Planning, Zoning and Building Department

TO: Jeffrey Costello, Executive Director
Community Redevelopment Agency

FROM: Scott Pape, Principal Planner

RE: September 1, 2016 - Community Redevelopment Agency Agenda Items

The Planning and Zoning Department is processing the following petitions that pertain to properties located within the Community Redevelopment Area. Pursuant to Land Development Regulations Section 2.4.2(C), please provide review comments.

PROJECT NAME:	TATTOO STUDIOS
PETITION TYPE:	LDR TEXT AMENDMENT
APPLICANT:	CITY OF DELRAY BEACH
PROJECT PLANNER:	TIM STILLINGS
PLANNER'S PH#	561.243-7041

The City-initiated Land Development Regulation Text Amendment to define and permit new uses, "tattoo establishment" and "tattooing," in specified zoning districts and locations pursuant to reasonable time, place, and manner restrictions that leave open ample alternative channels for communication of protected speech.

Copy of the staff report is attached.

PROJECT NAME:	SWINTON COMMONS
PETITION TYPE:	CONDITIONAL USE
APPLICANT:	ATLANTIC AVENUE DEVELOPMENT LLC AND MGM SUNDY LLC
PROJECT PLANNER:	SCOTT PAPE
PLANNER'S PH#	561.243-7321

- The Demolition and/or relocation of many existing structures within project area;
-
- Block 61: New construction of retail, office, and restaurant uses, residential units within third and fourth floors of building facing West Atlantic Avenue, and on upper stories of new structures along South Swinton Avenue and SW 1st Avenue. Residential-type Inn units will be added to located within new structures along SW 1st Avenue. Two existing historic (Cathcart House and The Rectory) structures to remain within this block, along South Swinton Avenue; balance of existing structures with either be relocated to other blocks within the project area, or demolished. Parking to be provided in an underground parking garage. Abandonment of alley will create a pedestrian courtyard/open plaza area through center of block.
- Sundy House: Existing spaces converted to four new residential type-inn units, with additional units provided in relocated structures, and event space added.
- Block 69: New construction of a four story hotel with restaurant; abandonment of east/west alley between 30 & 36 SE 1st Avenue, and continuance of existing north/south alley to SE 1st Street.
- Block 70: Relocation of two historic structures currently located elsewhere in the project area to the western half of the block, and the reconstruction of one existing historic structure, all to be used for retail spaces. Adjacent to the historic structures will be the new construction of a four-story hotel with single-level mechanical parking lifts for parking.

Planning, Zoning and Building Department

MEMORANDUM

To: **Jeffrey Costello, Executive Director**
Community Redevelopment Agency

From: **Timothy Stillings, Planning, Zoning and Building Director**

Date **August 31, 2016**

The Planning, Zoning and Building Department is processing the following City-initiated Land Development Regulation Text Amendment regarding Tattoo Studio Use which pertains to properties located within the Pineapple Grove Main Street Area. Please provide your agency's review comments, if any.

PROJECT NAME:	**LDR Text Amendment – Tattoo Studios**
PETITION TYPE:	**LDR Text Amendment**
APPLICANT:	**Delray Beach**
PROJECT PLANNER:	**Timothy Stillings/Mark Stivers**
PLANNER'S PH#	**561.243.7043**

Project Description:
City-initiated Land Development Regulation Text Amendment to define and permit new uses, "tattoo establishment" and "tattooing," in specified zoning districts and locations pursuant to reasonable time, place, and manner restrictions that leave open ample alternative channels for communication of protected speech.

Attachments: Staff Report

Note: Agenda packets are emailed to David Beale at david@bealelaw.net and Cecelia Boone at ceceboone@gmail.com

PLANNING AND ZONING BOARD
CITY OF DELRAY BEACH STAFF REPORT

MEETING DATE: September 19, 2016

ITEM:

City-initiated text amendment to the Land Development Regulations (LDR) to define and permit new uses, "tattoo establishment" and "tattooing," in specified zoning districts and locations.

RECOMMENDATION: Recommend approval to the City Commission.

GENERAL DATA:

Applicant:	City of Delray Beach
Location:	General Commercial (GC), Planned Commercial (PC), Central Business District (CBD; limited), and Old School Square Historic Arts District (OSSHAD; limited) Zoning Districts
Proposed Use:	Tattoo Establishments and Tattooing

On December 29, 2015, the United States Court of Appeals for the 11th Circuit, in Buehrle v. City of Key West (Exhibit A), concluded that tattooing constituted artistic expression protected under the First Amendment of the U.S. Constitution. As protected artistic expression, a municipality may regulate protected artistic expression only if the regulation: (1) is justified without reference to the content of the regulated speech, (2) is narrowly tailored to serve a significant governmental interest, and (3) leaves open ample alternative channels for communication of the information. Effectively, the City of Delray Beach may regulate tattoo studios, parlors, or related uses through reasonable time, place, and manner restrictions with supporting evidence for such restrictions based upon the three criteria.

ITEM BEFORE THE BOARD

The item before the Board is City-initiated text amendment to amend the Land Development Regulations (LDRs) to define and permit new uses, "tattoo establishment" and "tattooing," in specified zoning districts and locations pursuant to reasonable time, place, and manner restrictions that leave open ample alternative channels for communication of protected speech.

BACKGROUND

The Imperative

On December 29, 2015, the United States Court of Appeals for the 11th Circuit, in Buehrle v. City of Key West (Exhibit A), concluded that tattooing constituted artistic expression protected under the First Amendment of the U.S. Constitution. As protected artistic expression, a municipality may regulate protected artistic expression only if the regulation: (1) is justified without reference to the content of the regulated speech, (2) is narrowly tailored to serve a significant governmental interest, and (3) leaves open ample alternative channels for communication of the information. Effectively, the City of Delray Beach may regulate tattoo studios, parlors, or related uses through reasonable time, place, and manner restrictions with supporting evidence for such restrictions based upon the three criteria.

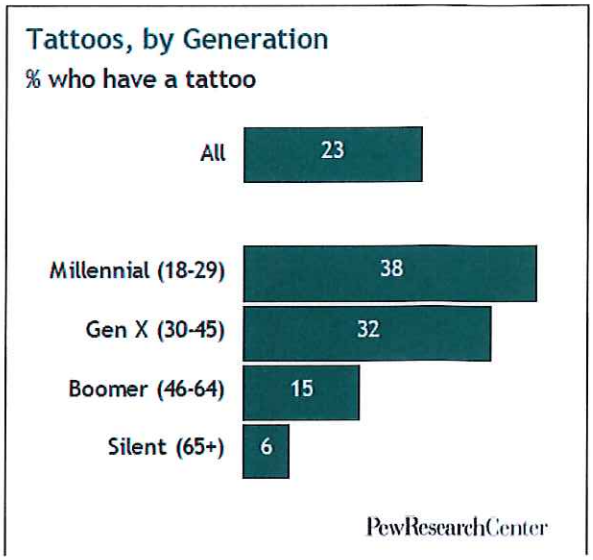
Currently, Delray Beach's Land Development Regulations (LDRs) do not specifically list "tattoo establishment" or related uses as either a principal, accessory, or conditional use. Therefore, if such a use is proposed, it is necessary to determine whether or not the use is allowable through the similarity of use process outlined by Section 4.3.2(C)(1) and (2) of the LDRs until such time as the LDRs are amended to include regulations for the use. As set forth by Section 4.3.2(C)(3), when a use is not allowed by similarity of use, it is prohibited.

On March 21, 2016, the Planning & Zoning Board approved (5-0; Krall and Pike absent) a similarity of use determination for "tattoo establishment" after being petitioned by a tattoo artist. However, this determination was appealed by the City Commission and, after a public hearing held June 7, 2016, denied (5-0). However, as a part of the motion, the tattoo artist and the respective establishment that was the subject of the appeal was approved at 165 Avenue L. The City Commission subsequently approved (5-0) Resolution 26-16 on June 7, 2016, establishing a zoning in progress to allow the City to prepare proposed revisions to the LDRs to address tattoo establishments and tattooing.

Tattoos & Society

Section 381.00771, Florida Statutes, defines a "tattoo" as a "mark or design made on or under the skin of a human being by a process of piercing or ingraining a pigment, dye, or ink in the skin," and while others may insert "indelible," reference a "needle," or specifically exclude "permanent make up," this definition describes the basics.

Archaeologists have proven that humans have been getting tattoos for a long time. The oldest known tattoos go back to Ice Man Otzi who was buried beneath an alpine glacier along the Austrian-Italian border around 3250 BC; and historical evidence clearly shows that the practice has persisted across cultures and time. Here in the United States and much of the West, with a few exceptions, tattoos have been considered taboo for most of modern history. However, a major cultural shift began with the Baby Boomers and has subsequently intensified with Gen X and the Millennials. According to the findings of the Pew Research Center, Harris Poll, and a number of researchers, tattoos have gone mainstream. In fact, comparing the Harris Poll of 2015 to the Pew Research Center Study of 2010 suggests that the shift in societal attitudes has continued, as the Harris Poll reports that 29% of Americans have tattoos (vs. 23%) and 47% of Millennials (vs. 38%). The data also shows that those who get one tattoo often get another. According to the Harris Poll, among Americans with any tattoos, 69% have two or more.



This significant increase in the prevalence of tattoos has occurred with a corresponding increase in the size of the tattoo industry. Over the course of this generational change, the industry has been identified as one of the fastest growing in America. It is estimated to bring in anywhere from $720 million to $2 billion in annual revenue; employ over 50,000 workers; and operate from of over 35,000 tattoo establishments.

As free market dynamics would suggest, the heaviest growth in tattoo establishments has occurred where there is the heaviest concentration of typical customers—cities with large populations of Gen X-ers and Millennials. According to studies conducted since 2010, some of the most inked cities in America are LA, Kansas City, Honolulu, Austin, Richmond, San Francisco, Portland, Las Vegas, and Miami Beach.

The proliferation of tattoo establishments has not occurred without resistance or controversy. Despite society's growing acceptance of tattoos, there are clearly generational divides, the inertia of past perceptions, and important reasons to regulate tattoo establishments. Furthermore, it is fair to acknowledge that there still may be a significant bias against tattoos, even among those who have them. For example, in the Pew Research Center Study, it was revealed that 70% of Millennials with a tattoo had it located where it is not usually visible. Additionally, according to the Harris Poll, 23% with a tattoo regret getting one; and a recent University of Tampa survey conducted by Kristen Foltz concluded that a majority of the studied Millennials still believed that tattoos are a business faux pas. Eighty-six percent of those surveyed thought that students with visible tattoos would have a harder time finding a job after graduation. Over 89% stated that they would consider how tattoo location would impact employment opportunities. Other studies, though older, paint an even bleaker portrait. According to Dr. Ross Avilla, "In studies ranging from small, college samples to larger, community samples, in both the US and abroad, people with tattoos and body piercings appear to be universally perceived as less attractive, intelligen[t], honest and caring." Given

the pace of change and lingering concerns over what tattoos and associated tattoo establishments really mean for society, it should come as no surprise that some communities do not permit tattoo establishments because they never established such a use or because they have purposefully prohibited them. However, based upon recent case law, disallowing tattoo establishments by neglect or purposeful prohibition is unadvisable and unlikely to withstand judicial scrutiny. In the following sections, we will review how tattoo establishments are regulated and how those regulations have recently been tested in the courts.

Regulation of Tattooing & Tattoo Establishments

Federal

Tattoos are not regulated at the federal level, but it is interesting to note that the Federal Bureau of Labor Statistics classifies employees of the profession as follows:

27-1019 Artists and Related Workers, All Other, All artists and related workers not listed separately. Illustrative examples: Calligrapher, Tattoo Artist.

State

Meanwhile, all 50 states regulate tattoos to some extent. According to the National Conference of State Legislatures (NCSL), as the popularity of body art (which includes tattooing, body piercing, branding, subdermal implants, scalpelling, etc.) grows, the states have struggled to keep up with amending their laws to ensure that the activity is performed safely, does not conflict with the activities of other certified professionals, and protects minors.

Health and safety is a significant concern which has been recognized by the courts and incorporated into most state laws. Tattooing involves needles, penetrating the skin, and, therefore, blood. Bad tattoo artists can spread diseases. Recipients can and do sometimes get sick. Staff of the Mayo Clinic advises the public to know the risks, which include: allergic reactions, skin infections, granulomas, keloids, blood borne diseases and MRI complications.

While society has become more accepting of tattoos and it is considered art and a form of free speech, it is still adult-oriented. At least 45 states have laws prohibiting minors from getting tattoos.

In Florida, tattoos are regulated by Sections 381.00771-381.00791, Florida Statutes, and the associated rules found under Chapter 64E-28, entitled "Tattooing," of the Florida Administrative Code. Notable provisions of state law include:

- Minors are prohibited from receiving tattoos except 16 or 17-year olds with parental consent and accompaniment.
- Both tattoo artists and tattoo establishments must be licensed.
- As part of licensure, a tattoo establishment must demonstrate that it complies with all applicable zoning codes.
- A person may not tattoo the body of any human being in this state except at a properly licensed establishment.
- There are minimum education and training requirements for tattoo artists which include the study of blood-borne pathogens.

- Section 381.00791 specifically states that the statutes do not preempt any local law or ordinance of a county or municipality that imposes regulations on tattoo establishments...which are in addition to state law.

As already suggested by the comments of the NCSL, as social norms and case law change, there is often a lag in the time it takes for corresponding changes to the laws, including local ordinances. Counties and cities have historically regulated tattoo businesses as part of the zoning code, if at all, but some counties have created very specific health and safety standards, usually in cases where the county regulated the practice in advance of the promulgation of state laws.

According to the American Planning Association (APA), for most of the 1900s and early 2000s, tattoo businesses have been part of a group of commercial uses known to be a source of headaches for local communities. This group of "contentious commercial uses" varies, but commonly includes: tattoo and body piercing businesses, gun shops, alternative financial services (check cashing stores), pawnshops, alcohol sales, massage parlors, and sexually oriented businesses (APA, May 2010). In response to new trends, many planners might also add vape shops, gold & silver exchanges, plasma sale centers, and even dollar stores to the list.

As pointed out by the APA:

> These uses tend to generate controversy within communities due to negative perceptions and potential secondary effects. However, completely banning these uses is most likely not legally justifiable and deprives those residents who do use them...It is important to note that some communities have little issue with these uses. Many local governments make no distinction between these uses and other businesses operating in a commercial zoning district...This is particularly true for tattoo parlors...The most common regulation for contentious commercial uses is a distancing requirement between the use and...sensitive uses. Additionally, distancing requirements between individual facilities are often used to prevent clustering.

A review of community zoning ordinances reveals that in addition to those techniques referenced above, a number or communities also chose to only make tattoo uses permissible as a conditional use, thereby increasing scrutiny. The review also reveals that there is a large spectrum of regulations from purposeful prohibition on one end to freely permitting the use as a personal service, like a beauty salon, on the other. However, as will be more directly discussed in a later section, there is a clear trend in local government's regulation of tattooing and tattoo businesses—the regulations are becoming more permissive; and as correctly pointed out by the City of Hermosa Beach, which was on the losing side of a court verdict, in a "Frequently Asked Questions Sheet", the reason some cities have more restrictive regulations on tattoo studios is because:

> The [court] decision is relatively recent. Most cities have not yet had the opportunity to update regulations that have been on the books for many years and are now not compliant with constitutional requirements.

In fact, to add to this commentary, some cities will make the political and risk management decision to not update their ordinances until prompted by an outside force; and a combination of market demand/profit motive, restrictiveness of a given set of rules, ability of a plaintiff to fund litigation, and other circumstances will dictate if such an outside force is a simple application from a tattoo artist or a lawsuit to challenge the constitutionality of a jurisdiction's

regulations. As has already been suggested, old regulations have run into new case law quite frequently over the last several years. Key cases are outlined below.

Tattoos in the Courts

The most recent court case involving tattoos and the municipal regulation of tattoo establishments also happens to be the most compelling to the City because it comes from the United States Court of Appeals for the Eleventh Circuit, the court which would hear any similar appeals involving the City. Highlights of the Court's ruling of December 29, 2015, on Buehrle, are provided below:

Buehrle v. City of Key West

- The City of Key West had an ordinance prohibiting tattoo establishments from the historic district, only allowing them in the General Commercial District as a conditional use. Brad Buehrle contended that the act of tattooing is entitled to First Amendment protection and that the ordinance was an unconstitutional restriction on freedom of expression.
- The case went to the United States Court of Appeals, Eleventh Circuit, after the District Court ruled that, while tattooing is protected artistic expression, Key West's ordinance was a reasonable, time, place, and manner restriction. The Court of Appeals found in favor of Mr. Buehrle, stating: "We agree with the district court's conclusion that tattooing is protected artistic expression, but we reverse the summary judgment because, on the record before us, the City has failed to show that the ordinance is a reasonable time, place, and manner restriction." The Court's ruling included important findings concerning both tattooing and reasonable time, place, and manner restrictions on protected speech:

On Tattooing.

- The Court cited the Ninth Circuit's observance that: "[t]he principal difference between a tattoo and, for example, a pen-and-ink drawing, is that a tattoo is engrafted onto a person's skin rather than drawn on paper...[A] form of speech does not lose First Amendment protection based on the kind of surface it is applied to."
- The Court then goes on to reason: "the First Amendment protects the gallery owner who displays it, the buyer who purchases it, and the people who view it...A regulation limiting the creation of art curtails expression as effectively as a regulation limiting its display...the right to display a tattoo loses meaning if the government can freely restrict the right to obtain a tattoo in the first place....we see no meaningful basis to which to distinguish [Mr. Buehrle's] work from that of any other artist practicing in a visual medium, certainly not a basis sufficient to deny him First Amendment protection."

On Reasonable Time, Place, and Manner Restrictions.

- The Court reminded us of what a "reasonable time, place, and manner restriction" is by stating: "A municipality may regulate protected artistic expression only if the regulation (1) is justified without reference to the content of the regulated speech, (2) is narrowly tailored to serve a significant governmental interest, and (3) leaves open ample alternative channels for communication of the information." It is important to note that, since the City's ordinance banned all tattoo establishments, only numbers (2) and (3) were analyzed in this case.
- The Court recognized that adversely impacting the "character and fabric" of the City's historic district and thus the tourism it attracts is a "substantial government interest."

Unfortunately for the City, the Court went on to state that: "We do not simply take the City at its word that the ordinance serves the [stated] interests. Instead, the City must demonstrate that it had a reasonable basis for believing that its regulation would further these legitimate interests...The City has failed to meet its burden." There are several notable statements made about how a city should demonstrate the required nexus and how the City failed, such as:

- "[T]he City must demonstrate that it had a reasonable basis for believing that its regulation would further these legitimate interests. See Zibtluda, LLC v. Gwinnett Cty. ex rel. Bd. of Comm'rs, 411 F.3d 1278, 1286 (11th Cir. 2005). This burden is not a rigorous one. Id. But a municipality cannot "get away with shoddy data or reasoning." City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425, 438 (2002) (plurality opinion). It "must rely on at least some pre-enactment evidence" that the regulation would serve its asserted interests. Such evidence can include anything "reasonably believed to be relevant—including a municipality's own findings, evidence gathered by other localities, or evidence described in a judicial opinion." Peek-A-Boo Lounge, 337 F.3d at 1268
- "Aside from the ordinance's vague statement of purpose, [1] the only support for the City's claim that the ordinance serves significant governmental interests consists of statements by Donald Craig, the City's Director of Planning."
- "The First Amendment requires more. We are not at liberty simply to 'presume the evidence' needed to sustain the ordinance. Particularly glaring is the lack of evidentiary support for the City's assertions concerning tattooing's purported effect on tourism. The City pointed to no study indicating that the operation of tattoo establishments in the historic district would impact the tourism industry. The City conducted no investigation and made no findings. It relied upon no expert testimony, findings made by other municipalities, or evidence described in judicial decisions. It failed to muster even anecdotal evidence supporting its claims. The closest the City came to presenting evidence on the impact on tourism was a passing reference to a few lines of a Jimmy Buffett song. And we are unsure whether even that reference fully supports its position."

In the end, the Eleventh Circuit remanded the case back to the Circuit Court for a determination as to whether Key West's regulations were proper time, place, and manner restrictions. However, to date, Key West has not publicly pursued any additional action, legal or legislative. In discussing the matter with city officials, it seemed that there was not yet a clear political will to address the issue. As a result, an unconstitutional ordinance remains on the books and is subject to further challenge.

While the Supreme Court has not directly weighed in on this exact subject and the previously discussed Eleventh Circuit case is the most compelling to the City, there are several recent cases from other jurisdictions which suggest that the body of case law is converging and that the underpinnings of the Eleventh Circuit's opinion are shared by other courts and unlikely to be overturned. As set forth above, the Eleventh Circuit's ruling on Buehrle actually includes a citation from the Ninth Circuit's ruling on a similar case, Anderson v. City of Hermosa Beach. Important aspects of this case are set forth below.

Anderson v. City of Hermosa Beach

- Johnny Anderson sought to establish a tattoo parlor in the City of Hermosa Beach, but Hermosa Beach's code banned tattoo parlors by omission. Since it was not designated as a permitted use in any district, it was not allowed. Anderson sued the

City, alleging that Hermosa Beach's code is unconstitutional under the First and Fourteenth Amendments.

- The district court denied Anderson's motion, and the decision was appealed to the Ninth Circuit. Key elements of the Ninth Circuit's ruling include:
    - "The tattoo itself, the process of tattooing, and even the business of tattooing are not expressive conduct but purely expressive activity fully protected by the First Amendment."
    - The act of selling a tattoo is protected in the same way as the act of selling a painting and there is already significant established case law on the latter.
    - A very explicit conclusion, which states in part: "...the City's total ban on tattoo parlors in Hermosa Beach is not a reasonable 'time, place, or manner' restriction because it is substantially broader than necessary to achieve the City's significant health and safety interest and because it entirely forecloses a unique and important method of expression. Moreover, no genuine issue of material fact exists with respect to the constitutionality of the regulation. Thus, we hold that Hermosa Beach Municipal Code is facially unconstitutional to the extent it excludes tattoo parlors, and...enjoin the City to include tattoo parlors in its zoning regulations.
    - The finer points of this case are enlightening because while the court dismantled the city's position, it also shone a light on "significant governmental interests." In other words, how and why a government could regulate tattoo parlors the right way.
        - "Anderson does not dispute that the City has a significant interest in regulating tattooing because of the health and safety concerns implicated by this process."
        - In his concurring opinion, Circuit Judge Noonan, found "...that creation of a tattoo may involve danger to the health of its recipient, so that tattooing requires regulation for health different from regulation, say, of a press. Tattooing as a business may also require regulation to assure that it does not attract minors."

In response to the Ninth Circuit's ruling, Hermosa Beach decided that "a petition to the Supreme Court would likely be futile" and prepared amendments to its code which permitted tattoo studios in all of its commercial zones, including its downtown, except for neighborhood commercial. As part of its code, Hermosa Beach imposed distance requirements between tattoo studios, 1,000 feet of separation within the downtown and 1,500 feet elsewhere, and established operating hours which require the businesses to close by 11 p.m. Fascinatingly, the ordinance documents themselves do not establish a rationale for the separation requirement or other "time, place, or manner restrictions," but the accompanying staff report, which was likely incorporated by reference, makes the following statements of note:

- "Aside from the health issues, which are regulated, a concentration of businesses that exclusively cater to adults arguably may be considered as a legitimate locational restriction. The 1,000-foot restriction will prevent a concentration of tattoo/body piercing businesses."
- "The City may, if it chooses, establish an enhanced health inspection program."
- "[T]o the extent that tattooing/body piercing businesses are associated with behavior and activity that creates secondary effects that may not be appropriate in the downtown district, limiting the use to the C-3 zone may also be a legitimate place restriction."

Please be sure to appreciate the hedging in staff's language: "arguably may be considered [emphasis added] as a legitimate locational restriction" and "to the extent that tattooing...businesses are associated with behavior and activity that creates secondary effects that may not be appropriate...may also be [emphasis added] a legitimate place restriction." Clearly, Hermosa Beach was trying to find a balance which would allow it to respond in some way to community concerns over tattooing while complying with the court order and reducing its chances of being sued again. Furthermore, since the use was ultimately approved for the downtown district, we get a sense of the difficulty a community has in defining the aspects of a tattoo use which make it worthy of regulation. In fact, Hermosa Beach actually produced an excellent "Frequently Asked Question" sheet, which includes this direct truth: "The City cannot base its regulations on unsubstantiated fears about the impacts of tattoo/body piercing studios, but instead, must base its regulations on substantiated evidence of the impacts...on the community."

