

Section 4.4.29 Mixed Residential, Office And Commercial (MROC) District [New Section Enacted by Ord. 33-06 12/5/06]

(A) **Purpose and Intent:** The MROC District regulations provide for a mix of residential, office, and commercial uses in a master-planned environment, which is controlled through a Master Development Plan.

It is desired that the existence of the MROC Zoning District will encourage the development of Class A office buildings, supporting commercial uses and residential units in a master planned environment, which will provide housing (both market rate and workforce), and employment opportunities for the residents of the Greater Delray Beach Community.

The MROC District is applied to property which has a Mixed-Use Future Land Use Map designation and is bounded by West Atlantic Avenue on the north, the C-15 Canal to the south, the I-95 transportation corridor on the east and generally Congress Avenue on the west together with the Congress Park, Congress Park South, and the Office Depot complexes, located just west of Congress Avenue. The district's primary objectives are to create high quality jobs and to increase the tax base within the corridor. To that end, the district encourages stand alone Class A office buildings and mixed-use development within the corridor with commercial or office uses on the ground floor and office or residential uses above while utilizing new urbanism design elements.

(B) **Principal Uses and Structures Permitted:** The following types of uses are allowed within the MROC district as permitted uses:

(1) **Office Center:** The "Office Center" uses within an MROC development may comprise as much as one hundred percent (100%) of the total building square footage within the development. These uses can include:

- (a) Financial Institutions, e.g., banks, savings and loan establishments, brokerage firms.
- (b) Medical Offices, e.g., physicians, dentists, chiropractors, podiatrists, optometrists, etc.
- (c) Professional Offices, e.g., attorneys, engineering firms, architectural
- (d) Governmental offices, e.g., including federal, state, county, and local offices, along with their related fleet and communications operations (which will be considered accessory uses to governmental offices and services), civic centers, courthouses, fire stations, public health facility, law enforcement offices and facilities, post office, public utility facilities,

SECTION 4.4.29 (B) (1) (d)

communication towers and community facilities such as civic centers, cultural facilities, libraries, auditoriums, museums, and public recreation facilities, and services such as day care centers, abuse, child care centers.

- (e) Business Support Services, primarily engaged in rendering services to other building establishments, e.g., such as mailing, building maintenance, personnel and employment services, management, and consulting services, protective services, copy and printing, travel, office supply, and similar services.

(2) **Research and Development**: Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others. R&D uses may constitute 100% of the total building square footage within the development. Examples of such uses or resulting products include:

(a) **Product Creation, Testing, Evaluation, and Development**:

1. computer hardware
2. computer software
3. pharmaceuticals

(b) **Research and Development Services**:

1. calibration laboratories or services
2. chemical laboratories
3. commercial testing laboratories
4. soil laboratories
5. scientific research laboratories

(3) **General Retail Uses**: Retail uses not to exceed 20% of the total building square footage of the development, including, but not limited to:

- (a) Restaurants, baked goods, books, cheeses, beer, wine, liquor, confectioneries, cosmetics, meats, medicines and prescriptions, flowers and plants, fruits and vegetables, food, gifts, glassware, ice cream, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, pets and pet supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry.
- (b) Barber and beauty shops and salons, caterers, dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations, outdoor cafes, tailoring, tobacconist.

SECTION 4.4.29 (B) (3) (c)

- (c) Galleries, butcher shops, cocktail lounges, exercise facilities, museums, libraries, newsstands, commercial or public parking lots and parking garages.

(4) **Multi-family Dwelling Units**: Multi-family uses excluding duplexes subject to (a)(b)(c)(d) below, ranging in density between 40 and 50 units per acre subject to the following;

