Downtown Master Plan Update
Code Revision Case No. 26-04 (formally known as CRC No. 26-03)
Amendment to Article IV-Downtown Master Plan of the Zoning and Land Development Regulations

Location Map

CITY OF WEST PALM BEACH
PLANNING BOARD
October 20, 2026

Downtown Master Plan Text Amendments and Rezoning
Code Revision Case No. 26-04

I. REQUEST

Code Revision Case No. 26-04: A City-initiated request for a text amendment to Chapter 94 of the City's Code of Ordinances (Zoning and Land Development Regulations), Article IV-Downtown Master Plan Urban Regulations to provide for an updated vision of the area and address the new conditions and changes since the last Master Plan update adopted in 2007-2009.

The amendments and rezoning would apply to the properties located within the DMP boundaries, which is generally bounded by Palm Beach Lakes Boulevard to the north, Okeechobee Boulevard to the south (and including the Convention Center and Howard Park), the Intracoastal Waterway to the east, and Australian Boulevard and the CSX Railroad to the west, within Commission District No. 3 – Commissioner Christy Fox.

II. RECOMMENDATION

CRC Case No. 26-03: APPROVAL - Based on the finding that the petition meets all eight of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations:

1. Consistent with all elements of the Comprehensive Plan.
2. Changed conditions that require an amendment.
3. Conformance with the City Development Code.
4. Consistent with existing and proposed land use.
5. Does not exceed capacity of public facilities.
6. Does not result in significant adverse impacts on the natural environment.
7. Does not adversely affect property values in the area.
8. Results in an orderly and logical development pattern.

III. BACKGROUND AND ANALYSIS

A. Downtown Master Plan Update

The City of West Palm Beach (City) adopted its first Downtown Master Plan (DMP) in 1995 with a subsequent update occurring in 2007-2009. It has been almost 20 years since the City last reviewed the DMP and, given the substantial growth experienced over the past ten years that has accelerated and created profound changes in the character and scale of development of the downtown, it is an appropriate time to evaluate the zoning regulations in place to determine what changes may now be warranted.

The 1995 original DMP was prepared with the assistance of the consultant firm of DPZ (Duany Plater-Zyberk) and adopted by the City Commission in December 1995, with the intent to provide a 24-hour, live, work, and play environment for the City. The goals of the DMP were to provide a unified vision of a downtown inspiring confidence and encouraging new development, without waiting for the next real estate boom.

In 2007, the firm Zyscovich, Inc. was selected to complete the subsequent update and a new DMP was adopted in 2009. The firm introduced districts and subdistricts, street classifications, and building envelope regulations with maximum assigned development capacities for each parcel. The plan evaluated land uses and tested zoning standards to create a regulatory framework aligned with Downtown's evolving patterns, providing specific guidance for the construction of a mixed-use downtown, friendly to multimodal transportation and with a high quality of life standards.

The 2007/2009 Downtown Master Plan update has been in place for almost 20 years, and it has successfully guided the incredible redevelopment of downtown. However, the rapid pace of private development, increasing public investment, and the changing conditions of the downtown area require a re-evaluation of the structure in place.

Since February 2025, the City of West Palm Beach, together with the consulting firm Zyscovich Inc, has been preparing a comprehensive update to the Downtown Master Plan (DMPU). This update sets a forward-looking vision for Downtown, ensuring its sustainability and success for future generations while carefully considering and evaluating past planning efforts and studies. The DMPU establishes a 25-year vision for Downtown West Palm Beach, where residents live in vibrant neighborhoods, actively participate in economic growth, and where significant resources, including the waterfront, can thrive.

According to Bernard Zyscovich, leading principal of Zyscovich Inc., Downtown West Palm Beach stands at a crossroads. It is increasingly seen as a national model for urban revitalization, but also as a city with widening gaps in affordability, access, and equity. Some districts are thriving while others still face disinvestment, safety concerns, and infrastructure neglect. This is a downtown with uneven momentum, growing fast in some areas, and still waiting for meaningful change in others. A review of the current framework is needed to ensure the downtown moves in the right direction.

The consultant's approach in the DMPU, is centered in placemaking as the framework that connects every project and policy to the human experience. It repositions streets as social spaces, housing as a foundation of stability, and open space as vital civic infrastructure.

Placemaking is operationalized through four interdependent elements:

- Character & Preservation: Honoring and evolving neighborhood identity.
- Mobility & Transportation: Designing streets for safety, access, and comfort.
- Community Development: Expanding housing, services, and local economic opportunity.
- Open Space & Resiliency: Providing equitable access to parks, green infrastructure, and climate ready design.

Within the boundary of the DMP, there are 14 planning districts, each with distinct conditions and character. The consultant conducted detailed analyses of all 14 districts. These districts profiles evaluated existing land use, development patterns, mobility connectivity, infrastructure readiness, and cultural and historical assets. This comprehensive approach ensures that planning strategies and proposed updates are rooted in each neighborhood's unique conditions and needs, rather than applying a one-size-fits-all approach.

B. Public Engagement

The Downtown Master Plan Update (DMPU) was shaped through a robust and inclusive public engagement process that placed community voices at the center of planning. From the beginning, the City and planning team committed to developing a plan not simply for the community, but with the community, recognizing that the success of Downtown West Palm Beach depends on aligning civic vision with the lived experiences of those who call it home, work there, or invest in its future.

The engagement process was designed to reflect the diversity of Downtown's stakeholders, including longtime residents, small businesses, cultural institutions, and community-based organizations. Their insights were critical to shaping a vision rooted in equity and grounded in place.

The consultant in collaboration with the city, approached engagement as a continuous dialogue, not a one-time input exercise, adapting strategies throughout the process to respond meaningfully to community feedback. To support this inclusive and iterative approach, a flexible, multimodal engagement framework was developed that emphasized accessibility, transparency, and trust-building. Key features of the strategy included:

- A blend of virtual and in-person events to broaden participation across time and geography
- Partnerships with local organizations to engage renters, and residents of historically disinvested areas
- Walking tours and neighborhood site visits to foster informal, place-based conversations
- Digital surveys and open-comment tools that allowed for ongoing, asynchronous feedback from a broad audience

This layered engagement model helped illuminate challenges, elevate priorities, and ensure that the community's values shaped not only the content of the plan, but also its structure and implementation strategies.

The DMPU engagement process blended civic leadership, community input, interagency coordination, and technical expertise. These efforts formed the first phase of public engagement and are grouped into the following categories:

- Leadership Engagement: Individual sessions and workshop with the Mayor and each City Commissioner ensured that district specific priorities were reflected in citywide recommendations. These meetings emphasized equitable investment, housing diversity, and neighborhood preservation.

The Steering Committee, composed of residents, community leaders, and technical experts, met at key milestones to review public feedback, evaluate the planning framework, and discuss regulatory considerations. These sessions shaped recommendations related to transit infrastructure, open space governance, neighborhood connectivity, and public-private partnerships.

A joint work session also took place with the Downtown Action Committee and the Planning Board.

- Technical Coordination: Multiple working sessions were held with the Planning Division to review existing zoning overlays, discuss regulatory inconsistencies, and evaluate potential changes. These meetings directly informed proposed zoning refinements and supported alignment with the Comprehensive Plan.

Mobility and Transit professionals were engaged through the process. Business and development leaders contributed perspectives on traffic demand management strategies, including shared parking, flexible pricing, and enforcement technologies, as part of a broader dialogue on mobility fees. Meetings with the City's Mobility and Parking team were held to coordinate ongoing mobility plan to ensure consistency in goals, particularly around multimodal network gaps, and

prioritization of infrastructure investments. Discussions with the WPBgo team addressed shuttle loop enhancements, last-mile connections from Brightline and Tri-Rail, and the importance of real-time data sharing to improve user experience. Regional coordination with the Palm Beach Transportation Planning Agency (TPA) informed planning around the Okeechobee corridor, long-range network development, and integration of future transit modes, including BRT and potential light rail.

-Stakeholder Engagement: Stakeholder meetings discussions with advocacy groups, institutions, and neighborhood-based organizations offered critical insight into local values, community priorities, and policy directions. Key stakeholder perspectives included the Historic Northwest Neighborhood (HNW), the Downtown Neighborhood Association (DNA), the Community Foundation, several walking tours with city and stakeholder groups, and developers and real state representatives.

-Visioning Series: A three-part Visioning Discussion Series, each addressing a foundational pillar of the Master Plan: Vision & Economics, Transportation & Mobility, and Downtown Placemaking were held. These large-format public meetings combined expert insight with facilitated community discussion. Public Q&A sessions were hosted at the Visioning Discussion Series, allowing for direct dialogue between residents and planners. Followed by a fourth Visioning Discussion session held at the end of 2025 with the intention of having a community conversation around the vision and recommendations proposed by the consultant.

-Online engagement: Digital and in-person surveys played a key role in expanding access and ensuring ongoing dialogue throughout the Downtown Master Plan Update process. A dedicated project website served as a central hub for information, updates, and public feedback. The planning team supported this digital outreach with a coordinated communications strategy that included email newsletters, flyers, social media content, and marketing graphics. These materials were shared broadly across digital and physical networks to maximize visibility and participation.

-Community Surveys: Community surveys served as a critical tool for collecting input from a broad cross-section of the Downtown stakeholders. Surveys were designed to be accessible on mobile devices, tablets, and computers, and were promoted both online and at public events. Surveys were integrated into Visioning Discussions as real-time interactive tools, allowing participants to respond live to questions related to housing, economic development, transportation, and land use. These same surveys were later made available online via the project website to extend participation beyond the live events.

The engagement process revealed consistent themes and community priorities that shaped the DMPU. These themes were raised across one-on-one interviews, stakeholder meetings, visioning discussions, surveys, and community walking tours. The consistency of this feedback provided a strong foundation for zoning refinements, mobility strategies, and district-level planning.

a. Housing Affordability and Displacement

Across engagement sessions, particularly in the Historic Northwest and during the first Visioning Discussion Series, concerns about affordability and displacement were widespread. Stakeholders

emphasized the risk of longtime residents being priced out due to rising land values and speculative development. Community members advocated for regulatory tools that support long-term affordability, community land ownership models, and new housing typologies, including accessory dwelling units (ADUs) and modular housing.

b. Walkability, Shade, and Connectivity

Many participants identified walkability as both a core value and a critical challenge. During walking tours and visioning discussions, residents and staff noted areas with poor pedestrian conditions, missing crosswalks, narrow sidewalks, limited shade, and lack of seating. These observations were echoed by multiple departments during interagency coordination. Areas surrounding schools and transit stops were called out as needing urgent improvement.

c. Zoning Flexibility and Retail Vitality

Property owners and small businesses frequently cited limitations in current zoning that hinder activation, retail diversity, and mixed-use reinvestment. In particular, feedback during Downtown Development Authority (DDA) and Downtown Neighborhood Association (DNA) discussions underscored the need for curated retail strategies, flexible building form standards, and support for local entrepreneurship. Business stakeholders also voiced a desire for alleyway enhancements, live/work zoning tools, and loosened ground-floor restrictions to enable emerging business models.

d. Transit Access and Wayfinding

Feedback from staff and community members consistently pointed to challenges with last-mile transit connections and lack of clear signage. The WPBgo team emphasized the importance of shuttle loop refinements, while developers and residents both raised the issue of fragmented connections to Brightline and Tri-Rail. Participants noted that confusing signage and inconsistent branding limited use of existing transit services.

C. Approval Process

After the first phase of the public engagement process was completed and the plan was drafted based upon the input received, the city started the formal approval process and the second phase of community input. A significant amendment to a regulatory document, such as the proposed DMPU, requires a structured approval process that includes review by the Downtown Action Committee (DAC), Historic Preservation Board (HPB), and Planning Board (PB), followed by two readings before the City Commission. Additionally, review by several state agencies is required for the proposed changes to the Comprehensive Plan.

An essential component of the approval process is obtaining feedback from the DAC and PB, whose members represent industry professionals and the downtown community, as well as gathering input from additional stakeholders through public comments during public hearings and direct communication with City staff.

On May 13, 2026, City staff started the approval process for the DMPU and presented the proposed amendments to the DMP, through CRC No. 26-04 (formally CRC No. 26-03), to the DAC for

review. The subject amendments consisted of the update to the Zoning and Land Development Regulations, Article IV- Downtown Master Plan Urban Regulations based on the recommendations of Zyscovich Inc. The board reviewed the proposed amendments and recommended approval (7-0).

The changes proposed to the Northwest Neighborhood District, and its historic district, were presented to the HPB on May 27, 2026, where the board recommended approval (7-0).

During the public hearings, staff received comments from residents regarding the proposed amendments. The main topics of discussion or concern were:

1. Does the city have the infrastructure capacity to manage the accelerated rate of growth currently being experienced within the city?
2. Can the downtown roadway network handle current and future development?
3. Protection of Flagler Drive and the downtown waterfront.

Considering some of the concerns raised by the public extended beyond the DMPU itself, on July 6, 2026, the West Palm Beach Mayor Keith James announced a new collaborative engagement process through the creation of the Neighborhood Partnership Network (NPN). The NPN is composed of neighborhood representatives and intends to strengthen communication between the city and its neighborhoods. The initiative builds upon the City's ongoing public engagement efforts by bringing together neighborhood association representatives and city staff to review planning information, ask questions of technical experts, and provide additional feedback on plans. Four working sessions have taken place between city staff and the NPN to specifically discuss technical information, such as utility capacity and traffic, the development process, and to address the concerns raised after the May 13, 2026, DAC hearing. Weekly meetings have also occurred to further address resident inquiries or concerns and strengthen the line of communication between the city and the neighborhood associations.

On August 24, 2026, a Mayor-Commission work session took place on the topic of city infrastructure. The presentation included information regarding the city's long range planning process and the existing infrastructure plans, the discussion ensured and emphasized the city's ability to provide services to current and future residents. Information from this work session was also presented during the September 9, 2026, DAC hearing and September 15, 2026, PB hearing.

On September 9, 2026, City staff presented to the DAC a summary of the main revisions proposed under Article IV.- Downtown Master Plan Urban Regulations in response to the ongoing community feedback. During this hearing, City Staff also presented the amendments proposed to the City's Comprehensive Plan, Element 12- Downtown Master Plan, through PB Case No. 2038, in which the DAC voted (3-1) recommending approval to the City Commission.

Furthermore, on September 15, 2026, City staff presented to the Planning Board the amendments proposed to the City's Comprehensive Plan, Element 12- Downtown Master Plan, through PB Case No. 2038, in which the board voted (7-0) recommending approval to the City Commission. During the hearing, City staff provided a summary of the main revisions proposed under Article IV.- Downtown Master Plan Urban Regulations for discussion purposes only.

October 6, 2026, Open House

Since the September public hearings, the City held an additional Community Open House on October 6, this meeting was attended by 102 community members who directly engaged in conversations with City staff regarding the DMPU recommendations and other City-wide issues such as: traffic congestion, construction, and infrastructure. The primary discussion topics raised by the community included:

- Concerns over proposed parking reductions
- Limitations regarding five-story development along the Flagler Waterfront
- Clarifications about regulations that apply to the City Place District within the Development of Regional Impact (DRI)
- Noise and traffic disruptions during construction
- Traffic issues or congestion associated with the impacts of new development were also raised by residents from other city neighborhoods, such as Northwood, Currie Park, Mango Promenade, and Grandview Heights.

On October 6, 2026, City staff also received a letter from the Grandview Heights Neighborhood Association and the West Palm Beach Neighborhood Alliance with comments regarding the Downtown Master Plan. A separate letter was submitted by the members of the Neighborhood Partnership Network (NPN) with a series of recommendations. Both letters are included in **Attachment I.**

After receiving recommendations from the PB on October 20, 2026, the Comprehensive Plan Amendments (PB Case No. 2038/Ord. No. 5185-26) will be presented to the City Commission on

October 26, 2026, for approval. If approved by the City Commission, the proposed changes to the Comprehensive Plan will be transmitted to the applicable State departments for review and comment. During the City Commission hearing on October 26, 2026, the recommendations to the DMP Zoning Regulations (CRC No. 26-04) will also be presented for discussion purposes only. The 1st Reading of the DMP Zoning Regulations (CRC No. 26-04) will be presented to the City Commission once the city receives approval from the State of Florida for the proposed changes to the Comprehensive Plan, with public hearing tentatively scheduled within February 2027.

III. SUMMARY OF REVISIONS

The proposed text amendment for the DMPU primarily focuses on Article IV, which includes the body of the zoning regulations for the Downtown Master Plan area. The structure and organization of the article remain the same and a substantial portion of the regulations have not been amended. The full language of the proposed code is included in **Attachment II**.

A summary of the main updates to the regulations are as follows:

1. **Development capacity:** The proposed DMPU works under the premise that the base development capacity for the downtown is maintained and any increases in development capacity are achieved through special incentives linked to specific public benefits.

   The only cases where the base development capacity is proposed to be modified are the three specific proposed rezonings below:

   a. DAC Case No. 26-01: Rezoning of the property located at 901 N Flagler Dr from the Providencia Park District-Professional Office (PPD-PO) subdistrict to the Loftin District-5 (LD-5) subdistrict. A separate report is available for DAC Case No. 26-01. This Case was presented to DAC on May 13, 2026, and a recommendation for approval was made with a (7-0) vote.

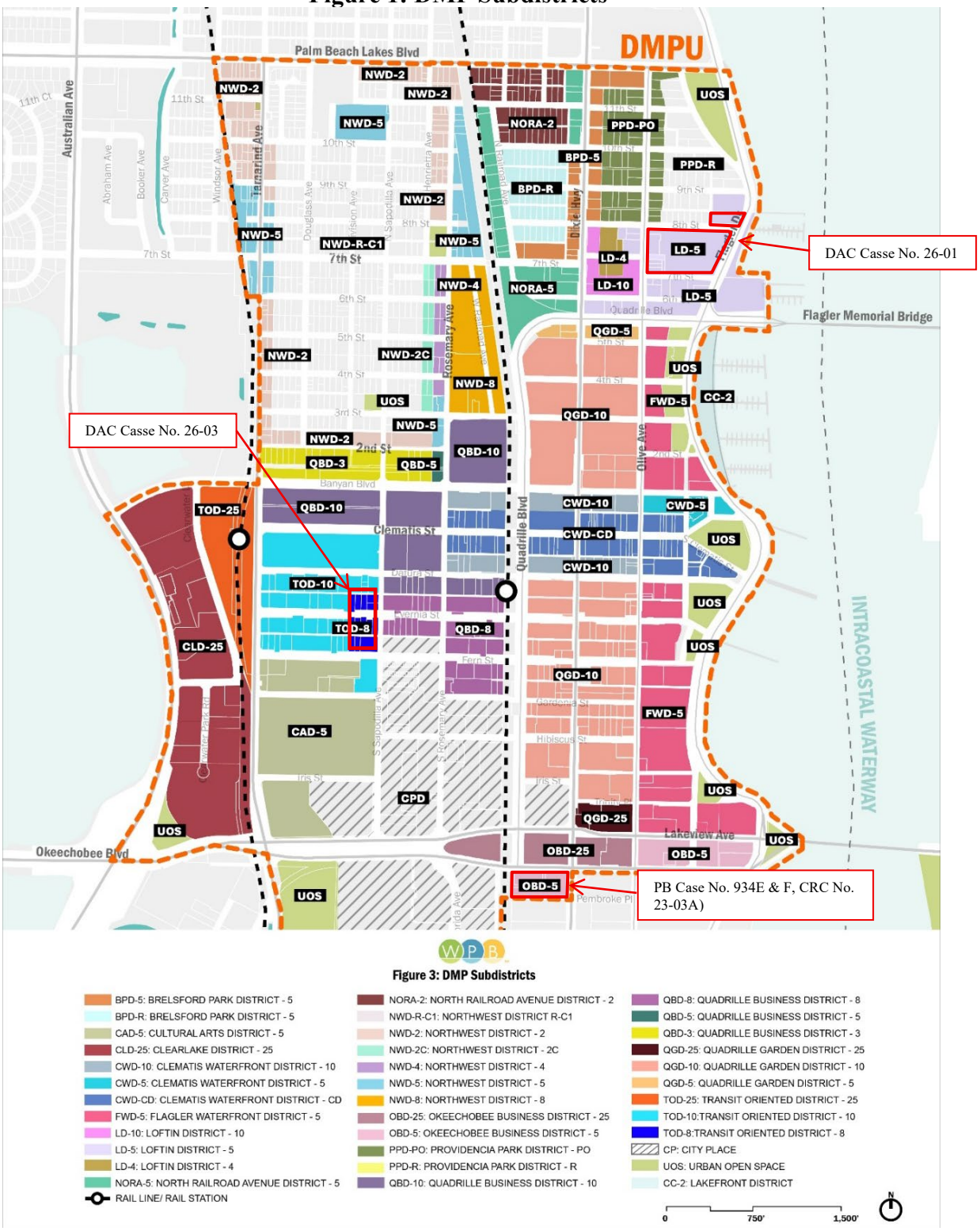
   b. DAC Case No. 26-03: Rezoning of the properties located at 701, 708, 709, 713, 714, 720 & 723 Evernia Street, 265 & 303 South Sapodilla Avenue from the Transit Oriented District-8 (TOD-8) subdistrict to the Transit Oriented District-10 (TOD-10) subdistrict. A separate report is available for DAC Case No. 26-03. This Case was presented to DAC on September 9, 2026, and a recommendation of approval was made with a (4-0) vote.

   c. Planning Board Case No. 934E and 934F, and Code Revision Case No. 26-03A: The cases involve incorporating the property located at 420 Okeechobee Boulevard/915 South Dixie Highway to the Downtown Master Plan area. The request includes a Future Land Use Map Amendment from a Commercial (C) Future Land Use designation to Urban Central Business District (PB Case No. 934E), a rezoning from a General Commercial (GC) zoning designation to the Okeechobee Business District-5 (OBD-5) sub-district within the Downtown Master Plan (PB Case No. 934F), and a text amendment to Chapter 94 – Zoning and Land Development Regulations, Article IV.-

Downtown Master Plan Urban Regulations to update the zoning regulations that are applicable to the Okeechobee Business District (CRC No. 26A). These cases were presented to DAC on September 9, 2026, and a recommendation of approval was made (4-0). And on September 15, 2026, Planning Board also provided a recommendation of approval (7-0).

The areas proposed to be rezoned are indicated in **Figure 1: DMP Subdistricts**.

Figure 1: DMP Subdistricts



2. **Incentives:** Additional development capacity and height is offered via incentives with the purpose of redeveloping vacant or uninvested areas of the downtown. The incentives are proposed in targeted areas of the urban core within proximity to transit hubs, such as the Tri-Rail and Brightline train stations.

   Currently, large areas in the Transit Oriented District are vacant or occupied by surface parking lots. These undesirable land use conditions create a disconnect in the activity and quality of the public realm that exists in nearby corridors, such as Clematis Street and Rosemary Avenue. In addition, Tamarind Avenue also lacks a comfortable environment which separates the west portion of the downtown. The incentive, allowing a fairly intense mixed-use development with a maximum height of 25 stories, is anticipated to bring ground floor retail, residential, and other commercial uses. Additional improvements such as shaded gathering spaces, as well as walkable and comfortable streetscapes will further enhance and close the gap between the thriving downtown areas full activity to new opportunity areas within in the Clearlake district.

   In the Quadrille Garden District and the Quadrille Business District, incentives for additional height and FAR will remain. Those areas have been absorbing new developments and have experienced significant investment or improved within the past years. The approach within these districts is to re-evaluate and adjust the existing regulations to continue to improve the quality of the built environment. Particularly those regulations affecting the public realm, such as active uses, engaging or attractive building podiums, appropriate scale or heights for structured parking, the creation of pocket parks, and the massing and orientation of towers.

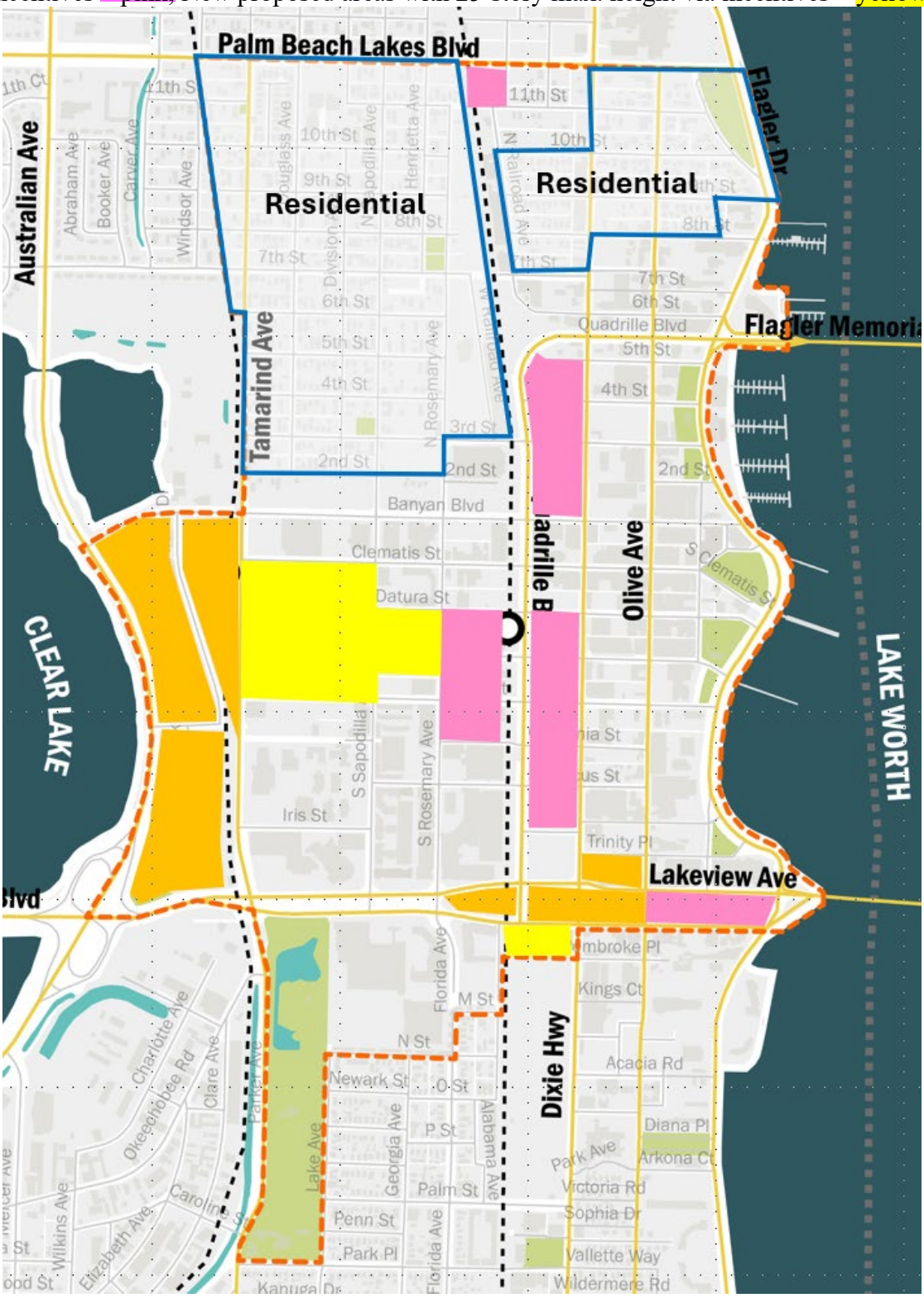
   Incentive heights are the maximum allowed under the DMP. Changes to the incentives and height increases primarily occur within the DMP core as follows:

   - Transit Oriented District (TOD) between Tamarind and Sapodilla –the proposed incentive will increase height from 12 or 15 stories to 25-stories
   - Quadrille Garden District (QGD) corridor between Dixie Highway and Olive Avenue –the proposed incentive will increase height from 10 stories to 15-stories
   - Quadrille Business District (QBD) between Sapodilla and Rosemary from Datura to the south side of Evernia –the proposed incentive will increase height from 12 stories to 25-stories
   - Quadrille Business District (QBD) section between Banyan and Datura, and along Clematis –the proposed incentive will allow 15-stories

   See **Figure 2** showing the areas where 25 story developments will occur with existing regulations and proposed regulations.

Figure 2: 25-story Maximum Height

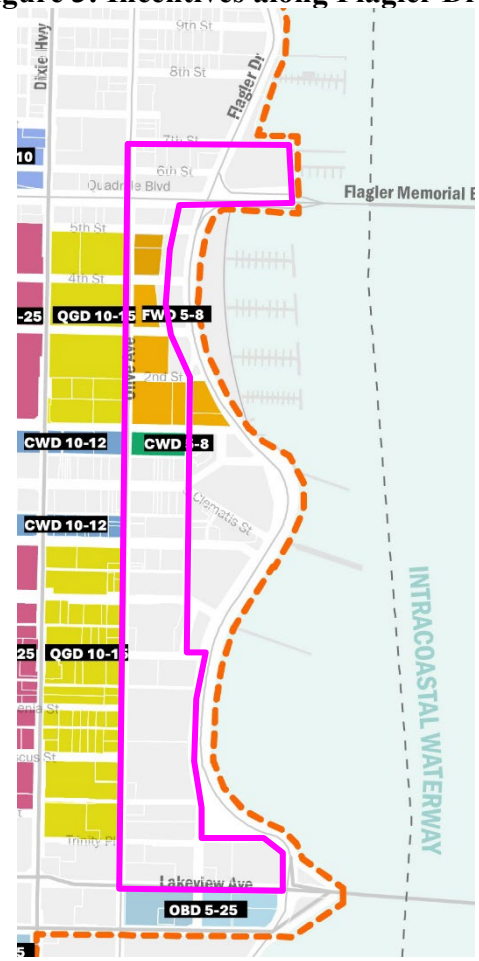
(Existing 25-story max. height by right—orange, Existing 25-story max. height via incentives—pink, New proposed areas with 25-story max. height via incentives—yellow)



The previous draft of the DMPU included an incentive increase for the Flagler Waterfront District to allow height to increase from 5 stories to 25 stories. Following the guidance and concerns raised by the downtown community's feedback, the 25-story incentive has subsequently been removed. It is important to note that the DMP Comprehensive Plan currently identifies the Flagler Waterfront District as an area eligible for incentives, within the Comprehensive Plan the Flagler Waterfront District is shown with the potential to increase height from 5 stories to 15-stories. This was a determination and assessment done under the previous downtown master plan update. Notably, the current land development and zoning regulations for the Flagler Waterfront does not codify any such incentive, therefore any new development projects will not exceed the existing 5-story limitation. It is the city's intention to keep the 5-story FWD height as is currently adopted.

Figure 3 shows the existing incentives fronting Flagler Drive, from Lakeview Avenue to the south to 7th Street to the north, no changes are proposed.

Figure 3: Incentives along Flagler Drive



The proposed changes in regulations were meticulously tested and assessed across every block within the downtown area to produce the appropriate FAR for the incentive areas. This analysis took into consideration the impacts of the building massing, the balance

between the podium and tower elements, the street level conditions, the context of each neighborhood, the potential uses within the building envelope, whether residential or commercial and to accommodate appropriate parking, the quality of open spaces, and their interaction with the public realm.

3. **Public Benefits from Incentive Programs:** The City's priorities will continue to shift as it evolves. Incentive programs are used to enable development in areas where rehabilitation is needed and to regulate growth. Programs are intended to also generate public benefits, and with the proposed incentive programs, the city is responding to the rapid growth while prioritizing the implementation of affordable and workforce housing. The incentive programs will enable additional development capacity (height and Floor Area Ratio) for the proposed development located in certain areas in compensation for the public benefit provided. Incentive programs will promote a variety of public benefits such as historic preservation, the creation of urban open spaces, and the development of below market-rate housing units.

   Incentives are intended to be obtained through two methods:

   a) The existing Transfer of Development Rights (TDR) program through which the developer acquires unused development capacity from a historic site or urban open space and transfers the capacity to an incentive receiving site.

   b) The proposed City's Development Rights (CDR) program through which the developer is authorized to increase development capacity, without the transfer of unused development capacity from a historic site, provided the project supports the creation of affordable housing.

   Every project utilizing the benefits of an incentive program will be required to set aside a percentage of the bonus square footage to provide or contribute to the construction of workforce/affordable housing for families with incomes between 60%-100% of the area median income within the City of West Palm Beach.

4. **Streetscape Improvements:** Adjustments to regulations are proposed to continue to improve the conditions of the public realm and how the buildings relate to the street. The increase in streets designated as primary pedestrian streets, will create more shade, wider sidewalks, and overall, a more comfortable environment for pedestrians. Street hierarchy/classifications have changed for Olive Avenue, Fern Street and Sapodilla Avenue south of Banyan Blvd, Clearlake Dr, Clearwater Park Rd from Secondary Streets to Primary Streets. Adjusting street setbacks, requiring active building frontages, and expanding landscaped areas will collectively improve the public realm along busy pedestrian routes.

5. **Protection of neighborhoods:** The goal of the proposed regulations in other areas, where redevelopment is needed, was to mainly protect the character and scale of the neighborhoods. The minor changes to the regulations of the Historic Northwest core still protect and maintain the existing scale with a slight increase in density to allow additional

units and spur redevelopment. At the edge of the neighborhood, modest adjustments are proposed in height and density to encourage low to medium scale development.

6. **Open and Green Areas:** The West Palm Beach Downtown is already a vibrant and emerging urban center with a substantial projected growth. In order to protect its physical, social, and economic assets, resiliency measures have been incorporated as part of the proposal. The regulations promote larger and more abundant open spaces and streetscapes that not only will provide shade and comfort for people, but they will also prevent issues with stormwater run-off and flooding.

   Within the DMP framework, 'Public Open Space' is a percentage of land set aside by a development to construct publicly accessible plazas, courtyards, and passageways. The DMPU proposes increases in the amount of public open space required by individual projects. Areas within the urban core such as TOD, QBD, QGD have had their percentages increased: For example, within the TOD the minimum open space requirements went from 3%, 5% and 7% of the lot area to 3%, 10%, and 12%; depending on size.

   In addition, green infrastructure systems are proposed in areas where stormwater capture, retention, and filtration are essential and effective. Requirements are proposed particularly on streetscapes along Tamarind Avenue, west of Quadrille Boulevard, south of Banyan Avenue, and north of Gardenia Street. Additional green and porous spaces are required throughout the entire downtown area.

   Within this proposal, parks along Flagler Drive and throughout the Downtown are protected. Spaces with a zoning designation of Urban Open Space (UOS), such as the Meyer Amphitheater, Great Lawn, Jose Marti Park, Trinity Park, Howard Park, Post Park, & Gateway Park, do not have development capacity or height associated with them. Therefore, UOS land is only intended for public passive or active recreation and special events programming.

7. **Mobility and Parking:** Transit infrastructure is interconnected to regional mobility systems and requires long-term strategies and collaboration among the federal, state and local agencies. The city continues to explore partnerships with stakeholders to improve regional systems in the area.

   The DMPU aims to reduce driving and parking needs by encouraging people to walk, bike, use transit, or share rides. This plan maximizes existing infrastructure to support economic growth while keeping Downtown accessible to all.

   Regulations for <u>bicycle</u> parking requirements, particularly along primary pedestrian streets and avenues, have been revised with the purpose of providing the most convenient and accessible option for downtown users to choose other means of transportation from single vehicle use that will help manage traffic congestion.

   The proposal revises <u>vehicle parking ratios</u> by applying a 25% reduction in the existing requirements for the subdistricts within the Urban Core (Clearlake district, Cultural arts district, Quadrille business district, Quadrille garden district, Transit oriented development

district, and Okeechobee business district) and Special Districts (Clematis waterfront and Flagler waterfront districts). This 25 % reduction will not be applicable to residential uses which will remain as currently adopted at 1 parking per unit and will not be applicable to residential enclaves or other subdistricts north of Banyan Boulevard.

The Transportation Demand Management (TDM) requirements will apply to all districts, except residential enclaves, for new projects and changes of uses that generate more than 20 vehicular peak hour gross trips. The requirements will be evaluated on an individual basis for each development and their particular traffic impacts where a development will need to offset 25% of project-generated highest peak hour trips using TDM strategies. The goal will be to require new development to divert single-use vehicle trips by encouraging and incentivizing their tenants/users to make changes that will help manage the traffic congestion within the Downtown Master Plan area.

City staff have received concerns from downtown residents regarding the proposed commercial parking reductions. Staff primarily attribute these concerns to congestion generated by inadequate curb management. In response, language was introduced requiring residential and lodging development to provide off-street loading berths. This builds on existing loading regulations for nonresidential developments. See Table IV-12 for details on the proposed regulations.

TABLE IV-12: RESIDENTIAL AND LODGING LOADING BERTHS

RESIDENTIAL / LODGING SIZE	REQUIRED LOADING BERTHS	MINIMUM BERTH DIMENSIONS (W X L)	MIN. VERTICAL CLEARANCE	NOTES
25-50 dwelling units	1	12' x 35'	12'	City may approve: 1. Two (2) 10'x20' loading berths can be substituted by one (1) 12' x 55' loading berth. 2. One (1) 12'x35' loading berth can be substituted for (2) 10' x 20' berths. 3. Shared loading allowed with dock master.
>50-100 dwelling units / hotel keys	2	(1) 12' x 35' and (1) 10' x 20'	12'	
>100-200 dwelling units / hotel keys	3	(1) 12' x 35' and (2) 10' x 20'	12'	
>200 dwelling units / hotel keys	3	(1) 12' x 55' plus for the first 100 units, and (1) 10' x 20' per additional 100 units/keys (or fraction)	15' for 12' x 55'; 12' for 10' x 20'	

The city stands by its recommendation to reduce commercial parking due to the direct impact of parking on traffic congestion and the city's strategic goal to incentivize alternative modes of transportation. Higher parking ratios create induced demand and promote single-occupancy vehicular travel. Reducing parking ratios directly supports the city's mobility goal to ensure 25% of all trips are shifted to alternative modes such as transit, walking, or cycling (as established in the 2026 Mobility Plan).

Lower parking requirements, paired with effective TDM strategies, actively encourage commuters to adopt alternative transit options. Furthermore, minimizing parking footprints allows developers to maximize valuable land for vibrant residential and commercial spaces that energize the downtown area. Furthermore, fewer parking spaces enable project

architects to consolidate podium mass and height, creating a more human-scaled, pedestrian-friendly streetscape.

IV. CONCLUSION

Moving forward, the Downtown Master Plan update serves to advance the substantial achievements made over the past 30 years, aligning the regulatory policies with the evolving development realities of the City. The primary objectives remain absolute: to protect the quality of life for residents and visitors, enhance the quality of the public realm and to facilitate the ongoing growth of a resilient, mixed-use downtown environment.

As previously mentioned, once the PB provides its recommendations on October 20, the Downtown Master Plan Update (DMPU) will be heard by the City Commission on October 26, 2026. If the Commission approves the proposed DMP update, the proposed Comprehensive Plan changes will be transmitted to the State of Florida for review, with tentative first reading for the approval of the zoning and land development regulations and final approval by the City Commission in February 2027.

V. AMENDMENT STANDARDS

1. **Whether the proposed amendment is consistent with all elements of the City of West Palm Beach Comprehensive Plan;**

Findings **COMPLIES**

The proposed amendments of the Zoning and Land Development Regulations continue the implementation of the vision established by the Downtown Master Plan regulations.

The proposed amendment consists of a revision and update of the already established framework that has been guiding successful development throughout the decades, which is consistent with Objective 1.1: The City shall promote, reinforce and protect the identity of each neighborhood, district, and corridor within the Downtown through the development and implementation of policies which establish appropriate regulations, consistent with the character of each neighborhood, district, and corridor.

In addition, the proposed text amendment promotes larger and more abundant open spaces and streetscapes that will provide shade and comfort for people aligning with Policy 1.4.2: The Planning Division shall develop and maintain regulations that require the creation of public open spaces as part of major developments. A percentage of the development site shall be dedicated to public open space to provide relief from the higher densities introduced in the Downtown.

The DMPU directs and accommodates growth in underutilized, underinvested areas to maintain the downtown as a vibrant live-work-play community. This aligns with Goal 2: the city shall promote a variety of activities that support downtown west palm beach as the urban center of palm beach county and make it a memorable place of positive human interaction.

Furthermore, the public benefits generated from the revised or proposed incentive programs continue to target the creation of affordable and workforce housing, consistent with Policy 2.4.2: The City shall promote the creation of affordable and workforce housing through the establishment of incentive programs such as, but not limited to, the existing Downtown Master Plan Housing Incentive Program.

Changes to regulations for bicycle parking requirements, vehicle parking ratios, and the introduction of Transportation Demand Management (TDM) requirements, actively encourage commuters to adopt alternative transit options which aligns with Goal 4: the city shall encourage multiple modes of safe, comfortable, and efficient transportation systems.

2. **Whether there exist changed conditions which require an amendment;**

Findings **COMPLIES**

The update of the DMP has occurred in response to the growth demands and changing conditions of the downtown since the last comprehensive update to the master plan in 2007.

The revised regulations are intended to address the unprecedented growth Downtown has experienced over the past eight years by directing development to the most appropriate locations, enhancing the quality of the public realm, and managing growth while maintaining flexibility to respond to evolving market conditions and emerging public needs.

3. **Whether the proposed amendment is in conformance with all applicable portions of the City Development Code;**

Findings **COMPLIES**

The proposed amendment is consistent with the City Code; it is a revision and update on the Downtown Master Plan Urban Regulations.

4. **Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;**

Findings **COMPLIES**

The proposed amendment is consistent with existing and proposed land uses. The existing uses in the downtown include areas that are mixed-use and areas dedicated to residential uses. No changes are proposed to downtown uses.

5. **Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities;**

Findings **COMPLIES**

There is adequate overall capacity in existing public facilities to accommodate the expected growth of the downtown area. Information was presented during the Downtown Action Committee (DAC) hearing on September 9, 2026, and the Planning Board hearing on September 15, 2026. During these hearings, Public Utilities shared insights from the City's adopted 20-year plan—which is approved by both the State and the South Florida Water Management District (SFWMD). Their data confirms that existing and projected wastewater capacity is sufficient based on current population growth trends.

The City's planning-level traffic findings show adequate overall capacity in the existing downtown roadway network to accommodate near-term growth, with long-term counts reflecting mixed trends rather than an across-the-board surge. Screening of daily and peak-hour conditions identified the western gateway of Okeechobee Boulevard as the closest to planning thresholds and therefore a focus for continued monitoring and operational attention, while other segments retain comfortable daily margins yet can still experience peak-period/intersection delay. To manage future growth, the City and partners are advancing targeted operations and multimodal projects: the Fern Street extension adds a new parallel east–west route and redistribute demand (planning analysis estimates up to ~12,500 daily vehicles shifted from Okeechobee); adaptive signal control on Okeechobee and Quadrille to reallocate green time in real time and speed recovery after trains, bridge openings, special events, and uneven peaks (comparable Florida corridors have shown up

to ~9% travel-time reductions, with downtown benefits to be measured post-deployment); West Palm Move to provide short-trip options without driving/parking; walking/biking, complete-streets upgrades to expand practical choices and reduce short car trips, and a PD&E study for the Australian/Okeechobee gateway to define needs, compare alternatives, and advance the right long-term solution. The approach is regional, coordinating operations, transit, rail, and funding across FDOT, Palm Beach County, Palm Tran, SFRTA, MPO/TPA, and WPB, so the network keeps people moving safely and reliably as downtown grows.

In addition, individual developments will be evaluated during the site plan review process, and developers will be required to mitigate any necessary infrastructure upgrades or improvements.

6. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment;

Findings **COMPLIES**

The proposed amendment mitigates negative impacts on the natural environment. By establishing high-intensity, mixed-use regulations for the downtown, the amendment aligns with the principles of New Urbanism to create a sustainable, walkable, and vibrant community. Furthermore, new green infrastructure requirements for certain downtown areas will provide additional green and porous spaces, making the district more resilient to extreme weather events.

7. Whether and the extent to which the proposed amendment would adversely affect property values in the area;

Findings **COMPLIES**

The proposed amendment will not adversely affect property values. In the contrary, the proposed amendment aims to improve and protect the quality of the urban fabric within the downtown and that may result in increased property values.

8. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, and the specific identification of any effects on such pattern.

Findings **COMPLIES**

The proposed amendment is an update on the already established development pattern supported by the Comprehensive Plan, organized by well-defined districts with unique characteristics. The downtown allows intense development in an area where alternative transportation options are available and appropriate for the core of a city.

Prepared and Respectfully Submitted by,

Ana Maria Aponte
Director of Development Services

Claudia D. Ibaven
City Urban Designer

Chris Kimmerly
Principal Planner

ATTACHMENT II
Proposed Text Amendment

Included as a separate document

GRANTING THE TEXT AMENDMENT

I move that the Planning Board recommend to the City Commission **APPROVAL of Code Revision Case No. 26-04**, a city-initiated request for the approval of the text amendment to Chapter 94 – Zoning and Land Development Regulations, Article IV.- Downtown Master Plan Urban Regulations. The motion is based upon the testimony presented at the hearing, along with the application submitted and the staff report, which constitute competent, substantial evidence. The Board hereby makes findings of fact that each of the applicable criteria in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations have been met.

READ ONLY IF CONDITIONS ARE IMPOSED

In addition, this recommendation is made subject to the following CONDITION OF APPROVAL, that condition(s) number(s) ___ (is) (are) imposed to read as follows: (state condition imposed). I move that these conditions are necessary to ensure compliance with the purpose and intent of the Zoning and Land Development Regulations and consistency with the Comprehensive Plan of the City of West Palm Beach.

RECOMMENDATION OF DENIAL

I move that the Planning Board recommend to the City Commission **DENIAL of Code Revision Case No. 26-04**, a city-initiated request for the approval of the text amendment to Chapter 94 – Zoning and Land Development Regulations, Article IV.- Downtown Master Plan Urban Regulations. This motion is based upon the testimony presented at the hearing along with the application submitted and the Staff report, which constitute competent, substantial evidence. The Board hereby makes findings of fact that each of the applicable criteria in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations have not been met. The standards that have not been met include the following (*list all applicable standards that have not been met and specify why*):

Amendment Standards – Section 94-32		
☐	A. COMPREHENSIVE PLAN	Whether the proposed amendment is consistent with all elements of the City of West Beach Comprehensive Plan.
☐	B. CHANGED CONDITIONS	Whether there exist changed conditions that require an amendment.
☐	C. CITY DEVELOPMENT CODE	Whether the proposed amendment is in conformance with all applicable portions of the City Development Code.
☐	D. EXISTING AND PROPOSED LAND USE	Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land use.
☐	E. PUBLIC FACILITIES	Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities.
☐	F. NATURAL ENVIRONMENT	Whether and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
☐	G. PROPERTY VALUES	Whether and to the extent to which the proposed amendment would adversely affect property values in the area.
☐	H. DEVELOPMENT PATTERN	Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern and the specific identification of any negative effects on such pattern.

Claudia Ibaven

From: michael schmidt <tootsdesmond@gmail.com>
Sent: Tuesday, October 6, 2026 1:13 PM
To: Thomas Valeo; Keith James; Ana Maria Aponte; Chris Kimmerly; Claudia Ibaven
Subject: DMPU recommendations from the Neighborhood Partnership Network

Caution: This is an external email. Please take care when clicking links or opening attachments.

Mayor James and staff:

Below is a list of Downtown Master Plan Update (DMPU) recommendations that the mayor's Neighborhood Partnership Network (NPN) created in order to give practical, feasible ideas from residents that other stakeholders might not consider. Bear in mind that these are preliminary recommendations that we want to send promptly to give Mayor James, city staff, and commissioners time to digest them between now and the all-important city commission meeting 10/26, where the DMPU receives a first reading. We may add more recommendations later. Prior to the 10/26 commission meeting, we NPN members would like to meet with Mayor James to hear his frank impressions of the suggestions below, fully realizing that no one is under obligation to agree with or act on our recommendations. I suspect that Ms. Aponte will say that recommendations 2, 7, 8, and 9 are somewhat beyond the scope of the DMP, since they are not regulations for developers. But we would respond that developers stand to enrich themselves tremendously by the DMPU, so the plan should also include RESIDENT goals as well---especially since all of the suggestions below will enhance the look and feel of downtown, and therefore the value of whatever they build.

We at the NPN very much appreciate this opportunity to have a constructive influence, and we thank Mayor James, Ana Maria and her staff, Tom Valeo, Armando Fana, Victor Corosi, and several others who worked many hours to meet and educate us

----NPN members Sitima Fowler, Jessica Swift, James Waldron, and Mike Schmidt, 10/6/26

1. The DMPU needs more emphasis on funding water & sewer infrastructure.
Everyone acknowledges that the city's water & sewer department is underfunded to keep up with the age and deteriorating condition of the underground pipes. So, in exchange for larger, denser buildings downtown, the city needs higher developer impact fees to help finance water & sewer

replacement projects downtown and city-wide. This is especially true for taller buildings utilizing state and local height incentives. Furthermore, our city's impact fees should be comparable with those charged by Miami, Fort Lauderdale, etc.

2. The DMPU repeatedly expresses a desire to create "pocket parks" without policies to make them happen.
Therefore, the DMPU should contain specific language prohibiting the sale of city-owned or CRA-owned lots in the downtown core---given their extreme scarcity, value, and strategic location as ideal places for "pocket parks." This is especially true for 620 and 644 Evernia Street. The creation of public, fenced pocket parks amenable to children and families must be enshrined in the master plan, not merely suggested---as it is currently.

3. Keep building heights within the entire Flagler Waterfront District capped at 5 stories, with no incentives to build higher
The waterfront is a unique and important public asset, and consistent height limits will help preserve its character, views, and public experience.

4. The CC-2 (Lakefront) District should be fully incorporated into the borders of the DMPU in order to preserve waterfront views and rules against planned development districts.
Zoning rules for CC-2 (Waterview Tower and Palm Harbor Marina) are mentioned in detail in the DMPU (pages 193-5), but this entirely-city-owned property is not within the physical borders of the current DMP----which is strange, to say the least. Especially problematic is the utter lack of building height limitations within the CC-2, which is completely at odds with its stated goal to not block views of the Lake Worth waterfront from buildings west of Flagler. Furthermore: unlike the rest of the DMPU, the CC-2 permits planned development districts. Bottom line: the CC-2 does not deserve special exemptions that no other DMP district enjoys.

5. The DMPU should require all new buildings to have sufficient parking-garage entrance dimensions, heights, and maneuvering space to accommodate all contractor, delivery, moving, and garbage trucks internally. Furthermore, new buildings should not be allowed to place their dumpsters on a street or sidewalk for collection. Taxis and on-demand car services should also have their pickup and drop-off zones internally.
The goal here is to unclog streets and bike lanes to facilitate better traffic flow, and to confine garbage-collection sights & sounds internally. One City Plaza is a shining example of how to design a parking garage properly. Two City Plaza is an example of a poorly-designed parking garage that causes traffic and parking problems for its neighbors.

6. DMPU Requirements for new residential and commercial building parking spaces should not be reduced.

Any future reductions should be based on demonstrated transportation alternatives and actual parking demand by district, rather than applied broadly to all projects.

7. The DMPU should specify tree-canopy coverage goals, currently approximately 13% and declining.
Downtown residents are constantly clamoring for more shade trees since we are steadily losing shade trees----and the DMPU repeatedly (and wisely) emphasizes the importance of shade trees to facilitate walkability, especially during the hot-half of the year. But the DMPU lacks any benchmarks or plans to improve and preserve park & sidewalk trees on government-owned property. The landscaping requirements for new buildings appear to be adequate. But higher developer impact fees may be needed to pay for city tree-maintenance / replacement in order to meet tree-canopy coverage goals stated in the DMPU.

8. The DMPU should clearly state its goal of connecting and preserving the waterfront walkway along Palm Harbor Marina (to the east and north of the tennis courts) to the north bridge, so that it creates a seamless, approximately 3-mile pedestrian loop between the middle and north bridges.
This project has been talked about for years and appears stalled more due to inattention than any legal impediments. If it is mandated in the DMPU, the dithering should stop.

9. Clear Lake needs sound barriers and landscaping along its east and south shores to unleash its tremendous potential as a pedestrian & biking destination. Such plans should be included in the DMPU.
Such improvements will greatly enhance Clear Lake Trail's attractiveness to downtown residents, especially those along Australian Avenue. As is, that trail is forlorn and unpopular because it is too noisy and open to heavy traffic to feel any sense of peace.

10. The DMPU should identify the specific transportation improvements that will be required as development occurs and establish measurable thresholds that trigger those improvements.
Traffic analysis should include projected conditions in 2035 and 2045, including seasonal activity, lane-closures due to construction, emergency response times, and increased bike, e-bike & pedestrian activity. This traffic analysis should consider the cumulative impact of future development rather than evaluating a specific development project / intersection individually.

11. The DMPU should include a schedule for periodic review to make adjustments.

If population growth, development, or infrastructure demands exceed current city assumptions, the city should reassess the plan proactively rather than continue with outdated incentives, heights, etc.

GRANDVIEW HEIGHTS NEIGHBORHOOD ASSOCIATION
WEST PALM BEACH NEIGHBORHOOD ALLIANCE
Grandview Heights Historic District • West Palm Beach, Florida
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October 6, 2026

Ana Maria Aponte
Development Services Director
City of West Palm Beach
VIA EMAIL: aaponte@wpb.org

Re: Downtown Master Plan Update – PB Case No. 2038, Code Revision Case Nos. 26-03 & 26-03A, PB Case Nos. 934E & 934F (FLU-25110010 & DMP-000391), and DAC Case Nos. 26-01 & 26-03

Dear Ms. Aponte:

Grandview Heights Neighborhood Association (GVHNA), joined by West Palm Beach Neighborhood Alliance, Inc. (the Alliance), reviewed the materials for the Downtown Master Plan Update (DMPU). These include the staff report for Code Revision Case No. 26-03 and its Attachment I, the draft of Article IV dated September 3, 2026. They also include the September 9, 2026 Downtown Action Committee (DAC) packet, with the staff reports for PB Case Nos. 2038, 934E, and 934F and Code Revision Case No. 26-03A. We also reviewed the January 26, 2026 presentation to the Downtown Neighborhood Association and the April 23, 2026 joint DAC and Planning Board workshop presentation. GVHNA and the Alliance have the following comments.

GVHNA represents the residents and property owners of the Grandview Heights Historic District, which is listed on the National Register of Historic Places. Residents of Grandview Heights and the Convention Center Townhomes organized the Alliance. Each of its 39 members also belongs to GVHNA, and 35 of them reside in Grandview Heights. Members of both organizations reside and own property in the City. They submit these comments as affected persons under section 163.3184(1)(a), Florida Statutes.

GVHNA and the Alliance will deliver this response at the City Commission's transmittal hearing on October 26, 2026, and ask that it be entered in the record of that hearing. We also ask that it be made part of the record of the Planning Board hearing on October 20, 2026, and of every later hearing on the DMPU, including the adoption hearing. We will resubmit it, with any supplement, before the adoption hearing. We ask that the City include it with the materials it transmits to the state reviewing agencies.

SUMMARY OF COMMENTS, OBJECTIONS, AND CONCERNS.

- The City has not determined whether its water, wastewater, drainage, and road systems can support the development the DMPU allows. Staff defers that question to site plan review, as the City deferred the Hotel II capacity question to permitting.
- The DMPU deletes Appendix I, the Plan's only quantified development cap, while it expands the incentive programs. Nothing in the record demonstrates that the incentives fit within the Transportation Concurrency Exception Area (TCEA) caps that Policy 3.1.4(C) requires.
- The incentive program has no defined duration. It leaves the price of additional development to a table that is not in the ordinance.
- The 420 Okeechobee Boulevard map amendment and rezoning allows more than eight times the current floor area on the Okeechobee corridor. The traffic analysis compares the project to a hypothetical shopping plaza that does not exist.
- The Providencia Park and Evernia Street rezonings are site-specific. They require separate quasi-judicial hearings and statutory notice. The public was told in January that Providencia Park would see "No changes."
- The 25% parking reduction in the Urban Core and Special Districts will push parking onto neighborhood streets, including those of Grandview Heights, which already absorb construction and hotel parking.
- The DMPU narrows Policy 3.1.4(C)'s protection of historic properties and contains no compatibility standard for the Grandview Heights Historic District.

In sum, the record does not show that the Steering Committee and the Neighborhood Partnership Network met in the Sunshine. It also does not demonstrate how the Live Local Act affects the DMPU's height protections.

CITY OF WEST PALM BEACH AND STATE STANDARDS FOR COMPLIANCE

Each standard below is followed by GVHNA's response. The standards come from the City Code, the City's Comprehensive Plan, and Florida law.

A. Capacity of Public Facilities (Sec. 94-32(a)(5), City Code, and § 163.3177(1)(f), Fla. Stat.)

Section 94-32(a)(5) requires the City to consider "[w]hether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities." Every plan amendment must be "based upon relevant and appropriate data and an analysis by the local government." § 163.3177(1)(f), Fla. Stat. Sanitary sewer, solid waste, drainage, and potable water are subject to concurrency throughout Florida. § 163.3180(1), Fla. Stat.

GVHNA RESPONSE: The staff report for PB Case No. 2038 addresses capacity in two sentences. It states that an existing overall capacity of public facilities exists for the expected growth of the downtown. It then defers each future project to site plan review. (SEE EXHIBIT 1.) The report cites no water, wastewater, drainage, or traffic data. It does not identify the capacity of any facility, the demand the DMPU would generate, or the margin between the two. The applicant's report for PB Case Nos. 934E and 934F contains demand figures but no capacity figures. It shows water and sewer demand each rising by 80,887 gallons per day and solid waste rising by about 825 pounds per day. It marks each provider's capacity "TBD." It also analyzes 485,000 square feet at a floor area ratio of 4.5, well short of the approximately 698,000 square feet the incentive would allow. The applicant cites a November 12, 2025 letter from the City's Engineering Land Development Manager confirming water and wastewater capacity. We could not locate that letter in the DAC packet. Staff's report for those cases defers each future project to the City's development review, concurrency, and level-of-service requirements.

> **5. Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities;**
>
> **Findings** **COMPLIES**
>
> There is an existing overall capacity of public facilities considering the expected growth of the downtown. Future individual developments will be evaluated at the time of site plan review and any upgrades and improvements to infrastructure will need to be mitigated by the developer.

EXH 1. Staff's complete capacity finding for PB Case No. 2038 (September 9, 2026 DAC packet).

The gap does not reflect a lack of public concern. Staff's report for Code Revision Case No. 26-03 lists infrastructure capacity as the first of the public's main concerns. The City then held three Neighborhood Partnership Network working sessions on utility capacity and traffic. It held a Mayor-Commission work session on infrastructure on August 24, 2026. None of the data presented at those sessions appears in either staff report.

The demand is substantial and growing. The Plan's existing Introduction, which the DMPU would delete, reports that the downtown grew from 4,569 residents in 2000 to 10,654 residents in 2020. It reports 7,716 units, 10,364,800 square feet of non-residential uses, and 1,682 hotel rooms downtown as of February 2023, with hundreds more units under construction. (SEE EXHIBIT 6.) Palm Beach County has committed 810 Datura Street to Vanderbilt University for a graduate campus. (SEE EXHIBIT 2.) The DMPU's vision identifies the surrounding TOD and QBD districts as the "Innovation + Transit + Education Core" and shows a future Vanderbilt University campus there. The January 26, 2026 presentation proposed up to 1.0 additional floor area ratio for innovation, educational, and office uses. No staff report quantifies the demand of the campus or of that bonus.

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Amendment No. 3 to the Construction Manager (CM) at Risk Services Contract (R2024-0937) with D. Stephenson Construction, Inc. (D. Stephenson) establishing a Guaranteed Maximum Price (GMP) in the amount of $23,766,194 for the third phase of construction work for the 45th Street Complex (Project) for a period of 382 calendar days from notice to proceed. **SUMMARY:** On August 20, 2024, the Board of County Commissioners (BCC) approved the CM at Risk Services contract (R2024-0937) with D. Stephenson for construction management services for the Project located at 4180 North Australian Avenue in West Palm Beach. The Project includes the construction of approximately 60,000 square feet of new office and support space, including all parking and site improvements for the County's Community Service Department. These improvements will replace the existing office building located at 810 Datura Street in downtown West Palm Beach; which property has been committed to Vanderbilt University for the development of a graduate campus. On November 18, 2025, the BCC approved Amendment No. 1 in the amount of $7,330,001 for the first phase of the Project, which focused on site development. On April 14, 2026, the BCC approved Amendment No. 2

EXH 2. Palm Beach County BCC Agenda, October 6, 2026, Item 3H-1 (810 Datura Street committed to Vanderbilt University).

The deferral also repeats from one approval to the next. In approving the Hotel II applications on August 31, 2026, the City deferred the capacity question to permitting. The DMPU defers it to site plan review. Each stage points to a later one. At no stage does the City determine whether its water, wastewater, drainage, and road systems can serve the development it authorizes. The capacity finding therefore satisfies neither Sec. 94-32(a)(5) nor section 163.3177(1)(f). The City should not transmit PB Case No. 2038 until it places in the record a capacity analysis for full buildout of the base and incentive development the DMPU would allow.

B. Development Caps and Mix of Uses (Comprehensive Plan Policy 3.1.4(C) and Appendix I)

Policy 3.1.4(C) provides: "Any development incentive program within the Downtown area shall comply with the development caps and mix of uses required by the Transportation Element Objective 2.2.5 for the Downtown TCEA as well as Table DMP-1." The elements of a comprehensive plan must be internally consistent. § 163.3177(2), Fla. Stat.

GVHNA RESPONSE: The Plan treats the downtown as a Transportation Concurrency Exception Area (TCEA). Development there is exempt from ordinary transportation concurrency review. The Plan limits that exemption through development caps and a required mix of uses. The Plan's existing Introduction explains that Appendix I outlines the maximum potential development downtown and that the TCEA caps limit the overall capacity for non-residential uses. The DMPU strikes that explanation along with the rest of the Introduction. (SEE EXHIBIT 6.)

The DMPU deletes Appendix I. At the same time, it revises and expands the incentive programs that allow additional height and floor area. Staff explains that Appendix I is outdated because the Plan now assigns capacity by subdistrict. That explanation supports updating Appendix I. Subdistrict limits do not show whether total downtown development fits within the TCEA caps. Nothing in the staff reports or the DAC packet tracks existing and approved development against the TCEA caps. Nothing shows that the incentives the DMPU would allow fit within them. Deleting Appendix I would remove the one table that quantifies the downtown's capacity, at the moment the City expands the means of exceeding it. Without that accounting, the City cannot show compliance with Policy 3.1.4(C). Appendix I should be retained and updated, and the City should adopt a TCEA ledger before it transmits the amendments.

C. Incentive Programs (Comprehensive Plan Policy 3.1.4(C) and Proposed Sec. 94-132)

Policy 3.1.4(C) provides: "The incentive programs will be of a defined duration and will not change the base development rights." An ordinance that confers discretion must also state the standards that govern its exercise. *Drexel v. City of Miami Beach*, 64 So. 2d 317 (Fla. 1953).

GVHNA RESPONSE: An incentive program trades additional development capacity for a public benefit. Proposed Sec. 94-132 sets no duration for any incentive program. As drafted, each program would continue indefinitely. The DMPU also changes base development rights. Staff concedes that three rezonings raise base development capacity.

The new City's Development Rights program raises a separate problem. The draft defines City's Development Rights as additional square footage "sold by the city." The Code fixes no price. For non-residential projects, proposed Sec. 94-132(a)(2)(c) measures the affordable housing obligation by a "Non-Residential Nexus Calculation table as established by the City." That table is not in the ordinance. The ordinance does not say who establishes the table, by what method, or how it may change. The payment-in-lieu of $120,000 per unit rests on no study in the record. The terms have also shifted. The January 26, 2026 presentation proposed a base payment of $17 per incentive square foot plus one of three options. The current draft instead doubles the existing 20% housing set-aside to 40% for residential projects. As drafted, Sec. 94-132 conflicts with Policy 3.1.4(C) and leaves the price of additional development to standards outside the ordinance.

D. 420 Okeechobee Boulevard and 915 South Dixie Highway (PB Case Nos. 934E and 934F and Code Revision Case No. 26-03A)

A rezoning of a specific parcel on a private application is quasi-judicial. It must rest on competent substantial evidence, and the parties are entitled to due process. *Bd. of Cnty. Comm'rs of Brevard Cnty. v. Snyder*, 627 So. 2d 469, 474 (Fla. 1993). A future land use map amendment is legislative, but it must still rest on relevant and appropriate data and analysis. § 163.3177(1)(f), Fla. Stat.

GVHNA RESPONSE: Shutts & Bowen LLP filed these cases on behalf of Myers Auto Group, LLC. Its Justification Statement shows that it submitted the application on November 12, 2025, and resubmitted it on April 20, 2026. The site covers about 2.466 acres. The map amendment would change its designation from Commercial, which allows a floor area ratio of 0.75, or 80,559 square feet, to Urban Central Business District, which allows a floor area ratio of 4.5, or 483,351 square feet. The rezoning to OBD-5 keeps a base floor area ratio of 0.75. Through the OBD 5-25 incentive, however, the site would become eligible for a floor area ratio of 6.5 for residential uses and a height of up to 25 stories. A floor area ratio of 6.5 on this site yields approximately 698,000 square feet. That is more than eight times what the current designation allows. The applicant originally requested OBD-25, which allows a floor area ratio of 7 and 25 stories. Staff instead proposes OBD-5 with the OBD 5-25 incentive, which reaches a floor area ratio of 6.5 and the same 25-story height. The result is nearly the capacity the applicant requested.

Staff acknowledges that Okeechobee Boulevard suffers congestion and safety problems at peak hours. The traffic analysis does not measure the project against existing conditions. It measures the project against a hypothetical shopping plaza with a supermarket, a drive-through restaurant, and a coffee shop. Staff selected that use because it generates the greatest number of trips under the current designation. No such plaza exists. Staff describes the properties as vacant or underdeveloped. On that baseline, the applicant's report concludes that the new designation would reduce traffic by 3,165 daily trips. (SEE EXHIBIT 3.) The analysis does not consider the cumulative traffic of CityPlace South Tower, the Hotel II project, or other approved development on the same corridor.

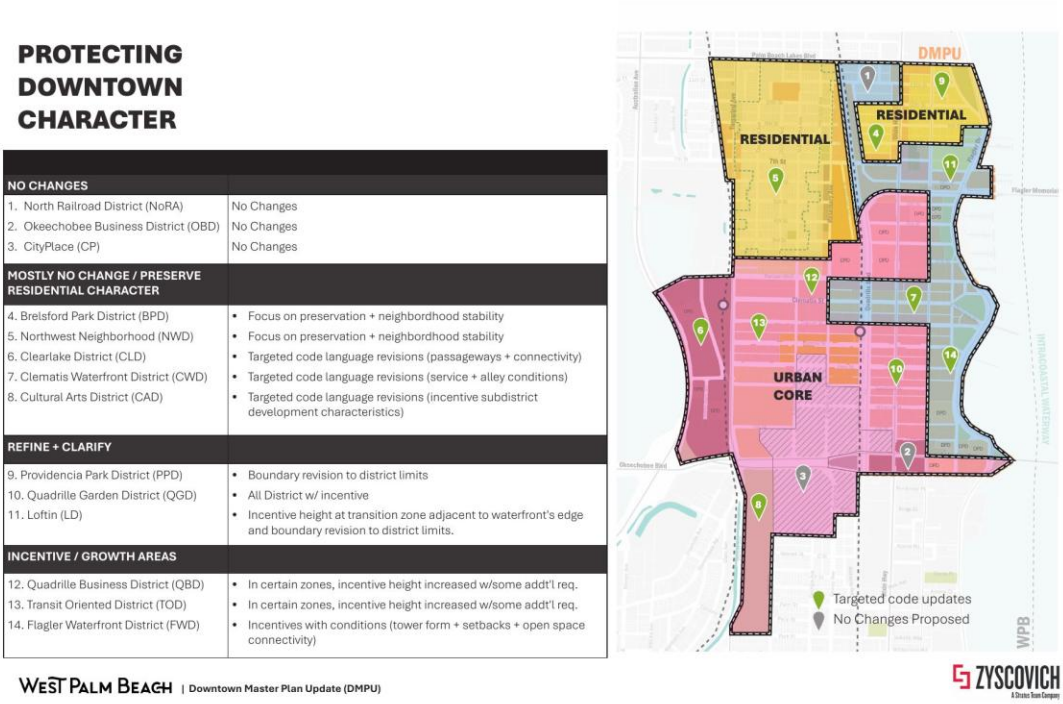
Trip Generation Calculations

Existing Use	Proposed Use	Net Change
7,290 Daily Trips	4,125 Daily Trips	- 3,165 Daily Trips

EXH 3. Applicant's trip generation comparison (Job No. 25-160). The "Existing Use" is a hypothetical shopping plaza, not the existing site.

The process raises a further concern. The April 23, 2026 joint workshop reported "No Changes" for the Okeechobee Business District. (SEE EXHIBIT 4.) Yet the applicant's Justification Statement shows that the application was submitted on November 12, 2025, and resubmitted on April 20, 2026, three days before the

workshop. A private, site-specific application should not reach the public bundled within a City-initiated legislative package. These cases should be removed from the DMPU package. PB Case No. 934F should be heard as a quasi-judicial matter. Both cases should be denied, or continued until the City prepares a traffic analysis that uses existing conditions and accounts for cumulative impacts on the corridor.



PROTECTING DOWNTOWN CHARACTER

NO CHANGES	
1. North Railroad District (NoRA)	No Changes
2. Okeechobee Business District (OBD)	No Changes
3. CityPlace (CP)	No Changes
MOSTLY NO CHANGE / PRESERVE RESIDENTIAL CHARACTER	
4. Brelsford Park District (BPD)	• Focus on preservation + neighbordhood stability
5. Northwest Neighborhood (NWD)	• Focus on preservation + neighbordhood stability
6. Clearlake District (CLD)	• Targeted code language revisions (passageways + connectivity)
7. Clematis Waterfront District (CWD)	• Targeted code language revisions (service + alley conditions)
8. Cultural Arts District (CAD)	• Targeted code language revisions (incentive subdistrict development characteristics)
REFINE + CLARIFY	
9. Providencia Park District (PPD)	• Boundary revision to district limits
10. Quadrille Garden District (QGD)	• All District w/ incentive
11. Loftin (LD)	• Incentive height at transition zone adjacent to waterfront's edge and boundary revision to district limits.
INCENTIVE / GROWTH AREAS	
12. Quadrille Business District (QBD)	• In certain zones, incentive height increased w/some addt'l req.
13. Transit Oriented District (TOD)	• In certain zones, incentive height increased w/some addt'l req.
14. Flagler Waterfront District (FWD)	• Incentives with conditions (tower form + setbacks + open space connectivity)

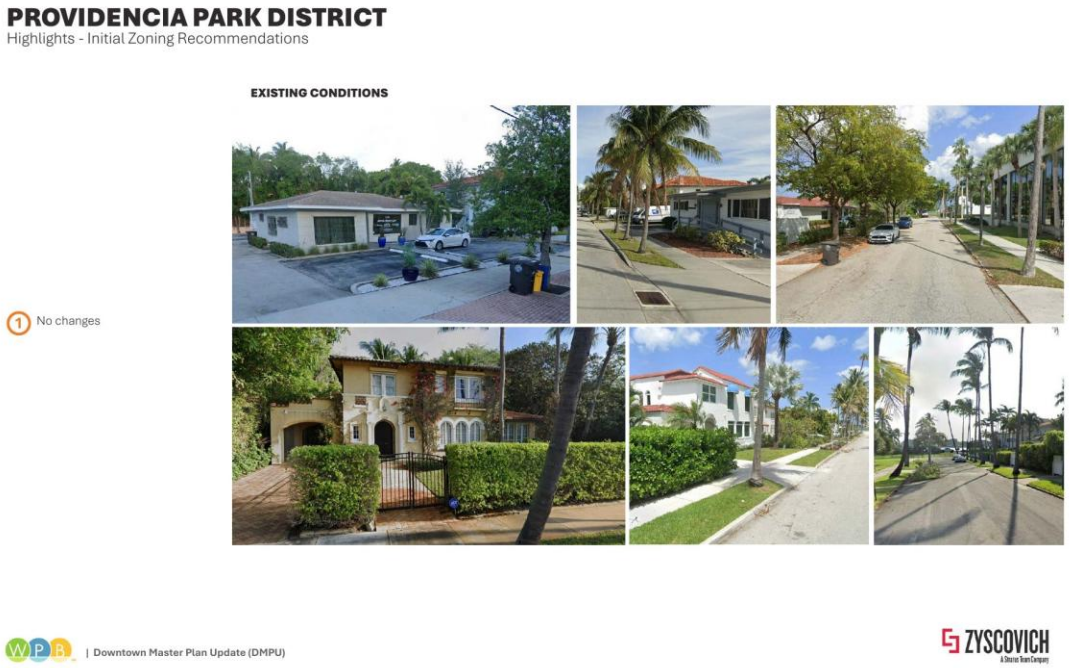
EXH 4. April 23, 2026 joint DAC and Planning Board workshop. The Okeechobee Business District is listed as "No Changes."

E. Providencia Park and Evernia Street Rezonings (DAC Case Nos. 26-01 and 26-03)

A rezoning of specific parcels remains quasi-judicial when the City initiates it. *Snyder*, 627 So. 2d at 474. When a City-initiated ordinance changes the zoning map designation of fewer than ten contiguous acres, the City must mail notice to each affected owner at least 30 days before the public hearing. § 166.041(3)(c)1., Fla. Stat. An ordinance that changes the list of permitted, conditional, or prohibited uses within a zoning category requires two advertised public hearings. § 166.041(3)(c)2., Fla. Stat. Florida courts treat an ordinance adopted without the required notice as void. *Daytona Leisure Corp. v. City of Daytona Beach*, 539 So. 2d 597 (Fla. 5th DCA 1989). *See also Coleman v. City of Key West*, 807 So. 2d 84 (Fla. 3d DCA 2001).

GVHNA RESPONSE: DAC Case No. 26-01 rezones a single property at 901 North Flagler Drive out of the Providencia Park District. DAC Case No. 26-03 rezones nine identified parcels on Evernia Street and South Sapodilla Avenue from TOD-8 to TOD-10. Each is site-specific. Including them in a legislative package does not change their character. The DMPU also amends the permitted-use tables throughout the Downtown Master Plan area. That change triggers the two-hearing requirement.

The public was also told something different. The January 26, 2026 presentation stated "No changes" for the Providencia Park District. (SEE EXHIBIT 5.) The City then proposed rezoning 901 North Flagler Drive out of that district. Separately, the staff report states that 807 North Flagler Drive will be "re-designated (not rezoned)" from LD-R to LD-5 as a "suggested" district. The draft does not explain what a designation that is not a rezoning would accomplish. Its legal effect is unclear. DAC Case Nos. 26-01 and 26-03 should be heard separately as quasi-judicial matters. The City should confirm in the record that it gave the notice section 166.041(3)(c) requires. It should also explain the legal effect of the proposed re-designation of 807 North Flagler Drive or withdraw it.



EXH 5. January 26, 2026 presentation to the Downtown Neighborhood Association. The Providencia Park District is listed as "No changes."

F. Parking (Sec. 94-32(a)(5) and Sec. 94-111(a), City Code)

Sec. 94-32(a)(5) requires the City to consider whether and to what extent an amendment would exceed the capacity of public facilities, including transportation. Sec. 94-111(a), the intent clause of the downtown parking regulations, states: "The parking requirements shall reduce the visual impact of parking uses and encourage creative alternatives to reduce the area dedicated to parking, avoid conflicts between vehicles and pedestrians, and preserve and enhance pedestrian activity within the downtown." *See also* Sec. 94-481(a)–(b), City Code (citywide parking article, which applies "in all zoning districts" and seeks "to avoid undue congestion on streets").

