



**INFILL/REDEVELOPMENT - URA SUBCOMMITTEE MEETING
WEDNESDAY, NOVEMBER 4, 2009, 1:00PM – 4:00PM
2300 NORTH JOG RD, WEST PALM BEACH
2ND FLOOR CONFERENCE ROOM (VC-2E-12)**

AGENDA

- A. CALL TO ORDER**
 - 1. Roll Call
 - 2. Amendments to the Agenda
 - 3. Motion to Adopt the Agenda
 - 4. Adoption of the October 14, 2009 Meeting Minutes - **(EXHIBIT A)**

- B. NONCONFORMITIES**
 - 1. White Paper – **(EXHIBIT B)**
 - 2. Article 1.E, Prior Approvals – **(EXHIBIT C)**
 - 3. Article 1.F, Non-Conformities – **(EXHIBIT D)**

- C. URA – (EXHIBIT E)** [will be sent under separate cover]

- D. NEXT MEETING TOPICS**

- E. ADJOURN**



**INFILL/REDEVELOPMENT SUBCOMMITTEE
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
MINUTES OF THE OCTOBER 14, 2009 SUBCOMMITTEE MEETING
SPECIAL MEETING TO REVIEW THE DRAFT IRO CODE**

PREPARED BY EILEEN PLATTS, ZONING SECRETARY

On Wednesday, October 14, 2009 at 2:00 p.m. the Infill/Redevelopment Subcommittee met in the Second Floor Conference Room (VC-2E-12), at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER

1) Roll Call

Wendy Tuma, Chairperson called the meeting to order at 2:05 p.m., Eileen Platts, Zoning Secretary, called the roll.

Members Present – 7

Wendy Tuma – Chair
Joni Brinkman – Vice Chair/LDRAB
Raymond Puzzitiello – LDRAB/GCBA
Edward Wronsky – AIA
Jeff Brophy – ASLA
Rick Gonzalez – Architect
Bradley Miller – Planner

Zoning Staff Present:

Maryann Kwok
William Cross
Eileen Platts

Other Staff:

Joanne Koerner – Land Development
Edward Nessenthaler – Planning
Bryan Davis – Planning

Members Absent – 12

Joanne Davis – LDRAB/BCC Dist. 1
David Carpenter – LDRAB/BCC Dist. 2
Barbara Katz – LDRAB/BCC Dist. 3
Jim Knight – LDRAB/BCC Dist. 4
Ron Last – LDRAB/FES
Jose' Jaramillo – LDRAB/AIA
Steven Dewhurst – LDRAB/AGCA
Wes Blackman – LDRAB/PBC Plan Cong.
Katharine Murray – LUAB
Ken Tuma – Engineer
Chris Roog – Gold Coast Builders Assoc.
Nancy Lodise – Interested Citizen

2) Amendments to October 14, 2009 Agenda

Wendy Tuma asked if anyone had any amendments to the October 14, 2009 Agenda. There were no amendments.

3) Motion to Adopt October 14, 2009 Agenda

Wendy Tuma asked if there was a motion to adopt the October 14, 2009 Agenda. Ray Puzzitiello made the motion to adopt the Agenda, Rick Gonzalez seconded the motion. The motion passed unanimously (7-0).

4) Adoption of August 19, 2009 and October 7, 2009 Minutes – (EXHIBIT A-1 & A-2)

Wendy Tuma asked if anyone had any amendments to the August 19, 2009 or the October 7, 2009 Minutes. There were no amendments. Ray Puzzitiello made the motion to adopt the August 19, 2009 and the October 7, 2009 Minutes, Rick Gonzalez seconded the motion. The motion passed unanimously (7-0).

B. SUMMARY OF AMENDMENTS – (EXHIBIT B)

- **Page 23 line 13, Slip Street:** take out item “c) ~~A minimum of two tiers of small, medium or large shrubs...~~”;
- **Page 23 line 20, Usable Open Space:** change the word net to gross, “A minimum of five (5%) of the ~~net gross~~ acreage of the project...”;
- **Page 23 line 21, Usable Open Space:** add the word “concentrated” to the sentence “Plaza’s or squares that provide a ~~concentrated~~ focal point for pedestrians...”;
- **Page 24 line 16, Pervious Areas and Landscaping:** finish sentence to read “A minimum of 30 percent of all usable open space areas, excluding streetscape where applicable, shall be pervious, and covered with ~~appropriate ground treatment in accordance with Article 7.~~”;
- **Page 24 line 24, Location and Access:** change first sentence to read “Parking service areas shall be located at the side or rear of building(s) in accordance with Table 3.B.16.F, Parking Location, ~~with exception of slip streets~~, unless exempted herein.”;
- **Page 24 line 24, Location and Access:** add language to address corner lots, ~~where frontage requirements are met the most intense street will be considered the frontage~~;
- **Page 24 line 37, Location and Access – 2) Parking Lots:** add language to opening sentence, ~~“It is the intent that all parking be screened from the street...”~~;
- **Page 24 line 39, Location and Access – 2) Parking Lots – a):** reword or strike out “or similar structures”, “Buildings ~~or similar structures~~ on all for sides”;
- **Page 24 line 40, Location and Access – 2) Parking Lots – b):** add the word “minimum” to first sentence, “A five foot wide landscape strip that includes a ~~minimum~~ 30 inch high hedge or streetwall, with canopy trees planted 30 feet on center...”;
- **Page 24 line 43, Location and Access – 2) Parking Lots – c):** improve sentence to clarify meaning, “Alternatively, there shall be no required separation between parking and parallel alleyways...”;
- **Page 25 line 29, Parking Ratios – Non-residential – b):** Edward Wronsky made a motion to lower Maximum threshold from 6/1000 to 5/1000, Rick Gonzalez seconded the motion. The motion passed unanimously (5-2);
- **Page 26 line 5, Landscape Standards – Alternative Incompatibility Buffer Option – c) –** Subcommittee members did not agree with the eight foot tall wall buffer option, Rick Gonzalez suggested 30% more landscaping instead, staff will look into it;
- **Page 26 line 10 and 11, Landscape Standards – Alternative Incompatibility Buffer Option:** take out the word “finished”, “...and shall have the same ~~finished~~ architectural finish treatment and color on both sides of the wall.”;
- **Page 26 line 14, Landscape Standards – Alternative Incompatibility Buffer Option:** change “impeded” to “impede”, “Exterior landscape areas shall have groundcover that is low maintenance and does not impede necessary access for maintenance.”;
- **Page 26, Landscape Standards – Alternative Parking Lot Design Options – c.:** add ~~“Option 6 – No interior island required if parking spaces are abutting landscape buffers, street walls or tree planting areas, with 20 or fewer parking spaces.”~~;
- **Page 27, Table 3.B.16.G – IRO Waivers:** adding a waiver in table for: ~~“Usable Open Space for irregularly shaped lots less than 2.5 acres with limited frontage”~~;
- **Page 29, Table 4.A.3.A – Thresholds for Projects Requiring DRO Approval:** take out “O” in Zoning District column so it reads “IRO”;
- **Page 29, Table 3.D.1.A – Property Development Regulations:** add “Minimum or Maximum” where applicable in Header columns;
- **Page 30 line 33, Definitions and Supplementary Standards for Specific Uses – 55. Financial Institution:** take out “; or,” so it reads, “...located on a parcel with a CH FLU designation within the Core Transect Zone; ~~or,~~ may be approved by the DRO.”;
- **Page 31 and 32, General – Landscape and Buffering:** adding language to address M... Growth Tier System (MGTS);
- **Page 32, Types of Plans – Street Planting Plan:** add Article 11 Outparcel provision same as MUPD.

