

Section 4.4.24 Old School Square Historic Arts District (OSSHAD)

(A) **Purpose and Intent:** The Old School Square Historic Arts District (OSSHAD) is a mixed use district which is intended to:

(1) Provide for mixed uses of residential, office, and commercial activities, with an emphasis on the arts, that will encourage the restoration or preservation of historic structures and, yet, maintain and enhance the historic and pedestrian scale of the area; **[Amd. Ord. 13-93 2/23/93]**

(2) Stimulate greater awareness and pride in the City's architectural heritage, and create an atmosphere and feeling of "Old Delray Beach";

(3) Improve the environmental quality and overall livability of this Historic District and stabilize and improve property value therein, and;

(4) Allow uses which promote preservation and adaptive reuse of all structures within the District. **[Amd. Ord. 13-93 2/23/93]**

(B) **Principal Uses and Structures:** The following types of uses are allowed within the OSSHAD as a permitted use:

(1) Single family detached dwellings. **[Amd. Ord. 59-04 11/16/04]**

(2) Duplex structures. **[Amd. Ord. 59-04 11/16/04]**

(3) Business, Professional, Medical and Governmental Offices. **[Amd. Ord. 59-04 11/16/04]**

(4) Retail uses and/or facilities through specialty shops (single purpose businesses) such as: bath shops, book stores, gift shops, florists, hobby shops, kitchen shops, boutiques, bicycle shops, excluding liquor stores, convenience stores and pharmacies. **[Amd. Ord. 35-10 10/19/10]; [Amd. Ord. 59-04 11/16/04]**

(5) Arts related businesses such as craft shops, galleries, and studios within which is conducted the preparation of, display of, and/or sale of art products such as antiques, collectibles, custom apparel, jewelry, paintings, photography, picture framing, pottery, sculpture, stained glass. **[Amd. Ord. 59-04 11/16/04]**

(6) Educational and/or Instructional activities including training, vocational, or craft schools, the arts, personal development, and libraries, museums, and social and philanthropic institutions. **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]**

(7) Restaurants of a sit down nature such as a cafe, snack shop, full service dining but excluding any drive-in and/or drive-through facilities or features. **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]**

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(8) Providing of personal services such as barbershops, beauty shops, salons, cosmetologists. **[Amd. Ord. 59-04 11/16/04]**

(9) Bed and Breakfast Inns, subject to the provisions of LDR Section 4.3.3(Y). **[Amd. Ord. 11-10 7/20/10]; [Amd. Ord. 59-04 11/16/04]**

(10) Catering services not associated with a restaurant, subject to the special regulations of Section 4.4.24(H). **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 5-00 3/21/00]**

(11) Group Home, Type 1, pursuant to restrictions set forth in Section 4.3.3(I). **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 23-01 5/1/01]**

(12) Within the following described areas, the uses allowed as permitted uses in Section 4.4.13(B) pursuant to the base district and special regulations of the Central Business District regulations shall also be allowed in the OSSHAD: **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 23-01 5/1/01]; [Amd. Ord. 5-00 3/21/00]**

(a) Lots 13-16, Block 60

(b) Lots 1- 4, Block 61

(c) Lots 1- 7 and 19-24, Block 69 **[Amd. Ord. 47-99 1/4/00]**

(d) Lots 7- 8, and the South 34.75 feet of Lot 6, Block 75; and **[Amd. Ord. 79-04 1/18/05]**

(e) Lots 1- 6, Block 76

(13) Assisted Living Facilities **[Amd. Ord. 01-10 1/19/10]**

(14) Residential Licensed Service Providers Facilities **[Amd. Ord. 10-11 4/5/11]**

(15) Nursing Homes **[Amd. Ord. 10-11 4/5/11]**

(C) **Accessory Uses and Structures Permitted**: The following uses are allowed when a part of, or accessory to, the principal use:

(1) Uses and structures normally associated with residences such as: bird aviaries, dog houses and dog runs, garages, greenhouses, guest cottages, playhouses, pool houses and covers/enclosures, pump houses, slat houses, storage sheds, workshops, swimming pools, and home occupations.

(2) On a parcel that has as its principal use a non-residential use, there may be no more than two residential units, either within a separate structure or within a structure housing a non-residential use. **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]**

DELETED (a), (b), (c). **[Amd. Ord. 59-04 11/16/04]**

(3) Family Day Care Home, pursuant to Section 4.3.3(T). **[Amd. Ord. 25-10 10/19/10]**

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(4) Parking lots and refuse storage areas

(5) Outdoor dining areas which are accessory or supplemental to a restaurant or business use, provided the operation of the outdoor dining area is limited to daylight hours. **[Amd. Ord. 13-93 2/23/93]**

(6) Within the following described areas, the uses allowed as accessory uses in Section 4.4.13(C) pursuant to the base district and special regulations of the Central Business District regulations shall also be allowed in the OSSHAD: **[Amd. Ord. 57-07 1/03/08]**