GVHNA RESPONSE: The DMPU reduces non-residential parking requirements by 25% in the Urban Core and Special Districts. Staff lists the Clearlake, Cultural Arts, Quadrille Business, Quadrille Garden, Transit Oriented, and Okeechobee Business Districts, and the Clematis and Flagler Waterfront Districts. The draft describes the Cultural Arts District as anchored by the Palm Beach County Convention Center, near the Hotel II site. The DMPU relies on transportation demand management strategies that staff will evaluate project by project. The materials made available to us contain no estimate of the parking demand the reduction would shift onto public streets. They contain no analysis of spillover into Grandview Heights or other neighborhoods next to the Urban Core. Grandview Heights already absorbs construction and hotel parking on narrow historic streets. GVHNA asked the City in April 2026 and again on August 31, 2026 to establish a resident permit parking program. Shifting parking demand onto neighborhood streets increases conflicts between vehicles and pedestrians, contrary to Sec. 94-111(a). It also bears directly on transportation capacity under Sec. 94-32(a)(5). The City should analyze spillover before it reduces parking requirements.

G. Open Meetings (§ 286.011, Fla. Stat.)

The Sunshine Law requires that meetings of public boards and commissions be open and noticed. § 286.011(1), Fla. Stat. It applies to advisory committees that help shape land-use regulations. *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). A later, independent public hearing may cure a violation. *Tolar v. Sch. Bd. of Liberty Cnty.*, 398 So. 2d 427 (Fla. 1981).

GVHNA RESPONSE: Staff reports that the DMPU Steering Committee met at key milestones and that its sessions "shaped recommendations" in the DMPU. The Neighborhood Partnership Network held working

sessions on utility capacity and traffic, and weekly meetings with staff. The materials made available to us contain no notice, agenda, or minutes for either body. Our October 5, 2026 public records request for those records remains outstanding. The City should place those records in the record. If either body met without notice, the Planning Board and the Commission should independently reconsider every recommendation that body shaped.

H. Live Local Act (§ 166.04151(7), Fla. Stat.)

Section 166.04151(7) requires cities to approve qualifying affordable housing developments in commercial and mixed-use districts at heights and densities that local regulations would otherwise forbid. House Bill 1389, effective July 1, 2026, bars a local government from restricting a qualifying development's height through other dimensional means, such as setbacks or stepbacks.

GVHNA RESPONSE: The DMPU relies on those tools to protect neighborhoods and the waterfront. Examples include the Clematis Street stepback rule and the setbacks along Flagler Drive. The materials made available to us contain no analysis of how many downtown sites could qualify under the Act or what heights would result. The City should prepare and disclose that analysis so the public and the boards can judge what protections the DMPU will actually provide.

I. Historic Districts and Compatibility (Comprehensive Plan Objective 1.3 and Policies 1.3.1, 1.3.4, 3.1.4(C), and 3.2.3, and Sec. 94-103(b), City Code)

Objective 1.3 requires the City to "uphold the preservation of downtown historic districts, buildings, and historically significant buildings and sites to protect its historical character and significance to the City." Policy 1.3.1 directs the Planning Division to apply the City's Historic Preservation Ordinance to the downtown. Policy 1.3.4 requires the City to "maintain regulations and standards of review which ensure the compatibility between new buildings and historic structures and districts." Policy 3.2.3 contemplates architectural review of developments adjacent to historic structures. Policy 3.1.4(C) provides that properties designated historic or historically eligible "shall not be appropriate for incentives to increase height or density unless the historic or historically-eligible structure on site is preserved." Sec. 94-103(b) of the City Code provides that the historic preservation ordinance "shall prevail over the DMP urban regulations whenever a conflict exists." The elements of a comprehensive plan must be internally consistent. § 163.3177(2), Fla. Stat.

GVHNA RESPONSE: The Grandview Heights Historic District was listed on the National Register of Historic Places on July 8, 1999 (No. 99000795). It is bounded roughly by Park Place, Alabama Avenue, M Street, and South Lake Avenue. Hotel II sits one block north of it. The DMPU expands height and density incentives and reduces parking requirements in the Urban Core. It contains no standard for compatibility with the District.

First, the DMPU describes the historic character of the Northwest Neighborhood, Brelsford Park, and Providencia Park Districts. It does not mention the Grandview Heights Historic District. Staff reports that it presented the proposal for the Northwest Neighborhood District to the Historic Preservation Board on May 27, 2026. The materials made available to us show no Board review of how the incentives and parking reductions would affect Grandview Heights.

Second, the DMPU amends Policy 3.1.4(C) by replacing "preserved" with "integrated," without defining the new term. (SEE EXHIBIT 7.) We found no explanation of this change in the staff report. A structure can be integrated into a project and still be altered or largely lost.

Third, the DMPU deletes the Plan's entire Introduction. Staff describes the deletion as a condensation that removes outdated projects and statistics. The deleted text includes the principle that new action should support the City's traditions "so that new building does not devalue the old." (SEE EXHIBIT 6.) The DMPU also deletes "single-family" from the description of the Northwest Neighborhood District and from the description of the neighborhood that borders the Quadrille Business District. (SEE EXHIBIT 8.) We found no explanation of either deletion in the staff report.

Together, these changes weaken the Plan's protection of historic districts at the same time the DMPU expands development capacity near them. They cannot be reconciled with Objective 1.3 and Policy 1.3.4, as section 163.3177(2) requires.

Introduction

~~Readers of the Master Plan are encouraged to regard it as part of the ongoing planning history of West Palm Beach. The Plan reinforces historical design concepts which, by their continuing survival in the Downtown, have proved their validity for evolving conditions. It proposes that new action support the City's traditions rather than depart from them, so that new building does not devalue the old.~~

EXH 6. The Introduction that the DMPU strikes (PB Case No. 2038, Attachment I, p. 1-DMP).

~~In 2007, the City revised the 1994 Master Plan by adopting a new FAR-based set of regulations for the DMP. The 2007 regulations did not increase the total amount of development allowed throughout downtown, but rather provided greater flexibility, architectural variety, more open space and public amenities. Appendix I "Downtown Master Plan Area – Maximum Development Capacity" outlines the maximum potential development that could take place in downtown, however, the overall capacity for non-residential uses is limited by the caps set forth within the Transportation Concurrency Exception Area (TCEA) language included in the Future Land Use and Transportation elements of the City's Comprehensive Plan.~~

~~Since 1994, the Downtown has substantially changed. Downtown population has increased from 4,569 residents in 2000 to 7,144 residents in 2010 and 10,654 residents in 2020 according to Census information. At the same time, thousands of residential units have been built since 1994, resulting in a total of 7,716 units in downtown as of February 2023, with hundreds of units under construction. Also, over two million square feet of non-residential uses have been built since 1994, and more than one thousand new hotel rooms have been added to the downtown, resulting in a total of 10,364,800 sf of non-residential uses and 1,682 hotel rooms as of February 2023. However, despite the changes, the rebuilding of the downtown is still a valid goal.~~

EXH 6 (cont.). The struck explanation of Appendix I and the TCEA caps, and the struck growth figures (p. 2-DMP).

C. The City has identified specific areas within the Downtown Master Plan where an increase in density and intensity is appropriate. These areas will be subject to special incentives to promote the protection of historically significant structures, the creation of workforce housing and open space, among others. The incentive programs will be of a defined duration and will not change the base development rights. Properties designated as historic or historically-eligible shall not be appropriate for incentives to increase height or density unless the historic or historically-eligible structure on site is ~~preserved~~integrated. Any development incentive program within the Downtown area shall comply with the development caps and mix of uses required by the Transportation Element Objective 2.2.5 for the Downtown TCEA as well as Table DMP-1.

EXH 7. Policy 3.1.4(C), with "preserved" replaced by "integrated" (p. 19-DMP).

A. Northwest Neighborhood District: As the City's first historic district listed on the National Register of Historic Places, the Northwest Neighborhood is characterized ~~as a~~for its small-scale residential, civic, and neighborhood-serving uses ~~single-family family residential neighborhood~~ with single-family Florida vernacular and Mediterranean revival houses. The ~~single-family and~~ low-scale residential character of the neighborhood shall be maintained and encouraged through rehabilitation and infill OBJ OBJ. The rehabilitation of existing multifamily structures shall be allowed. Neighborhood commercial uses are of the character of the neighborhood and, as such, OBJ shall be permitted OBJ The connectivity of the neighborhood with the rest of the Downtown shall be enhanced through the desired opening of 7th Street at the FEC, and Douglass Avenue and Division Avenue at Banyan Boulevard, through vehicular and/or pedestrian passageways. Any improvements or reconstruction of the existing Palm Beach Lakes Boulevard bridge at the FEC railway line shall be analyzed to minimize the negative impact of the overpass in the surrounding properties.

EXH 8. Deletion of "single-family" from the Northwest Neighborhood District description (p. 4-DMP).

H. Quadrille Business District: The Quadrille Business District (QBD) is the prime location of office uses and includes, with incentives, one of the greatest potential density of development and tallest building heights in the Downtown. The district's intent is to create an activity center that connects the retail areas at ~~The Square (formerly known as Rosemary Square and~~ CityPlace~~)~~ and Clematis Street. The district focuses the most intense development along Quadrille Boulevard to create a true business corridor~~,~~ but respects the scale of Clematis Street and Rosemary Avenue by stepping down building heights along those corridors. ~~Although the~~ The district will include a mixture of uses, and incentives will be offered throughout the district, including the ~~for office, hotels, and residential, additional incentives offered by the City for the~~ area between Quadrille Boulevard and Rosemary Avenue ~~will be related to the provision of substantial Class A office space, full service hotels, and~~ if ~~the creation of~~ a new road/passageway on the west side of the FEC corridor between Datura Street and Gardenia Street is provided. This district shall also create a strong connection with the Northwest Neighborhood through a transition from Banyan Boulevard that integrates the small and medium scale ~~single-family~~ neighborhood.

EXH 8 (cont.). Deletion of "single-family" from the Quadrille Business District description (p. 6-DMP).

In summary, the DMPU must be revised for the following reasons:

1. The City has made no determination that its public facilities can serve the development the DMPU would allow.
2. The DMPU deletes the Plan's only quantified development cap and does not show compliance with the TCEA caps.
3. The incentive program has no defined duration and leaves its price to standards outside the ordinance.
4. The 420 Okeechobee Boulevard cases rest on a hypothetical traffic baseline and ignore cumulative impacts on the corridor.
5. The site-specific rezonings require separate quasi-judicial hearings and statutory notice.
6. The parking reductions will worsen spillover parking in Grandview Heights and other neighborhoods.
7. The DMPU narrows Policy 3.1.4(C)'s protection of historic properties and offers no compatibility standard for the Grandview Heights Historic District.

GVHNA AND THE ALLIANCE PROPOSE THE FOLLOWING REVISIONS AND CONDITIONS

To be incorporated into the Planning Board and Staff's Recommendations:

Capacity and Development Caps:

(1) Before transmittal, the City shall place in the record a capacity analysis for water, wastewater, drainage, solid waste, and transportation. The analysis shall cover full buildout of the base and incentive

development the DMPU would allow, the Vanderbilt University campus, and approved but unbuilt projects, including Hotel II.

(2) Appendix I shall be retained and updated. The City shall adopt a ledger that tracks existing, approved, and proposed development against the caps in Transportation Element Objective 2.2.5 and Table DMP-1.

Incentive Program:

(1) Proposed Sec. 94-132 shall set a defined duration for each incentive program, as Policy 3.1.4(C) requires.

(2) The Non-Residential Nexus Calculation table and its methodology shall be codified in the ordinance. The City shall place in the record a study that supports the $120,000 payment-in-lieu and the set-aside percentages.

Site-Specific Rezonings:

(1) PB Case Nos. 934E and 934F and Code Revision Case No. 26-03A shall be removed from the DMPU package. PB Case No. 934F shall be heard as a quasi-judicial matter. The City shall require a traffic analysis that uses existing conditions and accounts for cumulative impacts on the Okeechobee corridor.

(2) DAC Case Nos. 26-01 and 26-03 shall be heard separately as quasi-judicial matters. The City shall confirm in the record its compliance with section 166.041(3)(c), Florida Statutes, and shall explain or withdraw the proposed re-designation of 807 North Flagler Drive.

Parking and Neighborhood Protection:

(1) The City shall analyze parking spillover into neighborhoods adjacent to the Urban Core before it reduces parking requirements.

(2) Any parking reduction for a site adjacent to a residential neighborhood shall be conditioned on a funded resident permit parking program or equivalent enforcement.

(3) Article IV shall require a Construction Parking Management Plan for every downtown project adjacent to a residential neighborhood. The plan shall prohibit construction workers and contractors from parking on residential streets, with violations subject to fines and stop-work orders where the City Code allows.

Historic Preservation:

(1) Policy 3.1.4(C) shall retain the word “preserved,” or shall define “integrated” to require preservation of the structure’s character-defining features.

(2) The principle that new building should not devalue the old shall be restated in the Vision section or as a policy.

(3) The Plan shall include a policy, and Article IV shall include standards, for compatibility with historic districts near the Downtown Master Plan area, covering height transitions, buffers, and parking-spillover controls. The policy shall name the Grandview Heights Historic District.

(4) The DMPU shall be presented to the Historic Preservation Board for review of its effect on adjacent historic districts, and the Board’s findings shall be placed in the record.

(5) Staff shall explain the deletion of “single-family” from the district descriptions in Policy 1.1.1.

Process and Record:

(1) The City shall place in the record the notices, agendas, and minutes of the DMPU Steering Committee and the Neighborhood Partnership Network.

(2) The City shall prepare and disclose an analysis of the effect of section 166.04151(7), Florida Statutes, on the DMPU’s height, setback, and stepback regulations.

(3) For each quasi-judicial matter, each board member and Commissioner shall disclose the substance of any ex parte communication before the hearing, as Resolution No. 179-95 requires. GVHNA and the Alliance shall have the opportunity to present evidence, cross-examine witnesses, and be informed of all facts on which the decision rests. *Jennings v. Dade County*, 589 So. 2d 1337, 1340 (Fla. 3d DCA 1991).

(4) The City shall produce the records responsive to the October 5, 2026 public records request concerning capacity, the TCEA, and the advisory bodies before the October 20, 2026 Planning Board hearing.

(5) Staff shall respond in writing to each comment in this letter in its report to the City Commission.

GVHNA and the Alliance recommend **DENIAL** of the DMPU based on failure to comply with section 163.3177, Florida Statutes, Objective 1.3 and Policies 1.3.4 and 3.1.4(C) of the Comprehensive Plan, Sec. 94-32(a) of the City Code, and other applicable requirements, UNLESS resolved by the revisions and conditions listed above.

GVHNA and the Alliance reserve all rights, including their rights under sections 163.3184(5), 163.3213, 163.3215, and 286.011, Florida Statutes, and their right to seek certiorari review of each quasi-judicial decision.

Please direct any questions regarding this response to GVHNA's counsel, Stanley Q. Casey, Esq., at (305) 946-1510 or scasey@sqcaseylaw.com.

Sincerely,

Margaret Frazzini
President, Grandview Heights Neighborhood Association, Inc., West Palm Beach Neighborhood Alliance, Inc.

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cc:

Bruce Barber, Vice President, GVHNA
James Canwright, Treasurer, GVHNA
Leslie Paparo, Secretary, GVHNA
Jason Call, Member at Large, GVHNA
Lisa Mastronardi, Member at Large, GVHNA
Hailey Collins, Member at Large, GVHNA
Vanessa Nedvins, President, Convention Center Townhomes
Mayor Keith James and Members of the City Commission
Chair and Members of the Planning Board
Chair and Members of the Downtown Action Committee
City Clerk, City of WPB (for inclusion in the record)
Kimberly L. Rothenburg, City Attorney, City of WPB
Claudia Ibaven, City Urban Designer, City of WPB
Chris Kimmerly, City of WPB
Faye Johnson, City of WPB
Armando Fana, City of WPB
Steve Sylvester, City of WPB
Tyler Woolsey, Shutts & Bowen LLP
Stanley Q. Casey, Esq.

IV. - DOWNTOWN MASTER PLAN URBAN REGULATIONS[3]

Contents:

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Sec. 94-103. - Controlling regulations.
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Sec. 94-106. - General uses with special requirements.
Sec. 94-107. - Demolition requirements.
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Sec. 94-116. - ClearLake district (CLD).
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Sec. 94-131. - CC-2 lakefront district.
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Sec. 94-133. - Transfer of development rights program.
Sec. 94-134. - Downtown Master Plan housing incentive program.
Secs. 94-135—94-140. - Reserved.

Footnotes:

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Editor's note— Ord. No. 4213-09, § 6 (Exhibit A), adopted June 29, 2009, amended Art. IV in its entirety to read as herein set out. Former Art. IV, §§ 94-101—94-117, pertained to downtown West Palm Beach. See the Code Comparative Table for full derivation.

Sec. 94-101. - Intent.

The downtown master plan (DMP) urban regulations implement the downtown master plan element of the comprehensive plan and govern the downtown master plan area. The intent of the DMP urban regulations is to create a sustainable downtown with an enhanced quality of life by creating a zoning code which is reflective of the downtown's fourteen (14) districts and their different characteristics.

These urban regulations enable flexible building design by encouraging a variety of uses, heights, and forms, and establish maximum development allowances for each subdistrict. The maximum densities and intensities set forth herein do not guarantee development capacity. Actual development potential for individual properties may vary based on site-specific design factors, including but not limited to lot size and configuration, parking, setbacks, and other applicable requirements.

The ability to maximize these allowances, however, may depend on a number of factors including but not limited to:

a. Other regulations of the Code of Ordinances.
b. The physical characteristics of any particular development site.
c. Site-specific design factors and constraints, such as lot size and configuration, parking, setbacks, and other applicable development standards.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009)

Sec. 94-102. - Organization of the urban regulations.

a. The following Downtown Master Plan maps indicate the official boundaries of each of the (1) planning areas, (2) districts, (3) subdistricts, and (4) street designations which constitute the DMP.
b. *DMP urban regulations*. The DMP urban regulations are organized according to five hierarchical groupings: (a) general development standards; (b) planning areas; (c) districts; (d) subdistricts; and (e) incentive regulations. In the event of a conflict, the most detailed regulation for the subdistrict shall take precedence.
    1. *General development standards*. The general development standards are the requirements that apply to the entire DMP and include use requirements, site and building design requirements, definitions and minimum requirements, signage requirements, parking and loading requirements, and streetscape requirements, among others. All proposed developments shall comply with the requirements of the general development standards.
    2. *Planning areas*. Planning areas are a subset of the DMP general development standards and provide more specific regulations for three overall categories under which regulations for the 14 districts reside. Refer to Figure 1 - DMP Planning Areas. These include:
        a. Urban core districts which function as the central core of the downtown.
        b. Special districts which are either protected or provide a transition in building scale among districts and require additional consideration.
        c. Residential enclaves which are the primary residential neighborhoods in the downtown.
    3. *Districts*. Districts are a subset of each planning area and are defined through district regulations. Each district provides for a particular vision to create and reinforce the character of the area by describing the development characteristics, and along with the street designations and the building requirements, guide all proposed development. The district regulations define development characteristics and special requirements for the entire district. The different districts are depicted on the Figure 2: DMP Districts, and include:
        a. *Urban core planning area*.
            1. CityPlace district (CPD).
            2. Clearlake district (CLD).
            3. Cultural arts district (CAD).
            4. Quadrille business district (QBD).
            5. Quadrille garden district (QGD).
            6. Transit oriented development district (TOD).
            7. Okeechobee business district (OBD).
        b. *Special districts planning area*.
            1. Clematis waterfront district (CWD).
            2. Flagler waterfront district (FWD).
            3. North Railroad Avenue district (NoRA).
            4. Loftin district (LD).

c. *Residential enclaves planning area*.
    1. Brelsford Park district (BPD).
    2. Northwest neighborhood district (NWD).
    3. Providencia Park district (PPD).

4. *Subdistricts.* The subdistricts are a subset of the districts and serve as the zoning designation for each property. They describe the maximum allowable development capacity for proposed developments. The naming convention for the subdistricts will indicate the district abbreviation and the subdistrict maximum height (for example QBD-10 represents the Quadrille business district and with a maximum height of ten stories). The residential subdistricts are designated with an "R" (for example NWD-R represents northwest district—residential) and do not include a maximum height in the naming convention. Urban open spaces are designated as "UOS". Refer to Figure 3 - DMP Subdistricts and Figure 4 - DMP Street Designation.

FIGURE 1: DMP PLANNING AREAS

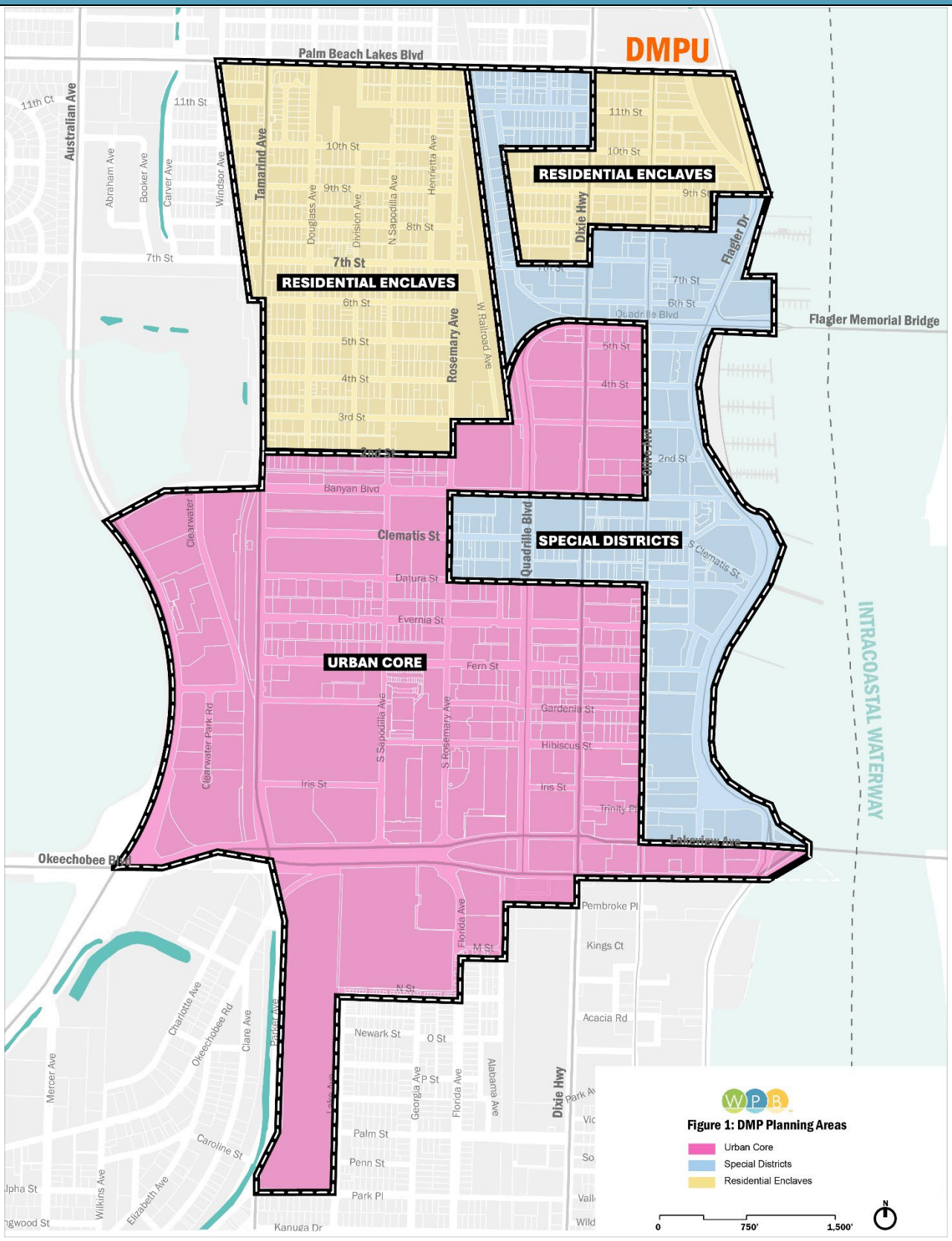


FIGURE 2: DMP DISTRICTS

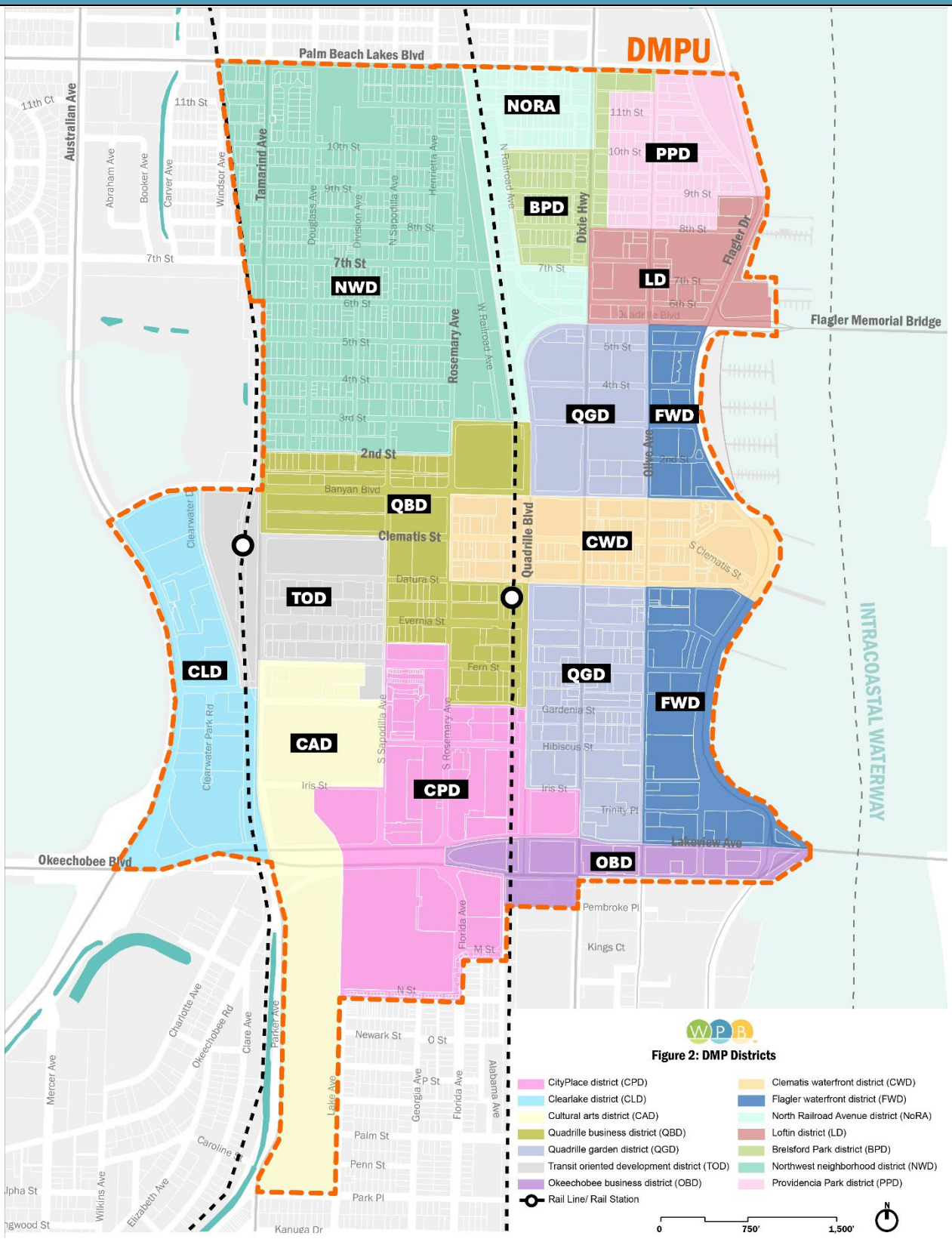


FIGURE 3: DMP SUBDISTRICTS

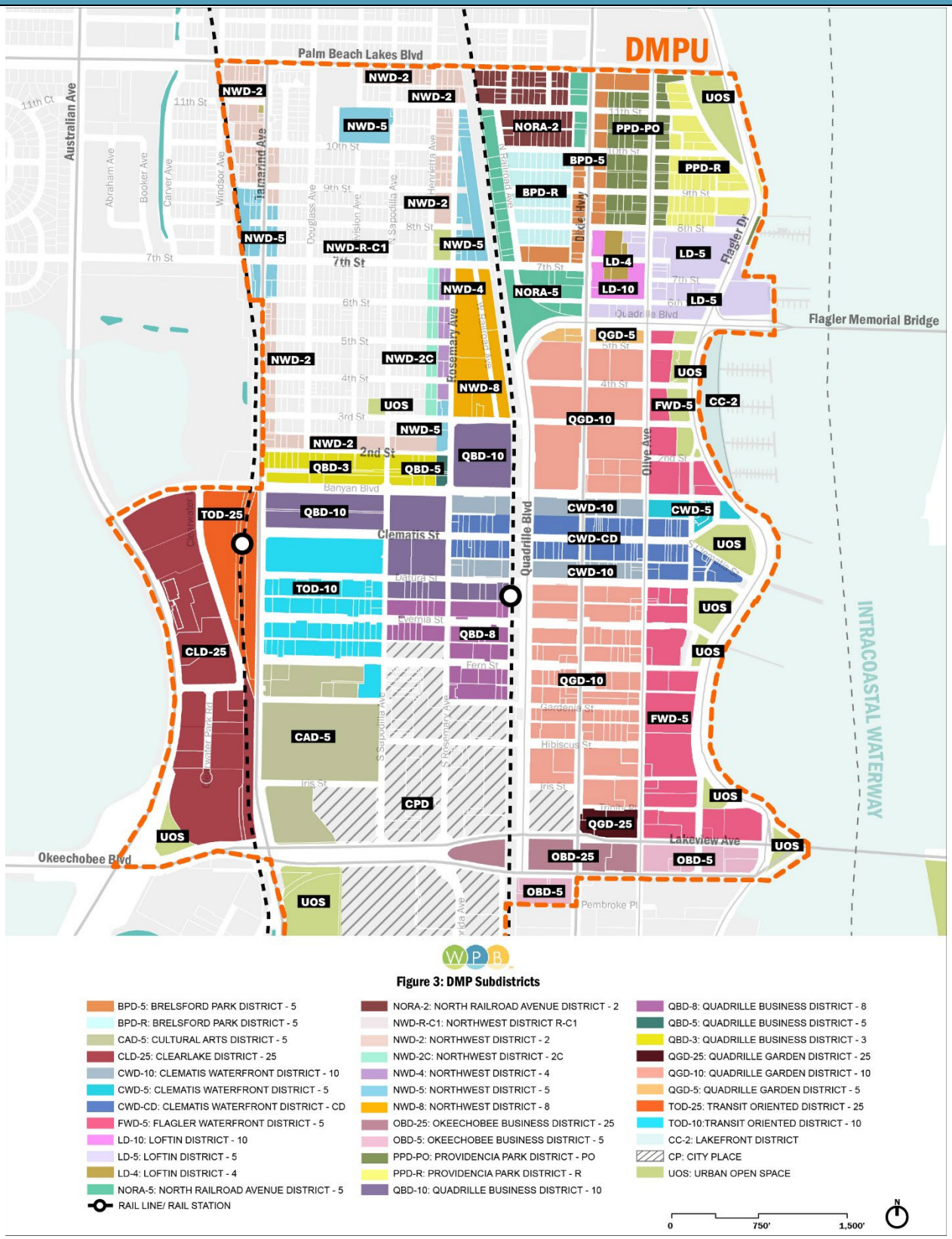
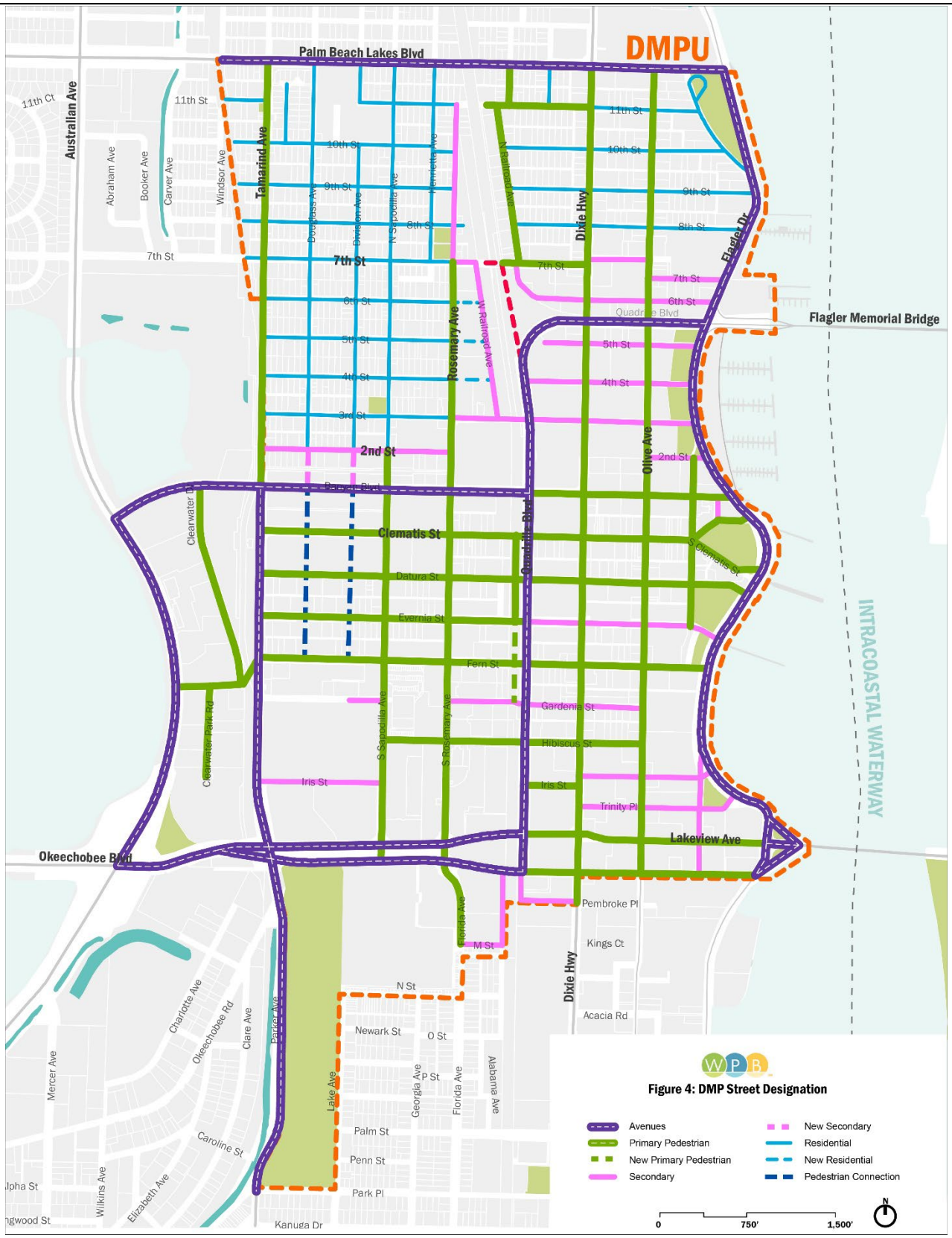


Figure 3: DMP Subdistricts

- BPD-5: BRELSFORD PARK DISTRICT - 5
- BPD-R: BRELSFORD PARK DISTRICT - 5
- CAD-5: CULTURAL ARTS DISTRICT - 5
- CLD-25: CLEARLAKE DISTRICT - 25
- CWD-10: CLEMATIS WATERFRONT DISTRICT - 10
- CWD-5: CLEMATIS WATERFRONT DISTRICT - 5
- CWD-CD: CLEMATIS WATERFRONT DISTRICT - CD
- FWD-5: FLAGLER WATERFRONT DISTRICT - 5
- LD-10: LOFTIN DISTRICT - 10
- LD-5: LOFTIN DISTRICT - 5
- LD-4: LOFTIN DISTRICT - 4
- NORA-5: NORTH RAILROAD AVENUE DISTRICT - 5
- RAIL LINE/ RAIL STATION
- NORA-2: NORTH RAILROAD AVENUE DISTRICT - 2
- NWD-R-C1: NORTHWEST DISTRICT R-C1
- NWD-2: NORTHWEST DISTRICT - 2
- NWD-2C: NORTHWEST DISTRICT - 2C
- NWD-4: NORTHWEST DISTRICT - 4
- NWD-5: NORTHWEST DISTRICT - 5
- NWD-8: NORTHWEST DISTRICT - 8
- OBD-25: OKEECHOBEE BUSINESS DISTRICT - 25
- OBD-5: OKEECHOBEE BUSINESS DISTRICT - 5
- PPD-PO: PROVIDENCIA PARK DISTRICT - PO
- PPD-R: PROVIDENCIA PARK DISTRICT - R
- QBD-10: QUADRILLE BUSINESS DISTRICT - 10
- QBD-8: QUADRILLE BUSINESS DISTRICT - 8
- QBD-5: QUADRILLE BUSINESS DISTRICT - 5
- QBD-3: QUADRILLE BUSINESS DISTRICT - 3
- QGD-25: QUADRILLE GARDEN DISTRICT - 25
- QGD-10: QUADRILLE GARDEN DISTRICT - 10
- QGD-5: QUADRILLE GARDEN DISTRICT - 5
- TOD-25: TRANSIT ORIENTED DISTRICT - 25
- TOD-10:TRANSIT ORIENTED DISTRICT - 10
- CC-2: LAKEFRONT DISTRICT
- CP: CITY PLACE
- UOS: URBAN OPEN SPACE

0 750' 1,500'

FIGURE 4: DMP STREET DESIGNATION


DMPU
Palm Beach Lakes Blvd
Australian Ave
Tamarind Ave
Rosemary Ave
Dixie Hwy
Flagler Dr
Flagler Memorial Bridge
Quadrille Blvd
Olive Ave
Clematis St
Okeechobee Blvd
Lakeview Ave
INTRACOASTAL WATERWAY
Pembroke Pl
Kings Ct
Acacia Rd
Newark St
Palm St
Penn St
Park Pl
Kanuga Dr
Caroline St
Clearwater Park Rd
Clearwater Dr
Abraham Ave
Booker Ave
Carver Ave
Windsor Ave
Douglass Ave
Division Ave
N Sapodilla Ave
Henrietta Ave
N Railroad Ave
W Railroad Ave
S Sapodilla Ave
S Rosemary Ave
Florida Ave
Lake Ave
Georgia Ave
Alabama Ave
Charlotte Ave
Okeechobee Rd
Clare Ave
Parker Ave
Mercer Ave
Wilkins Ave
Elizabeth Ave
11th Ct
11th St
10th St
9th St
8th St
7th St
6th St
5th St
4th St
3rd St
2nd St
Datura St
Evernia St
Fern St
Gardenia St
Hibiscus St
Iris St
Trinity Pl
M St
N St
O St
P St
Figure 4: DMP Street Designation
Avenues
Primary Pedestrian
New Primary Pedestrian
Secondary
New Secondary
Residential
New Residential
Pedestrian Connection
0
750'
1,500'
N

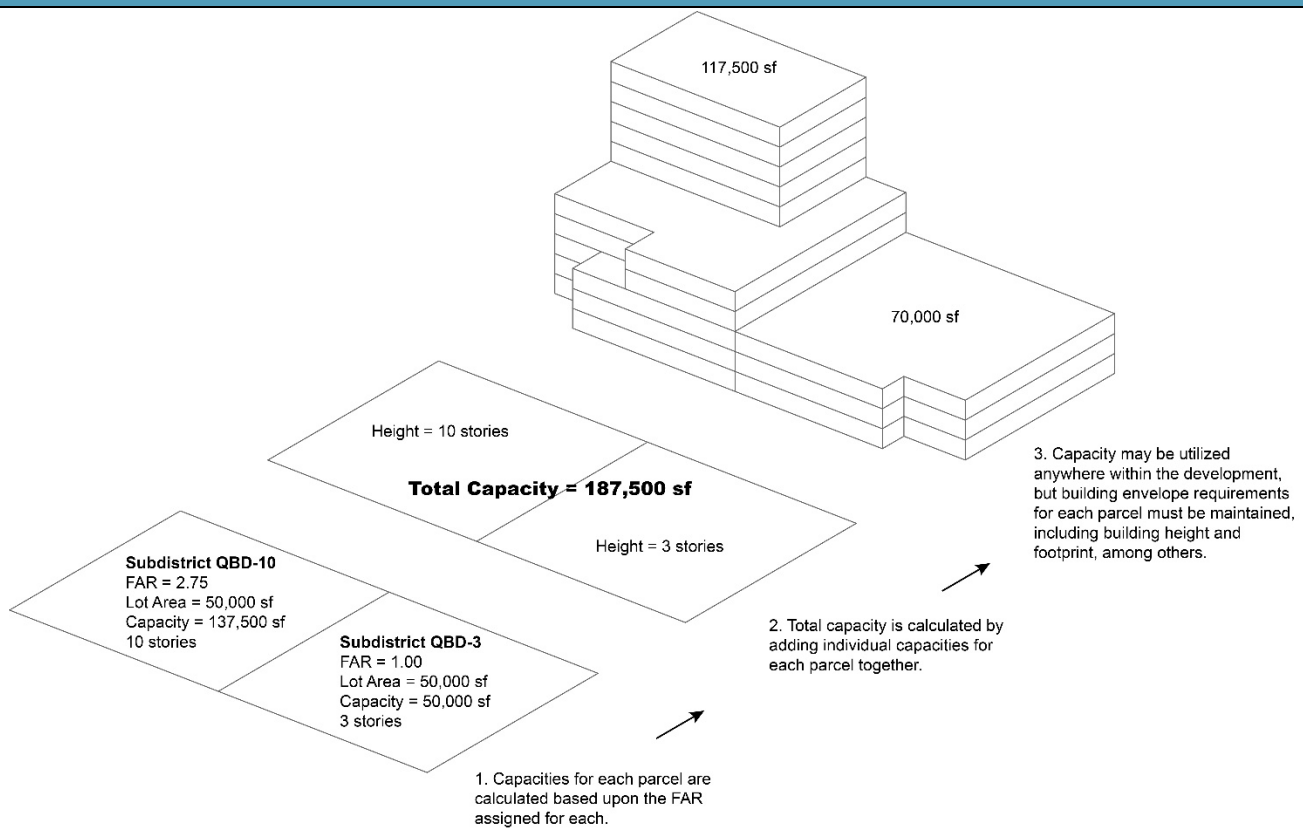
The development capacities are summarized in a building requirements table for each subdistrict which restricts buildings through a number of regulatory parameters including but not limited to, height, floor area ratio (FAR), setbacks, open space, and building footprint. These regulatory parameters shall delineate the envelope within which a building shall be designed to enable maximum creativity while maintaining a cohesive urban fabric.

In those cases where uncertainty exists as to the boundaries of a subdistrict, the following rules shall apply:

a. Boundaries are intended to follow the centerline of streets and alleys, or to follow the lot lines as they exist at the time of passage of these regulations, unless specifically shown otherwise.
b. In the event of further uncertainty, the planning director shall determine the boundary location.

Developments that include more than one subdistrict are permitted. The development capacity shall be calculated separately for each subdistrict portion of the development according to its respective FAR. The development capacity calculated for each subdistrict portion of the development then may be combined to determine the maximum capacity for the entire lot. The capacity may be utilized anywhere within the development, however, building envelope requirements for each subdistrict portion of the development shall be maintained. See Figure IV-1.

FIGURE IV-1:
CALCULATION OF DEVELOPMENT CAPACITY
FOR PARCELS WITH MULTIPLE SUBDISTRICT DESIGNATIONS



5. *Incentive regulations*. The incentive regulations provide additional development capacity for particular areas promoting a variety of public benefits such as historic preservation, creation of urban open space, office uses, and affordable housing. Projects participating in an incentive program shall comply with all of the requirements of the DMP urban regulations unless specifically stated by the program. Incentive building requirements tables are provided for each subdistrict subject to incentives and shall supersede the base building requirements tables.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022)

Sec. 94-103. - Controlling regulations.

a. The design of buildings within the DMP area shall be regulated and approved in accordance with the provisions of this article as amended from time to time.

b. The historic preservation ordinance which describes how to protect and preserve historic structures, as adopted and amended, shall prevail over the DMP urban regulations whenever a conflict exists.

c. The provisions of the DMP urban regulations, when in conflict with other zoning and land development regulations within this chapter, shall take precedence over the zoning and land development regulations. Within the DMP urban regulations, the district specific regulations shall prevail over the general requirements.

d. The provisions of the Florida Building Code, when in conflict, shall take precedence over the provisions of the DMP urban regulations.

e. For existing planned developments (PDs) and developments of regional impact (DRIs) within the DMP area, the regulations applicable to PDs and DRIs shall take precedence. Where specific regulations are not addressed in the PD or DRI regulations, the DMP urban regulations shall govern.

f. New planned developments (PDs) shall be prohibited and existing PDs shall not expand their boundaries. If a PD expires or is abandoned, the properties included within the PD shall be required to meet the district and subdistrict regulations in which the properties are located. Existing developments of regional impact (DRIs) may expand their boundaries, provided that they meet the statutory requirements pertaining to developments of regional impact.

g. Any interlocal agreement or settlement agreement regarding land use regulations authorized by the city commission prior to the effective date of these regulations shall take precedence over any conflicting provisions in the urban regulations.

h. In the event that two or more properties are part of a site plan approval, a document specifying the distribution of the development capacity within the parcels and any other linked code requirements shall be submitted in a form acceptable to the City and recorded in all the properties public records prior to the issuance of building permit.

(Ord. No. 4213-09 § 6 (Exh. A), 6-29-2009)

Sec. 94-104. - Prior development approvals.

a. Existing buildings and uses within the DMP area which were legally established but do not conform to provisions of the urban regulations as of the effective date of these regulations shall be considered nonconforming, may not be replaced, restored or modified, except in conformity with the urban regulations, and shall follow the regulations for nonconformities contained in ARTICLE XVI of this chapter.

b. Proposed developments with site plans approved under the 2009 DMP shall commence construction within 18 months following the date of site plan approval. If commencement of construction does not occur during such 18-month period, the site plan approval shall automatically expire without further action by the city. A one-time six-month extension to commence construction may be granted by the planning director provided there is progress on building permit approval, as demonstrated by the building permit activity. An application for a site plan extension shall be submitted to the planning department at least 30 days prior to expiration.

c. Transfer of development rights (TDRs) program of the 1994 DMP.

   1. Proposed developments which have received DAC approval for the TDRs and have a certificate of transfer issued under the 1994 DMP may complete the transfer to the approved receiving site even if the transfer results in an FAR which exceeds the FAR for which the site is eligible under the DMP urban regulations.

      Where the proposed development is seeking a new site plan approval or a major amendment of an existing approved site plan, the FAR allowed on the site shall not exceed the FAR allowed by the corresponding subdistrict designation plus the amount of TDRs originally transferred to the site. DAC shall review the proposed development to determine appropriate building configuration, and design for compliance with the DMP urban regulations. Proposed developments which have received TDRs are not eligible for special incentives to increase height or FAR.

   2. Proposed developments which had previously received site plan approval utilizing the benefits of the TDR program must obtain DAC approval for the transfer of development rights and must possess the certificate of transfer before the site plan approval expires in order to develop under the TDR program.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4917-20, § 3, 12-14-2020)

Sec. 94-105. - Use requirements.

a. *Intent.* This section shall provide a list of uses permitted within the various subdistricts established for the DMP, uses permitted with additional requirements, prohibited uses, and the definitions of uses particular to the downtown area.

b. *Permitted uses within all districts.* The following uses are permitted within all districts as a matter of right without specific listing in the permitted use table: parks, recreation areas, and urban open spaces; above ground and buried utility lines for local distribution of electricity, telephone, and cable television service; accessory and appurtenances apparatus such as poles, guy wires, transformers, and switching boxes; public and private streets and roads; railroad rights-of-way; water and sanitary sewer lines; gas and liquid fuel distribution lines; and public water canals.

c. *Prohibited uses within all districts.* The following uses shall be prohibited within the DMP area: outdoor sales of motor vehicles; motor vehicles service stations; drive-in facilities except banking facilities; pawn shops; chemical manufacturing; storage or distribution as primary use, except as otherwise provided in this article; unscreened outdoor storage either as a primary or accessory use, except as otherwise provided in this article; enameling; painting or plating, except artist's studios; off-premises signage; carting; moving or hauling terminal or yard, except delivery of goods to businesses; prisons; detention centers; sites for disposal of hazardous waste materials; scrap yards; mobile homes; sand, gravel or other mineral extraction; exterior kennels except as ancillary use to police station or courthouses; rooming houses; halfway houses; adult entertainment establishments; and retail uses selling adult material.

d. *Permitted use tables.*

1. Permitted use tables. Permitted uses in each planning area are listed in the permitted use tables: Tables IV-1, IV-2, and IV-3. Additional requirements for specific uses may be found in section 94-106 and/or the district regulations for each planning area. Uses in the permitted use tables are classified as follows:

   a. Uses permitted by right (P). Uses allowed throughout a subdistrict as a matter of right, subject to all applicable provisions of this chapter. These uses are designated "P" in Tables IV-1, IV-2, and IV-3.

   b. Uses permitted with additional requirements and restrictions (P+number). Uses allowed throughout a subdistrict only with the additional requirements and restrictions indicated by the specific permitted use symbol (P+number) in the permitted use tables, Table IV-1, IV-2, and IV-3, and subject to all applicable provisions of this chapter. The permitted use symbols correspond to the following additional requirements and restrictions:

P1 Ground floor residential uses shall not be permitted along Clematis Street and Rosemary Avenue.

P2 Ground floor residential uses shall be permitted, except on Dixie Highway.

P3 Multiple family dwellings shall be limited to the rehabilitation of structures originally constructed and legally permitted as multiple family residential structures.

P4 Off-site accessory surface parking lots will be permitted when accessory to uses located within BPD-R, NORA-5 and NORA-2. Surface parking lot shall comply with the following:

a. Off-site accessory surface parking lots for uses within NoRA or BPD-R will be permitted only on vacant properties with frontage along North Railroad Avenue, Spruce Avenue, or 11th Street. Parking lots shall not be allowed along the 10th Street frontage, except within 100 feet from North Railroad Avenue.

b. Demolition of existing structures will not be permitted for the construction of off-site accessory surface parking lots.

c. When located in a residential subdistrict, off-site accessory parking lots will not be required to comply with the minimum setback required for the district.

d. Off-site accessory surface parking lots shall comply with all landscape requirements as included in Section 94-113(f), except that divider medians shall be required only when more than four consecutive rows of parking are provided.

P5 Ground floor retail uses, office and other commercial uses, may be allowed in existing structures originally designed for commercial uses provided a class B special use permit is obtained. Such structures are designed with original, distinguishing, nonresidential characteristics, such as, but not limited to, storefront windows, placement and orientation to the street, and floor to ceiling height. The special use permit shall be limited to the existing building and such structures shall not expand in net interior area. Residential structures with previous commercial or retail uses shall not qualify for such special use permit. Retail uses, office, and other commercial uses shall be permitted by right for properties fronting 7th Street, between Rosemary Avenue and Sapodilla Avenue; and properties fronting Henrietta Avenue, south of the alley located between 8th Street and 9th Street. Bars, clubs, convenience stores, game arcades, and dry-cleaning establishments shall not be permitted anywhere within the NWD-R-C1.

P6 Live/work and commercial uses shall be limited to office uses, design arts related uses, studios, personal services, and limited retail as an accessory use to permitted uses. Mixed-uses shall be permitted within the same structure.

P7 Ground floor retail and other commercial uses shall be limited to 2,500 square feet, except on properties west of Tamarind Avenue.

P8 Live/work uses located on the first floor cannot be converted entirely into residential uses.

P9 Office uses shall be limited to professional office use only.

P10 Bed and breakfast establishments shall be limited to the rehabilitation of existing structures. In the NWD-R-C1 subdistrict, bed and breakfast establishments shall be limited to the rehabilitation of historically contributing structures. B&Bs shall comply with requirements in Section 94-109.

P11 Restaurant uses shall be limited to occupancy of 75 patrons.

P12 Structured parking shall comply with the subdistrict building requirements.

P13 Surface parking lots shall be permitted only on secondary street designations and shall comply with the parking requirements of section 94-111 and landscape requirements of subsection 94-443(c).
Temporary surface parking lots as primary use with frontage along a primary street may be allowed within the Quadrille Business District with the following conditions:

a. Minimum size and location. Temporary surface parking lots as primary use shall be allowed on parcels that are one or more acres in size, and shall be located within 500 feet of an existing commercial/retail development with a minimum of 250,000 square feet of existing floor area. Access to temporary surface parking lots may be from public right-of-way.
b. Setback. Temporary surface parking as primary use is not required to comply with minimum ground floor setback as prescribed by the corresponding subdistrict building requirement table. A minimum of six feet wide sidewalk shall be provided if not existed along the frontage line.
c. Landscape. Landscape shall be provided according to subsection 94-113(f), except as otherwise prescribed by this section. For properties with frontage along Rosemary Avenue, landscape buffer shall be a minimum of six feet in width, and shall be enhanced with an additional under-story shrub planting subject to the review and approval of the landscape planner. Required perimeter buffers along public streets shall be provided from the back side of the sidewalk.
d. Parking. Parking area shall comply with all applicable provisions on section 94-111 except as otherwise prescribed by this section. One interior landscape island shall be provided for every 12 parking spaces or fraction thereof.
e. Bicycle racks. Bicycle racks shall be provided at a ratio of one bicycle parking space per every 15 parking spaces provided. Bicycle racks may be located off-site at locations agreed by the city, and installed by issuance of certificate of completion of the temporary surface parking lot.
f. Time limitation. Surface parking lots with frontage along a primary street are only allowed for a period of 36 months after issuance of certificate of completion. A one-time 12-month extension may be allowed by the city commission. After four years, the surface parking lot shall be removed at the applicant's expense, and property restored pursuant to section 94-450.

P14 Surface parking lots as a primary use are permitted provided a class B special use permit is obtained. A maximum of one surface parking lot with parking as the primary use shall be permitted on each block.

P15 Off-site accessory surface parking lots in residential subdistricts identified on Figure IV-2, may be allowed to continue with the following conditions:

1. The lots shall be improved to the following minimum standards:
   i. Surface parking lots shall comply with requirements of section 94-111.
   ii. Paving materials shall be limited to stabilized grass, brick pavers, plain or colored concrete, or asphalt.
   iii. Surface parking lots existing as of November 1, 2022, are not required to comply with the minimum ground front setback, but a landscape buffer shall be provided along the street frontage in compliance with section 94-113(f).
2. Legally permitted surface parking lots, as demonstrated by an approved building permit, shall be exempt from these requirements.
3. Shared usage of surface parking lots and cross-access easements are strongly encouraged.

P16 Off-site accessory surface parking lot uses are permitted provided a class B special use permit is obtained, and shall comply with parking requirements on section 94-111 and landscape requirements on subsection 94-443(c).

P17 Self-storage and warehousing for families and small business as a primary use is permitted with the following conditions:

a. Active use requirement. For buildings up to two stories, active uses are required along a minimum of 80 percent of the first-floor buildable lot frontage. For building above two stories, active use shall be provided along 80 percent of the first and second floors. Self-storage or warehousing uses are not permitted within any required active use area.
b. Active use minimum depth. Required active use shall comply with the minimum depth as required by the corresponding building requirement table.
c. Maximum height. The maximum height of the storage building shall be limited to three stories or 40 feet.
d. Maximum lot size. The maximum lot size allowed for a self-storage facility is 1.5 acres.

P18 Temporary surface parking lots may be allowed with the following conditions:

1. Location and appearance:
   i. Temporary surface parking lots will be allowed only on those districts where permanent surface parking lots are allowed.
   ii. Access shall be provided from the alley if existing or from an existing curb cut. No new curb cuts will be allowed.
   iii. Compliance with landscape requirements shall not be required.
   iv. A four feet high opaque wood or pvc fence shall be provided along the street frontage.
2. Technical requirements:
   i. Temporary surface parking lots shall obtain approval from the engineering services division for storm water management.
   ii. Temporary surface parking lots shall comply with all federal regulations necessary for compliance with the Americans with Disabilities Act.
3. Time restrictions:
   i. Temporary surface parking lots are only permitted when associated with the construction of a new parking garage structure, and only in those cases where the original surface parking is being displaced by the new construction.
   ii. Temporary surface parking lots cannot start operation until site work associated with the construction for the new structure parking has commenced.
   iii. Temporary surface parking lots shall be removed within 30 days after a temporary certificate of occupancy for the associated parking structure is issued by the city. The final certificate of occupancy for the structure parking and its associated use will not be issued unless the temporary surface parking lot has been removed.
   iv. The maximum duration of a temporary surface parking lot shall be 24 months.

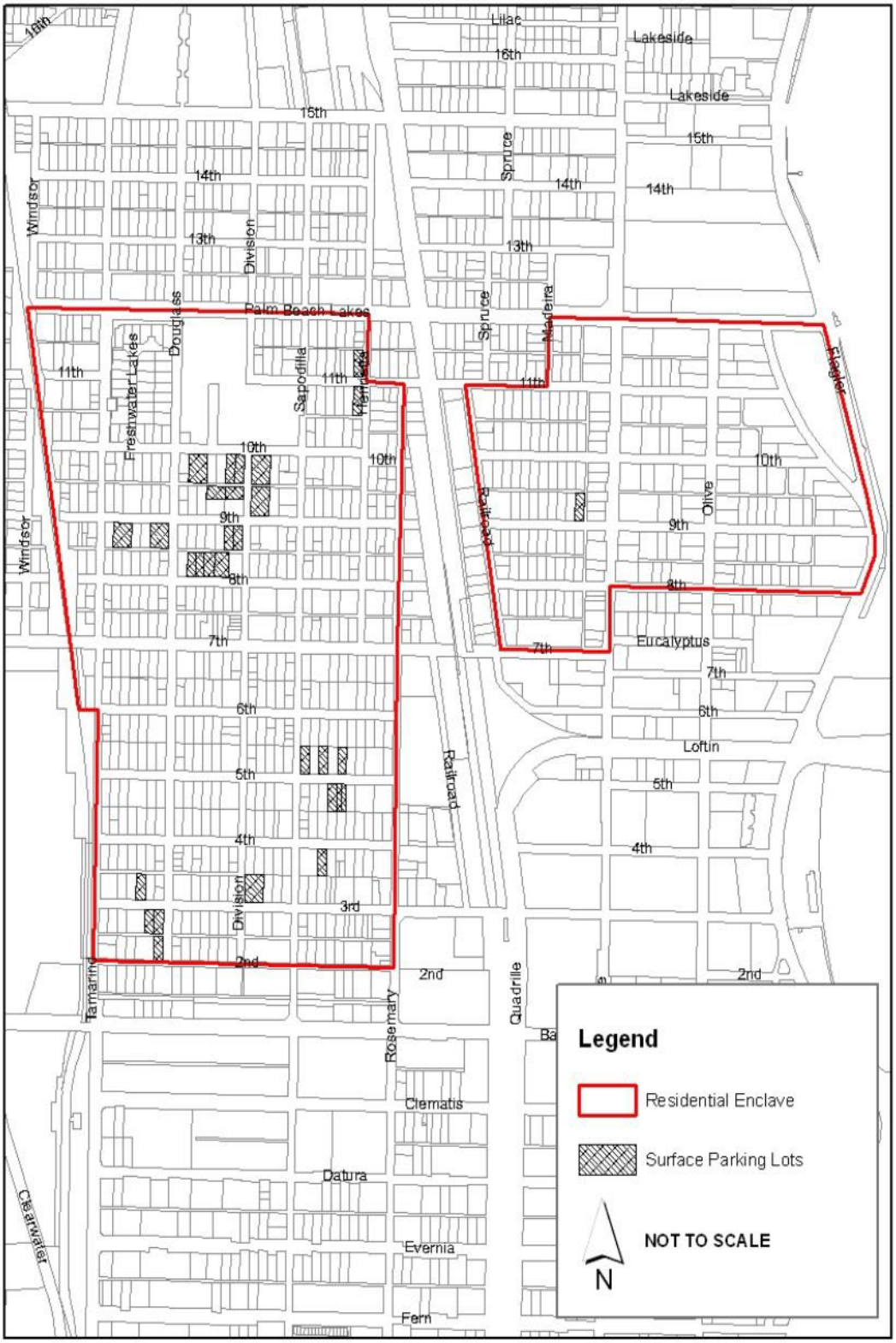
P19 Light Industrial uses may be allowed when associated with a retail component that occupies a minimum of 20% of the tenant space.

P20 Permitted only for properties with frontage along North Railroad Avenue.

P21 Not permitted along 10th Street except within 100 feet of North Railroad Avenue or Dixie Highway.

c. Prohibited uses. Uses prohibited within a subdistrict are indicated by a dashed line (—).

FIGURE IV-2:
SURFACE PARKING LOTS - RESIDENTIAL ENCLAVES



DOWNTOWN MASTER PLAN UPDATE

SOURCE: CITY OF WEST PALM BEACH, 2009.

TABLE IV-1: PERMITTED USE TABLE FOR DMP														
USE	PLANNING AREA: URBAN CORE													
	CULTURAL ARTS DISTRICT	CLEAR-LAKE DISTRICT	OKEECHOBEE BUSINESS DISTRICT		QUADRILLE BUSINESS DISTRICT				QUADRILLE GARDEN DISTRICT			TRANSIT ORIENTED DISTRICT		
	5	25	5	25	10	8	5	3	25	10	5	25	10	8
RESIDENTIAL														
Ground Floor Residential	P	P	—	—	P1	P1	P	P1	—	P	—	—	P	P
Multiple Family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Live/Work	P	P	P	P	P8	P8	P	P	P	P	P	P	P	P
Single-family Dwelling	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Accessory Structure	—	—	—	—	—	—	—	—	—	—	—	—	—	—
COMMERCIAL														
Ground Floor Retail	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Office	—	P	P	P	P	P	P	P	P	P	P	P	P	P
Hotel	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Restaurant	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Other Commercial	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PARKING														
Structured Parking as Primary Use	P12	P12	—	—	P12	P12	P12	P12	P12	P12	P12	P12	P12	P12
Surface Parking as Primary Use	P13, P18	P13, P18	—	—	P13, P18	P13, P18	P13, P18	P13, P18	P13, P18	P13, P18	P13, P18	P13, P18	P13, P18	P13, P18
Off-site Accessory Surface Parking	P13	P13	—	—	P13	P13	P13	P13	P13	P13	P13	P13	P13	P13

P = Permitted R = Required — = Prohibited

TABLE IV-2: PERMITTED USE TABLE FOR DMP										
USE	PLANNING AREA: SPECIAL DISTRICTS									
	CLEMATIS WATERFRONT DISTRICT			FLAGLER WATER-FRONT DISTRICT	NORTH RAILROAD AVENUE DISTRICT		LOFTIN DISTRICT			
	10	5	CD	5	5	2	10	5	4	
RESIDENTIAL										
Ground Floor Residential	—	—	—	P	P, P2	P	P2	P, P2	P	
Multiple Family Dwelling	P	P	P	P	P	P	P	P	P	
Live/Work	P	P	P8	P	P	P	P	P	P	
Single-family Dwelling	—	—	—	—	—	P	—	—	—	
Accessory Structure	—	—	—	—	—	P	—	—	—	
COMMERCIAL										
Ground Floor Retail	P	P	P	P	P, P19	P, P19, P21	P	P	P	
Office	P	P	P	P	P	P, P21	P	P	P	
Hotel	P	P	P	P	P	P, P21	P	P	P	
Restaurant	P	P	P	P	P	P, P21	P	P	P	
Other Commercial	P	P	P	P	P, P17	P, P21	P	P	P	
PARKING										
Structured Parking as Primary Use	P12	P12	P12	P12	P12	P12	P12	P12	P12	
Surface Parking as Primary Use	—	—	—	—	—	—	P13	P13	P13	
Off-site Accessory Surface Parking	—	—	—	—	P4	P4	P13	P13	P13	
P = Permitted					R = Required		— = Prohibited			

TABLE IV-3: PERMITTED USE TABLE FOR DMP										
USE	PLANNING AREA: RESIDENTIAL ENCLAVE									
	BRELSFORD PARK DISTRICT		NORTHWEST NEIGHBORHOOD DISTRICT						PROVIDENCIA PARK DISTRICT	
	5	R	8	5	4	2	2C	R	PO	R
RESIDENTIAL										
Ground Floor Residential	P2	P	P	P	P	P	P	P	P	P
Multiple Family Dwelling	P	P	P	P	P	P	P	P3	—	—
Live/Work	P	P6	P	P	P	P	P	—	P	—
Single-family Dwelling	—	P	P	P	P	P	P	P	P	P
Accessory Structure	—	P	—	P	P	P	P	P	P	P
COMMERCIAL										
Ground Floor Retail	P	P20	P	P7	P7	P7	P7	P5	—	—
Office	P	P	P	P	P	P	P	P5	P9	—
Hotel	P	P20	P	P	P	—	—	—	—	—
Bed and Breakfast	P	P10	P10	P10	P10	P10	P10	P10	—	—
Restaurant	P	P20	P	P11	P11	P11	P7	P5	—	—
Other Commercial	P, P17	P6,	P	P7	P7	P7	P7	P5	—	—
PARKING										
Structured Parking as Primary Use	P12	—	—	—	—	—	—	—	—	—
Surface Parking as Primary Use	P14	—	—	P14	P14	—	—	—	—	—
Off-site Accessory Surface Parking	P16	P4, P15	P16	P16	P16	—	P15	P15	P15	—
P = Permitted						R = Required		— = Prohibited		

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4238-09, § 3, 11-2-2009; Ord. No. 4261-10, § 1, 3-8-2010; Ord. No. 4448-13, § 2, 2-4-2013; Ord. No. 4582-15, §§ 1, 2 (Exh. A), 7-20-2015; Ord. No. 4596-15, § 1, 10-13-2015; Ord. No. 4674-16, § 1 (Exh. A), 2-27-2017; Ord. No. 4770-18, §§ 3, 4 (Exh. A), 4-23-2018; Ord. No. 4776-18, §§ 3 (Exh. A), 4 (Exh. B), 6-4-2018; Ord. No. 4785-18, § 1 (Exh. A), 08-13-2018; Ord. No. 4858-19, § 1 (Exh. A), 09-09-2019; Ord. No. 4918-20, § 1 (Exh. A), 01-11-2021; Ord. No. 4918-20, § 2 (Exh. B), 01-11-2021; Ord. No. 4957-21, § 4, 11-15-2021; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022; Ord. No. 5027-22, § 4, 01-09-2023)

Sec. 94-106. - General uses with special requirements.

a. *General uses with special requirements*. The uses listed in this section are uses permitted within the districts indicated, subject to special requirements or special use permit approval.

1. *Bars and nightclubs*. In addition to the provision of this chapter, bars and night clubs shall be regulated by chapter 6 of the City Code.

1.a. *Brewpub/microbrewery/micro-distillery/micro-winery*.

a. Shall be permitted by right within all subdistricts, except for NWD-R-C1, BPD-R, PPD-R, and PPD-PO subdistricts.

b. The maximum size of a building containing a brewpub, microbrewery, micro-distillery, or micro-winery use shall be 6,000 square feet for new structures and 6,300 square feet for existing structures.

c. Shall meet subdistrict minimum active use and minimum active use linear depth regulations by including at least one of the following within the building: restaurant, bar, or tasting room.

1. Tasting rooms shall not qualify as required ground floor retail uses.

d. No outdoor storage shall be permitted.

e. Shall meet the parking requirements for restaurants.

f. Site plan with identified loading areas must be presented with certificate of use application.

g. In addition to the provision of this chapter, the sale of alcohol for consumption on-premises or off-premises shall be regulated by chapter 6 of the City Code.

2. *Community centers*.

a. Community centers shall be permitted by right within all subdistricts, except for R subdistricts.

b. Community centers shall be permitted within the R subdistricts only as accessory uses to schools and places of worship and shall comply with section 94-106(a)(12)b.

3. *Cultural uses*.

a. Cultural uses shall be permitted in the urban core planning area and the special district planning area with the approval of the special review by the DAC.

b. Cultural uses may be permitted within the residential enclave districts, except PPD-R, provided a class B special use permit is obtained and the following conditions are met:

1. Maximum lot area of 20,000 square feet.
2. When adjacent to residential uses, minimum interior setback shall be ten feet.
3. Parking areas shall be located behind the main structure, when possible. When not behind the structure, parking areas shall not occupy more than 40 percent of the lot frontage.

4. *Day care facilities for children*.

a. Day care facilities as a primary use, or accessory use to places of worship or schools shall be permitted within the urban core planning area, special district planning area and residential enclave planning area except within R subdistricts, and shall comply with the additional requirements of subsections 94-273(a) and 94-273(d)(18).

b. Day care facilities as an accessory use to places of worship or schools shall be permitted in the R subdistricts, and shall comply with the additional requirements of subsections 94-273(a) and 94-273(d)(17).

c. Family day care homes for six children or fewer as an accessory use to a residential use, shall be permitted by right in all planning areas.

d. Large family child care homes for 12 or fewer children, as an accessory use to a residential use, shall be permitted in the zoning districts reflected in Table IX-1 subject to the extra requirements of section 94-273(d)(19.1).

5. *Day care facilities for adults*.

a. Adult day care facilities for three or more clients shall be permitted in all planning areas, except R subdistricts, provided a class B special use permit is obtained, and shall comply with the additional requirements of subsections 94-273(a) and 94-273(d)(15).

b. Adult day care facilities for three of more, as an accessory use to places of worship or schools, shall be permitted in R subdistricts and shall comply with the additional requirements of subsections 94-273(a) and 94-273(d)(15).

c. Adult day care as an accessory use to a residential use shall be permitted by right in all planning areas for not more than two adults.

d. Overnight lodging of clients shall be prohibited.

6. *Firearms sales*. Retail establishments dedicated to the sale of firearms shall be permitted in the urban core planning area, and the special district planning area.
7. *Family and transitional community residences*
    a. Community residences shall be permitted in all subdistricts with special requirements as listed in Section 94-273.
    b. Community residences shall be permitted within the residential enclaves planning area provided a class B special use permit is obtained in compliance with the requirements in section 94-273(3)(c).
    c. Community residences shall be permitted within the urban core and special district planning areas with special requirements as listed in Section 94-273(a)(3).
    d. Skilled Nursing and Rehabilitation Facilities shall be permitted within the urban core, special district planning areas and Brelsford Park District-5 provided they comply with the requirements in section 94-273(a)(2) and (d)(152).
8. *Home occupations*. Home occupations shall be permitted within all planning areas and shall comply with the additional requirements of subsection 94-273(a). Within R subdistricts, home occupations shall be permitted in the main structure or in the accessory structure, if accessory structures are permitted under the requirements of the subdistrict.

8.a. *Micro-units*.

    a. Micro-units shall be permitted within all districts.
    b. A project with residential micro-units shall provide 0.5 bicycle parking spaces per every unit. Required bicycle parking shall be provided in a secured area, covered from the elements.
    c. A project with residential micro-units shall provide one micro-mobility sharing station on-site. The total number of docks required will be determined by the proximity of other bike sharing stations already installed within 500 feet from the subject project.
    d. A project with residential micro-units shall contribute to a mobility system operation fee per unit per month to support the operation of the city's mobility network, as established by resolution of the city commission and updated from time to time.
    e. Projects with less than 13 micro-units shall be exempt from compliance with the micro-mobility station provision, but shall provide a minimum of 0.5 parking spaces per unit, and one bike parking space per unit.
    f. A maximum of 30% of the total number of units shall be allowed as micro-units for projects with more than 80 of units.

9. *Motor vehicle fuel sales, no service*. Fuel stations shall be permitted within the urban core planning area, and along the Dixie Highway corridor between Loftin Avenue and Palm Beach Lakes Boulevard, provided a class B special use permit is obtained. Fuel stations shall comply with the additional requirements of subsection 94-273(a).
10. *Motor vehicle sales and rental (no service) and passenger transportation operations*. Offices for motor vehicle sales, rental, and passenger transportation operations are permitted in all planning areas, except R subdistricts. Surface parking lots for storage of vehicles are prohibited. Legally permitted surface parking lots may be utilized for standing of vehicles.
11. *Pet sales*. Commercial establishments dedicated to the sale of live animals shall be permitted in the urban core planning area, the special district planning area, except CWD-CD, and the BPD-5 and NWD-5 subdistricts designation, provided a class B special use permit is obtained. All licensing requirements of all applicable state and local agencies shall be met.
12. *Civic uses, and places of worship*.
    a. Places of worship shall be permitted by right within all subdistricts, except for R subdistricts.
    b. Within R subdistricts, civic uses, and places of worship shall be permitted by right with the following conditions:
        1. Maximum lot area of 25,000 square feet.
        2. The front setback shall be ten feet from the lot line. In the case of a corner lot, the proposed structure shall have a ten-foot setback from both sides.
        3. The side setbacks shall be a minimum of ten feet from the lot line.
        4. The rear setback shall be ten feet from the lot line.

5. Parking areas shall be located behind the main structure, when possible. When not behind structure, parking areas shall not occupy more than 40 percent of the lot frontage.

13. *Veterinary clinics, pet grooming, animal daycare, and boarding facilities*. Veterinary clinics, pet grooming, animal daycare, and boarding facilities which do not include livestock animals and equines shall be permitted within the urban core planning area, the special district planning area, and within residential enclaves, except R subdistricts, provided the following additional standards are met:
    a. All facilities shall be located within an enclosed building. This additional standard may be waived by the Downtown Action Committee as part of a Class B Special Use permit approval.
    b. Facilities shall provide appropriate waste removal measures.
    c. Facilities shall provide an attendant on-site at all times. In lieu of an attendant, a video monitoring system may be permitted.
    d. Buildings shall be constructed and operated in a manner so that animal noise will not be detected at adjoining property lines. Buildings shall be completely air conditioned, and windows shall be opened only when air conditioning systems are not in working order.
    e. Facilities shall include fire and smoke detection systems.
    f. Animal daycare and boarding facilities are prohibited within the Clematis Waterfront District Conservation District (CWD-CD).
    g. Veterinary clinics within the CWD-CD may only provide overnight boarding for animals receiving required treatment.
    h. Animal daycare shall require a parking area, circular driveway, or dedicated on street parallel drop off/pick up parking spaces in the amount of one space per three pets that can be boarded, or three parking spaces, whichever is less. This additional standard may be waived by the Downtown Action Committee as part of a Class B Special Use permit approval.
14. *Hospital*. Medical institutions and medical clinics/facilities with in-patient services licensed by the Agency for Health Care Administration as a hospital that provides services more intensive than those required for room, board, personal services, and general nursing care, and offers facilities and beds beyond 24 hours. Hospitals shall be permitted within the urban core planning area and the special district planning area, provided the following additional standards are met:
    a. Shall be at least 500 feet from R subdistricts.
    b. Overnight treatment is permitted. The hospital may be open 24 hours per day.
    c. The hospital shall be located on a site that has an area of at least two acres and has direct access to a street frontage.
    d. Parking areas shall be located within a parking structure, or behind the primary building, when possible. When not within a parking structure or behind the primary building, parking areas shall not occupy more than 40 percent of the lot frontage.
    e. Vehicular circulation, access, and exterior signage shall be designed to provide safe and separate emergency vehicle access to the hospital, with minimal conflicts with other vehicular or pedestrian traffic of the area.
15. *Educational Facilities.* Educational facilities may be permitted by right within all subdistricts, except for R districts.
    a. The following standards shall be met:
        1. The educational facility shall be located on a site that provides sufficient area to accommodate academic buildings, open space, circulation, and supporting facilities.
        2. Customary accessory uses may be permitted as part of the facility, including but not limited to libraries, research spaces, auditoriums, cafeterias, student housing, recreational or athletic facilities, and administrative offices, provided such uses are primarily intended to serve the educational institution.
        3. Educational buildings should be oriented toward public streets and designed to contribute to the pedestrian environment.
        4. Safe and efficient pick-up and drop-off areas shall be provided where appropriate to minimize conflicts with pedestrian circulation and adjacent streets. Facilities shall demonstrate adequate vehicular access and internal circulation through the site plan review process.
        5. Where feasible, private educational facilities are encouraged to incorporate publicly accessible open space, plazas, or landscaped areas that contribute to the surrounding urban environment.