- (a) Residential units within 1,000 linear feet of the Tri-Rail Transit station (measured by airline route) may comprise 100% of the total floor area of the development master plan at a maximum density of (50) units per acre. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.
- (b) Residential units between 1,001 and 2,500 linear feet of the Tri-Rail Transit station (measured by airline route) may comprise 80% of the total floor area of the development master plan at a maximum density of (50) units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses. If a portion of the parcel is within 2,500 linear feet, this regulation shall apply to the entire parcel.
- (c) Residential units at a distance (measured by airline route) greater than 2500 feet of a transit station may comprise 75% of the total floor area of the development master plan at a maximum density of (40) units per acre and only when proposed as part of a mixed-use development containing office and/or commercial uses.
 - 1. Residential developments must include a minimum of 20% workforce units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing
 - 2. Workforce units shall be subject to general provisions of Article 4.7.6, 4.7.7, 4.7.8, 4.7.9, and 4.7.10. Notwithstanding the above, residentially developed sites within 1,000 linear feet (measured by airline route) of the Tri-Rail station can contain 100% workforce housing units. If a portion of the parcel is within 1,000 linear feet, this regulation shall apply to the entire parcel.
 - 3. For mixed-use developments, the shared parking provisions of LDR Section 4.6.9. (C)(8) shall be allowed.
 - 4. All residential developments shall be subject to the Performance Standards of 4.4.13(I)(2)

SECTION 4.4.29 (B) (5)

(5) **Hotel, Motel and Residential All Suite Lodging**: These types of uses may comprise up to 20% of the total floor area of the overall master plan. For the purpose of calculating the percentages of uses within the development master plan, multiple hotels, motels, and residential all suite lodging uses will be considered one specific use category.

(6) Assisted Living Facilities and Continuing Care Facilities subject to the requirements set forth in Section 4.4.29(B)(4) a, b, and c above. **[Amd. Ord. 20-08 4/15/08]**

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

- (1) Parking lots and parking garages
- (2) Refuse, service and loading areas
- (3) Meeting and conference facilities when associated with uses in the Master Plan.
- (4) Provision of services and repair of items incidental to the principal use.
- (5) Recreational facilities attendant to a multi-family residential development, such as tennis courts, swimming pools, exercise areas, and meeting rooms.
- (6) Fleet Management, field operations services, and communication facilities associated with governmental offices and services.

(D) **Supplemental Uses**: The following uses are allowed within the Office and Research and Development use areas of the MDP provided that they are of such a scale, design, and location to cater to the needs of employees of the office center or research and development park. Space allocations for these uses shall be identified during the Master Development Plan approval.

- Lunch counters, cafeterias, restaurants, snack bars, and vending machine areas
- Classroom and training facilities
- Child Care facilities
- Sundry shops
- Exercise facilities

(E) **Conditional Uses and Structures Allowed**: The following uses are allowed as conditional uses within the MROC District. Uses approved in this section shall be part of the maximum percentage for each use.

- (1) Health spas, fitness centers, gymnasiums, and exercise facilities which are open to the general public
- (2) Veterinary clinics.

SECTION 4.4.29 (E) (3)

(3) Drive-thru facilities associated with any allowed use.

(4) 24 hour/late night businesses (except for governmental offices and services) as defined herein must be processed as a conditional use and are subject to the provisions of Section 4.3.3(vv).

(5) Day Care Centers subject to LDR Section 4.3.3 (E)

(6) Educational Facilities, training centers, and vocational schools. This use will be considered similar to "Office Center" for the purposes of MROC regulations pertaining to types of uses, except for parking, which shall be pursuant to Section 4.4.29(H)(8). **[Amd. Ord. 18-09 4/21/09]**

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

(1) All Development within the MROC District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a land use map; conceptual site, landscaping, and utility plans; and conceptual elevations and architectural information. A MDP shall be processed pursuant to Section 2.4.5(F) with approval granted by the Planning and Zoning Board. A MDP may be modified pursuant to Section 2.4.5(G).

(2) In established structures, uses shall be allowed therein upon application to, and approval by, the Chief Building Official for a certificate of occupancy.

(3) Any new development approval must be granted by the Site Plan Review and Appearance Board with respect to Sections 2.4.5(F), (H), and (I) and be consistent with the approved Master Development Plan (MDP). A site plan modification shall follow procedures outlined in Section 2.4.5(G).

(4) Conditional uses must be approved pursuant to the provisions of Section 2.4.5(E).