Article 1.E

- Maryann Kwok advised the Subcommittee Members that the revisions made to Article 1.E Prior Approvals were mostly to address hurricane damage and to clean up glitches. Also, language dealing with Nonconformities was moved from Article 1.E to Article 1.F Nonconformities. She also stated that the new language for Development Orders will be sent to them after Barbara Pinkston-Nau discusses all the variations of Development Order under Article 1.1.1, Definitions with the County Attorney.
- Wendy Tuma questioned why we allow a site which has an approved site plan with unbuilt nonconformities be vested if they are clearly shown on the plan, whereas posed so many limitations on a site that has an existing nonconforming structure (i.e. limited renovations and maintenance).
- Joni Brinkman questioned why a project cannot take advantage of the pending code if it helps with avoiding a variance process, or some code languages that can be taken advantage of to improve the project or resolve an issue. Staff reminded her that a pending code may work against the project or may pose more restrictions.

Article 1.F

- **Page 1, Article 1.F.1.A – Purpose and Intent:** Bryan Davis said he will have some comments on URA. No details at this point;
- **Page 1, Article 1.F.1.D – Improvement Value:** Subcommittee recommended increasing the improvement value from 125 to 150 percent;
- **Page 1, Article 1.F.1.E – Total Value of Improvements:** Subcommittee asked what are the other comparable guidelines adopted by law or accepted in practice by the Building Official. Rebecca Caldwell, Building Official would be able to provide the IR Subcommittee with some examples;
- **Page 3, Table 1.F.1.F Allowable Percentage and Approval Process for Nonconformities:** Subcommittee likes the table, they think the table is clear; however, questions were raised on the percentages, and they came up with recommendations:
 1. Maintenance/Renovations for Major Nonconforming use in a conforming structure – allows 20% by right and anything >20% and up to 30%, through DRO;
 2. For Minor Nonconforming use in a conforming structure – 20% by right and anything >20% and up to 50%, through DRO.Thuy Shutt raised questions on Adult Entertainment in the WCRA-O, staff will meet with her on separate occasions as the IRO is for the entire County.
- **Page 9, Figure 1.F.4, Relocation:** Rename the title of figure to “Expansion and Relocation”.

C. NEXT MEETING TOPICS

Joni Brinkman made a motion as amended for IRO to move ahead to LDRAB on November 18, 2009, seconded by Wendy Tuma. The motion passed (7-0). Subcommittee Members requested that the next meeting for the Infill Redevelopment Subcommittee to add an hour to the November 4th IR URA meeting and dedicate the first hour to finishing the review of Article 1.F from 1:00-2:00 pm and from 2:00-4:00 pm will be focused on the URA.

D. ADJOURNMENT

Bradley Miller made the motion to adjourn, and Edward Wronsky seconded the motion. The motion passed unanimously (7-0).

The Infill/Redevelopment Subcommittee meeting adjourned at 4:40pm.

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Prior Approvals and Non-Conformities
White Paper
(Updated October 27, 2009)

Introduction

The purpose of this exercise is to review existing Palm Beach County (PBC) Unified Land Development Code (ULDC) provisions related to non-conformities: lot, uses structures and site elements, and to determine if they should be updated. Zoning Division has determined that Art.1.E, Prior Approvals and Art.1.F, Nonconformities must be brought up to date, where necessary to:

1. Address inconsistency between Art.1.F, Nonconformities of the ULDC and Policy 2.2-d of the Comprehensive Plan (Plan);
2. Further define differences between major and minor nonconforming uses;
3. Replace outdated references and terminologies with the most current;
4. Relocate nonrelated nonconforming requirements (nonconforming site elements) from Art.1.E, Prior Approvals to Art.1.F, Nonconformities;
5. Clarify vested status of approved development order or permit, and define affected area;
6. Clarify similarities and differences between Improvement Classifications: Expansion, Maintenance, Renovation and Natural Disaster Damage Repair, and assign appropriate value of improvements to further Policy 2.2-d of the Plan and the intent of the ULDC on nonconformities. Establish regulations to aide in post disaster redevelopment;
7. Establish regulations that address nonconformities in the Infill and Redevelopment Overlays; and,
8. Clarify County's position on discontinuance and cessation of uses based on research on case laws.

The Zoning Director has instructed staff to review and research existing regulations, including a review of legal issues. Since a Land Development Regulation Advisory Board (LDRAB) Subcommittee has been convened for the Infill Redevelopment Overlay (IRO), the scope of work for this Subcommittee will include the review of staff findings on the nonconformities.

Background and Summary

Notwithstanding the adoption of Ord. 2008-37 effective September 4, 2008, Zoning and Building Divisions staff has identified a need to revisit regulations affecting the ordinances on nonconformities, the reasons for which are summarized as follows:

1. Inconsistency between Plan and ULDC

Pursuant to Policy 2.2-d (formerly 2.2-e) which currently states:

The County shall encourage the elimination or reduction of existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are prohibited, regulated or restricted under the terms of this Plan. This shall be accomplished by prohibiting enlargement, expansion, or extension of non-conforming future land use activity unless the action decreases the nonconformity. A non-conforming use shall be permitted to enlarge, expand, or be rebuilt on one occasion through an administrative variance process provided that the value of the

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improvement would not exceed ten percent of the original value of the structure and the expansion does not create a non-conforming structure.