6. Buildings and site design shall be compatible with adjacent uses and districts through appropriate massing, landscaping, and operational considerations.

b. Within R subdistricts, shall be permitted by right with the following conditions:

1. Maximum lot area of 25,000 square feet.
2. The front setback shall be ten feet from the lot line. In the case of a corner lot, the proposed structure shall have a ten-foot setback from both sides.
3. The side setbacks shall be a minimum of ten feet from the lot line.
4. The rear setback shall be ten feet from the lot line.
5. Parking areas shall be located behind the main structure, when possible. When not behind structure, parking areas shall not occupy more than 40 percent of the lot frontage.

16. *Supermarket, full-service*. A grocery store, at least 40,000 square feet in size, which offers a wide variety of groceries, including fresh produce, meats, dairy, beer and wine, pantry staples, made-to-order sandwiches and prepared foods with accessible seating, plus household goods and non-food items including a pharmacy.

a. Projects with a full-service supermarket shall be exempt from Private Open Space requirements as specified within the applicable subdistrict Building Requirements Table.

b. Projects with a full-service supermarket shall be exempt from Public Open Space requirements as specified within the applicable subdistrict Building Requirements Table provided the project does one of the following:

1. Payment-in-lieu for the amount (squarefootage) of public open space as required by subdistrict Building Requirements Table;
   i. Any portion of public open space that fully meets the standards of Sec. 109 TABLE IV-7 may be discounted. The remaining minimum required squarefootage would be subject to a payment-in-lieu.
   ii. The payment-in-lieu amount shall be established by Resolution of the City Commission.
   iii. The payment-in-lieu shall be made prior to building permit issuance.
2. Project provides the required minimum public open space within an off-site location deemed appropriate by the City and that is within 700 feet of the supermarket development. The offsite public open space shall meet the standards of Sec. 109 TABLE IV-7.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4331-11, § 1, 3-21-2011; Ord. No. 4368-11, § 4, 9-19-2011; Ord. No. 4401-12, § 1, 2-21-2012; Ord. No. 4648-16, § 2, 9-26-2016; Ord. No. 4708-17, § 3, 6-19-2017; Ord. No. 4780-18, § 3, 6-18-2018; Ord. No. 4858-19, § 1 (Exh. A), 09-09-2019; Ord. No. 4952-21, § 3, 07-26-2021; Ord. No. 4957-21, § 5, 11-15-2021)

Sec. 94-107. - Demolition requirements.

a. *Intent*. Demolished structures result in vacant lots which can contribute to the perception of blight in the downtown area. Further, some vacant structures may have significant historic value and their demolition would be an irreversible loss to the community. Sustainable communities that aim to reduce their carbon footprint should place a greater emphasis on the renovation and reuse of existing structures. These requirements describe the mechanisms for protecting important building fabric in the downtown area.

b. *Demolition of existing buildings*. The demolition of existing buildings shall comply with the following requirements:

1. Designated historic structures proposed for demolition shall comply with section 94-49.
2. Existing buildings may not be destroyed or removed unless they are to be replaced according to these urban regulations and only after a building permit which affects the vertical construction for the new building has been obtained by the property owner or developer. Permits which affect vertical construction include the foundation, vibro-flotation, soil mixing, pressure grouting and full building permits. Clearing and grubbing and underground utilities and site work permits are not considered permits which affect vertical construction. The final building permit for the new building shall be applied for within 90 days of issuance of the demolition permit and shall be

diligently responded to by the applicant. Vertical construction shall commence within six months of the issuance of the building permit. The application and/or building permit will expire in the event of twelve months of inactivity or failure to progress with the application or construction, or as otherwise provided in the local amendments to the Florida Building Code adopted by the city. In the event that vertical construction has not commenced within six months, the provisions from section 94-107 (d) shall apply.. Any temporary construction fence shall also be removed.

3. Before issuance of a demolition permit, the property owner shall obtain and keep in force a policy or policies of general liability and property damage insurance in an amount to be determined by the city for combined single limit, per occurrence, bodily injury, and property damage. A certificate of insurance shall be submitted to the city prior to issuance of the demolition permit and shall name the city as an additional insured party.
4. Unsafe structures as defined by the Standard Unsafe Building Abatement Code adopted by the city may receive an emergency demolition order from the city building official due to unsafe structure conditions.
5. The DAC may also authorize the demolition of a structure on sites with contamination identified by a site environmental study.
6. The DAC may authorize the demolition of a structure to allow the creation of an urban open space. The urban open space shall be conveyed to the city or other public entity and shall be rezoned as an urban open space.

c. *Demolition standards*. Unless otherwise provided in subsection 94-107(b), DAC may approve the request for a demolition upon the finding that the petition satisfies at least five (5) of the following standards:

1. There exists a significant economic hardship to rehabilitate and reuse the structure based upon the structural condition of the building and practicality of rehabilitation and reuse.
2. The demolition will not cause significant harm to the public's interest due to the lack of architectural or historic significance of the building.
3. The structure does not maintain the continuity, scale and massing of adjacent structures, and the structure lacks prominence within the block or its relationship to adjacent structures.
4. The structure's reuse is inconsistent with the goals and intent of the specific district in which it is located.
5. The removal of the structure will enhance the public safety, health, and welfare of downtown resident and visitors.
6. Due to the structure's condition and level of deterioration, it would be impractical to board and secure the structure.
7. Demolition of the existing structure will not result in a substantial loss to property/business tax revenue of the City during the interim phases of redevelopment.
8. The proposed demolition will not result in a prolonged vacant lot or gap in the urban fabric that negatively impacts the continuity of development. The applicant sufficiently demonstrates to the City a bonafide expectation to redevelop the subject property and that vertical construction will proceed without undue delay; this shall include a full development schedule and proof of financing for the replacement development.
9. The subject property has been issued and maintains an active Site Plan Approval for a new development.

If the demolition request does not satisfy five (5) of the above demolition standards, the request shall be denied.

d. *Delay and Vacancy Mitigation.* Any demolition authorized under subsection c. without issuance of a building permit for vertical construction shall be subject to delay mitigation fees and measures:

1. Vacancy/Delay Fee. Such fees are intended to offset the negative impacts of vacant properties, including aesthetic degradation to the neighborhood or public realm, reduced economic activity/vibrancy, and potential public safety concerns.
    a. Fees shall be assessed on a daily basis beginning 90 days after the issuance of the certificate of completion for the demolition permit
    b. The fee amount shall be established by resolution of the City Commission and may be structured to increase over time to incentivize timely redevelopment.
    c. The billing or invoicing of fees shall terminate upon issuance of a building permit which impacts the vertical construction of the new building. In the event that the vertical construction has not commenced within 180 days after the issuance of a building permit which impacts vertical construction, the Vacancy/Delay Fee shall (re)start.
2. Vacant Site Improvements.
    a. 90 days after the issuance of the certificate of completion for the demolition permit, the subject property shall be brought to grade, tilled and sodded/seeded, including installation of irrigation.

b. Beginning 180 days after the issuance of the certificate of completion for the demolition permit or in the event that the vertical construction has not commenced within 180 days after the issuance of a building permit which impacts vertical construction, the subject property shall be improved as follows:
    1. Installation of at least one shade tree for each 2,500 square feet of the lot area or portion thereof. At least one flowering tree shall be planted for each 5,000 square feet of the lot area or portion thereof.
    2. Planting of shrubs. At least one shrub shall be planted for each 500 square feet of the lot area or portion thereof.
    3. Placement of fixed or movable seating at a ratio of one linear foot of seating per every 1000 square feet of the lot area or portion thereof.

3. Interim Maintenance.
    a. All properties where demolition has occurred shall be maintained in accordance with the City's [ZLDR, Building Code, and/or Code Enforcement] property maintenance standards, including but not limited to:
        1. Regular mowing and landscaping;
        2. Removal of debris;
        3. Site lighting;
        4. Proper drainage; and
        5. Installation and upkeep of fencing and/or screening where proposed/required.

4. Failure to Comply. Failure to meet the required timelines shall result in:
    a. Applicant going before the DAC for the reconsideration of the property's development schedule and timelines;
    b. Additional fees or penalties;
    c. Forfeiture of any posted CRA/City financial guarantees;
    d. Code enforcement action, including potential liens
    e. Stop-work orders and other remedies available at law or in equity

e. *Demolition materials*. Any proposed demolitions of a building larger than 50,000 square feet shall divert 50 percent of construction, demolition, and land clearing debris from landfill disposal by developing a waste management plan which quantifies material diversion goals. Calculations can be done by weight or volume but must be consistent throughout as described in the Leadership in Energy and Environmental Design (LEED) Standards for Materials and Resources, Credit 2. Hazardous waste and excavation soil may not be included in the calculations. Structures which are to be demolished due to environmental contamination are not required to fulfill this standard.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009)

Sec. 94-108. - Site and building design requirements.

a. *Intent*. The site and building design requirements provide the basic requirements for development in the downtown area as they relate to the form and arrangement of buildings and other structures on sites. The requirements establish the broad design-based approach to a site and the structures on the site. The site and building design requirements include the specific elements required for development approval, while providing significant flexibility in design.

b. *Capacity*. The building envelope established by these requirements allows flexibility in building massing and organization while also providing limitations with respect to the building's impact on adjacent public right-of-way and neighboring development. The building requirements tables limit the area and volume of the building envelope that may be filled with building components. In order to provide flexibility on building design, the envelope provided is larger than the permitted development capacity and shall not be construed as allowing additional capacity not otherwise permitted by these regulations.

c. *Requirements*. Unless otherwise provided in this article, development characteristics shall conform to the site and building requirements, which are grouped within the following categories:
    1. *Building requirements*. Building requirements including, but not limited to, FAR; height; setbacks; footprint; open space; active uses; transparency; and active use liner depth shall be regulated pursuant to individual subdistrict building requirements and shall apply to all buildings and structures, including parking structures. For definitions and minimum requirements, see section 94-109.
    2. *Building facades*. All building facades shall comply with the facade articulation requirements on Table IV-4, and the architectural treatment requirements when applicable.

3. *Projections and encroachments*. Projections and encroachments including, but not limited to, architectural features; awnings; balconies; canopies; colonnades; porches; decorative roofs; covered structures; parapets; mechanical rooms and swimming pools shall comply with Table IV-5.
4. *Passenger loading*. The location of passenger loading areas including, but not limited to, passenger drop-offs; porte cocheres; and cross-block passenger drop-offs; shall comply with Table IV-13. See section 94-111 for additional parking requirements.
5. *Open space*. Public open space, semi-public open space and private open space types shall comply with Table IV-6 and Table IV-7.
6. *Tree canopy*. Tree canopy shall be measured pursuant to Table IV-8.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009)

Sec. 94-109. - Definitions and minimum requirements.

The definitions and minimum requirements within this section shall apply to the urban regulations. If a term is not defined in this section, the definition in ARTICLE XIX shall apply. Minimum requirements are indented below the corresponding definition. The requirements may further reference the applicable table or figure for the specific requirement.

Accessory structure means a separate building or structure (shed, gazebo, pool cabana, detached garage, etc.) in addition to the single-family residence, and located within the rear yard.

1. An accessory structure may contain an additional dwelling unit in those cases where density permits.
2. The total floor area of the accessory structures on a property shall not exceed 75 percent of the gross floor area of the primary structure with a maximum floor area of 1,000 square feet.
3. Accessory structures shall comply with the applicable subdistrict building requirements for setbacks.
4. If site constraints exist, the Planning Director may grant exceptions to the location of the accessory structure

Accessory use means a use of a nature customarily incidental and subordinate to the primary use located on the same lot.

Active use means a use within an enclosed building designed for human occupation and activity, which shall provide a direct view to adjacent streets or public open spaces. Active uses shall generally include, but are not limited to, ground-floor lobbies, amenity spaces, restaurant or commercial storefronts, offices, or residential units.

Active use requirements:

1. Active uses are regulated as a percentage of the buildable lot frontage.
2. Where a development fronts more than two primary pedestrian designated streets, the required active-use above the ground floor may be distributed cumulatively, provided each frontage meets at least 50% of its required active-use. See also ground floor active use and active use liner.

Active use liner means an active use that serves to conceal uses or spaces designed for parking and other non-habitable or non-active uses. Uses are typically included above the ground floor and extend to the full extent of the podium height.

Active use liner requirement:

1. Active use liner depth shall comply with the corresponding subdistrict building requirements table.
2. Active use liner depth is measured generally from the exterior facade to the interior rear or back wall and must comply with the following requirements:
   a. Those portions of active use liners which exceed the minimum frontage requirements outlined by the building requirements tables may have a minimum depth of 15 feet.
   b. When a parking structure is the primary use, the active use liner may be reduced to a minimum of 15 feet of depth.
   c. Refer to Figure IV-3.

Arcade means a continuous horizontal projection along a building frontage featuring a series of arches or arches supported by columns which provides a sheltered walkway for pedestrians. Arcades are differentiated from Colonnades in that they feature the use of arches and have enclosed uses or building areas above.

Arcade Requirements:

1. Arcade height shall generally align with and be limited to the ground floor/story building height.
2. Arcades shall have a consistent depth which generally matches those of neighboring building colonnades or arcades, if present.

Architectural features means building components attached to or part of a facade and consisting generally of projections intended to provide architectural character and facade articulation. Architectural features include, but are not limited to architectural screens, louvers and shading devices; cornices; pilasters; planar breaks, horizontal projections and recesses; planter boxes or vegetated screens; projecting fenestration and frames; structural components; belt courses; and material changes.

Architectural features requirement:

1. Refer to Table IV-5.

Architectural treatment means the provision of architectural and/or landscape elements on a facade which serve to visually screen non-active uses.

Architectural treatment requirements:

1. Architectural treatment shall be provided for all non-active use facade elevations and shall be integrated with the design of adjacent active use facades.
2. Architectural treatment shall be provided through a combination of two or more treatments including, but not limited to, the use of materials and construction assemblies; the continuation of fenestration patterns, architectural features, articulation and rhythm; the application of architectural screens, meshes, louvers, and glass; the incorporation of vegetated surfaces and planters.
3. Architectural treatment does not include the provision of signage, graphics, and architectural lighting nor the application of paint and faux treatments; scoring, construction joints or material projections less than four inches in height, width or depth. These elements are permitted, but they do not fulfill the requirements of architectural treatment.
4. Refer to Figure IV-4.

Architectural/Decorative Roof means an architectural expression designed to cap the top of a building not intended to contain a habitable area.

Area Median Income (AMI) means the midpoint of the region's income distribution. For the purpose of the DMP housing incentive program, the AMI shall be as published annually by the Florida Housing Finance Corporation for the West Palm Beach-Boca Raton HMFA.

Awning means a roof-like projection without vertical supports generally placed above windows and doorways to provide pedestrian protection from sun and rain, and to enhance building facades and storefronts with color and dimension.

Awning requirements:

1. The type of awning used and its form, materials and color shall be consistent with the design character of the building to which it is attached.
2. Awnings shall be located between, rather than across, significant vertical architectural features that make up the composition of the facade, such as pilasters or protruding columns. Awning framing shall align with storefront framing.
3. Vinyl and plastic awnings are prohibited unless treated in a manner so as to appear similar to canvas, fabric, or other natural materials in texture and color.
4. When used, lighting for awnings shall be from fixtures located above the awning and shall be designed and placed to enhance the appearance of the building. Internally illuminated awnings are prohibited.
5. Refer to Table IV-5 and Figure IV-5.

Balcony means a horizontal projection above the ground floor that is unenclosed and designed for human occupation.

Balcony requirement:

1. Refer to Table IV-5 and Figure IV-5.

Bed and breakfast establishment means an originally constructed residential structure rehabilitated as a place of temporary lodging with rooms for rent and which may serve breakfast to its guests.

Bed and breakfast establishment requirements:

1. A maximum of eight rooms shall be permitted for rent for a length of stay not to exceed 14 days within a 30-day period.
2. The owner or a resident employee shall live on the premises. If an employee resides on the premises, rather than the owner, a Class B special use permit is required and the owner must reside in the city.
3. The establishment shall not have kitchens or cooking facilities in guestrooms; and the only meal served to guests shall be breakfast.
4. Private toilet and bathing facilities shall adjoin each bedroom leased and shall be separate from the owner's facilities. The private toilet and bathing facilities requirements may be varied upon the approval of a Class B special use permit.
5. Parking requirements shall comply with Sec. 94-111 and Table IV-10.
6. The establishment shall obtain all required business licenses and health permits and shall otherwise comply with all building, sanitary and fire codes.
7. The establishment shall obtain an occupational license and a certificate of use, which shall be reviewed annually to confirm compliance with Code requirements established in this section. Approval may be revoked if the Planning Director makes a determination of noncompliance.
8. The maximum number of adult guests shall not exceed two per bedroom.
9. The establishment shall keep a register of guests, which shall be available to city inspectors during reasonable business hours.
10. The minimum room size shall be 250 square feet.
11. The maximum number of rooms may be increased from ten (10) rooms up to fifteen (15) rooms, provided sufficient parking is available and the increase is approved by obtaining a Class B special use permit .

Blank wall means any portion of a facade that that is absent of fenestration.

Blank wall requirements:

1. Blank walls may be a maximum of 20% of the entire facade elevation.
2. Blank walls exceeding more than the 20% of the entire facade elevation and visible by the general public from adjacent streets, public areas or adjacent buildings are prohibited. All building facades shall incorporate facade articulation.
3. Refer to Figure IV-6.

Buildable lot frontage means all or a portion of a lot line parallel to the street or public space, measured in a single plane, less applicable setbacks.

Buildable lot frontage requirement:

1. Refer to Figure IV-14.

Building frontage means the horizontal linear measurement of a building facade that is generally parallel, facing, or oriented toward a street.

Building frontage requirement:

1. Refer to Figure IV-7.

Canopy means a roof-like projection without vertical supports generally placed above primary building entrances or important public open spaces to provide facade hierarchy and pedestrian orientation. Canopies are distinctive from awnings in that they are generally larger in scale, structurally made of more rigid or thicker materials than fabric or canvas, and limited in number.

Canopy requirements:

1. Canopies shall be limited to no more than two occurrences per building frontage and no more than eight occurrences per building.
2. Refer to Table IV-5 and Figure IV-5.

City Development Rights (CDR) means additional development of square footage sold by the city for the purposes of utilization within incentivized areas and providing public benefits.

Civic use means premises used primarily for public education, cultural performances, gatherings and displays administered by nonprofit cultural, educational, governmental, and religious organizations.

Colonnade means a continuous horizontal projection along a building frontage which is unglazed and open-air, and includes a flat roof structure supported by a series of vertical columns, posts, or supports which extend from the ground.

Colonnade requirements:

1. Colonnade height shall generally align with and be limited to the ground floor/story building height and shall not have enclosed uses or building areas above.
2. Colonnades shall have a consistent depth which generally matches those of neighboring building colonnades or arcades, if present.
3. Colonnades which encroach beyond the minimum setback or into an adjacent public right-of-way shall only be permitted on Rosemary Avenue building frontages.
4. Refer to Figure IV-5.

Commercial use, other means businesses outside of the standard retail or office categories, often including specialized services, licenses, logistics, and niche industries. These premises generally involve the sale of merchandise, materials or services, including, but not limited to, barber and beauty shops; clubs and lodges; exercise studios and health clubs; financial institutions and banks directly serving to the public; laundry and dry cleaning establishments with no cleaning on premises; music and dance studios; pet grooming establishments; postal services; travel agencies; real estate offices; advertising marketing or consultant firms; consignment stores; tutoring facilities, and printing services.

Commencement of construction means receipt of a validly issued building permit and the initiation of site improvements which affect the vertical construction of the new building. Permits which affect vertical construction include the foundation, vibro-flotation, soil mixing, pressure grouting and full building permits. Clearing and grubbing, underground utilities work, and site work are not considered site improvements which affect the vertical construction.

Courtyard means a public open space that is partly surrounded by walls or buildings and is open to a public right-of-way or public accessible pedestrian pathway on at least one side .

Courtyard requirement:

1. Refer to Table IV-6, Table IV-7 and Figure IV-17.

Covered structures means spaces such as storage areas, restroom facilities, vertical circulation access ways, open air structures such as cabanas, gazebos, trellis, pergolas, and other similar structures which accommodate outdoor common areas. Covered structures shall also include limited enclosed spaces that are accessory to rooftop gardens or terraces and include uses such as kitchens, restaurants, bars, lounges, steam rooms, and other amenities.

Covered structures requirements:

1. Covered structures are permitted to cover a maximum area of 35 percent of the gross rooftop area. For the purposes of calculating the maximum area, the term "covered structures" shall not include enclosures for the screening of mechanical systems.
2. Covered structures on the rooftop shall not include leasable office space, residential units, or retail uses apart from food and beverage operations. Covered structures shall be compatible with and in proportion to the architecture of the overall building. The following restrictions apply:
    a. Enclosed covered structures shall count toward the project's total GBA.
    b. Enclosed covered structures shall not exceed 30% of a building's linear frontage along the primary elevation without stepping back 10 ft. Adjustments to percentage or stepbacks may be authorized by the planning & zoning administrator due to site constraints.
    c. The supporting restroom facilities shall not exceed 110 percent of the size required by the health department.
3. Open-air structures located on the ground floor in "R" subdistricts shall not be subject to these requirements.

Ord. No. 5073-23, § 4, 12-27-2023

Cultural use means uses primarily for the display, performance, or enjoyment of heritage, history, or the arts. This includes, but is not limited to, museums, aquariums, planetariums, indoor motion picture theaters, and live performing arts theaters.

Curb cut means the interruption of the street curb for the purposes of vehicular or pedestrian access.

Curb cut; drop curb requirements:

1. The number of permitted curb cuts is dependent on subdistrict location and adjacency to right-of-way street designations.

2. Refer to Table IV-13.

Density means permitted dwelling units per lot area expressed in units per acre.

Design arts related use means uses that include, but are not limited to, architects, landscape architects, artist's studios, graphic designers, interior designers, photographers, culinary arts, flower shops, arts production, dance and music studios, film production, various crafts, fashion designers, merchandising studios, and related studios.

Dwelling unit. See ARTICLE XIX.

Dwelling unit requirements:

1. Dwelling units shall not be less than 550 square feet. In multiple dwelling unit buildings, the cumulative average of all dwelling units shall not be less than 800 square feet.

Smaller dwelling units may be allowed as micro-units. The cumulative average size of all dwelling units shall not include the micro-units in such calculation. See micro-units.

Dwelling, multiple-family, means a building designed for two or more families, with separate housekeeping, sanitary, and cooking facilities for each family.

Educational Facilities means any institutional uses that provide education, training, or academic instruction operated by a public or private entity. Such facilities may include elementary schools, middle schools, high schools, colleges, universities, and other accredited educational institutions, including associated facilities such as administrative offices, libraries, laboratories, student services, student housing, and recreational or assembly spaces.

Encroachment means the maximum allowed projection of a building element beyond the minimum setback or into an adjacent public right-of-way.

Encroachment requirements:

1. In no case shall encroachments occur within four feet of the back of curb.
2. Encroachments shall not interfere with street tree placement and the normal envelope of trunk and canopy created by street tree growth.
3. Refer to Table IV-5.

Envelope means the outermost boundaries of the resultant three dimensional volume within which a building or its related components may be placed.

Envelope requirement:

1. The envelope is established by maximum footprint, minimum setbacks, and maximum height for each district.
2. Refer to Figure IV-9.

Facade means the vertical exterior surface of a building or parking structure which faces a right-of-way or property line.

Facade requirement:

1. Refer to Figure IV-6.

Facade articulation means the provision of architectural features or treatment on a facade.

Facade articulation requirements:

1. Architectural features or architectural treatment shall be provided for all facade elevations.
2. The following shall be permitted, but shall not be considered architectural features or architectural treatments acceptable as facade articulation: inward or recessed projections resulting from required setbacks; paint; faux treatments; building signs, unless fully integrated within an architectural feature; construction joints, scoring, or material applications less than four inches in height, width or depth.
3. Refer to Table IV-4 and Figure IV-6.

Facade elevation means the entire area of a facade that is visible in a two dimensional architectural elevation drawing, but not including facade areas that abut buildings on separate lots with zero setbacks and are therefore fully hidden from view.

Facade elevation requirements:

1. Facade elevation area is used to measure blank walls and determine when facade articulation is required.
2. Refer to Figure IV-6.

Fence means a freestanding structure of any material or combination of materials, including wood, metal or masonry, erected for confinement, screening, or partition purposes.

Fence requirements:

1. Fences in R subdistricts shall be a maximum height of four feet within the front yard setback and six feet when located behind the front setback, except as expressly provided in BPD-R. In all other subdistricts, fences within the maximum setback shall be a maximum height of four feet and fences in rear and side setbacks shall be a maximum height of six feet.
2. Fences abutting the railroad right-of-way or enclosing sports fields may be a maximum height of eight feet.
3. Chain-link fences are prohibited within the street frontage maximum setback within the urban core planning area, and special district planning areas. Chain link fences within the residential districts planning area are permitted but shall be screened with a hedge when located within the front setback. Chain link fences are permitted along side and rear.
   setbacks. Where allowed, chain link fences shall be vinyl-coated, and shall include a top rail.
4. Temporary construction fences may be permitted according to Section 94-316(d)(2).
5. Public utility equipment may be secured with chain link fences, but shall be screened by a landscape buffer.

Fenestration means the arrangement and design of windows, doors, and openings in a building.

Fenestration requirement:

1. Refer to Figure IV-4.

Floor area ratio (FAR) means the ratio of the gross building area to the total lot area.

Floor area ratio requirement:

1. Refer to Figure IV-10.

Footprint means the maximum horizontal coverage of a lot by a building and its related components.

Footprint requirements:

1. Footprint is measured as a maximum percentage of lot area.
2. Footprint calculations shall exclude structures such as rooftop decks, pools, awnings, and canopies, driveway areas outside of minimum setbacks, fences, balconies, or porches.
3. Refer to Figure IV-11.

Footprint length means the maximum horizontal dimension of a footprint, measured generally parallel to the lot frontage.

Footprint length requirement:

1. Refer to Figure IV-12.

Footprint separation means the minimum allowable horizontal distance between two or more footprints on the same lot.

Footprint separation requirements:

1. The minimum footprint separation for a podium shall be 60 feet and is applicable only when a maximum footprint length is required.
2. Refer to Figure IV-12.

Garden means, for the purposes of open space standards, an outdoor area surrounded by walls or buildings, generally used to grow herbs, flowers or vegetables.

Ground floor active use means an active use that attracts pedestrian activity and must provide direct access or visual connection to the general public from the sidewalk or the public open space, and conceals uses designed for parking and other non-active uses if present.

Active use, ground floor requirements:

1. Residential amenities not intended to attract pedestrian activity shall not be permitted to count as the minimum active use requirement in the ground floor along Primary Pedestrian streets, unless open to the general public. Such amenities include, but are not limited to gyms, movie rooms, and yoga rooms.
2. When residential units are provided on the ground floor they shall be designed as walk-up units with a walk-up garden.

Gross building area means the total floor area of a building, including air-conditioned or fully enclosed storage spaces, enclosed areas on the rooftop, such as bathrooms and lobbies, stairs and elevator areas, and external unenclosed circulation areas. The gross building area does not include bicycle parking rooms and parking areas; unenclosed colonnades, porches and balconies; ground floor mechanical and electrical (including but not limited to generator rooms, fire control, FPL vault, IT rooms) ; and ground floor trash rooms. Storage spaces without windows and enclosed by surfaces that allow for natural ventilation or outside air circulation shall not be included.

Gross building area requirements:

1. The gross building area shall be measured from the outside face of exterior walls.

Ground floor means the street-level story of a building.

Ground floor residential means residential walk-up units, residential lobby or leasing office with direct access to a street. Ground floor residential when permitted by subdistrict shall not include amenities.

Height means the maximum vertical extent of a building or structure that is measured as a number of stories not to exceed a vertical dimension in feet.

Height requirements:

1. Height is calculated from the average elevation of the adjacent public sidewalk or the crown of the road if no sidewalk exists to the top of the highest story or, in the case of pitched roofs, to the average height between the bottom of the eave and the peak of the roof.
2. Height limits do not apply to vertical projections not intended for human occupation such as, decorative roofs, parapets, masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, solar energy systems and similar structures.
3. Government uses such as courthouse buildings, and civic uses such as museums, planetariums, and auditoriums, may exceed the maximum height allowed in a subdistrict by 10%. Parking structures are excluded from additional height allowance.
4. Refer to Figure IV-13.

Horizontal projection means any facade surface or building component which protrudes from the main building facade plane, including, but not limited to, architectural features, awnings, balconies, canopies, colonnades and porches.

Horizontal projection requirement:

1. Refer to Table IV-5 and Figure IV-5.

Hotel. See ARTICLE XIX.

Hotel requirement:

1. Hotel rooms shall be a minimum size of 325 square feet.

Hotel, boutique means a hotel use that provides an intimate "design hotel" with personalized accommodation, services and facilities.

Hotel, boutique requirements:

1. Boutique hotels shall provide no more than 150 rooms, with each room having a floor area not less than 275 square feet.

Hotel, full-service means a hotel use that provides a complete range of amenities to guests including, but not limited to, restaurants, bars, pools, and meeting areas, in addition to lodging.

Hotel, full-service use requirements:

1. Full-service hotels shall provide no less than 200 rooms, with each room having a floor area not less than 350 square feet.
2. Full-service hotels are encouraged to have a minimum 5,000 square feet of meeting space and a minimum 2,500 square feet restaurant/bar use, including preparation areas.
3. Condo/hotels and time shares are not considered full-service hotels.

Interior courtyard means a private open space that is wholly or partly surrounded by walls or buildings.

Interior courtyard requirement:

1. Refer to Table IV-6, Table IV-7 and Figure IV-8.

Landscape buffer means a continuous edge of land provided along the perimeter of a lot where landscaping is used to screen or transition one use from adjacent uses or public areas.

Landscape buffer requirements:

1. Landscape buffers shall be provided between surface parking and all adjacent property lines and rights-of-way.
2. Landscape buffers shall comply with the requirements of subsection 94-443(a)(2).

Legacy Structure means a building that contributes to the general character of a particular district, but not currently designated as a historic structure. A legacy structure possesses integrity of design, setting, material, feeling and association.

Legacy structures requirements:

1. Legacy structures may be demolished and replaced by a new structure in compliance with the Downtown Master Plan urban regulations.

Light industrial means uses engaged in manufacturing, compounding, processing, packaging, assembly, treatment, incidental storage and sale or distribution of finished or semi-finished products from previously prepared materials.

Light industrial requirement:

1. All manufacturing activities shall be conducted wholly within an enclosed building or within an outdoor screened area.

Live/work means a type of mixed-use development that combines a nonresidential use with a residential dwelling unit.

Live/work requirements:

1. Both uses shall be occupied by a common owner or tenant.
2. When on the ground floor, live-work units shall be two stories in height or include a mezzanine level. The ground floor shall be restricted to those commercial uses permitted within the subdistrict. The full conversion of the unit or lease space into a residential use shall be prohibited.

Living green wall means a panel of plants, grown vertically using hydroponics, on structures that can be either free-standing or attached to walls. Living green walls are also referred to as vertical gardens, green walls, living walls or ecowalls.

Lot means a parcel of land possessing specific boundaries established by a legal instrument such as a deed or recorded plat, recognized as a separate legal entity for purposes of transfer of title. The term "lot" will be construed to include the terms "site", "parcel", "property" and any other similar undefined term. Lots must meet minimum lot area and setback standards in order to be developed, where applicable. Lots shall be joined by a unity of title for development purposes.

Lot area means the total horizontal area of a lot defined by the lot line.

Lot frontage means the dimension of a lot line, measured in a single plane, which abuts a public right-of-way or public space. Lot frontage requirement:

1. Refer to Figure IV-14.

Lot line means the defining boundary line(s) of a lot.

Major amendment means a substantial modification of an approved site plan. Major amendments shall only be determined by the DAC following the procedure set out in section 94-32. Major amendments shall include the following requests:

1. An increase in building height by more than one story
2. Any change of use;
3. Any substantial change on the building elevation and/or public open spaces;
4. An increase of more than ten percent (10%) of the building footprint;
5. Any change in the conditions of approval;
6. Any increase in traffic in excess of either: (i) 3 percent of the average daily traffic (ADT), or (ii) 100 ADT trips, over the traffic impacts for the project as established in the original and approved site plan.

Mezzanine means a partial story that may occur only between the first and second story and shall be utilized for functions ancillary to ground floor uses.

Mezzanine requirements:

1. All mezzanine areas shall count toward the maximum allowed FAR.

2. When the mezzanine area is greater than 50 percent of the ground floor area, it shall count as a full story when calculating building height.
3. Refer to Figure IV-25.

Micro-unit means a small residential unit with a total square footage between 400 square feet and 549 square feet, with a fully functioning kitchen and bathroom.

Natural disaster means a destruction caused by natural forces such as hurricane, tornado, wild fire or flood, rather than by human action.

Net interior area means, for the purpose of calculating parking requirements, the total floor area, less areas dedicated to public lobbies and corridors, exterior wall assemblies, stairwells, elevator shafts, mechanical, electrical and trash rooms.

Non-active use means a building use or space which is generally unfenestrated and not intended for human occupation or regular activity. Non-active uses generally include, but are not limited to, parking and building service areas such as storage, mechanical, electrical and trash, as well as internal circulation; stairwells, elevators, and/or corridors.

Active use-non requirement:

1. Architectural treatment shall be provided for all non-active use facade elevations.

Office means premises used for conducting the affairs of a business, profession, service industries, research or technology enterprise, or government, including administrative professional, technical, and clerical activities. Office uses included, but not limited to, insurance agencies; brokerages; real estate; financial institutions and banks not serving general public; government offices and public utilities offices; TV and radio studios; research and development offices; technology companies; innovation centers; and other professional offices medical and nonmedical. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

Office, class A means office space in a prestigious building that can be characterized as having a location and access which attracts premier tenants, and is managed professionally. Building materials are high quality and rents are competitive with other new buildings. Amenities for the convenience of the occupants, such as sky lobbies, atriums, covered parking, restaurants, health clubs, child care and security help to differentiate this office type.

Office, class A use requirement:

1. For the purpose of the incentive programs set forth in sec. 94-132, the minimum total area dedicated to class A office shall be 200,000 square feet pursuant to section 94-132.

Open space means an improved outdoor area open to the sky.

Open space requirements:

1. An open space may be one of three types: public, semi-public or private.
2. Open space is measured as a percentage of lot area or through dimensional requirements depending on the open space type and subdistrict location as provided in the open space standards.
3. Open space measurements shall not include areas within the minimum setbacks with the exception of walk-up gardens and front yards which may be included.
4. Refer to Figure IV-15.

Open space, temporary public means a privately owned and maintained ground floor open space for public use and access abutting a public street on at least one side and with pedestrian access from the public sidewalk or right-of-way.

Temporary public open space requirements:

1. Temporary public open spaces shall comply with federal ADA requirements.
2. Temporary public open spaces may include art installations, pop up retail, food trucks and food sales.
3. Temporary public open spaces shall not be used for parking, except access may be allowed for food trucks or other service vehicles.
4. Food trucks or other service vehicles shall not be parked less than 30 feet from any property line adjacent to BPD-R or a property occupied with a residential use.
5. Community gardens may be permitted in compliance with Section 94-273(a).
6. Any proposed structure shall comply with minimum setbacks according to the corresponding building requirements table.

7. Temporary use shall be allowed for a period of 12 months.

Open space, urban means the zoning designation given to city-owned properties intended for public use as passive or active recreation areas.

Urban open space requirements:

1. Accessory structures to support the public enjoyment of the urban open space (UOS), such as, but not limited to, community centers, restroom facilities, food establishments or recreational service establishments, park ranger stations, equipment sheds, and other similar structures are allowed.
2. Buildings shall not exceed two-stories in height or 40 feet, whichever is less, and the cumulative building footprint of all buildings within a specific UOS shall not occupy more than 10% of the total UOS area.
3. Parking for uses located within an UOS is not required.

Overhead cover means for the purpose of the open space requirement, a fixed roof-like architectural feature or projection above the ground level intended to provide protection from the sun or rain or, in the case of passageways, to provide pedestrian or vehicular connections between buildings. Overhead cover includes, but is not limited to, arbors, trellises, awnings, canopies, fixed umbrellas, shade sails, and shading devices. Arcades or colonnades shall not be allowed as overhead cover.

Overhead cover requirements:

1. Minimum clearance for the overhead cover shall be no less than 12 feet when overhead cover is part of the main building structure.

Parking means uses or areas of a building intended primarily for the storage of motor vehicles and associated vehicle movement and maneuvering areas.

Parking requirements:

1. Parking shall be considered a non-active use.
2. Refer to section 94-111.

Parking, automated means a mechanical parking system that is fully functional without the employment of a full-time parking attendant or valet.

Automated parking requirement:

1. Refer to section 94-111.

Parking, commercial means a parking structure or surface parking that is a primary use, is privately owned or leased and charges a fee.

Parking, mechanical means a parking structure where the vertical movement and storage of vehicles is achieved primarily through mechanical devices operated by attendants, and where vehicles are stored at a higher density than typical self-parking ramp-access structures.

Mechanical parking requirement:

1. Refer to section 94-111.

Parking structure, parking garage means a building, or portion thereof, primarily used for vertical parking, including automated and mechanical parking.

Parking structure requirements:

1. Parking uses above the podium, may exceed the maximum building footprint as specified by the district requirements. Maximum height for parking structures still applies.
2. Refer to section 94-111.

Parking, surface lot means a lot, or portion thereof, open to the sky and primarily used for parking more than four motor vehicles at the ground floor.

Surface parking lot requirement:

1. Surface parking shall be located behind the primary building and screened from view from the right-of-way unless otherwise expressly permitted in the subdistrict requirements.

Parking, tandem means the storage of vehicles one behind the other as opposed to side by side.

Passageway means an open space that provides a pedestrian-only cross-block connection from two or more public rights-of-way, alleyways, or public open spaces.

Passageway requirements:

1. The Planning and Zoning Administrator may authorize the use of another public open space type for those cases where the passageway is required, but it is determined not to be appropriate.
2. Minimum dimension requirements may vary per district.
3. Refer to Table IV-6, Table IV-7 and Figure IV-20.

Passenger loading and drop-off, on-street means a passenger loading and drop-off area that occurs in the area of the street typically devoted to on-street parking.

Passenger loading and drop-off, on-street requirements:

1. Refer to Table IV-13.
2. Refer to section 94-111.

Passenger loading and drop-off, cross-block means a driveway that consists of two curb cuts, provides a cross-block connection from two or more public streets and is designed for the loading of passengers.

Passenger loading and drop-off, cross-block requirement:

1. Refer to Table IV-13.

Passenger loading and drop-off, porte cochere means a driveway that is typically covered, consists of two curb cuts on the same street lot frontage and is designed for the loading of passengers.

Passenger loading and drop-off, porte cochere requirements:

1. Refer to Table IV-13 and Figure IV-22.
2. Refer to section 94-111.

Permeable means for the purpose of open space standards a material or a construction assembly's capacity to absorb water or to allow water to pass through.

Permeable requirement:

1. Permeable areas may include vegetated areas.

Phased development means a development project proposed for construction in several phases.

Planar break means an interruption in a facade consisting of a horizontal recess or protrusion.

Planar break requirements:

1. For the purpose of facade articulation requirements, the height extension and placement of individual planar breaks may vary, provided that breaks occur for the full height of the podium.
2. The resultant area at the ground level shall be improved as open space or as an extension of the public sidewalk.
3. Planar breaks shall not exceed the maximum setback.
4. Refer to Table IV-4 and Figure IV-21.

Plaza means an improved public open space that abuts and is open to public rights-of-way along a portion of its perimeter.

Plaza requirement:

1. Refer to Table IV-7, Figure IV-8, Figure IV-15, and Figure IV-16.

Podium means any portion of a building that occurs below a given height, depending on the subdistrict building requirements. The podium is typically comprised of parking uses concealed by ground floor active uses and active use liners.

Podium requirement:

1. Refer to Figure IV-31.

Porch means an outdoor, at grade, structure attached to a primary structure, generally open on two or more sides, and consisting of a floor and roof.

Porch requirements:

1. When provided, at least one porch shall be located between the main structure and the adjacent public right-of-way.
2. Refer to Figure IV-5.

Primary use means the principal or main use of land, structures or buildings, as distinguished from secondary, ancillary or accessory uses.

Private open space means open space that is intended for the use of building occupants. Private open space generally includes, but is not limited to, rooftop gardens and interior courtyards.

Private open space requirements:

1. Private open space may occur anywhere within the building envelope or on rooftops.
2. Lots less than 25,000 square feet are not required to provide private open space, except on R subdistricts.
3. Refer to Table IV-7.

Proposed development means the uses, structures and buildings contained in the application for development approval.

Public open space means a ground floor open space for public use and access abutting a public street on at least one side and with unencumbered pedestrian access from the public sidewalk or right-of-way for the general public at all times.

Public open space requirements:

1. Public open spaces shall comply with federal ADA requirements.
2. Public open spaces shall abut an active use.
3. Public open spaces shall not provide vehicular access not specifically related to the maintenance of the public open space.
4. Public open spaces shall not be located adjoining curb cuts, driveways, or parking access ramps, except outdoor passenger drop-off areas.
5. Public open spaces shall provide bollards, curbs, wheels stops or other similar features to ensure that the area is not used for parking or vehicle use.
6. Public open spaces shall not be occupied by mechanical equipment, dumpsters or service areas.
7. Public open spaces shall be designed to meet the tenets of Crime Prevention Through Environmental Design (CPTED) and shall maintain a clear visual connection to the sidewalk with no plantings, or grade changes above 42 inches that obstruct views into the space from the street Public open spaces cannot be enclosed with fences or walls.
8. Public open spaces shall not be located adjacent to building mechanical spaces, equipment or service areas, trash pick-up, loading or unloading areas, etc.
9. Public open spaces are privately owned and maintained.
10. A maximum of 20% of the required public open space area may be designated for private commercial programming.
11. The majority of the required open space shall be consolidated into one (1) primary open space area. For full-block assemblies, a minimum of two (2) consolidated public open space areas are encouraged.
12. A public open space easement agreement is required.
13. Refer to Table IV-6 and Table IV-7 and Figure IV-15 through Figure IV-20.

Retail use means any store, merchant or organization selling merchandise, goods or food to the general public on the premises. Retail establishments shall not include other commercial or office uses such as, but not limited to, attorneys, insurance agencies, brokerages, real estate, travel agents, banks and other professional offices.

Rooftop garden means a private open space constructed on rooftops that provide recreation amenities for building occupants such as, but not limited to, gardens, observation decks, swimming pools, and running tracks.

Rooftop garden requirements:

1. Rooftop gardens shall be provided to improve overhead views from neighboring buildings and to aid in the reduction of the urban heat index.
2. Rooftop swimming pools, decks and whirlpools are permitted as provided in Table IV-5.
3. Swimming pools and whirlpools shall be surrounded by a minimum five-foot wide walkway.
4. Refer to Figure IV-23.

Rooftop treatment means the provision of treatment to roof surfaces that aide in reducing urban heat index and the heat island effect.

Rooftop treatment requirements:

1. Rooftops shall provide roofing materials having a Solar Reflectance Index (SRI) greater than or equal to 78 for roofs with a slope less than or equal to 2:12 or 29 for roofs with a slope greater than 2:12. These requirements shall exclude those areas dedicated to landscape materials.
2. Rooftop garden shall fulfill the private open space requirements as established in the subdistrict building requirements. When rooftop gardens are provided, they shall comply with the rooftop garden standards.
3. Refer to Table IV-7.

Seating means, for the purpose of open space standards, any horizontal surface designed for people to sit upon, including, but not limited to, benches, chairs, retaining walls, planter edges, tiers and other similar surfaces.

Seating requirements:

1. Seating surfaces shall have a maximum height of 24 inches and have aa
   minimum depth of 16 inches.
2. Fixed seating shall be a minimum of 50% of the requirement seating per Table IV-7, and movable seating may count toward the remaining portion of the seating requirement, provided they are available during all public access hours and are not restricted to patrons of adjacent commercial uses.

Semi-public open space means a ground floor open space intended primarily for use by building occupants but may have limited public access.

Semi-public open space requirements:

1. Semi-public open space shall abut a public sidewalk and have visual access for the general public.
2. Refer to Table IV-6 and Table IV-7.

Setback means for all districts, except R subdistricts and the PPD-PO subdistrict, the required minimum or maximum horizontal distance between the back of curb and the nearest building surface. For R subdistricts and the PPD-PO subdistrict setback means the required minimum or maximum horizontal distance between the lot line and the nearest building facade or vertical surface.

Setback requirement:

1. In all subdistricts, excluding R subdistricts and the PPD-PO subdistrict, when adjacent to an avenue, primary pedestrian, secondary or residential street designation, the setback shall be measured from the back of curb. All other setbacks shall be measured from the lot line, including those in R subdistricts and the PPD-PO subdistrict.
2. Where the curb location varies along a property, the back of curb shall be defined as the back of curb line furthest from the center line of the road.

   For properties with a minimum ground floor setback requirement larger than 30 feet, the setback shall be measured from the mid-point of the lot frontage as projected at the back of curb.
3. The setback area adjacent to a right-of-way with a street designation shall be improved as an extension of the public sidewalk, shall comply with sidewalk standards, and shall match the design of the public sidewalk as determined by the City.
4. Within R subdistricts, and the PPD-PO subdistrict, the setback shall be improved according to the landscape requirements on Section 94-442.
5. Setback areas that are adjacent to a right-of-way with a street designation, excluding residential street designations, shall not include any parking uses or associated landscape buffer, and shall be left free of any structure higher than 42 inches, excluding streetscape signage, lighting and other public improvements otherwise provided in Section 94-129.
6. Maximum setbacks shall be applicable to all building components, excluding open space, driveways and port cochere.
7. In those cases where no conditional setback is specified, the typical minimum setback applies.
8. No upper level setback shall be smaller than the minimum ground floor setback or conditional setback if required.
9. The rear setback is defined as the property line abutting the alleyway and/or not intersecting with a designated street.

10. Refer to Figure IV-24.

Sign, building identity means any sign which is located on a building to identify the name of the building or the primary tenant of the building, if one exists.

Building identify sign requirement:

1. Multiple building identity signs on the same building shall have the same name and/or tenant.

Sign, external sign band means the theoretical zone for any one building into which one or more signs for individual tenants may be placed.

External sign band requirements:

1. The sign band shall be consistent in its placement on a single building so that signage for multiple tenants are organized in their placement.
2. Signage within the band shall be affixed flat to the building facade.

Sign, low freestanding means a permanent, freestanding sign mounted on a base or other supports and where the bottom of the sign face is located within three feet of ground level.

Sign, monument means a low freestanding sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports.

Sign, pedestrian blade means a sign which is located near the ground floor, typically hanging below awnings or canopies, and provides information to pedestrians on the sidewalk. Pedestrian blade signs are typically mounted perpendicular to the building facade.

Sign, vertical building means a sign which is taller than it is wide and is generally placed in an orientation perpendicular to the building facade so as to be visible from down the street or sidewalk.

Storefront facade area means an area of the building facade enclosing ground floor active uses and may include fenestration, transparency, opaque materials, signage, etc. Storefront facade area is measured horizontally as the linear dimension of ground floor active uses at the building frontage and vertically from the average public sidewalk elevation to a line ten feet above the average public sidewalk elevation.

Storefront facade area requirements:

1. A percentage of the storefront facade area shall provide transparency, based on the applicable subdistrict building requirements.
2. Refer to Figure IV-33.

Story means the vertical space in a building measured between the upper surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between the floor and the uppermost surface of the ceiling assembly or roof above. The number of stories is used to calculate building height.

Story requirements:

1. Portions of buildings constructed fully below grade shall not count against the number of stories.
2. Stories partially below grade which extend no more than 24 inches above the average elevation of the adjacent public sidewalk, or the crown of the road if no sidewalk exists, shall not be counted as a story.
3. Each above grade parking use without active use liners shall be counted as one story for the purposes of measuring building height. A single non-active use lined parking level, between the first and second story (located only within the first 15-25 feet of the podium), shall not be included within the subdistrict height calculations for story count only, provided that:

   a. At least 90% of the parking level is comprised entirely of non-habitable parking space.

   b. The architectural treatment is fully integrated within the design of the required ground floor and adjacent active uses. There shall be no distinction between active and non-active facades. The use of applied treatments such as screening, mesh-like elements, and louvers are not permitted for the parking level. The use of glazed fenestration, solid architectural massing and projections are recommended.

   c. Visually the structure shall assume a double-height façade to enclose both the ground floor active use and parking use.

   d. The overall parking count for the project does not exceed 70% of the maximum required parking.

e. The required percentage of active use and active use liners are met on both the ground floor and second floor without variance approvals.

f. A mezzanine cannot be incorporated into the parking level.

g. The parking level's height shall count toward the maximum height in feet permitted for the structure within the subdistrict.

4. On buildings with multiple frontages, the number of stories shall be calculated based upon the highest level street designation, so long as each building frontage meets or exceeds the required percentage of active uses as provided in the building requirements tables.

5. Refer to Figure IV-25.

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Streetscape means landscape surfaces, both organic and inert, that compose the publicly and privately accessible space adjoining the frontage of a building or property.

Street designation means a street classification system that regulates the characteristics of streets and rights-of-way with respect to spatial dimension, pedestrian and vehicular mobility and building active uses. Street designations consist of four types: avenues, primary pedestrian, secondary and residential.

Street designation requirement:

1. Refer to Figure IV-26 through Figure IV-29.

Studio means any space that is used for artistic purposes, including the production, study, or teaching of art, music, dance, or other design arts related uses, and is often shared as a living space.

Terrace means, for the purposes of open space standards, a rooftop private open space located within an upper story.

Terrace requirement:

Refer to Figure IV-30.

Tower means any portion of a building that occurs above a given height, or above the podium, depending on the subdistrict building requirements. The tower is typically comprised of active uses only.

Tower requirement:

1. Tower may exceed the maximum setback above a forty (40) feet podium.
2. The maximum tower length (longest horizontal dimension) for residential uses shall not exceed 200 feet. Where a tower is located at a corner and fronts two (2) streets, the combined horizontal length of the tower portion above the podium along both frontages shall not exceed three hundred (300) feet.
3. Developments with two or more towers shall provide variation in tower heights to create a varied building profile and avoid a uniform skyline. At least one tower shall differ in height from the other tower or towers by a minimum of one story.
4. Refer to Figure IV-31.

Tower floorplate means the maximum floor area of a single building story within the tower, less balconies.

Tower floorplate requirements:

1. The maximum floorplate is dependent on the tower's primary use as follows: Office or mixed-use— up to 35,000 square feet for any single tower floorplate; Residential or hotel— up to 20,000 square feet for any single tower floorplate.
2. The total cumulative floorplate area at any given story shall not exceed the maximum permitted footprint.
3. Refer to Figure IV-32.

Tower orientation means the placement of the tower such that it is near, fronting or adjacent to a specified lot boundary or street designation.

Tower orientation requirement:

1. When a tower is required to be oriented towards a particular street frontage, the order of prominence shall be avenues (most prominent), primary pedestrian, secondary and residential (least prominent).

Tower separation means a minimum allowable horizontal distance between two or more tower floorplates.

Tower separation requirement:

1. The minimum tower separation shall be 60 feet.

Transfer of Development Rights (TDR) means a voluntary market-based tool that allows designated sending sites to sell their unused development capacity and transfer them to designated receiving sites.

Transparency means building fenestration on nonresidential uses which allows ground floor visual access between a building and its active uses from the public sidewalk.

Transparency requirements:

1. Transparency may be provided through the use of windows and door glazing as well as unobstructed openings in the building facade.
2. Transparency is required as a percentage of the storefront facade area from 0' to 10' in height
3. Refer to Figure IV-33.

Tree canopy means, for the purpose of open space standards, the measure of the upper portion of a tree consisting of limbs, branches and leaves and the anticipated shade coverage on the ground.

Tree canopy requirements:

1. Trees shall be planted such that the anticipated shade coverage occurs within the open space perimeter.
2. Trees shall be planted in accordance with sections 94-445 and 94-446.
3. Large palm species may be utilized for not more than 35 percent of the required tree canopy.
4. The tree canopy shall be measured as provided in Table IV-8.

Upper story means all stories of a building above the ground floor.

Vegetated area means, for the purpose of open space standards, any surface or area of a surface not greater than four feet in height and occupied by plant materials.

Vegetated area requirements:

1. A maximum of 20 percent of the required vegetated area may be covered by permeable materials, not including exposed soil.
2. Vegetated areas shall be planted in accordance with sections 94-445 and 94-446.

Vertical projection means any building component that protrudes beyond the roof of a building including podiums and towers. Vertical projections are open-air roof-like structures on a roof including, but not limited to, open air decorative or architectural roofs, architectural features, covered structures, pergolas, trellises, fabric structures, parapets, swimming pools and decks, and mechanical rooms or enclosures.

Vertical projection requirements:

1. Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself such as, but not limited to, cooling towers, elevators, stairs and mechanical penthouses, vent stacks and antennas shall be enclosed and screened in such a manner that the enclosure is designed as an integral part of the overall building design.
2. Vertical projections may exceed subdistrict height requirements pursuant to Table IV-5, except within conditional setbacks.
3. Rooftop swimming pools and decks and/or whirlpools are permitted as provided in Table IV-5.

Walk-up garden means a semi-public open space designed to buffer ground floor residential uses from the adjacent public sidewalk.

Walk-up garden requirements:

1. When required, walk-up gardens shall have a minimum depth of seven (7) feet measured horizontally between the building facade and the public sidewalk, and may include an entrance landing and stairs.
2. Fences, walls or other similar structures shall not exceed four feet in height.
3. Refer to Figure IV-34.

TABLE IV-4: FACADE ARTICULATION REQUIREMENTS			
(NOT APPLICABLE TO BPD-R, LD-R, NWD-R, AND PPD-R, PPD-R-PO SUBDISTRICTS)			
FACADE ELEMENT	MINIMUM REQUIREMENT		
	GROUND FLOOR & PODIUM	TOWER	NON-APPLICABLE ELEMENTS
Transparency	Ground floor transparency shall be provided pursuant to individual Subdistrict Building Requirements.	—	Tinted or reflective glass.
Fenestration	On facades enclosing active uses, fenestration that covers a minimum of 15% of the facade area shall be provided, except for facades less than 3 feet from a rear or side interior lot line. Fenestration shall occur at each building story containing active uses. NFPA requirements, as amended, shall supersede this requirement. Blank walls are not permitted	On facades enclosing active uses, fenestration that covers a minimum of 15% of the facade area shall be provided, except for facades less than 3 feet from a rear or side interior lot line. Fenestration shall occur at each building story containing active uses. NFPA requirements, as amended, shall supersede this requirement. Blank walls are not permitted	Painted or faux fenestration.
Architectural Treatment	On facades enclosing non-active uses, architectural treatment shall be provided.	On facades enclosing non-active uses, architectural treatment shall be provided.	1. Paint and faux treatments. 2. Construction joints, scoring, or material applications less than 4 inches in height, width or depth. 3. Building Signs, unless fully integrated within an architectural feature.
Planar Break	For building frontages greater than 150 feet, no facade shall exceed 60% of the building frontage without providing a planar break or multiple planar breaks a minimum of 3 feet in depth. The cumulative horizontal length of all planar breaks shall be greater than or equal to 20% of the building frontage. Blank walls are not permitted	Facades less than or equal to 3 feet from a side lot line and not abutting an adjacent building shall incorporate a planar break or multiple planar breaks a minimum of 8 inches in depth. The cumulative horizontal length of all planar breaks shall be greater than or equal to 5% of the facade width. Blank walls are not permitted	—
Horizontal Projections	At the ground floor, horizontal projections that have a minimum cumulative horizontal length of 50% of the building frontage shall be provided. When horizontal projections occur at or near a building corner, they are encouraged to wrap the corner.	—	1. Inward or recessed projections resulting from required setbacks. 2. Building signs, unless fully integrated within an architectural feature.

TABLE IV-4: FACADE ARTICULATION REQUIREMENTS			
(NOT APPLICABLE TO BPD-R, LD-R, NWD-R, AND PPD-R, PPD-R-PO SUBDISTRICTS)			
FACADE ELEMENT	MINIMUM REQUIREMENT		
	GROUND FLOOR & PODIUM	TOWER	NON-APPLICABLE ELEMENTS
Architectural Features	—	Facades less than or equal to 3 feet from a lot line and not abutting an adjacent building shall incorporate architectural features by providing one or more of the following: 1. Architectural features that cover a minimum of 30% of the facade elevation area and have a minimum projection depth of 4 inches. 2. Vertical architectural features including, but not limited to, columns, pilasters or other vertical features that have a width greater than 4 inches; a projection depth of not less than 4 inches; and occur at horizontal intervals of not greater than 30 feet.	1. Paint and faux treatments. 2. Construction joints, scoring, or material applications less than 4 inches in height, width or depth. 3. Building signs, unless fully integrated within an architectural feature.

TABLE IV-5: PROJECTION STANDARDS				
HORIZONTAL PROJECTIONS				
BUILDING ELEMENT	MINIMUM VERTICAL CLEARANCE FROM THE SIDEWALK ELEVATION	MINIMUM HORIZONTAL PROJECTION	MAXIMUM HORIZONTAL PROJECTION	MAXIMUM HORIZONTAL ENCROACHMENT
Architectural Features	—	—	—	2 feet
Awning	8 feet	3 feet	8 feet	8 feet
Balcony	—	3 feet	—	5 feet
Canopy	10 feet	8 feet	20 feet	12 feet
Colonnade* (*Rosemary Avenue Building Frontages Only)	10 feet	8 feet unobstructed	20 feet	12 feet
Porch	—	—	—	10 feet
VERTICAL PROJECTIONS				
BUILDING ELEMENT	MAXIMUM HEIGHT ENCROACHMENT			
Architectural/Decorative Roof	30 feet			
Architectural Features	12 feet			
Covered Structures	12 feet			
Parapet	12 feet			
Mechanical Rooms & Equipment	20 feet			
Swimming Pools and Decks	8 feet			

TABLE IV-6: OPEN SPACE TYPES BY SUBDISTRICT

OPEN SPACE TYPE	DISTRICTS																															
	URBAN CORE														SPECIAL DISTRICTS											RESIDENTIAL ENCLAVES						
	CA	CL	OBD		QBD				QGD			TOD			CWD			FWD	NoRA		LD			BPD		NWD						PPD
	5	25	5	25	10	8	5	3	25	10	5	25	10	8	10	5	CD	5	5	2	10	5	4	5	R	8	5	4	2	2C	R	RPO
PUBLIC																																
Plaza or Courtyard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P1	P1	P	P	P	P	P	P	P	P	P	P	P	P	—	—	—	—
Passageway	P	P	—	—	P/ *R	P/ *R	P	P	P	P	P	P	*R	*R	R	R	P	P	P	P	P	P	P	P	—	—	P	P	P	—	—	—
SEMI-PUBLIC																																
Walk-up Garden	P	P	—	—	R C	R C	P	R C	—	P	—	—	P	P	—	—	—	P	R C	P	R C	R C	P	R C	P	P	P	P	P	P	P	P
PRIVATE																																
Interior Courtyard or Rooftop Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

P = Permitted R = Required RC = Required Conditional — = Prohibited
P1 = Permitted only when passageway open space type is deemed inappropriate for the subject location, based on the discretion of the Planning and Zoning Administrator.

*When applicable.

TABLE IV-7: OPEN SPACE STANDARDS

OPEN SPACE TYPE	OPEN SPACE CHARACTERISTICS							
	MINIMUM SIZE	MINIMUM PUBLIC RIGHT-OF-WAY ABUTMENT	MINIMUM ACTIVE USE ABUTMENT	MINIMUM SEATING	VEGETATED AREA	PERMEABLE AREA	OVERHEAD COVER	TREE CANOPY
	UNIT OF MEASUREMENT (REFER TO OPEN SPACE MEASUREMENT STANDARD ILLUSTRATIONS)							
	OPEN SPACE AREA AND ANY ONE OPEN SPACE SIDE	# OF OPEN SPACE SIDES OR % OF OPEN SPACE PERIMETER LENGTH	# OF OPEN SPACE SIDES OR % OF OPEN SPACE PERMETER LENGTH	LINEAR FEET OF SEATING FOR EVERY 30 SF OF OPEN SPACE AREA	% OF OPEN SPACE AREA	% OF OPEN SPACE AREA	% OF OPEN SPACE AREA	% OF OPEN SPACE AREA
PUBLIC								
Plaza or Courtyard	2,500 SF No one side > 5 times any other side	For plaza: 2 sides; or 40%. For courtyard: 1 side or 20%	2 sides or 75%	1	35% Min.	50% Min.	10% Min. 20% Max.	40% Min.

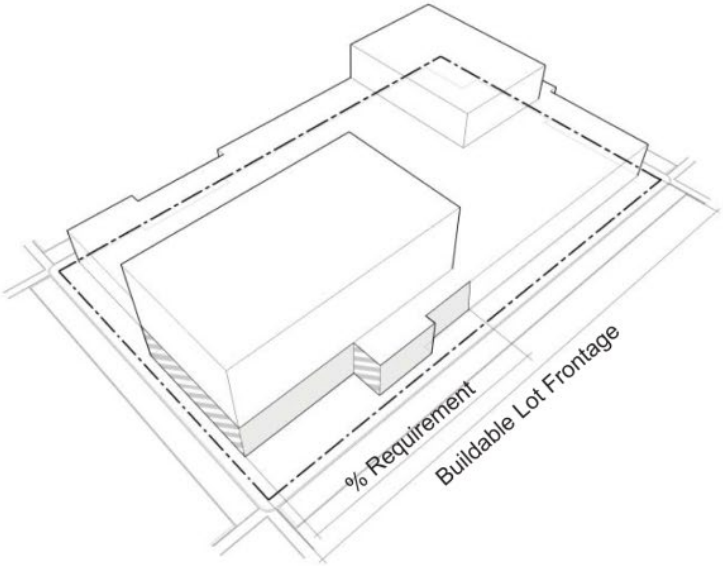
TABLE IV-7: OPEN SPACE STANDARDS								
OPEN SPACE TYPE	OPEN SPACE CHARACTERISTICS							
	MINIMUM SIZE	MINIMUM PUBLIC RIGHT-OF-WAY ABUTMENT	MINIMUM ACTIVE USE ABUTMENT	MINIMUM SEATING	VEGETATED AREA	PERMEABLE AREA	OVERHEAD COVER	TREE CANOPY
	UNIT OF MEASUREMENT (REFER TO OPEN SPACE MEASUREMENT STANDARD ILLUSTRATIONS)							
	OPEN SPACE AREA AND ANY ONE OPEN SPACE SIDE	# OF OPEN SPACE SIDES OR % OF OPEN SPACE PERIMETER LENGTH	# OF OPEN SPACE SIDES OR % OF OPEN SPACE PERMETER LENGTH	LINEAR FEET OF SEATING FOR EVERY 30 SF OF OPEN SPACE AREA	% OF OPEN SPACE AREA	% OF OPEN SPACE AREA	% OF OPEN SPACE AREA	% OF OPEN SPACE AREA
Passageway	No side < 25 feet unless specified by the district	2 sides; or 5%	2 sides or 75%	ø when passageway area ≤ 7,500 SF; 1 when area > 7,500 SF	ø when area ≤ 7,500 SF; 25% Min. when area > 7,500 SF	—	25% Max.; Pedestrian & Vehicular Bridge Permitted	30% Min.
SEMI-PUBLIC								
Walk-up Garden	7 feet Min.	1 side	1 side; or 25%	—	40% Min.	—	30% Max.	—
PRIVATE								
Interior Courtyard, Rooftop Garden, or Terrace	—	—	—	—	30% Min.	—	30% Max.	40%* Min.
*Terrace is not required to provide Tree Canopy requirement.								
Dash line (—) indicates no requirement.								

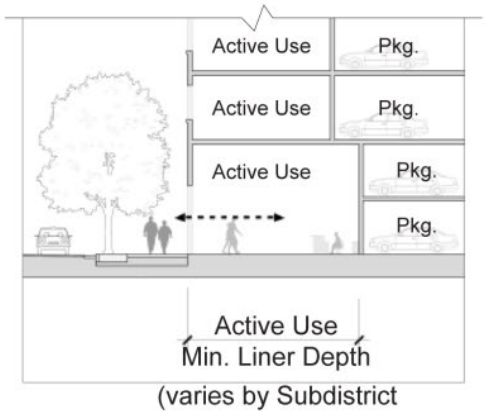
TABLE IV-8: TREE CANOPY STANDARDS		
TREE CANOPY AREA MEASUREMENT		
TREE CANOPY TYPE	MINIMUM DIMENSION AT TIME OF PLANTING	TREE CANOPY AREA CREDIT
Type 1: Large Tree	12 feet in height and 2 inches in diameter DBH	500 Square Feet
Type 2: Medium Tree	10 feet in height	300 Square Feet
Type 3: Small Tree	8 feet in height	150 Square Feet
Type 4: Large Palm Species	12 feet in height	50 Square Feet

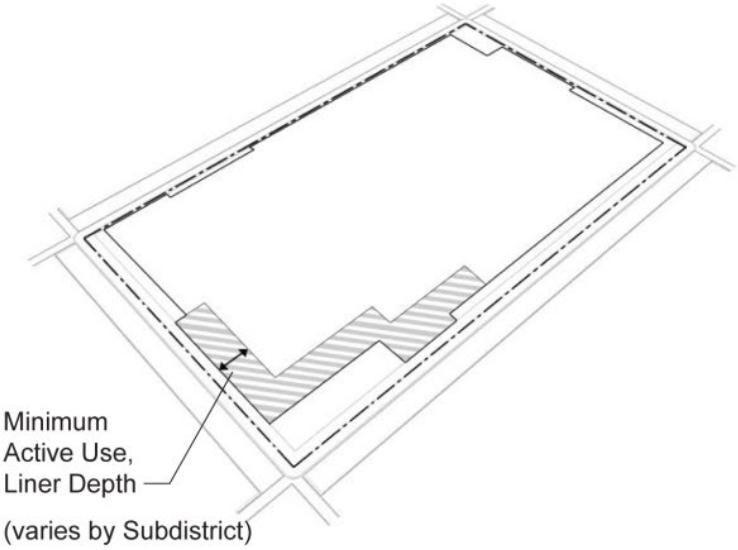
FIGURE IV-3:
ACTIVE USE LINER/ACTIVE USE LINER DEPTH

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-3
ACTIVE USE LINER/
ACTIVE USE LINER DEPTH







SAMPLE CALCULATION
Lot Frontage - Setbacks = Buildable Lot Frontage (100 lf)
80%* Ground Floor Active Uses = 80 lf
60%* Ground Floor Active Uses = 60 lf
(*varies by Subdistrict)

