the adoption of the resolution provided for in this Section, there shall be on file with the City Clerk an assessment plat showing the area to be assessed, with plans and specifications, and an estimate of the cost of the proposed improvement, which assessment plat, plans, specifications and estimate shall be open to the inspection of the public

Sec. 8.4.4. Preliminary assessment roll.

Upon the adoption of the resolution aforesaid, the City Commission shall cause to be made a preliminary assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be completed as promptly as possible; said assessment roll shall show the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel of land, and, if said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon said assessment roll.

Sec. 8.4.5. Publication of preliminary assessment roll.

Upon the completion of said preliminary assessment roll, the City Commission shall by resolution fix a time and place at which the owners of the property to be assessed or any other persons interested therein may appear before the Commission and be heard as to the propriety and advisability of making such improvements, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Thirty days' notice in writing of such time and place shall be given to such property owners. The notice shall include the amount of the assessment and shall be served by mailing a copy to each of such property owners at his or her last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser or from such other sources as the City Clerk deems appropriate, proof of such mailing to be made by the affidavit of the City Clerk, said proof to be filed in the City Clerk's Office, provided, that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by two publications a week apart in a newspaper of general circulation published in the County; provided that the last publication shall be at least one week prior to the date of the hearing. Said notice shall describe the areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece or parcel of the property may be ascertained at the office of the City Clerk. Such service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk.

Sec. 8.4.6. Final consideration of special assessments.

The City Commission shall meet and hear testimony from affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on property. Following the testimony, the City Commission shall make a final decision on whether to levy the special assessments. The City Commission may adjust the special assessments on property on the basis of the benefit received by the property. Notice of the City Commission meeting concerning the Final Consideration of Special Assessments shall be as provided in Section 8.4.5.

Sec. 8.4.7. Priority of lien; interest; and method of payment.

The special assessments shall be payable at the time and in the manner stipulated in the resolution providing for the improvement; shall remain liens coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid; shall bear interest, at a rate of eight percent per year.

Sec. 8.4.8. Legal proceedings.

Each annual installment provided for in Section 8.4.7 shall be paid upon the dates specified in said resolution, with interest upon all deferred payments, until the entire amount of said assessment has been paid, and upon the failure of any property owner to pay any annual installment due, or any part thereof, or any annual interest upon deferred payments, the City shall cause to be brought the necessary legal proceedings to enforce payment thereof with all accrued interest and penalties, together with all legal costs on fees incurred, to be assessed as part of the costs and in the event of default in the payment of any installment of an assessment, or any accrued interest on said assessment, the whole assessment, with the interest and penalties thereon, shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment service of process against unknown or nonresident defendants may be had by publication, as now provided by law. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages; or, in the alternative, said proceeding may be instituted and prosecuted under Chapter 173 of the Florida Statutes.

Sec. 8.4.9. Provisions declared supplementary.

The City shall have all the powers, privileges and authorities provided by Florida Statute Chapter 170, as the same for making local improvements, and the same shall be an additional and alternative method for making local improvements in the City.

Nothing contained herein shall apply to the charging of fees for services and the City retains such power to impose fees for services by ordinance or resolution adopted as required by law. The City also has supplementary authority to impose special assessment liens for the abatement of nuisances in accordance with Chapter 100 of the Code of Ordinances. In addition, the City retains the authority to impose conditions of development and redevelopment, which, need not meet the requirements of this Chapter.

ARTICLE 8.5. PUBLIC ARTS PROGRAM***Sec. 8.5.1. Establishment of Public Arts Program.**

(A) **Purpose.** The City Commission desires to establish a Public Arts Program. The City desires to use part of the Capital Improvement Project dollars to incorporate art in certain public projects.

***Note**—Enacted by Ord. 77-04, 2/1/05.

(B) Appropriation of Capital Improvement Project (CIP) Funds.

- (1) The City will appropriate one and one-half percent of the total eligible construction costs to be used for artist design services and for the selection, acquisition and display of artworks, and for the administration of the public art program or as otherwise appropriated in the City budget. Eligible appropriations include appropriations for capital improvement projects, including eligible bond projects, eligible grant-funded projects, other eligible capital projects funded from other sources, but excluding appropriations for underground infrastructure improvements, which include, but are not limited to water mains, sewer main, storm drainage, wastewater or any other underground utility. The involvement of public art in a capital improvement project is optional for capital projects of less than \$200,000.00; however, one and one-half percent of the cost of the projects will be retained for public art and these funds will be pooled for other art projects or as otherwise appropriated in the City budget. If the funding source specifically restricts the use of the monies, then that portion of the funding shall not be included for the basis for the art fee. [Amd. Ord. 12-12 3/20/12]
- (2) Notwithstanding the foregoing, funds appropriated for one capital improvement project, but not deemed necessary or appropriate by the City Commission in whole or in part for that project, may be expended on other public art projects approved by the City Commission, subject to bond restrictions, legal or grant restrictions. The monies appropriated under this ordinance may be used for artist design services, for the development of design concepts and models, for the selection, acquisition, purchase, commissioning, placement, installation, exhibition, maintenance, and display of artworks. Artworks may be temporary or permanent, may be integral to the architecture or may be incorporated into the capital improvement project.

(C) Ownership and maintenance.

- (1) The City will own all the rights to the art produced under the Public Arts Program, except as set forth in paragraphs 4 and 5 below, and subject to the provisions of the Visual Artists Rights Act of 1990. All contracts with artists and all art purchases will require the artist to waive the following restrictions: [Amd. Ord. 03-09 1/20/09]
 - (i) Photographic reproduction rights;
 - (ii) Right to remove/relocate art;
 - (iii) Right to repair art in case of emergency.

Artist will retain the copyright and the right to be notified if the work is to be destroyed, or modified or radically repaired on a nonemergency basis.

- (2) City will retain ownership of proposal models or drawings of commissioned art.
- (3) Maintenance may be the responsibility of the City. [Amd. Ord. 13-07 3/20/07]
- (4) If the City contributes funds for art that is placed on private property and does not hire the artist to perform the work, paragraph (1) above shall not apply. If the City hires the artist to perform the work on private property then paragraph (1) shall apply. However, if the City contributes funds for an art project that is located on private property, an agreement must be executed between the City and the property owner that sets forth the following: [Amd. Ord. 13-07 3/20/07]
 - Who will maintain the artwork;
 - The standard in which it will be maintained;
 - What rights, if any, that the City or some other third party will have regarding access to the artwork;
 - What remedies the City may have if the property owner fails to maintain the artwork in the manner set forth in the agreement;
 - The location of the artwork and requirements that nothing may be placed in front of the artwork to shield its view from the public;
 - The rights the public has to view or access to the artwork;
 - The time period in which the artwork will remain at the location set forth in the agreement and provisions for reimbursement of city funds, if required, if the artwork is removed prior to that time period;
 - Once the required time period for the artwork to remain on the property, as set forth in the agreement, has expired and if the artwork is owned by the City, the City shall remove the artwork; if the artwork is not owned by the City, the City will not be responsible for its removal;
 - Ownership of the artwork.
- (5) The City may contribute funds, for art located on public or private property, to an entity that is not the owner of the property but is developing artwork for the property. If the City so chooses to contribute funds there shall be an

agreement between the City and the entity receiving the funds, approved by the City Attorney, that shall include, but not be limited to, that the art shall be visible by the public.[Amd. Ord. 03-09 1/20/09]

Sec. 8.5.2. Public art criteria.*

(A) The following guidelines are to be utilized when making a recommendation or acting on a request for the installation of public art, whether located on private or public property: (Ord. No. 22-20, § 5, 8-26-20)

- (1) Whether the proposed public art conforms to the definition of public art; (Ord. No. 22-20, § 5, 8-26-20)
- (2) Whether the proposed public art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare; (Ord. No. 22-20, § 5, 8-26-20)
- (3) Whether the proposed public art presents a safety hazard to the public; (Ord. No. 22-20, § 5, 8-26-20)
- (4) Whether the proposed public art is of exceptional quality and enduring value; (Ord. No. 22-20, § 5, 8-26-20)
- (5) Whether the proposed public art serves to further the City's goal of promoting cultural diversity; (Ord. No. 22-20, § 5, 8-26-20)
- (6) Whether the proposed public art is appropriate to the site; (Ord. No. 22-20, § 5, 8-26-20)
- (7) Whether the proposed public art should be installed at the proposed location on a site or at a different location; (Ord. No. 22-20, § 5, 8-26-20)
- (8) Whether the proposed public art requires extraordinary maintenance, such as any special servicing due to periodic adjustment, repairing, or repair or replacement of moving parts. (Ord. No. 22-20, § 5, 8-26-20)
- (9) Whether the proposed public art conforms with all other applicable aspects of the LDRs. (Ord. No. 22-20, § 5, 8-26-20)

***Editor's note**—Ord. No. 22-20, § 5, adopted August 26, 2020, repealed § 8.5.2 and enacted a new § 8.5.2. Former § 8.5.2 pertained to the Public Art Advisory Board and derived from Ord. 13-07, adopted March 20, 2007.

Sec. 8.5.3. Murals.

(A) **Location.** (Ord. No. 22-20, § 6, 8-26-20)

(1) Murals may be proposed on a façade, flat top roof, parking deck, perimeter walls or fences, or dumpster enclosures of any building or structure on a property not located in a historic district or individually designated on the Local Register of Historic Places but that: (Ord. No. 22-20, § 6, 8-26-20; Ord. No. 41-22, § 4, 1-17-23)

(a) Faces a railroad right-of-way; (Ord. No. 22-20, § 6, 8-26-20)

(b) Faces Interstate 95; (Ord. No. 22-20, § 6, 8-26-20)

(c) Is located within the Central Business District (CBD), Community Facilities (CF), Industrial (I), Light Industrial (LI), Mixed Industrial and Commercial (MIC), Mixed Use Residential Office and Commercial (MROC), General Commercial (GC), Planned Commercial (PC), Neighborhood Commercial (NC), Planned Office Commercial (POC), Professional Office District (POD), Open Space and Recreation (OSR), or Special Activities District (SAD) zoning districts; (Ord. No. 22-20, § 6, 8-26-20; Ord. No. 41-22, § 4, 1-17-23)

(d) Is located within the Osceola Park Redevelopment Plan Update area; or, (Ord. No. 22-20, § 6, 8-26-20)

(e) Is located on or under a bridge. (Ord. No. 22-20, § 6, 8-26-20)

(2) Murals may be proposed on properties located in a historic district or that are individually designated on the Local Register of Historic Places that: (Ord. No. 22-20, § 6, 8-26-20)

(a) Have commercial use but only on accessory structures such as perimeter site walls and dumpster enclosures; or, (Ord. No. 22-20, § 6, 8-26-20)

(b) Is located on or under a bridge. (Ord. No. 22-20, § 6, 8-26-20)

(B) **Design and installation.** Each mural shall be designed and installed with techniques and/or materials that do not permanently damage the facade of the building. Murals are also subject to compliance with the applicable requirements of the Florida Building Code any other applicable local, state, or federal regulations. (Ord. No. 22-20, § 6, 8-26-20)

(1) Properties located in a historic district or that are individually designated on the Local Register of Historic Places must also comply with the Delray Historic Preservation Design Guidelines and Secretary of the Interior's Standards for Rehabilitation. (Ord. No. 22-20, § 6, 8-26-20)

- (2) For properties that are designated on the National Register of Historic Places, the property owner shall also confer with the State of Florida, Division of Historical Resources to obtain guidance regarding a proposed mural.

(C) **Placement and Design requirements.** All murals must meet the following requirements: (Ord. No. 22-20, § 6, 8-26-20; Ord. No. 41-22, § 4, 1-17-23)

- (1) **Coverage, size, and scale.** Murals shall be proportionate in size and scale to the building facade. A mural may cover 100 percent of the wall, provided it does not paint over windows. (Ord. No. 22-20, § 6, 8-26-20)
- (2) **Façade features.** Murals shall be positioned on the façade in a manner that respects architectural features. Murals shall not cover windows or mask architectural details in a manner that detracts from the architecture of the building. (Ord. No. 22-20, § 6, 8-26-20)
- (3) **Mural limitations.** Each facade or surface of a building or accessory structure shall have only one mural. A consistent image or theme may continue across contiguous walls; however, each facade or surface included in the mural shall require a separate mural permit. (Ord. No. 22-20, § 6, 8-26-20)
- (4) **Mural text size.** The mural shall be predominantly pictorial, with text limited to no more than 5 percent of the proposed mural size, except for text used to create the graphic. (Ord. No. 22-20, § 6, 8-26-20)
- (5) **Signage and commercial messaging.** Signage and commercial messaging in murals are regulated in accordance with Section 4.6.7. (Ord. No. 22-20, § 6, 8-26-20)
- (6) **Illumination.** Murals may be illuminated only by indirect lighting. Any proposed illumination shall be accompanied by a photometric plan as set forth in Section 2.4.3(B)(17) that demonstrates compliance with Section 4.6.8. Illumination shall not continue after 11:00 pm. Internal illumination, blinking lights, and flashing lights are prohibited. (Ord. No. 22-20, § 6, 8-26-20)
- (7) **Preservation and maintenance.** Applicants must provide a preservation and maintenance plan for the proposed mural. (Ord. No. 41-22, § 4, 1-17-23)
- (8) **Public safety.** Mural faces may not have any moving or animated parts, or any other electronic movements. Murals may not be illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists and interfere with their ability to safely operate their vehicles. (Ord. No. 22-20, § 6, 8-26-20; Ord. No. 41-22, § 4, 1-17-23)

- (9) **Compliance with laws.** Murals must comply with all applicable laws, rules and regulations of the federal, state and county governments. Any proposed amendments to this section must be consistent with applicable federal, state and county laws and ordinances in effect at the time of such amendment. (Ord. No. 22-20, § 6, 8-26-20; Ord. No. 41-22, § 4, 1-17-23)

ARTICLE 8.6. PROPORTIONATE FAIR-SHARE PROGRAM*

(A) **Purpose and intent.** The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with Section 163.3180(16), Florida Statutes. Proportionate Fair-Share payments shall be distinct and separate payments from and shall not be considered the same as impact fee payments. Impact fees are imposed by the City to replace capacity utilized by growth and to provide funding for long-range transportation plans. Proportionate fair-share is assessed to pay for specific deficiencies to the transportation network resulting from development and enabling development to meet level of service (LOS) concurrency requirements. Proportionate Fair-Share enables development to meet concurrency requirements by proportionately paying for improvement projects.

(B) **Applicability.** The Proportionate Fair-Share Program shall apply to all developments that fail to meet the standards of this division on a roadway within the City that is not the responsibility of Palm Beach County or the Florida Department of Transportation (FDOT). The Proportionate Fair-Share Program does not apply to Developments of Regional Impact (DRI) using proportionate fair-share under Section 163.3180(12), Florida Statutes, projects exempted from this division, or for projects that received traffic concurrency approval prior to December 1, 2006

(C) **General requirements.** An applicant may choose to satisfy the transportation concurrency requirements by making a proportionate fair-share contribution for impacts of new development on City roads that have or will have an LOS deficiency as defined in this division, pursuant to the following requirements:

1. The proposed development is consistent with the comprehensive plan and applicable land development regulations.
2. Any improvement project proposed to meet the developer's fair-share obligation shall meet the City's design standards for locally-maintained roadways.

***Note**—Enacted by Ord. 74-06, 12/5/06.

3. The scope of the project shall provide for no less than the capacity necessary to address the transportation concurrency needs for the next five years after the execution of the fair-share agreement.
4. The road improvement necessary to maintain the adopted LOS is specifically identified for construction in the five-year schedule of capital improvements in the Capital Improvements Element (CIE) of the Comprehensive Plan. The provisions of subsection 4.a. may apply if a transportation project or projects are needed to satisfy concurrency and are not presently included within the City's CIE.
 - (a) If an applicant meets the criteria contained in subsection (c), and the City's CIE does not include the transportation improvements necessary to satisfy the LOS deficiency, then the City may allow transportation concurrency improvements and funding for the project through the proportionate fair-share upon compliance with the following criteria:
 - (1) The improvement shall not be contained in the first three years of the City's five-year schedule of capital improvements in the CIE;
 - (2) The City adopts by resolution a commitment to add the improvement funded by the developer's proportionate share assessment to the five-year schedule of capital improvements in the CIE at a point no later than the next scheduled annual update. To qualify for consideration under this section, the developer shall be required to submit for review and obtain the City's approval of the financial feasibility of the proposed improvement pursuant to Section 163.3180, Florida Statutes, consistent with the comprehensive plan, and in compliance with the provisions of this ordinance;
 - (3) The City agrees to enter into a binding proportionate fair-share agreement;
 - (4) The City agrees to amend the five-year schedule of capital improvements in the City's CIE at the next annual review or if the funds allocated for the five-year schedule of capital improvements in the City's CIE are insufficient to fully fund construction of a transportation improvement required by the CMS to make the project concurrent, the City may still enter into a binding proportionate fair-share agreement with the applicant; provided, however, that the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which shall, in the

opinion of the City Commission, alleviate the concurrency concern and the CIE is amended accordingly at the next annual review.

(D) ***Intergovernmental coordination.*** Pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan, the City shall coordinate with Palm Beach County and other affected jurisdictions, such as FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(E) ***Application process.***

1. In the event of a lack of capacity to satisfy transportation concurrency, the applicant shall have the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of subsection (c).
2. Eligible applicants shall schedule a meeting with the Planning and Zoning Department to discuss utilization of the Proportionate Fair-Share option. Eligible applicants shall submit a completed development application and all documentation requested by the City. The City shall establish applicable application fees for the cost of reviewing the application. If the impacted facility affects or is on the Strategic Intermodal System (SIS), or County roadway, then FDOT and Palm Beach County will be notified and invited to participate in the meeting.
3. The Planning and Zoning Department shall review the application and certify that the application is sufficient and complete within 14 working days. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in subsection (c), then the applicant will be notified in writing of the reasons for such deficiencies. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed withdrawn and all fees forfeited to the City.
4. Pursuant to Section 163.3180(16) (e), Florida Statutes, proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.

5. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the applicant and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient, complete, and eligible application. If the agreement is not received by the City within these 60 days, then the application will be deemed withdrawn and all fees forfeited to the City.
6. No proportionate fair-share agreement will be effective until approved by the City Commission.

(F) *Determining proportionate fair-share obligation.*

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
2. A development eligible for participation under the Proportionate Fair-Share Program shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
3. The methodology used to calculate a development's proportionate fair-share obligation shall be as provided for in Section 163.3180(12), Florida Statutes, as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

Proportionate Fair-Share = $\sum [((\text{Development Trips}_i) / (\text{SV Increase}_i)) \times \text{Cost}_i]$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per TPS;

SV Increase = Service volume increase provided by the eligible improvement to roadway segment "i" per Section (c);

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred.

4. For the purposes of determining proportionate fair-share obligations, the City Engineer shall determine improvement costs based upon the actual and/or anticipated cost of the improvement in the year that construction will occur.
5. If an improvement is proposed by the applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and reviewed by the City Engineer or other method approved by the City Engineer.
6. If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the right-of-way shall be valued on the date of the dedication at 115 percent of the most recent assessed value by the Property Appraiser, or at the option of the applicant and in-lieu of the 115 percent of assessed value option, by fair market value established by an independent appraisal approved by the City at no expense to the City. This appraisal shall assume no approved development plan for the site. All right-of-way dedicated shall be part of a roadway segment that triggered the deficiency per TPS and shall not be site-related. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City-estimated total proportionate fair-share obligation for that development, then the applicant shall also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations. The City shall also have the option of requiring an environmental assessment for right-of-way dedication.

(G) *Impact fee credit for proportionate fair-share mitigation.*

1. Proportionate fair-share contributions shall be applied as a credit against road impact fees to the extent that all or a portion of the proportionate

fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the impact fees imposed by the County and collected by the City, in accordance with the Palm Beach County Traffic Impact Fee Ordinance.

2. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the proportionate fair-share agreement as they become due pursuant to the Citywide Impact Fees Division contained in this chapter. Once the credit has been exhausted, payment of road impact fees shall be required for each permit issued. The impact fee credit shall be established when the proportionate fair-share contribution is received by the City, or when the fair-share amount is secured by Performance Security.
3. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed project. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed project cannot be transferred to any other project.

(H) ***Proportionate fair-share agreements.***

1. Upon execution of a proportionate fair-share agreement ("Agreement"), the applicant shall receive a certificate of concurrency approval. Should the applicant fail to apply for a development building permit within 18 months, then the Agreement and the certificate of concurrency approval shall be considered null and void, and the applicant shall be required to reapply.
2. Payment of the proportionate fair-share contribution is due in full no later than the issuance of the first building permit, and shall be non-refundable. If the payment is submitted more than 90 days from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment, pursuant to subsection (f), and adjusted accordingly.
3. In the event an Agreement requires the applicant to pay or build 100 percent of one or more road improvements, all such improvements shall be commenced prior to the issuance of a building permit and assured by a binding agreement that is accompanied by a Performance Security, as determined by the City, which is sufficient to ensure the completion of all

required improvements. It is the intent of this section that any required improvements be completed before the issuance of Certificates of Occupancy.

4. Dedication of necessary rights-of-way for facility improvements pursuant to a proportionate fair-share agreement shall be completed prior to the issuance of the first building permit but shall not include a building permit issued for a dry model.
5. Any requested change to a development subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
6. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs paid to the City will be non-refundable.
7. The City may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

(l) *Appropriation of fair-share revenues.*

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used as the 50 percent local match for funding under the FDOT TRIP, or any other matching requirement for state and federal grant programs as may be allowed by law.
2. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or County Impact Fee Benefit Zone that would mitigate the impacts of development pursuant to the requirements of subsection (c)3.

Chapter 9

RESERVED*

***Editor's note**—Ord. No. 38-17, § 3, adopted Nov. 7, 2017, repealed Ch. 9, §§ 9.1.1, 9.1.2, 9.2.1—9.2.3, 9.3.1, 9.3.2, which pertained to the Comprehensive Plan.

Chapter 10

FLOOD DAMAGE CONTROL DISTRICTS AND COASTAL CONSTRUCTION

Article 10.1. Administration

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Article 10.4. Coastal Construction

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- Sec. 10.4.2. Applicability and exceptions.
- Sec. 10.4.3. Development regulations.

ARTICLE 10.1. ADMINISTRATION

Sec. 10.1.1. General.

(A) **Title.** These regulations shall be known as the Floodplain Management Regulations of the City of Delray Beach hereinafter referred to as "the Floodplain Management Regulations". (Ord. No. 32-16, § 2, 12-6-16)

(B) **Scope.** The provisions of the Floodplain Management Regulations shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Intent.** The purposes of the Floodplain Management Regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage; (Ord. No. 32-16, § 2, 12-6-16)
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential; (Ord. No. 32-16, § 2, 12-6-16)
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain; (Ord. No. 32-16, § 2, 12-6-16)
- (5) Minimize damage to public and private facilities and utilities; (Ord. No. 32-16, § 2, 12-6-16)

- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas; (Ord. No. 32-16, § 2, 12-6-16)
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and (Ord. No. 32-16, § 2, 12-6-16)
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Coordination with the Florida Building Code.** The Floodplain Management Regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code. (Ord. No. 32-16, § 2, 12-6-16)

(E) **Warning.** The degree of flood protection required by the Floodplain Management Regulations and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. The Floodplain Management Regulations do not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16)

(F) **Disclaimer of liability.** The Floodplain Management Regulations shall not create liability on the part of the City Commission of the City of Delray Beach or by any officer or employee thereof for any flood damage that results from reliance on the Floodplain Management Regulations or any administrative decision lawfully made thereunder. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.1.2. Applicability.

(A) **General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Areas to which the floodplain management regulations apply.** The Floodplain Management Regulations shall apply to all flood hazard areas within the City of Delray Beach, as established in LDR Section 10.1.2(C). (Ord. No. 32-16, § 2, 12-6-16)

(C) **Basis for establishing flood hazard areas.** The Flood Insurance Study for Palm Beach County, Florida, and Incorporated Areas dated December 20, 2024, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of the Floodplain Management Regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Delray Beach Building Division, 100 NW 1st Avenue, Delray Beach, Florida. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 22-17, § 2, 10-3-17; Ord. No. 05-24, § 3, 11-4-24)

(D) **Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to LDR Section 10.1.5 the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of the Floodplain Management Regulations and, as applicable, the requirements of the Florida Building Code. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area. (Ord. No. 32-16, § 2, 12-6-16)

(E) **Other laws.** The provisions of the Floodplain Management Regulations shall not be deemed to nullify any provisions of local, state or federal law. (Ord. No. 32-16, § 2, 12-6-16)

(F) **Abrogation and greater restrictions.** The Floodplain Management Regulations supersede any LDR Section in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In

the event of a conflict between the Floodplain Management Regulations and any other ordinance, the more restrictive shall govern. The Floodplain Management Regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16)

(G) **Interpretation.** In the interpretation and application of the Floodplain Management Regulations, all provisions shall be: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Considered as minimum requirements; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Liberally construed in favor of the governing body; and (Ord. No. 32-16, § 2, 12-6-16)
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.1.3. Duties and powers of the Floodplain Administrator.

(A) **Designation.** The Chief Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees. (Ord. No. 32-16, § 2, 12-6-16)

(B) **General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of the Floodplain Management Regulations. The Floodplain Administrator shall have the authority to render interpretations of the Floodplain Management Regulations consistent with the intent and purpose of the Floodplain Management Regulations and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in the Floodplain Management Regulations without the granting of a variance pursuant to LDR Section 10.1.7. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Applications and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the community, shall: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of the Floodplain Management Regulations; (Ord. No. 32-16, § 2, 12-6-16)

- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation; (Ord. No. 32-16, § 2, 12-6-16)
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant; (Ord. No. 32-16, § 2, 12-6-16)
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding; (Ord. No. 32-16, § 2, 12-6-16)
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with the Floodplain Management Regulations is demonstrated, or disapprove the same in the event of noncompliance; and (Ord. No. 32-16, § 2, 12-6-16)
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Substantial improvement and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure; (Ord. No. 32-16, § 2, 12-6-16)

- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and (Ord. No. 32-16, § 2, 12-6-16)
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and the Floodplain Management Regulations is required. (Ord. No. 32-16, § 2, 12-6-16)

(E) **Modifications of the strict application of the requirements of the Florida Building Code.** The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to LDR Section 10.1.7. (Ord. No. 32-16, § 2, 12-6-16)

(F) **Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16)

(G) **Inspections.** The Floodplain Administrator shall make the required inspections as specified in LDR Section 10.1.6 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit. (Ord. No. 32-16, § 2, 12-6-16)

(H) **Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Establish procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to LDR Section 10.1.3(D); (Ord. No. 32-16, § 2, 12-6-16)
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA); (Ord. No. 32-16, § 2, 12-6-16)
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and infor-

mation necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available; (Ord. No. 32-16, § 2, 12-6-16)

- (4) Review required design certifications and documentation of elevations specified by the Floodplain Management Regulations and the Florida Building Code to determine that such certifications and documentations are complete; (Ord. No. 32-16, § 2, 12-6-16)
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Delray Beach are modified; and (Ord. No. 32-16, § 2, 12-6-16)
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas." (Ord. No. 32-16, § 2, 12-6-16)

(l) ***Floodplain management records.*** Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of the Floodplain Management Regulations and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and the Floodplain Management Regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to the Floodplain Management Regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Delray Beach Building Division, 100 NW 1st Avenue, Delray Beach, Florida. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.1.4. Permits.

(A) **Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of the Floodplain Management Regulations, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of the Floodplain Management Regulations and all other applicable codes and regulations has been satisfied. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to the Floodplain Management Regulations for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Buildings, structures and facilities exempt from the Florida Building Code.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of the Floodplain Management Regulations: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Railroads and ancillary facilities associated with the railroad. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S. (Ord. No. 32-16, § 2, 12-6-16)
- (3) Temporary buildings or sheds used exclusively for construction purposes. (Ord. No. 32-16, § 2, 12-6-16)
- (4) Mobile or modular structures used as temporary offices. (Ord. No. 32-16, § 2, 12-6-16)
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity. (Ord. No. 32-16, § 2, 12-6-16)

- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features. (Ord. No. 32-16, § 2, 12-6-16)
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete. (Ord. No. 32-16, § 2, 12-6-16)
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system. (Ord. No. 32-16, § 2, 12-6-16)
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Application for a permit or approval.** To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Identify and describe the development to be covered by the permit or approval. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site. (Ord. No. 32-16, § 2, 12-6-16)
- (3) Indicate the use and occupancy for which the proposed development is intended. (Ord. No. 32-16, § 2, 12-6-16)
- (4) Be accompanied by a site plan or construction documents as specified in LDR Section 10.1.5. (Ord. No. 32-16, § 2, 12-6-16)
- (5) State the valuation of the proposed work. (Ord. No. 32-16, § 2, 12-6-16)
- (6) Be signed by the applicant or the applicant's authorized agent. (Ord. No. 32-16, § 2, 12-6-16)
- (7) Give such other data and information as required by the Floodplain Administrator. (Ord. No. 32-16, § 2, 12-6-16)

(E) **Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to the Floodplain Management Regulations shall not be construed to be a permit for, or approval of, any violation of the Floodplain Management Regulations, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions. (Ord. No. 32-16, § 2, 12-6-16)

(F) **Expiration.** A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated. (Ord. No. 32-16, § 2, 12-6-16)

(G) **Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of the Floodplain Management Regulations or any other ordinance, regulation or requirement of this community. (Ord. No. 32-16, § 2, 12-6-16)

(H) **Other permits required.** Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following: (Ord. No. 32-16, § 2, 12-6-16)

- (1) The South Florida Water Management District; section 373.036, F.S. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C. (Ord. No. 32-16, § 2, 12-6-16)
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S. (Ord. No. 32-16, § 2, 12-6-16)
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S. (Ord. No. 32-16, § 2, 12-6-16)
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act. (Ord. No. 32-16, § 2, 12-6-16)

- (6) Federal permits and approvals. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.1.5. Site plans and construction documents.

(A) **Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of the Floodplain Management Regulations shall be drawn to scale and shall include, as applicable to the proposed development: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with LDR Section 10.1.5(B)(2) or 10.1.5(B)(3). (Ord. No. 32-16, § 2, 12-6-16)
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with LDR Section 10.1.5(B)(1). (Ord. No. 32-16, § 2, 12-6-16)
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide. (Ord. No. 32-16, § 2, 12-6-16)
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation. (Ord. No. 32-16, § 2, 12-6-16)
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. (Ord. No. 32-16, § 2, 12-6-16)
- (7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection. (Ord. No. 32-16, § 2, 12-6-16)
- (9) Existing and proposed alignment of any proposed alteration of a watercourse. The Floodplain Administrator is authorized to waive the submission of

site plans, construction documents, and other data that are required by the Floodplain Management Regulations but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source. (Ord. No. 32-16, § 2, 12-6-16)
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate: (Ord. No. 32-16, § 2, 12-6-16)
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or (Ord. No. 32-16, § 2, 12-6-16)
 - (b) Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet. (Ord. No. 32-16, § 2, 12-6-16)
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents: (Ord. No. 32-16, § 2, 12-6-16)

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in LDR Section 10.1.5(D) and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents. (Ord. No. 32-16, § 2, 12-6-16)
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH. (Ord. No. 32-16, § 2, 12-6-16)
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in LDR Section 10.1.5(D). (Ord. No. 32-16, § 2, 12-6-16)
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from

FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.1.6. Inspections.

(A) **General.** Development for which a floodplain development permit or approval is required shall be subject to inspection. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of the Floodplain Management Regulations and the conditions of issued floodplain development permits or approvals. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Buildings, structures and facilities exempt from the Florida Building Code.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of the Floodplain Management Regulations and the conditions of issued floodplain development permits or approvals. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator: (Ord. No. 32-16, § 2, 12-6-16)

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or (Ord. No. 32-16, § 2, 12-6-16)
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with LDR Section 10.1.5(B)(3)(b), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent. (Ord. No. 32-16, § 2, 12-6-16)

(E) **Buildings, structures and facilities exempt from the Florida Building Code, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the

lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in LDR Section 10.1.6(D). (Ord. No. 32-16, § 2, 12-6-16)

(F) **Manufactured home.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of the Floodplain Management Regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.1.7. Variances and appeals.

(A) **General.** The appropriate reviewing body identified in Chapter 2 shall hear and decide on requests for appeals and requests for variances from the strict application of the Floodplain Management Regulations. Pursuant to section 553.73(5), F.S., the reviewing body shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 4, 11-4-24)

(B) **Appeals.** The reviewing body shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of the Floodplain Management Regulations. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 4, 11-4-24)

(C) **Limitations on authority to grant variances.** The reviewing body shall base its decisions on variances on the technical justifications submitted by applicants, the considerations in LDR Section 10.1.7(G) the conditions in LDR Section 10.1.7(H), and the comments and recommendations of the Floodplain Administrator. The reviewing body has the right to attach such conditions as it deems necessary to further the purposes and objectives of the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 4, 11-4-24)

(D) **Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in LDR Section 10.1.5(C). (Ord. No. 32-16, § 2, 12-6-16)

(E) **Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 4, 11-4-24)

(F) **Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in the Floodplain Management Regulations, provided the variance meets the requirements of LDR Section 10.1.7(D), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood. (Ord. No. 32-16, § 2, 12-6-16)

(G) **Considerations for issuance of variances.** In reviewing requests for variances, the reviewing body shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, the Floodplain Management Regulations, and the following: (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 4, 11-4-24)

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage; (Ord. No. 32-16, § 2, 12-6-16)
- (2) The danger to life and property due to flooding or erosion damage; (Ord. No. 32-16, § 2, 12-6-16)
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners; (Ord. No. 32-16, § 2, 12-6-16)
- (4) The importance of the services provided by the proposed development to the community; (Ord. No. 32-16, § 2, 12-6-16)
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion; (Ord. No. 32-16, § 2, 12-6-16)
- (6) The compatibility of the proposed development with existing and anticipated development; (Ord. No. 32-16, § 2, 12-6-16)

- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area; (Ord. No. 32-16, § 2, 12-6-16)
 - (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles; (Ord. No. 32-16, § 2, 12-6-16)
 - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and (Ord. No. 32-16, § 2, 12-6-16)
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges. (Ord. No. 32-16, § 2, 12-6-16)
- (H) **Conditions for issuance of variances.** Variances shall be issued only upon: (Ord. No. 32-16, § 2, 12-6-16)
- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of the Floodplain Management Regulations or the required elevation standards; (Ord. No. 32-16, § 2, 12-6-16)
 - (2) Determination by the reviewing body that: (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 4, 11-4-24)
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship; (Ord. No. 32-16, § 2, 12-6-16)
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and (Ord. No. 32-16, § 2, 12-6-16)
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief; (Ord. No. 32-16, § 2, 12-6-16)
 - (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and (Ord. No. 32-16, § 2, 12-6-16)

- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.1.8. Violations.

(A) **Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by the Floodplain Management Regulations that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with the Floodplain Management Regulations, shall be deemed a violation of the Floodplain Management Regulations. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by the Floodplain Management Regulations or the Florida Building Code is presumed to be a violation until such time as that documentation is provided. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Authority.** For development that is not within the scope of the Florida Building Code but that is regulated by the Floodplain Management Regulations and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law. (Ord. No. 32-16, § 2, 12-6-16)

ARTICLE 10.2. DEFINITIONS

Sec. 10.2.1. General.

(A) **Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of the Floodplain Management Regulations, have the meanings shown in this section. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Terms defined in the Florida Building Code.** Where terms are not defined in the Floodplain Management Regulations and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Terms not defined.** Where terms are not defined in the Floodplain Management Regulations or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.2.2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning: (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood. (Ord. No. 32-16, § 2, 12-6-16)

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16)

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA. (Ord. No. 32-16, § 2, 12-6-16)

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood". (Ord. No. 32-16, § 2, 12-6-16)

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions. (Ord. No. 32-16, § 2, 12-6-16)

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or (Ord. No. 32-16, § 2, 12-6-16)
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated. (Ord. No. 32-16, § 2, 12-6-16)

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities. (Ord. No. 32-16, § 2, 12-6-16)

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas. (Ord. No. 32-16, § 2, 12-6-16)

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before April 9, 1971. [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program. (Ord. No. 32-16, § 2, 12-6-16)

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

- (1) The overflow of inland or tidal waters. (Ord. No. 32-16, § 2, 12-6-16)
- (2) The unusual and rapid accumulation or runoff of surface waters from any source. (Ord. No. 32-16, § 2, 12-6-16)

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year. (Ord. No. 32-16, § 2, 12-6-16)
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated. (Ord. No. 32-16, § 2, 12-6-16)

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of the Floodplain Management Regulations (may be referred to as the Floodplain Manager). (Ord. No. 32-16, § 2, 12-6-16)

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which

authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16)

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models. (Ord. No. 32-16, § 2, 12-6-16)

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas. (Ord. No. 32-16, § 2, 12-6-16)

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities. (Ord. No. 32-16, § 2, 12-6-16)

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure. (Ord. No. 32-16, § 2, 12-6-16)

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include: (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)

- (1) **Letter of map amendment (LOMA):** An amendment based on technical data showing that a property was incorrectly included in a designated

special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)

- (2) **Letter of map revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)
- (3) **Letter of map revision based on fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)
- (4) **Conditional letter of map revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or (Ord. No. 32-16, § 2, 12-6-16)
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or (Ord. No. 32-16, § 2, 12-6-16)
- (3) Available with special features enabling off-street or off-highway operation and use. (Ord. No. 32-16, § 2, 12-6-16)

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant

enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer". [Also defined in 15C-1.0101, F.A.C.] (Ord. No. 32-16, § 2, 12-6-16)

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Ord. No. 32-16, § 2, 12-6-16)

Market value. The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) as determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the County Property Appraiser. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 5, 11-4-24)

New construction. For the purposes of administration of the Floodplain Management Regulations and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after April 9, 1971 and includes any subsequent improvements to such structures. (Ord. No. 32-16, § 2, 12-6-16)

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.] (Ord. No. 32-16, § 2, 12-6-16)

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.] (Ord. No. 32-16, § 2, 12-6-16)

- (1) Built on a single chassis; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Four hundred square feet or less when measured at the largest horizontal projection; (Ord. No. 32-16, § 2, 12-6-16)

- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and (Ord. No. 32-16, § 2, 12-6-16)
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Ord. No. 32-16, § 2, 12-6-16)

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach. (Ord. No. 32-16, § 2, 12-6-16)

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. (Ord. No. 32-16, § 2, 12-6-16)

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement

or repair is started. If the structure has incurred "substantial damage", any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.] (Ord. No. 32-16, § 2, 12-6-16)

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Chief Building Official and that are the minimum necessary to assure safe living conditions. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. (Ord. No. 32-16, § 2, 12-6-16)

Variance. A grant of relief from the requirements of the Floodplain Management Regulations, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by the Floodplain Management Regulations or the Florida Building Code. (Ord. No. 32-16, § 2, 12-6-16)

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically. (Ord. No. 32-16, § 2, 12-6-16)

ARTICLE 10.3. FLOOD RESISTANT DEVELOPMENT

Sec. 10.3.1. Buildings and structures.

(A) **Design and construction of buildings, structures and facilities exempt from the Florida Building Code.** Pursuant to LDR Section 10.1.4(C), buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of LDR Section 10.3.7. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Buildings and structures seaward of the coastal construction control line.** If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322. (Ord. No. 32-16, § 2, 12-6-16)

- (2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of the Floodplain Management Regulations and ASCE 24. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.3.2. Subdivisions.

(A) **Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding; (Ord. No. 32-16, § 2, 12-6-16)
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and (Ord. No. 32-16, § 2, 12-6-16)
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with LDR 10.1.5(B)(1); and (Ord. No. 32-16, § 2, 12-6-16)
- (3) Compliance with the site improvement and utilities requirements of LDR Section 10.3.3. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.3.3. Site improvements, utilities and limitations.

(A) **Minimum requirements.** All proposed new development shall be reviewed to determine that: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding; (Ord. No. 32-16, § 2, 12-6-16)

- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and (Ord. No. 32-16, § 2, 12-6-16)
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in LDR Section 10.1.5(C)(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation. (Ord. No. 32-16, § 2, 12-6-16)

(E) **Limitations on placement of fill.** Subject to the limitations of the Floodplain Management Regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code. (Ord. No. 32-16, § 2, 12-6-16)

(F) **Limitations on sites in coastal high hazard areas (Zone V).** In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by LDR Section 10.1.5(C)(4) demonstrates that the proposed alteration will not increase the potential for flood

damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with LDR Section 10.3.7(H)(3). (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.3.4. Manufactured homes.

(A) **General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of the Floodplain Management Regulations. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that: (Ord. No. 32-16, § 2, 12-6-16)

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 6, 11-4-24)
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and the Floodplain Management Regulations. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Elevation.** All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the lowest horizontal structural member is at or above the base flood elevation plus one foot or as required by the Florida Building Code, as amended, whichever is higher. Additional freeboard elevation is allowed per Section 4.3.4(J)(2). (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 6, 11-4-24)

(E) **Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 6, 11-4-24)

(F) **Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area. (Ord. No. 32-16, § 2, 12-6-16; Ord. No. 05-24, § 6, 11-4-24)

Sec. 10.3.5. Recreational vehicles and park trailers.

(A) **Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Be on the site for fewer than 180 consecutive days; or (Ord. No. 32-16, § 2, 12-6-16)
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in LDR Section 10.3.5(A) for temporary placement shall meet the requirements of LDR Section 10.3.4 for manufactured homes. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.3.6. Tanks.

(A) **Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of LDR Section 10.3.6(C) shall: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and con-

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structed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris. (Ord. No. 32-16, § 2, 12-6-16)

- (2) Not be permitted in coastal high hazard areas (Zone V). (Ord. No. 32-16, § 2, 12-6-16)

(C) **Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be: (Ord. No. 32-16, § 2, 12-6-16)

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and (Ord. No. 32-16, § 2, 12-6-16)
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.3.7. Other development.

(A) **General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in the Floodplain Management Regulations or the Florida Building Code, shall: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Be located and constructed to minimize flood damage; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Meet the limitations of LDR Section 10.3.3(D) if located in a regulated floodway; (Ord. No. 32-16, § 2, 12-6-16)
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; (Ord. No. 32-16, § 2, 12-6-16)

- (4) Be constructed of flood damage-resistant materials; and (Ord. No. 32-16, § 2, 12-6-16)
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code require-

ments is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of LDR Section 10.3.3(D). (Ord. No. 32-16, § 2, 12-6-16)

(C) **Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of LDR Section 10.3.3(D). (Ord. No. 32-16, § 2, 12-6-16)

(D) **Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of LDR Section 10.3.3(D). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of LDR Section 10.1.5(C)(3). (Ord. No. 32-16, § 2, 12-6-16)

(E) **Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).** In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Structurally independent of the foundation system of the building or structure; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and (Ord. No. 32-16, § 2, 12-6-16)
- (3) Have a maximum slab thickness of not more than four inches. (Ord. No. 32-16, § 2, 12-6-16)

(F) **Decks and patios in coastal high hazard areas (Zone V).** In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following: (Ord. No. 32-16, § 2, 12-6-16)

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design

flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck. (Ord. No. 32-16, § 2, 12-6-16)

- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures. (Ord. No. 32-16, § 2, 12-6-16)
- (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures. (Ord. No. 32-16, § 2, 12-6-16)
- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection. (Ord. No. 32-16, § 2, 12-6-16)

(G) **Other development in coastal high hazard areas (Zone V).** In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures; (Ord. No. 32-16, § 2, 12-6-16)

FLOOD DAMAGE CONTROL AND COASTAL CONSTRUCTION § 10.4.1

- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and (Ord. No. 32-16, § 2, 12-6-16)
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems. (Ord. No. 32-16, § 2, 12-6-16)

(H) **Nonstructural fill in coastal high hazard areas (Zone V).** In coastal high hazard areas: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. (Ord. No. 32-16, § 2, 12-6-16)
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building. (Ord. No. 32-16, § 2, 12-6-16)

ARTICLE 10.4. COASTAL CONSTRUCTION

Sec. 10.4.1. Purpose and intent.

The purpose of this section is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other severe storms occurring along the coastal area of the city. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes, and topography of adjacent properties. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.4.2. Applicability and exceptions.

(A) **Geographic area.** The requirements of this Section shall apply to construction and development in the Coastal Building Zone which is identified as the land area between the seasonal high-water line of the Atlantic Ocean and a line 1,500 feet landward from the coastal construction control line. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Types of construction.** The requirements of this Section shall apply to the following types of construction in the coastal building zone or partially within the coastal building zone. (Ord. No. 32-16, § 2, 12-6-16)

- (1) The new construction of, or substantial improvement of major structures, nonhabitable major structures, and minor structures. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Construction which would change, or otherwise have the potential for substantial impact on coastal zones e.g. excavation, grading, paving. (Ord. No. 32-16, § 2, 12-6-16)
- (3) Reconstruction, redevelopment, or repair of a damaged structure from any cause which meets the definition of a substantial improvement. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Conflict with other regulations.** In the event of a conflict between this Section and other portions of these regulations, the requirements resulting in the more restrictive design shall apply. No provision in this Section shall be construed to permit any construction in any area prohibited by city, county, state, or federal regulation. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Special information.** (Ord. No. 32-16, § 2, 12-6-16)

- (1) **Certifications for building permits.** Applications for building permits for construction in the Coastal Building Zone, if not of normal or usual design, may be required by the Chief Building Official to be certified by an architect or professional engineer registered in the State of Florida. Such certification shall state that the design plans and specifications are in compliance with the criteria established by this Section. (Ord. No. 32-16, § 2, 12-6-16)
- (2) **Reference documents.** Assistance in determining the design parameters and methodologies necessary to comply with the requirements of this Section may be found in the following: (Ord. No. 32-16, § 2, 12-6-16)
 - (a) Shore Protection Manual, U.S. Army Corps of Engineers, latest edition. (Ord. No. 32-16, § 2, 12-6-16)

- (b) U.S. Department of the Army, Coastal Engineering Research Center's Technical Papers and Reports. (Ord. No. 32-16, § 2, 12-6-16)
- (c) Florida Department of Environmental Protection. (Ord. No. 32-16, § 2, 12-6-16)
- (d) Naval Facilities Engineering Command Design Manual, NAVFAC DM-26 U.S. Department of the Navy. (Ord. No. 32-16, § 2, 12-6-16)
- (e) Florida Building Code, latest edition. (Ord. No. 32-16, § 2, 12-6-16)

(E) **Exceptions.** The requirements of this Section shall not apply to the following: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Minor work in the nature of normal beach cleaning and debris removal. See Section 4.5.5(D) for such requirements. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Structures in existence, or construction for which a valid and unexpired building permit was issued, prior to December 30, 1986, except for substantial improvements. (Ord. No. 32-16, § 2, 12-6-16)
- (3) Construction extending seaward of the seasonal high-water line which is regulated by the provisions of F.S. 161.041 e.g., groins, jetties, moles, breakwaters, seawalls, piers, revetments, beach nourishment, inlet dredging, and the like. (Ord. No. 32-16, § 2, 12-6-16)
- (4) Construction of nonhabitable major structures and minor structures except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code, as amended. And, that public facilities comply with the following, at a minimum: (Ord. No. 32-16, § 2, 12-6-16)
 - (a) All sewage treatment and public water supply systems shall be flood-proofed to prevent infiltration of surface water anticipated under design storm conditions. (Ord. No. 32-16, § 2, 12-6-16)
 - (b) Underground utilities, excluding pad transformers and vaults, shall be flood-proofed to prevent infiltration of surface water anticipated under design storm conditions or shall otherwise be designed to function when submerged under design storm conditions. (Ord. No. 32-16, § 2, 12-6-16)
- (5) Structures listed in the National Register of historic Places of the State Inventory of Historic Places, unless located within the Special Flood Hazard Area (SFHA). (Ord. No. 32-16, § 2, 12-6-16)

- (6) Construction for improvement of a major structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions. (Ord. No. 32-16, § 2, 12-6-16)

Sec. 10.4.3. Development regulations.

(A) **Public access.** Where the public has established an accessway through private lands to lands seaward of mean high tide or water line by prescription, prescription easement, or other legal means, development or construction shall not interfere with the right of access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate those public accessways so long as they are: (Ord. No. 32-16, § 2, 12-6-16)

- (1) Of substantially similar quality and convenience to the public; (Ord. No. 32-16, § 2, 12-6-16)
- (2) Approved by the local government and approved by the Department of Natural Resources whenever improvements are involved seaward of the coastal construction line; and (Ord. No. 32-16, § 2, 12-6-16)
- (3) Consistent with the coastal management element of the local Comprehensive Plan. (Ord. No. 32-16, § 2, 12-6-16)

(B) **Location of construction.** Construction, except for elevated walkways, life-guard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished. (Ord. No. 32-16, § 2, 12-6-16)

(C) **Structural requirements.** (Ord. No. 32-16, § 2, 12-6-16)

- (1) **Design and construction.** Major structures, except for mobile homes, shall be designed and constructed in accordance with Florida Building Code, latest edition, and applicable federal and state agencies. (Ord. No. 32-16, § 2, 12-6-16)

(D) **Foundations.** The elevation of the soil surface to be used in the design of foundations, calculation of pile reactions and bearing capacities shall not be greater than that which would result from the erosion reasonably anticipated as a result of design storm conditions. Foundation design and construction of a major structure shall consider all anticipated loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all

vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the type of soil present and the anticipated loss of soil above the design grade as a result of localized scour. Erosion computations are not required landward of coastal construction control lines established or updated since June 30, 1980. Upon request the Florida Department of Environmental Protection may provide information as to those areas within coastal building zones where erosion and scour of a 100-year storm event is applicable. (Ord. No. 32-16, § 2, 12-6-16)

(E) **Wave forces.** (Ord. No. 32-16, § 2, 12-6-16)

- (1) Calculations for wave forces resulting from design storm conditions on building foundations and superstructures may be based upon the minimum criteria and methods prescribed in the Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of Navy; Shore Protection Manual, U.S. Department of the Army Corps of Engineers; U.S. Department of the Army Coastal Engineering Research Center Technical Papers and Reports; the Technical and Design Memoranda of the Division of Beaches and Shores, Florida Department of Natural Resources; or other professionally recognized methodologies which produce equivalent design criteria. (Ord. No. 32-16, § 2, 12-6-16)
- (2) Breaking, broken, and nonbreaking waves shall be considered as applicable. Design wave loading analysis shall consider vertical uplift pressures and all lateral pressures to include impact as well as dynamic loading and the harmonic intensification resulting from repetitive waves.

(F) **Hydrostatic loads.** Calculations for hydrostatic loads shall consider the maximum water pressure resulting from a fully peaked, breaking wave superimposed upon the design storm surge with dynamic wave setup. Both free and hydrostatic loads shall be considered. Hydrostatic loads which are confined shall be determined by using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both upward and downward on horizontal or inclined surfaces of major structures (for example, floors, slabs, roofs, and walls). Lateral hydrostatic loads shall be considered as forces acting horizontally above and below grade on vertical inclined surfaces. Hydrostatic loads on irregular or curved geometric surfaces shall be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures. (Ord. No. 32-16, § 2, 12-6-16)

(G) **Hydrodynamic loads.** Hydrodynamic loads shall consider the maximum water pressures resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied on all structural surfaces above the design grade which would affect the flow velocities. (Ord. No. 32-16, § 2, 12-6-16)

Appendix A

DEFINITIONS

APPENDIX A—DEFINITIONS

The following words, terms and phrases, when used in these Land Development Regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

24-HOUR OR LATE NIGHT BUSINESSES. Any restaurant, bar, lounge, nightclub, music hall, club, gasoline station, convenience store, convenience business, retail store, grocery store, laundromat or similar use which is or will, at any time during a calendar year, be open for business at any time between the hours of 12 midnight and 5 a.m. A 24-Hour or late night business shall not mean a hotel or motel unless any of the aforementioned uses are operated or will be operated between the hours of 12 midnight and 5 a.m. on the same property as, or otherwise in conjunction with, a hotel or motel use. [Amd. Ord. 41-01 8/7/01]

ABUSED SPOUSE RESIDENCE. A building, single-family dwelling, apartment, or part of a building utilized for the purposes of providing temporary residential shelter, emergency counseling, and information and referral services to abused spouses and their minor or dependent children, whether such residencies are operated on a profit or not-for-profit basis.

ACCENT/TRIM. An architectural element such as moldings, stucco banding, tile inset, medallions, pilasters, vents and louvers, etc. that is used to emphasize or supplement the architectural composition of a building. [Amd. Ord. 21-04 5/4/04]

ACCESS ROADWAY. A private roadway intended for access from private residences or private parking to a public or private street. An "Access Roadway" shall not exceed 600 feet in length or projected traffic count of 1,000 trips per day.

ACCESSORY BUILDING STRUCTURE, OR USE. A building, structure, or use on the same lot with, and incidental and subordinate to, the principal building, structure, or use. (Ord. No. 22-22, § 9, 10-11-22)

ADDITION (TO EXISTING BUILDING). Any walled and roofed expansion to the perimeter of a building in which the addition is connected to a load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall and is separated by independent perimeter load-bearing wall is new construction.

ADULT ARCADE. Any place or establishment operated for commercial gain which invites or permits the public to view adult material. [Amd. 11/13/90]

ADULT BOOKSTORE/ADULT VIDEO STORE. An establishment which sells or offers adult material for sale or rent for commercial gain; unless the establishment demonstrates either (1) the adult material is accessible only by employees and the

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gross income from the sale or rental of adult material comprises less than forty percent (40%) of the gross income from the sale or rental of goods or services at the establishment, or (2) the individual items of adult material offered for sale or rental comprise less than ten percent (10%) of the individual items, as stock in trade, publicly displayed in the establishment and which is not accessible to minors at the establishment. [Amd. 11/13/90]

ADULT DANCING ESTABLISHMENT. An establishment where employees engage in nudity or partial nudity regardless of whether the employees actually engage in dancing. [Amd. 11/13/90]

ADULT DAY CARE CENTER. Any establishment whether operated for profit or not, which undertakes through its ownership or management to provide, for a part of the 24-hour day, basic services to three or more adults, not related to the owner/operator by blood or marriage, who require such services. "Basic services" shall include, but not be limited to, providing a protective setting, social activities, leisure-time activities, self-care training, rest, nutritional services, and, when possible, speech and physical therapy.

ADULT ENTERTAINMENT ESTABLISHMENT. (A) Any adult arcade, adult bookstore/adult video store, adult novelty store, or adult dancing establishment; or any other establishment or business operated for commercial gain where any employee, operator or owner engages in nudity or partial nudity, including but not limited to: massage establishments, whether or not licensed pursuant to Chapter 480, Florida Statutes, tanning salons, modeling studios, or lingerie studios. (B) Excluded from this definition are any educational institutions where engaging in nudity or partial nudity is associated with a curriculum or program. (C) An establishment that possesses an Adult Entertainment License through Palm Beach County is presumed to be an Adult Entertainment Establishment. [Amd. Ord. 3-04 2/3/04]; [Amd. 11/13/90]

ADULT GAMING CENTER. Means any place or premises catering to persons 18 and over that mimic the look and feel of gambling venues where there are more than six (6) amusement games or machines which operate by the means of the insertion of a coin and which by means of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played are available to the public. The presence of games or gaming devices that are similar to, or in the nature of slot machines, shall result in a rebuttable presumption that the business at which such machines are located is an adult gaming center. [Amd. Ord. 58-04 10/19/04]

APPENDIX A—DEFINITIONS

ADULT MATERIAL. Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas. [Amd. Ord. 37-07 9/18/07]

ADULT NOVELTY STORE. An establishment which sells or offers instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities. [Amd. Ord. 3-04 2/3/04]

ALCOHOLIC BEVERAGE ESTABLISHMENT. Any business or commercial establishment, whether open to the public at large or entrance is limited by cover charge or membership requirements, including those licensed by the state for sale and-or service of alcoholic beverages, which include but are not limited to, any bar, stand alone bar, cocktail lounge, bottle club, hotel, motel, restaurant, night club, country club, cabaret, and meeting facility located in the City of Delray Beach in which alcoholic beverages, beer or wine are, or are available to be sold, dispensed, served, consumed, provided, possessed or offered for sale or consumption on the premises. [Amd. Ord. 42-03 11/18/03]; [Amd. 11/13/90]

ALLEY. A roadway which provides a secondary means of access to abutting properties, and not intended for general traffic circulation use by pedestrians or vehicles.

