

CITY OF DELRAY BEACH
DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY



Draft Land Development Regulations
August 2014

Section 4.4.13 Central Business (CBD) District

- (A) Purpose and Intent..... 4.4 - 58
 - (1) Central Core Sub-District4.4 - 58
 - (2) Beach Sub-District.....4.4 - 59
 - (3) West Atlantic Neighborhood Sub-district4.4 - 60
 - (4) Railroad Corridor Sub-district.....4.4 - 61
- (B) Regulating Plans4.4 - 62
 - (1) Primary and Secondary Streets4.4 - 62
 - (2) Required Retail Frontage4.4 - 62
 - (3) Parking and Transit Locations4.4 - 62
 - (4) Density Bonus Areas4.4 - 62
 - (5) West Atlantic Neighborhood Commercial Area4.4 - 62
 - (6) Old School Square Historic Arts District (OSSHAD) Zoning with CBD Overlay...4.4 - 62
- (C) Allowable Uses4.4 - 66
 - (1) Principal, Accessory, and Conditional Uses4.4 - 66
 - (2) Use Variations for Primary and Secondary Streets 4.4 - 66
 - (3) Use Limitations on Required Retail Frontages4.4 - 67
 - (a) All Districts4.4 - 67
 - (b) Central Core and Beach Sub-districts 4.4 - 67
 - (c) West Atlantic Neighborhood Sub-district4.4 - 68
 - (4) Supplemental Use Standards4.4 - 69
- (D) Configuration of Buildings4.4 - 71
 - (1) Standards for CBD Generally 4.4 - 71
 - (a) Building Height4.4 - 71
 - (b) Building Placement 4.4 - 74
 - (c) Frontage Percentages 4.4 - 75
 - (d) Minimum Floor Area for Dwelling Units4.4 - 75
 - (e) Other standards 4.4 - 75
 - (2) Dimensional Requirements for CBD Sub-districts4.4 - 76
- (E) Frontage Standards 4.4 - 80
 - (1) Frontage Standards and Allowable Uses 4.4 - 80
 - (2) Streetscape Standards4.4 - 80
 - (a) Minimum Streetscape Width.....4.4 - 80
 - (1) Curb Zone 4.4 - 80
 - (2) Pedestrian Clear Zone4.4 - 80
 - (3) Remaining front setback area.....4.4 - 80
 - a. Commercial Uses.....4.4 - 81
 - b. Residential Uses..... 4.4 - 81
 - (b) Street Trees..... 4.4 - 81
 - (3) Building Entrances 4.4 - 84
 - (a) Porch. 4.4 - 85
 - (b) Stoop 4.4 - 86
 - (c) Bracketed Balcony 4.4 - 87
 - (d) Forecourt 4.4 - 88
 - (e) Storefront 4.4 - 89
 - (f) Arcade. 4.4 - 91
- (F) Architectural Standards 4.4 - 93

(G) Civic Open Spaces	4.4 - 95
(1) Amount Required	4.4 - 95
(2) Types of Civic Open Spaces	4.4 - 95
(3) Configuration	4.4 - 97
(4) Additional Standards	4.4 - 97
(5) Availability	4.4 - 97
(H) Height and Density Bonus Program	4.4 - 99
(1) Height Increases	4.4 - 99
(2) Density Increases	4.4 - 99
(3) Performance Standards for Height and Density Bonuses	4.4 - 99
(4) Approval Process for Height and Density Bonuses	4.4 - 101
(I) CBD Parking Standards	4.4 - 102
(1) Purpose of Revised Standards	4.4 - 102
(2) Minimum Number of Off-Street Parking Spaces	4.4 - 102
(3) Location and Access to Off-Street Parking	4.4 - 102
(4) Bicycle Parking and Facilities	4.4 - 102
(a) Minimum Number of Bicycle Parking Spaces	4.4 - 102
(b) Design and Location	4.4 - 102
(J) Streets and Blocks.....	4.4 - 108
(1) Streets and Alleys	4.4 - 108
(2) Analysis of Traffic Circulation and Access Points	4.4 - 108
(K) CBD Review and Approval Process	4.4 - 109

Section 4.4.13 Central Business (CBD) District:

(A) **Purpose and Intent:** The Central Business District (CBD) Zone District is established in order 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. Establishment of the CBD District is consistent with and implements, in part, Objective C-4 of the Land Use Element of the Comprehensive Plan. The CBD District is generally applied to territory depicted in the Commercial Core designation on the Future Land Use Map.

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

(1) **Central Core Sub-District:** The regulations are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown. Residential development is permitted at higher densities in this area than any other part of the city, in order to foster compact, pedestrian oriented growth that will support downtown businesses.

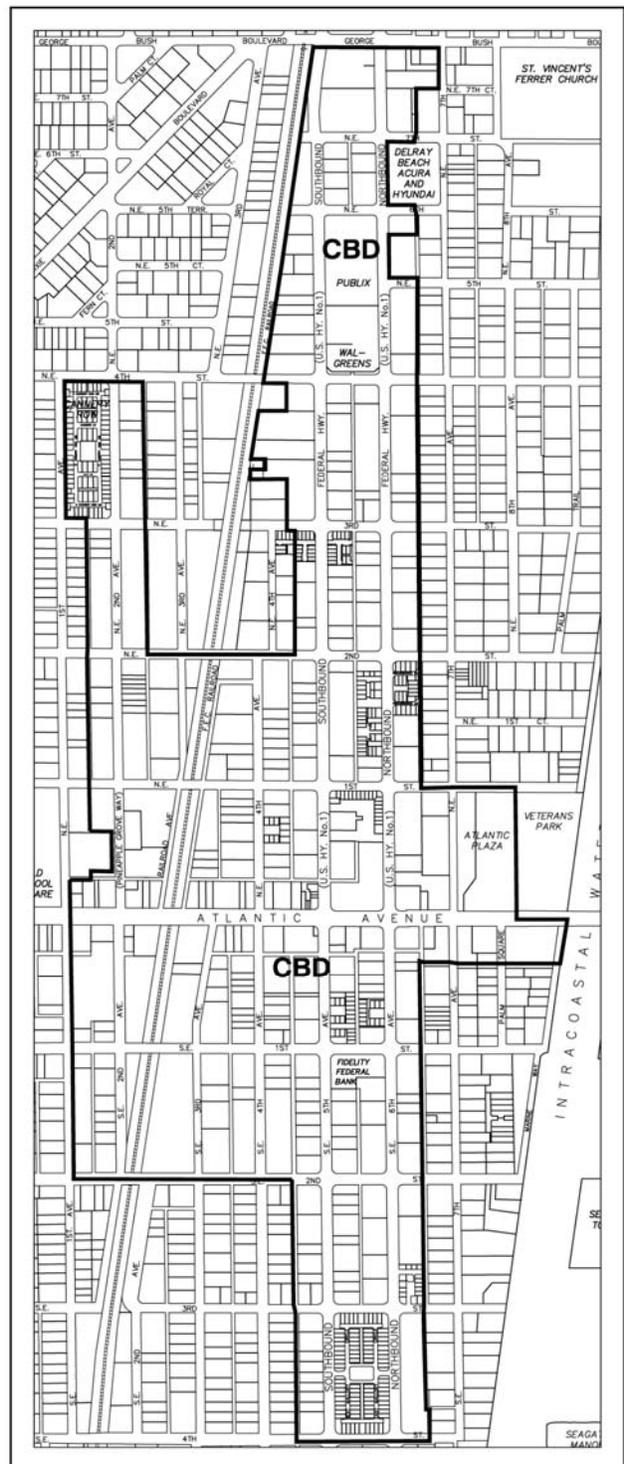


Figure 4.4.13-1 – Central Core Sub-district

SECTION 4.4.13 (A)

DRAFT: 8/8/14

(2) **Beach Sub-District:** The goal for this sub-district is to “preserve and enhance the character of these areas, the public condition of the beach, the vitality of its center, and the natural environment.” The Master Plan calls for redevelopment of existing buildings in a manner that places storefronts close to the street and parking in 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.

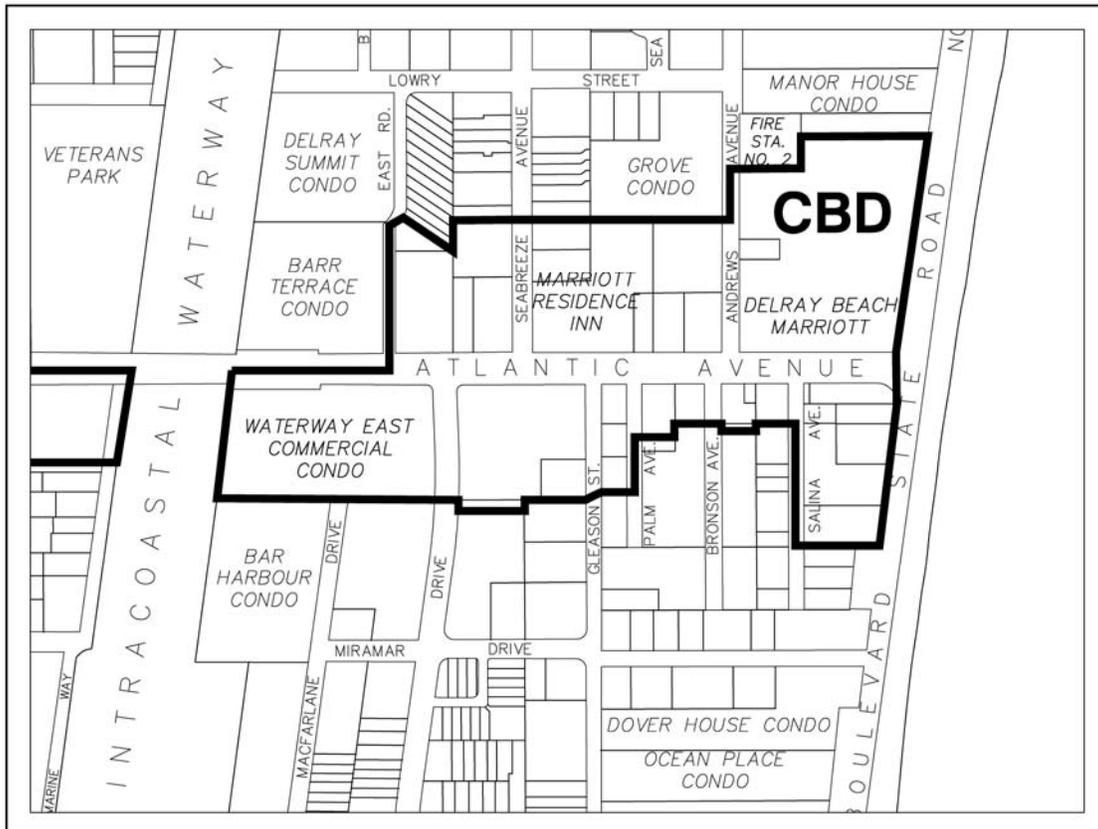
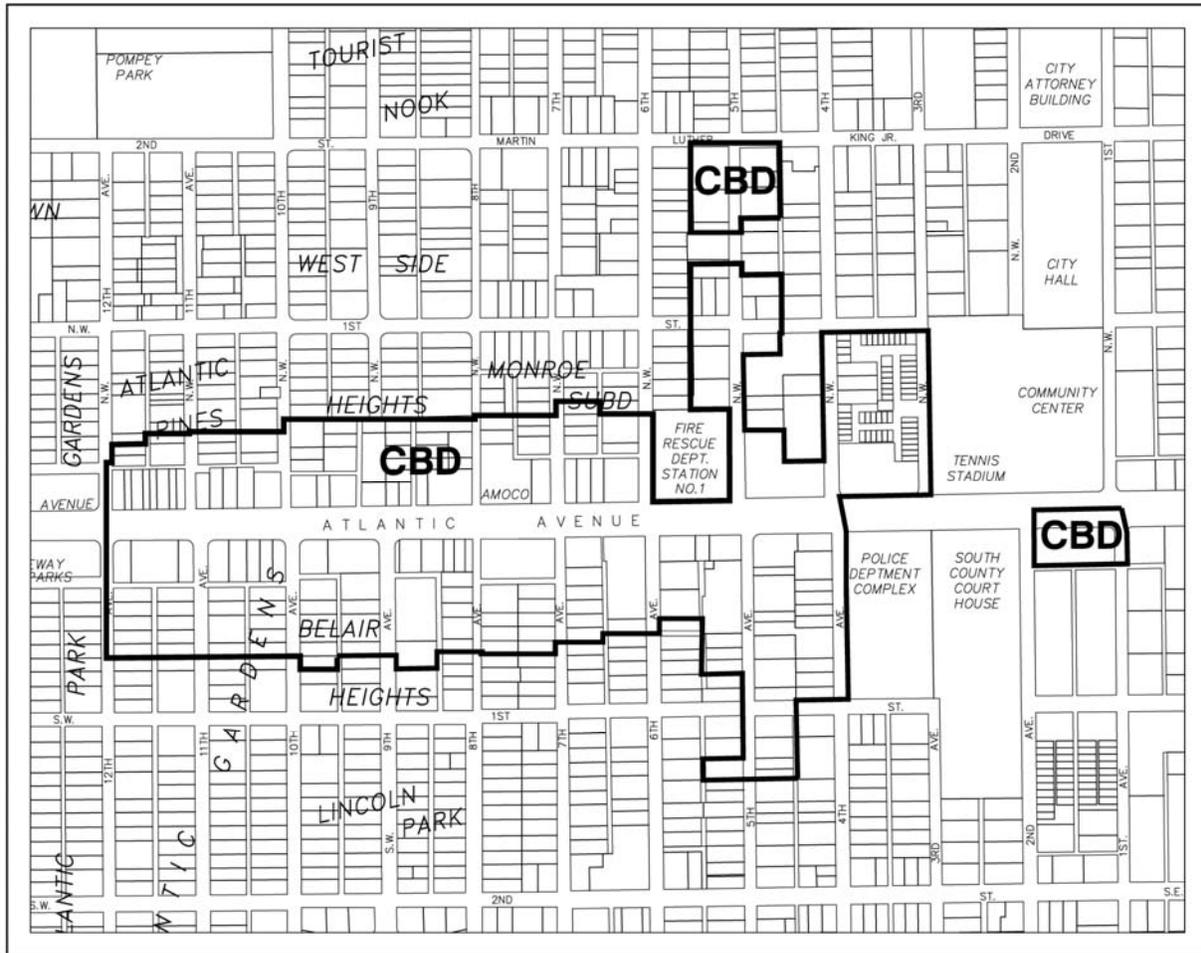