Another case to consider, even though it may not be from the City's or any US Court of Appeals, is Coleman v. City of Mesa, which was heard by the Arizona Supreme Court in 2011. The ruling, which was rendered in 2012, articulates many of the arguments, findings, and conclusions made in the previously discussed cases. Highlights include:

Coleman v. City of Mesa

- The Coleman's sought to open a tattoo parlor in the City of Mesa. Mesa's code allowed tattoo parlors and other businesses, including pawn shops, body piercing, and non-chartered financial institutions to operate within the city pursuant to a conditional use permit. The Mesa Council voted to deny the permit. The Coleman's sued the city and various officials, alleging that the denial violated their rights to free speech, due process, and equal protection.
- The court determined that tattooing is protected speech, which "also implies that the business of tattooing is constitutionally protected."
- "This does not mean, of course, that the business of tattooing is shielded from governmental regulation... Generally applicable laws, such as taxes, health regulations, or nuisance ordinances, may apply to tattooing businesses...Moreover, tattooing may be subject to reasonable, time, place, and manner regulations...It also must 'contain adequate standards to guide the official's decision and render it subject to effective judicial review.'"
- The court remanded the case back to the Superior Court for determination if the city's actions constituted reasonable time, place, and manner regulations.

Following the court's decision, the City of Mesa chose not to contest the matter further and went through the process of revising its zoning ordinance to permit tattoo and body piercing parlors by right in commercial and industrial zones.

Local Government Regulations

A review of the regulations of notable jurisdictions is provided below:

Palm Beach County

A tattoo-related use falls under the definition of "Personal Services," which is: "an establishment engaged in the provision of frequently or recurrently services of a personal nature: or the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses

include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons." Personal Services are permitted by right in the CN (Neighborhood Commercial), CC (Community Commercial), CHO (Commercial High Office), CG (General Commercial) and CRE (Commercial Recreation) zoning districts subject to a maximum size of 3,000 SF in the CN and CLO Districts. Personal Services are also allowed by right and by conditional use in several other county zoning districts, including airport, mixed-use districts and planned developments.

Boynton Beach

"Tattooing" is part of the definition of "Personal Care (Beauty, Hair, Nails)," which states: An establishment primarily providing one (1) or more of the following services and/or facilities: 1) hair care; 2) nail care; 3) facials or application of makeup; 4) tanning salons; 5) day spas, including accessory massage/aromatherapy; and 6) body piercing and tattooing." Additionally, it is interesting to note that the definition of "Art Studio" specifically excludes tattooing and body art. As part of the Personal Care use, tattooing is permitted as a principal use in the M-1 Industrial District and as an accessory use in the R-3 Multi-family Residential, PUD Planned Unit Development, C-2 Neighborhood Commercial, C-3 Community Commercial, C-4 General Commercial, CBD Central Business District, PCD Planned Commercial Development, SMU Mixed-Use Suburban, MU-L1 Mixed Use-Low Intensity, MU-L2 Mixed Use-Low Intensity, MU-L3 Mixed Use-Low Intensity, MU-H Mixed Use-High Intensity, and M-1 Districts subject to a minimum separation of 300 feet from a residential zoning district.

Boca Raton

According to the Zoning Official, a tattoo-related use falls under the definition of "Personal Services," which is: "any retail establishment providing services to the human body including, but not necessarily limited to, barbershops, beauty shops and massage establishments." Personal Services are permitted in the following zoning districts: Neighborhood Convenience Business, Motel-Business District, Local Business District, Community Business District, Central Business District, General Business District, Commercial District, Industrial (20% of GFA max.) and Village Center.

Pompano Beach

This city has a specific use, entitled "Tattoo or Body Piercing Establishment," which falls under the broader heading of "Personal Services" and is defined as: "an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) making indelible marks or designs on or visible through the skin of a human by puncturing or pricking the skin with a needle or other instrument and inserting ink or other pigments; or (2) creating an opening in any part of the human body, other than the outer perimeter or lobe of the ear, for the purpose of inserting jewelry or other decorative object for a non-medical purpose." The Tattoo or Body Piercing Establishment use is permitted in several zoning districts by right, including General Business, Heavy Business, Transit-Oriented, Planned Commercial/Industrial, Planned Development-Transit-Oriented, Local Activity Center and Planned Development-Infill. The use is specifically prohibited in the Atlantic Boulevard Overlay district.

Daytona Beach

This city is also currently pursuing code revisions in the wake of Buerhle. At its Planning Board meeting of July 28, 2016, the city's staff intended to propose that the use of tattoo establishment be permitted as of right in the Business Automotive District in addition to the Industrial and Planned Development Districts in which it was already permitted and that the specific prohibitions against the use being located in the city's redevelopment districts be removed. However, the item was pulled for further consideration prior to the meeting. Relevant newspaper articles can be found here:
http://www.news-journalonline.com/news/20160727/daytona-could-loosen-tattoo-rules
http://www.news-journalonline.com/opinion/20160806/our-view-city-walks-fine-line-on-tattoo-parlors

Pensacola

Originally, Pensacola regulated tattoo parlors indirectly through the "personal services" use. However, it was reported that after a tattoo shop opened next to a theater in 2010, it upset some in the community and led to "tattoo shop" becoming a specifically defined use permitted only in the city's most intense zoning district in 2012. In 2015, a proposed tattoo studio succeeded in petitioning the city council for more accommodating regulations, and the use is now allowed in the city's commercial districts all the way down to the residential/neighborhood commercial district.

ANALYSIS

As protected artistic expression, a municipality may regulate a tattoo-related use only if the regulation: (1) is justified without reference to the content of the regulated speech, (2) is narrowly tailored to serve a significant governmental interest, and (3) leaves open ample alternative channels for communication of the information. Effectively, the City of Delray Beach may regulate tattoo studios, parlors, or related uses through reasonable time, place, and manner restrictions with supporting evidence for such restrictions based upon the three criteria. One of the easiest and most legally defensible strategies to accomplish this would be through a similarity of use determination or amendment to the LDRs which defines and permits a tattoo establishment as a personal service. Such action would be supported by legal scholarship, such as:
http://www.mtas.tennessee.edu/KnowledgeBase.nsf/0/BE7586B3EFFD66B98525768F004F45CF?OpenDocument,
and the practices of many other local governments, including several of the City's neighbors, Pensacola, Florida (2015), and Springfield, Ohio (2014). While such a strategy would reduce the necessary analysis and likely protect the City from any reasonable legal challenge, it would not mitigate the many concerns which have been expressed by elected officials and citizens regarding the impacts tattoo establishments could have on the unique character of the City, an award-winning family-friendly community composed of a historic downtown and neighborhoods and a renowned beach resort community. Preserving the character and aesthetic of such a city has been consistently recognized by the courts as a substantial government interest worthy of regulation if the city can "demonstrate that it had a reasonable basis for believing that its regulation would further these legitimate interests" (*Buerhle*). Therefore, to this end, it is critical that how the tattoo establishment use could harm

the character and aesthetic of the community and how the City could reasonably expect such potential harms to be mitigated by narrowly tailored regulations that leave ample alternative channels open be fully considered and substantiated. Further, it is important to note the threshold for such substantiation or evidence. In its decision on *Buerhle*, the court stated that "such evidence can include anything 'reasonably believed to be relevant—including a municipality's own findings, evidence gathered by other localities, or evidence described in a judicial opinion.'"

Potential Negative Impacts of Tattoo Establishments

Health Impacts

Tattoos involve needles piercing the skin. As a result, there are significant health risks.

- Staff of the Mayo Clinic advises the public to know those risks, which include: allergic reactions, skin infections, granulomas, keloids, blood borne diseases, like HIV and Hepatitis, and lifelong MRI complications.
- The FDA warns the public of similar concerns plus scarring.
- Just recently, the Joint Research Centre, the European Commission's science and knowledge service, released a report entitled "Safety of tattoos and permanent make-up," which explains that a number of unsafe untested unregulated and carcinogenic compounds are currently in the pigments being utilized for tattooing and recommends that information campaigns on risks for potential clients, especially targeted to teenagers and young people, be undertaken along with other actions.
- The courts in *Anderson* and *Coleman* recognized the serious potential health impacts associated with tattooing. In fact, in the concurring opinion on *Anderson*, Circuit Judge Noonan found:

> ...that creation of a tattoo may involve danger to the health of its recipient, so that tattooing requires regulation for health different from regulation, say, of a press. Tattooing as a business may also require regulation to assure that it does not attract minors.

These health impacts are not only a direct concern worthy of regulation; they also underpin the City's substantial interest in regulating other aspects of the use as explained.

Adult-oriented use

In Florida and most other states, only adults may legally obtain a tattoo (without parental permission for 16 and 17 year-olds). Therefore, it is an adult-oriented use by its very nature, and the proliferation and clustering of this adult-oriented use could change the character of a building, block, neighborhood, and/or zoning district from one that serves people of all ages to one that only serves, or feel welcoming to, adults.

Furthermore, it is an adult-oriented use which has serious potential health consequences which are not well-understood by the public, especially children who might be drawn to the activity through exposure to the use or people engaged in the use. The likelihood of such an attraction can be established through a number of sources chronicling children being attracted to age-inappropriate and/or risky behaviors, including smoking, drinking, and sexual activity, such as the American Academy of Pediatrics Policy Statement on "Children, Adolescents, Substance Abuse and the Media" (2010) and the previously referenced "Safety of tattoos..." Additionally, Circuit Judge Noonan specifically identified this potentiality.

The City prides itself on being a family-friendly destination and believes that much of the success of its historic downtown and renowned beach resort community are the result of being true to this identity. To be family-friendly, uses and destinations must cater to families and the people of all ages who make up those families. The City's family-friendly identity and its corresponding implementing policies are reflected in: specific policy documents that will be introduced into the record by the Planning & Zoning Department; the existing LDRs; and the City's ongoing and well-chronicled changes to Special Events produced in the community.

The existing LDRs reveal that the City has already acted to limit the impact of adult-oriented uses on the character of its zoning districts, perhaps most pertinently with its regulation of stand-alone bars, as originally adopted by Ordinance No. 42-03. As further set forth by the Ordinance and the corresponding section of the LDRs, the City Commission found that it had a substantial government interest in regulating liquor under its police powers and state law and implemented several restrictions including: limiting such uses to not more than one on any one block nor within 750 feet of another such use; and requiring at least 300 feet of separation from schools and churches.

24-Hour or Late Night Business

A search of tattoo businesses in several geographic areas via online search engine reveals that 24-hour and late night operation of tattoo establishments is common.

As more particularly set forth by Ordinance No. 41-01 and its corresponding codification in the LDRs, the City has found that many 24-hour or late night businesses located within close proximity to residentially zoned districts create certain impacts, including noise pollution, safety concerns, and visual impacts which may detract from the residential character of the neighborhood. Accordingly, the City imposed certain requirements and restrictions to mitigate those potential impacts, including: conditional use approval; security plans; and buffering.

Given that tattooing is a commercial and service activity, can also be social, where even one recipient of a tattoo might be accompanied by a large party, and is

commonly operated as a 24-Hour or Late Night Business in other markets, it could create the same impacts as those contemplated by Ordinance No. 41-01.

Potential for Public Nudity and Obscenity

Tattoos are routinely applied to all areas of the body, resulting in the potential for nudity and disturbing the peace.

General Compatibility

Under long-established zoning doctrines, for the public health, safety and welfare, it is appropriate for government to regulate land uses and to provide for the grouping of compatible land uses. The creation of a tattoo for money is a commercial transaction that can only occur in licensed locations in accordance with Florida Statutes. Consequently, a tattoo establishment is commercial in nature and is incompatible with residential zoning districts according to basic tenets of the LDRs and Comprehensive Plan. Similarly, though to a lesser extent, the service and retail components of a tattoo establishment make it less compatible with professional office, especially as a principal use. In addition to these general concerns based upon general zoning and land use principles, the aforementioned specific concerns which are inherent to the nature of tattoos and tattoo establishments warrant mitigation.

Other Considerations

- In addition to being known as award-winning and family-friendly, Delray Beach is known as being a home to the arts. According to more than one court, tattoos are art. Does that leave the City especially susceptible to legal challenge? This is an open question for the City Attorney.
- It may be tempting to separate micropigmentation from expressive tattooing even though the activities are regulated under the same provisions of Florida Statutes. There may even be a logical basis to do so because an argument can be made that micropigmentation is not the art of tattooing in the same way that painting your house is not the same as the art of painting the Mona Lisa. However, this rationale could lead to the trap of allowing an unprotected activity, micropigmentation, in more places than the protected activity (tattooing) despite them having the same health risks. Therefore, a separate definition and strategy for micropigmentation was not pursued.
- The LDRs are a living document. The City should feel free to start with one modification and to then take additional steps in response to observations and feedback. The previously discussed court cases did not happen overnight, and the respective cities could have taken mitigating actions along the way.
- The City has the right to create regulations in addition to those of the State of Florida. Therefore, if the City found that it needed separate health inspections and licensing, it could implement appropriate regulations and corresponding administration.

REVIEW BY OTHERS

Community Redevelopment Agency (CRA):

At its meeting of September 8, 2016, the CRA reviewed the conditional use request and recommended approval.

West Atlantic Redevelopment Coalition (WARC):

At its meeting of September 1, 2016, the CRA reviewed the conditional use request and recommended approval.

Downtown Development Authority:

At its meeting of September 12, 2016, the DDA reviewed the conditional use and recommended approval.

Pineapple Grove Main Street (PGMS):

At its meeting of August 31, 2016, the PGMS reviewed the proposed LDR text amendment and recommended approval.

Courtesy Notice:

Courtesy notices have been provided to the following homeowner's associations and interested parties, which have requested notice of developments in their areas:

- President's Council
- Delray Beach Chamber of Commerce

ASSESSMENT AND CONCLUSION

This Section of the Report serves to offer proposed amendments to the LDRs and provide the corresponding justification. After a proposal, a discussion of the rationale is often provided in brackets *[Discussion:…]*.

Definitions

Tattoo Establishment: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the service of applying a mark or design on or under the skin of a human being by a process of piercing and ingraining a pigment, dye, or ink in and/or under the skin for a non-medical purpose.

Tattooing: The service of applying a mark or design on or under the skin of a human being by a process of piercing and ingraining a pigment, dye, or ink in and/or under the skin for a non-medical purpose.

These definitions are based off of the definitions and limitations of Florida Statutes and are not applicable to the discussion of potential negative impacts.

Permitted in the Following Locations

As set forth by Section 4.3.1 of the LDRs, uses are categorized as "principal," "accessory," and "conditional." Given that conditional uses can be considered subjective in nature and the Constitutional protections afforded to tattoos, the consideration of tattoo establishment as a conditional use has been discarded. For this analysis, it is important to note that "principal" means a use allowed, by right, within a zoning district provided that all development regulations are met and that "accessory" means a use which is otherwise allowed as a principal use but is subordinate in intensity to other principal uses or which is otherwise identified in the zoning district as an accessory use only in association with a principal use.

Section 4.3.3 of the LDRs, entitled "Special Requirements for Specific Uses," sets forth special requirements for defined uses as a result of their unique characteristics. Given the specific concerns which are inherent to the nature of tattoos and tattoo establishments, a new subsection for Tattoo Establishments is proposed as follows.

Section 4.3.3(ZB) Tattooing and Tattoo Establishments:

(1) Purpose: It is the intent of this section to permit Tattooing and Tattoo Establishments, which are expressive activities protected by the Constitution, pursuant to reasonable time, place, and manner restrictions which are narrowly tailored to protect: the unique character and aesthetic of the City of Delray Beach's award-winning family-friendly historic downtown and neighborhoods and renowned beach resort community; property interests and rights; the public health, safety, and welfare; and the administration of local laws. *[Discussion: Self-explanatory.]*

(2) Hours of Operation: 8 a.m. to 10 p.m. *[Discussion: As previously discussed, the City has already made findings about potential impacts of late night businesses. While being a constitutionally protected activity would suggest equal or more permissive regulations for tattooing, it is even more compelling to consider that tattooing involves substantial health risks that are not fully understood by the general public and that recipients would be better served by making the decision to receive a tattoo during "normal" hours of activity. In this way, the potential impacts of 24-hour or late-night business can be mitigated while also protecting the health of citizens.]*

(3) Visibility of Tattooing: Tattooing shall not be visible from a public right-of-way,

public land, public open space or any private property open to the public, including common areas. *[Discussion: This proposal is narrowly tailored to address the potential for public nudity and disturbing the peace violations.]*

(4) Locational Requirements for Principal Use: Tattoo Establishments shall not be permitted as a principal use on Atlantic Avenue within the Central Business District or Ocean Boulevard. *[Discussion: Atlantic Avenue and Ocean Boulevard are the "main streets" of the City's historic downtown and beach resort community, respectively. On both main streets, the City is committed to creating a family-friendly atmosphere which promotes mixed-use and urban living and limits adult-oriented uses, incompatibility between commercial and residential uses and exposure of minors to age inappropriate and/or risky behaviors. Not wanting to completely block this channel for expressive activity, the City will permit tattooing as an accessory use in these areas.]*

(5) Accessory Use Regulations.

a. In addition to what may be permitted by specific zoning district regulations, tattooing shall be permitted as an accessory use within Medical, Professional, and Business Offices pursuant to all other provisions of the LDRs.
b. Where a tattoo establishment would otherwise be a permitted principal use but for the prohibition set forth by Section 4.3.3(ZB)(4), tattooing shall be permitted as an accessory use pursuant to all other provisions of the LDRs. For example, tattooing, even as an accessory use, shall not occupy "Required Retail Frontage."
c. When permitted as an accessory use, tattooing shall be limited as follows:
    i. 40% or less of GFA.
    ii. No exterior signage.

(6) Prohibition by Frequency. Whether allowed as a principal or accessory use, tattoo establishments and/or tattooing shall be located no more than one per block, nor within 750 feet of another such use, as measured from lot line to lot line in a straight line. *[Discussion: For both the Prohibition by Frequency and Prohibition by Proximity, the use of separation requirements is a long-established court-recognized practice which serves to keep potentially detrimental uses physically apart from other uses and/or to prevent the clustering of such uses (Ducker, UNC School of Government, 2014). Additional expert opinions on the use of separation requirements can be provided by the American Planning Association, and the practice is employed in the LDR's and the land development regulations of many other cities. The respective distances are already established in the LDRs for other adult-oriented businesses (alcohol-related, which is also an age restricted activity with substantial health risks).]*

(7) Prohibition by Proximity. No tattoo establishment shall be located within 300 feet of an established school or church.
   a. With respect to schools, the 300 feet distance shall be measured from the nearest point of the building of the place of business, location, or establishment to the nearest point of the school grounds in use as a part of the school facilities.
   b. With respect to churches, the 300 feet distance shall be measured from the nearest point of the building of place of business, location, or establishment to the nearest point of the church building or buildings.
   c. The 300 feet distance shall be measured in a straight line.

The specific zoning districts are also proposed to be revised to add Tattoo Establishment and/or Tattooing to the permitted and accessory uses list, as follows:

- General Commercial (GC – Sec. 4.4.9)
- Planned Commercial (PC – Sec. 4.4.12)
- Central Business District (CBD – Sec. 4.4.13)

[Discussion: Tattoo Establishment and Tattooing involve a commercial service use that is very comparable to personal services. Since it is a commercial use with additional specific concerns which are inherent to the nature of the use, it is incompatible with all of the City's non-commercial districts. However, staff believes it is compatible with most commercial districts. Please note that only Neighborhood Commercial was omitted because its purpose and intent is to provide "the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to residential areas." The tattoo use was deemed to be too intensive for inclusion within this district; and, since a limited amount of acreage is zoned NC, this is not a burdensome restriction. As to the City's mixed use and historic districts, the Central Business District and Old School Square Historic Arts District, while an argument could be made similar to the prohibition of principal uses on Atlantic and Ocean to prohibit Tattoo Establishment within both districts, it is not recommended because the exclusion of the entire CBD would be very limiting and the Old School Square Historic Arts District's emphasis on art, which the courts have defined as including tattooing. It may be reasonably defensible to alter this proposal so that tattooing is only allowed within the CBD and OSSHAD as an accessory use.]

In closing, staff will map the areas that Tattoo Establishments and Tattooing are permitted as a principal and/or accessory use based upon the proposed amendment. This exercise will illustrate that the proposed time, place, and manner regulations are narrowly tailored and leave ample alternative channels of communication available for the constitutionally protected activity of tattooing. In fact, it is anticipated that the number of potential sites will be far greater than the number of tattoo establishments that would typically locate in a comparable area.

ALTERNATIVE ACTIONS

A. Continue with direction.

B. Move a recommendation of approval to the City Commission of the City-initiated text amendment to the Land Development Regulations as presented based upon the finding that the proposed text amendment is consistent with the Comprehensive Plan.

C. Move a recommendation of approval, as amended, to the City Commission of the City-initiated text amendment to the Land Development Regulations as presented, based upon the finding that the proposed text amendment is consistent with the Comprehensive Plan.

D. Move a recommendation of denial to the City Commission City-initiated text amendment to the Land Development Regulations as presented based upon the finding that the proposed text amendment is inconsistent with the Comprehensive Plan.

STAFF RECOMMENDATION

Approval of the City-initiated text amendment to the Land Development Regulations as presented based upon the finding that the proposed text amendment is consistent with the Comprehensive Plan.

PROJECT NAME:	Swinton Commons
PETITION TYPE:	Certificate of Appropriateness, Class V Site Plan, Alley Abandonments, Conditional Use for Residential-type Inn.
APPLICANT:	Atlantic Avenue Development LLC and MGM Sundy LLC
PROJECT PLANNER:	Scott Pape, Senior Planner
PLANNER'S PHONE:	(561) 243.7321

Swinton Commons

Location: See Location Map for specific properties.

Block 61: All properties within block. North: West Atlantic Avenue; West: SW 1st Avenue; South: SE 1st Street; East: South Swinton Avenue.

Sundy House: 106 & 116 South Swinton Avenue, east side of South Swinton Avenue. 106 South Swinton Avenue consists of the Sundy House, a restaurant and residential-type inn use. 116 South Swinton Avenue is a parking lot associated with the Sundy House development.

Block 69: 30, 36, & 48 SE 1st Avenue, east side of SE 1st Avenue. 30 SE 1st Avenue is a parking lot developed in 2005-2006. 36 SE 1st Avenue is a vacant parcel. 48 SE 1st Avenue consists of a contributing structure used as an Assisted Living Facility.

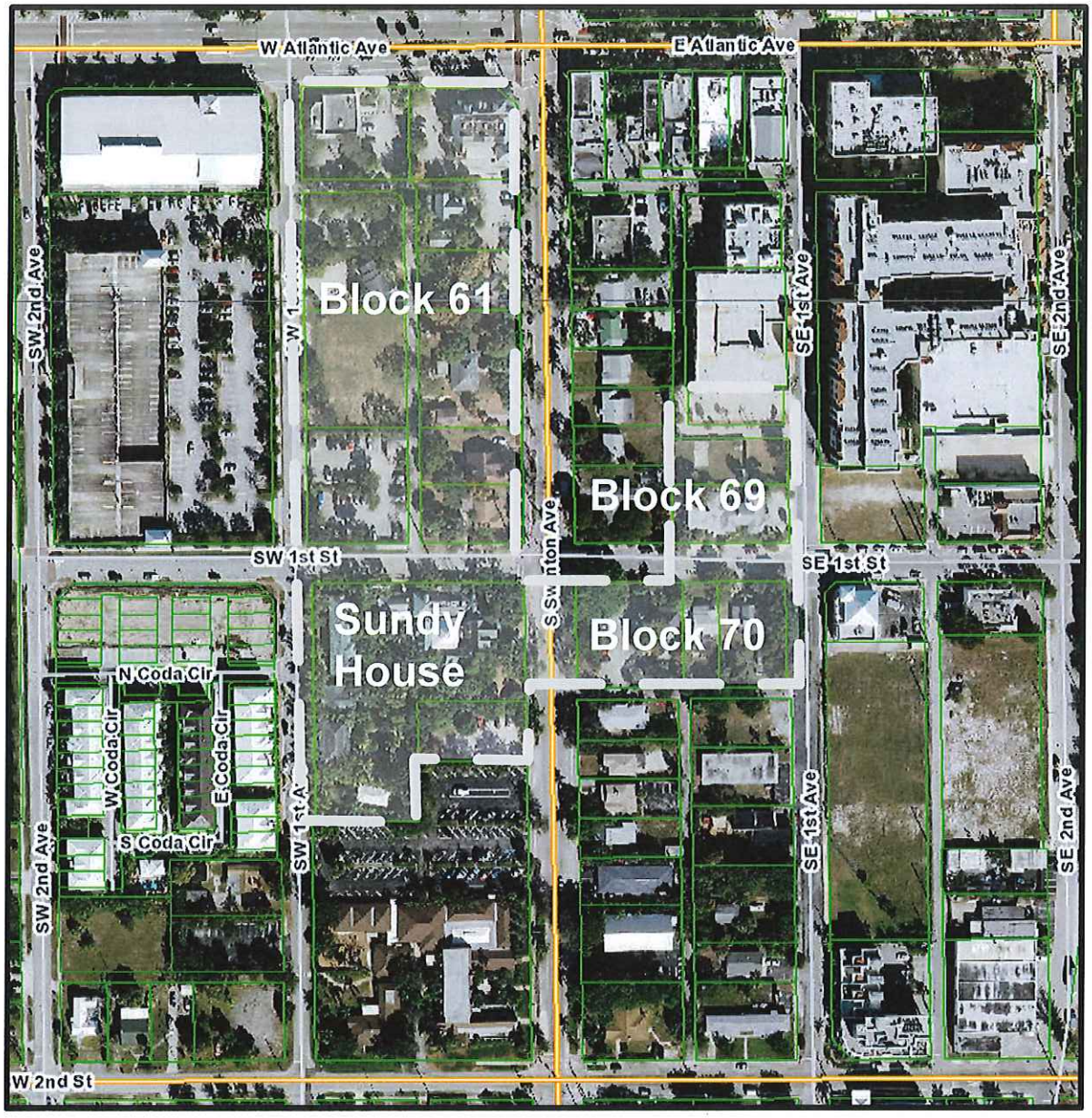
Block 70: 6, 14 & 18 SE 1st Street, south side of SE 1st Street. 6 SE 1st Street consists of a parking lot associated with the Sundy House development, and a severely neglected historic (contributing) structure. 14 SE 1st Street consists of a contributing single-family residence. 18 SE 1st Street consists of a contributing, single-family residence and contributing accessory building.