ALTERATION. Any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance, or structural changes involving changes in form, texture, materials, or color or any such changes in appearance in a specially designated historic site or historic interior. or; as applied to a building or structure, a change or rearrangement in the structural parts of the existing facilities, or an enlargement, whether by extending on a side, or by increasing the height, or the moving from one location or position to another.

AMUSEMENT GAME FACILITIES. Means any place or premises not considered an adult gaming center, which caters to families and children and where there are games such as pinball, air hockey, electronic games, and other similar coin operated games and the premises does not meet the definition of an Adult Gaming Center. [Amd. Ord. 58-04 10/19/04]

ANIMAL HUSBANDRY. An agricultural business for the breeding and caring for farm animals. (Ord. No. 07-17, § 17, 5-16-17)

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ANIMAL SHELTER. A county, municipal, or public animal shelter or a duly incorporated or organized nonprofit organization operated as a bona fide charitable organization under Section 501(c)3 of the Internal Revenue Code devoted to the rescue, care, and/or adoption of stray, abandoned, or surrendered animals, and which does not breed animals. (Ord. No. 17-21, § 15, 10-19-21)

ANIMATED SIGN. A sign which uses movement or change of lighting to depict action or to create a special effect or scene. [Amd. Ord. 14-04 6/22/04]

ANTENNA. A transmitting and/or receiving device used for personal wireless services that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, but excluding radar antennas, amateur radio antennas, and satellite dish antennas. [Amd. Ord. 21-97 6/3/97]

ANTIQUE. An object having special value or significance because of its age, made in a former period of at least 40 years ago. Such objects may include but are not limited to furniture, tableware, art, handicrafts, artifacts, linens, rugs, jewelry, curios, and vintage clothing and accessories. [Amd. Ord. 44-98 10/20/98]

APARTMENT. A type of dwelling unit, occupied by tenants, and located within a multiple family dwelling.

APARTMENT BUILDING OR HOUSE. A type of multiple family dwelling.

APPROPRIATE TO SURROUNDINGS. Bringing new buildings into an orderly relationship with landscape and nature, other buildings, and open areas; but this term does not mean uniformity in style or subordination to existing buildings. Again, scale and composition come into importance, related here to adjacent properties. Surroundings are not only the buildings within a neighborhood, but shall be considered as the total picture. Future surroundings must also be weighed. Advertising signs on buildings must be appropriate to the surroundings in the same way.

APPURTENANCES. That which is an accessory to another structure, including but not limited to stonewalls, fences, light fixtures, steps, paving, sidewalks, shutters, and signs.

ARCADE. A covered walk with mixed-uses, residential, or non-residential uses on one side and a line of arches or colonnades raised on columns or piers on the other side. For the purposes of this Code, a street is usually located adjacent to the side of the arcade which contains the line of arches or colonnades. [Amd. Ord. 21-04 5/4/04]

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ARCHAEOLOGICAL SITE. Earthworks; any subsurface remains of historical, archaeological, or architectural importance; or any unusual ground formations of archaeological significance.

ARCHITECTURAL COMPOSITION. The scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and roof design of a project or building. [Amd. Ord. 21-04 5/4/04]

ARCHITECTURAL FEATURES. Any prominent element, including but not limited to spires, steeples, belfries, cupolas, domes, monuments, and widow's walks or distinctive characteristics related to architectural style, mass, general design, and general arrangement of the exterior of a building or structure, including the type, style, or color of roofs, windows, and doors. Architectural features include interior architectural features where the interior has been given historic designation. (Ord. No. 02-21, § 5, 3-2-21)

AREA OF SHALLOW FLOODING. A designated AO or VO Zone on the Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flood is unpredictable and indeterminate, and when velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

ARTICULATED PARAPET. A parapet with height variations and decorative architectural treatment. [Amd. Ord. 21-04 5/4/04]

ARTIFICIAL TURF OR SYNTHETIC GRASS. An artificial grass mat manufactured with natural materials or man-made materials such as polypropylene, polyethylene, and/or other materials, which is intended to replicate the appearance of natural grass. (Ord. No. 11-23, § 4, 9-5-23)

ARTIST OR PROFESSIONAL ARTIST. Means a practicing fine artist, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts. [Amd. Ord. 77-04 2/1/05]

ARTWORK OR WORKS OF ART. Means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of visual art conceived in any medium, material, or combination thereof, including paintings, sculptures, statues, engravings, carvings, frescos, stained glass, mosaics, mobiles,

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tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetic, functional furnishings such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements. [Amd. Ord. 77-04 2/1/05]

ASSISTED LIVING FACILITY. Any building or buildings, section of building, or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administration. "Personal services" means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services, which the Department of Elderly Affairs may define by rule. "Personal services" shall not be construed to mean the provision of medical, nursing, dental, or mental health services. An Assisted Living Facility that does not function in accord with the definition of "Community Residence" in these LDRs is not a community residence. [Amd. Ord. 01-10 1/19/10]; [Ord. 20-08 4/15/08] (Ord. No. 25-17, § 36, 7-18-17)

AUTOMOBILE BROKERAGE. The conduct of business resulting in the sale of an automobile other than when a part of new and/or used car sales. [Amd. 3/26/91]

AUTOMOBILE DEALERSHIP, FULL SERVICE. The provision of all services necessary to accommodate the sale and service of new automobiles including franchise sales. At a minimum, all of the following must be accommodated at the dealership site in order to qualify as a full service automobile dealership, franchise auto sales, auto repair, and auto service. [Amd. 3/26/91]

AUTOMOTIVE RENTAL FACILITY, ACCESSORY. A commercial establishment where the renting of small trucks and cargo vans up to and including three-quarter-ton trucks is accessory to a large-scale home improvement/hardware retail establishment. A large-scale home improvement/hardware retail establishment shall occupy at least 25,000 sq. ft. gross floor area. This use is regulated by Section 4.3.3(C). (Ord. No. 24-17, § 5, 11-7-17)

AUTOMOTIVE RENTAL FACILITY, NEIGHBORHOOD. A commercial establishment used principally for renting vehicles such as cars, sport utility vehicles, small pick-up trucks and mini-vans that is located within a large retail shopping center or in an outparcel to a large retail shopping center. This use is regulated by Section 4.3.3(C). (Ord. No. 24-17, § 5, 11-7-17)

AUTOMOTIVE REPAIR FACILITY. An establishment used for body work, mechanical repairs, or the painting of automotive vehicles.

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AUTOMOTIVE SALES AND SERVICE. A commercial establishment used primarily for the display of automobiles for sale, along with their customary repair and maintenance facilities.

AWNING SIGN. A tenant identification sign designed as part of the awning. [Amd. Ord. 14-04 6/22/04]

BALCONY. A projecting platform on a building, sometimes supported from below, sometimes cantilevered; enclosed with a railing or balustrade. [Amd. Ord. 21-04 5/4/04]

BANNER. A temporary sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only the material for a backing. "Banner" shall include any animated or fluttering devices designed to attract attention. [Amd. Ord. 14-04 6/22/04]

BASE BUILDING ELEVATION. For the purposes of measuring building height, (1) for sites not located within a FEMA designated special flood hazard area (SFHA), a minimum of 18 inches (or less with approval by the City Engineer) and a maximum of 30 inches (which allows for 12 inches of freeboard) above the mean elevation of the crown of the street along the lot frontage or the average of the mean elevation of the crowns of the streets-for lots with multiple lot frontages; or, (2) for sites located within FEMA designated SHFA, as amended, the higher of (a) the minimum required base flood elevation, as required by FEMA and the Florida Building Code, as amended, and allowing up to 12 inches addition for freeboard; or, (b) the average crest of the dune located within the property limits, measured from north to south on the subject site. (Ord. No. 02-19, § 4, 4-16-19)

BASE FLOOD. See Section 10.2.2.

BASE FLOOD ELEVATION. The regulatory requirement for the elevation of structures as set forward by the adopted flood insurance rate maps (FIRM) created by the Federal Emergency Management Agency (FEMA). (Ord. No. 02-19, § 4, 4-16-19)

BASEMENT. That portion of a building having its floor subgrade below ground level on all sides.

BAY WINDOW. An angular or curved cantilevered feature that projects outward from an exterior wall predominantly comprised of fenestration. (Ord. No. 13-24, § 5, 7-9-24)

BAZAAR. A market characterized by shops and stalls along a pathway, usually for the sale of miscellaneous articles. [Amd. Ord. 51-92 10/27/92]

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BEACH. The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Beach is alternatively termed "SHORE."

BED AND BREAKFAST INN. A use within a designated historic or contributing structure which provides temporary overnight guest accommodations for rent to nonpermanent residents. [Amd. Ord. 11-10 7/20/10]

BEDROOM. A room intended for, or capable of, being used for sleeping and that is at least 70 square feet in area. A room designated on building plan submittals as a "den", "library", "study", "loft", or other extra room that satisfies the definition and is not a kitchen, living room, dining room or bath will be considered to be a bedroom for the purpose of computing bedroom area. [Amd. Ord. 8-02 3/5/02]

BENEFITED AREA. The geographical boundaries of the City including all future annexations and consolidations. [Amd. 10/23/90]

BLANK WALLS. Any wall or portion of a wall twenty (20) or more feet in length that is visible to the public and is without windows, doors, wall openings, or other architectural treatments. [Amd. Ord. 21-04 5/4/04]

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

BOARDING OR ROOMING HOUSE. A building other than a hotel, motel, residential inn, or bed and breakfast used to provide lodging for compensation, and where more than one of the partitioned sections are occupied by separate families or rent is charged separately for the individual rooms or partitioned areas occupied by the renter or occupant. Individual living units may or may not be equipped with kitchen facilities; congregate dining facilities may be provided for the guest. A boarding or rooming house is not a community residence. [Amd. Ord. 13-00 6/20/00] (Ord. No. 25-17, § 36, 7-18-17)

BOAT. Any watercraft, including barges and airboats, designed, used, or capable of being used as a means of transportation on water.

BOAT LIFT. A mechanical device or structure designed to elevate watercraft clear of the water for dry storage. (Ord. No. 06-26, § 8, 1-20-26)

BOAT SLIPS. An excavated area within a platted lot, which lot must abut a canal, lake, or other waterway, which excavated area may be used for docking or mooring of boats.

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BOAT TRAILER. A trailer which is being used for, or is designated for, carrying boats.

BOND. A form of security including a cash deposit, surety bond, or instrument of credit in an amount satisfactory to the City Engineer and form approved by the City Attorney.

BOTTLE CLUB. A commercial establishment, operated for a profit, whether or not a profit is actually made, wherein patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed structure. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held or to bona fide restaurants licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. [Amd. Ord. 42-03 11/18/03]

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building on supporting foundation system.

BREAKAWAY WALL OR FRANGIBLE WALL. A partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic, wave, and runup forces associated with the design storm surge. Under these conditions, the wall shall fail in a manner such that it breaks up into components that will minimize the potential for damage to life or adjacent property. It shall be a characteristic of a "BREAKAWAY WALL" or "FRANGIBLE WALL": that it shall have a horizontal design loading resistance of not less than ten nor more than 20 pounds per square foot.

BUFFER, PERIMETER LANDSCAPE. A strip of land which is required along the perimeter of a lot in which landscaping is used to provide a transition between abutting properties and/or adjacent rights-of-way.

BUILDABLE AREA. The portion of a lot remaining after the required setbacks have been provided.

BUILDING. A structure which encloses space; a structure which gives protection or shelter for any occupancy. The term "building" shall be construed as if followed by the phrase or part thereof. When separated by fire walls, each portion so separated shall be deemed a separate building.

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BUILDING ARTICULATION. Delineation that expresses distinct portions of a building, typically through changes in the location of the building façade, in building height, and fenestration patterns. (Ord. No. 28-15, § 10, 12-8-15)

BUILDING FRONTAGE.

- (a) The building frontage for an interior lot is the portion of the lot abutting the primary street minus the required side setbacks. [Amd. Ord. 21-04 5/4/04]

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- (b) The building frontage for the primary street side of a corner lot is the portion of the lot abutting the primary street minus the required side setbacks. [Amd. Ord. 21-04 5/4/04]
- (c) The building frontage for the secondary street side of a corner lot is the portion of the lot abutting the secondary street minus the required front and rear setbacks. [Amd. Ord. 21-04 5/4/04]
- (d) Building frontage is expressed in percentages and may vary from floor to floor. [Amd. Ord. 21-04 5/4/04]

BUILDING HEIGHT. The vertical distance from grade to the highest finished roof surface of a flat roof or to the mean level between eaves and ridge for gable, hip, or gambrel roofs. Within the CBD zoning district, vertical distance shall be measured to the soffit of a gable, hip, or gambrel roof and building height is also measured by stories. [Amd. Ord. 03-15 02/24/2015]

BUILDING SUPPORT STRUCTURE. Any structure which supports floor, wall, or column loads, and transmits them to the foundation. The term shall include beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles, columns or footings.

BUSINESS OFFICE. Any commercial activity conducted primarily in an office, which does not involve the sale of commodities or goods on the premises. This definition does not include a Medical Office. [Amd. Ord. 50-09 10/20/09]

CALIPER. An instrument used to measure the diameter of a tree. In common vernacular, often used interchangeably with the term diameter. [Amd. Ord. 37-06 9/19/06]

CALL CENTER. A centralized business office used for the purpose of receiving and transmitting a large volume of requests by telephone, operated by a company to administer incoming product support or information inquiries from consumers. Includes outgoing calls for, but not limited to, telemarketing, clientele, product services, and debt collection. [Amd. Ord. 22-11 7/19/11]

CAMPER. Any separate structure designed or used for human habitation, which can be attached to or detached from a pickup truck, and which has sufficient headroom for an adult six feet in height to stand upright. A pickup truck with a cap shall not be construed as a CAMPER.

CANOPY COVERAGE. The coverage of a tree, by its limbs and leaves, of the ground below. Often referred to as 'spread of canopy'. [Amd. Ord. 37-06 9/19/06]

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CANOPY SIGN. A pedestrian oriented sign which is suspended from, attached to, supported from, or forms a part of a canopy. [Amd. Ord. 14-04 6/22/04]

CAPITAL IMPROVEMENT PROJECT. Means all construction projects, excluding underground infrastructure projects, (which include, but are not limited to water mains, sewer main, storm drainage, wastewater or any other underground utility), included in the City's Capital Improvement Annual Plan involving construction of new capital facilities, additions to capital facilities, or major remodeling of capital facilities. Land, equipment purchases, repair, software, personal property purchases and maintenance costs are excluded. [Amd. Ord. 77-04 2/1/05]

CARETAKER. A person or couple employed for security or maintenance purposes.

CARPORT. A roofed area used for the storage of one or more motor vehicles.

CAR WASH. A commercial activity used primarily for the washing of motor vehicles.

CERTIFICATE OF APPROPRIATENESS. A written document allowing specified alterations, demolition, construction, or other work to a designated historic site, or for a building or structure within a designated historic district.

CHANGEABLE COPY SIGN. A sign on which a message copy is changed through moveable letters, numbers, etc. [Amd. Ord. 14-04 6/22/04]

CHILD CARE FACILITY. An establishment in which custodial care is rendered to six or more children unrelated to the operator, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit. [Amd. Ord. 25-10 10/19/10]

CIVIC BUILDING. A public building dedicated to arts, culture, education, recreation, worship, or government. (Ord. No. 28-15, § 10, 12-8-15)

CLUB. A building or facility owned or operated by an association, corporation, person, or persons, for an educational, recreational, or social purpose, and to which membership is required for participation, but not primarily for profit or to render a service which is customarily restricted to members and their guests. For the purpose of this code, a building or facility owned by a residential homeowners association and operated by it for the social, educational, or recreational benefit of its members, and to which membership is reserved exclusively for the on-site residents, shall not be considered a "Club."

CLUSTER DEVELOPMENT. A group of single or multiple-family dwelling units developed around an open space area which is owned in common by all the owners living within the development.

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COASTAL BARRIER ISLANDS. Geological surface features which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including soil disposal. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered "COASTAL BARRIER ISLANDS."

COASTAL BUILDING ZONE. For mainland areas which front directly upon the open waters of either the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida, the land area between the seasonal high-water line and a line 1500 feet landward from the coastal construction control line.

COASTAL CONSTRUCTION CONTROL LINE. See Section 10.2.2.

COASTAL HIGH HAZARD AREA. See Section 10.2.2.

COIN-OPERATED AMUSEMENT DEVICE. Means an amusement machine, device, or instrument operated by means of the insertion of a coin, bill, currency, credit card, debit card, token or slug for use as a game, contest of skill or amusement of any description operated in accordance with 849.161, Fla. Stat. This definition is not intended to and does not include merchandise vending machines or coin-operated mechanical or electrical instruments or devices. Amd. Ord. 58-04 10/19/04]

COLLECTOR STREET. A street which carries traffic from local streets to arterial streets and includes the principal entrance streets from a subdivision or development where projected traffic count on the "Collector Street" exceeds 2,000 trips a day.

COMBUSTIBLE SIGN. Any sign or sign structure which has an internal electrical circuit which may ignite or support flames and which has a low flame point. Prime examples of combustible signs would be wood, cloth, and the like.

COMMISSION. The Commission of the City of Delray Beach.

COMMUNITY GARDEN. Any piece or pieces of land gardened by a group of people, utilizing either individual or shared plots on private or public land. The land may be used only for the production of fruits, vegetables, herbs, edible mushrooms, flowers, and/or ornamental plants and the gardens are reviewed by the City's Green Implementation Advancement Board, pursuant to the Community Garden Program. (Ord. No. 07-17, § 17, 5-16-17)

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COMMUNITY RESIDENCE. Except as required by state law, a community residence is a residential living arrangement for up to ten unrelated individuals with disabilities living as a single functional family in a single dwelling unit who are in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services, related to the residents' disabilities. A community residence seeks to emulate a biological family to normalize its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home. Supportive inter-relationships between residents are an essential component. (Ord. No. 25-17, § 36, 7-18-17)

A community residence shall be considered a residential use of property for purposes of all zoning, building, and property maintenance codes. The term does not include any other group living arrangement for unrelated individuals who are not disabled nor residential facilities for prison pre-parolees or sex offenders. Community residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elderly Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, and functional family sober living arrangements also known as recovery residences certified by the state's designated credentialing entity established under Section 397.487 of the Florida Statutes. (Ord. No. 25-17, § 36, 7-18-17)

Per state law, community residences for people with developmental disabilities located in a "planned residential community" as defined by Section 419.001(1)(d) of the Florida Statutes, are exempt from the spacing requirements between community residences established in these LDRs. (Ord. No. 25-17, § 36, 7-18-17)

To implement these LDRs, an application that the City of Delray Beach designates must be completed in full and submitted to the Director of the Planning, Zoning, & Building Department prior to occupancy or construction of the proposed community residence to determine whether the proposed community residence is a permitted use or requires a conditional use permit, to determine the maximum number of occupants allowed under city code provisions that apply to all residential uses, and to identify whether any further accommodation is needed in accord with Section 2.4.7(G), "Requests for Accommodation" of these LDRs. (Ord. No. 25-17, § 36, 7-18-17)

A community residence or its operator that loses its license or certification must cease operations and vacate the property within 60 days of the date on which its licensing or certification was discontinued or the date required by state law, whichever is less. (Ord. No. 25-17, § 36, 7-18-17)

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A "community residence" occupied by four to ten unrelated individuals with disabilities can be a "family community residence" or a "transitional community residence." The owner or operator of a community residence may apply for an administrative reasonable accommodation to house more than ten residents in accord with the standards and procedures established in Section 2.4.7(G) of these LDRs. (Ord. No. 25-17, § 36, 7-18-17)

COMPATIBLE/COMPATIBILITY. Design which utilizes accepted site planning (e.g. building placement orientation and siting) and the elements of architectural composition within the context of the surrounding area. Similar adjacent land uses or square footage shall not necessarily constitute architectural compatibility. [Amd. Ord. 21-04 5/4/04]

COMPLEMENT/COMPLEMENTARY. Having similar architectural composition. [Amd. Ord. 21-04 5/4/04]

CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout a zoning classification or district. Such uses, however, if controlled as to area, location, number, or relation to the neighborhood, would promote public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the city.

CONDOMINIUM. A form of ownership, wherein interest of a dwelling unit in a multiple family structure is conveyed through air rights, and owners share ownership and maintenance responsibility for common areas (grounds, exterior walls, recreational facilities, etc.).

CONSTRUCTION. The building of or substantial improvement to any structure or the clearing, filling, or excavation of any land. When appropriate to the context, "CONSTRUCTION" refers to the act of construction or the result of construction.

CONTINUING CARE FACILITY. A facility which furnishes shelter and either nursing care or personal services, pursuant to an agreement, whether such nursing care or personal services are provided in the facility or in another setting designated by the contract for continuing care to an individual not related by consanguinity or affinity to the provider furnishing such care, upon payment of an entrance fee. Other personal services provided shall be designated in the continuing care contract. Contracts to provide continuing care include agreements to provide care for any duration, including contracts that are terminable by either party. "Personal services" means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services which the Department of Elderly Affairs may define by rule. "Personal services" shall not be

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construed to mean the provision of medical, nursing, dental or mental health services. Continuing Care Facilities shall be accommodated in the same manner with respect to the number of residents and the number of units as required for the respective structures of either a single family unit, duplex unit or multi-family unit in the zoning districts where allowed. Requests for exemptions to the number of residents can be requested through a reasonable accommodation request pursuant to LDR Section 2.4.7(G). [Amd. Ord. 01-10 1/19/10]; [Ord. 20-08 4/15/08]

CONTRIBUTING STRUCTURE. (Also referred to as a Historic Structure): A structure which adds to the historical architectural qualities, historic associations, or archaeological values for which a district is significant because it was present during the period of significance of the district, possesses historic integrity reflecting its character at that time, is capable of yielding important information about the period, or independently meets the National Register of Historic Places criteria for evaluation. [Ord. 38-07 2/5/08]

COST OF ALTERATIONS OR REPAIRS. The estimated cost of repairs or alterations if done by a professional contractor, duly licensed to effect those repairs or alterations, as determined by the Chief Building Official using generally accepted practices for estimating cost; through the use of current construction cost data.

DEBRIS. Remains of anything broken down or destroyed, ruins, fragments, rubbish, trash, waste material, litter, and rubble.

DEMOLITION. The act or process of wrecking, destroying, or removing any building or structure, or any exterior or structural part thereof. The process of removing or destroying an archaeological site or a part thereof.

DENSITY. The ratio of the number of dwelling units in relation to the area included within the property lines.

DEPARTMENT STORE. A retail establishment conducted within one building and which provides for the sale of specialty items (hardware, clothing, toys, auto accessories, kitchen/bath accessories, appliances, cards, and the like) in individual departments which, generally, have a separate cashier. However, a central cashier system may be used. This definition does not preclude the sale of specialty items on an incidental basis in a general retail establishment; nor does it apply to retail establishments of less than 5,000 square feet.

DESIGNATED EXTERIOR. All outside surfaces of any improvement, building, or structure defined in a historic preservation survey as having significant value to the historic character of the building, district, or city.

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DIAMETER. The Diameter of a tree measured at 4½ feet above grade. [Amd. Ord. 37-06 9/19/06]

DIRECTIONAL SIGN. An on premise, incidental sign designed to guide or direct pedestrians or vehicular traffic. [Amd. Ord. 78-06 1/2/07]; [Amd. Ord. 14-04 6/22/04]

DIRECTORY SIGN. A sign listing the tenant's names, locations, buildings or group of buildings. [Amd. Ord. 14-04 6/22/04]

DISABILITY. A disability is a physical or mental impairment that substantially limits one or more of an individual's major life activities, impairs an individual's ability to live independently, having a record of such an impairment, or being regarded as having such an impairment. People with disabilities do not include individuals who are currently using alcohol, illegal drugs, or using legal drugs to which they are addicted nor individuals who constitute a direct threat to the health and safety of others. (Ord. No. 25-17, § 36, 7-18-17)

DOCK. A fixed structure parallel to the seawall or bulkhead line, including but not limited to, access walkways or terminal platforms for the specific purpose of mooring and accessing vessels. Docks that are perpendicular to the seawall or bulkhead are considered *Finger Piers*. (Ord. No. 06-26, § 8, 1-20-26)

DOMESTIC ANIMALS. Historically domesticated companion animals such as dogs, cats, birds, or other tamed animals. (Ord. No. 17-21, § 15, 10-19-21)

DOMESTIC ANIMAL SERVICES. Places of business, either for profit or not for profit, that provide services for the care and well-being of domestic animals including veterinary clinics, pet service facilities, pet hotels, and animal shelters. (Ord. No. 17-21, § 15, 10-19-21)

DRIPLINE. An imaginary line on the ground defined by the vertical lines which extend from the outer most tips or canopy, to the ground. [Amd. Ord. 37-06 9/19/06]

DRIVE-IN RESTAURANT OR REFRESHMENT STAND. Any place or premise where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles or on the premises or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a DRIVE-IN RESTAURANT for purposes of these zoning regulations. A barbecue stand or pit having characteristics noted in this definition shall be deemed a DRIVE-IN RESTAURANT.

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DRIVE THRU RESTAURANT. Any place or establishment where provision is made on the premises for the selling, serving of food, or refreshments and beverages, and dispensing of such items in a manner where the customer orders from his vehicle, picks up his order, and leaves the premises. Such a customer may not eat or drink the food, refreshments, or beverages on the premises.

DUNE. A mound or ridge of loose sediments, usually sand-sized, deposited by natural or artificial means, which lies landward of the beach.

DWELLING. A structure designed, for occupancy by permanent residents. A dwelling may include incidental uses normally associated with permanent residential use, eg. garages, storage, etc. This excludes trailers, hotels, lodging houses, motels, tents and recreational vehicles.

DWELLING, MULTIPLE FAMILY. A residential building containing three or more dwelling units, or one or more dwelling units in a building that contains non-residential uses in the Central Business District. [Amd. Ord. 03-15 02/24/2015]; [Amd. Ord. 13-00 6/20/00].

DWELLING, SINGLE-FAMILY. A detached residential building other than a mobile home, designed for occupancy by one family. [Amd. Ord. 13-00 6/20/00]

DWELLING, TWO-FAMILY (DUPLEX). A detached residential building containing two dwelling units, designed for occupancy by two families. [Amd. Ord. 13-00 6/20/00]

DWELLING UNIT. One or more rooms connected together, designed to be occupied by one family, constituting a separate, independent housekeeping establishment and physically separated from any other dwelling unit which may be in the same structure, and which contains independent sanitation, living, cooking and sleeping facilities. [Amd. Ord. 13-00 6/20/00]

DWELLING UNIT, ACCESSORY (ADU). A separate independent dwelling unit for occupancy by permanent residents that is accessory to the principal dwelling on the same lot. Accessory dwelling units may be attached to the principal structure or detached. (Ord. No. 12-26, § 12, 4-7-26)

DWELLING UNIT, EFFICIENCY. A type of dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities. [Amd. Ord. 13-00 6/20/00]

EASEMENT. A right granted for limited use of private property for a public or quasi-public purpose.

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ECOSYSTEM. A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

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ELECTRICAL CONSTRUCTION. All work and material used in installing, maintaining, and extending a system of electrical wiring for lights, heat, or power, and all appurtenances thereto; and all apparatus or equipment used in connection therewith, inside of, or attached to any building, lot or premises, done by licensed electricians, public utilities, companies, or firms, corporations, or individuals.

ELECTRICAL CONTRACTOR. A person engaging in the business of electrical contracting. The individual in charge of the electrical installations for that person shall have passed the Department of Professional Regulation or the county competency test and registered same with the state or have passed the state certification examination.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (EPAMD). Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with an average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. [Amd. Ord. 04-11 4/5/11]

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

ENCROACHMENT, VEHICULAR. Any protrusion of a vehicle outside of a parking space, display area or accessway into a landscaped area. There shall be no "Encroachment" over or into any landscaped area. Car stops shall be placed at least two feet from the edge of the landscaped area. In order to prevent encroachment and maintain a neat and orderly appearance of all planting islands adjacent to accessways or traffic, a proper protective curbing is required. Where car stops in parking spaces prevent encroachment, no other curbing is required.

ENGINEER. A person registered to practice engineering by the Florida State Board of Engineers and Land Surveyors Examiners.

ENTRANCE GATES. An identification structure to a city-approved subdivision or commercial development and necessary directional signs.

EXCEPTIONAL SPECIMEN TREE. Any tree determined to be of value to the public because of its size, location, age, historic association, ecological value, aesthetics or other unique characteristics. [Amd. Ord. 37-06 9/19/06]

- (a) *Size:* Diameter at Breast Height (DBH) of 18 inches or more. (Ord. No. 10-23, § 4, 9-5-23)

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- (b) *Location*: Proximity to a thoroughfare or highly traveled area.
- (c) *Age*: Approximate-based on size.
- (d) *Historic Association*: Tree is associated with a notable or local or regional historical event.
- (e) *Aesthetics*: Exceptional representation of a certain species of tree because of its form or character.

EXEMPT TREES. Trees that do not require a permit for removal.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of a land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before May 8, 1978.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

EXTERIOR. All outside surfaces of any building or structure.

EYEGLASS STORE. An establishment offering eyeglasses, sunglasses, and related optical goods for sale. An Eyeglass Store may also offer accessory optometry services such as eye exams and eye tests to assist customers in purchasing prescription eyeglasses, sunglasses, and related optical goods. No more than 20 percent of the floor area shall be allocated for optometry services, and the optometry services area shall not be positioned at the front of the store, in order to be considered retail. (Ord. No. 26-22, § 4, 12-6-22)

FACADE. That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

FAMILY. "Family" shall mean two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, and/or a group of persons not more than three in number who are not so interrelated, occupying the whole or part of a dwelling as a single housekeeping unit that shares common living, sleeping, cooking, and eating facilities. Any person under the age of 18 years

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whose legal custody has been awarded to the State Department of Health and Rehabilitative Services or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition. Occupancies in excess of the number allowed herein shall have 12 months from the date of the enactment of this definition or the termination of the current lease agreement to come into compliance, whichever occurs first. Anyone who has applied for or received a reasonable accommodation from this definition prior to June 16, 2009 shall be allowed to proceed under the definition in existence on June 16, 2009 with the total number granted under the reasonable accommodation without having to re-file an application for a reasonable accommodation. A family does not include any society; nursing home; club; boarding or lodging house; dormitory; fraternity; sorority; or group of individuals whose association is seasonal or similar in nature to a resort, motel, hotel, boarding or lodging house. [Amd Ord. 27-09 7/7/09]; [Amd. 1/8/91] (Ord. No. 25-17, § 36, 7-18-17)

FAMILY COMMUNITY RESIDENCE. A family community residence is a relatively permanent living arrangement for four to ten unrelated people with disabilities with no limit on how long a resident may live in the home. The length of tenancy is measured in years. Oxford House is a family community residence. (Ord. No. 25-17, § 36, 7-18-17)

FAMILY DAY CARE HOME. An accessory use conducted in an occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit. Baby-sitting services provided by an individual at the home of the parents or legal guardians is not deemed to be a Family Day Care Home. [Amd. Ord. 25-10 10/19/10]

FENESTRATION. The arrangement of windows and doors on the elevations of a building. (Ord. No. 28-15, § 10, 12-8-15)

FINGER PIER. A dock that is perpendicular to the seawall, bulkhead line or property line and that extends into or above any body of water from the wet face of a seawall, mean high water line, ordinary high water line (for nontidal bodies) or property line. (Ord. No. 06-26, § 8, 1-20-26)

FLAG. A piece of cloth usually attached at one edge to a staff/pole or cord. [Amd. Ord. 78-06 1/2/07];[Amd. Ord. 5-93 2/9/93]

FLAT WALL SIGN. A sign erected parallel to the building to which it is attached, and supported entirely by the façade. [Amd. Ord. 14-04 6/22/04]

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FLEA MARKET. A market, usually in the open air, selling antiques, used household goods, curios, or the like. [Amd. Ord. 51-92 10/27/92]

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the area of special flood hazard have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). See Section 10.2.2.

FLOOD INSURANCE STUDY. See Section 10.2.2.

FLOOD OR FLOODING. See Section 10.2.2.

FLOODWAY. See Section 10.2.2.

FLOOR. The top surface of an enclosed area in a building (including basement), such as, top of slab in concrete construction or top of wood flooring in wood frame construction. The term does not include the floor of the garage used solely for parking vehicles.

FLOOR AREA RATIO. The term "Floor Area Ratio" shall mean the ratio of the "total floor area" of the structure(s) to the area of the lot. "Total Floor Area" shall be defined as the gross horizontal areas of all floors of all buildings measured from the exterior walls or other types of enclosures and shall include garages, carports and port-cocheres. The floor areas of attics (unless used as a living space), enclosed decks or patios, covered porches, exterior balconies (covered or uncovered) or crawl spaces are excluded from the total floor area used in the Floor Area Ratio calculation. [Amd. Ord. 24-08 6/17/08]

FREEBOARD. The allowance for additional height in the base building elevation above minimum requirements solely for the purpose of providing additional floodproofing; may not be used for the purpose of increasing building volume. (Ord. No. 02-19, § 4, 4-16-19)

FREE-STANDING FEATURES. Equipment not intended for human occupancy and placed or constructed on a property, parcel, or site without being attached to a building such as antennae, satellite dishes, industrial conveyors, flag poles, radio and television towers, and silos. Free-standing features do not include signs. (Ord. No. 02-21, § 5, 3-2-21)

FREESTANDING SIGN. A free-standing sign is not affixed to any other structure and is limited to no more than two (2) faces. It may be either a pole sign or monument sign. All signs erected on a pole shall have a pole cover. All free-standing signs shall contain the street number. [Amd. Ord. 78-06 1/2/07]; [Amd. Ord. 14-04 6/22/04]

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FRONTAGE. A lot boundary adjoining a street. [Amd. Ord. 43-98 11/3/98]

FRONTAGE WALL FACE. The building facade, including parapet and fascia, excluding soffit, mansard, and roof, which faces the frontage of the premises.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility for loading and unloading of cargo or passengers, ship building, ship repair, or seafood processing facilities, excluding long-term storage, manufacture, sales, or service facilities.

GARAGE APARTMENT. A dwelling unit in an accessory building which contains an enclosed space for one (1) or more motor vehicles; and which dwelling unit is for occupancy by permanent residents. However, habitation as a non-permanent residence is allowed on a one-time basis per annum for an annual/seasonal tenancy.

GARAGE, PRIVATE. A detached accessory building, or a portion of the principal structure, used for the storage of automobiles owned by the occupants of the premises.

GARAGE, STORAGE. Any building or portion thereof, excluding a private garage, used exclusively for the parking or storage of motor vehicles. Services other than storage shall be limited to lubrication, polishing, refueling, and washing.

GARISH. Too bright or gaudy; showy, glaring; also cheaply brilliant or involving excessive ornamentation.

GASOLINE PRICING SIGN. A sign incorporated into a gasoline station identity sign, for display of the price changes. [Amd. Ord. 14-04 6/22/04]

GASOLINE STATION. An establishment used for the sale and delivery of fuel, lubricants, and other products necessary to the operation of automobiles. It may also include the sale and installation of accessories, tires, batteries, seat covers, tire repair, minor engine tune-ups, wheel balancing and aligning, brake servicing, washing, and minor automotive repair. (See 4.3.3(J)).

GREENHOUSE. An enclosed structure (usually with glass) for the production of fruits, vegetables, herbs, flowers, and/or ornamental plants. (Ord. No. 07-17, § 17, 5-16-17)

GROSS FLOOR AREA. The total floor area contained within a building measured from the exterior surface of outer building walls. [Amd. Ord. 01-09 1/20/09]

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GROUND COVER. Plant materials characterized by low, dense growth, generally horizontal and providing 100% ground coverage of a specified area at maturity.

GROUND SIGN. A sign affixed to the ground and supported by poles, uprights, or braces extending from the ground or a permanently mounted object on the ground but not attached to any part of a building. [Amd. Ord. 44-04 8/17/04]

GROUND FLOOR BUILDING AREA. The square feet of floor space measured from the exterior faces of the exterior walls of the ground floor of all principal and accessory buildings on the lot. [Amd. Ord. 24-01 4/17/01]

GUEST APARTMENT. A room or suite of rooms which is part of the main structure, and is intended to be occupied as the home or residence of the immediate family.

GUEST COTTAGE. An accessory building used exclusively for housing members of the family occupying the principal dwelling, their nonpaying guests, paying guests at a Bed and Breakfast Inn, or persons employed for service on the premises. A Guest Cottage shall consist of no more than one dwelling unit and may be affixed to an accessory structure. [Amd. Ord. 11-10 7/20/10]; [Amd. Ord. 56-01 10/16/01]

GUEST HOUSE. A dwelling containing rooms which are rented for the temporary care or lodging of transients and travelers, and advertised as such to the general public. **GUEST HOUSES** are prohibited.

GUEST UNIT. A dwelling unit which is located within a single family dwelling. A Guest Unit may only be occupied by members of the immediate family of the occupants of the single family dwelling or occupied by persons employed for service on the premises.

GUYED TOWER. A telecommunication tower that is supported, in whole or in part, by guy wires and ground anchors. [Amd. Ord. 21-97 6/3/97]

HARDSCAPE. Consists of the inanimate elements of landscaping, especially masonry or wood work such as concrete or brick patios and pool decks, tile paths and wooden decks. [Ord. 38-07 2/5/08]

HATRACKING. To flat-cut the top of a tree, severing the leader or leaders; or pruning a tree by stubbing off mature wood larger than three (3) inches in diameter; or reducing the total circumference or canopy spread not in conformance with National Arborists Association standards.

HEDGE. A landscape barrier consisting of continuous, dense planting of shrubs, all of the same species.

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HEIGHT (OF A SIGN). The vertical distance measured from the highest point of the sign, to the grade at the base of the sign. [Amd. Ord. 14-04 6/22/04]

HISTORIC DISTRICT. A geographically defined area which has been designated as a historic district under the procedures described in this code. Any historic district may have within its area non-historic buildings or other structures that contribute to the overall visual character of the district.

HISTORIC PLACE OF WORSHIP. A building or structure that is individually designated as historic, located on a historically designated site, or classified as contributing within a historic district, that is or was a Place of Worship. (Ord. No. 07-25, § 4, 10-4-25)

HISTORIC SITE. (Also referred to as Individually Designated Site/Property): Any site, building, structure, feature, or improvement which has been designated as a historic site and which may be located outside of a designated historic district. [Ord. 38-07 2/5/08]

HISTORIC SITE SURVEY. A comprehensive survey designed to identify, research, and document building sites, and structures of any historic, cultural, architectural, or landmark importance in the city, which may be compiled in cooperation with state and local public and non-profit historic preservation organizations. [Ord. 38-07 2/5/08]

HISTORICAL IDENTIFICATION SIGN. A sign which contains only historical information of general interest concerning the building or site upon which it is placed.

HOME SUBDIVISION. A parcel (or contiguous parcels) of a land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before May 8, 1978.

HONEST DESIGN CONSTRUCTION. Proper design of all work in its details, the uses of weather-resistant material, and the like, and applies also to advertising. Poorly designed work must always be discouraged.

HORIZONTAL ARTICULATION. Modulation of the scale of a building by stepping a portion of the structure either outward or inward from the predominant facade plane. (Ord. No. 08-24, § 5, 3-5-24)

HOTEL. A facility offering transient lodging accommodations to the general public (open to the public at large), usually at a daily rate. A hotel may also contain

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accessory uses as otherwise permitted within the underlying zone district. A hotel shall have an inner lobby through which seventy-five percent (75%), or more of all occupants must pass to gain access to their rooms. [Amd. Ord. 13-00 6/20/00]

IDENTIFICATION SIGN. A sign, indicating the name of the primary use. [Amd. Ord. 14-04 6/22/04]

ILLEGAL SIGN. A sign which does not meet the requirements of this code and which has not received legal nonconforming status. [Amd. Ord. 78-06 1/2/07]

ILLUMINATED SIGN. A sign with an internal or external artificial light source. [Amd. Ord. 14-04 6/22/04]

IMPROVEMENT. Any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalk, or other man-made object constituting a physical change or betterment of real property, or any part or portion of such change or betterment.

INCLUDES. Shall not limit a term to the specified examples, but is intended to extend its meanings to all other instances or circumstances of like kind or character.

INDEPENDENT TRUSTEE. A trustee, not affiliated with a commercial bank, providing any of the following trust services: as personal representative (executor) of estates; trustee of living and testamentary trusts; and as custodian of securities (Ord., passed 4-1-80)

INDUSTRIAL EQUIPMENT. Bulldozers, cranes, drag lines, derricks, tractors, and implements, heavy earth moving equipment, tar pots or boilers, and road grading equipment, normally used in farming or heavy construction activities.

IN-FILL DEVELOPMENT. The development of a single parcel having frontage on one street or two streets for a corner parcel, and is surrounded by buildings on two or more sides. [Amd. Ord. 02-08 2/19/08]; [Amd. Ord. 74-04 1/18/05]

INSTITUTIONAL USES. Shall mean a facility which provides intense around the clock treatment and/or testing such as: Hospitals, Treatment Centers, Rehabilitation Centers, Testing Facilities, Mental Health Treatment Facilities, and Non-Residential Licensed Service Provider Facilities. [Amd. Ord. 09-11 4/5/11]

IRRIGATION SYSTEM. A permanent, artificial watering system designed to transport and distribute water to plants.

KITCHEN. Any room containing any or all of the following equipment; dishwasher, large refrigerator, stove, microwave oven, counters for food preparation, and/or cabinets or shelves for the storage of food. However, a room containing a small refrigerator, a coffee pot or a wet bar shall not be considered a kitchen.

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LAND CLEARING. The removal or grubbing, by any means, of any type of vegetation from land. Land clearing also includes the removal of trees greater than 4 inches in caliper when measured at six (6) inches above grade. [Amd. Ord. 37-06 9/19/06]

LAND DEVELOPMENT APPLICATION. A request for any of the processes which are necessary to obtain development permission including, but not limited to, the processing of annexations, rezonings, conditional uses, site plans, landscaping plans, architectural elevations. [Amd. 3/26/91]

LANDSCAPE PLAN OF RECORD. The landscape plan approved by the City during the initial development proposal, or the most recent approved modification or revision of the approved plans. This plan shall govern the landscaping permitted and required on the site, and shall be maintained for the life of the project. [Amd. Ord. 37-06 9/19/06]

LAND SURVEYOR. A land surveyor registered under F.S. Chapter 472, who is in good standing with the Florida State Board of Engineers and Land Surveyors.

LANDSCAPE FEATURE. Any improvement or vegetation including, but not limited to: outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture, exterior lighting. LANDSCAPE FEATURES also include site improvements such as, but not limited to, subsurface alterations, site regrading, fill deposition, paving, and signs.

LANDSCAPING. Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as organic mulch, rocks or stones, walls, fences, or decorative paving materials).

LARGE FAMILY CHILD CARE HOME. An occupied residence in which custodial care is regularly provided for up to twelve children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. [Amd. Ord. 25-10 10/19/10]

LAUNDRY AND DRY CLEANING, SELF-SERVICE. A business rendering a retail service to individual customers by renting equipment, on-site, for the cleaning, drying, and washing of laundry.

LEGACY PROPERTY. A parcel of land defined by metes and bounds that has existed in its current configuration since October 1, 1990, that has been under the ownership of the same family for a minimum of 30 years. This status shall expire if the

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property is sold or otherwise transferred to an individual who is not a lineal descendant, surviving spouse, qualified domestic partner, or collateral heir. (Ord. No. 10-26, § 8, 2-24-26)

LICENSED SIGN ELECTRICIAN. A person who possesses the necessary qualifications, training, and technical knowledge to plan, build lay out, and supervise the installation of all types of electrical signs.

LIMITED INDOOR DINING ESTABLISHMENT. A restaurant or retail establishment where food or beverages are prepared, processed, or assembled for customers to consume on or off site, with no more than eight seats provided indoors. These establishments shall meet Florida statutory and regulatory requirements for a food service license. (Ord. No. 20-24, § 4, 11-4-24)

LINER BUILDING. A building, minimum twenty foot (20') in depth, taken from the building frontage line to the rear of the building, with a storefront or a nonresidential use along the street. These buildings also are used to hide the ground floor of parking garages or blank building walls, restore gaps in the streetscape between buildings, or create new mixed-use spaces in small increments of development. When done in continuous sections, these buildings can provide continuous street frontages. Typically, a liner building footprint is not deeper than one row of parking spaces. [Amd. Ord. 21-04 5/4/04]

LIVE/WORK UNIT. A residential dwelling unit that includes flex space which may be used for an approved non-residential use. [Amd. Ord. 23-10 10/5/10]; [Amd. Ord. 21-04 5/4/04]

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to vehicles when required off-street parking spaces are filled. Required OFF-STREET LOADING SPACE is not to be included as off-street parking space in the computation of required off-street parking space.

LOCAL REGISTER OF HISTORIC PLACES. A listing and a means by which to identify, classify, and recognize various archaeological sites, buildings, structures, improvements, districts, and appurtenances as historically and/or architecturally significant.

LOGGIA. An arcade that is roofed but open along the front or side of a building, and often on an upper level [Amd. Ord. 21-04 5/4/04]

LOGO. A symbol bearing the name or initials of a company or business.

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LOT. A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and provide the required setbacks and other open space as are herein required. A lot shall have frontage on an improved public street or on an approved private street. LOT includes the words plot or parcel.

LOT CORNER. A lot located at the intersection of two or more streets.

LOT DEPTH. The distance from the midpoint of the front lot line to the midpoint of the opposite main real line of the lot.

LOT DOUBLE FRONTAGE. A lot other than a corner lot having frontage on two non-intersecting streets.

LOT FRONT. The front of a lot is the side with frontage on a street. For corner lots, the side having the least street frontage shall be the front for setback purposes. Where a corner lot or through lot has frontage on an arterial or collector street, the front shall be the side with frontage on the arterial or collector. For lots with frontage on both an arterial and a collector, the front shall be the arterial frontage. Notwithstanding the previous description, if a limited access easement or limited access right-of-way runs the length of the frontage on a street, then the front of the lot shall be on a frontage without such access restrictions. [Amd. Ord. 43-98 11/3/98]

LOT INTERIOR. A lot other than a corner lot with frontage on one street only.

LOT OF RECORD. A lot that is 1) part of a subdivision recorded in the office of the Clerk of the Circuit Court of Palm Beach County, Florida; or 2) a parcel of land defined by metes and bounds that has existed in its current configuration since October 1, 1990. Whenever a portion of an existing lot of record is replatted, that portion of the lot on the original plat that has not been replatted and included in the new plat shall not be considered a lot of record and shall not be presumed to satisfy the definition of Lot in the LDR or in F.S. 177.031. (Ord. No. 10-26, § 8, 2-24-26)

LOT THROUGH. A lot other than a corner lot with frontage on more than one street. Through lots are also referred to as double frontage lots.

LOT WIDTH. The distance between the side lines of the lot measured at right angles to the depth at a point being at the front setback line.

LOWEST FLOOR. See Section 10.2.2. [Amd. Ord. 38-05 6/21/05]

MAJOR STRUCTURE. Residential buildings including mobile homes, commercial, institutional, industrial and other construction having the potential for substantial impact on coastal zones.

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MAJOR SUBDIVISION. Any subdivision of land that creates new lots that are dependent upon the extension of new public or private infrastructure, such as streets or utilities, or establishes common open space areas or facilities. [Amd. 3/26/91] (Ord. No. 24-25, § 12, 1-6-26)

MANGROVE STAND. An assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

MANSARD. A roof with a pitch greater than eight inches vertically for every 12 inches horizontally and which is attached to the side of a building for decorative purposes.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MARGINAL ACCESS STREET. A street which is parallel and adjacent to another street, the principal purpose of "Marginal Access Streets" being the reduction or elimination of the number of traffic conflicts caused by direct access points to abutting property from the other street, and the improvement of capacity, safety, and reduction of accidents thereby.

MARIJUANA. All parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or seed or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in § 499.0295, F.S., including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined in § 381.986, F.S. Marijuana includes any strain of marijuana or cannabis, in any form, that is authorized by State law to be dispensed or sold in the State of Florida. Also referred to as "medical marijuana." (Ord. No. 34-17, § 3, 9-26-17)

MARINA. A facility with dockage for multiple vessels associated with a commercial, multi-family, or public use, with or without a fueling station and power. (Ord. No. 06-26, § 8, 1-20-26)

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MARQUEE SIGN. A sign attached to or supported by a marquee structure, which is a permanent roof-like structure or canopy extending from the façade of the building. [Amd. Ord. 14-04 6/22/04]

MEAN HIGH WATER LINE. The intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period.

MEAN SEA LEVEL. The average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the flood plain. The term is synonymous with National Geodetic Vertical Datum (NGVD).

MEDICAL CLINIC. An establishment where patients, not lodged overnight except for emergency treatment and observation, including out-patient surgery, are admitted for examination and treatment by one or more persons practicing any form of healing or medical health services. Such persons may be chiropractors, dentist, naturopaths, opticians, optometrists, psychologist, surgeons, or any other medical profession, the practice of which is lawful in the state. [Amd. Ord. 09-10 7/20/10]

MEDICAL LABORATORY. An establishment whose primary role is the collection and/or testing of medical samples obtained from a medical office or on-site sampling of patients. [Amd. Ord. 09-10 7/20/10]

MEDICAL MARIJUANA TREATMENT CENTER (MMTC)— DISPENSING FACILITY. A retail establishment, licensed by the Florida Department of Health as a "dispensing organization," "dispensing organization facility," or similar use, that sells and dispenses marijuana, products containing marijuana, or related supplies, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana, marijuana products, or related supplies, and does not allow on-site consumption of marijuana or marijuana products. (Ord. No. 34-17, § 3, 9-26-17)

MEDICAL OFFICE. Shall mean an office providing services to the public by physicians, dentists, surgeons, chiropractors, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists, (who are also known as health care practitioners) or others who are duly licensed to practice their respective professions in the State of Florida, as well as others, including but not limited to technicians and assistants, who are acting under the supervision and control of a licensed health care practitioner. Also included in this section shall be all providers or facilities licensed under Fla. Stat. Sections 397.311 (25)(a)3., "Day or Night Treatment", 397.311(25)(a)6, "Intensive Outpatient Treatment" and 397.311(25)(a)8,

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"Outpatient Treatment" and 397.311(25)(a)9., "Residential Treatment Levels 1 and 2 only as defined by F.A.C. 65D-30.007, as amended from time to time. [Amd. Ord. 11-11 4/5/11]; [Amd. Ord. 09-10 7/20/10]; [Amd. Ord. 50-09 10/20/09]; (Ord. No. 02-17, § 2, 1-24-17)

MENU BOARD SIGN. A changeable copy sign for displaying a menu selection and pricing of the items for sale. [Amd. Ord. 14-04 6/22/04]

MERCHANDISE MART. A market where groups of retailers sell goods at discounted, warehouse, or cost prices. [Amd. Ord. 51-92 10/27/92]

METAL CURTAIN WALL. An exterior building wall which carries no roof or floor loads and consists entirely or principally of metal, or a combination of metal and glass, and other surfacing materials supported by a metal framework. [Amd. Ord. 21-04 5/4/04]

MINOR STRUCTURE. Pile-supported, elevated dune, and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls, sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

MINOR SUBDIVISION. Any subdivision of land that creates lots that front an existing public or private street(s), and does not require the extension of new infrastructure, such as streets or utilities, and does not establish common open space areas or facilities. [Amd. 3/26/91] (Ord. No. 24-25, § 12, 1-6-26)

MOBILE HOME. A single-family dwelling unit designed for long-term occupancy, with plumbing and electrical connections provided for attachment to outside systems. A mobile home is transported to the site after fabrication, affixed to a foundation, and connected to utilities.

MOBILE HOME. Manufactured housing which conforms to the Federal Manufactured Housing Construction and Safety Standards or the Uniform Standards Code ANSI A-119.1 pursuant to _____.

MONOPOLE TOWER. A telecommunication tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors. [Amd. Ord. 21-97 6/3/97]

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MONUMENT SIGN. A freestanding low profile sign with the sign area at the top of a solid base. [Amd. Ord. 14-04 6/22/04]

MOORING STRUCTURE. A dock, floating dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or similar structure to which a vessel can be moored. (Ord. No. 06-26, § 8, 1-20-26)

MOTEL. A facility offering transient lodging accommodations to the general public (open to the public at large), usually at a daily rate, with more than twenty-five percent (25%) of the rooms having individual entrances from outside the building. No provisions may be made for cooking in any individual room. Motels may have one (1) or more dining rooms, restaurants or cafes as accessory uses. [Amd. Ord. 13-00 6/20/00]

MULCH. Non-living organic and/or synthetic materials customarily used in landscape design to retard erosion and retain moisture, stabilize soil temperatures and reduce weed growth. Inorganic materials such as rocks and pebbles are not considered to be mulch materials. The use of plastic under mulch is discouraged as it reduces groundwater discharge.

MURAL. An original, one-of-a-kind unique mosaic, painting, or graphic art or combination thereof (including collage effects) that is professionally applied to aesthetically enhance the exterior of a building or accessory structure such as a dumpster enclosure, fence, or site wall, that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message. (Ord. No. 22-20, § 6, 8-26-20)

NAMEPLATE SIGN. A non-electric, on-premise identification sign giving only the name, address and/or occupation of the occupants. [Amd. Ord. 14-04 6/22/04]

NATIONAL GEODETIC VERTICAL DATUM (NGVD). A geodetic datum established by the National Ocean Service and frequently referred to as the 1929 Mean Sea Level Datum. The 1929 correction of the vertical control reference used for establishing varying elevations within the flood plain.

NATIONAL REGISTER OF HISTORIC PLACES. A federal listing maintained by the United States Department of the Interior of buildings, structures, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

NATURAL RESOURCE UTILITY. A use which derives a primarily retail product directly from an extractive material, the atmosphere, or a naturally flowing fluid medium and which does not emit noxious fumes, glare, or noise not commonly expected or associated with the other uses surrounding the use.

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NATIVE PLANT COMMUNITY. Associations of native plants which are found in areas with similar soil types and fertility, water availability, and climate, which result in a balanced and self-sustaining system. [Amd. Ord. 37-06 9/19/06]

NEIGHBORHOOD ELECTRIC VEHICLE (NEV). Any four-wheeled electric vehicle whose top speed is not greater than 25 miles per hour and a maximum load of 3,000 lbs., pursuant to the National Highway Traffic Safety Administration definition in 63 Federal Register 33913 published on June 17, 1998, and subject to the safety standards in 49 Code of Federal Regulations Section 571.500 and Section 316.2122, Florida Statutes, all as may be amended from time to time. (Ord. No. 36-16, § 13, 1-10-17)

NET FLOOR AREA. The total floor area of a building, measured from the finished interior wall surface of the outer building walls, excluding major vertical penetrations of the floor (elevator and other mechanical shafts, stair wells), mechanical equipment, parking areas, common restrooms, common lobbies, and common hallways. Storage area is included in the net square feet calculation unless it is demonstrated that it cannot be converted to habitable space. [Amd. Ord. 01-09 1/20/09]

NEW DEVELOPMENT. The construction of a building or buildings or other improvement(s) on vacant property or a new stand alone building on a developed property, excluding in-fill development. [Amd. Ord. 74-04 1/18/05]

NEW MANUFACTURED HOME PARK OR NEW MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after May 8, 1978.