FIGURE IV-4:
ARCHITECTURAL TREATMENT

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-4
ARCHITECTURAL
TREATMENT

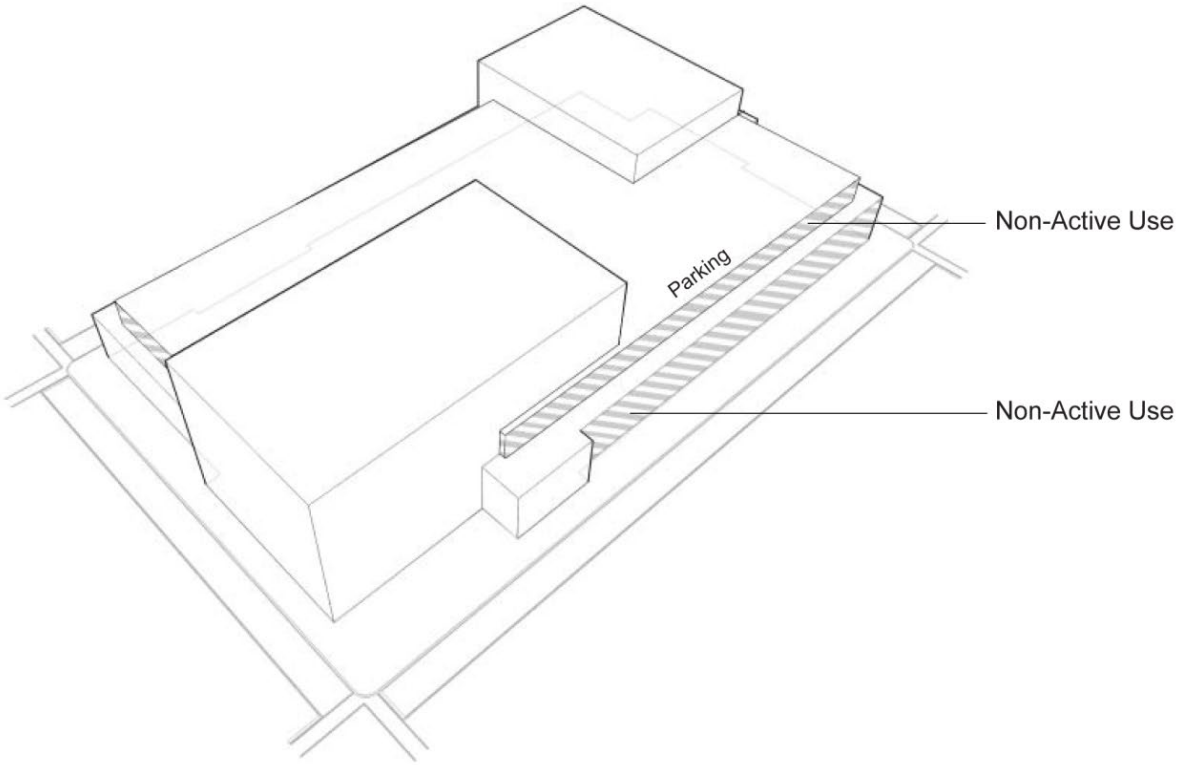


FIGURE IV-4: ARCHITECTURAL TREATMENT
FIGURE IV-5: AWNINGS/BALCONIES/CANOPIES/COLONNADES AND PORCHES

FIGURE IV-4:
ARCHITECTURAL TREATMENT

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-5
AWNINGS
BALCONIES/
CANOPIES/
COLONNADES
AND PORCHES

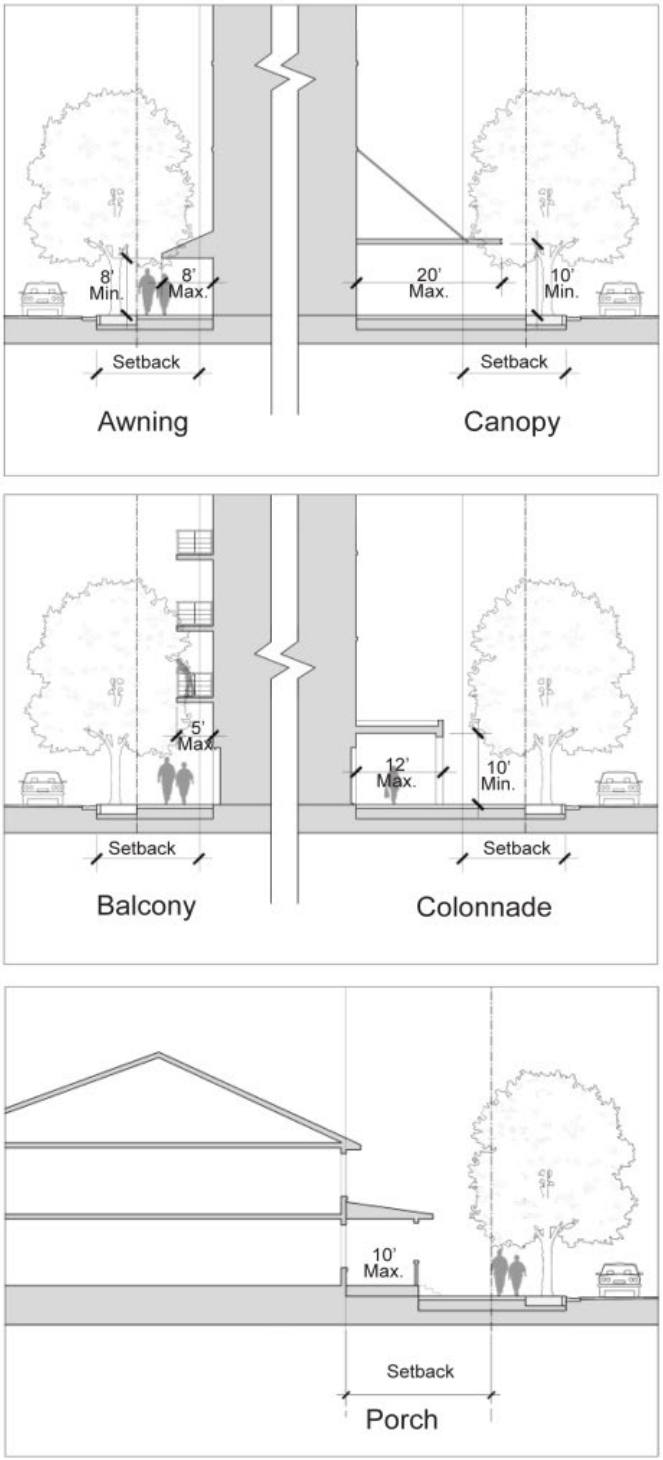


FIGURE IV-6:
BLANK WALL

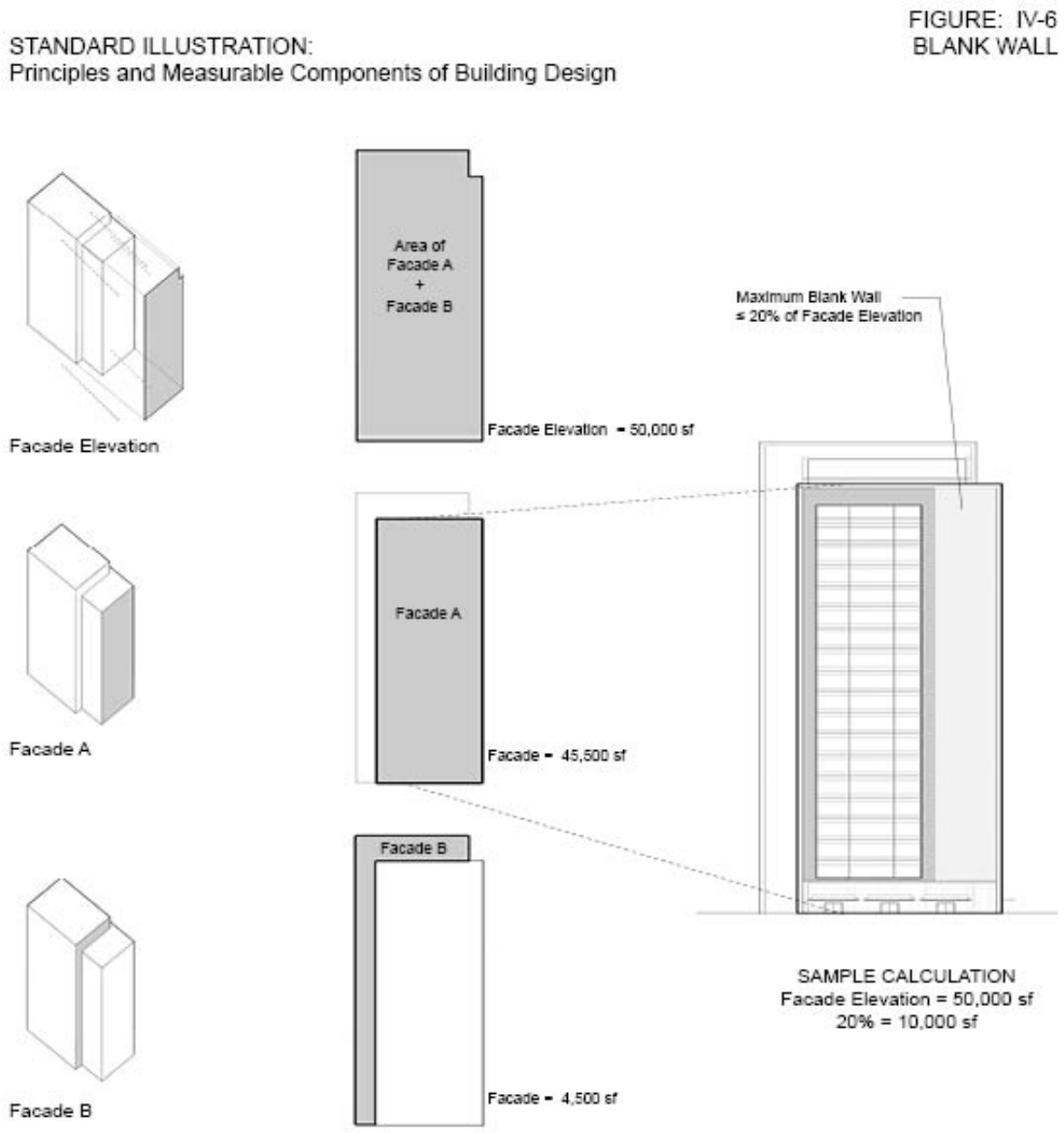


FIGURE IV-7:
BUILDING FRONTAGE

FIGURE: IV-7
BUILDING FRONTAGE

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

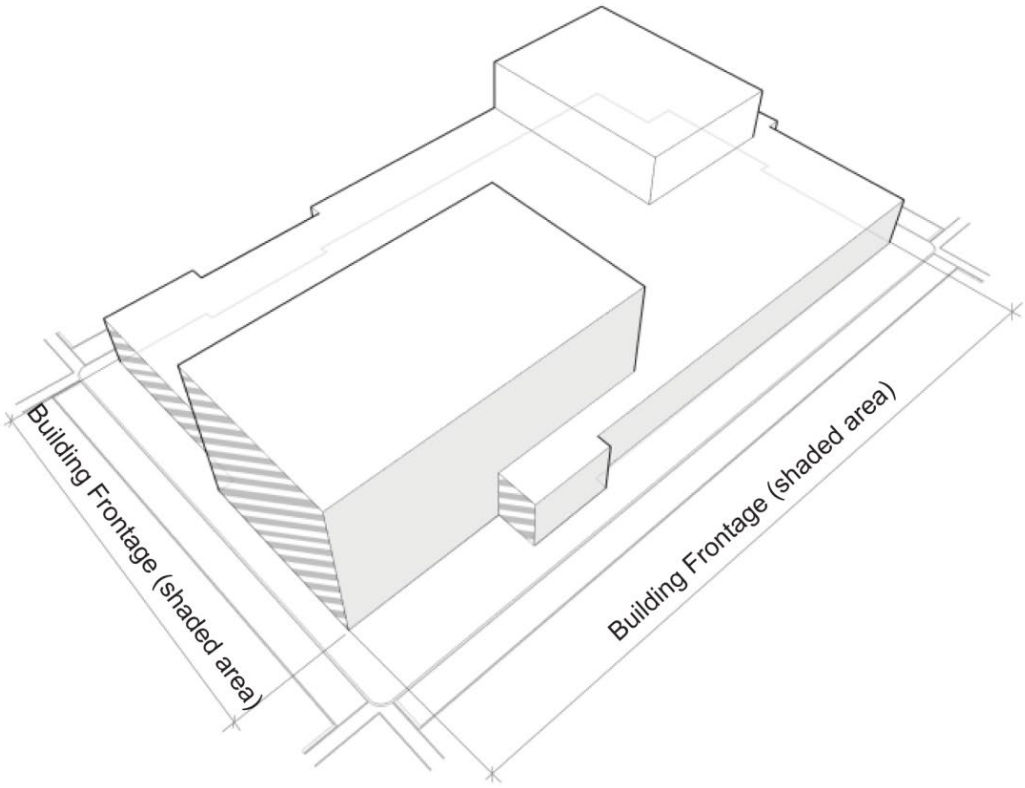


FIGURE IV-8:
COURTYARD/INTERIOR COURTYARD/PLAZA/PASSAGEWAY

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-8
COURTYARD/
INTERIOR COURTYARD/
PLAZA/
PASSAGEWAY

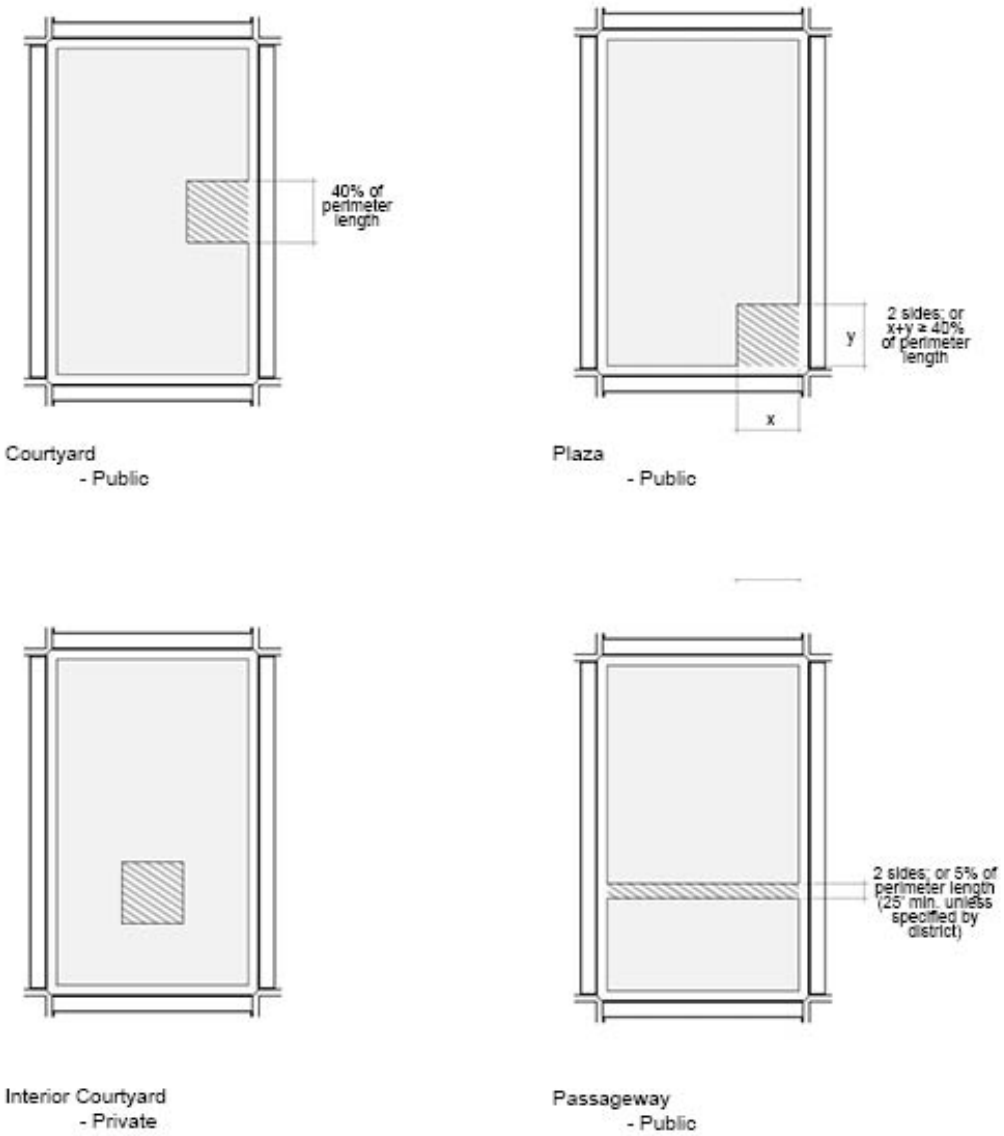
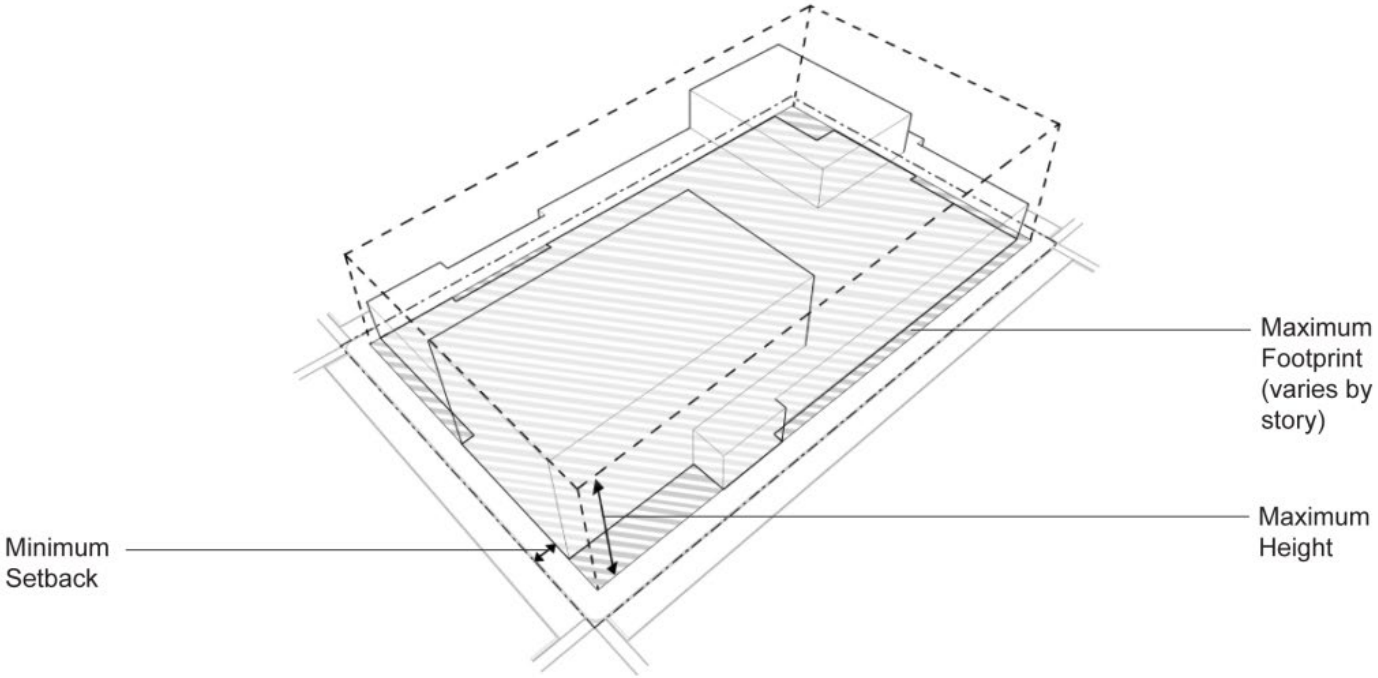


FIGURE IV-8: COURTYARD/INTERIOR COURTYARD/PLAZA/PASSAGEWAY
FIGURE IV-9: ENVELOPE

FIGURE IV-8:
COURTYARD/INTERIOR COURTYARD/PLAZA/PASSAGEWAY

FIGURE: IV-9
ENVELOPE

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design



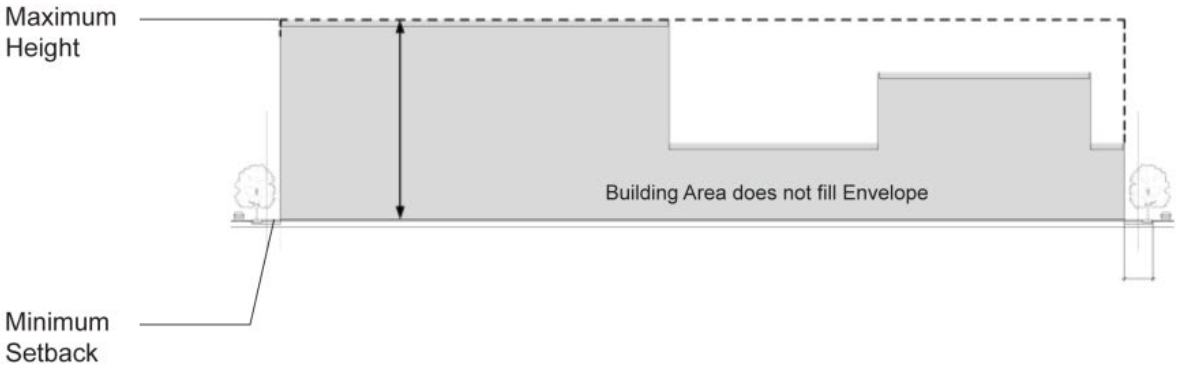
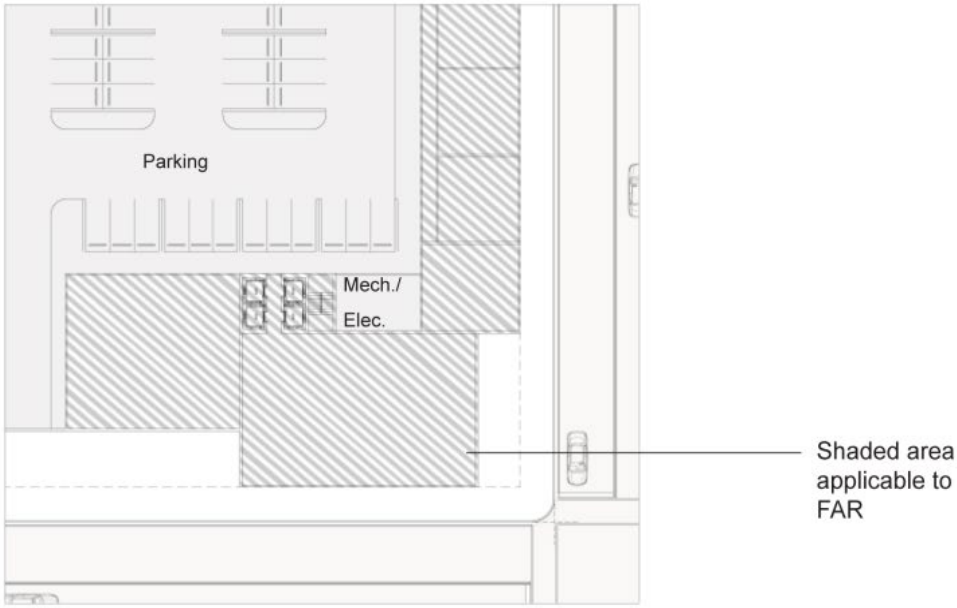
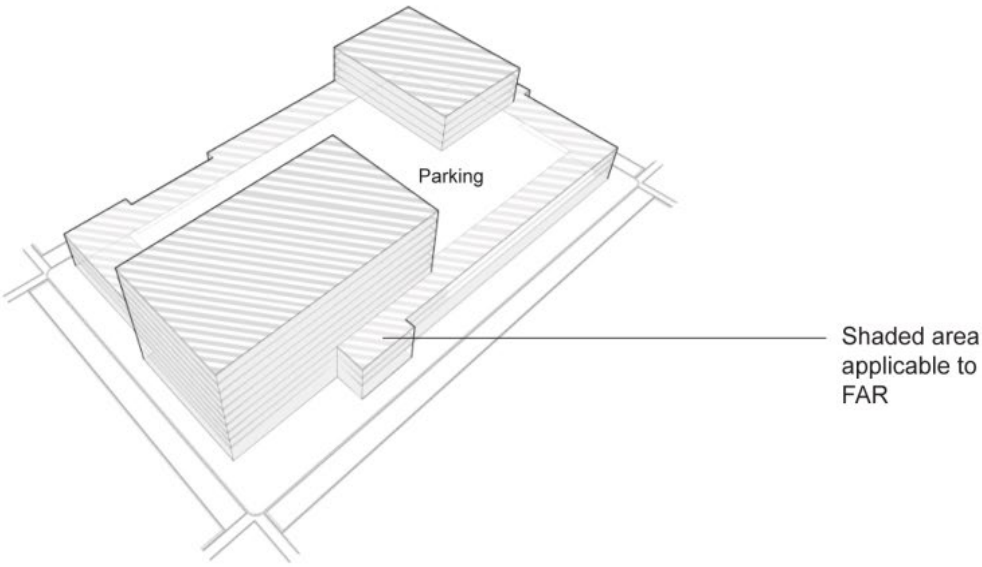


FIGURE IV-10:
FLOOR AREA RATIO (FAR)

FIGURE: IV-10
FLOOR AREA RATIO (FAR)

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design





SAMPLE CALCULATION
Lot Area = 10,000 sf
2.75* maximum allowable FAR = 27,500 sf
(*varies by Subdistrict)

FIGURE IV-10: FLOOR AREA RATIO (FAR)
FIGURE IV-11: FOOTPRINT

FIGURE IV-10:
FLOOR AREA RATIO (FAR)

FIGURE: IV-11
FOOTPRINT

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

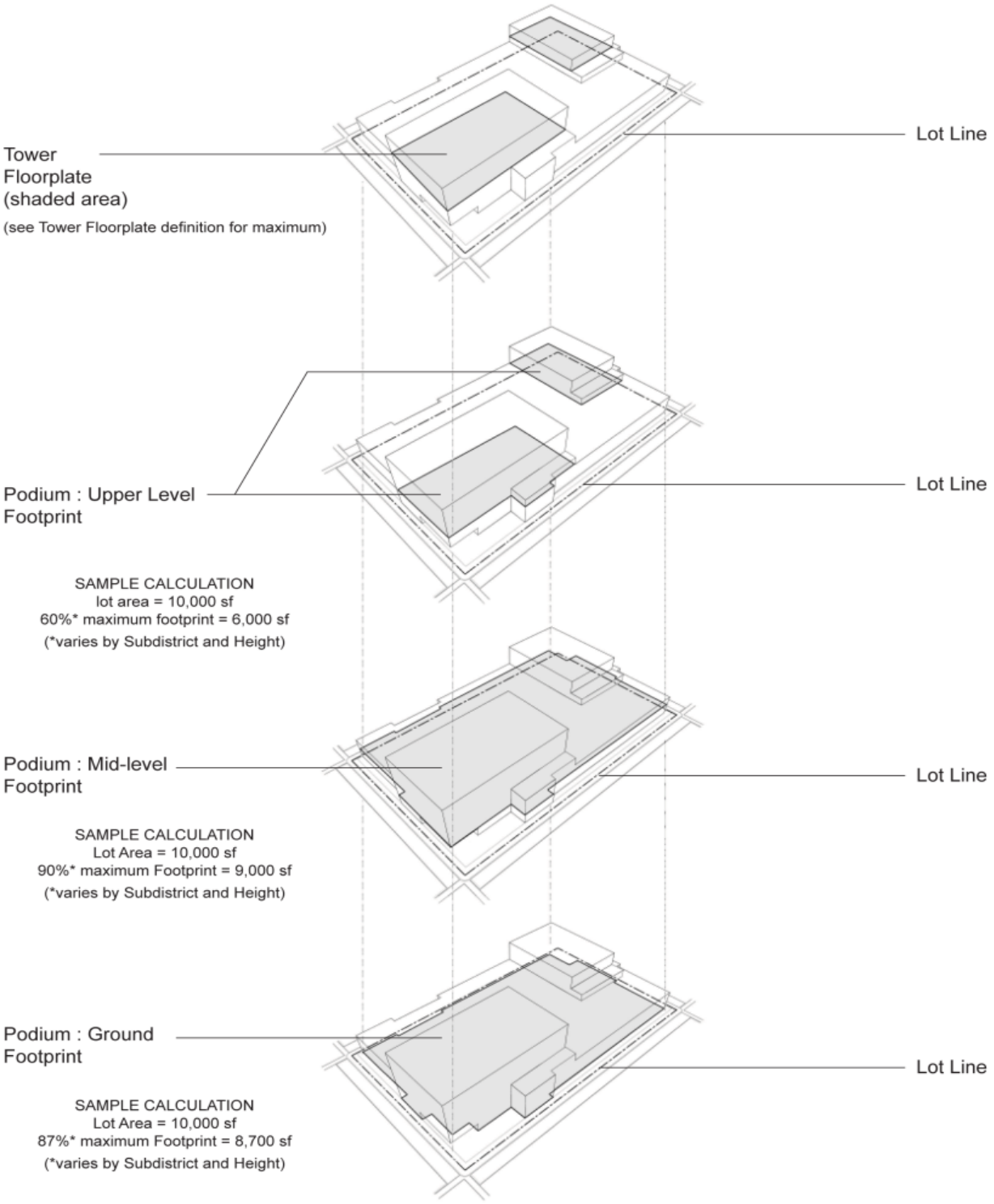
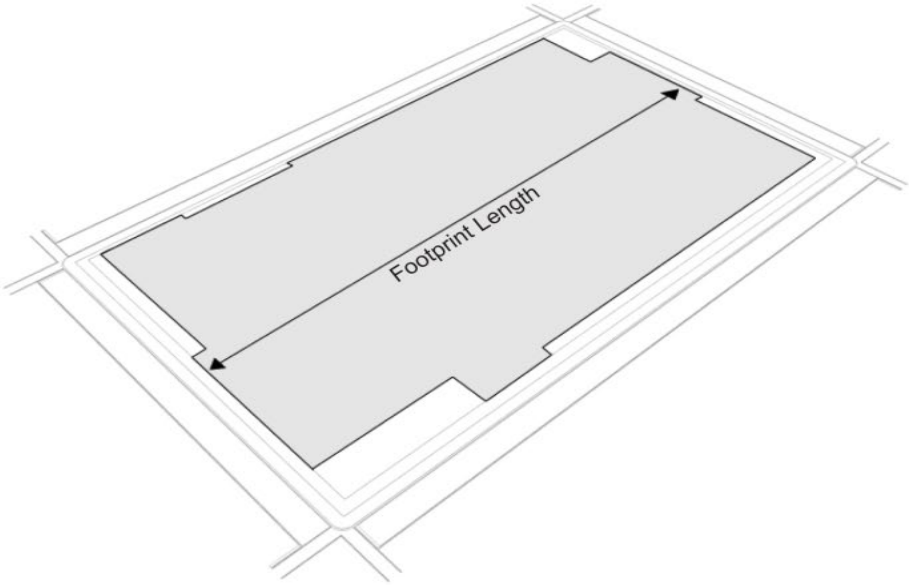


FIGURE IV-12:
FOOTPRINT LENGTH/FOOTPRINT SEPARATION

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-12
FOOTPRINT LENGTH
FOOTPRINT SEPARATION



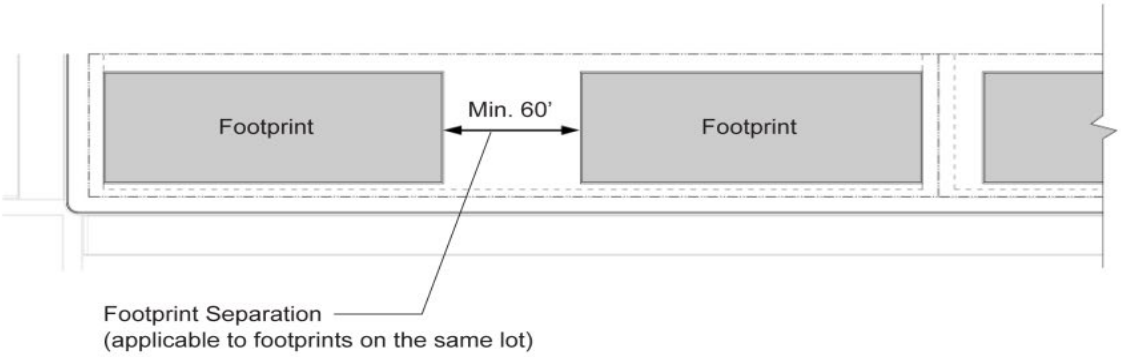
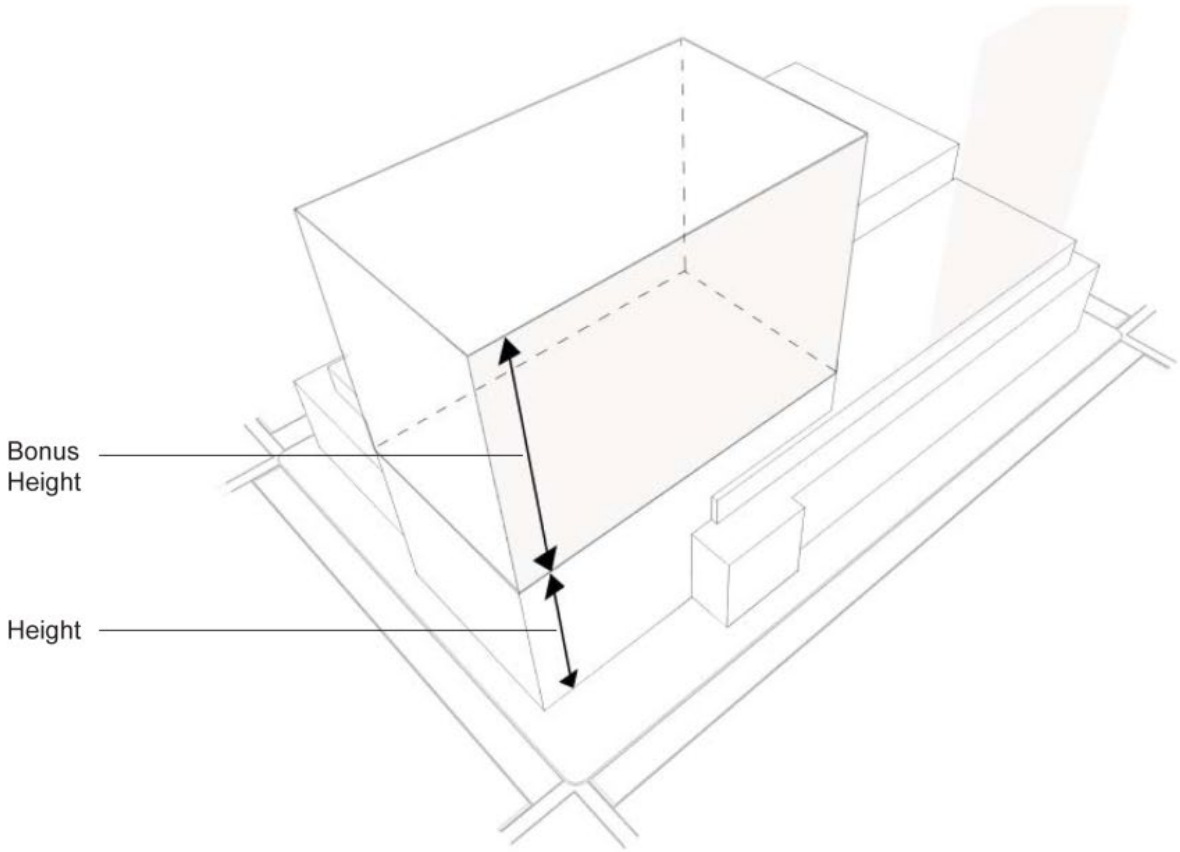


FIGURE IV-13:
HEIGHT/BONUS HEIGHT

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-13
HEIGHT/
BONUS HEIGHT



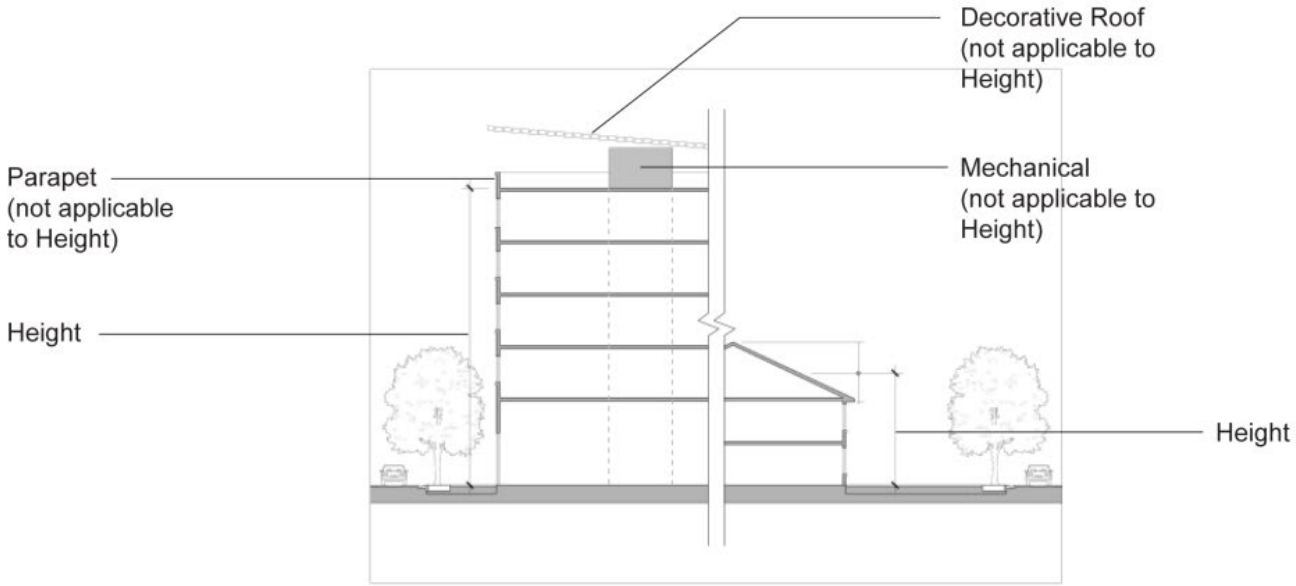


FIGURE IV-13: HEIGHT/BONUS HEIGHT
FIGURE IV-14: LOT FRONTAGE/LOT FRONTAGE, BUILDABLE

FIGURE IV-13:
HEIGHT/BONUS HEIGHT

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-14
LOT FRONTAGE/
LOT FRONTAGE, BUILDABLE

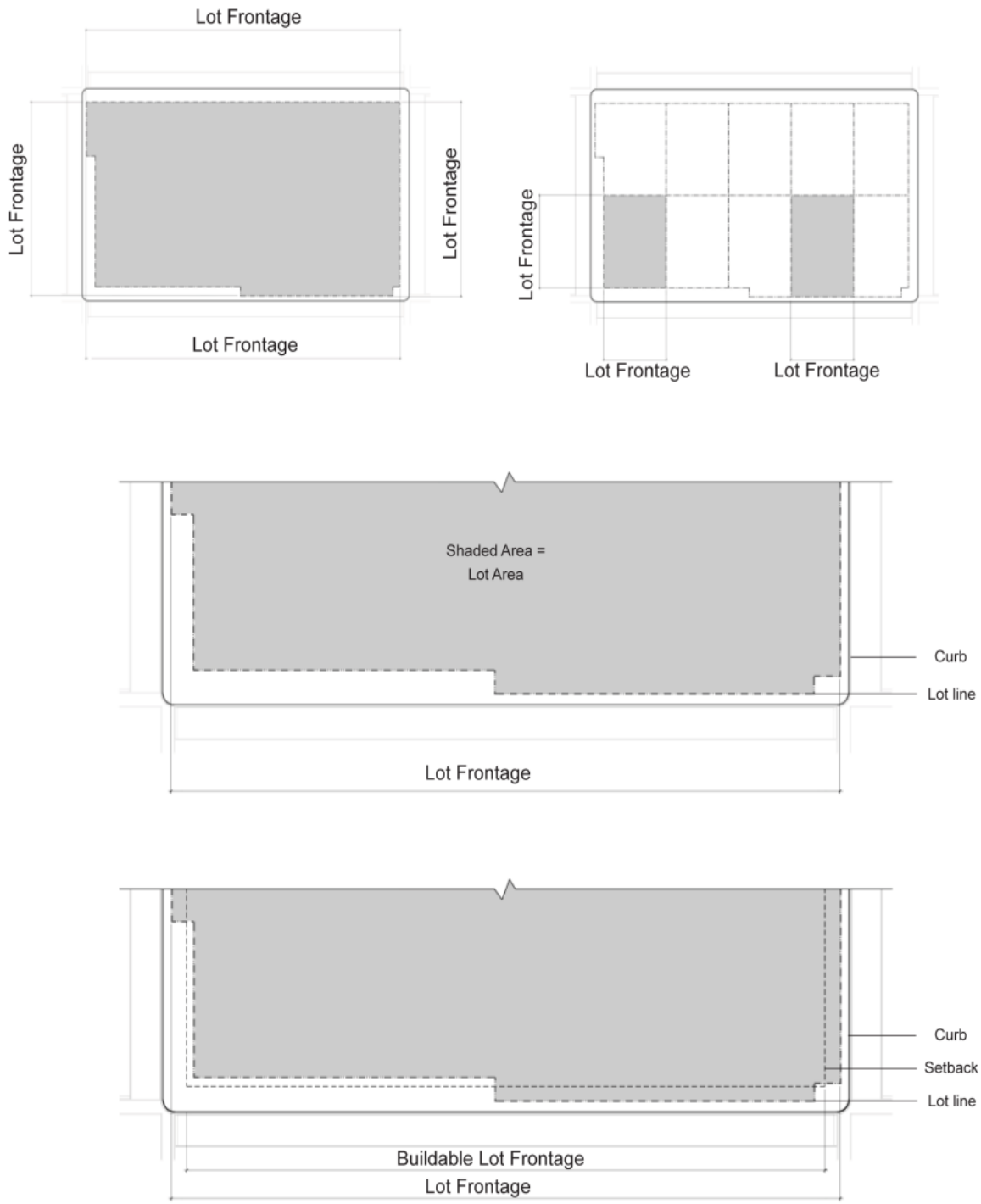
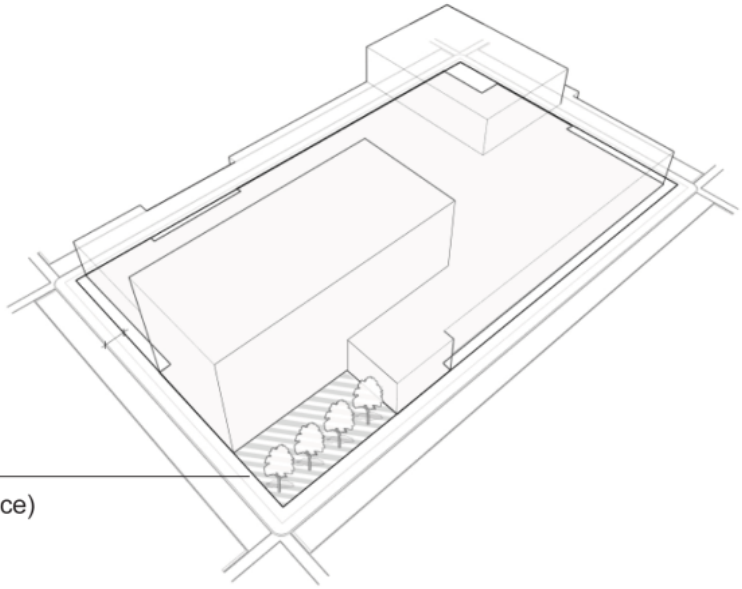


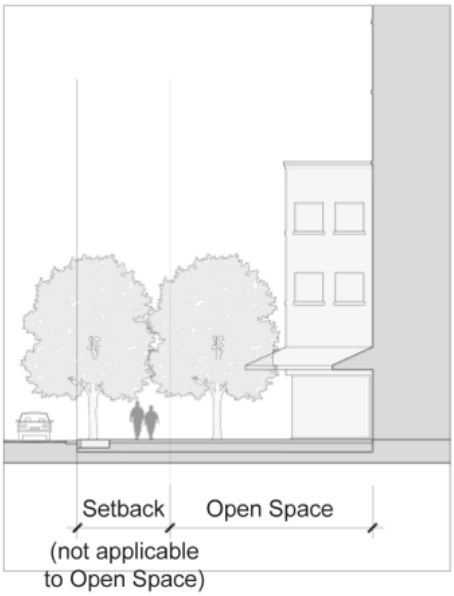
FIGURE IV-13:
HEIGHT/BONUS HEIGHT

FIGURE IV-15:
OPEN SPACE

FIGURE: IV-15
OPEN SPACE

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design



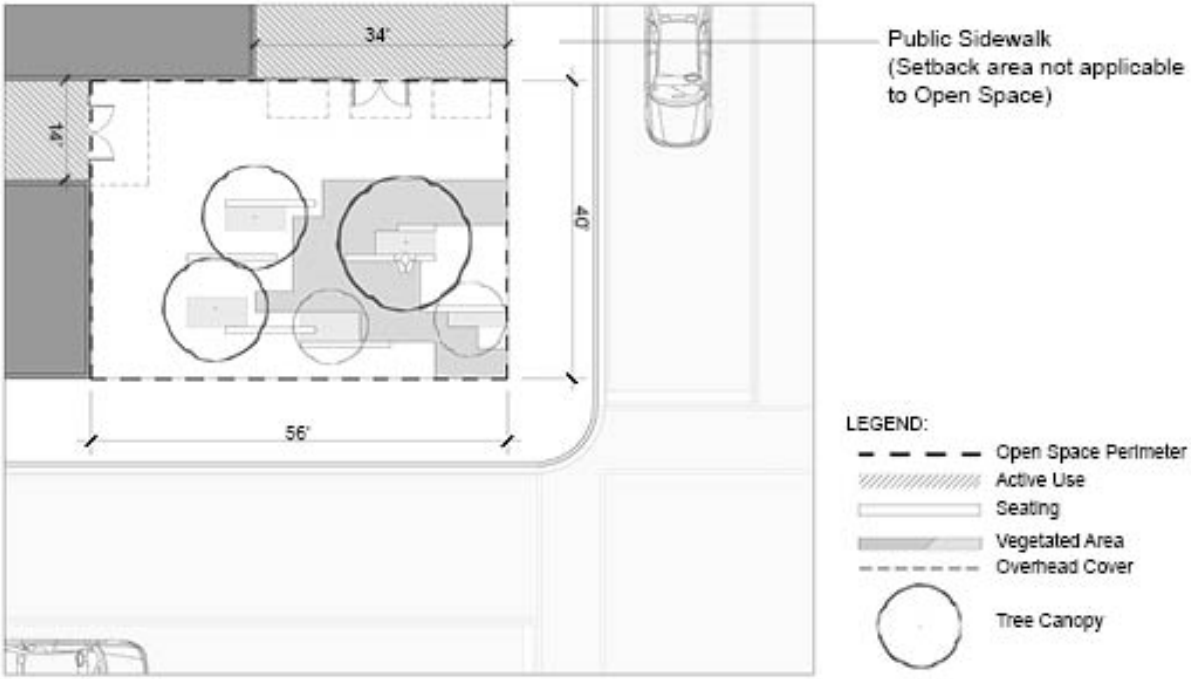


SAMPLE CALCULATION
Lot Area = 10,000 sf
5%* Plaza = 500 sf
Total* Open Space = 500 sf
(*varies by Subdistrict)

FIGURE IV-16:
OPEN SPACE MEASUREMENT-PLAZA

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-16
OPEN SPACE
MEASUREMENT
- PLAZA



Plaza Sample

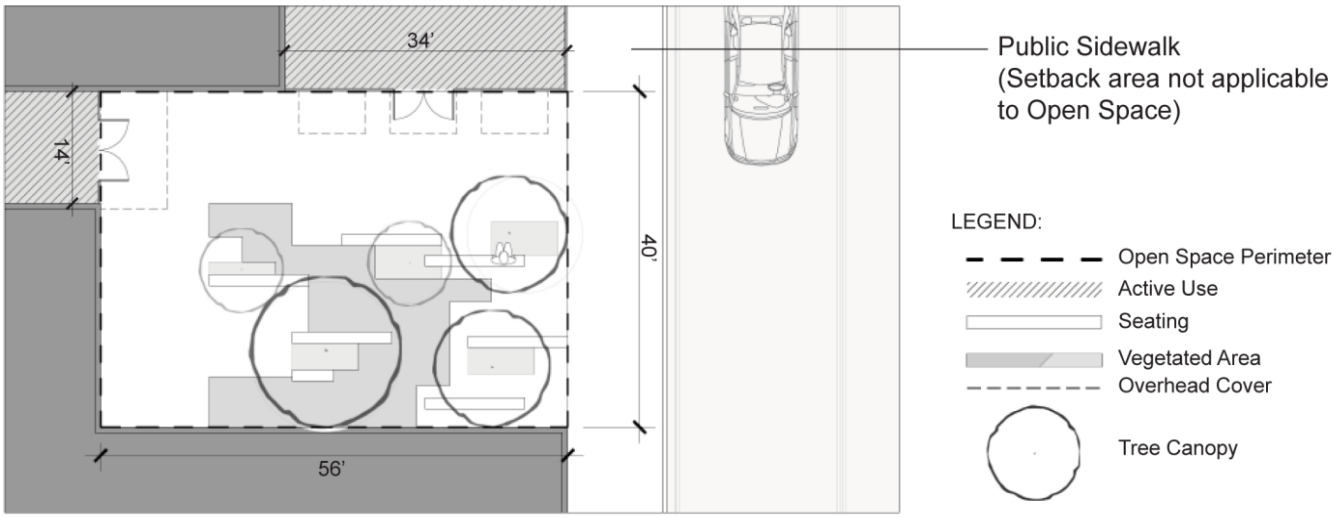
SAMPLE CALCULATION
Area = 2,250 sf (Min. = 2,000 sf)
Perimeter Length = 192 lf (No Min.)
Public ROW Abutment = 96 lf/50% (Min. = 40%)
Active Use Abutment = 48 lf/25% (Min. = 25%)
Seating = 75 lf (Min. = 75 lf)
Vegetated Area = 788 sf/35% sf (Min. = 35%)
Overhead Cover = 225 sf/10% (Min. = 10%)
Tree Canopy = 900 sf/40% (Min. = 40%)
Permeable area = 1,250 sf/50% (Min. = 50%)

FIGURE IV-16: OPEN SPACE MEASUREMENT-PLAZA
FIGURE IV-17: OPEN SPACE MEASUREMENT-COURTYARD

FIGURE IV-16:
OPEN SPACE MEASUREMENT-PLAZA

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-17 cont.
OPEN SPACE
MEASUREMENT
- COURTYARD



Courtyard Sample

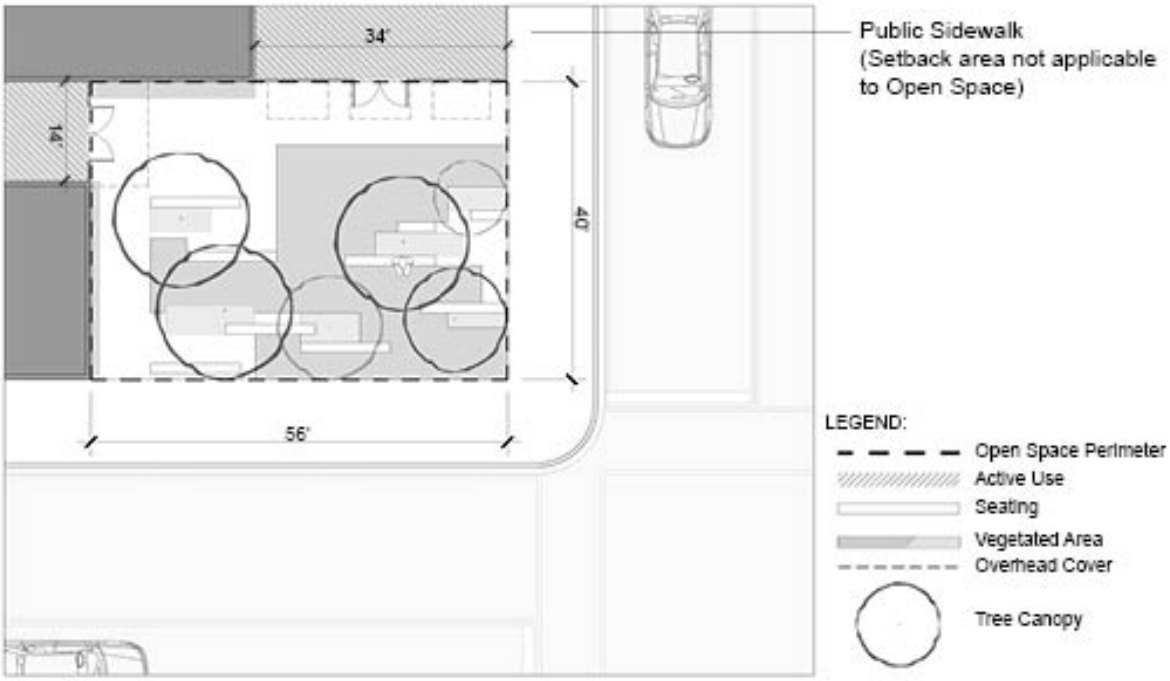
SAMPLE CALCULATION
Area = 2,250 sf (Min. = 900 sf)
Perimeter Length = 192 lf (No Min.)
Public ROW Abutment = 40 lf/21% (Min. = 20%)
Active Use Abutment = 48 lf/25% (Min. = 25%)
Seating = 75 lf (Min. = 75 lf)
Vegetated Area = 562 sf/25% (Min. = 25%)
Overhead Cover = 225 sf/10% (Min. = 10%)
Tree Canopy = 675 sf/30% (Min. = 30%)

FIGURE IV-16:
OPEN SPACE MEASUREMENT-PLAZA

FIGURE IV-18:
OPEN SPACE MEASUREMENT-GARDEN PLAZA

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-18 cont.
OPEN SPACE
MEASUREMENT
- GARDEN PLAZA

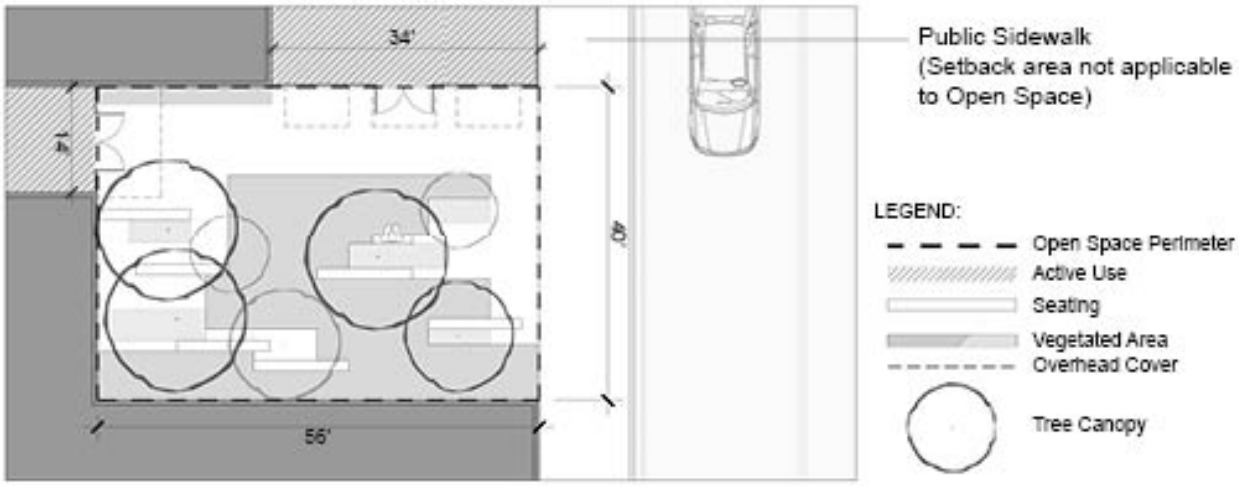


Garden Plaza Sample

FIGURE IV-19:
OPEN SPACE MEASUREMENT-GARDEN COURTYARD

.NDARD ILLUSTRATION:
ciples and Measurable Components of Building Design

FIGURE: IV-19 cont.
OPEN SPACE
MEASUREMENT
-GARDEN COURTYARD

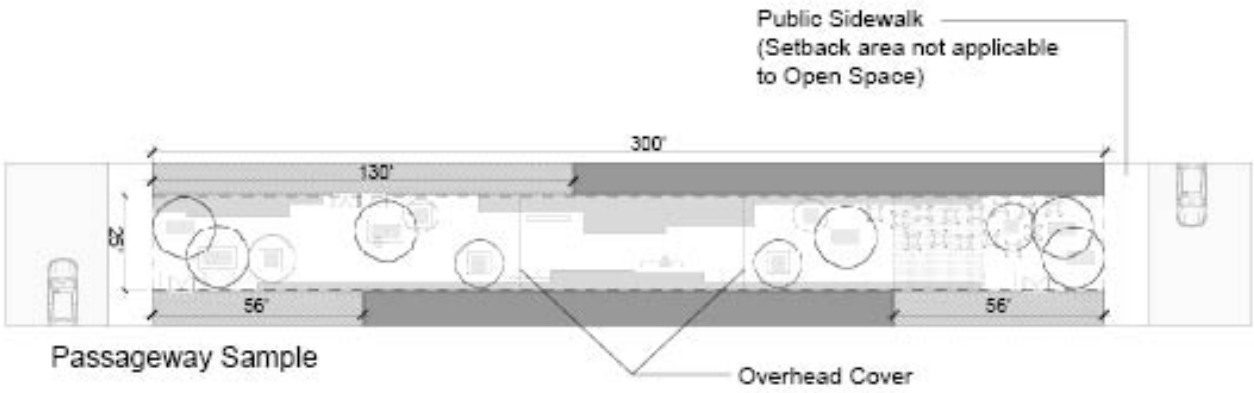


Garden Courtyard Sample

FIGURE IV-20:
OPEN SPACE MEASUREMENT-PASSAGEWAY

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-20 cont.
OPEN SPACE
MEASUREMENT
- PASSAGEWAY



Passageway Sample

SAMPLE CALCULATION
Area = 7,500 sf (No Min.)
Perimeter Length = 604 lf (No Min.)
Public ROW Abutment = 50 lf/8% (Min. = 5%)
Active Use Abutment = 242 lf/40% (Min. = 40%)
Seating = 250 lf (No Min.)
Vegetated Area = 1,875 sf (No Min.)
Overhead Cover = 1,500 sf/20% (Max. = 25%)
Tree Canopy = 2,250 sf/30% (Min. = 30%)

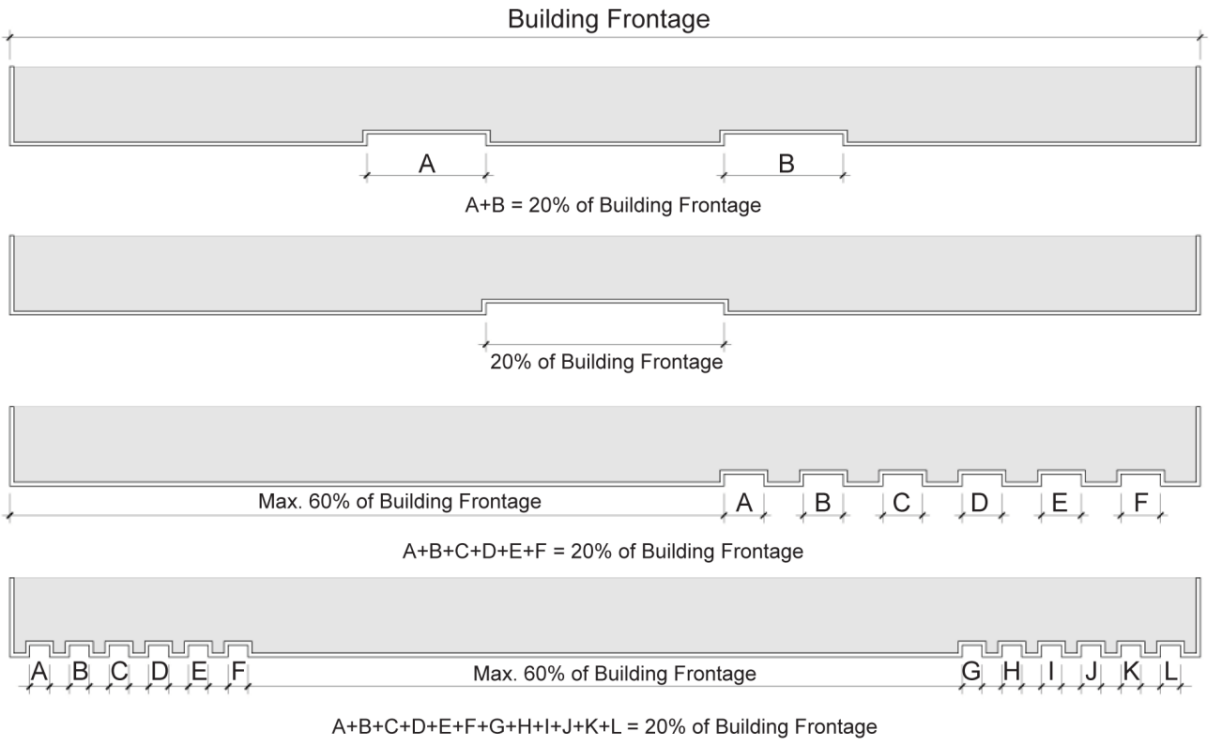
LEGEND:
- Open Space Perimeter
- Active Use
- Seating
- Vegetated Area
- Overhead Cover
- Tree Canopy

FIGURE IV-20: OPEN SPACE MEASUREMENT-PASSAGEWAY
FIGURE IV-21: PLANAR BREAK

FIGURE IV-20:
OPEN SPACE MEASUREMENT-PASSAGEWAY

FIGURE: IV-21
PLANAR BREAK

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design



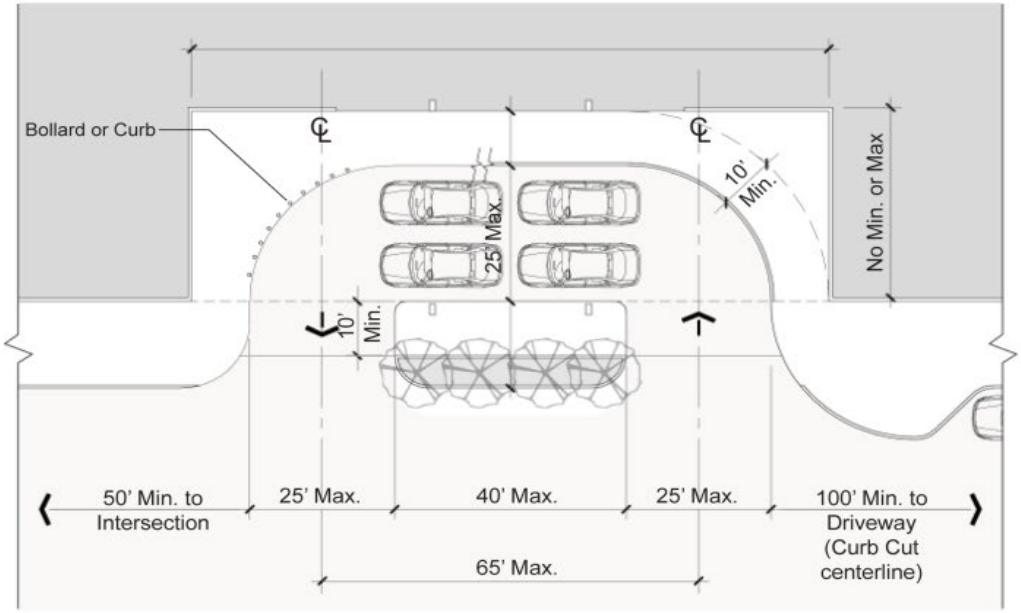
Planar Break
(applicable to Building Frontages >150')

FIGURE IV-20:
OPEN SPACE MEASUREMENT-PASSAGEWAY

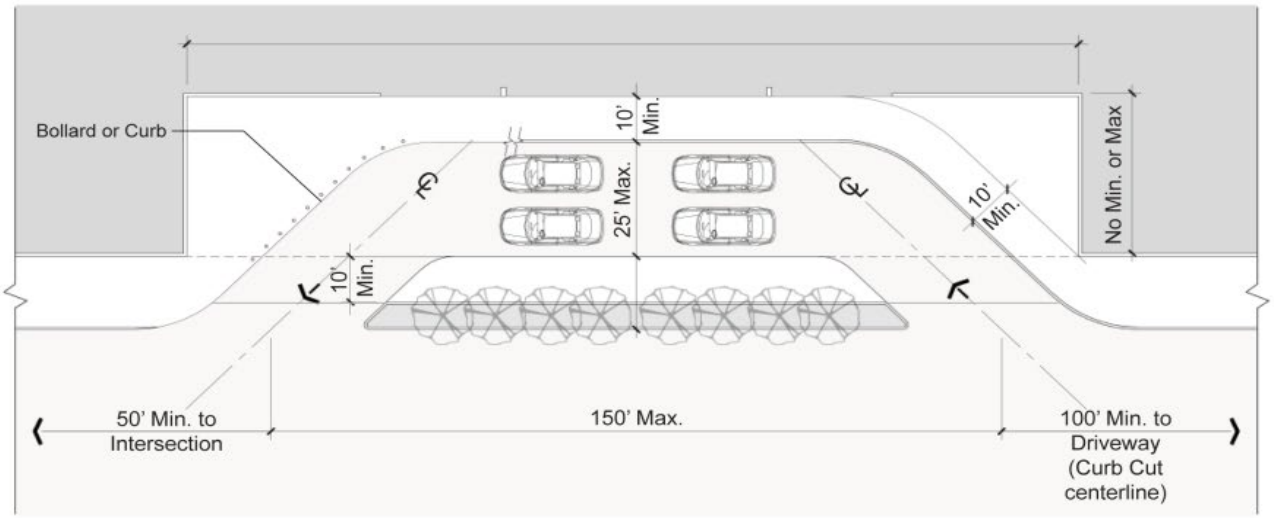
FIGURE IV-22:
PORTE COCHERE

FIGURE: IV-22
PORTE COCHERE

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design



Type "A" Porte Cochere

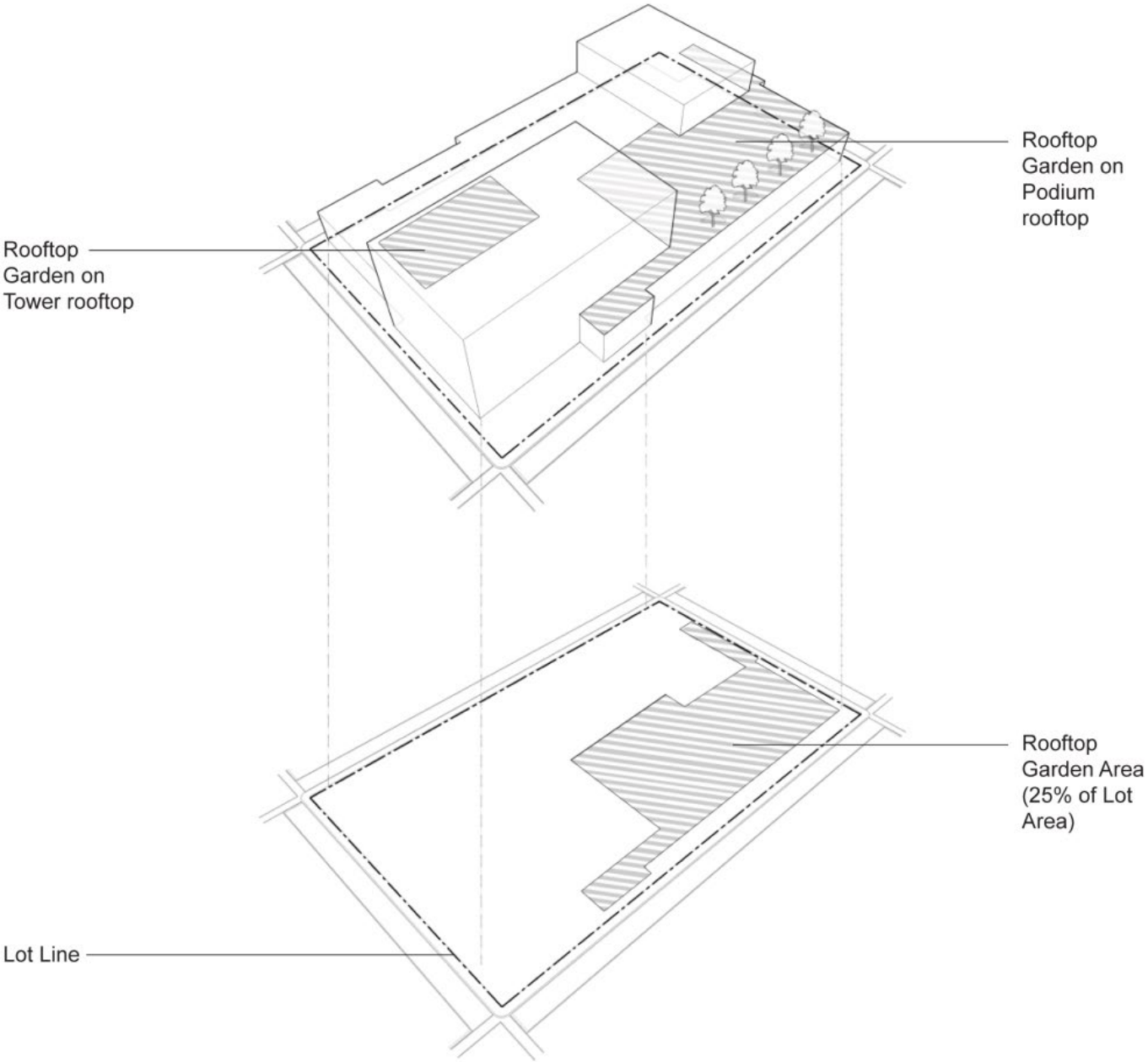


Type "B" Porte Cochere

FIGURE IV-23:
ROOFTOP GARDEN

FIGURE: IV-23
ROOFTOP GARDEN

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

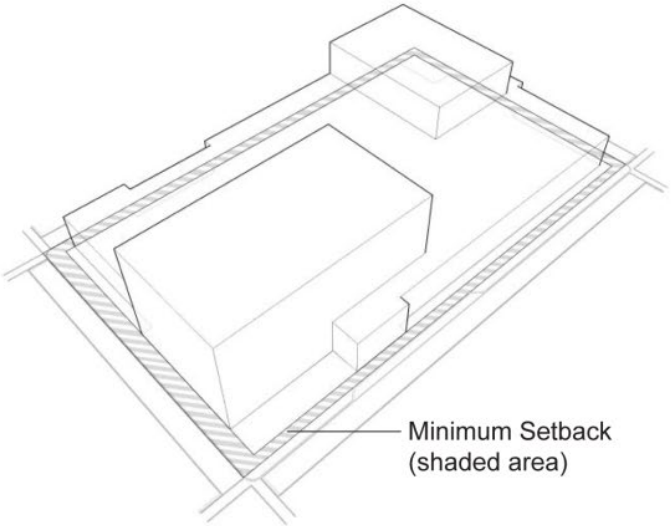


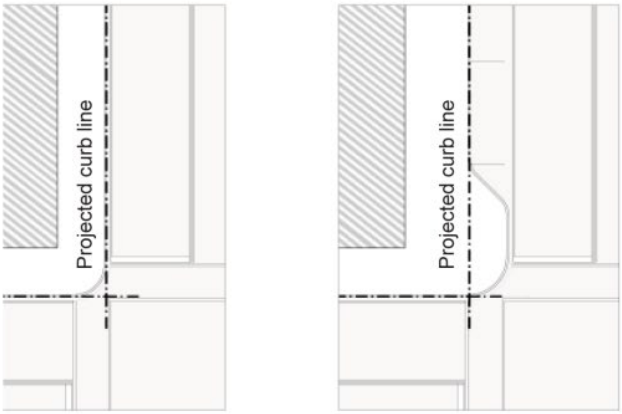
SAMPLE CALCULATION
Lot Area = 5,000 sf
25%* minimum Rooftop Garden = 2,500 sf
(*varies by Subdistrict)

FIGURE IV-24: SETBACK

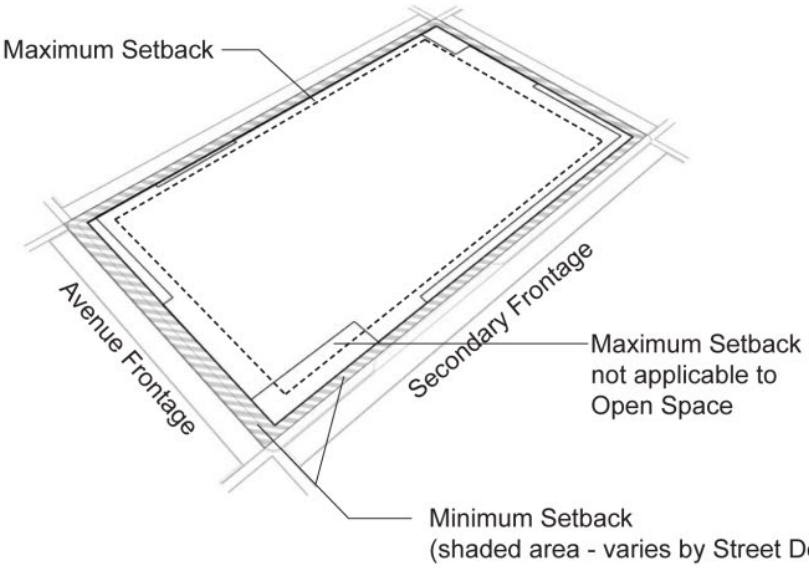
FIGURE: IV-24
SETBACK

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design





Examples of projected curb lines for purposes of measuring Setbacks.