- (a) Lots 13-16, Block 60
- (b) Lots 1- 4, Block 61
- (c) Lots 1- 7 and 19-24, Block 69
- (d) Lots 7- 8, and the South 34.75 feet of Lot 6, Block 75; and
- (e) Lots 1- 6, Block 76

(D) **Conditional Uses and Structures Allowed:** The following uses are allowed as conditional uses within the OSSHAD:

DELETED (1) AND (2) AND RENUMBERED. **[Amd. Ord. 59-04 11/16/04]**

(1) Outdoor dining which operates at night or which is the principal use or purpose of the associated restaurant. **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]**

(2) Child Care, and Adult Day Care. **[Amd. Ord. 10-11 4/5/11]; [Amd. Ord. 20-08 4/15/08]; [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 4-04 2/3/04]; [Amd. Ord. 35-00 1/2/01]**

(3) Public Parking lots not associated with a use. **[Amd. Ord. 38-07 2/5/08]; [Amd. Ord. 59-04 11/16/04]**

(4) Residential-type inns, not to exceed more than eighteen (18) individually leased suites or rooms per acre. **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 9-98 2/17/98]**

(5) Group Home, Type 2, and Community Residential Homes, pursuant to restrictions set forth in Section 4.3.3(I). **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 23-01 5/1/01]**

(6) Large Family Child Care Home, subject to Section 4.3.3(TT). **[Amd. Ord. 25-10 10/19/10]**

(E) **Review and Approval Process:**

(1) All principal uses and accessory uses thereto, which do not require a permit shall be allowed upon application to, and approval by, the Chief Building Official. **[Amd. Ord. 59-04 11/16/04]**

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(2) Structures which require a building permit for external work must receive approval from the Historic Preservation Board, or the Director of Planning and Zoning or designee, as applicable, through the issuance of a Certificate of Appropriateness. **[Amd. Ord. 59-04 11/16/04]**

(3) For new development, or a change in use which results in the requirement to provide additional parking, approval must be granted from the Historic Preservation Board pursuant to Sections 2.4.5 (F), (H), and (I). **[Amd. Ord. 59-04 11/16/04]**

(4) Conditional uses must be approved pursuant to Section 2.4.5(E). Prior to action by the Planning and Zoning Board, the conditional use request must be reviewed by the Historic Preservation Board with a recommendation forwarded to the Planning and Zoning Board. **[Amd. Ord. 59-04 11/16/04]**

(F) **Development Standards:** The development standards as set forth, for the OSSHAD District, in Section 4.3.4 apply, except as modified below: **[Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 13-93 2/23/93]**

(1) The following locations shall be subject to the development standards of the Commercial Core (CC) area of the CBD Zone District, excluding exceptions to height limitations provided in Section 4.3.4(J)(4): **[Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 59-04 11/16/04]; [Amd. Ord. 21-04 5/4/04]; [Amd. Ord. 13-93 2/23/93]**

- (a) Lots 1- 7 and 19-24, Block 69 **[Amd. Ord. 21-04 5/4/04]; [Amd. Ord. 47-99 1/4/00]**
- (b) Lots 7- 8, and the South 34.75 feet of Lot 6, Block 75; and **[Amd. Ord. 79-04 1/18/05]; [Amd. Ord. 21-04 5/4/04]**
- (c) Lots 1- 6, Block 76 **[Amd. Ord. 21-04 5/4/04]**

(2) The following locations shall be subject to the development standards of the West Atlantic Neighborhood (WAN) area of the CBD Zone District: **[Amd. Ord. 64-04 11/16/04]; [Amd. Ord. 21-04 5/4/04];**

- (a) Lots 13-16, Block 60 **[Amd. Ord. 21-04 5/4/04]**
- (b) Lots 1- 4, Block 61 **[Amd. Ord. 21-04 5/4/04]**

(3) Parcels located along N.E. 1st Avenue between N.E. 2nd Street and N.E. 3rd Street (Banker's Row) shall comply with either provisions of Section 4.3.4 or provisions of the Banker's Row Development Plan, whichever is more permissive. **[Amd. Ord. 21-04 5/4/04]; [Amd. Ord. 13-93 2/23/93]**

(4) Except for properties identified in Sections 4.4.24(F)(1) and (2) and the Old School Square Cultural Arts Complex, the maximum width of a building fronting a street shall be limited to 60' and shall have a minimum separation of 15' between buildings fronting a street in a development site that contains more than one structure. **[Amd. Ord. 59-04 11/16/04]**

(5) The floor area for the third floor shall be limited to 50% of the second floor area and the building setbacks or planes of the façade are offset and varied to provide visual relief. **[Amd. Ord. 59-04 11/16/04]**

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(6) Notwithstanding the provisions of Section 4.4.24(F)(4), or elsewhere in this code, residential-type inn developments, shall be permitted to: **[Amd. Ord. 59-04 11/16/04]**