However, Art.1.F requires improvement value to be based on the most current assessed value and not the original value. Zoning staff also indicated that there are other discrepancies between the percentage of allowable improvements between the Plan and the ULDC. As a result of these findings, the Planning Division is proposing to amend Policy 2.2-d allowing the ULDC to regulate these nonconformities.

The County shall encourage the elimination or reduction of existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are prohibited, regulated or restricted under the terms of this Plan. This shall be accomplished by limiting the enlargement, expansion, or extension of non-conforming future land use activity unless the action decreases the nonconformity. Non-conforming uses shall only be permitted to expand under limited circumstances, specified in the Palm Beach County Unified Development Code, which are designated to curtail any substantial investment in non-conforming uses to preserve the integrity of the Comprehensive Plan.

2. Differences between Major and Minor Nonconforming Uses

The Plan does not differentiate nonconforming uses as major or minor. It is the ULDC that further classifies the nonconforming use as major and minor, which are currently indicated in Art.1.F.2.A.1 and A.2 as follows:

Major

- a. *Legally established.*
- b. *Located in a district in which it is now prohibited.*
- c. *Creates incompatibilities detrimental to public welfare.*

Minor

- a. *Legally established.*
- b. *Located in a district in which it is now prohibited, or is inconsistent with physical or permit requirements.*
- c. *Does not create incompatibilities injurious to public welfare.*

Minor nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the current Code; however, the Zoning Division has been allowing the applicant the opportunity to correct the nonconforming status by providing a higher level of review and approval process pursuant to the Use Matrices of Table 3.E.1.B and Table 4.A.3.A-1.

To resolve this inconsistency, staff proposed to redefine minor nonconforming uses to be consistent with the current practice and identify areas of differences between major and minor conforming uses as follows:

Major nonconforming uses are prohibited in the current zoning district because the continuation of the use will cause detrimental effects to the surrounding uses. While allowing the major nonconforming use to continue to exist, restrictions on improvements are clearly defined to enforce the main objective of eliminating the

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nonconformities by curtailing the property owner from investing substantially in the use or structure accommodating the use.

Minor nonconforming uses are not prohibited in the current zoning district but the approval process or requirements has been changed to require a higher level of review and approval process under the terms of this Code, and where any Development Order Amendments or improvements to the use would exceed the development and approval thresholds or do not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare. However, limitations are established so as to encourage the property owner to apply through a higher level of review and approval process to correct the nonconforming status of the use for the benefit of future development order amendments and other types of improvements.

3. Outdated References and Terminologies

The improvement value of a nonconforming structure is based on the most recent assessed value of the structure established by the Palm Beach County Appraiser (PBCPA), and multiply the value by 125 percent to establish the total improvement value. Assessed Value pursuant to the Glossary of the PBCPA is:

Value placed on a homesteaded property before any exemptions are deducted but after the property tax cap is factored. For non-Homestead properties, the Assessed Value is the same as Market Value. Assessed Value minus exemptions equals Taxable Value.

The Zoning and Building Division staff indicated that the correct methodology to calculate allowable amount for improvements is to utilize the improvement value and not the assessed value. Improvement value is the value for the building minus all exemptions and land value to establish the sole value of the building. The proposed code amendment will make the code requirements consistent with the general practice.

In addition, the current Code requires the aggregate costs approach, which has now been replaced by the Building Valuation Data Table. This table can be found in the Building Safety Journal provided by the International Code Council and a link to the website is available. It provides the “average” construction costs per square foot, and will be used as the sole basis in determining the value of an improvement necessary to perform expansion, maintenance, renovation, or natural disaster damage repair for any types of nonconformity.

4. Links between Art.1.E, Prior Approvals to Art.1.F.

The current Art.1.F specifies requirements for nonconforming structures, uses, and lots only, whereas nonconforming site elements (outdoor lighting, parking, landscaping and signage) are located in Art.1.E. Staff has determined that Art.1.F should be reorganized to include all types of nonconformities and in the order of: lot, structure, use, and site element.

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5. Vested Status of Approved Plan or Permit, Affected Area and Greatest Extent Possible

Proposed amendment for Art.1.E, Prior Approvals includes definitions and graphic illustration of affected area, which oftentimes is a subject of dispute between staff and applicant and may become an issue during the DRO review and may hold up the certification of a project for public hearing.

This topic is directly tied to the DRO review and approval process on amendments to prior approvals, the review includes examination of existing site situations and identification of property development regulations and associated site elements that are shown on the approved plan but are not in compliance with the current code. Oftentimes, the property owner could not bring the existing nonconformities up to current code requirements because of site restrictions. As a result, the Type II variance process is being utilized to bring the nonconformities to a "conforming" status. The variance process; however, may not necessarily benefit the County, but eliminates the nonconformity of a lot, structure or a site element, and assist in redevelopment of the site.

Staff has determined that the policy of vesting nonconformities should be further clarified to help with the review and approval process for DOA and improvement applications, as follows:

	With Nonconformities	Modifications	Vested Status	Comply with Code
Approved Plan	Yes	No	Vested as shown	NA
Approved Plan	Yes	Yes	Lost vested status	Affected area to greatest extent possible
No Approved Plan	Yes	Yes	NA	Yes

In addition, the affected area should be clearly and graphically defined on the proposed plan with an improved system of logging historical records in the site data of the plan such as: prior ordinance, resolution numbers, and nonconformity.

6. Similarities and Differences between Improvement Classifications: Expansion, Maintenance, Renovation and Natural Disaster Damage Repair

Currently, there are 3 classifications of improvements to nonconforming uses and structures. Staff has added natural disaster damage repair under the classification so as to provide sound and feasible guidelines for post disaster recovery.

Art.1.1.2 currently defines:

Expansion – the increase in the floor area of a structure, including covered attached decks and porches, outdoor seating, coolers, and interior mezzanines or the increase in the height of a structure.

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Maintenance – repair or fix existing nonbearing walls, fixtures, wiring, air conditioning and plumbing necessary to permit structures to remain in a state of good repair without creating additional improvements.