Figure 4.4.13-2 – Beach Sub-district

(3) West Atlantic Neighborhood Sub-district: The goal for this sub-district is to provide for development that is consistent with the adopted West Atlantic Avenue Redevelopment Plan and the Downtown Delray Beach Master Plan. The emphasis is on the preservation and enhancement of existing neighborhoods, while promoting a pedestrian friendly commercial area along 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.

Figure 4.4.13-3 – West Atlantic Neighborhood Sub-district



(4) Railroad Corridor Sub-district: The goal for this sub-district is to allow for development of light industrial type uses on properties that are in the downtown area, but are in close proximity to the FEC railroad. 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 central business district by providing employment opportunities in the downtown area. This sub-district is comprised of two nodes, one in northern part of the CBD and one in the southern part of the CBD, as shown in Figure 4.4.13-4.

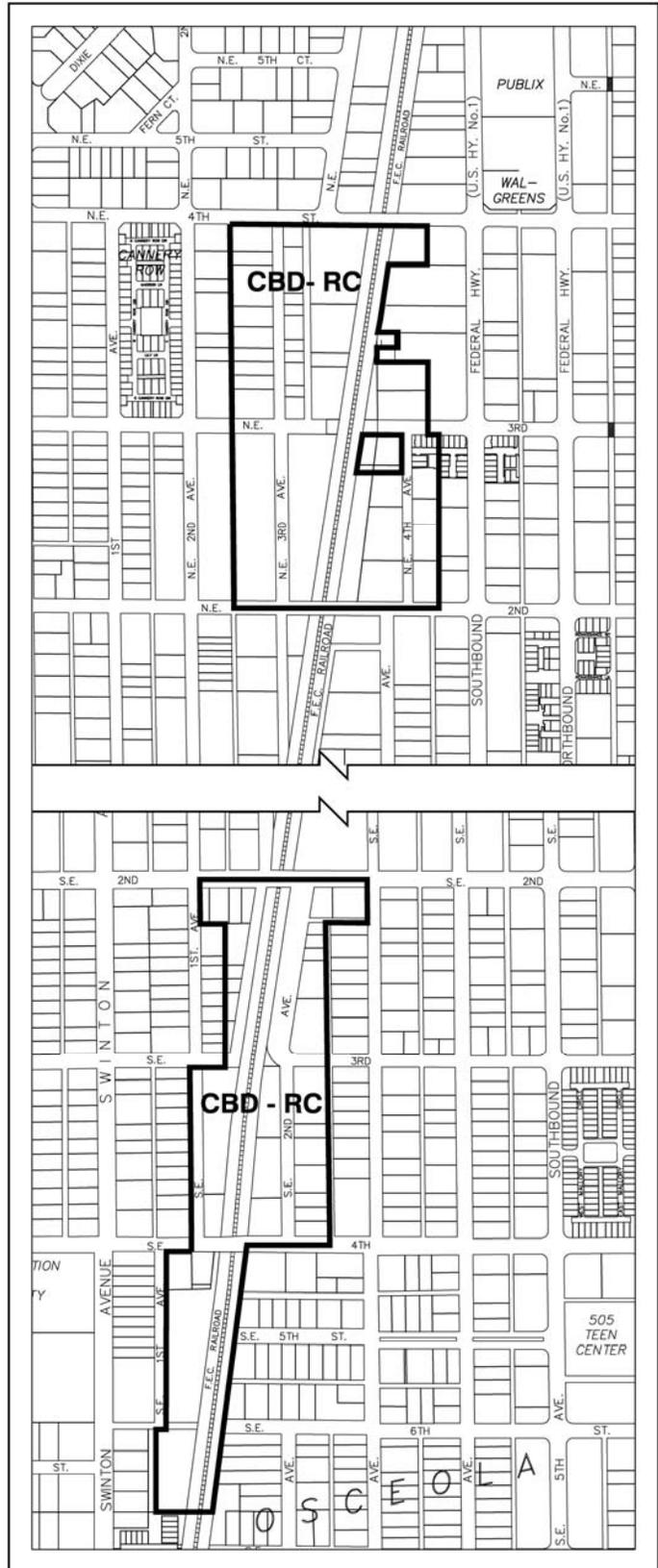


Figure 4.4.13-4 - Railroad Corridor Sub-district

SECTION 4.4.13 (B)

DRAFT: 8/8/14

(B) **Regulating Plans**. The Delray Beach Central Business District Regulating Plans depict additional information necessary to apply the standards contained in this Section and are hereby officially adopted as an integral part of these regulations. A Regulating Plan for each CBD Sub-District is provided in this section and versions at larger scales are available in the Planning and Zoning Department. The Regulating Plans depict the following information:

(1) **Primary and Secondary Streets and Alleys**. Primary Streets are intended to develop overtime 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.

(2) **Required Retail Frontage**. Certain streets within the CBD are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Streets designated as Required Retail Frontage are held to stricter standards regarding allowable frontage types and uses located within side-walk level stories.

(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) **Density Bonus Areas**. The Height and Density Bonus Program allows increased height and density in certain areas of the CBD, subject to addition standards and certain location criteria (Section 4.4.13(H)). Properties located within the West Atlantic Neighborhood Sub-district are eligible to use the program for increased density. Properties in the Central Core and Railroad Corridor Sub-districts that are eligible for increased density are mapped on the Regulating Plans. Properties located within the Beach Sub-district are not eligible for increased height or density. See Section 4.4.13(H)(1) for details on appropriate locations for increased height.

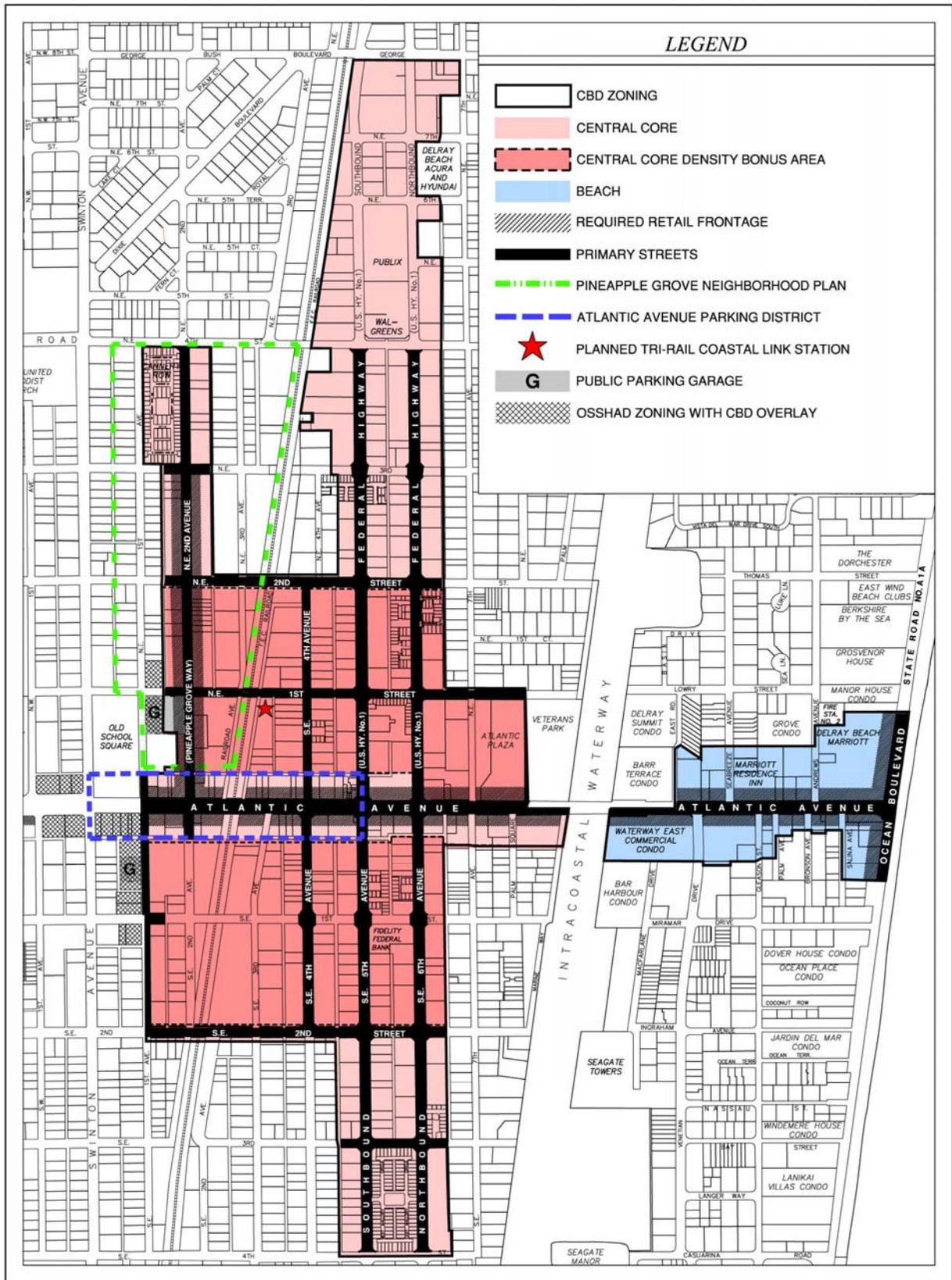
(5) **West Atlantic Neighborhood Commercial Area**. The location of commercial uses is limited within the West Atlantic Neighborhood Sub-district to protect established residential areas from commercial intrusion.

(6) **Old School Square Historic Arts District (OSSHAD) Zoning with CBD Overlay**. Properties with OSSHAD Zoning with CBD Overlay may follow the Central Core Sub-district development standards for principal and accessory uses only, and are not eligible for the Height and Density Program in Section 4.4.13(H).