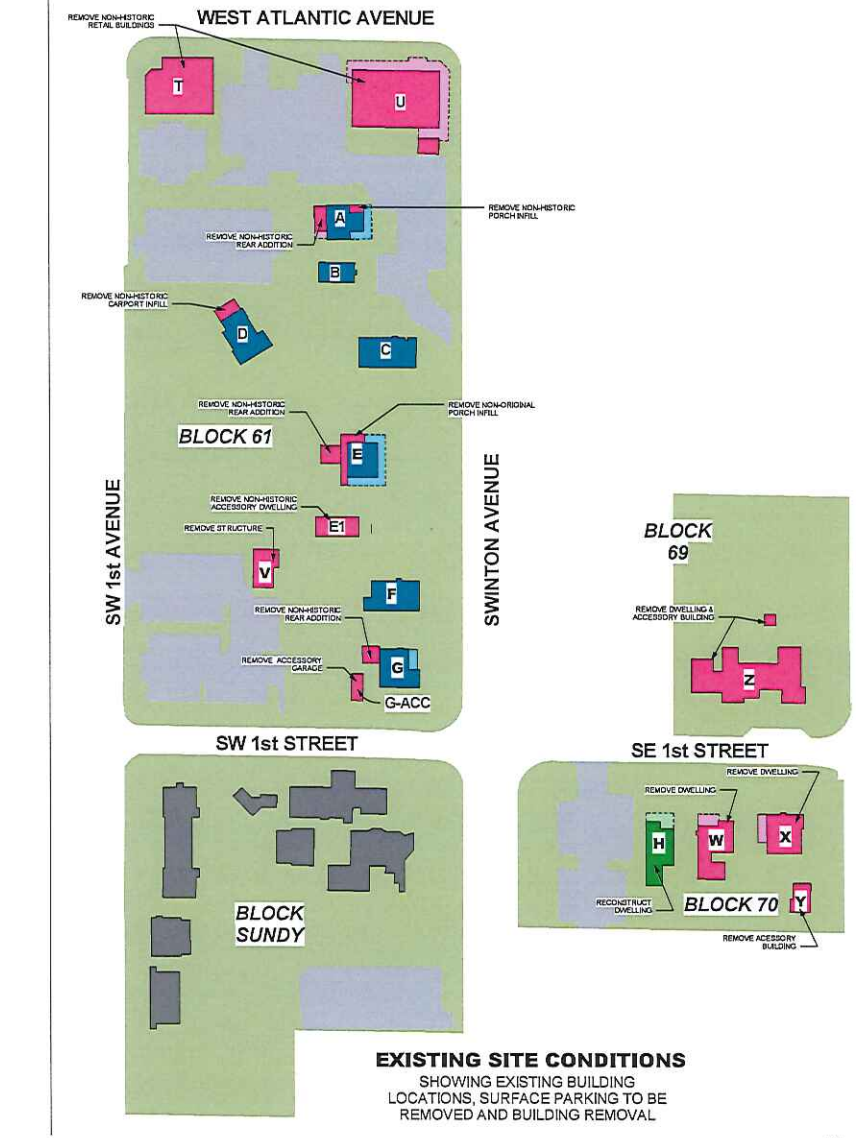
Zoning: OSSHAD (Old School Square Historic Arts District) NOTE: Properties fronting West Atlantic Avenue, and located at 30-48 SE 1st Avenue and 14-18 SE 1st Street may also refer to CBD regulations.

Application Types: Class V Site Plan; Abandonment of Alley in Block 61; Abandonment of Alley in Block 69; Conditional Use – Residential Type Inn.

Description:

- Demolition and/or relocation of many existing structures within project area;
- Block 61: New construction of retail, office, and restaurant uses, residential units within third and fourth floors of building facing West Atlantic Avenue, and on upper stories of new structures along South Swinton Avenue and SW 1st Avenue. Residential-type Inn units will be added to located within new structures along SW 1st Avenue. Two existing historic (Cathcart House and The Rectory) structures to remain within this block, along South Swinton Avenue; balance of existing structures with either be relocated to other blocks within the project area, or demolished. Parking to be provided in an underground parking garage. Abandonment of alley will create a pedestrian courtyard/open plaza area through center of block.
- Sundy House: Existing spaces converted to four new residential type-inn units, with additional units provided in relocated structures, and event space added.
- Block 69: New construction of a four story hotel with restaurant; abandonment of east/west alley between 30 & 36 SE 1st Avenue, and continuance of existing north/south alley to SE 1st Street.
- Block 70: Relocation of two historic structures currently located elsewhere in the project area to the western half of the block, and the reconstruction of one existing historic structure, all to be used for retail spaces. Adjacent to the historic structures will be the new construction of a four-story hotel with single-level mechanical parking lifts for parking.


W Atlantic Ave
E Atlantic Ave
Block 61
Block 69
Block 70
Sundy House
SW 1st St
SE 1st St
S Swinton Ave
SW 2nd Ave
SE 1st Ave
SE 2nd Ave
N Coda Cir
W Coda Cir
E Coda Cir
S Coda Cir
SW 1st Ave
W 2nd St

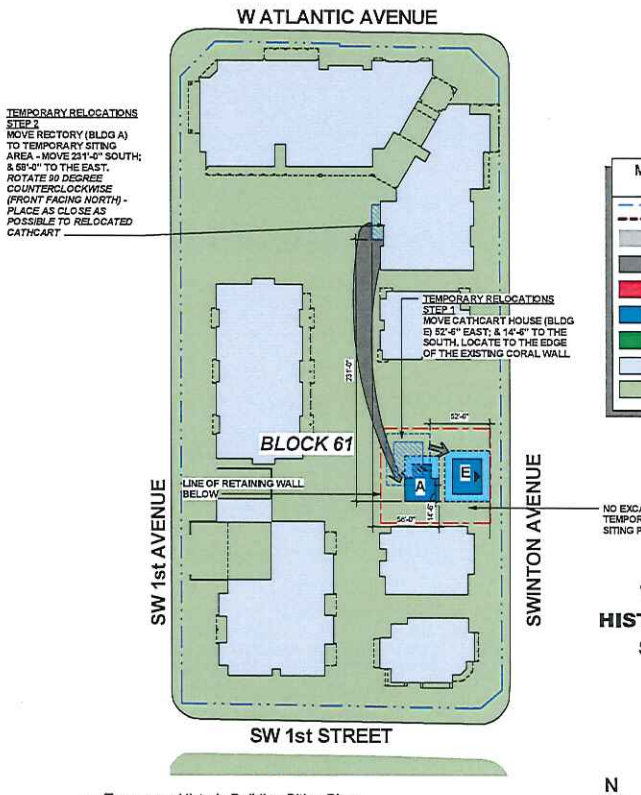


EXISTING SITE CONDITIONS

SHOWING EXISTING BUILDING LOCATIONS, SURFACE PARKING TO BE REMOVED AND BUILDING REMOVAL

1 01 Existing Site Conditions
1" = 50'-0"

N



MASTER PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- EXISTING PARKING LOT TO BE REMOVED
- EXISTING BUILDINGS - NO WORK
- BUILDINGS, OR PORTION OF BUILDINGS, TO BE DEMOLISHED
- BUILDINGS TO BE RELOCATED
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- SUBJECT SITE

TEMPORARY HISTORIC BUILDING SITING PLAN

2 Temporary Historic Building Siting Plan
1" = 50'-0"

N

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SWINTON COMMONS - Buildings to be Relocated	
BLDG	EXISTING ADDRESS
A - Rectory (2-STORY)	14 South Swinton Avenue, Delray Beach, FL 33444
B	20 West Atlantic Avenue, Delray Beach, FL 33444
C - Bakery	22 SW Swinton Avenue, Delray Beach, FL 33444
D - Carport	21 SW 1st Avenue, Delray Beach, FL 33444
E - Cathcart (2-STORY)	38 South Swinton Avenue, Delray Beach, FL 33444
F - Peach	40 South Swinton Avenue, Delray Beach, FL 33444
G - Yellow	44 South Swinton Avenue, Delray Beach, FL 33444

SWINTON COMMONS - Buildings to be Reconstructed	
BLDG	EXISTING ADDRESS
H - White	10 SE 1st Street, Delray Beach, FL 33444

SWINTON COMMONS - Buildings to be Demolished	
BLDG	EXISTING ADDRESS
G1 - Garage	44 1/2 South Swinton Avenue, Delray Beach, FL 33444
E1 - Dwelling	38 1/2 South Swinton Avenue, Delray Beach, FL 33444
V - Dwelling	35 1/2 SW 1st Avenue, Delray Beach, FL 33444
W - Dwelling	14 SE 1st Street, Delray Beach, FL 33444
X - Dwelling	18 SE 1st Street, Delray Beach, FL 33444
Y - Dwelling	18 1/2 SE 1st Street, Delray Beach, FL 33444
Z - Dwelling (PARTIAL 2-STORY)	48 SE 1st Avenue, Delray beach, FL 33444

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CORPORATION NUMBER
AA-0002447

SWINTON COMMONS

Swinton Commons

Old School Square Historic District, Delray Beach, Florida

NO.	DATE	DESCRIPTION
1	Date 1	Per City Comments
2	03/05/16	Per City Comments

DATE 12-21-2015
SCALE NTS
DRAWN DE/RAI
CHECKED DE/REG
REG # 15039

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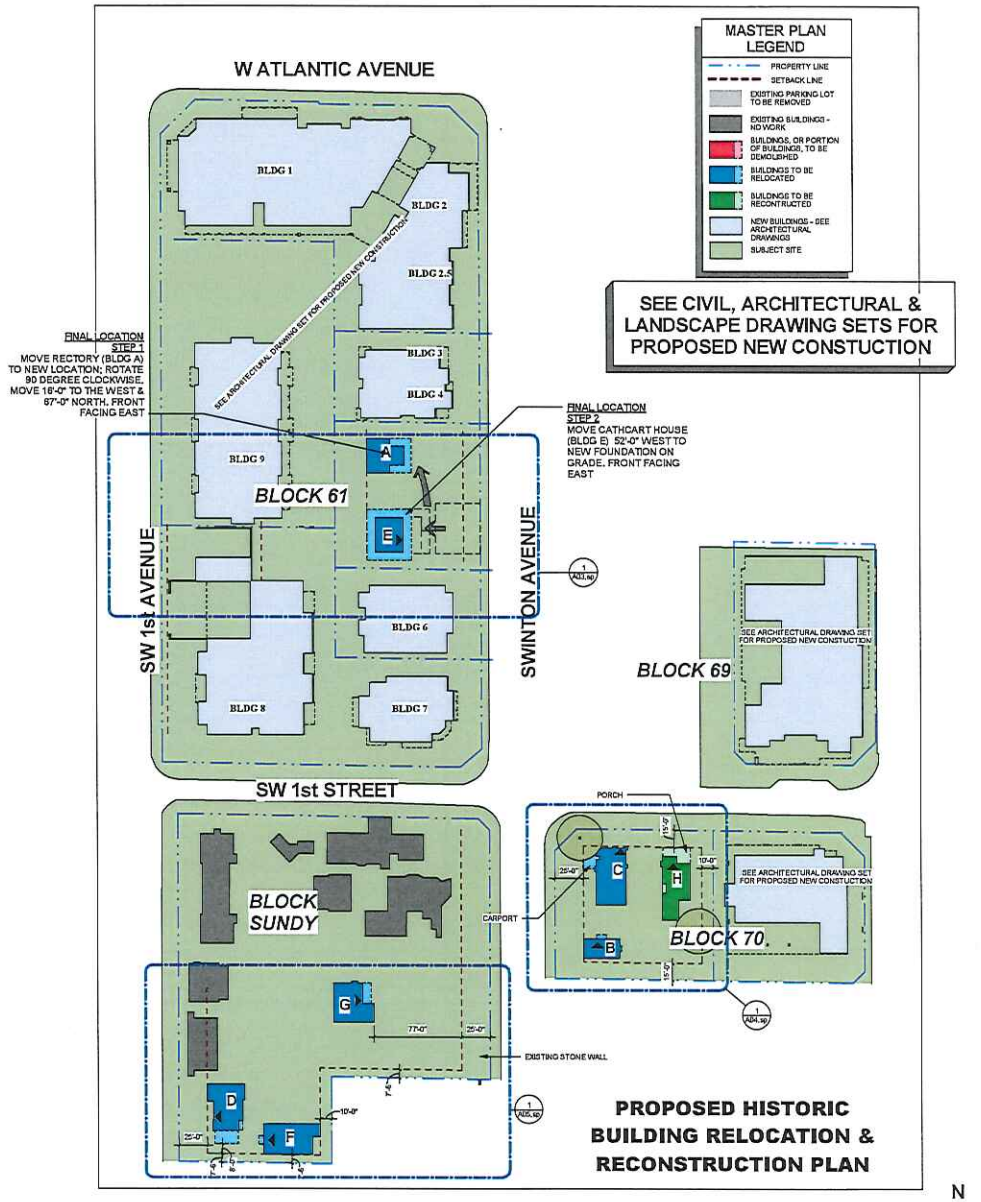
Site Bldg. Demo-Relocat.-Reconst. Plan

Project Status
A01.sp
NOT FOR CONSTRUCTION



1 01 Proposed Master Plan For Final Building Locations
1" = 50'-0"

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DATE 12-21-2015
SCALE NTS
DRAWN RM
CHECKED DE/REG
REG # 15039

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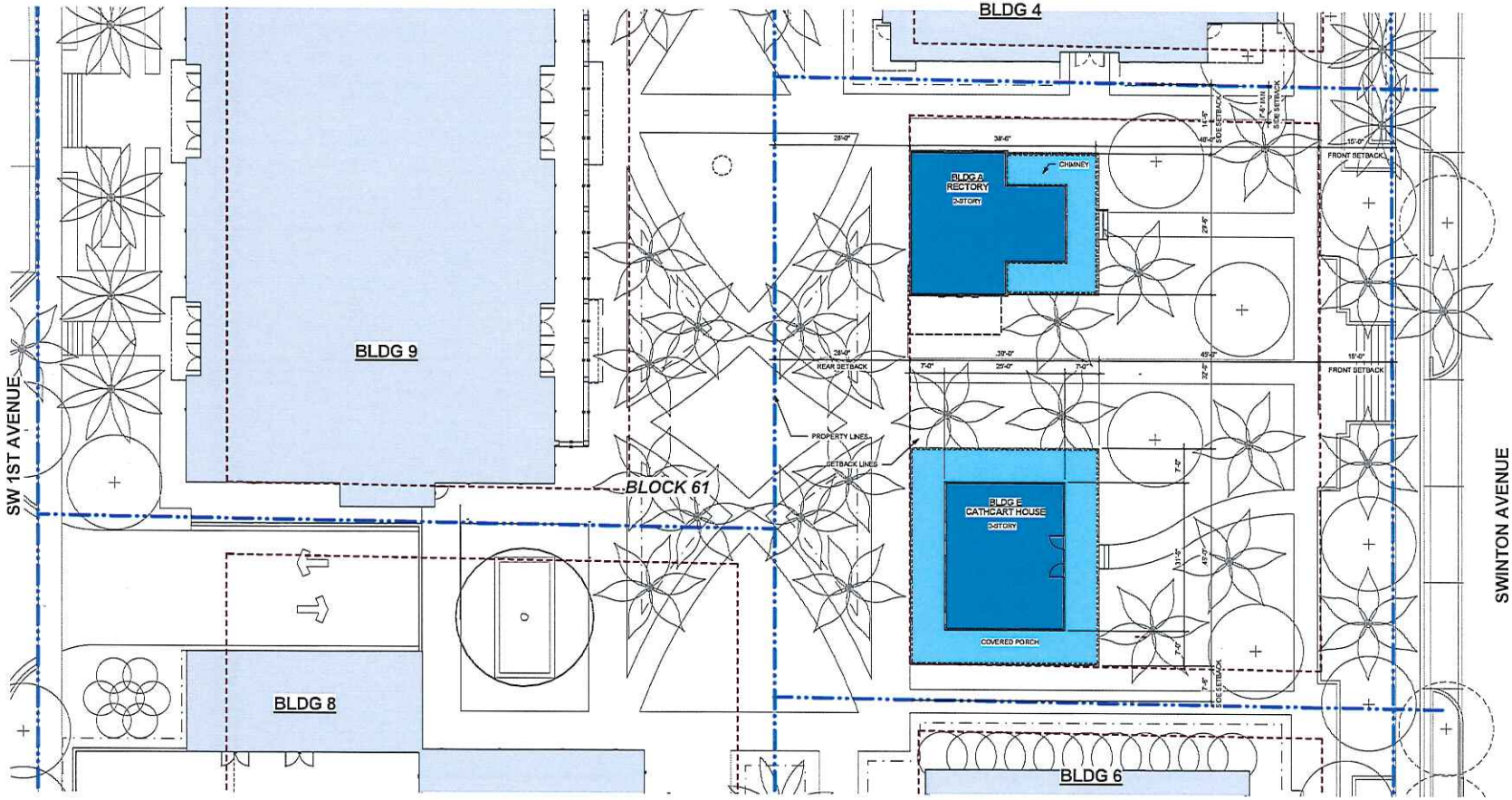
Prop. Hist. Relocation & Reconst. Plan

Permit Status
A02.sp
NOT FOR CONSTRUCTION



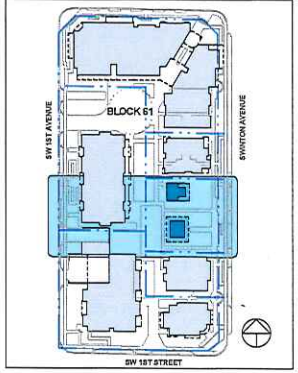
1 03 BLOCK 61 SITE PLAN
3/32" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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SWINTON COMMONS

Swinton Commons

Old School Square Historic District, Delray Beach, Florida

NO.	DATE	DESCRIPTION
1	Date 1	Per City Comments
2	03/09/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	RM
CHECKED	DE/REG
REG #	15039

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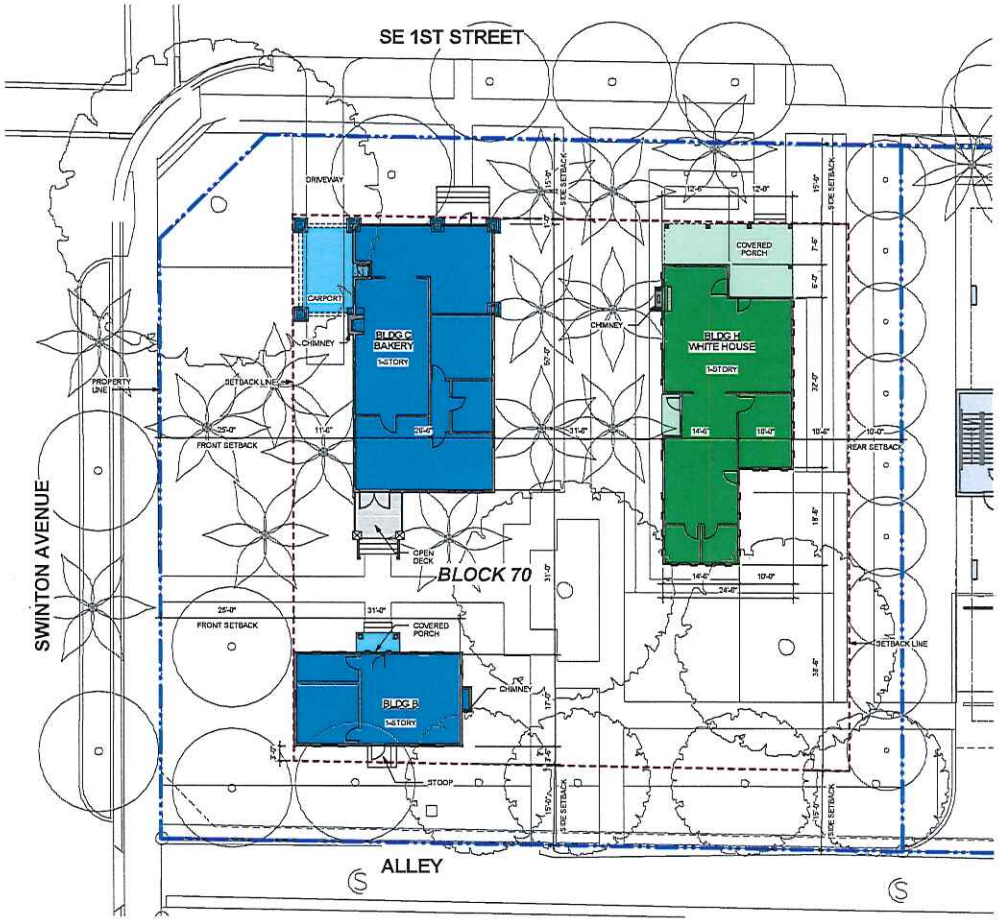
Block 61 Site Plan

Project Status
A03.sp
NOT FOR CONSTRUCTION



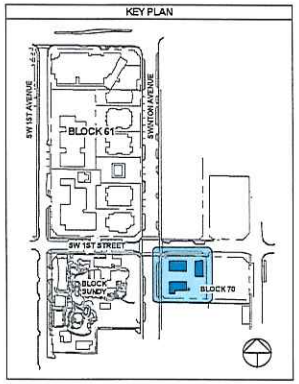
1 03 BLOCK 70 SITE PLAN
3/32" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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CORPORATION NUMBER
AA-0002447

SWINTON COMMMONS

Swinton Commons

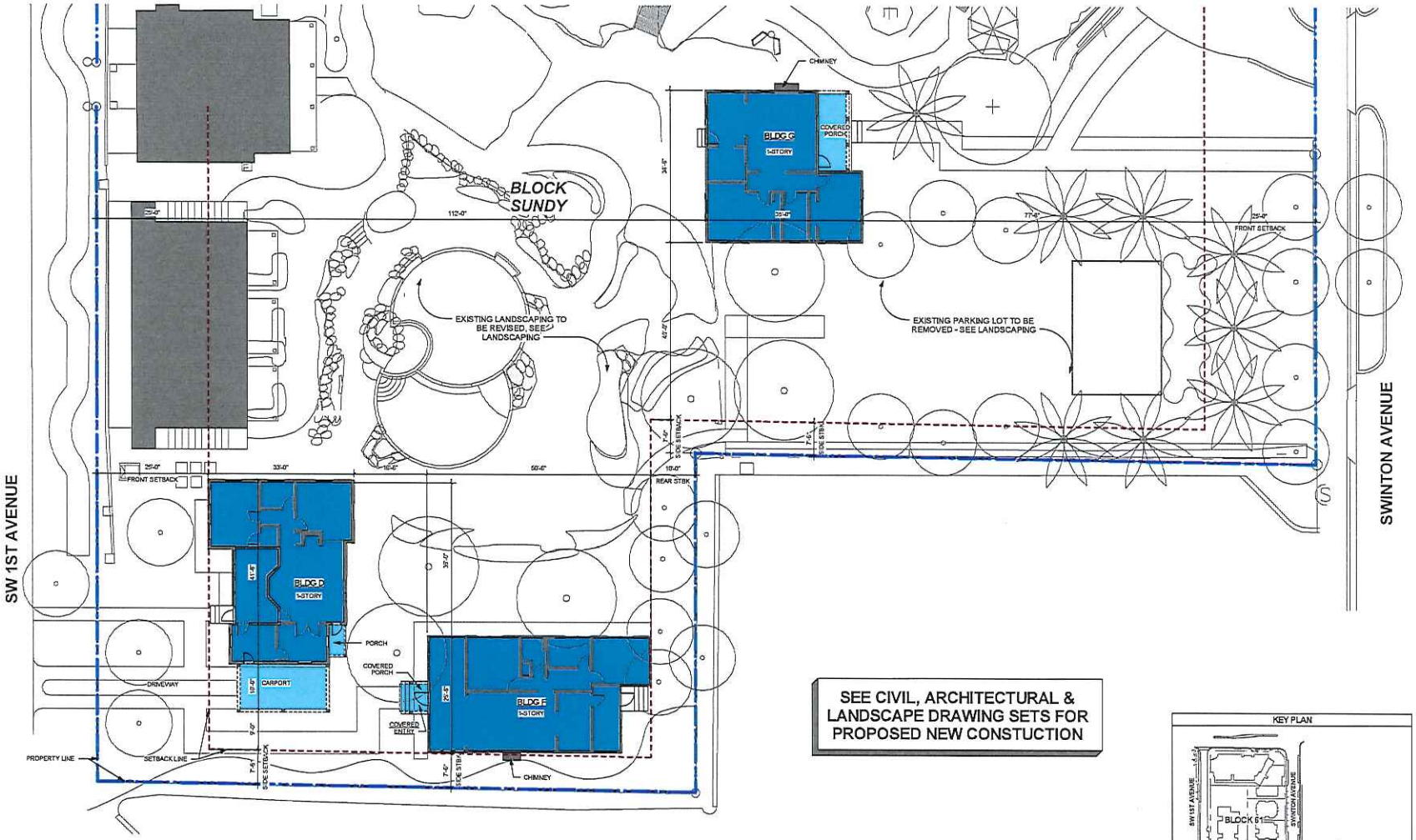
Old School Square Historic District, Delray Beach, Florida