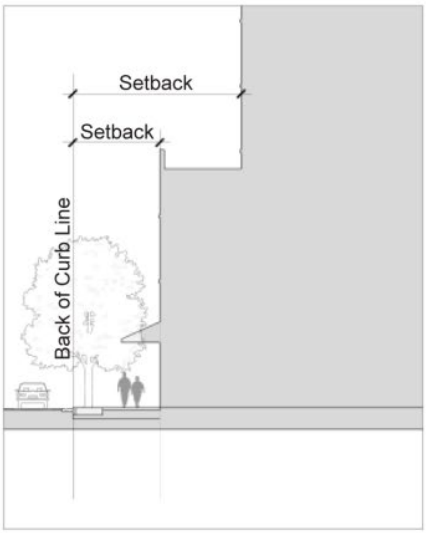


FIGURE IV-24: SETBACK
FIGURE IV-25: STORY/MEZZANINE

FIGURE IV-24:
SETBACK

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-25
STORY/
MEZZANINE

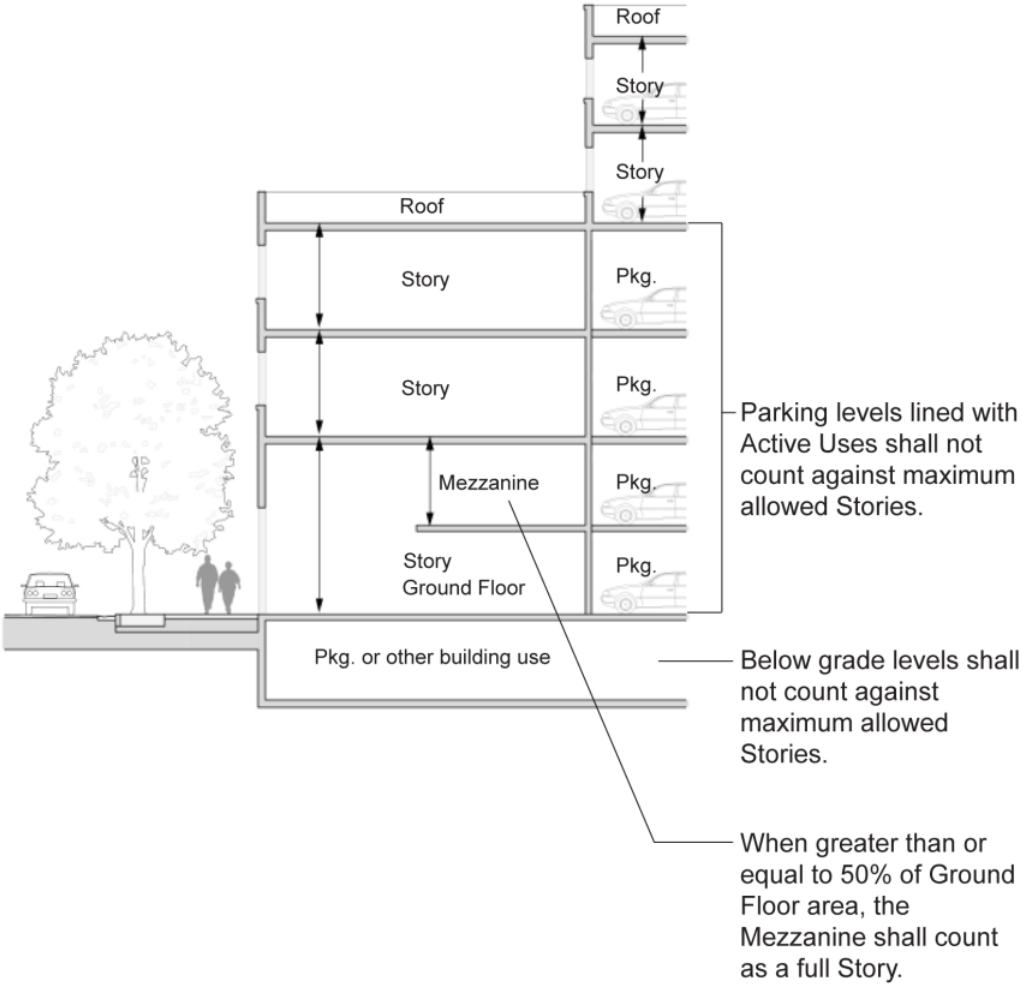


FIGURE IV-24: SETBACK
FIGURE IV-26: STREET DESIGNATION: AVENUES

FIGURE IV-24: SETBACK

FIGURE: IV-26

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

STREET DESIGNATION: AVENUES

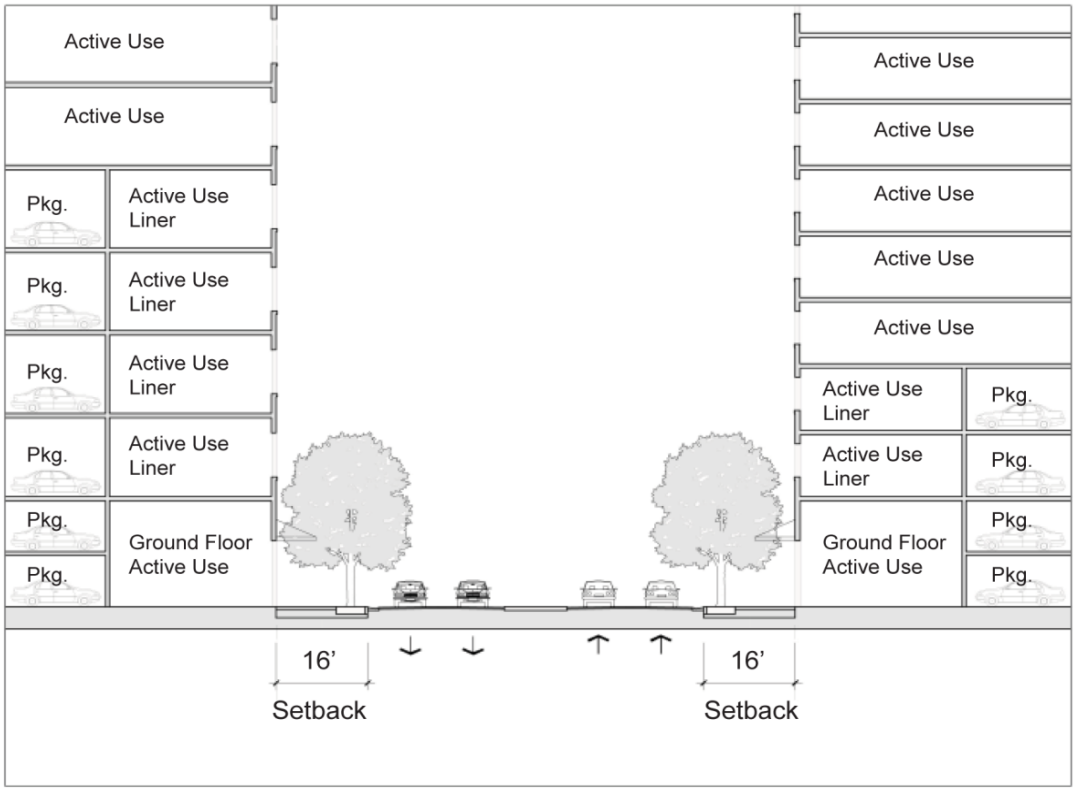


FIGURE IV-24: SETBACK
FIGURE IV-27: STREET DESIGNATION: PRIMARY PEDESTRIAN STREETS

FIGURE IV-24: SETBACK

FIGURE: IV-27

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

STREET DESIGNATION:
PRIMARY PEDESTRIAN STREETS

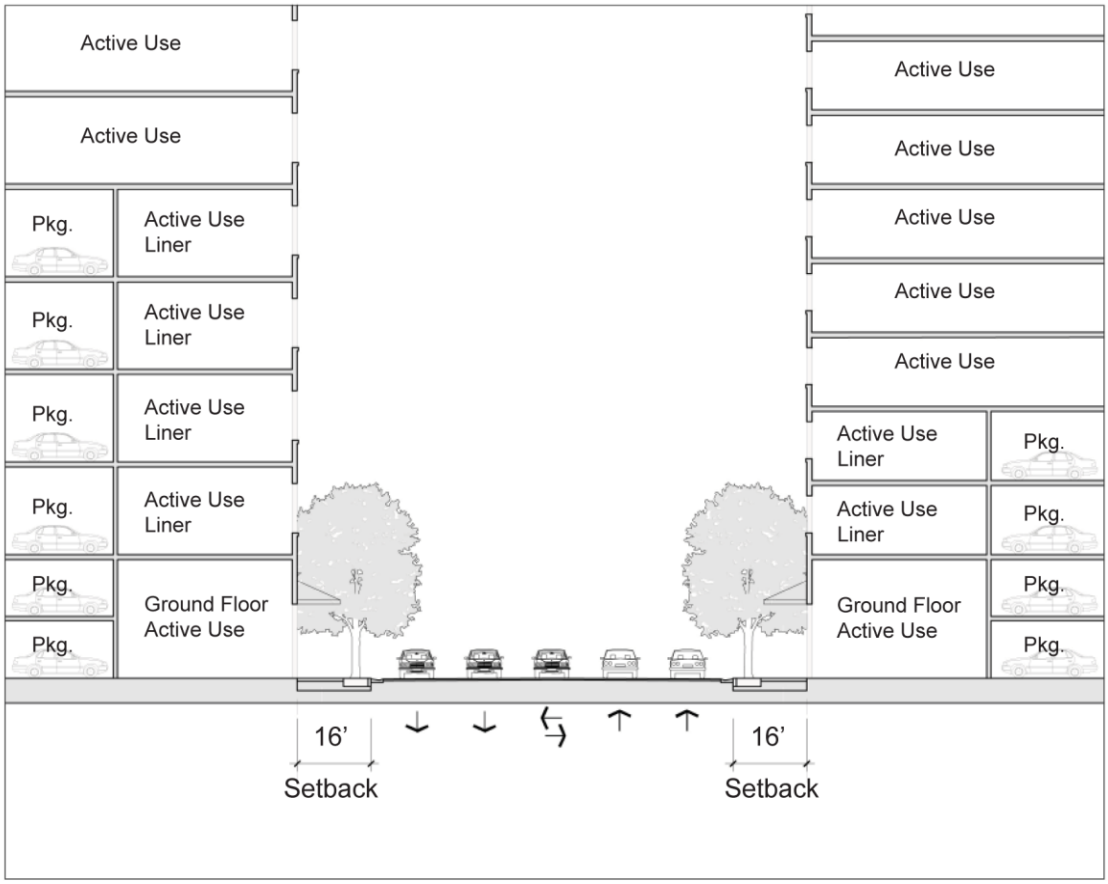


FIGURE IV-24: SETBACK
FIGURE IV-28: STREET DESIGNATION: SECONDARY STREET

FIGURE IV-24:
SETBACK

FIGURE: IV-28
STREET DESIGNATION:
SECONDARY STREET

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

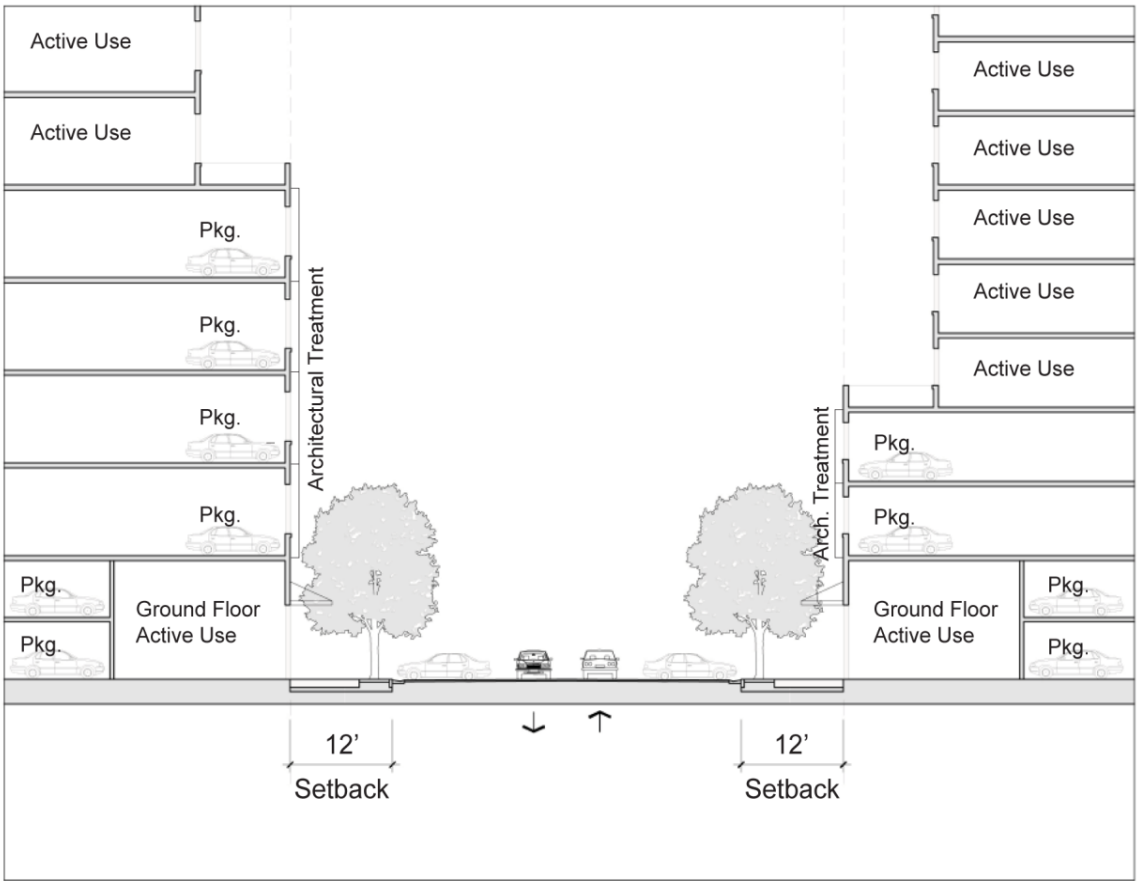


FIGURE IV-24: SETBACK
FIGURE IV-29: STREET DESIGNATION: RESIDENTIAL STREET

FIGURE IV-24:
SETBACK

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-29
STREET DESIGNATION:
RESIDENTIAL STREET

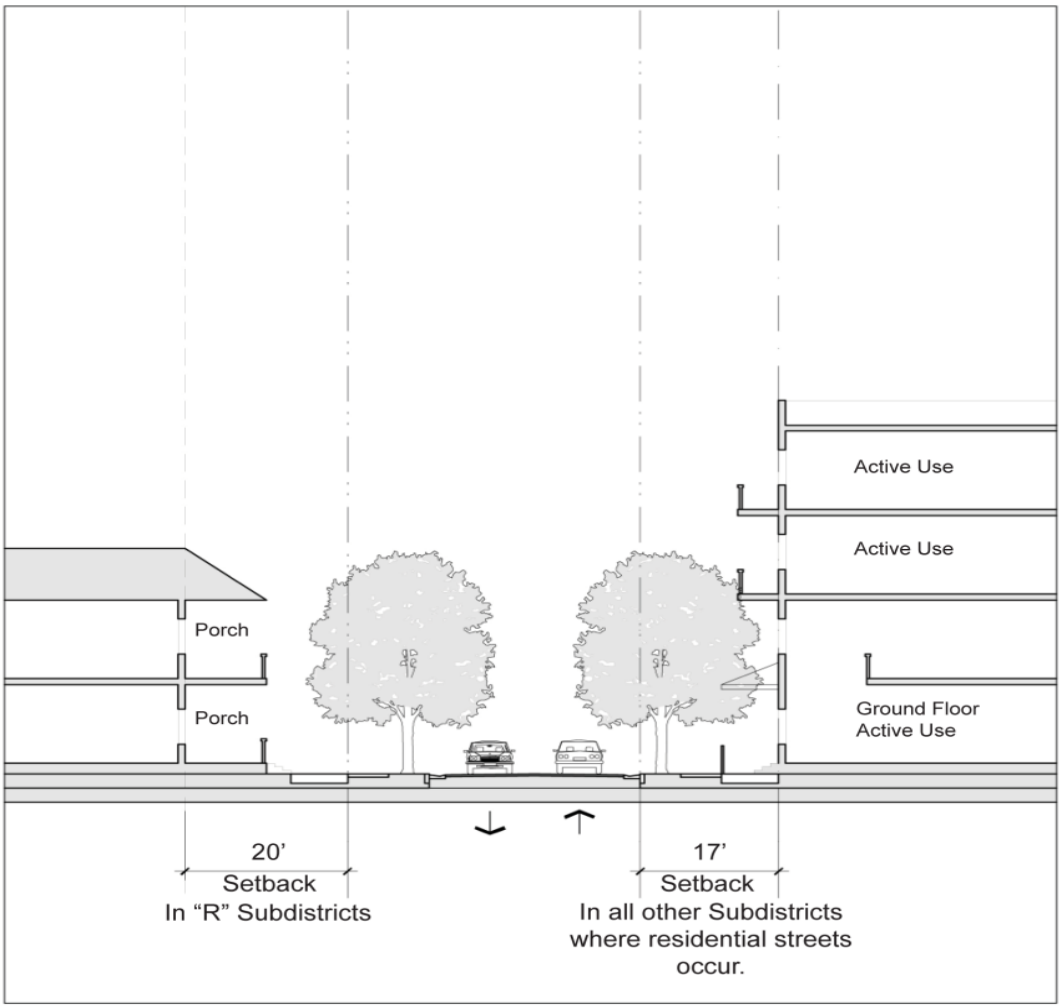


FIGURE IV-30:
TERRACE

FIGURE: IV-30
TERRACE

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

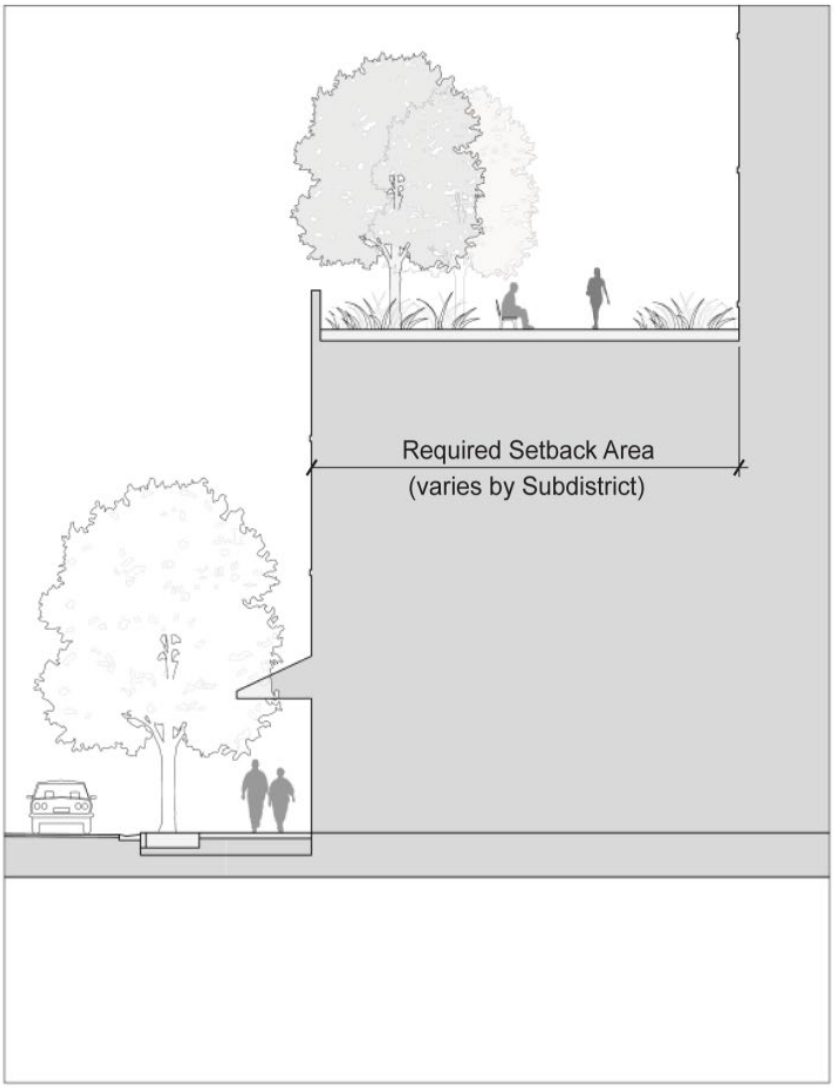


FIGURE IV-30: TERRACE
FIGURE IV-31: TOWER/PODIUM

FIGURE IV-30:
TERRACE

FIGURE: IV-31
TOWER/
PODIUM

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

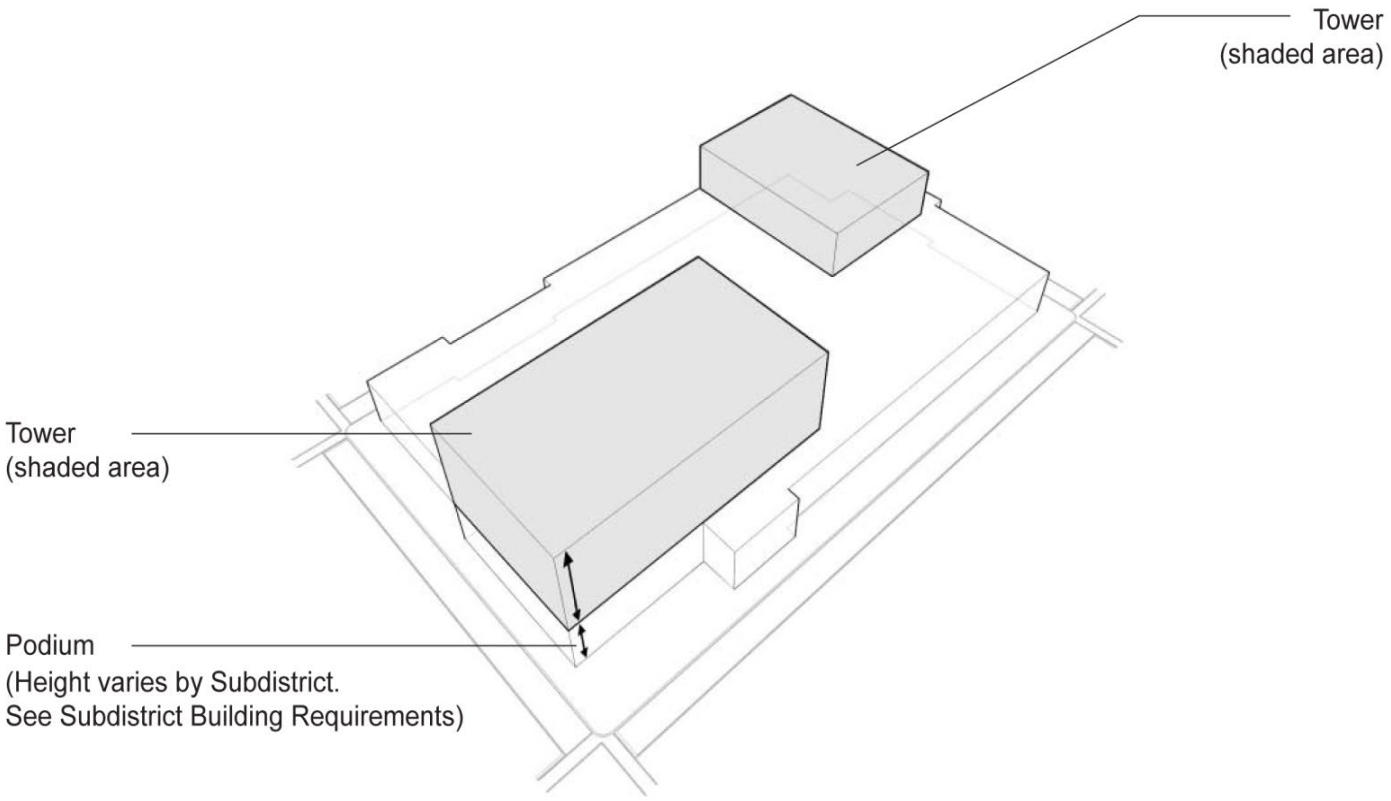


FIGURE IV-30: TERRACE
FIGURE IV-32: TOWER FLOORPLATE/TOWER FLOORPLATE SEPARATION

FIGURE IV-30:
TERRACE

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-32
TOWER FLOORPLATE/
TOWER FLOORPLATE SEPARATION

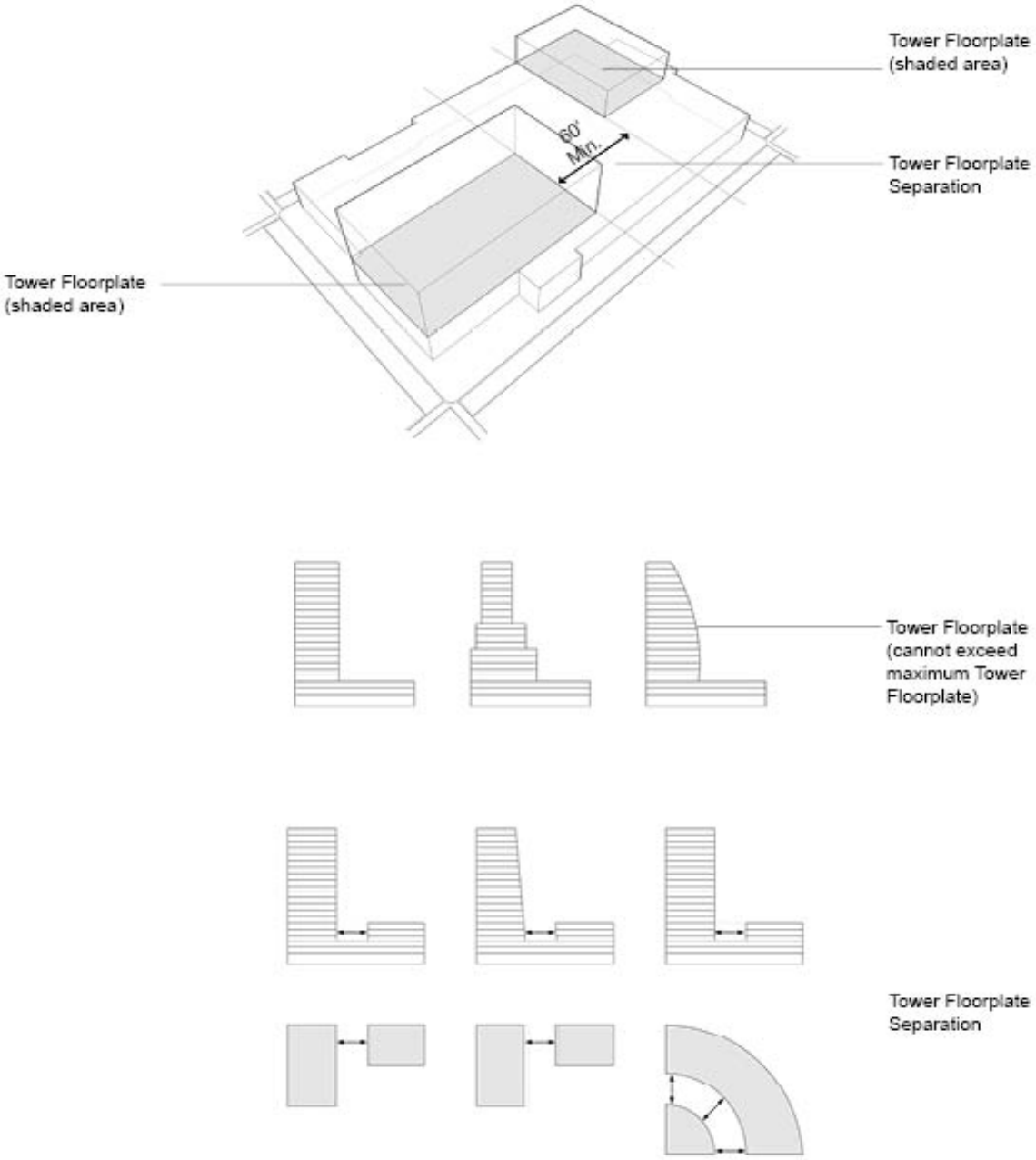
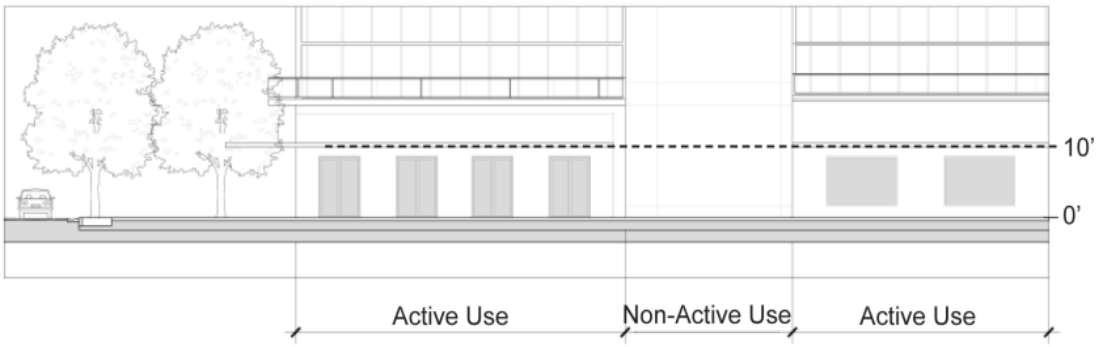


FIGURE IV-33: TRANSPARENCY/STOREFRONT

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design

FIGURE: IV-33
TRANSPARENCY / STOREFRONT

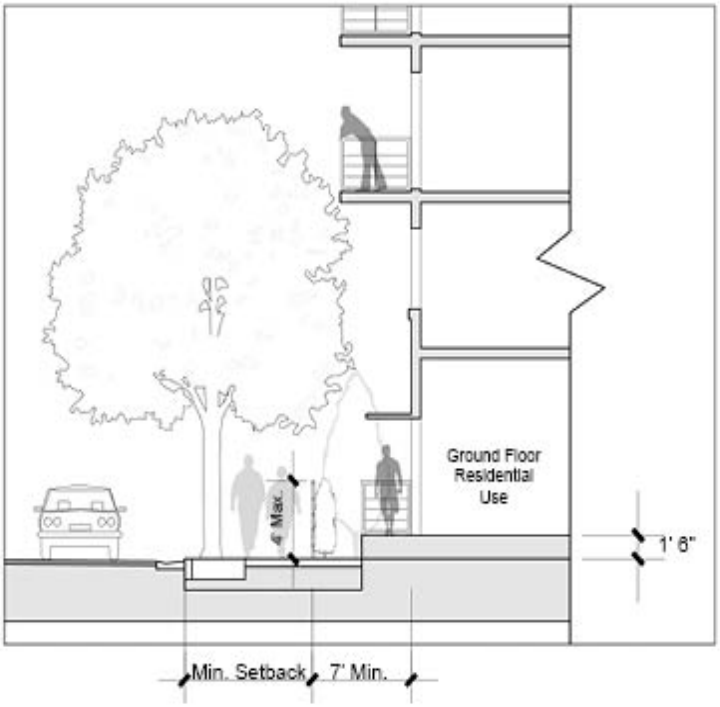


SAMPLE CALCULATION
Active Use Storefront area = 1,000 sf
50%* minimum Transparency = 500 sf
*varies by Subdistrict and Street Designation

FIGURE IV-34:
WALK-UP GARDEN

FIGURE: IV-34
WALK-UP GARDEN

STANDARD ILLUSTRATION:
Principles and Measurable Components of Building Design



(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4331-11, § 2, 3-21-2011; Ord. No. 4596-15, § 2, 10-13-2015; Ord. No. 4690-16, §§ 3, 5 (Exh. A), 6 (Exh. B), 3-27-2017; Ord. No. 4674-16, § 2 (Exh. B), 2-27-2017; Ord. No. 4708-17, § 4, 6-19-2017; Ord. No. 4785-18, § 1 (Exh. A), 08-13-2018; Ord. No. 4864-19, § 1 (Exh. A), 09-09-2019; Ord. No. 4883-19, § 3, 12-16-2019; Ord. No. 4885-19, § 3, 12-30-2019; Ord. No. 4956-21, § 5, 07-12-2021; Ord. No. 4958-21, § 4, 08-09-2021; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022; Ord. No. 5017-22, § 5, 09-06-2022)

Sec. 94-110. - Signage requirements.

a. *Intent*. The signage requirements shall determine size, placement, and number of signs permitted for the various districts and subdistricts to support the identification of commerce and civic uses, provide consistency and continuity, and protect each district from the clutter and negative visual impact of excess signage.

b. *Requirements which apply to all districts*.

1. Except as specifically provided in this section, the sign regulations in ARTICLE XIII of the zoning and land development regulations shall also apply.
2. Construction and materials. All installation components or hanging devices such as, but not limited to, fasteners, clips, bolts, etc., shall be of non-corrosive, stainless steel, aluminum, brass or bronze; carbon bearing steel shall be of nonferrous metal of quality material and finish. All fasteners shall be concealed. All signage shall have an individual circuit and be controlled by a time clock. Exposed conduit or electrical wiring is prohibited. Exposed raceways, transformers, ballasts, and electrical wiring are prohibited. Channel or cut-letter signage is recommended.
3. Prohibited signs. Audible, flashing, paper signs, and internally illuminated box-signs are prohibited. Signs with visible backs are prohibited. Monuments signs are prohibited except as expressly provided in this section.
4. Method to calculate sign face area is pursuant to section 94-405.

c. *Commercial and mixed-uses within urban core, special district planning areas*, and commercial properties fronting North Railroad Avenue within the Brelsford Park Residential (BPD-R) zoning subdistrict. Signage for commercial and mixed-uses shall comply with the following requirements:

1. Up to two building identity signs, with the same identity, shall be allowed on buildings three or more stories in height. Only one building identity sign shall be allowed per facade. Such signs shall not exceed a total sign face of 100 square feet each. For buildings ten stories or taller, the maximum sign face shall not exceed 200 square feet each. Building identity signs may be comprised of internally illuminated individual letters and primary logos, but not internally illuminated box signs. Individual letters shall be attached directly to the building facade. In those cases where the individual letters cannot be attached directly to the building facade, a support back panel may be allowed, but such panel shall not be internally illuminated.
2. An external sign band may be applied on the facade of each building provided that it shall not exceed 36 inches in height by 60 percent of the applicable storefront width. Signage may be permitted on awnings or canopies, but shall be considered as square footage against the allowable signage area. The sign band shall be located within the first two stories of the building.
3. Pedestrian blade signs may be attached perpendicular to the facade projecting out no more than four feet from the building facade, not exceeding three feet in vertical dimension, and with a minimum vertical clearance of eight feet. Pedestrian blades sign shall be set back a minimum of two feet from the end of the building or storefront. Pedestrian blade signs shall only be located within the first story of the building. Only one double-sided pedestrian blade sign shall be allowed per business.
4. Vertical building signs may be attached perpendicular to the building facade, projecting out no more than three feet from the building facade. Vertical signs shall not exceed two feet in width and ten feet in vertical dimension. Signs shall be located above the first story and shall be set back a minimum of two feet from the end of the building. Only one vertical sign shall be allowed per applicable storefront. In the event that a vertical sign is utilized, no sign band shall be permitted.
5. Vacant ground floor spaces shall provide temporary signage applied as a film on the interior of the glazing with the following conditions:
    a. Up to 100 percent of the glazing area may be comprised of urban lifestyle imagery which does not advertise any specific good, service, or business.
    b. Signage advertising a new business or development opportunity for the vacant storefront shall be limited to 50 percent of the glazing area.
    c. Temporary signage may be used in lieu of window treatment requirements as provided in Section 18-232 of the Code.
6. Permanent and temporary window signage shall be permitted for up to 25 percent of the glazed area of the storefront provided such signage shall not unreasonably obstruct views from the street into storefront spaces.
7. Monument signs shall be permitted for buildings more than two stories located on parcels that have surface parking lots fronting the intersection of two public streets subject to the following requirements:
    a. The commercial building and surface parking lot shall be located in the same parcel. Off-site monument signs are not permitted.
    b. The corner of the surface parking lot shall be located at least 200 feet from the edge of the commercial building.

c. One monument sign shall be permitted per parcel. The monument sign shall be located at the corner of the public street and shall provide clearance for the 30-foot visibility triangle.

d. Monument sign shall be located behind the five-foot landscape buffer required for surface parking lots. For existing surface parking lots, in those cases where there is not enough space, the landscape buffer in front of the monument sign can be provided within the minimum required setback.

e. The monument sign shall be removed at such time when the site is redeveloped with a new building(s) consistent with the provisions of this chapter.

f. Architectural requirements.

1. The monument sign must contain two panels joined at a 90-degree angle situated parallel to the streets which they abut, such that they frame the street corner.
2. The monument sign shall contain architectural treatments, colors and materials that are compatible with the existing building on the parcel, subject to the approval of the city's planning manager or designee.

g. Dimensional requirements.

1. Maximum height: four feet
2. Maximum length of each panel: six feet.
3. Minimum setback: according to the street type.

h. Lettering requirements.

1. The base of the monument sign may contain the numerical street address of each building located on the parcel.
2. The monument sign may contain identification for up to a maximum of four tenants located above the base of the sign, one of which may be the principal building identification.
3. Letter height of tenant and/or building identification shall not exceed six inches in height.
4. Letters shall be individually mounted. No changeable copy or digital signs are permitted.
5. Tenants identified on the monument sign shall not be identified on any building facade or other wall or freestanding signs on the site.

i. Landscaping requirements. The monument sign shall be landscaped with low plants and/or shrubs at its base. A gap in said landscaping is permitted to allow visibility of the building address located on the base.

j. Illumination requirements.

1. Internally illuminated cabinet and neon signs are prohibited.
2. Indirect lighting is permitted through permanently fixed and encased face lighting from below or in front the sign surface.

d. *Commercial and mixed-uses within residential enclaves planning areas, except PPD-PO, PPD-R and BPD-R*. Those commercial and mixed-uses approved by right or subject to approval as a class B special use shall comply with following signage requirements:

1. An external sign band may be applied on the facade of each building provided that it shall not exceed 36 inches in height by 40 percent of the storefront width. The sign band shall be located within the first two stories of the building. Signage may be permitted on awnings or canopies, but shall be calculated as square footage against the allowable signage area. Such signs shall not be internally illuminated. External illumination is permitted.
2. Pedestrian blade signs may be attached perpendicular to the facade projecting out no more than four feet from the building facade and not exceeding three feet in vertical dimension. Pedestrian blade signs shall be set back a minimum of two feet from the end of the building or storefront.
3. One building identity sign shall be allowed on buildings three or more stories in height. Such signs shall not be internally illuminated and shall not exceed a total sign face of 40 square feet. External illumination is permitted.
4. Vacant ground floor spaces shall provide a temporary window treatment applied as a film on the interior of the glazing. The window treatment shall consist of graphic imagery and shall comply with the following design guidelines:

a. Up to 100 percent of the glazing area may be comprised of urban lifestyle imagery which does not advertise any specific good, service, or business.

b. Signage advertising a new business or development opportunity for the vacant storefront shall be limited to 50 percent of the glazing area.

5. Permanent and temporary window signage shall be permitted for up to 25 percent of the glazed area of the storefront provided such signage shall not unreasonably obstruct views from the street into storefront spaces.
6. *Exceptions*. In the event of retail, office, or commercial uses permitted within the PPD-PO, PPD-R or BPD-R, a two-sided low-freestanding may be permanently installed in the front setback. Such a sign shall not exceed four square feet in area for each sign face, nor be higher than five feet at the top, nor be lit in any way. No other signage shall be permitted.
7. Signage for surface parking lots is allowed according to subsection 94-407(5).
8. Within the BPD-R subdistrict, all exterior lighting shall comply with Sec. 94-113.

e. *Schools and places of worship within residential enclaves*. The following signage shall be permitted:
   1. One low freestanding sign, located on the lot of the principal structure which shall not exceed four feet in height and 16 square feet in sign face area. The sign shall be located a minimum of ten feet from any lot line, and shall not be internally illuminated.
   2. One building identity sign shall be allowed on buildings three or more stories in height. Such signs shall not be internally illuminated and shall not exceed a total sign face of 40 square feet.
   3. Bulletin boards shall be permitted subject to section 94-407.

f. *Transit facilities*. Advertising and commercial signage shall be permitted at publicly-operated transit facilities, subject to the following requirements:
   1. Sign area shall not exceed 24 inches by 36 inches in size.
   2. Sign type shall be static content or scrolling content style. Flashing or audible signs shall not be permitted.
   3. Signage shall be mounted on publicly-operated transit shelters, with a limit of one per shelter.
   4. Signage shall not be located within any public right-of-way.

g. *Cultural facility uses.* Signage for cultural facility uses shall comply with the following requirements:
   1. A low freestanding electronic or manual changeable copy sign shall be permitted for properties within the urban core planning area with frontage along an avenue as designated by Figure 4 - DMP Street Designation. The sign shall be located on the street frontage with the avenue designation or on a corner if both sides are designated as avenues, subject to the following requirements:
      a. Minimum setbacks.
         1. From lot line of another lot: 20 feet
         2. From Avenue (back of curb): 32 feet
         3. From intersections of streets with other streets and with access drives: as required by subsection 94-305(e)
      b. Dimension requirements:
         1. Maximum height: 24 feet
         2. Maximum width: 40 feet
         3. Maximum size per frontage: 400 square feet
      c. Architectural requirements:
         1. The sign shall not provide information relating to off-site events or performances.
         2. Such sign shall change the message not more than once every five seconds.
         3. Prohibited lighting for manual and electronic changeable copy signs:
            i. Lamps or bulbs in excess of 30 watts.
            ii. Exposed reflectorized lamps or bulbs.
            iii. Lamps or bulbs not covered by a lens, filter, louver or sunscreen.
            iv. Modes of operation that flash.
            v. No zooming, twinkling, sparkling, scintillating or revolving sequencing may be displayed. No display or illumination resembling traffic signals or colors used by police or implying the need or requirement to stop may be displayed. Video shall not be permitted.
         4. Signs shall not produce noise such as audio tracks, sound effects, etc.
         5. Signs shall not be allowed to project video.

d. Only one low freestanding electronic or manual changeable copy sign, shall be permitted for each cultural facility. A corner sign shall be counted as one sign. If a low freestanding sign is proposed, no wall mounted sign shall be permitted.

2. A wall-mounted electronic or manual changeable copy sign shall be permitted for cultural facility uses within urban core planning area districts, special districts planning area and residential enclaves planning area, except within residential subdistricts, subject to the following requirements:
   a. Dimension requirements:
      1. Maximum height: 7 feet.
      2. Maximum width: 60 percent of applicable storefront width.
   b. Architectural requirements:
      1. Such sign shall change the message not more than once every five seconds.
      2. Prohibited lighting for manual and electronic changeable copy sign:
         i. Lamps or bulbs in excess of 30 watts.
         ii. Modes of operation that flash.
         iii. No zooming, twinkling, sparkling, scintillating or revolving sequencing may be displayed. No display or illumination resembling traffic signals or colors used by police or implying the need or requirement to stop may be displayed. Video shall not be permitted.
      3. Permitted lighting:
         i. Exposed bulbs are permitted along the perimeter of the sign, but shall not twinkle or rotate in sequence.
      4. Signs shall not produce noise such as audio tracks, sound effects.
      5. Signs shall not be allowed to project video.
   c. Such wall mounted sign shall count towards the total size permitted for all wall mounted sign bands for the building frontage.
   d. Only one such electronic or manual copy wall mounted sign shall be permitted per cultural facility. A corner sign shall be counted as one sign.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4380-11, § 1, 11-14-2011; Ord. No. 4417-12, § 1, 4-16-2012; Ord. No. 4820-18, § 3, 1-28-2019; Ord. No. 4858-19, § 1 (Exh. A), 09-09-2019; Ord. No. 5073-23, § 4, 12-27-2023)

Sec. 94-111. - Parking and loading requirements.

a. *Intent*. The parking requirements shall reduce the visual impact of parking uses and encourage creative alternatives to reduce the area dedicated to parking, avoid conflicts between vehicles and pedestrians, and preserve and enhance pedestrian activity within the downtown.

b. *General parking requirements*.
   1. Parking shall comply with Table IV-10. Uses not listed on this table shall comply with the parking requirements according to Table XV-6.
   2. Parking requirement calculations shall be based on net interior area.
   3. Parking reductions may be combined. However, the combination shall not result in a reduction of more than 25 percent from the requirements which would apply in the absence of all reductions. Any parking reductions above 25 percent of the required parking shall obtain DAC approval.
   4. Guest parking shall comply with Table IV-10. Guest parking shall be designated and prominently marked on-site as "Guest Parking" and shall not be restricted in any manner to use by a single tenant, owner, unit, or other user.
   5. Within the urban core and special districts planning areas, lots which are less than 55 feet in lot frontage or new construction or addition that generates less than 50 vehicular trips of the highest peak hour generation will not be required to meet the minimum parking requirements.
   6. Parking spaces for disabled shall be provided according to subsection 94-485(o).

c. *Parking stall dimensions*. Parking stall dimensions shall comply with the general parking standards according to Figure XV-2 in section 94-485. Additional requirements are as follows:

1. In those cases where the side of any stall is adjacent to a wall, fence, building, or other physical obstruction, the stall widths shall be increased by a minimum of one foot. Where there is an obstruction on both sides of the stall, the stall widths shall be increased by a minimum of two feet.
2. A minimum three-foot back up area shall be provided at the terminus of any dead-end drive aisle to allow for vehicles to safely pull out of the end parking spaces. In addition, the equivalent of one parking space at the terminus of a dead-end aisle shall be striped as a dedicated pull-in area for turning around.

d. *Shared parking*. Shared parking is permitted in all planning areas. For proposed developments with two or more distinguishable uses, the minimum total number of required parking spaces shall be determined by the latest version of the Urban Land Institute shared parking methodology. Note that minimum parking spaces required by the shared parking calculation shall not be marked as designated spaces for a particular use. Utilize Table IV-10 to determine the minimum parking requirement for each individual use.

e. *Tandem parking*.
1. For commercial uses, tandem parking spaces shall be counted as one space unless there is a valet attendant in charge of the operation of the parking facility during all operating hours, and such requirement is established through a restrictive covenant. All restrictive covenants and other documents required to be recorded shall be on city approved forms, and recorded in the public records.
2. For residential uses, tandem parking, if provided, may count as two spaces, provided both spaces are dedicated to the same residential unit, and a restrictive covenant is recorded on city approved forms, and recorded in the public records.

f. *On-street parking*. Existing or proposed on-street parking spaces cannot be counted toward the required parking unless approved by the city parking administrator and the city traffic engineer. If approved, only full length parking spaces located immediately along the proposed development's lot frontages may be counted.

g. *Off-site parking*. Off-site parking shall be permitted. Off-site parking may count toward required parking, and shall comply with the following conditions:
1. Off-*site* parking shall be located within 700 feet of the proposed development. The distance separation shall be measured by following a straight line from the property line on which the primary use is located to the property line where the off-site parking is proposed.
2. A *restrictive* covenant shall be required for the purpose of ensuring that the required parking is provided. Such restrictive covenant shall be executed by owners of the properties concerned. All restrictive covenants and other documents required to be recorded shall be on city approved forms, and recorded in the public records.
3. The *location* and number of off-site parking spaces shall require approval by DAC.

h. *Payment-in-lieu*. Proposed developments within the DMP may accommodate their required parking by making payment for each required parking space into the downtown parking trust fund. The fee per parking space is based upon the current construction cost of structured parking, as determined by the city parking administrator, and paid at the time of building permit application. Payment into the downtown parking trust fund is not payment for and does not provide the right to any parking space(s) in any city facility.

i. *Bicycle racks and bicycle storage*. In support of a variety of sustainable transit options in the downtown area, bicycle racks and storage shall be required as follows:
1. *Bicycle racks and bicycle storage for commercial uses*. Commercial developments, including hotel, institutional, office, and medical uses, shall provide (i) long-term (secure, indoor) bicycle parking at a ratio of one bicycle parking space per 3,000 square feet of commercial use provided, and (ii) a minimum of one shower per 100,000 square feet, one locker per 10,000 square feet, and changing facility shall be provided to be available for all tenants and/or employees and shall be located within the building, or within 200 feet of the building entrance, for developments greater than 50,000 square feet in gross building area.
2. *Bicycle racks and bicycle storage for residential uses*. One long-term (secure, indoor) bicycle parking space shall be provided per two dwelling units. One short-term visitor parking space per ten dwelling units, located near primary entrances. After the first 50 required bicycle parking spaces additional spaces may be reduced by 50%.

3. *Mixed-use developments*. Mixed-use developments shall provide secure bicycle parking spaces for both the commercial, including hotels, and residential components of the development as calculated separately pursuant to the requirements of this section.
4. Bicycle parking must be provided at no additional cost to building tenants.

j. *Motorcycle parking*. Up to eight motorcycle parking spaces may be permitted in lieu of four standard parking spaces and may count toward the required total parking. A minimum of ten standard parking spaces shall be provided before any motorcycle spaces can replace a required parking spaces. Motorcycle shall be a minimum of four feet wide and eight feet long.

k. *Mechanical and automated parking*.
1. Parking structures with mechanical parking shall provide a commercial attendant during the operating hours of the facility. Such operation shall be enforced through a restrictive covenant recorded in the public records. All restrictive covenants and other documents required to be recorded shall be on city approved forms, and recorded in the public records.
2. Automated parking shall not be penalized for exceeding the maximum required number of parking spaces and the additional spaces shall not count toward the FAR calculations.

l. *Valet parking*. Valet parking may be permitted subject to approval by the city parking administrator. In those cases where the valet service utilizes existing or proposed on-street parking for drop-off or pick-up, the applicant shall pay for the use of those occupied spaces in the amount as established by the city and in locations approved by the city parking administrator.

m. *Loading and maneuvering*.
1. When provided, new developments loading and service areas shall comply with the following requirements:
    a. Loading and service spaces shall be located internally to the building or situated and screened from view to the street and adjacent properties, including vehicular maneuvering For existing developments or developments which, due to their size, cannot accommodate internal circulation as determined by the City's Zoning and Planning Director and the Traffic Engineer, and which do not have alley access, the owner may make arrangements with the city to designate on-street parking as a loading zone subject to the approval of the city parking administrator.
    b. Public rights-of-way shall not be utilized for maneuvering associated with building loading and service access.
    c. Proposed commercial developments on lots more than fifty thousand (50,000) square feet shall comply with the minimum loading requirements in subsection 94-485(p).
    d. Proposed residential and lodging developments shall provide off-street loading berths in accordance with Table IV-12.
    e. Vehicular entries for loading and service vehicles shall be accessed from alleys when available, and otherwise from secondary streets. When a lot has only primary pedestrian street frontage, loading and service access shall be permitted from a primary pedestrian street frontage, subject to Planning and Zoning Administrator approval.
    f. Where a loading or service driveway is provided, a minimum of twenty (20) linear feet, measured from the edge of the sidewalk, shall be provided so vehicles do not block sidewalks or interfere with right-of-way operations.
    g. Minimum height clearance for loading and service (trash pick-up) areas shall comply with City requirements to allow for internal sanitation operations.
2. For a change of use in an existing building, required loading shall be provided in accordance with the off-street loading schedule above or provide a detailed plan delineating on-site street loading as approved by the city.
3. Exceptions: Properties located within a locally designated historic district or historic site. The Historic Preservation Board may waive the requirements for off-street loading spaces for properties containing a contributing structure, provided that a detailed plan delineating on-street loading is approved by the City's Traffic Engineer.

n. *Passenger loading and drop-off*.
   1. Passenger loading and drop-off shall comply with Table IV-13.
   2. *On-street passenger loading and drop-off*. On-street passenger loading and drop-offs may be permitted when proposed or existing developments cannot reasonably provide this function within the building structure, as determined by the planning director. On-street passenger loading and drop-offs shall be permitted within the areas designated for on-street parking with the following conditions:
      a. An on-street passenger loading and drop-off permit must be obtained from the city parking administrator.
      b. For each proposed development, there shall be no more than one on-street passenger loading and drop-off area per lot frontage.
      c. The City's Parking Administrator and Traffic Engineer shall determine the dimensions of the on-street passenger loading and drop-off areas based on the proposed development project.
   3. *Porte cochere passenger loading and drop-off*.
      a. Porte cochere passenger loading and drop-off shall comply with the requirements of Table IV-13 and Figure IV-22.
      b. Designated passenger loading and drop-off areas shall be set back a minimum of 16 feet from the back of curb, shall be separated from the sidewalk by a 5-foot-wide landscape buffer and shall be subject to approval by the city traffic engineer.
      c. Porte cocheres shall be integrated and consistent with the overall building design.
      d. When provided, overhead cover, such as canopies, shall not be freestanding.
      e. Porte cocheres shall generally occur at the same elevation as the adjacent street and are limited to one occurrence per building frontage.
      f. Porte cocheres are subject to minimum standards depending on subdistrict location and adjacency to a street designation and are separated into two types which are illustrated in Figure IV-22. Type A and Type "B" porte cocheres shall be allowed for class A office buildings and hotels only.
   4. *Cross-block passenger loading and drop-off.*
      a. Cross-block passenger loading and drop-off shall comply with the requirements of Table IV-13.
      b. Passenger loading and drop-off areas shall occur within the footprint of the building envelope.

o. *Curb cuts, parking entrances, and driveways*.
   1. Curb cuts for parking entrances, and driveways shall comply with the requirements of section 94-109 and shall be permitted according to Table IV-13.
   2. Parking entrances may be permitted on avenues in those cases where the only street frontage available is an avenue.
   3. Curb cuts, parking entrances, exits, and driveways shall not be wider than 25 feet as measured parallel to the street at the curb.
   4. Curb cuts, parking entrances, exits, and driveways shall be separated at least 10 feet to minimize the impact of contiguous curb cuts on the pedestrian environment.

p. *Queuing*. Not less than 20 linear feet shall be provided for car queuing, shall occur internal to the lot, and shall not interfere with pedestrian circulation on a public sidewalk.

q. *Parking structures*.
   1. *Parking structure entrances*. All parking structure entrances facing a street frontage shall be required to treat the interior portion of the garage entry to a depth of at least 20 feet from the building facade. Treatment may include, but shall not be limited to, stucco or plaster, finished and painted comparable to a habitable space. All mechanical, electrical, and plumbing systems shall be covered or screened.
   2. *Parking ramp maximum slope*. Maximum slopes for parking ramps shall be in accordance with ADA requirements and shall not exceed six percent. Non-parking ramps shall not exceed 16 percent. If the ramp is greater than 14 percent, a break-over transition shall be required. The preferred standard is ten percent for non-parking ramp slopes.
   3. *Where* possible, circulation ramps shall be internalized to avoid visibility of the ramps from the street or public areas.

4. *Parking on exposed roof surfaces is discouraged*. If proposed, parking on exposed roof surfaces shall comply with the following regulations:
    a. A minimum of 30 percent of the total parking garage roof deck surface shall be covered with vegetated area. Plant materials shall be planted in appropriately sized and irrigated planter boxes.
    b. Trees may be counted as part of the 30 percent area, and square footage credit shall be calculated according to Table IV-8: Tree Canopy Standards. Trees shall be planted in appropriately sized and irrigated planter boxes.
    c. Covered structures such as, but not limited to trellis, canvas and vertical circulation structures may be counted as part of the 30 percent area requirement, or utilized to comply with the totality of the 30 percent requirement.
    d. The vegetated and/or screening structure requirement can be administratively eliminated if the entire surface of the garage deck is treated with an artistic design that enhances the visual appearance of the garage deck; and each of the following conditions are met:
        1. The required public open space at ground level shall be increased in an amount equal to ten percent of the exposed roof parking garage area; and
        2. The roof deck artistic design shall be considered a mural, and shall comply with all of the city's requirements for murals according to the City Code; and
        3. The roof deck artistic design shall not be counted as part of the required one percent Art in Public Places.
    e. Exposed parking garage lighting shall be designed in a way that light does not spill over the parapet wall of the garage.
5. *Parking facility lighting and screening.* Lighting must be designed, directed, or shielded to prevent glare or excessive light from spilling onto adjacent properties. All parking facilities must be designed to minimize nuisance to neighbors, providing opaque barriers that block vehicular lights from view of adjacent developments.

r. *Surface parking lots*. All new surface parking lots shall comply with the following standards:
1. Landscape buffers shall be provided in accordance with subsection 94-113(f)
2. If fencing is utilized, it shall be decorative aluminum or similar metal, masonry, or stucco on masonry. Vinyl-coated chain link fence may be allowed if permitted within the district.

s. *Trash pick-up service*. All proposed developments shall comply with the minimum standards necessary to allow for efficient and effective trash pick-up service pursuant to the city's public works department.

t. Transportation Demand Management TDM requirements will apply to all districts except residential enclaves. All new projects and changes of uses over 25,000 SF or generating more than 20 vehicular peak hour gross trips should be required to offset 25% of project-generated highest peak hour trips using TDM strategies, per Table IV-9. Such trip offset shall not be counted when analyzing the impacts of the development on the transportation network. Table IV-9 should only be used for the reduction of TDMs calculations and not applicable to a traffic impact analysis. The developer will be required to enter into an agreement with the city for the implementation and monitoring of each of the TDM strategies adopted for the project prior issuance for the first building permit.

TABLE IV-9:
TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

STRATEGY	RECOMMENDED TRIP OFFSET VALUE	RATIONALE
Transit Pass Incentive	1 trips per weekday	Based on direct substitution of one auto trip per day
Alternative Work Schedules	1 trips per day for WFH	WFH eliminates commute; off-peak spreads demand

Unbundled Parking (for residential projects only)	0.5 trip per space not leased	Proven to reduce car ownership by 10–30% (based on SF, Seattle data)
Parking Cashout	1 trips per participating employee	Used in California; strong incentive for mode shift
Mobility Contribution to West Palm Move	Variable – calculated via trip reduction	Offset based on cost per trip removed, via agency formula
Micro-mobility Station	1 trips/day per station	Based on usage rates in Micro-mobility Program
Carpool/Vanpool Program with Preferred Parking Spaces	1 trips per participant	Based on direct substitution of one auto trip per day
Carshare Membership/Incentive with Carshare Parking	1 trips per participant	Based on direct substitution of one auto trip per day
E-Bike/E-Cargo Bike Program	1 trips per participant	Based on direct substitution of one auto trip per day
Multimodal Transportation Incentive	1 trips per subsidy recipient	Based on direct substitution of one auto trip per day
Enhanced Bicycle Parking and Services (above the Minimum)	0.1 trips per resident/employee	Assumes 1 out of 20 employees/residents would choose bicycling
Contribution to Bus Stop Improvements	0.1 trips per resident/employee	Assumes if stops are enhanced, then 1 out of 20 employees/residents would choose transit
Bundling Transportation Options (Mobility Hub)	Variable – dependent on hub amenities	N/A

TABLE IV-10:
PARKING REQUIREMENTS

	URBAN CORE DISTRICTS		SPECIAL DISTRICTS						RESIDENTIAL ENCLAVES	
			CLEMATIS WATERFRONT FLAGLER WATERFRONT		LOFTIN		NORTH RAILROAD AVENUE (NoRA)			
	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX
Retail, restaurant or commercial	1.5 per 1000sf	3 per 1000sf	1.5 per 1000 sf	2.25 per 1000 sf	2 per 1000sf	3 per 1000sf	1 per 1000sf	3 per 1000sf	1 per 1000sf	2 per 1000sf
Office	1.875 per 1000sf	3 per 1000sf	1.875 per 1000 sf	3 per 1000 sf	2.5 per 1000sf	4 per 1000sf	1 per 1000sf	4 per 1000sf	1 per 1000sf	3 per 1000sf

TABLE IV-10: PARKING REQUIREMENTS										
	URBAN CORE DISTRICTS		SPECIAL DISTRICTS						RESIDENTIAL ENCLAVES	
			CLEMATIS WATERFRONT FLAGLER WATERFRONT		LOFTIN		NORTH RAILROAD AVENUE (NoRA)			
	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX
Hotel	0.75 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas	0.75 per room plus 1 per 400sf for restaurant, public meeting areas	0.75 per 4 rooms plus 1 per 800 sf for restaurant, public meeting areas	0.75 per room plus 1 per 400 sf for restaurant, public meeting areas	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas	1 per room plus 1 per 400sf for restaurant, public meeting areas	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas	1 per room plus 1 per 400sf for restaurant, public meeting areas	1 per 4 rooms plus 1 per 800sf for restaurant, public meeting areas	1 per room plus 1 per 400sf for restaurant, public meeting areas
Residential	0.75 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking	0.75 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking	1 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking	1 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking	1 per unit plus 1 per 20 units for guest parking	2 per unit plus 1 per 20 units for guest parking
Residential micro-unit	0	0.5 per unit plus 1 per 20 units for guest parking	0	0.5 per unit plus 1 per 20 units for guest parking	0	0.5 per unit plus 1 per 20 units for guest parking	0	0.5 per unit plus 1 per 20 units for guest parking	0	0.5 per unit plus 1 per 20 units for guest parking
Bed and Breakfast	—	—	—	—	—	—	—	—	1 per 4 rooms plus 1 space for manager	1 per room plus 1 space for manager
Live/work	1.5 per 1000sf	3 per 1000sf	1.5 per 1000 sf	2.25 per 1000 sf	2 per 1000sf	3 per 1000sf	1 per 1000sf	3 per 1000sf	1 per 1000sf	2 per 1000sf
Other commercial part of mixed-use development and combined are equal or less than 5,000 sf	0.30 per 1000 sf	1 per 1000 sf	0.30 per 1000 sf	1 per 1000 sf	2 per 1000sf	3 per 1000sf	1 per 1000sf	3 per 1000sf	1 per 1000sf	2 per 1000sf

TABLE IV-11: SHARED PARKING REQUIREMENTS					
SHARED PARKING REQUIREMENT CALCULATION					
USE	WEEKDAYS			WEEKEND	
	NIGHT MIDNIGHT 6:00 A.M.	DAY 9:00 A.M. 4:00 P.M.	EVE 6:00 P.M. MIDNIGHT	DAY 9:00 A.M. 6:00 P.M.	EVE 6:00 P.M. 4:00 A.M.
	PERCENT	PERCENT	PERCENT	PERCENT	PERCENT
Residential	100	60	90	80	90
Office	5	100	10	10	5
Commercial/Retail (non office)	5	90	70	100	70
Hotel	80	60	100	80	100
Restaurant	10	50	100	50	100
Entertainment/Recreation	10	40	100	80	100
All others	100	100	100	100	100

TABLE IV-12: RESIDENTIAL AND LODGING LOADING BERTHS				
RESIDENTIAL / LODGING SIZE	REQUIRED LOADING BERTHS	MINIMUM BERTH DIMENSIONS (W X L)	MIN. VERTICAL CLEARANCE	NOTES
25-50 dwelling units	1	12' x 35'	12'	City may approve: 1. Two (2) 10'x20' loading berths can be substituted by one (1) 12' x 55' loading berth. 2. One (1) 12'x35' loading berth can be substituted for (2) 10' x 20' berths. 3. Shared loading allowed with dock master.
>50-100 dwelling units / hotel keys	2	(1) 12' x 35' and (1) 10' x 20'	12'	
>100-200 dwelling units / hotel keys	3	(1) 12' x 35' and (2) 10' x 20'	12'	
>200 dwelling units / hotel keys	3	(1) 12' x 55' plus for the first 100 units, and (1) 10' x 20' per additional 100 units/keys (or fraction)	15' for 12' x 55'; 12' for 10' x 20'	

TABLE IV-13: CURB CUTS AND PASSENGER LOADING AND DROP-OFF STANDARDS							
DISTRICTS			TYPE				
			CURB CUTS	ON-STREET PASSENGER LOADING AND DROP-OFF	OFF-STREET PASSENGER LOADING AND DROP-OFF		
				PASSENGER DROP-OFF	PORTE COCHERE TYPE "A"	PORTE COCHERE TYPE "B"	CROSS-BLOCK PASSENGER LOADING
Urban Core	CLD	AVENUE	P	—	P	P	P
		PRIMARY PED.	—	—	—	—	–
		SECONDARY	P	P	P	P	P
	CAD	AVENUE	—	—	—	—	—
		PRIMARY PED.	P	P	P	—	P
		SECONDARY	P	P	P	P	P
	OBD	AVENUE	P6	—	P6	P6	P6
		PRIMARY PED.	P	P	P	P	P
		SECONDARY	P	P	P	P	P
	QBD	AVENUE	P	—	—	—	P
		PRIMARY PED.	P5	P	P1	P1	P1
		SECONDARY	P	P	P	P	P
	QGD	AVENUE	—	—	—	—	—
		PRIMARY PED.	P	P	P	—	P
		SECONDARY	P	P	P	—	P
	TOD	AVENUE	P2	—	—	—	P
		PRIMARY PED.	P1	P	P1	—	P1
		SECONDARY	P	P	P	—	P
Special Districts	CWD	AVENUE	—	—	—	—	—
		PRIMARY PED.	P3	P	P3	—	—
		SECONDARY	P	P	P	—	—
	FWD	AVENUE	P4	—	P	P	P
		PRIMARY PED.	P	P	P	—	P
		SECONDARY	P	P	P	P	P
	NoRA	AVENUE	—	—	—	—	—
		PRIMARY PED.	P	P	—	—	—
		SECONDARY	P	P	P	P	—
	LD	AVENUE	P4	—	—	—	P4
		PRIMARY PED.	P	P	—	—	—
		SECONDARY	P	P	P	—	P
Residential Enclaves	BPD	AVENUE	P	—	P	P	—
		PRIMARY PED.	P	P	—	—	—
		SECONDARY	P	P	—	—	—
	NWD	AVENUE	P	—	—	—	—
		PRIMARY PED.	P	P	—	—	—
		SECONDARY	P	P	P	—	—
	PPD	AVENUE	P	—	—	—	—
		PRIMARY PED.	P	P	—	—	—
		SECONDARY	P	P	—	—	—

P = Permitted	— = Prohibited
P1 = Prohibited on Rosemary Avenue	P2 = Prohibited on Tamarind Avenue
P3 = Prohibited on Clematis Street	P4 = Prohibited on Quadrille Boulevard
P5 = Prohibited South of Banyan Boulevard	P6 = Prohibited on Flagler Drive or Quadrille Boulevard

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4619-16, § 3, 3-28-2016; Ord. No. 4674-16, § 3 (Exh. C), 2-27-2017; Ord. No. 4708-17, § 5 (Exh. A), 6-19-2017; Ord. No. 4789-18, § 3 (Exh. A), 7-30-2018; Ord. No. 4785-18, § 1 (Exh. A), 08-13-2018; Ord. No. 4864-19, § 1 (Exh. A), 09-09-2019; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022; Ord. No. 5027-22, § 5, 01-09-2023)

Sec. 94-112. - Alleys and public rights-of-way.

a. *Intent*. Standards for alleys and rights-of-way provide guidelines for new streets and alley vacation to enhance pedestrian and vehicular circulation, to provide safe service access for buildings, and to encourage a variety of building scales.

b. *Vacating alleys and rights-of-way*.

   1. *Alleys*.

      a. Abandonment requests shall comply with Chapter 78, Article VII - Vacating and Closing Street and Alleys.

      b. Alley rights-of-way shall not be vacated in any R subdistrict. Unless a shared parking court is proposed and continues to be accessed from alleys designed to minimize curb cuts and limit parking visibility from primary frontages.

      c. Vacation of alley rights-of-way shall be discouraged; however, proposed developments seeking to vacate alleys in all other subdistricts, and shall comply with the following requirements:

         1. Any proposed development seeking to vacate an alley or any portion of an alley shall be subject to a special review by DAC, with the DAC recommendation forwarded to the city commission for final decision.

         2. Proposed developments which vacate an alley shall have all services, including but not limited to loading, trash removal and general services, internalized and screened from public view.

         3. Proposed developments which vacate an entire alley within a block shall provide an open space equal to the size of the vacated alley at a ratio of 1:1 and shall meet the criteria of the public open space standards of section 94-109. The area provided shall be in addition to the minimum public open space requirement defined in the building requirements tables.

         4. Proposed developments which vacate portions of alleys shall reconfigure the alley to maintain two separate access points for entry and exit from the development onto the street. The reconfigured alley shall have the minimum dimensions recommended by the city's engineering services department.

   2. *Rights-of-way*.

      a. Abandonment requests shall comply with Chapter 78, Article VII - Vacating and Closing Street and Alleys.

      b. Vacation and relocation of rights-of-way shall be discouraged.

c. Any proposed development seeking to vacate or relocate a right-of-way shall be subject to a special review by DAC, with the DAC recommendation forwarded to the city commission for final decision.

c. *New streets*. Where designated by the zoning atlas, new streets are encouraged to improve connectivity. In certain conditions, the dedication of new street right-of-way may be necessary to utilize incentive programs. Dedicated ROWs may be used to calculated FAR on subject property.

d. *Installation of public utilities.* All proposed developments equal to or greater than 50,000 gross square feet shall have all public utilities service connections, including telephone, cable and electric distribution service installed underground. When the proposed development occupies less than 40% of the street frontage, and the immediate undergrounding of the utilities is not viable, developer shall pay the city their portion of the cost for the future utility improvements.

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

Sec. 94-113. - Landscape and streetscape requirements.

a. *Intent.* Streetscape requirements provide specific design standards for all public streets to enhance the quality of the public realm and develop a system of pedestrian-oriented streets, walkways, and open spaces.

b. *Exterior lighting.* All buildings shall provide exterior lighting every night from dusk to dawn to illuminate building entrances, adjacent sidewalks, and paths, at a minimum of 0.6 footcandles as measured at the back edge of the curb and one foot above the sidewalk. This measurement shall include light emanating from public and private sources. Unshielded light fixtures shall be prohibited.

c. *Site visibility triangle requirements*. Landscaping shall be installed in accordance with the clear vision requirements of subsection 94-305(e). However, for downtown master plan purposes, the setback measurement shall be from the back of curb, except in R subdistricts, where it shall be measured from the property line.

d. *Streetscape requirements.* Streetscapes shall be designed to provide consistency for each corridor, as established by the street hierarchy and district character. Required building setbacks shall be designed to include features such as, but not limited to, sidewalks, street trees, tree grates, base planting, landscape buffers, and lighting as approved by the city to support the particular district character. All streetscape requirements are applicable to any new construction, renovation or addition with a construction cost equal or above 50% of the property's improvement value as indicated by the Palm Beach County Property Appraiser's Office, with the exemption of renovations, repair, or alteration to a structure proposed in properties within the “R” subdistricts. . All portions of private development improvements located within the minimum required setback including private property and/or the right-of-way shall comply with the following:

1. *Sidewalks.* A sidewalk with a minimum of eight feet clear width shall be provided along the building frontage. Sidewalk width may be reduced to five feet within the residential districts. Private sidewalks which serve as an extension of the public sidewalk shall comply with the streetscape requirements, shall match the public sidewalk in design and material, and shall provide a seamless transition between the two.

2. *Street trees.* Street trees shall be installed adjacent to the curb at a maximum of 30 feet on center along all streets. Adjustments may be authorized by planning staff due to site constraints. Tree species shall be approved by the city's landscape planner, and shade trees shall be preferred. Smaller tree species shall be spaced closer together as appropriate to provide continuous tree canopy over the sidewalk. Trees shall be a minimum of 20 feet in height, and have a minimum of eight feet clear trunk, or as approved by the city. Structural soil shall be installed meeting the city approved standards as a minimum requirement under adjacent paved areas, or suspended pavement soil cell systems may be installed as an alternative.

3. *Tree grates and base planting.* Trees shall be planted within planting beds which shall have a minimum of four feet in width between the curb and the required sidewalk, except for the TOD district where planting beds shall have a minimum of six feet in width between the curb and the required sidewalk. Planting beds shall be planted with shrubs or groundcover as appropriate. Pass-through areas shall be provided for parking space access to the sidewalk. Tree grates shall only be used where required to meet minimum sidewalk width. Tree grates shall comply with the city standard.
4. *Street lights.* Street lighting shall be provided to attain the appropriate footcandle measurement necessary for safe pedestrian and vehicular movement. Light fixture and poles shall meet the city approved standard.
5. *Other street furniture.* Additional street furniture, as approved by the city, shall comply with city approved standards.
6. *Irrigation.* All street trees and landscaped areas within minimum required setback and the right-of-way shall have irrigation provided from the adjacent property, as provided in the approved site plan or approved landscape plan.
7. *Maintenance.* The property owner and their successors or assigns shall be responsible for the installation and maintenance of landscaping, tree grates, structural soil and irrigation, as provided in the approved site plan or approved landscape plan. A maintenance agreement with the city shall be required.
8. *Transit amenities.* Existing transit stops shall be maintained and improved to meet city approved standards.
9. *Bicycle parking.* Bicycle parking shall be provided at a minimum of one space per every 50 feet of street frontage along primary pedestrian streets or avenues, and one space per every 100 feet of street frontage along secondary streets. Specifications shall meet city approved standards and may be waived if similar facilities are already provided within the same block.
10. *Driveways and curb cuts.* Driveways and curb cuts shall be designed to minimize the negative impact in the pedestrian path of travel. Driveways shall maintain the sidewalk elevation when possible, and meet city approved standards.
11. *Green infrastructure streetscape systems.* The provisions of this subsection shall apply to streets located east of Tamarind Avenue, west of Quadrille Boulevard, south of Banyan Avenue, and north of Gardenia Street, where streetscape improvements are required under this section. Streets shall incorporate green infrastructure elements within the streetscape zone to support stormwater conveyance, filtration, capture, and groundwater recharge. These elements implement the Downtown Master Plan Update public realm and landscape framework and shall be coordinated with streetscape improvements required by this section.
    a. Street orientation-based stormwater strategy:
        1. East-west streets: Streets generally aligned with the natural slope toward the waterfront shall prioritize stormwater conveyance and filtration. Acceptable elements may include vegetated conveyance swales, permeable pavement systems, or similar green infrastructure features integrated within planting beds or furnishing zones.
        2. North-south streets: Streets running perpendicular to the downtown slope shall prioritize stormwater capture and infiltration. Acceptable elements may include bioretention areas, rain gardens, curb-cut planters, or similar landscape-based stormwater systems located within the streetscape zone.
    b. Green infrastructure streetscape elements shall function as a connected network across downtown streets, allowing stormwater to be conveyed along the slope and captured across it while improving water quality and reducing runoff.
    c. Detailed design standards for green infrastructure streetscape elements shall be established by the City through administrative standards or design guidelines.

e. *General landscape requirements.* The intent of this section is to provide standards for landscaping open space areas when required by this chapter. All open space, excluding vehicular and pedestrian circulation features and surface parking, shall be covered with grass, ground cover, shrubbery, or other suitable plant material, or may have paved active recreation areas, patios, terraces, pedestrian circulation areas, swimming pools, water features, and similar site components incorporated in the open space designs. All open space shall comply with requirements of Section 94-109 and shall be subject to the following requirements:
    1. *Landscape plans.* Landscape plans shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by F.S. ch. 481, pt. II regarding landscape architecture. Residential landscape improvements for single-family dwelling units or for multifamily units up to ten units, with estimated permit value of less than $2,500.00, shall be exempt from this requirement.

2. *Exemptions.* These general landscape requirements will not be applicable to proposed renovations, repair, or alteration to a structure when such improvements will not exceed 50 percent of the value of the structure and significant landscape improvements are not proposed.
3. *Amount of plant material required.* The total open space area provided shall determine the number of trees and shrubs to be planted. The total amount of plant material required shall not be affected by that portion of the open space area devoted to active recreation purposes, patios, terraces, pedestrian circulation, and similar amenities.
4. *Curbs and wheel stops.* All landscaped areas and plant materials within or adjacent to vehicular use areas shall be protected from vehicular encroachment by wheel stops, curbs, or other similar devices. This requirement, however, shall not apply to single-family units within the R subdistricts.
5. *Landscaping of private land and public rights-of-way.* Private land and public rights-of-way between street or sidewalk surfaces and required buffer strips and landscaped open space areas shall be planted with grass or other plant materials. Grass areas, when provided, shall be sodded. The planting of trees and shrubs within public rights-of-way is subject to the approval of the city.
6. *Subdistrict landscape requirements.* Open spaces provided in all subdistricts shall comply with the open space standards of Table IV-7. Front yard setbacks for properties within the R-subdistricts shall comply with section 94-482. Landscaping for properties within the R- subdistricts shall comply with the requirements of ARTICLE XIV of this chapter.
7. *Maintenance.* The property owner shall be required to maintain all landscaping as provided in the approved site plan or approved landscape plan.

f. *Surface parking lots*. All off-street surface parking lots shall meet the following landscaping requirements:
   1. *Setbacks and landscape buffer.* Surface parking lots shall meet the minimum ground floor setback requirements as provided in the subdistrict building requirements table. A five-foot landscape buffer shall be provided in addition to the ground floor setback to visually screen parking areas. The landscape buffer shall be comprised of a hedge planted at two-foot to three-foot intervals and maintained at a maximum height of 36 inches at maturity. Shade trees shall be planted at 30-foot intervals. A five-foot landscape buffer shall also be provided meeting these requirements for the entire perimeter of the surface lot. Surface parking areas located behind buildings are exempt from the front setback landscape requirements.
   2. *Terminal islands, interior islands and divider medians*. All other parking area landscaping shall meet the requirements of Chapter XIV.

g. *Buffering of nonresidential uses adjoining residential property.* The owner of property used for nonresidential purposes adjoining an R subdistrict shall install and maintain along the entire property line a protective screen wall and a landscaped buffer. For the purposes of this provision, nonresidential uses does not include park uses. Protective screen walls and buffers are required to meet the following requirements:
   1. *Landscape buffer*. A minimum five-foot landscape buffer shall be provided adjacent to the property line abutting any R subdistrict. The landscape buffer shall be comprised of a hedge planted at two-foot to three-foot intervals and maintained at a maximum height of four feet at maturity. Shade trees shall be planted at 30-foot intervals.
   2. *Screen wall*. A minimum four-foot high wall shall be provided adjacent to the property line abutting any R subdistrict. The screen wall shall be solid, and composed of brick, block, wood, or similarly durable material. Chainlink fences with slats shall not be permitted.

h. *Outdoor mechanical equipment and disposal facilities.* Outdoor mechanical equipment such as but not limited to, incinerators, fuel or propane tanks, chiller plants, and garbage or trash receptacles shall comply with subsection 94-315(a). All wall mounted equipment shall be screened from view with a screen equal to the height of the equipment.

(Ord. No. 4213-09, § 1, 9-8-2009; Ord. No. 4690-16, § 4, 3-27-2017; Ord. No. 4885-19, § 4, 12-30-2019)

Sec. 94-114. - Urban core planning area.

a. *Intent*. The urban core (UC) planning area is the central commercial, financial, and office core of the downtown where the most intense building development within the city, with a mix of uses including high density multifamily residential, high density office uses and ground floor active uses, is allowed.

b. *Urban core planning area districts*. The UC planning area includes the following districts: CityPlace DRI (CPD), Clearlake district (CLD), Cultural arts district (CAD), Okeechobee business district (OBD), Quadrille business district (QBD), Quadrille garden district (QGD), and Transit oriented development district (TOD).

c. *Urban core requirements*. All proposed developments within the UC planning area shall adhere to the general development standards included in this article, and shall also comply with all the specific requirements for each particular district.

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009; Ord. No. 4785-18, § 2(Exh. B), 8-13-2018; Ord. No. 4785-18, § 2 (Exh. B), 08-13-2018)

Sec. 94-115. - CityPlace district (CPD).

a. *Intent*. The CityPlace DRI shall govern the CityPlace district (CPD). CityPlace is characterized as a mixed-used district, with a primary emphasis on retail along Rosemary Avenue. Its restaurants, entertainment, and retail uses support the convention center and the nearby CAD and serve as a southern attraction point to the adjacent QBD. The CPD, north of Okeechobee Boulevard, is primarily low-scale mixed-use, with low-scale residential west of Rosemary. The low-scale residential provides an alternative housing type not available elsewhere in the downtown, and should be maintained. The CPD is an existing PD that takes precedence over these regulations.

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

Sec. 94-116. - ClearLake district (CLD).

a. *Intent*. The ClearLake district (CLD) is characterized by a mixture of high-rise office and residential buildings. This district does not share the historic street grid *pattern* of the downtown; therefore, any new development is encouraged, to the maximum extent possible, to provide a pedestrian connection between the intermodal site on the east side of the district and Australian Avenue to the west. Clearwater Drive shall have a high percentage of tree canopy to provide shade and promote walkability. In addition, ground floor active uses and main building entrances are required on Clearwater Drive. A portion of the perimeter of Clear Lake will have a formal pedestrian pathway to enhance the water as a pedestrian asset.

b. *Development characteristics.*
   1. Limited building footprints, footprint separation and side setbacks provide view corridors and opportunities for pedestrian connectivity across the district, especially between the intermodal transit site and Clear Lake.
   2. Building amenities and entrances are encouraged to be located on the ground floor fronting Clearwater Drive to increase visual connections to the waterfront and enhance the quality of the public space at the ground floor.
   3. Active uses are encouraged on all building facades fronting urban open space designations and on side setbacks wherever possible. In addition, facades fronting Australian Avenue and Okeechobee Boulevard shall be aesthetically pleasing to highlight the entrance to the downtown.
   4. Ground floor active uses are encouraged fronting all pedestrian pathways.
   5. Shared pedestrian pathways between adjacent lots are encouraged in lieu of fences separating lots.
   6. Variations in building height are encouraged to promote a diverse skyline.
   7. Towers are encouraged to be oriented toward Clearwater Drive, whenever possible.
   8. Facades of non-active uses shall be enhanced with architectural treatment to improve the appearance of Tamarind Avenue.
   9. Use of generous terraces and balconies to integrate indoor space with outside environment and to maximize water views is encouraged.

c. *CLD subdistricts shall include:* CLD-25.

d. *Subdistrict requirements*. Developments shall comply with the following:
   1. Table IV-14: CLD-25

e. *Additional subdistrict requirements*.
   1. Uses.

a. Ground floor residential, if provided, shall be raised a minimum of 18 inches above the sidewalk elevation.

2. Open space.
   a. Required side setbacks shall provide pedestrian pathways to promote pedestrian connections to the water and the intermodal site and to provide view corridors. These pathways shall have landscape improvements as specified in the open space standards in Section 94-109.
3. New Roadway.
   a. Where a lot fronts Australian Avenue or Clearwater Drive and has a lot area ≥ 80,000 square feet, a cross-block roadway shall be provided. The roadway shall provide entrances to service areas, loading, drop-off areas, and/or parking garages. The roadway shall remain as a private roadway. The roadway shall:
      1. Traverse the block to provide a continuous connection between S. Australian Avenue and the Clearwater Drive network;
      2. The roadway is encouraged to be publicly accessible.
   b. All new cross-block roadways shall enhance pedestrian access through the district by providing safe, convenient pedestrian connections, where feasible based on-site configuration, that:
      1. Connect building entrances and on-site circulation to publicly accessible open spaces; and
      2. Improve east-west permeability between the Clearwater Dr./open space network and streets, sidewalks, and transit connections to the east.

TABLE IV-14: BUILDING REQUIREMENTS — CLD-25

(a) FAR	
All Lots	7.00

(b) HEIGHT
25 stories or 308' whichever is less; 25 (308')

(c) SETBACKS

STREET DESIGNATION/SIDE/REAR	STORIES					
	TYPICAL SETBACKS		CONDITIONAL SETBACKS			
	GROUND TO 68'		RESIDENTIAL USES ON GROUND FLOOR	ABOVE 68'	ABOVE 80'	ABOVE 188'
	MINIMUM	MAXIMUM	MINIMUM	PARKING USES ONLY MINIMUM	MINIMUM	MINIMUM
Avenue	20'	40'	23'	31'	—	—
Primary Pedestrian	16'	40'	23'	31'	—	46**
Side Interior	15' or NFPA	—	15' or NFPA	—	20'*	—
Abutting CSX	15'	—	22'	—	—	—
Rear	10'	—	5'	—	—	—

*0' for lots with lot frontages < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.
**Up to one hundred (100) feet of tower length may encroach horizontally into the setback.

(d) MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	<50,000SF	50,000SF—80,000SF	>80,000SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 68'	90%	87%	85%
Tower: 68' to 80'*	90%	60%	55%
Tower: 80' to 308'	90%	55%	50%

*Parking uses may exceed maximum building footprint in compliance with conditional setback.

(e) FOOTPRINT LENGTH	
Maximum	350 feet

(f) MINIMUM OPEN SPACE			
TYPE	LOT AREA		
	<50,000SF	50,000SF—80,000SF	>80,000SF
Public	3%	5%	6%
Semi-Public	When residential uses on ground floor: Walk-up gardens shall be provided.		
Private	25%	25%	25%

(g) MINIMUM ACTIVE USES		
STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (68')
Avenue	60%	60%
Primary Pedestrian	60%	60%

(h) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%

(i) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (68')
Commercial	25'	20'
Residential	15'	15'

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

Sec. 94-117. - Cultural arts district (CAD).

a. *Intent*. As *the* main cultural and educational center within the downtown, the district shall be reinforced by the promotion of additional cultural and educational facilities with campus style development. The district is anchored by the Kravis Center for the Performing Arts, the Dreyfoos School of the Arts, and the Palm Beach County Convention Center. Stronger connectivity among the cultural facilities and CityPlace should be promoted by improving Sapodilla Avenue as the main pedestrian walking street with a high percentage of tree canopy to provide shade. In addition, the semi-public open space, which is part of the Dreyfoos School campus, should be protected.

b. *Development characteristics*.
   1. Campus style development with large setbacks and public open spaces.
   2. The public realm should be improved according to CPTED principles.
   3. Buildings are encouraged to be connected by covered walkways.

c. *CAD subdistricts shall include:* CAD-5.

d. *Subdistrict requirements. Developments* shall comply with the following:
   1. Table IV-15: CAD-5

e. *Additional subdistrict requirements.*
   1. Uses.
      a. Ground floor residential, if provided, shall be raised a minimum of 18 inches above the sidewalk elevation.

f. *Incentive requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in Section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives.
   1. *The CAD incentive subdistricts shall include:* CAD 5-12.
   2. *Incentive subdistrict* requirements. Incentivized Developments shall comply with the following:
      a. Table IV-16: CAD 5-12
   3. *Additional incentive subdistrict requirements.*
      a. Fern Street shall be prioritized as a main connector.