SECTION 4.4.13 (B)

DRAFT: 8/8/14

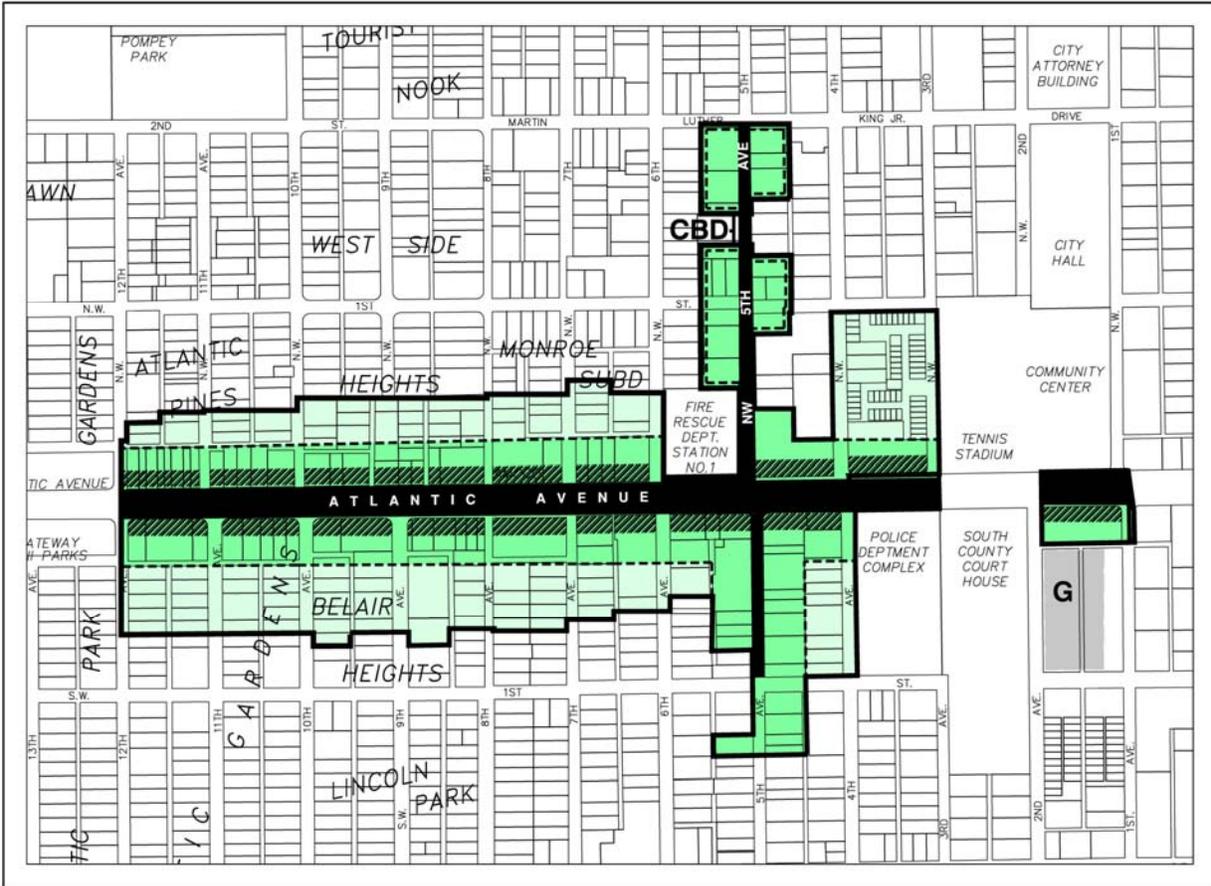
Figure 4.4.13-5 – Central Core & Beach Sub-districts Regulating Plan



SECTION 4.4.13 (B)

DRAFT: 8/8/14

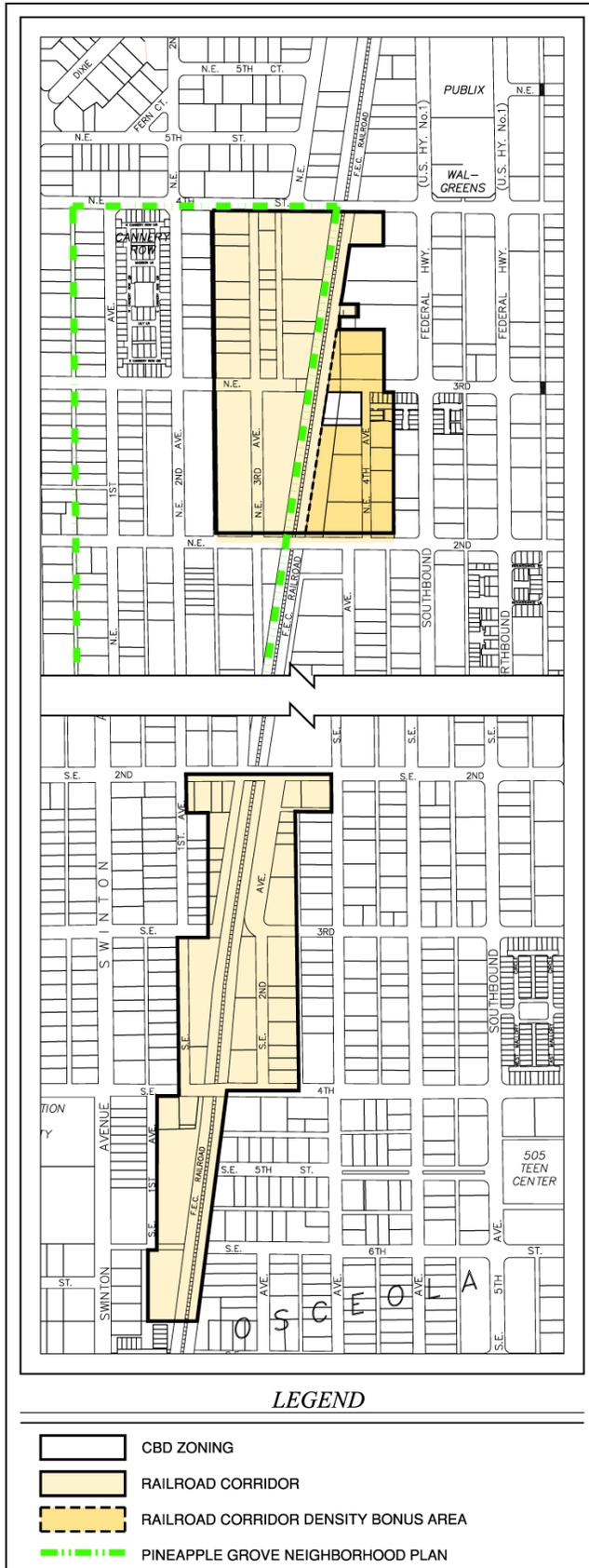
Figure 4.4.13-6 – West Atlantic Neighborhood Sub-district Regulating Plan



LEGEND

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

Figure 4.4.13-7 – Railroad Corridor Sub-district Regulating Plan



(C) Allowable Uses

(1) **Principal, Accessory, and Conditional Uses.** Table 4.4.13(C) 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” or “Required Retail Streets” on the Regulating Plan have additional standards.

(2) **Use Variations for Primary and Secondary Streets.** Primary Streets are intended to be superior pedestrian environments and, as such, are held to higher standards regarding the location of certain uses, including parking. The Regulating Plan designates certain streets as “Primary Streets” and all other streets are considered to be “Secondary Streets.”

(a) Where a principal or accessory use does not have an “S” in Table 4.4.13(C), the use is permitted on both Primary and Secondary streets.

(b) Where a principal or accessory use in Table 4.4.13(C) has an “S” in the column, the use is a “Secondary Street” use.

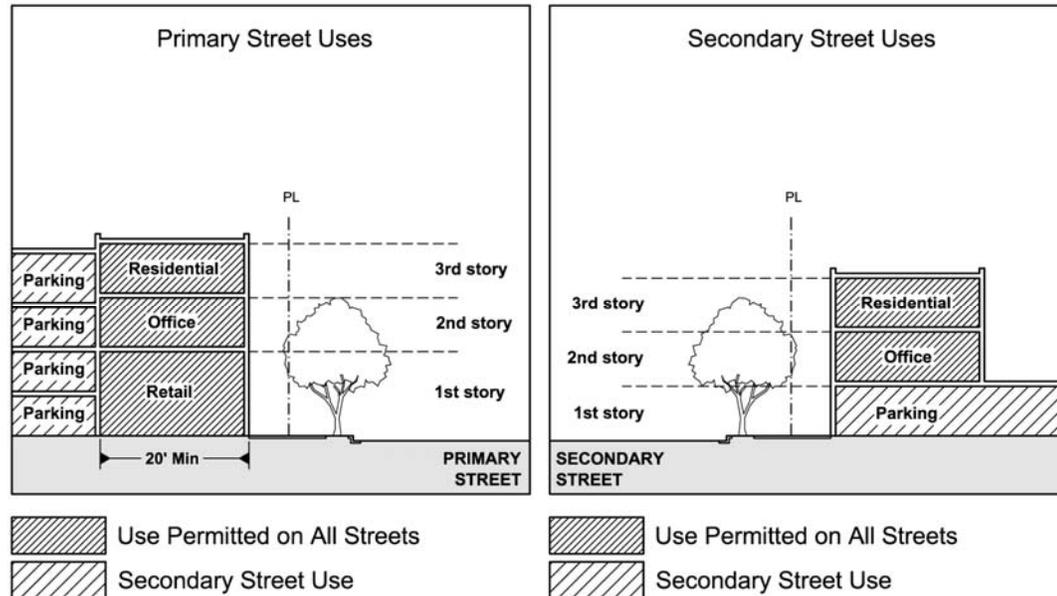
1. Secondary Street uses are permitted without limitations on Secondary Streets.

2. On Primary Streets, Secondary Street uses 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 4.4.13-8).

3. On Primary Streets, Public Parking Garages (as mapped on a regulating plan) shall be lined along the sidewalk level for a depth of at least 20 feet by a use permitted on all streets; a use liner is not required on upper levels.

(c) The standards for Conditional Uses are in Section 4.4.13(K).

Figure 4.4.13-8 – Primary & Secondary Street Uses



(3) **Use Limitations on Required Retail Frontages.** Streets designated on the Regulating Plan with Required Retail Frontage are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Properties on streets designated with Required Retail Frontage have use and frontage type standards that apply to the sidewalk level story.

(a) **All Districts.**

1. Residential units, including multi-family and live-work, are not permitted in the sidewalk-level story on streets with Required Retail Frontage.
2. On Required Retail Streets, buildings shall use either a Storefront or Arcade frontage type (See Section 4.4.13(E))

(b) **Central Core and Beach Sub-districts.** 100% of the building frontage of the sidewalk level story shall be for the following uses (as described in Table 4.4.13(C)), for a minimum depth of 30 feet:

1. General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, or second hand material (other than verifiable antiques) are not permitted.
2. Services and facilities
3. Hotels, motels, or residence-type inns

(c) West Atlantic Neighborhood Sub-district

1. At least 50% of the building frontage of the sidewalk level story shall be for the following uses (as described in Table 4.4.13(C)), for a minimum depth of 30 feet:
 - 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% of the building frontage of the sidewalk level may be for business, professional, and medical uses; more than 50% may be approved as a Conditional Use.

SECTION 4.4.13 (C)

DRAFT: 8/8/14

Table 4.4.13 (C) - Allowable Uses in the CBD Sub-Districts	Central Core	Railroad Corridor	Beach Area	West Atlantic Neigh. ⁵
General retail uses and/or facilities , as in GC district (4.4.9) ^{1,2}	P	P	P	P
Business, professional, and medical uses , as in GC district (4.4.9)	P	P	P	P
Services and facilities , as in GC district (4.4.9)	P	P	P	P
Multiple-family dwellings ³ , including residential licensed service provider facilities	P	P	P	P
Assisted living facilities, nursing homes, and continuing care facilities	P	P	P	P
Live/work units (see 4.3.3(KKK))	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
Bed and breakfast inns (see 4.3.3 (Y))	P	P	P	C
Public Parking Garages , as mapped on a Regulating plan	P,S	P,S	P,S	P,S
Assembly and/or fabrication ,	-	P	-	-
Wholesaling, Storage, and Distribution ⁴	-	P	-	-
Contractor and trade services	-	P	-	-
Automobile brokerage , including vehicle display within an enclosed structure	-	P	-	-
Storage of Golf Carts, Pedi cabs, Food Trucks		P		
Family day care homes (see 4.3.3(T))	A	A	A	A
Home occupations (see 4.3.3(K))	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
Parking areas and refuse and service areas	A,S	A	A,S	A,S
Recreational facilities (for a multiple-family complex)	A	A	A	A
Services and repair (incidental to the principal use)	A,S	A	A,S	A,S
Single-family dwelling (occupied by owner, proprietor, or employee of the principal use)	A	A	A	A
Storage of inventory (not shared or leased independent of the principal use)	A,S	A	A,S	A,S
Automobile repair	-	C	-	-
Child care and adult day care facilities (see 4.3.3(E))	C	C	C	C
Commercial recreation , such as bowling alleys and skating rinks	C	C	C	C
Community residential homes (see 4.3.3(I))	C	C	C	C
Drive-through facilities (serving banks, restaurants, retail uses, etc.)	C	C	C	C
Flea markets, bazaars, and similar retail uses	C	C	C	C
Funeral homes , including accessory uses such as a chapel or crematory	C	C	C	C
Gasoline stations and/or car washes	C	C	-	-
Group homes, Type 2 only (see 4.3.3(I))	C	C	C	C
Large family child care homes (see 4.3.3(TT))	C	C	C	C
Segway tours and Segway sales (see 4.3.3(ZZZZ))	C	C	C	C
Theaters , excluding drive-ins	C	C	C	C
Veterinary Clinics	C	C	C	C
24-hour or late-night businesses , within 300' of residential property (see 4.3.3(VV))	C	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 second hand material (other than verifiable antiques) are not allowed on properties facing a street designated as a Required Retail Street on the Regulating Plan or in the West Atlantic Neighborhood.