NON-COMMERCIAL SIGN. A temporary sign erected for purposes other than advertising a commercial business. [Amd. Ord. 78-06 1/2/07]

NONCONFORMING LOT. A parcel of land that does not comply with the minimum lot standards of the zoning districts. (Ord. No. 10-26, § 8, 2-24-26)

NONCONFORMING LOT OF RECORD. A Lot of Record that was lawfully created but does not comply with the minimum lot standards of the zoning district. (Ord. No. 10-26, § 8, 2-24-26)

NONCONFORMING USE. Any building or land lawfully occupied by a use at the effective date of an ordinance, or amendment thereto, which does not conform after the passage of the ordinance, or amendment, with the use requirements of the district in which it is situated. [Amd. 3/26/91]

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NONCONFORMING SIGN. A sign which was erected legally but no longer complies with the current sign code regulations. [Amd. Ord. 14-04 6/22/04]

NON-CONTRIBUTING STRUCTURE. (Also referred to as a Non-historic Structure): A structure which does not add to the historic architectural qualities, historic associations, or archaeological values for which a district is significant because it was not present during the period of significance of the district, due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or it does not independently meet the National Register of Historic Places criteria for evaluation. [Ord. 38-07 2/5/08]

NONHABITABLE MAJOR STRUCTURE. Swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention struc-

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tures; water and sewage treatment plants; electrical power plants, transmission and distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

NONPERMANENT RESIDENCE. Occupancy of a structure by a person or persons other than as a permanent resident.

NON-RESIDENTIAL LICENSED SERVICE PROVIDER. Shall mean a provider or facility licensed under Fla. Stat. Sections 397.311(25)(a)1., "Addictions Receiving Facility", 397.311(25)(a)4., "Detoxification; 397.311(25)(a) 5., "Intensive Inpatient Treatment"; and 397.311(25)(a)7., "Medication Assisted Treatment for Opiate Addiction", as amended from time to time. [Amd. Ord. 10-11, 4/5/11; Amd. Ord. 4-04, 2/3/04; Amd. Ord. 35-00, 1/2/01] (Ord. No. 02-17, § 2, 1-24-17)

NURSING HOME. Any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. [Amd. Ord. 20-08 4/15/08]

NUDITY. Means the exposing to public view of the human male or female genitals, pubic area, cleavage of the human buttocks, or that portion of the human female breast encompassed within an area following below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). [Amd. 11/13/90]

OFFICE OF THE RECORDER. The recorder of deeds of the county.

OFFICIAL ZONING MAP. The official map upon which the boundaries of each zoning district are designated and established as approved and adopted by the Commission, and made a part of the official public records of the City. The map shall be the final authority as to the present zoning status of buildings, land, water areas, and other structures within the city.

OFF-PREMISE SIGN. A sign advertising a business which is not located on the property where the sign is located. [Amd. Ord. 14-04 6/22/04]

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ONE-HUNDRED-YEAR STORM OR 100-YEAR STORM. A shore incident hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one percent chance of being equaled or exceeded in any given year, during any 100-year interval.

OPEN SPACE. All areas of natural plant communities or areas replanted with vegetation after construction, such as: revegetated natural areas; tree, shrub, hedge or ground cover planting areas; and lawns. Water bodies and artificial turf areas cannot be used to calculate open space areas. (Ord. No. 11-23, § 4, 9-5-23)

OPEN SPACE, CIVIC. An outdoor space that is maintained as an urban amenity and is accessible to the general public. Civic open spaces may be constructed and maintained by government agencies but are usually constructed by landowners when they build on the property (see Section 4.4.13(G)). Civic open spaces typically take the form of a green, a plaza, a playground, or a square. [Amd. Ord. 03-15 02/24/2015]

OPEN SPACE, COMMON. Any open spaces under common ownership and control.

ORDINARY MAINTENANCE OR REPAIR. Any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement or any part thereof, by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

OXFORD HOUSE. A self-governed community residence for people in recovery that is part of Oxford House, Inc. An Oxford House places no time limit on residency, operates as a democratic system and utilizes self-support to pay all the household expenses. Sanctioned by Congress, each Oxford House is operated in accord with the Oxford House Manual® and is subject to annual inspections which serve as the functional equivalent of the certification or licensing of community residences required by these Land Development Regulations. (Ord. No. 25-17, § 36, 7-18-17)

OWNER. When used in relation to a motor vehicle the term shall mean the individual or firm to which the vehicle is registered, and whose name appears on the motor vehicle certificate of title. This shall include, if under lease, rental agreement, or on loan under any type of arrangement, gratuitous, or otherwise, the individual or firm having possession or control of the vehicle. When used in relation to private property in a residential district, the term shall mean the recorded owner of the property appearing in the records of Palm Beach County, Florida. This shall include if under lease, rental, agreement for deed, or similar land contract, the person or persons having possession and control of the premises.

APPENDIX A—DEFINITIONS

PAINTED WALL SIGN. A sign applied with paint or similar substance on the face of a wall. [Amd. Ord. 14-04 6/22/04]

PANEL ANTENNA. An array of antennas designed to concentrate a radio signal in a particular area. [Amd. Ord. 21-97 6/3/97]

PARAPET. A wall extension above the roof line designed to screen flat roofs and rooftop appurtenances. (Ord. No. 02-21, § 5, 3-2-21)

PARKING AREA. The total area devoted to the parking and maneuvering of vehicles.

PARKING GARAGE, AUTOMATED. A parking facility using mechanical equipment to autonomously hoist individual vehicles from receiving areas to multi-level storage areas within the same structure. (Ord. No. 31-18, § 4, 1-15-19)

PARKING LOT. An open area which is used for the parking of automobiles.

PARKING SPACE. A surface area, enclosed or unenclosed, which is sufficient in size to park one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

PARTIAL NUDITY. Means the exposing to public view of the human male or female cleavage of the human buttocks or that portion of the human female breast encompassed with an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple) with less than a full opaque covering; or the depiction of covered human male genitals in a discernibly turgid state. [Amd. 11/13/90]

PERIMETER. The whole outer boundary of any structure designated as a sign.

PERMANENT RESIDENCE. Occupancy of a structure by a person, or persons, who declares the structure is his/her permanent residence of record; or who is temporarily having such occupancy while gainfully employed or seeking employment within the community, attending school within the community, or who habitually occupies the same dwelling periodically and recurrently. For zoning and land use purposes, the term also applies to habitation of a structure by its fee simple owner for any period of time.

PERSONAL SERVICE PROVIDERS. (Beauty Salons, Spas, etc.) Commercial establishments providing personal services varying in range and scope including but not limited to hairstyling, manicuring, pedicures, facials, massages, etc. [Amd. Ord. 48-06 9/19/06]

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PET HOTEL. A place of business that provides both daily and overnight boarding accommodations for domestic animals. (Ord. No. 17-21, § 15, 10-19-21)

PET SERVICES. A place of business that provides temporary care and services for domestic animals such as grooming, bathing, training, and daytime boarding. (Ord. No. 17-21, § 15, 10-19-21)

PHARMACY. Shall mean a retail establishment primarily offering goods for retail sale and on-site dispensing of prescription drugs, nonprescription drugs or both. A retail pharmacy may also offer accessory services such as photo processing, eyeglass care, etc. No more than 15% of the total number of prescriptions sold within a thirty (30) day period can be derived from the sale of Schedule II controlled substances as listed in Florida Statute 893.03, as determined by an audit/information obtained from an entity that has jurisdiction to request and review such information. All pharmacies shall be staffed by a state licensed pharmacist. [Amd. Ord. 27-10 9/21/10]; [Amd. Ord. 50-09 10/20/09]

PICKUP TRUCK. Any motor vehicle designed primarily for the transportation of property within a permanently attached open cargo box and having a carrying capacity of $\frac{3}{4}$ ton or less.

PILING. A single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or a guide for watercraft but not used as a channel marker or as a dock piling. (Ord. No. 06-26, § 8, 1-20-26)

PLACE OF WORSHIP. A building, structure, or space used by a religious group primarily or exclusively for religious worship and related religious services. A Place of Worship may include accessory building, including, but not limited to, social gathering spaces, administrative offices, classrooms, and playground facilities.

PLANT SPECIES, CONTROLLED. Those plant species which tend to become nuisances because of their undesirable growth habits, but which, if property cultivated, may be useful or functional elements of landscape design.

PLANT SPECIES, PROHIBITED. Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

PLAT. A delineated representation of the subdivision of lands, or a single lot, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable Florida Statutes and local ordinances. (Ord. No. 24-25, § 12, 1-6-26)

APPENDIX A—DEFINITIONS

POCKET PARK. A park that is less than one-half acre in size, and which may include benches, limited playground equipment, and similar amenities intended primarily for use by residents of the surrounding neighborhood. [Amd. Ord. 8-00 4/4/00]

POLE SIGN. A freestanding sign that has the sign area at the top of a pole. [Amd. Ord. 14-04 6/22/04]

POOL HOUSE. A permanent, detached accessory structure located in close proximity to a swimming pool, not intended to function as a dwelling unit or guest quarter, providing a bathroom, changing area, or storage. (Ord. No. 22-22, § 9, 10-11-22)

PORCH. A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes. [Amd. Ord. 7-05 2/15/05]

PORTABLE SIGN. Any sign designed to be easily moved, such as a sidewalk or sandwich boards sign, and is not permanently affixed to the ground or to a building. [Amd. Ord. 14-04 6/22/04]

POTABLE WATER. Water of quality satisfactory for drinking, culinary, and domestic purposes.

PREVENTION EDUCATION SERVICE PROVIDER. Shall mean a service provider or facility licensed under Chapter 397, Fla. Stat. for the sole purpose of providing Prevention Education Services as defined in 397.311(18)(g), Fla. Stat. aimed at precluding, forestalling, or impeding the development of substance abuse problems in order to promote responsible personal and social growth of individuals and families toward full human potential. [Amd. Ord. 48-05 7/19/05]

PRINCIPAL BUILDING. A building which houses the main use or activity occurring on a lot or parcel of ground.

APPENDIX A—DEFINITIONS

PRIVATE STREET. Any street which has not been dedicated for public use and not accepted for ownership and maintenance by the City.

PROFESSIONAL OFFICES. A business that offers services to the public by those vocations in which professed attainments in special knowledge are practiced, as distinguished from mere skills, and shall be limited to those professions so classified by the Laws of Florida, and which are conducted as professions and not as a trade or other business, such as attorneys, engineers, architects, and other similarly licensed professionals. PROFESSIONAL OFFICES do not include offices for the treatment of animals on the premises. This definition does not include a Medical Office. [Amd. Ord. 09-10 7/20/10]; [Amd. Ord. 50-09 10/20/09]

PROGRAMMED PUBLIC PARKING FACILITY. A parking lot or parking structure that has been identified in the City's Comprehensive Plan and/or as a potential site in the City's Parking Master Plan, which will be constructed or owned by a governmental entity or a partnership that includes a governmental entity, which provides parking for the general public. [Amd. Ord. 09-10 7/20/10]; [Amd. Ord. 79-05 1/3/06]

PROJECTING SIGN. A sign which is attached at a right angle to the outside wall of the building. [Amd. Ord. 14-04 6/22/04]

PROPER DESIGN CONCEPTS. Architectural planning and the analysis of the whole structure in terms of form and function as it relates to aesthetics and composition, color, materials, and surface decoration. It includes scale in relationship to scale of adjacent buildings and landscape. It applies to inner character of the individual project. It applies in the same manner to alterations and advertising on the project (building). No one will be permitted the excuse that the area contains other unsightly buildings.

PROPORTION. The relation of one portion to another, or to the whole, or of one thing to another, as respects to magnitude, quantity or degree, and ratio.

PROTECTED TREE. Any tree, other than nuisance trees, as defined in this section, with a minimum trunk diameter of four (4) inches, measured at six inches above grade. [Amd. Ord. 37-06 9/19/06]

PROTECTIVE BARRIER. Fencing used to separate protected trees from other activities on a construction site. The barrier must extend to the drip line of the tree and these areas shall remain free of vehicular traffic and stockpiling of materials. [Amd. Ord. 37-06 9/19/06]

PUBLIC ART. Means artwork or works of art including, but not limited to sculptures, integrated architectural or landscape architectural work, community art, digital

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media installations, or murals, that are: located in the public right-of-way; on City owned property; located on structures that are located in the public right-of-way or on City owned property; or located on private property and funded by the City. [Amd. Ord. 77-04 2/1/05] (Ord. No. 22-20, § 6, 8-26-20)

PUBLIC PARKING FACILITY. A parking lot or parking structure/garage that is owned by a governmental agency or a partnership that includes a governmental entity, which provides parking for the general public. [Amd. Ord. 79-05 1/3/06]

PUBLIC PLAZA. A portion of land which is available to the public for respite, civic or assembly uses. Seating or dining area for a tenant shall not be counted as part of the public plaza. Public plazas must have a minimum size of 150 square feet in area and a minimum length or width of ten feet (10') may and may include impervious surfaces such as concrete, pavers, brick, or other decorative surface treatment. [Amd. Ord. 21-04 5/4/04]

PUBLIC STREET. Any street which is dedicated to the public use and accepted for ownership and maintenance by the city.

PUBLIC WATER SUPPLY SYSTEM. Any system for the provision to the public of piped water for human consumption if the system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

REAL ESTATE SIGN. Any temporary sign advertising the real estate where the sign is placed, stating as being for sale, rent or lease. [Amd. Ord. 14-04 6/22/04]

REAL PROPERTY. The portion of land or buildings contained in a legal description setting forth the boundaries of the property and legally acknowledged under the laws of the state and county.

RECREATIONAL VEHICLE. An automobile, bus, camp-car, pick-up camper, trailer, or other vehicle with or without motive power, designed and constructed to travel on public thoroughfares without special permit in accordance with the provisions of the Vehicle Code of the State of Florida.

REMOVAL OF A TREE OR TREE REMOVAL. Shall mean either removing a tree from the ground in which it grew or effectively removing a tree through damaging the trunk, topping, damaging, or removing major roots, limbs, or removing sufficient canopy which results in the decline or death of the tree, or becomes a hazard to public safety and actually must be removed. [Amd. Ord. 37-06 9/19/06]

RENTAL UNIT. A dwelling or dwelling unit occupied by a tenant.

APPENDIX A—DEFINITIONS

REPLAT. A change in a map of an approved or recorded subdivision plat.

RESIDENT, ABUSED SPOUSE. Shall mean an abused spouse and the minor or dependent children of an abused spouse.

RESIDENTIAL DISTRICTS. All R-1AAA, R-1AAA-B, R-1AA, R-1AA-B, R-1-A, R-1A-B, RL, RM, PRD, A, RR, and MH zoning districts. [Amd. Ord. 24-02 7/16/02]

RESIDENTIAL STREET. A street conveying traffic from private residence to collector streets. Also known as a local street.

RESIDENTIAL-TYPE INNS. A facility offering transient lodging accommodations on a daily, weekly, or monthly rate to the general public (open to the public at large). It may consist of one building which contains the principal and accessory uses, or groups of buildings. Suites may or may not include kitchens or kitchenettes. Accommodations may be comprised entirely of suites, or may include a combination of single rooms and suites. The facility may also contain accessory uses as otherwise permitted in the applicable zoning district. [Amd. Ord. 13-00 6/20/00]; [Amd. Ord. 9-98 2/17/98]

RESORT. A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation, such as golf, tennis, health spas, etc. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. [Amd. Ord. 13-00 6/20/00]

RESORT DWELLING UNIT. A dwelling unit as defined herein modified as follows: a unit for which the exclusive right of use has been segmented over time so that the owners, lessees, or holders of such exclusive use rights have a periodically recurring right of use (to either that unit or another unit in the same development) according to a predetermined fixed schedule, and only if the schedule would permit in any one year a change or turnover of occupancy five or more times.

RESTAURANT (BONA FIDE). [Amd. Ord. 42-05 6/21/05]

(a) A bona fide restaurant shall mean an establishment engaged primarily in the service of food where the sale or service of alcoholic beverages is incidental to the sale and service of food. A cafeteria or fast food establishment shall be deemed a bona fide restaurant for the purposes of zoning classification. All other establishments must meet the following criteria:

1. A bona fide restaurant must, during all hours of operation, continually offer food service consisting of full course meals;
 - a. Full course meals shall include a salad or vegetable, entrée and dessert.

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2. A bona fide restaurant must have full kitchen facilities, which are located in a completely enclosed room, under roof of the main structure, or in an interior court and food preparation staff capable of preparing and serving full course meals during all hours of operation.
3. A bona fide restaurant must have a customer service area consisting of tables, chairs or customer counters. The tables or customer counters within the customer service area must be of adequate size to accommodate the service of full course meals.
4. In order for tables, chairs or customer counters to be included in the customer service area, the service of full course meals must be available at each seat or chair at each table or customer counter in accordance with the following:
 - a. The total number of seats or chairs at the tables, customer counters and bars within the customer service area must be sufficient to accommodate the maximum occupant load of the restaurant;
 - b. The full occupant load shall be determined in accordance with the provisions of the standard Florida Building Code or its successor code.
5. A bona fide restaurant must have the appropriate license issued by the state as well as all municipal or county permits required by law, and must meet all local zoning requirements.

RETAIL TOBACCO OR NICOTINE PRODUCTS DEALER. A licensee of the Florida Department of Business and Professional Regulations authorized to engage in the retail sale of tobacco products and nicotine products to consumers. (Ord. No. 04-25, § 5, 6-17-25)

RIGHT-OF-WAY. A strip of land dedicated or deeded to the perpetual use of the public.

RIGHT-OF-WAY LINE. The outside boundary of a right-of-way whether such right-of-way be established by usage, dedication, or by official right-of-way map.

ROADWAY BANNER. A temporary sign that is constructed with a standard vinyl awning material that drapes above the roadway, attached to City installed poles on both sides of the road. [Amd. Ord. 14-04 6/22/04]

ROOF EAVE. In pitched roofs, the eave is the lower edge of the roof which projects beyond the face of the wall. In flat roofs, the eave is the cantilevered portion of the roof which projects beyond the face of the wall. (Ord. No. 28-15, § 10, 12-8-15)

APPENDIX A—DEFINITIONS

ROOF SIGN. A sign or any portion of a sign which is located on the roof or top of the building or which projects above the roof eave of a gable or hip roof or above the top of a parapet, tower, or any other architectural feature. (Ord. No. 22-18, § 4, 11-27-18)

ROOFTOP APPURTENANCES. Structures and equipment, or other features necessary to operate and maintain the building, not intended for human occupancy, and required to be placed on or extended above the roof such as chimneys, elevator equipment, air-conditioning units, spiral stairs, tanks, ventilating fans, skylights, flagpoles, photovoltaic cells or solar panels, wireless masts, and television antennae. (Ord. No. 02-21, § 5, 3-2-21)

ROOFTOP GARDENS. A garden located on the roof of a building that is used for the commercial and/or private production of fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants. (Ord. No. 07-17, § 17, 5-16-17)

ROOFTOP TERRACE. An open-air space on a roof that accommodates access and use by the building occupants. (Ord. No. 02-21, § 5, 3-2-21)

ROOT BARRIER. A barrier placed between a tree's roots and adjacent sidewalks, utilities, pavement, or any other improvement, which is installed with the express purpose of providing protection from the invasion of the tree's roots into that improvement. [Amd. Ord. 37-06 9/19/06]

SAND DUNES. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SCALE. The character of any architectural work is determined both in its internal space and in its external volume by the fundamental factor of scale, the relation between the dimensions of man.

SCHOOL GARDENS. Garden plots that are owned by or used exclusively by a public or private school and are used exclusively for educational or on site consumption purposes to teach students about the production of produce fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants. (Ord. No. 07-17, § 17, 5-16-17)

APPENDIX A—DEFINITIONS

SCREENED ENCLOSURE. A framed structure completely covered with open mesh screening only. Such enclosure shall not have any type of opaque or transparent roof or sides such as glass or similar materials.

SCREENING (CONCEALING). A structure of metal, masonry, wood, landscape planting, or other suitable opaque material, for the purpose of totally concealing from view those areas so screened.

SECONDHAND MATERIAL. Objects and clothing of the modern period that have been previously used or worn. [Amd. Ord. 44-98 10/20/98]

SEASONAL HIGH-WATER LINE. The line formed by the intersection of the rising shore and the elevation of 150% of the local mean tide range above mean high water.

SELF-SERVICE STORAGE FACILITY (SSSF). An individual building or group of buildings arranged in such a fashion to create a compound like structure, which contain varying sizes of individual self-contained storage units or bays, rented or leased for the express purpose of the dead storage of a tenant's goods or wares. [Amd. Ord. 52-97 1/6/98]

SELF-SUPPORT/LATTICE TOWER. A telecommunication tower that is constructed without guy wires and ground anchors. [Amd. Ord. 21-97 6/3/97]

SENIOR HOUSING. A facility which is owned or operated by a public or nonprofit agency, offering affordable housing for a period exceeding 24 hours, accommodating between 6 and 30 residents 60 years of age or older unrelated to the owner or administrator by blood or marriage, excluding the on-site property manager. The facility shall not offer food, medical, or personal services to the residents. [Amd. Ord. 39-05 6/21/05]

SETBACK. The horizontal distance between a building and the boundary lines of the lot, or the boundary lines of a building site joined by a Unity of Title, where no building, structure, or portion thereof shall be allowed, except as provided in Section 4.3.4(H)(4). Setbacks shall be measured from the right-of-way line for public streets, and from the access easement line for private streets.

SHADE TREE. A tree which can develop a large canopy and provide shade and reduce the effects of heat and light, which can help moderate the temperature through the cooling effects of evapotranspiration. [Amd. Ord. 37-06 9/19/06]

SHOPPING CENTER. A group of commercial predominately retail or service establishments planned, developed, managed, and operated as a unit and which utilize a common parking area.

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SHRUB. A self supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base.

SIDEWALK OR SANDWICH SIGN. A movable sign not secured or attached to the ground.

SIGN. Any device, structure or fixture using graphics, symbols or written copy designed to advertise, or identify an establishment, product, goods or services. [Amd. Ord. 63-04 11/16/04] [Amd. Ord. 14-04 6/22/04]

SIGN AREA. The sign area shall be the area of a rectangle enclosing all lettering, illustrations, ornamentation and logos which form an integral part of the display, or differentiates the display area from the background on which it is placed. [Amd. Ord. 78-06 1/2/07]; [Amd. Ord. 14-04 6/22/04]

SIMULATED GAMBLING DEVICE. Means any mechanical or electrical device, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other equipment upon connection with or the insertion of, swiping, passing in range, or any other technical means of physically or electromagnetically connecting to a coin, bill, ticket, token, card, or similar object, including entering a password obtained directly or indirectly through payment of consideration or obtained as a bonus or supplement to another transaction involving the payment of consideration, which makes the device available to play (by skill, chance, or both) or operate a computer or video simulation of any game such as slot machines, bingo, poker, keno, craps, or any other type of game ordinarily played in a casino, including a game involving the display of the results of a raffle, sweepstakes, drawing, contest, lottery, or other promotion, and which may deliver or entitle the person or persons playing or operating the device to a payoff of cash, money, or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or merchandise, or any other thing of value, whether made automatically from the machine or manually. [Amd. Ord. 48-11 1/3/12]

SINGLE PURPOSE SPECIALTY RETAIL SALES. A retail establishment specializing in a specific market such as a bath shop, book store, florist, gift shop, hobby shop, kitchen shop, dress shop and boutique.

SITE AND DEVELOPMENT PLAN. A graphic and informative representation of a specific design solution for an entire project or development phase thereof.

SITE SPECIFIC PLANTING. The selection of plant material that is particularly well suited to withstand the physical growing conditions which are normal for that location

APPENDIX A—DEFINITIONS

SLOPED PARAPET. Means an angled false front or wall extension above the roof line. [Amd. Ord. 2-06 1/17/06]

SLOT MACHINE. Means a coin-operated amusement device allowable pursuant to law that pays off according to the matching of symbols on wheels spun by a handle or by a push button. [Amd. Ord. 58-04 10/19/04]

SNIPESIGN. Any sign located in the public right-of-way or placed in the ground for commercial purposes, excluding garage sales, yard sales, homeowners and civic meeting signs. [Amd. Ord. 78-06 1/2/07]; [Amd. Ord. 14-04 6/22/04]

SPECIAL EVENT. SIGN A sign which announces a special event or function which is of general benefit to the community at large.

SPECIALTY FOOD STORE. A retail store specializing in a specific type or category of foods such as an appetizer store, bakery delicatessen, fish, gourmet and similar foods.

SPECIFIED ANATOMICAL AREAS. Specified anatomical areas shall include less than completely and opaquely covered human genitals and the pubic region; the opening between the human buttocks, i.e., the anal cleft; that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola; this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed; or human male genitals in a discernibly turgid state, even if completely and opaquely covered. [Amd. Ord. 37-07 9/18/07]

SPECIFIED SEXUAL ACTIVITIES. Specified sexual activities shall include human genitals in a state of sexual stimulation, arousal or tumescence; or acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or excretory functions as part of or in connection with any of the activities set forth above [Amd. Ord. 37-07 9/18/07].

STAND ALONE BAR. Any licensed premises, including but not limited to, cocktail lounges, bars, nightclubs, dance clubs, piano bars and cigar bars, devoted during any time of operation predominantly or totally to serving alcoholic beverages, intoxicating beverages, or intoxicating liquors, or any combination thereof, for

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consumption on the licensed premises, in which the serving of food, if any, is merely incidental to the consumption of any such beverage; and the licensed premises is not located within, and does not share any common entryway or common indoor area with, any other enclosed indoor workplace, including any business for which the sale of food or any other product or service is more than an incidental source of gross revenue. A place of business constitutes a stand alone bar in which the service of food is merely incidental in accordance with this definition if the licensed premises derives no more than ten percent (10%) of its gross revenue from the sale of food consumed on the licensed premises. [Amd. Ord. 42-03 11/18/03]

START OF CONSTRUCTION. For other than new construction or substantial improvement under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date for building permit was issued, provided the actual start of construction is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs on footings, installation of piles, construction of columns, or any work beyond the slope of excavation or the placement of a manufactured home on a foundation — does not include land preparation, such as clearing, grading, filling — nor does it include installation of streets or walkways, the excavation for a basement, footing piers on foundation or the erection of temporary forms, the installation of the property's accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STATE MINIMUM BUILDING CODE. The building code adopted by a municipality or county pursuant to the requirements of the Florida Statute, Chapter 553, Section VII.

STEALTH FACILITY. Any telecommunication facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunication towers designed to look like light poles, power poles, or trees. [Amd. Ord. 21-97 6/3/97]

STEP-BACK. The horizontal shifting of the building massing inward from the predominate plane of the building facade. (Ord. No. 08-24, § 5, 3-5-24)

STORMWATER MANAGEMENT ASSESSMENTS. Non-ad valorem assessments imposed by the City pursuant to Chapter 56 and Section 403.0893, Florida Statutes, as amended and supplemented, on all developed property which is not non-assessed property, and on all unimproved land which is not non-assessed property, in the Benefited Area in relation to each such property's estimated contribution of stormwater runoff to the System and the benefit derived from the use of the

APPENDIX A—DEFINITIONS

facilities of the System, and the future improvements to be funded from Stormwater Management Assessments. Such Stormwater Management Assessment, shall include the pro rata cost of the operation and maintenance of the System, based on the same proportion of benefit assessed against each parcel within the Benefited Area. [Amd. 10/23/90]

STORY. The portion of a building included between the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Height as applied to a story implies the vertical distance from top to top of two successive finished floor surfaces.

STREET. A strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square or however otherwise designated. Streets are further classified according to the function they perform. [Amd. Ord. 21-04 5/4/04]

STREETWALL. A short freestanding wall or hedge located in line with building facades or front setbacks. [Amd. Ord. 03-15 02/24/2015]

STREET CENTERLINE. The line midway between the right-of-way lines.

STREET PRIVATE. Any street which has not been dedicated for public use and not accepted for ownership or maintenance by the City.

STREET PUBLIC. Any street which is dedicated to the public use and accepted for ownership or maintenance by the City.

STREET TREES. Trees or palms on land lying within public rights-of-way or easement(s). Within sub-divisions, street trees may be planted on private property abutting the street, if utilities or easements restrict placement in the right-of-way. A street tree planting plan is required with all residential subdivision plats. [Amd. Ord. 37-06 9/19/06]

STRUCTURE. A walled and roofed building that is principally above ground, as well as a manufactured home. or; anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

STUDIO. A type of dwelling unit, located within a multiple family dwelling and which consists of combined sleeping and living facilities for occupancy by permanent residents.

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SUBDIVISION. Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, or plots for the purpose of offer, sale, or development either on the installment plan or upon any and all other plans, terms, and conditions. The act "Subdivision" includes the division or development of residential and nonresidential zoned land, as well as the division of units, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. For purposes of this chapter, "Subdivision" includes condominiums, cooperatives, and rental units. "Subdivision" includes resubdividing as replats. [Amd. 3/26/91]

SUBDIVISION ENTRANCE SIGN. An entrance sign identifying the name of the subdivision or residential development. [Amd. Ord. 14-04 6/22/04]

SUBDIVISION PLAN. A plan for one or more parcels of land to establish the site design for the arrangement and configuration of new lots and general site improvements that include new public or private streets, the extension of new utilities or facilities, or shared areas including landscaping, etc. (Ord. No. 24-25, § 12, 1-6-26)

SUBSTANTIAL IMPROVEMENT. (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds a cumulative total of 50% of the market value of the structure either: (a) Before the repair or improvement is started; or (b) If the structure has been damaged and is being restored, before the damage occurred. (2) For the purpose of this definition, "SUBSTANTIAL IMPROVEMENT" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specification which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SUSTAINABILITY AND RESILIENCE FUND. A fund dedicated for green initiatives including but not limited to the following: education and training of City staff; education and outreach for the public; energy efficient improvements to municipally owned properties including weatherization, lighting upgrades, beating, ventilation and air conditioning upgrades; open space/green space improvements such as right-of-way tree plantings; pollution mitigation; drainage and sanitary sewer improvements; and other additional green initiatives as deemed appropriate by the Office of the City Manager. (Ord. No. 30-22, § 7, 11-1-22)

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SWIMMING POOLS. Any confined body of water, the top of which is no higher than grade level, exceeding 150 square feet in surface area, and two feet in depth, which is designed, used, or intended to be used for swimming or bathing purposes.

SWINGING SIGN. A flexible swinging sign hanging from the outside wall or walls of any building or any pole structure which is not rigidly affixed thereto.

SYSTEM. The City's unified Stormwater Management System, as more particularly described in Section 56.03(B). [Amd. 10/23/90]

TELECOMMUNICATION TOWER. A guyed, monopole, or self-support / lattice tower, constructed as a free-standing structure, containing one or more antennas used in the provision of personal wireless services. [Amd. Ord. 21-97 6/3/97]

TEMPORARY SIGN. Any sign erected for a limited time period not to exceed six (6) months. [Amd. Ord. 78-06 1/2/07]; [Amd. Ord. 14-04 6/22/04]

TENANT. A person who pays rent to occupy or use, but who acquires no interest, in land, a building, dwelling, or dwelling unit.

THRESHOLD BUILDING. (a) Is greater than three stories or 50 feet in height; (b) Has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

TIME SHARE UNIT. A type of ownership and use of a dwelling unit for which the exclusive right of use has been segmented over time so that the owners, lessees or holders of such exclusive use rights have a periodically recurring right of use (to either that unit or another unit in the same development) according to a predetermined fixed schedule, and only if the schedule would permit in any one year a change or turnover of occupancy five (5) or more times.

TOT LOT - PLAY LOT. A small area designed for the play of preschool-age children. It serves as a substitute for a backyard or family lot. Play lots are seldom provided by a City except in apartment house districts or in high density, underprivileged neighbors where other play opportunities are not available. Its size ranges from 1,500 to 8,000 square feet depending upon space available and number of children to be served. Features include swings, slides, sandboxes, benches, etc., and should be enclosed by a fence or hedge for safety. Children should not have to cross a major street to reach a play lot.

TOWING SERVICES AND ATTENDANT STORAGE FACILITIES. A business whose primary service is the towing and storage of motor vehicles, and does not include the

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

towing of motor vehicles incidental to an automobile repair facility. Motor vehicles meeting the definition of inoperable per 90.01 must be turned over to a licensed junkyard within 72 hours unless housed within an enclosed building.

TOWNHOUSE. A building or structure designed for or occupied by no more than one family or household, and attached to at least two or more similar buildings or structures by not more than two party walls extending from the foundation to the roof, and providing two direct means of access from the outside. Each dwelling unit shall contain cooking, sleeping, and sanitary facilities for use by each family or household of the townhouse. Each individual townhouse unit shall have fee simple ownership of the lot occupied by that unit. In addition, each individual townhouse lot shall be platted. or; a form of ownership, wherein interest in a dwelling unit is conveyed fee simple and owners share ownership and maintenance responsibility for common areas (grounds, exterior walls, recreational facilities, etc.).

TRANSIENT RESIDENTIAL USE. Shall mean the entire dwelling unit or any part thereof that is located in a Single Family or Planned Residential Development Zoning District and is operated or used in such a way that any part of the dwelling unit turns over occupancy more than six times in any one year and the entire dwelling unit or any part thereof, that is located in a Medium Density Residential (RM) Zoning Districts and is operated or used in such a way that any part thereof turns over occupancy more than six times in any one year. A Community Residence is not a Transient Residential Use. [Amd. Ord. 40-12 11/6/12]; [Amd. Ord. 03-12 2/21/12]; [Amd. Ord. 29-09 7/7/09] (Ord. No. 25-17, § 36, 7-18-17; Ord. No. 21-26, § 3, 4-22-26)

TRANSITIONAL COMMUNITY RESIDENCE A transitional community residence is a temporary living arrangement for four to ten unrelated people with disabilities with a limit on length of tenancy that is measured in weeks or months, not years. (Ord. No. 25-17, § 36, 7-18-17)

TREE. For the purpose of this section, the term tree will also apply to palms, unless a distinction is made. [Amd. Ord. 37-06 9/19/06]

TREE ABUSE. Shall mean any act which will cause a tree to die within a period of two years, e.g., damage inflicted on the root system by heavy machinery; changing the natural grade around the root system or the trunk; damage inflicted on the tree permitting infection or pest infestation or application of any chemical; or paving with concrete, asphalt or other impervious materials to within six feet of the outside diameter of the tree, without prior approval from the City. [Amd. Ord. 37-06 9/19/06]

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TREE TRUST FUND. An account into which in-lieu fees for the planting or replacement of trees or palms are deposited to off-set the City's costs for future trees and palms, tree trimming, and tree maintenance. No more than ten percent of the annual balance may be used for tree trimming and maintenance. [Amd. Ord. 35-08 9/16/08] [Amd. Ord. 37-06 9/19/06] (Ord. No. 06-24, § 3, 3-5-24)

TRIPARTITE. Consisting of three parts; in building facades, a base, a middle, a top. (Ord. No. 28-15, § 10, 12-8-15)

TURF. (Sod or lawn grass) continuous plant coverage consisting of perennial grass species suited to growth in Delray Beach.

UNDUE ECONOMIC HARDSHIP. An exceptional financial burden that might otherwise amount to the taking of property without just compensation, or failure to achieve a reasonable economic return.

APPENDIX A—DEFINITIONS

UNDER-CANOPY SIGN. A sign attached or suspended under the canopy or roof of a walkway. [Amd. Ord. 14-04 6/22/04]

UNITY OF TITLE. A document recorded in the Office of the Clerk of the Circuit Court of Palm Beach County, stipulating that a lot, lots, or parcels of land shall be held under single ownership, shall not be eligible for further subdivision, and shall not be transferred, conveyed, sold, or divided, in any unit other than in its entirety.

UNLAWFUL SIGN. A sign which does not meet the requirements of this code and which has not received legal nonconforming status. [Amd. Ord. 14-04 6/22/04]

UNSAFE BUILDING. Any building or structure in any condition, such that the life, health, property, or safety of the general public, its occupants, or others are endangered.

URBAN AGRICULTURE. The science or practice of cultivation of the soil for the growing of crops to provide food or other plant-based products within the city limits of the City of Delray Beach. (Ord. No. 07-17, § 17, 5-16-17)

URBAN FARM. A small-scale commercial operation which includes the production and sale of fruits, vegetables, edible mushrooms, herbs, flowers, and/or ornamental plants which may be conducted indoor or outdoor. (Ord. No. 07-17, § 17, 5-16-17)

USE, PRINCIPAL. A primary purpose for which land or building is used.

USED CAR LOT. A lot or group of contiguous lots used for the storage, display, and sales of used automobiles, and where no repair work is done, except the necessary reconditioning of the cars to be displayed and sold on the premises.

USED FOR. Includes "Arranged For," "Designed For," "Maintained For", or "Occupied For."

USED OR OCCUPIED. Include the words intended, designed or arranged to be used or occupied.

VALUATION OR VALUE. The assessed value of a building or structure as determined by the County Tax Assessor.

VEGETATION, NATIVE. Any plant species with a geographic distribution indigenous to all or part of the State of Florida. Plant species which have been introduced by man are not considered to be native vegetation.

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

VEHICULAR ENCROACHMENT. The protrusion of a vehicle or mobile equipment outside of a parking space, display area, or accessway into a landscaped area.

VEHICULAR USE AREA. Shall mean both: (1) An area designed or used for off-street parking for any and all types of vehicles except areas used for parking and other vehicular uses under, on or within buildings; or (2) An area used for loading, circulation, access, storage of materials or heavy equipment, and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to activities of a drive-in nature such as, but not limited to gasoline stations, grocery and dairy stores, banks and restaurants and the display of motor vehicles.

VETERINARY CLINIC. A clinic or hospital facility for treatment of animals and pets operated by a licensed veterinarian.

VINES. Plants which normally require support to reach mature form.

WALL SIGN. A sign painted or attached parallel to the outside of a building. [Amd. Ord. 14-04 6/22/04]

WAREHOUSE. A structure designed or used for the storage of goods or merchandise.

WATERCOURSE. Includes channel, creek, ditch, drain, canal, dry run, spring and stream.

WAYFINDER SIGN. An off-premise sign designed to guide or direct pedestrians or vehicular traffic. [Amd. Ord. 78-06 1/2/07]; [Amd. Ord. 14-04 6/22/04]

WELL. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the excavation is for the location, acquisition, or development of groundwater.

WHIP ANTENNA. A cylindrical antenna that transmits signals in 360 degrees. [Amd. Ord. 21-97 6/3/97]

WIND SIGN. Signs consisting of banners, pennants, ribbons, spinners, streamers, balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind. [Amd. Ord. 78-06 1/2/07]; [Amd. Ord. 14-04 6/22/04]

XERISCAPE. A landscape design that conserves water through the utilization of design principles which include the use of drought tolerant plant materials, soil amendments, efficient irrigation, reduced turf areas, mulches and appropriate maintenance.

APPENDIX A—DEFINITIONS

YARD. An open space on the same lot with a building, unoccupied, and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD FRONT. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

YARD REAR. A yard extending across the rear of the lot measured between the lot lines and being the minimum horizontal distance between the building or any projections other than steps, unenclosed balconies, or enclosed porches. On corner lots the rear of the main building or any projections other than steps, unenclosed balconies, or enclosed porches. On corner lots the rear yard street upon which the lot has its least dimension. On both corner and interior lots the REAR YARD shall in all cases be at the opposite end of the lot from the front yard.

YARD SIDE. A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line.

ZERO LOT LINE DEVELOPMENT. A residential development where the residential structures are placed contiguous to the side lot line.

ZONING CERTIFICATE OF USE AND OCCUPANCY. An inspection method by which the city documents the existing conditions of a non-residential property; identifies any non-conformities to be addressed by occupant/owner; establishes current land use and zoning; and grants approval to occupy a given location for a specified permitted commercial use prior to the issuance of a Business Tax Receipt. A Zoning Certificate of Use and Occupancy is required for any change in use to a permitted use, additional use, or change in business within an existing tenant space. (Ord. No. 24-18, § 6, 11-27-18)

Appendix B

ZONING MAP LOG BOOK

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
31-90	05-28-91		Delray Beach Fire Station #1 Rezoned property in Block 20, Town of Delray, from GC (General Commercial), in part, and R-1-A (Single Family Dwelling), in part, to CF (Community Facilities).	1-251-REZ
47-90	10-23-90		Pebb Enterprises Everett, Grace Florida Power and Light Company Annexed to the City of Delray Beach with initial zoning of GC (General Commercial) and AG (Agricultural).	0-087-ANX 0-274-ANX
57-90	12-11-90		Old Germantown Road Area Rezoned from MIC (Mixed Industrial Commercial) to I (Industrial); property located off Georgia Street. Shoppes of Seacrest Rezoned from RM (Residential Medium Density) to NC (Neighborhood Commercial). Semmie Taylor Property Rezoned from R-1-A (Single Family Dwelling) to GC (General Commercial); Lot 26, Block 12. Hess Gas Station Rezoned from PC (Planned Commercial) to GC (General Commercial); property located on Military Trail.	Special Relief File

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
7-91	04-30-91		West Atlantic Annexation #3 Annexed to the City of Delray Beach with initial zoning of PC (Planned Commercial); in part, and POC (Planned Office Center), in part, and GC (General Commercial), in part; 25 parcels of land, in Section 14, Township 46 South, Range 42 East, Palm Beach County.	91-020-ANX-CCA
23-91	05-14-91		Coastal Properties Rezoned from RM (Medium Density Residential) to CF (Community Facilities); vacant property located on the east side of Palm Square, just south of East Atlantic Avenue; to accommodate parking for commercial uses.	91-025-REZ-CCA
24-91	02-26-91		S.E. 9th Street Associates Plaza Rezoned (vacant Wallace Dealership) from AC (Automotive Commercial) to GC (General Commercial); to accommodate existing auto uses at the north end of the property, and a proposed restaurant and retail uses on the south end of the property.	91-031-REZ-CCA
25-91	02-26-91		Faulterbauer Property Rezoned from AC (Automotive Commercial) to GC (General Commercial).	Special Relief File
26-91	02-26-91		Gasoline Site Rezoned from PC (Planned Commercial) to GC (General Commercial); property located on Military Trail and Atlantic Avenue.	Special Relief File

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
27-91		07-23-91	Smilack Rezoning request from PRD (Planned Residential Development) to SAD (Special Activities District); property located on the north side of the C-15 Canal between Federal Highway and the Intracoastal Waterway.	91-004-REZ-CCA
29-91	03-26-91		Greater Mount Olive Missionary Baptist Church	91-046-REZ-CCA
35-91	04-23-91		Palm Beach County Middle School HH-2 [Carver Middle School] Annexed to the City of Delray Beach with initial zoning of CF (Community Facilities); property located at the northeast corner of Barwick Road and West Atlantic Avenue.	91-043-ANX-CCA
37-91		04-09-91	Seagate Hotel and Beach Club Rezoning request from R-1-AA (Single Family Residential) to CF (Community Facilities) for an off-site parking lot.	91-048-REZ-CCA
44-91		06-25-91	Holland Rezoning request from POC (Planned Office Center) to CF (Community Facilities) for a communications tower.	91-094-REZ-CCA

APPENDIX B—ZONING MAP LOG BOOK

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
46-91	07-23-91		Rubin Property Rezoned from RM (Multiple Family Residential - Medium Density) to RL (Multiple Family Residential Low Density); property located on the east side of SR A-1-A, north of Linton Boulevard. To eliminate conflicts with a court order stipulation that no more than 5 units will be built.	91-102-REZ-CCA
57-91	09-10-91		Levy Property Rezoned from PC (Planned Commercial) to POD (Professional and Office District); property located on the east side of Federal Highway, between La Mat Avenue and Avenue "F". To be compatible with the Transitional Land Use Designation.	91-137-REZ-CCA
58-91	09-24-91		Hamlet Subdivision Rezoned from R-1-AA (Single Family Residential) to R-1-A (Single Family Residential); parcel of land located on the south side of Atlantic Avenue between Dover Road and Military Trail.	Special Relief File
59-91	09-10-91		O. C. TAYLOR Rezoned from GC (General Commercial) to AC (Automotive Commercial); three parcels of land located on the northwest and northeast corners of the intersection of N.E. 7th Street and N.E. 6th Avenue.	Special Relief File

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
60-91	09-10-91		Cason United Methodist Church Facility Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); parcel of land located on the south side of N.W. 4th Street, lying westerly of and adjacent to the church facility.	Special relief File
61-91	09-24-91		Wallace Rezoned from GC (General Commercial) to AC (Automobile Related Commercial); parcel of land located at the northwest corner of S.E. 10th Street and S.E. 5th Avenue (southbound Federal Highway).	Special Relief File
62-91	09-24-91		Surles Rezoned from OS (Open Space) to R-1-A (Single Family Residential); parcel of land located on the north side of S.W. 6th Street, east of and adjacent to Interstate 95.	Special Relief File
63-91	09-24-91		Del-Aire Golf Course Subdivision Rezoned from R-1-AA (Single Family Residential) to OS (Open Space); to amend the Zoning Map for the golf course property located within the Del-Aire Golf Course Subdivision.	91-065-CPA-CCA
69-91	10-08-91		I-95 Conservation Parcel Rezoned from RR (Rural Residential) to OS (Open Space); property located on the east side of I-95 between Audubon Boulevard, if extended west, and the C-15 Canal.	91-065-CPA-CCA

APPENDIX B—ZONING MAP LOG BOOK

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
70-91	10-08-91		Gwynn Property Rezoned from RM (Medium Density Residential) to RO (Residential Office); property located on the east side of N.E. 8th Avenue, approximately 150 feet north of N.E. 8th Street.	91-065-CPA-CCA
71-91	10-08-91		Delray Town Center, Phase II Rezoned from PC-S (Planned Commercial Specialized) to PC (Planned Commercial), in part, and OS (Open Space), in part; property located on the north side of Linton Boulevard, approximately 630 feet east of Military Trail.	91-065-CPA-CCA
73-91		11-26-91	D.B.O. Acres Plat Rezoning request from PC (Planned Commercial) to GC (General Commercial), in part, and AC (Automotive Commercial), in part; property located on the southeast corner of Linton Boulevard and S.W. 4th Avenue.	91-145-REZ-CCA
76-91	11-26-91		Proposed Fire Station No. 5 Annexed to the City of Delray Beach with initial zoning of CF (Community Facilities), in part, for the permanent site and A (Agricultural), in part, for the temporary site access road; property located on the south side of Germantown Road at the intersection of Linton Boulevard. To facilitate the construction of proposed Fire Station No. 5.	91-166-ANX-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
84-91	12-03-91		Deer Park Water Plant Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); property located on the west side of South Swinton Avenue between S.W. 7th and 8th Streets.	Special Relief File
85-91	01-14-92		Grimes Property Owner [Canal North of Assemblies of God Church] Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); for a body of water and lift station located on the west side of Swinton Avenue approximately 600 feet north of 22nd Street; corrected the Official Zoning Map.	Special Relief File
86-91	12-03-91		Unity School Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); a portion of property located on the east side of N.W. 2nd Avenue, approximately 400 feet north of N.W. 22nd Street.	Special Relief File
88-91	02-11-92		The Groves Development Rezoned from R-1-A (Single Family Residential) to RM (Medium Density Residential); Lots 23-28, Block 5, Southridge Subdivision.	92-007-REZ-CCA
89-91	12-10-91		D.B.O. Acres Plat Rezoned from PC (Planned Commercial) to GC (General Commercial), in part, and AC (Automotive Commercial), in part; property located on the southeast corner of Linton Boulevard and S.W. 4th Avenue.	91-145-REZ-CCA

APPENDIX B—ZONING MAP LOG BOOK

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
1-92	02-11-92		O. C. Taylor Dealership Rezoned from GC (General Commercial) to AC (Automotive Commercial); property located on S.E. 5th Avenue, between S.E. 6th and 7th Streets.	92-008-REZ-CCA
8-92	03-11-92		Patio Shoppes Rezoned from RM (Multiple Family Residential - Medium Density) to CF (Community Facilities); Lots 42-44, Block 125, located on the west side of Palm Square, between East Atlantic Avenue and S.W. 1st Street, within the Marina Historic District.	92-054-REZ-CCA
11-92	03-24-92		Landis Professional Center Corrected the zoning and the Official Zoning Map from PC (Planned Commercial) to POD (Planned Office District); property located at the northwest corner of Lowson Boulevard and Congress Avenue.	Special Relief File
12-92	04-14-92		Acura Automobile Dealership Corrected the zoning and the Official Zoning Map from RM (Residential Medium Density) to CF (Community Facilities); for the parking area associated with the Acura Automobile Dealership located on the west side of N.E. 7th Avenue between N.E. 6th and 7th Streets.	Special Relief File

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
13-92	04-14-92		American Legion Hall Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); property located on the southwest corner of N.W. 2nd Street (Martin Luther King Jr. Boulevard) and N.W. 8th Avenue.	92-066-REZ-CCA
19-92	06-23-92		Highland Trailer Park Annexed to the City of Delray Beach with initial zoning of MH (Mobile Home); property located on Barwick Road, approximately 180 feet north of West Atlantic Avenue.	92-058-ANX-CCA
20-92	06-23-96		G&Z Auto Care Annexed to the City of Delray Beach with an initial zoning of GC (General Commercial); property located on the northwest corner of Atlantic Avenue and west of Barwick Road.	92-093-ANX-CCA
21-92	06-23-92		Delray Farmers Market and Handy Mart Annexed to the City of Delray Beach with an initial zoning of NC (Neighborhood Commercial); property located west of Barwick Road on the north side of West Atlantic Avenue.	92-014-ANX-CCA
24-92		06-23-92	Delray Izuzu Rezoning request from RM (Multiple Family Residential - Medium Density) to CF (Community Facilities); land located on the south side of Avenue L, between Federal Highway and Florida Boulevard.	92-108-REZ-CCA