Renovation – improvements to modify the interior or exterior physical characteristics of an existing structure. Renovation may include: conversion, rehabilitation, remodeling, or modernization of floor area, air conditioning, wiring or plumbing.

Under this amendment, Art.1.1.2 will add a definition for Natural Disaster Damage Repair, as follows:

A loss in structural integrity or value due to an act of nature such as hurricane, tornado, wild fire, flood. This does not include fire, termites and other damages not related to those listed herein.

These classification of improvements have been adjusted to further the policy of 2.2-d of the Comprehensive Plan and the intent of the ULDC on different types of nonconformity:

Nonconformities	Policies of Plan and Intent of ULDC
Major nonconforming uses	Very limited improvements per Policy 2.2-d of the Plan.
Minor nonconforming uses	Limited improvements, reasons: to curtail owner in investing in nonconformity, and encourage owner to eliminate nonconformity by applying for a higher level of approval process.
Nonconforming structures	Limited improvements, reasons: to curtail owner in investing in nonconformity, and encourage owner to eliminate nonconformity by demolition or replacement of nonconforming portion of structure. For Infill and Redevelopment Areas and Overlays, some nonconforming structures may meet the PDRs of the Form based design code; therefore, allows a higher percentage for improvements to provide incentives for those redevelopment projects.
Nonconforming Site Elements	Comply with Code to the greatest extent possible with restrictions tied to the allowable improvement

7. Redevelopment Overlays

Establish regulations to address nonconformities in the Overlays, and allow a higher percentage for these Overlays to encourage redevelopment, which requires built forms to regulate uses.

8. Discontinuance and Cessation of uses

The Assistant County Attorney, Leonard Berger, Esquire wrote to Zoning Division on August 14, 2007 (Attachment A) responding to staff’s inquiry on discontinued or

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abandoned nonconforming uses. He explained: *“when faced with abandonment provisions that include time limits such as PBC’s, courts treat the issues differently. Some courts enforce the time limits without regard to any evidence of intent.... Other courts hold that discontinuance or abandonment of a nonconforming use requires some evidence of intent, even under zoning ordinances with time limitations. Given the few opinions on the subject, it may be reasonable to interpret our Code as currently worded to allow an owner to provide evidence of intent to maintain the nonconforming use. It would be clearer, however, to amend our ordinance to indicate that exceeding the established time periods creates a rebuttable presumption of the intent to abandon or discontinue the nonconforming use. Once the County demonstrates the time period has been exceeded, the owner would then have the burden of demonstrating his or her intent to maintain the use. An applicant would then have the opportunity of appealing the Zoning Director’s decision to a Hearing Officer.”*

The Zoning Division is replacing Art.1.F.2.C with revised language to further clarify this intent.

EXHIBIT
ARTICLE 1
PRIOR APPROVALS
SUMMARY OF AMENDMENTS
(Updated 10/27/09)

1 **Part 1 ULDC, Article 1.E.1, General (pages 14-16 of Article 1 [Supplement No.6]) are hereby deleted in**
2 **entirety, and replaced with new text as follows:**
3

4 **Reason for amendment:** [Zoning] 1) Relocate nonconforming site elements in Art.1.E.1.C.1, to Art.1.F, which is
5 a more appropriate and logical location following nonconforming lot, structure and use; 2) Clarify the submittal
6 and review process for projects with prior approvals; 3) Add submittal requirements to establish a record of project
7 amendment history on the approved plan.

8
9 **CHAPTER E PRIOR APPROVALS**

10 **Section 1 General**

11 **A. Purpose and Intent**

12 This Section establishes the review and approval procedures for: Development Orders or Permits
13 approved prior to the effective date of this Code and their vested status; nonconforming site elements of
14 a prior approval, and establish extent of vested status of the limits of affected area of modifications.

15 **B. Prior Approvals**

16 All **Development Orders or Permits** shall remain in full force and effect until superseded by amendment,
17 expiration, revocation, or abandonment. The uses, structures, lot size, site elements and the associated
18 site design, access, intensity, density, and tabular data shown on a valid development order such as a
19 development permit or plan that was approved in accordance with a prior ordinance shall not be subject
20 to the requirements of this Code for any information clearly shown. This information may be carried
21 forward onto subsequent plans if necessary to implement the previously approved plan.

22 **1. Prior Variances, Exemptions or Waivers**

23 Previously approved variances, exemptions, or waivers from property development regulations and
24 standards no longer required by this Code shall remain in effect until superceded, modified,
25 abandoned, voided, or revoked by the authority which granted the original approval. Such prior
26 approvals may only be used in their entirety, as originally approved, and may not be amended or
27 modified.

28 **C. Modification to Prior Approvals**

29 A development order, which was approved under the prior Code provisions, shall comply with the current
30 review process for any modifications and the following:

31 **1. Determination of Extent of Vested Status in the Area of Modification**

32 The proposed modification shall comply with the current Code to the greatest extent possible in the
33 affected area, as defined in Article 1.1.2, Definitions, which includes the determination whether the
34 prior approval has nonconformities.

35 **2. Modification to a Prior Approval with Nonconformities**

36 **Proposed modifications may not increase a nonconformity.** The applicant shall identify the extent of
37 the proposed modification on the applicable plan and in the application pursuant to Art.2, Plan
38 Requirements. The **application and plan** shall:

- 39 a. list all prior Zoning resolutions and prior ULDC Amendment Ordinances to establish a record of
40 any prior vesting claim;
- 41 b. delineate on the plan the boundary of the affected area and indicate all proposed modifications;
42 **If necessary, the Zoning Director shall render decision on the affected area.**
- 43 c. identify all nonconformities with prior approved development orders, which includes: lot,
44 structure, use, and site elements of the subject property or affected area of the subject property to
45 establish a record of nonconformities in the tabular data of the plan, and notate on the plan these
46 nonconformities, where applicable.
- 47 d. all nonconformities outside of the affected area that are clearly shown on a prior development
48 order shall be vested.

49 **D. Invalid Approvals**

50 Invalid development orders include those which have been revoked, voided, abandoned, or have expired.
51 If a development order for a parcel of land is invalid, any future development order for that parcel shall be
52 subject to all applicable provisions of this Code.