² See Section 4.4.13 (C)(4)(c) for limitations on the rental of sporting goods and equipment.

³ For density limits, see Section 4.4.13(D).

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

(4) Supplemental Use Standards.

(a) **Sporting Goods/Equipment Rentals.** The rental of sporting goods and equipment shall be limited to no more than one business renting a specific category of item (i.e. bicycles, skates, etc.) every 300 feet measured in a straight line from door to door, and any outdoor displays are subject to the restrictions set forth in Section 4.6.6(C)(3).

(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 involved does not have an entrance from and/or windows facing West Atlantic Avenue.

(c) **West Atlantic Neighborhood District Supplemental Use Standards:** The following supplemental district regulations apply in the West Atlantic Neighborhood Sub-district:

1. **West Atlantic Neighborhood Commercial Area.** Commercial structures are allowed on NW 5th Avenue, SW 5th Avenue, and may extend up to 150 feet from Atlantic Avenue. Accessory uses such as parking areas, landscaping, and drainage retention areas may extend beyond the 150 foot limit. Full service grocery stores may extend beyond the 150 foot limit with approval by the SPRAB of a site plan design that ensures compatible transitions between commercial and residential areas. Establishment or expansion of other structures beyond the 150 foot limit may be allowed as a conditional use, subject to the required findings of Section 2.4.5(E)(5). The West Atlantic Neighborhood Commercial Area is mapped on the West Atlantic Neighborhood Regulating Plan.
2. There is no restriction on repair and/or reconstruction of non-conforming single family residences located a minimum of 150 feet from Atlantic Avenue.

(d) **Railroad Corridor District Supplemental Use Standards:** Within the Railroad Corridor Sub-district, except for outside storage approved pursuant to Section 4.6.6(C)(2), all principal and conditional uses shall be conducted within an enclosed building.

(D) Configuration of Buildings:

(1) **Standards for CBD Generally.** The following building configuration standards apply to all CBD Sub-districts:

- (a) **Building Height.** Unless otherwise specified herein, the height of buildings shall be measured in and regulated by the number of stories. The number of stories is regulated for each CBD Sub-district. Increasing the maximum number of stories allowed may not be approved as a waiver. Stories are measured from the floor to the bottom of the lowest structural member that supports the story above. See Figure 4.4.13-10.
1. Stories located below grade are not counted for the purpose of measuring building height. In all districts, if this floor is elevated more than five feet above the adjacent sidewalk, the space below counts as the ground (first) story for the purposes of measuring building height.
 2. The ground story of commercial or mixed-use buildings shall be 10 feet to 18 feet tall.
 3. The ground story of residential buildings shall be nine feet to 14 feet tall.
 4. Each story above the ground story in all buildings must be eight feet six inches to 12 feet tall; any upper story taller than 12 feet will count as two stories for the purpose of measuring building height.
 5. Maximum building height in feet is 54 feet, as measured in Section 4.3.4(J)(1).
 6. Mezzanines that exceed 15 percent of the floor area are counted as stories for the purpose of measuring height.
 7. 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 concealed from view by a habitable story and use are not counted as stories for the purpose of measuring height. See Figure 4.4.13-9.
 8. Within the Central Core, Railroad Corridor, and Beach Sub-districts, residential units must have the floor of the first 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 story elevated at least 12 inches above the adjacent sidewalk. Lobbies and common areas in multi-unit or mixed-use

SECTION 4.4.13 (D)

DRAFT: 8/8/14

- buildings may have a zero to six-inch (0" to 6") ground floor finish level.
9. Flat roofs shall be enclosed by parapets no less than 42 inches high which shall conform to the standards in Section 4.3.4(J)(3)(c). Green roofs are encouraged.
 10. Mechanical equipment necessary to the operation or maintenance of the building such as, but not limited to, elevator, stair, and mechanical penthouses, cooling towers, vent stacks and antennae shall be enclosed and screened in such a manner that the enclosure is an integral part of the overall building design and provides a balanced and graceful silhouette, and ameliorates the visual impact from adjacent buildings. Minor features not exceeding one foot in height shall be exempted from this regulation.
 11. The incorporation of green energy resources, such as photovoltaic cells and green roofs, is encouraged; however, significant features, such as windmills, require administrative approval by the Planning and Zoning Director.
 12. Architectural features such as church spires, steeples, belfries, cupolas, or similar, non-habitable structures are not limited by story height.

Figure 4.4.13-9 – Counting the Number of Stories

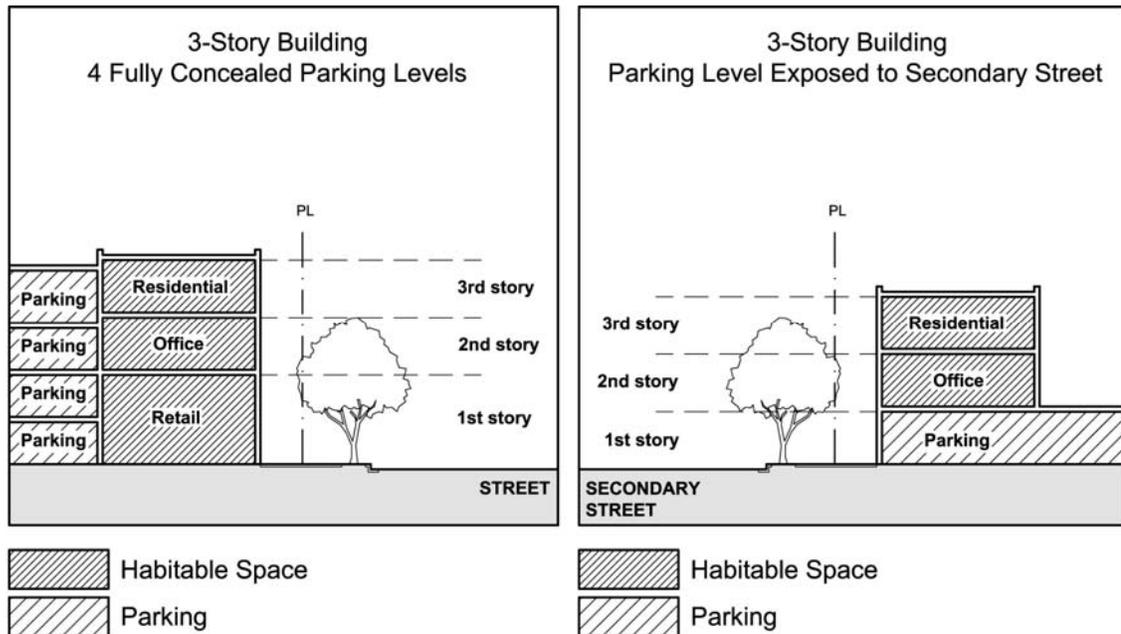


Figure 4.4.13-10 - Measuring Building Height

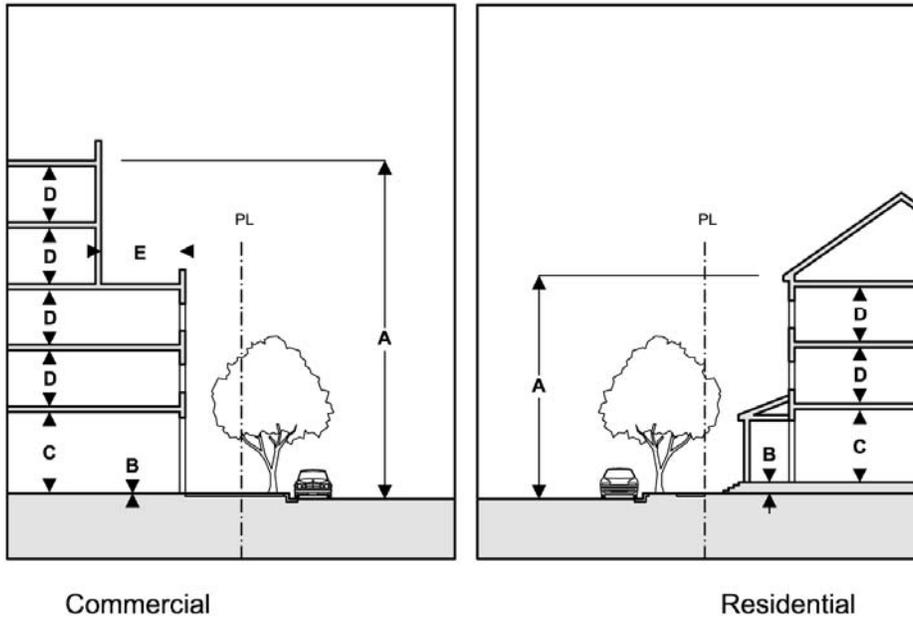
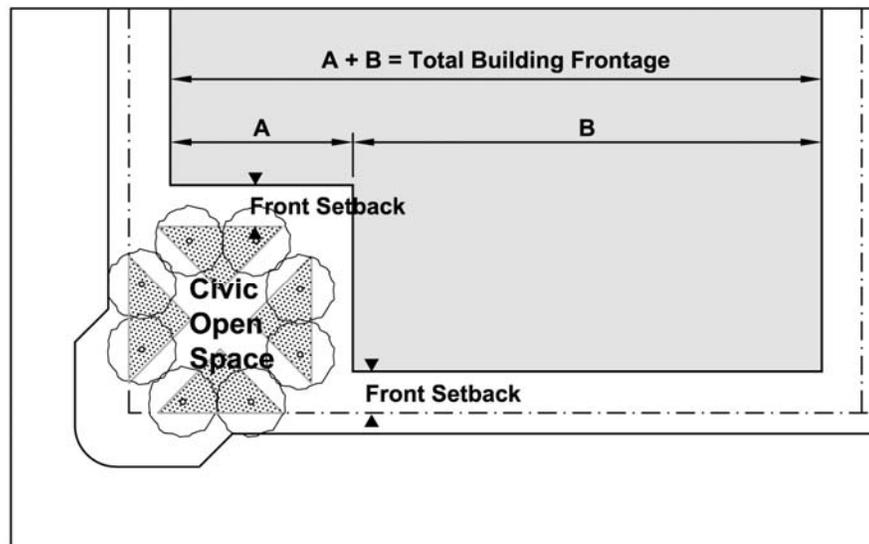


Table 4.4.13(E) Building Height		
A	Maximum Number of Stories	4
A	Maximum, Overall Building Height in Feet	54 ft.
B	Ground Floor Finish Level	
	Commercial Uses and Lobbies/Common Areas in multi-unit mixed use buildings	6" max.
	Residential Units	18" min.
C	Ground Story Height	
	Commercial and Mixed-Use Buildings	10' min. to 18' max.
	Residential Buildings	9' min. to 14' max.
D	Upper Story Height	8'-6" min. to 12' max.
E	Additional Setback Above 3 rd Story	10' min.

(b) **Building Placement.**

1. Front setbacks shall be measured from the property lines coinciding with public rights-of-way, including streets and parks, or from a civic open space that meets the requirements in Section 4.4.13(G). See Figure 4.4.13-11.
- a. Awnings, porches, balconies, stoops and arcades may encroach into the setbacks as set forth in Section 4.4.13(E).
- b. Roof Eaves may encroach into the setbacks a maximum of four feet (4').

Figure 4.4.13 11 - Building Frontage Requirement

2. Where development may build with no side setback, the following limitations also apply:
 - a. Side setbacks are required only when an abutting a residential zoning district or a property with a building existing as of the effective date of this ordinance [date] with windows facing the adjoining lot line. Then, new development shall setback to provide at least 10 feet of separation between the existing and new buildings.
 - b. All light and air shafts, including those necessary per the percentage of openings on building façades, shall be provided within the lot.