APPENDIX B—ZONING MAP LOG BOOK

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
29-92	09-08-92		Georgia/Gwen Zell Avenue, #20A [Amendment 92-1] Rezoned from MIC (Mixed Industrial and Commercial) to I (Industrial); land located at the west end of Georgia Street, adjacent to I-95.	92-062-CPA-CCA
30-92	09-08-92		Linton Boulevard/Wallace Drive, #20B [Amendment 92-1] Rezoned from AC (Automotive Commercial), in part, and MIC (Mixed Industrial and Commercial), in part, to AC (Automotive Commercial); land located on the north side of Linton Boulevard, between Wallace Drive and I-95.	92-062-CPA-CCA
31-92	09-08-92		S.W. 17th Avenue/S.W. 10th Street (Case Property), #24, Together With S.W. 17th Avenue/S.W. 10th Street (770 17th Condo), #25, Together With S.W. 17th Avenue/10th Street (Martini Property), #26 [Amendment 92-1] Rezoned from OS (Open Space) to I (Industrial); land located on the north side of S.W. 10th Street between S.W. 17th Avenue and I-95.	92-062-CPA-CCA
34-92	09-08-92		S.W. 2nd Street/S.W. 15th Avenue, #29 [Amendment 92-1] Rezoned from OS (Open Space) to R-1-A (Single Family Residential); land located on the northwest corner of S.W. 2nd Street and S.W. 15th Avenue.	92-062-CPA-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
35-92	09-08-92		N.W. Atlantic Avenue/Congress Avenue, #31 [Amendment 92-1] Rezoned from GC (General Commercial), in part, and MIC (Mixed Industrial and Commercial), in part; land located on the north side of West Atlantic Avenue, approximately 190 feet west of Congress Avenue.	92-062-CPA-CCA
36-92	10-27-92		Tennis Center Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); land located at the southeast corner of N.W. 2nd Avenue and N.W. 1st Street and the northwest corner of N.W. 2nd Avenue and N.W. 1st Street.	92-146-REZ-CCA
38-92	09-08-92		Del-Raton Park Rezoned from PC (Planned Commercial) to RM (Multi-Family Residential); Lots 34-44, Block 36, vacant lot behind Delray Plaza; land located on the west side of Florida Boulevard between Dogwood Drive and Avenue C.	92-153-REZ-CCA
39-92	09-08-92		Brooks Lane/A-1-A Rezoned from RM (Multi-Family Residential) to R-1AA (Single Family Residential); property located on the southwest corner of Brooks Lane and Ocean Boulevard.	92-155-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
40-92	09-08-92		Rinker Materials Rezoned from MIC (Mixed Industrial and Commercial), in part, and GC (General Commercial), in part, to MIC (Mixed Industrial and Commercial); land located on the south and north sides of West Atlantic Avenue between I-95 and Congress Avenue.	92-154-REZ-CCA
45-92	10-13-92		Ocean Cay Rezoned from RM (Multiple Family Residential) to R-1-AA (Single Family Residential); said land being all of the plat of Simmons Cay located on the west side of State Road A-1-A, just south of Vista Del Mar Drive.	92-167-REZ-CCA
46-92	10-27-92		Linton International Plaza - Checkers Restaurant Rezoned from PC (Planned Commercial) to GC (General Commercial); a portion of the Linton International Plaza property.	92-161-REZ-CCA
50-92		09-22-92	Veteran's Park Parking Lot Rezoning request from CF (Community Facilities) to CBD (Central Business District); for a portion of the Veteran's Park parking lot property.	92-169-REZ-CCA
54-92	11-17-92		Abbey Delray South Rezoned from PRD (Planned Residential Development) to CF (Community Facilities); property located west of Congress Avenue on the south side of Linton Boulevard.	92-180-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
55-92	11-17-92		North Ocean Boulevard Parking Lot Rezoned from CF (Community Facilities) to OS (Open Space); property located on the west side of Ocean Boulevard, north of Atlantic Avenue.	92-170-REZ-CCA
56-92	11-17-92		Sandoway Park Rezoned from CF (Community Facilities) to OS (Open Space); property located on the northwest corner of Ocean Boulevard, south of Atlantic Avenue.	92-170-REZ-CCA
57-92	11-17-92		Ingraham Park Rezoned from CF (Community Facilities) to OS (Open Space); property located on the northwest corner of Ocean Boulevard, south of Atlantic Avenue.	92-170-REZ-CCA
58-92	11-17-92		Anchor Park Rezoned from CF (Community Facilities) to OS (Open Space); property located on the west side of Ocean Boulevard, north of Casuarina Road.	92-170-REZ-CCA
59-92	11-17-92		Atlantic Dunes Park Rezoned from CF (Community Facilities) to OS (Open Space); property located on the east side of Ocean Boulevard, north of Linton Boulevard.	92-170-REZ-CCA
1-93	01-26-93		Abbey Delray South - Parcels "W" and "X" Rezoned from RL (Multiple Family Residential - Low Density) to CF (Community Facilities); land located east of Homewood Boulevard, on the south side of Linton Boulevard.	93-035-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
7-93	02-09-93		Dan Burns Oldsmobile Corrected the zoning classification from PC (Planned Commercial) to AC (Automotive Commercial); a 4.32 acre parcel located on the west side of Federal Highway, south of Linton Boulevard.	93-039-REZ-CCA
24-93		03-23-93	Former Tire Kingdom Site Rezoning request from GC (General Commercial) to AC (Automotive Commercial).	93-059-REZ-CCA
25-93	04-13-93		Congress Park South Rezoned from PCC (Planned Commerce Center) to LI (Light Industrial); a portion of land located on the west side of Congress Avenue, between Atlantic Avenue and Lawson Boulevard.	93-053-REZ-CCA
36-93	04-27-93		Master Booster Pump Station Rezoned from CBD (Central Business District) to CF (Community Facilities); land located at the southwest corner of N.E. 4th Avenue and N.E. 3rd Street.	92-156-REZ-CCA
39-93		06-22-93	Club Delray Rezoning request from POC (Planned Office Center) to RM (Medium Density Residential); land being generally located south of Lake Ida Road and west of Congress Avenue.	93-077-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
42-93	06-22-93		Club Delray Rezoned from POC (Planned Office Center) to RM-8 (Medium Density Residential - Eight (8) units per acre); land being generally located south of Lake Ida Road and west of Congress Avenue	93-077-REZ-CCA
44-93	08-10-93		Taheri Property Annexed to the City of Delray Beach with an initial zoning of AG (Agriculture); property located on the east side of Military Trail, south of Linton Boulevard.	93-079-ANX-CCA
45-93	07-27-93		Palm Trail Medical Building Corrected the zoning classification from RM (Multiple Family Residential - Medium Density) to POD (Professional Office District); property located between Palm Trail and N.E. 9th Avenue, north of George Bush Boulevard.	93-085-REZ-CCA
47-93	08-10-93		Mount Olive Missionary Baptist Church Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); land located on the east side of N.W. 4th Avenue, between Atlantic Avenue and N.W. 1st Street.	93-102-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
50-93	09-14-93		Clearbrook Addition Rezoned from RM (Medium Density Residential) to PRD (Planned Residential Development); land is a portion of Tracts A and B, Lago Del Rey and a portion of the Plat of Lago Del Rey, Plat II A. Property located on the west end of Casa Way, south of the Clearbrook Subdivision, and west of Lago Del Rey North, and contains a 3.4. acre vacant parcel of land.	93-115-REZ-CCA
62-93	11-09-93		Sunset Pines Condominiums , Discount Auto Parts and Spodak Medical Center. Annexed to the City of Delray Beach with initial zoning of RM (Multiple Family Residential - Medium Density), NC (Neighborhood Commercial), and POD (Professional and Office District); three (3) parcels of land located on the north side of West Atlantic Avenue between Barwick Road and Military Trail.	93-139-ANX-CCA
69-93	12-07-93		Lyndon Arms Condominiums Rezoned from R-1-AA (Single Family) to RM (Medium Density Residential); property located at the northwest corner of Andrews Avenue and Thomas Street.	94-020-#3-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
72-93	12-07-93		Delray Dental Specialists Corrected zoning from GC (General Commercial) to NC (Neighborhood Commercial); property located at the southeast corner of South Federal Highway and S.E. 5th Street.	94-020-#6-REZ-CCA
74-93	12-07-93		Parking Areas Associated with St. John's Primitive Baptist Church Corrected zoning from R-1-A (Single Family Residential), in part, and CF (Community Facilities), in part, to CF (Community Facilities); a parcel of land located between N.W. 6th Avenue and N.W. 7th Avenue, approximately 100 feet north of N.W. 1st Street.	94-020-#5-REZ-CCA
77-93	12-07-93		Delray Lincoln Mercury Rezoned from PC (Planned Commercial) to AC (Automotive Commercial); land located on the east side of Dixie Highway, approximately 295 feet south of Linton Boulevard.	94-009-REZ-CCA
79-93	12-07-93		Mayfair Animal Hospital Corrected zoning from GC (General Commercial) to POD (Professional and Office District); land located at the southeast corner of South Federal Highway and S.E. 5th Street.	94-020-#6-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
1-94	01-25-94		Public Works Complex Corrected zoning from R-1-A (Single Family Residential) to CF (Community Facilities); for a portion of the property located at the southeast corner of S.W. 4th Street and S.W. 4th Avenue.	94-037-REZ-CCA
2-94	02-22-94		SSB Properties, Inc. Rezoned from GC (General Commercial) to SAD (Special Activities District); a 1.75 acre parcel of land located south of S.E. 4th Street, between the FEC Railroad and S.E. 1st Avenue.	94-132-REZ-CCA
4-94	02-22-94		Seacrest Boulevard [NC Area] Rezoned from NC (Neighborhood Commercial) to R-1-AA (Single Family Residential); properties located east of Seacrest Boulevard, immediately south of and adjacent to Atlantic High School.	94-024-REZ-CCA
6-94	03-22-94		Blood's Hammock Groves Annexed to the City of Delray Beach with an initial zoning of CF (Community Facilities); a 16 acre portion of Blood's Hammock Groves for School Site "S" [Orchard View Elementary] and a proposed 6 acre City park; property is located along the eastern boundary of Blood's Hammock Groves, adjacent to Fire Station #5 and the Foxe Chase Subdivision.	94-093-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
			Enclaves Located on North Federal Highway Annexed to the City of Delray Beach with an initial zoning of GC (General Commercial); ordinances, date adopted, and locations of the parcels are as follows:	94-058-ANX-CCA
7-94	03-22-94		West side of North Federal Highway, approximately 240 feet north of N.E. 14th Street.	
8-94	03-01-95		2300 North Federal Highway.	
9-94	03-01-95		2300 North Old Dixie Highway.	
10-94	03-22-94		2512 North Federal Highway.	
11-94	03-01-95		2612 North Federal Highway.	
12-94	03-01-95		2613 North Federal Highway.	
13-94	03-22-94		2605 North Federal Highway.	
14-94	03-22-94		2601 North Federal Highway.	
15-94	03-22-94		2401 North Federal Highway.	
16-94	03-01-95		2399 North Federal Highway.	
17-94	03-22-94		2213 North Federal Highway.	
18-94	03-01-95		2101 North Federal Highway.	
19-94	05-17-94		Delray Swap Shop Annexed to the City of Delray Beach with initial zoning of GC (General Commercial); property located on the east side of North Federal Highway, north of Allen Avenue. Three (3) parcels comprising of approximately 6.5 acres of land.	94-060-ANX-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
21-94	07-05-94		Boy's Farmers Market Annexed to the City of Delray Beach with initial zoning of GC (General Commercial); a 1.57 acre parcel located on the east side of Military Trail, approximately 2,100 feet north of Atlantic Avenue.	94-062-ANX-CCA
26-94		06-07-94	Lake Ida Shores—Lot 8, Block 3 Rezoning request from R-1-AAA (Single Family Residential) to R-1-AB (Single Family Residential); property is located on the west side of N.W. 8th Avenue, just south of Gardenia Terrace.	94-093-REZ-CCA
27-94	05-17-94		Florida Power and Light Substation Rezoned from PCC (Planned Commerce Center) to CF (Community Facilities); property located south of the City's utility yard on the south side of Lake Ida Road, on the west side of the CSX Railroad right-of-way.	94-074-REZ-CCA
34-94	06-21-94		Del-Aire Golf Course Rezoned from OS (Open space) to OSR (Open Space and Recreation); land located south of Linton Boulevard, on the east side of Military Trail.	94-125-REZ-CCA
35-94	06-21-94		Hamlet Golf Course Rezoned from OS (Open Space) to OSR (Open Space and Recreation); land located south of Atlantic Avenue, between Military Trail and Dover Road, if extended.	94-125-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
36-94	06-21-94		Sherwood Park Golf Course Rezoned from OS (Open Space) to OSR (Open Space and Recreation); land located on the south side of Atlantic Avenue, between Whatley Road and the Hamlet Subdivision.	94-125-REZ-CCA
37-94	06-21-94		Delray Beach Municipal Golf Course Rezoned from OS (Open Space) to OSR (Open Space and Recreation); land located south of Atlantic Avenue, east of Homewood Boulevard.	94-125-REZ-CCA
38-94	06-21-94		Barwick Park Rezoned from CF (Community Facilities) to OS (Open Space); land located at the northeast corner of Lake Ida Road and Barwick Road.	94-125-REZ-CCA
39-94	06-21-94		Catherine Strong Center Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located on the east side of S.W. 17th Avenue, between S.W. 6th Street and S.W. 7th Street.	94-125-REZ-CCA
40-94	06-21-94		Delray Beach Municipal Cemetery Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located on the west side of S.W. 8th Avenue, between S.W. 6th Street and S.W. 10th Street.	94-125-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
41-94	06-21-94		Pompey Park Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located on the north side of N.W. 2nd Street, between N.W. 10th Avenue and N.W. 13th Avenue.	94-125-REZ-CCA
42-94		06-21-94	Lake Ida Park Rezoning request from CF (Community Facilities) to OS (Open Space); land located at the northeast corner of I-95 and Lake Ida Road.	94-125-REZ-CCA
43-94	06-21-94		Lake Ida Park [At Lake Drive] Rezoned from CF (Community Facilities) to OS (Open Space); land located on the west side of Lake Drive, north of Denver Road.	94-125-REZ-CCA
44-94	06-21-94		Boy Scout Hut Property Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located on the north side of Lake Ida Road, between N.W. 3rd and 6th Avenues, extended.	94-125-REZ-CCA
45-94	06-21-94		Pioneer Park Rezoned from CF (Community Facilities) to OS (Open Space); land located north of S.E. 10th Street, west of the Railway right-of-way.	94-125-REZ-CCA
46-94	06-21-94		Merritt Park Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located on the north side of S.W. 4th Street, between S.W. 2nd and 3rd Avenues.	94-125-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
47-94	06-21-94		Veterans Park Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located at the northwest corner of Atlantic Avenue and the Intracoastal Waterway.	94-125-REZ-CCA
48-94	06-21-94		Curie Commons Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located at the southwest corner of S.E. 7th Street and S.E. 2nd Avenue.	94-125-REZ-CCA
49-94	06-21-94		Knowles Park Rezoned from CF (Community Facilities) to OS (Open Space); land located on the east side of U.S. Highway No. 1, south of S.E. 10th Street, extended.	94-125-REZ-CCA
50-94	06-21-94		Miller Park Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located south of Linton Boulevard, west of the FEC Railway.	94-125-REZ-CCA
51-94	06-21-94		Bucky Dent Baseball School Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located south of Linton Boulevard, west of the FEC Railway and immediately south of Miller Park.	94-125-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
52-94	06-21-94		Park Adjacent to School Site S-2 [Orchard View Elementary] Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); land located south of Germantown Road, west of Foxe Chase Subdivision.	94-125-REZ-CCA
56-94	07-19-94		CoTran Satellite Facility Rezoned from MIC (Mixed Industrial and Commercial) to CF (Community Facilities); a 7.49 acre vacant parcel located at the northwest corner of Congress Avenue and N.W. 1st Street.	94-112-REZ-CCA
59-94	08-16-94		Boy's Farmers Market [North Property] Annexed to the City of Delray Beach with initial zoning of GC (General Commercial); a 1.07 acre parcel located on the east side of Military Trail, approximately 2,100 feet north of Atlantic Avenue.	94-062-ANX-CCA
61-94	12-06-94		A Portion of Rockland Park Subdivision Annexed to the City of Delray Beach with initial zoning of RL (Multiple Family Residential - Low Density); a 11.63 acre vacant parcel located on the west side of Military Trail, approximately 2,800 feet north of Atlantic Avenue.	94-105-ANX-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
62-94	12-06-94		Lee Property Annexed to the City of Delray Beach with initial zoning of R-1-A (Single Family Residential); a 16.15 acre parcel located west of and adjacent to Kingsland Pines Subdivision on the west side of Gallaher Road.	94-101-ANX-CCA
63-94	12-06-94		S.W. 10th Street Industrial Area Rezoned from RM (Medium Density Residential) to LI (Light Industrial); 9.25 acres located on the north side of S.W. 10th Street, between S.W. 13th Avenue and S.W. 15th Avenue.	94-134-CPA-CCA
66-94	09-27-94		Hamlet Golf and Country Club Corrected zoning on 10 parcels from R-1-A (Single Family Residential) to OS (Open Space), and on 1 parcel from RM (Medium Density Residential) to OS (Open Space); located west of Homewood Boulevard on the south side of Atlantic Avenue, and contains 22.11 acres.	94-135-REZ-CCA
67-94	09-27-94		Lake Ida Park at I-95 Rezoned from CF (Community Facilities) to OSR (Open Space and Recreation); property located on the east side of I-95 north of Lake Ida Road, and contains 46.51 acres.	94-136-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
85-94	11-15-94		St. Paul A.M.E. Church Rezoned from GC (General Commercial) to CF (Community Facilities); property located on the east and west sides of N.W. 5th Avenue, between N.W. 1st and 2nd Streets.	94-174-REZ-CCA
86-94	11-15-94		CRA Owned Property [Kwik Stop and Discount Auto Parts] Rezoned from CF (Community Facilities) to GC (General Commercial); property located on the south side of West Atlantic Avenue, between S.W. 1st and 2nd Avenues.	94-182-REZ-CCA
87-94	11-15-94		Taheri Property Rezoned from POC (Planned Office Center), in part, and A (Agricultural), in part to RM-10 (Medium Density Residential).	94-175-REZ-CCA
88-94	12-06-94		Moore Property [FKA Tison Realty] Corrected zoning from RM (Multiple Family Residential - Medium Density) to RO (Residential Office); property located at 800 North Andrews Avenue, and contains 0.34 acres.	94-184-REZ-CCA
89-94	11-15-94		Delray Beach Estates, Lot 19 [Moener Property] Annexed to the City of Delray Beach with initial zoning of GC (General Commercial); property located on the west side of North Federal Highway and south of Gulf Stream Boulevard (2706 North Federal Highway) and contains 1.09 acres.	94-182-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
93-94	12-06-94		Chapin Law Offices Corrected zoning from RM (Multiple Family Residential - Medium Density) to RO (Residential Office); property located at 1201 George Bush Boulevard, and contains 0.40 acres.	94-184-REZ-CCA
97-94	02-21-95		Shops of Seacrest Site Rezoned (a portion of the former Shops of Seacrest site) from NC (Neighborhood Commercial) to POD (Professional Office District); property located at the northwest corner of Seacrest Boulevard and N.E. 22nd Street.	95-008-REZ-CCA
11-95	02-21-95		Marina Cay Rezoned from SAD (Special Activities) to RM (Medium Density Residential); parcel of land located on the east side of North Federal Highway.	95-003-REZ-CCA
21-95	05-16-95		Laver's North Corrected the SAD (Special Activities District) for the Laver's North development located on the east side of S.W. 10th Avenue and Lindell Boulevard, south of Linton Boulevard.	95-086-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
29-95		07-11-95	Carusillo and Evans Property [FKA Nevaizer Property] Annexation request with initial zoning of POC (Planned Office Center); a 4.17 acre parcel of land located on the west side of Military Trail, approximately 1,400 feet south of Atlantic Avenue.	95-107-ANX-CCA
31-95	06-20-95		Marina Delray [FKA Henry's Marina / 8th Street Marina / Ocean City Marina] Reestablished the SAD (Special Activities District) zoning classification for Marina Delray; located at the southeast corner of George Bush Boulevard and Palm Trail.	95-106-REZ-CCA
32-95	06-20-95		Central Business District—Railroad Corridor Rezoned from CBD (Central Business District), in part, GC (General Commercial), in part, and SAD (Special Activities District), in part, to CBD-RC (Central Business District—Railroad Corridor); properties located along the F.E.C. Railroad Corridor in the Downtown area.	95-121-REZ-CCA
38-95	08-08-95		Straghn Funeral Home Rezoned from RM (Medium Density Residential) to GC (General Commercial); a parcel of land located on the west side of S.W. 5th Avenue, immediately south of Straghn Funeral Home.	95-065-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
42-95	09-05-95		Blood's Hammock Groves Annexed to the City of Delray Beach a 94.14 acre parcel located on the south side of Linton Boulevard, east of Military Trail.	95-081-ANX-CCA
43-95	09-09-95		Jones Property Annexed to the City of Delray Beach with initial zoning of RM-6 (Medium Density Residential - 6 units/acre), in part, and RM (Medium Density Residential), in part; a 18.10 acre parcel located on the north side of West Atlantic Avenue, immediately east of the Carver Middle School site. The RM-6 zoning classification is to be applied to a 100 foot wide area along the north and east sides of the property (approximately 4.2 acres), with the balance to be zoned RM (13.9 acres).	95-055-ANX-CCA
51-95	09-19-95		Blood's Hammock Groves Established the initial zoning classifications for 94.08 acres located south of Linton Boulevard and east of Military Trail; the zoning categories include 51.71 acres of PRD-5, 28.29 acres of RM-8, 3.81 acres of Open Space, and 10.27 acres of SAD.	95-081-ANX-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
54-95	10-24-95		Alzheimer Health Care Systems Rezoned from POC (Planned Office Center) to CF (Community Facilities); a 6.58 acre parcel located at the northwest corner of Congress Avenue and Lake Ida Road.	95-177-REZ-CCA
55-95	10-24-95		Daughter of Zion School Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); a 1.52 acre parcel located west of N.W. 3rd Avenue and south of N.W. 3rd Street.	95-176-REZ-CCA
56-95	10-24-95		Community Child Care Center Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); a .429 acre parcel located on the south side of Lake Ida Road and west of N.W. 5th Avenue.	95-185-REZ-CCA
62-95	11-07-95		Delray Lakes (FKA Isles of Delray) Rezoned from SAD (Special Activities District) to PRD-4 (Planned Residential Development - 4 units per acre); approximately 40.86 acres located east of I-95 on the north side of Lake Ida Road.	95-175-REZ-CCA
64-95	11-07-95		Lakeview Golf Course Rezoned from R-1-AA and R-1-AAAB (Single Family Residential) to OSR (Open Space and Recreation); approximately 42 acres located on the west side of Dover Road, between Linton Boulevard and Lakeview Boulevard.	95-120-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
65-95	11-07-95		Delray Beach Public Library/Chamber of Commerce/Kempster-Doman Rezoned from CF (Community Facilities) to CBD (Central Business District); properties located south of Atlantic Avenue between S.E. 4th and 5th Avenues.	95-203-CPA-CCA
66-95	11-07-95		Levenger's Facility [Tracts B, C, and D of Congress Park South] Rezoned from LI (Light Industrial) and PCC (Planned Commerce Center) to MIC (Mixed Industrial and Commercial); approximately 14.62 acres located on the west side of Congress Avenue, south of Atlantic Avenue.	95-192-REZ-CCA
68-95	12-05-95		Spence Property Annexed to the City of Delray Beach a 14.47 acre parcel with initial zoning of RM (Medium Density Residential) for 12.47 acres, and NC (Neighborhood Commercial) for the remaining 2.0 acres located at the southeast corner of the site; land located on the west side of Military Trail, approximately 1,400 feet north of Atlantic Avenue, immediately north of and adjacent to the L-33 Canal.	95-145-ANX-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
77-95	12-05-95		Harddrives Annexed to the City of Delray Beach a 6.72 acre of land with initial zoning of POC (Planned Office Center); property is located on the west side of Congress Avenue, approximately 1,600 feet south of Germantown Road.	96-020-CPA / REZ-CCA
78-95	12-05-95		Harddrives Annexed to the City of Delray Beach a 7.93 acre of land with initial zoning of I (Industrial); property is located on the east side of Congress Avenue, approximately 400 feet south of Germantown Road.	96—021-CPA/REZ-CCA
81-95	01-09-96		Linton/Congress Service Station Rezoned from POC (Planned Office Center) to GC (General Commercial); a 0.68 acre vacant parcel of land located at the southwest corner of Linton Boulevard and Congress Avenue.	96-002-REZ-CCA
82-95	01-09-96		Property Adjacent to Pine Grove Elementary School Rezoned from RM (Medium Density Residential) to CF (Community Facilities); a 5.03 acre vacant parcel located at the southeast corner of S.W. 10th Street and S.W. 7th Avenue.	95-199-REZ-CCA
2-96	01-23-96		The Old Miller Dodge Property Rezoned from AC (Automotive Commercial) to SAD (Special Activities District); property located at 1900 North Federal Highway.	96-043-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
3-96	01-23-96		Tract A, a Portion of Tract R [Commerce Drive], and Tract L-2 [Common Landscape Area] of Congress Park South Rezoned from PCC (Planned Commerce Center) to MIC (Mixed Industrial and Commercial); property located within the southeast corner of Congress Park South, which is south of Atlantic Avenue on the west side of Congress Avenue.	96-042-REZ-CCA
4-96	01-23-96		Tract E, Congress Park South [Municipal Golf Course Storage and Maintenance Facility] Rezoned from PCC (Planned Commerce Center) to OSR (Open Space and Recreation); property located at the southwest corner of Congress Park South, which is south of Atlantic Avenue on the west side of Congress Avenue.	96-042-REZ-CCA
7-96	02-06-96		Full Gospel Assembly Church Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities); a 7.84 acre parcel located at the southwest corner of South Swinton and S.W. 10th Street.	95-058-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
9-96		02-20-96	Charles Lee Rezoning request from RM (Medium Density Residential) to CBD-RC (Central Business District - Railroad Corridor); a 0.91 acre parcel located at the southeast corner of S.E. 1st Avenue and unimproved S.E. 6th Street, west of the F.E.C. Railroad.	96-027-REZ-CCA
17-96	04-16-96		Wallace Dodge/Nissan [Southern Bell Switching Station Site] Rezoned from CF (Community Facilities) to AC (Automotive Commercial); a 0.28 acre parcel located on the north side of Linton Boulevard, between S.W. 10th Avenue and Wallace Drive.	96-086-REZ-CCA
19-96	05-21-96		Charles Lee Rezoned from RM (Medium Density Residential) to CBD-RC (Central Business District - Railroad Corridor); a 0.91 acre parcel of land located at the southeast corner of S.E. 1st Avenue and unimproved S.E. 6th Street west of the F.E.C. Railway.	96-027-REZ-CCA
20-96	05-21-96		Tower Optical Corporation [Former HRS Building] Rezoned from POC (Planned Office Center) to LI (Light Industrial); a 1.86 acre parcel located between Wallace Drive and S.W. 10th Avenue, approximately 1,300 feet north of Linton Boulevard.	96-113-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
35-96	09-17-96		Carusillo and Evans Property Annexed to the City of Delray Beach with initial zoning of RM-8 (Medium Density Residential - 8 units/acre); a 3.76 acre parcel located on the west side of Military Trail, approximately 1,400 feet south of Atlantic Avenue.	96-193-ANX-CCA
37-96	09-17-96		Hardrives Established initial zoning of I (Industrial) for a 4.30 acre portion of the Hardrives property; located on the east side of Congress Avenue, approximately 1,800 feet south of Germantown Road.	96-105-REZ-CCA
38-96	09-17-96		Hardrives [AKA Elmore POC, Phase II] Established initial zoning of POC (Planned Office Center) for a 9.0 acre portion of the Hardrives property (AKA Elmore POC); located on the west side of Congress Avenue, approximately 800 feet south of Germantown Road.	96-107-REZ-CCA
39-96	09-17-96		Silver Terrace Redevelopment Area Rezoned from RO (Residential Office) and RM (Medium Density Residential) to SAD (Special Activities District); located at the southeast corner of Old Dixie Highway and S.E. 10th Street. Identifies the permitted uses for the various parcels in the Silver Terrace Subdivision.	96-157-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
40-96	09-17-96		Silver Terrace Redevelopment Area [Floranda Mobile Home Park] Rezoned the single family homes located within the park from MH (Mobile Home) to R-1-A (Single Family Residential); located north of S.E. 12th Road within Block 6 of Lambert Trailer Court. The existing Floranda Mobile Home Park will retain its zoning of MH (Mobile Home).	96-157-REZ-CCA
42-96	10-01-96		Levy Property Rezoned from POD (Professional and Office District) in part, and RM (Medium Density Residential) in part, entirely into SAD (Special Activities District); property located on the east side of South Federal Highway, between Avenue F and Avenue G.	96-209-REZ-CCA
43-96	10-15-96		Seacrest Property Rezoned from NC (Neighborhood Commercial) and POD (Professional Office District) to CF (Community Facilities); property located on the west side of Seacrest Boulevard across from Atlantic High School.	96-249-REZ-CCA
44-96	10-15-96		Sandoway House Rezoned from RM (Medium Density Residential) to CF (Community Facilities); property located on the west side of South Ocean Boulevard between Sandoway Park and Ingraham Park.	96-250-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
48-96	11-19-96		Greater Mount Olive Missionary Baptist Church Rezoned from GC (General Commercial) to CF (Community Facilities); property located on the east side of N.W. 5th Avenue, between West Atlantic Avenue and N.W. 1st Street.	96-264-REZ-CCA
49-96	11-19-96		Rosacker Property Annexed to the City of Delray Beach with initial zoning of CF (Community Facilities); a 5.32 acre parcel of land located on the west side of Gallagher Road, at the intersection of Gallagher Road and Brady Boulevard.	96-260-ANX-CCA
56-96	12-03-96		Mouw Plaza Rezoned from CF (Community Facilities) to CBD (Central Business District); property located at the northwest corner of S.E. 1st Street and S.E. 3rd Avenue.	96-266-REZ-CCA
1-97	1-21-97		Borton Volkswagen Rezoned from GC (General Commercial) to AC (Automotive Commercial); a 2.55 acre parcel of land located on the east side of North Federal Highway, approximately 1,500 feet north of Allen Avenue, just north of Borton Volvo.	97-020-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
2-97	1-21-97		Gold Coast Medical Center Rezoned from AC (Automotive Commercial) to GC (General Commercial); a 0.60 acre parcel located at the northwest corner of S.E. 5th Avenue (Southbound Federal Highway) and S.E. 10th Street.	97-021-REZ-CCA
15-97	4-01-97		Coral Trace [Sned Property] Rezoned from CF (Community Facilities) and RR (Rural Residential) to RM-7 (Medium Density Residential-7 du/ac; a 44.98 acre parcels located north of West Atlantic Avenue and south of Lake Ida Road, between the High Point and Sundan Subdivision.	97-080-REZ-CCA
19-97	4-15-97		Fronrath Vehicle Sales, Rental and Leasing Facility [Paton/Levy Property] Rezoned from POD (Professional and Office District) and RM (Medium Density Residential) to SAD (Special Activities District); a 0.50 acre parcel of land located at the northeast corner of South Federal Highway and Avenue "G".	97-077-REZ-CCA
24-97	6-17-97		Colombi Property Rezoned from POD (Professional and Office District) and RM (Medium Density Residential) to NC (Neighborhood Commercial); a 1.66 acre parcel of land located at the northeast corner of South Federal Highway and La Mat Avenue.	97-103-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
25-97		7-01-97	Country and Western Bar of Delray Beach [Delray Beach Farm Supply] Rezoning request from MIC (Mixed Industrial and Commercial) to GC (General Commercial); a 0.39 parcel located at the northwest corner of Atlantic Avenue and the CSX Railroad, immediately west of I-95.	97-123-REZ-CCA
38-97	9-23-97		St. Paul's Episcopal Church Rezoned from RM (Medium Density Residential) District to CF (Community Facilities) District for the establishment of a 24-space parking lot; a vacant 0.224 acre parcel located on the west side of S.W. 1st Avenue, approximately 120 feet north of S.W. 2nd Street.	97-184-REZ-CCA
48-97	11-18-97		Silk Garden Outlet Rezoned from GC (General Commercial) District to AC (Automotive Commercial) district; a 0.24 acre parcel located on the east side of Dixie highway approximately 170 feet south of La Mat Avenue.	97-213-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
10-98	2-17-98		Seacrest Boulevard Continuing Presbyterian Church Site Rezoned (a portion of the site) from R-1AA (Single Family Residential) and RM (Medium Density Residential) to CF (Community Facilities) District; a 5.49 acres located at the southeast corner of Gulf Stream Boulevard and Seacrest Boulevard.	98-051-REZ-CCA
22-98	6-16-98		Carusillo/Evans North Parcel Annexed to the City of Delray Beach with initial zoning of RM-8 (Medium Density Residential - 8 units per acre); a 4.19 acre parcel located on the west side of Military Trail, approximately 700 feet south of Atlantic Avenue.	98-138-ANX-CCA
32-98	9-15-98		Leon Weekes Environmental Preserve (Expansion) Rezoned Lots 262 and 263, Tropic Palms Plat No. 1, from R-1AA (Single Family Residential) District to OSR (Open Space and Recreation) District in conjunction with the Leon M. Weekes Environmental Preserve improvements; property is located at the northeast corner of Albatross Road and the unimproved portion of Curlew Road.	98-225-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
34-98	10-06-98		WDBF Radio Station Rezoned from CF (Community Facilities) to POD (Professional Office District); property is located on the south side of West Atlantic Avenue, east of Homewood Boulevard.	98-191-REZ-CCA
35-98	10-06-98		Delray Kawasaki Dealership Rezoned (former Miller Dodge site) from SAD (Special Activities District) to AC (Automotive Commercial) District to accommodate Delray Kawasaki; a 1.73 acre parcel located on the west side of North Federal Highway, approximately 120 feet north of Allen Avenue.	98-208-REZ-CCA
39-98	10-20-98		Lambert Trailer Court Rezoned a residential lot within Lambert Railer Court from R-1A (Single Family Residential) to MH (Mobile Home) District; property is located at 311 S.E. 12th Road which is on the north side of 12th Road approximately 450 feet west of southbound Federal Highway.	98-263-REZ-CCA
40-98	10-20-98		Palm Gardens at Delray Annexed to the City of Delray Beach with initial zoning of RM-8 (Medium Density Residential - 8 units per acre); a parcel of land located approximately 280 feet south of West Atlantic Avenue between Military Trail and Markland Lane.	98-241-ANX-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
41-98	10-20-98		Seacrest/Del-Ida Park Rezoned certain parcels of land in conjunction with the implementation of the Seacrest/Del-Ida Park Neighborhood Plan.	1998-169-CPA-CCA
42-98	10-20-98		Citation Club/Hammock Reserve Rezoned from RM-10 (Multiple Family Residential - Medium Density with a density suffix of 10 units per acre) to PRD-5 (Planned Residential Development - 5 units/acre) in part, and from PRD-5 to RM-10 with a density suffix of 10 units per acre related to the realignment of a roadway within the Citation Club/Hammock Reserve developments.	1998-154-CPA-CCA
48-98	11-17-98		City of Delray Beach Public Works Warehouse Rezoned from PCC (Planned Commerce Center) to CF (Community Facilities) District; a 2.11 acre parcel located at the southwest corner of Lake Ida Road and the CSX Railroad, approximately 480 feet east of Congress Avenue.	1998-273-REZ-CCA
49-98	1-05-99		Boca Delray Animal Hospital Annexed to the City of Delray Beach with initial zoning of GC (General Commercial) District; a 0.172 acre parcel located on the north side of Jefferson Road, approximately 100' east of Military Trail and 600' south of Atlantic Avenue.	1999-011-ANX-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
2-99	1-19-99		Avda Rezoned from RO (Residential Office), in part, and R-1-A (Single Family Residential), in part, to CF (Community Facilities) District; a parcel of land located on the north side of Southridge Road, between South Swinton Avenue and S.W. 4 th Avenue.	1999-024-REZ-CCA
5-99	2-16-99		St. Vincent Ferrer Church Rezoned from R-1-A (Single Family Residential) District to CF (Community Facilities) District; a parcel of land located 480 feet south of George Bush Boulevard between N.E. 8 th Avenue and Palm Trail.	1999-057-REZ-CCA
6-99	2-16-99		Delray Beach's Water Treatment Plant - Chemical Storage Building Rezoned from R-1-A (Single Family Residential) District to CF (Community Facilities) District; a parcel of land located on the east side of S.W. 2 nd Avenue between S.W. 6 th Street and S.W. 7 th Street.	1999-039-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
11-99	3-16-99		Winters Rezoning Rezoned from A (Agricultural) to RM-8 (Medium Density Residential/8 Units Per Acre) District; a parcel of land located on the north side of Old Germantown Road, approximately 1,300 feet west of Homewood Boulevard and immediately east of Spanish Wells.	1999-061-REZ-CCA
15-99	4-20-99		Bar and Ferg's Academy Rezoned from R-1-A (Single Family Residential) District to CF (Community Facilities) District; a 0.70 acre parcel located on the south side of Sterling Avenue, approximately 150 feet west of South Swinton Avenue.	1999-076-REZ-CCA
16-99	5-18-99		Keeler's Draperies Property Rezoned from RM (Multiple Family Residential - Medium Density) District to GC (General Commercial) District; a 0.6 acre parcel located on the east side of South Federal Highway, approximately 150 feet south of Tropic Isle Drive and the south half of the Keeler's Draperies property at 3415 South Federal Highway.	1999-120-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
19-99	6-15-99		North Federal Highway Corridor Rezoned from RM (Multiple Family Residential - Medium Density) District to RL (Multiple Family Residential - Low Density) District in conjunction with the adopted North Federal Highway Redevelopment Plan; nine parcels containing 2.49 acres located south of Lake Avenue South between U.S. Highway No. 1 and N.E. 8 th Avenue.	1999-140-REZ-CCA
38-99	10-19-99		Delray Oaks Preserve Rezoned from POC (Planned Office Center) District to OS (Open Space) District; 24.52 acres located at the northwest corner of Congress Avenue and S.W. 29 th Street.	1999-080-CPA-CCA
41-99	11-02-99		Security Self-Storage Facility Rezoned from I (Industrial) District to MIC (Mixed Industrial and Commercial) District; this is a corrective rezoning for a 1.0 acre parcel located at the northeast corner of Linton Boulevard and S.W. 4 th Avenue.	1999-252-REZ-CCA
42-99	11-02-99		Hegstrom Property Rezoned from R-1-AA (Single Family Residential) District to R-1-A (Single Family Residential) District; a 0.637 acre parcel located on the north side of N.E. 22 nd Street, approximately 450' east of Seacrest Boulevard.	1999-251-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
43-99	11-16-99		Borton Motors Rezoned from GC (General Commercial) District to AC (Automotive Commercial) District; a 2.23 acre parcel located on the east side of North Federal Highway, immediately north of the Borton Volvo/Volkswagen dealerships.	1999-244-REZ-CCA
48-99	12-07-99		Delray Beach Municipal Tennis Center Expansion Rezoned from R-1-A (Single Family Residential) District to CF (Community Facilities) District; 0.4 acre parcel (two properties) located on the west side of N.W. 2 ND Avenue, approximately 400 feet south of Martin Luther King, Jr. Drive (N.W. 2 nd Street).	1999-253-REZ-CCA
3-00	2-15-00		McKee Lane and Palm Trail Rezoned from R-1-A (Single Family Residential) District to RM (Medium Density Residential) District; four individual lots, Lot 18, Sophia Frey Addition, and Lots 6, 7, and 19, First Addition to Kenmont located on the southwest corner of Palm trail and McKee Lane.	2000-066-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
15-00	8-15-00		Delray Professional Office Center Annexed to the City of Delray Beach with initial zoning of POD (Professional Office District); a 1.30 acre parcel located on the north side of West Atlantic Avenue, approximately 1,600 feet east of Barwick Road, between the Villas D'Este and Windy Creek Subdivisions.	2000-188-CPA-CCA
16-00	8-15-00		Community Child Care Center Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities) District; a 1.37 acre parcel located west of N.W. 6 th Avenue between Lake Ida Road and N.W. 4 th Street.	2000-189-REZ-CCA
23-00		10-03-00	Pathways to Recovery, Inc. Annexed to the City of Delray Beach with initial zoning of CF (Community Facilities) District; a 3.5 acre parcel located on the east side of Barwick Road, approximately 250 feet north of Sable Lakes Road.	2000-184-REZ-CCA
27-00	10-17-00		Laver's Delray Racquet Club (Delray Swim and Tennis Club) Rezoned from RM (Medium Density Residential) to CF (Community Facilities) District; a 5.6 acre parcel located on the west side of Jaeger Drive, between Dotterel Road and Egret Circle.	2000-261-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
31-00	12-05-00		Palm Court Plaza Annexed to the City of Delray Beach with initial zoning of PC (Planned Commercial) District; a 14.19 acre parcel located at the southwest corner of Linton Boulevard and Military Trail.	2000-239-ANX-CCA
32-00	12-05-00		Block 36, Town of Delray (Rezoning a Portion) Rezoned from R-1-A (Single Family Residential and CF (Community Facilities) Districts to GC (General Commercial) District; a 1.8 acre parcel located on the north side of West Atlantic Avenue between N.W. 3 rd and 4 th Avenues.	2000-176-REZ-CCA
33-00	12-05-00		Steve Moore Chevrolet Site and Adjacent Commercial Properties Rezoned from AC (Automotive Commercial) and GC (General Commercial) Districts to CBD (Central Business District); approximately 6.4 acres located on the east and west sides of S.E. 5 th and 6 th Avenues, between S.E. 3 rd and 4 th Streets.	2000-241-REZ-CCA
18-01	3-20-01		Nagle Property and Sail Inn Rezoned from RM (Medium Density Residential) District to GC (General Commercial) District; a parcel of land located on the west side of N.E. 7 th Avenue, approximately 120 feet north of George Bush Boulevard.	2001-081-CPA-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
19-01	3-20-01		Priest Property Annexed to the City of Delray Beach with initial zoning of R-1-AAA; a parcel of land located at the northwest corner of Barwick Road and L-31 Canal.	2001-055-CPA-CCA and 2001-056-ANX-CCA
32-01	6-19-01		Autobahn Motors, Inc. Rezoned from GC (General Commercial) District to AC (Automotive Commercial) District; a 1.81 acre parcel located on the west side of North Federal Highway, approximately 920 feet north of Lake Avenue, within the North Federal Highway Redevelopment Area.	2001-130-REZ-CCA
38-01	7-24-01		First Presbyterian Church and the Fisler Property Rezoned from RM (Medium Density Residential) District to CF (Community Facilities) District; a 3.5 acre parcel located south of East Atlantic Avenue and extends west of Gleason Street and east of Bronson Avenue.	2001-164-REZ-CCA
42-01	8-07-01		Atlantic Grove Redevelopment Project - 36 NW 4th Avenue Rezoned from R-1-A (Single Family Residential) to CF (Community Facilities) District; a 0.23 acre parcel located on the west side of NW 4 th Avenue, approximately 150 feet south of NW 1 st Street to accommodate an off-street parking lot.	2001-188-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
51-01	10-02-01		Fanelli Property Annexed to the City of Delray Beach with initial zoning of GC (General Commercial); a parcel of land located on the east side of Military Trail, Approximately 2,300 feet north of Atlantic Avenue, immediately east of the Boys Farmer's Market.	2001-097-ANX-CCA
55-01	10-16-01		Donnie's Golden Spoon Restaurant Rezoned from R-1-A (Single Family Residential) District to CF (Community Facilities) District; a 0.5 acre parcel located on the east side of NW 6 th Avenue, approximately 300' north of West Atlantic Avenue.	2001-227-REZ-CCA
60-01	1-08-02		Mason Property Annexed to the City of Delray Beach with initial zoning of R-1-AAA (Single Family Residential) District; 0.88 acre parcel located on the west side of Barwick Road, approximately 500 feet south of Sabal Lakes Road.	2002-010-CPA-CCA and 2002-011-ANX-CCA
3-02	2-05-02		Rinaldi Property Corrective rezoning from RM (Medium Density Residential) to CBD (Central Business District); a parcel of land located on the east side of Bronson Avenue, approximately 100' south of East Atlantic Avenue.	2001-199-CPA-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
7-02	3-05-02		Palm Grove Village Rezoned from GC (General Commercial) in part, RM (Multiple Family Residential-Medium Density) in part, and RL (Multiple Family Residential-Low Density) in part to PRD (Planned Residential Development) District; 4.623 acres located on the north and south sides of Royal Palm Boulevard, east of North Federal Highway.	2002-059-REZ-CCA
11-02	4-02-02		Washington Mutual Bank and Other Commercial Uses Rezoned from RT (Resort Tourism) to PC (Planned Commercial); 2.067 acres located at the southwest corner of SE 5 th Avenue (southbound Federal Highway) and SE 10 th Street.	2002-092-REZ-CCA
20-02	6-18-02		Island House Apartments Rezoned from RM (Multiple Family Residential - Medium Density) to CBD (Central Business District); 0.09 acres located on the east side of Venetian Drive, approximately 278' south of East Atlantic Avenue.	2002-214-CPA-CCA
21-02	6-18-02		Island House Apartments Rezoned from RM (Multiple Family Residential - Medium Density) to CBD (Central Business District); 0.33 acres located on the west side of Gleason Street, 193' south of East Atlantic Avenue (34 Gleason Street).	2002-200-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
31-02	8-06-02		Barwick Area Parcels Annexed to the City of Delray Beach 54.5 acre parcel of land located South of the L-30 Canal between Barwick Road and Military Trail with a zoning designation of County AR (Agricultural Residential), RTU (Residential Transitional Urban), and CG (General Commercial).	2002-232-CPA-CCA and 2002-233-ANX-CCA
32-02	8-06-02		Winterplace PUD Annexed to the City of Delray Beach 34.6 acre parcel of land located at the southeast corner of the L-30 Canal and Military Trail with a zoning designation of County PUD (Planned Unit Development District).	2002-230-CPA-CCA and 2002-231-ANX-CCA
35-02	8-20-02		Koeser Residence Annexed to the City of Delray Beach with initial zoning of R-1-AAA (Single Family Residential) District; 0.88 acre located on the west side of Barwick Road, approximately 260 feet north of the L-31 canal (13341 Barwick Road).	2002-265-CPA-CCA and 2002-266-ANX-CCA
36-02	8-20-02		5th Street Townhomes Rezoned from R-1-AA (Single Family Residential) District to RM (Medium Density Residential) District; 0.5466 acres located on the south side of SE 5 th Street, approximately 160 feet east of SE 6 th Avenue (Federal Highway) - 622 SE 5 th Street.	2002-269-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
41-02	9-17-02		First Presbyterian Church Rezoned from RM (Multiple Family Residential-Medium Density) District to CF (Community Facilities) District; a parcel of land located approximately 450 feet south of East Atlantic Avenue (39 Gleason Street).	2002-287-REZ-CCA
49-02	10-15-02		Barwick Area Parcels Rezoned from County AR (Agricultural Residential), GC (General Commercial) and RTU (Residential Transitional Urban) Districts to City PRD (Planned Residential) and PC (Planned Commercial) Districts; 11 parcels located south of the L-30 Canal, between Barwick Road and Military Trail.	2002-372-REZ-CCA
50-02	10-15-02		Winterplace PUD Rezoned from County PUD (Planned Unit Development) District to City PRD (Planned Residential) District; 34.6 acre parcel located at the southeast corner of the L-30 Canal and Military Trail.	2002-371-REZ-CCA
52-02	12-3-02		The Meridian Rezoned from R-1-AA (Single Family Residential) District to CBD (Central Business) District; a parcel located on the north side of SE 4 th Street, approximately 127 feet east of SE 6 th Avenue (northbound Federal Highway).	2002-353-CPA-CAA and 2002-354-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
16-03	6-17-03		Gulfstream Business Bank Rezoned from AC (Automotive Commercial) District to GC (General Commercial) District; 0.759 acres located at 909 SE 5 th Avenue at the southeast corner of SE 5 th Avenue (southbound Federal Highway) and SE 9 th Street.	2003-171-REZ-CCA
23-03	9-09-03		Trinity Lutheran Church Property Rezoned from R-1-AA (Single Family Residential) District to CF (Community Facilities) District; 0.81 acre located at the northwest corner of Lake Ida Road and Swinton Avenue.	2003-255-CPA-CCA and 2003-256-REZ-CCA
28-03	9-23-03		St. Vincent Ferrer Church Rezoned from R-1-AA (Single Family Residential) District to CF (Community Facilities) District; 0.795 acre located on the north side of N.E. 6 th Street, between N.E. 8 th Avenue and Palm Trail.	2003-273-CPA-CCA and 2003-274-REZ-CCA
45-03	11-18-03		550 S.E. 9th Street Rezoned from AC (Automotive Commercial) District to GC (General Commercial) District; 0.73 acres located at the southwest corner of S.E. 6 th Avenue (Northbound Federal Highway) and S.E. 9 th Street.	2003-357-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
47-03		1-06-04	Simmons Cay Rezoned from R-1-AA (Single Family Residential) District to RM-8 (Multiple Family Residential-Medium Density-8dwelling units per acre) District; 1.36 acres located on the west side of State Road A-1-A (Ocean Boulevard) approximately 140 feet south of Vista Del Mar Drive.	2003-334-REZ-CCA
48-03	1-06-04		Delray Harbor Club Condominium Development Rezoned from POD (Professional and Office District) in part and CD (Conservation District) to RM (Multiple Family Residential); 0.509 acres located on the east side of South Federal Highway, approximately 650 feet south of S.W. 10 th Street.	2003-238-CPA-CCA and 2003-239-REZ-CCA
49-03	1-06-04		Wallace Drive Redevelopment Plan Rezoned from R-1-A (Single Family Residential) to LI (Light Industrial) for parcels of land located on the east side of Wallace Drive, south of S.W. 10 th Street; and from I (Industrial) to MIC (Mixed Industrial and Commercial) for two parcels of land located 100 feet east of Tangelo Terrace, between Poinsettia Drive and Georgia Street.	2003-289-CPA-CCA and 2003-290-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
50-03	1-06-04		Southwest Area Neighborhood Redevelopment Plan Rezoned from RM (Medium Density Residential) to GC (General Commercial) for the following areas: 1. South of West Atlantic Avenue, north of N.W. 1st Street, between S.W. 8th Avenue and S.W. 12th Avenue. 2. East and west sides of S.W. 5th Avenue, south of S.W. 1st Street. 3. Northwest corner of S.W. 1st Street and S.W. 4th Avenue.	2003-291-CPA-CCA and 2003-292-REZ-CCA
2-04	2-03-04		Delray Depot (Formerly the Train Station Depot site) Rezoned from MIC (Mixed Industrial and Commercial) in part and GC (General Commercial) in part, to MIC (Mixed Industrial and Commercial); a 1.80 acre parcel located at the northwest corner of West Atlantic Avenue and I-95.	2004-059-CPA-CCA and 2004-060-REZ-CCA
5-04	2-03-04		Highland Grove Estates Rezoned from A (Agricultural) to RM-8 (Medium Density Residential - 8 dwelling units per acre); a 1.69 acre parcel located on the north side of Old Germantown Road approximately 1,115 feet west of Homewood Boulevard.	2003-031-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
10-04	2-17-04		Atlantic Palms Rezoned from POC (Planned Office Center) to RM-9 (Multiple Family Residential-Medium Density - 9 dwelling units per acre); a 5.04 acre parcel located on the south side of West Atlantic Avenue, approximately 140 feet east of Whatley Road.	2003-353-REZ-CCA
30-04		PULLED See 60-04	The Cottages at Banyan Village Rezoned from CF (Community Facilities) in part and R-1-A (Single Family Residential) in part to RM-10 (Medium Density Residential 10 units per acre) ; a 8.96 acre parcel located at the southwest corner of Swinton Avenue and S.W. 10 th Street.	2004-080-CPA-CCA and 2004-081-REZ-CCA
31-04	10-19-04		West Atlantic Corridor Rezoned from GC (General Commercial) to CBD (Central Business District); 41.53 acres of land for properties generally located on the north and south sides of West Atlantic Avenue, between NW/SW 1 st Avenue (100 Block) and NW/SW 12 th Avenue (1200 Block) within the West Atlantic Avenue Overlay District.	2004-228-CPA-CCA and 2004-229-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
32-04	7-20-04		The Strand Rezoned from CF (Community Facilities) to CBD (Central Business District); 2.42 acre parcel of land bordered by S.E. 1 st Street on the north, S.E. 2 nd Street on the south, S.E. 3 rd Avenue on the east, and the Florida East Coast (F.E.C.) Railway on the west.	2004-254-CPA-CCA and 2004-255-REZ-CCA
47-04	9-21-04		The Lighthouse Property Amended the Future Land Use Map from MD (Medium Density Residential 5-12 dwelling units per acre) to TRN (Transitional) and rezoned from RM (Medium Density Residential 6-12 dwelling units per acre) to RO (Residential Office); 0.86 acre parcel of land bordered by SW 1 st Street on the north, SW 1 st Avenue on the east, and SW 2 nd Avenue on the west.	2004-162-CPA-CCA and 2004-188-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
48-04	10-19-04		Intracoastal Park Future Land Use Map Amendments (FLUM) for two separate parcels that are part of land swap activity associated with the establishment of the Intracoastal Park site. The first parcel is a small-scale FLUM Amendment from TRN (Transitional) to MD (Medium Density Residential 5-12 dwelling units per acre) and rezoning from POD (Planned Office Development) to RM (Medium Density Residential) for a 0.13 acre that is currently owned by the Delray Harbor Club. The second parcel is a small-scale FLUM Amendment from TRN (Transitional), MD (Medium Density Residential 5-12 dwelling units per acre), and OS-C (Open Space-Conservation) to OS-C (Open Space-Conservation) and rezoning from POD (Professional Office District), RM (Medium Density Residential), and CD (Conservation District) to OS (Open Space) which consists of 4.47 acres, generally located on the east side of South Federal Highway between S.E. 10th Street and Linton Boulevard.	2004-352-CPA-CCA and 2004-353-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
60-04	12-06-04		The Cottages at Banyan Village Rezoned from CF (Community Facilities) and R-1-A (Single Family Residential) to RM (Medium Density Residential) for an 8.96 acre parcel of land; located at the southwest corner of Swinton Avenue and S.W. 10 th Street.	2004-081-REZ-CCA
65-04	12-06-04		Tire Kingdom Future Land Use Map Amendment (FLUM) from County LR-3 (Low Residential- 3 units per acre) to GC (General Commercial) and annexation with initial zoning of AC (Automotive Commercial) for a parcel of land within unincorporated Palm Beach County; located at 5005 Conklin Drive (northwest corner of Military Trail and Conklin Drive).	2004-393-ANX-CCA and 2004-394-CPA-CCA
75-04	1-18-05		Gramercy Future Land Use Map (FLUM) from County HR-8 (High Density Residential-8 dwelling units per acre) to City MD (Medium Density Residential 5-12 dwelling units per acre) and annexation with initial City zoning of RM-8 (Medium Density Residential-8 dwelling units per acre) for an 5.82 acre parcel of land; located 260 feet west of Military Trail and 710 feet south of West Atlantic Avenue.	2004-291-ANX-CCA and 2004-292-CPA-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
13-05	4-19-05		S.E. 7TH Avenue Rezoning (214, 218 and 222) Corrective Future Land Use Map Amendment (FLUM) from CF (Community Facilities) and LD (Low Density Residential 0-5 dwelling units per acre) in part, to LD (Low Density Residential 0-5 dwelling units per acre) and rezoning from CF (Community Facilities) to R-1-AA (Single Family Residential); 0.42 acres located on the west side of S.E. 7 th Avenue, approximately 145 feet south of S.E. 2 nd Street.	2005-121-REZ-CCA
14-05 and 15-05	4-19-05		Country Club Acres Annexed to the City of Delray Beach, 9.14 acres of land located on the east side of Military Trail, 160' south of Atlantic Avenue with a County Future Land Use Map (FLUM) designation of MR-5 (Medium Residential 5 units per acre) and a zoning designation of County AR (Agricultural Residential). Consists of voluntary annexation of fifteen parcels of land and annexation via the provisions of the executed Water Service Agreements for 32 parcels of land all within Country Club Acres.	2005-117-ANX-CCA and 2005-118-CPA-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
32-05	10-11-05		Country Club Acres Rezoned from County AR (Agricultural Residential) District to City R-1-A (Single Family Residential) District; 18.16 acres located on the east side of Military Trail, south of Atlantic Avenue.	2005-193-REZ-CCA
33-05	9-20-05		Delray Medical Center Annexed to the City of Delray Beach via the provisions of the executed Water Service Agreements and Consent to Annexation with initial zoning of CF (Community Facilities) District; 30.74 acre parcel located on the south side of Linton Boulevard, approximately 1,240 feet west of Military Trail.	2005-194-ANX-CCA and 2005-195-CPA-CCA
34-05	6-21-05		The Hamlet Future Land Use Map Amendment (FLUM) from OS (Open Space) District to LD (Low Density Residential 0-5 dwelling units per acre) and rezoning from OSR (Open Space and Recreation) District to R-1-A (Single Family Residential) District; 0.978 acre parcel of land; located on the south side of West Atlantic Avenue, approximately 2,000 feet west of Homewood Boulevard within the Hamlet Residential Development.	2005-152-CPA-CCA and 2005-153-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
35-05	6-21-05		La France Hotel Rezoned from R-1-A (Single Family Residential) District to CF (Community Facilities) District associated with the establishment of a Senior Housing Facility for the 4,028 square foot La France Hotel; located on the west side of N.E. 4th Avenue, approximately 80 feet south of Martin Luther King Jr. Drive (N.W. 2nd Street).	2005-150-REZ-CCA
37-05	9-20-05		Osceola Park Redevelopment Area Rezoned from RM (Medium density Residential) District to R-1-A (Single Family Residential) District for a 5.9 acre portion of the redevelopment area; located between S.E. 2nd Street and S.E. 3rd Street between S.E. 2nd Avenue and S.E. 5th Avenue.	2005-196-CPA-CCA and 2005-197-REZ-CCA
44-05	7-19-05		Cornell Park Future Land Use Map Amendment (FLUM) from LD (Low Density Residential 0-5 dwelling units per acre) District to OS (Open Space) District and rezoning from R-1-A-A-A-B (Single Family Residential) District to OSR (Open Space and Recreation) District; 3.4 acre parcel located at the northeast corner of N.W. 9th Street and N.W. 4th Avenue.	2005-240-CPA-CCA and 2005-241-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
53-05	8-16-05		Delray Community Missionary Baptist Church Rezoned from CBD (Central Business District) to CF (Community Facilities) District; 0.78 acre parcel located on the north and south sides of S.W. 1 st Street, west of S.W. 5 th Avenue.	2005-127-REZ-CCA
57-05	9-20-05		Public Park Within the Bexley Park Subdivision Rezoned from PC (Planned Commercial) District in part, and PRD (Planned Residential Development) District in part, to OSR (Open Space and Recreation) District; 11.15 acre parcel located between Barwick Road and Military Trail north of the L-31 Canal.	2005-277-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
58-05 and 63-05 and 66-05	9-6-05		Watkins Motor Lines Truck Terminal Valero Gas Station Public Self Storage Facility Annexed to the City of Delray Beach, 9.13 acres of land located on the west side of Military Trail, approximately 1,400' south of Lake Ida Road with a County Future Land Use Map (FLUM) designation of CH-8 (Commercial High with an Underlying High Residential, 8 du/ac) to City TRN (Transitional) for Watkins Motor Lines Truck Terminal and Public Self Storage Facility. Future Land Use Map (FLUM) designation change from County CH-8 (Commercial High with an Underlying High Residential, (8 du/ac) to City GC (General Commercial) for Valero Gas Station. Consists of voluntary annexation of three parcels of land.	2005-267-ANX-CCA
59-05	1-03-06		Burke Lee Property Rezoned from R-1-A (Single Family Residential) District to RM (Medium Density Residential) District; 0.5 acre located on the north side of Linton Boulevard, approximately 660 feet west of S.W. 4th Avenue.	2005-291-CPA-CCA and 2005-292-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
60-05	12-06-05		Lintco Properties Rezoned from R-1-A (Single Family Residential) District to RM (Medium Density Residential) District; 7.05 acres located at the northwest corner of Linton Boulevard and S.W. 4 th Avenue.	2005-261-REZ-CCA
65-05	9-20-05		Gramercy Square II Annexed to the City of Delray Beach, Future Land Use Map Amendment (FLUM) from County HR-8 (High Residential 8 dwelling units per acre) to City MD (Medium Density Residential 5-12 dwelling units per acre) and rezoned from County AR (Agricultural Residential) to City RM-8 (Medium Density Residential 8 dwelling units per acre); a 4.85 acre parcel located on the west side of Military Trail, approximately 710 feet south of Atlantic Avenue.	2005-286-ANX-CCA and 2005-287-CPA-CCA
74-05	11-15-05		9th Street Properties Rezoned from RO (Residential Office) District to R-1-A (Single Family Residential) District for Lots 13-16, Block 12, Dell Park; 0.57 acres located at the southeast corner of N.E. 2nd Avenue (Seacrest Boulevard) and N.E. 9th Street.	2005-342-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
76-05	12-06-05		Valero Gas Station Rezoned from County GC/SE (General Commercial/Special Exception) to GC (General Commercial) District; 0.96 acre parcel located on the west side of Military Trail, 100 feet north of Conklin Drive.	2005-267-ANX-CCA
77-05	12-06-05		Watkins Motor Lines Truck Terminal Rezoned from County GC/SE (General Commercial/Special Exception) to SAD (Special Activities District) ; 4.72 acre parcel located on the west side of Military Trail, 430 feet north of Conklin Drive.	2005-267-ANX-CCA
78-05	12-06-05		Public Self Storage Facility Rezoned from County GC/SE (General Commercial/Special Exception) to SAD (Special Activities District) ; 3.45 acre parcel located on the west side of Military Trail, 270 feet north of Conklin Drive.	2005-267-ANX-CCA
80-05	1-03-06		Coda (fka Lighthouse) Rezoned from RO (Residential Office) District to RM (Medium Density Residential) District; 0.205 acre located south of S.W. 1 st Street, between S.W. 1 st Avenue and S.W. 2 nd Avenue.	2006-005-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
81-05	1-03-06		Atlantic Shores Rezoned from CBD-RC (Central Business District-Railroad Corridor) to CBD (Central Business District); 1.25 acres located on the east and west sides of S.E. 2 nd Avenue, between S.E. 1 st Street and S.E. 2 nd Street.	2005-392-REZ-CCA
82-05	1-03-06		Atlantic Shores Rezoned from CBD-RC (Central Business District-Railroad Corridor) to CBD (Central Business District) for the south seven feet of Lot 9, and Lots 10 through 12 inclusive, together with the north thirty-seven feet of Lot 13; lying in Block 78; 0.85 acres located along the west side of S.E. 2 nd Avenue between S.E. 1 st Street and S.E. 2 nd Street.	2005-392-REZ-CCA
83-05	1-03-06		Ralph Buick Dealership Rezoned from AC (Automotive Commercial) to GC (General Commercial; 6.28 acres located on the east side of Federal Highway and the west side of Florida Boulevard.	2006-010-REZ-CCA
1-06	1-17-06		Palm Trail Carriage Homes Rezoned from POD (Professional Office District) to RM-10 (Medium Density Residential-10 Units per acre) District; 1.77 acres located at 816 Palm Trail approximately 185 feet north of George Bush Boulevard.	2006-007-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
5-06	7-25-06		Robotic Space Savers (fka Safe and Secure) Annexation, Small-Scale Future Land Use Map amendment from County RL-3 (Low Density Residential - 3 dwelling units per acre) to City TRN (Transitional). Rezoned from County CG/SE (Commercial General/Special Exception) to City SAD (Special Activities District); 0.99 acre located at the southwest corner of Conklin Drive and Military Trail.	2006-059-ANX-CCA and 2006-060-CPA-CCA
7-06	2-21-06		Bahia Delray (fka Waterford Village Apartments) Rezoned from SAD (Special Activities District) Waterford Place/Delint to RM (Medium Density Residential) District; 25.19 acres located on the west side of Dotterel Road, between I-95 and Lindell Boulevard.	2006-057-REZ-CCA
26-06	5-16-06		Germantown Road Subdivision Rezoned from A (Agricultural) District to R-1-AAA (Single Family Residential) District; 2.48 acres located on the southeast corner of Old Germantown Road and Rabbit Hollowe Drive.	2006-184-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
32-06	6-20-06		Neighborhood Resource Center Rezoned from RM (Medium Density Residential) District to CF (Community Facilities) District; 0.314 acres located approximately 57 feet north of S.W. 2 nd Street and extending between S.W. 11 th Avenue and S.W. 12 th Avenue.	2006-269-REZ-CCA
44-06	9-19-06		2200 Lake Drive Annexed to the City of Delray Beach with initial zoning of County LR-1 (Low Residential 1 du/ac); a 0.72 acre located at 2200 Lake Drive.	2006-311-ANX-CCA
59-06	03-20-07		Christ the King Monastery of St. Clare Small Scale Future Land Use Map amendment from CF (Community Facilities) District to LD (Low Density Residential 0-5 du/ac); 8.27 acre portion of the Christ the King Monastery of St. Clare; and, rezoned from CF (Community Facilities) District to R-1-AA (Single Family Residential) District; and associated reduction of lot frontage and lot width requirements for proposed Lots 17 and 22 within the subdivision at Christ the King Monastery of St. Clare, Inc., located at the southeast corner of Sherwood Boulevard and Sutton Place.	2006-393-CPA-CCA and 2006-394-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
69-06	2-06-07		North Federal Highway Area, including 700 and 707 N.E. 6th Avenue Rezoned from GC (General Commercial) in part and AC (Automotive Commercial) in part to CBD (Central Business District); 21.6 acres located between N.E. 4 th Street and George Bush Boulevard and extending from the FEC Railroad to approximately 1/2 block east of N.E. 6 th Avenue.	2006-309-CPA-CCA and 2006-310-REZ-CCA
70-06	2-06-07		Bexley/Barwick Tracts Annexed and rezoned from County AR (Agricultural Residential) to City RM-8 (Residential Medium Density 8 du/ac); 3.18 acres located on the south side 133 rd Road "S", 640' west of Barwick Road, and approximately 1,400' north of Lake Ida Road.	2006-358-ANX-REZ-CCA
71-06	2-20-07		Depot Road Property Rezoned from I (Industrial) District in part and OS (Open Space in part to MIC (Mixed Industrial and Commercial) District; 10.7 acres located along Depot Road, north of the Old Train Station, between the CSX Railroad and I-95.	2006-203-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
83-06	1-16-07		2703, 2709 and 2715 South Federal Highway Amended the Future Land Use Map from TRN (Transitional) District to GC (General Commercial) District and rezoned from NC (Neighborhood Commercial) District to GC (General Commercial) District for the above 3 parcels; 0.843 acres located at 2703, 2709 and 2715 South Federal Highway.	2007-030-CPA-CCA and 2007-031-REZ-CCA
1-07	1-16-07		145 S.W. 12th Avenue Rezoned from RM (Medium Density Residential) District to CF (Community Facilities) District for the proposed Community Land Trust Office; 0.18 acre located at the northeast corner of S.W. 12 th Avenue and S.W. 2 nd Street.	2007-033-REZ-CCA
3-07	2-06-07		2200 Lake Drive Small Scale Future Land Use Map amendment from County LR-1 (Low Density Residential 1 du/ac) to City LD (Low Density Residential 0-5 du/ac); and, rezoned from County AR (Agricultural Residential) to City R-1-AA (Single Family Residential) District; a 0.72 acre located at the northwest corner of Lake Drive and N.W. 22 nd Street.	2006-312-CPA-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
4-07	2-06-07		Robotic Space Savers (fka Safe and Secure) Small-Scale Future Land Use Map amendment from County RL-3 (Low Density Residential - 3 dwelling units per acre) to City TRN (Transitional). Rezoned from County CG/SE (Commercial General/Special Exception) to City SAD (Special Activities District); 0.99 acre located at the southwest corner of Conklin Drive and Military Trail.	2006-059-ANX-CCA and 2006-060-CPA-CCA
5-07	2-20-07		MROC (Mixed Residential Office and Commercial) Rezoning Rezoned MIC (Mixed Industrial and Commercial) District in part, PCC (Planned Commerce Center) District in part, POC (Planned Office Center) District in part, PC (Planned Commercial) District in part, and CF (Community Facilities) District in part to MROC (Mixed Residential, Office and Commercial) District; 225.50 acres located within the area bounded on the north by West Atlantic Avenue, on the south by the C-15 Canal, on the east by I-95, on the west by Congress Avenue, and together with the Congress Park, Congress Park South and Office Depot complexes, located just west of Congress Avenue.	2007-074-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
9-07	3-20-07		Delray Cycle Rezoned from GC (General Commercial) to AC (Automotive Commercial); 0.78 acre located on the east side of Dixie Highway, approximately 1,250 feet south of Gulf Stream Boulevard.	2007-086-REZ-CCA
16-07	5-15-07		Urban Park Adjacent to Old School Square Small-Scale Future Land Use Map amendment from CC (Commercial Core) in part and OMU (Other Mixed Use) in part to OS (Open Space) and, rezoned from CBD (Central Business District) in part and OSSHAD (Old School Square Historic Arts District) in part to OSR (Open Space and Recreation) for a proposed Urban Park adjacent to Old School Square; located approximately 180 feet north of East Atlantic Avenue, between N.E. 1st Avenue and Pineapple Grove Way (N.E. 2nd Avenue.)	2007-148-CPA-CCA and 2007-148-REZ-CCA
52-07	11-20-07		Achievement Centers for Children and Families Rezoned from R-1-A (Single Family Residential) District to CF (Community Facilities) District; 0.28 acres located at the southeast corner of NW 5 th Avenue and NW 4 th Street.	2007-349-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
54-07	11-20-07		SW 12th Avenue Rezoned from R-1-A (Single Family Residential) District to RM (Medium Density Residential) District; located on the east and west sides of SW 12th Avenue, between SW 2nd Street and SW 3rd Street.	2007-243-CPA-CCA and 2007-244-REZ-CCA
05-08	2-19-08		City Owned Parcel West of Orchard View Park Rezoned from SAD (Special Activities District) to OSR (Open Space and Recreation) District; 0.72 acre parcel located east of Midtown Delray (fka Blood's Hammock Groves) and west of Orchard View Park	2008-049-REZ-CCA
22-08	4-15-08		Ralph Buick Dealership Rezoned from GC (General Commercial) to AC (Automotive Commercial); A parcel located at the Northeast corner of South Federal Highway (U.S. Highway No. 1) and Fladell's Way (Avenue "F"),	2007-005-REZ-CCA
46-08	10-21-08		Head Start Rezoned from RM (Medium Density Residential) and OSR (Open Space and Recreation) District to CF (Community Facilities) District; located on the south side of SW 6th Street, west of Auburn Avenue.	2008-224-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
55-08	12-09-08		Fair Oaks Annexed to the City of Delray Beach via the provisions of the executed Water Service Agreements and Consent to Annexation with initial zoning of CF (Community Facilities) District; 5.47 acre parcel located on the south side of Linton Boulevard, approximately 2,150 feet west of Military Trail.	2008-092-ANX
11-09	4-21-09		New Century Courtyards Rezoned from R-1-A (Single Family Residential), MH (Mobile Home District) and POC (Planned Office Center) to PC (Planned Commercial) District; 8.18 acres located on the west side of South Federal Highway, approximately 320 feet south of SE 10th Street and north of the Plaza at Delray	2009-003- REZ-CCA
14-09	5-19-09		13415 Barwick Road Annexed to the City of Delray Beach via the provisions of an executed Water Service Agreement and Consent to Annexation with initial zoning of R-1-AAA (Single Family Residential District); 0.88 acre parcel located on the west side of Barwick Road, approximately 1,760 feet north of Lake Ida Road.	2009-101-ANX-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
58-09	11-17-09		1900 North Federal Highway Rezoned from AC (Automotive Commercial) to GC (General Commercial) District; 1.73 acres located on the west side of North Federal Highway, approximately 150 feet north of Allen Avenue.	2009-239-REZ-CCA
03-10	1-19-10		Bordman Property Rezoned from CF (Community Facilities) to RM (Medium Density Residential) District; Parcel located on the west side of Oceanview Avenue, 125 feet south of Gulfstream Boulevard.	2010-010-REZ-CCA
20-10	12-14-10		Lintco Development Rezoned from RM (Medium Density Residential) to GC (General Commercial); 7.08 acres located at the northwest corner of Linton Boulevard and SW 4 th Avenue.	2010-156-CPA-CCA and 2010-157-REZ-CCA
43-10	12-14-10		Marketplace of Delray Rezoned from County CG (General Commercial) to City PC (Planned Commercial); 30.26 acre shopping center located at the Northwest corner of West Atlantic Avenue and Military Trail; Annexed via Ordinance 18-10 pursuant to a voluntary annexation clause in 2002 WaterService Agreement	2010-149-ANX-REZ-CCA and 2010-150-CPA-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
03-11	3/1/11		Spodak Rezoned parcel from Agricultural (A) District to Professional and Office (Pod) District; located on the north side of West Atlantic Avenue, approximately 360 feet west of High Point Boulevard.	2011-035-REZ-CCA
06-11	4/5/11		Presidential Auto Leasing and Sales Rezoned parcel from RM (Medium Density Residential) to AC (Automotive Commercial) District; located on the south side of Avenue "I", approximately 357 feet east of South Federal Highway.	2011-048-REZ-CCA
38-11	11/1/11		Lago Vista Annexed to the City of Delray Beach via the provisions of the executed Water Service Agreements and Consent to Annexation with initial zoning of CF (Community Facilities) District; 6.12 acre parcel located at the southeast corner of Linton Boulevard and the E-3 Canal.	2011-133-ANX-CPA-CCA
14-12	4/17/12		10th and 10th Center Rezoned from LI (Light Industrial) to NC (Neighborhood Commercial); 1.49 acres located at the southeast corner of SW 10 th Street and SW 10 th Avenue.	2012-081-REZ-CCA