53 **E. Applications in Process**

54 Development Order application that is found sufficient for review purposes shall be required to meet the
55 Code provisions in effect on the date the application is submitted. The application shall not be required
56 to meet any subsequent Code amendments that may be adopted prior to final approval of the application
57 by the appropriate Board or County Official.
58

59 **Part 2. ULDC, Art. 1.1.2.A.30, (page 29 of 109), is hereby amended as follows:**

Notes:

Underlined language indicates proposed new language.

Language ~~crossed out~~ indicates language proposed to be deleted.

... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

Comment [mmk1]: New text.add purpose and intent to be consistent with format of Art.1.F.
Art.1.E addresses: 1) Prior approval w/o modifications 2) Prior Approvals with modifications 3) Invalid Prior Approvals and 4) Applications in Process.

Comment [mmk2]: This is pending on proposed changes to definitions on Development Order and Permit. No change to remaining text, carried forward from existing code.

Comment [mmk3]: Language carried forward from existing Code text. Change title from Standards no longer Applicable to Prior Variance, exemptions or waivers.

Response to IRO Subcommittee, Subcommittee suggested to add text (Zoning In Progress) to allow applicant to choose which code to apply for review. Once choice is made, application has to be consistent with the chosen set of code, cannot pick or choose from different set of ordinances.
After discussion with staff and Zoning Director, it is recommended to leave text as is, since it is hard to monitor the application review, and also the BCC may make changes to OR not adopt the pending code.

Comment [mmk4]: Kept some existing text, but relocate non conforming site elements such as parking, landscaping etc to Art.1.F.

Comment [mmk5]: This is for modification to a prior approval with nonconformities, once a plan is modified or a change in use, the plan can no longer be vested, and must comply with code to the greatest extent possible or obtain a variance. Should not confuse this Section with Art.1.F which is solely provided for improvements to a nonconformity and NO proposed modifications.

Comment [mmk6]: Respond to JM's comments dated 10/9/09 on definition of affected area, rather than putting in definition, add it here.

Comment [mmk7]: Same text in existing Code, only did minor reordering of sentences.

Comment [mmk8]: Changed Title of existing Text from Application filed prior to effective date to Applications in process, did minor reordering of existing Code text.

EXHIBIT
ARTICLE 1
PRIOR APPROVALS
SUMMARY OF AMENDMENTS
(Updated 10/27/09)

1
2 **Reason for amendment:** [Zoning]: To add definition for Affected Area. Affected Area is currently used in
3 modifications for prior approvals but not defined in Article 1.

4 **Section 2 Definitions**

5 30. Affected Area - for the purposes of Art.1.E, the area on a plan or a development that is subject to the
6 proposed modification, including but not limited to: uses, structures, or site elements.

7
8 [Renumbered accordingly....]

9
10 **Part 3. ULDC, Art. 1.1.2.D.31 and 33, (pages 48- 49 of 109), is hereby amended as follows:**

11
12 **Reason for amendment:** [Zoning]: 1) Amend definition 31, Development Order - add referencing of
13 Development Order, PBC, and 2) Amend definition 33, Development Order, Local Government - relabel Heading
14 to Development Order, PBC, and add clarification. The clarification of Development Order, PBC is currently
15 embedded in Art.1.E.

16 **Section 2 Definitions**

17

18
19 *Pending changes on Development Order and Development Permits.*
20

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT

ARTICLE 1
NON-CONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 10/27/09)

Part .1 ULDC, Articles 1.F.1, General, 1.F.2, Non-Conforming Use, 1.F.3, Non-Conforming Structure, and 1.F.4, Non-Conforming Lot (pages 16-23 of Article 1 [Supplement No. 6]) are hereby deleted in entirety, and replaced with new Articles 1.F.1, General, 1.F.2, Non-Conforming Site Element, 1.F.3, Non-Conforming Lot, 1.F.4, Non-Conforming Structure, and 1.F.5, Non-conforming Use, as follows:

Reason for amendment: [Zoning] 1) Art.1.F.1, General: move all the general items such as Improvement Value, maximum allowable improvements from other sections to this Section. 2) Add Provisions to address Infill Redevelopment Overlays such as Urban Redevelopment Areas, Westgate Community Redevelopment Areas, Lake Worth and Infill Redevelopment Overlay. Also establish regulations to address natural disaster damage repairs. 3) Update all outdated references and terminologies such as Assessed Value, South Florida Building Code, which are no longer being utilized during the review of applications. 4) Adjust current limits on improvement value and allow a higher percentage of improvement value for the Infill Redevelopment Overlays to provide incentives for redeveloping older communities that have more impediments associated with redevelopment. Add Table to summarize percentage and approval process for each category of improvements.

CHAPTER F NONCONFORMITIES

Section 1 General

A. Purpose and Intent

The purpose and intent of this Chapter is: to establish regulations to address lots, structures, uses and site elements that were lawfully established before this Code was adopted or amended, that now do not conform to the terms and current requirements of this Code; to regulate and limit the continued existence of such nonconformities; and, where possible, bring them into conformance with this Code.

In addition, this Chapter addresses projects within the Redevelopment Areas and Overlays in Art.3.B (IRO, LWRCCO, URA-PRA, and WCRAO) where new developments and redevelopments are regulated by form-based design standards. The intent is to provide incentives to encourage infill and redevelopment in these areas, improve the overall quality of the surrounding communities, and to address any development restrictions unique to each overlay.

B. Applicability

This Chapter applies to nonconforming lots, structures, uses and site elements. In determining whether such nonconformities will be regulated by the provisions of this Chapter, the following shall apply:

- 1. Nonconforming status shall not be provided for any: lot, structure, use, or site element, which was illegally created, commenced, constructed or unlawfully continued, or commenced after the restrictions, became applicable.
2. Nonconforming status shall only be authorized upon demonstration by the applicant that a lot, structure, use or site element was created, commenced or constructed, and not merely contemplated, unless permitted by this Code.
a. For a nonconforming use, affidavits alone are not sufficient evidence to establish nonconforming status. The applicant must demonstrate that the use was in continuous operation during business hours and not an occasional or irregular days and times of use of the property pursuant to the Vesting Status Recognition Application Form established by the Zoning Director.
3. An accessory nonconforming use shall not become the principal use.
4. Improvements shall not include a change in use. A change in use shall comply with this Code.