NO.	DATE	DESCRIPTION
1	Date 1	Per City Comments
2	03/03/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	RM
CHECKED	DE/REG
REG #	15039

Block 70 Site Plan

Project Status
A04.sp
NOT FOR CONSTRUCTION



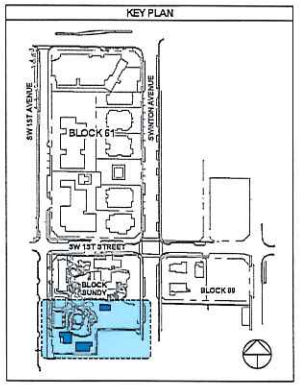
SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

1 03 BLOCK SUNDY SITE PLAN
3/32" = 1'-0"

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONSTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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SWINTON COMMONS

Swinton Commons

Old School Square Historic District, Delray Beach, Florida

NO.	DATE	DESCRIPTION
1	Delta 1	Per City Comments
2	09/05/15	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	RM
CHECKED	DE/REG
REG #	15039

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Block Sundy Site Plan

Project Status
A05.sp
NOT FOR CONSTRUCTION

2 WEST ELEVATION - SWINTON AVENUE (BLOCK 70)
1/8" = 1'-0"

1 NORTH ELEVATION - SE 1st STREET - BLOCK 70
1/8" = 1'-0"

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SWINTON COMMMONS

Swinton Commons

Old School Square Historic District, Delray Beach, Florida

NO.	DATE	DESCRIPTION
1	Date 1	Per City Comments
2	08/05/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	DE/RM
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REG #	15039

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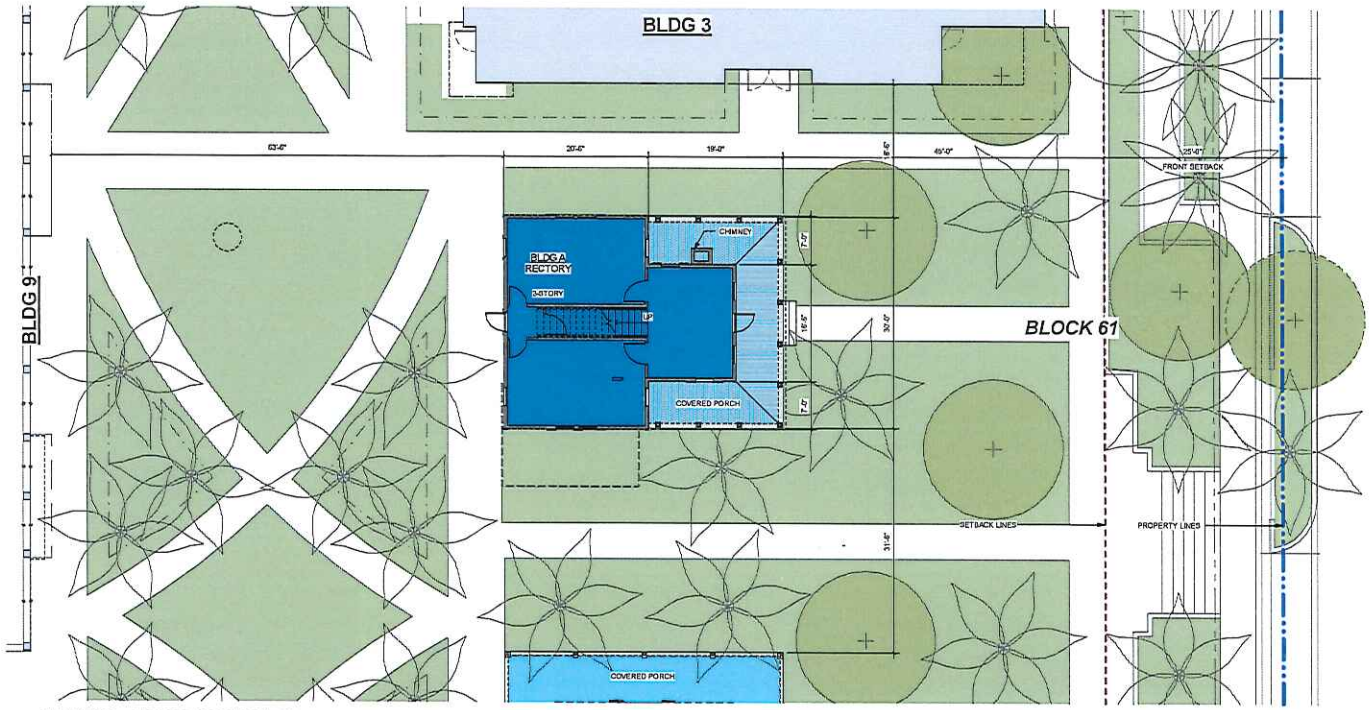
Proposed Streetscapes

Project Status
A07.sp
NOT FOR CONSTRUCTION



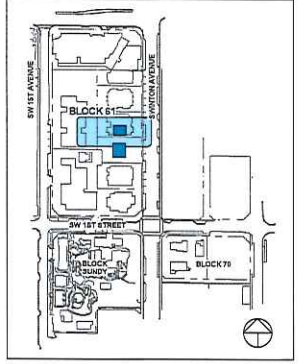
1 BUILDING A - PROPOSED SITE PLAN
1/8" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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CORPORATION NUMBER
AA-0002447

SWINTON COMMONS

Swinton Commons
The Rectory
BUILDING "A"

Old School Square Historic District, Delray Beach, Florida
14 South Swinton Ave
Delray Beach, FL 33444

NO.	DATE	DESCRIPTION
1	Date 1	Per City Comments
2	01/05/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	RM
CHECKED	DB/REG
REG #	15039

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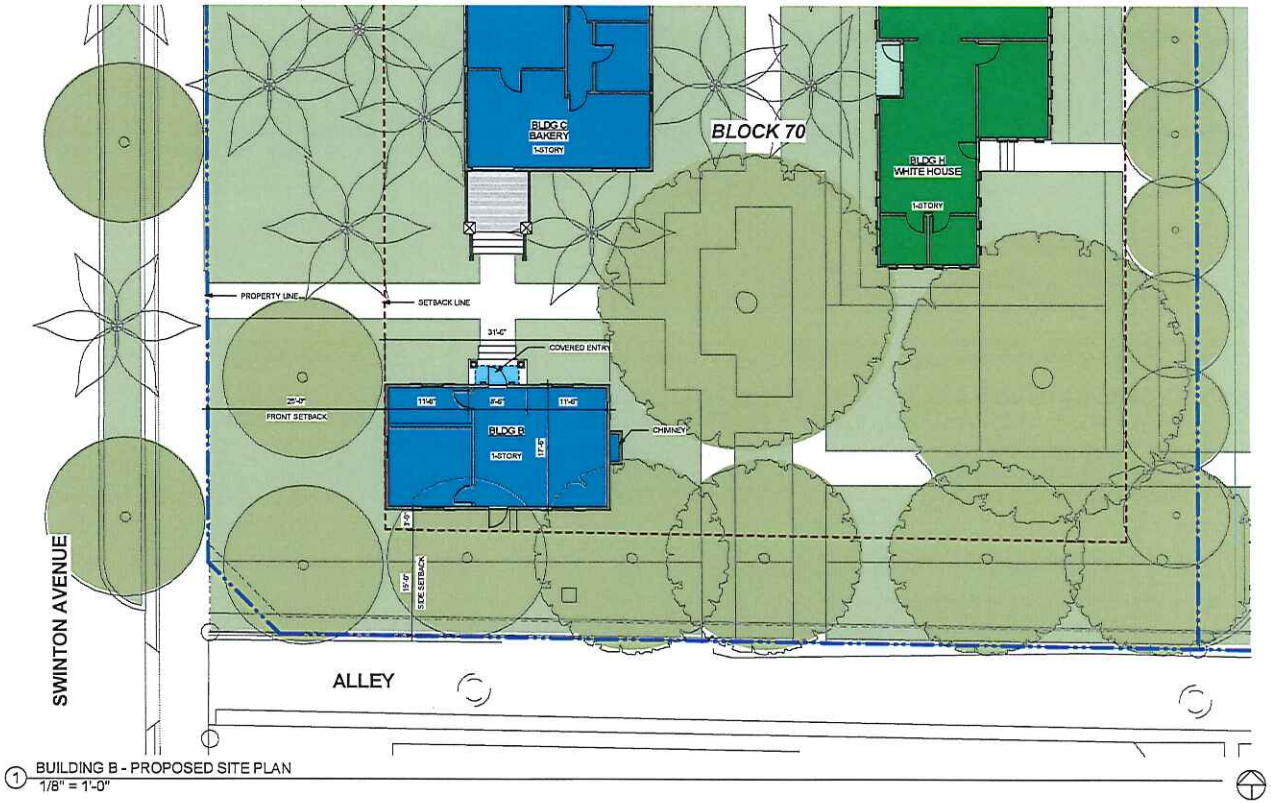
Site Plan - Proposed Location

Project Status
A.A0.pl
NOT FOR CONSTRUCTION



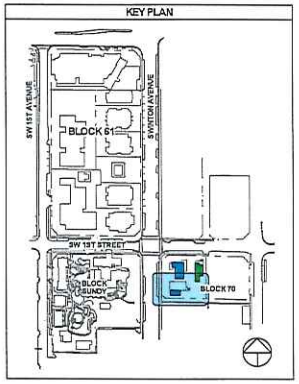
1 BUILDING B - PROPOSED SITE PLAN
1/8" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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CORPORATION NUMBER
AA-0002447

SWINTON COMMMONS

Swinton Commons
BUILDING "B"

Old School Square Historic District, Delray Beach, Florida
20 W. Atlantic Ave
Delray Beach, FL 33444

NO.	DATE	DESCRIPTION
2	06/05/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
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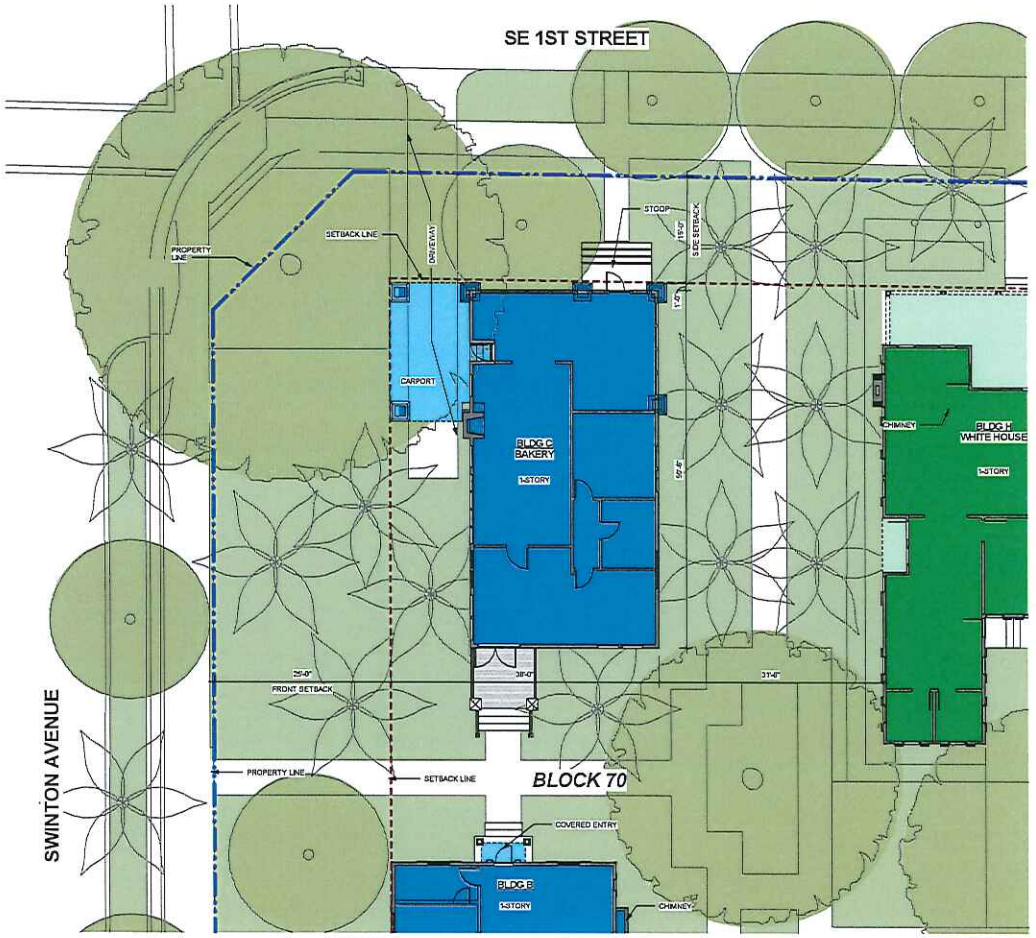
Site Plan - Proposed Location

Project Status
B.A0.pl
NOT FOR CONSTRUCTION



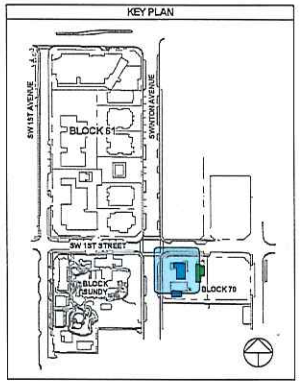
1 BUILDING C - PROPOSED SITE PLAN
1/8" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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CORPORATION NUMBER
AA-0002447

SWINTON COMMMONS

Swinton Commons
Former Bakery
BUILDING "C"

Old School Square Historic District, Delray Beach, Florida
22 SW Swinton Avenue
Delray Beach, FL 33444

NO.	DATE	DESCRIPTION
2	08/05/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	RM
CHECKED	DE/REG
REG #	15039

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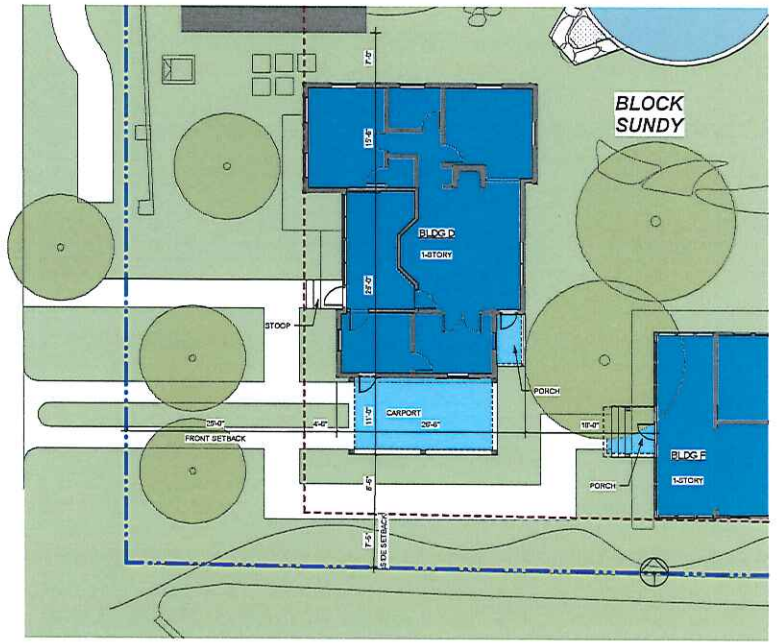
Site Plan - Proposed Location

Project Status
C.A0.pl
NOT FOR CONSTRUCTION



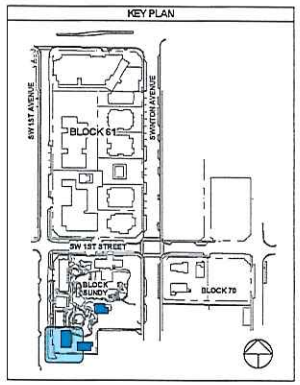
1 BUILDING D - PROPOSED SITE PLAN
1/8" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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PH: (561)-659-2383
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CORPORATION NUMBER
AA-0002447

SWINTON COMMMONS

Swinton Commons
Carport House
BUILDING "D"

Old School Square Historic District, Delray Beach, Florida
21 SW 1st Avenue
Delray Beach, FL 33444

NO.	DATE	DESCRIPTION
2	08/05/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	RM
CHECKED	DE/REG
REG #	15039

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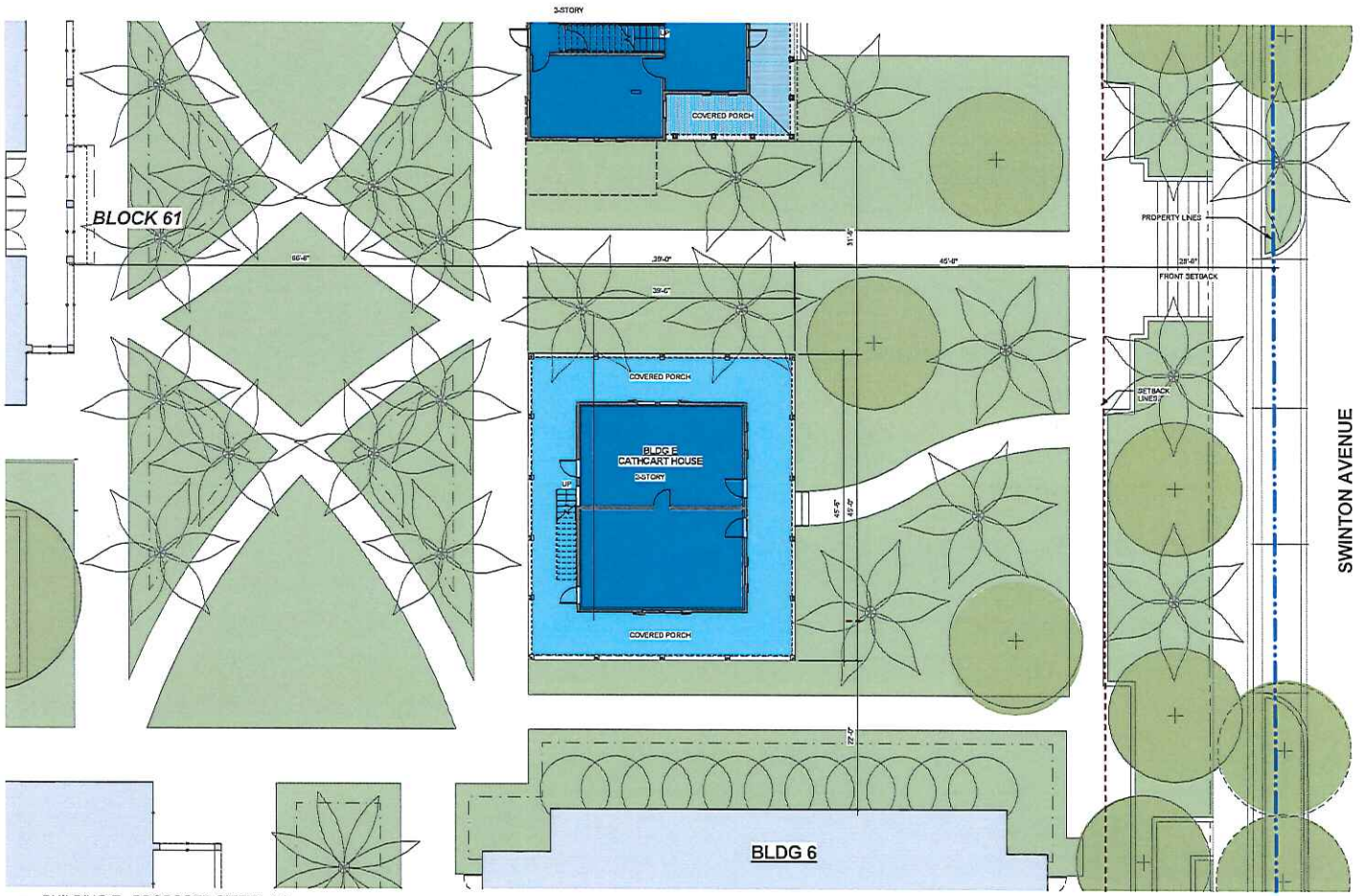
Site Plan - Proposed Location

Project Status
D.A0.pl
NOT FOR CONSTRUCTION



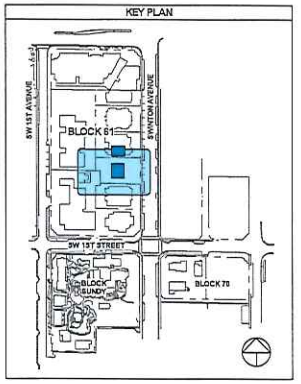
1 BUILDING E - PROPOSED SITE PLAN
1/8" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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CORPORATION NUMBER
AA-0002447

SWINTON COMMONS

Swinton Commons
Cathcart House
BUILDING "E"

Old School Square Historic District, Delray Beach, Florida
38 South Swinton Ave
Delray Beach, FL 33444

NO.	DATE	DESCRIPTION
2	08/05/16	Per City Comments

DATE 12-21-2015
SCALE NTS
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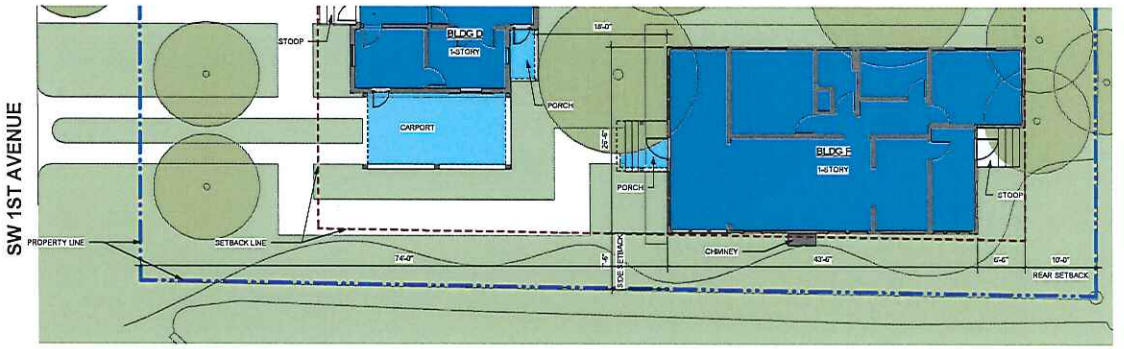
Site Plan - Proposed Location

Permit Status
E.A0.pl
NOT FOR CONSTRUCTION



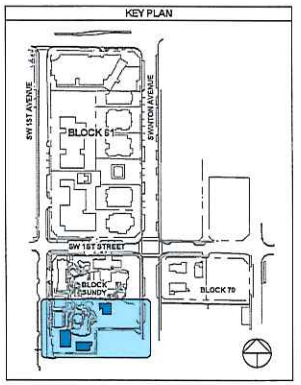
1 BUILDING F - PROPOSED SITE PLAN
1/8" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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CORPORATION NUMBER
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SWINTON COMMMONS

Swinton Commons
Peach House
BUILDING "F"

Old School Square Historic District, Delray Beach, Florida
40 South Swinton Ave
Delray Beach, FL 33444