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
18-12	6/19/12		Neighborhood Resource Center Expansion Rezoned from RM (Medium Density Residential) to CF (Community Facilities); 0.32 acres located at 133 SW 12th Avenue, on the east side of SW 12th Avenue, 107 feet north of SW 2nd Street.	2012-140-REZ-CCA
19-12	8/21/12		35 SW 10th Avenue Rezoned from RM (Medium Density Residential) to CBD (Central Business District); 0.157 acre lot located at 35 SW 10 th Avenue, on the east side of SW 10th Avenue, 391 Feet south of West Atlantic Avenue.	2012-138-REZ-CCA
42-12	1/3/13		Bermuda Gardens Road Rezoned from RM (Medium Density Residential) to R-1-A (Single Family Residential), parcels located on the North and South sides of Bermuda Gardens Road, lying West of State Road A-1-A	2013-008-REZ-CCA
06-13	4/16/13		MD Now Delray Beach Rezoned from RM (Medium Density Residential) to GC (General Commercial); 0.49 acres located on the north side of Linton Boulevard, west of S.W. 4th Avenue at 601 Linton Boulevard.	2013-097-REZ-CCA
41-12	7/9/13		Delray Place Rezoned from POC (Planned Office Center) to SAD (Special Activities District); 9.95 acres located at the southeast corner of South Federal Highway and Linton Boulevard	2012-059-REZ-CCA

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ORDINANCE NUMBER	DATE ADOPTED	DATE DENIED	DESCRIPTION	PROJECT NUMBER
28-13	11/19/2013		Pelican Point Condominium Rezoned from RM (Medium Density Residential) District in part and GC (General Commercial) in part to RM (Medium Density Residential); located east of South Federal Highway, between Tropic Isle Drive and Bosun Way.	2013-236-REZ-CCA
04-14	4/1/14		Coda Townhouses Rezoning and placing land presently zoned RO (Residential Office) District to RM (Medium Density Residential) District; 0.62 acres located on the south side of SW 1st Street, between SW 1st Avenue and SW 2nd Avenue.	2014-005-REZ-CCA

**LDR LOG BOOK
(TEXT AMENDMENTS)**

Beginning with the 2017 publication, this table will no longer be maintained and will be replaced with the Land Development Regulations Comparative Table, which can be found following this table on LDRCT:201.

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
25-90	Multiple	Amended the City of Delray Beach's Code of Ordinances by repealing certain code sections to provide for the implementation of the Land Development Regulations.	9-25-90	10-01-90	9-30-91
49-90	8.4.2	Public Improvements and Special Assessments Definitions added to Appendix A: System, Stormwater Management Assessments, Benefited Area.	10-23-90	4-23-91	9-30-91
	8.4.16	Stormwater Management Assessments New Section added.			
55-90	1.4.5	Definitions: Added to Appendix A: Adult Arcade, Adult Bookstore/Adult Video Store, Adult Dancing Establishment, Adult Entertainment Establishment, Alcoholic Beverage Establishment, Nudity, Partial Nudity.	11-13-90	4-23-91	9-30-91
	4.3.3 (AA)	Adult Entertainment Establishments New Subsection added.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.9	General Commercial (GC) District Added "Adult Entertainment Establishments" to the conditional uses and renumbered the remaining conditional uses.			
	4.4.19 (D)	Mixed Industrial and Commercial (MIC) District Added "Adult Entertainment Establishments" to the conditional uses and structures allowed in the MIC District.			
58-90	4.4.13 (H)	Central Business District Special Regulations Deletion of the prohibition of the sale of second hand material within businesses located between North 1st and South 1st Street.	12-11-90	4-25-91	9-30-91
61-90	1.4.5	Definition: Family Changed term.	1-08-91	4-23-91	9-30-91
1-91	4.3.4 (K)	Development Standards Matrix Neighborhood Commercial (NC) District; decreased the rear setback from 20' to 10'.	1-19-91	5-02-91	9-30-91
2-91	2.4.5 (I) (1)	Architectural (Appearance) Elevations Additional items for which the Chief Building Official has authority to approve subject to conditions or to deny a building permit.	1-29-91	4-22-91	9-30-91
3-91	4.4.12 (H) (1)	Special Regulations Increasing the maximum allowable floor area for single tenant or a single use from 20,000 square feet to 60,000 square feet with the Planned Commercial Small Scale (PC-S) District.	1-29-91	4-25-91	9-30-91

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
4-91	4.4.19 (D)	MIC District Conditional Uses and Structures Allowed Repealed Section 4.4.19 (D) and enacted a new Section 4.4.19 (D) to provide provisions for conditional uses and structures allowed.	1-29-91	4-25-91	9-30-91
12-91	4.3.4 (H) (4)	Structures Allowed In Setbacks Enacted new paragraphs (k), (l), (m), and (n).	3-19-91	4-24-91	9-30-91
	4.3.4 (H) (5)	Setbacks for Screen Porches, Screen Enclosures, and Accessory Structures in Rear Yards. Changed terms of (e) and added (f).			
	4.3.4 (H) (7)	Reduction Along Cul-De-Sacs Enacted a new paragraph.			
13-91	4.6.15 (G)	Swimming Pool, Yard Encroachment Provided for an exception for the encroachment of pool enclosures in the setback areas.	2-26-91	4-26-91	9-30-91
14-91	4.4.9 (D) and 4.4.13 (D) (12)	Veterinary Clinics in GC and CBD Districts Enacted new Subsections to allow veterinary clinics as a conditional use.	2-26-91	4-25-91	9-30-91
15-91	4.4.25 (G)	S.A.D.'s Notification that approval for the Isles of Delray SAD has expired and to provide for inclusion of Tutor Time Plaza as an approved SAD.	2-26-91	4-25-91	9-30-91
16-91	4.6.7 (D) (3) (f)	Real Estate Signs	2-26-91	4-26-91	9-30-91
	4.6.7 (D) (3) (m)	Welcoming Signs			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.7 (E)(1)(a)	Wall Signs			
	4.6.7 (H)(2)	Removal of Nonconforming Signing Provided for a limitation of one real estate sign per lot; to provide for information requirements on gasoline signs such as price per gallon, type of fuel, octane rating and directional information; to provide for the prohibition of wall signs projecting more than 8" from the wall upon which it is mounted and to correct the date in the heading of Subsection 4.6.7 (H) (2) from 12/8/85 to 12/18/85.			
17-91	4.6.4 (B)(3)(a)	Industrial Zoning Adjacent to Residential Zoning Changed paragraph to provide for the proper screening of industrial uses from adjacent residential uses.	2-26-91	4-26-91	9-30-91
18-91	6.3.5	Canopies New Section added to provide for the extension of canopies, marquees and covered walkways into the public right-of-way with approval from the City Commission.	2-26-91	4-23-91	9-30-91
19-91	4.6.9 (D)(6)(d)	Marking and Signing Deleted the term "signals" and replaced it with "signs and markings"; to provide that all signs and markings relating to off street parking shall comply with M.U.I.C.D. criteria.	4-09-91	09-16-91	09-30-91

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
20-91	2.4.3 (K)(2)	Permit Fees Changed heading to Plan Check Fees.	02-26-91	4-19-91	9-30-91
	2.4.3 (K)(3)(g)	Permit Fees New Subsection to provide for fees for processing sign permit applications.			
21-91	7.1.3 (A)(2) and (3)	Building Code Deleted a reference in paragraph 7.1.3 (A) (2) and repealed paragraph 7.1.3 (A) (3).	2-26-91	4-19-91	9-30-91
22-91	4.5.1 (K)	Designation of Historic Sites Added the Colony Hotel and the Colony Hotel North Annex to historic sites.	3-26-91	4-25-91	09-30-91
30-91	4.5.1 (C)(7)	Designation Procedure Renumbered existing paragraphs and enacted new paragraphs to provide for procedures the Historic Preservation Board shall follow prior to designating a site as being Historic, including provisions for public hearing and for approval by the City Commission.	03-26-91	04-25-91	9-30-91
31-91	4.4.25 (C)(3)	S.A.D.'s Establishment	3-26-91	4-25-91	9-30-91
	4.4.25 (I) (5)	Marina Cay SAD Provided for the inclusion of the initial ordinance for Large Scale Mixed Use development and to provide for the extension of the approval date to 8/22/92 for the Marina Cay SAD.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
33-91	Appendix "A"	Definitions Repealed the definition for Nonconforming Use; enacted definitions for the terms: Automobile Brokerage, Automobile Dealership, Full Service, Land Development Application, Major Subdivision, Minor Subdivision, Nonconforming Use, and Substance Abuse.	3-26-91	4-24-91	9-30-91
43-91	4.3.4 (J)(2)	Basis for Measurement Paragraph (c) added for single family detached structures in residentially zoned districts.	6-11-91	7-10-91	9-30-91
	4.3.4 (K)(4)	Development Standards Matrix - Residential Zoning Districts Height added to Matrix for single family detached structures in residentially zoned districts.			
47-91	4.6.7 (D)(3)(f)	Real Estate Signs	7-09-91	8-22-91	9-30-91
	4.6.7 (D)(3)(h)	Subdivision Entrance Gate Signs			
	4.6.7 (E)(7)	Sign Development Standards Matrix			
	4.6.7 (B)(3)	Temporary Political Signs			
	4.6.7 (B)(11)	Exempt Signs			
	4.6.7 (C)(2)	Sidewalk and Sandwich Board Signs			
	4.6.7 (C)(5)	Banner Signs			
	4.6.7 (D)(3)	Special Purpose Signs and Signing			
	4.6.7 (E)(3)(b)	Location and Setback Requirements			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.7 (H)(6)	Nonconforming Nostalgic Signs Modified the Sign Code.			
51-91	6.1.11 (A)	Sewer System Modified connection with sanitary sewer upon availability, by allowing for 90 days to connect to the sanitary sewer system.	8-13-91	8-22-91	9-30-91
53-91	2.2.4 (D)(6) 2.2.5 (D)(4)	The Board of Adjustment The Board of Construction Appeals Added new paragraphs as to the appropriate appeals from the decisions made by the Boards to the Circuit Court.	8-27-91	11-11-91	1-09-92
55-91	4.4.10 (D)(8)	Automotive Commercial (AC) District Added new paragraph to allow commercial parking lots as a conditional use.	9-10-91	11-11-91	1-09-92
64-91	2.4.7 (F)(2)(d)	Relief from Improper Regulations - Sunset Extended the period of time to May 1, 1992, during which the Special Adjustment Advisory Board may recommend correcting errors.	9-24-91	11-11-91	1-09-92
75-91	2.2.6 (H)	Temporary Use Permit Numbered list of uses and added Number 5 - City Operated Facilities as a use.	11-19-91	1-03-92	1-09-92

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
81-91	4.6.16 (E)(8)	Landscape Design Standards Added two paragraphs to provide for no more than eighty percent (80%) of the required open space be planted in lawn grass for single family and duplex lots; and redefined the basis for calculating ground cover requirements for commercial, industrial and multi-family developments.	12-03-91	01-03-92	01-09-92
82-91	6.1.10 (B)(5)	Prohibition on Use of City Water for Irrigation To provide for a line of demarcation, west of which the use of Municipal water for irrigation purposes is prohibited; and to establish a provision for exceptions due to special circumstances.	11-19-91	1-03-92	1-09-92
87-91	4.6.13 (B)(1)	Parking and Storage of Commercial Vehicles, Boats, Trucks, and Similar Vehicles - Permissible Parking: Subparagraph (1) Trucks To provide parking restrictions for trucks in the R-1A (Single Family Residential) District and to provide for parking a maximum of two one and one-half ton trucks.	1-14-92	1-13-92	4-06-92

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
2-92	4.4.10 (G)(2)	Supplemental District Regulations - Use and Operating Restrictions Deleted Subparagraph 4.4.10 (G) (5) (d) to eliminate all language regarding the provision regulating banners from the Automotive Commercial (AC) District; relettered Subparagraphs 4.4.10 (G) (5) (e) and (f).	2-11-92	2-14-92	4-06-92
4-92	2.2.5 (C)(1)	The Board of Construction Appeals - Meetings and Quorum Added sentence to Subparagraph (1), "provided there is business to be conducted by the Board".	2-11-92	2-20-92	4-06-92
9-92	5.3.2 (C)(3) and (4)	Subdivision Regulations - Park Land Dedication Amended Subsections 5.3.2 (C) (3) and (4) to provide that any required impact fee assessed for the purpose of providing park and recreational facilities shall be collected at the time of issuance of a building permit.	3-11-92	3-17-92	4-06-92
10-92	6.3.5	Canopies Amended change in the approval authority for canopies from City Commission to the Chief Building Official.	3-11-92	3-17-92	4-06-92
15-92	6.3.3	Newsracks Repealed Section 6.3.3, Newsracks, and enacted a new Section 6.3.3, "Newsracks, Benches and Other Unattached Fixtures".	6-16-92	6-19-92	7-06-92

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
17-92	8.1.1 (D)	Community Redevelopment Agency Amended Community Redevelopment Agency's delegation of power.	5-26-92	6-19-92	7-06-92
22-92	4.6.9 (D)(3)(c) & 6.1.4 (B)(3)(d)	Stacking Distance Amended to provide for a more appropriate application of stacking distance requirements at the entry to parking lots.	6-16-92	6-19-92	7-06-92
23-92	2.2.3 (B)(2)	The Site Plan Review and Appearance Board - Composition and Special Qualifications Amended to provide that one member of the Site Plan Review and Appearance Board shall be either a registered architect or a registered professional civil engineer.	8-11-92	7-23-92	10-01-92
26-92	7.1.5 (C)	Proper Display of Building Numbers Amended to provide that owners of properties where buildings are subdivided into suites or bays shall install and maintain correct suite and bay designations.	8-11-92	7-23-92	10-01-92
32-92	2.4.3 (K)(5)(a)	User Fees Amended by repealing Water System User Fees in its entirety, and enacting a new Subsection.	9-22-92	10-09-92	1-05-93
33-92	2.4.3 (K)(5)(c)	User Fees Amended by repealing Sewer System User Fees in its entirety, and enacting a new Subsection.	9-22-92	10-09-92	1-05-93

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
41-92	4.6.15 (G)	Swimming Pool, Whirlpools, and Spas - Yard Encroachment Amended to allow swimming pools to be located to within five feet of a rear or side yard, when such property line is adjacent to at least 50 feet of open space, and to reduce the minimum street side setback required for swimming pools from 15 feet to 10 feet.	9-08-92	8-28-92	10-01-92
42-92	4.6.9 (E)(4)	Location of Parking Spaces - Off-Site Parking Repealed Subparagraph 4.6.9(E)(4) and enacted a new Subparagraph 4.6.9(E)(4) to update Off-Site Parking Regulations.	9-08-92	9-02-92	10-01-92
47-92	4.4.25 (C)(3) and 4.4.25 (I)	Special Activities District (SAD) - Review and Approval Process: S.A.D.s: Establishment Amended with regard to modification of the SAD extension provisions to accommodate the Marina Cay SAD.	10-20-92	10-09-92	1-05-93
48-92	4.4.15 (G)	Planned Office Center (POC) District - Supplemental District Regulations Amended to provide that the first ten feet of the front yard setback adjacent to a right-of-way shall be a landscape area.	10-13-92	10-12-92	1-05-93
51-92	1.4.5	Definitions Added to Appendix A: Bazaar, Flea Market, and Merchandise Mart.	10-27-92	10-19-92	1-05-93

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.9 (D)(9)	General Commercial (GC) District - Conditional Uses and Structures Allowed Amended by further defining the term Flea Markets.			
	4.4.13 (D)(15)	Central Business (CBD) District - Conditional Uses and Structures Allowed Amended by adding a new paragraph to provide for the term Flea Markets in the CBD District.			
4-93	4.5.5 (B)	Wellfield Protection Ordinance Amended to provide for a prohibition on the installation of new irrigation wells or reconditioning of existing irrigation wells to a greater depth within Zones 1, 2, and 3 of the Series 20 Wellfield.	1-26-93	1-25-93	4-05-93
5-93	1.4.5	Definitions Added to Appendix A: Flag	2-09-93	2-19-93	4-05-93
	4.6.7 (B)(12)	Signs Added new Subsection Flags			
	4.6.7 (C)(5)	Banners and Wind Signs Repealed Subsection Banner Signs and Flags, and enacted a new Subsection Banners and Wind Signs.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
12-93	4.5.1 (J)	Overlay and Environmental Management Districts - Historic Preservation Board to Act on Variance Requests Amended to provide additional criteria for granting a variance in the Historic Districts.	2-09-93	2-09-93	4-05-93
13-93	4.4.24	Base Zoning District - Old School Square Historic Arts District (OSSHAD) Amended in its entirety, to include: expansion of the range of allowable retail uses; clarification of mixed use upon a specific parcel and/or within a structure; accommodation of the Bankers Row Master Plan; change in parking regulations and making the in-lieu fee option available; restaurants and outdoor dining; and boundary landscaping.	2-23-93	6-15-93	7-05-93
14-93	4.6.9 (E) (3)	Off-Street Parking Regulations - Location of Parking Spaces - In-Lieu Fee Amended to provide payment of a fee in-lieu of providing required number of parking spaces in the Old School Square Historic Arts District (OSSHAD).	2-09-93	2-10-93	4-05-93

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
15-93	4.4.22 (C) (5)	Open Space (OS) District - Accessory Uses and Structures Allowed Amended by adding "lifeguard stands, headquarters and necessary support facilities" as a permitted accessory use.	2-09-93	2-10-93	4-05-93
16-93	4.3.4 (K) (5)	Development Standards Matrix - Residential Zoning Districts Amended "Development Standards Matrix" to reduce the required rear setback for duplexes in the RL (Low Density Residential) and RM (Medium Density Residential) Zoning Districts from 25 feet to 15 feet. Also Changed "Conventional" to "Multi-Family" and "Zero Lot Line" to "Duplex", and added Note (5).	2-09-93	2-10-93	4-05-93
20-93	4.4.26	Base Zoning District - Light Industrial (LI) District Added a new Section 4.4.26 "Light Industrial (LI) District".	3-23-93	3-26-93	4-05-93
	4.3.4 (K)	Development Standards Matrix - Nonresidential Zoning Districts Amended "Development Standards Matrix" to provide for the inclusion within the Matrix of minimum development standards for the Light Industrial Zone District.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
26-93	2.4.3 (D)	Submission Requirements - Preliminary Engineering Plans Amended to include surface water (drainage) calculations as submission requirements of the Site Plan Review process.	4-13-93	4-05-93	7-05-93
27-93	2.4.5 (I)(1)	Architectural (Appearance) Elevations - Rules Amended to provide specific language requiring Board approval of a change in exterior color to a building or structure.	4-13-93	4-07-93	7-05-93
29-93	4.4.10 (G)(1)	Automotive Commercial (AC) District - Supplemental District Regulations	4-13-93	4-07-93	7-05-93
	4.4.10 (G)(4)	Locational Restrictions			
	4.4.10 (H)(3)	Compliance Upon Expansion of Building Area Amended to provide for the transfer of authority for waivers to certain district regulations from the Planning and Zoning Board to the Site Plan Review and Appearance Board.			
30-93	4.6.16 (F)(3)	Landscape Regulations - Irrigation Design Standards Amended to require the installation of rust inhibiting systems with new irrigation systems (excluding single family residents) and the use of rain sensing devices on all new irrigation systems and modification to existing systems.	4-13-93	4-08-93	7-05-93

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
31-93	6.1.10 (B)(2)(d)	Water System - Design Standards Amended to bring the City's fire flow standards into conformance with those currently accepted by the Insurance Service Office.	4-13-93	4-08-93	7-05-93
32-93	4.3.4 (K)	Development Standards Matrix - Nonresidential Zoning Districts Amended Matrix to provide for a reduction in lot frontage from 100 feet to zero in the Light Industrial (LI) District.	4-13-93	4-09-93	7-05-93
		Light Industrial (LI) District - Accessory Use and Structures Permitted Amended to clarify the type of retailing and the amount of floor area which may be devoted to retail use.			
35-93	8.4.16	Stormwater Management Assessments Deleted the reference to Stormwater Management Assessments and amended the Code of Ordinances, Chapter 56, to provide for the payment and collection of Stormwater Management Assessments under the interim and uniform method of collection.	4-27-93	4-29-93	7-05-93

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
40-93	4.4.6 (H)(1)	Medium Density Residential (RM) District Amended to provide for the limitation of density within the Medium Density Residential (RM) District; and to further provide that the density will be approved by the body taking final action on the development application.	6-22-93	6-24-93	10-04-93

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
43-93	6.3.3	All Movable Fixtures Within the Right-of-Way "Newsracks, Benches, and Other Unattached Fixtures in the Right-of-Way", amended to provide for the application of Section "All Movable Fixtures Within the Right-of-Way". "Movable Fixture" added to Definitions; deleted sod as a prohibited location; placement of movable fixtures no closer than 15 feet to a fire hydrant; clear zones to extend four feet from a six inch high vertically faced curb and to prohibit movable fixtures from being placed closer than ten feet from the edge of pavement, or as far away as possible; sight areas, for a 40 foot by 40 foot sight triangle extending along the road side edge as illustrated in Figure 1; amended Section 6.3.3(B)(7) for location maps at City Facilities designating locations where movable fixtures may be placed; amended Section 6.3.3(B)(8) to prohibit the placement of movable fixtures adjacent to single family residences; deleted Sections 6.3.3(C)(1), 6.3.3(C)(2)(e), and 6.3.3(D).	7-13-93	7-20-93	10-04-93
48-93	4.3.4 (H)(5)(e)	Base District Development Standards Deleted the 35% size limitation on screen enclosures in zero lot line developments.	8-10-93	7-30-93	10-04-93

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
51-93	4.4.13 (D)(16)	Central Business (CBD) District - Conditional Uses and Structures Allowed Added "wash establishment for vehicles" as a conditional use.	10-26-93	10-04-93	1-03-94
54-93	4.4.21 (B)(6)	Community Facilities (CF) District Added "cemeteries" as a principal use.	9-14-93	9-01-93	10-04-93
	4.4.22 (B)(2)	Open Space (OS) District Deleted "cemeteries" as a principal use.			
	2.4.7 (F)(2)	Special Provisions - Relief from Improper Regulations Deleted Subsection 2.4.7(F)(2), "Automatic Sunset". Assistant City Attorney's memorandum of April 7, 1993 is the basis for this deletion.			
59-93	4.3.3 (S)	Special Requirements for Specific Uses Deleted Subsection (S) "Junkyards" in its entirety.	10-12-93	10-13-93	1-03-94
	4.4.20 (D)(10)	Industrial (I) District - Conditional Uses and Structures Permitted Number (10) "Junkyards", deleted reference to Subsection 4.3.3(S).			
60-93	4.4.19 (C) and (G)	Mixed Industrial and Commercial (MIC) District	10-12-93	10-26-93	1-03-94
	4.4.20 (G)	Industrial (I) District			
	4.4.21 (C)(4) and (G)	Community Facilities (CF) District			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.25 (G) (1)	Special Activities District (SAD) To provide for uniform application of regulations regarding allowable outside uses.			
	4.6.6	Commercial and Industrial Uses to Operate Within a Building To provide for the uniform application and consolidation of regulations regarding allowable outside uses and outside storage.			
63-93	4.4.13 (G) (1)	Central Business (CBD) District - Parking To clarify the parking requirements for the Central Business (CBD) District.	11-23-93	11-05-93	1-03-94
64-93	4.6.9 (E) (3)	Off-Street Parking Regulations - In-Lieu Fee Revised the in-lieu parking fee general provisions, and the in-lieu parking fee to \$6,000 per space.	11-23-93	11-08-93	1-03-94
65-93	4.4.11 (D)	Neighborhood Commercial (NC) District - Conditional Uses and Structures Allowed Deleted dispensing of gasoline directly to a vehicle and veterinary offices; added display and sale of lawn furniture, playground equipment, sheds and accessories.	12-07-93	11-10-93	1-03-94
	4.4.11 (F)	Development Standards Revised the maximum site area to two (2) acres.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.11 (H)	Special Regulations Revised to provide for a maximum floor area for single tenant office or service uses and single principal uses.			
66-93	4.4.25 (G)(6)	Old School Square Historic Arts District (OS-SHAD) - Supplemental District Regulation Added number (6) to provide for a reduction in the parking requirements for new development or change in use subsequent to January 1, 1994.	11-23-93	11-10-93	1-03-94
83-93	4.6.24 (G)(4)(b)	Old School Square Historic Arts District (OS-SHAD) - Supplemental District Regulations Added (b) to provide for a parking requirement of six (6) parking spaces per one thousand square feet of restaurant floor area.	1-11-94	1-20-94	4-04-94
3-94	8.4.1 (A)	Authority to Make Special Assessments; Exceptions - Resolution of Necessity Required	2-08-94	1-31-94	4-04-94
	8.4.4 (A)(1)	Scope and Contents of Resolution To provide for special assessments for street lighting, landscaping, dredging of canals and seawall construction or reconstruction; and to provide for the inclusion of the cost of landscaping and street lighting with sidewalk construction and seawall construction or reconstruction.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
20-94	4.5.1 (K)(8)	Designation of Historic Sites - The Koch House Repealed Ordinance No. 162-88 and enacted Ordinance No. 20-94 to provide a corrected legal description, which shows the designation as Lot 21 only.	6-07-94	6-13-94	7-05-94
28-94	1.3.6 (A)	Nonconforming Uses, Lots, and Structures - Repairs and Maintenance To allow for an additional expenditure of up to 15% of the current replacement cost of the structure for exterior improvements, subject to approval by the Site Plan Review and Appearance Board.	5-17-94	5-04-94	7-05-94
30-94	4.4.19 (C)(5)	Mixed Industrial and Commercial (MIC) District - Accessory Uses and Structures Permitted Added "auctions" as an allowable accessory use.	6-21-94	6-08-94	7-05-94
31-94	4.4.27	Open Space and Recreation (OSR) District Created a new zoning district, Section 4.4.27, "Open Space and Recreation (OSR) District."	6-21-94	6-08-94	7-05-94
32-94	4.4.21	Community Facilities (CF) District Clarified purpose and intent, amended types of uses allowed, and development, supplemental and special regulations for this zone district.	6-21-94	6-10-94	7-05-94

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
33-94	4.4.22	Open Space (OS) District Clarified purpose and intent of the district, and amended types of uses allowed within this zone district.	6-21-94	6-10-94	7-05-94
53-94	4.6.4 (E)	Community Facilities Zoning Adjacent to Residential Zoning Deleted Subsection (E) "Community Facilities Zoning Adjacent to Residential Zoning" in its entirety.	6-21-94	6-13-94	7-05-94
68-94	4.5.1 (K)(12)	Designation of Historic Sites Added (12) Milton-Myers Post No. 65, The American Legion of the United States to Historic sites.	10-18-94	9-16-94	10-03-94
74-94	4.4.26 (B)(1), (2), and (3)	Light Industrial (LI) District - Principal Uses and Structures Permitted Deleted certain requirements for properties which are zoned LI, but are not located within wellfield protection zones.	10-18-94	10-12-94	1-05-95
75-94	4.4.19 (H)(5)	Mixed Industrial and Commercial (MIC) District - Special Regulations Added (5) to require that all principal and conditional uses must be conducted within an enclosed building, except for outside storage when approved by the Site Plan Review and Appearance Board.	10-18-94	10-12-94	1-05-95
76-94	2.4.7 (D)(1)	Administrative Relief	10-18-94	10-13-94	1-05-95
	4.3.3 (P)(6)	Satellite Dishes - Satellite Television Antennas			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.6 (C)(4)	Restriction on Outside Usage Amended the three applicable sections to allow the Director of Planning and Zoning or the City Manager to grant administrative relief for temporary satellite dishes and outdoor retail display areas when associated with special events.			
77-94	4.4.3 (H)(1) and (2)	Single Family Residential (R-1) Districts - Special Regulations	10-18-94	10-13-94	1-05-95
	4.4.5 (C)(1) and (6)	Low Density Residential (RL) District - Accessory Uses and Structures Permitted; Special Regulations			
	4.4.5 (H)(3) and (4)	Medium Density Residential (RM) District - Accessory Uses and Structures Permitted; Special Regulations			
	4.4.6 (C)(1) and (5)				
	4.4.6 (H)(4) and (5) 4.4.7 (H)(3) and (4)	Planned Residential Development (PRD) District - Special Regulations Amended above Sections by adding height and size limitations for accessory structures in residential zoning districts; deleted "guest cottages" as a permitted use in multiple family zoning districts			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
78-94	4.1.4 (A), (B) and (C)	Use of Lots of Record Amended to regulate the use of non-conforming lots of record in residential zoning districts other than R-1-A.	10-18-94	10-14-94	1-05-95
79-94	4.3.3 (KK)	Home Tutorial Services New Subsection added.	10-18-94	10-17-94	1-05-95
	4.3.3 (HH)	Educational Facilities New Subsection added.			
	4.4.3 (C) and (D)	Single Family Residential (R-1) Districts			
	4.4.5 (C) and (D)	Low Density Residential (RL) District			
	4.4.6 (C) and (D)	Medium Density Residential (RM) District Amended above zoning districts to allow Educational Facilities as a conditional use, and Home Tutorial Services as an accessory use.			
82-94	7.8	Building Regulations - Unsafe Buildings or Structures Deleted Article 7.8 in its entirety and enacted a new Article 7.8; to provide rules and regulations for the protection of citizens from unsafe buildings or structures; established requirements and procedures.	10-18-94	10-13-94	1-05-95
2-95		Notice Requirements	1-17-95	1-19-95	5-04-95
	2.4.2 (B)(1)(a)	Annexations			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	2.4.5 (C)	Annexation of Territory			
	4.2.3	Zoning Amended the three Sections to achieve consistency between the LDRs and the Florida Statutes, as well as with the City Charter. Also, to clarify notice and procedural requirements for voluntary and non-voluntary annexations.			
3-95	4.4.10 (H) (5)	Automotive Commercial (AC) District - Special Regulations Added Subparagraph (5) to provide for relief from open space requirements, subject to required findings.	1-17-95	1-19-95	5-04-95
8-95	4.5.1 (K) (13)	Designation of Historic Sites Added (13) Solomon D. Spady House to Historic sites.	2-07-95	1-20-95	5-04-95
9-95	4.5.1 (K) (14)	Designation of Historic Sites Added (14) Susan Williams House to Historic sites.	2-07-95	1-20-95	5-04-95
16-95	7.8.13 (B)	Procedural Matters, Board of Construction Appeals - Qualifications Removed the requirement that members of the Board of Construction Appeals be residents or have their principal place of business in the City.	3-21-95	4-11-95	5-04-95

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
17-95	1.3.4 (B) 1.3.5 (C) 1.3.8 (NEW)	Nonconforming Uses, Lots, and Structures Amended Section 1.2.4(B) and Section 1.3.5(C) to provide for an exception as set forth in Section 1.3.8; added a new Section 1.3.8 to provide for the reconstruction of nonconforming residential structures destroyed by acts of god, added definitions and provided time limits for reconstruction.	3-21-95	3-22-95	5-04-95
18-95	1.4.4 (A)	Penalty Amended to provide a penalty in conformance with Florida Law.	4-04-95	7-11-95	5-04-95
19-95	2.2.1 (F)	Administrative Provisions - Removal of Members, Vacancies Revised concerning attendance policy and removal procedures for members of advisory boards, committees and commissions pursuant to the provisions of Chapter 32 of the Code of Ordinances.	4-04-95	4-11-95	5-04-95
20-95	4.4.3 (C)(2)	Single Family Residential (R-1) District Amended to allow home occupations within all Single Family Residential (R-1) Zone Districts subject to the restrictions set forth in Section 4.3.3(K).	4-18-95	4-11-95	5-04-95
21-95	4.4.25 (G)(2)	S.A.D's Corrected the legal description for the Laver's North Special Activities District (SAD).	5-16-95	7-07-95	10-02-95

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
22-95	4.4.28 (NEW) 4.3.4 (K)	Central Business District - Railroad Corridor (CBD-RC) Development Standards Matrix Added a new Section 4.4.28 and amended Development Standards Matrix to provide development standards for the new district.	5-16-95	7-11-95	10-02-95
23-95	8.2	The Downtown Development Authority (DDA) Corrected a scrivener's error in the effective date of the act, and added Appendix "B" to provide general descriptions of the original and expanded areas of the DDA.	5-16-95	7-11-95	10-02-95
24-95	4.4.13 (F)(2) 4.3.4 (K)	Central Business District (CBD) - Development Standards Development Standards Matrix Reduced the minimum open space requirement within the CBD Zoning District and amended the Development Standards Matrix Maximum Lot Coverage reference for the CBD.	5-16-95	7-11-95	10-05-95
26-95	4.5.1 (K)(15)	Designation of Historic Sites Added (15) The Blank House to Historic sites.	6-06-95	7-11-95	10-05-95
27-95	4.5.1 (K)(16)	Designation of Historic Sites Added (16) The Monterey House to Historic sites.	6-06-95	7-11-95	10-05-95
28-95	4.5.1 (K)(17)	Added (17) The Historic Bungalow to Historic sites.	6-06-95	7-11-95	10-05-95

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
33-95	4.4.13 (H) (3) and (4)	Central Business (CBD) District - Special Regulations Deleted Subparagraphs 4.4.13(H) (3) and 4.4.13(H) (4) in their entirety, to delete the special use provision for the Light Industrial area along the F.E.C. Railroad Corridor in the downtown area.	6-20-95	7-11-95	10-05-95
40-95	Article 7.9	Docks, Dolphins, Finger Piers, and Boat Lifts Changed the review authority, appeal procedure, clarified the number of docks allowed on a property, required setbacks, location of associated dolphins, increased the distance that a boat lift may extend into the waterway.	8-08-95	9-13-95	10-05-95
45-95	4.4.10 (G) (5) (c)	Automotive Commercial (AC) District - Subparagraph - Use and Operating Restriction Clarified restrictions on signs and other displays on vehicles.	9-05-95	9-13-95	10-05-95
46-95	2.4.3 (H) and (K); 2.4.4 (E); 2.4.5 (L); 2.4.9 (C); 2.4.10; Article 5.1	Platting Requirements and Procedures Amended platting requirements and procedures; Deleted Article 5.1 in its entirety and enacted a new Article 5.1.	9-05-95	9-13-95	10-05-95

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
58-95	4.4.19 (B)(4), (5) and H	Mixed Industrial and Commercial (MIC) District Amended to provide for "interior design and furnishings" as a permitted use.	11-07-95	11-09-95	1-08-96
59-95	2.4.3 (K)(7)(1), (2), and (3)	Fees: Exceptions Amended to provide criteria to waive development application, plan check, and permit fees for certain non-profit and service organizations.	10-24-95	10-25-95	1-08-96
60-95	2.4.2 (B)(1)	Notice Requirements: Public Hearing Requirements Amended to conform the City's notice requirements for certain land development applications with Statutory requirements.	10-24-95	10-25-95	1-08-96
67-95	4.4.22 (C)(7)	Open Space (OS) District Added limited beach concessions, under contract with the City.	12-05-95	11-27-95	1-08-96
70-95	4.3.4 (H)(6)(a)	Special Building Setbacks Deleted the special setback requirement along West Atlantic Avenue extending from Swinton Avenue to the I-95 Interchange.	12-05-95	11-27-95	1-08-96
71-95	4.3.4 (J)(4)(b)(1)	Increases to Height Regulations Modified the boundaries of the geographic area along Atlantic Avenue.	12-05-95	11-28-95	1-08-96
72-95	4.4.9	General Commercial (GC) District Incorporated use restrictions and development standards to be applied in the West Atlantic Avenue Overlay District.	12-05-95	11-28-95	1-09-96

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
73-95	4.5.6	The West Atlantic Avenue Overlay District Added new Section 4.5.6.	12-05-95	11-28-95	1-09-96
74-95	4.6.9 (E)(3)(a)	General Commercial (GC) District - In-Lieu Fee Added the West Atlantic Avenue Overlay District.	12-05-95	11-28-95	1-09-96
80-95	4.4.13 (B), (C), (D), (H)	Central Business (CBD) District To allow multi-family residential dwelling units as a permitted use within the CBD, with a maximum density of 30 units per acre west of N.E. 7th Avenue and 12 units per acre east of N.E. 7th Avenue.	12-05-95	11-28-95	1-09-96
83-95	2.2.3 (D)(1), 2.2.6 (D)(6), 4.6.16 (C)(2)	The Site Plan Review and Appearance Board, The Historic Preservation Board, and Compliance and Relief Assigned the authority to grant waivers to landscape regulations to the Site Plan Review and Appearance Board and the Historic Preservation Board, as appropriate.	1-09-96	12-18-95	1-09-96
1-96	4.4.9 (D)(15)	General Commercial (GC) District - Conditional Uses and Structures Allowed Added the sale and service of all terrain vehicles and personal watercraft (wave runners, jet skis) as a conditional use.	1-23-96	1-16-96	1-31-96

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
11-96	4.4.25 (G) (3)	S.A.D.'s (Special Activities District) Modified the allowable uses of land, approved a revised Master Development Plan, and established conditions of approval for further development for the Waterford Place/Delint DRI.	3-05-96	3-28-96	4-08-96
18-96	4.4.28 (D) (2)	Central Business District-Railroad Corridor (CBD-RC) Modified to further restrict the location of automobile repair and detailing uses south of S.E. 6th Street, extended.	5-21-96	5-22-96	7-15-96
21-96	Article 7.1, 7.2, 7.3, 7.4, 7.5, and 7.6	Building Regulations Adopted the 1994 edition of the Standard Building Code and the 1994 Windborne Debris Impact Standard (SSTD 12-94) and amended Chapter Seven to conform to its provisions.	7-09-96	7-10-96	7-15-96
22-96	4.6.16 (B)	Landscape Regulations Applicability Amended to provide for minimum landscape and maintenance requirements.	5-21-96	5-22-96	7-15-96
	4.6.16 (C)	Compliance, Review, Appeal, and Relief Amended to provide for the requirement for a landscape plan and to create the Landscape Compliance Review Committee.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.16 (H) (4)	Existing Multiple Family, Commercial, and Industrial Development Amended to provide that all existing multi-family units, commercial, and industrial uses shall comply with minimum landscape standards and by specifically including duplexes in this section.			
24-96	2.2.6 (B) (2)	The Historic Preservation Board - Subsection Composition and Special Qualifications Repealed Subsection 2.2.6(B) (2) in its entirety and enacted a new Subsection 2.2.6(B) (2) to provide for language incorporating the Florida Certified Local Government Guidelines concerning special qualifications for Historic Preservation Board membership.	6-18-96	6-18-96	7-15-96
25-96	4.4.25 (G) (5)	S.A.D.'s (Special Activities District) Modified the schedule for completion of the associated improvements for Marina Delray.	7-23-96	7-23-96	7-24-96
27-96	6.3.3	Movable Fixtures Within the Right-of-Way Repealed in its entirety and enacted in the City Code of Ordinances, Section 102.40	8-06-96	8-07-96	11-04-96
34-96	4.4.25 (G) (2)	S.A.D.'s (Special Activities District) Amended to allow the temporary sales and reception building on the north side of Egret Circle to be incorporated as part of the Master Development Plan.	10-15-96	10-16-96	11-04-96

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
45-96	2.4.6 (H)	Temporary Use Permit Amended to add "Seasonal Farmer's Market" as an allowable temporary use.	10-15-96	10-16-96	11-04-96
46-96	4.6.9	Off-Street Parking Regulations Amended to add parking lot dimension details, striping details, reduced guest parking requirements, compact car marking details, and other minor modifications to related sections.	11-05-96	10-16-96	11-04-96
50-96	4.5.1 (M)	Tax Exemption for Historic Properties Added new Subsection (M) to allow for an exemption to certain property taxes when associated with improvements to historic properties.	11-19-96	11-20-96	11-25-96
53-96	4.4.9 and 4.5.7	General Commercial (GC) District; Overlay and Environmental Management District Amended to provide for the North Federal Highway Overlay District, allowing for certain light industrial uses.	11-19-96	11-20-96	11-25-96
54-96	4.4.10 (B) (8)	Automotive Commercial (AC) Zoning District; Principal Uses and Structures Permitted Added number (8) as a permitted use within the Automotive Commercial (AC) District.	1-07-97	1-08-97	2-03-97
57-96	4.5.1 (K) (18)	Designation of Historic Sites Added (18) The Sandoway House to historic sites.	12-03-96	12-10-96	2-03-97
6- 97	4.5.1 (L) (5)	Designation of Historic Districts Added (5) The West Settlers to historic districts.	2-18-97	2-19-97	3-03-97

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
7-97	4.6.5	Walls, Fences, and Hedges Amended to restrict the maximum height of walls, fences and hedges where they are deemed to create a sight obstruction; added a measurement method for height, fence types to be used, screening requirements for masonry walls, and setback and landscaping requirements.	2-18-97	2-19-97	3-03-97
8-97	2.4.2 (B)(1)(I)	Notice Enacted new subparagraph (I) and alphabetically relettered the remaining subparagraph.	2-18-97	2-19-97	3-03-97
	2.4.6 (O)	Abandonment of Rights-of-Way Amended the procedure by which public rights-of-way may be abandoned.			
9-97	2.4.2 (C)	Palm Beach County Traffic Division	2-18-97	2-19-97	3-03-97
	2.4.3 (E)	Traffic Statements and Studies			
	2.4.6 (K)	Acceptance of Traffic Statements and Studies Amended to be consistent with the requirements of the adopted Palm Beach County Traffic Performance Standards Ordinance.			
10-97	2.4.3 (K)(4)(d) and (e)	Impact and Connection Fees	2-18-97	2-19-97	3-03-97

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	2.4.3 (K)(5)(c)	User Fees Deleted water and sewer connection fees and meter installation charges; referenced in Sections 52.31, 52.32 and 53.130(B), City Code of Ordinances.			
	5.3.3 (G)	Impact Fee Required Deleted in its entirety.			
11-97	4.4.27 (C)(8)	Open Space and Recreation (OSR) District - Accessory Uses and Structures Allowed Added (8) "child care programs" as an accessory use to the principal uses of parks and recreational facilities.	3-04-97	3-17-97	4-14-97

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
21-97	4.3.3 (S)	Telecommunication Towers and Antennas New Subsection (S) added to provide for regulations establishing freestanding telecommunication towers as a permitted use in the PC, PCC, MIC, LI, I, OSR, and CF zoning districts for monopole towers having a maximum height of 64 feet, or as a conditional use in the PCC, MIC, LI, I, OSR, and CF zoning districts for monopole towers have a maximum height greater than 64 feet; to provide for development standards and criteria, application requirements, inspections, co-location requirements, use of City-owned property for telecommunication facilities, review and approval process, and waivers to location, height, and co-location requirements based on findings made by the City Commission; to provide for regulations governing existing towers, abandoned towers and antennas not located on telecommunication towers.	6-03-97	6-11-97	7-14-97

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.9 (D)(7) and 4.4.13 (D)(6) and 4.4.20 (D)(3) and 4.4.21 (D)(5) and 4.4.26 (D)(2) and 4.4.27 (D)	Conditional Uses and Structures Allowed Deleted "Communication and Transmission Facilities/Towers" as a conditional use in the GC, CBD, I, CF, LI, and OSR zoning districts.			
	1.4.5	Definitions Added to Appendix A: Antenna, Guyed Tower, Monopole Tower, Panel Antenna, Self-Support/Lattice Tower, Stealth Facility, Telecommunication Tower, Whip Antenna.			
23-97	4.3.4 (B)(2)	Lot Area	5-20-97	5-21-97	7-14-97
	4.3.4 (I)(3)(b)	Duplexes Eliminated conflicting language requiring platting to separately convey duplex units.			
26-97	4.5.1 (K)(19)	Designation of Historic Sites Added (19) Trinity Evangelical Lutheran Church Chapel to historic sites.	7-01-97	7-02-97	10-06-97

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
28-97	8.4.1 (A)	Authority to Make Special Assessments; Exceptions Amended to provide for the construction of walls to provide a barrier from public roadways and alleys as a project for which the City may levy and collect a special assessment.	7-01-97	7-02-97	10-06-97
31-97	4.4.20 (D)(15)	Industrial (I) District - Conditional Uses and Structures Permitted Deleted resource recovery facilities as an allowable use.	9-09-97	9-10-97	10-08-97
	4.4.21 (D)(5)	Community Facilities (CF) District - Conditional Uses and Structures Allowed Added resource recovery facilities as an allowable use.			
	4.3.3 (Z)(3)	Resource Recovery or Waste Management Facilities Amended to provide that such uses shall only be allowed upon land that is zoned Community Facilities District with an underlying future land use Map designation of Community Facilities.			
33-97	4.4.19 (A), (B), (D)	Mixed Industrial and Commercial (MIC) District To clarify the intended goal of the MIC District and amended the allowable uses and conditional uses in the MIC District.	9-23-97	9-25-97	10-08-97