- c. Buildings taller than three stories in height have additional setback requirements for the upper stories, as described in Section 4.4.13(D)(2).
- (c) **Frontage Percentages**. Building frontage is the percentage of the total width of a lot minus the required setbacks, which is required to be occupied by the primary façade of a building. Building Frontage Requirements are set forth in Table 4.4.13 (D) for each CBD Sub-district.
1. The primary façade shall be parallel to the right-of-way, located in accordance with the minimum and maximum front setback requirements of the zoning district.
 2. The location of the primary façade is not changed by the projection of architectural elements such as cornices, bay windows, awnings, porches, balconies, stoops, or arcades.
 3. The primary façade may adjust around a Civic Open Space that meets the requirements in Section 4.4.13(G) as shown in Figure 4.4.13-11.
 4. On corner lots, the primary façade shall extend from the corner to ensure new development (or civic open space) defines the corner
- (d) **Minimum Floor Area for Dwelling Units**. 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. Height and Density Bonus 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(D) provides the dimensional requirements regarding lot size, building placement, building size, height, density, and civic open space for each CBD Sub-district. **Figures 4.4.13-12** illustrates the dimensional requirements from the table.

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

1. The front setback or side setback facing a street, park, or public open space is a minimum of 10 feet and a maximum of 15 feet, which is coordinated with streetscape requirements in Section 4.4.13(E)(2).
2. Minimum rear set back is 10 feet and minimum side setbacks are 0 feet Side lot lines adjoining alleys are regulated by rear setbacks.
3. Buildings over three stories in height are subject to additional setback requirements in order to ensure architectural articulation and reduce the impact of taller building heights.
 - a. At the top of the third story, front and rear setbacks are 20 feet minimum. See Table 4.4.13(D).
 - b. With approval from the SPRAB, building entries, lobbies, and vertical circulation areas located above the third story may not be required to increase the setback to 20 feet, if configured as tower elements determined to be consistent with the Delray Beach Architectural Design Guidelines.
4. Where the rear or side of a property directly abuts a residential zoning district with a height limitation of thirty-five feet (35') without any division or separation between them of thirty feet (30') or more, such as a street, alley, railroad, waterway, park, or other public open space; the following shall apply:
 - a. For buildings or portions of buildings three stories or less in height, a minimum side set back of ten feet (10') 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. See Table 4.4.13(D)
 - c. A solid finished masonry wall six feet in height, or a continuous hedge at least 4-1/2 feet in height at the time of installation, shall be located inside and adjacent to the portion of the boundary line

SECTION 4.4.13 (D)

DRAFT: 8/8/14

of the commercially zoned property which directly abuts the residentially zoned property. Walkways and other pedestrian or bicycle connections shall be located through the wall or hedge if determined by the SPRAB to promote desirable connectivity between properties or if they provide links identified on the Adopted Bicycle and Pedestrian Master Plan.

5. On Primary Streets, the minimum building frontage is seventy-five percent (75%) and the maximum frontage is a hundred percent (100%). On Secondary streets, minimum building frontage is not required and the maximum building frontage is a hundred percent (100%).
6. Buildings with more than 250 feet of street frontage shall provide a pedestrian/bicycle passageway at least 10 feet wide connecting rear alleys and/or parking to the public sidewalk.

SECTION 4.4.13 (D)

DRAFT: 8/12/14

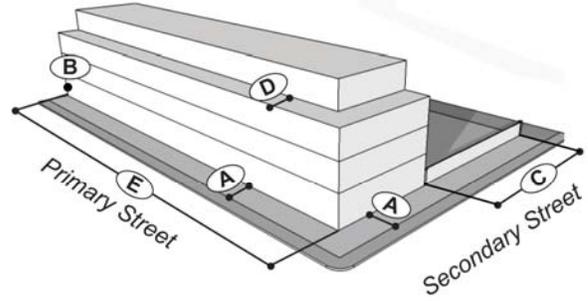
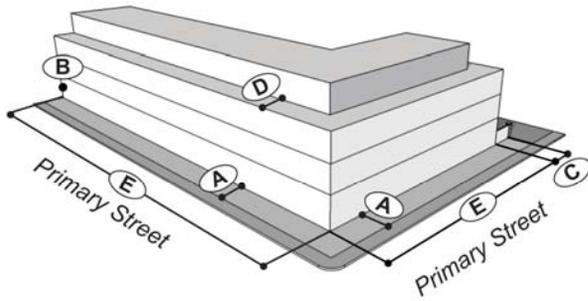
Table 4.4.13 (D) <i>Dimensional Requirements by CBD Sub-district</i>					
		Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood
Lot Size					
Lot Width		20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
Lot Area		2000 sf. min.	2000 sf. min.	2000 sf. min.	2000 sf. min.
Building Placement					
A	Front Setback ¹	10 ft. min. / 15 ft. max.			
B	Side Setback ¹	0 ft. min. ²			
C	Rear Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
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 and Rear Setbacks Above 3 rd Story	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
E	Building Frontage Required on Primary Streets	75% min. / 100% max.			
Building Height					
Min. Height Primary Streets		2 Stories	1 Story	2 Stories	1 Story
Max. Building Height		4 Stories	4 Stories	4 Stories	4 Stories
Max. Building Height using Bonus Program ³		5 Stories	N/A	N/A	N/A
Density					
Max. Density		30 du/ac	30 du/ac	12 du/ac	12 du/ac
Max. Density using Bonus Program ³		100 du/ac	100 du/ac	N/A	30 du/ac
Civic Open Space Requirement					
Sites Greater than 40,000 sq. ft.		5%	5%	5%	5%
Sites Less than 40,000 sq. ft. using Bonus Program ⁴		5%	5%	5%	5%
Sites Greater than 40,000 sq. ft. using Bonus Program ⁴		10%	10%	10%	10%
Projects with Building(s) Greater than 300 feet in Length		10%	10%	10%	10%

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

² All light and air shafts shall be provided within the lot See Section 4.4.13(D)(1)(b)(2).

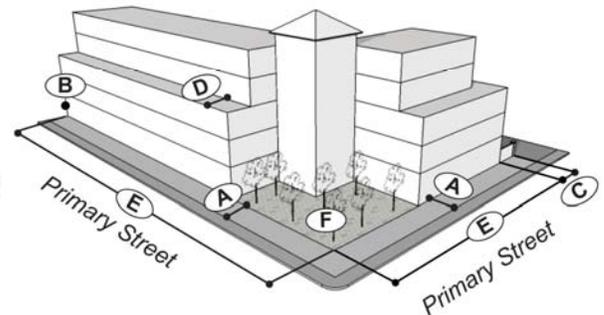
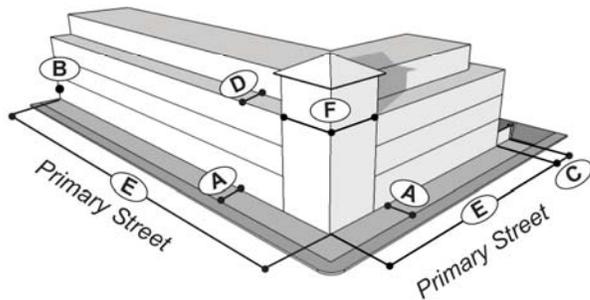
³ See Height and Density Bonus Program in § 4.4.13(H) for location criteria and additional requirements.

Figure 4.4.13-12 – Building Placement and Configuration & 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

(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, multiple family dwellings, assisted living facilities, nursing homes, continuing care facilities, community residential homes, group homes, and large family childcare homes and live/work uses. All other uses are considered to be “commercial uses” for the purposes of this section.

(2) **Streetscape Standards.** Front setback areas, which include side setback areas facing streets, shall be detailed to augment public right-of-way design, to establish shaded, continuous routes for pedestrians, and to organize landscaping and other elements to ensure a superior public realm.

(a) **Minimum Streetscape Width.** The combination of public sidewalk (located within the right-of-way) and hardscape (located in front setback areas) shall provide a minimum streetscape area no less than 15 feet in width, measured from the back of curb. The streetscape area shall be organized as follows:

1. **Curb Zone.** The curb zone is at least five feet wide, measured from the back of curb (See Figures **4.4.13 -13 and 4.4.13-14**). This zone accommodates street trees, utility poles, street lights, street signs, etc., and may accommodate side walk café seating pursuant to the requirements in Section 6.3.

2. **Pedestrian Clear Zone.** A pedestrian clear zone at least six feet (6') wide shall be provided on all streetscapes. Any portion of the pedestrian clear zone within the front setback area shall serve as an extension of the public sidewalk and shall match the public sidewalk in design and material, providing a seamless transition. In areas of higher pedestrian traffic or activity or if conditions are such that additional clearance is required to ensure safe pedestrian travel (e.g., if the sidewalk adjoins a vehicular travel zone without separation by a parking lane), additional clear space shall be required. The Planning and Zoning Director in consultation with the Director of Environmental Services will determine the required pedestrian clear zone.

3. **Remaining front setback area.** The remaining front setback area within the minimum 15' wide streetscape shall be detailed appropriately for the ground story use of the building:

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 ft.-wide minimum streetscape area using a hardscape design. This portion may be used to accommodate merchandise displays or 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 it does not obstruct views into storefront windows.

b. **Residential Uses.** Buildings with residential uses in the ground story shall detail and design any remaining front setback area within the 15 ft.-wide minimum streetscape area using hardscape or landscape. The encroachment of porches or stoops in this area may be permitted, pursuant to Section 4.4.13(E)(4).

(b) Street Trees. Street trees are intended to provide a shaded environment for the pedestrian, provide a physical separation between pedestrians and vehicles, and improve the overall visual appearance of the street.

1. All new construction, relocation of a building, or addition equal to or greater than 20% of the gross floor area of an existing building shall install street trees at the time of development. Street trees shall be a canopy species, planted in the public right-of-way directly in front of the property line(s), uniformly spaced no greater than 30 feet on center. Spacing of trees may only exceed 30 feet in order to accommodate curb cuts, fire hydrants, utilities, existing trees, and other infrastructure elements. Palm varieties may be used at corners, crosswalks, or to accent building entrances and may be permitted in lieu of shade trees when physical conditions may prevent the proper growth of shade trees, as determined by the Planning and Zoning Director in consultation with the Environmental Services Director. Consistency in street tree species shall be established on both sides of the street along a block face. The first to develop shall establish the species with approval from the Planning and Zoning Director in consultation with the Environmental Services Director.
2. Street trees shall be located in the curb zone of the streetscape, in order to separate pedestrians from vehicular lanes and to provide room for tree canopies. Street trees may be planted in planting strips, landscaped planters or tree grates with approval from the Planning and Zoning Director in consultation with the Environmental Services Director. .
3. All trees shall satisfy the following standards at the time of planting:

SECTION 4.4.13 (E)

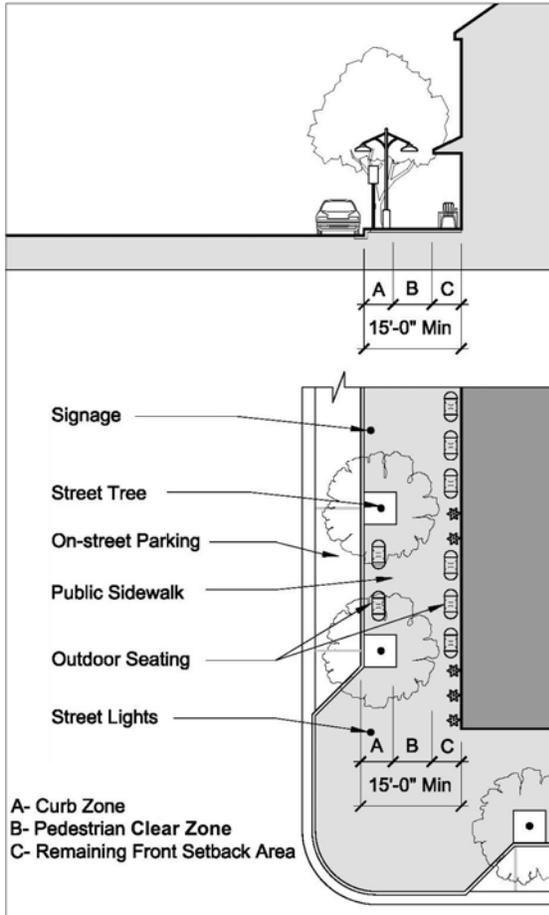
DRAFT: 8/8/14

- a. Canopy species: Minimum 14 feet in height with a clear trunk space of six feet and a spread of no less than eight feet.
 - b. Palm trees: Minimum 18 feet in height, with a clear trunk space of eight feet.
4. In the event that site constraints such as utility easements prevent the installation of required street trees, removable planters of small palms and small shrubs, vines or seasonal flowers shall be installed. In addition, the building shall provide devices such as awnings or roof overhangs to establish a shaded pedestrian environment.