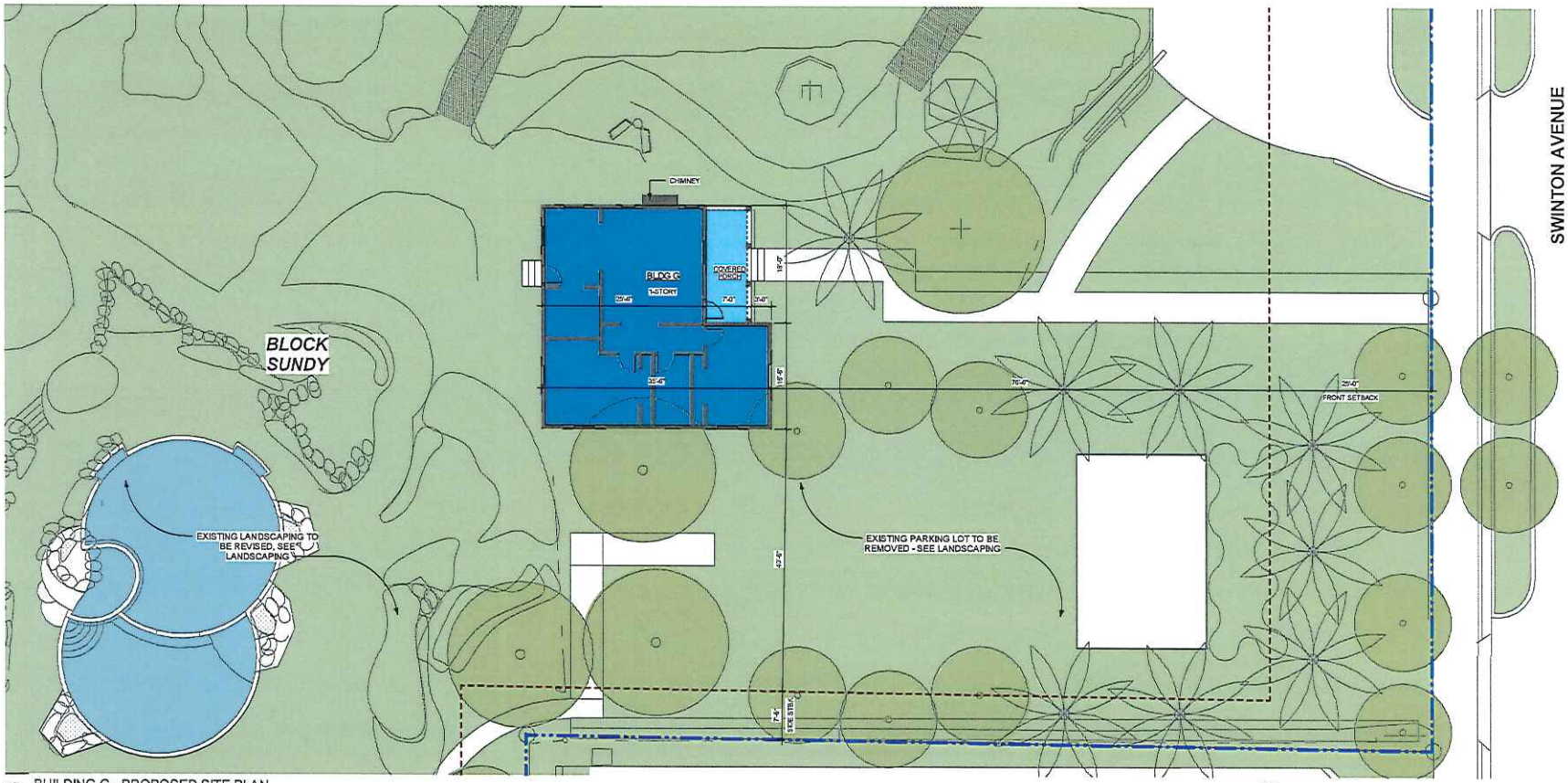
NO.	DATE	DESCRIPTION
2	08/05/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	RM
CHECKED	DE/REG
REG #	15039

[illegible]

Site Plan - Proposed Location

Project Status
F.A0.pl
NOT FOR CONSTRUCTION



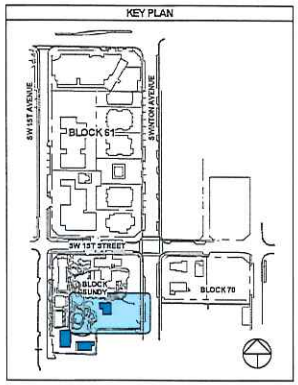
1 BUILDING G - PROPOSED SITE PLAN
1/8" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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FLORIDA 33401
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www.regarchitects.com

CORPORATION NUMBER
AA-0002447

SWINTON COMMMONS

Swinton Commons
Yellow House
BUILDING "G"

Old School Square Historic District, Delray Beach, Florida
44 South Swinton Ave
Delray Beach, FL 33444

NO.	DATE	DESCRIPTION
1	Date 1	Per City Comments
2	06/05/16	Per City Comments

DATE	12-21-2015
SCALE	NTS
DRAWN	RM
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REG #	15039

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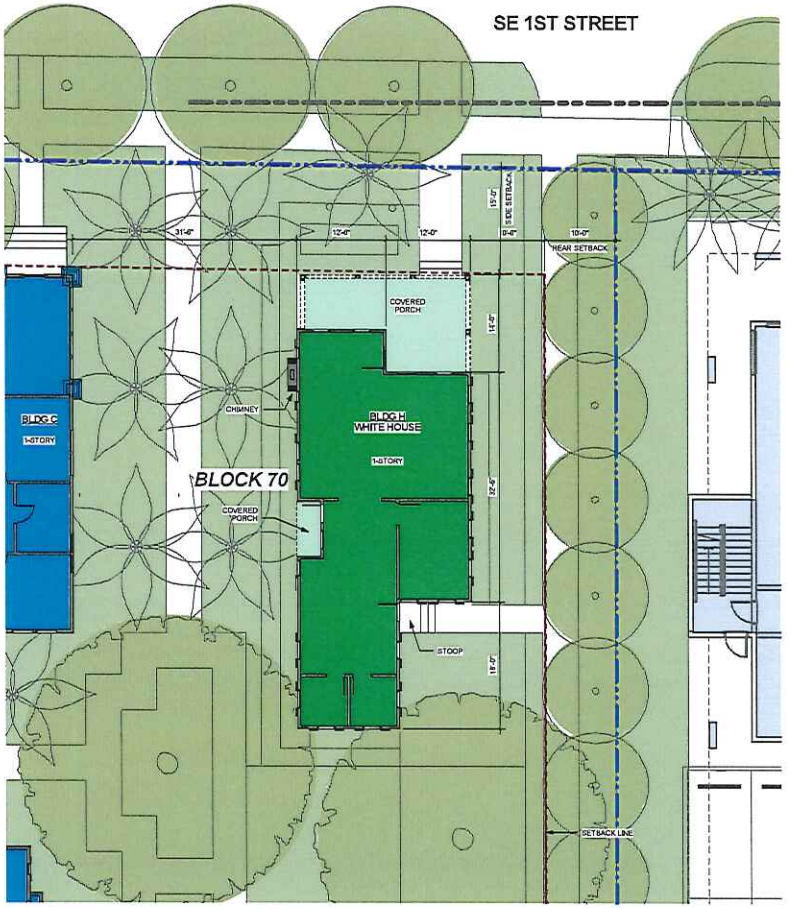
Site Plan - Proposed Location

Project Status
G.A0.pl
NOT FOR CONSTRUCTION



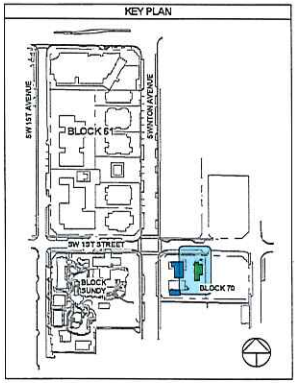
1 BUILDING H - PROPOSED SITE PLAN
1/8" = 1'-0"

SEE CIVIL, ARCHITECTURAL & LANDSCAPE DRAWING SETS FOR PROPOSED NEW CONSTUCTION

SITE PLAN LEGEND

- PROPERTY LINE
- SETBACK LINE
- RELOCATED BUILDINGS
- BUILDINGS TO BE RECONTRUCTED
- NEW BUILDINGS - SEE ARCHITECTURAL DRAWINGS
- EXISTING BUILDINGS - NO WORK

KEY PLAN



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FAX: (561)-659-5546
www.regarchitects.com

CORPORATION NUMBER
AA-0002447

SWINTON COMMONS

Swinton Commons
White House
BUILDING "H"

Old School Square Historic District, Delray Beach, Florida
6 SE 1st Street
Delray Beach, FL 33444

NO.	DATE	DESCRIPTION
2	04/05/16	Per City Comments

DATE 12-21-2015
SCALE NTS
DRAWN RM
CHECKED DE/REG
REG # 15039

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Site Plan - Proposed Location

Project Status
H.A0.pl
NOT FOR CONSTRUCTION

MGM DELRAY, LLC.
SWINTON COMMONS

CITY OF DELRAY BEACH, FLORIDA

- RE-SUBMITTAL 8|10|2016 -

ARCHITECT / OWNER / SITE

STOFFT COONEY ARCHITECTS

633 NINTH STREET NORTH
NAPLES, FL 34102
PH: 239.262.7677
BOB VAYDA

RANDALL STOFFT ARCHITECTS

42 N. SWINTON AVENUE
DELRAY BEACH, FL 33444
PH: 561-243-0799
DON DURANTE

OWNER:

MGM DELRAY, LLC
20 SOUTH SWINTON AVE.
DELRAY BEACH, FL 33444
PHONE: 561-168-1621
FAX: 561-274-2158

DEVELOPER:

HUDSON HOLDINGS, LLC
20 SOUTH SWINTON AVE.
DELRAY BEACH, FL 33444
PHONE: 561-168-1621
FAX: 561-274-2158

PROJECT ADDRESS:
106 SOUTH SWINTON AVE
DELRAY BEACH, FL 33444

HISTORIC PRESERVATION ARCHITECT:
REG. ARCHITECTS
300 CLEMATIS STREET, 3rd FL
WEST PALM BEACH, FL 33401
CONTACT: RICH GONZALEZ
PH: (561) 659-2383
EMAIL: RICH@REGARCHITECTS.COM

LANDSCAPE ARCHITECT:
DON SKOURON INCORPORATED
601 SOUTH FEDERAL HWY #27
LAKE WORTH, FLORIDA
CONTACT: DON SKOURON
PH: (561) 602-6211
EMAIL: DONSKOURON4ME.COM

CONSULTING HISTORIC PRESERVATION PLANNER:
WES BLACKMAN, AICP
CWB ASSOCIATES
241 COLUMBIA DRIVE
LAKE WORTH, FL 33460
PH: 561-308-0364

CIVIL ENGINEER:
JOSEPH PIKE, P.E., PRESIDENT
ENVIRO DESIGN ASSOCIATES, INC.
298 PINEAPPLE GROVE WAY
DELRAY BEACH, FL 33444
PH: 561-274-6500 X 105
FX: 561-274-8558

CONSULTING ARCHITECT:
JOHN W. SZERDI, ARCHITECT,
LEED AP AR #7991
LDG FLORIDA ARCHITECTS, INC.
1005 LAKE AVENUE
LAKE WORTH, FL 33460
PH: 561-518-0716

TRAFFIC CONSULTANT:
ADAM B. KERR, P.E.
KIMLEY-HORN
1920 WEKIVA WAY, SUITE 200,
WEST PALM BEACH, FL 33411
DIRECT: 561 840 0814
MAIN: 561 845 0665

STRUCTURAL ENGINEER:

M.E.P. ENGINEER:

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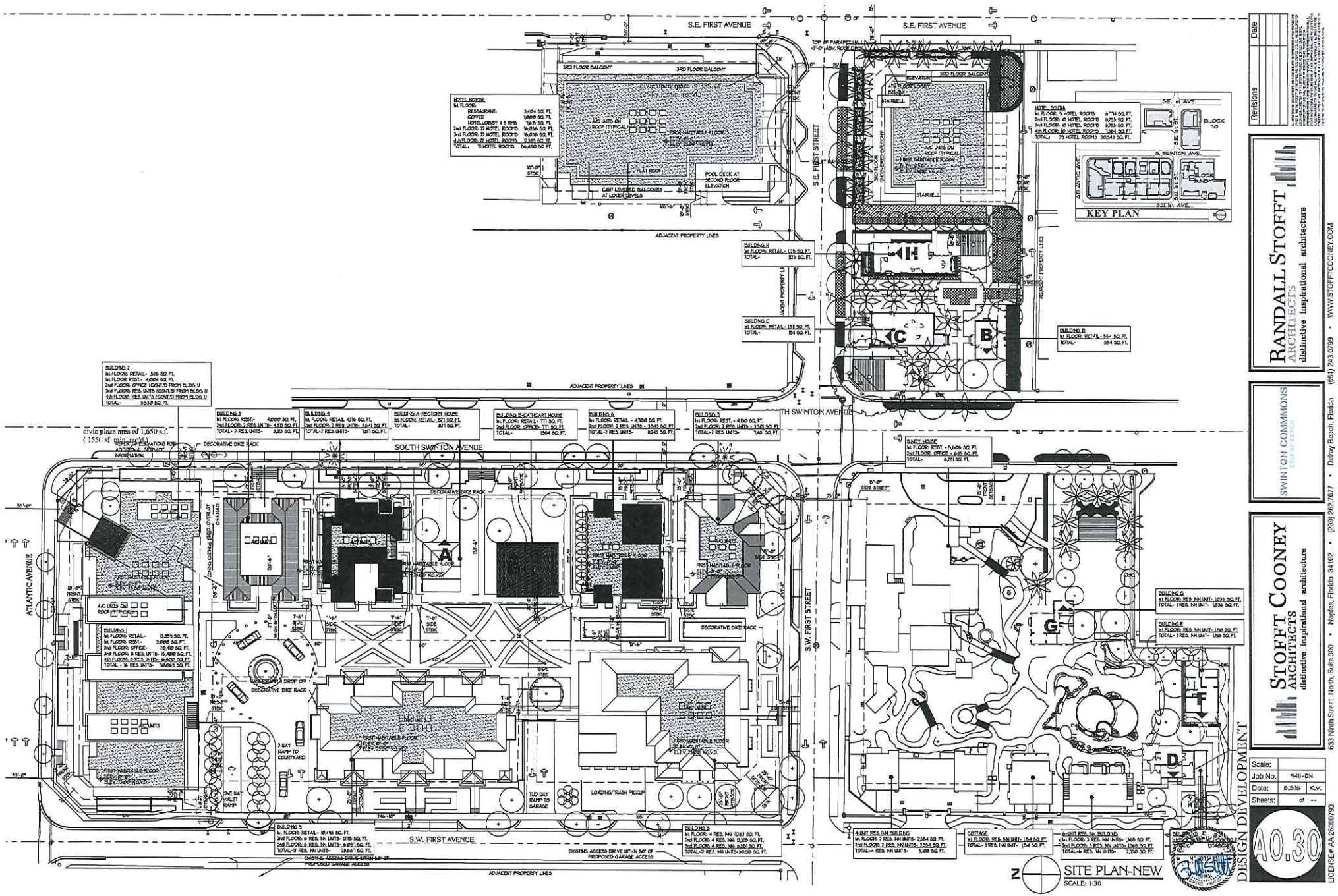
DESIGN DEVELOPMENT

Scale:
Job No. 1411-12N
Date: 8.5.16 K.V.
Sheets: 1 of --

A0.00

LICENSE # AA 26000793



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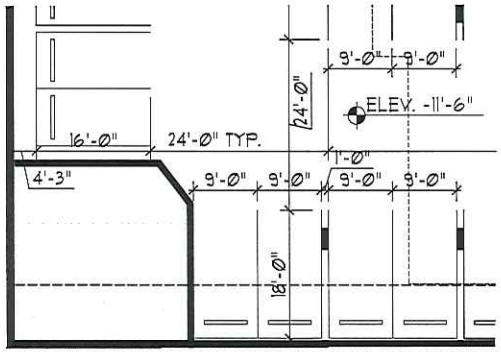
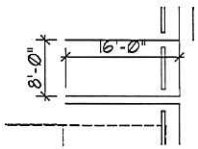


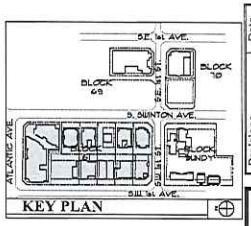
TYPICAL STANDARD PARKING SPACE & AISLE DIMENSIONS

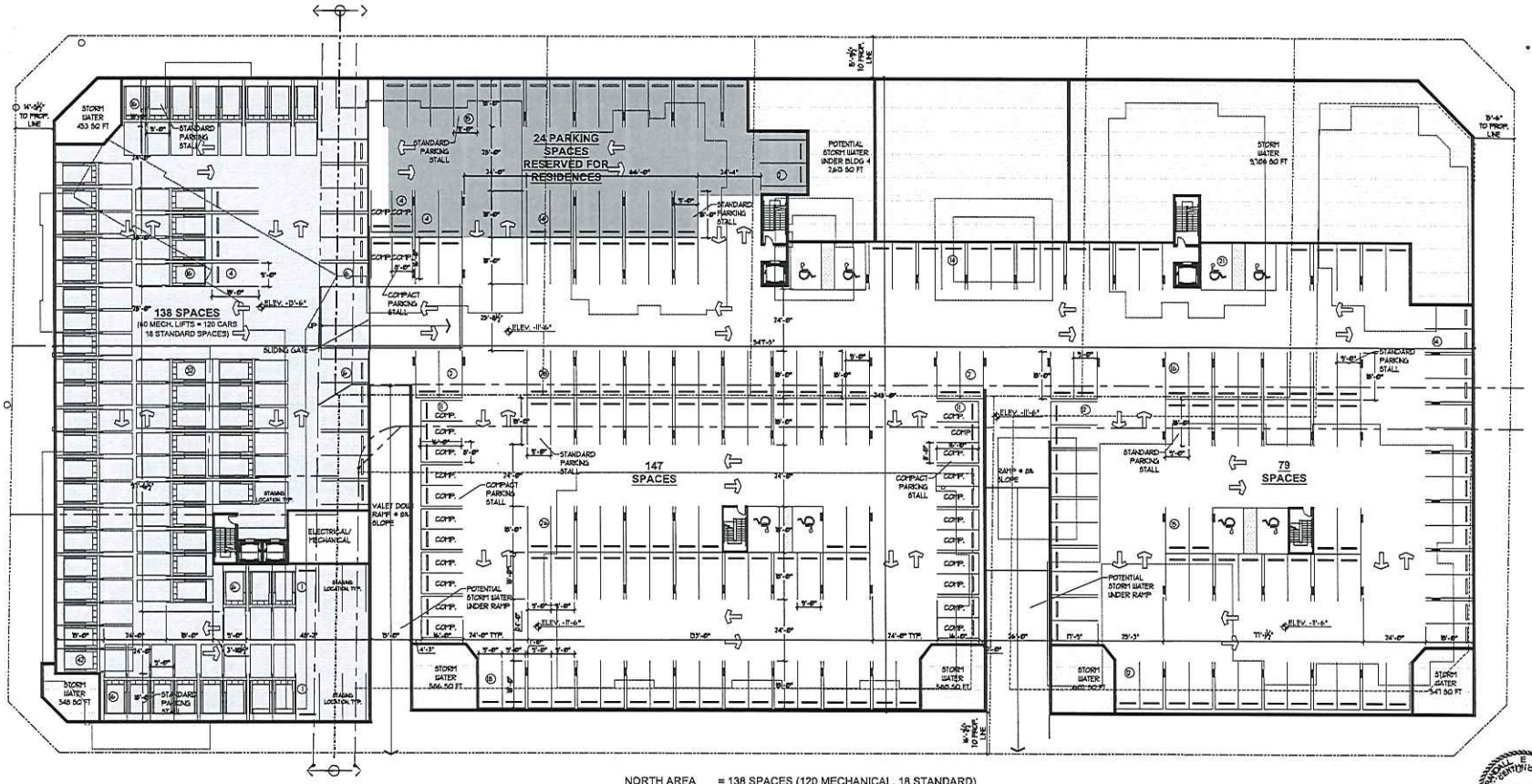
SCALE: 1/8"=1'-0"



TYPICAL COMPACT PARKING SPACE DIMENSIONS

SCALE: 1/8"=1'-0"





NORTH AREA = 138 SPACES (120 MECHANICAL, 18 STANDARD)
CENTER AREA = 147 SPACES (117 STANDARD, 26 COMPACT, 4 HANDICAP)
SOUTH AREA = 79 SPACES (75 STANDARD, 4 HANDICAP)
TOTAL = 364 SPACES

N

PARKING LEVEL - B61

SCALE: 1:20

Date
Revisions

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Job No.: 1411-12N
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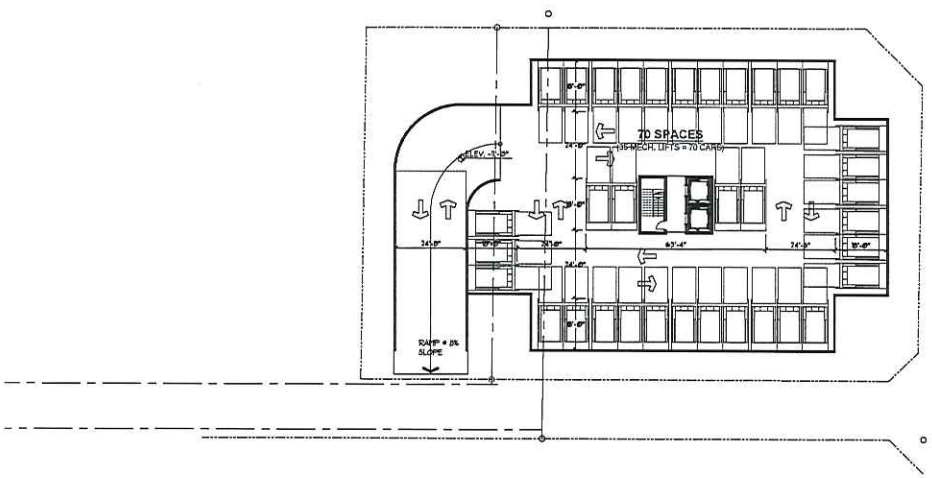

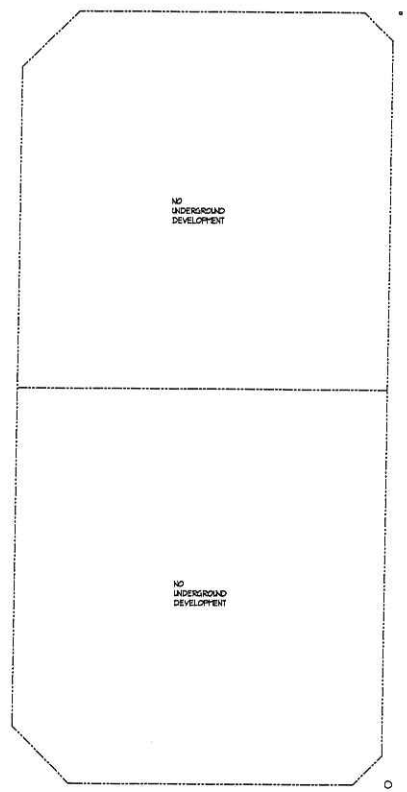

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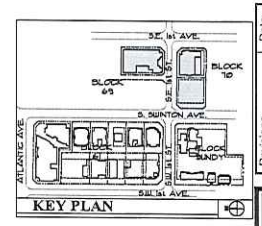
PARTING LEVEL - B[illegible]9 [illegible] [illegible]0

SCALE: 1:20



KEY PLAN

Revisions	Date

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Scale:	
Job No.	9411-12N
Date:	8.3.16 K.V.
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A1.01

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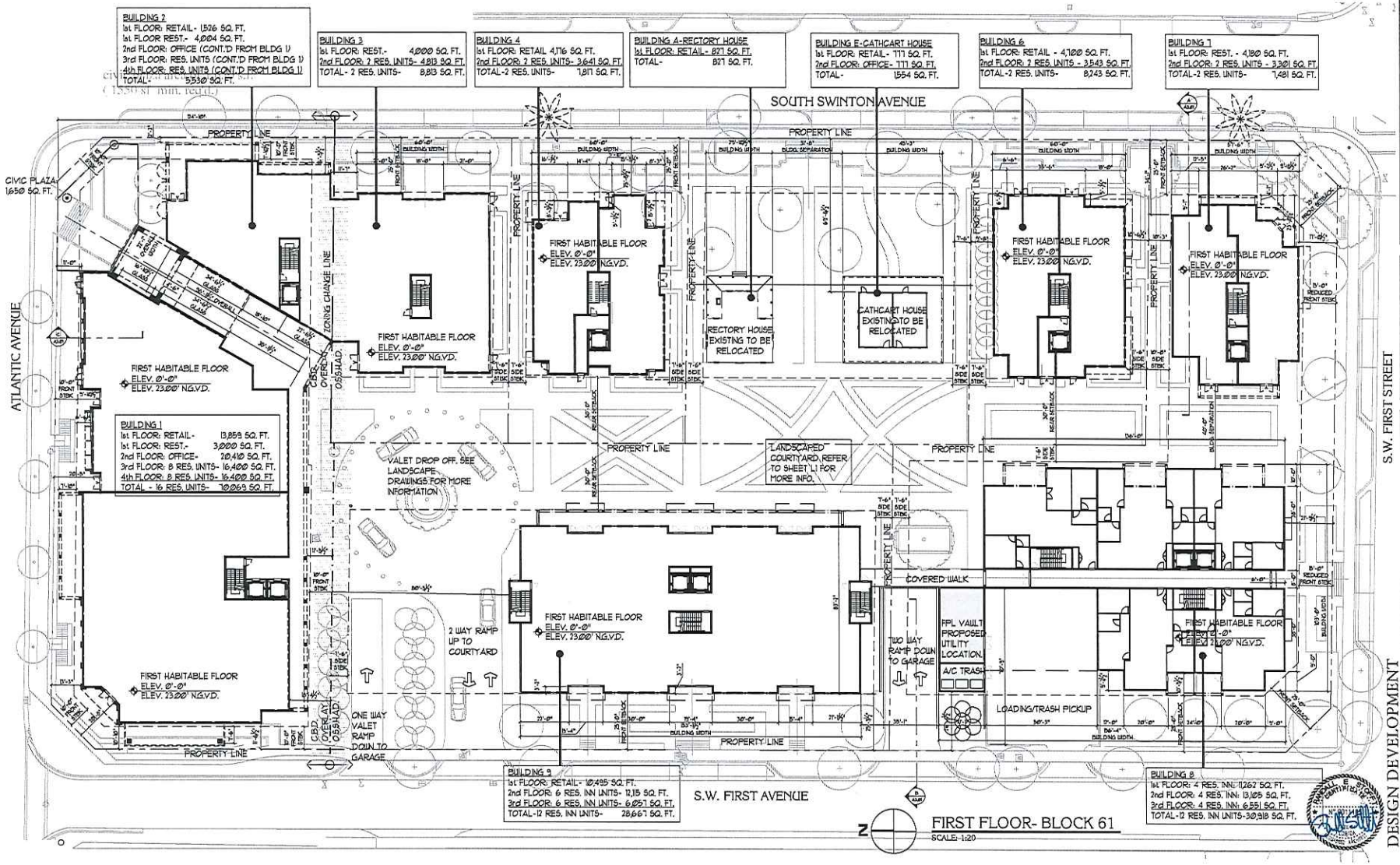