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
42-97	4.4.6 (A) and (H), 4.4.6 (I) (NEW)	Medium Density Residential (RM) District Amended Sections 4.4.6(A) and 4.4.6(H) to clarify the intended goal of the district and to provide for compliance with performance standards in order to exceed the base density, and to provide increased requirements for recreational amenities; added a new Section 4.4.6 (I) to provide for performance standards.	10-07-97	10-16-97	10-20-97
	4.3.4 (K)	Development Standards Matrix - Residential Zoning Districts Amended the Development Standards Matrix to provide increased minimum square footage requirements for dwelling units in the RM zoning district.			
46-97	4.5.1 (K)(20)	Designation of Historic Sites Added (20) The Turner House to historic sites.	11-18-97	11-20-97	1-12-98
50-97	2.4.3 (K)	Fees Amended by increasing land development fees and establishing new fees.	11-18-97	11-20-97	1-12-98
	2.4.5	Procedures for Obtaining Development Approvals Amended the name and definitions for site and development plans.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	2.4.5 (M) (NEW)	Amendment to the Land Development Regulations Added a new Section 2.4.5 (M) to provide for a procedure to amend the Land Development Regulations.			
	2.4.5 (N) (NEW) and 2.4.6 (Q) (DELETED)	Determination of Similarity of Use Deleted Section 2.4.6 (Q) and added a new Section 2.4.5 (N).			
	2.4.7	Procedures for Obtaining Relief from Compliance with Portions of the Land Development Regulations Amended to provide for a processing fee.			
	1.1.6	Amendments Amended to reference the procedure at Section 2.4.5 (M).			
52-97	4.3.3 (A) (NEW)	Self-Service Storage Facilities (SSSF) Added a new Section 4.3.3 (A) to establish specific requirements for Self-Service Storage Facilities.	1-06-98	1-29-98	2-06-98
	4.4.19 (D)(1)(g)	Mixed Industrial and Commercial (MIC) District - Conditional Uses and Structures Allowed Added (g) "Self-Service Storage Facilities (SSSF)" as an allowable use in the MIC District.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.26 (D)(4)	Light Industrial (LI) District - Conditional uses and Structures Allowed Added (4) "Self-Service Storage Facilities (SSSF)" as an allowable use in the LI District.			
	1.4.5	Definitions Added to Appendix A: Self-Service Storage Facilities (SSSF).			
5-98	6.1.3 (C)(2)	Sidewalks - Sidewalk Construction Requirements Amended to provide for the use of alternative surface types for sidewalks when approved by the City Engineer.	1-20-98	1-29-98	2-06-98
	6.1.4 (C)(1), (2), (3), and (4)	Driveways and Points of Access - Construction Requirements Amended (1), (2) and added (3), (4) to provide for the use of alternative surface types for driveways and points of access when approved by the City Engineer.			
8-98	4.4.13 (B)(4)	Central Business (CBD) District - Principal Uses and Structures Permitted Amended to allow densities in excess of thirty (30) units per acre as a conditional use within certain sections of the Central Business District.	2-03-98	2-23-98	2-06-98
	4.4.13 (D)(15)	Conditional Uses and Structures Allowed Added (15) as a conditional use within the CBD District.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.13 (E)(4), (5)(a) and (b), (6)	Review and Approval Process Added (4), (5) (a) and (b), and renumbered (4) to (6).			
	4.4.13 (H)(3), (4), (5)	Special Regulations Deleted number (3) and renumbered.			
	4.4.13 (I)(1), (2)				
9-98	4.4.13 (B)(5)	Central Business (CBD) District - Principal Uses and Structures Permitted Added "Residential-Type Inns" as a permitted use.	2-17-98	2-23-98	2-06-98
	4.4.24 (D)(6)	Old School Square Historic Arts District (OS-SHAD) - Conditional Uses and Structures Allowed Added number (6) "Residential-Type Inns" as a conditional use.			
	4.4.24 (G)(4)(c)	Old School Square Historic Arts District (OS-SHAD) - Supplemental District Regulations Added subparagraph 4.4.24 (G) (4) (c) to provide supplemental district regulations for "Residential-Type Inns".			
	4.4.24 (H)(3), (4)	Old School Square Historic Arts District (OS-SHAD) - Special District Regulations Added subparagraphs 4.4.24 (H) (3) and (4) to provide special district regulations for "Residential-Type Inns".			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3 (X)	Special Requirements for Specific Uses - Residential-Type Inns Deleted subparagraphs (X) (3) through (12) and added (3) through 5.			
	1.4.5	Definitions Added to Appendix A: Residential-Type Inn.			
12-98	4.5.1 (K)(21)	Designation of Historic Sites Added (21) The Price House to historic sites.	3-03-98	4-08-98	5-04-98
13-98	2.4.6 (H)7. (NEW)	Temporary Use Permit Added 7. Temporary Parking Lots to allow permits to be issued when approved by the City Commission.	3-17-98	5-01-98	5-18-98
	2.4.6 (H)(3)(d)(NEW)	Regulations and Restrictions Amended to allow temporary parking lots in specified sections of the Central Business District (CBD), in the Community Facilities (CF) District, and in portions of the non-residential zoning districts.			
14-98	4.4.13 (H)(1)	Special Regulations Amended to restrict the sale of second hand material, other than verifiable antiques, on N.E. 2 nd Avenue (Pineapple Grove Way).	3-17-98	5-01-98	5-18-98
15-98	4.4.9 (B)(4)	Principal Uses and Structures Permitted Amended to allow the rental of sporting goods and equipment as a permitted use.	4-21-98	5-01-98	5-18-98

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.9 (H)(4)	Special Regulations Added (4) to provide restrictions on the outdoor display of sporting goods and equipment for rent.			
	4.4.13 (B)(3)	Principal Uses and Structures Permitted Amended to allow the rental of sporting goods and equipment as a permitted use.			
	4.4.13 (H)(5)	Special Regulations Added (5) to provide locational and outdoor display restrictions.			
17-98	4.4.6. (D)(12)	Medium Density Residential (RM) District - Conditional Uses and Structures Allowed Added (12) to allow private beach clubs and their attendant facilities as a conditional use, subject to locational restrictions.	5-05-98	5-12-98	5-18-98
19-98	4.4.25 (G)(2)	S.A.D.'s (Special Activities District) - Laver's North Amended the Laver's North SAD by re-establishing the total approved unit count at 610 residential dwelling units.	5-19-98	5-19-98	5-22-98
25-98	6.3.3	Sidewalk Café Amended the regulations governing the use, design, and maintenance of sidewalk cafes.	7-21-98	7-22-98	10-19-98

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
27-98	4.4.9 (B)(6)	General Commercial (GC) District - Principal Uses and Structures Permitted Added number (6) to allow 'astrologists, clairvoyants, fortune tellers, palmists, numerologists and mental healers' as a permitted use within certain areas of the GC zone district.	8-04-98	8-07-98	10-05-98
	4.4.9 (H)(5)	General Commercial (GC) District - Special Regulations Added number (5) to provide for location and distance restrictions for 'astrologists, clairvoyants, fortune tellers, palmists, numerologists and mental healers'.			
29-98	5.3.1 (D)(1), (2), (3), and (4)	Streets (Rights-of-Way) - Right-of-Way Dimensions Amended to provide that requests for a reduction of right-of-way width required for existing streets shall be under the administrative authority of the City Engineer.	8-18-98	8-19-98	10-05-98

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
30-98	4.3.3 (AA)(1), (2), (3), (4), (5), (6), and (7)	Adult Entertainment Establishments Amended number (1) to provide that adult entertainment uses shall not be allowed on properties with frontage on arterial roads or located east of the CSX railroad tracks, eliminating the distance requirement between adult entertainment establishments, deleted references to special conditions; amended number (2) to provide clarification of distance requirement and providing for an exception. amended number (3) to provide measurement criteria from establishments serving alcoholic beverages;	9-08-98	9-24-98	10-05-98

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3 (AA)(1), (2), (3), (5), (6), and (7)	Adult Entertainment Establishments Added number (5) to exclude adult entertainment uses in historic districts, on historic sites and properties, and providing for an exception; added number (6) to provide minimum floor area requirements; added number (7) to provide that performances and entertainment must be from a stage, setting forth minimum stage size requirements, and separation requirement for nude or partially nude performers/entertainers or employees from customers, patrons, performers, entertainers or employees.			
	4.4.9 (D)(1)	General Commercial (GC) District - Conditional Uses and Structures Allowed Deleted adult entertainment uses as a conditional use in the General Commercial (GC) zoning district and renumbered the remaining conditional uses.			
	4.4.19 (B)(7)	Mixed Industrial Commercial (MIC) District - Principal Uses and Structures Permitted Added number (7) to provide for adult entertainment uses as a permitted use in the Mixed Industrial Commercial (MIC) zoning district.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.19 (D)(1)(a)	Mixed Industrial Commercial (MIC) District - Conditional Uses and Structures Allowed Deleted number (1) (a) adult entertainment uses as a conditional use in the Mixed Industrial Commercial (MIC) zoning district and relettered the remaining conditional uses.			
36-98	2.4.3 (E)(3)	Traffic Statements and Studies Added subparagraph 2.4.3(E)(3) to provide that land use applications that will result in the addition of more than 50 employees on premises located in the City's Transportation Concurrency Exception Area shall include a program to implement employer-based transportation demand management activities.	10-06-98	10-20-98	10-30-98
43-98	4.3.4 (E)	Front and Frontage Deleted Subsection 4.3.4(E), Frontage, in its entirety and enacted a new Subsection 4.3.4(E), Front and Frontage, to provide clarifying language.	11-03-98	11-04-98	11-09-98
	1.4.5	Definitions Appendix "A": Deleted current definition and added a new definition of "Frontage"; added "Lot Front".			
44-98	1.4.5	Definitions Added to Appendix "A": Antique and Second-hand Material.	10-20-98	10-21-98	10-30-98

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
50-98	4.6.16 (A)	Landscape Regulations - Purpose To provide for proper tree selection adjacent to or within utility easements.	1-05-99	4-28-99	5-03-99
	4.6.16 (D)(4)	Tree Selection Adjacent to or Within Utility Easements Added subparagraph 4.6.16(D)(4) to provide for restrictions on trees planted adjacent to or within utility easements.			
4-99	4.6.9 (E)(1) and (3)	Location of Parking Spaces and In-Lieu Fee To provide for revised in-lieu of parking regulations.	2-02-99	5-03-99	5-03-99
10-99	8.4	Special Assessments Deleted Article 8.4, Public Improvements and Special Assessments, in its entirety and enacted a new Article 8.4, Special Assessments, to clarify the process of making special assessments.	3-16-99	5-13-99	5-24-99
12-99	4.6.3	Access Requirements and Restrictions Deleted in its entirety and relocated to "Infrastructure and Public Property", Section 6.1.4 (B). Language was included to clarify that all improved lots are to take access from a paved surface and if not available, a continuously paved access must be constructed from the site to the nearest paved street, road or alley.	3-16-99	5-17-99	5-24-99

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	5.3.1 (E)	Improvement Obligations Modified Section 5.3.1 (E) and deleted (1), (2), and (3) and relocated to Section 6.1.2 (A). It contains additional language stating that requirements apply to access for all lots including those which take access from alleys.			
	6.1.2	Streets and Alleys Modified to add Section 5.3.1 along with additional references to alleys.			
	6.1.4	Driveways and Points of Access Modified by moving the "Exemption of Backing into Alleys" section so it is clear the exemption only refers to requirements of Subsection 6.1.4 (C) and not the entire Section 6.1.4.			
13-99	Chapter Three	Performance Standards Amended to conform with the objectives and policies of the Evaluation and Appraisal Report (EAR) based Comprehensive Plan. Deleted Article 3.2 in its entirety and renumbered the remaining Article and Sections.	3-16-99	5-19-99	5-24-99
17-99	4.3.4 (H)(6)(b) 4.3.4 (K) 4.4.9 (F)(3)(a) 4.4.9 (H)(1)	Base District Development Standards Special Landscape Setbacks Development Standards Matrix General Commercial (GC) District Development Standards Special Regulations	6-15-99	7-12-99	8-09-99

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.10 (F)(3)(a)	Automotive Commercial (AC) District Development Standards Amended the various sections to provide special landscape setbacks and building setbacks in the Federal Highway Corridor.			
22-99	4.4.13 (B)(1) and (2)	Central Business (CBD) District Principal Uses and Structures Permitted	7-20-99	7-22-99	8-09-99
	4.4.13 (D)(8)	Conditional Uses and Structures Allowed			
	4.4.13 (F)(2)	Development Standards			
	4.4.13 (G)(2)(a)	Supplemental District Regulations - Open Space			
	4.4.13 (H)(1) and (4)	Special Regulations			
	4.4.28 (B)(5)	Central Business District-Railroad Corridor (CBD-RC) Principal Uses and Structures Permitted Amended the various sections to implement the adoption of the neighborhood plan for Pineapple Grove Main Street.	7-20-99	7-22-99	6-09-99
25-99	4.6.13 (B)(1)(a), (b), (c), (d)	Parking and Storage of Commercial Vehicles, Boats, Trucks, and Similar Vehicles Permissible Parking Amended the parking and storage requirements as they relate to truck parking in the Seacrest/Del-Ida Park Neighborhood Plan Area in the R-1-A (Single Family Residential) zone district.	7-20-99	7-22-99	8-09-99

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
28-99	4.6.9 (C)2 and 8	Off Street Parking Regulations - Number of Parking Spaces Required Amended parking requirements for mixed use projects.	8-17-99	8-18-99	8-31-99
37-99	4.4.13 (G)(1)(e)	Central Business District (CBD) - Parking Added subparagraph 4.4.13(G)(1)(e) to provide for parking requirements for residential units in multi-family structures and mixed use buildings within the Central Business District (CBD).	10-19-99	10-21-99	11-08-99
44-99	4.4.19 (D)(1)(c)	Mixed Industrial and Commercial (MIC) District Conditional Uses and Structures Allowed Deleted subparagraph 4.4.19(D)(1)(c) "towing services, with no outside storage" and relettered the remaining conditional uses.	11-16-99	11-18-99	12-03-99
	4.4.19 (D)(2)(f)	Conditional Uses and Structures Allowed Added subparagraph 4.4.19(D)(2)(f) to provide for "towing services with outside storage".			
45-99	4.4.15 (D)(1)	Planned Office Center (POC) District Conditional Uses and Structures Allowed Amended to provide for restaurants, excluding drive-in and drive-through facilities as a conditional use in the Planned Office Center (POC) District.	11-16-99	11-18-99	12-13-99

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
46-99	4.5.1 (K)(22)	Designation of Historic Sites Added (22) The Fellowship Hall at the First Presbyterian Church to historic sites.	11-16-99	11-18-99	12-13-99
47-99	4.4.24 (B)(9)(C) 4.4.24 (F)(1)(C)	Old School Square Historic Arts District (OSSHAD) Principal Uses and Structures Development Standards Added Lots 19 through 24, to the list of lots in the OSSHAD that may be developed pursuant to certain standards of the Central Business District.	1-04-00	1-05-00	1-07-00
5-00	4.4.24 (B)(9)	Old School Square Historic Arts District (OSSHAD) Principal Uses and Structures Added number (9), "catering services" as a permitted use in the Old School Square Historic Arts District (OSSHAD) and renumbered the balance.	3-07-00	3-08-00	4-07-00
	4.4.24 (H)(5)	Special District Regulations Added number (5) to provide for floor area limitations and restrictions on vehicle storage in conjunction with catering services.			
6-00	4.4.9 (B)(5)	General Commercial (GC) District Principal Uses and Structures Permitted	3-21-00	3-23-00	4-07-00
	4.4.9 (E)(4)	Review and Approval Process			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.9 (G)(1)(b) and (h)	Supplemental District Regulations - West Atlantic Avenue Overlay District Supplemental District Regulations Amended to allow densities of up to 12 units per acre as a permitted use and up to 30 units per acre as a conditional use within the West Atlantic Avenue Overlay District, subject to performance standards.			
8-00	4.4.3 (B)(3) and (4)	Single Family Residential (R-1) Districts	4-01-00	4-02-99	5-04-00
	4.4.5 (B)(5) and (6)	Low Density Residential (RL) District			
	4.4.6 (B)(6) and (7)	Medium Density Residential (RM) District			
	4.4.17 (B)(6)	Residential Office (RO) District Principal Uses and Structures Permitted Added "parking lots" as permitted use within the above residential districts. Also, added "pocket parks" as permitted use within the above residential districts, except the Residential Office (RO) district.			
	1.4.5	Definitions Added to Appendix A: Pocket Park.			
11-00	4.1.4 (C)	Use of Lots of Record	5-16-00	5-17-00	7-10-00
	4.3.1 (D)	Application of District Regulations			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	5.1.6 (A)	Compliance with Zoning Regulations - General Amended to establish notification requirements for the granting of relief from certain minimum lot dimensions, and providing that the City Commission may grant waivers to the requirement to allow the development of a nonconforming lot of record which is under the same ownership as the adjacent lot.			
12-00	4.4.18 (B) (4)	Planned Commerce Center (PCC) District Allowed Uses - Service Industry Amended to allow limousine services as a permitted use with no vehicle repair or detailing on the premises in the Planned Commerce Center (PCC) District.	6-20-00	6-21-00	7-10-00
13-00	1.4.5	Definitions - Appendix "A" Amended the following terms regarding dwelling units and other habitable structures: Dwelling Unit, Dwelling, Single-Family, Dwelling, Multiple Family, Dwelling, Two-Family (Duplex), Dwelling Unit, Efficiency (fka Efficiency or Studio Apartment), Boarding and Rooming House, Hotel, Motel, Residential-Type Inns, and Resort.	6-20-00	6-21-00	7-10-00
18-00	4.5.1 (K) (23)	Designation of Historic Sites Added (23) the Atlantic Avenue Bridge to historic sites.	8-15-00	8-16-00	8-21-00

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
19-00	4.5.1 (K)(24)	Designation of Historic Sites Added (24) the George Bush Boulevard Bridge to historic sites.	8-15-00	8-16-00	8-21-00
22-00	4.4.12 (D) 4.4.12 (G)(1), (2), and (3)	Planned Commercial (PC) District Conditional Uses and Structures Allowed Supplemental District Regulations Amended to implement provisions of the Lindell Boulevard/Federal Highway Redevelopment Plan.	9-19-00	9-20-00	10-02-00
30-00	4.4.25 (G)(8)	S.A.D.'S (Special Activities District) Amended certain land located in the Silver Terrace Subdivision to allow additional uses along Dixie Highway.	11-21-00	12-05-00	1-08-01
35-00	4.3.3 (D)	Residential and Non-Residential Alcohol and Drug Abuse Treatment Facilities Amended to "Residential and Non-Residential Alcohol and Drug Abuse Treatment Facilities" to conform to changes in the Florida Statutes, and to provide spacing requirements between schools and other alcohol and drug abuse treatment facilities.	1-02-01	1-03-01	1-22-01
	4.4.6 (D)(2) 4.4.9 (D)(1)	Medium Density Residential (RM) District - Conditional Uses and Structures Allowed			
	4.4.13 (D)(2)	General Commercial (GC) District - Conditional Uses and Structures Allowed			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.16 (D)(2)	Central Business (CBD) District - Conditional Uses and Structures Allowed			
	4.4.17 (D)(2)	Professional and Office (POD) District - Conditional Uses and Structures Allowed			
	4.4.21 (D)(1)	Residential Office (RO) District - Conditional Uses and Structures Allowed			
	4.4.24 (D)(4)	Community Facilities (CF) District - Conditional Uses and Structures Allowed Old School Square Historic Arts District (OS-SHAD) - Conditional Uses and Structures Allowed Amended to specify that Residential Alcohol and Drug Abuse Treatment Facilities are a conditional use in the above Zoning Districts.			
	4.6.9 (C)(7)(b)	Off-Street Parking Regulations - Other Uses Amended to specify the off-street parking requirements for Residential Alcohol and Drug Abuse Treatment Facilities.			
	1.4.5	Definitions Appendix "A": Deleted Alcohol and Drug Abuse Treatment Facilities and added "Residential Alcohol and Drug Abuse Treatment Facilities", and "Non-Residential Alcohol and Drug Abuse Treatment Facilities".			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
2-01	4.6.17	Erosion, Soil, Dust, and Sediment Control - Pollution Prevention Plan (PPP) Amended to adopt Pollution Control Standards in accordance with the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) requirements.	1-16-01	1-17-01	1-22-01
	6.1.9 (J)	Drainage Systems Added subsection (J) to provide for required annual inspections of stormwater management systems by the owner or responsible entity of any land development or redevelopment that discharges directly or indirectly to a Municipal Separate Storm Sewer System.			
3-01	4.4.9 (B), (C), (D), (G)	General Commercial (GC) District	2-06-01	2-12-01	2-10-01
	4.4.13 (B), (C), (D)	Central Business (CBD) District Placed a six month moratorium on business uses opened for business at any time between the hours of 12:00 A.M. (Midnight) and 5:00 A.M. from the date of adoption, February 6, 2001, of this ordinance in the General Commercial (GC) District and the Central Business (CBD) District within the Downtown Development Authority Area.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
4-01	4.4.13 (G)(1)	Central Business (CBD) District - Supplemental District Regulations - Parking Amended to increase the parking requirement for restaurants in the original Downtown Development Authority (DDA) area.	2-06-01	2-12-01	2-10-01
6-01	4.4.13 (G)(1)(b)	Central Business (CBD) District - Supplemental District Regulations	2-20-01	2-21-01	3-28-01
	4.4.24 (G)(6)	Old School Square Historic Arts District (OS-SHAD) - Supplemental District Regulations			
	4.4.28 (G)(1)	Central Business District-Railroad Corridor (CBD-RC) - Supplemental District Regulations Modified the one time one space parking reduction in the above Zoning Districts.			
15-01	4.5.1 (K)(25)	Designation of Historic Sites Added (25) the Water House to historic sites.	2-20-01	4-20-01	7-09-01
22-01	4.6.7	Signs Clarified the purpose and regulations relating to non-commercial speech; repealed the sign matrix chart and enacted a new sign matrix chart; and provided for enforcement by amending certain restrictions.	4-17-01	5-08-01	7-09-01
	1.4.5	Definitions Appendix "A": Amended "On-Premise Sign" and deleted "Vehicular Sign".			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
23-01	4.3.3 (I)	Community Residential Homes and Group Homes Repealed Subsection 4.3.3 (I), "Foster Homes and Group Homes" in its entirety and enacted a new Subsection 4.3.3 (I), "Community Residential Homes and Group Homes" to provide for the regulation of group homes and community residential homes.	5-01-01	5-18-01	7-09-01
	4.4.1 (B)(4)	Agriculture Zone District (A) - Principal Uses and Structures Permitted			
	4.4.2 (B)(2)				
Rural Residential (RR) Zone District - Principal Uses and Structures Permitted					
	4.4.3 (B)(2)	Single Family Residential (R-1) Districts - Principal Uses and Structures Permitted			
	4.4.5 (B)(4)	Low Density Residential (RL) District - Principal Uses and Structures Permitted			
	4.4.6 (B)(5)	Medium Density Residential (RM) District - Principal Uses and Structures Permitted			
	4.4.9 (B)(7)	General Commercial (GC) District - Principal Uses and Structures Permitted			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.13 (D)(16)	Central Business (CBD) District - Principal Uses and Structures Allowed			
	4.4.17 (B)(7)	Residential Office (RO) District - Principal Uses and Structures Permitted			
	4.4.17 (C)(5)	Residential Office (RO) District - Accessory Uses and Structures Allowed			
	4.4.21 (B)(4)	Community Facilities (CF) District - Principal Uses and Structures Allowed			
	4.4.24 (D)(7)	Old School Square Historic Arts District (OS-SHAD) - Conditional uses and Structures Allowed Amended the above Zoning Districts to provide for the regulation of group homes and community residential homes.			
24-01	1.4.5	Definitions Appendix "A": Deleted current definition and added a new definition of "Ground Floor Building Area".	4-17-01	5-08-01	7-09-01
28-01	6.1.10 (B)(2)	Water System - Design Standards Fire Protection Provisions Amended the fourth bulleted item under Sub-section 6.1.10(B)(2) to eliminate the reference to the width of the road.	5-15-01	11-06-01	12-17-01
	6.1.10 (B)(3)	Prohibition on Interconnections			
	6.1.10 (B)(4)	Limitation On Number of Structures Per Meter			
	6.1.10 (B)(5)	Prohibition On Use Of City Water For Irrigation			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	6.1.10 (B) (6)	Water Meter Sizing Deleted the above subsections from the Land Development Regulations because the provisions are contained in Chapter 52 of the Code of Ordinances.			
	6.1.10 (D)	Incorporation By Reference Added subsection 6.1.10 (D) "Incorporation By Reference" to provide that Chapter 52, as may be amended from time to time, is incorporated in the Land Development Regulations by reference.			
29-01	4.6.9 (D)(8)(f)	Off-Street Parking Regulations - Parking Surfaces and Drainage Added subparagraph 4.6.9(D)(8)(f) to clarify regulations relating to the paving of driveways and parking areas.	5-15-01	5-22-01	10-01-01
	6.1.4 (D)(5)	Infrastructure and Public Property - Construction Requirements Added number (5) to clarify regulations relating to the paving of driveways and parking areas.			
30-01	6.1.3 (C)(2)	Sidewalk Construction Requirements Amended to eliminate the requirement relating to wire mesh.	5-15-01	5-22-01	10-01-01

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
37-01	4.4.13 (D)(17)	Central Business (CBD) District Conditional Uses and Structures Allowed Amended to provide that required parking for certain uses may be provided as valet parking, subject to conditions and subject to conditional use approval.	7-10-01	11-07-01	8-05-02
	4.4.13 (G)(1)(e)	Supplemental District Regulations - Parking Amended to provide that parking may be provided in front of garage units within townhouse and townhouse type developments, subject to conditions.			
	4.6.9 (C)(2)(c)	Off-Street Parking Regulations - Multiple Family Structures Amended to provide that parking may be provided in front of garage units within townhouse and townhouse type developments, subject to conditions.			
	4.6.9 (F)(3)	Special Provisions Added subparagraph 4.6.9(F)(3) to establish design standards and regulations for valet and tandem parking arrangements.			
40-01	4.4.11 (B)(3)	Neighborhood Commercial (NC) District Principal Uses and Structures Permitted Amended to provide for Business and Professional Offices.	8-07-01	11-12-01	8-05-02

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.11 (C)(2)	Accessory Uses and Structures Permitted Amended to provide for refuse and service areas.			
	4.4.11 (H)(3)	Special Regulations Added subparagraph 4.4.11 (H)(3) to prohibit outdoor storage.			
41-01	1.4.5	Definitions Appendix A: Added definition of 24-Hour or Late Night Businesses.	8-07-01	12-27-01	8-05-02
	4.3.3 (VV)	Special Requirements for Specific Uses 24-Hour or Late Night Businesses Added subsection 4.3.3 (VV) to provide that 24-Hour or late night businesses located within 300 feet of a residentially zoned district shall be a conditional use and shall comply with specified conditions. Provided that existing 24-Hour or late night business shall be exempt from compliance with the provisions regarding 24-Hour or late night businesses.			
	4.4.9 (H)(6)	General Commercial (GC) District - Special Regulations Added subparagraph (6) to provide that 24-Hour or late night businesses are a conditional use.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.11 (H)(4)	Neighborhood Commercial (NC) District - Special Regulations Added subparagraph (4) to provide that 24-Hour or late night businesses are a conditional use.			
	4.4.12 (H)(2)	Planned Commercial (PC) District - Special Regulations Added subparagraph (2) to provide that 24-Hour or late night businesses are a conditional use.			
	4.4.13 (H)(6)	Central Business (CBD) District - Special Regulations Added subparagraph (6) to provide that 24-Hour or late night businesses are a conditional use.			
	4.4.14 (G)(1)	Resort Tourism (RT) District - Special Regulations Added Subsection (G) and subparagraph (1) to provide that 24-Hour or late night businesses are a conditional use.			
	4.4.15 (H)(4)	Planned Office Center (POC) District - Special Regulations Added subparagraph (4) to provide that 24-Hour or late night businesses are a conditional use.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.24 (H)(6)	Old School Square Historic Arts (OSSHAD) District - Special District Regulations Added subparagraph (6) to provide that 24-Hour or late night businesses are a conditional use			
	4.4.28 (H)(4)	Central Business District-Railroad Corridor (CBD-RC) - Special Regulations Added subparagraph (4) to provide that 24-Hour or late night businesses are a conditional use			
43-01	4.6.9 (E)(3)(b)	Off-Street Parking Regulations - Location of Parking Spaces - In-Lieu Fee Amended to include a map which delineates the in-lieu parking fee areas and corresponding fee amounts (Page 4646 - A).	8-07-01	12-27-01	8-05-02
45-01	4.4.25 (G)(3)	Special Activities District (S.A.D) Zoning - Waterford Place Amended Ordinance 1-98, which comprises the Special Activities District (SAD) zoning ordinance and conditions for further development of Waterford Place, to eliminate the condition of approval requiring a Certificate of Occupancy for the hotel to be issued prior to the issuance of a Certificate of Occupancy for the final apartment complex building.	9-19-01	12-27-01	8-05-02

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
53-01	4.4.9 (D)	General Commercial (GC) District Conditional Uses and Structures Allowed Amended to provide for clarification of conditional uses and structures allowed in the GC District.	10-16-01	1-11-02	8-05-02
	4.4.9 (F)(2)(a)	West Atlantic Avenue Overlay District Development Standards Amended to provide setbacks for parcels that have frontage along NW and SW 5 th Avenue.			
	4.4.9 (G)(1)	West Atlantic Avenue Overlay District Supplemental District Regulations Amended to provide that all permitted uses with drive-through facilities shall require conditional use approval and to establish parking requirements for hotels and motels.			
54-01	4.4.13 (D)(15) 4.4.13 (I)(1)	Central Business (CBD) District Conditional Uses and Structures Allowed Performance Standards Amended to clarify where residential development exceeding thirty (30) units per acre is allowed as a conditional use.	11-20-01	1-14-02	8-05-02

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.28 (D) (5)	Central Business District-Railroad Corridor (CBD-RC) District Conditional Uses and Structures Allowed Enacted a new paragraph (5), to allow multi-family dwelling units at a density greater than thirty (30) units per acre as a conditional use west of the FEC Railroad between N.E. 2 nd Street and N.E. 3 rd Street.			
56-01	4.3.3 (Q) (1)	Special Requirements for Specific Uses Guest Cottage Amended to establish that persons employed for service on the premises can occupy a guest cottage.	10-16-01	1-14-02	8-05-02
	1.4.5	Definitions Appendix "A": amended "Guest Cottage" to clarify the definition.			
59-01	2.4.4 (F) (4)	General Procedures Pertaining to Approval of Land Use and Development Applications Extensions - Litigation Preventing Construction Enacted a new paragraph (4) to provide guidelines for extensions when litigation is filed to prevent construction.	12-04-01	1-15-02	8-05-02

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
61-01	4.4.13 (G)(1)	Central Business District - Supplemental District Regulations Parking Amended to eliminate the provision allowing conversion of residential space to non-residential space without providing additional parking within a portion of the CBD Zoning District.	1-08-02	1-15-02	8-05-02
1-02	4.4.11 (B)(2)	Neighborhood Commercial (NC) District Principal Uses and Structures Permitted Deleted equipment rental as a permitted use.	2-05-02	5-30-02	8-05-02
	4.4.11 (D)(4)	Conditional Uses and Structures Allowed Enacted a new subparagraph 4 to add equipment rental and display.			
2-02	4.6.16 (D)(2)(d)	Landscape Regulations - Site Design Requirements Enacted a new subparagraph (d), to allow for the substitution of mature, exceptional tree specimens for required parking.	2-05-02	5-31-02	8-05-02
4-02	6.1.11	Sewer System	2-19-02	5-31-02	8-05-02
	6.1.11(B)	Discharge Prohibitions			
	6.1.11(C)	Private Sewage Disposal Systems			
	6.1.11(D)	Design Standards			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	6.1.11(E)	Construction Requirements and Standards Deleted the above subsections from the Land Development Regulations because the provisions are contained in Chapter 53 of the Code of Ordinances.			
	6.1.11(B)	Incorporation By Reference Added subsection 6.1.11 (B) "Incorporation By Reference" to provide that Chapter 53, as may be amended from time to time, is incorporated in the Land Development Regulations by reference.			
5-02	4.4.27 (C)(9)	Open Space and Recreation (OSR) District - Accessory Uses and Structures Allowed Amended to added subparagraph (9) to add educational facilities as an accessory use.	2-19-02	5-31-02	8-05-02
8-02	1.4.5	Definitions Appendix A: Added definition of Bedroom.	3-05-02	5-31-02	8-05-02
9-02	5.3.1 (D)(4)(a)	Dedication and Impact Requirements - Reduction in Width Amended to refer an appeal of a right-of-way dedication requirement to the City Commission.	3-05-02	5-31-02	8-05-02

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
10-02	2.4.4 (F)(4)	General Procedures Pertaining to Approval of Land Use and Development Applications - Extensions - Litigation Preventing Construction Amended paragraph (4) to provide for extensions when litigation is filed against the City to prevent construction relating to a development approval.	3-05-02	5-31-02	8-05-02
18-02	4.3.3 (HHH)	Special Requirements for Specific Uses - Private Schools and Other Similar Educational Facilities Added a new Subsection 4.3.3 (HHH), Private Schools and Other Similar Educational Facilities.	6-18-02	1-08-03	10-10-03
	4.4.12 (D)(3)	Planned Commercial (PC) District - Conditional Uses and Structures Permitted Added subparagraph (3) to allow private schools and other similar educational facilities within the PC zoning district.			
24-02	4.4	Base Zoning Districts	7-16-02	1-29-03	10-10-03
	4.4.1 (B)(5)	Agriculture Zone District (A)			
	4.4.2 (B)(3)	Rural Residential (RR) Zone District			
	4.4.3 (B)(5)	Single Family Residential (R-1) Districts			
	4.4.4.(B)(4)	Mobile Home (MH) District			
	4.4.5 (B)(7)	Low Density Residential (RL) District			
	4.4.6 (B)(8)	Medium Density Residential (RM) District			
	4.4.7 (B)(4)	Planned Residential Development (PRD) District			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.21 (B)(7)	Community Facilities (CF) District Amended the above subsections to allow public educational facilities of The School District of Palm Beach County as a Principal Use, pursuant to regulations set forth in Section 4.3.3 (HHH).			
	4.4.3 (D)(3)	Single Family Residential (R-1) Districts			
	4.4.5 (D)(3)	Low Density Residential (RL) District			
	4.4.6 (D)(4)	Medium Density Residential (RM) District			
	4.4.7 (D)(3)	Planned Residential Development (PRD) District			
4.4.21 (D)(2)	Community Facilities (CF) District Amended the above subsections to allow private educational facilities as a Conditional Use, subject to the restrictions set forth in Section 4.3.3 (HHH).				

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3 (HH)	Special Requirements for Specific Uses - Educational Facilities Renamed the above subsection to "Public Educational Facilities of The School District of Palm Beach County" and added supplemental regulations for public educational facilities.			
	1.4.5	Definitions Appendix A: Modified the definition of "Residential Districts".			
26-02	3.1	Required Findings for Land Use and Land Development Applications	7-16-02	3-12-03	10-10-03
	3.1.1 (B)	Concurrency Amended to provide for the implementation of the public school concurrency amendment.			
	2.4.3 (A) (9)	General Procedures - Standard Application Items Amended to provide for a completed school concurrency application as a standard application item.			
27-02	4.5.1 (K) (26)	Designation of Historic Sites Added (26) the O'Neal House to historic sites.	7-16-02	3-12-03	10-10-03
29-02	4.5.1 (K) (14)	Designation of Historic Sites Amended to correct the property description and address of the Susan Williams House in the historic sites.	7-16-02	3-12-03	10-10-03

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
42-02	2.4.3 (K)(2)(c)	Plan Check Fees Added (c) for a Master Plan Submission Fee.	10-15-02	5-31-03	10-10-03
	2.4.3 (K)(3)(h), (i) and (j)	Permit Fees Amended the permit fees.			
44-02	4.4.21 (H)(3)	Community Facilities (CF) District - Special Regulations Added a new paragraph (3) to provide for a minimum of 10% non-vehicular open space for CF zoned properties in the West Atlantic Avenue Redevelopment Area.	10-01-02	5-31-03	10-10-03
	4.3.4 (K)	Development Standards Matrix - Nonresidential Zoning Districts Amended the "Other" column of the Development Standards Matrix relating to the Community Facilities (CF) Zoning District to refer to Section 4.4.21 (H) for additional setback and open space requirements.			
45-02	4.3.2(C)(3)	Determining Use - Prohibited Uses Amended by prohibiting uses not allowed pursuant to Florida State Statutes or City Ordinances.	10-01-02	6-21-03	10-10-03

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3 (DD)	Special Requirements for Specific Uses Drug Paraphernalia Added Subsection 4.3.3 (DD) to provide for the prohibition of the sale of drug paraphernalia and the operation of drug paraphernalia businesses.			
51-02	4.4.25 (G) (8)	Special Activities District (SAD) - S.A.D.s - Silver Terrace Subdivision Amended Ordinance No 39-96 which established the Special Activities (SAD) Zoning District for certain land located in the Silver Terrace Subdivision, by amending Section 3, Paragraph 5 to allow single family detached dwellings on lots lying within Blocks 2 and 3 of the Silver Terrace Subdivision which only front on Dixie Highway (except corner lots) to take access from Dixie Highway.	10-15-02	6-21-03	10-10-03
53-02	4.6.9 (E)	Off-Street Parking Regulations - Location of Parking Spaces Amended to provide for revised in-lieu of parking regulations.	1-07-03	6-24-03	10-10-03

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
54-02	4.4.25 (G) (8)	Special Activities District (SAD) - S.A.D.s - Silver Terrace Subdivision Amended Ordinance No. 51-02 by amending Section 1 clarifying that the lots referred to in Paragraph 5(a) include Lot 3.	1-07-03	6-24-03	10-10-03
5-03		Building Regulations	4-15-03	6-26-03	10-10-03
	7.1.3	Building Code			
	7.1.7	Seawalls			
	7.2	Electrical Code			
	7.2.1	General Provisions			
	7.2.2	Permits and Inspections			
	7.2.3	Technical Requirements			
	7.3	Gas Code			
	7.3.1	Adoption By Reference			
	7.5	Mechanical Code			
	7.6	Plumbing Code			
	2.4.6	Administrative Provisions - Procedures for Obtaining Permits and Approvals			
	2.4.6 (B)	Building Permits			
	2.4.6 (C)	Certificate of Occupancy			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.5.4 (C)	Building Regulations - Coastal Construction - Development Regulations Amended the above listed sections to provide for the adoption of the 2001 Florida Building Code adopted by Palm Beach County, to eliminate duplications, to renumber and reorganize as appropriate.			
6-03	4.4.13 (G)(1)(e)	Central Business (CBD) District - Supplemental District Regulations	5-20-03	6-21-03	10-10-03
	4.6.9 (C)(2)(d)	Off-Street Parking Regulations - Number of Parking Spaces Required - Requirements for Residential Uses To provide regulations for the location and accessibility of guest parking spaces.			
7-03	4.4.9 (G)(2)	General Commercial (GC) District - Supplemental District Regulations - North Federal Highway Overlay District Amended to add self service storage facilities and added subsection (c) to provide supplemental regulations for self service storage facilities.	4-15-03	8-27-03	10-10-03

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
10-03	4.5.1 (M)	Overlay and Environmental Management Districts - Historic Preservation Sites and Districts - Tax Exemption for Historic Properties Amended to provide clarification to the tax abatement process and applicability, and to be consistent with the Florida Administrative Code.	5-20-03	6-23-03	10-10-03
13-03	2.4.3 (K)(1)	General Procedures - Submission Requirements - Fees - Development Applications Amended to provide for an increase in the development application fees charged.	6-17-03	6-25-03	10-10-03
17-03	4.6.9 (E)(3)(d)	Supplemental District Regulations - Off-Street Parking Regulations - Location of Parking Spaces Amended to provide that owners of parcels located in Area 1 and Area 2 in addition to Area 3 and Area 4 may pay in-lieu fees in installments through an In-Lieu of Parking Fee Agreement, and all in-lieu fees paid in full shall be due upon the issuance of a building permit.	7-22-03	7-25-03	10-10-03
22-03	4.4.11 (B)(2), (3)	Neighborhood Commercial (NC) District - Principal Uses and Structures Permitted	8-19-03	8-26-03	10-10-03

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.11 (D)	Conditional Uses and Structures Allowed Amended to clarify the uses subject to the special regulations section and to add vocational schools limited to arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling and karate-judo as a permitted use within the Neighborhood Commercial (NC) Zoning District.			
24-03	4.4.9 (G)2(c)(2)(c)	General Commercial (GC) District - North Federal Highway Overlay District Repealed Subsection (G)2(c)(2)(c) pertaining to parking rates and enacted a new subsection (G)2(c)(2)(c) to provide for parking rates for self service storage facilities.	8-05-03	8-27-03	10-10-03
25-03	4.5.1 (K)(27)	Designation of Historic Sites Added (27) the Amelung House to historic sites.	8-19-03	8-27-03	10-10-03

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
37-03	4.3.3 (S)(2)(f)(6) 4.3.3 (S) (6)	Zoning Regulations -Telecommunication Towers and Antennas - Required Information - Review and Approval Process Amended Section 4.3.3(S)(f)(6), "Required Information", deleted number 6. and renumbered the remaining required information. Amended "Review and Approval Process", in order to provide an updated ordinance in accordance with new State Laws regarding Telecommunications.	10-07-03	12-03-03	3-21-05
41-03	2.4.6 (H)8. 2.4.6 (H)(3)(d)	Procedures for Obtaining Permits and Approvals - Temporary Use Permit - Regulations and Restrictions Added horse drawn carriage rides, ice skating rink, carousel and other related holiday/seasonal temporary uses authorized by the City Commission. Added a new subparagraph (d) to provide that these uses be sponsored by the City, Community Redevelopment Agency, the Downtown Joint Venture, or other agency formulated for economic development purposes and providing that the owner or operator or carriage rides must have a license agreement approved by the City Commission.	11-04-03	12-08-03	3-21-05

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
42-03	4.3.3 (V)	Zoning Regulations - Uses Involving Alcoholic Beverages Amended Section 4.3.3 (V) in order to provide for a definition of alcoholic beverage that is consistent with State Statutes and a distance limitation between stand alone bars.	12-09-03	11-18-03	3-21-05
	1.4.5	Definitions - Appendix "A" Amended Appendix "A" by amending all definitions relating to alcoholic beverages and enacted two new definitions relating to alcoholic beverages.			
43-03	4.3.3 (AA) (3)	Zoning Regulations - Adult Entertainment Establishments Amended the distance limitation between alcoholic beverage establishments and adult entertainment establishments in order to provide for a distance of two hundred (200) feet between any alcoholic beverage establishment and any adult entertainment establishment.	12-02-03	12-09-03	3-21-05
1-04	4.4.26 (F) (2), (3)	Light Industrial (LI) District - Development Standards	2-03-04	2-06-04	3-21-05
	4.4.26 (H) (3)	Special District Regulations Amended to provide for the Wallace Drive Overlay District.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.5.8 (A)	Overlay and Environmental Management Districts - The Wallace Drive Overlay District Enacted Section 4.5.8 to define and establish the Wallace Drive Overlay District.			
3-04	1.4.5	Definitions - Appendix "A" Amended Adult Entertainment Establishment for the inclusion of Adult Novelty Store and enacted a definition of Adult Novelty Store.	2-03-04	2-06-04	3-21-05
4-04	1.4.5	Definitions - Appendix "A" Repealed the definitions of Residential Alcohol and Drug Abuse Treatment Facility and Non Residential Alcohol and Drug Abuse Treatment Facility and enacted the definitions of Residential Licensed Service Provider Facility and Non-Residential Licensed Service Provider Facility to conform to changes in Florida Statutes.	2-03-04	2-06-04	3-21-05
	4.3.3 (D)(1), (2), (3), (4), (5), and (6)	District Regulations; General Provisions - Special Requirements for Special Uses - Residential and Non-Residential Licensed Service Provider Facilities			
	4.4.6 (D)(2)	Base Zoning Districts - Medium Density Residential (RM) District			
	4.4.9 (D)(1)	General Commercial (GC) District			
	4.4.13 (D)(2)	Central Business (CBD)			
	4.4.16 (D)(2)	Professional and Office (POD) District			
	4.4.17 (D)(2)	Residential Office (RO) District			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.21 (D)(1)	Community Facilities (CF) District			
	4.4.24 (D)(4)	Old School Square Historic Arts District (OS-SHAD)			
	4.6.9 (C)(7)(b)	Supplemental District Regulations - Off-Street Parking Regulations - Number of Parking Spaces Required - Other Uses - A.C.L.F.'s Amended the above listed sections to reflect the change in terminology from Residential and Non-Residential Alcohol and Drug Abuse Treatment Facility to Residential and Non-Residential Licensed Service Provider Facility.			
8-04	2.4.3 (K)(6)	Submission Requirements - Fees Enacted a new Subsection 2.4.3(K)(6), "Delray Beach Fire-Rescue Department Fees", to provide for development review fees by the Fire Department.	2-17-04	3-18-04	3-21-05
9-04	4.4.17 (B)(2)	Residential Office (RO) District - Principal Uses and Structures Permitted Amended Subsection 4.4.17 (B) (2) by deleting the words "and dwelling units".	2-17-04	2-18-04	3-21-05
14-04		General Procedures	6-22-04	7-12-04	3-21-05
	2.4.6 (D)	Permits for Individual Signs			
	2.4.6 (E)	Permits for Master Sign Programs Repealed Sections 2.4.6 (D) and (E) in their entirety.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.7	Supplemental District Regulations Signs Repealed Section 4.6.7 in its entirety and enacted a new Section 4.6.7. To provide a single, combined and updated sign code.			
	1.4.5	Definitions - Appendix "A" Amended all definitions relating to signs and enacted some new definitions relating to signs.			
15-04	4.3.3 (I)	Zoning Regulations - Community Residential Homes and Group Homes Amended to correct an inconsistency created from recent LDR changes regarding the terminology of residential and non-residential alcohol and drug abuse treatment facilities.	4-13-04	4-14-04	3-21-05
21-04	1.4.1 (E)	Interpretation, Enforcement, and Penalties - Interpretation of Land Development Regulations - Graphics;	5-04-04	6-01-04	3-21-05
	2.4.3 (G)(6)	General Procedures - Submission Requirements Architectural Elevations;			
	4.3.3 (O)(1)	District Regulations, General Provisions - Special Requirements for Specific Uses Townhouses and Townhouse Type of Development - Application;			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.4 (J)(4)(b)(i)(4) and (iii)(2) and (3)	District Regulations, General Provisions - Special Requirements for Specific Uses Base District Development Standards - Height - Increases to Height Regulations Allowances			
	4.3.4 (K)	District Regulations, General Provisions - Special Requirements for Specific Uses Base District Development Standards - Development Standards Matrix - Nonresidential Zoning Districts;			
	4.4.9 (F)(1) and (2)	Base Zoning District - General Commercial (GC) District - Development Standards and West Atlantic Avenue Overlay District Development Standards;			
	4.4.9 (G)(1)	Supplemental District Regulations - West Atlantic Avenue Overlay District Supplemental District Regulations;			
	4.4.13 (A) 4.4.13 (F) 4.4.13 (G) 4.4.13 (I)	Base Zoning District - Central Business (CBD) District Purpose and Intent Development Standards Supplemental District Regulations Performance Standards;			
		Base Zoning District - Old School Square Historic Arts (OSSHAD) District			
	4.4.24 (A)	Purpose and Intent			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.24 (F)	Development Standards;			
	4.4.28 (F)	Base Zoning District - Central business District - Railroad Corridor (CBD-RC) District Development Standards;			
	4.6.4 (A)	Supplemental District Regulations - Special District Boundary Treatment - Commercial Zoning Adjacent to Residential Zoning;			
	4.6.18	Supplemental District Regulations Architectural Elevations and Aesthetics;			
	1.4.5	Definitions — Appendix "A" Amended the above listed sections to provide design guidelines to implement the Downtown Delray Beach Master Plan. Amended to mitigate mass/scale and uniform monolithic appearance of large building, and to provide that the architectural composition of new developments incorporate architectural features that provide visual interest, while allowing design flexibility.			
24-04	4.6.15 (G)	Supplemental District Regulations - Swimming Pool, Whirlpools, and Spas Yard Encroachment Amended to allow pools to extend within five feet of the property line for zero lot line developments, excluding perimeter lots.	5-18-04	6-24-04	3-21-05

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
25-04	2.2.3 (B)(2)	Establishment of Boards Having Responsibilities for Land Development Regulations The Site Plan Review and Appearance Board - Composition and Special Qualifications The Historic Preservation Board - Composition and Special Qualifications Repealed the above listed sections and enacted new sections to ensure adequate representation by members with a discipline determined to be critical to the conduct of the Board's business.	5-18-04	6-24-04	3-21-05
34-04	4.3.3 (P)(1)	Zoning Regulations Satellite Dish - Satellite Television Antenna Application Process Amended to provide an updated ordinance on satellite dishes.	8-03-04	8-18-04	3-21-05
43-04	4.4.9 (B)(5)	Base Zoning Districts General Commercial (GC) District Principal Uses and Structures Permitted Amended to provide that commercial uses are allowed in mixed-use developments in the GC zoning district if commercial uses are provided on the ground floor and occupy no less than 25% of the structure.	8-17-04	8-18-04	3-21-05

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
44-04	4.6.7 (E)(3)(e)	Supplemental District Regulations Signs Special Purpose Signs and Signing Ground Signs Amended Ordinance 14-04, by enacting a new subsection 4.6.7(E)(3)(e), "Ground Signs", to allow the placement of certain ground signs in certain locations.	8-17-04	8-23-04	3-21-05
	1.4.5	Definitions - Appendix "A" Enacted the definition of "Ground Sign".			
49-04	2.4.6 (F)(3)(d)2.	General Procedures Procedures for Obtaining Permits and Approvals Temporary Use Permit Regulations and Restrictions Horse Drawn Carriage Rides, Ice Skating Rink, Carousel, and Other Related Holiday, Seasonal/Temporary Uses. Added Subsection 2.4.6 (F) (3) (d) 2. to allow the use of horse drawn carriages for special events if the owner or operator has a license agreement approved by the City Commission and providing for limited hours in the summer season.	11-16-04	12-08-04	3-21-05

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
50-04	4.4.18 (B) (4)	Base Zoning Districts Planned Commerce Center (PCC) District Allowed Uses Within the Service Industry Service Industry Amended to add food catering establishments, preparation and storage only (no food served on premises) are an allowed use within the service industry.	9-21-04	10-04-04	3-21-05
58-04	4.3.3 (AAA)	District Regulations, General Provisions Special Requirements for Specific Uses Adult Gaming Centers Enacted a new Subsection 4.3.3 (AAA), Adult Gaming Centers, in order to provide for regulation and zoning of such facilities.	10-19-04	12-01-04	3-21-05
	4.4.9 (D) (2) and (17)	Base Zoning Districts General Commercial (GC) District Conditional Uses and Structures Allowed			
	4.4.12 (D) (4)	Planned Commercial (PC) District Conditional Uses and Structures Allowed Amended both the above GC and PC zoning districts to include Adult Gaming Centers among the conditional uses allowed.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	1.4.5	Definitions - Appendix "A" Enacted the definitions of "Adult Gaming Center", "Amusement Game Facilities", "Coin-Operated Amusement Devices" and "Slot Machines".			
59-04	4.3.4 (K)	District Regulations, General Provisions Development Standards Matrix - Nonresidential Zoning Districts Amended to provide for a change in the minimum building setbacks for the OSSHAD zoning district.	11-16-04	12-09-04	3-21-05
	4.4.24	Base Zoning Districts Old School Square Historic Arts District (OSSHAD) Amended to provide for changes to the Principal Uses, Accessory Uses, Conditional Uses, Review and Approval Process, Development Standards and Special District Regulations in order to help regulate development size, massing and scale.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
62-04	1.3.6 (A)	General Provisions Nonconforming Uses, Lots, and Structures Repairs and Maintenance Amended to allow repair and maintenance to nonconforming historic structures to exceed the annual maximum thresholds listed for nonconforming structures.	11-16-04	12-09-04	3-21-05
63-04	1.4.5	Definitions — Appendix "A" Amended to provide a more detailed definition of "Sign".	11-16-04	12-09-04	3-21-05
64-04	4.3.3 (O)(1)	District Regulations, General Provisions Townhouses and Townhouse Type of Development	11-16-04	1-10-05	3-21-05
	4.3.4	Application			
	(J)(4)(b)(9)	Height Increases to Height Regulations Allowances			
	4.3.4 (K)	Development Standards Matrix - Nonresidential Zoning Districts Base Zoning District			
	4.4.9 (B)(6)	General Commercial (GC) District Principal Uses and Structures Permitted			
	4.4.9 (D)	Conditional Uses and Structures Allowed			
	4.4.9 (E)	Review and Approval Process			
	4.4.9 (F)	Development Standards			
	4.4.9 (G)	Supplemental District Regulations			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.9 (H)	Special Regulations			
	4.4.13 (A)	Central Business (CBD) District Purpose and Intent			
	4.4.13 (B) (4), (5)	Principal Uses and Structures Permitted			
	4.4.13 (D)	Conditional Uses and Structures Allowed			
	4.4.13 (F)	Development Standards			
	4.4.13 (G)	Supplemental District Regulations			
	4.4.13 (H)	Special Regulations			
	4.4.13 (I)	Performance Standards			
	4.4.24 (F)	Old School Square Historic Arts (OSSHAD) District			
		Development Standards			
	4.5.6 (B)	Overlay and Environmental Management Districts			
		The West Atlantic Avenue Overlay District			
	4.5.6 (C)	West Atlantic Redevelopment Coalition (WARC)			
	4.6.4 (A)	Supplemental District Regulations			
		Special District Boundary Treatment			
		Commercial Zoning Adjacent to Residential			
		Zoning or Zoning Districts with a Thirty-Five-Foot Height Limitation			
		Off-Street Parking Regulations			
		Location of Parking spaces			
	4.6.9 (E) (3)	In-Lieu Fee			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.18	Architectural Elevations and Aesthetics Amended above Sections to reflect the change of zoning designation for the West Atlantic Neighborhood from (GC) General Commercial to (CBD) Central Business District.			
66-04	4.7	Family/Workforce Housing Created a new Article 4.7, Family/Workforce Housing to provide for regulations and incentives to build workforce housing and ensuring that the City has sufficient family/workforce housing.	12-06-04	12-14-04	3-21-05
	4.4.6 (H) (6)	Base Zoning District Medium Density Residential (RM) District Special Regulations Density Bonuses Amended to provide for density bonuses in certain overlay districts.			
	4.5.9	Overlay and Environmental Management Districts Southwest Neighborhood Overlay District Southwest 10th Street Overlay District			
	4.5.10	Carver Estates Overlay District Created the above overlay districts which are entitled to density bonuses for the provision of workforce housing units.			
	4.5.11				

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
67-04	4.3.4 (J)(4)(b)(i)(9) and (iii)(1) and (4)	Base Zoning District Base District Development Standards Increases to Height Regulations Allowances Amended to limit the area in the CBD available for an increase in height and to modify the criteria which must be met to support an increase in height.	1-04-05	1-11-05	3-21-05
68-04	2.4.3 (K)(1)(bb)	General Procedures Submission Requirements Fees	1-04-05	1-11-05	3-21-05
	4.4.3 (E)(4)	Base Zoning District Single Family Residential (R-1) Districts Review and Approval Process			
	4.4.3 (F)(1)	Development Standards			
	4.4.3 (G)(1)	Supplemental District Regulation			
	4.5.12	Overlay and Environmental Management Districts North Beach/Seagate and Ocean Neighborhood Overlay Districts (New Section) Creation of North Beach and Ocean Neighborhood Overlay Districts and modifications to require compliance with adopted design manual in order to help regulate development size, massing and scale.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
70-04	4.4.9 (D)(5) and (17)	Base Zoning District General Commercial (GC) District Conditional Uses and Structures Allowed Amended to allow churches, or places of worship, and their attendant facilities as a conditional use as well as providing a maximum size for churches or places of worship, clubs and lodges.	1-04-05	1-11-05	3-21-05
	4.4.9 (H)(5)	Special Regulations Amended to provide for a minimum separation between such uses for both churches or places of worship, clubs and lodges.			
	4.4.12 (H)(3)	Planned Commercial (PC) District Special Regulations Amended to provide for a minimum separation between such uses for both churches or places of worship, clubs and lodges.			
	4.4.13 (D)(5)	Central Business (CBD) District Conditional Uses and Structures Allowed Deleted clubs and lodges as a conditional use.			
71-04	4.5.1 (K)(28)	Overlay and Environmental Management Districts Designation of Historic Sites Added (28) the Dewitt Estate to historic sites.	1-04-05	1-11-05	3-21-05