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

(G) Development Standards:

The following standards shall be adhered to for any development within the MROC District. Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board concurrent and as a part of the approval of a Master Development Plan (MDP).

It is the intent of this subsection to establish minimum standards for development within the MROC Zone District. When considering a Master Development Plan (MDP) in any Mixed Residential, Office, and Commercial (MROC) development proposal, the Planning and Zoning Board may attach suitable conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development.

(1) Standards Pertaining to Allocation of Uses:

- (a) Office Center can encompass up to one hundred percent (100%) of the total building square footage within an MROC development.
- (b) Research and Development can encompass up to one hundred percent (100%) of building area square footage of the total MROC development. Furthermore, such use may be placed within any of the "land use areas" depicted on the MDP.
- (c) Retail uses shall not encompass more than twenty percent (20%) of the total building area square footage of the MROC development.
- (d) Hotels, motels, and residential all suite lodging shall not encompass more than 20% of the total building area square footage of the MROC development. Notwithstanding the above, hotels, motels and residential all suite lodging can comprise 100% of the floor area of an individual building within a MDP containing multiple buildings.
- (e) Multi-family uses as identified under LDR Section 4.4.29(B)(4).

(2) Standards Unique to the MROC District: Where standards unique to the MROC District conflict with standards contained elsewhere in the zoning, subdivision, and landscape codes, the standards of this Subsection (2) shall apply.

- (a) **Minimum Site Area:** Minimum site area for the total development within the MROC District is to be three (3) acres. However, the approving body may grant a waiver to the three acre requirement upon a determination that the development is consistent with the purpose and intent of the MROC District and attempts have been made to aggregate adjacent parcels. Evidence must be provided that aggregation is not feasible.

SECTION 4.4.29 (G) (2) (b)

(b) **Minimum Floor Area:**

- Tenant space within research and development use areas must have a minimum of 1,000 square feet per tenant.
- There are no minimum floor area requirements for office and commercial uses.
- Residential units are subject to the minimum square footage per unit requirements of LDR Section 4.3.4(K) (Development Standards Matrix for Residential Zoning Districts - Subnote #1).

(c) **Lot Coverage & Open Space:**

- Lot coverage by building, pavement and hardscape site improvements shall not exceed 75% of the MROC development of the area of any individual lot.
- Land area, equal to at least 25% of the total MROC district including the perimeter landscaped boundary, shall be in open space. Landscape areas required to meet internal parking lot design requirements, water bodies and paved areas shall not be included in the meeting of this 25% open space requirement.

(d) **Perimeter Development:** A landscape buffer shall be provided around each MROC development. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or 10% of the average depth of the property; however, in no case shall the landscape area be a width of less than ten (10) feet:

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| • When adjacent to a collector or arterial street | 30 feet |
| • When abutting residentially zoned property | 40 feet |
| • When adjacent to but separated from residentially zoned property by a street, waterway, alley, railway or park | 25 feet |
| • When commercial and/or office uses abut residential parcels within the MROC master development plan. | 25 feet |
| • When abutting non residentially zoned property | 25 feet |

(e) **Minimum Structure Size:** Any free-standing non-residential principal structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the master development plan; and shall have direct access to and from other portions of the MROC development.

SECTION 4.4.29 (G) (2) (f)

(f) **Height:**

- (1) Buildings shall be allowed to a maximum height of eighty-five feet (85') on parcels of three (3) acres or more and a maximum of 48' for parcels less than three (3) acres.
- (2) Office, Research, and Commercial Floor Heights shall be a minimum of twelve feet (12') floor to floor on the first floor and ten (10') floor to floor on all floors above. Residential uses shall have a minimum nine feet (9') floor to floor on all floors. Hotel, motel and residential all suite lodging shall have a minimum of eight feet six inches (8' 6") floor to floor on all floors. Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.