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A1.02

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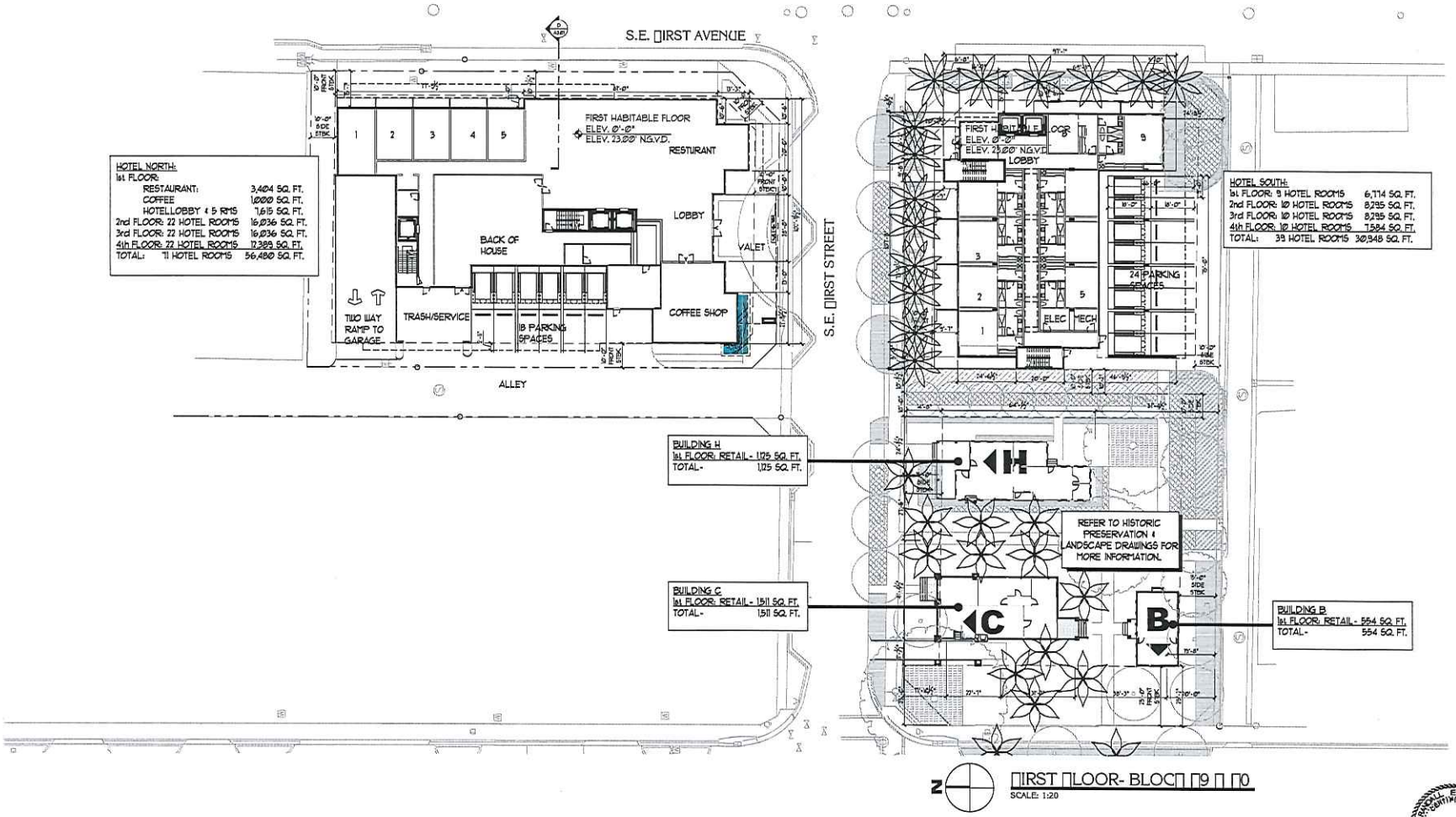
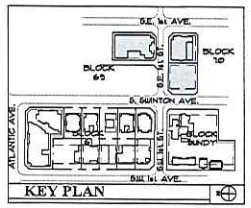


2 FIRST FLOOR- BLOCK 9 & 10
SCALE: 1:20



Revisions	Date

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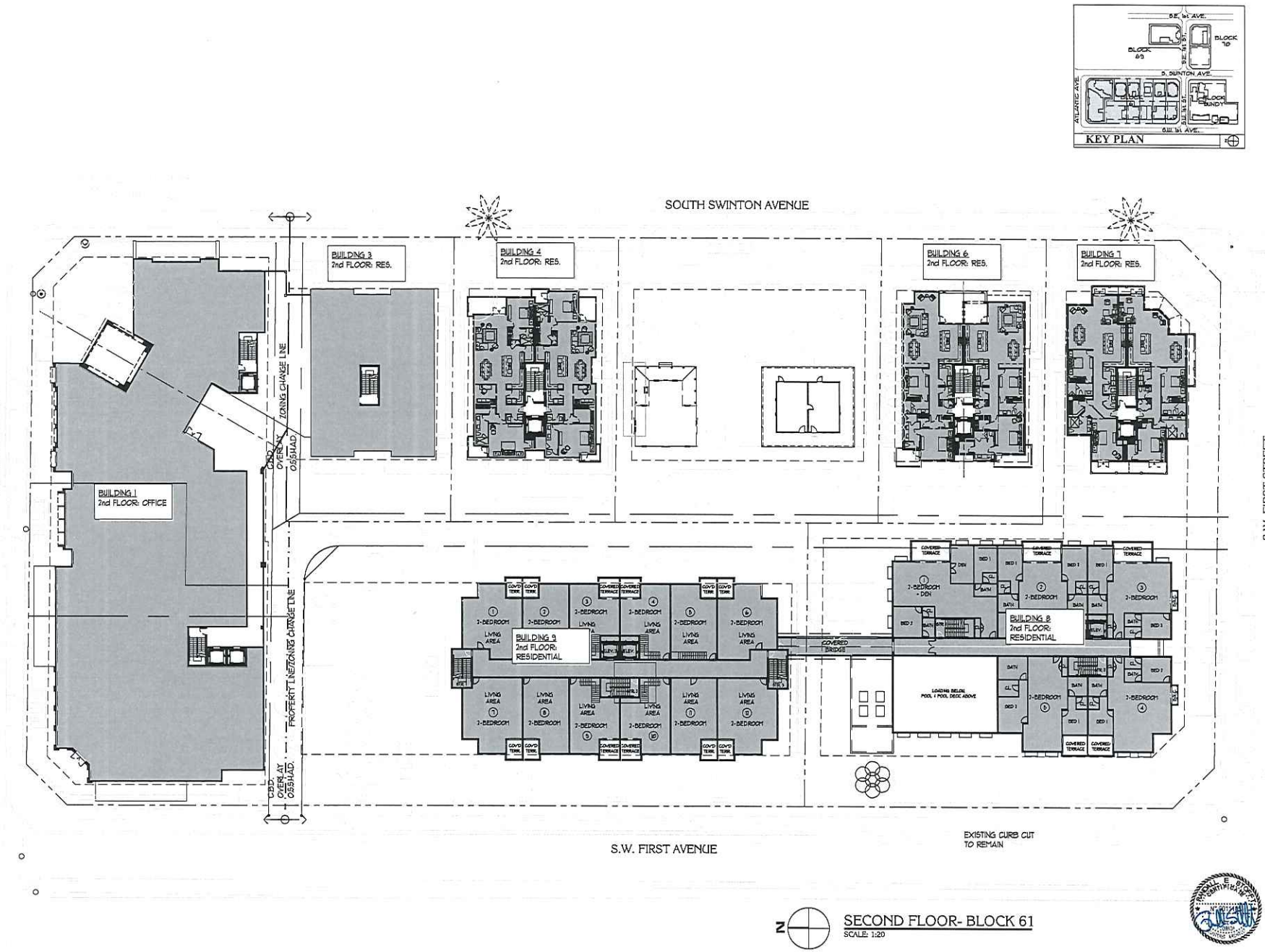

SECOND FLOOR- BLOCK 61
SCALE: 1:20

DESIGN DEVELOPMENT

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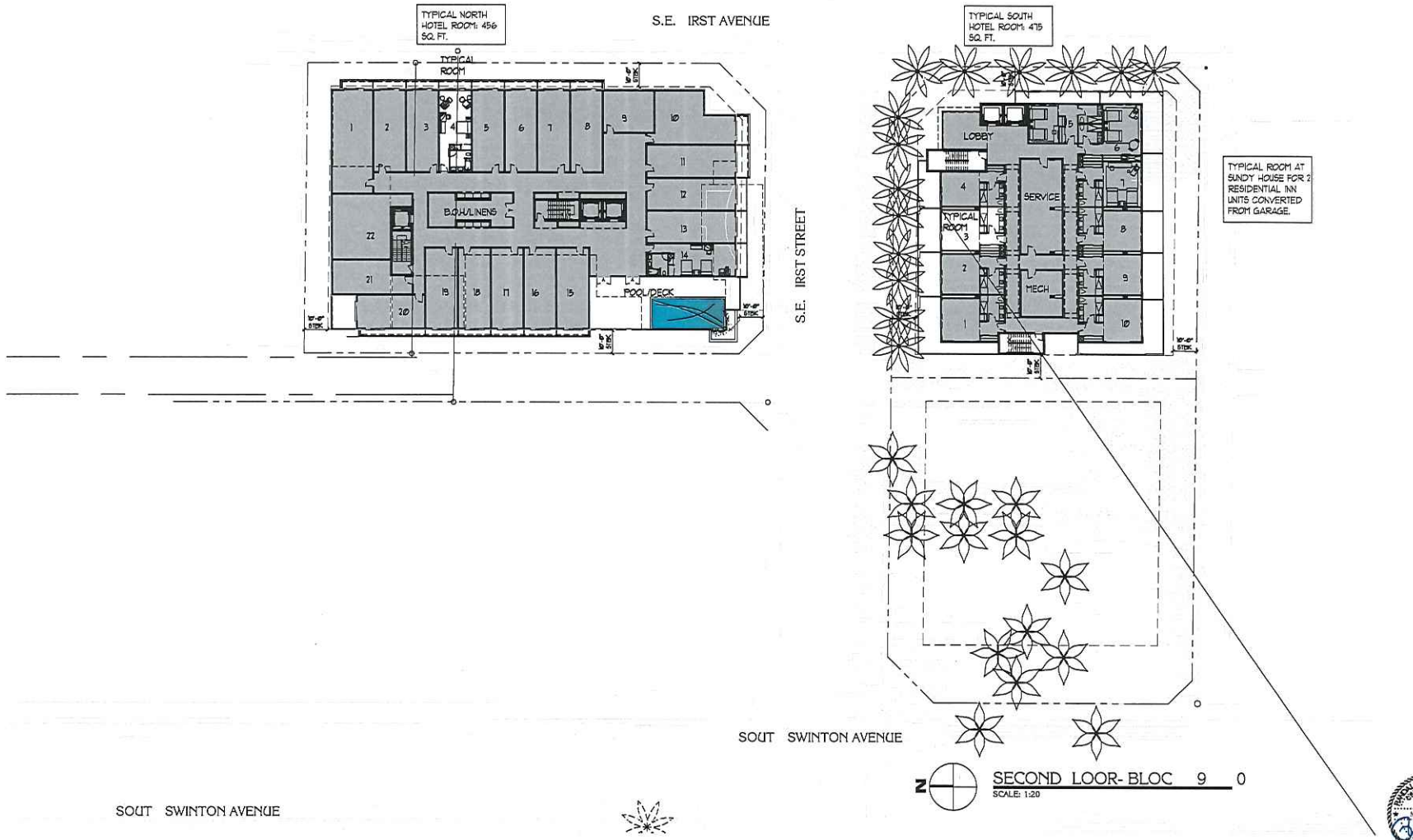

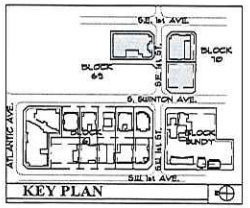

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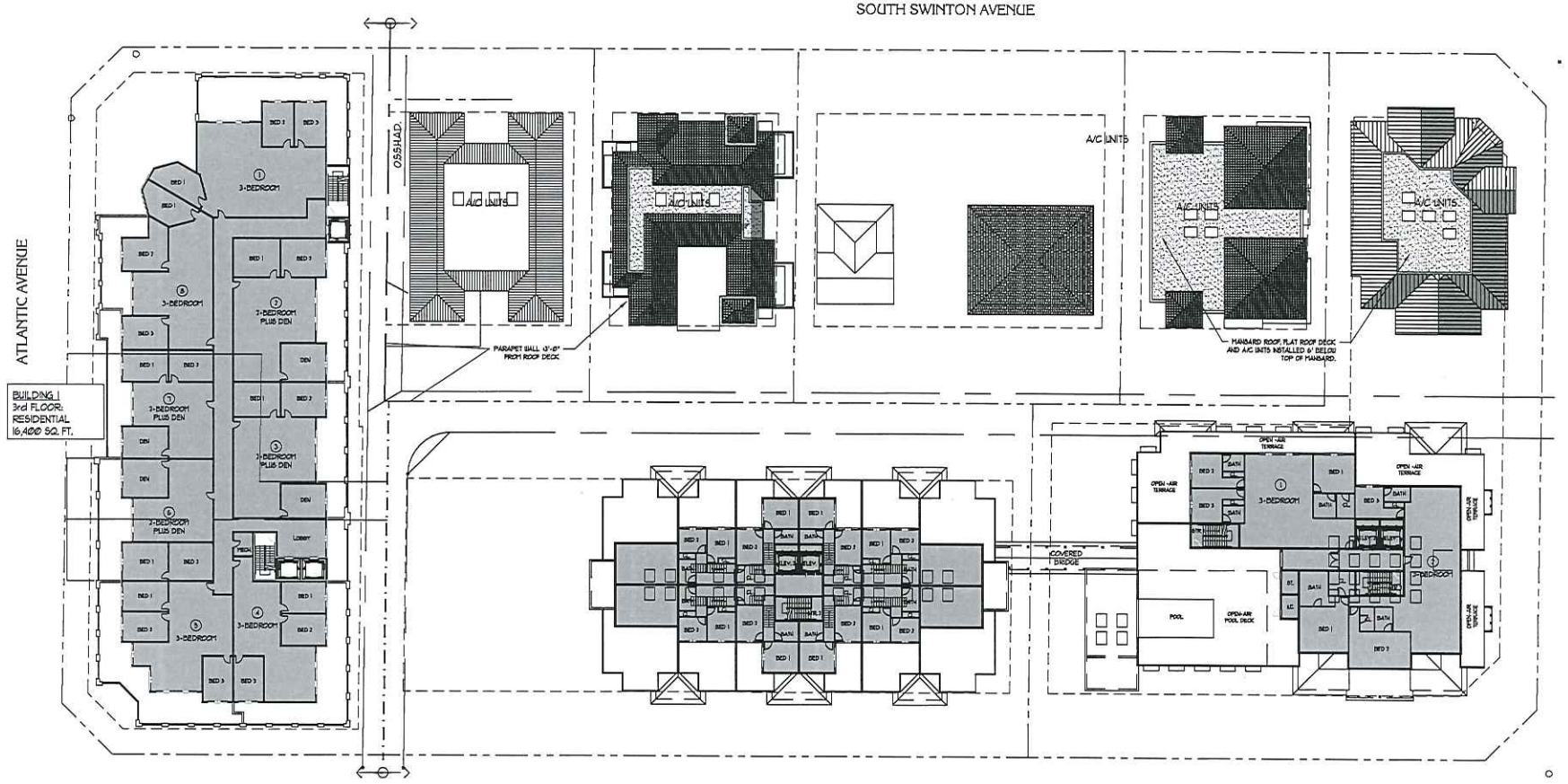

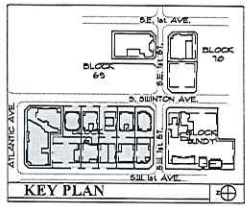

2 THIRD FLOOR- BLOCK 61
SCALE: 1:20

Revisions	Date

DESIGN DEVELOPMENT

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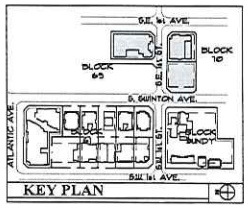
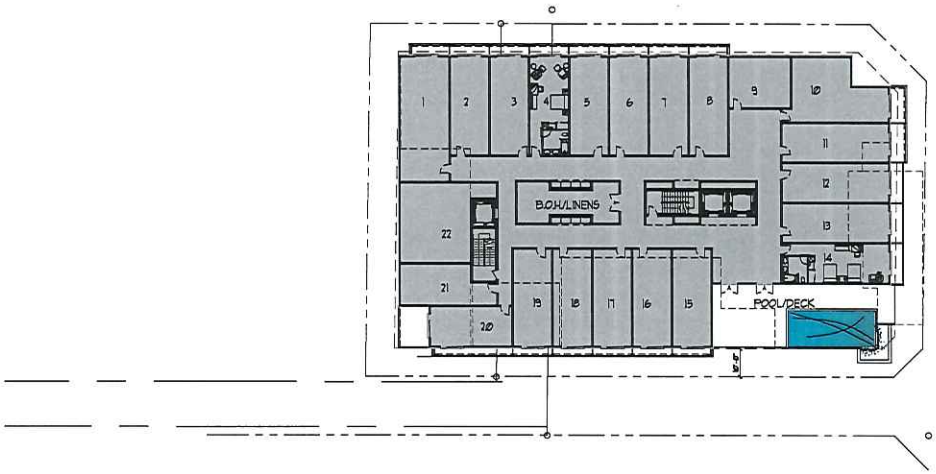


S.E. IRST AVENUE



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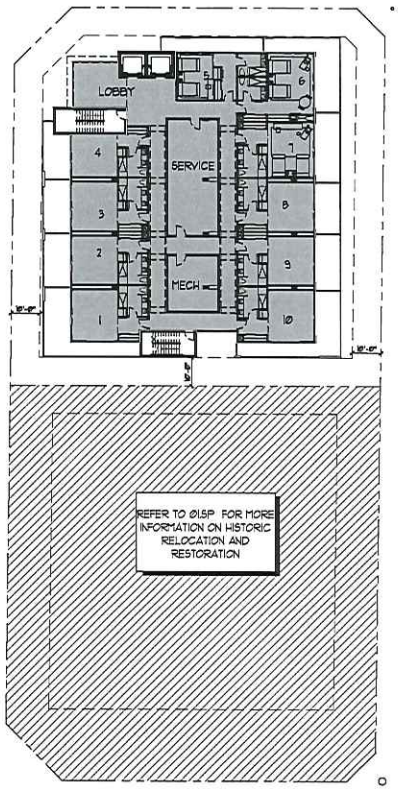

SOUT SWINTON AVENUE

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SCALE: 1:20

SOUT SWINTON AVENUE

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Job No.	1411-SN
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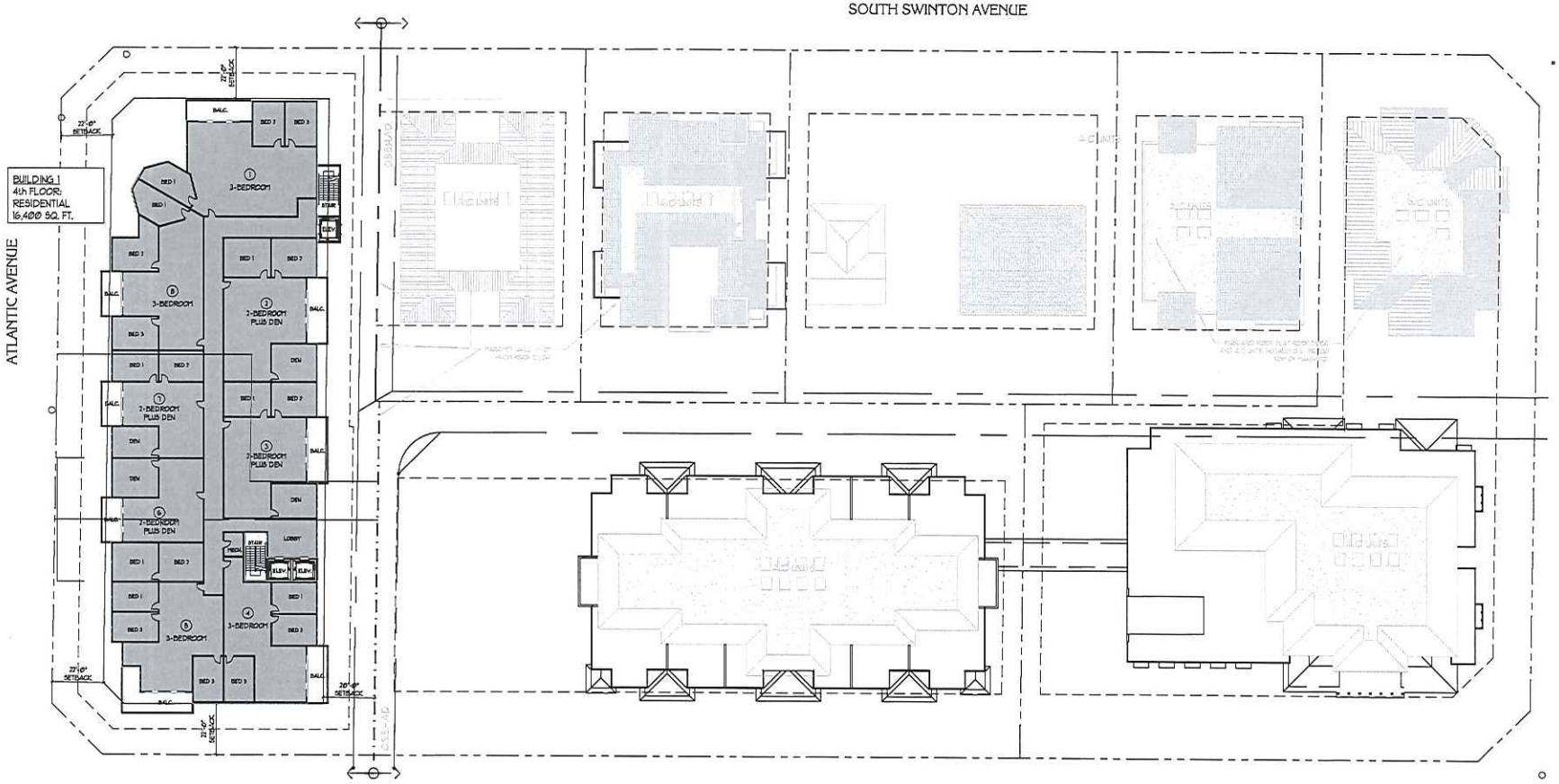