C. Improvements to Nonconformities

There are four classifications of improvements that may be made to nonconformities. These include: Expansion, Maintenance, Renovation, and Natural Disaster Damage Repair pursuant to Art.1.1.2, Definitions.

D. Improvement Value

Improvement Value, as determined by the Palm Beach County Property Appraiser, is utilized to calculate allowable improvements for all types of nonconformities listed in this Chapter. The maximum allowable improvement is based upon the Property Appraiser's most recent Improvement Value of the structure as follows: 150 percent for non-government structures including structures in the Redevelopment Area or in the Overlays, and 185 percent for government structures. A property owner may apply to the PBCPA's Office for a re-assessment to obtain the most recent improvement value of the structure. If a new value is established, it shall be forwarded directly to the Zoning Director from the Property Appraiser's Office.

E. Total Value of Improvements

The International Code Council Building Valuation Data Table, which provides the "average" construction costs per square foot, shall be used as the sole basis in determining the value of an improvement necessary to perform expansion, maintenance, renovation, or natural disaster damage repair for any type of nonconformity. The table is outlined in the most current building valuation data in the Building Safety Journal, as amended periodically by the International Code Council, or other comparable guidelines adopted by law or accepted in practice by the Building Official.

Comment [mmk1]: These are new texts to address existing nonconformities in the Redevelopment and Overlay projects.

Comment [mmk2]: Add link to existing form provided by the Zoning Division.

Comment [mmk3]: Clarify that improvements shall be limited to those 4 classifications, a change in use must comply with this code, or subject to variances if certain regulations could not be met.

Comment [mmk4]: Current Code uses "assessed value" which is no longer used by the PBC Property Appraiser's Office, it has been replaced by Improvement Value. Under the propose d text, reorganize all GENERAL requirements applicable to all types of nonconformities in the front Section.

Comment [mmk5]: Subcommittee recommended increase from 125% to 150%. Staff considered the recommendation and have revised code to increase the % to provide fairer treatment between non government and government facilities.

Comment [mmk6]: Suggest to scan this and insert in the Tech Manual of the Zoning Division and establish a link to the website.

Comment [mmk7]: Rebecca explained that the ICC is being amended every 6 months. The negotiation table is also on the Building web page, on-line permit application.

Notes:

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F. Expansion for Nonconformities

Expansion shall comply with Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion and other applicable Sections of this Chapter:

Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion

Improvement Classification	Major Nonconforming Use in a Conforming Structure (1)	Minor Nonconforming Use in a Conforming Structure (1) (2)	Conforming Use in a Nonconforming Structure	Nonconforming Site Element
Expansion				
Non-Government and Government	<u>One time only</u> <u>10% max.</u> <u>DRO</u>	One time only DRO	Comply with applicable Code By Right	Comply with applicable Code to greatest extent possible DRO
IR-O, PRAs, LWRCC-O, WCRA-O (3)	Shall not expand in area it occupies unless it is being expanded into an area of a structure, which was designed and approved for such use in a valid development order prior to becoming nonconforming.	10% max. of approved floor area of structure or 10% of the improvement value of the structures on site, whichever is less.	Shall not change or increase the nonconforming features of the structure. Shall not result in the expansion of a nonconforming use.	
Notes:				
1. <u>Nonconforming use in a nonconforming structure shall not expand.</u>				
2. <u>Expansion shall be based upon intensity or density pursuant to Art.1.F.4.D, Nonconforming Use.</u>				
3. <u>A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art.3.B, Overlays.</u>				
4. <u>No variance shall be permitted for the percentages stated above.</u>				

Comment [mmk8]: Add new limitations to be consistent with minor nonconforming use, current code allows more flexibility for major than minor. Internal expansion major result negative impacts to surrounding uses; therefore proposed to impose more restrictions to further the Comp Plan policy. Also current code did not specify approval process, did not specify limit on no. of times for expansion.

G. Maximum Improvement to Nonconformity

The standards, limitations, and approval processes for improvements to nonconformities shall be as follows:

- Maintenance, Renovation and Natural Disaster Damage Repair - The total combined value for improvement classifications shall not exceed the allowable maximum percentage of any single improvement classification. The percentage of each improvement classification is pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Damage Repair.
- Maintenance – may be performed in any 12-consecutive month period.
- Renovation and Natural Disaster Damage Repair - The cumulative changes in total value of improvement are calculated over the previous five-year period as a nonconforming use or structure is renovated or repaired for damages
- Public utility facilities with nonconforming structures on existing sites shall not be subject to the requirements of this Chapter.
- For additional requirements for each type of nonconformities, see applicable Sections below.

Comment [mmk9]: For example, From 2004-2008, the \$ amount for each year cannot exceed the total value of improvement per the PBCPA improvement value X 125%.

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Table 1.F.1.G,
Nonconformities - Percentage (1) and Approval Process for
Maintenance, Renovation and Natural Disaster Damage Repair (2)

Improvement Classifications	Major Nonconforming use (1) (2)	Minor Nonconforming use (1) (2)	Conforming Use in Nonconforming Structure (1)	Nonconforming Site Elements
Non-Government				
Maintenance				
Renovation	≤20%; By Right	≤30%; By Right	≤20%; By Right	Comply with applicable Code to greatest extent possible. (5)
Natural Disaster Damage Repair				
Government (3)				
Maintenance			OR	
Renovation	≤30%; By Right	≤ 45%; By Right	>20%≤30%; DRO	
Natural Disaster Damage Repair				
PRAs, LWRCC-O WCRA-O, IR-O (4)				
Maintenance				
Renovation	≤20%; By Right	≤30%; By Right	≤30%; By Right	
Natural Disaster Damage Repair				
	OR	OR	OR	
	>20%≤30%; DRO	>30 ≤ 50%; DRO	≤ 50%; DRO	

Comment [mmk10]: This table has been revised to focus just on maintenance, renovation and natural disaster damage repair. Expansion is now addressed in a separate table so that the amount of value of improvement is calculated separately from maintenance, renovation and damage repair.

Comment [mmk11]: Current Code is up to 20% for non-govt and up to 30% for govt. Increase 10% through DRO for Overlays.

Comment [mmk12]: Change process from Type II Variance to DRO. Also Damage Repair is currently limited to 30 percent of its improvement value. The

Comment [mmk13]: New Text to address incentives for Redevelopment Overlays.