TABLE IV-15: BUILDING REQUIREMENTS — CAD-5			
(a) FAR			
Lot Frontage > 55'	2.75		
Lot Frontage ≤ 55'	3.50		
(b) HEIGHT			
5 stories or 68' whichever is less; 5 (68')			
(c) SETBACKS			
STREET DESIGNATION/SIDE/REAR	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	GROUND TO 68'		**GROUND TO 68'**
	MINIMUM	**MAXIMUM**	**RESIDENTIAL USES ON GROUND FLOOR**
			MINIMUM
Avenue	18'	40'	23'
Primary Pedestrian	18'	40'	23'
Secondary	16'	50'	19'
Side Interior	5' or NFPA	—	0' or NFPA
Rear	5'	—	5'
(d) MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF	**50,000SF—80,000SF**	**>80,000SF**
Podium: Ground	87%	84%	82%
Podium: 2 stories to 44'	90%	87%	85%
Tower: 44' to 68'	90%	87%	85%
(e) MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<50,000SF	**50,000SF—80,000SF**	**>80,000SF**
Public	3%	5%	7%
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.		
Private	25%	25%	25%
(f) MINIMUM ACTIVE USES			

TABLE IV-15: BUILDING REQUIREMENTS — CAD-5		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%	60%
Primary Pedestrian	80%	60%
Secondary	30%	—
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Pedestrian	50%	
Secondary	30%	
(h) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Commercial	25'	20'
Residential	15'	15'

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

TABLE IV-16: INCENTIVE BUILDING REQUIREMENTS — CAD 5-12				
(a) FAR				
All Lots Frontages	An additional 1.0 for a maximum of 3.75			
(b) HEIGHT				
A maximum of 12 stories or 152' whichever is less; 12 (152')				
(c) SETBACKS				
STREET DESIGNATION / SIDE / REAR	**STORIES**			
	TYPICAL SETBACKS GROUND TO 68'		**CONDITIONAL SETBACKS**	
			RESIDENTIAL USES ON GROUND FLOOR	**ABOVE 68'**
	MINIMUM	**MAXIMUM**	**MINIMUM**	**MINIMUM**
Avenue	16'	40'	—	—
Primary Pedestrian	16'	40'	23'	—
Fern Street	16'	30'	23'	20'
Secondary	16'	50'	23'	—
Side Interior	5' or NFPA	—	—	—
Rear or alley	5'	—	—	—
(d) MAXIMUM BUILDING FOOTPRINT				
STORIES	**LOT AREA**			
	< 50,000 SF	**50,000-80,000 SF**	**> 80,000 SF**	
Podium: Ground	87%	84%	82%	
Podium: 2 stories to 68'	90%	87%	85%	
Tower: 68' to 152'	90%	87%	85%	
(e) MINIMUM OPEN SPACE				
TYPE	**LOT AREA**			
	< 50,000 SF	**50,000-80,000 SF**	**> 80,000 SF**	
Public	3%	5%	7%	
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.			

Private	25%	25%	25%
(f) MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**	
Avenue	60%	60%	
Primary Pedestrian	80%	60%	
Secondary	30%	—	
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Pedestrian	50%		
Secondary	30%		
(h) MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**	
Commercial	25'	20'	
Residential	15'	15'	

Sec. 94-118. - Quadrille garden district (QGD).

a. *Intent*. The Quadrille garden district is intended to function as a transition zone between the Quadrille business district and the waterfront. The greatest development intensity should be oriented towards Quadrille Boulevard to create a signature mixed-use corridor. Development should respect the scale of the pedestrian streets, Dixie Highway, and Olive Avenue. The preservation of existing Florida vernacular buildings is encouraged to commemorate the architectural heritage of the city. High percentages of tree canopy and landscaping are encouraged to provide a shaded public realm and a distinct garden character.

b. *Development characteristics*.
   1. A high percentage of landscaping and tree canopy is encouraged to support the district's residential and garden character.
   2. Ground floor residential is encouraged to promote pedestrian activity.
   3. Active use liners are encouraged to incorporate two-story ground floor residential walk-up units, loft units with double height spaces, live/work units or traditional flats with oversized, inset balconies or outdoor areas to enhance the garden character of the district.
   4. Rooftop gardens are encouraged.

c. *QGD subdistricts shall include:* QGD-25, QGD-10, and QGD-5.

d. *Subdistrict requirements*. Developments shall *comply* with the following:
   1. Table IV-17: QGD-25.
   2. Table IV-18: QGD-10.
   3. Table IV-19: QGD-5.

e. *Additional subdistrict requirements*.
   1. Active uses are encouraged for all building frontages which face the historic county courthouse site on Dixie Highway.

f. *Incentives requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in Section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives.
   1. *The QGD incentive subdistricts shall include:* QGD 10-25, QGD 10-15.
   2. *Incentive* subdistrict *requirements. Incentivized* Developments shall comply with the following:
      a. Table IV-20: QGD 10-25
      b. Table IV-21: QGD 10-15
   3. *Additional* incentive *subdistrict requirements.*

a. Uses.

1. Ground floor residential, if provided, shall be raised a minimum of 18 inches above the sidewalk elevation.

b. Building placement.

1. Towers shall be oriented toward Quadrille Boulevard to frame the street and protect the scale of Dixie Highway.

c. Development characteristics for incentive subdistricts:

1. Structured parking podiums that exceed sixty-eight feet (68') in height, shall provide active-use liners along at least eighty percent (80%) of all public street frontages, except when a conditional setback is required.

TABLE IV-17:
BUILDING REQUIREMENTS — QGD-25

(a) FAR				
All Lots	7.00			
(b) HEIGHT				
25 stories or 308' whichever is less; 25 (308')				
(c) SETBACKS				
STREET DESIGNATION/SIDE/REAR	**STORIES**			
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**	
	GROUND TO 68'		**ABOVE 68'**	**ABOVE 80'**
	MINIMUM	**MAXIMUM**	**PARKING USES ONLY MINIMUM**	**MINIMUM**
Primary Pedestrian	16'	30'	31'	—
Secondary	12'	35'	27'	—
Side Interior	0' or NFPA	—	—	20'*
Rear	5'	—	—	—
*0' for lots with lot frontages < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.				
(d) MAXIMUM BUILDING FOOTPRINT				
STORIES	**LOT AREA**			
	<50,000SF		**50,000SF—80,000SF**	**>80,000SF**
Podium: Ground	87%		84%	82%
Podium: 2 stories to 68'	90%		87%	85%
Tower: 68' to 80'*	90%		60%	55%
Tower: 80' to 308'	90%		55%	50%
*Parking uses may exceed maximum building footprint in compliance with conditional setback.				
(e) MINIMUM OPEN SPACE				
TYPE	**LOT AREA**			
	<50,000SF		**50,000SF—80,000SF**	**>80,000SF**
Public	3%		5%	6%
Private	25%		25%	25%
(f) MINIMUM ACTIVE USES				
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 5 STORIES (68')**	
Primary Pedestrian	80%*		60%	

TABLE IV-17: BUILDING REQUIREMENTS — QGD-25		
Dixie Highway	60%	60%
Secondary	30%	—
*65% for lots with buildable lot frontage ≤ 250'		
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Primary Pedestrian	50%	
Secondary	30%	
(h) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 5 STORIES (68')**
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-18: BUILDING REQUIREMENTS — QGD-10						
(a) FAR						
Lot Frontage > 55'	2.75					
Lot Frontage ≤ 55'	3.50					
(b) HEIGHT						
10 stories or 128' whichever is less; 10 (128')						
(c) SETBACKS						
STREET DESIGNATION/SIDE/REAR	**STORIES**					
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**			
	GROUND TO 68'			**ABOVE 44'**	**ABOVE 68'**	**ABOVE 80'**
	MINIMUM	**MAXIMUM**	**RESIDENTIAL USES ON GROUND FLOOR**	**PARKING USES ONLY**	**MINIMUM**	**MINIMUM**
			MINIMUM	**MINIMUM**		
Avenue	16'	30'	23'	31'	—	—
Primary Pedestrian	16'	30'	23'	31'	—	—
Dixie Highway South of Datura St	16'	30'	23'	31'	—	62'
Secondary	12'	35'	19'	27'	—	—
Side Interior	0' or NFPA	—	0' or NFPA	—	20'*	—
Rear	5'	—	5'	—	—	—
*0' for lots with lot frontages < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.						
(d) MAXIMUM BUILDING FOOTPRINT						
STORIES	**LOT AREA**					
	<50,000SF		**50,000SF—80,000SF**		**>80,000SF**	
Podium: Ground	87%		84%		82%	
Podium: 2 stories to 44'	90%		87%		85%	
Podium: 44' to 68'*	90%		60%		55%	
Tower: 68' to 128'	90%		55%		50%	
*Parking uses may exceed maximum building footprint in compliance with conditional setback.						
(e) MINIMUM OPEN SPACE						
TYPE	**LOT AREA**					
	<50,000SF		**50,000SF—80,000SF**		**>80,000SF**	
Public	3%		5%		6%	
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.					

TABLE IV-18: BUILDING REQUIREMENTS — QGD-10			
Private	25%	25%	25%
(f) MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**	
Avenue	60%	60%	
Primary Pedestrian	80%*	60%	
Dixie Highway	60%	60%	
Secondary	30%	—	
*65% for lots with buildable lot frontage ≤ 250'			
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Pedestrian	50%		
Secondary	30%		
(h) MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**	
Commercial	25'	20'	
Residential	15'	15'	

TABLE IV-19: BUILDING REQUIREMENTS — QGD-5			
(a) FAR			
Lot Frontage > 55'	2.75		
Lot Frontage ≤ 55'	3.50		
(b) HEIGHT			
5 stories or 68' whichever is less; 5 (68')			
(c) SETBACKS			
STREET DESIGNATION	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	GROUND TO 68'		**GROUND TO 68'**
	MINIMUM	**MAXIMUM**	**RESIDENTIAL USES ON GROUND FLOOR**
			MINIMUM
Avenue	16'	30'	23'
Primary Pedestrian	16'	30'	23'
Secondary	12'	35'	19'
Side Interior	0' or NFPA	—	0' or NFPA
Rear	5'	—	5'
(d) MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF		**50,000SF—80,000SF**
Podium: Ground	87%		84%
Podium: 2 stories to 44'	90%		87%
Tower: 44' to 68'	—		60%
(e) MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<25,000SF	**25,000SF**	**50,000SF—80,000SF**
Public	—	3%	
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.		
Private	12%	18%	25%
(f) MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**	
Avenue	60%	60%	
Primary Pedestrian	80%*	60%	
Dixie Highway	60%	60%	
Secondary	30%	—	
*65% for lots with buildable lot frontage ≤ 250'			
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		

TABLE IV-19: BUILDING REQUIREMENTS — QGD-5		
Avenue	50%	
Primary Pedestrian	50%	
Secondary	30%	
(h) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Commercial	25'	20'
Residential	15'	15'

TABLE IV-20: INCENTIVE BUILDING REQUIREMENTS — QGD 10-25						
(a) FAR*						
Lot Area	**< 50,000 SF**	**50,000-80,000 SF**	**> 80,000 SF**			
	5.5	5.0	4.5			
*FAR incentives not applicable for parcels smaller than 20,000 SF.						
(b) HEIGHT*						
A maximum of 25 stories or 308' whichever is less; 25 (308') *Height incentives not applicable for parcels smaller than 20,000 SF.						
(c) SETBACKS						
STREET DESIGNATION / SIDE / REAR	**STORIES**					
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**			
	GROUND TO 68'		**RESIDENTIAL USES ON GROUND LEVEL MINIMUM**	**ABOVE 68' PARKING USES ONLY MINIMUM**	**ABOVE 80' MINIMUM**	**ABOVE 188' MINIMUM**
	MINIMUM	**MAXIMUM**				
Avenue	16'	30'	23'	—	—	—
Primary Pedestrian	16'	30'	23'	—	—	—
Dixie Highway	16'	30'	23'	—	62'	140'
Secondary	12'	35'	19'	27'	—	—
Side Interior	0' or NFPA	—	0' or NFPA	—	20'*	—
Rear	5'	—	5'	—	—	—
*0' for lots with lot frontages < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.						
(d) MAXIMUM BUILDING FOOTPRINT						
STORIES	**LOT AREA**					
	< 50,000 SF	**50,000-80,000 SF**	**> 80,000 SF**			
Podium: Ground	87%	84%	82%			
Podium: 2 stories to 68'	90%	87%	85%			
Tower: 68' to 80'	90%	60%	55%			
Tower: 80' to 308'	50%	20%	20%			
(e) MINIMUM OPEN SPACE						
TYPE	**LOT AREA**					
	< 50,000 SF	**50,000-80,000 SF**	**> 80,000 SF**			
Public	3%	6.5%	8%*			
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.					
Private	25%	25%	25%			
*Open space shall be provided adjacent to the building entrance, and shall be consolidated into one single open space.						
(f) MINIMUM ACTIVE USES						
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 5 STORIES (68')**				

TABLE IV-20: INCENTIVE BUILDING REQUIREMENTS — QGD 10-25		
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Dixie Highway	80%	60%
Secondary	30%	—
Evernia Street	60%	60%
*65% for lots with buildable lot frontage ≤ 250'		
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Pedestrian	50%	
Secondary	30%	
(h) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 5 STORIES (68')**
Commercial	25'	20'
Residential	15'	15'

TABLE IV-21: INCENTIVE BUILDING REQUIREMENTS — QGD 10-15					
(a) ADDITIONAL FAR					
All Lots Frontages	An additional 1.0. For a maximum of 3.75				
(b) HEIGHT					
A maximum of 15 stories or 188' whichever is less; 15 (188')					
(c) SETBACKS					
STREET DESIGNATION / SIDE / REAR	**STORIES**				
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**		
	GROUND TO 68'		**RESIDENTIAL USES ON GROUND LEVEL**	**ABOVE 44' PARKING USES ONLY**	**ABOVE 80'**
	MINIMUM	**MAXIMUM**	**MINIMUM**	**MINIMUM**	**MINIMUM**
Primary Pedestrian	16'	30'	23'	31'	—
Secondary	12'	35'	19'	27'	—
Olive Avenue	16'	30'	23'	31'	66'
Dixie Hwy South of Datura St	16'	30'	23'	27'	62'
Side Interior	0' or NFPA	—	0' or NFPA	—	20'*
Rear or alley	5'	—	5'	—	—
*0' for lots with lot frontages < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.					
(d) MAXIMUM BUILDING FOOTPRINT					
STORIES	**LOT AREA**				
	< 50,000 SF		**50,000-80,000 SF**	**> 80,000 SF**	
Podium: Ground	87%		84%	82%	
Podium: 2 stories to 68'	90%		87%	85%	
Tower: 68' to 80'	90%		60%	55%	
Tower: 80' to 188'	90%		55%	50%	
(e) MINIMUM OPEN SPACE					
TYPE	**LOT AREA**				
	< 50,000 SF		**50,000-80,000 SF**	**> 80,000 SF**	
Public	3%		5%	6%	
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.				
Private	25%		25%	25%	
(f) MINIMUM ACTIVE USES					
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 5 STORIES (68')**		
Primary Pedestrian	80%*		60%		
Dixie Highway	60%		60%		
Secondary	30%		—		
*65% for lots with buildable lot frontage ≤ 250'					
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR					
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**				
Primary Pedestrian	50%				
Secondary	30%				
(h) MINIMUM ACTIVE USE LINER DEPTH					
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 5 STORIES (68')**		
Commercial	25'		20'		
Residential	15'		15'		

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009; Ord. No. 4475-13, § 1, 7-22-2013)

Sec. 94-119. - Quadrille business district (QBD).

a. *Intent*. The Quadrille business district is intended to be the main office core for downtown, and a link between the city's two main retail centers: CityPlace and Clematis Street. It includes the greatest capacity for commercial development and building heights in the downtown and focuses the most intense development along Quadrille Boulevard to create a signature office corridor. The city will enhance Quadrille Boulevard as an urban parkway through streetscape improvements. Incentives are offered for the dedication of right-of-way (ROW) which will allow for the construction of a new road adjacent to the west side of the FEC ROW between Gardenia Street and Clematis Street. The new road will create a frontage for the QBD and promote an active urban environment. Proposed development in the QBD should consist of iconic buildings which respect the scale of Clematis Street and Rosemary Avenue by stepping down building heights along those corridors. Rosemary shall be the main pedestrian street with active use liners and ground floor active uses. Additionally, this district shall create a strong connection with the Northwest Neighborhood by extending Douglass Avenue and Division Avenue as either full vehicular use streets or pedestrian passageways from 2nd Street to Banyan Boulevard.

b. *Development characteristics.* Building frontages adjacent to Rosemary Avenue shall reinforce the pedestrian character and activity of the street. Class A office, private educational facilities, technology, innovation, research, uses are encouraged.

1. Architectural design should be reflective of a signature office district through the use of iconic forms to promote a unique skyline and to help brand downtown as an office core.
2. High quality buildings materials are encouraged, such as generous glass panels, shading devices or sunscreens, stone, and metal panels.
3. Transparency in the form of generous glass openings and/or innovative curtain wall systems that range from transparent to opaque are encouraged to maximize daylighting and views into occupied areas of the buildings to improve indoor environmental quality (IEQ).
4. Division and Douglas Avenues shall be extended, where possible, to reduce the overall length of the blocks and enhance connectivity pursuant to Section 94-132.
    a. Passageways and publicly accessible ROW.
        1. For base subdistrict QBD-10 and incentive subdistrict QBD 10-15: Where a pedestrian connection is indicated in Figure 4: DMP Street Designation, a public pedestrian passageway shall be required. The passageway shall traverse the block and provide a minimum clear width of twenty-five (25) feet. Where developed in phases, the passageway shall be designed to accommodate an ultimate width of fifty (50) feet as redevelopment occurs. The passageway area shall be publicly accessible and designed to City standards.
        2. For base subdistrict QBD-3 and incentive subdistrict QBD 5-10: Where a New Secondary street is indicated in Figure 4: DMP Street Designation, development shall provide at least one (1) publicly accessible ROW, with the intent to connect the Historic Northwest District to Banyan Boulevard. The future ROW/passageway dedication for Douglas Avenue shall be 15'; and the future ROW/passageway dedication for Division Ave shall be 40'. No additional setback will be required. The ROW area shall be publicly accessible and designed to City standards.
        3. Passageways should be designed to support the functional extension of the Douglas Avenue and Division Avenue connection corridors between 2nd Street and Fern Street, generally consistent with the alignments shown on Figure 4: DMP Street Designation map, where feasible based on site configuration and subject to City approval.
        4. Provision of a qualifying passageway meeting the above standards shall be required to utilize applicable incentive provisions.
        5. Provision of passageway counts towards open space requirement.

c. *QBD subdistricts shall include:* QBD-10, QBD-8, QBD-5, and QBD-3.

d. *Subdistrict requirements*. *Developments* shall comply with the following:

a. Table IV-22: QBD-10.
b. Table IV-23: QBD-8.
c. Table IV-24: QBD-5.
d. Table IV-25: QBD-3.

e. *Additional subdistrict requirements*.
1. Uses.
   a. Ground floor residential, if provided, shall be raised a minimum of 18 inches above the sidewalk elevation.
   b. For all building frontages, except those adjacent to Rosemary Avenue, buildings that have a class A office primary use greater than or equal to 60 percent of the total gross building area shall not be required to provide active use liners above the ground floor, but shall be required to provide architectural treatment to extend the facade of the office tower such that the office tower is perceived as having one continuous uninterrupted facade from the ground floor to the top of the building for 100 percent of the tower building frontage.
2. Special requirements.
   a. Proposed developments fronting the FEC ROW utilizing any incentive program shall accommodate the new FEC Road pursuant to Section 94-133 to create a street frontage for the proposed development.
   b. Proposed developments shall accommodate the extension of Division and Douglas Avenues north of Banyan Boulevard to enhance connectivity to the Northwest Neighborhood. Division Avenue and Douglass Avenue may be extended as full vehicular use streets or as pedestrian passageways and can count towards the open space requirements.
   c. Towers should be articulated to extend to the ground floor to accentuate the vertical proportion and the appearance of a slender tower.
   d. Between Banyan Boulevard and Clematis Street, proposed developments shall accommodate pedestrian cross-block walkways aligned with the Division and Douglas Avenue extensions to enhance pedestrian circulation.
   e. Main building entrances to lobbies and common areas shall have a high-quality design entrance canopy. Double-height space lobbies and common areas should be incorporated for class A office uses.
   f. Tower orientation shall be toward Quadrille Boulevard. When more than one tower is provided, this provision shall apply to the tower with the greatest height and floorplate area.
   g. Colonnades. Colonnades shall be limited to Rosemary Avenue building frontages only and shall comply with section 94-109 and Table IV-5.

f. *Incentives Requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in Section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives.
1. *The QBD incentive subdistricts shall include:* QBD 10-25, QBD 10-25a, QBD 10-15, QBD 8-25, QBD 8-25a, QBD 8-10, QBD 5-10.
2. *Incentive subdistrict requirements.* Incentivized Developments shall comply with the following:

   a. Table IV-26: QBD 10-25.
   b. Table IV-27: QBD 10-25a.
   c. Table IV-28: QBD 10-15.
   d. Table IV-29: QBD 8-25.
   e. Table IV-30: QBD 8-25a.
   f. Table IV-31: QBD 8-10.
   g. Table IV-32 QBD 5-10.

3. *Additional incentive subdistrict requirements.*
    a. Parking Strategy.
        1. Structured parking podiums that exceed sixty-eight feet (68') in height, shall provide active-use liners along at least eighty percent (80%) of all public street frontages, except when a conditional setback is required.
    b. Open space.
        1. For incentive subdistrict QBD 10-15: Sites at or near the intersection of Rosemary Avenue and Clematis Street, the required open space shall be located to function as a visible corner plaza/pocket park that supports pedestrian activity and district identity.
        2. For incentive subdistrict QBD 8-25a: the required public open space shall be located preferably along North Sapodilla Avenue.

TABLE IV-22: BUILDING REQUIREMENTS — QBD-10					
(a) FAR					
Lot Frontage > 55'	2.75				
Lot Frontage ≤ 55'	3.50				
(b) HEIGHT					
10 stories or 142' whichever is less; 10 (142')					
(c) SETBACKS					
STREET DESIGNATION/SIDE/REAR	**STORIES**				
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**		
	GROUND TO 74'		**ABOVE 47'**	**ABOVE 74'**	**ABOVE 101'**
	MINIMUM	**MAXIMUM**	**PARKING USES ONLY MINIMUM**	**MINIMUM**	**MINIMUM**
Avenue	20'	30'	31'	—	—
Primary Pedestrian	16'	30'	31'	—	—
Rosemary Avenue South of Banyan Blvd	16'	30'	31'	—	66'
Rosemary Avenue North of Banyan Blvd	12'	30'	27'	—	62'
Secondary	12'	35'	27'	—	—
Pedestrian Connection	12’	35’	27’	—	—
Side Interior	0' or NFPA	—	—	20'*	—
Abutting FEC ROW	10'	—	25'	—	—
Rear	5'	—	—	—	—
*0' for lots with lot frontages <110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.					
(d) MAXIMUM BUILDING FOOTPRINT					
STORIES	**LOT AREA**				
	<50,000SF		**50,000SF—80,000SF**		**>80,000SF**
Podium: Ground	87%		84%		82%
Podium: 2 stories to 47'	90%		87%		85%
Podium: 47’ to 74*	90%		60%		55%
Tower: 74’ to 142'	90%		55%		50%
*Parking uses may exceed maximum building footprint in compliance with conditional setback.					
(e) MINIMUM OPEN SPACE					
TYPE	**LOT AREA**				
	<50,000SF		**50,000SF—80,000SF**		**>80,000SF**
Public	3%		5%		6%
Private	25%		25%		25%
(f) MINIMUM ACTIVE USES					
STREET DESIGNATION	**GROUND FLOOR**			**LINERS: 2 TO 3 STORIES (47')**	
Avenue	60%			60%	
Primary Pedestrian	80%*			60%	
Secondary	30%			—	
Pedestrian Connection	30%			—	
*65% for lots with buildable lot frontage ≤ 250' except on Rosemary Avenue					
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR					
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**				
Avenue	50%				
Primary Pedestrian	50%				
Secondary	30%				
Pedestrian Connection	30%				

TABLE IV-22: BUILDING REQUIREMENTS — QBD-10		
(h) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 3 STORIES (47')
Commercial	25'	20'
Residential	15' when permitted	15'

TABLE IV-23: BUILDING REQUIREMENTS — QBD-8					
(a) FAR					
Lot Frontage > 55'	1.75				
Lot Frontage ≤ 55'	2.50				
(b) HEIGHT					
8 stories or 115' whichever is less; 8 (115')					
(c) SETBACKS					
STREET DESIGNATION/SIDE/REAR	**STORIES**				
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**		
	GROUND TO 74'		**ABOVE 47'**	**ABOVE 74'**	**ABOVE 101'**
	MINIMUM	**MAXIMUM**	**PARKING USES ONLY MINIMUM**	**MINIMUM**	**MINIMUM**
Avenue	16'	30'	31'	—	—
Primary Pedestrian	16'	30'	31'	—	—
Rosemary Avenue	16'	30'	31'	—	66'
Secondary	12'	35'	27'	—	—
Side Interior	0' or NFPA	—	—	20'*	—
Abutting FEC ROW	10'	—	25'	—	—
Rear	5'	—	—	—	—
*0' for lots with lot frontages <110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.					
(d) MAXIMUM BUILDING FOOTPRINT					
STORIES	**LOT AREA**				
	<50,000SF		**50,000SF—80,000SF**		**>80,000SF**
Podium: Ground	87%		84%		82%
Podium: 2 stories to 47'	90%		87%		85%
Podium: 47' to 74'*	90%		60%		55%
Tower: 74' to 115'	90%		55%		50%
*Parking uses may exceed maximum building footprint in compliance with conditional setback.					
(e) MINIMUM OPEN SPACE					
TYPE	**LOT AREA**				
	<50,000SF		**50,000SF—80,000SF**		**>80,000SF**
Public	3%		5%		6%
Private	25%		25%		25%
(f) MINIMUM ACTIVE USES					
STREET DESIGNATION	**GROUND FLOOR**			**LINERS: 2 TO 3 STORIES (47')**	
Avenue	60%			60%	
Primary Pedestrian	80%*			60%	
Secondary	30%			—	
*65% for lots with buildable lot frontage ≤ 250' except on Rosemary Avenue					
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR					
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**				
Avenue	50%				
Primary Pedestrian	50%				
Secondary	30%				
(h) MINIMUM ACTIVE USE LINER DEPTH					
ACTIVE USE	**GROUND FLOOR**			**LINERS: 2 TO 3 STORIES (47')**	
Commercial	25'			20'	
Residential	15' when permitted			15'	

TABLE IV-23: BUILDING REQUIREMENTS — QBD-8		
TABLE IV-24: BUILDING REQUIREMENTS — QBD-5		
(a) FAR		
Lot Frontage > 55'	2.75	
Lot Frontage ≤ 55'	3.50	
(b) HEIGHT		
5 stories or 74' whichever is less; 5 (74')		
(c) SETBACKS		
STREET DESIGNATION/SIDE/REAR	**STORIES**	
	TYPICAL SETBACKS	
	GROUND TO 74'	
	MINIMUM	**MAXIMUM**
Avenue	20'	25'
Primary Pedestrian	12'	30'
Secondary	12'	35'
Side Interior	0' or NFPA	—
Rear	5'	—
(d) MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	<50,000SF	
Podium: Ground	87%	
Podium: 2 stories to 47'	90%	
Tower: 50' to 74'	90%	
(e) MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	
	<50,000SF	
Private	25%	
(f) MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (47')**
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Secondary	30%	—
*65% for lots with buildable lot frontage ≤ 250'		
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Pedestrian	50%	
Secondary	30%	
(h) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (47')**
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-25: BUILDING REQUIREMENTS — QBD-3				
(a) FAR				
Lot Frontage > 55'	1.00			
Lot Frontage ≤ 55'	1.75			
(b) HEIGHT				
3 stories or 47' whichever is less; 3 (47')				
(c) SETBACKS				
STREET DESIGNATION/SIDE/REAR	**STORIES**			
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**	
	GROUND TO 47'		**GROUND TO 47'**	
	MINIMUM	**MAXIMUM**	**RESIDENTIAL USES ON GROUND FLOOR**	
			MINIMUM	
Avenue	20'	25'	23'	
Primary Pedestrian	16'	30'	23'	
Secondary	12'	35'	19'	
Side Interior	0' or NFPA	—	—	
Rear	5'	—	—	
(d) MAXIMUM BUILDING FOOTPRINT				
STORIES	**LOT AREA**			
	<50,000SF		**50,000SF—80,000SF**	**>80,000SF**
Podium: Ground	87%		84%	80%
Podium: 2 stories to 47'	90%		87%	85%
(e) MINIMUM OPEN SPACE				
TYPE	**LOT AREA**			
	<50,000SF		**50,000SF—80,000SF**	**>80,000SF**
Public	—		3%	5%
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.			
Private	25%		25%	25%
(f) MINIMUM ACTIVE USES				
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (47')**	
Avenue	60%		60%	
Primary Pedestrian	80%*		60%	
Secondary	30%		—	
*65% for lots with buildable lot frontage ≤ 250'				
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR				
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**			
Avenue	50%			
Primary Pedestrian	50%			
Secondary	30%			
(h) MINIMUM ACTIVE USE LINER DEPTH				
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (47')**	
Commercial	25'		20'	
Residential	15'		15'	

TABLE IV-26:
INCENTIVE BUILDING REQUIREMENTS — QBD 10-25

(a) ADDITIONAL FAR*	
All Lots Frontages	An additional 3.75. For a maximum of 6.50.
*FAR incentives not applicable for parcels smaller than 20,000 SF.	

(b) HEIGHT*
A maximum of 25 stories or 344' whichever is less; 25 (344')
*Height incentives not applicable for parcels smaller than 20,000 SF.

(c) SETBACKS

STREET DESIGNATION / SIDE / REAR	STORIES			
	TYPICAL SETBACKS		CONDITIONAL SETBACKS	
	GROUND TO 74'		ABOVE 74'	ABOVE 74'
	MINIMUM	MAXIMUM	PARKING USES ONLY MINIMUM	MINIMUM
Primary Pedestrian	16'	30'	31'	—
Rosemary Avenue	16'	30'	31'	66'
Side Interior	0' or NFPA	—	—	20'*
Abutting FEC ROW	60'	70'	75'	—
Rear or alley	5'	—	—	—

*Above 80' or 0' for lots with lot frontages <110'. Also, 0' for portion of facades that abut existing buildings on adjacent lots.

(d) MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 74'	90%	87%	85%
Tower: 74' to 101'	90%	60%	55%
Tower: 101' to 344'	90%	55%	50%

(e) MINIMUM OPEN SPACE

TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Public	3%	6.5%	8%
Private	25%	25%	25%

(f) MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Primary Pedestrian	80%*	60%
Secondary	30%	—
*65% for lots with building lot frontage ≤ 250'		

(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%
Secondary	30%

(h) MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-27:
INCENTIVE BUILDING REQUIREMENTS — QBD 10-25a

(a) FAR

All Lots Frontages	4.50*

*Developments may be permitted up to 0.75 additional FAR (a maximum FAR of 5.25), provided that the additional 0.75 FAR is used for non-residential floor area. FAR incentives are not applicable for parcels smaller than 20,000 SF.

(b) HEIGHT*

A maximum of 25 stories or 344' whichever is less; 25 (344')
*Height incentives not applicable for parcels smaller than 20,000 SF.

(c) SETBACKS

STREET DESIGNATION / SIDE / REAR	STORIES			
	TYPICAL SETBACKS		CONDITIONAL SETBACKS	
	GROUND TO 74'		ABOVE 74'	ABOVE 209'
	MINIMUM	MAXIMUM	MINIMUM	MINIMUM
Primary Pedestrian	16'	30'	—	46'**
Rosemary and Sapodilla Avenue	16'	30'	66'	—
Side Interior	0' or NFPA	—	20'*	—
Rear or alley	5'	—	—	—

*Above 80' or 0' for lots with lot frontages < 110'. Also, 0' for portion of facades that abut existing buildings on adjacent lots.
**Up to one hundred (100) feet of tower length may encroach horizontally into the setback.

(d) MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 74'	90%	87%	85%
Tower: 74' to 101'	90%	60%	55%
Tower: 101' to 344'	90%	45%	35%

(e) MINIMUM OPEN SPACE

TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Public	3%	6.5%	8%
Private	25%	25%	25%

(f) MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Secondary	30%	—

*65% for lots with building lot frontage ≤ 250'

(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%
Secondary	30%

(h) MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-28:
INCENTIVE BUILDING REQUIREMENTS — QBD 10-15

ADDITIONAL FAR	
All Lots Frontages	An additional 1.00. For a maximum of 3.75.

HEIGHT
A maximum of 15 stories or 209' whichever is less; 15 (209')

SETBACKS

STREET DESIGNATION / SIDE / REAR	STORIES			
	TYPICAL SETBACKS GROUND TO 74'		CONDITIONAL SETBACKS	
			ABOVE 74'	ABOVE 74'
	MINIMUM	MAXIMUM	PARKING USES ONLY MINIMUM	MINIMUM
Avenue	20'	30'	31'	—
Primary Pedestrian	16'	30'	31'	—
Rosemary and Sapodilla Avenue	16'	30'	31'	66'
Clematis Street	16’	30’	31’	36’
Pedestrian Connection	16’	35’	27’	—
Side Interior	0' or NFPA	—	—	20'*
Rear or alley	5'	—	—	—

*Above 80' or 0' for lots with lot frontages < 110'. Also, 0' for portion of facades that abut existing buildings on adjacent lots.

MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 74'	90%	87%	85%
Tower: 74’ to 101'	90%	60%	55%
Tower: 101’ to 209'	90%	55%	50%

MINIMUM OPEN SPACE

TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Public	3%	5%*	6%*
Private	25%	25%	25%

*Developments located between Sapodilla and Tamarind Avenue shall be required three percent (3%) for lots less than 50,000 square feet, ten percent (10%) for lots between 50,000 square feet and 80,000 square feet and twelve percent (12%) for lots greater than 80,000 square feet.

MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Clematis Street	80%	80%

*65% for lots with building lot frontage ≤ 250'

MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%

MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-29:
INCENTIVE BUILDING REQUIREMENTS — QBD 8-25

(a) ADDITIONAL FAR*

All Lots Frontages	An additional 4.75. For a maximum of 6.50.

*FAR incentives not applicable for parcels smaller than 20,000 SF.

(b) HEIGHT*

A maximum of 25 stories or 344' whichever is less; 25 (344')
*Height incentives not applicable for parcels smaller than 20,000 SF.

(c) SETBACKS

STREET DESIGNATION / SIDE / REAR	STORIES			
	TYPICAL SETBACKS		CONDITIONAL SETBACKS	
	GROUND TO 74'		ABOVE 74'	ABOVE 74'
	MINIMUM	MAXIMUM	PARKING USES ONLY MINIMUM	MINIMUM
Avenue	16'	30'	31'	—
Primary Pedestrian	16'	30'	31'	—
Rosemary Avenue	16'	30'	31'	66'
Secondary	16'	35'	27'	—
Side Interior	0' or NFPA	—	—	20'*
Abutting FEC ROW	60'	70'	75'	—
Rear or alley	5'	—	—	—

*Above 80' or 0' for lots with lot frontages <110'. Also, 0' for portion of facades that abut existing buildings on adjacent lots.

(d) MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 74'	90%	87%	85%
Tower: 74' to 101'	90%	60%	55%
Tower: 101' to 344'	90%	55%	50%

(e) MINIMUM OPEN SPACE

TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Public	3%	6.5%	8%
Private	25%	25%	25%

(f) MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Secondary	30%	—

*65% for lots with building lot frontage ≤ 250'

(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%
Secondary	30%

(h) MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-30:
INCENTIVE BUILDING REQUIREMENTS — QBD 8-25a

(a) FAR

All Lots Frontages	4.50*

*Developments may be permitted up to 0.75 additional FAR (a maximum FAR of 5.25), provided that the additional 0.75 FAR is used for non-residential floor area. FAR incentives are not applicable for parcels smaller than 20,000 SF.

(b) HEIGHT*

A maximum of 25 stories or 344' whichever is less; 25 (344')
*Height incentives not applicable for parcels smaller than 20,000 SF.

(c) SETBACKS

STREET DESIGNATION / SIDE / REAR	STORIES			
	TYPICAL SETBACKS		CONDITIONAL SETBACKS	
	GROUND TO 74'		ABOVE 74'	ABOVE 209'
	MINIMUM	MAXIMUM	MINIMUM	MINIMUM
Primary Pedestrian	16'	30'	—	46'**
Rosemary and Sapodilla Avenue	16'	30'	66'	—
Side Interior	0' or NFPA	—	20'*	—
Rear or alley	5'	—	—	—

*Above 80' or 0' for lots with lot frontages <110'. Also, 0' for portion of facades that abut existing buildings on adjacent lots.
**Up to one hundred (100) feet of tower length may encroach horizontally into the setback.

(d) MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 74'	90%	87%	85%
Tower: 74' to 101'	90%	60%	55%
Tower: 101' to 344'	90%	45%	35%

(e) MINIMUM OPEN SPACE

TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Public	3%	6.5%	8%
Private	25%	25%	25%

(f) MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Secondary	30%	—

*65% for lots with building lot frontage ≤ 250'

(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%
Secondary	30%

(h) MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-31: INCENTIVE BUILDING REQUIREMENTS — QBD 8-10

(a) FAR

FOR PROPERTIES WITH FRONTAGE ALONG 2ND STREET	
Base zoning QBD-3	An additional 2.75 for a maximum of 3.75 FAR
Base zoning QBD-5	An additional 1.0 for a maximum of 3.75 FAR
FOR PROPERTIES WITH FRONTAGE ALONG BANYAN BOULEVARD	
Base zoning QBD-3	An additional 3.5 for a maximum of 4.5
Base zoning QBD-5	An additional 1.75 for a maximum of 4.5

*For properties with frontage on both streets, FAR shall be calculated by dividing the property into two identical halves and assigning the corresponding FAR to each street frontage.

(b) HEIGHT

For properties with frontage along 2nd Street	8 stories or 104', whichever is less; 8 (104')
For properties with frontage along Banyan Boulevard	10 stories or 128', whichever is less; 10 (128')

(c) SETBACKS

STREET DESIGNATION / SIDE	TYPICAL SETBACK GROUND TO 68'		CONDITIONAL SETBACK		
	MINIMUM	MAXIMUM	RESIDENTIAL USES ON GROUND LEVEL	ABOVE 68'	ABOVE 104'
Avenue	20'	25'	—	—	—
Primary Pedestrian	16'	20'	—	50'*	—
Secondary Street	15'	25'	20'	—	150'
Side Interior	10'	—	—	—	—
Rear Setback	0'	—	—	—	—

*Applicable only along the Sapodilla Avenue frontage, and not applicable within 100' of an Avenue.

(d) MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	< 50,000 SF	50,000-80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 68'	90%	87%	85%
Tower: 68' to 128'	90%	60%	55%

(e) MINIMUM OPEN SPACE

TYPE	LOT AREA		
	<50,000 SF	50,000-80,000 SF	> 80,000 SF
Public	—	3%	5%
Private	—	5%	10%

(f) MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 3 STORIES (44')
Avenue	80%	40%
Primary Pedestrian	80%	60%
Secondary	60%	60%

(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	65%
Secondary	35%

(h) MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	ALL STORIES
Commercial	20'
Residential	15'

TABLE IV-32: INCENTIVE BUILDING REQUIREMENTS — QBD 5-10				
(a) FAR				
For properties facing 2nd Street	An additional 1.5 For a maximum of 2.5 FAR			
For properties facing Banyan Boulevard	An additional 3.0 for a maximum 4.0 FAR			
(b) HEIGHT				
For properties facing 2nd Street	5 stories or 68', whichever is less; 5 (68')			
For properties facing Banyan Boulevard	10 stories or 128', whichever is less; 10 (128')			
(c) SETBACKS				
STREET DESIGNATION / SIDE	**TYPICAL SETBACK GROUND TO 68'**		**CONDITIONAL SETBACKS**	
	MINIMUM	**MAXIMUM**	**RESIDENTIAL USES ON GROUND LEVEL**	**ABOVE 68'**
Avenue	20'	25'	—	—
Primary Pedestrian	12'	20'	—	50*
Secondary Street	15'	25'	20'	150'
Side Interior	0' or NFPA	—	—	—
*Applicable only along the Sapodilla Avenue frontage, and not applicable within 100' of an Avenue.				
(d) MAXIMUM BUILDING FOOTPRINT				
STORIES	**LOT AREA**			
	< 50,000 SF	**50,000 SF - 80,000 SF**	**> 80,000 SF**	
Podium: Ground	87%	84%	82%	
Podium: 2 stories to 68'	90%	87%	85%	
Tower: 68' to 128'	90%	60%	55%	
(e) MINIMUM OPEN SPACE				
TYPE	**LOT AREA**			
	< 50,000 SF	**50,000 SF - 80,000 SF**	**> 80,000 SF**	
Public	—	3%	5%	
Private	—	5%	10%	
(f) MINIMUM ACTIVE USES				
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**		
Avenue	80%	40%		
Primary Pedestrian	65%	60%		
Secondary	60%	60%		
Future ROW	30%	—		
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR				
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**			
Avenue	50%			
Primary Pedestrian	50%			
Secondary Street	35%			
(h) MINIMUM ACTIVE USE LINER DEPTH				
ACTIVE USE	**GROUND FLOOR**			
Commercial	20'			
Residential	15'			

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4448-13, § 2, 2-4-2013; Ord. No. 4904-20, § 1 (Exh. A), 09-21-2020)

Sec. 94-120. - Transit oriented development district (TOD).

a. *Intent*. The TOD district provides the opportunity for an exemplary pedestrian-friendly neighborhood with sustainable and environmentally responsive buildings and infrastructure. The district's close proximity to public transportation in an area of the downtown which is largely undeveloped will support a variety of multifamily housing types for a broad range of incomes. The combination of accessibility to public transit and housing will shape this district as an active mixed-use neighborhood. Connectivity will be enhanced through the introduction of new streets. Proposed developments should promote walkable streets by providing ground floor active uses and open space through reduced parking capacities.

b. *Development characteristics*.
   1. Division and Douglas Avenues shall be extended, where possible, to reduce the overall length of the blocks and enhance connectivity pursuant to Section 94-132.
      a. Passageways.
         1. Where a pedestrian connection is indicated in the Figure 4: DMP Street Designation map, a public pedestrian passageway shall be required. The passageway shall traverse the block and provide a minimum clear width of twenty-five (25) feet. Where developed in phases, the passageway shall be designed to accommodate an ultimate width of fifty (50) feet as redevelopment occurs. The passageway area shall be publicly accessible and designed to City standards.
         2. Passageways should be designed to support the functional extension of the Douglas Avenue and Division Avenue connection corridors between 2nd Street and Fern Street, generally consistent with the alignments shown on Figure 4: DMP Street Designation map, where feasible based on site configuration and subject to City approval.
         3. Provision of a qualifying passageway meeting the above standards shall be required to utilize applicable incentive provisions.
   2. Provision of passageway counts towards open space requirement. The open space requirement for multiple proposed developments may be consolidated into one centralized open space for the entire district.
   3. Mixed-income housing and service-oriented retail are encouraged to support the district as a sustainable neighborhood.
   4. Retail uses may include small neighborhood retailers such as small service retail, and destination retail such as specialty retailers and grocery stores.
   5. Pedestrian pathways should be used to enhance connectivity to transit, the Quadrille business district, CityPlace, and Clematis Street.

c. *TOD subdistricts shall include:* TOD-25, and TOD-10.

d. *Subdistrict requirements*. Developments shall comply with the following:
   1. Table IV-33: TOD-25.
   2. Table IV-34: TOD-10.

e. *Additional subdistrict requirements*.
   1. Uses.
      a. Ground floor residential, if provided, shall be raised a minimum of 18 inches above the sidewalk elevation.
   2. Building placement.
      a. Towers shall be oriented toward Tamarind Avenue to frame the street and to reinforce the corridor as a gateway to public transportation.
   3. Open space.
      a. The open space requirement for multiple proposed developments may be consolidated into one centralized public open space for the entire development subject to the following requirements:
         1. Consolidated public open space shall be located within the district.
         2. The public open space shall be developed by one entity. One entity shall be defined as either a single owner or a group of owners which form a legal partnership for the purpose of consolidating their public open space requirements.
         3. Consolidated public open space shall be developed and open for use prior to issuance of a certificate of occupancy of the building or buildings for which the public open space is required.

4. Provisions for the maintenance of the open space shall be determined and documented in a written agreement with the city prior to the issuance of the first certificate of occupancy.

4. Parking.
   a. Interim surface parking lots for phased development shall be permitted subject to the following conditions:
      1. Interim surface parking lots shall comply with all general development standards.
      2. Interim lots shall be set back 20 feet from the lot line. The setback shall be improved as a landscape buffer.
      3. A phased development site plan shall be submitted for design review and approval when the proposed development is submitted to the Plans and Plats Review Committee (PPRC) for site plan approval.
      4. Construction of interim lots shall commence only upon receipt of a building permit for the first phase of the proposed development.
      5. The surfacing, drainage, and striping of the interim surface parking lot shall comply with the regulations of ARTICLE XV of the zoning and land development regulations.

5. Sustainability and Resiliency Standards. Developments shall incorporate site design, open space, and streetscape elements that promote stormwater management, environmental performance, and pedestrian-oriented urban design.
   a. Required public open spaces, plazas, and pedestrian passageways shall be designed to capture, retain, or infiltrate stormwater runoff through the use of green infrastructure elements including but not limited to rain gardens, bioswales, infiltration planters, landscaped depressions, or similar systems integrated into the site design.
   b. Required open space areas, including pedestrian passageways and plazas, shall incorporate permeable or pervious materials for a minimum of 50 percent of the surface area, unless otherwise approved by the City. Acceptable materials may include permeable pavers, porous pavement, permeable gravel systems, landscaped planting beds, or similar materials designed to allow stormwater infiltration.
   c. Streetscape improvements shall incorporate green infrastructure elements, which may include bioswales (vegetated conveyance swales with longitudinal gradient), curb extension bioretention cells (rain gardens in parking lanes at intersections), linear infiltration planters (level, retaining planters perpendicular to slope), structural soil systems integrated with tree pits, and subsurface stormwater retention systems beneath permeable paving, designed to improve stormwater capture and tree health or other similar infrastructure approved by the City.
   d. Required streetscape and open space planting areas shall be designed to support large canopy shade trees through adequate soil volume, structural soil systems, or equivalent methods approved by the City to improve urban heat reduction and pedestrian comfort. Planting areas shall provide a minimum of 1,000 cubic feet of uncompacted growing medium per large canopy tree, achieved through structural soil systems, suspended pavement soil cell systems, or continuous open soil trenches, as approved by the City. Trees shall be planted within planting beds which shall have a minimum of six feet in width between the curb and the required sidewalk.
   e. Decorative street lighting and streetscape infrastructure installed as part of development shall be designed to accommodate future smart-city technologies, including sensors, communication devices, or similar infrastructure where required by City standards.

f. *Incentives Requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in Section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives.
   1. *The TOD incentive subdistricts shall include:* TOD 10-25.
   2. *Incentive subdistrict requirements.* Incentivized Developments shall comply with the following:
      a. Table IV-35: TOD 10-25
   3. *Additional incentive subdistrict requirements.*
      a. Parking Strategy.
         1. Structured parking podiums that exceed sixty-eight feet (68') in height, shall provide active-use liners along at least eighty percent (80%) of all public street frontages, except when a conditional setback is required.

b. Consolidated off-site open space. The open space requirement for multiple proposed developments may be consolidated into one centralized open space for the entire district subject to the following requirements:

1. Consolidated public open space shall be located within the district.
2. The public open space shall be developed by one entity. One entity shall be defined as either a single owner or a group of owners which form a legal partnership for the purpose of consolidating their open space requirements.
3. Consolidated public open space shall be developed and open for use prior to issuance of the first certificate of occupancy of the building or buildings for which the open space is required.
4. Provisions for the maintenance of the open space shall be determined and documented in a written agreement with the city prior to the issuance of the first certificate of occupancy.
5. Consolidated public open space shall satisfy the open space standards described in section 94-109.

TABLE IV-33: BUILDING REQUIREMENTS — TOD-25	
(a) FAR	
All Lots	7.00

(b) HEIGHT
25 stories or 344' whichever is less; 25 (344')

(c) SETBACKS					
STREET DESIGNATION/SIDE/REAR	STORIES				
	TYPICAL SETBACKS		CONDITIONAL SETBACKS		
	GROUND TO 74'		ABOVE 74'	ABOVE 101'	ABOVE 209'
	MINIMUM	MAXIMUM	PARKING USES ONLY MINIMUM	MINIMUM	MINIMUM
Avenue	20'	50'	31'	—	—
Primary Pedestrian	16'	30'	31'	—	46'**
Side Interior	0' or NFPA	—	—	20' *	—
Abutting CSX	15'	—	—	—	—
Rear	5'	—	—	—	—

*0' for lots with lot frontages < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.
**Up to one hundred (100) feet of tower length may encroach into the setback.

(d) MAXIMUM BUILDING FOOTPRINT			
STORIES	LOT AREA		
	<50,000SF	50,000SF—80,000SF	>80,000SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 74'	90%	87%	85%
Tower: 74' to 101'*	90%	60%	55%
Tower: 101' to 344'	90%	55%	50%

*Parking uses may exceed maximum building footprint in compliance with conditional setback.

(e) MINIMUM OPEN SPACE			
TYPE	LOT AREA		
	<50,000SF	50,000SF—80,000SF	>80,000SF
Public	3%	5%	7%
Private	25%	30%	30%

(f) FOOTPRINT LENGTH	
Maximum	350 feet

(g) MINIMUM ACTIVE USES		
STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Avenue	60%	60%
Primary Pedestrian	80%	60%

(h) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%

(i) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-34: BUILDING REQUIREMENTS — TOD-10

(a) FAR	
Lot Frontage > 55'	2.75

Lot Frontage ≤ 55'	3.50

(b) HEIGHT

10 stories or 142' whichever is less; 10 (142')

(c) SETBACKS

STREET DESIGNATION/SIDE/REAR	STORIES				
	TYPICAL SETBACKS		CONDITIONAL SETBACKS		
	GROUND TO 74'		RESIDENTIAL USES ON GROUND FLOOR	ABOVE 47' PARKING USES ONLY	ABOVE 74'
	MINIMUM	MAXIMUM	MINIMUM	MINIMUM	MINIMUM
Avenue	16'	30'	23'	31'	—
Primary Pedestrian	16'	30'	23'	31'	—
Secondary	12'	35'	19'	27'	—
Pedestrian Connection	12’	35’	19’	27’	—
Side Interior	0' or NFPA	35'	0' or NFPA	—	20' *
Rear	5'	—	5'	—	—

*0' for lots with lot frontage < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.

(d) MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	<50,000SF	50,000SF—80,000SF	>80,000SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 47’	90%	87%	85%
Podium: 47’ to 74'*	90%	60%	55%
Tower: 74’ to 142'	90%	55%	50%

*Parking uses may exceed maximum building footprint in compliance with conditional setback.

(e) MINIMUM OPEN SPACE

TYPE	LOT AREA		
	<50,000SF	50,000SF—80,000SF	>80,000SF
Public	3%	5%	7%
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.		
Private	25%	30%	30%

(f) MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 3 STORIES (47')
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Secondary	30%	—
Pedestrian Connection	30%	—

*65% for lots with buildable lot frontage ≤ 250'

(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%
Secondary	30%
Pedestrian Connection	30%

(h) MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 3 STORIES (47')

Commercial	25'	20'
Residential	15'	15'

TABLE IV-35: INCENTIVE BUILDING REQUIREMENTS — TOD 10-25	
(a) FAR	
All Lots Frontages	4.50*

TABLE IV-35:
INCENTIVE BUILDING REQUIREMENTS — TOD 10-25

*Developments may be permitted up to 0.75 additional FAR (a maximum FAR of 5.25), provided that the additional 0.75 FAR is used for non-residential floor area. FAR incentives are not applicable for parcels smaller than 20,000 SF.

(b) HEIGHT*

A maximum of 25 stories or 344' whichever is less; 25 (344')
*Height incentives are not applicable for parcels smaller than 20,000 SF.

(c) SETBACKS

STREET DESIGNATION / SIDE / REAR	STORIES				
	TYPICAL SETBACKS		CONDITIONAL SETBACKS		
	GROUND TO 74'		ABOVE 74'	ABOVE 74'	ABOVE 209'
	MINIMUM	MAXIMUM	PARKING USES ONLY MINIMUM	MINIMUM	MINIMUM
Avenue	16'	30'	—	—	—
Primary Pedestrian	16'	30'	—	—	46'**
Sapodilla Avenue	16'	30'	—	66'	—
Clematis Street	16'	30'	—	36'	140'
Fern Street	16'	30'	—	—	140'
Evernia Street	16'	30'	31'	—	46'**
Pedestrian Connection	16'	30'	—	31'	—
Side Interior	0' or NFPA	—	—	20'*	—
Rear or alley	5'	—	—	—	—

*Above 80' or 0' for lots with lot frontages < 110'. Also, 0' for portion of facades that abut existing buildings on adjacent lots.
**Up to one hundred (100) feet of tower length may encroach horizontally into the setback.

(d) MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 74'	90%	87%	85%
Tower: 74' to 101'	90%	60%	55%
Tower: 101' to 344'	90%	45%	35%

(e) MINIMUM OPEN SPACE

TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Public	3%	10%	12%
Private	25%	25%	25%

(f) MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Clematis Street	80%	80%
Pedestrian Connection	30%	—

*65% for lots with building lot frontage ≤ 250'

(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%
Pedestrian Connection	30%

(h) MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (74')

TABLE IV-35: INCENTIVE BUILDING REQUIREMENTS — TOD 10-25		
Commercial	25'	20'
Residential	15’	15'

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

Sec. 94-121. - Okeechobee Business district (OBD).

a. *Intent*. The Okeechobee corridor is the traditional business district of downtown, around which office buildings have historically located. The Okeechobee Business District is intended to attract high intensity office uses to consolidate

the area as an economic center of downtown, and an integral part of the Flagler Financial District. The district is envisioned to develop with innovative high-rise buildings with smaller floorplates to allow for view corridors, and compatible with the surrounding high-rise buildings. The district shall function as a connection between the north and south portions of the city, with enhanced pedestrian crossings, and a large percentage of public open spaces.

b. *Development characteristics.*
   1. Ground floor support services for office uses are encouraged throughout the district.
   2. New projects within this district shall encourage the use of alternative modes of transportation to reduce the use of private vehicles.

c. *OBD subdistricts shall include*: OBD-5, OBD-25, OBD-25CP, and OBD-12CP. The OBD-25CP and OBD-12CP are regulated by the CityPlace Commercial Planned Development.

d. *Subdistrict requirements*. Developments shall comply with the following:
   1. Table IV-36: OBD-25.
   2. Table IV-37: OBD-5.

e. *Additional subdistrict requirements.*
   1. Uses.
      a. Buildings that have a class A office primary use greater than or equal to 75 percent of the total gross building area shall not be required to provide active use liners above the ground floor, but shall be required to provide architectural treatment to extend the facade of the office tower such that the office tower is perceived as having one continuous uninterrupted facade from the ground floor to the top of the building for 100 percent of the tower building frontage. Parking garages of such buildings may provide living green walls to screen the parking uses in lieu of active use liners above the ground floor.
   2. Special requirements.
      a. Tower orientation shall be towards the west side of the properties to open up the views. When more than one tower is provided, this provision shall apply to the tower with the greatest height and floorplate area.
      b. Parking on exposed roof surfaces will not be permitted within this district.
      c. For properties with frontage along Flagler Drive, public open space shall be located adjacent to Flagler Drive.
      d. All new development within this district will be required to implement the following strategies to improve mobility downtown:
         1. If not existing, pedestrian crossings shall be provided at all corners adjacent to proposed development.
         2. All new projects shall provide a freight delivery plan and routes to ensure deliveries do not impact traffic operation.
         3. All new projects shall provide a curb side management plan to prioritize multimodal travel.
         4. No travel lanes shall be blocked during peak hour for ingress/egress of parking garages.
         5. Additional transportation demand management strategies will be required for those projects seeking to exceed the soft maximum parking ratios as prescribed by the parking regulations in Section 94-111.
      e. New developments within the OBD shall obtain LEED Certification from the Leadership on Environmental Design (LEED) or a similar nationally accredited organization. The following requirements shall be met:
         1. Prior to the submittal for the first building permit for site improvements, including underground excavation, the developer shall register the project with the U.S. Green Building Council or with the respective agency or institution issuing the equivalent certification and provide proof of registration.
         2. The certificate of occupancy for the project shall not be issued until the GDRA has verified that the project has been constructed in conformance with the certification plan to achieve the LEED or equivalent certification.
         3. The developer shall pursue the LEED or equivalent certification within six months after the issuance of the certificate of occupancy and provide written reports updating the director of development services on the status of the application every six months thereafter until certification is achieved or for two years, whichever comes first. If after two years LEED or equivalent certification is not obtained, then the developer shall provide the city with a written report outlining why LEED certification was not achieved.

4. If the desired certification is not achieved by the developer within two years and the city's GDRA has verified that the project has been constructed in conformance with the certification plan to achieve the LEED or equivalent certification, then the green certification shall be assumed to have met the density incentive requirements for the project.
5. All application costs associated with pursuit of the certification shall be borne by the developer.

f. *Incentives requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in Section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives. The OBD office incentive is intended to promote the development and construction of class A office uses within the Okeechobee Business District, and mixed uses for parcels south of Okeechobee Boulevard.

1. *The OBD incentive subdistricts shall include:* OBD 5-25
2. *Incentive subdistrict requirements.* Incentivized Developments shall comply with the following:
   a. Table IV-38: OBD 5-25
3. *Additional incentive subdistrict requirements.*
   a. Proposed development between Lake Avenue and Okeechobee Boulevard shall include a minimum 200,000 square feet of net class A office space.
   b. The proposed development shall comply with all the subdistrict requirements and shall not exceed the maximum FAR and height allowed by Table IV-38.
   c. Lots which include eligible historic landmark structures may be eligible for the OBD incentive provided the subject historic landmark structure is designated as a landmark structure, preserved according to the Secretary of Interior Standards for rehabilitation, and integrated as part of the new developments in a manner which maintains the integrity of the historic structure. Adjacent properties owned by the same entity as of the date of approval of the OBD incentive shall be considered one single lot for the purpose of receipt of the incentive and calculation of the Floor Area Ratio permitted.
   d. New structures shall not be constructed within 400 feet from the water face of the seawall cap.
   e. For properties with frontage along Flagler Drive, the minimum required public open space shall be located along Flagler Drive, and it shall be allowed within the minimum required setback for Flagler Drive.
   f. Required public open space shall be programmed with activities to encourage the use of the space by the general public.
   g. Projects with a total gross building area larger or equal to 50,000 sf utilizing the OBD incentive shall implement at least six of the transportation demand management strategies included in Table IV-9, independently of the need for additional parking spaces. Projects with a total gross building area less than 50,000 sf shall implement at least two transportation demand management strategies in those cases where additional parking is not needed.
   h. New projects within the OBD incentive shall obtain LEED Gold or higher Certification from the Leadership on Environmental Design (LEED) or a similar nationally accredited organization. The following requirements shall be met:
      1. Prior to the submittal for the first building permit for site improvements, including underground excavation, the developer shall register the project with the U.S. Green Building Council or with the respective agency or institution issuing the equivalent certification and provide proof of registration.
      2. The certificate of occupancy for the project shall not be issued until the GDRA has verified that the project has been constructed in conformance with the certification plan to achieve the LEED or equivalent certification.
      3. The developer shall pursue the LEED or equivalent certification within six months after the issuance of the certificate of occupancy and provide written reports updating the director of development services on the status of the application every six months thereafter until certification is achieved or for two years, whichever comes first. If after two years LEED or equivalent certification is not obtained, then the developer shall provide the city with a written report outlining why LEED certification was not achieved.
      4. If the desired certification is not achieved by the developer within two years, and the city's GDRA has verified that the project has been constructed in conformance with the certification plan to

achieve the LEED or equivalent certification, then the project shall be assumed to have met the incentive requirements.

5. All application costs associated with pursuit of the certification shall be borne by the developer.

i. New developments South of Okeechobee Boulevard requirements:

1. For any development site located south of Okeechobee Boulevard, a new dedicated public street shall be provided to extend the existing street network through the site as indicated in the Street Designation map. The street shall have a minimum right-of-way width of forty (40) feet and shall be designed to City standards.
2. The total FAR for residential and non-residential uses allowed includes the FAR for ground floor as retail uses.
3. For mixed-use developments, Development Capacity (sq. ft.) can be converted to another use according to the latest version of the ITE Manual based on peak hour trips.

TABLE IV-36: BUILDING REQUIREMENTS - OBD-25				
FAR				
All lots	7.00			
HEIGHT				
25 stories or 308' whichever is less; 25 (308')				
SETBACKS				
STREET DESIGNATION/SIDE/REAR	**STORIES**			
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**	
	GROUND TO 68'		**ABOVE 68'**	**ABOVE 92'**
	MINIMUM	**MAXIMUM**	**PARKING USES ONLY MINIMUM**	**MINIMUM**
Primary Pedestrian	16'	30'	31'	—
Secondary	12'	35'	27'	—
Side Interior	0' or NFPA	—	—	20'*
*0' for lots with lot frontage <110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.				
MAXIMUM BUILDING FOOTPRINT				
STORIES	**LOT AREA**			
	<50,000SF	**50,000SF-80,000SF**	**>80,000SF**	
Podium: Ground	87%	84%	82%	
Podium: 2 stories to 68'	90%	87%	85%	
Podium: 68' to 92'*	90%	60%	55%	
Tower: 92' to 308'	90%	55%	50%	
*Parking uses may exceed maximum building footprint in compliance with conditional setback.				
MINIMUM OPEN SPACE				
TYPE	**LOT AREA**			
	<50,000SF	**50,000SF-80,000SF**	**>80,000SF**	
Public	—	3%	5%	
Private	25%	25%	25%	
MINIMUM ACTIVE USES				
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 5 STORIES (68')**	
Primary Pedestrian	80%*		60%	
Dixie Highway	60%		60%	
Secondary	30%		—	
*65% for lots with buildable lot frontage ≤ 250'				
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR				
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**			
Primary Pedestrian	50%			
Secondary	30%			
MINIMUM ACTIVE USE LINER DEPTH				
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 5 STORIES (68')**	
Commercial	25'		20'	
Residential	Not Permitted		15'	

TABLE IV-37: BUILDING REQUIREMENTS - OBD-5	
FAR	
North of Okeechobee Blvd	2.75

TABLE IV-37: BUILDING REQUIREMENTS - OBD-5			
South of Okeechobee Blvd	0.75		
HEIGHT			
5 stories or 68' whichever is less; 5 (68')			
SETBACKS			
STREET DESIGNATION/SIDE/REAR	**Stories**		
	Typical Setbacks		
	GROUND TO 68'		
	MINIMUM		**MAXIMUM**
Avenue	Contextual		Contextual
Primary Pedestrian	16'		30'
Secondary	12'		35'
Side Interior	10' or NFPA		—
MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF	**50,000SF-80,000SF**	**>80,000SF**
Podium: Ground	87%	84%	82%
Podium: 2 stories to 44'	90%	87%	85%
Tower: 44' to 68'	90%	60%	55%
MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<50,000SF	**50,000SF-80,000SF**	**>80,000SF**
Public	—	3%	5%
Private	25%	25%	25%
MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%		60%
Primary Pedestrian	80%*		60%
Secondary	30%		—
*65% for lots with buildable lot frontage ≤ 250'			
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Pedestrian	50%		
Secondary	30%		
MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**
Commercial	25'		20'
Residential	Not Permitted		15'

(Ord. No. 4785-18, § 3 (Exh. C), 08-13-2018; Ord. No. 4958-21, § 6 (Exh. B), 08-09-2021; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022)

TABLE IV-38: INCENTIVE BUILDING REQUIREMENTS — OBD 5-25	
FAR	
North of Okeechobee Blvd	2.75

South of Okeechobee Blvd - Residential Uses Only	6.50
South of Okeechobee Blvd - Non-Residential Uses Only	1.50

HEIGHT
An additional 20 stories or 240' whichever is less; 20 (240'). For a maximum of 25 stories or 308' whichever is less; 25 (308')

SETBACKS

STREET DESIGNATION / SIDE / REAR	STORIES			
	TYPICAL SETBACKS		CONDITIONAL SETBACKS	
	GROUND TO 75'		ABOVE 75'	ABOVE 75'
	MINIMUM	MAXIMUM	PARKING USES ONLY MINIMUM	MINIMUM
Avenue	300'	—	—	—
Primary Pedestrian	16'	30'	31'	—
Secondary	12'	35'	27'	—
New ROW	40'	—	—	—
Side Interior	0' or NFPA	—	—	20'*

*0' for portions of facades that abut existing buildings with no windows on adjacent lots.

MAXIMUM BUILDING FOOTPRINT

STORIES	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 68'	90%	87%	85%
Podium: 68' to 92'*	90%	60%	55%
Tower: 92' to 308'	90%	55%	50%

*Parking uses may exceed maximum building footprint in compliance with conditional setback.

MINIMUM OPEN SPACE

TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	> 80,000 SF
Public	—	6.5%	8%*
Private	25%	25%	20%

*15% for properties facing Flagler Drive

MINIMUM ACTIVE USES

STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 STORIES (68')
Avenue	60%	50%
Primary Pedestrian	80%*	60%
Secondary	30%	—

*65% for lots with buildable lot frontage ≤ 250'

MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR

STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Pedestrian	50%
Secondary	30%

MINIMUM ACTIVE USE LINER DEPTH

ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 5 STORIES (68')
Commercial	25'	20'
Residential	Not Permitted	15'

Sec. 94-122. - Special districts planning area.

a. *Intent*. Special districts (SD) generally provide a transition in building scale among the districts within the urban core and residential enclave planning areas and require additional protection and consideration. They have a low and medium-scale and distinct characteristics which differentiate them from the urban core and the residential enclave planning areas. Their characteristics should be protected and enhanced to retain and preserve their special character. Clematis Street and Dixie Highway are the primary commercial corridors.

b. *SD planning area shall include:* Clematis waterfront district (CWD), Flagler waterfront district (FWD), North Railroad Avenue district (NoRA), and Loftin district (LD).

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022)

Sec. 94-123. - Clematis waterfront district (CWD).

a. *Intent*. As the historic retail corridor in downtown, the Clematis waterfront district (CWD) signifies one of the major community spaces for the city and provides a sense of identity for West Palm Beach. Within this district, Clematis Street is characterized as a low-scale, pedestrian-oriented street. Existing buildings contribute to the aesthetic, cultural, historic and economic value of downtown West Palm Beach. The city intends to create the Clematis Street conservation district (CWD-CD) including all lots fronting Clematis Street between Rosemary Street and Flagler Street, to preserve the character and scale of these buildings. New buildings and buildings alterations shall support the character and scale of the district. The park and fountain are integral to the district's character as it provides a central gathering space for downtown and serves as an extension of the waterfront. The district is intended to reinforce Clematis Street as an active pedestrian-oriented corridor with storefronts, restaurant and entertainment uses, and upper-floor uses that support continued activity throughout the day and evening.

b. *Development characteristics*.
   1. Terraces in CWD-CD are encouraged to be programmed with activities such as outdoor dining or private gardens to animate buildings and public spaces.
   2. Buildings in CWD-CD include local retailers, small and unique storefronts and buildings with restaurants, sidewalk cafes, specialty shops, and design stores, with second story retail, night clubs, residential, and offices uses.
   3. Proposed developments in CWD-CD should have unique storefronts, as well as awnings and other shading devices which reinforce the main individual character of each building.
   4. Outdoor restaurant seating is encouraged.
   5. Ground floor retail is encouraged throughout the district.

c. *CWD subdistricts shall include:* CWD-10, CWD-5, and CWD-CD.

d. *Subdistrict requirements*. Developments shall comply with the following:
   1. Table IV-39: CWD-10.
   2. Table IV-40: CWD-5.
   3. Table IV-41: CWD-CD.

e. *Additional subdistrict requirements*.
   1. Parking.
      a. Proposed developments within CWD-CD are not required to provide parking.

f. *Incentives requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in Section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives.
   1. *The CWD incentive subdistricts shall include:* CWD 10-12, and CWD 5-8
   2. *Incentive subdistrict requirements.* Incentivized Developments shall comply with the following:
      a. Table IV-42: CWD 10-12
      b. Table IV-43: CWD 5-8
   3. *Additional incentive subdistrict requirements.*
      a. Special requirements.
         1. All proposed developments in CWD-CD shall be subject to a special review by the DAC.
         2. All structures within the CWD-CD shall qualify as sending sites for the TDR program.

3. Maximum lot agglomeration within the CWD-CD is 25,000 square feet.
4. Towers shall be oriented away from Clematis Street to preserve the scale of the corridor.
5. Colonnades shall be limited to Rosemary Avenue building frontages only and shall comply with Section 94-109 and Table IV-5.
6. Passageways shall provide bollards, landscaping, or any other type of physical barrier where they intersect with an alley or public right-of-way for the purpose of separating and protecting pedestrians from vehicular traffic. Passageways may be secured and gated at night to enhance public safety. When such a measure is taken, all owners shall be required to provide an agreement to the city which specifies the time at which the passageway shall be closed to the public, provisions for lighting the passageway during these hours, and a maintenance plan.
7. Pedestrian overhead connections shall be permitted over alleys to connect to parking structures to make the redevelopment of existing structures in CWD-CD more feasible.
8. Where an alley is occupied or otherwise limited for non-service use, the development shall provide an alternate on-site access or exit sufficient to maintain service, loading, and circulation for the block.

b. Development characteristics for incentive subdistricts CWD 10-12 and CWD 5-8:
    1. Where bonus height is requested on sites adjacent to alleys, the City may require additional setback, alley widening, or access easements to improve service circulation, loading access, and pedestrian safety.
    2. Use of incentive height may be conditioned upon provision of centralized loading, service access, or shared operational facilities serving one or more properties within the block.

TABLE IV-39: BUILDING REQUIREMENTS — CWD-10				
(a) FAR				
Lot Frontage > 55'	2.75			
Lot Frontage ≤ 55'	3.50			
(b) HEIGHT				
10 stories or 128' whichever is less; 10 (128')				
(c) SETBACKS				
STREET DESIGNATION/SIDE/REAR	**STORIES**			
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**	
	GROUND TO 68'		**ABOVE 44'**	**ABOVE 68'**
	MINIMUM	**MAXIMUM**	**PARKING USES ONLY**	**MINIMUM**
			MINIMUM	
Avenue	16'**	30'	31'	—
Primary Pedestrian	16'	30'	31'	—
Side Interior	0' or NFPA	—	—	20'*
Abutting FEC ROW	60'	70'	—	—
Rear	5'	—	—	—
*0' for lots with lot frontages < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots. **West of Quadrille Blvd a minimum setback of 20' must be provided.				
(d) MAXIMUM BUILDING FOOTPRINT				
STORIES	**LOT AREA**			
	<50,000SF		**50,000SF—80,000SF**	
Podium: Ground	87%		84%	
Podium: 2 stories to 44'	90%		87%	
Podium: 44' to 68'*	90%		60%	
Tower: 68' to 128'	90%		55%	
*Parking uses may exceed maximum building footprint in compliance with conditional setback.				
(e) MINIMUM OPEN SPACE				
TYPE	**LOT AREA**			
	<50,000SF		**50,000SF—80,000SF**	
Public	—		3%	
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.			
Private	25%		25%	
(f) MINIMUM ACTIVE USES				
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**	
Avenue	60%		60%	
Primary Pedestrian	80%*		60%	
*65% for lots with buildable lot frontage ≤ 250'				
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES OR GROUND FLOOR				
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**			
Avenue	50%			
Primary Pedestrian	50%			
(h) MINIMUM ACTIVE USE LINER DEPTH				
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**	
Commercial	25'		20'	
Residential	15'		15'	

TABLE IV-40: BUILDING REQUIREMENTS — CWD-5		
(a) FAR		
Lot Frontage > 55'	2.75	
Lot Frontage ≤ 55'	3.50	
(b) HEIGHT		
5 stories or 68' whichever is less; 5 (68')		
(c) SETBACKS		
STREET DESIGNATION/SIDE/REAR	**STORIES**	
	TYPICAL SETBACKS	
	GROUND TO 68'	
	MINIMUM	**MAXIMUM**
Avenue	16'	30'
Primary Pedestrian	16'	30'
Secondary	12'	35'
Side Interior	0' or NFPA	—
Rear	5'	—
(d) MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	<50,000SF	**50,000SF—80,000SF**
Podium: Ground	87%	84%
Podium: 2 stories to 44'	90%	87%
Tower: 44' to 68'	90%	60%
(e) MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	
	<50,000SF	**50,000SF—80,000SF**
Public	—	3%
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.	
Private	25%	25%
(f) MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Secondary	30%	—
*65% for lots with buildable lot frontage ≤ 250'		
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Pedestrian	50%	
Secondary	30%	
(h) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Commercial	25'	20'
Residential	15'	15'

TABLE IV-41: BUILDING REQUIREMENTS — CWD-CD	
(a) FAR	
Lot Frontage > 55'	3.50

TABLE IV-41: BUILDING REQUIREMENTS — CWD-CD			
Lot Frontage ≤ 55'	3.50		
(b) HEIGHT			
5 stories or 68' whichever is less; 5 (68')			
(c) MAXIMUM LOT AREA			
25,000 square feet			
(d) SETBACKS			
STREET DESIGNATION/SIDE/REAR	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	GROUND TO 68'		**ABOVE 32'**
	MINIMUM	**MAXIMUM**	**MINIMUM**
Avenue	16'	30'	—
Primary Pedestrian	16'	30'	—
Clematis Street	16' or Match Adjacent		56'
Side Interior	0' or NFPA	—	—
Rear	5'	—	—
(e) MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	≤25,000SF		
Podium: Ground to 32'	90%		
Tower: 32' to 68'	70%		
(f) MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	≤25,000SF		
Private	20% Terrace required within setback atop 2nd story (32')		
(g) MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2ND STORY (32')**
Avenue	60%		60%
Primary Pedestrian	80%		60%
(h)MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Pedestrian	50%		
(i) MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2ND STORY (32')**
Commercial	25'		20'
Residential	Not Permitted		15'

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

TABLE IV-42: INCENTIVE BUILDING REQUIREMENTS — CWD 10-12	
(a) ADDITIONAL FAR	
All Lots Frontages	An additional 0.50. For a maximum of 3.25.
(b) HEIGHT	

A maximum of 12 stories or 152' whichever is less; 12 (152')				
(c) SETBACKS				
STREET DESIGNATION / SIDE / REAR	**STORIES**			
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**	
	GROUND TO 68'		**ABOVE 44'**	**ABOVE 68'**
	MINIMUM	**MAXIMUM**	**PARKING USES ONLY**	**MINIMUM**
			MINIMUM	
Avenue	16'**	30'	31'	—
Primary Pedestrian	16'	30'	31'	—
Side Interior	0' or NFPA	—	—	20'*
Abutting FEC ROW	60'	70'	—	—
Rear or alley	5'	—	—	—
*0' for lots with lot frontages < 110'. Also, 0' for portion of facades that abut existing buildings on adjacent lots. **West of Quadrille Blvd a minimum setback of 20' must be provided.				