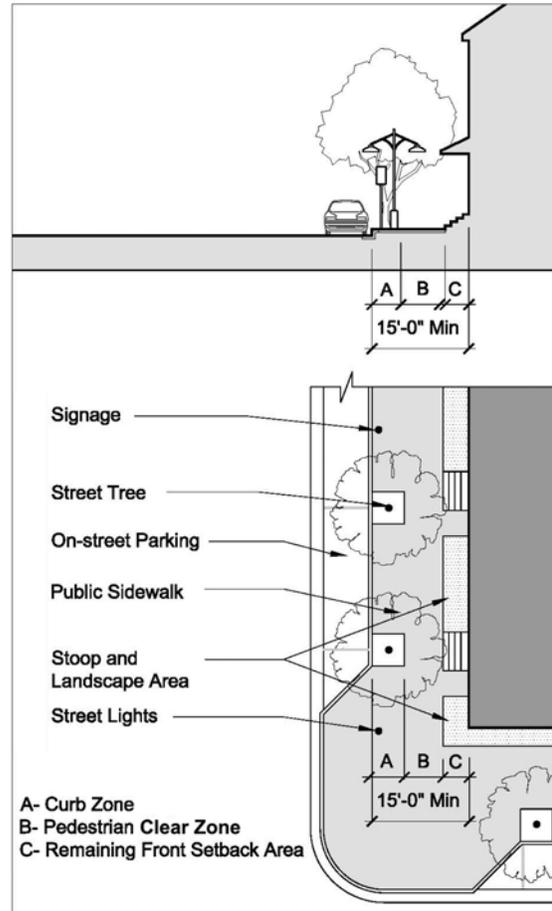
SECTION 4.4.13 (E)

DRAFT: 8/8/14

**Figure 4.4.13 -13
Commercial Use Streetscape**



**Figure 4.4.13 - 14
Residential Use Streetscape**



SECTION 4.4.13 (E)**DRAFT: 8/8/14**

(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. Six distinct frontage types have been identified, which are appropriate for different uses. **Table 4.4.13 (E)** identifies the frontage types appropriate for each use by an "X". Using one or more of frontage types identified is required.

Table 4.4.13(E) <i>Frontage Types per Use</i>						
	Porch	Stoop	Bracketed Balcony	Forecourt	Storefront	Arcade/ Colonnade
Commercial	X		X	X	X	X
Residential	X	X		X		
Live/Work	X	X	X	X	X	X
Townhomes and Single- Family Houses	X	X		X		

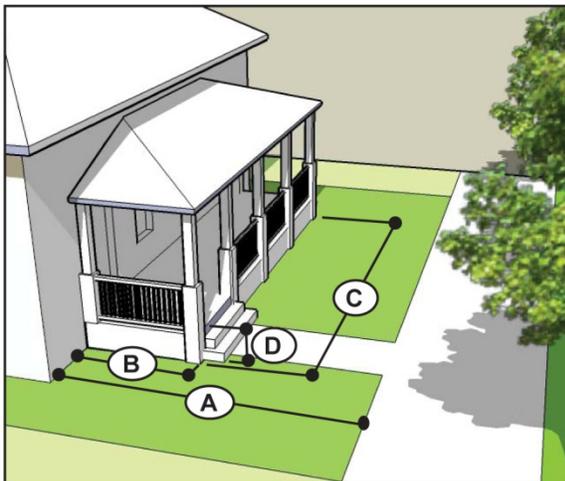
SECTION 4.4.13 (E)

DRAFT: 8/8/14

- (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(F)** 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 4.4.13-15** illustrates the dimensional requirements from **Table 4.4.13(F)**. **Figure 4.4.13-16** provides a character example.

Table 4.4.13(F) 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.	3 ft.
Allowable Encroachment¹		-	50% of Setback
¹ May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))			

**Figure 4.4.13-15
Porch Frontage Type**



**Figure 4.4.13-16
Porch Character Example**



SECTION 4.4.13 (E)

DRAFT: 8/8/14

- (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(G)** 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 4.4.13-17** illustrates the dimensional requirements from **Table 4.4.13(G)**. **Figure 4.4.13-18** provides a character example.

Table 4.4.13(G) <i>Dimensional Requirements for Stoops</i>			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Depth	5 ft.	8 ft.
C	Width	4 ft.	-
D	Floor Elevation	1 ft.	3 ft.
Allowable Encroachment¹		-	5 feet
¹ May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))			

Figure 4.4.13-17
Stoop Frontage Type

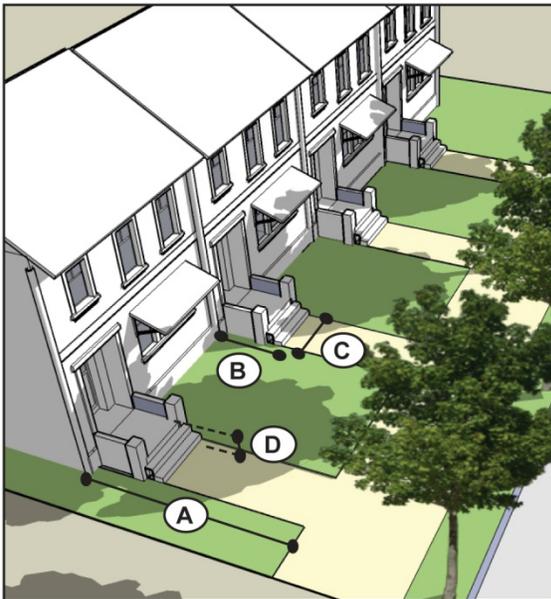


Figure 4.4.13-18
Stoop Character Example



SECTION 4.4.13 (E)

DRAFT: 8/8/14

- (c) **Bracketed Balcony.** A bracketed balcony is second-story balcony, supported by brackets. The bracketed balcony is 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. 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 4.4.13-19** illustrates the dimensional requirements from **Table 4.4.13(H)**. **Figure 4.4.13-20** provides a character example.

Table 4.4.13(H) 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 4.4.13-19
Bracketed Balcony Frontage Type



Figure 4.4.13-20
Bracketed Balcony Character Example



SECTION 4.4.13 (E)

DRAFT: 8/8/14

- (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 4.4.13-21** illustrates the dimensional requirements from **Table 4.4.13(I)**. **Figure 4.4.13-22** provides a character example.

Table 4.4.13(I)			
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 4.4.13-21
Forecourt Frontage Type



Figure 4.4.13-22
Forecourt Character Example



SECTION 4.4.13 (E)

DRAFT: 8/8/14

(e) **Storefront.** The storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. Storefronts are frequently shaded by awnings or arcades.

1. **Storefront Dimensions Table 4.4.13(J)** provides the dimensional requirements and the maximum allowable encroachment permitted. **Figure 4.4.13-23** illustrates the dimensional requirements and **Figure 4.4.13-24** provides a character example.

- a. Storefronts shall extend across at least 70% of a commercial space.
- b. Storefronts shall be directly accessible from sidewalks; storefront doors may be recessed up to 10 feet.

Table 4.4.13(J) Dimensional Requirements for Storefronts			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Storefront Width	70%	100%
C	Storefront Base	1 ft.	
D	Glazing Height	8 ft.	-
E	Glazing Area	75%	90%
Maximum Allowable Encroachment of Elements in All Districts			
F	Awning Projection	4 feet	-
G	Pedestrian Blade Sign Projection	N/A	4 feet

Figure 4.4.13-23
Storefront Frontage Type

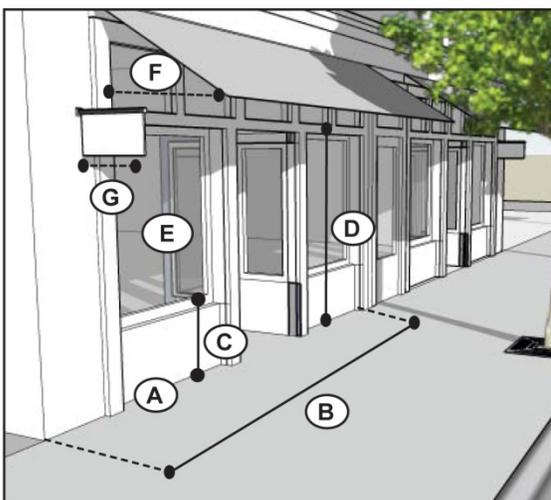


Figure 4.4.13-24
Storefront Character Example



- c. Storefronts shall have transparent glazing of at least 75% of the facade area, comprised of storefront windows and doors. Storefront windows shall have a base one foot six inches to three feet high with transparent glazed areas extending from the base to at least eight feet in height as measured from sidewalk grade. Transparent means non-solar, non-mirrored, glass with a light transmission reduction of no more than twenty percent (20%).

2. **Storefront Elements**

- a. Awnings shall project a minimum of four feet from the building facade.
- b. Awnings shall be consistent with the buildings' architecture and proportionate to the façade opening shape and size. Except for curved awnings, all awnings shall be sloped 15-35 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 or arcades.

SECTION 4.4.13 (E)

DRAFT: 8/8/14

(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(K) provides the dimensional requirements and the maximum allowable encroachment permitted. Figure 4.4.13-25 illustrates the dimensional requirements and Figure 4.4.13-26 provides a character example.

a. Arcades shall extend over the sidewalk. A sidewalk should not run parallel to an arcade, allowing pedestrians to bypass commercial windows.

Table 4.4.13(K) Dimensional Requirements for Arcade			
		Minimum	Maximum
A	Building Setback	Varies	15 ft.
B	Arcade Depth	10 ft.	20 ft.
C	Arcade Height	10 ft.	N/A
D	Column/Pillar to Face of Curb	2 ft.	4 ft.
E	Column/Pillar Width and Depth	1.5 ft.	-
Maximum Allowable Encroachment of Elements in All Districts			
F	Arcade	varies by street	
G	Pedestrian Blade Sign Projection	N/A	4 feet

Figure 4.4.13-25
Arcade Frontage Type



Figure 4.4.13-26
Arcade Character Example



SECTION 4.4.13 (E)

DRAFT: 8/8/14

- b. Use of the arcade on local streets requires entering into a right-of-way agreement between with the City. This agreement shall establish liability and insurance responsibilities in a form acceptable to the City. For County, State, and Federal roads, agreements with the appropriate agencies are necessary.
- c. Arcades shall have a clear depth between the interior face of the columns and the building facade of at least 10 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 10 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 Planning and Zoning Director, taking into consideration the ultimate location of the face of curb
- d. Arcades shall have a clear height above the sidewalk of at least 10 feet.
- e. Support columns or pillars shall be at least 18 inches wide and deep ad shall be placed no farther apart than they are tall. Columns and pillares shall be placed two to four feet from the face of the curb.
- f. Arcade ceilings shall be designed with coffers or exposed beams extruding at least six inches, aligned with columns or pillars.

2. **Arcade Elements**

- a. Arcades shall be combined with storefronts.
- b. The height and proportions of the arcade shall be consistent with the style 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.

SECTION 4.4.13 (F)

DRAFT: 8/8/14

(F) **Architectural Standards.** In addition to the standards in Section 4.6.18, the following standards apply in all CBD Sub-districts.

(1) All buildings shall follow the Delray Beach Architectural Design Guidelines. The selected architectural style shall be identified on all permit application drawings.

(2) 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)(8). **[Amd. Ord. 01-12 8/21/12]**

(3) 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 twenty percent (20%).

(4) Cornices and moldings shall be extending 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.

(5) Building facades shall be designed to visually screen “Secondary Street” uses (as identified in Table 4.4.13 (C)) and large expanses of blank walls. Appropriate façade design to screen these uses incorporates the consistent use of materials and construction assemblies, fenestration patterns, architectural articulation, and features such as, but not limited to, the application of architectural screens, louvers, or glass. In addition, at the sidewalk level, vegetated surfaces and planters or window display shall be incorporated. Paint, faux treatments, scoring, construction joints, lighting, and material projections less than two inches are permitted, but do not fulfill the façade design requirements.

Figure 4.4.13-27

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.

SECTION 4.4.13 (F)

DRAFT: 8/8/14

(6) Awnings shall be consistent with the buildings' architecture and façade opening shape. Awnings shall project a minimum of four 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.

(7) In the absence of a building façade, a streetwall is required along both Primary and Secondary Streets. Streetwalls shall be three feet to three feet six inches (3'-6") in height, located in line with the building façade or the front setback. Streetwalls shall be composed of either an opaque wall of the same material and color as the building 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.