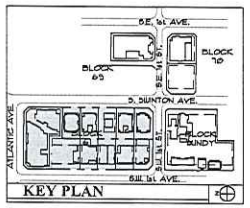

FOURTH FLOOR- BLOCK 61
SCALE: 1:20

S.W. FIRST STREET

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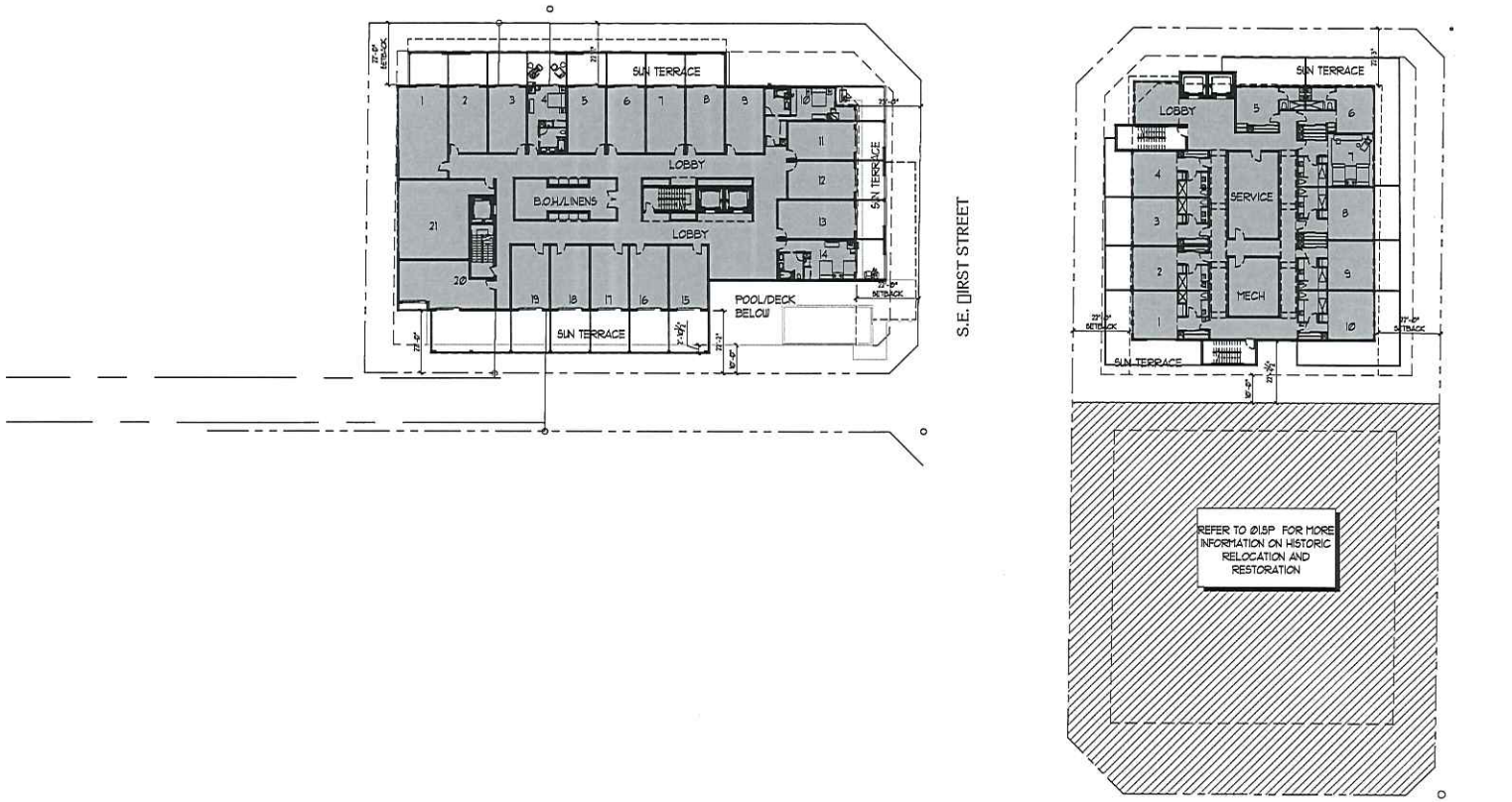

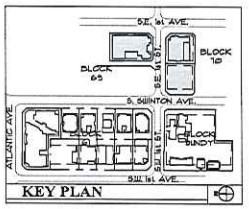

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FOURTH FLOOR- BLOCK 9 & 10

SCALE: 1:20

Revisions	Date

DESIGN DEVELOPMENT

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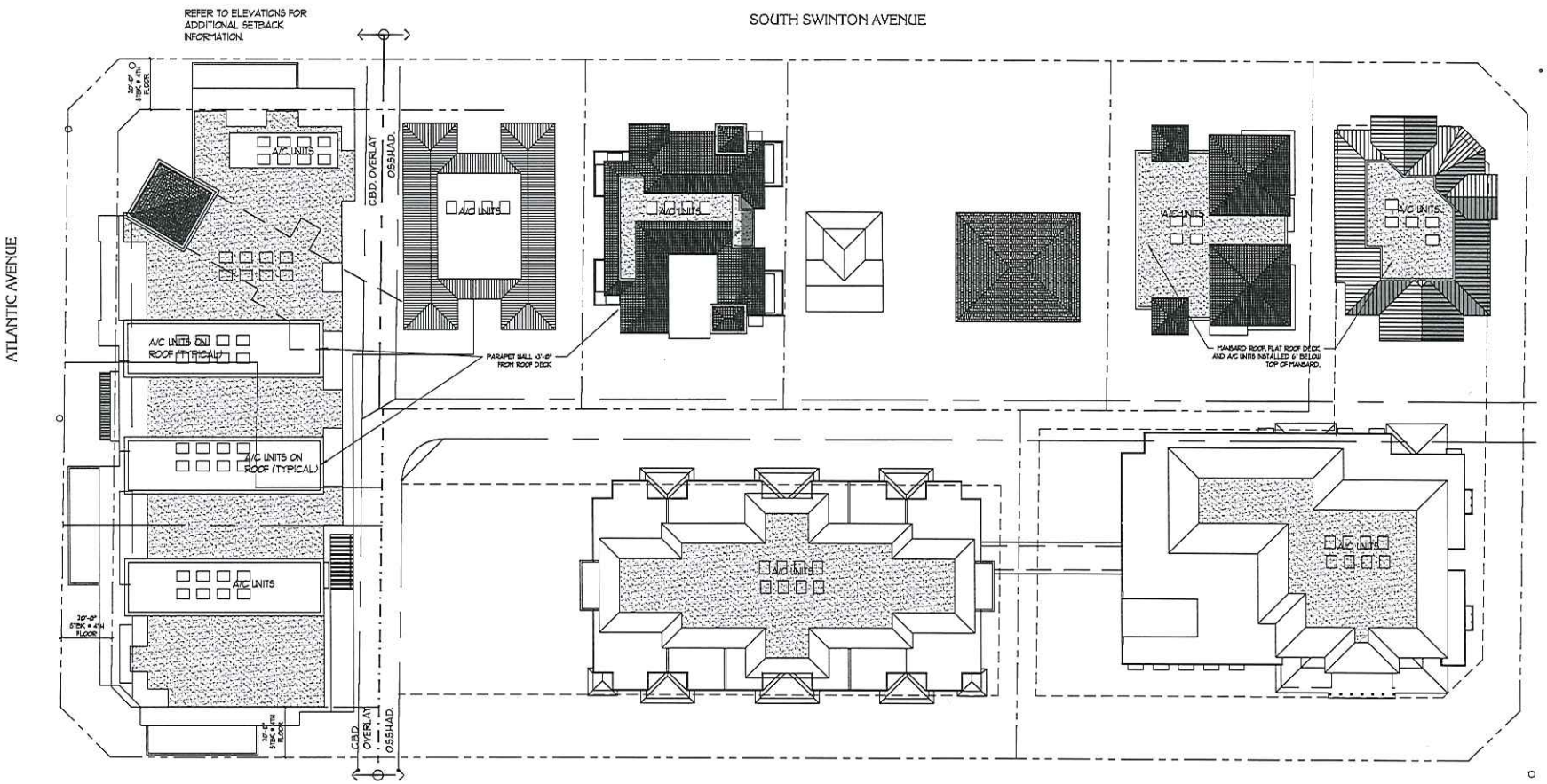

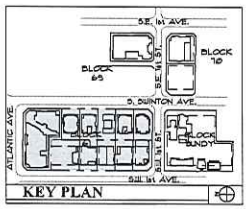

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ROOF PLAN - B61
SCALE: 1:20

S.W. FIRST STREET

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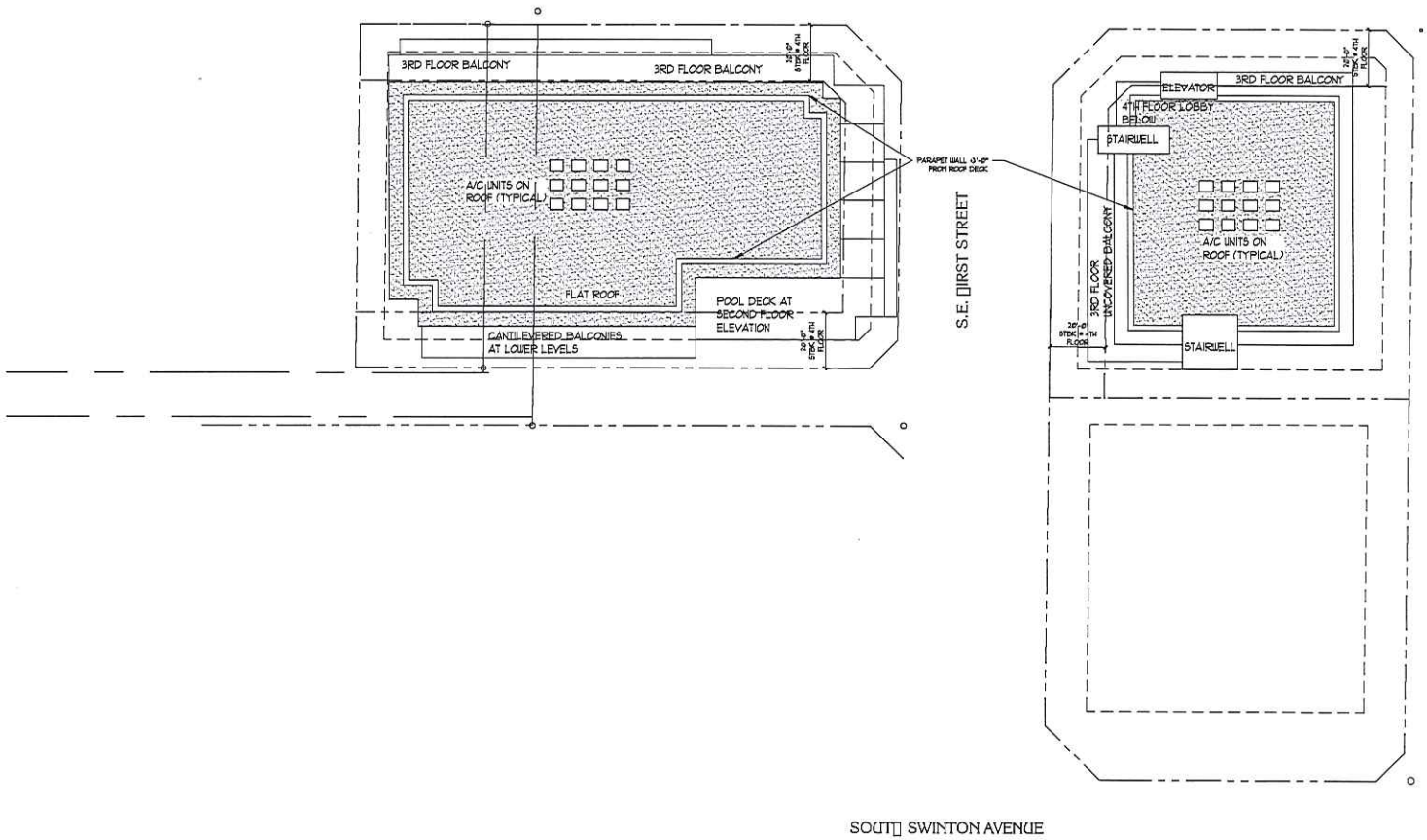

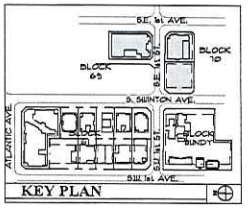

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SCALE: 1:[illegible]0

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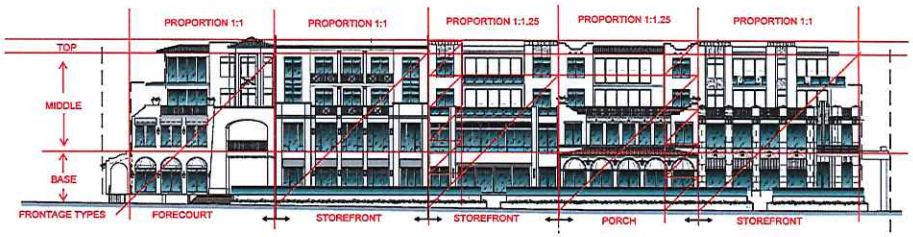
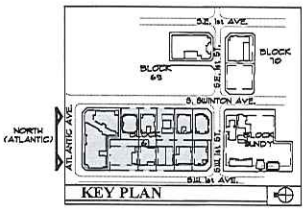


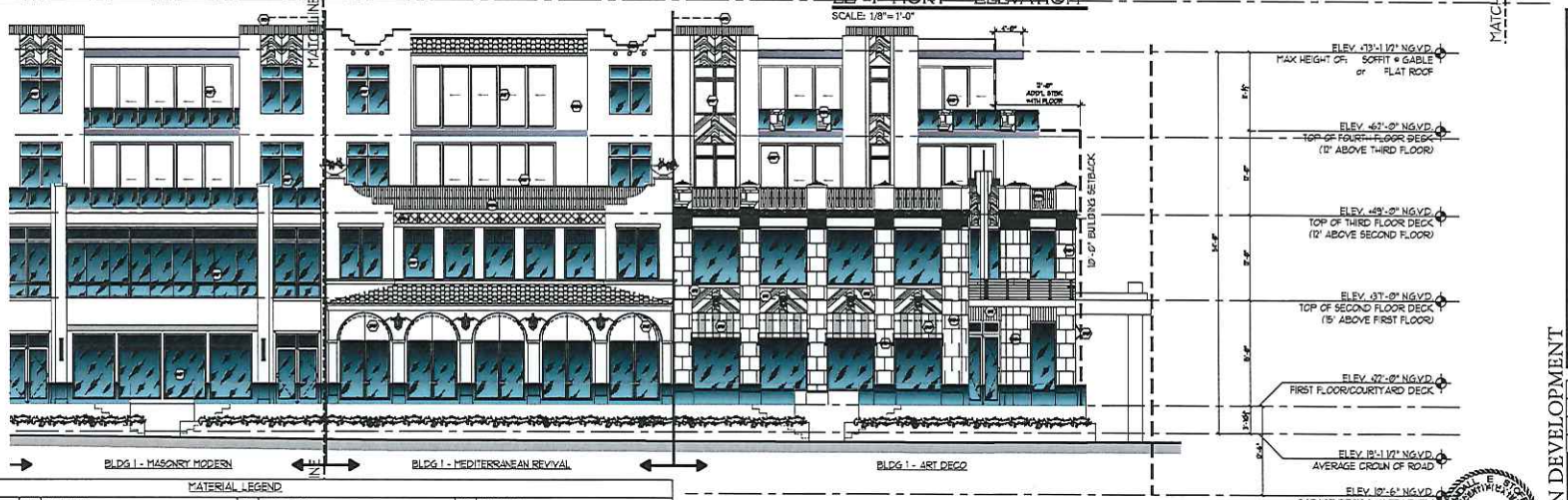


OVERALL NORTH ELEVATION

SCALE: 1:20

LEFT NORTH ELEVATION

SCALE: 1/8"=1'-0"



RIGHT NORTH ELEVATION

SCALE: 1/8"=1'-0"

MATERIAL LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION
(CRT)	CONCRETE "S" STYLE ROOF TILE	(PCA)	PRECAST STONE CLADDING	(IMP)	IMPACT RESISTANT WINDOW OR DOOR. REFER TO WINDOW AND DOOR SCHEDULES (TYP.)	(FAB)	FABRIC AWNING.
(SSM)	STANDING SEAM METAL ROOF	(PCT)	PRECAST STONE TRIM	(PDA)	POWDERCOATED ALUMINUM SHUTTER/LOUVERED PANEL	(ST)	SMOOTH STUCCO SIDING. SEE COLOR PALETTE FOR SELECTION.
(SST)	SMOOTH STUCCO FINISH. SEE COLOR PALETTE FOR SELECTION.	(PRA)	POWDER COATED ALUMINUM RAILINGS. NOTE: RAILINGS CONSTRUCTED SO THAT 4" SPHERE SHALL NOT PASS.	(PNT)	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS	(SU)	SMOOTH ACRYLIC SIDING/SOFFITS. SEE COLOR PALETTE FOR SELECTION.
						(MT)	MECHANICAL EQUIPMENT BEYOND, RECESSED IN ROOF DWELLERS, OR CONCEALED BY PARAPET

SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION. SEE LANDSCAPE DRAWINGS FOR MORE INFORMATION ON LOCATION OF HARDSCAPE, PAVING AND RAMPS.

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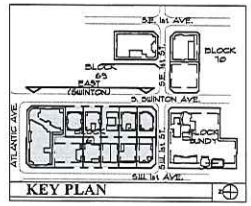
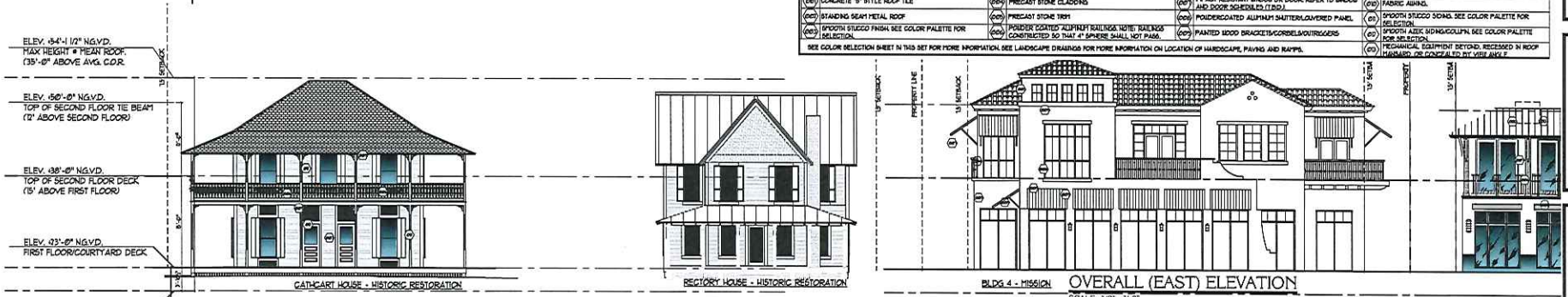
OVERALL (EAST) ELEVATION
SCALE: 1:20



OVERALL (EAST) ELEVATION
SCALE: 1/8"=1'-0"



MATERIAL LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION
(CT)	CONCRETE "S" STYLE ROOF TILE	(PS)	PRECAST STONE CLADDING	(IGU)	IMPACT RESISTANT WINDOW OR DOOR. REFER TO WINDOW AND DOOR SCHEDULES (TYP.)	(FB)	FABRIC AWNING.
(SM)	STANDING SEAM METAL ROOF	(PS)	PRECAST STONE TRIM	(PG)	POWDERCOATED ALUMINUM SHUTTER/LOUVERED PANEL	(S)	SMOOTH STUCCO SIDING. SEE COLOR PALETTE FOR SELECTION.
(SS)	SMOOTH STUCCO FINISH. SEE COLOR PALETTE FOR SELECTION.	(RR)	POWDER COATED ALUMINUM RAILINGS. NOTE: RAILINGS CONSTRICTED SO THAT 4" SPHERE SHALL NOT PASS.	(OT)	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS	(LS)	SMOOTH LAP SIDING/CLADDING. SEE COLOR PALETTE FOR SELECTION.
						(EQ)	MECHANICAL EQUIPMENT BEYOND, RECESSED IN ROOF HANDARD, OR CONCEALED BY PARAPET WALL

SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION. SEE LANDSCAPE DRAWINGS FOR MORE INFORMATION ON LOCATION OF HARDSCAPE, PAVING AND RAMPS.

RIGHT (EAST) ELEVATION
SCALE: 1/8"=1'-0"

Revisions	Date

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Job No.	1411-12N
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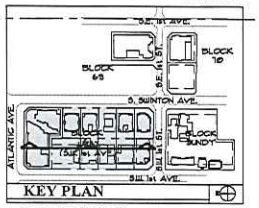
OVERALL SW 1ST AVE.
SCALE: 1:20



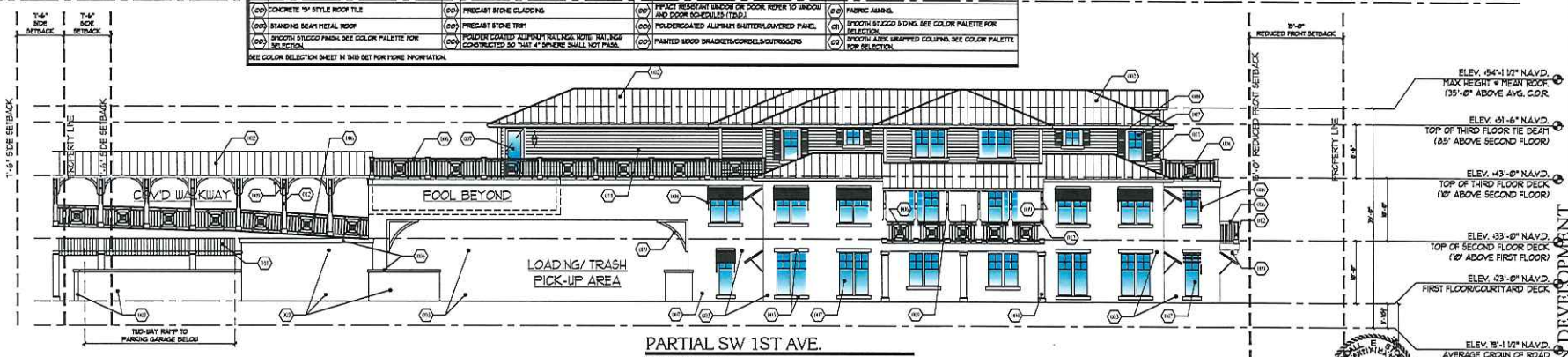
PARTIAL SW 1ST AVE.
SCALE: 1/8" = 1'-0"

BLDG 9 - VERNACULAR

MATERIAL LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION
(001)	CONCRETE 'S' STYLE ROOF TILE	(004)	PRECAST STONE CLADDING	(007)	IMPACT RESISTANT WINDOW OR DOOR. REFER TO WINDOW AND DOOR SCHEDULES (TYP.)	(010)	FABRIC AWNING
(002)	STANDING SEAM METAL ROOF	(005)	PRECAST STONE TRIM	(008)	POWDERCOATED ALUMINUM SHUTTERS/LOUVERED PANEL	(011)	SMOOTH STUCCO SIDING. SEE COLOR PALETTE FOR SELECTION.
(003)	SMOOTH STUCCO FINISH. SEE COLOR PALETTE FOR SELECTION.	(006)	POWDER COATED ALUMINUM RAILINGS. NOTE: RAILINGS CONSTRUCTED SO THAT 4" SPHERE SHALL NOT PASS.	(009)	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS	(012)	SMOOTH ACRYLIC WRAPPED COLUMNS. SEE COLOR PALETTE FOR SELECTION.

SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION.