(d) MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	< 50,000 SF	**50,000 SF - 80,000 SF**
Podium: Ground	87%	84%
Podium: 2 stories to 44'	90%	87%
Podium: 44' to 68'	90%	60%
Tower: 68' to 152'	90%	55%

(e) MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	
	< 50,000 SF	**50,000SF - 80,000 SF**
Public	—	3%
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.	
Private	25%	25%

(e) MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%	60%
Primary Pedestrian	80%*	60%
*65% for lots with building lot frontage ≤ 250'		

(f) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**
Avenue	50%
Primary Pedestrian	50%

(g) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Commercial	25'	20'
Residential	15'	15'

TABLE IV-43: INCENTIVE BUILDING REQUIREMENTS — CWD 5-8	
FAR	
All Lots Frontages	An additional 0.5 for a maximum of 3.75
HEIGHT	
8 stories or 104' whichever is less; 8 (104')	

TABLE IV-43: INCENTIVE BUILDING REQUIREMENTS — CWD 5-8		
SETBACKS		
STREET DESIGNATION / SIDE / REAR	**STORIES**	
	TYPICAL SETBACKS	
	GROUND TO 8 (104')	
	MINIMUM	**MAXIMUM AT GROUND**
Primary Pedestrian	16'	30'
Secondary	12'	35'
Side Interior	0' or NFPA	—
Rear or alley	5'	—
MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	< 50,000 SF	**50,000 SF - 80,000 SF**
Podium: Ground	87%	84%
Podium: 2 to 3 (44')	90%	80%
Tower: 4 to 8 (104')	90%	60%
MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	
< 50,000 SF	**50,000 SF - 80,000 SF**	
Public	3%	
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.	
Private	25%	
MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 5 STORIES (68')**
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Secondary	30%	—
*65% for lots with building lot frontage ≤ 250'		
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Pedestrian	50%	
Secondary	30%	
MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 5 STORIES (68')**
Commercial	25'	20'
Residential	15'	15'

Sec. 94-124. - Flagler waterfront district (FWD).

a. *Intent*. The Flagler waterfront district is located along Flagler Drive, the city's scenic intracoastal waterfront roadway. The neighborhood is characterized by high-rise condominium buildings and office towers. Any new development within this district shall be encouraged to provide pedestrian connectivity to the waterfront and the waterfront parks

and open space. The Flagler Waterfront District is intended to maintain the visual openness, and light that defines West Palm Beach's waterfront skyline. Development should reinforce a slender tower form that allows views and breezes to penetrate between buildings and ensures a continuous sense of public access and permeability to the waterfront. Buildings should step down from the urban core toward the water, with podiums scaled to the pedestrian realm, and towers set back to frame rather than dominate the waterfront edge. The district's design intent is to balance intensity with openness, supporting reinvestment while preserving the visual connection to Flagler Drive and the Intracoastal Waterway.

b. *Development characteristics*.
   1. Building amenities and entrances are encouraged to be located on the ground floor fronting Flagler Drive to increase visual connections to the waterfront and enhance the quality of the public space at the ground floor.
   2. Properties abutting an urban open space are required to meet active uses requirements as a primary pedestrian street designation.

c. *FWD subdistricts shall include:* FWD-5.

d. *Subdistrict requirements*. Developments shall comply with the following:
   1. Table IV-44: FWD-5

e. *Additional subdistrict requirements*.
   1. Uses.
      a. Ground floor residential, if provided, shall be raised a minimum of 18 inches above the sidewalk elevation.
   2. Special requirements.
      a. All proposed developments within the district shall be subject to special review by DAC.
      b. Towers shall be oriented toward Flagler Drive to help orient buildings towards the waterfront.
      c. Entrances to parking structures shall be limited to Olive Avenue and shall not occur on Flagler Drive, whenever possible.
   3. Where a development fronts more than one designated street, the required active-use frontage on secondary streets may be reduced up to 50% of its required active-use provided that the reduction is proportionally made up on Flagler Drive, Olive Avenue and Fern Street.
   4. For lots with a Flagler Drive or Olive Avenue street frontage < 115 feet, architectural treatments may be permitted on the project's other applicable street frontages.
   5. Open Space Requirements.
   6. All buildings shall provide contiguous, publicly accessible open space, directly connected to the public sidewalk or waterfront park system.
   7. Open space areas shall be designed to enhance pedestrian connectivity between the waterfront park, adjacent streets, and neighboring parcels.
   8. Sustainability and Resiliency Standards. Development within the Flagler Waterfront District shall incorporate environmental performance measures that improve stormwater management, reduce urban heat, and enhance long-term resiliency of the waterfront corridor.
   9. Development shall incorporate stormwater management systems designed to retain, infiltrate, or reuse on-site runoff generated from adjacent impervious areas, to the maximum extent practicable.

f. *Incentives requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in Section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives.
   1. *The FWD incentive subdistricts shall include:* FWD 5-8
   2. *Incentive subdistrict requirements.* Incentivized Developments shall comply with the following:
      a. Table IV-45: FWD 5-8

TABLE IV-44: BUILDING REQUIREMENTS — FWD-5	
(a) FAR	
Lot Frontage > 55'	2.75
Lot Frontage ≤ 55'	3.50

TABLE IV-44: BUILDING REQUIREMENTS — FWD-5			
(b) HEIGHT			
5 stories or 68' whichever is less; 5 (68')			
(c) SETBACKS			
STREET DESIGNATION/SIDE/REAR	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	GROUND TO 68'		**GROUND TO 68'**
	MINIMUM	**MAXIMUM**	**WHEN RESIDENTIAL USES ON GROUND FLOOR**
			MINIMUM
Avenue	16'	30'	23'
Primary Pedestrian	16'	30'	23'
Secondary	12'	35'	19'
Side Interior	0' or NFPA	—	0' or NFPA
Rear	5'	—	5'

(d) MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF	**50,000SF—80,000SF**	**>80,000SF**
Podium: Ground	87%	84%	82%
Podium: 2 stories to 44'	90%	87%	85%
Tower: 44' to 68'	90%	60%	55%

(e) MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<50,000SF	**50,000SF—80,000SF**	**>80,000SF**
Public	—	3%	5%
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.		
Private	25%	25%	25%

(f) MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%	60%
Primary Pedestrian	80%*	60%
Secondary	30%	—
*65% for lots with buildable lot frontage ≤ 250'		

(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**
Avenue	50%
Primary Pedestrian	50%
Secondary	30%

(h) MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Commercial	25'	20'
Residential	Not Permitted	15'

TABLE IV-45: INCENTIVE BUILDING REQUIREMENTS — FWD 5-8	
(a) ADDITIONAL FAR	
All Frontage	An additional 1.00 for a maximum of 3.75
(b) ADDITIONAL HEIGHT	

TABLE IV-45: INCENTIVE BUILDING REQUIREMENTS — FWD 5-8			
(a) ADDITIONAL FAR			
An additional 3 stories or 49' whichever is less; 3 (49'). For a maximum of 8 stories or 117' whichever is less; 8 (117')			
(c) SETBACKS			
STREET DESIGNATION / SIDE / REAR	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	GROUND TO 8 (117')		**GROUND TO 8 (117')**
	MINIMUM	**MAXIMUM AT GROUND**	**WHEN RESIDENTIAL USES ON GROUND FLOOR**
			MINIMUM
Avenue	16'	30'	23'
Primary Pedestrian	16'	30'	23'
Secondary	12'	35'	19'
Side Interior	0' or NFPA	—	—
Rear or alley	5'	—	—
(d) MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	< 50,000 SF	**50,000-80,000 SF**	**> 80,000 SF**
Podium: Ground	87%	84%	82%
Podium: 2 to 3 (52')	90%	87%	85%
Tower: 4 to 5 (78')	90%	60%	55%
Tower: 6 to 8 (117')	90%	55%	50%
(e) MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	< 50,000 SF	**50,000-80,000 SF**	**> 80,000 SF**
Public	—	3%	5%
Semi-Public	When Residential Uses on Ground Floor: Walk-up gardens shall be provided.		
Private	25%	25%	25%
(f) MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%		60%
Primary Pedestrian	80%*		60%
Secondary	30%		—
*65% for lots with buildable lot frontage = 250'			
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Pedestrian	50%		
Secondary	30%		
(h) MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**
Commercial	25'		20'
Residential	15' Permitted only on Secondary Streets		15'

Sec. 94-125. - North Railroad Avenue district (NoRA).

a. *Intent.* The intent of the North Railroad Avenue District (NoRA) is to establish an urban district that adapts the neighborhood into a walkable, mixed-use district. It is located between the FEC Railroad right-of-way and North Dixie Highway, south of Palm Beach Lakes Boulevard and north of North Quadrille Boulevard where the industrial character of the FEC Railroad, less conventional and more intense housing types and commercial uses co-exist. The NORA District's Goals are to:
   1. Improve the relationship between low-density residential neighborhoods and adjacent commercial corridors by creating appropriate transitions of scale and height and introducing new uses compatible with the existing neighborhood.
   2. Increase the residential and commercial densities and intensities through compact and vibrant development to ensure the District's land uses provide a functional critical mass that supports a vibrant mixed-use, walkable environment responding to its proximity to the Downtown core.
   3. Improve and extend the accessibility and use of streets as open spaces via infrastructure improvements with adequate pedestrian crossings and shaded pedestrian routes. This will benefit the neighborhood and adjacent commercial corridors with inviting streets to access and activate ground floor uses.
   4. Ensure that private development contributes to enhanced infrastructure while improving the public realm's accessibility, quality, and safety.

b. *Development characteristics*.
   1. Off-site parking in a centralized location is encouraged.
   2. Compact mixed-use development is encouraged.
   3. On North Railroad Avenue, ground floors are encouraged to be designed with a unique industrial character, which may include working storefronts, garage doors, oversized fenestration, and unusual building materials.
   4. Live work uses are encouraged.
   5. Building massing should protect the scale of the small-scale residential streets.
   6. Boutique hotels are the preferred hotel typology.
   7. A variety of scales, volumes, facade rhythm, and architecture is encouraged.

c. *NoRA subdistricts shall include:* NoRA-5 and NoRA-2.

d. *Subdistrict requirements.* Developments shall comply with the following:
   1. Table IV-46: NoRA-5
   2. Table IV-47: NoRA-2

e. *Additional subdistrict requirements.*
   1. Open space.
      a. When possible, the public open space requirement shall be aligned with street ends that terminate at the railroad right-of-way.

f. *Incentives requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives.
   1. *The NoRA incentive subdistricts shall include:* NoRA 2-25, NoRA 2-20, NoRA 5-10, NoRA 2-12.
   2. *Incentive subdistrict requirements.* Incentivized Developments shall comply with the following:
      a. Table IV-48: NoRA 2-25
      b. Table IV-49: NoRA 2-20
      c. Table IV-50: NoRA 5-10
      d. Table IV-51: NoRA 2-12
   3. *Additional incentive subdistrict requirements.*
      a. Multi-family Residential or Mixed-Use Projects utilizing the DMP Housing Incentive Program:
         1. Projects comprised of a minimum 65 percent of the gross building area reserved for residential uses shall be exempt from the stories height limitation applicable to the subdistrict building requirements table. The maximum building height permitted shall correspond to the maximum height in feet specific to the subdistrict. Additionally, the following shall apply:
            a. The minimum finished floor to ceiling height for the residential uses shall be 9 ft.

b. All applicable setbacks shall be exempt from the stories limitation and instead shall be measured to the respective height in feet found in the building requirements table of the specific subdistrict.
c. All applicable active use liner requirements shall be exempt from the stories limitation and instead shall be measured to the respective height in feet found in the building requirements table of the specific subdistrict.
d. The maximum building footprint percentage for any stories above the maximum identified within the building requirements table, shall match the percentage found within the highest story of the subdistrict's building requirements table.

TABLE IV-46: BUILDING REQUIREMENTS — NoRA 5		
FAR		
Lot Frontage >55'	2.75	
Lot Frontage ≤55'	3.50	
HEIGHT		
5 stories or 68' whichever is less; 5 (68')		
SETBACKS		
STREET DESIGNATION / SIDE / REAR	**MINIMUM GROUND TO 68'**	**MAXIMUM AT GROUND**
Avenue	16'	40'
Primary Street	16'	24'
North Railroad Avenue	12'	30'
11th Street	23'	35'
10th Street	23'*	35'
Secondary Street	12'	30'
Side Interior	0' or NFPA	—
Rear/Alley	5'	—
*Residential uses at ground level shall include an additional minimum 7' walk-up garden.		
MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	< 50,000 SF	**>80,000 SF**
Podium: Ground	87%	82%
Podium: 2 stories to 44'	90%	85%
Tower: 44' to 68'	90%	55%
MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	

TABLE IV-46: BUILDING REQUIREMENTS — NoRA 5		
	< 50,000 SF	>80,000 SF
Public	0%	3%
Private	15%	25%
MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%	60%
Primary Street	80%*	60%
Secondary Street	30%	—
Residential Street	60%	60%
*65% for lots with buildable lot frontage ≤250'		
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Street	50%	
Secondary Street	30%	
Residential Street	30%	
MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**
Commercial	20'	20'
Residential	15'	15'

Ord. No. 5073-23, § 4, 12-27-2023

TABLE IV-47: BUILDING REQUIREMENTS — NoRA 2	
FAR	
Lot Frontage >55'	1.00
Lot Frontage ≤55'	1.75
HEIGHT	
2 stories or 32' whichever is less; 2 (32')	
SETBACKS	

TABLE IV-47: BUILDING REQUIREMENTS — NoRA 2		
STREET DESIGNATION / SIDE / REAR	**MAXIMUM GROUND TO 68'**	**MAXIMUM AT GROUND**
Avenue	16'	40'
Primary Street	16'	24'
Residential	16'	35'
10th Street	30'*	35'
Side Interior	5'	—
Rear/Alley	5'	—
*Residential uses at ground level shall include an additional minimum 7' walk-up garden (23' min. setback + 7' walk-up garden).		
MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	< 50,000 SF	**>80,000 SF**
Podium: Ground to 2 (32')	87%	82%
MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	
	< 50,000 SF	**>80,000 SF**
Public	0%	5%
Private	15%	25%
MINIMUM ACTIVE USES		

TABLE IV-47: BUILDING REQUIREMENTS — NoRA 2		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 STORIES (32')**
Avenue	60%	60%
Primary Street	80%*	60%
Residential Street	80%	80%
*65% for lots with buildable lot frontage ≤250'		
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Street	50%	
Residential Street	30%	
MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 STORIES (32')**
Commercial	25'	20'
Residential	15'	15'

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4690-16, §§ 7 (Exh. C), 8 (Exh. D), 3-27-2017; Ord. No. 4674-16, § 4 (Exh. D), 2-27-2017; Ord. No. 4918-20, § 3 (Exh. C), 01-11-2021; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022)

TABLE IV-48: INCENTIVE BUILDING REQUIREMENTS — NoRA 2-25			
FAR			
Base Zoning: NoRA-2	An additional 4.50 for a maximum of 5.50		
HEIGHT			
Base Zoning: NoRA-2	Maximum of 25 stories or 308' whichever is less; 25 (308')		
SETBACKS			
STREET DESIGNATION / SIDE / REAR	**TYPICAL SETBACKS GROUND TO 68'**		**CONDITIONAL SETBACKS**
	MINIMUM	**MAXIMUM**	**ABOVE 104'**
Palm Beach Lakes	16'	40'	—
11th Street	23'*	30'	43'
Spruce Avenue	18'*	35'	38'
Side Interior	0' or NFPA	—	—
Alley	5'	—	—
*Residential use at ground level shall include an additional minimum 7' walk-up garden.			
MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	< 50,000 SF	**50,000 SF - 80,000 SF**	**>80,000 SF**
Podium: Ground	87%	84%	84%
Podium: 2 stories to 68'	90%	87%	85%
Tower: 68' to 104'	90%	60%	55%
Tower: 104' to 308'	60%	55%	50%
*Parking uses may exceed maximum building footprint in compliance with additional setbacks.			

MINIMUM OPEN SPACE			
TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	>80,000 SF
Public	0%	3%	5%
Private	15%	20%	25%

MINIMUM ACTIVE USES		
STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 5 (68')
Avenue	30%	—
Primary Street	80%*	60%
*65% for lots with buildable lot frontage <250'.		

MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Avenue	50%
Primary Street	50%

MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	GROUND FLOOR	LINERS: 2 TO 3 (44')
Commercial	25'	20'
Residential	15'	15'

TABLE IV-49: INCENTIVE BUILDING REQUIREMENTS — NoRA 2-20			
FAR			
Base Zoning: NoRA-2	An additional 3.50 for a maximum of 4.50		
Base Zoning: NoRA-5	An additional 1.75 for a maximum of 4.50		
HEIGHT			
Base Zoning: NoRA-2	Maximum of 20 stories or 248' whichever is less; 20 (248')		
Base Zoning: NoRA-5	Maximum of 20 stories or 248' whichever is less; 20 (248')		
SETBACKS			
STREET DESIGNATION / SIDE / REAR	TYPICAL SETBACKS GROUND TO 68'		CONDITIONAL SETBACKS
	MINIMUM	MAXIMUM	ABOVE 104'
Palm Beach Lakes	16'	40'	—
North Dixie Highway	16'	24'	—
11th Street	23'*	30'	43'
Spruce Avenue	18'*	35'	38'
Madeira	18'*	—	38'
Side Interior	0' or NFPA	—	—
Alley	5'	—	—
*Residential use at ground level shall include an additional minimum 7' walk-up garden.			
MAXIMUM BUILDING FOOTPRINT			
STORIES	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	>80,000 SF
Podium: Ground	87%	84%	84%
Podium: 2 stories to 68'	90%	87%	85%

Tower: 68’ to 104'	90%	60%	55%
Tower: 104’ to 248'	60%	55%	50%
*Parking uses may exceed maximum building footprint in compliance with additional setbacks.			
MAXIMUM FOOTPRINT LENGTH			
Maximum east-west length of tower footprint shall be 250'.			
MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	< 50,000 SF	**50,000 SF - 80,000 SF**	**>80,000 SF**
Public	0%	3%	5%
Private	15%	20%	25%

MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 5 (68')**
Avenue	30%	—
Primary Street	80%*	60%
Secondary Street	80%	80%
*65% for lots with buildable lot frontage <250'.		

MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**
Avenue	50%
Primary Street	50%
Secondary Street	30%

MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 (44')**
Commercial	25'	20'
Residential	15'	15'

TABLE IV-50: INCENTIVE BUILDING REQUIREMENTS — NoRA 5-10			
FAR			
An additional 0.75 for a maximum of 3.50			
HEIGHT			
Maximum of 10 stories or 128' whichever is less; 10 (128')			
SETBACKS			
STREET DESIGNATION / SIDE / REAR	**TYPICAL SETBACKS GROUND TO 68'**		**CONDITIONAL SETBACKS**
	MINIMUM	**MAXIMUM**	**ABOVE 68'**
Avenue	16'	40'	—
Primary Street	16'	24'	36'
Secondary Street	12'*	30'	—
Side Interior	0' or NFPA	—	—
Rear/Alley	5'	—	—
*Residential use at ground level shall include an additional minimum 7' walk-up garden.			
MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	< 50,000 SF	**50,000 SF - 80,000 SF**	**>80,000 SF**
Podium: Ground	87%	84%	82%
Podium: 2 stories to 44'	90%	87%	85%
Tower: 44' to 68'	90%	60%	55%
Tower: 68' to 128'	90%	55%	50%
MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	< 50,000 SF	**50,000 SF - 80,000 SF**	**>80,000 SF**
Public	0%	3%	5%

Private	15%	20%	25%
MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 5 (68')**	
Avenue	60%	60%	
Primary Street	80%*	60%	
Secondary Street	30%	—	
*65% for lots with buildable lot frontage <250'.			
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Street	50%		
Secondary Street	30%		
MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 (44')**	
Commercial	25'	20'	
Residential	15'	15'	

TABLE IV-51: INCENTIVE BUILDING REQUIREMENTS — NoRA 2-10			
FAR			
Base Zoning: NoRA-2	An additional 2.80 for a maximum of 3.80		
Base Zoning: NoRA-5	An additional 1.05 for a maximum of 3.80		
HEIGHT			
Base Zoning: NoRA-2	Maximum of 10 stories or 128' whichever is less; 10 (128')		
Base Zoning: NoRA-5	Maximum of 10 stories or 128' whichever is less; 10 (128')		
SETBACKS			
STREET DESIGNATION / SIDE / REAR	**TYPICAL SETBACKS GROUND 68'**		**CONDITIONAL SETBACKS**
	MINIMUM	**MAXIMUM**	**ABOVE 44'**
11th Street	23'	30'	—
North Dixie Highway	16'	24'	—
North Railroad Avenue	12'	30'	—
10th Street	23'*	35'	70'
Side Interior	5'	—	—
Alley	5'	—	—
*Residential use at ground level shall include an additional minimum 7' walk-up garden.			
MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	< 50,000 SF	**50,000 SF - 80,000 SF**	**>80,000 SF**
Podium: Ground	87%	84%	84%
Podium: 2 stories to 44'	90%	84%	84%
Tower: 44' to 128'	90%	60%	55%
MAXIMUM FOOTPRINT LENGTH			
Maximum east-west length of tower footprint located with 100 feet from the back of curb of 10th Street shall be 100'.			
MINIMUM OPEN SPACE			

TYPE	LOT AREA		
	< 50,000 SF	50,000 SF - 80,000 SF	>80,000 SF
Public	0%	3%	5%
Private	15%	20%	25%
MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 5 (68')**	
Primary Street	80%	60%	
Residential Street	80%	80%	
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Primary Street	50%		
Residential Street	30%		
MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 (44')**	
Commercial	25'	20'	
Residential	15'	15'	

Ord. No. 5073-23, § 4, 12-27-2023

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4476-13, § 1, 7-22-2013; Ord. No. 4547-15, § 2, 4-13-2015; Ord. No. 4563-15, § 2, 7-6-2015; Ord. No. 4691-17, § 5, 2-13-2017; Ord. No. 4864-19, § 1 (Exh. A), 09-09-2019; Ord. No. 4883-19, § 4, 12-16-2019; Ord. No. 4883-19, § 5 (Exh. A), 12-16-2019; Ord. No. 4883-19, § 6 (Exh. B), 12-16-2019; Ord. No. 4956-21, § 6, 07-12-2021; Ord. No. 4958-21, § 5 (Exh. A), 08-09-2021; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022; Ord. No. 5017-22, § 4, 09-06-2022; Ord. No. 5027-22, § 12-13, 01-09-2023)

Sec. 94-126. - Loftin district (LD).

a. *Intent*. The Loftin district (LD) is envisioned as a mixed-use district with an emphasis on residential and office uses that support an active, walkable environment. The LD district serves as a transitional zone between the northern residential enclave planning area and the QGD and FWD. Proposed developments in this district should maintain a medium-scale urban form, concentrating height and density toward the Flagler edge and stepping down gradually toward Olive Avenue and adjacent residential areas. Ground floors should emphasize active residential and commercial frontages, distinctive entrances, and architectural detailing that contributes to a pedestrian-oriented streetscape. New developments should reinforce the district's identity as a vibrant, mid-rise, mixed-use neighborhood, compatible with surrounding neighborhoods while supporting housing, employment, and local services.

b. *Development characteristics*.
   1. Dixie Highway will anchor the district as the primary commercial corridor with wide sidewalks and high-quality storefront designs to promote pedestrian activity.
   2. Ground floor active uses are encouraged on Olive Avenue.

c. *LD subdistricts shall include:*
   1. Base subdistricts LD-10, LD-5, and LD-4.

d. *Subdistrict requirements*. Developments shall comply with the following:
   1. Table IV-52: LD-10.
   2. Table IV-53: LD-5.
   3. Table IV-54: LD-4.

e. *Additional subdistrict requirements*.
   1. Building placement.
      a. New buildings shall be sited in a manner so as to result in the maximum distance from adjacent residential structures.
      b. Towers shall be oriented towards Dixie Highway and away from the lower scale neighborhoods to the north.

TABLE IV-52: BUILDING REQUIREMENTS - LD-10				
(a) FAR				
Lot Frontage > 55'	2.75			
Lot Frontage ≤ 55'	3.50			
(b) HEIGHT				
10 stories or 128' whichever is less; 10 (128')				
(c) SETBACKS				
STREET DESIGNATION/SIDE/REAR	**STORIES**			
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**	
	GROUND TO 68'		**ABOVE 44'**	**ABOVE 68'**
	MINIMUM	**MAXIMUM**	**PARKING USES ONLY MINIMUM**	**MINIMUM**
Primary Pedestrian	16'	30'	31'	—
Secondary	12'	35'	27'	—
Residential	17'	35'	32'	—
Side Interior	0' or NFPA	—	—	20'*
Rear	5'	—	—	—
*0' for lots with lot frontages < 110'. Also, 0' for portions of facades that abut existing buildings on adjacent lots.				
(d) MAXIMUM BUILDING FOOTPRINT				
STORIES	**LOT AREA**			
	<50,000SF		**50,000SF—80,000SF**	
Podium: Ground	87%		84%	
Podium: 2 stories to 44'	90%		87%	
Podium: 44' to 68'*	90%		60%	
Tower: 68' to 128'	90%		55%	
*The maximum building footprint may be adjusted in compliance with Section 94-109.				
(e) MINIMUM OPEN SPACE				
TYPE	**LOT AREA**			
	<50,000SF		**50,000SF—80,000SF**	
Public	—		3%	
Semi-Public	—		1%	
Private	25%		25%	
(f) MINIMUM ACTIVE USES				
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**	
Primary Pedestrian	80%*		60%	
Secondary	30%		—	
Residential	30%		—	
*65% for lots with buildable lot frontage ≤ 250'				
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR				
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**			
Primary Pedestrian	50%			
Secondary	30%			
Residential	30%			
(h) MINIMUM ACTIVE USE LINER DEPTH				
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**	
Commercial	25'		20'	
Residential	15'		15'	

TABLE IV-53: BUILDING REQUIREMENTS — LD-5			
(a) FAR			
Lot Frontage > 55'	2.75		
Lot Frontage ≤ 55'	3.50		
(b) HEIGHT			
5 stories or 68' whichever is less; 5 (68')			
(c) SETBACKS			
STREET DESIGNATION/SIDE/REAR	**STORIES**		
	TYPICAL SETBACKS		
	GROUND TO 68'		
	MINIMUM	**MAXIMUM**	
Avenue	16'	30'	
Primary Pedestrian	16'	30'	
Secondary	12'	35'	
Residential	17'	35'	
Side Interior	0' or NFPA	—	
Rear	5'	—	
(d) MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF	**50,000SF—80,000SF**	**>80,000SF**
Podium: Ground	87%	84%	82%
Podium: 2 stories to 44'	90%	87%	85%
Tower: 44' to 68'	90%	60%	55%
(e) MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<50,000SF	**50,000SF-80,000SF**	**>80,000SF**
Public	—	3%	3%
Semi-Public	—	1%	2%
Private	25%	25%	25%
(f) MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**	
Avenue	60%	60%	
Primary Pedestrian	80%*	60%	
Secondary	30%	—	
Residential	30%	—	
*65% for lots with buildable lot frontage ≤ 250'			
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Pedestrian	50%		
Secondary	30%		
Residential	30%		
(h) MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**	**LINERS: 2 TO 3 STORIES (44')**	
Commercial	25'	20'	
Residential	15'	15'	

TABLE IV-54: BUILDING REQUIREMENTS — LD-4			
(a) FAR			
Lot Frontage > 55'	1.75		
Lot Frontage ≤ 55'	2.50		
(b) HEIGHT			
4 stories or 56' whichever is less; 4 (56')			
(c) SETBACKS			
STREET DESIGNATION/SIDE/REAR	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	GROUND TO 56'		**ABOVE 44'**
	MINIMUM	**MAXIMUM**	**WHEN ABUTTING AN ELIGIBLE HISTORIC STRUCTURE**
Secondary	12'	35'	—
Residential	17'	35'	—
Side Interior	5' or NFPA	—	15'
Rear	5'	—	—
(d) MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF		
Podium: Ground	87%		
Podium: 2 stories to 44'	90%		
Tower: 44' to 56'	90%		
(e) MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<50,000SF		
Private	25%		
(f) MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%		60%
Primary Pedestrian	80%*		60%
Secondary	30%		—
Residential	30%		—
*65% for lots with buildable lot frontage ≤ 250'			
(g) MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Pedestrian	50%		
Secondary	30%		
Residential	30%		
(h) MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**
Commercial	25'		20'
Residential	15'		15'

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

Sec. 94-127. - Residential enclaves planning area.

a. *Intent*. Residential enclaves include the clusters of low-scale, predominantly residential neighborhoods located in the northern section of downtown and encompass the largest concentration of historic buildings in the downtown. The zoning controls for the residential enclaves are tailored to the existing scale and neighborhood characteristics and are intended to encourage and facilitate the development of attractive and compatible infill housing, as well as adaptive reuse of existing structures for residential and commercial uses, where appropriate.

b. *Development characteristics*.
   1. Adaptive reuse of historic structures is encouraged.
   2. The character of all proposed developments shall have color, texture, materials, and fenestration which are harmonious with adjacent buildings.
   3. Massing for all proposed developments shall be situated in a manner so as to result in the minimum impact to adjacent residential structures.
   4. Minimum and maximum lot areas shall protect the scale and character of the neighborhoods.
   5. Commercial uses should be primarily support the residential neighborhood.

c. *Residential enclaves districts shall include* Brelsford Park district (BPD), northwest neighborhood district (NWD), and Providencia park district (PPD).

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

Sec. 94-128. - Brelsford Park district (BPD).

a. *Intent*. As one of three single-family neighborhoods within the boundaries of the downtown, the intent of the Brelsford Park district is to improve its quality with new infill development and renovation of existing structures. While the majority of the building stock is one and two-story residential, new uses may include residential with live/work, professional offices, and design-arts related uses. Where multiple parcels or an entire block are proposed to be coordinated as a unified redevelopment, the district should support shared solutions and cohesive site planning, including alley access, shared parking strategies, preservation of large tree canopy and character-defining homes, and coordinated open space and circulation improvements, consistent with established district parameters. 7th Street serves as a key multimodal connector, supporting integration with the NORA District, the Northwest Neighborhood, and the downtown core. Dixie Highway is predominantly a commercial corridor and should continue to develop as the main commercial corridor for Brelsford Park with low-scale buildings and a mix of uses. Attainable and workforce housing shall also be encouraged.

b. *Development characteristics*.
   1. For BPD-5:
      a. Dixie Highway is the main commercial corridor in this district and shall support pedestrian activity by providing a wide sidewalk, high quality storefront designs, landscaping, and canopies.
      b. Towers shall be oriented toward Dixie Highway to protect the scale of the residential neighborhoods to the east and west.
      c. Buildings on Dixie Highway should vary in height to enhance the corridor's visual character.
   2. For BPD-R:
      a. Neighborhood Character and Scale:
         1. All proposed developments should share a consistent scale with the existing building stock and shall be predominantly two-story structures with partial third stories.
         2. All proposed developments shall have a similar ratio of open space created through the setback requirements, maximum lot area, and maximum footprint.
         3. Front porches are encouraged to promote interaction between the semi-public open space and the public realm.
         4. Adaptive reuse is encouraged by permitting existing buildings to convert their area for commercial uses.
         5. Maximum lot area limits the size of proposed developments to a scale which is appropriate to the existing neighborhood.
         6. Any new construction or renovation shall follow the design guidelines adopted by the city.

b. Development characteristics for block-scale redevelopment:
   1. Purpose. These standards are intended to guide coordinated, mixed-use block-scale redevelopment in the Brelsford Park District (BPD-R) in a manner that preserves neighborhood character, tree canopy, and a low-scale pattern while allowing shared solutions for access, parking, and open space.
   2. A block-scale redevelopment is subject to Special Review by DAC.
   3. Properties can exceed the maximum lot size provided they meet the following conditions:
      i. Development standards (including building placement and internal circulation) may be applied across the unified site in a coordinated manner, provided the overall design remains consistent with the district's scale, frontage, and open space intent.
      ii. Retain and integrate existing large canopy trees where feasible, consistent with Section 94-113. Where removal would substantially reduce canopy coverage or diminish neighborhood character, the City may require enhanced mitigation measures, including increased mitigation fees where applicable.
      iii. Retain pattern and size of current building footprint, height and require a minimum building separation of fifteen (15) feet, with intervals of public open spaces fronting the streets.
      iv. Buildings shall front the street and shall not be wider than 40 feet along the street frontage.
      v. Buildings shall not exceed 10,000 square feet in total gross building area.
      vi. Alleys shall be improved and activated as pedestrian and parking connectors, where feasible, including enhanced alley-facing facades, openings, and compatible treatments.
      vii. Vehicular access to parking courts and service areas shall be provided from alleys where alleys exist. New front-loaded curb cuts on Dixie Highway and North Railroad Avenue are prohibited; access shall use existing alleys or residential streets.
      viii. Provide safe and convenient pedestrian connections between alleys, parking courts, and residential frontages.
      ix. Shared Interior Parking Courts Design Criteria:
         1. Shared parking courts accessed from alleys may be permitted where designed to minimize curb cuts and limit parking visibility from primary frontages.
         2. Parking areas shall be located behind buildings or within block-interior courts, with primary access from east-west alleys.
         3. A 5-foot min. landscape buffer with pedestrian paths /or plazas to connect the interior parking courts with the buildings or the sidewalk.
         4. All exterior lighting shall comply with Section 94-113.
         5. Provide decorative paving options to reduce solar heat gain.

c. *BPD subdistricts shall include:* BPD-5 and BPD-R.
d. *Subdistrict requirements*. Developments shall comply with the following:
   1. Table IV-55: BPD-5.
   2. Table IV-56: BPD-R.
e. *Additional subdistrict requirements*.
   1. Minimum lot area.
      a. Lots of record which existed prior to the adoption of these urban regulations may be considered buildable without limitation to minimum lot size.
   2. As of the effective date of this ordinance [Ordinance No. 4213-09], outdoor storage, along the east side of Railroad Avenue, meeting the requirements on Section 94-105 will be considered as a temporary use, and is expected to be replaced with commercial or residential uses which are more compatible with the neighborhood in the future.

TABLE IV-55: BUILDING REQUIREMENTS — BPD-5			
FAR			
All Lots	2.75		
HEIGHT			
5 stories or 68' whichever is less; 5 (68')			
SETBACKS			
STREET DESIGNATION/SIDE/REAR	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	MINIMUM GROUND TO 68'	**MAXIMUM AT GROUND**	**GROUND TO 68' WHEN ABUTTING R SUBDISTRICTS MINIMUM**
Avenue	16'	30'	—
Primary Pedestrian	16'	30'	—
Residential	17'	35'	—
Side Interior	0' or NFPA	—	15'
Rear	5'	—	—
Olive Avenue	Contextual - 25' Minimum	—	—
MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF		
Podium: Ground	87%		
Podium: 2 stories to 44'	90%		
Tower: 44' to 68'	90%		
MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<25,000SF		**>25,000SF**
Public	—		—
Private	—		18%
MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**
Avenue	60%		60%
Primary Pedestrian	80%*		60%
Residential	30%		—
*65% for lots with buildable lot frontage ≤250'			
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Avenue	50%		
Primary Pedestrian	50%		
Residential	30%		
MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 3 STORIES (44')**
Commercial	20'		20'
Residential	15'		15'

TABLE IV-56: BUILDING REQUIREMENTS — BPD-R	
HEIGHT	
3 stories or 40' whichever is less; 3 (40')	
DENSITY	
Maximum	32 DU/Acre
LOT AREA	
Minimum	5,800 square feet
Maximum	15,000 square feet
MAXIMUM BUILDING FOOTPRINT	
STORIES	
Ground	40%*
2	40%*
3 (40')	40%*
*For commercial uses along North Railroad Avenue footprint may be increased in compliance with minimum setbacks to a maximum of 1.2 FAR.	
SETBACKS	
MAIN BUILDING	**MINIMUM**
Front	20'
Railroad Avenue	0'
Side Residential Street*	10'
Side Interior	25' for mixed-use along Railroad Avenue or 5' for residential construction
Rear	20'
Alley*	5'
*For commercial uses with frontage along Railroad Avenue	
ACCESSORY APARTMENT	**AREA NOT TO EXCEED 1,000 SF**
Front	40'
Side Street	10'
Side Interior	5'
Rear	5'

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009; Ord. No. 4690-16, § 9(Exh. E), 3-27-2017; Ord. No. 4720-17, § 3(Exh. A), 11-6-2017; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022; Ord. No. 5027-22, § 6, 01-09-2023)

Sec. 94-129. - Northwest neighborhood district (NWD).

a. *Intent*. The Northwest Neighborhood District (NWD) is the historic heart of Downtown West Palm Beach, defined by its strong community identity, cultural legacy, and mix of small-scale residential, civic, and neighborhood-serving uses. The intent of the NWD is to preserve the district's residential scale, contributing historic structures, blocks, and streetscapes, while allowing context-sensitive infill and adaptive reuse that enhance livability and support mixed-income housing. Development within the NWD shall maintain neighborhood character through rehabilitation of existing structures, setback-based open space, and context-appropriate housing that fits within the district's historic fabric. Redevelopment of parcels fronting Tamarind Avenue, Rosemary Avenue, and Palm Beach Lakes Boulevard shall encourage medium-scale, mixed-use development that strengthens connections to Downtown and introduces attainable and workforce housing options, while maintaining smooth and compatible transitions from the historic core to the district edges. Tamarind Avenue north of 7th Street and Rosemary Avenue south of 7th Street are intended to evolve as future neighborhood-serving commercial connections, supported by adaptive reuse and limited mixed-use activity where compatible. Extending Douglas and Division Avenues south will further improve neighborhood connectivity and access to the urban core. The NWD regulations establish a predictable framework for reinvestment, offering incentives for projects that advance preservation, affordability, and public realm improvements consistent with the district's historic character.

b. *Development characteristics*.

1. Development characteristics for the NWD-8, NWD-5, NWD-4, NWD-2, and NWD-2C subdistricts:

   a. Residential buildings should have an urban character and may include walk-up units with individual entrances and mail service.

   b. The preservation of eligible or contributing historic structures is encouraged.

   c. Adaptive reuse of existing structures is encouraged to preserve the historic building stock and promote creative uses.

   d. The ground floor should promote pedestrian activity and a low scale residential character.

   e. Proposed developments should have historic and vernacular characteristics which are harmonious with the historic character.

   f. Proposed developments are encouraged to include wrap around verandas or porches, canopies, and wood siding.

   g. Proposed development shall be developed in a low to medium scale to be compatible with the scale and character of the existing neighborhood. Special attention shall be given to the transition between the low and medium scale developments to ensure the character of the neighborhood is maintained.

2. Development characteristics for the NWD-R-C1 subdistrict:

   a. Historic preservation of eligible and contributing historic structures is encouraged.

   b. Proposed developments should have historic and vernacular characteristics which are harmonious with the existing historic buildings.

   c. Proposed developments are encouraged to include wrap around verandas or porches, canopies, and wood siding.

   d. Outdoor recreational uses or outdoor markets are encouraged as temporary uses for the existing surface parking lots.

c. *NWD subdistricts shall include:* NWD-8, NWD-5, NWD-4, NWD-2, NWD-2C, and NWD-R-C1.

d. *Subdistrict requirements.* Developments shall comply with the following:

1. Table IV-57: NWD-8.
2. Table IV-58: NWD-5.
3. Table IV-59: NWD-4.
4. Table IV-60: NWD-2.
5. Table IV-61: NWD-2C.
6. Table IV-62: NWD-R-C1. Building requirements for NWD-R-C1 are included in section 94-84 and shall be applied in conjunction with sections 94-78, 94-79, 94-85, and 94-86. Properties within the NWD-R-C1 district utilizing the NWD 3-8 incentive are regulated by Table IV-63: NWD 3-8.

e. *Additional subdistrict requirements*.

1. Parking.

a. For the NWD-4 and NWD-5, parking structures shall be a maximum of two levels or 24 feet in height, whichever is less.
b. Parking areas shall be located behind the building.
c. For properties designated as NWD-2 along Tamarind Avenue and south of 6th Street, the required setback may include the five-foot landscape buffer required for surface parking lots. Fences or walls are not allowed within the required landscape buffer.
d. For properties designated as NWD-5 and NWD-4 along Rosemary Avenue, the required setback may include the five-foot landscape buffer required for surface parking lots. Fences or walls are not allowed within the required landscape buffer.

2. Minimum lot area.
   a. Lots of record which existed prior to the adoption of these urban regulations may be considered buildable without limitation to minimum lot size.
3. Special requirements.
   a. Where possible, alleys which are improved shall be utilized as the primary parking access for proposed developments.

f. *Incentives requirements.* Additional development capacity may be obtained for sites identified in Figure IV-36 in compliance with the provisions of the special incentives in Section 94-132 and according to the corresponding tables below. All development characteristics in this section apply to the special incentives.

1. *The NWD incentive subdistricts shall include:* NWD 3-8, NWD 2-5, NWD 3-4, NWD 2-3, NWD-R-C3, and NWD-R-C2.
2. *Incentive subdistrict requirements.* Incentivized Developments shall comply with the following:
   a. Table IV-63: NWD 3-8
   b. Table IV-64: NWD 2-5
   c. Table IV-65: NWD 3-4
   d. Table IV-66: NWD 2-3
   e. Table IV-67: NWD-R-C3
   f. Table IV-68: NWD-R-C2
3. *Additional incentive subdistrict requirements.* The incentive subdistricts are intended to encourage context-sensitive reinvestment, infill development, and the production of affordable and diverse housing types consistent with the character of the Historic Northwest Neighborhood. These areas introduce targeted flexibility in height, density, and FAR through incentive provisions that reward projects contributing to historic preservation, affordable housing, and public open space.
   a. The incentive subdistricts are organized by their relationship to the neighborhood's fabric:
      1. Core areas (NWD-R-C2): Preserve the scale, rhythm, and architectural fabric of the historic residential blocks while allowing sensitive infill that supports community stability and gradual reinvestment.
      2. Transition areas (NWD-R-C3, NWD 2-3, and NWD 3-4): Introduce moderate-density housing options that reflect the neighborhood's scale while accommodating new development forms such as townhomes, courtyard buildings, and small apartment houses.
      3. Edge areas (NWD 3-8 and NWD 2-5): Provide a gradual transition from the historic residential core to downtown-scaled development, leveraging its proximity to transit, employment, and retail while maintaining compatibility with adjacent neighborhoods.
   b. Detailed dimensional standards, FAR limits, and incentive parameters for each subdistrict are provided in the Northwest Neighborhood District Development (Table IV-64 through Table IV-68) and in the subdistrict requirements.
   c. For incentive subdistrict NWD-R-C2 Core areas.
      1. Lot Size and Lot Aggregation.
         i. Maximum lot size permitted for aggregation: Three (3) originally replated lots, not to exceed twenty thousand (20,000) square feet. Larger assemblies shall require approval through the Downtown Action Committee (DAC).
      2. Building Design and Access.
         i. Single-family dwelling with accessory units, courtyard housing and cottage court developments, and small-scale multifamily residential buildings shall be permitted.
         ii. Townhouse developments shall not be permitted.

iii. Principal entrances shall face the street or shared courtyard.
iv. Minimum fifteen (15) feet separation between two principal buildings.

3. Parking.
   i. Where improved alleys exist, alleys shall be utilized as the primary means of vehicular access to parking areas.
   ii. For development without alley access, off-street parking shall be accessed from the side or rear of the lot through a shared driveway wherever feasible.
   iii. Where no alley exists, access shall minimize curb cuts and 75 percent of the front yard shall be landscaped with living plant material (such as grass, ground cover, shrubs, hedges, vines or trees).
   iv. For development on a single lot without alley access, no more than two (2) off-street parking spaces shall be permitted to front the primary street frontage. All additional required parking shall be provided on-street or at the rear or side of the lot.
   v. For development on two (2) or more aggregated lots with no rear alleyway access, off-street parking shall be located on the rear of the principal building
   vi. Parking structures or parking stackers are not permitted.
4. Contributing structures retained on site:
   i. Shall not count toward allowable FAR or density.
   ii. Shall count toward lot coverage.
   iii. May be complemented by new infill structures on the same parcel consistent with the above standards.

d. For incentive subdistrict NWD-R-C3 Transition areas:
   1. Building Design.
      i. Walk-up multifamily buildings, townhouses, fourplexes, courtyard housing, and multiplex residential buildings shall be permitted.
      ii. Principal entrances shall face the street or shared courtyard.
      iii. Minimum fifteen (15) feet separation between two principal buildings.
      iv. The maximum continuous building frontage along any public street shall not exceed one hundred twenty (120) feet, unless interrupted by an open space, pedestrian passage, or similar building separation. Façade articulation every 40 feet of a minimum depth of ten (10) feet, inclusive of balconies, or other architectural projections.
   2. Public Access and Unit Entries.
      i. Ground-floor units facing the street shall have direct pedestrian access from the public sidewalk or front yard.
      ii. Open-air connectors between buildings are permitted and shall not count toward building length.
   3. Parking.
      i. Where improved alleys exist, alleys shall be utilized as the primary means of vehicular access to parking areas.
      ii. For development without alley access, off-street parking shall be accessed from the side or rear of the lot through a shared driveway or internal easement wherever feasible.
      iii. Where no alley exists, access shall minimize curb cuts and 75 percent of the front yard shall be landscaped with living plant material (such as grass, ground cover, shrubs, hedges, vines or trees).
      iv. For development on a single lot without alley access, no more than two (2) off-street parking spaces shall be permitted to front the street. All additional required parking shall be provided on-street or at the rear or side of the lot.
      v. For development on two (2) or more aggregated lots with no rear alleyway access, off-street parking shall be located on the rear of the principal building
      vi. Parking structures or parking stackers are not permitted.

vii. Pervious or permeable materials are encouraged to be utilized for parking and driveways to improve on-site stormwater infiltration.

4. Open Space.
   i. Open space may include all setbacks.
   ii. For lots larger than 7,500 square feet without historic structures and lots that aggregate an entire block, 3% of total area shall be dedicated to privately accessible open space concentrated in one area.
5. Contributing structures retained on site:
   i. Contributing historic structures are excluded from FAR and density calculations but count toward lot coverage.
   ii. New infill construction may utilize the additional FAR and density otherwise occupied by the preserved structure.
6. Special Provisions.
   i. Existing alleyways shall not generate density or FAR.

e. For incentive subdistricts NWD 3-4 and NWD 2-3 Transition areas:
   1. Building Design.
      i. Walk-up multifamily buildings, townhouses, fourplexes, courtyard housing, and multiplex residential buildings shall be permitted.
      ii. Ground-floor residential or commercial activation encouraged on Tamarind Avenue, Rosemary Avenue and Henrietta Avenue.
      iii. Ground-floor units facing a public street shall be directly accessed from the front yard or sidewalk.
      iv. The maximum continuous building frontage along any public street shall not exceed one hundred twenty (120) feet, unless interrupted by an open space, pedestrian passage, or similar building separation. Façade articulation every 40 feet of a minimum depth of ten (10) feet, inclusive of balconies, or other architectural projections.
      v. All frontage facades are encouraged to provide porches, stoops, verandas that would include material variation.
      vi. Open-air connectors between buildings are permitted and shall not count toward building length or building footprint.
   2. Parking.
      i. Where improved alleys exist, alleys shall be utilized as the primary means of vehicular access to parking areas.
      ii. For development without alley access, off-street parking shall be accessed from the side or rear of the lot through a shared driveway or internal easement wherever feasible.
      iii. For development on a single lot without alley access, no more than two (2) off-street parking spaces shall be permitted to front the street. All additional required parking shall be provided on-street or at the rear or side of the lot.
      iv. For development that have no alley access and that include two (2) or more aggregated lots, off-street parking located between the principal building and the primary street shall not exceed fifty percent (50%) of the total lot frontage, and in no case shall exceed thirty (30) linear feet of frontage. The remaining frontage shall be occupied by shall be reserved for landscaped front yards, building entries, porches, open space, or pedestrian access areas.
      v. Surface parking permitted at the rear or side of the lot.
   3. Contributing structures retained on site:
      i. Historic buildings excluded from FAR but count toward building footprint.
      ii. Preservation or adaptive reuse qualifies the site for height and FAR incentives within this zone.

f. For incentive subdistrict NWD 2-5 Edge areas:
   1. Building Design.
      i. Minimum 15 feet between buildings.

2. Contributing structures retained on site:
   i. Contributing historic structures excluded from FAR calculations but count toward lot coverage.
   ii. Preservation or adaptive reuse qualifies the site for height and FAR bonuses above base limits.

g. Northwest Neighborhood Workforce Housing incentive. Properties designated as NWD-3-8 in Figure IV-36 are eligible to utilize incentives only if each of the following requirements is met:
   1. The proposed development shall comply with all the receiving site requirements in subsection 94-133(e).
   2. The proposed development shall comply with all the subdistrict requirements and shall not exceed the maximum FAR and height allowed by Table IV-63: Incentive Building Requirements NWD 3-8.
   3. Proposed developments shall provide a minimum of 51% of the total number of units for residents with a household income less than 140% of the area median income (AMI). At least 33% of the total number of units shall be for households with a household income of less than 100% of the AMI; and an additional 10% of the total number of units shall be for households with a household income between 101-120% of the AMI. The remaining units may be unrestricted.

      The AMI, the maximum price of the workforce housing unit, or the maximum rent charged shall be based upon the city's most recent version of the purchase affordability table as administered by the housing and community development department.
   4. The workforce housing units created through this incentive shall meet each of the following requirements:
      i. Workforce housing units shall be finished completely, including elements such as, but not limited to, appliances, finished floors, doors, light fixtures, and any other elements considered standard for a market-rate finished unit within the same building.
      ii. Workforce housing units shall not be clustered or segregated from market rate units.
      iii. All unit types within the development shall be available to qualified workforce housing households.
      iv. Required parking spaces for workforce housing units may be reduced by ten percent.
   5. Affordability controls. Proposed developments shall enter into a workforce housing agreement with the city, on city approved forms which include each of the following conditions:
      i. The workforce housing agreement shall be fully executed before issuance of a building permit. The agreement shall include a restrictive covenant requiring affordability, which shall be recorded in the public records.
      ii. The workforce housing units shall be sold or rented only to qualified households according to the most current purchase affordability table administered by the housing and community development department.
      iii. The workforce housing units shall be restricted to residency by qualified tenants for a period of minimum 15 years from the date of issuance of the certificate of occupancy for such unit. Such restriction shall be evidenced by a restrictive covenant. The city may monitor compliance with this condition and the city shall be entitled to review all records and documents necessary to monitor compliance.
      iv. Affordable housing developments that are administered through federal, state, or local housing agency funding shall be exempt from the affordability controls. However, proposed developments shall demonstrate that affordable units are being created to all other applicable standards as provided in this code.
   6. If the proposed project complies with all the requirements for this incentive, the city will offer all the TDRs needed for the project at no cost. The proposed development shall obtain city commission authorization for the conveyance of city-owned development rights as a requirement of site plan approval. If the site plan approval expires prior to commencement of construction, the development rights transferred by the city at no cost shall be forfeited and revert back to the city.
   7. Properties designated as NWD-3-8 are not eligible to utilize the affordable housing incentive in Section 94-134.

TABLE IV-57: BUILDING REQUIREMENTS — NWD-8				
FAR				
Lot Frontage > 55'	2.75			
Lot Frontage ≤ 55'	3.50			
HEIGHT				
8 stories or 90' whichever is less; 8 (90')				
SETBACKS				
STREET DESIGNATION/SIDE/REAR	**STORIES**			
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**	
	GROUND TO 90'		**ABOVE 60'**	
	MINIMUM	**MAXIMUM**	**MINIMUM**	
Primary Pedestrian	16'	25'	50'	
Secondary	12'	25'	—	
Side Interior	5'	—	—	
Future Right of Way	35'	—	—	
MAXIMUM BUILDING FOOTPRINT				
STORIES	**LOT AREA**			
	<25,000SF		**25,000SF—80,000SF**	**>80,000SF**
Podium: Ground	87%		84%	82%
Podium: 2 stories to 40'	90%		87%	85%
Tower: 40' to 90'	90%		60%	55%
FOOTPRINT LENGTH (ALONG ROSEMARY AVE AND RAILROAD AVE)				
Maximum	250 feet			
MINIMUM OPEN SPACE				
TYPE	**LOT AREA**			
	<25,0000SF	**25,000SF—50,000SF**	**50,000SF—80,000SF**	**>80,000SF**
Public	2%	2%	3%	5%
Semi-Public	—	—	—	2%
Private	—	18%	25%	25%
MAXIMUM CONTINUOUS BUILDING FRONTAGE*				
Rosemary Avenue	150'			
*A public open space must be provided to separate building frontages.				
MINIMUM ACTIVE USES				
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2 TO 5 STORIES (44')**	
Primary Pedestrian	80%		60%	
Secondary	30%		—	
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR				
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**			
Primary Pedestrian	50%			
Secondary	30%			
MINIMUM ACTIVE USE LINER DEPTH				
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2 TO 5 STORIES (44')**	
Commercial	25'		20'	
Residential	15'		15'	

TABLE IV-58: BUILDING REQUIREMENTS — NWD-5			
FAR			
All Lots	2.75		
HEIGHT			
5 stories or 60' whichever is less; 5 (60')			
SETBACKS			
STREET DESIGNATION/SIDE/REAR	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	GROUND TO 60'		**ABOVE 40'**
	MINIMUM	**MAXIMUM**	**WHEN ABUTTING R OR NWD-2C SUBDISTRICTS**
			MINIMUM
Primary Pedestrian	10'	30'	—
Rosemary Avenue	12'	30'	—
Secondary	12'	35'	—
Residential	17'	35'	—
Side Interior	5'	—	15'
Abutting CSX	5' or NFPA	—	—
Rear	5'	—	15'
MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF		
Podium: Ground	87%		
Podium: 2 stories to 44'	90%		
Tower: 44' to 68'	90%		
MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<25,000SF		**>25,000SF**
Public	—		—
Private	—		18%
MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2ND STORY (32')**
Primary Pedestrian	80%*		60%
Secondary	30%		—
Residential	30%		—
*65% for lots with buildable lot frontage ≤ 250'			
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Primary Pedestrian	50%		
Secondary	30%		
Residential	30%		
MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2ND STORY (32')**
Commercial	20'		20'
Residential	15'		15'

TABLE IV-59: BUILDING REQUIREMENTS — NWD-4			
FAR			
All Lots	1.75		
HEIGHT			
4 stories or 48' whichever is less; 4 (48')			
SETBACKS			
STREET DESIGNATION/SIDE/REAR	**STORIES**		
	TYPICAL SETBACKS		**CONDITIONAL SETBACKS**
	GROUND TO 48'		**ABOVE 24'**
	MINIMUM	**MAXIMUM**	**WHEN ABUTTING NWD-2C SUBDISTRICTS**
			MINIMUM
Primary Pedestrian	16'	30'	—
Residential	17'	35'	—
Side Interior	5'	—	15'
Rear	5'	—	15'
MAXIMUM BUILDING FOOTPRINT			
STORIES	**LOT AREA**		
	<50,000SF		
Podium: Ground	87%		
Podium: 2 stories to 36'	90%		
Tower: 36' to48'	90%		
MINIMUM OPEN SPACE			
TYPE	**LOT AREA**		
	<25,000SF		**>25,000SF**
Public	—		—
Private	—		18%
MINIMUM ACTIVE USES			
STREET DESIGNATION	**GROUND FLOOR**		**LINERS: 2ND STORY (24')**
Primary Pedestrian	80%*		60%
Residential	30%		—
*65% for lots with buildable lot frontage ≤ 250'			
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR			
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**		
Primary Pedestrian	50%		
Residential	30%		
MINIMUM ACTIVE USE LINER DEPTH			
ACTIVE USE	**GROUND FLOOR**		**LINERS: 2ND STORY (24')**
Commercial	20'		20'
Residential	15'		15'

TABLE IV-60: BUILDING REQUIREMENTS — NWD-2	
FAR	
All Lots	1.00

TABLE IV-60: BUILDING REQUIREMENTS — NWD-2		
HEIGHT		
2 stories or 30' whichever is less; 2 (30')		
DENSITY		
Maximum	20 DU/Acre	
SETBACKS		
STREET DESIGNATION/SIDE/REAR	**STORIES**	
	TYPICAL SETBACKS	
	GROUND TO 32'	
	MINIMUM	**MAXIMUM**
Avenue	16'	30'
Primary Pedestrian	10'	30'
Tamarind Ave. south of 6th Street	16'	30'
Secondary	12'	35'
Residential	17'	35'
Side Interior	5' or NFPA	—
Rear	5'	—
MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	<50,000SF	
Podium: Ground	87%	
Podium: 32'	90%	
MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	
	<25,000SF	**>25,000SF**
Public	—	—
Private	—	18%
MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	
Avenue	60%	
Primary Pedestrian	80%*	
Secondary	30%	
Residential	30%	
*65% for lots with buildable lot frontage ≤ 250'		
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Pedestrian	50%	
Secondary	30%	
Residential	30%	
MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	
Commercial	20'	
Residential	15'	

TABLE IV-61: BUILDING REQUIREMENTS—NWD-2C	
FAR	
All Lots	0.50

TABLE IV-61: BUILDING REQUIREMENTS—NWD-2C		
HEIGHT		
2 stories or 30' whichever is less; 2 (30')		
DENSITY		
Maximum	20 DU/Acre	
SETBACKS		
STREET DESIGNATION/SIDE/REAR	**STORIES**	
	TYPICAL SETBACKS	
	GROUND TO 32'	
	MINIMUM	**MAXIMUM**
Residential	17'	35'
Side Interior	5' or NFPA	—
Rear	5'	—
Abutting to NWD-R-C1	10'	—
MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	>50,000SF	
Podium: Ground	87%	
Podium: 32'	90%	
MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	
	<25,000SF	**>25,000**
Public	—	—
Private	—	18%
MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	
Residential	60%	
*65% for lots with buildable lot frontage ≤ 250'		
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Residential	30%	
MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	
Commercial	20'	
Residential	15'	

TABLE IV-62: BUILDING REQUIREMENTS — NWD-R-C1	
(a) DENSITY	
Maximum	14 DU/Acre

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4265-10, § 7, 5-17-2010; Ord. No. 4331-11, §§ 4, 5, 3-21-2011; Ord. No. 4674-16, § 4 (Exh. D), 2-27-2017; Ord. No. 4904-20, § 2 (Exh. B), 09-21-2020; Ord. No. 5027-22, § 7-11, 01-09-2023)

TABLE IV-63: INCENTIVE BUILDING REQUIREMENTS — NWD 3-8	
FAR	
Base Zoning: NWD-R-C1	An additional 2.25 for a maximum of 2.75 FAR

Base Zoning: NWD-2	An additional 1.75 for a maximum 2.75 FAR
Base Zoning: NWD-5	No additional FAR, maximum 2.75 FAR

HEIGHT
8 stories or 90' whichever is less; 8 (90')

SETBACKS					
STREET DESIGNATION / SIDE	GROUND SETBACK		CONDITIONAL SETBACKS		
	MINIMUM	MAXIMUM	RESIDENTIAL USES ON GROUND LEVEL	ABOVE 36'	ABOVE 60'
Primary Pedestrian	12'	20'	—	—	—
Secondary Street	15'	25'	20'	—	—
Residential Street	5'	20'	10'	45'*	80'
Side Interior	10'	—	—	—	—
*Not applicable within 100' from a primary street					

MAXIMUM BUILDING FOOTPRINT			
STORIES	LOT AREA		
	< 25,000 SF	25,000-80,000 SF	> 80,000 SF
Podium: Ground	87%	84%	82%
Podium: 2 stories to 36'	90%	87%	85%
Tower: 36' to 90'	90%	60%	55%

MINIMUM OPEN SPACE			
STORIES	LOT AREA		
	< 25,000 SF	25,000-80,000 SF	> 80,000 SF
Private	—	5%	10%

MINIMUM ACTIVE USES		
STREET DESIGNATION	GROUND FLOOR	LINERS: 2 TO 3 STORIES
Primary Pedestrian	80%	60%
Secondary Street	60%	60%
Residential Street	75%	75%

MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Primary Pedestrian	65%
Secondary Street	35%
Residential Street	35%

MINIMUM ACTIVE USE LINER DEPTH	
ACTIVE USE	MINIMUM DEPTH
Commercial	20'
Residential	15'

TABLE IV-64: INCENTIVE BUILDING REQUIREMENTS — NWD 2-5	
FAR	
All Lots	1.75
HEIGHT	
5 stories or 60' whichever is less; 5 (60')	

SETBACKS*		
STREET DESIGNATION/SIDE/REAR	STORIES	
	TYPICAL SETBACKS	
	GROUND TO 60'	
	MINIMUM	MAXIMUM
Avenue	16’	30’
Primary Pedestrian	16'	30'
Secondary	17'	35'
Residential	17'	35'
Side Interior	5'	—
Abutting CSX	5' or NFPA	—
Rear	5'	—
*Setback measurements shall be in accordance with Sec. 94-109.		

MAXIMUM BUILDING FOOTPRINT	
STORIES	LOT AREA
	<50,000SF
Podium: Ground	87%
Podium: 2 stories to 44'	90%
Tower: 44’ to 68'	90%

MINIMUM OPEN SPACE		
TYPE	LOT AREA	
	<25,000SF	>25,000SF
Public	—	2%
Private	—	18%

MINIMUM ACTIVE USES		
STREET DESIGNATION	GROUND FLOOR	LINERS: 2ND STORY (32')
Primary Pedestrian	80%*	60%
Secondary	30%	—
Residential	30%	—
*65% for lots with buildable lot frontage ≤ 250'		

MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Primary Pedestrian	50%
Secondary	30%
Residential	30%

MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	GROUND FLOOR	LINERS: 2ND STORY (32')
Commercial	20'	20'
Residential	15'	15'

TABLE IV-65: INCENTIVE BUILDING REQUIREMENTS — NWD 3-4	
FAR	
Base Zoning: NWD-2C	An additional 1.25 for a maximum of 1.75
Base Zoning: NWD-4	No additional FAR, maximum 1.75
Base Zoning: NWD-5	No additional FAR, maximum 2.75

HEIGHT	
Base Zoning: NWD-2C	An additional 1 story (12') for a maximum of 3 stories or 36' whichever is less; 3 (36')
Base Zoning: NWD-4	No additional height, maximum 4 stories or 48' whichever is less; 4 (48')
Base Zoning: NWD-5	No additional height, maximum 5 stories or 60' whichever is less; 5 (60')
LOT SIZE	
Minimum lot size	20,000 SF
Minimum lot depth	150' from Rosemary Avenue

SETBACKS*			
STREET DESIGNATION / SIDE / REAR	STORIES		
	TYPICAL SETBACKS		CONDITIONAL SETBACKS
	GROUND TO 60'		ABOVE 36'
	MINIMUM	MAXIMUM AT GROUND	WHEN ABUTTING R-C1 SUBDISTRICTS MINIMUM
Primary Pedestrian	16'	30'	—
Residential	17'	35'	—
Side Interior	5'	—	5'
Abutting NWD-R-C1	18'	—	100'
*Setback measurements shall be in accordance with Sec. 94-109.			

MAXIMUM BUILDING FOOTPRINT	
STORIES	
Podium: Ground	50%
Podium: 2 stories to 44'	50%
Tower: 44' to 68'	40%

MINIMUM OPEN SPACE		
TYPE	LOT AREA	
	< 25,000	> 25,000
Public	—	—
Private	—	18%

MINIMUM ACTIVE USES			
STREET DESIGNATION	GROUND FLOOR		LINERS: 2nd STORY (32')
	< 25,000	> 25,000	
Primary Pedestrian	80%	80%	60%
Residential	60%	60%	60%

MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR	
STREET DESIGNATION	PERCENTAGE OF TRANSPARENCY
Primary Pedestrian	50%
Residential	50%

MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	GROUND FLOOR	LINERS: 2nd STORY (32')
Commercial	25'	20'
Residential	15'	15'

TABLE IV-66:
INCENTIVE BUILDING REQUIREMENTS — NWD 2-3

FAR	
All Lots	No additional FAR. Maximum 1.00
*Historic structures are excluded from FAR calculations. Alleyways shall not be used to generate FAR.	
HEIGHT	
3 stories or 36' whichever is less; 3 (36')	
DENSITY	

Maximum	28 DU/Acre	
SETBACKS*		
STREET DESIGNATION/SIDE/REAR	**STORIES**	
	TYPICAL SETBACKS	
	GROUND TO 32'	
	MINIMUM	**MAXIMUM**
Avenue	16'	30'
Primary Pedestrian	16'	30'
Secondary	12'	35'
Residential	17'	35'
Side Interior	5' or NFPA	—
Rear	5'	—
*Setback measurements shall be in accordance with Sec. 94-109.		
MAXIMUM BUILDING FOOTPRINT		
STORIES	**LOT AREA**	
	<50,000SF	
Podium: Ground	87%	
Podium: 32'	90%	
MINIMUM OPEN SPACE		
TYPE	**LOT AREA**	
	<25,000SF	**>25,000SF**
Public	—	2%
Private	—	18%
MINIMUM ACTIVE USES		
STREET DESIGNATION	**GROUND FLOOR**	
Avenue	60%	
Primary Pedestrian	80%*	
Secondary	30%	
Residential	30%	
*65% for lots with buildable lot frontage ≤ 250'		
MINIMUM TRANSPARENCY FOR ACTIVE USES ON GROUND FLOOR		
STREET DESIGNATION	**PERCENTAGE OF TRANSPARENCY**	
Avenue	50%	
Primary Pedestrian	50%	
Secondary	30%	
Residential	30%	
MINIMUM ACTIVE USE LINER DEPTH		
ACTIVE USE	**GROUND FLOOR**	
Commercial	20'	
Residential	15'	

TABLE IV-67: INCENTIVE BUILDING REQUIREMENTS — NWD-R-C3	
DENSITY	
Maximum*	
	28 DU/Acre
*Contributing historic structures shall not count toward density calculations.	
MIN. LOT DIMENSION	

Lot Area*	4,500 square feet
Lot Width	45 feet
MINIMUM SETBACKS FOR PRINCIPAL BUILDING(S)*	
Front	The front setback shall be a contextual front setback provided in accordance with section 94-79(b). Where a contextual front setback has not been established, the minimum front setback shall be 15 feet; 20 feet where no alley access exists.
Corner	For lots up to 4,999 square feet: 10 feet;
	For lots 5,000 to 7,499 square feet: 12.5 feet;
	For lots 7,500 square feet and over: 15 feet.
Rear	15 feet, or 10 percent of the lot depth, whichever is less, or what allows to place parking spaces in the rear.
Side minimum (one side only)	5 feet
Side minimum cumulative (both sides)	For lots up to 7,499 square feet: 15 feet;
	For lots 7,500 square feet and over: 20 feet.
Garage location:	Distance behind front façade for front facing garage doors: minimum 10 feet;
	Side or rear loaded garage shall meet applicable front, corner or side setbacks.
*Setback measurements shall be in accordance with Sec. 94-109.	
MAXIMUM HEIGHT OF PRINCIPAL STRUCTURE	
Overall height:	For lots up to 4,999 square feet: 24 feet;
	For lots 5,000 square feet and over: 36 feet;
Wall height at side setback:	20 feet. The maximum wall height may increase by one foot for each additional one foot of side setback provided beyond the minimum side setback requirement up to the overall height.
MAXIMUM LOT COVERAGE FOR ALL STRUCTURES	
All structures: *	30 percent; 35 percent when historic structure is preserved or adaptively reused.
*Contributing historic structures shall count toward lot coverage.	
MAXIMUM FLOOR AREA RATIO FOR ALL STRUCTURES	
All structures: *	0.75 FAR
*Historic structures are excluded from FAR calculations. Alleyways shall not be used to generate FAR.	
OPEN SPACE	
Minimum	40%

TABLE IV-68: INCENTIVE BUILDING REQUIREMENTS — NWD-R-C2	
DENSITY	
Maximum*	21 DU/Acre
*Contributing historic structures shall not count toward density calculations.	
MIN. LOT DIMENSION	
Lot Area	4,500 square feet
Lot Width	45 feet

MINIMUM SETBACKS FOR PRINCIPAL BUILDING(S)*	
Front	The minimum front setback shall be 15 feet; 20 feet where no alley access exists.
Corner	For lots up to 4,999 square feet: 10 feet;
	For lots 5,000 to 7,499 square feet: 12.5 feet;
	For lots 7,500 square feet and over: 15 feet.
Rear	15 feet, or 10 percent of the lot depth, whichever is less.
Side minimum (one side only)	5 feet
Side minimum cumulative (both sides)	For lots up to 7,499 square feet: 15 feet;
	For lots 7,500 square feet and over: 20 feet.
Garage location:	Distance behind front facade for front facing garage doors: minimum 10 feet;
	Side or rear loaded garage shall meet applicable front, corner or side setbacks.
*Setback measurements shall be in accordance with Sec. 94-109.	
MAXIMUM HEIGHT OF PRINCIPAL STRUCTURE	
Overall height:	For lots up to 4,999 square feet: 24 feet;
	For lots 5,000 to 7,499 square feet: 27 feet;
	For lots 7,500 square feet and over: 32 feet.
Wall height at side setback:	20 feet. The maximum wall height may increase by one foot for each additional one foot of side setback provided beyond the minimum side setback requirement up to the overall height.
MAXIMUM LOT COVERAGE FOR ALL STRUCTURES	
All structures: *	For lots up to 4,999 square feet: 35 percent;
	For lots 5,000 to 7,499 square feet: 30 percent; **
	For lots 7,500 square feet and over: 25 percent. **
*Contributing historic structures shall count toward lot coverage.	
**Maximum lot coverage may increase to 35 percent (35%), if historic structure is preserved or adaptively reused.	
MAXIMUM FLOOR AREA RATIO FOR ALL STRUCTURES	
All structures: *	For lots up to 4,999 square feet: 0.55;
	For lots 5,000 to 7,499 square feet: 0.50;
	For lots 7,500 square feet and over: 0.45.
*Historic structures are excluded from FAR calculations. Alleyways shall not be used to generate FAR.	

Sec. 94-130. - Providencia Park district (PPD).

a. *Intent*. The intent of the PPD is to preserve the historic character of the residential structures by supporting single-family uses and the adaptive reuse of large homes for professional office uses within the PPD-PO subdistrict. The combination of residential uses and professional office has allowed the neighborhood to maintain the residential character and to provide flexibility for property owners. All proposed developments shall have a similar ratio of open space created through the setback requirements and maximum lot coverage with a high percentage of tree canopy.

b. *Development characteristics*.
   1. A high percentage of landscaping and tree canopy.
   2. Alleys are encouraged for service related uses.
   3. Adaptive reuse of eligible historic structures is encouraged.

c. *PPD subdistricts shall include:* PPD-R and PPD-PO.

d. *Subdistrict requirements*. Developments shall comply with the following:
    1. Table IV-69: PPD-R & PPD-PO
e. *Additional subdistricts requirements*.
    1. Parking.
        a. Parking shall be located behind the main building structure, where possible.
    2. Special requirements.
        a. Alleys.
            1. Where possible, alleys which are improved shall be utilized as the primary parking access for proposed developments.
        b. Minimum lot area.
            1. Lots of record which existed prior to the adoption of these urban regulations may be considered buildable without limitation to minimum lot size.
        c. Professional offices shall be residential in character to protect the neighborhood.

TABLE IV-69: BUILDING REQUIREMENTS — PPD-R & PPD-PO	
(a) HEIGHT	
3 stories or 40' whichever is less; 3 (40')	
(b) DENSITY	
Maximum	14 DU/Acre
(c) LOT AREA	
Minimum	5,800 square feet
Maximum	15,000 square feet
(d) MAXIMUM BUILDING FOOTPRINT	
STORIES	
Ground (12')	40%
2	40%
3 (40')	12%
(e) SETBACKS	
MAIN BUILDING	**MINIMUM**
Front	25'
Side Street	10'
Side Interior	20% of lot width; 5' min per side
Rear	20'
ACCESSORY APARTMENT	**AREA NOT TO EXCEED 1,000 SF**
Front	40'
Side Street	10'
Side Interior	5'
Rear	5'

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009)

Sec. 94-131. - CC-2 lakefront district.

a. *Intent.* The intent of the CC-2 district is to permit retail, office, residential, marina and certain other uses at densities which are relatively high and which facilitate public access to the Lake Worth waterfront. Continuously occupied uses such as multi-family residential, hotels, and restaurants with outdoor seating that activate the waterfront are encouraged. Development restrictions in the CC-2 district are designed to preserve the spacious quality of Flagler Drive and to protect views of Lake Worth from lower and upper levels of buildings in areas located away from the lake. Definitions related to this section shall meet the provisions of ARTICLE XIX. This district encompasses the property east of Flagler Drive, between the Flagler Memorial Bridge and Banyan Boulevard.

b. *General development standards*.
   1. *Street front tree planting*. One tree shall be planted for every 25 feet of street frontage. All tree planting areas located within sidewalks and paved plazas shall be accented around their periphery with brick or equivalent decorative material approved pursuant to the applicable review process. Trees shall conform under this section shall be street trees of Florida number 1 grade or better. Shade trees planted shall have a height of at least 15 feet. Palm trees shall have clear wood of at least eight feet.
   2. *Planted screening for parking structure facades*. Facades of parking structures shall incorporate planters providing a total one square foot of planting area for each linear foot of facade per parking level. Planting areas shall be arranged in a linear fashion or clustered at intervals. Planters shall be provided with permanent irrigation to permit watering of plant materials.
   3. *Screening of building equipment*. Building equipment shall be screened so that it cannot be seen from above or below. For the purpose of this section, building equipment shall include heat, ventilation and air conditioning equipment; radio, television, telecommunication and satellite reception devices; and other similar equipment. Required equipment screening shall be included as an integral element of the overall architectural design of a building or structure.
   4. *Roof coverings*. Roof areas shall be finished in a manner to present an attractive appearance; tar, tar and gravel, or ballast shall not be utilized as finishing materials. Roof areas may be landscaped; however, landscaped areas shall be provided with automatic irrigation to permit watering of plant materials.
   5. *Parking requirements.* Onsite and offsite parking and loading requirements shall be provided pursuant to ARTICLE XV, except for the total number of parking spaces required which shall follow the requirements of the special districts in Table IV-10 in ARTICLE IV.
   6. *Surface parking prohibited*. Surface parking in required open spaces is prohibited; however, driveways, pedestrian walks, or other paved circulation areas are allowed as provided in this section.
   7. *Permitted uses*. Refer to section 94-272 for permitted uses in CC-2.

c. *Minimum lot dimensions*. Minimum lot dimensions for the CC-2 lakefront district shall be as follows:
   1. Minimum lot area: 6,000 square feet.
   2. Minimum lot width: 50 feet.

d. *Development intensities*. In the CC-2 lakefront district the development intensity for residential and nonresidential land uses shall be regulated as follows:
   1. The development intensity for nonresidential land uses shall be regulated by the following floor area ratio: 2.5.
   2. The development intensity for residential land uses shall be regulated by the following floor area ratios:
      a. With lot area containing 20,000 square feet: 1.39.
      b. With lot area 80,000 or greater square feet: 2.42.
      c. The floor area ratio for lots containing more than 20,000 square feet but less than 80,000 square feet shall be determined by the following formula: lot size (in square feet) multiplied by 0.0000083 + 1.39. The floor area ratio calculated using this formula shall not exceed 2.42.

e. *Mixed-uses*. For the CC-2 lakefront district, the combined floor area ratio for property to contain both residential and nonresidential uses shall be determined by the percentage of the total lot dedicated to each use and the applicable floor area ratio for the specific zoning district within which the lot is located. Residential units constructed under the provisions of this section shall not be converted to any other use.

f. *Minimum building setbacks.* Minimum building setbacks in the CC-2 lakefront district shall be as follows:
   1. Minimum building setback:
      a. From property line adjoining Flagler Drive right-of-way:
         1. Minimum: 24 feet measured from back of existing curb.
      b. From property line adjoining public right-of-way other than Flagler Drive: 20 feet.

c. From property line not adjoining public right-of-way: 20 feet.

d. From the property line adjoining the Lake Worth waterfront: 20 feet measured from the water face of the seawall cap.

2. Other non-building elements may encroach into the minimum setback according to provisions in the general code.

g. *Maximum lot coverage by buildings*. Maximum lot coverage by buildings in the CC-2 lakefront district shall be 60 percent.

h. *Maximum building height*. There is no specific limit for the maximum building height in the CC-2 lakefront district.

i. *Minimum required open space area*. The minimum required open space area in the CC-2 lakefront district shall be 40 percent of total lot area. Minimum required open space may consist of yards, required plazas, required landscape areas, required buffer areas, and sidewalks.

j. *Minimum required plaza area.* The minimum required plaza area in the CC-2 lakefront district shall be 15 percent of total lot area. The plaza shall be located along the Lake Worth side with at least 50 percent of the plaza frontage along the waterfront, and it shall be connected to the public right-of-way on Flagler Drive by publicly accessible sidewalks or promenades.

k. *Minimum required landscape area*. The minimum required landscape area in the CC-2 lakefront district shall be 15 percent of total lot area. Required landscape areas shall be developed as provided in this ARTICLE XIV.

l. *Reserved* .

m. *Planned developments*. Property within the CC-2 lakeview district may be rezoned to CC-2 planned development district subject to the procedures set forth in section 94-207. This will allow more intense use of certain sites in return for the provisions of desired facilities and amenities that will enhance the character and viability of the district. The CC-2 planned development district will be subject to the following requirements:

1. *Minimum lot dimensions*. Minimum lot dimensions in the CC-2 downtown planned development district shall be as follows:

a. Minimum lot area: 20,000 square feet.

b. Minimum lot width: 150 feet.