(8) 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, unless it can be demonstrated to the SPRAB that it is not feasible to comply.

(9) In order to reduce urban heat islands for both roofed and non-roofed areas, the following standards shall apply to building and site design:

a) **Non-roofed:** Provide shade (within 5 years) on at least 30% of non-roof impervious surface on the side, including parking lots, walkways, plazas, etc.; or use light-colored/high-albedo materials (reflectance of at least .3) for 30% of the site's non-roofed impervious surfaces; or, use open-grid pavement system (net impervious area of less than 50%) for a minimum of 50% of the parking lot area.

b) **Roofed:** Use Energy Star roof-compliant, high-reflectance and high emissivity roofing (initial reflectance of at least .65 and three-year-aged reflectance of at least .5 when tested in accordance with ASTM E903 and emissivity of at least .9 when tested in accordance with ASTM 4080 for a minimum of 75% of the roof surface; or install a "green" (vegetated) roof for at least 50% of the roof area.

c) **Parking Garage Roofs:** Provide shade on at least 30% (within 5 years) of any exposed parking on the roof.

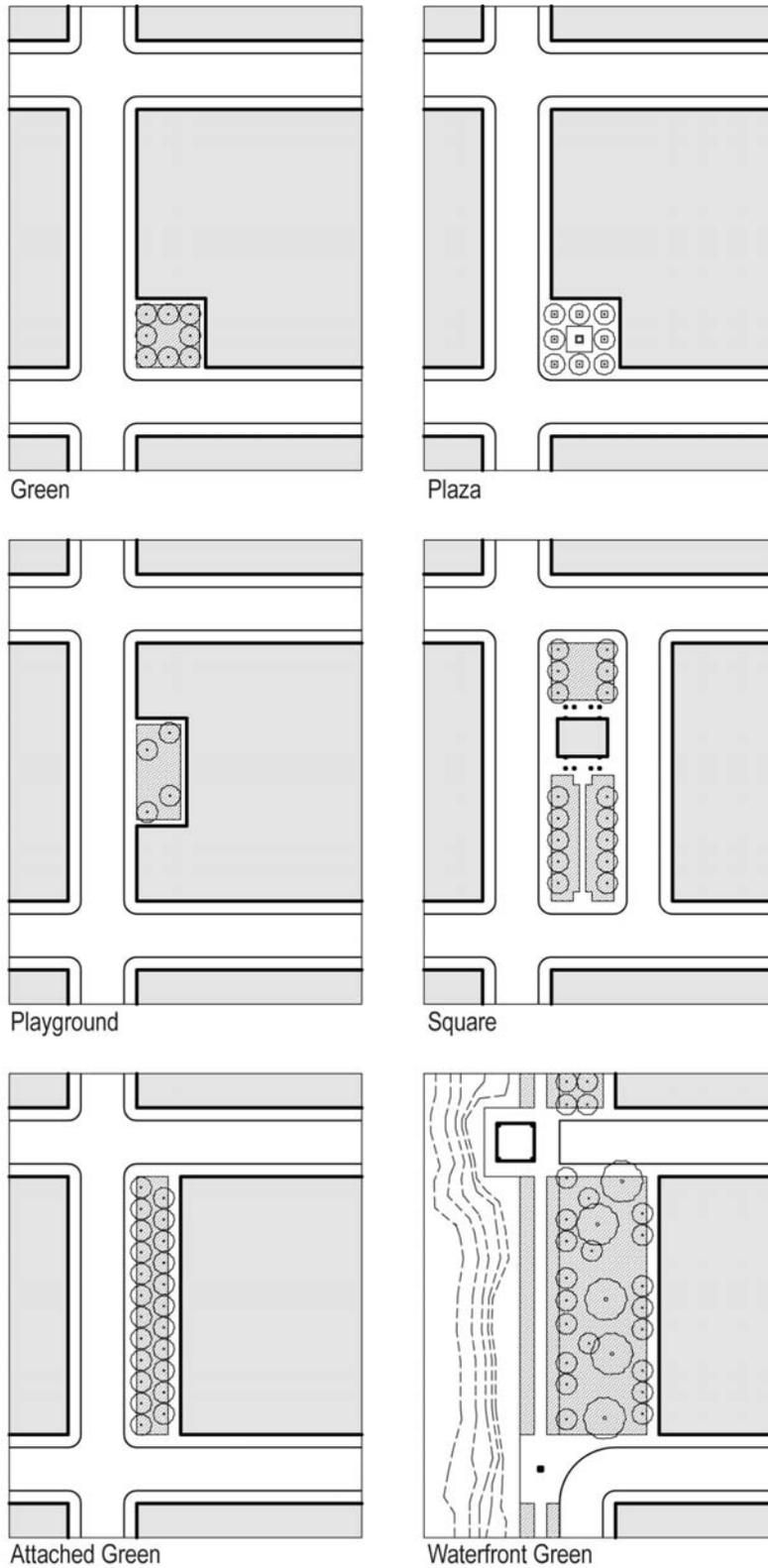
(G) **Civic Open Spaces.** Civic open spaces are privately maintained outdoor spaces which are accessible by the general public, improve the pedestrian environment, are aesthetically pleasing, and serve as an amenity for the city as a whole as well as for occupants of the building which the open space serves.

(1) **Amount Required.** On sites 40,000 square feet or more in size, new buildings or additions of gross floor area equal to 20 percent or more to existing buildings, shall provide at least five percent (5%) of the size of the site for civic open space. Dedicated rights-of-way and required building setbacks do not count toward fulfilling the required amount.

(2) **Types of Civic Open Spaces.** Civic open space shall be designed as one of the following types:

- (a) **Green.** A green is at least 2,000 square feet in size and adjoins streets on at least two sides or a pedestrian passageway and a street. 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 2,000 square feet in size and adjoins streets on at least two sides or a pedestrian passageway and a street. 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 3,000 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 laws 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 Section 4.3.3 (D)).

Figure 4.4.13-28 - Civic Open Spaces



- (3) **Configuration.** Civic open spaces shall be configured as follows:
- (a) The civic open space shall adjoin a street front property line for no less than 30 linear feet.
 - (b) Except for attached greens, civic spaces shall have a proportion so that the depth is no more than 2.5 times the width, and the width is no more than 5 times the depth;
 - (c) 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.
- (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;
 - (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 open to the sky; however, open-air garden structures such as gazebos or band shells are permitted within civic open spaces;
 - (e) Landscaping shall be arranged in a manner reflective of the type of civic open space. One shade tree per 20 feet of perimeter of the space is required. Trees may be arranged in regular spacing or in informal clusters, depending on the type of open space. Trees shall be installed to provide shade along walkways and for benches. Substituting shade trees for multiple palm species is not permitted; however, adding palms to the landscape design is permitted.
 - (f) Each civic open space shall provide the following street furniture elements, specifications subject to approval by the City of Delray Beach:
 - 1. 1 bench per 350 square feet of area;
 - 2. 1 drinking fountain;

3. 1 bicycle rack with no less than four spaces;
 4. 1 trash receptacle;
 5. 1 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 prior to issuance of a certificate of occupancy for the building(s) for which the open space is required.

SECTION 4.4.13 (H)

DRAFT: 8/8/14

(H) **Height and Density Bonus Program:** In order to encourage residential uses, a variety of civic open spaces, and sustainable building practices within the downtown area, opportunities to increase height and/or density are offered in the CBD, in accordance with the scale of each CBD Sub-district. This section replaces the standards in Section 4.3.4.(J)(4)(b).

(1) **Height Increases.** Building height may be increased to a maximum of five (5) stories and 60 feet subject to the Performance Standards set forth in Section 4.4.13(H)(3) on all property located within the Central Core Sub-district, except for those located within the Old School Square Historic Arts District (OSSHAD) or any portion within 150 ft. of any zoning district which has a maximum height limit of 35 ft., measured from the property line of the CBD property. Building height may not be increased above four (4) stories and 54 feet in the Beach, West Atlantic Neighborhood, or Railroad Corridor Sub-districts.

(2) **Density Increases.** The maximum density allowed may be increased in each CBD Sub-district in the locations described below and mapped on the Regulating Plans in Section 4.4.13(B). The maximum permissible density of a particular project is limited by the maximum density in Table 4.4.13(C) and by the regulations in this code that direct building form, story and building height, uses, open space, streetscape design, and parking. Additional Performance Standards are set forth in Section 4.4.13(H)(3). The approving body may deny an application for increased density where it is determined that the proposed project is not compatible in terms of building mass and intensity of use with surrounding development.

- (a) Density may be increased over 30 du/ ac in the Central Core on property located south of NE 2nd Street and north of SE 2nd Street, excluding properties with frontage on Atlantic Avenue or located within OSSHAD.
- (b) Density may be increased over 30 du/ac in the Railroad Corridor on property located west of the FEC Railroad, north of NE 2nd Street, and south of NE 3rd Street.
- (c) Density may be increased from 12 du/ac to 30 du/ac within the West Atlantic Neighborhood Sub-district.
- (d) Density may not be increased within the Beach Sub-district over 12 du/ac.

(3) **Performance Standards for Height and Density Bonuses.** Projects which propose to increase height and/or density from the base amount allowed in the CBD Sub-district shall meet the following standards:

- (a) An increase in height from four stories to five stories is permitted to accommodate office or residential uses only within the bonus story.

SECTION 4.4.13 (H)

DRAFT: 8/8/14

- (b) For residential use, workforce housing units, equal to at least twenty percent (20%) of the number of residential units within the bonus story or twenty percent (20%) of bonus density, whichever is greater, shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 (fractions shall be rounded up). The workforce housing units shall be at the low or moderate income levels and shall comply with other applicable provisions of Article 4.7.
- (c) For residential use, 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 twelve (12) dwelling units, the proportion of efficiency or studio type units may not exceed 25% of the total units. There is no maximum percentage established for projects having twelve (12) or fewer units, however, a mix of unit types and sizes is encouraged.
- (d) Sites larger than 40,000 square feet shall provide at least 7.5% of the site as civic open space in accordance with the standards set forth in Section 4.4.13(G). In addition, a focal point, such as a water feature or public art shall be provided. To encourage infill redevelopment, sites smaller than 40,000 square feet in size may utilize the bonus program without providing civic open space.
- (e) The project shall have a unified architectural character and strictly adhere to the CBD Architectural Design Guidelines.
- (f) The project shall provide the following green (or sustainable) building practices under the oversight of the City's Sustainability Officer:
 - 1. The development shall install only ENERGY Star and WaterSense certified products;
 - 2. Implement a construction and demolition waste management plan to recycle or salvage at least 50% of construction and demolition waste; and,
 - 3. One of the following:
 - a. A designation and/or certification from the Florida Green Building Coalition of one of the following:
 - 1. Florida Water Star Program
 - 2. Green Commercial Building
 - 3. Green High-rise Residential

- 4. Green Development
 - 5. Green Home
- b. Implement a storm water management plan to capture, treat, and reuse storm water on site; or
 - c. Incorporate on-site renewal energy sources (photovoltaic cells).
- (g)

(4) Approval Process for Height and Density Bonuses.

- (a) Applications to utilize the Height and Density Bonus Program will be reviewed as a Class V site plan by the SPRAB for compliance with the regulations in this code that direct building form, story and building height, uses, open space, streetscape design, and parking spaces; the performance standards; and, the Delray Beach Architecture Design Guidelines. The SRAB will make a recommendation to the City Commission and the City Commission will take final action to approve or deny applications for development under the Height and Density Bonus Program.
- (b) Applications must include, in addition to the standard application items of 2.4.3(A), a site and development plan (including landscaping, elevations, and floor plans) that are of sufficient detail to determine that the applicable development and performance standards are being met.
- (c) Projects are not eligible to use the Height and Density Bonus Program if waivers are requested from the following standards:
 - 1. Minimum sidewalk width (Section 6.1.3) or minimum front setback that results in less than the minimum streetscape standards set forth in Section 4.4.13(E)(2)).
 - 2. Any development standards that would result in parking or large expanses of blank walls along Primary Streets.

(I) **CBD Parking Standards**

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

(2) **Minimum Number of Off-Street Parking Spaces.**

(a) The minimum number of parking spaces required in Section 4.6.9(C) “Number of Parking Spaces Required” is modified by this section for use in the CBD; Table 4.4.13(L) identifies the minimum number of off-street parking spaces required per use and location.