Comment [mmk14]: Add a new BY right process to Overlays

Notes:

- All percentages shall be based on the Improvement Value of the structure pursuant to Art.1.F.D, unless stated otherwise herein.
- For nonconforming use in conforming or nonconforming structure, the percentage of the use shall apply.
- A higher percentage shall be allowed for Government structures as appraisals by the Property Appraiser's Office are conducted less for Government structures due to exemptions for property tax.
- A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art.3.B, Overlays
- If the use or structure is nonconforming, the maximum allowable percentage for improvements for the site elements shall be included in the total value of improvements.
- No variance shall be permitted for the percentages stated above.
- Repair for non natural disaster damage shall comply with the above.

Reason for amendment: [Zoning] 1) Organize Sections 2 through 5 in this order to establish a hierarchy of nonconformities: Lot, Structure, Use and Site Element. 2) Section 2 specifies procedures and requirements for nonconforming lot, original text of nonconforming lot is being carried forward as is.

Section 2 Nonconforming Lot

Comment [mmk15]: No CHANGE to Lot, kept current text.

A. Applicability

This section shall only apply to non-conforming lots that do not meet the minimum dimensional criteria of this Code, if all of the following conditions are met: [Ord. 2008-037]

1. Legal Access Requirements

a. Development of a Single-family Dwelling Unit

The lot has legal access in accordance with [Art. 1.H.1.B.2, Legal Access](#). [Ord. 2008-037]

b. Development of Non-residential and Residential Other than SFD

The lot has frontage on, and legal access to, a public R-O-W, or any other street that meets the requirements of Table 11.E.2.A, Chart of Access Hierarchy. [Ord. 2008-037]

2. Legal Lot of Record

The lot complies with one of the following: [Ord. 2008-037]

- Is depicted on either a plat of record, affidavit of exemption, or affidavit of waiver; or [Ord. 2008-037]
- Existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title; or [Ord. 2008-037]
- Art. 1.H.1.B.1.b, Option 2 – Creation on or Subsequent to February 5, 1973 and before June 16, 1992. [Ord. 2008-037]

3. FLU and Zoning Consistency

The existing zoning or any rezoning is in compliance with the requirements of [Art. 3.C.1, Future Land Use Designation and Corresponding Districts](#). [Ord. 2008-037]

4. Lot Recombination Requirements

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1 Where applicable, the lot or lots have complied with the lot recombination requirements of Plan FLUE
2 Policy 2.2.1-f, and [Art. 11, Subdivision, Platting and Required Improvements](#). [Ord. 2008-037]

3 **B. Subdivision (Includes Lot Combinations)**

4 Non-conforming lots may be combined with any other conforming or non-conforming lot without obtaining
5 variance relief for non-conforming lot dimensions, inclusive of frontage, width, depth and size, if all of the
6 following conditions are met: [Ord. 2008-037]

- 7 1. The newly created lot complies with the lot dimensions of this Code, or reduces the non-conformity;
8 and, [Ord. 2008-037]
9 2. Can comply with the requirements of [Art. 11, Subdivision, Platting and Required Improvements](#).
10 [Ord. 2008-037]

11 **C. Residential Development Regulations**

12 A nonconforming residential lot may utilize the following setbacks for a single-family dwelling unit only.

- 13 1. Minimum Setback Requirements:
14 a. If the minimum depth dimension is nonconforming:
15 Front: 30 percent of lot depth.
16 Rear: 20 percent of lot depth.
17 b. If the minimum width dimension is nonconforming:
18 Side Interior: 15 percent of lot width.
19 Side Street: 20 percent of lot width.
20 c. Nonconforming lots that are 100 feet or less in width and 100 feet or less in depth may apply a
21 25-foot setback from the affected property line.
22 2. The maximum lot coverage is 40 percent of the total lot area or the maximum district coverage
23 whichever is more restrictive.
24 3. Accessory structures shall comply with all applicable Code requirements.
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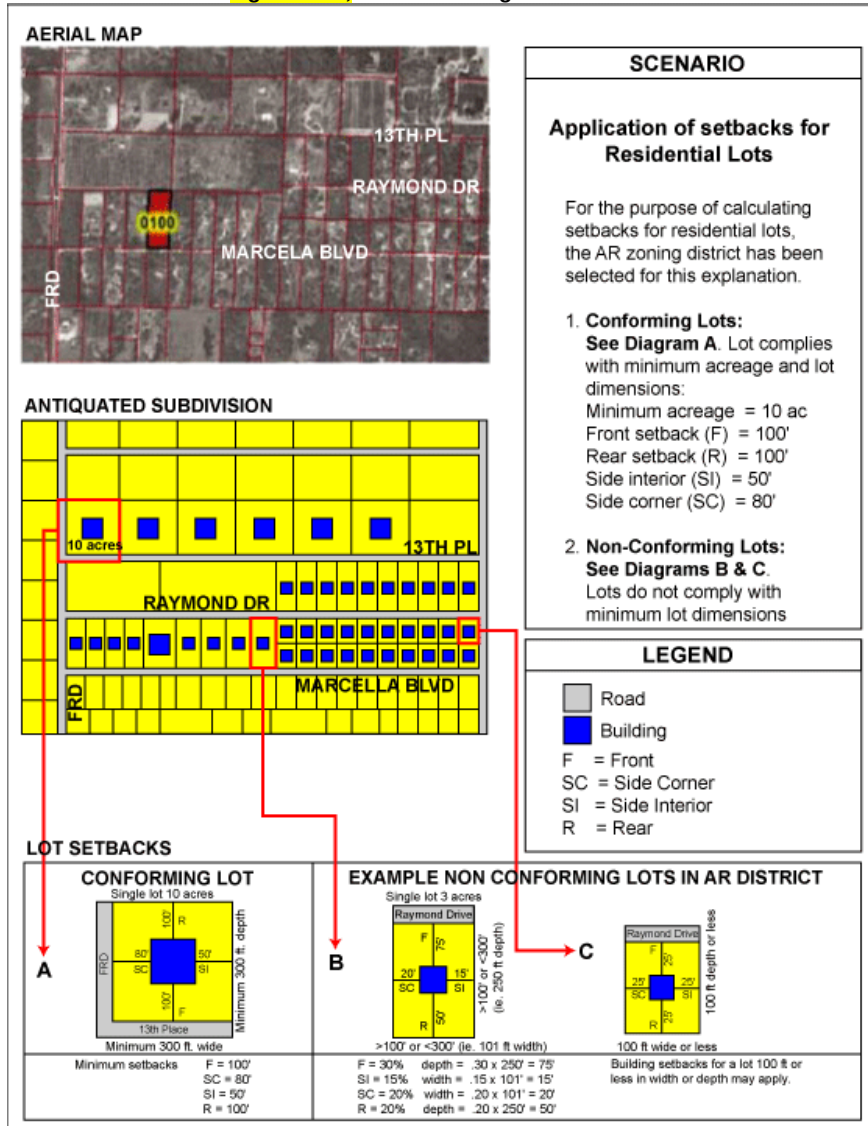
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Figure 1.F.2, Nonconforming Lots & Setbacks