2. *Development intensities*. The development intensity for residential and nonresidential land uses in the CC-2 downtown planned development district shall be regulated as follows:

a. The base development intensity for nonresidential land uses shall be regulated by the following floor area ratio: 2.75.

b. The base development intensity for residential land uses shall be regulated by the following floor area ratios:

1. With lot area containing 20,000 square feet: 1.60.

2. With lot area 80,000 or greater square feet: 2.79.

3. The floor area ratio for lots containing more than 20,000 square feet shall be determined by the following formula: lot size (in square feet) times 0.0000083 + 1.39. The floor area ratio calculated using this formula shall not exceed 2.42.

3. *Mixed-uses*. The combined floor area ratio for property to contain both residential and nonresidential uses in the CC-2 downtown planned development district shall be determined by the percentage of the total lot dedicated to each use and the applicable floor area ratio for the specific zoning district within which the lot is located. Residential units constructed under the provisions of this section shall not be converted to any other use.

4. *Minimum setbacks and separation between buildings*. The minimum setbacks and separation between buildings in the CC-2 downtown planned development district shall be 50 percent or less of the side and rear setbacks, and building setbacks above 40 feet over grade may be waived to accommodate design considerations or site limitations, etc.

5. *Maximum lot coverage by buildings*. The maximum lot coverage by buildings in the CC-2 downtown planned development district shall be 60 percent.

6. *Maximum building height*. There shall be no specific limit for the maximum building height in the CC-2 downtown planned development district.

7. *Minimum required open space area*. The minimum required open space area in the CC-2 downtown planned development district shall be 40 percent of total lot area. Minimum required open space may consist of yards, required plazas, required landscape areas, required buffer areas, paved circulation areas, and sidewalks.

8. *Minimum required plaza area*. The minimum required plaza area in the CC-2 downtown planned development district shall be 15 percent of total lot area.
9. *Minimum required landscape area*. The minimum required landscape area in the CC-2 downtown planned development district shall be 15 percent of total lot area. Minimum required landscape areas shall be developed as provided in this chapter.
10. *Maximum open space paved circulation area coverage*. The maximum open space paved circulation area coverage in the CC-2 downtown planned development district shall be 15 percent of total lot area.

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009; Ord. No. 4594-15, § 2, 10-13-2015; Ord. No. 4661-16, § 3, 10-24-2016)

Sec. 94-132. - Incentive programs—General.

a. *Intent*. The intent of the downtown incentive programs is to promote a variety of public benefits such as historic preservation, the creation of urban open spaces, and the development of below market rate housing units. The incentive programs will provide additional development capacity for the property owners in compensation for the public benefit provided. In general terms, the incentive programs allow additional height and FAR for proposed development projects located in certain areas, which provide the specified public benefit. Incentives are intended to be obtained through two different methods:

1. The Transfer of Development Rights (TDR) program through which the developer acquires unused development capacity from a historic site according to the provisions in Section 94-133 and transfers the capacity to an incentive receiving site according to the provisions in this chapter. Any residential project, or mixed-use project including more than 25% of the total gross building are for residential uses, utilizing the TDR incentive to increase the development capacity and/or height shall be required to utilize the Downtown Master Plan Housing Incentive Program in Section 94-134.
2. The City's Development Rights (CDR) program through which the developer is authorized to increase development capacity, without the transfer of unused development capacity from a historic site, if the following conditions are met:
   a. The maximum amount of CDR that can be authorized for a particular site will be determined by the incentive receiving site designation indicated in Figure IV-36 and the corresponding incentive building requirement table.
   b. Residential projects shall be required to utilize the Downtown Master Plan Housing Incentive Program in Section 94-134, and the required set aside shall be increased from 20% to 40% of the incentive gross building area. All other provisions of the program shall be met.
   c. Non-residential projects will be required to support the provision of affordable housing generated by the non-residential project as follows:

      1. The number of affordable units required will be estimated utilizing a No-Residential Nexus Calculation table as established by the City.

      2. The resulting number of required affordable units can be provided by the applicant off-site according to the provisions in Section 94-134(e)(2). The off-site units shall be an average of 800 sf and shall remain affordable for 30 years to families with incomes as established by Section 94-134.

      3. Payment in lieu: The affordable housing requirement may be met by providing a monetary contribution to the city's Housing Trust Fund in an amount equivalent to $120,000 per required unit. The city shall utilize such funds for housing programs and uses authorized for such funds.

b. *General standards.*

1. Proposed developments using an incentive program shall be subject to all requirements and conditions of this chapter.
2. Proposed developments using an incentive program shall comply with the particular incentive receiving site designation indicated in Figure IV-36 and its corresponding incentive building requirement table. Multiple incentives may be used together in conjunction with development, unless otherwise prohibited by this chapter.
3. Total increases in height or FAR permitted by one or a combination of incentive programs shall not exceed the maximum height or FAR as established by Figure IV-36 and the corresponding incentive building requirement table.
4. Designated historic properties, conservation districts, and properties eligible for historic designation, shall not be eligible for incentives which increase height or FAR unless all eligible historic structures located within the subject site are preserved according to the secretary of interior standards, and integrated as part of the new development in a manner which maintains the integrity of the historic structure.
5. Lots on which buildings eligible for designation as historic structures exist as of June 29, 2009, shall not be eligible for any incentive program if such eligible historic structures are demolished, unless such structure was removed from the eligibility list by the city. Table IV-70 Eligible sending sites, maintained by the historic preservation division and updated from time to time, identifies all the buildings eligible for historic designation within the downtown master plan area.
6. For properties indicated as containing a future ROW in Figure 4 DMP Street designation, there is no obligation to dedicate such ROW unless the property owner elects to use the applicable incentive program. If an incentive program is used, the actual dedication of the future right of way shall occur prior to the issuance of final CO. The

city may elect to design the future ROW as either a full vehicular use street or as a pedestrian passageway. In some cases, the city may accept a public access easement in lieu of a right of way dedication.

(Ord. No. 4213-09, § 6(Exh. A), 6-29-2009; Ord. No. 4315-11, § 1, 1-24-2011; Ord. No. 4547-15, § 1, 4-13-2015; Ord. No. 4563-15, § 1, 7-6-2015; Ord. No. 4691-17, § 4, 2-13-2017; Ord. No. 4674-16, § 5(Exh. E), 2-27-2017; Ord. No. 4904-20, § 3 (Exh. C), 09-21-2020; Ord. No. 4958-21, § 5 (Exh. A), 08-09-2021; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022)

Sec. 94-133. - Transfer of development rights program.

a. *Intent.* The TDR program is a tool to promote the preservation of historic properties and the creation of urban open space. The TDR program allows the transfer of unused development rights from historic properties or newly created urban open spaces, called sending sites, to incentive receiving sites within the DMP area.

b. *Applicable area.* The TDR program shall apply to qualified properties located within the DMP area. A property is deemed qualified to participate in the TDR program if it is designated as an eligible sending site on Figure IV-35 or incentive receiving site on Figure IV-36 Incentive Receiving Sites and/or Table IV-74 Eligible Sending sites. Additional sites may qualify as sending sites in accordance with Section 94-133(c).

c. *Sending site requirements.* To qualify as a sending site, a property shall comply with all the requirements set forth in this section as follows:

1. Historic property sending site.
    a. Designation as an individual historic property or contributing to a historic district according to section 94-48.
    b. Completion of renovation according to the standards set forth in sections 94-45 through 94-49 pertaining to historic preservation and inspection approval by the historic preservation division.
    c. All improvements or renovations shall have passed all applicable final building permit inspections.

2. Landmark sending sites (local or national register landmark status).
    a. Designation as an individual historic landmark or contributing to a historic landmark district according to section 94-48 or in accordance with the national landmarks program.
    b. Completion of renovation according to the standards set forth in sections 94-45 through 94-49 pertaining to historic preservation and inspection approval by the historic preservation division.
    c. All improvements or renovations shall have passed all applicable final building permit inspections.
3. Clematis Street conservation district sending site.
    a. Completion of all renovations according to the secretary of interior's standards for the rehabilitation and guidelines for rehabilitating historic buildings.
    b. All improvements or renovations shall have passed all applicable final building permit inspections.
4. Urban open space sending site.
    a. Ownership by the City of West Palm Beach.
    b. Designation as urban open space in Figure 3: DMP Subdistricts.
    c. Completion of all improvements to the property according to the urban open space standards in Section 94-109.
5. NoRA-Brelsford Park district special TDR sending area. Due to the special characteristics of the NoRA and Brelsford Park districts, and with the goal to maintain the character of the area, certain properties within the NoRA district and the Brelsford Park district are allowed to transfer their unused development capacity to other receiving sites within the NoRa district in compliance with the following conditions:
    a. NoRA-Brelsford Park legacy structure sending site.
        1. Completion of all building renovations, reconstruction or new construction maintaining the defining characteristics of the NoRA district or the Brelsford Park district.
        2. All improvements or renovations shall have passed all applicable final building permit inspections.
    b. NoRA temporary public open space sending site.
        1. Completion of all improvements to the site according to the temporary public open space standards.
        2. All improvements shall have passed all applicable final building permit inspections.

c. NoRA temporary public parking sending site

1. Completions of all improvements to the site according to the off-site accessory surface parking lot standards permitted within the district.
2. All improvements shall have passed all applicable final building permit inspections.

6. Sites with previously purchased or sold TDRs.

a. A receiving site that has acquired TDRs pursuant to the city's TDR program may transfer all or a portion of its unused TDRs to a new eligible receiving site following the transfer process established in this section.

b. The certificate of transfer originally issued for the site shall be amended to reflect the amended capacity and recorded against the original receiving site and the new receiving site in the city's TDR register and the county public records.

c. A sending site with designated historic structures which are no longer in their original location is eligible for repurchase of the square footage of the TDRs previously sold from another eligible site. Prior to utilization of those purchased TDRs, the site shall have received both approval of and successful completion of relocation of all historic buildings to a more suitable site. Repurchased square footage shall comply with the current site maximum development capacity.

d. Historic properties which have sold their development rights may repurchase development rights to the maximum allowed under the current zoning regulations. Any work on the site shall comply with the Secretary of Interior standards.

7. TDR calculations.

a. The amount of development rights that can be transferred from a sending site shall be calculated by multiplying the lot area by the FAR allowed in the base zoning identified in the building requirement table minus the total square footage of the existing structure located on the property. The amount shall not include the calculation of any additional FAR derived from an incentive program.

b. For properties which received historic designation prior to June 29, 2009, the amount of development rights that may be transferred from a sending site shall be calculated by multiplying the lot area by the number of stories permitted by right in accordance with the 1995 downtown master plan, minus the total square footage of the existing structure located on the property.

c. The TDR calculation shall only include the eligible historic structure unless it is determined by the city's historic preservation planner that the related surrounding land is important for the preservation of the building's context.

d. For properties that do not have a specific FAR assigned, the amount of development rights that can be transferred shall be calculated by multiplying the lot's area by each floor's maximum allowed building footprint according to the corresponding building requirements table.

8. Table IV-70 Eligible Sending sites identifies sites that include buildings eligible for historic designation. The list is not all inclusive and additional sites may be identified according to the provisions of this section. Identification as an eligible sending site does not guarantee the availability of TDRs or eligibility for historic designation, as the requirements of Section 94-133(c) remain applicable.

d. *Transfer process.*

1. Letter of availability. Once the eligibility of the sending site is established by the development services director or zoning administrator, a letter which reflects an estimate of the development rights available for transfer from the sending site may be issued by the planning division upon request.
2. Registry of TDRs. A TDR registry maintained by the city will record the total amount of development rights available on a site, and the date and amount of any transfer that occurs.
3. TDR transfer application. An application for the transfer of development rights from a sending to a receiving site shall be submitted to the planning division, on city approved forms, for review.
4. Certificate of transfer. Once an application for the transfer of development rights has been submitted, the City will verify compliance with the program requirements. If compliance with all program requirements is found, the city will issue a certificate of transfer which reflects the development rights being transferred from the sending to the receiving site. Certificates of transfer will be numbered and shall be recorded against the sending site and the receiving site in the city's TDR register and the county public records. The TDR certificate shall describe the adjusted development rights of the sending site and receiving site, shall run with the land, shall be binding on successors, heirs and assigns, and shall require the joinder of all mortgagees of record. Execution and recording of the TDR certificate is required for the TDR transfer to be effective.

5. A TDR certificate shall not be issued unless the sending site has completed all the required improvements and it has passed all required inspections according to Section 94-133(c).
6. Banking of TDRs. TDRs may be acquired from a sending site and held for an undetermined amount of time until a suitable receiving site is found. City approval of the receiving site shall be obtained in order to utilize such TDRs.

e. *Incentive Areas*. To be eligible as a incentive receiving site, a property shall comply with the following conditions:

1. The property is depicted as a incentive receiving site on Figure IV-36.
2. The maximum number of development rights which a receiving site can receive is shown in Figure IV-36 and the corresponding incentive building requirements table.
3. For properties on which future ROW is indicated on Figure 4: DMP Street Designation, and that elect to use an incentive program, the following requirements apply:
   a. Any new ROW setback and/or land dedication indicated in Figure 4: DMP Street Designation shall be provided as required in the corresponding incentive building requirement table. The setback area and/or land dedications shall become part of the public right-of-way or shall include a public access easement.
   b. The setback area and/or land dedications may be included as part of the lot area for the purposes of calculating the FAR.
   c. The setback area and/or land dedications shall be excluded as part of all other building requirement calculations.
   d. Underground parking may be permitted under the new ROW setback and/or land dedication.
   e. Proposed developments shall not be permitted to build over the new ROW setback and/or land dedication.
4. Receiving sites use restrictions:
   a. Sites designated as incentive receiving sites in Figure IV-36 may be utilized for any uses as permitted by Section 94-105 - Use requirements and Section 94-106 - General uses with special requirements.
   b. Projects utilizing the incentive program to increase development capacity and/or height to the maximum permitted by the corresponding incentive building requirement table are only eligible to increase development capacity in compliance with the requirements of Section 94-132 and when applicable the DMP housing incentive program set forth in Section 94-134.
   c. For properties designated as OBD 5-25 receiving site, incentive eligibility is limited to the development of class A office uses, and development shall follow the standards prescribed by the Okeechobee Business District incentive set forth in Section 94-121, unless otherwise authorized by this chapter.
   d. For properties designated as NWD-3-8 receiving site, incentive eligibility is limited to the development of residential uses, and development shall follow the standards prescribed by the Northwest neighborhood workforce housing incentive set forth in Section 94-129.
5. The amount of development rights that may be transferred to a receiving site is calculated by multiplying the lot area by the additional FAR allowed in the corresponding incentive building requirement table, as indicated by Figure IV-36.
6. Projects seeking to utilize the additional height offered by the incentive program but not needing additional FAR may increase the height to the maximum permitted by the corresponding incentive building requirement table as long as all the square footage contained in any of the additional floors permitted by the incentive building requirement table is fully obtained from TDRs or CDRs.
7. Proposed developments which receive site plan approval utilizing the benefits of the TDR program must obtain city approval for the transfer of development rights and must possess the certificate of transfer before the site plan approval expires. TDR certificate will be required for the approval of a building permit.

FIGURE IV-35:
TDR ELEGIBLE SENDING SITES

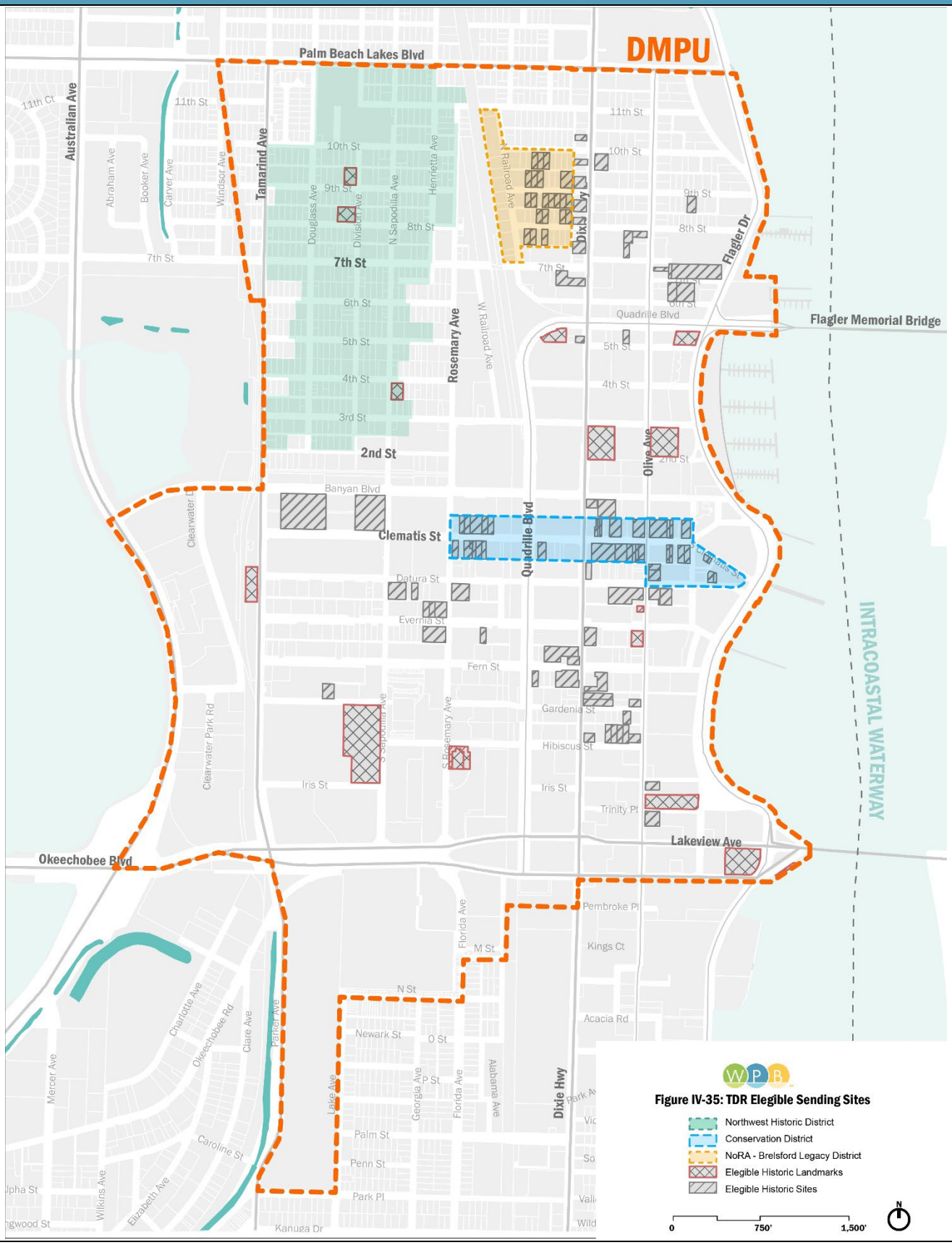


FIGURE IV-36:
INCENTIVE RECEIVING SITES

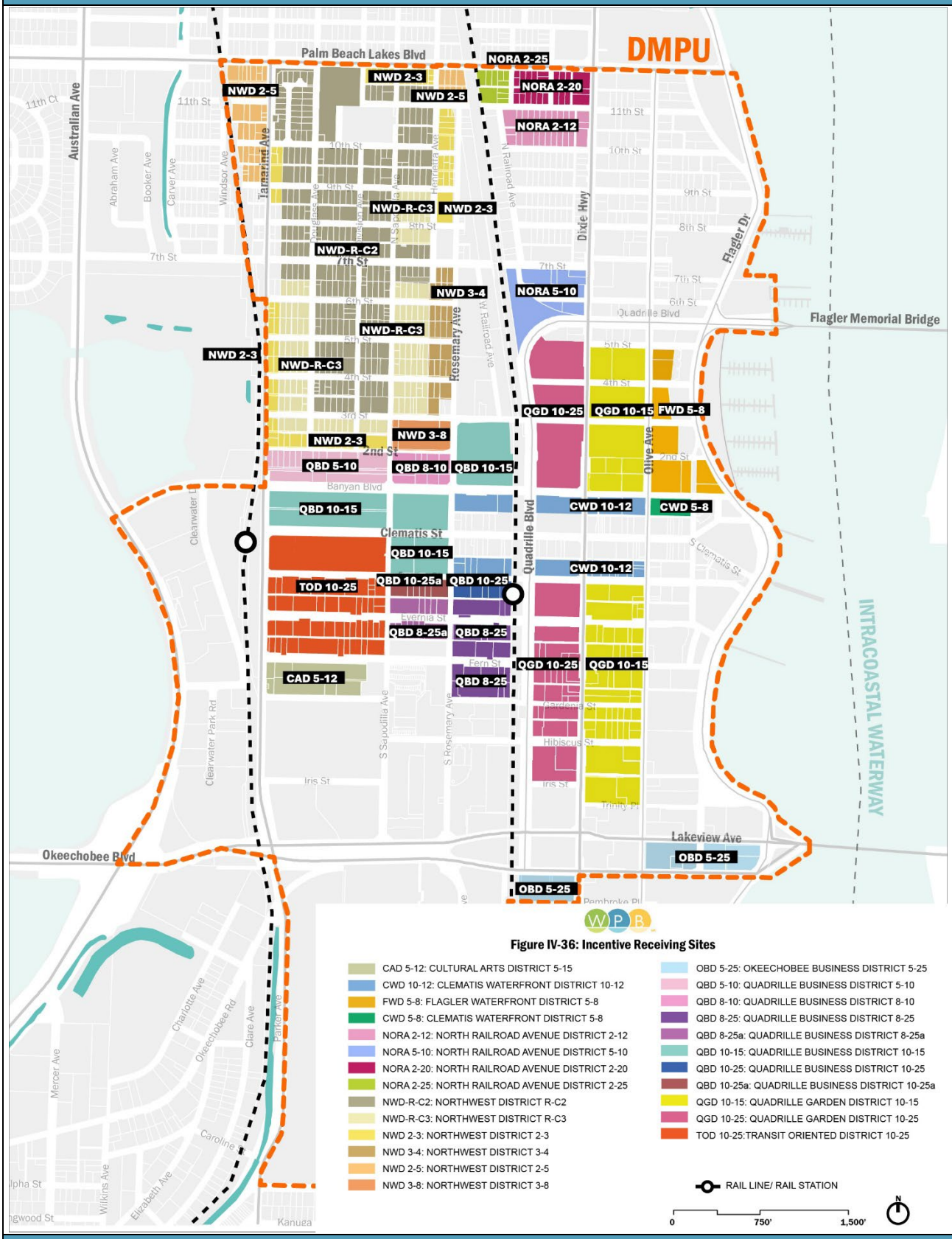


TABLE IV-70:

ELIGIBLE SENDING SITES				
ROW ID	BUILDING NAME	ADDRESS NUMBER	ADDRESS STREET NAME	ELIGIBLE STATUS
1	West Palm Beach Fishing Club	201	5th Street	Historic Landmark
2	Palm Beach Independent Inc.	313	5th Street	Historic Sending Site
3	Florida State Health Lab	415	5th Street	Historic Landmark
4		207	6th Street	Historic Sending Site
5		209	6th Street	Historic Sending Site
6	Rosarian Academy		7th Street	Historic Sending Site
7		310	8th Street	Historic Sending Site
8	Tabernacle Missionary Baptist Church	801	8th Street	Historic Landmark
9		431	8th Street	Historic Sending Site
10		425	8th Street	Historic Sending Site
11		417	8th Street	Historic Sendi

				ng Site
12		411	8th Street	Historic Sending Site
13		436	8th Street	Historic Sending Site
14		430	8th Street	Historic Sending Site
15		422	8th Street	Historic Sending Site
16		238	9th Street	Historic Sending Site
17	Payne Chapel AME Church	801	9th Street	Historic Landmark
18		435	9th Street	Historic Sending Site
19		429	9th Street	Historic Sending Site
20		427	9th Street	Historic Sending Site
21		415	9th Street	Historic Sending Site
22		440	9th Street	Historic Sending Site

23		438	9th Street	Historic Sending Site
24		426	9th Street	Historic Sending Site
25		424	9th Street	Historic Sending Site
26		420	9th Street	Historic Sending Site
27		414	9th Street	Historic Sending Site
28		412	9th Street	Historic Sending Site
29		432	10th Street	Historic Sending Site
30		428	10th Street	Historic Sending Site
31		426	10th Street	Historic Sending Site
32	W.D. Fagan Building	316	Banyan Boulevard	Historic Sending Site
33		201	Clematis Street	Historic Sending Site

34	Palm Beach Mercantile Company	206	Clematis Street	Historic Sending Site
35		213	Clematis Street	Historic Sending Site
36		214	Clematis Street	Historic Sending Site
37		215	Clematis Street	Historic Sending Site
38		216	Clematis Street	Historic Sending Site
39		225	Clematis Street	Historic Sending Site
40		300	Clematis Street	Historic Sending Site
41	Hatch's Department Store	301	Clematis Street	Historic Sending Site
42		306	Clematis Street	Historic Sending Site
43		308	Clematis Street	Historic Sending Site
44	Anthony Brothers Building	312	Clematis Street	Historic Sending Site

45	F.W. Woolworth Company Building	314	Clematis Street	Historic Sending Site
46	Comeau Building	319	Clematis Street	Historic Sending Site
47		329	Clematis Street	Historic Sending Site
48		330	Clematis Street	Historic Sending Site
49		331	Clematis Street	Historic Sending Site
50		333	Clematis Street	Historic Sending Site
51		428	Clematis Street	Historic Sending Site
52	St. James Rooming	513	Clematis Street	Historic Sending Site
53		517	Clematis Street	Historic Sending Site
54		518	Clematis Street	Historic Sending Site
55	Ketchum Dry Goods	522	Clematis Street	Historic Sending Site

56	Campbell Building	525	Clematis Street	Historic Sending Site
57	Suthers Market	526	Clematis Street	Historic Sending Site
58		528	Clematis Street	Historic Sending Site
59	Sewell Hardware Company	530	Clematis Street	Historic Sending Site
60	W.E. Pope Building	531	Clematis Street	Historic Sending Site
61	Sirkin Building	533	Clematis Street	Historic Sending Site
62		540	Clematis Street	Historic Sending Site
63	Paul G. Rogers Federal Building U.S. Courthouse	701	Clematis Street	Historic Sending Site
64	Social Security Office	801	Clematis Street	Historic Sending Site
65	Bob Kleiser Sport Shop	125	Datura Street	Historic Sending Site
66	PNC Bank	218	Datura Street	Historic Sending Site

67	Harvey Building	224	Datura Street	Historic Sending Site
68		302	Datura Street	Historic Sending Site
69	Alma Hotel	534	Datura Street	Historic Sending Site
70		624	Datura Street	Historic Sending Site
71		630	Datura Street	Historic Sending Site
72		520	Evernia Street	Historic Sending Site
73	Hotel Enoree	609	Evernia Street	Historic Sending Site
74		610	Evernia Street	Historic Sending Site
75	Franklin & Ellen Powers House	613	Evernia Street	Historic Sending Site
76	Southern Bell Telephone Company	326	Fern Street	Historic Sending Site
77		464	Fern Street	Historic Sending Site

78	Old Palm Beach Junior College	812	Fern Street	Historic Sending Site
79		303	Gardenia Street	Historic Sending Site
80	Potter Apartments	316	Gardenia Street	Historic Sending Site
81		325-327	Gardenia Street	Historic Sending Site
82		325	Gardenia Street	Historic Sending Site
83	Lucius S. and Minnie Watkins House	307	Hibiscus Street	Historic Sending Site
84		311	Hibiscus Street	Historic Sending Site
85		315	Hibiscus Street	Historic Sending Site
86		319	Hibiscus Street	Historic Sending Site
87	First United Evangelical Lutheran Church	320	Lakeview Avenue	Historic Sending Site
88		124	North Dixie Highway	Historic Sending Site

89	Historic Palm Beach County Courthouse	300	North Dixie Highway	Historic Landmark
90		601	North Dixie Highway	Historic Sending Site
91		711	North Dixie Highway	Historic Sending Site
92		809	North Dixie Highway	Historic Sending Site
93		905	North Dixie Highway	Historic Sending Site
94		915	North Dixie Highway	Historic Sending Site
95		1001	North Dixie Highway	Historic Sending Site
96		1011	North Dixie Highway	Historic Sending Site
97		1016	North Dixie Highway	Historic Sending Site
98		1105	North Dixie Highway	Historic Sending Site
99	Rosarian Academy	807	North Flagler Drive	Historic Sending Site
100	St. Ann's	310	North Olive Avenue	Historic

				Land mark
101		804	North Olive Avenue	Historic Sending Site
102		831	North Olive Avenue	Historic Sending Site
103		1013	North Railroad Ave	Historic Sending Site
104		925	North Railroad Ave	Historic Sending Site
105		917	North Railroad Ave	Historic Sending Site
106		911	North Railroad Ave	Historic Sending Site
107		905	North Railroad Ave	Historic Sending Site
108		831	North Railroad Ave	Historic Sending Site
109		809	North Railroad Ave	Historic Sending Site
110	St. Patrick's Church	418	North Sapodilla Avenue	Historic Land mark
111	American National Bank	114	South Clematis Street	Historic Sending Site

112		118	South Clematis Street	Historic Sending Site
113		120	South Dixie Highway	Historic Sending Site
114	Professional Building	310	South Dixie Highway	Historic Sending Site
115		315	South Dixie Highway	Historic Sending Site
116	Ferndix Building	321	South Dixie Highway	Historic Sending Site
117	Jupiter Realty Company	401	South Dixie Highway	Historic Sending Site
118		518	South Dixie Highway	Historic Sending Site
119		820	South Dixie Highway	Historic Sending Site
120	First Church of Christ Scientist Church	809	South Flagler Drive	Historic Landmark
121	Citizen's Bank and Trust Company Building	105	South Narcissus Avenue	Historic Sending Site
122		111	South Olive Avenue	Historic Sending Site
123		114	South Olive Avenue	Historic

				Sending Site
124	Guaranty Building	120	South Olive Avenue	Historic Sending Site
125	Wagg Building	215	South Olive Avenue	Historic Landmark
126	First Presbyterian (structure only)	301	South Olive Avenue	Historic Landmark
127		521	South Olive Avenue	Historic Sending Site
128		622	South Olive Avenue	Historic Sending Site
129	Leh-o-Mar	700	South Olive Avenue	Historic Sending Site
130	Wax House & Van Valkenburg House	213	South Rosemary Avenue	Historic Sending Site
131	former Methodist church	600	South Rosemary Avenue	Historic Landmark
132	former Methodist church	620	South Rosemary Avenue	Historic Landmark
133	Alexander W. Dreyfoos School of the Arts	501	South Sapodilla Avenue	Historic Landmark
134	Seaboard Coastline Railroad Passenger Station	205	South Tamarind Avenue	Historic Landmark
135	Holy Trinity Church	211	Trinity Place	Historic Landmark

Sec. 94-134. - Downtown Master Plan housing incentive program.

a. *Intent.* The intent of the DMP housing incentive program is to promote the construction of housing for families with incomes between 60%-100% of the Area Median Income within the downtown area.

b. *Applicable area.* The DMP housing incentive program shall apply to: i) all incentive receiving properties in the DMP area which propose the construction of residential uses, or mixed-use projects including more than 25% of the total gross building area for residential uses, and ii) Which intend to utilize any incentive program.

c. *The DMP housing incentive* shall not apply to those developments that are administered through federal, state or local housing agencies that dedicate all units for families with incomes below 80% of the AMI. These developments are still eligible to participate in the incentive program if designated as an incentive site in Figure IV-36. Projects under this category are eligible to utilize the exemptions from code requirements provided in Section 94-134(h).

d. *DMP housing incentive program requirements:*

   1. GBA set aside. 20% of the gross building area (GBA) allowed under the incentive shall be reserved for units for families with incomes between 60% and 100% of the AMI ("restricted units"). For projects where the percentage of GBA from the incentive represents more than 60% of the project total GBA, the set aside for restricted units shall be reduced to 15% of the GBA allowed under the incentive.
   2. From the required GBA set aside, the total number of set aside units by type will be determined as an equivalent percentage of the total number of units provided by unit type.
   3. The total number of restricted units to be provided on-site shall be divided to allocate at least 15% of the total number of units for households with income at 60% or below of the AMI; 35% of the total number of units for households with income between 61% and 80% of the AMI; and 50% of the total number of units for households

with income between 81% and 100% of the AMI. The unit types and sizes shall reflect the same ratio mix and sizes of the market rate units. The Planning and Zoning Administrator may authorize a variation on the ratio mix and unit size as long as the total amount of set aside GBA is maintained.

4. The restricted units shall remain affordable to the specified income levels for a period of 30 years from the date of final CO.
5. The development shall comply with all the receiving site requirements in subsection 94-133(e).

The development shall comply with all subdistrict requirements and shall not exceed the maximum FAR and height allowed by Figure IV-36 and the corresponding incentive building requirements table. Additional details for the program are included in the Downtown Master Plan Housing Incentive Program Implementation Guide adopted by resolution of the city commission.

e. *The total number of restricted units* shall be provided in accordance with one of the following three alternatives:
   1. On site: The total number of restricted units required to be reserved for the DMP housing incentive program will be provided on site, as part of the development. Units shall comply with the following design standards:
      a. All units shall be finished completely, including elements such as, but not limited to, appliances, finished floors, doors, light fixtures, and any other elements considered standard for a market-rate finished unit within the same building but may not necessarily be in the same model or finish level. The restricted units reserved for the DMP housing incentive program shall be integrated within the overall project.

   2. Off-Site: The total number of restricted units required to be reserved for the DMP housing incentive program for a development (incentivized project) will be provided by constructing the units at an alternative location (off-site project) in compliance with each of the following conditions:
      a. The off-site location shall be within: (i) the Downtown Master Plan area; or (ii) within the City limits east of I-95 for rental units or anywhere within the City for homeowner for-sale units.
      b. The off-site restricted units shall be new construction or renovation of previously abandoned/vacant structures and shall be contained within one single project. Location in several buildings may be possible with the approval by the city but no building should have less than 15 units.
      c. Construction of the off-site restricted units may be provided through an “exchange developer option”. The developer of the incentivized project may contract with a third-party developer to provide the required restricted units off-site as part of the third party developer’s project. The third party developer shall be required to meet all obligations of the program. Exchange development options are subject to the following provisions:
         1. The assumption of the incentivized projects obligations by the third-party developer shall be documented by written agreement acceptable to the city.
         2. Before issuance of a building permit for the incentivized project, developer shall post a surety bond or letter of credit for the benefit of the city and acceptable to the city, in a total amount equal to the payment in lieu amount, as calculated below. The city shall be entitled to claim against the surety bond or letter of credit should the off-site restricted units do not receive certificate of occupancy within twelve (12) months of the incentivized project receiving a certificate of occupancy or such off-site units not be constructed in compliance with the program requirements. The surety bond or letter of credit will be released once the off-site project receives its certificate of occupancy. Once the bond or letter of credit is accepted by the City, the incentivized project will be considered in compliance with the DMP Housing Incentive Program.
      d. The total GBA of the off-site restricted units shall be equal to the required GBA for on-site restricted units. Off-site restricted units shall comply with the average unit size required for downtown residential projects. If micro-units are provided, they can be excluded from the average unit size calculation, but the total number of micro units shall not exceed more than 30% of the required set aside gross building area.
      e. Off-site restricted units shall be finished completely, including elements such as, but not limited to, appliances, finished floors, doors, light fixtures, and any other elements considered standard for a market-rate finished unit within the same building.
      f. The off-site restricted units may be constructed in a project that contains other restricted units or includes restricted units required from another incentivized project. A single restricted unit cannot be utilized to comply with requirements for two different incentivized projects.

g. The off-site restricted units cannot be located within developments that are administered through federal, state or local housing agencies that dedicate all units for families with incomes below 80% of the AMI.

h. The project where the off-site restricted units are to be constructed shall not utilize the off-site option to transfer the DMP housing incentive program units to a third site.

3. Payment in-lieu. The requirements of the DMP housing incentive program may be met by providing a monetary contribution to the city's Housing Trust Fund, in lieu of providing the restricted units. The city shall utilize such funds for housing programs and uses authorized for such funds.

   a. The total amount of the payment in lieu shall be based on the per square foot construction cost per the International Code Council Building Valuation Data table for a building type IIIB, as updated on a bi-annual basis. An additional 25% of the resulting construction cost will be added to the final fee to account for the cost of land.

   b. A minimum of 50% of payment in-lieu shall be made prior to the issuance of the first building permit for the market rate units. The remainder 50% of the payment in-lieu shall be made before the issuance of the first TCO for the project.

   c. The calculation of the payment in-lieu shall be based on the required 20% of GBA set aside, and no discount will be offered for efficiency.

   d. The payment in-lieu option will be available only to project proposing units for-sale. Rental projects are not allowed to utilize the payment in-lieu option

f. . Affordability controls. All developments utilizing the DMP housing incentive shall enter into written housing development agreement with the city, in form and substance approved by the city, which shall include each of the following conditions:

1. The housing incentive development agreement shall be signed before a building permit will be issued.
2. The DMP housing incentive program restricted units shall be sold or rented only to qualified buyers according to the most recent AMI income limits and rent limits table for Palm Beach County as reported by the Florida Housing Finance Corporations.
3. The DMP housing incentive program restricted units shall be restricted to residency by qualified buyers or renters for an affordability period of thirty years from the date of final CO of the last unit, or final CO of last unit of each phase, if a phased project.
4. A restrictive covenant evidencing the requirement for the DMP housing incentive program restricted units and the affordability period shall be executed and recorded against the project property in the public records of Palm Beach County.

g. *Use of the DMP housing incentive program* will not negatively impact eligibility for any incentive that may be offered by the West Palm Beach Community Redevelopment Agency.

h. *Exemptions from code requirements.* Projects with income restricted units on-site or off site in compliance with the DMP housing incentive program may be allowed the following additional incentives:

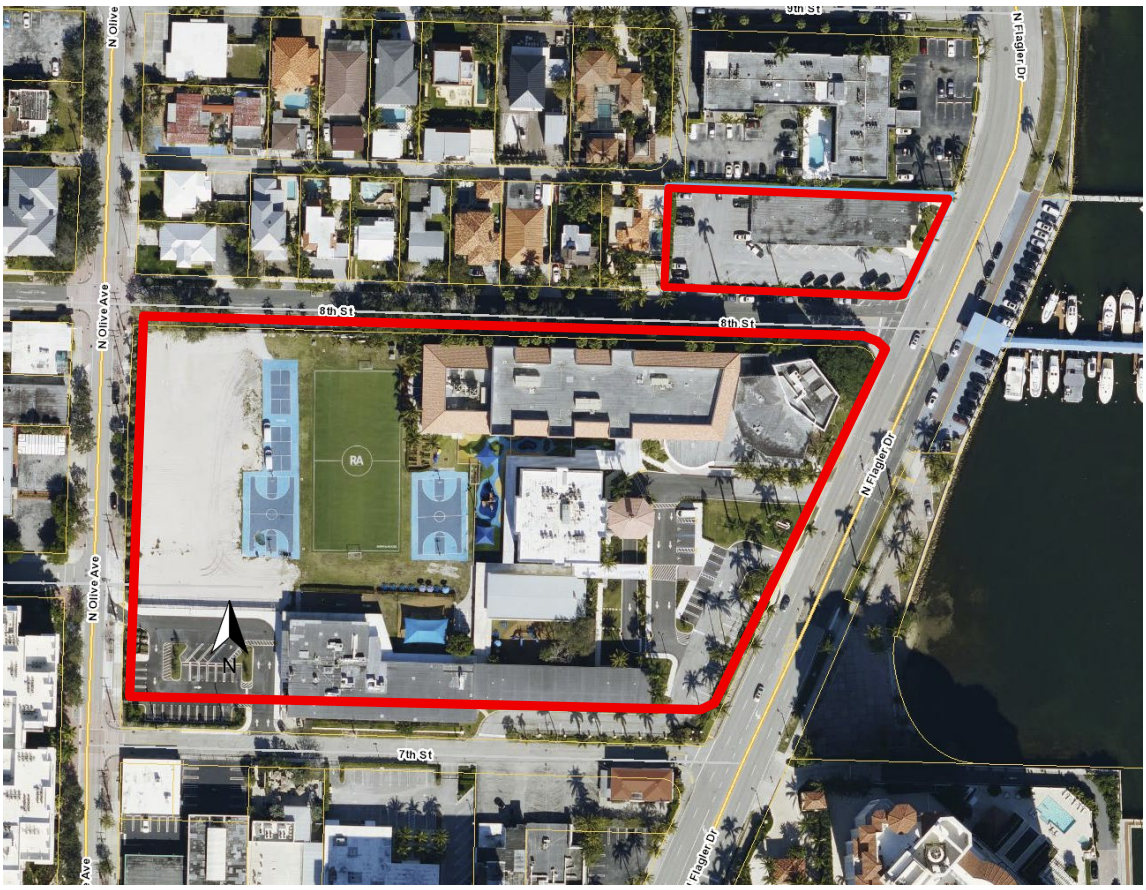
1. Guest parking will not be required for the residential portion of the project.
2. If any of the DMP housing incentive program units are proposed as microunits, those units shall not be included in the calculation for the required transit fee. The payment shall be required for all other micro units that are not income restricted.
3. The private open space requirement may be reduced by 25% from the applicable building requirement table.
4. The public open space requirement may be reduced by 15% from the applicable building requirement table. The remaining public open space shall be in one single location.
5. Active use requirements along primary streets above the 1st story may be reduced by 20% from the applicable building requirement table, and active use requirements along Avenues above the 1st story may be reduced by 20%. Architectural treatment still would be requirement in compliance with the code.
6. The exemptions from code requirements will be applicable to the project where the income restricted units are located. Projects utilizing the payment in lieu to comply with the housing requirement will not be able to utilize the code exemptions.

(Ord. No. 4539-14, § 1 (Exh. A), 11-24-2014; Ord. No. 4547-15, § 5 (Exh. B), 4-13-2015; Ord. No. 4563-15, §§ 4 (Exh. A), 5 (Exh. B), 7-6-2015; Ord. No. 4691-17, § 6, 2-13-2017; Ord. No. 4674-16, § 5 (Exh. E), 2-27-2017; Ord. No. 4785-18, § 2 (Exh. B), 08-13-2018; Ord. No. 4904-20, § 4-6 (Exh. D-F), 09-21-2020; Ord. No. 4958-21, § 5 (Exh. A), 08-09-2021; Ord. No. 5032-23, § 4, 01-23-2023)

Secs. 94-135—94-140. - Reserved.

(Ord. No. 4213-09, § 6 (Exh. A), 6-29-2009; Ord. No. 4315-11, § 2, 1-24-2011; Ord. No. 4497-13, § 1, 10-28-2013; Ord. No. 4547-15, § 3, 4-13-2015; Ord. No. 4563-15, § 3, 7-6-2015; Ord. No. 4674-16, § 5 (Exh. E), 2-27-2017; Ord. No. 4785-18, § 2 (Exh. B), 08-13-2018; Ord. No. 4904-20, § 4 (Exh. D), 09-21-2020; Ord. No. 4956-21, § 7, 07-12-2021; Ord. No. 4958-21, § 5 (Exh. A), 08-09-2021; Ord. No. 4986-21, § 4 (Exh. A), 02-07-2022)

CITY OF WEST PALM BEACH PLANNING BOARD
Meeting Date: Tuesday, October 20, 2026
901/807 N Flagler Dr Rezoning to Loftin District-5
DAC Case No. 26-01



Affected properties outlined in Red

I. REQUEST

A city-initiated request for the rezoning of the property located at 901 N Flagler Drive from the Providencia Park District-Professional Office (PPD-PO) subdistrict to the Loftin District-5 (LD-5) subdistrict and the property located at 807 N Flagler Drive from the Loftin District-R (LD-R) subdistrict to the Loftin District-5 (LD-5) subdistrict in the Downtown Master Plan ("DMP").

Location: The subject properties, consisting of ± 0.62 acres for the 901 N Flagler Dr and ± 6.08 acres for the 807 N Flagler Dr, are within Commission District 3 - Commissioner Christy Fox.

II. RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning, based upon the finding that the petition meets all eight of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations:

1. Consistent with all elements of the Comprehensive Plan.
2. Changed conditions that require an amendment.
3. Conformance with the City Development Code.
4. Consistent with existing and proposed land use.
5. Does not exceed the capacity of public facilities.
6. Does not result in significant adverse impacts on the natural environment.
7. Does not adversely affect property values in the area.
8. Results in an orderly and logical development pattern.

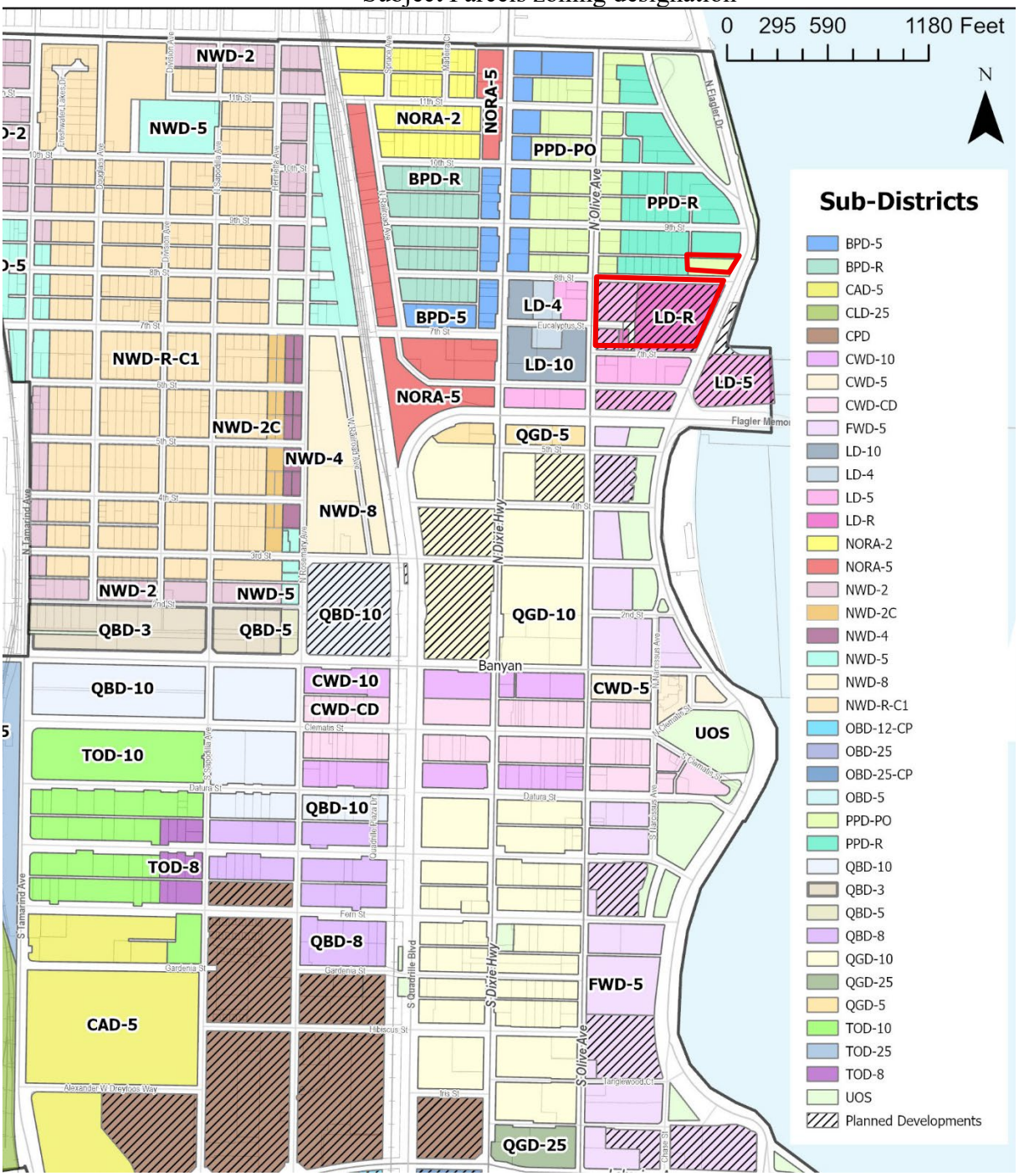
III. BACKGROUND AND ANALYSIS

Since February 2025, the City of West Palm Beach, in collaboration with its consultant, Zyscovich Inc., has undertaken a comprehensive update to the Downtown Master Plan (DMP). The update establishes a forward-looking vision for the downtown that promotes its long-term sustainability and continued growth, while building upon and thoughtfully evaluating previous planning efforts and studies.

City staff were approached by the ownership and representatives of 901 N Flagler Drive. The owners, who also own the Palm Beach Yacht Club directly east across North Flagler Drive, expressed interest in redeveloping the 901 N Flagler Drive property into a functional use that complements the Yacht Club. Specifically, they requested that city staff consider rezoning options and review the existing development patterns, scales, and regulations of the surrounding neighborhoods of the Loftin and Providencia Districts to accommodate future redevelopment of the area.

Currently, the property located at 901 N Flagler Drive is zoned as Providencia Park District-Professional Office (PPD-PO). The property located at 807 N Flagler Drive is occupied by the Rosarian Academy and is zoned as Community Service Plan Development (CSPD) within the boundaries of the Loftin District – Residential (LD-R). **See Figure 1.**

Figure 1
Subject Parcels zoning designation



The 901 N Flagler Drive property is currently occupied by a single-story office building built in 1963. It houses medical and other professional office tenants, with a substantial amount of surface parking onsite. While the property's current PPD-PO zoning may be appropriate for the existing uses, it is geographically disconnected from the rest of the PPD-PO zoning subdistrict to the west.

In terms of neighborhood context, the property is bordered to the north by a four-story multi-family residential development, and to the west by larger two-to-three-story single-family residential structures. To the south sits the three-story Rosarian Academy school, and to the east is the lively Palm Beach Yacht Club.

The Palm Beach Yacht Club currently occupies a professional office space within the 901 N. Flagler Drive property. The Yacht Club has identified a deficit in its parking capacity and valet operations at the 800 N. Flagler Drive location, which currently results in pedestrian and vehicular conflicts along the sidewalk and across N. Flagler Drive. To accommodate restaurant and commercial patrons, overflow parking is utilized within the 901 N. Flagler Drive surface lot during off-business hours. The requested rezoning from PPD-PO to LD-5 would allow the Yacht Club to develop a five-level parking structure featuring ground-floor active uses. This development would alleviate a major operational nuisance in the area while maintaining an appropriate transition in building scale.

Rosarian Academy is a private catholic school that was built in 1967 predating the Downtown Master Plan Urban Regulations. Recognizing that the existing school had a unique development capacity and pattern, the 807 N Flagler Drive property was established as a Community Service Planned Development (CSPD) on June 2, 1997, when the City Commission approved Ordinances No. 3030-97, 3031-97, 3032-97, and 3033-97 rezoning the property.

However, during the 2007/2009 Downtown Master Plan update, this property's location and context led planners to review it as part of the Loftin District. The intent was for future redevelopment to follow the same regulatory framework as the surrounding properties. Consistency with the Loftin District zoning will only apply if the Planned Development (PD) designation is abandoned by the property owner. Should the PD owner seek abandonment, the parcel would then undergo a rezoning process to match or take on the underlying or surrounding subdistrict designations, in this instance the applicable subdistrict would be Loftin District-Residential (LD-R).

Nevertheless, the LD-R subdistrict, which regulates low-scale, 1-to-3-story residential or auxiliary office developments only applies to the 807 N Flagler Drive property. All of the other mixed-use property's surrounding the subject site are designated as LD-5. Thus, the subject rezoning seeks to incorporate both the 901 and 807 N Flagler Drive parcels into the more compatible and appropriate Loftin District -5 subdistrict.

The Loftin district is envisioned as a low to mid-scale mixed-use area that provides a transition from the northern low-scale residential enclave planning area to the higher intensity urban core.

Developments within the district will maintain the medium scale of the existing building stock. The existing properties of 901 and 807 N Flagler Drive align with the intent, scale, massing, permitted uses, and neighborhood context of the Loftin District better than their current zoning designations.

Staff's analysis of the subject rezoning application against the amendment standards of Section 94-32 of the Zoning and Land Development Regulations is outlined within Section V.

IV. PUBLIC NOTICE

A notification of the Planning Board hearing, scheduled for October 20, 2026, was sent to all property owners within a 500-foot radius of the subject properties.

This Case was presented to DAC on May 13, 2026, and a recommendation for approval was made with a (7-0) vote.

V. AMENDMENT STANDARDS

1. **Whether the proposed amendment is consistent with all elements of the City of West Palm Beach Comprehensive Plan;**
   Findings **COMPLIES**

   The rezoning proposed eliminates inconsistencies in the underlying zoning of existing buildings and uses and assigns a more appropriate designation for new developments to follow. The proposed amendment is consistent with all elements of the City's comprehensive plan and supports the goals, objectives, and policies to establish appropriate regulations, consistent with the character of each neighborhood, district, and corridor.

2. **Whether there exist changed conditions which require an amendment;**
   Findings **COMPLIES**

   The existing property of 901 N Flagler has presented operational constraints and traffic concerns associated with its well-attended use. Furthermore, through the review of each district within the downtown regulations, the subject properties were identified, and the changes proposed are a result of what would be a more appropriate zoning designation in the context of the existing building massing, uses, and adjacent properties.

3. **Whether the proposed amendment is in conformance with all applicable portions of the City Development Code;**

Findings **COMPLIES**

The proposed rezoning is consistent with the applicable requirements of the City Development Code. The subject rezoning would establish more consistent building requirements for the properties that share similar development characteristics along North Flagler Drive.

4. **Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;**

Findings **COMPLIES**

The proposed amendment is consistent with both existing and anticipated land uses in the surrounding area, as Loftin District remains a mixed-use area. The proposed rezoning would not fundamentally alter the types of uses that may occur on the subject properties, rather it assigns a more compatible designation.

5. **Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities;**

Findings **COMPLIES**

The proposed amendment is not anticipated to exceed the capacity of existing or planned public facilities, including transportation, water supply, sewerage, drainage, parks, fire, police, schools, or emergency medical services. Existing and future development would remain subject to the City's applicable development review, concurrency, level-of-service, infrastructure, and site-specific requirements. Any future redevelopment would be evaluated for its individual impacts on transportation and public facilities, as applicable.

6. **Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment;**

Findings **COMPLIES**

The proposed amendment is not anticipated to result in significant adverse impacts on the natural environment. The subject properties are located within an established urbanized Downtown area, and the amendment primarily involves a change in applicable building requirements and development characteristics.

7. **Whether and the extent to which the proposed amendment would adversely affect property values in the area;**

Findings **COMPLIES**

The proposed amendment is not anticipated to adversely affect property values in the surrounding area. A consistent zoning designation and clearer development expectations may enhance the marketability and redevelopment potential of properties within the area.

8. **Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, and the specific identification of any effects on such pattern.**

Findings **COMPLIES**

The rezoning would establish a more logical transition between the Providencia Park residential districts to the north and west, and Downtown Urban Core to the south. The rezoning maintains consistency with building massing, uses, and the applicable building requirements for the properties along North Flagler Drive. This amendment continues the organization of the DMP with well-defined districts that each possess unique characteristics.

V. CONCLUSION

City staff respectfully requests the approval of the rezoning. The request to incorporate the subject properties into the LD-5 subdistrict would establish a more logical and continuous regulatory framework and may provide greater certainty or predictability for future redevelopment. Based on the analysis and application submittal documentation, staff further concludes that the rezoning complies with all amendment standards of Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations as contained herein.

Prepared and Respectfully Submitted by:

Claudia D. Ibaven
City Urban Designer

Chris Kimmerly, AICP
Principal Planner

GRANTING THE REZONING

I move that the Planning Board recommend to the City Commission **APPROVAL of DAC Case No. 26-01**, a city-initiated request for the approval of the rezoning of the property located at 901 North Flagler Drive from the Providencia Park – Professional Office (PPD-PO) to the Loftin District – 5 (LD-5) subdistrict within the Downtown Master Plan ("DMP"). The motion is based upon the testimony presented at the hearing, along with the application submitted and the staff report, which constitute competent, substantial evidence. The Committee hereby makes findings of fact that each of the applicable criteria in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations have been met.

READ ONLY IF CONDITIONS ARE IMPOSED

In addition, this recommendation is made subject to the following CONDITION OF APPROVAL, that condition(s) number(s) ___ (is) (are) imposed to read as follows: (state condition imposed). I move that these conditions are necessary to ensure compliance with the purpose and intent of the Zoning and Land Development Regulations and consistency with the Comprehensive Plan of the City of West Palm Beach.

RECOMMENDATION OF DENIAL

I move that the Planning Board recommend to the City Commission **DENIAL of DAC Case No. 26-01**, a city-initiated request for the approval of the rezoning of the property located at 901 North Flagler Drive from the Providencia Park – Professional Office (PPD-PO) to the Loftin District – 5 (LD-5) subdistrict within the Downtown Master Plan ("DMP"). This motion is based upon the testimony presented at the hearing along with the application submitted and the Staff report, which constitute competent, substantial evidence. The committee hereby makes findings of fact that each of the applicable criteria in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations have not been met. The standards that have not been met include the following (*list all applicable standards that have not been met and specify wh*y):

Amendment Standards – Section 94-32	
A. COMPREHENSIVE PLAN	Whether the proposed amendment is consistent with all elements of the City of West Beach Comprehensive Plan.
B. CHANGED CONDITIONS	Whether there exist changed conditions that require an amendment.
C. CITY DEVELOPMENT CODE	Whether the proposed amendment is in conformance with all applicable portions of the City Development Code.
D. EXISTING AND PROPOSED LAND USE	Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land use.
E. PUBLIC FACILITIES	Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities.
F. NATURAL ENVIRONMENT	Whether and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
G. PROPERTY VALUES	Whether and to the extent to which the proposed amendment would adversely affect property values in the area.
H. DEVELOPMENT PATTERN	Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern and the specific identification of any negative effects on such pattern.

CITY OF WEST PALM BEACH PLANNING BOARD
Meeting Date: Tuesday, October 20, 2026
701, 708, 709, 713, 714, 720 & 723 Evernia Street, 265 & 303 South Sapodilla Avenue,
Rezoning from TOD-8 to TOD-10
DAC Case No. 26-03

Affected properties outlined in Red

I. REQUEST

A city-initiated request for the rezoning of the properties located at 701, 708, 709, 713, 714, 720 & 723 Evernia Street, 265 & 303 South Sapodilla Avenue from the Transit Oriented District-8 (TOD-8) subdistrict to the Transit Oriented District-10 (TOD-10) subdistrict within the Downtown Master Plan ("DMP").

Location: The subject properties in aggregate consist of ± 2.55 acres and are within Commission District 3 - Commissioner Christy Fox.

II. RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning, based upon the finding that the petition meets all eight of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations:

1. Consistent with all elements of the Comprehensive Plan.
2. Changed conditions that require an amendment.
3. Conformance with the City Development Code.
4. Consistent with existing and proposed land use.
5. Does not exceed the capacity of public facilities.
6. Does not result in significant adverse impacts on the natural environment.
7. Does not adversely affect property values in the area.
8. Results in an orderly and logical development pattern.

III. BACKGROUND AND ANALYSIS

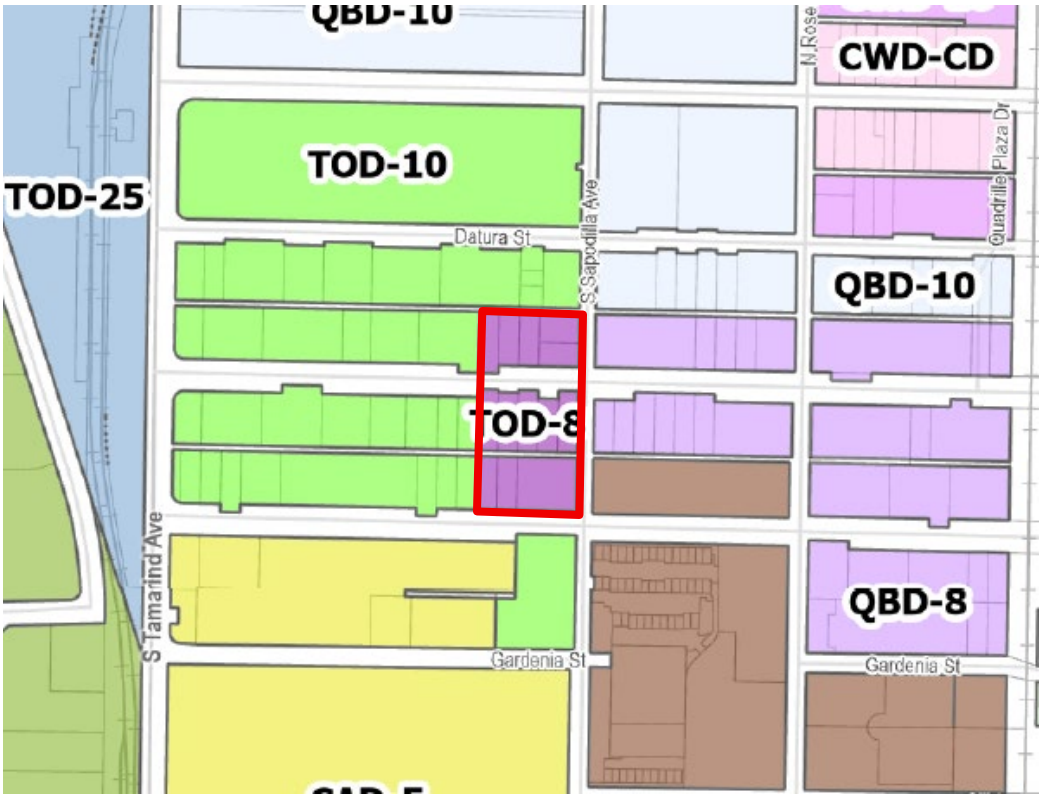
Since February 2025, the City of West Palm Beach, in collaboration with its consultant, Zyscovich Inc., has undertaken a comprehensive update to the Downtown Master Plan (DMP). The update establishes a forward-looking vision for the downtown that promotes its long-term sustainability and continued growth, while building upon and thoughtfully evaluating previous planning efforts and studies.

On May 13, 2026, Planning Staff brought forward to the Downtown Action Committee (DAC) Code Revision Case No. 26-03 together with the DAC Case No. 26-01, to update and revise the Downtown Master Plan Urban Regulations. Following this initial proposal in May, Planning and Zyscovich staff conducted further assessment of the proposed changes. Through this review, staff identified opportunities to rezone select properties where the existing zoning designation was not consistent with the context and zoning of adjacent properties. The Transit-Oriented District (TOD-8 and TOD-10) subdistricts were identified as an opportunity area to consolidate or unify two subdistricts which overlap in development characteristics. While the distinction between TOD-8 and TOD-10 was deliberate and intentional under the 2009 DMP regulations, the existing condition of indistinguishably vacant and underdeveloped land along Evernia and Fern Street warrants the subject code revision.

Staff acknowledges this as an opportunity to remove unnecessary regulatory separation, to unify or redefine the TOD subdistrict, and to simplify the respective building requirements. Incorporating the proposed rezoning would provide greater consistency along district boundaries, improve overall zoning continuity, and better align the zoning map with existing development patterns and the intent behind the DMP update.

Figure I

Existing TOD-8 Subdistrict



The subject rezoning of the TOD-8 subdistrict to the TOD-10 would create a more consistent and cohesive zoning designation across the Datura, Evernia, and Fern Street blocks. As illustrated within **Figure I**, the adjacent properties along Evernia Street and Fern Street frontages are already assigned the TOD-10 subdistrict, extending that designation to the TOD-8 area would eliminate what currently is an isolated zoning subdistrict within an otherwise unified Transit-Oriented Development area. This consistency would provide a clearer framework for property owners, developers, and the city, while supporting a more coordinated pattern of redevelopment and regulation consistency. Importantly, the rezoning would not fundamentally change the types of permitted uses on these properties, as the permitted uses remain the same under the TOD-8 and TOD-10 subdistricts. Thus, the character of the district is maintained. The permitted uses for the TOD include the following: Residential, Multi-family, Live Work, Retail, Office, Hotel, Restaurant, Other Commercial, Structured and Surface or Offsite Accessory Parking

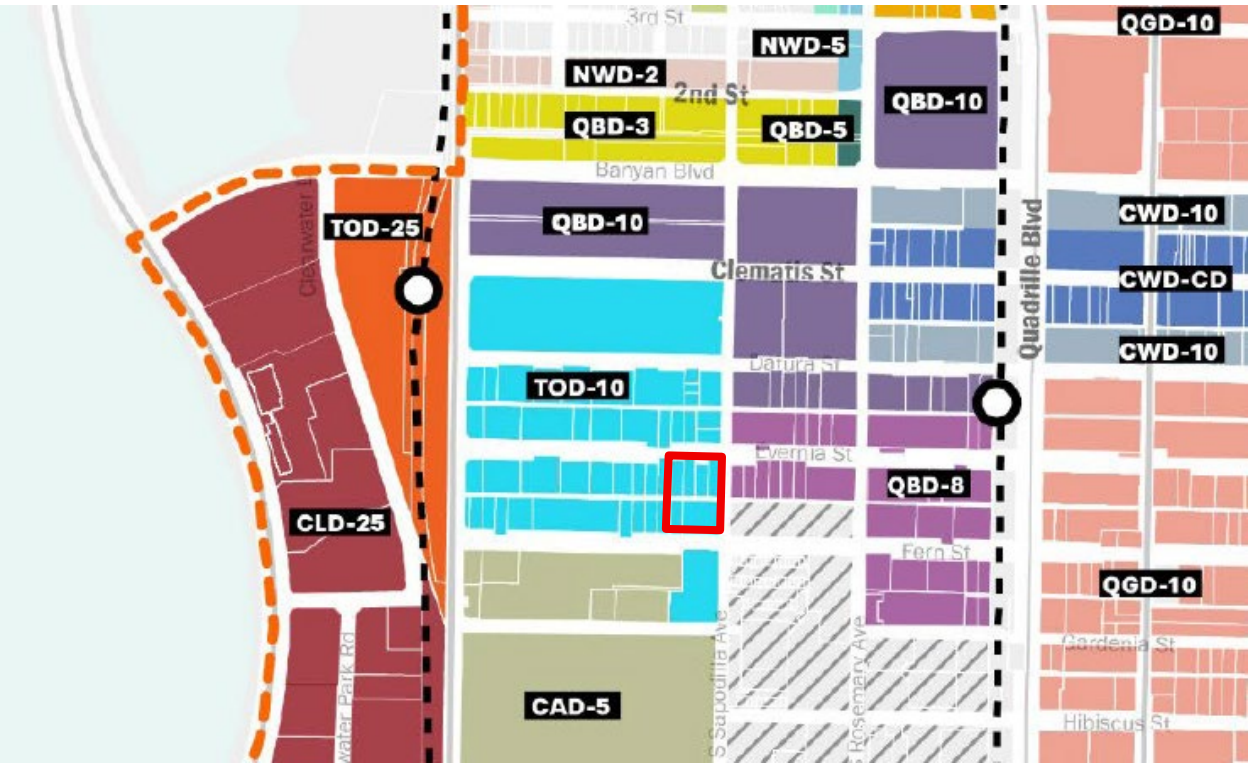
The rezoning would also better align the area with the proposed TOD 10-25 incentive framework proposed under the DMPU. A unified TOD-10 designation would eliminate an unnecessary regulatory break within the block (rather than having both a TOD 8-25 incentive and TOD 10-25 incentive, which would have the same maximum FAR and height limitations) and allow the incentive structure to function more consistently across the properties that are anticipated to

develop as part of the Vanderbilt campus masterplan. The additional flexibility afforded by the TOD-10 subdistrict zoning would allow future projects to respond more effectively to evolving market conditions, site configurations, and institutional development needs.

Finally, applying the TOD-10 regulations to the existing TOD-8 area is appropriate in terms of scale and urban form. The TOD-10 designation would create a more cohesive transition between the TOD subdistrict and the QBD subdistricts immediately to the east, which already establishes a context for greater building intensity, scale, massing, height, and floor area ratios (FAR). The proposed rezoning would therefore not introduce an isolated or incompatible sequence of development; rather, it would better align the subject area with the intensity and built-form expectations already present on the blocks and in the surrounding subdistrict. By unifying the TOD-10 zoning across this area, the amendment supports a more coherent template for development, anticipates future campus-related growth, and creates a regulatory framework that is both internally consistent and compatible with the broader scale of mixed-use development permitted nearby, see **Figure II**.

Figure II

Proposed TOD-10 Subdistrict under the DMPU



Staff's analysis of the amendment standards per Section 94-32 of the Zoning and Land Development Regulations is outlined in Section V.

IV. PUBLIC NOTICE

A notification of the Planning Board hearing, scheduled for October 20, 2026, was sent to all property owners within a 500 feet radius of the subject properties.

This Case was presented to DAC on September 9, 2026, and a recommendation of approval was made (4-0).

V. AMENDMENT STANDARDS

1. **Whether the proposed amendment is consistent with all elements of the City of West Palm Beach Comprehensive Plan;**
   Findings **COMPLIES**

   The proposed amendment is consistent with the applicable elements and policies of the Comprehensive Plan. The proposed TOD-10 rezoning is consistent with the City's broader planning objectives for concentrating development within the Downtown and areas served by the existing Tri-Rail & Brightline stations or planned transportation infrastructure (WPB Move). The amendment would not introduce a new development intensity or land use concept that is inconsistent with the Comprehensive Plan. Rather, it would consolidate the existing TOD-8 designation with the surrounding TOD-10 subdistrict and establish more consistent building requirements for the properties that share similar development characteristics along both Evernia and Fern Street.

   Additionally, the proposed amendment maintains the existing range of permitted uses, while providing a regulatory framework that better supports anticipated redevelopment associated with the Vanderbilt campus masterplan.

2. **Whether there exist changed conditions which require an amendment;**
   Findings **COMPLIES**

   Changed conditions and evolving development circumstances support consideration of the proposed amendment. Since the adoption of the 2009 Downtown Master Plan regulations, development conditions within the subject area and the surrounding Clear Lake and Quadrille Business subdistricts have continued to evolve. The distinction between the

TOD-8 and TOD-10 subdistricts was originally established intentionally; however, the existing condition of the subject properties, including vacant and underdeveloped land, provides an opportunity to reconsider whether maintaining two separate subdistrict designations continues to serve a meaningful regulatory purpose.

In addition, the ongoing Downtown Master Plan Update and anticipated redevelopment associated with the Vanderbilt campus masterplan, provide a timely basis for evaluating the existing zoning configuration. The further assessment undertaken by Planning Staff and Zyscovich Inc. identified an opportunity to eliminate an isolated TOD-8 designation and extend the adjacent TOD-10 designation across the area.

3. **Whether the proposed amendment is in conformance with all applicable portions of the City Development Code;**
Findings **COMPLIES**

The proposed amendment would simplify the application of development regulations by eliminating an unnecessary distinction between two subdistricts that have substantially overlapping development characteristics and permitted uses. Staff therefore finds the amendment consistent with the applicable requirements of the City Development Code.

4. **Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;**
Findings **COMPLIES**

The proposed amendment is consistent with both existing and anticipated land uses in the surrounding area. The TOD-8 and TOD-10 subdistricts allow the same permitted uses; therefore, the proposed rezoning would not fundamentally alter the types of uses that may occur on the subject properties.

5. **Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities;**
Findings **COMPLIES**

The proposed amendment is not anticipated to exceed the capacity of existing or planned public facilities, including transportation, water supply, sewerage, drainage, parks, fire, police, schools, or emergency medical services.

While redevelopment of the currently vacant or underdeveloped properties may result in additional demand for public facilities over time, such development would remain subject to the City's applicable development review, concurrency, level-of-service, infrastructure,

and site-specific requirements. Any future development would be evaluated for its individual impacts on transportation and utility infrastructure, as applicable.

6. **Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment;**
   Findings **COMPLIES**

   The proposed amendment is not anticipated to result in significant adverse impacts on the natural environment. The subject properties are located within an established urbanized Downtown area, and the amendment primarily involves a change in potential development capacity.

7. **Whether and the extent to which the proposed amendment would adversely affect property values in the area;**
   Findings **COMPLIES**

   The proposed amendment is not anticipated to adversely affect property values in the surrounding area. Rather, the establishment of a consistent TOD-10 designation across the subject area may provide greater certainty and predictability for property owners and prospective developers. A consistent zoning designation and clearer development expectations may enhance the marketability and redevelopment potential of properties within the area.

8. **Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, and the specific identification of any effects on such pattern.**
   Findings **COMPLIES**

   Extending the TOD-10 designation across the subject area would eliminate the unnecessary break in subdistricts and create a more cohesive zoning pattern along the Evernia Street and Fern Street frontages. The rezoning would also establish a more logical transition between the Clear Lake subdistrict to the west and the QBD subdistricts to the east, which already provide for greater building intensity, scale, massing, heights, and FAR. Additionally, the unified TOD-10 designation would simplify the application of the DMPU proposed TOD 10-25 incentive to function consistently across properties anticipated to participate in the Vanderbilt campus masterplan. This amendment continues the organization of the DMP with well-defined districts that each possess unique characteristics.

VI. CONCLUSION

City staff respectfully requests the approval of the rezoning. The request to incorporate the subject properties into the TOD-10 subdistrict would round out the block and establish a more logical and continuous zoning form, rather than maintaining a fragmented distinction within an otherwise cohesive development area. Based on the analysis and application submittal documentation, staff further concludes that the rezoning complies with all amendment standards of Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations as contained herein.

Prepared and Respectfully Submitted by:

Claudia D. Ibaven
City Urban Designer

Chris Kimmerly, AICP
Principal Planner

GRANTING THE REZONING

I move that the Planning Board recommend to the City Commission **APPROVAL of DAC Case No. 26-03**, a city-initiated request for the approval for the rezoning of the properties located at 701, 708, 709, 713, 714, 720 & 723 Evernia Street, 265 & 303 South Sapodilla Avenue from the Transit Oriented District-8 (TOD-8) subdistrict to the Transit Oriented District-10 (TOD-10) subdistrict within the Downtown Master Plan ("DMP"). The motion is based upon the testimony presented at the hearing, along with the application submitted and the staff report, which constitute competent, substantial evidence. The Committee hereby makes findings of fact that each of the applicable criteria in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations have been met.

READ ONLY IF CONDITIONS ARE IMPOSED

In addition, this recommendation is made subject to the following CONDITION OF APPROVAL, that condition(s) number(s) ___ (is) (are) imposed to read as follows: (state condition imposed). I move that these conditions are necessary to ensure compliance with the purpose and intent of the Zoning and Land Development Regulations and consistency with the Comprehensive Plan of the City of West Palm Beach.

RECOMMENDATION OF DENIAL

I move that the Planning Board recommend to the City Commission **DENIAL of DAC Case No. 26-03**, a city-initiated request for the approval for the rezoning of the properties located at 701, 708, 709, 713, 714, 720 & 723 Evernia Street, 265 & 303 South Sapodilla Avenue from the Transit Oriented District-8 (TOD-8) subdistrict to the Transit Oriented District-10 (TOD-10) subdistrict within the Downtown Master Plan ("DMP"). This motion is based upon the testimony presented at the hearing along with the application submitted and the Staff report, which constitute competent, substantial evidence. The committee hereby makes findings of fact that each of the applicable criteria in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations have not been met. The standards that have not been met include the following (*list all applicable standards that have not been met and specify wh*y):

Amendment Standards – Section 94-32	
A. COMPREHENSIVE PLAN	Whether the proposed amendment is consistent with all elements of the City of West Beach Comprehensive Plan.
B. CHANGED CONDITIONS	Whether there exist changed conditions that require an amendment.
C. CITY DEVELOPMENT CODE	Whether the proposed amendment is in conformance with all applicable portions of the City Development Code.
D. EXISTING AND PROPOSED LAND USE	Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land use.
E. PUBLIC FACILITIES	Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities.
F. NATURAL ENVIRONMENT	Whether and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
G. PROPERTY VALUES	Whether and to the extent to which the proposed amendment would adversely affect property values in the area.
H. DEVELOPMENT PATTERN	Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern and the specific identification of any negative effects on such pattern.