1. The Atlantic Avenue Parking District is mapped on the Central Core Regulating Plan.

Table 4.4.13(L) Minimum Number of Off-street Parking Spaces Required in the CBD	
Commercial Uses	
Hotels/Motels ¹	1 space per 4 guest rooms plus 1 space per 800 sf. of restaurant, meeting rooms, and shops
Professional Office	1 space per 500 sf. of net floor area
Retail, Restaurant, and Commercial Uses	1 space per 500 sf. of gross floor area
Restaurants and lounges ¹ 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	
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	.3 spaces per unit
Live/Work Units	2 spaces per unit
Alternate Fuel Parking Spaces	
Residential	1 space per 10 units
Commercial	3% of Parking Spaces
¹ Restaurants and lounges within hotels or motels located within the Atlantic Avenue Parking District shall use the district's required parking for those uses	

2. Alternate Fuel Parking spaces are spaces provided on-site, clearly marked with adjacent charging stations for vehicles using an alternative fuel to gasoline (i.e. electric charging stations for electric vehicles).
- (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 ~~either~~ new development, or 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.
 - (d) Existing buildings located outside of the Atlantic Avenue Parking District are not required to provide additional parking resulting from a change in use, without the creation of new floor area, are not provided to provide additional parking.
 - (e) Properties located outside of the Atlantic Avenue Parking District with less than 55 feet of street frontage are not required to provide off-street parking.
 - (e) Properties located outside of the Atlantic Avenue Parking District and within 750 feet of a public parking garage or the Planned Tri-Rail Coastal Link station (See Regulating Plan) are not required to provide additional parking resulting from a change in use within an existing building.
 - (f) Properties located outside of the Atlantic Avenue Parking District and within 750 feet of a public parking garage or the Planned Tri-Rail Coastal Link Station (See Regulating Plan) may opt to use the in-lieu fee option provided in Section 4.6.9(E)(3) up to 50% of the required off-street parking amount.
 - (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). [
- (3) **Location and Access to Off-Street Parking.** Parking and service areas shall be accessed and located at the rear or side of the building(s) whenever possible.
- (a) **Location**
 1. Parking is not permitted in front setbacks or in side setbacks facing streets, parks, or civic open spaces.
 2. On Primary Streets all parking lots shall be located to the rear of buildings. The SPRAB can approve alternative locations where parking in the rear is inappropriate or impossible and may require

special perimeter treatments to protect and improve the pedestrian experience along the street.

3. On Secondary Streets, parking lots may also be located on the side of buildings provided the parking is screened from view of the street by a streetwall (See Section 4.4.13(F)(7)) and landscaping as set forth in Section 4.6.16(H).
4. On Primary Streets, parking garage levels shall be lined by another use permitted on Primary Streets for at least 20 feet of depth. (See Section 4.4.13(C)). On Secondary Streets, parking garage levels not lined by another use shall be screened by a building façade that meets the architectural requirements in Section 4.4.13(F).
5. Offsite parking arrangements may be provided in lieu of providing on-site parking as set forth in Section 4.6.9(E)(5), except that the other property must be located within seven hundred and fifty (750'), measured along the closest pedestrian route between nearest building entrance and nearest pedestrian garage entrance.
6. If the required parking is not or cannot be provided on-site or off-site, the in-lieu fee option provided in Section 4.6.9(E)(3) may be applied.
7. Within Townhouse and Townhouse type developments, parking may be provided in front of garage units provided that such parking does not result in the space for one unit impeding access to a space of the other unit.

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

1. On Primary Streets, alleys and Secondary Streets, when present, shall be the primary source of vehicular access to off-street parking. Alleys may be incorporated into parking lots and garages as standard drive aisles and vehicles may back out onto alleys. Access to all properties adjacent to the alley shall be maintained.
2. When neither alleys nor Secondary Streets are present, primary vehicular access may be from a Primary Street. In the instance that site constraints necessitate access from a Primary Street, and the provision of an access drive precludes meeting the minimum building frontage percentage required, the Planning and Zoning Director may administratively allow a reduction from the minimum building frontage in order to allow vehicular access to the site.

SECTION 4.4.13 (I)

DRAFT: 8/8/14

3. When an alley is not present, 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 development order. When adjacent property develops, a reciprocal cross-access agreement 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 on a block face shall provide a pedestrian/bicycle passageway at least 10 feet wide connecting rear alleys and/or parking to the sidewalk area.
6. Public sidewalks may not be interrupted or deviated to accommodate drop-off or valet parking.

(4) **Bicycle Parking and Facilities.** Bicycle parking and facilities shall be provided within the CBD Sub-districts.

(a) **Minimum Number of Bicycle Parking Spaces.** Table 4.4.13(M) identifies the minimum number of bicycle parking spaces required per use.

1. All non-residential uses over 2000 square feet shall provide at least one bicycle space.
2. For mixed use projects, both the non-residential and residential requirements shall be provided.

Table 4.4.13(M) Minimum Number of Bicycle Parking Spaces Required in the CBD	
Commercial Uses	
Hotels/Motels	1 space per 10 guest rooms plus 1 space per 5,000 sf. of restaurant, meeting rooms, and shops
Professional Office <50,000 sf.	1 space per 2500 sf. of net floor area
Professional Office >50,000 sf.	1 space per 2500 sf. of net floor area; 50% in lockers or inside storage area plus shower facilities
Retail, Restaurant, and Commercial Uses	1 space per 5,000 sf. of gross floor area
Residential	
Residential < 50 units	1 space per 2units
Residential > 50 units	1 space per 2 units; 50% in lockers or inside storage area
Live/Work Unit	1 space per 2 units
Townhouses and Single-family Homes	-

(b) **Design and Location.**

1. Employee and resident bicycle parking facilities shall be highly visible to the intended users within a location shown on the site plan that meets the following standards;
 - a. Provided in a safe, accessible and convenient location. The facilities for employee, resident, and visitor bicycle parking must be highly visible from a building entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance to ensure oversight. The Planning and Zoning Director shall review the location, design, and details of the bicycle spaces as part of the site plan review.
 - b. Located within 300 feet of the main building entrance.
 - c. Does not encroach into the minimum streetscape area (see Section 4.4.13(E)(2)).
2. **Shower Facilities.** Offices greater than 50,000 square feet shall at least provide one shower and changing facility per gender. The

SECTION 4.4.13 (I)

DRAFT: 8/8/14

changing facility shall be installed adjacent to showers in a safe and secured area.

3. Residential condominium covenants shall not prohibit the storage of bicycles inside individual dwelling units.

(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 six inches in width provided on-street parking is incorporated in the cross-section and with approval by the City Engineer. Alleys in the CBD may have travel lanes ten feet in width.

(b) Streets and alleys may not be vacated or closed to accommodate new development.

(c) 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 at least two separate access points for entry and exit in the block. Dead-end service courts are not permitted. In order to meet the City's sustainability goals, alleys that are improved as a result of redevelopment shall use pervious surfacing.

(2) **Analysis of Traffic Circulation and Access Points**. To minimize impacts and coordinate traffic circulation, a professional study that analyzes options for internal traffic circulation and distribution to the external street network shall be provided for proposed development that meets one of the following criteria:

(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.

(K) CBD Review and Approval Process:

(1) In established structures, uses shall be allowed therein upon application to and approval by the Chief Building Official for an occupational license.

(2) **Site Plan Review and Appearance Board (SPRAB)**. For any new development, approval must be granted by the Site Plan Review and Appearance Board (SPRAB) pursuant to Sections 2.4.5(F), 2.4.5(H), and 2.4.5(I), unless the property is located within a designated historic district or is individually designated.. In addition, the SPRAB has the following authority within the CBD:

(a) Modification of building frontage and setback requirements in order to accommodate civic buildings such as libraries, cultural facilities, municipal buildings, etc. on properties that are not located within a Historic District, Individually Designated Sites as listed on the Local Register of historic Places in Section 4.5.1(I).

(b) Determination of compliance with the Delray Beach Architectural Design Guidelines. SPRAB may approve 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 Delray Beach Architectural Design Guidelines.

(c) Determination of compliance with the Performance Standards of the Height and Density Bonus Program and provide recommendations of approval or denial to City Commission of requested increases in height and 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 commercial and residential areas.

(e) Determination that desirable connectivity between properties and/or links identified on the Adopted Bicycle and Pedestrian Master Plan are achieved on the site plan.

(f) Approval of alternative parking configurations for sites located on Primary Streets where parking in the rear is inappropriate or impossible. The SPRAB may require special perimeter treatments to protect and improve the pedestrian experience along the street.

(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 Section 2.2.6(D).. The Historic Preservation Board may modify the building frontage requirements in order to accommodate civic buildings such as libraries, cultural facilities, municipal buildings, etc.

(4) **West Atlantic Redevelopment Coalition (WARC)**. Projects located within the West Atlantic Neighborhood Sub-district shall be reviewed by the WARC for consistency with the Development Standards and compliance with the CBD Architectural Design Guidelines prior to review by the SPRAB.

(5) **Pineapple Grove Design Review Committee**. Projects located within the boundaries of the Pineapple Grove Neighborhood Plan, as mapped on the Central Core and Railroad Corridor Sub-districts Regulating Plans (See Section 4.4.13(B)), shall be reviewed by the Pineapple Grove Design Review Committee for consistency with the Development Standards and compliance with the Pineapple Grove Neighborhood Plan prior to consideration by SPRAB.

(6) **DDA and CRA**. All development applications which are processed through the Planning and Zoning Board, SPRAB, or HPB shall be referred to the Downtown Development Authority and the Community Redevelopment Agency prior to action by the approving body.

(7) **Conditional Uses**. Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E). In addition, the following regulations apply:

(a) **Drive-Through Facilities**.

1. Drive-in or drive-through restaurants are not permitted within the West Atlantic Neighborhood Sub-district or on Primary Streets within the other CBD Sub-districts.
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 4.4.13-30. No more than eight dispensing locations are permitted.
2. The shop shall have the primary entrance facing and directly accessible from the street; an additional entrance facing the parking lot is permitted.
3. Gasoline Stations may be one story in height.

Figure 4.4.13-30



(c) **Wash Establishments.** Wash establishment, with automatic/mechanical systems only, for vehicles, except that such use 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 sq.ft.

(d) **Additional Application Requirements.** Applications for conditional use approval pursuant to Section 4.4.13(I) must include, in addition to the standard application items of 2.4.3(A), a site and development plan (including landscaping, elevations, and floor plans) that are of sufficient detail to determine that the applicable performance standards are being met. Final approval of the detailed site plan is by the Site Plan Review and Appearance Board.

(e) **Modifications.** The process for modification of a conditional use and site plan approved pursuant to Section 4.4.13 (I) is as follows:

1. Modifications to any aspect of the plan that was a basis for determining compliance with the applicable performance standards shall be processed as a modification to the conditional use approval.
2. Modifications to the plan that do not affect the application of the performance standards may be processed as a site plan modification.

(8) **Limitations on Waivers.** Waivers are considered pursuant to Section 2.4.7(B).

(a) **Building Height Waivers.** Waivers to increase the number of stories of a building are not permitted.

(b) **Front Setback Waivers.** Waivers to decrease the minimum front setback depth are not permitted if the reduction would result in a streetscape that does not meet the minimum requirements of Section 4.4.13(E)(2).

(c) **Sidewalk Width Waivers.** Waivers to decrease the minimum sidewalk width are not permitted in the CBD. .

* * * * *

Amendments to Section 4.6.9(E)

Added text is underlined and deleted text is ~~struck through~~.

(c) All proceeds from such a fee shall be used for parking or pedestrian/bicycle infrastructure purposes.

[Amd. Ord. 64-93 11/23/93, Amd. Ord. 14-93 2/9/93]

* * * * *

Amendments to Section 6.3.3(F)

Added text is underlined and deleted text is ~~struck through~~.

(5) Sidewalk café operators shall maintain a clear pedestrian path of a minimum of ~~five~~ six feet (~~5~~6') at all times. The ~~five~~ six foot (5'6') clear pedestrian path shall be parallel to the street and/or alley. In the event a ~~five~~ six foot (~~5~~6') 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 ~~five~~ six foot (~~5~~6') clear pedestrian path commencing from the edge of the impediment closest to the building façade for a distance of ~~five~~ six feet (~~5~~6') towards the building. In areas of higher pedestrian traffic or activity or if conditions are such that additional clearance is required to assure safe pedestrian travel, additional clear space shall be required. A clear pedestrian path greater than ~~five~~ six feet (~~5~~6') may be required on sidewalks with an adjacent traffic lane. Sidewalk cafés permits approved prior to [date of this ordinance] the six foot wide pedestrian path requirement may operate under the dimensions of the approved permit.

[Amd. Ord. 5-05 3/1/05]