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
74-04	4.6.9 (E)(1), (3)(a), (b) 2., 3., 4. and (e)	Supplemental District Regulations Off-Street Parking Regulations Location of Parking Spaces Amended to provide for changes in the in-lieu parking fee, alternatives to purchasing in-lieu fee parking spaces, and amending the in-lieu fee district map to reflect expansion of Area 2.	1-18-05	1-25-05	3-21-05
	1.4.5	Appendix "A" — Definitions Enacted the following definitions: In-Fill Development and New Development.			
77-04	8.5	Special Implementation Programs Public Arts Program Established a new Article 8.5, Public Arts Program by establishing a Public Art Advisory board, and providing general provisions for its organization and operation.			
	1.4.5	Appendix "A" — Definitions Enacted the following definitions: Artist or Professional Artist, Artwork or Works of Art, Capital Improvement Project, and Public Art.	2-01-05	2-04-05	3-21-05

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
78-04	2.4.2 (B)(1), (2)	General Procedures Notice Requirements Public Hearing Requirements Amended to provide for elimination of certain notices not required by State Law and adding new public notice requirements and by providing that the conduct of a public hearing shall be in accordance with adopted rules.	1-18-05	1-25-05	3-21-05
	2.4.3 (A)(6)	Submission Requirements Standard Application Items Amended to provide for a correct reference to certain notice requirements.			
	2.4.5 (M)(1), (2), (3) (c), (5), (6)	General Procedures Procedures for Obtaining Development Approvals Amendment to the Land Development Regulations Amended to provide for grammatical changes and clarifying certain limits for amendments to the Land Development Regulations.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.5.1 (C)(4)	Overlay and Environmental Management Districts Designation Procedures Amended to provide that notices for designation of historic sites or districts will conform to the notices given for rezonings except the property need not be posted.			
79-04	4.4.24 (B)(12)(d)	Base Zoning District Old School Square Historic Arts District (OSSHAD) Principal Uses and Structures Amended to include an additional property that is allowed the permitted uses of the CBD Zoning district.	1-18-05	1-26-05	3-21-05
	4.4.24 (F)(1)(b)	Development Standards Amended to include an additional property in the OSSHAD district that is subject to the standards of the CBD zoning district.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
80-04	4.6.9 (B) (4) and (5)	Supplemental District Regulations Off Street Parking Regulations Applicability Amended by creating a new Subsection 4.6.9 (B) (4) and renumbered to provide a credit for parking under certain circumstances where a governmental entity acquires property for public parking.	1-18-05	1-27-05	3-21-05
5-05	6.3.3	Infrastructure and Public Property Use and Work In the Public Right-Of-Way Sidewalk Café Amended to provide for a permit with an application fee and a fee per square footage of sidewalk café space, renewals, applicability, required information, processing, geographic limitation, regulations regarding use, design and maintenance, liability and insurance; penalties; denial, revocation and suspension of permit, jurisdiction of Code Enforcement Board, and appeals.	3-01-05	3-03-05	3-21-05

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
6-05	4.4.5 (A)	Zoning Regulations Base Zoning District Low Density Residential (RL) District Purpose and Intent Amended to clarify the applicable Comprehensive Plan Section.	3-15-05	3-16-05	3-21-05
	4.4.5 (H)(1), (5)	Special Regulations Amended to provide a means to increase density in the RL District and to provide for recreational areas for multi-family developments.			
	4.4.5 (I)(1), (2), (3)	Performance Standards Enacted performance standards to mitigate the impacts of additional density both internal and external to the site.			
7-05	4.3.4 (K)	District Regulations, General Provisions Base District Development Standards Development Standards Matrix - Residential Zoning Districts Enacted setbacks for the Southwest Area Neighborhood Redevelopment Plan.	2-15-05	2-17-05	3-21-05

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.6 (A), (D)(12), (F)(2), (3) (a), (b), (c), (G)(1) (a), (b), (H)(1), (6) (a), (b)	Base Zoning District Medium Density Residential (RM) District Amended to implement provisions of the Southwest Area Neighborhood Redevelopment Plan regarding density and uses.			
	1.4.5	Appendix "A" — Definitions Enacted the following definition: Porch.			
11-05	2.4.4 (E)(2)	General Procedures General Procedures Pertaining to Approval of Land Use and Development Applications Expiration of Approvals Conditional Uses, Site Plans, Landscaping Plans, Architectural Plans, Preliminary Subdivision Plans Amended to provide for a longer expiration period.	3-15-05	3-16-05	3-21-05
20-05	4.4.6 (F)(3)	Base Zoning District Medium Density Residential (RM) District Development Standards	4-19-05	4-25-05	5-09-05
	4.4.6 (G)(1)	Supplemental District Regulations Amended to clarify that certain provisions of the Southwest Neighborhood Overlay District only apply to duplex and multi-family development that contains a component of Workforce Housing as provided by Article 4.7.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
22-05	4.3.3 (V)(2)(c)	District Regulations, General Provisions Special Requirements for Specific Uses Uses Involving Alcoholic Beverages Prohibitions by Frequency Established Subsection 4.3.3(V)(2)(c) to provide a method of determining eligibility for a stand alone bar use in certain circumstances.	4-19-05	4-25-05	5-09-05
23-05	4.4.11 (H)(1)	Base Zoning District Neighborhood Commercial (NC) District Special Regulations Amended to provide that banks or similar financial institutions may have a maximum area of 6,000 square feet	4-19-05	4-25-05	5-09-05
24-05	4.5.1 (C)(5)	Overlay and Environmental Management Districts Historic Preservation Sites and Districts Designation Procedures Removed (5) the restriction on issuing building permits during the designation process and re-numbered.	4-19-05	4-26-05	5-09-05

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
25-05	2.4.4 (E)(2)	General Procedures Expiration of Approvals Conditional Uses, Site Plans, Landscaping Plans, Architectural Plans, Preliminary Subdivision Plans and Ordinance No. 11-05 Amended to provide that extensions of time granted pursuant to Section 2.4.4 (F)(4) shall not be deemed to be a previous extension pursuant to Section 2.4.4 (E)(2).	5-03-05	5-04-05	5-09-05
26-05	4.5.1 (K)(29)	Overlay and Environmental Management Districts Designation of Historic Sites Added (29) The Hartman House to historic sites.	5-03-05	5-04-05	5-09-05
28-05	4.4.20 (B)(5)	Service Industry Uses Permitted Added 7 th bullet to list for Food Preparation and/or Processing	5-17-05	5-18-05	5-23-05
38-05	1.4.5	Appendix "A" — Definitions Enacted the following definition: Lowest Floor	6-21-05	6-22-05	7-11-05
	4.5.3 (2)(a) and (b)	Overlay and Environmental Management Districts Flood Damage Control Districts Mapped Areas			
	4.5.3 (F)(5) and (13)	Other Administrative Functions Amended in order to include a reference to the definition of "Lowest Floor".			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
39-05	1.4.5	Appendix "A" — Definitions Enacted the following definition: Senior Housing	6-21-05	6-22-05	7-11-05
	4.3.3 (II)	District Regulations, General Provisions Special Requirements for Specific Uses Senior Housing Enacted a new Subsection 4.3.3 (II), Senior Housing, to provide specific regulations.			
	4.4.21	Base Zoning District Community Facilities (CF) District Conditional Uses and Structures Allowed To provide for the inclusion of Senior Housing as a conditional use allowed.			
40-05	4.4.18 (B) (4)	Base Zoning District Planned Commerce Center (PCC) District Service Industry Added Educational Facilities within the Service Industry land use category.	6-21-05	6-24-05	7-11-05
	4.4.18 (E) (5)	Supplemental District Regulations Added Section 4.4.18 (E) (5) to provide supplemental regulations regarding Educational Facilities.			
42-05	1.4.5	Appendix "A" — Definitions Repealed the definition of Restaurant in its entirety and enacted a new definition.	6-21-05	6-24-05	7-11-05

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
46-05	4.4.21 (B) (8)	Base Zoning District Community Facilities (CF) District Principal Uses and Structures Allowed Added clubs and lodges which do not serve alcohol as a permitted use within the CF District to Section 4.4.21 (B) (8).	7-19-05	7-25-05	8-05-05
47-05	4.6.9 (B) (4)	Supplemental District Regulations Off-Street Parking Regulations Applicability Amended to provide a credit for parking under certain circumstances where a governmental entity acquires property for park purposes or public parking.	7-19-05	7-25-05	8-05-05
48-05	1.4.5	Appendix "A" - Definitions Repealed the definition of Residential Licensed Service Provider Facility in it entirety and enacted a new definition. To provide a more consistent definition of same. Enacted the following definition: Prevention Education Service Providers	7-19-05	7-25-05	8-05-05
	4.3.3 (D)	District Regulations, General Provisions Residential and Non-Residential Licensed Service Provider Facilities			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3 (D)(1)	Residential Licensed Service Provider Facility Amended above Sections in order to exclude those licensed service providers that are licensed under Chapter 397 for the sole purpose of providing prevention as defined by Section 397.311 (18)(g), Fla. Stat.			
49-05	2.4.3 (K)(1)	General Procedures Submission Requirements Fees Development Applications Amended to provide for an increase in the development application fees.	8-16-05	8-16-05	8-29-05
50-05	4.5.1 (K)(30)	Overlay and Environmental Management Districts Designation of Historic Sites Added (30) The Sewell C. Biggs House to historic sites	7-19-05	7-25-05	8-05-05

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
51-05	6.3.3	Infrastructure and Public Property Use and Work In the Public Right-Of-Way Sidewalk Café Amended Section to provide a revised definition of Sidewalk Café; to provide for permit compliance dates; to add standards for denial, suspension, revocation or appeals; and to clarify the jurisdiction of the Code Enforcement Board.	7-19-05	7-25-05	8-05-05
61-05	4.4.19 (D)(2)(f), (g)(i), (ii), (iii)	Base Zoning District Mixed Industrial and Commercial (MIC) District Conditional Uses and Structures Allowed Amended to add the storage and rental of heavy equipment as a conditional use in the MIC zoning district.	8-16-05	8-19-05	8-29-05
62-05	4.4.6 (D)(11)	Base Zoning District Medium Density Residential (RM) District Conditional Uses and Structures Allowed Amended to expand the geographical location where private beach clubs are allowed within the RM zoning district.	8-16-05	8-19-05	8-29-05

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
79-05	4.6.9 (E)(4)	Supplemental District Regulations Location of Parking Spaces Amended to create a new subsection 4.6.9(E)(4), "Public Parking Fee", and renumbered the remaining subsections.			
	1.4.5	Definitions — Appendix "A" Enacted the following definitions: Public Parking Facility and Programmed Public Parking Facility.	1-03-06	1-11-06	1-31-06
2-06	4.3.4 (J)(1)	District Regulations, General Provisions Base District Development Standards Height Defined	1-17-06	1-27-06	1-31-06
	4.3.4 (J)(3)(c)	Exceptions to District Height Limitations Parapets			
	4.6.18 (B)(14)(i)(3)	Supplemental District Regulations Architectural Elevations and Aesthetics Roofs and Gutters Amended above Sections to allow and regulate parapets.			
	1.4.5	Definitions — Appendix "A" Enacted the following definition: Sloped Parapet.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
3-06	4.6.9 (C)(8)(a)	Supplemental District Regulations Off-Street Parking Regulations Number of Parking Spaces Required Multiple Uses Shared Parking Amended to establish standards for reserved spaces for mixed use developments.	1-17-06	1-30-06	1-31-06
6-06	4.4.25 (G)(1)	Zoning Regulations Base Zoning District Special Activities District (SAD) S.A.D.s Amended to reflect the name change from "The Extra Closet" to "United Stor-All".	4-18-06	4-26-06	7-24-06
11-06	2.4.4 (E)(2)	General Procedures General Procedures Pertaining to Approval of Land Use and Development Applications Expiration of Approvals Amended to clarify timeframes for development approvals.	3-21-06	4-04-06	4-28-06

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
16-06	4.3.4(J)(4)(b)	District Regulations, General Provisions Height Increases to Height Regulations Allowances To require workforce housing for increases in height and provide for modifications to performance standards.	4-04-06	4-10-06	4-28-06
17-06	4.4.16(D)(13)	Base Zoning District Medium Density Residential (RM) District Conditional Uses And Structures Allowed	4-04-06	4-10-06	4-28-06
	4.4.6(F)	Development Standards			
	4.4.6(G)	Supplemental District Regulations			
	4.4.6(H)	Special Regulations Added a Conditional Use for increased density in Workforce Housing Overlay Districts and added reference to Overlay Districts.			
	4.4.9(D)(19)	Base Zoning District General Commercial (GC) District Conditional Uses And Structures Allowed Added a Conditional Use for increased density in Infill Workforce Housing Area.			
	4.5.12	Overlay And Environmental Management Districts Infill Workforce Housing Area. Added subsection 4.5.12.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
18-06	4.7	Family/Workforce Housing Creating an additional district entitled "Infill Workforce Housing Area" and modifications to program.	4-04-06	4-10-06	4-28-06
19-06	4.4.13(I)	Base Zoning District Central Business (CBD) District Performance Standards To provide for inclusion of workforce housing among other conditions in order to obtain increased density.	4-04-06	4-10-06	4-28-06
20-06	4.1.4 (D)	Establishment of Districts and Official Zoning Map Use of Lots of Record Enacted a new subparagraph 4.1.4(D), to provide for the use of lots of record of at least 40 feet for the construction of workforce housing units as long as the designs conform to certain plans.	4-04-06	4-10-06	4-28-06

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
21-06	2.4.3 (K)(3)(s)	General Procedures Submission Requirements Fees Permit Fees Enacted a new Subsection (s) to provide that all permit fees regarding installation of generators and all appurtenances related to generators including fuel storage areas and screening for all service stations, grocery stores, kidney dialysis centers, pharmacies, residential buildings with elevators, country clubs and clubhouses within residential communities shall be waived.	4-18-06	4-26-06	7-24-06
28-06	4.3.3 (ZZ)	Special Requirements for Specific Uses Enacted a new Subsection (ZZ), "Permanently Installed Generators", to provide for the regulation of permanently installed generators.	5-16-06	6-01-06	7-24-06
	4.3.4 (H)(4)	Structures Allowed in Setbacks Amended section 4.3.4(h)(4), "structures allowed in setbacks", to allow for permanently installed generators.			
29-06	4.3.4 (K)	Development Standards Matrix Amended the Development Standards Matrix for Residential Zoning District to clarify the setback for the third story of a three story building	5-16-06	6-01-06	7-24-06

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
30-06	2.4.6 (B) (4) (b)	Procedures for Obtaining Permits and Approvals Building Permits Conditions of the Permit Amended to provide that property in Single Family Residential Districts may only be entitled to one extension for a building permit.	7-11-06	7-25-06	8-07-06
	4.4.4 (I)	Base Zoning District Single Family Residential (R-2) Districts Construction Site Conditions/Restrictions			
	4.4.4 (J)	Violations of 4.4.3(I) To provide for conditions and restrictions for structures that are under going construction in a single family residential district and to provide for remedies if those restrictions are violated.			
33-06	4.3.4 (K)	District Regulations, General Provisions Base District Development Standards Development Standards Matrix	12-05-06	12-14-06	3-05-07
	4.4.29	Mixed Residential, Office and Commercial (MROC) District Enacted Section 4.4.29, Mixed Residential, Office and Commercial (MROC) District.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.9 (C)(8)(a)	Off-Street Parking Regulations Multiple Uses Shared Parking Amended to enable the use of shared parking in newly established mixed use zoning district.			
35-06	4.3.3 (LL) 4.3.3 (LLL) 4.3.3 (MM) 4.3.3 (OOO)	Zoning Regulations District Regulations Special Requirements for Specific Uses Enacted the following new Subsections: (LL), Kidney Dialysis Centers; (LLL), Pharmacies; (MM), Grocery Stores; (OOO), Clubhouses and Country Clubs; To provide that certain kidney dialysis centers, pharmacies, grocery stores, clubhouses and country clubs shall provide auxiliary power generators within specified time frames.	6-20-06	6-28-06	3-05-07
37-06	2.4.6 (E)	General Procedures Procedures for Obtaining Permits and Approvals Tree Removal Permit Repealed Section 2.4.6 (E). Tree Removal Permit in its entirety.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.19	Supplemental District Regulations Tree Protection Tree Ordinance Repealed Section 4.6.19, Tree Protection and enacted a new Section 4.6.19, Tree Ordinance to provide for the regulation, pruning, and preservation of trees, including historic trees, and establishing land clearing and tree removal regulations and permit fees as well as the establishment of a tree trust fund.			
	1.4.5	Appendix "A" — Definitions Amended Appendix "A", Definitions to provide definitions for various terms related to trees.	9-19-06	9-23-06	9-25-06
39-06	4.7	Zoning Regulations	7-25-06	8-10-06	8-21-06
	4.7.4 d.	Family/Workforce Housing and Ordinance 18-06 Density Bonus Program for the Southwest Neighborhood Overlay District; The Carver Estates Overlay District and the Infill Workforce Housing Area Amended to provide the same number of bonus units "for sale" and "rental units".			
	4.7.7 a.	For Sale Housing Units To allow a right of first refusal to the Community Land Trust.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.7.9 c.v.	General Provisions To provide that proportions of "for sale" to "for rent" units for projects including "for sale" and "for rent" units that are funded by certain State Financing Programs shall not need to be proportional so long as twenty percent of the "for sale" units are for Workforce Housing.			
	4.7.11 a.	Density Bonus Tables Repealed Density Bonus Tables and enacted a new Density Bonus Tables to eliminate the bonus differential between "for sale" and "for rent" units.			
42-06	4.6.9 (E)(3)(b)(1), (2), (3)	Supplemental District Regulations Off-Street Parking Regulations Location of Parking Spaces In-Lieu Fee To provide for a change in the in-lieu fee amounts charged.	8-15-06	9-16-06	9-25-06
45-06	4.4.13 (B)(2)	Base Zoning District Central Business District Principal Uses and Structures Permitted	10-03-06	10-10-06	10-30-06
	4.4.13 (D)(5)	Conditional Uses and Structures Allowed			
	4.4.13 (H)(1)	Special Regulations To provide regulations relating to office uses on the ground floor along Atlantic Avenue extending from I-95 to Ocean Boulevard.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
46-06	4.3.3 (OO)	District Regulations, General Provisions Special Requirements for Specific Uses Multifamily Residential Buildings Equipped with Elevators Enacted a new Subsection 4.3.3 (OO) to require the installation of auxiliary power generators for all interior corridor lighting and exit sign; and at least one (1) public elevator.	9-05-06	9-16-06	9-25-06
47-06	4.4.13 (F)(4), (11)	Base Zoning District Central Business District Development Standards Building Frontage and Front Setbacks Notes to Tables 4.4.13-1 and 4.4.13-2 In order to adjust setbacks.	10-03-06	10-10-06	10-30-06
	4.4.13 (H)(7)	Special Regulations Providing an alternative to the nonresidential requirements for first floors between NE 3 rd Street and NE 4 th Street on the west side of NE 2 nd Avenue, upon the providing of certain community facility space and open space			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
48-06	4.6.9 (C)(3)	Supplemental District Regulations Off-Street Parking Regulations Number of Parking Spaces Required Requirements for Commercial Uses To provide parking regulations regarding Personal Service Providers.	9-19-06	9-23-06	9-25-06
	1.4.5	Appendix "A" - Definitions Amended Appendix "A", Definitions to provide definition for Personal Service Providers.			
49-06	2.4.7 (E)	General Procedures Procedures for Obtaining Relief From Compliance With Portions of the Land Development Regulations Appeals To clarify the definition of Appeals.	9-19-06	9-23-06	9-25-06
55-06	1.3.6 (A)	Repairs and Maintenance To provide that if repairs are made to structures damaged by an act of god, then Section 1.3.8, "Reconstruction Necessitated by an Act of God" shall apply.	10-17-06	10-23-06	10-30-06
58-06	4.6.9 (E)	Supplemental District Regulations Off-Street Parking Regulations Location of Parking Spaces To provide credit towards required parking for the construction of new on-street public parking in adjacent rights-of-way	10-17-06	10-23-06	10-30-06

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
64-06	4.3.4 (H)(6)(a)	District Regulations, General Provisions Base District Development Standards Special Setbacks Special Building Setbacks To eliminate the 64' building setback from Swinton Avenue east to NE 6 th Avenue for Lake Ida Road.	11-21-06	11-29-06	3-05-07
74-06	8.6	Special Implementation Programs Proportionate Fair-Share Program Enacted a new Section 8.6, Proportionate Fair-Share Program relating to the concurrency management system.	12-05-06	12-15-06	3-05-07
78-06	4.6.7	Zoning Regulations Supplemental District Regulations Signs Repealed Section 4.6.7 in its entirety and enacted a new Section 4.6.7. To provide a single, combined and updated sign code.	2-01-07	3-05-07	
		Definitions - Appendix "A" Amended to provide updated definitions relating to signs.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
80-06	2.4.3 (K)(1)(cc)	General Procedures Submission Requirements Fees Development Applications Enacted an application fee for In-Lieu Of and Public Parking Fee Requests.	1-02-07	1-05-07	3-05-07
	2.4.5 (O)	Procedures for Obtaining Development Approvals In-Lieu of Parking and Public Parking Fee Request Enacted a new Subsection 2.4.5 (O) to create a process for the review and approval of In-Lieu of and Public Parking Fee Requests.			
81-06	1.3.8 (A)(1)	General Provisions Reconstruction Necessitated by An Act of God To provide for reconstruction of lawful non-conforming commercial as well as residential structures and provided the definition of commercial structure and relettered and renumbered.	1-02-07	1-05-07	3-05-07

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
82-06	4.3.3 (l) (4)(a) and (5) (b)	District Regulations, General Provisions Special Requirements for Specific Uses Community Residential Homes and Group Homes To provide that Group Homes, Type 1 shall not be located within a radius of 1,000 feet of Community Residential Homes, and changed all references of occupational license to business tax receipts in order to comport with recent changes in State Law.	1-02-07	1-09-07	3-05-07
2-07	4.7.9 c., h., i.	Family/Workforce Housing General Provisions Amended to clarify the type and number of certain units allowed.	2-20-07	2-26-07	3-05-07
6-07	4.4.13 (F)	Central Business (CBD) District Development Standards Amended to provide updated design guidelines for the Central Business District	3-05-07	3-07-07	4-23-07
8-07	4.4.9	General Commercial (GC) District	3-20-07	3-21-07	4-23-07
	4.4.12	Planned Commercial (PC) District			
	4.5.14	Four Corners Overlay District To provide for the creation and implementation of the Four Corners Overlay District.			
10-07	4.4.19	Mixed Industrial and Commercial (MIC) District	3-20-07	3-21-07	4-23-07
	4.5.15	I-95/CSX Railroad Corridor Overlay District			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.7	Family/Workforce Housing To provide for the creation of a new Workforce Housing Overlay District.			
11-07	4.7.2	Family/Workforce Housing Applicability To provide that a monetary contribution may be made to the Delray Beach Community Land Trust, in lieu of providing the workforce housing unit with the development.	3-20-07	3-21-07	4-23-07
12-07	2.4.11	Developer's Agreements Enacted a new Section 2.4.11, Developer's Agreements, to allow the City to enter into Developer's Agreements, when it is in the best interest of the City.	3-20-07	3-21-07	4-23-07
13-07	8.5.1	Establishment of Public Arts Program	3-20-07	3-21-07	4-23-07
	8.5.1 (C)	Ownership and Maintenance			
	8.5.2	Public Art Advisory Board Amended above Sections to provide clarification as to the use of funds for the Public Art Program.			
14-07	4.6.7 (H)(8)	Supplemental District Regulations Signs Residential Amended to provide additional clarification regarding Residential Real Estate Signs.	5-01-07	5-03-07	7-09-07

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.7 (H)(9)	Window Signs Amended to provide clarification regarding size of signs.			
	4.6.7 (H)(10)	Temporary Signs Amended to prohibit temporary non-commercial signs in public rights-of-way contiguous to public property and provide time limits for removal.			
18-07	6.1.2	Infrastructure and Public Property Design Standards and Requirements Streets and Alleys	5-15-07	5-22-07	7-09-07
	6.1.2 (A)(2)(b)	Improvement Obligations Amended to correct the reference to an LDR Section that has been relocated elsewhere in the code.			
20-07	4.4.25	Base Zoning District Special Activities District (SAD)	6-19-07	6-20-07	7-09-07
	4.4.25 (C)	Review and Approval Process			
	4.4.25 (C)(2)	Alternative Processing Amended to provide for the review and approval of plans by the Site Plan Review and Appearance Board and not the Planning and Zoning Board.			
21-07	4.4.13	Base Zoning District Central Business (CBD) District	6-19-07	6-20-07	7-09-07

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.13 (H) (1)	Special Regulations To provide an exemption to the prohibition of office uses on the ground floor of buildings on Atlantic Avenue, extending from Swinton Avenue to Ocean Boulevard, under certain circumstances.			
23-07	4.6.9(E)	Supplemental District Regulations Off-Street Parking Regulations Location of Parking Spaces	7-24-07	7-25-07	10/22/07
	4.6.9(E)(3)(f)	In-Lieu Fee			
	4.6.9(E)(4)(j)	Public Parking Fee Amended to provide a time period in which a request for in lieu or public parking fees shall be valid and the charge for such fees.			
24-07	4.3.4	Base District Development Standards	8-21-07	8-22-07	10/22/07
	4.3.4(K)	Development Standards Matrix			
		Base Zoning District			
	4.4.6	Medium Density Residential (RM) District			
	4.4.6(A)	Purpose and Intent Amended above sections to add references to the Carver Estates Overlay District and Infill Workforce Housing Area			
25-07	2.4	General Procedures	8-21-07	8-22-07	10/22/07
	2.4.2	Notice Requirements			
	2.4.3	Submission Requirements			
	2.4.3(K)	Fees			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	2.4.3(K)(1)	Development Applications			
	2.4.3(K)(2)	Plan Check Fees			
	2.4.3(K)(3)	Permit Fees Amended above sections to provide for certain costs to be paid by an applicant and to increase the development application, plan check fees and permit fees charged			
26-07	2.4.7	Procedures for Obtaining Relief From Compliance With Portions of the Land Development Regulations	9-04-07	9-11-07	10/22/07
	2.4.7(G)	Request For Accommodation Amended to provide procedures for handling and processing requests for accommodation from the Land Development Regulations.			
27-07	4.4.13	Base Zoning District Central Business (CBD) District	8-21-07	8-22-07	10/22/07
	4.4.13(D)(1)	Conditional Uses and Structures Allowed Amended to clarify residential development is allowed as a conditional use in the CBD zoned portion of the West Atlantic Avenue Neighborhood up to a maximum of 30 units per acre.			
34-07	4.4.13	Central Business (CBD) District	9/18/07	9/24/07	10/22/07
	4.4.13(C)	Accessory Uses and Structures Permitted Added mechanical parking lifts as an accessory use			
	4.6.9	Off-street Parking Regulations			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.9(D)(1)	General Design Concepts			
	4.6.9(D)(11)	Mechanical Parking Lifts Amended to provide that single level mechanical parking lifts may be provided subject to conditions.			
35-07	4.4.13	Central Business (CBD) District	9/18/07	9/24/07	10/22/07
	4.4.13(G)	Supplemental District Regulations			
	4.4.13(G)(1)	Central Core and Beach Area Supplemental Regulations Amended to establish parking requirements for hotels and motels within the original downtown development area.			
36-07	2.2.3	The Site Plan Review and Appearance Board	9/18/07	9/24/07	10/22/07
	2.2.3(D)	Duties Powers and Responsibilities			
	2.2.4	The Board of Adjustment			
	2.2.4(D)	Duties Powers and Responsibilities Amended to provide a method for appeals.			
	2.4.8	Processing Schedules Amended to provide 30 days for review of beach property plans in accordance with the Beach Property Owners Design Manual.			
	4.4.3	Single Family Residential (R-1) Districts			
	4.4.3(A)	Purpose and Intent			
	4.4.3(E)	Review and Approval Process			
	4.4.3(F)	Development Standards			
	4.4.3(G)	Supplemental District Regulations			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.5.13	North Beach/Seagate and Ocean Neighborhood Overlay Districts To provide that visual compatibility may be regulated in accordance Beach Property Owners Design Manual			
37-07	Appendix A	Definitions - Appendix A Amended to enact definitions for "Adult Material", "Specified Anatomical Areas" and "Specified Sexual Activities"	9/18/07	9/24/07	10/22/07
38-07	2.4.6	Procedures for Obtaining Permits and Approvals	2/05/08	2/06/08	2/08/08
	2.4.6(H)	Certificate of Appropriateness for Individually Designated Historic Structures and all Properties Located within Historic Districts Amended to provide clarification of the requirements and procedures for obtaining a certificate of appropriateness			
	3.2.4	Standards for Specific Areas or Purposes			
	3.2.4(E)	Historic Districts Amended to provide for and incorporate the Delray Beach Historic Preservation Design Guidelines and The Secretary of the Interior's Standards for Rehabilitation			
	4.1.4	Use of Lots of Record Amended to provide for variances for historic structures			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3	Special Requirements for Specific Uses			
	4.3.3(Q)	Guest Cottage Amended to provide that height shall not exceed that of the main structure in historic districts			
	4.4.17	Residential Office (RO) District			
	4.4.17(A)	Purpose and Intent			
	4.4.17(G)	Supplemental District Regulations Providing parking requirements for conversion of residential structures into office use in historic districts			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(D)	Conditional Uses and Structures Allowed			
	4.4.24(H)	Special District Regulations Clarifying that parking lots not associated with a use must be public and clarifying special district regulations			
	4.5.1	Historic Preservation Sites and Districts			
	4.5.1(B)	Criteria for Designation of Historic Sites or Districts			
	4.5.1(E)	Development Standards			
	4.5.1(L)	Designation of Historic Districts Amended to clarify the application of development standards with respect to use, zoning district and historic classification			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	Appendix A	Definitions — Appendix A Amended to provide a new definition for "Hardscape", and to provide amended definitions related to historic preservation			
44-07	2.4.3	Submission Requirements	9/18/07	9/24/07	10/22/07
	2.4.3(K)	Fees			
	2.4.3(K)(1)	Development Applications Amended to reduce the fee for Historic Preservation Board variances			
46-07	4.4.25	Special Activities District (SAD)	12/11/07	1/07/08	2/08/08
	4.4.25(G)	S.A.D.s Amended to add Subsection (9) Midtown Delray to the list of approved S.A.D.s			
47-07	1.4.1	Interpretation of Land Development Regulations	10/16/07	10/18/07	10/22/07
	2.2	Establishment of Boards Having Responsibilities for Land Development Regulations			
	2.4.3	Submission Requirements			
	2.4.3(K)	Fees			
	2.4.3(K)(1)	Development Applications			
	7.1.3	Building Code			
	7.8	Unsafe Buildings or Structures Sections amended in Order to remove all references to the Board of Construction Appeals and to add that Board's responsibilities to those of the Board of Adjustment			
55-07	1.4.3	Enforcement	1/15/08	2/05/08	2/08/08

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	1.4.4	Penalty Providing that neglect of historic structures shall constitute a nuisance and providing for enforcement and penalties			
	2.2	Establishment of Boards Having Responsibilities for Land Development Regulations			
	2.2.6	The Historic Preservation Board			
	2.2.6(C)	Meeting and Quorum Providing for voting			
	2.2.6(D)	Duties and Responsibilities Providing for express authority for the Historic Preservation Board to apply the historic compatibility regulations			
	4.5.1	Historic Preservation Sites and Districts			
	4.5.1 (E)	Development Standards			
	4.5.1 (E) (6)	Demolition			
	4.5.1 (F)	Restrictions on Demolitions Providing requirements for the application and approval for demolition			
57-07	4.4.24	Old School Square Historic Arts District (OSSHAD)	1/03/08	1/07/08	2/08/08
	4.4.24(C)	Accessory Uses and Structures Allowed Amended to allow the CBD accessory uses in the same areas of the OSSHAD district where the permitted uses of the CBD are already allowed			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
1-08	2.4.3	Submission Requirements	1-15-08	2-05-08	2/08/08
	2.4.3(A)	Standard Application Items			
	2.4.3(B)	Standard Plan Items			
	2.4.3(D)	Preliminary Engineering Plans			
2.4.3(H)	Submission (Platting) Items Amended to provide for updated submission requirements related to scales of drawings				
2-08	4.4.13	Central Business (CBD) District	2-19-08	2-25-08	4-04-08
	4.4.13(C)	Accessory Uses and Structures Permitted To provide that mechanical parking lifts are a permitted use for an in-fill development project that has been vacant for a minimum period of one year			
	4.6.9	Off-Street Parking Regulations			
	4.6.9(E)	Location of Parking Spaces			
	4.6.9(E)(3)	In-Lieu Fee			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.9(E)(4)	Public Parking Fees To provide that in-lieu fees and public parking fees are available for in-fill developments that have been vacant for a period of five years or longer			
	Appendix A	Definitions — Appendix A To provide a revised definition for in-fill development			
3-08	4.7	Family/Workforce Housing	1-15-08	2-05-08	2-08-08
	4.7.1(C)	Carver Estates Overlay District			
4.7.1(L)	Infill Workforce Housing Area Amended to provide for expansion of the Carver Estates Overlay District				
4-08	4.4.19	Mixed-Industrial and Commercial (MIC) District	1-15-08	2-05-08	2-08-08
	4.4.19(A)	Purpose and Intent Amended to clarify that residential uses are permitted only within the I-95/CSX Railroad Corridor Overlay District			
6-08	6.1.2	Streets and Alleys	3-18-08	4-02-08	4-04-08

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	6.1.2(D)	Street and Alley Construction Standards Amended to provide updated standards regarding street and alley construction			
7-08	2.4.3	Submission Requirements	2-19-08	2-20-08	4-04-08
	2.4.3(K)	Fees			
	2.4.3(K)(1)	Development Applications To provide for an increase in certain development application fees			
9-08	4.5.1	Historic Preservation Sites and Districts	9-16-08	10-01-08	10-06-08
	4.5.1(N)	Criteria for Redefining Boundaries of Historic Districts			
	4.5.1(O)	Procedures for Redefining Boundaries of Historic Districts Enacted new subsections (N) and (O) to provide criteria and a method for a change of historic designation and/or classification			
13-08	4.6.7	Signs	4-01-08	4-02-08	4-04-08
	4.6.7(H)	Exempt Signs			
	4.6.7(H)(10)	Temporary Signs			
	4.6.7(H)(b)	Sponsorship Signs Amended to include "sponsorship signs" as a new category of "temporary signs"			
20-08	4.3.3	Special Requirements for Specific Uses	4-15-08	4-22-08	7-01-08
	4.3.3(C)	Adult Congregate Living Facility			
	4.3.3(G)	Continuing Care Facilities			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3(H)	Convalescent Homes, Homes for the Aged, Nursing Homes, Rest Homes Repealed Sections (C) and (G) and deleted Convalescent Homes, Homes for the Aged and Rest Homes from (H)			
	4.4.6	Medium Density Residential (RM) District			
	4.4.13	Central Business District (CBD)			
	4.4.21	Community Facilities (CF) District			
	4.4.28	Central Business District - Railroad Corridor (CBD-RC)			
	4.4.29	Mixed Residential., Office and Com. (MROC) District Amended to allow assisted living and continuing care facilities as permitted uses in these zoning districts			
	4.4.9	General Commercial (GC) District Amended to allow assisted living and continuing care facilities as conditional uses in this zoning district			
	4.4.24	Old School Square Historic Arts District (OS-SHAD) Amended to remove assisted congregate living and continuing care facilities from the list of conditional uses in this zoning district			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	Appendix A	Definitions — Appendix A Repealed the definitions of "adult congregate living facility" and "convalescent homes, homes for the aged, nursing homes, or rest homes", enacted a definition of "assisted living facility" and "nursing home" and provided an updated definition of "continuing care facility"			
24-08	4.4.3	Single Family Residential (R-1) Districts	6-17-08	6-20-08	7-01-08
	4.4.3(F)	Development Standards To provide development standards for the Lake Ida neighborhood overlay district			
	4.5	Overlay and Environmental Management Districts			
	4.5.16	Lake Ida Neighborhood Overlay District To create a new overlay district for the Lake Ida neighborhood.			
	Appendix A	Definitions — Appendix A To enact a new definition for "Floor Area Ratio."			
25-08	4.7	Family/Workforce Housing	6-17-08	6-20-08	7-01-08
	4.7.8	Resale and Subsequent Rentals of Affordable Units To expand the circumstances in which title may be transferred without restriction.			
26-08	4.3.3	Special Requirements for Specific Uses	6-17-08	6-20-08	7-01-08
	4.3.3(S)	Telecommunication Towers and Antennas			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3(S)(2)	Freestanding Telecommunication Towers To add Barwick Park and Lakeview Golf Course properties to allow monopoles			
27-08	4.6.6	Commercial and Industrial Uses to Operate Within a Building	6-17-08	6-20-08	7-01-08
	4.6.6(A)	Intent To clarify that all Commercial and Industrial uses shall conduct business inside regardless of zoning district.			
28-08	2.2.6	The Historic Preservation Board	8-05-08	8-08-08	10-06-08
	2.2.6(D)	Duties, Powers and Responsibilities			
	4.5.1	Historic Preservation Sites and Districts			
	4.5.1 (J)	Historic Preservation Board to Act on Variance Requests To provide that appeals of decisions of the Historic Preservation Board regarding variances shall be to the City Commission			
30-08	2.2.6	The Historic Preservation Board	9-16-08	10-01-08	10-06-08
	2.2.6(D)	Duties, Powers and Responsibilities Amended to provide consistency with the requirements listed in other sections in the LDRs			
	4.5.1	Historic Preservation Sites and Districts			
	4.5.1(D)	Review and Approval Procedures			
	4.5.1(E)	Development Standards			
	4.5.1(F)	Restrictions on Demolitions			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.5.1 (l)	Historic Preservation Board to Act on Applications Other than Certificates of Appropriateness To require that relocation of a structure not occur until the building permit for the redevelopment plans has been issued			
33-08	4.5.9	The Southwest Neighborhood Overlay District	8-19-08	8-29-08	10-06-08
	4.7	Family/Workforce Housing			
	4.7.1	Definitions			
	4.7.1 (p)	Southwest Neighborhood Overlay District To modify the description and provide for expansion of the Southwest Neighborhood Overlay District			
34-08	4.6.7	Signs	8-19-08	8-29-08	10-06-08
	4.6.7 (H)	Exempt Signs			
	4.6.7 (H) (10)	Temporary Signs Amended to clarify when temporary non-commercial signs placed on the public right-of-way or on private property require the owner's permission			
35-08	4.6.19	Tree Ordinance	9-16-08	10-01-08	10-06-08
	4.6.19 (D)	Preservation and Promotion of Existing Plant Communities			
	4.6.19 (E)	Tree Removal and Land Clearing Permits			
	Appendix A	Definitions — Appendix A Amended to clarify the regulations governing the tree trust fund			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
36-08	1.3.8	Reconstruction Necessitated By An Act Of God Modify Subsection (A) to provide for the ability to rebuild in additional circumstances, in the event of an act of God	8-19-08	8-29-08	10-06-08
38-08	2.4.3	Submission Requirements	9-16-08	10-01-08	10-06-08
	2.4.3(K)	Fees Amended to provide fees for extension requests			
	2.4.4	General Procedures Pertaining to Approval of Land Use and Development Applications			
	2.4.4(D)	Establishment of Project Approvals			
	2.4.4(E)	Expiration of Approvals			
	2.4.4(F)	Extensions Amended to provide for the expiration and extension of time for Class I—V site plan modifications and certificates of appropriateness			
41-08	2.4.3	Submission Requirements	11-3-08	11-6-08	11-11-08
	2.4.3(B)	Standard Plan Items			
	2.4.3(M)	Credentials for Preparation of Certain Submission Items			
	4.6.8	Lighting Amended to revise and clarify the requirements for on-site lighting			
51-08	4.3.4	Base District Development Standards	11/18/08	12/10/08	12/11/08

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.4(J)	Height Amended to update the workforce housing regulations regarding height increases			
52-08	4.4.13	Central Business (CBD) District	11/18/08	12/10/08	12/11/08
	4.4.13(I)	Performance Standards Amended to provide additional opportunities regarding workforce housing			
	4.7	Family/Workforce Housing			
	4.7(I)	Findings Amended to provide regulations regarding increased height and density			
	4.7.1	Definitions Amended to provide a definition of Housing Trust Fund			
	4.7.2	Applicability Amended to provide additional opportunities regarding workforce housing			
	4.7.3	Provision of Workforce Housing Units Amended to allow workforce housing in additional locations			
	4.7.4	Density Bonus Program for the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area Amended to provide for contribution to the Housing Trust Fund			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.7.6	Rental Housing Units Amended to provide clarification regarding moderate income requirements			
56-08	2.4.3	Submission Requirements	1/6/09	1/7/09	1/7/09
	2.4.3(K)	Fees Amended to provide fees for requests for a change of historic designation or classification, and ad valorem tax exemption applications			
01-09	4.3.3	Special Requirements for Specific Uses	1/20/09	1/29/09	1/29/09
	4.3.3(A)	Self-Service Storage Facilities			
	4.3.3(J)	Gasoline Station Amended to revise and/or clarify parking requirements for these uses.			
	4.4.13	Central Business (CBD) District			
	4.4.13(G)	Supplemental District Regulations			
	4.4.17	Residential Office (RO) District			
	4.4.17(G)	Supplemental District Regulations			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(G)	Supplemental District Regulations			
	4.4.28	Central Business District - Railroad Corridor (CBD-RC)			
	4.4.28(G)	Supplemental District Regulations			
	4.4.29	Mixed Residential Office and Commercial District			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.29(H)	Supplemental District Regulations Amended to change the parking requirements for business and professional offices within these zoning districts and to expand the area subject to special parking requirements within the CBD zoning district.			
	4.6.9	Off Street Parking Regulations			
	4.6.9(C)	Number of Parking Spaces Required Amended to modify how fractions are rounded; to change the parking requirements for business and professional offices; and to clarify the parking requirements for other uses			
	Appendix A	Definitions — Appendix A Amended to enact new definitions for "Gross Floor Area" and "Net Floor Area"			
02-09	4.7	Family/Workforce Housing	2/3/09	2/6/09	2/6/09
	4.7.9	General Provisions			
	4.7.9(o)	Enacted a new subsection "o" to allow non-eligible occupants to occupy workforce housing units under certain conditions.			
03-09	8.5.1	Establishment of Public Arts Program	1/20/09	1/29/09	1/29/09
	8.5.1(C)	Ownership and Maintenance Amended to provide that the City may contribute funds through the public arts program to other entities in order to help fund public art.			
07-09	4.4.9	General Commercial (GC) District	3/3/09	3/18/09	3/18/09

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.9(G)	Supplemental District Regulations Added a new subsection (1) to change the parking requirements for business and professional offices within certain portions of the zoning district.			
	4.4.13	Central Business (CBD) District			
	4.4.13(G)	Supplemental District Regulations			
	4.4.13(G)(1)	Central Core and Beach Area Supplemental Regulations Modified subsection (g) to change the parking requirements for business and professional offices within certain portions of the zoning district.			
08-09	2.4.3	Submission Requirements	2/17/09	2/19/09	2/19/09
	2.4.3(K)	Fees Amended to provide for an increase in the application processing fee for single family overlay district site plan review applications and the renaming of the overlay district.			
10-09	4.5.1 (L)	Designation of Historic Districts	3/17/09	3/18/09	3/18/09
	4.5.1 (L) (2)	Marina Amended to provide for the removal of certain properties within the Marina historic district and amending the marina historic district boundaries			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
18-09	4.4.29	Mixed Residential, Office And Commercial (MROC) District	4/21/09	4/22/09	4/23/09
	4.4.29(E)	Conditional Uses and Structures Allowed Amended to allow educational facilities, training centers and vocational schools as a conditional use.			
	4.4.29(F)	Supplemental District Regulations Amended to specify parking requirements for educational facilities, training centers and vocational schools within the MROC zoning district.			
19-09	8.2	The Downtown Development Authority (DDA)	4/21/09	4/22/09	4/23/09
	8.2.2	Provisions of the Act Amended to be consistent with Chapter 2003-314, Laws of Florida 2003.			
	Appendix B	Downtown Development Authority Area Descriptions Amended to modify the description and provide for expansion of the Downtown Development Authority Area			
23-09	2.2	Establishment of Boards Having Responsibilities for Land Development Regulations	5/19/09	5/29/09	6/4/09
	2.2.6	The Historic Preservation Board			
	2.4	General Procedures			
	2.4.3	Submission Requirements			
	2.4.3(K)	Fees			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	2.4.4	General Procedures Pertaining to Approval of Land Use and Development Applications			
	2.4.4(E)	Expiration of Approvals			
	2.4.5	Procedures for Obtaining Development Approvals			
	2.4.5(F)	Site and Development and Master Development Plans (MDP): Amended to provide master development plan approval authority to the Historic Preservation Board			
24-09	2.4.4	General Procedures to Approval of Land Use and Development Applications	5/19/09	5/29/09	6/4/09
	2.4.4(F)	Extensions			
	2.4.4(F) (4)	Litigation Preventing Construction Amended to extend the time frame for 18 to 24 months			
25-09	4.4.3	Single Family Residential (R-1) Districts	5/19/09	6/4/09/	6/4/09
	4.4.3(F)	Development Standards			
	4.4.3(G)	Supplemental District Regulations Amended to provide development standards and supplemental regulations to encourage the redevelopment of the carver square brownfield area.			
27-09	Appendix A	Definitions — Appendix A Amended to provide an updated definition of "Family."	7/7/09	8/6/09	8/6/09

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
28-09	4.3.3	Special Requirements for Specific Uses	7/7/09	8/6/09	8/6/09
	4.3.3(I)	Community Residential Homes and Group Homes Amended to comport with changes in State law			
29-09	4.3.3	Special Requirements for Specific Uses	7/7/09	8/6/09	8/6/09
	4.3.3(ZZZ)	Transient Residential Uses Amended to establish prohibitions, exemptions/exceptions, waivers, and penalties for Transient Residential Uses			
	4.4.6	Medium Density Residential (RM) District			
	4.4.6(B)	Principal Uses and Structures Permitted Amended to provide that Transient Residential Uses shall be allowed as permitted uses within the (RM) district.			
	Appendix A	Definitions — Appendix A Amended to provide a definition of "Transient Residential Uses"			
32-09	4.4.13	Central Business (CBD) District			
	4.4.13(B)	Principal Uses and Structures Permitted Amended to clarify that Public Open Space/Plaza is a permitted use in the Central Business District	8/4/09	8/6/09	8/6/09
33-09	2.4.3	Submission Requirements	8/4/09	8/6/09	8/6/09
	2.4.3(K)	Fees			
	2.4.3(K)(1)	Development Applications			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	2.4.3(K)(3)	Permit Fees Amended to provide for an increase in such fees			
34-09	5.3.2	Park Land Dedication	8/18/09	8/19/09	8/19/09
	5.3.2(C)	Impact Fee Required To provide for clarification regarding impact fees for single family and all other types of developments			
35-09	4.6.9	Off-Street Parking Requirements	8/4/09	8/6/09	8/6/09
	4.6.9(C)	Number of Parking Spaces Required			
	4.6.9(C)(8)	Multiple Uses			
	4.6.9(C)(8)(a)	Shared Parking Amended to allow the utilization of the shared parking calculations table for mixed-use developments when a residential use is not provided			
36-09	4.3.4	District Development Standards	8/4/09	8/6/09	8/6/09
	4.3.4(K)	Development Standards Matrix Amended to change the minimum building setbacks for the Residential Office (RO) District			
38-09	4.4.12	Planned Commercial (PC) District	8/18/09	8/19/09	8/19/09
	4.4.12(D)	Conditional Uses and Structures Allowed			
	4.4.12(G)	Supplemental District Regulations Amended to provide regulations for the silver terrace courtyards overlay district			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.5.17	Silver Terrace Courtyards Overlay District To define the silver terrace courtyards overlay district			
	4.7	Family/Workforce Housing			
	4.7.1	Definitions			
	4.7.2	Applicability			
	4.7.5	Density Bonus Program for the Southwest 10th Street, I-95/CSX Railroad Corridor and Silver Terrace Courtyards Overlay Districts. To provide for the creation of a new workforce housing overlay district.			
	4.7.9	General Provisions To modify the provisions of subsection (o) allowing non-eligible occupants to occupy workforce housing rental units under certain conditions.			
39-09	4.3.4	Base District Development Standards	9/22/09	9/23/09	9/23/09
	4.3.4(H)(6)	Special Setbacks Amended to modify the area where the thirty foot special combination setback must be provided.			
41-09	4.4.9	General Commercial (GC) District	10/20/09	10/29/09	10/29/09
	4.4.9(G)	Supplemental District Regulations			
	4.4.9(G)(3)	Four Corners Overlay District To provide that certain areas are eligible to be counted toward the open space credit			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
50-09	4.3.3	Special Requirements for Specific Uses	10/20/09	10/29/09	10/29/09
	4.3.3(LLLL)	Medical Offices To provide for clarification regarding the dispensing of narcotic drugs			
	Appendix A	Definitions — Appendix A To provide for definitions related to the regulation of medical offices			
51-09	2.4.3	Submission Requirements	10/20/09	10/29/09	10/29/09
	2.4.3(K)	Fees To provide for the establishment of new fees and increases to certain existing fees related to permitting and plan review			
53-09	4.6.7	Signs	10/20/09	10/29/09	10/29/09
	4.6.7(H)	Exempt Signs			
	4.6.7(H)(10)	Temporary Signs			
	4.6.7(H)(10)(b)	Sponsorship Signs To provide standards for same			
56-09	6.3.3	Sidewalk Café	10/20/09	10/29/09	10/29/09
	6.3.3(A)	Permit and Fees To clarify the cost of the sidewalk café permit and to enact a late renewal fee charge			
01-10	4.4.1	Agriculture Zone District (A)	1/19/10	1/29/10	1/29/10
	4.4.1(B)	Principal Uses and Structures Permitted			
	4.4.2	Rural Residential (RR) Zone District			
	4.4.2(B)	Principal Uses and Structures Permitted			
	4.4.3	Single Family Residential (R-1) Districts			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.3(B)	Principal Uses and Structures Permitted			
	4.4.5	Low Density Residential (RL) District			
	4.4.5(B)	Principal Uses and Structures Permitted			
	4.4.7	Planned Residential Development (PRD) District			
	4.4.7(B)	Principal Uses and Structures Permitted			
	4.4.13	Central Business (CBD) District			
	4.4.13(B)	Principal Uses and Structures Permitted			
	4.4.17	Residential Office (RO) District			
	4.4.17(B)	Principal Uses and Structures Permitted			
	4.4.21	Residential Office (RO) District			
	4.4.21(B)	Principal Uses and Structures Permitted			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(B)	Principal Uses and Structures To clarify the zoning districts in which Assisted Living Facilities are allowed as permitted uses			
	4.6.9	Off-Street Parking Regulations			
	4.6.9(C)	Number of Parking Spaces Required			
	4.6.9(C)(2)	Requirements for Residential Uses To clarify the parking requirements for Assisted Living Facilities			
	Appendix A	Definitions — Appendix A To provide updated definitions for Assisted Living Facility and Continuing Care Facility"			
02-10	4.3.3(I)	Community Residential Homes and Group Homes	1/19/10	1/29/10	1/29/10

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Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.3(I)(4)	Classifications To update the table provided therein			
	4.4.3	Single Family Residential (R-1) Districts			
	4.4.3(D)	Conditional Uses and Structures Allowed			
	4.4.7	Planned Residential Development (PRD) District			
	4.4.7(B)	Principal Uses and Structures Permitted			
	4.4.12	Planned Commercial (PC) District			
	4.4.12(B)	Principal Uses and Structures Permitted In order to clarify the zoning districts in which Community Residential Homes and Group Homes are allowed as either permitted or conditional uses			
	4.6.9	Off-Street Parking Regulations			
	4.6.9(C)	Number of Parking Spaces Required			
	4.6.9(C)(7)	Other Uses To clarify the parking requirements for Community Residential Homes and Group Homes			
05-10	2.4.7	Procedures for Obtaining Relief From Compliance With Portions of the Land Development Regulations:	1/19/10	1/29/10	1/29/10
	2.4.7(G)	Requests for Reasonable Accommodation To Amend the Request Form for Reasonable Accommodation			
07-10	4.4.25	Special Activities District (SAD)	3/2/10	4/2/10	4/2/10

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.25(G)	S.A.D.s Amended to reference amending Ordinance 07-10 for Midtown Delray SAD			
08-10	4.6.14	Sight Visibility	4/20/10	4/22/10	4/22/10
	5.3.1	Streets (Rights-of-Way)			
	5.3.1(D)	Right-of-Way Dimensions			
	5.3.1(E)	Improvement Obligations			
	6.1.2	Streets and Alleys			
	6.1.2(C)	Design Requirements			
	6.1.3	Sidewalks			
	6.1.3(B)	Sidewalk Design Requirements			
	6.1.4	Driveways and Points of Access			
	6.1.4(C)	Design Requirements Update standards to encourage multiple modes of transportation and provide a more reasonable and consistent application of sight visibility			
09-10	4.4.9	General Commercial (GC) District	7/20/10	7/23/10	7/23/10
	4.4.9(B)	Principal Uses and Structures Permitted			
	4.4.13	Central Business (CBD) District			
	4.4.13(B)	Principal Uses and Structures Permitted			
	4.4.15	Planned Office Center (POC) District			
	4.4.15(B)	Principal Uses and Structures Permitted			
	4.4.16	Professional and Office (POD) District			
	4.4.16(B)	Principal Uses and Structures Permitted			
	4.4.17	Residential Office (RO) District			

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Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.17(B)	Principal Uses and Structures Permitted			
	4.4.17(G)	Supplemental District Regulations To specify and clarify medically related uses			
	Appendix A	Definitions — Appendix A To enact revised or new definitions for medical clinic, medical laboratory, medical office and professional office.			
11-10	4.3.3	Special Requirements for Specific Uses	7/20/10	7/23/10	7/23/10
	4.3.3(Q)	Guest Cottage			
	4.3.3(Y)	Bed and Breakfast Inns To amend and clarify the requirements for bed and breakfast inns			
	4.4.6	Medium Density Residential (RM) District			
	4.4.6(D)	Conditional Uses and Structures Allowed			
	4.4.13	Central Business (CBD) District			
	4.4.13(B)	Principal Uses and Structures Permitted			
	4.4.13(D)	Conditional Uses and Structures Allowed			
	4.4.17	Residential Office (RO) District			
	4.4.17(D)	Conditional Uses and Structures Allowed			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(B)	Principal Uses and Structures To clarify bed and breakfast inn uses			
	Appendix A	Definitions — Appendix A To enact revised definitions for bed and breakfast inn, and guest cottage			

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Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
13-10	4.3.3(LLLL)	Medical Offices	6/15/2010	6/21/2010	6/21/2010
	4.3.3(LLLL)(1)	Applicability To provide for clarification regarding the applicability of certain State Statutes.			
15-10	6.1.10	Water System	7/20/10	7/23/10	7/23/10
	6.1.10(B)	Design Standards			
	6.1.10(B)(2)	Fire protection Provisions To delete a standard that conflicts with the Florida Fire Prevention Code			
23-10	4.3.3(KKK)	Live/Work Units To establish regulations for live/work units	10/5/10	10/7/10	10/7/10
	4.4.12	Planned Commercial (PC) District			
	4.4.12(D)	Conditional Uses and Structures Allowed			
	4.4.13	Central Business (CBD) District			
	4.4.13(D)	Conditional Uses and Structures Allowed			
	4.4.29	Mixed Residential, Office and Commercial (MROC) District			
	4.4.29(E)	Conditional Uses and Structures Allowed To allow live/work units as a conditional use			
	Appendix A	Definitions — Appendix A To provide a revised definition for "live/work unit"			
25-10	4.3.3(T)	Family Day Care	10/19/10	10/27/10	10/27/10
	4.3.3(TT)	Large Family Child Care Home			
	4.4.3	Single Family Residential (R-1) Districts			
	4.4.3(C)	Accessory Uses and Structures Permitted			