(g) **Setbacks:**

- (1) **Congress Avenue Frontage:** To the greatest extent possible buildings shall be placed at the minimum setback to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.
- (2) **Front Yard:** Shall be the minimum identified in LDR Section 4.4.29 (G) (2) (d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.
- (3) **Side Yard:** Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.
- (4) **Rear Yard:** Shall be the minimum identified in LDR Section 4.4.29 (G)(2)(d) (Perimeter Development Buffers) to a maximum height of 42'. Thereafter, additional setbacks for the portion of the building exceeding 42' shall be a minimum of an additional 10'.
- (5) **Building Separations:** Shall be a minimum of 25 feet. For the purpose of this section parking structures are not considered to be buildings.
- (6) All floors above 42' shall have the building setbacks or planes of the façade that are offset and varied to provide visual relief.

SECTION 4.4.29 (H)

(H) **Supplemental District Regulations:** The supplemental district regulations as set forth in Article 4.6 shall apply except as modified by, or added to, as follows:

(1) The perimeter buffer shall be landscaped to provide a boulevard effect along Congress Avenue.

(2) The parking requirement for restaurants is established at twelve (12) spaces per 1,000 square feet of gross floor area. **[Amd. Ord. 01-09 1/20/09]**

(3) The parking requirements for residential units in multi-family structures or mixed-use buildings shall be as follows:

- Efficiency dwelling unit 1.0 space/unit
- One bedroom dwelling unit 1.25 spaces/unit
- Two or more bedroom dwelling unit 2.00 spaces/unit
- Two or more bedroom dwelling units within 1000' of a Tri-Rail station 1.5 spaces/unit
- Guest parking shall be provided cumulatively as follows:
 - for the first 20 units 0.50 spaces/unit
 - for units 21-50 0.30 spaces/unit
 - for units 51 and above 0.20 spaces/unit

(4) The parking for commercial uses shall be 4.5 spaces per 1,000 square feet of gross floor area. **[Amd. Ord. 01-09 1/20/09]**

(5) The parking for business and professional office uses shall be 4 spaces per 1,000 square feet of net floor area up to 3,000 sq.ft. and then 3.5 spaces per 1,000 sq.ft. of net floor area over the initial 3,000 sq.ft. **[Amd. Ord. 01-09 1/20/09]**

(6) The parking for Medical office uses shall be 5 spaces per 1,000 square feet of gross floor area. **[Amd. Ord. 01-09 1/20/09]**

(7) The parking for governmental uses shall be as outlined in LDR Section 4.6.9.(C).

(8) The parking for educational facilities, training centers and vocational schools shall be as outlined in LDR Section 4.6.9(C)(6)(e). **[Amd. Ord. 18-09 4/21/09]**

(9) For mixed-use developments, the shared parking formula under LDR Section 4.6.9(c)(8) can be utilized.

SECTION 4.4.29 (H) (10)

(10) Guest parking spaces must be accessible to all visitors and guests and may be centralized or located near recreational features within a development project.

(11) Parking adjacent to Congress Avenue: Parking shall be located to the rear of buildings having direct frontage along Congress Avenue. To that end no surface parking shall be located between buildings and Congress Avenue. Notwithstanding the above, relief to this requirement can be granted to accommodate pre-existing conditions.

(I) **Special Regulations:**

(1) Documentation which constitutes evidence of unified control of the entire area within an MROC development must be provided at the time of submission of the Master Development Plan.

(2) A program for full provision, maintenance, and operation of common areas, improvements, facilities, and services for the common use of occupants of the MROC development, and which specifically provides that no such elements or features shall be provided or maintained at the public's expense, must be provided at the time of submission of the Master Development Plan.

(3) Executed agreements, contracts, covenants, deed restrictions, sureties, or other legal arrangements for the maintenance, repair, and operation of matters under Subsection (I)(2) and which bind successors in title to any such commitments, shall be provided prior to certification of a MROC site and development plan.

(4) The applicant must be able to bind the entire area within a proposed MROC development to the terms, conditions, uses, and site development plan as approved in the Master Development Plan.

(5) Multi-family dwelling units may be located in structures that are comprised of residential units only or in mixed-use buildings that contain a combination of residential and non-residential uses. However, where residential uses are located in structures having frontage on Congress Avenue except if development is 100% residential within 1,000 feet of the Tri-Rail Transit station, there must be nonresidential uses fronting on Congress Avenue on the ground floor.