PARTIAL SW 1ST AVE.
SCALE: 1/8" = 1'-0"

BLDG 8 - VERNACULAR

Revisions	Date

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A2.03

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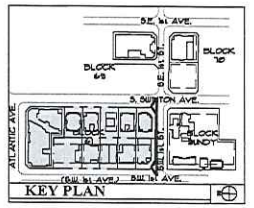


OVERALL [SOUT] ELEVATION

SCALE: 1:20

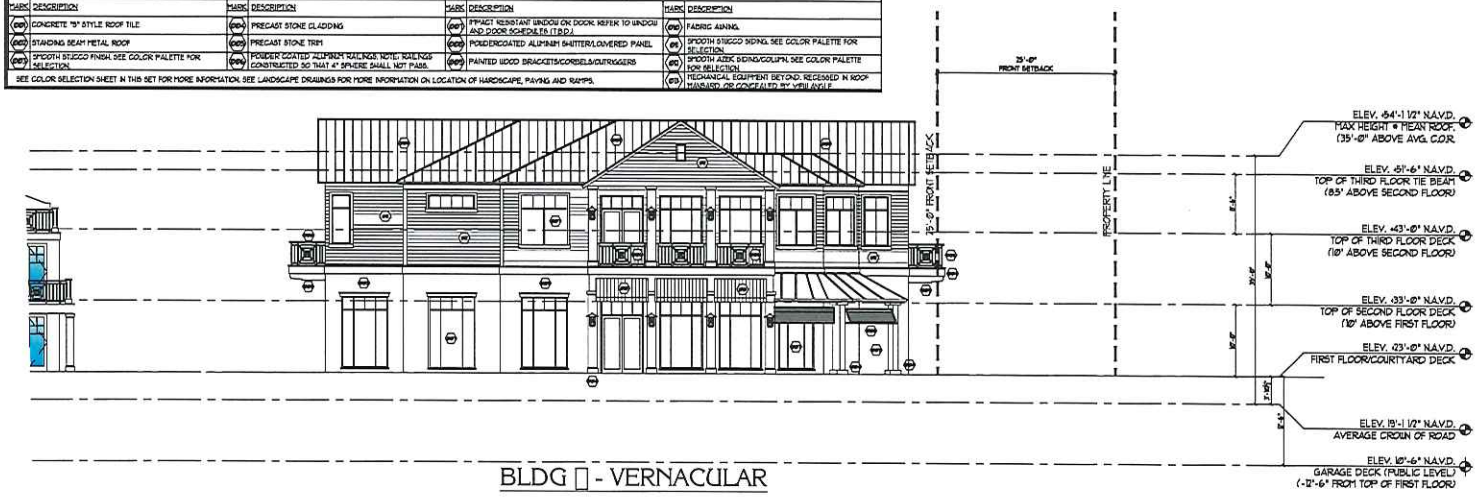
BLDG 8 - VERNACULAR

LE[T [SOUT] ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION
(MAT)	CONCRETE "S" STYLE ROOF TILE	(MAT)	PRECAST STONE CLADDING	(MAT)	IMPACT RESISTANT WINDOW ON DOOR; REFER TO WINDOW AND DOOR SCHEDULES (T.B.D.)
(MAT)	STANDING SEAM METAL ROOF	(MAT)	PRECAST STONE TRIM	(MAT)	POWDERCOATED ALUMINUM SHUTTER/LOUVERED PANEL
(MAT)	SMOOTH STUCCO FINISH. SEE COLOR PALETTE FOR SELECTION.	(MAT)	POWDER COATED ALUMINUM RAILINGS; HOTEL RAILINGS CONSTRUCTED SO THAT A 4" SPHERE SHALL NOT PASS.	(MAT)	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS
SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION. SEE LANDSCAPE DRAWINGS FOR MORE INFORMATION ON LOCATION OF HARDSCAPE, PAVING AND RAMPS.					
(MAT)	FABRIC AWNING.
(MAT)	SMOOTH STUCCO SIDING. SEE COLOR PALETTE FOR SELECTION.
(MAT)	SMOOTH AZEK SIDING/COLUMN. SEE COLOR PALETTE FOR SELECTION.
(MAT)	MECHANICAL EQUIPMENT BEYOND. RECESSED IN ROOF MANSARD, OR CONCEALED BY VERTICAL



BLDG □ - VERNACULAR

RIGHT [SOUT] ELEVATION

SCALE: 1/8" = 1'-0"

Revisions	Date

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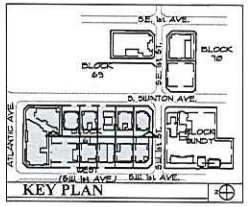
V:\Delray Projects\FILES\MASTER\01 ARCHITECTURE\Revit\5411-12N Delray Swinton 4-22 Bldg 8 and 10 2-04-16 - ELEVATIONS.dwg 8/9/2016 12:31:34 PM

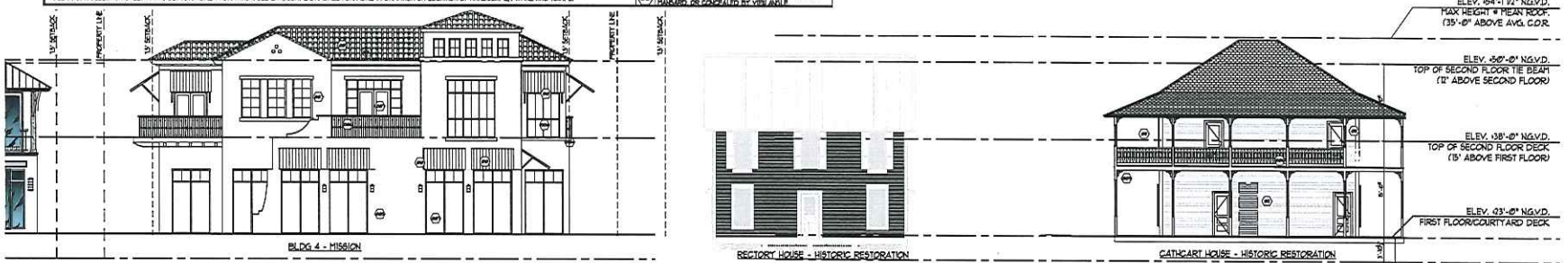
OVERALL (WEST) COURTYARD ELEVATION
SCALE: 1/20

LEFT (WEST) ELEVATION
SCALE: 1/8"=1'-0"



MATERIAL LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION
(001)	CONCRETE "S" STYLE ROOF TILE	(004)	PRECAST STONE CLADDING	(007)	IMPACT RESISTANT WINDOW OR DOOR. REFER TO WINDOW AND DOOR SCHEDULES (T.B.D.)	(010)	FABRIC AWNING.
(002)	STANDING SEAM METAL ROOF	(005)	PRECAST STONE TRIM	(008)	POWDERCOATED ALUMINUM SHUTTER/LOUVERED PANEL	(011)	SMOOTH STUCCO SIDING. SEE COLOR PALETTE FOR SELECTION.
(003)	SMOOTH STUCCO FINISH. SEE COLOR PALETTE FOR SELECTION.	(006)	POWDER COATED ALUMINUM RAILINGS. NOTE: RAILINGS CONSTRUCTED SO THAT A 4" SPHERE SHALL NOT PASS.	(009)	PAINTED WOOD BRACKETS/CORBELS/CUTRIGGERS	(012)	SMOOTH AZEK SIDING/COLUMN. SEE COLOR PALETTE FOR SELECTION.
SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION. SEE LANDSCAPE DRAWINGS FOR MORE INFORMATION ON LOCATION OF HARDSCAPE, PAVING AND RAMPS.						(013)	MECHANICAL EQUIPMENT BEYOND, RECESSED IN ROOF PARAPET, OR CONCEALED BY VISI AWALL



MIDDLE (WEST) ELEVATION
SCALE: 1/8"=1'-0"

RIGHT (WEST) ELEVATION
SCALE: 1/8"=1'-0"

Revisions	Date

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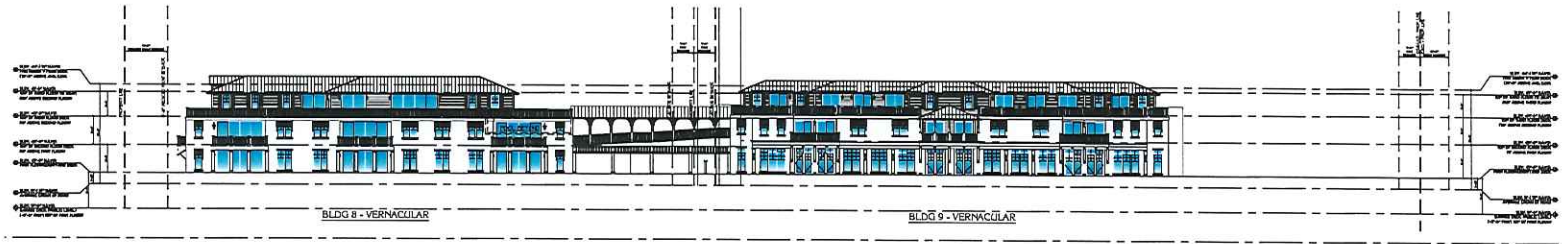


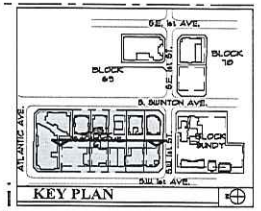
OVERALL EAST COURTYARD ELEVATION

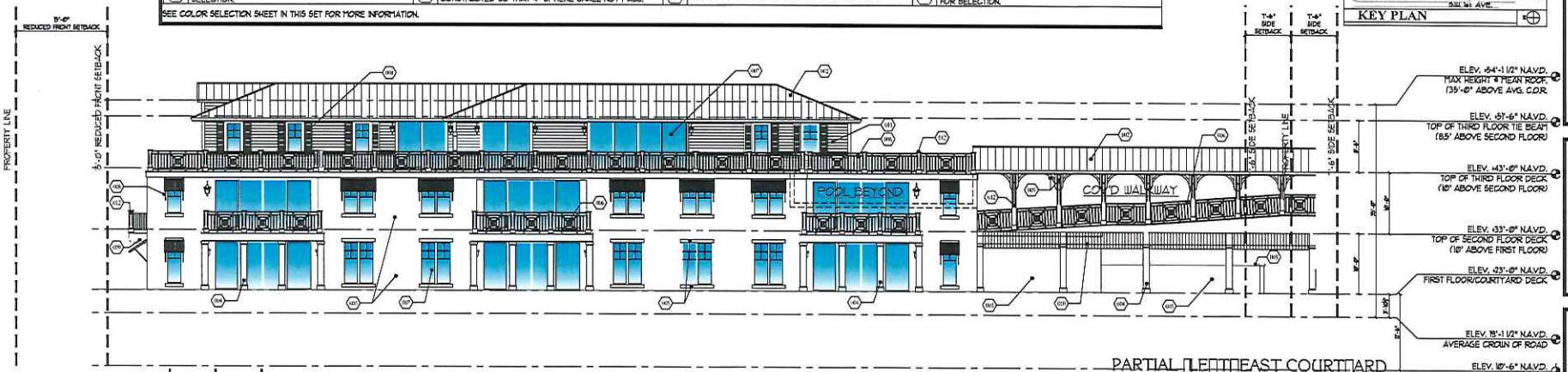
SCALE: 1:20

MATERIAL LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION
001	CONCRETE "S" STYLE ROOF TILE	005	PRECAST STONE CLADDING	009	IMPACT RESISTANT WINDOW OR DOOR. REFER TO WINDOW AND DOOR SCHEDULES (T.B.D.)	013	FABRIC AWNING.
002	STANDING SEAM METAL ROOF	006	PRECAST STONE TRIM	010	POWDERCOATED ALUMINUM SHUTTER/LOUVERED PANEL	011	SMOOTH STUCCO SIDING. SEE COLOR PALETTE FOR SELECTION.
003	SMOOTH STUCCO FINISH. SEE COLOR PALETTE FOR SELECTION.	007	POWDER COATED ALUMINUM RAILINGS. NOTE: RAILINGS CONSTRUCTED SO THAT A 4" SPHERE SHALL NOT PASS.	012	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS	012	SMOOTH AZEK WRAPPED COLUMNS. SEE COLOR PALETTE FOR SELECTION.

SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION.

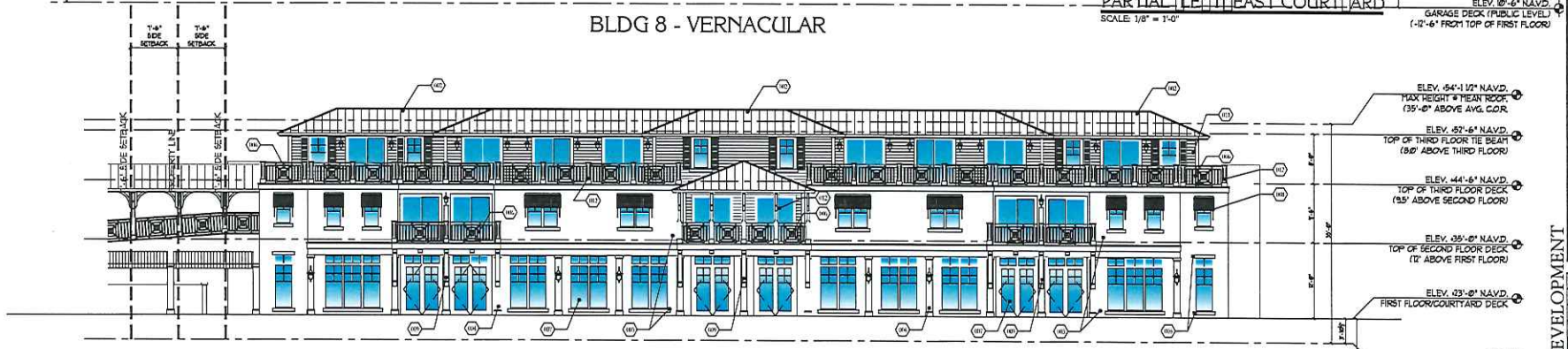




PARTIAL LEFT EAST COURTYARD

SCALE: 1/8" = 1'-0"

BLDG 8 - VERNACULAR



PARTIAL RIGHT EAST COURTYARD

SCALE: 1/8" = 1'-0"

BLDG 9 - VERNACULAR

DESIGN DEVELOPMENT

Revisions	Date

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SWINTON COMMONS
DELRAY BEACH

Scale:	
Job No.	1411-12N
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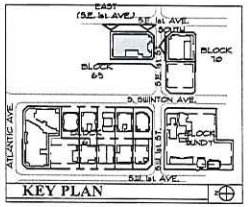
A2.06

FRONT (SOUTH) ELEVATION
SCALE: 1/8"=1'-0"

FRONT (EAST) ELEVATION
SCALE: 1/8"=1'-0"

MATERIAL LEGEND					
MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION
(001)	CONCRETE "S" STYLE ROOF TILE	(004)	PRECAST STONE CLADDING	(007)	IMPACT RESISTANT WINDOW OR DOOR. REFER TO WINDOW AND DOOR SCHEDULES (TYP.)	(010)	FABRIC AWNING.
(002)	STANDING SEAM METAL ROOF	(005)	PRECAST STONE TRIM	(008)	POWDERCOATED ALUMINUM SHUTTER/LOUVERED PANEL	(011)	SMOOTH STUCCO SIDING. SEE COLOR PALETTE FOR SELECTION.
(003)	SMOOTH STUCCO FINISH. SEE COLOR PALETTE FOR SELECTION.	(006)	POWDER COATED ALUMINUM RAILING. HOTEL RAILINGS CONSTRUCTED SO THAT 4" SPHERE SHALL NOT PASS.	(009)	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS	(012)	SMOOTH ASTX SIDING/COLUMN. SEE COLOR PALETTE FOR SELECTION.
SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION. SEE LANDSCAPE DRAWINGS FOR MORE INFORMATION ON LOCATION OF HARDSCAPE, PAVING AND RAMPS.						(013)	MECHANICAL EQUIPMENT BEYOND. RECESSED IN ROOF MANNARD, OR CONCEALED BY VERTICAL

NORTH HOTEL



Revisions	Date

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LICENSE# AA 26000793

SIDE (NORTH) ELEVATION

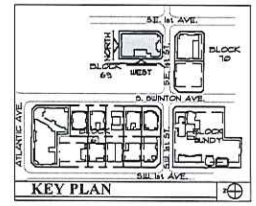
SCALE: 1/8"=1'-0"

SIDE (WEST) ELEVATION

SCALE: 1/8"=1'-0"

MATERIAL LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION	MARK	DESCRIPTION
001	CONCRETE "S" STYLE ROOF TILE	004	PRECAST STONE CLADDING	007	IMPACT RESISTANT WINDOW OR DOOR. REFER TO WINDOW AND DOOR SCHEDULES (T.B.D.)	010	FABRIC AWNING
002	STANDING SEAM METAL ROOF	005	PRECAST STONE TRIM	008	POWDERCOATED ALUMINUM SHUTTER/LOUVERED PANEL	011	SMOOTH STUCCO SIDING. SEE COLOR PALETTE FOR SELECTION
003	SMOOTH STUCCO FINISH. SEE COLOR PALETTE FOR SELECTION	006	POWDER COATED ALUMINUM RAILINGS. NOTE: RAILINGS CONSTRUCTED SO THAT 4" SPHERE SHALL NOT PASS.	009	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS	012	SMOOTH AZEK SIDING/COLUMN. SEE COLOR PALETTE FOR SELECTION
SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION. SEE LANDSCAPE DRAWINGS FOR MORE INFORMATION ON LOCATION OF HARDSCAPE, PAVING AND RAMPS.						013	MECHANICAL EQUIPMENT BEYOND, RECESSED IN ROOF MANSARD, OR CONCEALED BY VIEW ANGLE



KEY PLAN

Revisions	Date

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NORTH HOTEL

DESIGN DEVELOPMENT

Scale:		
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A2.10

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DELRAY BEACH

RANDALL STOFFT ARCHITECTS
distinctive inspirational architecture

Revisions	Date

DESIGN DEVELOPMENT

SOUTH HOTEL

KEY PLAN

FRONT (NORTH) ELEVATION
SCALE: 1/8"=1'-0"

FRONT (EAST) ELEVATION
SCALE: 1/8"=1'-0"

MATERIAL LEGEND

MARK	DESCRIPTION	MARK	DESCRIPTION
(1)	CONCRETE "S" STYLE ROOF TILE	(dw)	PRE-FINISH ALUMINUM STOREFRONT DOOR, REFER TO DOOR AND DOOR SCHEDULES (TYP.)
(2)	PRECAST STONE CLADDING	(fab)	FABRIC AWNING
(3)	STANDING SEAM METAL ROOF	(sc)	SMOOTH STUCCO SIGNS, SEE COLOR PALETTE FOR SELECTION
(4)	PRECAST STONE TRIM	(alm)	POWDER-COATED ALUMINUM LOUVERED PANEL
(5)	SMOOTH STUCCO FINISH, SEE COLOR PALETTE FOR SELECTION	(sc)	SMOOTH ACRYL STUCCO CLIP-ON, SEE COLOR PALETTE
(6)	POWDER COATED ALUMINUM RAILINGS/ DECORATIVE RAILINGS POWDERCOATED SS TRIM, 4" SPACE (BALL SET PASS.	(pw)	PAINTED WOOD BRACKETS/CORBELS/OUTRIGGERS
(7)		(sc)	SMOOTH STUCCO CORNICE, COPPER BEYOND, RECESSED IN ROOF
(8)		(pc)	PRECAST CONCRETE PLANTER WITH VINE ABOVE

SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION. SEE LANDSCAPE DRAWING FOR MORE INFORMATION ON LOCATION OF HARDSCAPE, PAVING AND RAMPS.

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RANDALL STOFFT ARCHITECTS
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Revisions	Date

DESIGN DEVELOPMENT

SOUTH HOTEL

SIDE (SOUTH) ELEVATION
SCALE: 1/8"=1'-0"

SIDE (WEST) ELEVATION
SCALE: 1/8"=1'-0"

MATERIAL LEGEND

MARK	DESCRIPTION
(CR)	CONCRETE 'S' STYLE ROOF TILE
(PS)	PRECAST STONE CLADDING
(PT)	PRECAST STONE TRIM
(SR)	STANDING SEAM / METAL ROOF
(STC)	SMOOTH STUCCO FINISH, SEE COLOR PALETTE FOR SELECTION
(PT)	POWDER COATED ALUMINUM RAILINGS/TRELLISES PAINTED/STAINED SELECTED WOOD BRACKETS/GABLE LAP SIDING
(AW)	ALUMINUM STOREFRONT SYSTEM, CLEAR ANODIZED FINISH, SEE ELEVATIONS FOR GLAZING TYPES
(WW)	WOOD WINDOWS, PAINTED FINISH, SEE ELEVATIONS FOR GLAZING TYPES
(AD)	ALUMINUM DOORS, CLEAR ANODIZED FINISH, SEE ELEVATIONS FOR GLAZING TYPES
(WD)	WOOD DOORS, PAINTED FINISH, SEE ELEVATIONS FOR GLAZING TYPES
(GR)	GUTTERS & DOWNSPOUTS, PAINTED FINISH, SEE COLOR SELECTION SHEET

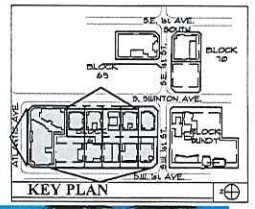
MARK	DESCRIPTION
(SR)	PRECAST SUNSHADE OR ROOF, REFER TO SHADOW AND DOOR SCHEDULES (TYP.)
(WW)	PORTERCOATED ALUMINUM SHUTTER/LOUVERED PANEL
(PT)	PAINTED WOOD BRACKETS/GABLE LAP SIDING
(PT)	PAINTED STEEL SUPPORT BRACKETS, RECESSED IN ROOF
(SR)	STANDING SEAM / METAL ROOF
(AW)	ALUMINUM STOREFRONT SYSTEM, CLEAR ANODIZED FINISH, SEE ELEVATIONS FOR GLAZING TYPES
(STC)	SMOOTH ARCH. SIGNAGE/CLIPS, SEE COLOR PALETTE FOR SELECTION
(AD)	PRE-VALETTE CANOPY
(GR)	GUARDRAIL OR CRASH RATED RAILING

SEE COLOR SELECTION SHEET IN THIS SET FOR MORE INFORMATION. SEE LANDSCAPE DRAWING FOR MORE INFORMATION ON LOCATION OF HARDSCAPE, PAVING AND RAMPS.

RENDERING OF ATLANTIC AVENUE ELEVATION
SCALE: N.T.S.

RENDERING OF SWINTON AVENUE ELEVATION
SCALE: N.T.S.

RENDERING AT SOUTHWEST FIRST AVE
SCALE: N.T.S.



KEY PLAN

Revisions	Date

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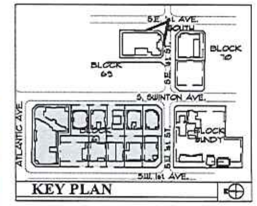
RENDERING AT CORNER OΠ ΠOTEL
SCALE: N.T.S.



Revisions	Date

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XREF\'s\Swinton Place-logo.jpg

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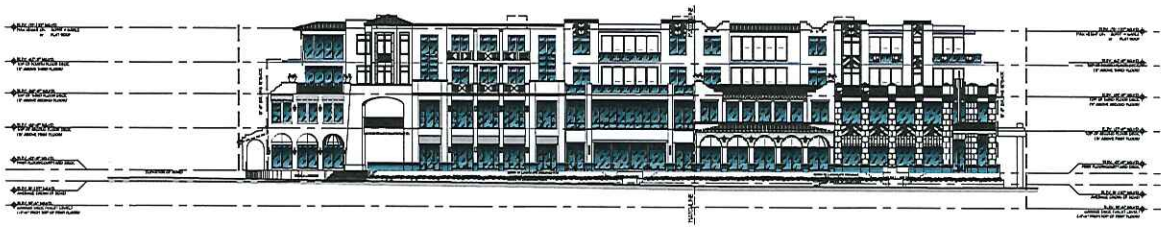
DESIGN DEVELOPMENT

Scale:		
Job No.	1411-12N	
Date:	8.3.16	K.V.
Sheets:	- of --	

A2.13

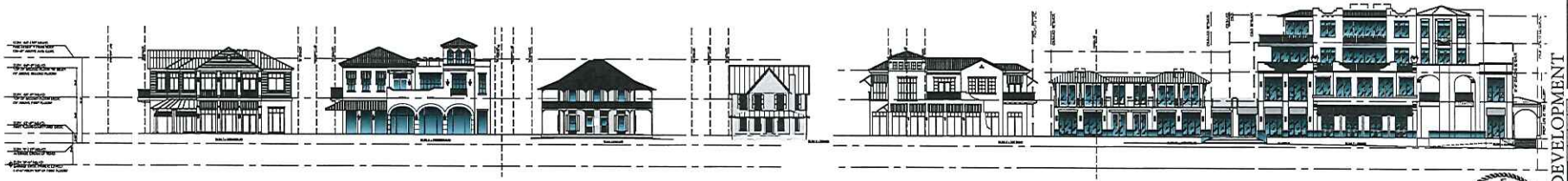
LICENSE# AA 26000793

EXISTING ATLANTIC (NORTH) STREETSCAPE ELEVATION
SCALE: NOT TO SCALE

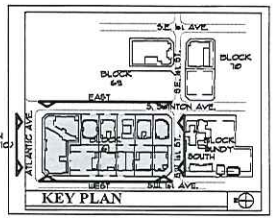


PROPOSED ATLANTIC (NORTH) STREETSCAPE ELEVATION
SCALE: 1:20

EXISTING SWINTON (EAST) STREETSCAPE ELEVATION
SCALE: NOT TO SCALE



PROPOSED SWINTON (EAST) STREETSCAPE ELEVATION
SCALE: 1:20



Revisions	Date

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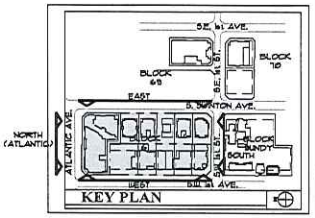
EXISTING SW 1ST STREET (SOUTH) STREETSCAPE ELEVATION
SCALE: NOT TO SCALE

PROPOSED SW 1ST STREET (SOUTH) STREETSCAPE ELEVATION
SCALE: 1:20

EXISTING SW 1ST AVENUE (WEST) STREETSCAPE ELEVATION
SCALE: 1:20

PROPOSED SW 1ST AVENUE (WEST) STREETSCAPE ELEVATION
SCALE: 1:20



KEY PLAN

Revisions	Date

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Job No.	1411-12N
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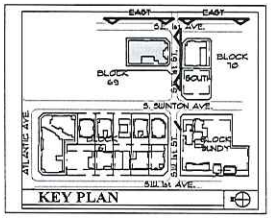
EXISTING SE 1ST STREET (SOUTH) STREETSCAPE ELEVATION
SCALE: NOT TO SCALE

PROPOSED SE 1ST STREET (SOUTH) STREETSCAPE ELEVATION
SCALE: 1:20

EXISTING SE 1ST AVENUE (EAST) STREETSCAPE ELEVATION
SCALE: NOT TO SCALE

PROPOSED SE 1ST AVENUE (EAST) STREETSCAPE ELEVATION
SCALE: 1:20



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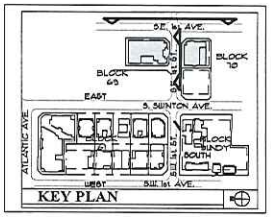

Revisions	Date

EXISTING SE 1ST AVENUE (EAST) STREETSCAPE ELEVATION

SCALE: NOT TO SCALE

PROPOSED SE 1ST AVENUE (EAST) STREETSCAPE ELEVATION

SCALE: 1:20

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