- (a) Connect adjacent on-site buildings using all-weather, covered walkways, that are constructed of not less than 70% vertical transparent glass or similar material. Said walkways shall be on the ground floor only, shall be located not closer than 15 feet from the front building face, and may be joined to elevators, lobbies, or accessory use facilities permitted herein: **[Amd. Ord. 59-04 11/16/04]**

(G) **Supplemental District Regulations:** Supplemental district regulations as set forth in Article 4.6, except as modified herein, apply:

(1) Parcels located along N.E. 1st Avenue between N.E. 2nd Street and N.E. 3rd Street (Banker's Row) shall comply with either provisions of Article 4.6 of these Supplemental District Regulations [Subsection (G)], or provisions of the Banker's Row Development Plan, whichever is more permissive. **[Amd. Ord. 13-93 2/23/93]**

(2) The perimeter landscaping requirements of Section 4.6.16(H)(3)(e) shall not apply. **[Amd. Ord. 13-93 2/23/93]**

(3) All parking, except for single family homes and duplexes, shall be located in the side or rear yard or adjacent to a rear alley. No such parking shall be located in the area between any street and the closest building or structure. Where there are existing buildings or structures, the Historic Preservation Board may waive this requirement during the site plan review process, provided that it is determined that compliance is not feasible and that the character of the area will be maintained. If approved, such parking shall be substantially screened from off-premises view by a hedge or decorative fencing. **[Amd. Ord. 13-93 2/23/93]**

(4) **Parking Requirements:** **[Amd. Ord. 83-93 1/11/94]**

- (a) All non-residential uses, with the exception of restaurants, and business and professional offices, shall provide one parking space per 300 sq.ft. of total new or existing gross floor area being converted to non-residential use. This requirement may be reduced to one parking space per 400 sq.ft. of gross floor area, or by at least one space, where there is a mix of residential and non-residential use in the same structure. **[Amd. Ord. 01-09 1/20/09]; [Amd. Ord. 83-93 1/11/94]**
[Amd. Ord. 13-93 2/23/93]
- (b) Restaurants shall provide six spaces per one thousand square feet of total new or existing floor area being converted to restaurant use, except for Lots 1 through 6 in Block 69 where 12 spaces per 1,000 square feet of gross floor area up to 6,000 sq. ft. and then 15 spaces per 1,000 sq. ft. of gross floor area over the initial 6,000 sq. ft. is required. **[Amd. Ord. 29-11 9/20/11]; [Amd. Ord. 83-93 1/11/94]**

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(c) Residential-type inns shall provide one parking space per guest room/unit. Other accessory uses shall be calculated separately based upon square footage of the use area as provided for in subsections 4.4.24 (G) (4) (a) and (b) above. **[Amd. Ord. 9-98 2/17/98]**

(d) Business and professional offices shall provide one (1) space per 300 sq. ft. of total new or existing net floor area being converted to office use. This requirement may be reduced to one parking space per 400 sq.ft. of net floor area, or by at least one space, where there is a mix of residential and office use in the same structure. **[Amd. Ord. 01-09 1/20/09]**

(5) If the required parking is not or cannot be provided on-site or off-site, or it is just inappropriate to provide it on site, the in-lieu fee option provided in Section 4.6.9(E)(3) may be collected. For the purpose of this provision, "inappropriateness" may be considered in relationship to the historic character of this zone district. **[Amd. Ord. 21-11 8/2/11]; [Amd. Ord. 13-93 2/23/93]**

(6) When the parking requirements of Section 4.6.9(C) are applied to either new development, expansion of an existing use or a change in use, which results in the requirement of only one new parking space, a one space exemption shall be allowed. This exemption may only occur once per property. **[Amd. Ord. 6-01 2/20/01]**

(H) **Special District Regulations:**

(1) The gross floor area of residential units within a structure containing permitted non-residential use(s) shall not exceed 50% of the gross floor area of the structure within which they are located. **[Amd. Ord. 38-07 2/5/08];[Amd. Ord. 13-93 2/23/93]**

(2) Residential uses shall comprise no less than 10% of the uses in the OSSHAD District as expressed by the exclusive use of individual parcels, other than condominium ownerships. The existence of an occupational license, except for one issued for a home occupation, shall establish that such a parcel is non-residential. **[Amd. Ord. 13-93 2/23/93]**

(3) Residential-type inns shall create a transitional or buffer area between residential uses and non-residential uses (such as office, commercial, etc.) which are either on or near the subject property. **[Amd. Ord. 9-98 2/17/98]**

(4) A residential-type inn shall be associated with an historic structure and must be residential in design, scale and character. **[Amd. Ord. 9-98 2/17/98]**

(5) Catering services cannot exceed 2,000 sq. ft. of total floor area and shall not have overnight storage of more than two vehicles, which shall not exceed 1-1/2 ton capacity. **[Amd. Ord. 5-00 3/21/00]**

(6) 24-Hour or late night businesses as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(VV). **[Amd. Ord. 41-01 8/7/01]**

(7) Duplex structures must have an integrated design to give the appearance of a single family dwelling. **[Amd. Ord. 59-04 11/16/04]**