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Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.3(D)	Conditional Uses and Structures Allowed			
	4.4.5	Low Density Residential (RL) District			
	4.4.5(C)	Accessory Uses and Structures Permitted			
	4.4.5(D)	Conditional Uses and Structures Allowed			
	4.4.6	Medium Density Residential (RM) District			
	4.4.6(C)	Accessory Uses and Structures Permitted			
	4.4.6(D)	Conditional Uses and Structures Allowed			
	4.4.7	Planned Residential Development (PRD) District			
	4.4.7(C)	Accessory Uses and Structures Permitted			
	4.4.7(D)	Conditional Uses and Structures Allowed			
	4.4.9	General Commercial (GC) District			
	4.4.9(C)	Accessory Uses and Structures Permitted			
	4.4.9(D)	Conditional Uses and Structures Allowed			
	4.4.9(G)	Supplemental Regulations			
	4.4.9(G)(3)	Four Corners Overlay District			
	4.4.13	Central Business (CBD) District			
	4.4.13(C)	Accessory Uses and Structures Permitted			
	4.4.13(D)	Conditional Uses and Structures Allowed			
	4.4.17	Residential Office (RO) District			
	4.4.17(C)	Accessory Uses and Structures Permitted			
	4.4.17(D)	Conditional Uses and Structures Allowed			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(C)	Accessory Uses and Structures Permitted			
	4.4.24(D)	Conditional Uses and Structures Allowed			

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Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.29	Mixed Residential, Office And Commercial (MROC) District			
	4.4.29(C)	Accessory Uses and Structures Permitted			
	4.4.29(E)	Conditional Uses and Structures Allowed To update the land development regulations to comport with changes in State law			
	Appendix A	Definitions — Appendix A To revise the definitions of "child care facility" and "family day care facilities" and enacting a new definition, "large family child care home			
27-10	Appendix A	Definitions — Appendix A To enact a revised definition for pharmacy	9/21/10	9/22/10	9/22/10
34-10	2.4.7	Procedures for Obtaining Relief from Compliance with Portions of the Land Development Regulations	10/19/10	10/27/10	10/27/10
	2.4.7(G)	Requests for Accommodation			
	2.4.7(G)(5)	Notice of Proposed Decision Amended to clarify the procedure regarding reasonable accommodation requests			
35-10	4.4.9	General Commercial (GC) District	10/19/10	10/27/10	10/27/10
	4.4.9(B)	Principal Uses and Structures Permitted			
	4.4.11	Neighborhood Commercial (NC) District			
	4.4.11(B)	Principal Uses and Structures Permitted			
	4.4.13	Central Business (CBD) District			
	4.4.13(B)	Principal Uses and Structures Permitted			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(B)	Principal Uses and Structures Permitted			
	4.4.29	Mixed Residential, Office And Commercial (MROC) District			
	4.4.29(B)	Principal Uses and Structures Permitted To provide a consistent reference to pharmacies			
36-10	4.3.3(LLLL)	Medical Offices Amended Section to include medical clinics	10/19/10	10/27/10	10/27/10
37-10	6.3.3	Sidewalk Café To provide clarification on sidewalk cafés	11/2/10	11/4/10	11/4/10
01-11	4.4.25	Special Activities District (SAD)	2/1/11	2/4/11	2/4/11
	4.4.25G	S.A.D.s Amended item (6), HHH Bush Building to reference amending Ordinance 01-11			
02-11	4.5.3	Flood Damage Control Districts Amended to bring the section into compliance with State Statutes	1/18/11	1/28/11	1/28/11
04-11	4.3.3(ZZZZ)	Segway Tours and Segway Sales To establish regulations for Segway Tours and Sales	4/5/11	4/19/11	4/19/11
	4.4.13	Central Business (CBD) District			
	4.4.13(D)	Conditional Uses and Structures Allowed To allow Segway Tours and Sales as a Conditional Use			

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Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	Appendix A	Definitions — Appendix A Added definition for Electric Personal Assistive Mobility Device (EPAMD)			
09-11	4.4.12	Planned Commercial (PC) District	4/5/11	4/19/11	4/19/11
	4.4.15	Planned Office Center (POC) District			
	4.4.21	Community Facilities (CF) District To allow Institutional Uses within the Medical Arts Overlay District in these Zoning Districts			
	4.5.18	Medical Arts Overlay District Creation of a new Overlay District for Institutional Uses			
	Appendix A	Definitions — Appendix A Added definition for "Institutional Uses"			
10-11	4.3.3(D)	Residential and Non-Residential Licensed Service Provider Facilities Repealed Section in its entirety	4/5/11	4/19/11	4/19/11
	4.4.2	Rural Residential (RR) Zone District			
	4.4.3	Single Family Residential (R-1) Districts			
	4.4.5	Low Density Residential (RL) District			
	4.4.6	Medium Density Residential (RM) District			
	4.4.7	Planned Residential Development (PRD) District			
	4.4.17	Residential Office (RO) District			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.29	Mixed Residential Office and Commercial (MROC) District To include Residential Licensed Service Provider Facilities among the list of permitted uses in these zoning districts			
	4.4.6	Medium Density Residential (RM) District			
	4.4.9	General Commercial (GC) District			
	4.4.13	Central Business District (CBD)			
	4.4.16	Professional and Office District			
	4.4.17	Residential Office (RO) District			
	4.4.24	Old School Square Historic Arts District (OS-SHAD) To clarify that Residential Licensed Service Provider Facilities and Nursing Homes are allowed where other residential uses are allowed in these zoning districts			
	Appendix A	Definitions — Appendix A To provide updated definitions for "Residential Licensed Service Provider" and "Non-Residential Licensed Service Provider"			
11-11	Appendix A	Definitions — Appendix A To enact a revised definition for "Medical Office"	4/5/11	4/19/11	4/19/11
12-11	4.3.3(D)	Community Gardens Enacted new Section	6/7/11	6/24/11	6/24/11
	4.4.3	Single Family Residential (R-1) Districts			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.5	Low Density Residential (RL) District			
	4.4.6	Medium Density Residential (RM) District To add community gardens to the list of permitted uses and as accessory uses to an approved multi-family development			
13-11	4.6	Supplemental Regulations	4/21/11	4/25/11	4/25/11
	4.6.9(E)	Location of Parking Spaces			
4.6.9(E)(3)	In-Lieu Fee To enact a new "In Lieu Fee Districts" Map in order to expand the Pineapple Grove Main Street Area				
14-11	7.9	Docks, Dolphins, Finger Piers, and Boat Lifts	4/21/11	4/25/11	4/25/11
	7.9.11	Standards for Approval To clarify current language regarding boat lifts			
16-11	4.3.3(I)	Community Residential Homes and Group Homes Amended to remove an out-of-date reference	5/17/11	5/18/11	5/18/11
17-11	4.4.29	Mixed Residential, Office and Commercial (MROC) District	5/17/11	5/18/11	5/18/11
	4.4.29(B)	Principal Uses and Structures Permitted			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.29(B)(4)	Multi-family Dwelling Units Amended to clarify the maximum permitted densities in the MROC zoning district			
21-11	2.4.5	Procedures for Obtaining Development Approvals	8/2/11	8/17/11	8/17/11
	2.4.5(O)	In-Lieu of Parking and Public Parking Fee Request			
	4.4.13	Central Business (CBD) District			
	4.4.13(G)	Supplemental District Regulations			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(G)	Supplemental District Regulations			
	4.4.28	Central Business District-Railroad Corridor (CBD-RC)			
	4.4.28(G)	Supplemental District Regulations			
	4.6.9(E)	Location of Parking Spaces			
	4.6.9(E)(3)	In-Lieu Fee Amended to clarify the applicability of the payment-in-lieu program			
22-11	4.6.9	Off-Street Parking Regulations	7/19/11	7/21/11	7/21/11
	4.6.9(C)	Number of Parking Spaces Required			
	4.6.9(C)(4)	Requirements for Office Uses To define and provide for specific parking requirements for call centers			
	Appendix A	Definitions — Appendix A			
23-11	2.4.3	Submission Requirements	7/19/11	7/21/11	7/21/11

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	2.4.3(K)	Fees			
	2.4.3(K)(1)	Development Applications Amended to modify the development application fees			
26-11	2.2.1	General Provisions	9/20/11	9/28/11	9/28/11
	2.2.2	The Planning and Zoning Board			
	2.2.2(A)	Creation			
	2.2.2(E)	Duties, Powers, and Responsibilities			
	2.2.3	The Site Plan Review and Appearance Board			
	2.2.3(D)	Duties, Powers, and Responsibilities			
	2.2.4	The Board of Adjustment			
	2.2.4(A)	Creation			
	4.4.6	Medium Density Residential (RM) District			
	4.4.6(H)	Special Regulations Amended to correct outdated references therein			
29-11	4.4.13	Central Business (CBD) District	9/20/11	9/28/11	9/28/11
	4.4.13(G)	Supplemental District Regulations			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(G)	Supplemental District Regulations Amended to clarify the parking requirements for restaurants			
36-11	4.4.9	General Commercial (GC) District	10/18/11	11/8/11	11/8/11
	4.4.9(B)	Principal Uses and Structures Permitted			
	4.4.13	Central Business (CBD) District			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.13(B)	Principal Uses and Structures Permitted Amended to clarify that bicycles with an electric-helper motor are the only motorized equipment permitted in the "rental of sporting goods and equipment" use category within the GC and CBD zoning districts.			
37-11	4.5.3	Flood Damage Control Districts	11/15/11	11/22/11	11/22/11
	4.5.3(D)	Construction Standards Amended to remove a provision while maintaining compliance with State Statutes.			
40-11	4.6.9	Off-Street Parking Regulations	11/15/11	11/22/11	11/22/11
	4.6.9(E)	Location of Parking Spaces			
	4.6.9(E)(3)	In-lieu Fee Amended to clarify the applicability of the maximum percentage of in-lieu parking spaces permitted.			
41-11	2.4.6	Procedures for Obtaining Permits and Approvals	11/15/11	11/22/11	11/22/11
	2.4.6(F)	Temporary Use Permit Amended to clarify that the chief building official may grant permission for temporary uses under a tent			
43-11	4.5.1	Historic Preservation Sites and Districts	12/6/11	12/15/11	12/15/11
	4.5.1 (K)	Designation of Historic Sites Amended to update the description of the designated site for the Fontaine Fox House.			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
45-11	4.4.9	General Commercial (GC) District	1/3/2012	1/26/2012	1/26/2012
	4.4.9(G)	Supplemental District Regulations			
	4.4.9(G)(3)	Four Corners Overlay District Amended to correct outdated references.			
47-11	4.4.6	Medium Density Residential (RM) District	1/3/2012	1/26/2012	1/26/2012
	4.4.6(D)	Conditional Uses and Structures Allowed			
	4.4.9	General Commercial (GC) District			
	4.4.9(B)	Principal Uses and Structures Permitted			
	4.4.9(D)	Conditional Uses and Structures Allowed			
	4.4.9(G)	Supplemental District Regulations			
	4.4.9(G)(3)	Four Corners Overlay District			
	4.4.12	Planned Commercial (PC) District			
	4.4.12(G)	Supplemental District Regulations			
	4.4.13	Central Business (CBD) District			
	4.4.13(D)	Conditional Uses and Structures Allowed			
	4.4.28	Central Business District-Railroad Corridor (CBD-RC)			
	4.4.28(D)	Conditional Uses and Structures Allowed Amended to add assisted living facilities to the list of allowed uses in the same manner as multiple family residential uses in order to bring consistency between the land development regulations and state and federal laws.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
48-11	4.3.3(AAAA)	Simulated Gambling Devices Enacted new subsection 4.3.3(AAAA), "Simulated Gambling Devices", in order to prohibit use of same.	1/3/2012	1/26/2012	1/26/2012
	Appendix A	Definitions — Appendix A To enact a new definition of "Simulated Gambling Devices".			
01-12	2.2.6	The Historic Preservation Board	8/21/12	9/14/12	9/14/12
	2.2.6(A)	Creation			
	2.2.6(B)	Composition and Special Qualification			
	2.2.6(D)	Duties, Powers, and Responsibilities Amended to clarify and amend Historic Preservation Board duties, powers and responsibilities			
	2.4.7	Procedures for Obtaining Relief From Compliance With Portions of the Land Development Regulations			
	2.4.7(A)	Variances Amended to clarify the review of variances by the Historic Preservation Board			
	4.4.3	Single Family Residential (R-1) District			
	4.4.3(E)	Review and Approval Process			
	4.4.3(F)	Development Standards			
	4.4.3(G)	Supplemental District Regulations			
	4.4.5	Low Density Residential (RL) District			
	4.4.5(E)	Review and Approval Process			
	4.4.5(F)	Development Standards			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.5(G)	Supplemental District Regulations			
	4.4.6	Medium Density Residential (RM) District			
	4.4.6(E)	Review and Approval Process			
	4.4.6(F)	Development Standards			
	4.4.6(G)	Supplemental District Regulations			
	4.4.13	Central Business (CBD) District			
	4.4.13(E)	Review and Approval Process			
	4.4.13(F)	Development Standards			
	4.4.13(G)	Supplemental District Regulations			
	4.4.17	Residential Office (RO) District			
	4.4.17(E)	Review and Approval Process			
	4.4.17(F)	Development Standards			
	4.4.17(G)	Supplemental District Regulations			
	4.4.21	Community Facilities (CF) District			
	4.4.21(E)	Review and Approval Process			
	4.4.21(F)	Development Standards			
	4.4.21(G)	Supplemental District Regulations			
	4.4.24	Old School Square Historic Arts District (OS-SHAD)			
	4.4.24(F)	Development Standards			
	4.4.24(G)	Supplemental District Regulations Amended to specify that all properties in a historic district or individually designated historic properties are subject to the provisions of Section 4.5.1 and review by the Historic Preservation Board.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.5.1	Historic Preservation Sites and Districts Criteria for Designation of Historic Sites or Districts			
	4.5.1 (B)	Procedures for Historic Designation			
	4.5.1 (C)	Designation Procedures Amended to clarify historic designation procedures			
	4.5.1 (D)	Review and Approval Procedures Amended to clarify application process of properties subject to Historic Preservation Board review			
	4.5.1 (E)	Development Standards Amended to clarify existing requirements for fences, parking, garages, relief from parking requirements, and visual compatibility standards			
	4.5.1 (I)	Historic Preservation Board to Act on Applications Other than Certificates of Appropriateness			
	4.5.1 (J)	Historic Preservation Board to Act on Variance Requests			
	4.5.1 (K)	Designation of Historic Sites			
	4.5.1 (L)	Designation of Historic Districts			
	4.5.1 (M)	Tax Exemption for Historic Properties			
	4.5.1 (N)	Criteria for Change of Historic Designation and/or Classification			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.5.1(O)	Procedures for Change of Historic Designation and/or Classification Repealed Sections 4.5.1 (I), (J), (K), (L), (M), (N) and (O) in their entirety and enacted new Sub-sections (I), Local Register of Historic Places", (J), "Tax Exemption for Historic Properties", (K), "Criteria for Change of Historic Designation and/or Classification", and (L), "Procedures for Change of Historic Designation and/or Classification"			
03-12	4.3.3(ZZZ)	Transient Residential Uses Amended to clarify prohibitions, exemptions/exceptions, waivers, and penalties for same	2/21/12	2/29/12	2/29/12
	Appendix A	Definitions — Appendix A To amend the definition of "transient residential use"			
04-12	2.4.7(G)	Requests for Accommodation			
	2.4.7(G)(1)	Purpose			
	2.4.7(G)(8)	Request Form for Reasonable Accommodation Amended to remove obsolete references in order to update same			
	2.4.7(G)(9)	Expiration of Approvals To enact a new subsection to provide an expiration date for untimely implementation of approvals			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
06-12	4.6.16	Landscape Regulations Amended to provide an updated landscape code	2/21/12	2/29/12	2/29/12
10-12	4.6.9	Off-Street Parking	4/3/12	4/10/12	4/10/12
	4.6.9(C)	Number of Parking Spaces Required			
	4.6.9(C)(3)	Requirements for Commercial Uses			
	4.6.9(C)(3)(d)	Restaurants			
	6.3.3	Sidewalk Café			
	6.3.3(F)	Regulations Governing the Use, Design, and Maintenance of a Sidewalk Café Amended to clarify parking requirements and sidewalk café components for delicatessens and similar uses			
11-12	7.9	Docks, Dolphins, Finger Piers, and Boat Lifts	5/15/12	5/23/12	5/23/12
	7.9.5	Docks - Standards for Approval Amended to update requirements			
12-12	8.5.1	Establishment of Public Arts Program	3/20/12	4/10/12	4/10/12
	8.5.1(B)	Appropriation of Capital Improvement Project (CIP) Funds Amended to set forth the city's right to use appropriated funds			
17-12	4.4.11	Neighborhood Commercial (NC) District	6/5/12	6/19/12	6/19/12
	4.4.11(F)	Development Standards			
	4.4.11(G)	Supplemental District Regulations			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.4.11(H)	Special Regulations Amended to modify the regulations for properties within the Wallace Drive Overlay District			
21-12	4.4.9	General Commercial (GC) District	8/7/12	9/11/12	9/11/12
	4.4.9(G)	Supplemental District Regulations			
	4.5.19	Lintco Development Overlay District Amended to restrict the nonresidential development intensity within the Lintco Development Overlay District			
22-12	4.4.25	Special Activities District (SAD)	8/7/12	9/11/12	9/11/12
	4.4.25(E)	Supplemental District Regulations			
	4.5.20	Waterford Overlay District Amended to restrict the nonresidential development intensity and residential density within the Waterford Overlay District			
23-12	2.4.3	Submission Requirements	8/7/12	9/11/12	9/11/12
	2.4.3(K)	Fees			
	6.3.3	Sidewalk Café			
	6.3.3(A)	Permit and Fees Amended to provide for an increase in the development application and permit fees			
24-12	4.5.1(I)	Local Register of Historic Places Added (37) Adams Auto Dealership to historic sites	8/21/12	9/14/12	9/14/12

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
29-12	4.5.1(I)	Local Register of Historic Places Added (38) Waters-Wellenbrink Residence to historic sites	10/16/12	11/14/12	11/14/12
40-12	4.3.3(ZZZ)	Transient Residential Use Amended to clarify prohibitions, exemptions/exceptions, waivers, and penalties for Transient Residential Use	11/6/12	11/14/12	11/14/12
	Appendix A	Definitions - Appendix A Amended the definition of "transient residential use".			
	4.4.6	Medium Density Residential (RM) District			
	4.4.6(B)	Principal Uses and Structures Permitted Amended to remove transient residential use as a principal use			
41-12	4.4.25(G)	S.A.D.s Amended to add subsection (11), "Delray Place" to the list of approved S.A.D.s	7/9/2013	7/18/13	7/18/13
03-13	4.5.1(I)	Local Register of Historic Places Added (39), Marina House to historic sites	3/5/13	9/20/13	9/20/13
04-13	4.5.1	Historic Preservation Designated Districts, Sites, and Buildings	2/19/13	2/21/13	2/21/13
	4.5.1(I)	Local Register of Historic Places Amended to revise the legal description of (13) Historic Fontaine Fox House Properties			
05-13	4.3.4(J)	Height	3/5/13	3/29/13	3/29/13

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.3.4(J)(4)	Increases to Height Regulations Amended to allow an increase in building height to be considered for Delray Medical Center			
08-13	4.4.13	Central Business (CBD) District	4/16/13	4/22/13	4/22/13
	4.4.13(G)	Supplemental District Regulations Amended to provide for parking regulations governing call centers			
12-13	4.6.9	Off-Street Parking Regulation	8/20/13	8/23/13	8/23/13
	4.6.9(D)	Design Standards Amended to reduce the stacking distance for parking lots with two or more access points.			
13-13	2.4.3	Submission Requirements	8/20/13	9/16/13	9/16/13
	2.4.3(D)	Preliminary Engineering Plans			
	2.4.3(F)	Final Engineering Plans Amended to provide for bus shelters			
	6.1.14	Transit Enacted new Section 6.1.14 "Transit" to provide criteria associated with transit stops.			
18-13	4.5.1(I)	Local Register of Historic Places Added (40), Two Fisher Lane to historic sites	9/3/13	9/16/13	9/16/13
19-13	2.2.4	The Board of Adjustment	9/17/13	9/20/13	9/20/13
	2.2.4(B)	Composition Amended to modify the board member requirements for the Board of Adjustment			
20-13	2.2.2	The Planning and Zoning Board	9/17/13	9/20/13	9/20/13

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	2.2.2(C)	Composition Amended to modify the board member requirements for the Planning and Zoning Board			
21-13	8.1	The Community Redevelopment Agency	9/17/13	9/20/13	9/20/13
	8.1.1	Community Redevelopment Agency			
	8.1.1(B)(3)	Members Amended to provide that the appointments for Chair and Vice-Chair shall occur on an annual basis			
04-14	4.5.9	The Southwest Neighborhood Overlay District	4/1/14	8/6/14	10/17/14
	4.5.9(A)	Defined Amended to correct a scrivener's error.			
	4.7	Family/Workforce Housing			
	4.7.1	Definitions			
	4.7.1(p)	Southwest Neighborhood Overlay District To expand the area as shown on the map associated with the Coda Townhouse Development.			
08-14	4.4.9	General Commercial (GC) District	7/1/14	10/1/14	10/17/14
	4.4.9(D)	Conditional Uses and Structures Allowed Amended to permit a maximum of 22 units per acre within the Infill Workforce Housing Area			
	4.4.9(G)(5)	Infill Workforce Housing Overlay District Added to provide a maximum FAR for non-residential or mixed-use development.			
	4.7.1	Definitions			

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.7.1d.	Infill Workforce Housing Area Amended maps to show density for GC and RM zoning district.			
09-14	4.4.24	Old School Square Historic Arts District (OS-SHAD)	7/1/14	10/1/14	10/17/14
	4.4.24(B)	Principal Uses and Structures Amended to include an additional property that is allowed the permitted uses of the CBD Zoning district.			
	4.4.24(C)	Accessory Uses and Structures Permitted Amended to add properties subject to Accessory Uses and Structures Permitted of CBD			
	4.4.24(F)	Development Standards Amended to add properties subject to the Commercial Core area of the CBD.			
09-14	4.6.9	Off-Street Parking Regulations	8/5/14	10/13/14	10/17/14
	4.6.9(E)	Location of Parking Spaces			
	4.6.9(E)(3) 4.6.9(E)(3)(b)	In-Lieu Fee Amended description of Area 1 and updated fee amount; Replaced Area 2 with new description (previously Area 3) and updated fee amount; Replaced Area 3 with new description (previously Area 4) and updated fee amount; Revised map to reflect new Area boundaries.			

LDR LOG BOOK (TEXT AMENDMENTS)

Ordinance Number	LDR Code Section	Enacting Ordinance	Date Adopted	Date Entered in Master	Distribution Date
	4.6.9(E)(4)	Public Parking Fee Revised new fees per space for Area 1 and Area 2.			

Beginning with the 2017 publication, this table will no longer be maintained and will be replaced with the Land Development Regulations Comparative Table, which can be found following this table on LDRCT:201.

LAND DEVELOPMENT REGULATIONS COMPARATIVE TABLE ORDINANCES

This is a numerical listing of the ordinances of the city used in these Land Development Regulations. Repealed or superseded laws at the time of publication and any omitted materials are not reflected in this table.

Ordinance Number	Date	Section	Section LDR Code
03-15	2-24-15	1	Art. 4.4
		2	2.2.3(D)(1)(j)
		3	Added 2.4.5(F)(3)(c)
		4	2.4.6(F)(3)(e) 1.b.
		5	4.1.1(A)
		6	4.3.3(I)(4)(d)
		7	4.3.3(S)(3)
		8	4.3.4(J)
		9	4.3.4(K)
		10	Rpld 4.4.28
		11	4.6.4(A)
		12	4.6.9(C)(1)(c)
		13	4.6.9(E)(3)
		14	4.6.9(E)(4)
		15	4.6.16(H)(4)
		16	4.6.18(B)(14)
		17	6.3.3(F)
		18	App. A
09-15	5-20-15	2	4.6.9(E)(3)(b)
22-15	12- 8-15	1	4.6.19(title)
		2	4.6.19(C)(1)
		3, 4	4.6.19(D)(2),
			(3)
		5—7	4.6.19(E)(3)—
			(5)
		8	4.6.19(E)(8)
		9	4.6.19(J)(3)
		10	4.6.19(N)
		2, 3	4.4.13(C), (D)
28-15	12- 8-15	4	4.4.13(E)(4)
		5, 6	4.4.13(F), (G)
		7	4.4.13(K)
		8	4.6.9(D)(11)
		9	Rpld 4.6.18(B)(14)

DELRAY BEACH LAND DEVELOPMENT REGULATIONS

Ordinance Number	Date	Section	Section LDR Code
		10	App. A
11-16	6- 7-16	1	4.6.5
13-16	6- 7-16	1 (Exh. A)	4.4.13(B)
14-16	6-21-16	2, 3	4.4.29(A), (B)
		4	4.4.29(D)
		5, 6	4.4.29(F), (G)
15-16	9-20-16	2	4.3.3(A)
		3—5	4.4.26(B)—(D)
32-16	12- 6-16	2	Rpld 4.5.3
		Added	10.1.1—10.1.8
			10.2.1, 10.2.2
			10.3.1—10.3.7
			10.4.1—10.4.3
33-16	11-15-16	1	Added 4.3.3(ZB)
		2	Added 4.4.9(B)(8)
		3	4.4.12(B)(1)
		4	4.4.13(A)
		5	4.4.13(C)(3)(b)
		6	Added 4.4.24(B)(16)
36-16	1-10-17	2	4.4.9(B)
		3	4.4.10(B)
		4	4.4.11(B)
		5	4.4.13(C)(3)(b)
		6	4.4.15(B)
		7	4.4.16(B)
		8	4.4.17(B)
		9	4.4.18(B)
		10	4.4.19(B)
		11	4.4.26(B)
		12	4.4.29(B)
		13	App. A
02-17	1-24-17	2	App. A
03-17	1-24-17	2—4	2.4.7(G)
05-17	4- 4-17	3	Added 4.5.1(I)(42)
07-17	5-16-17	2	4.3.3(D)
		3	Added 4.4.1(B)(7)
			Added 4.4.1(C)(5)
		4	Added 4.4.2(C)(3)
		4	4.4.3(B)
		5	4.4.5(B)
		6	4.4.6(B)
		7	Added 4.4.9(B)(9)
			4.4.9(G)(3)(a)
		8	Added 4.4.11(B)(4)

LAND DEVELOPMENT REGULATIONS COMPARATIVE TABLE

Ordinance Number	Date	Section	Section LDR Code
		9	4.4.12(B)(1)
		10	4.4.13
		11	Added 4.4.19(B)(8)
			Added 4.4.19(C)(6)
		12	Added 4.4.20(B)(6)
			Added 4.4.20(C)(7)
		13	Added 4.4.21(B)(10)
			Added 4.4.21(C)(6)
		13	Added 4.4.24(C)(7)
		14	Added 4.4.26(B)(6)
			Added 4.4.26(C)(8)
		14	Added 4.4.29(B)(8)
			Added 4.4.29(C)(8)
		15	Added 4.6.6(A)(4)
		16	Added 4.6.9(C)(7)(m)
		17	App. A
12-17	5- 2-17	2	2.4.7(E)
15-17	5- 2-17	2	4.6.9(E)(3)
17-17	6-13-17	2	6.3.3
19-17	8- 2-17	1	4.6.19
22-17	10- 3-17	2	10.1.2(C)
23-17	7- 6-17	1	4.7.7.a.
		2	4.7.8.c.
		3	4.7.9.j.
		3	4.7.9.l.
24-17	11- 7-17	2	Added 4.3.3(C)
		3	Added 4.4.9(C)(7)
		4	Added 4.4.12(C)(5)
			Added 4.4.12(D)(6)
		5	App. A
25-17	7-18-17	2	2.4.7(G)(4)
		3	2.4.7(G)(6)
		4	Added 2.4.7(G)(8)(b)
		5	Added 2.4.7(G)(10)(a),(b)
		6	4.3.3(l)
		7	4.3.3(ZZZ)(1)(b)
		8	4.4.1(B)
		9	4.4.1(D)
		10	4.4.2(B)
		11	4.4.2(D)
		12	4.4.3(B)
		13	Added 4.4.3(D)(7), (8)
		14	4.4.5(B)
		15	4.4.5(D)(6)

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		16	4.4.6(B)(5)
		17	4.4.6(D)
		18	4.4.7(B)
		19	Added 4.4.7(D)(5), (6)
		20	4.4.9(B)
		21	4.4.9(D)
		22	4.4.13
		23	4.4.13(E)(1)
		24	4.4.13(I)
		25	4.4.17(B)
		26	4.4.17(D)(3)
		27	4.4.21(B)
		28	4.4.21(D)
		29	4.4.24(B)
		30	4.4.24(D)(5)
		30	Added 4.4.25(B)(3)
		31	4.4.25
		32	4.4.29(B)
		33	Added 4.4.29(E)(9)
		34	4.6.9(C)(2)
		35	4.6.9(C)(7)
		36	App. A
34-17	9-26-17	2	Added 4.3.3(G)
		3	App. A
37-17	11- 7-17	2	Rpld 4.5.4
		3	2.1.2(B)
		4	2.2.4(D)(4)(b)
		5	2.4.6(G)(1)
		6	2.4.6(G)(2)(a)
38-17	11- 7-17	2	2.4.5(A)
		3	Rpld 9.1.1, 9.1.2
			9.2.1—9.2.3
			9.3.1, 9.3.2
39-17	11- 7-17	2	Added 4.4.13(I)(2)(i)
01-18	2- 6-18	2	4.6.9(C)(2)(a)
02-18	4- 3-18	2	Added 4.4.13(I)(2)(j)
05-18	5- 1-18	2	Rpld 8.1.1—8.1.4
15-18	6-19-18	2	Added 4.3.4(J)(2)(e)
		3	App. A
19-18	10-16-18	2—11	4.4.13
20-18	11-27-18	2	Rpld 1.3.1—1.3.8
			Added 1.3.1—1.3.9
		3	7.8.4(A)
22-18	11-27-18	2	4.6.7(D)(2)(b)

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Ordinance Number	Date	Section	Section LDR Code
		3	4.6.7(J)
		4	App. A
30-18	12-11-18	4	Added 4.4.25(H)(14)
31-18	1-15-19	2, 3	4.4.13
		4	App. A
02-19	4-16-19	2	4.3.4(J)(1), (2)
		3	4.6.2(B)
		4	App. A
08-19	3-12-19	2	4.5.13
09-19	3-12-19	2	4.4.13
		3	4.5.6
14-19	4-16-19	2	Added 4.4.25(H)(15)
15-19	4-16-19	3	Added 4.5.1(I)(43)
20-19	9-17-19	2	4.4.3
		3	Added 7.1.8
33-19	12- 3-19	2	4.4.13(H)(1)
12-18	9-25-18	2	Added 4.5.1(E)(9)
		3	Rpld 4.5.1(H)
			Added 4.5.1(H)
		4	Rpld 4.5.1(J)(10)
			Added 4.5.1(J)(10)
24-18	11-27-18	2	2.1.2(B)(a)
		3	2.4.4(E)(1)
		4	2.4.5(F)
		5	2.4.5(G)
		6	App. A
01-20	6-16-20	2	4.4.13(I)(2)(i)
07-20	5-19-20	2	4.4.13(B)(4)
		3	4.4.13, Figure 4.4.13-6
		4	4.4.13(C)(4)(c)
		5	4.4.13(D)(1)(a)
		6	4.4.13, Table 4.4.13(B)
		7	4.4.13, Table 4.4.13(C)
30-18	12-11-18	4	Added 4.4.25(H)(14)
			Rnbd 4.4.25(H)(14)
			as 4.4.25(H)(15)
09-20	8-18-20	3 Exh. C	4.4.13, Figure 4.4.13-6
22-20	8-26-20	2	Added 2.2.5
		3	2.4.3(G)(1)

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Ordinance Number	Date	Section	Section LDR Code
23-20	9-10-20		2.4.3(G)(3)— (6)
		4	Added 2.4.4(E)(7)
		5	Rpld 8.5.2
			Added 2.4.5(P)
		8.5.2	
		6	Added 8.5.3
			App. A
		2	1.1.2
		3	1.2.2(D)(4)
		4	2.1.2(B)(a)
		5	Rpld 2.2.2(E)(2)—(9)
			Added 2.2.2(E)(2)—(6)
		6	2.2.6(D)(18)
			Added 2.2.6(D)(21)
		7	2.4.5(C)(4)
		8	2.4.6(H)(5)
		9	3.1.1(A), (B)
		10	3.2.1
		11	3.2.2
		12	3.2.3(B)—(H)
			3.2.3(J)
			Added 3.2.3(K)
		13	3.2.4(A)—(E)
		14	4.2.1
		15	4.2.3
		16	4.3.3(VV)(2)(c)1.
		17	4.4.1(D)
		18	4.4.3(A)
		19	4.4.5(A)
		20	4.4.7(A)
		21	4.4.7(H)(1)
			4.4.7(H)(2)(k)
		22	4.4.10(A)
		23	4.4.11(A)
		24	4.4.12(A)
		25	4.4.13(A)
		26	4.4.16(A)
		27	4.4.19(A)
		28	4.4.21(A)
		29	4.4.22(A)
		30	4.4.23(A)
		31	4.4.25(A)
		32	4.4.26(A)

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Ordinance Number	Date	Section	Section LDR Code
31-20	9-10-20	33	4.4.27(A)
		34	4.5.6(A)
		35	4.6.16(A)
		36	4.6.20(D)(1)
			4.6.20(D)(1)(d)
			4.6.20(D)(2)
		Rpld	4.6.20(D)(2)(a),
			(b)
		37	5.1.5
		38	5.3.1(A)
		Rpld	5.3.1(B)
			5.3.1(D)
		Rnbd	5.3.1(C)
		as	5.3.1(B)
		Added	5.3.1(A)(4)—(7)
44-20	9-10-20	39	8.3.5
		2	4.3.4(J)(4)(b)(i)(9)
			4.3.4(J)(4)(b)(ii)—
			(iv)
		3	Added 4.7(K)
10-20	9-22-20	4	Added 4.7.1.w.
		5	Added 4.7.2.k.
		6	4.7.5
		2	Added 4.5.1(I)(44)
		2	Added 4.3.4(H)(4)(p)
12-20	10-20-20	3	4.4.13(D)(1)(a)3.
			Added 4.4.13(D)(1)(b)1.d.,
			2.d.
			Added 4.4.13(D)(2)(a)7.
		4	Added 4.6.9(D)(1)(f),
41-20	10-20-20		(g)
		2	4.4.13(C)(3)(b)1.,
			2.
50-20	10-20-20		Added 4.4.13(C)(3)(b)5.
		2	2.4.3(A)(7), (8)
		Rpld	2.4.3(K)
29-20	11-10-20		Added 2.4.3(K)
		2	Rpld 7.1.8
			Added 7.1.8
		2	4.4.13(G)(4)(f),
			(f)2., 3.
			4.4.13(I)(1)
		Rpld	4.4.13(I)(4)

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Ordinance Number	Date	Section	Section LDR Code
32-20 58-20	11-10-20 12- 1-20	3	Added 4.4.13(I)(4)
			Rpld 4.6.9(C)(1)(c)
			Added 4.6.9(C)(1)(c)
			4.6.9(C)(1)(e)
			4.6.9(D)(14)
		3	Added 4.6.9(E)(7)
			Added 4.4.25(H)(16)
			Added 4.3.3(CC)
			Added 4.4.9(B)(10)
			4.4.12(B)(1)
11-20	12- 8-20	5	Added 4.4.13(C)(3)(b)5.e.
			4.4.13(C), Ta-
			ble 4.4.13(A)
			Added 4.4.19(B)(9)
			Added 4.4.20(B)(7)
		2	Added 4.4.26(B)(7)
			4.6.5(A)
			Rpld 4.6.9(D)(3)
			Added 4.6.9(D)(3)—(5)
			Rnbd 4.6.9(D)(4)—
60-20	12- 8-20	3	(11)
			as 4.6.9(D)(6)—
			(13)
			4.6.14(A)
			4.6.9(D)(3)(b)
		2	4.6.9(D)(6)(a)
			Rpld 4.6.9(D)(8)
			Added 4.6.9(D)(8)
			4.4.25(H)(14)
			4.3.4(J)(4)(b)(i)(7)
61-20 01-21	1- 5-21 1-19-21	3	4.4.12(A), (B)
			Added 4.4.12(G)(7)
			Added 4.5.21
			Added 4.7(L)
			Added 4.7.1.x.
		2	Added 4.7.2.l.
			Added 4.7.5.e.
			4.6.7(E)
			Rpld 4.6.7(E)(2)—(7)
			Added 4.6.7(E)(2)—(9)
53-20	3- 2-21	3	4.6.7(J)(8)
			Added 4.3.3(RR)
			Rpld 4.3.4(J)(3)
			Added 4.3.4(J)(3)
		2	Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
02-21	3- 2-21	3	Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
		2	Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)
			Added 4.3.4(J)(3)

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Ordinance Number	Date	Section	Section LDR Code
03-21	3- 2-21	4	Added 4.6.18(B)(14), (15)
		5	App. A
		2	4.4.13(D)(1)(a)3.
		3	4.4.13(D)(1), Table 4.4.13(B)
		4	4.4.13(D)(2), Table 4.4.13(C)
04-21	4- 6-21	5	4.4.13(H)(2)
		Added	4.4.13(H)(3)(a)
			4.4.13(H)(1)(d)
05-21	4- 6-21	2	4.4.25(H)(6)
11-21	4-20-21	2	4.4.13(I)(2)(j)
10-21	5- 4-21	Added	2.2.5(D)(6)
			2.2.5(D)(7), (8)
25-21	8-10-21	3(Exh. C)	Figure 4.4.13-7
		2	1.1.1
		3	1.1.6(A), (B)
		Added	1.1.6(C)
			2.4.5(M)(1), (2)
26-21	8-10-21	4	2.4.5(M)(4)—
		2	(6)
			4.4.13(A)
			4.4.13(A)(1)—
		Rpld	(4)
		3	Figures 4.4.13-1—4.4.13-4
			4.4.13(B)
		Rnbd	Figures 4.4.13-5—4.4.13-7
		as	Figures 4.4.13-B-1—4.4.13-B-3
		4	4.4.13(C)(2)(b)1.
		4	4.4.13(C)(2)(b)3.
			4.4.13(C)(3)(a)2.a.—d.
			4.4.13(C)(4)(e)
		Rnbd	Figures 4.4.13-8,
		as	4.4.13-8A
		5	Figures 4.4.13-C-1, 4.4.13-C-2
			4.4.13(D)(1)(a)

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			4.4.13(D)(1)(a)1.
			4.4.13(D)(1)(a)9.
			4.4.13(D)(1)(c)2.
			4.4.13(D)(2)
			4.4.13(D)(2)(a)4.
			4.4.13(D)(2)(a)4.c.
			4.4.13(D)(2)(a)5.
		Added	4.4.13(D)(2)(a)5.a.—c.
		Rnbd	Figures 4.4.13-
			9—4.4.13-12
		as	Figures 4.4.13-
			D-1—4.4.13-D-4
6			4.4.13(E)(2)(a)
			4.4.13(E)(2)(a)1.—3.
			4.4.13(E)(2)(a)3.b.
			4.4.13(E)(2)(b)1.,
			2.
			4.4.13(E)(2)(b)4.
			4.4.13(E)(4)(a)—
			(e)
			4.4.13(E)(4)(e)1.
			4.4.13(E)(4)(f)1.
			4.4.13(E)(4)(f)1.c.
			4.4.13(E)(4)(g)1.
		Rnbd	Figures 4.4.13-
			13—4.4.13-28
		as	Figures 4.4.13-
			E-1—4.4.13-
			E-16
7			4.4.13(F)(2)(a)1.
			4.4.13(F)(2)(d)
			4.4.13(F)(4)(e)2.
			4.4.13(F)(7)(d)
			4.4.13(F)(7)(h)b.
			4.4.13(F)(8)
			4.4.13(F)(8)(d)
		Rpld	4.4.13(F)(7)(f)
		Added	4.4.13(F)(4)(f)
			4.4.13(F)(7)(d)1.—3.
		Rnbd	4.4.13(F)(7)(g)—
			(i)
			Figures 4.4.13-
			29—4.4.13-31

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17-21	10-19-21	8	as 4.4.13(F)(7) (f)—(h) Figures 4.4.13-F-1—4.4.13-F-3
			4.4.13(G)(3)(b) Rnbd Figures 4.4.13-32—4.4.13-35
			as Figures 4.4.13-G-1—4.4.13-G-4
		9	4.4.13(I)(2)(d) 4.4.13(I)(2)(f), (g)
		10	4.4.13(K)(4)(b)1.
			Rnbd Figure 4.4.13-36
			as Figure 4.4.13-K-1
		2	4.3.3(W)
		3	4.4.9(B)(4)(a)
		4	4.4.9(D)(14)
		5	4.4.11(D)(3)
		6	4.4.13(C), Table 4.4.13(A)
		7	4.4.16(D)(2)
		8	Added 4.4.18(B)(6)(f)
		9	4.4.19(D)(1)(a)
21-21	11- 2-21	10	4.4.20(D)(10)
		11	Added 4.4.24(D)(7)
		12	Added 4.4.24(H)(8)
		13	Added 4.4.26(D)(4)
		14	4.4.29(E)(2)
20-21	12- 7-21	15	App. A
		2	2.2.4(B)—(D)
		2	4.4.13(A)
		3	4.4.13(A)(5) 4.4.13(B)(4)b.
			Added Figure 4.4.13-B-4
		4	Table 4.4.13(A)
		5	Added 4.4.13(C)(4)(e)

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Ordinance Number	Date	Section	Section LDR Code
			Rnbd 4.4.13(C)(4)(e)— (g)
			as 4.4.13(C)(4)(f)— (h)
		6	4.4.13(D)(1)(a) 4.4.13(D)(1)(a)2. 4.4.13(D)(1)(a)3. 4.4.13(D)(1)(a)10. Table 4.4.13(B) 4.4.13(D)(1)(b)3. 4.4.13(D)(2)(a)1. 4.4.13(D)(2)(a)3. Table 4.4.13(c)
			Added 4.4.13(D)(2)(a)5.c.
			Rnbd 4.4.13(D)(2)(a)5.c.
			as 4.4.13(D)(2)(a)5.d.
		7	4.4.13(E)(2)(a)2.
		8	Added 4.4.13(F)(7)(d)4. 4.4.13(F)(8)(d)4.
		9	Added 4.4.13(G)(1)(e)
		10	4.4.13(H)(1), (2)
		11	Table 4.4.13(L) 4.4.13(I)(3)(b)2.
			Added 4.4.13(I)(3)(b)7.
23-21	1-11-22	2	Rpld 7.1.7
			Added 7.1.7
		3	7.9.5(A), (B)
			Added 7.9.5(D), (E)
10-22	5-17-22	2	4.7.5.a.iv. 4.7.5.b.iii. 4.7.5.c.iii. 4.7.5.e.iii.
		3	4.7.6.b.
			Rpld 4.7.6.c., d.
			Rnbd 4.7.6.e., f.
			as 4.7.6.c., d.
		4	4.7.7.e.
		5	4.7.8.f.i.
			Added 4.7.8.f.ii., iii.
		6	Rpld 4.7.11
		7	Rnbd 4.7.12
			as 4.7.11
20-22	8- 9-22	2	4.4.29(A) 4.4.29(B)(4)

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23-22	8-16-22	2	4.4.29(E)(4)
			4.4.29(G)(1)(e)
			4.4.29(I)
			4.3.3(K)
			Rpld 4.3.3(KK)
			4.4.1(C)(4)
			4.4.2(C)(2)
			4.4.3(C)(2)
			Rpld 4.4.3(C)(4)
			Rnbd 4.4.3(C)(5), (6)
			as 4.4.3(C)(4), (5)
			4.4.5(C)(1)
			Rpld 4.4.5(C)(3), (4)
			Rnbd 4.4.5(C)(5)—(8)
			as 4.4.5(C)(3)—(6)
			4.4.6(C)(1)
			Rpld 4.4.6(C)(3)
			Rnbd 4.4.6(C)(4)—(7)
			as 4.4.6(C)(3)—(6)
			4.4.7(C)(1)
22-22	10-11-22	2	Table 4.4.13(A)
			4.4.17(C)(3)
			4.4.24(C)(1)
			4.4.24(H)(2)
			Table 4.6.7(A)
			4.3.3(Q)(2)
			4.3.3(Q)(5)
			Added 4.3.3(QQ)
			4.4.2(C)
			4.4.3(C)
			4.4.3(H)
			4.4.5(C)
18-22	10-25-22	2	4.4.5(H)
			4.4.6(C)
			4.4.6(H)
			4.4.7(C)
			4.4.7(H)(3), (4)
			4.4.17(C)
			4.4.17(E)(1), (2)
			App. A
			2.2.2(E)(3)(G)
18-22	10-25-22	3	5.3.1(D)
			Rpld 6.1.12
			Added 6.1.12

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Ordinance Number	Date	Section	Section LDR Code
30-22	11- 1-22	5	Rpld 7.1.5
			Added 7.1.5
		2	2.4.3(A)
			2.4.3(A)(1), (2)
			2.4.3(B)
			2.4.3(B)(2)
			Added 2.4.3(A)(10)
		3	2.4.6(B)
			Added 2.4.6(B)(1)(b)
		4	Added 3.2.3.(L)
26-22	12- 6-22	5	4.4.13(F)(9)
			4.4.13(F)(9)(a)—
			(c)
			App. A
			Rpld 4.4.13(F)(10)
28-21	12- 6-22	6	Added 7.11.1
		3	Added 4.4.13(C)(3)(b)5.f.
41-22	1-17-23	4	App. A
		2	Added 4.5.1(l)(45)
04-23	3- 6-23	3	4.6.7(F)(1)
			Rpld 4.6.7(F)(3)(e)
			Rnbd 4.6.7(F)(3)(f)—
			(j)
			as 4.6.7(F)(3)(e)—
			(i)
		4	8.5.3(A)(1)
			8.5.3(A)(1)(c)
			8.5.3(C)
			Added 8.5.3(C)(7)
03-23	4- 4-23		Rnbd 8.5.3(C)(7), (8)
			as 8.5.3(C)(8), (9)
		3	1.1.6(B)
			2.4.5(M)(1)(a)
			Added 2.4.5.(M)(1)(b)
			Rnbd 2.4.5(M)(1)(b),
			(c)
			as 2.4.5.(M)(1)(c),
			(d)
		2	Added 7.4.3
32-22	5- 2-23	4	Added 4.4.25(H)(17)
12-23	5-16-23	2	4.4.13(F)(2)(a)
			Added 4.4.13(F)(3)(e)
			Rnbd 4.4.13(F)(3)(e)

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13-23	5-16-23	2	as 4.4.13(F)(3)(f) 2.2.3(A) 2.2.3(B)(1), (2) 2.2.3(C)(1), (2) 2.2.3(D)(1) Rpld 2.2.3(D)(1)(f) 2.2.3(D)(3) Added 2.2.3(D)(1)(j), (k) Rnbd 2.2.3(D)(1)(g)— (j) as 2.2.3(D)(1)(f)— (i)
25-23	7-18-23	3	4.3.4(K)
10-23	9- 5-23	3	4.6.19(D) 4.6.19(D)(1)— (3) 4.6.19(E) 4.6.19(E)(1)(b), (c) 4.6.19(E)(2)(b)— (d) 4.6.19(E)(2)(f) 4.6.19(E)(3) 4.6.19(E)(3)(b) 4.6.19(E)(4)(a)— (c) 4.6.19(E)(5)— (8) 4.6.19(F) 4.6.19(F)(2) 4.6.19(F)(2)(d) 4.6.19(J)(1)(a) 4.6.19(J)(2)(a), (b) 4.6.19(J)(3)(c) 4.6.19(K)—(M) App. A Rnbd 4.6.19(H)(a), (b) 4.6.19(J)(1)(b)1.—5. as 4.6.19(H)(1), (2)

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11-23	9- 5-23	3	4.6.19(J)(1)(b)i.—v. 4.6.16(E) 4.6.16(E)(1) 4.6.16(E)(1)(a)— (d) 4.6.16(E)(1)(f) 4.6.16(H)(1) 4.6.16(H)(1)(c)— (f) 4.6.16(E)(2)— (11)
31-23	10-17-23	4	Rpld 4.6.16(E)(1)(g) Added 4.6.16(E)(12) App. A Rpld 2.1.1, 2.1.2 2.2.1—2.2.6 2.4.1—2.4.11 Added 2.1.1—2.1.9 2.2.1—2.2.4 Art. 2.3 2.4.1—2.4.13 Art. 2.5 2.6.1—2.6.4
32-23	10-17-23	3	4.1.4(C)
		4	Rpld 4.2.1—4.2.3
		5	Added 4.3.3(BB)
		6	4.3.4(J)(4)(a) 4.3.4(J)(4)(b) 4.3.4(J)(4)(b)(i) 4.3.4(J)(4)(b)(i)(9) 4.3.4(J)(4)(b)(i)(11) 4.3.4(J)(4)(b)(ii)— (iv) 4.3.4(J)(5)
		7	Rpld 4.4.1(E)
		8	Rpld 4.4.2(E)
		9	4.4.3(F)(1), (2) 4.4.3(F)(4) 4.4.3(G)
			Rpld 4.4.3(E)
		10	Rpld 4.4.4(E)
		11	4.4.5(H) Rpld 4.4.5(E) 4.4.5(I)

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		12	4.4.6(A) 4.4.6(F)—(H) Rpld 4.4.6(D)(9), (10) 4.4.6(E) Rnbd 4.4.6(D)(11)— (13) as 4.4.6(D)(9)— (11)
		13	4.4.7(E) 4.4.7(G) 4.4.7(H)(1) 4.4.7(H)(2)(i)— (k)
		14	4.4.9(A) 4.4.9(D) 4.4.9(E) 4.4.9(G) 4.4.9(G)(3)(d) 4.4.9(G)(3)(d)4. 4.4.9(G)(3)(d)4.b.—e. 4.4.9(G)(3)(e) 4.4.9(G)(5) Rpld 4.4.9(D)(18) Rnbd 4.4.9(D)(19)— (21) as 4.4.9(D)(18)— (20)
		15	4.4.10(F), (G) 4.4.10(G)(1)(b)— (f) 4.4.10(G)(2) 4.4.10(G)(4)(a) 4.4.10(G)(5)(c), (d) 4.4.10(H) Rpld 4.4.10(E) 4.4.11(B) 4.4.11(B)(4) 4.4.11(F)—(H)
		16	Rpld 4.4.11(E)
		17	4.4.12(A), (B) 4.4.12(E)

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		18	4.4.12(G) 4.4.13(F)(8)(b) 4.4.13(F)(8)(d) 4.4.13(F)(8)(d)2. 4.4.13(H)(3) 4.4.13(K)(1)(d) 4.4.13(K)(2) 4.4.13(K)(2)(b) 4.4.13(K)(2)(f), (g) 4.4.13(K)(3), (4) Rpld 4.4.13(K)(4)(e), (f) 4.4.13(K)(5)
		19	4.4.14(F) 4.4.14(G)(1) Rpld 4.4.14(E)
		20	4.4.15(F) 4.4.15(F)(1) 4.4.15(F)(3) 4.4.15(H)(1) 4.4.15(H)(4) Rpld 4.4.15(E)
		21	4.4.16(F), (G) Rpld 4.4.16(E)
		22	4.4.17(F)(1), (2) 4.4.17(H)(1) 4.4.17(H)(3) Rpld 4.4.17(E)
		23	4.4.18(C)(2), (3)
		24	4.4.19(A), (B) 4.4.19(B)(4) 4.4.19(B)(7)— (9) 4.4.19(D)(1)(e) 4.4.19(D)(2) 4.4.19(F)—(h) Rpld 4.4.19(D)(1)(f) 4.4.19(E) Added 4.4.19(B)(10)
		25	4.4.20(F), (G) Rpld 4.4.20(E)
		26	4.4.21(F), (G)

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		28	4.4.23(E)
		29	4.4.24(E)
		30	4.4.25(D)(3)
		31	4.4.26(E)
		32	4.4.27(D)
		33	4.4.29(F) 4.4.29(I)(2) 4.4.29(I)(2)f.
		34	Rpld 4.7.1—4.7.11
			Added 4.7.1—4.7.8
33-23	10-17-23	3	Added 3.2.4(G)
		4	6.1.14
39-23	12- 5-23	3	4.4.6(F)(3) 4.4.6(G)(1)
			Added 4.4.6(H)(1)(e)
		4	Added 4.5.22
			4.7.2(B)(15)
		5	4.7.4(I)
			Added 4.7.4(J)
04-24	2-20-24	3	4.4.13(I)(2)(i)
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08-24	3- 5-24	3	4.4.3(F)(1)
		4	4.4.5(F)
		5	4.4.6(F)(2), (3)
		6	App. A
12-24	5-21-24	3	2.4.6(E) 2.4.6(E)(3)(d)
11-24	6-18-24	3	App. A
13-24	7- 9-24	3	4.3.4(H)(4), (5)
		4	4.6.15(G)
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21-24	8-19-24	3	2.6.3
05-24	11- 4-24	3	10.1.2(C)
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20-24	11- 4-24	3	4.6.9(C)(3)(a) 4.6.9(C)(3)(d)— (g)
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28-24	11- 4-24	2	4.6.16(I)(3)—(5)
		3	Added 4.6.16(J)
14-24	12-10-24	3	2.4.11(F)
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		5	4.6.9(A) 4.6.9(E)
			Added 4.6.9(G)
27-24	1- 7-25	3	4.7.2(B)(6)
		4	4.7.4(A)(5)
03-25	2-18-25	3	Added 4.3.3(PP)
04-25	6- 17-25	3	Added 4.3.3(DDD)
		4	4.4.13(C)(3)(b)5.e. Added 4.4.13(C)(4)(i)
		5	App. A
06-25	6- 3-25	3	4.3.3(AA)(1)
09-25	5-20-25	3	4.4.19(H)(3)
		4	4.4.20(H)(3)
		5	4.4.26(H)(1)
10-25	5-20-25	3	Table 4.3.4(A) 4.3.4(H)(5)
		4	4.6.15(G) 4.6.15(G)(1)(a) 4.6.15(G)(1)(c) 4.6.15(G)(3)
11-25	7- 8-25	3	Added 4.4.9(B)(11)
		4	4.4.9(D)(14)
		5	4.4.9(G)(3)(a)
		6	Added 4.4.11(B)(5)
		7	4.4.11(D)(3)
		8	4.4.12(B)(1)
		9	Table 4.4.13(A)
		10	Added 4.4.16(B)(8)
		11	4.4.16(D)(2), (3)
		12	Added 4.4.29(B)(1)(f)
		13	4.4.29(E)(2)

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07-25	10-14-25	3	4.4.21(A) 4.4.21(B)(5) 4.4.21(F) 4.4.21(G)(2) Added 4.4.21(B)(12) 4.4.21(H)(4) App. A
23-25	11- 4-25	4 3	Rpld 2.4.11(F)(3)(b) Rnbd 2.4.11(F)(3)(c), (d) as 2.4.11(F)(3)(b), (c)
37-25	12- 8-25	3	2.4.11(E)(3) 2.4.11(E)(5) 2.4.11(E)(8)(a)1., 2. 2.4.11(E)(11)
24-25	1- 6-26	3 4 5 6 7 8 9 10 11 12	Added 2.1.1(B)(3) 2.1.1(B)(9) 2.1.5(E)(5)(i) 2.1.5(E)(6)(h)— (j) 2.1.9(E)(12)(i), (j) 2.2.2(A) 2.2.2(A)(3), (4) 2.2.2(A)(7) 2.2.2(B) 2.2.4(C) 2.2.4(F)(1) 2.2.4(F)(4), (5) 2.4.8 2.4.10(title) Added 2.4.10(D) 2.4.12(A)(1)(a) 2.4.12(A)(2)(b) 3.2.3(title) App. A
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		3(Exh. B) Added	7.9.1—7.9.6
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		8	4.4.6(C)(8)
		9	Table 4.4.13(A)
		10	Added
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		12	App. A
14-26	5- 5-26	3	4.4.6(B)(12)
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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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(Citations herein refer to sections found within Appen-
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of Delray Beach, Florida)

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