[Ord. 2005-002]

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D. Accessory Dwellings

Accessory dwellings on non-conforming lots with a RR FLU designation that are equal to or less than 1.5 acres may utilize a 25-foot side or rear setback, subject to the following where the setback is less than the setback required for the SFD unit: [Ord. 2006-004]

1. A minimum five-foot high continuous solid opaque visual screen consisting of a hedge, fence or wall, shall be installed and maintained along the property line adjacent to the length of the accessory dwelling. [Ord. 2006-004]
2. Ingress/egress to the accessory dwelling shall not be oriented towards the adjoining property. [Ord. 2006-004]

E. Non-Residential Development & or Residential Development Other Than Single Family

Non-residential development and residential development other than single family may be developed, subject to the following: [Ord. 2008-037]

1. The proposed use is allowed by this Code; and
2. All other property development regulations, supplemental development regulations and setbacks for the use are met, or variances are obtained pursuant to the requirements of Art. 2.B.3, Variances.

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Reason for amendment: [Zoning] 1) Refer all improvement percentages to the General Section, Tables 1.F, Nonconformities –Percentage and Approval Process for Expansion and Nonconformities –Percentage and Approval Process for Maintenance, Renovation and Natural Disaster Damage Repair.
2) Add damages resulted from Acts of Nature such as hurricanes; floods, wildfires, etc. and establish limitations for repairing a nonconforming structure or a structure that accommodates a nonconforming use.
3) All regulations pertaining to Airport remain as is. 4) Address aftermath of hurricane damages, and add provisions to allow property owners to replace nonconforming screen enclosures based on value of improvement of the principal structure.

Section 3 Nonconforming Structure

A. General

A nonconforming structure may continue to exist in accordance with this Section.

B. Expansion

Expansion of a nonconforming structure shall not change or increase the nonconforming features of the structure, and shall not result in the intensification of a nonconforming use through the structural expansion. Expansion shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Percentage and Approval Process for Expansion.

C. Maintenance, Renovation and Natural Disaster Damage Repair

Maintenance, renovation, and damage repair caused by acts of nature shall not exceed the percentage pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Damage Repair.

D. Uses and Structures within an Airport Zone

1. Applicability

Uses permitted prior to the effective date of the Airport regulations, November 1, 1996, that lie within regulated areas defined in Art. 16, Airport Regulations, which do not comply with the Airport Land Use Compatibility Schedule or FDOT, "Guidelines for the Sound Insulation Residences Exposed to Aircraft Operations," or exceeds permitted height limitations shall be considered a nonconforming use unless the structure or use is brought into conformance with the provisions of Art. 16, Airport Regulations.

a. Exemptions

Land Uses within regulated areas defined in Art.16.C.1.D.2, ALUNZs for Airports, which have not completed a Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Study, are exempt from the requirements of this Article.

2. Existing Uses and Occupancy

The requirements of Art.16, Airport Regulations, shall not be construed to necessitate the removal, lowering or alteration of a structure or building supporting an existing use nonconforming to the requirements therein, or otherwise interfere with the continuance of such use which legally existed prior to November 1, 1996, provided the continuation does not jeopardize life or health. Construction or alterations which existed or started prior to November 1, 1996, and are diligently pursued and completed in accordance with building permitting requirements as defined by PZB, shall not be required to comply with the provisions in [Art. 16, Airport Regulations](#).

a. Change in Use and Occupancy

If a change of use is proposed for an existing structure or building which does not comply with the Airport Zoning provisions for that particular use, as specified in the Airport Land Use Compatibility Schedule, the entire structure or building shall be brought into conformance with Art.16, Airport Regulations.

3. Abandonment of a Use

If a use nonconforming to the Airport Regulations has been abandoned for 365 days (one Year), a permit cannot be issued to repair, reconstruct or restore the structure to re-establish the use unless the extent of the repair, reconstruction or restoration complies with the requirements in [Art. 16.B.1, Airspace Height Regulations](#), and [Art. 16.C.1.E, General Land Use Regulations-Off Airport Land Use Compatibility Schedule](#).

4. Repair, Reconstruction, Restoration, or Alteration of a Structure

a. Height Restrictions

Permits shall not be granted that would allow an existing structure to become higher or become a greater hazard to air navigation than it was as of November 1, 1996. All structures shall comply with Art.16.B.1, Airspace Height Regulations.

b. Use Regulations

Any permits to substantially alter, repair, restore, reconstruct, or rebuild a structure supporting a nonconforming use shall comply with Art. 16. C.1.E, General Land Use Regulations-Off Airport Land Use Compatibility Schedule. In such cases, the entire building or structure shall be brought into conformance with these requirements. For the purposes of this Article, substantially alter shall mean:

Comment [mmk16]: No CHANGE to Airport, all current text remains.

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- 1) the structure is more than 80 percent torn down, destroyed, deteriorated, or decayed; or
 - 2) the cost of repair, reconstruction or restoration exceeds 80 percent of the assessed value of the existing building or structure; or
 - 3) the non-structural alterations or repairs exceed 50 percent of the assessed value of the existing building or structure.
- If the structure does not meet these criteria, then only the new construction, alteration or repair shall be subject to the requirements of Art. 16, Airport Regulations.

5. Relocated Buildings

Buildings or structures moved into or within Palm Beach County, into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions in Art. 16, Airport Regulations.

6. Obstruction and Marking Requirements

Any repair restoration, reconstruction or alteration to a nonconforming structure or establishment of a new use shall require compliance with the Obstruction Marking and Lighting provisions in Article 16.B.1, Airspace Height Regulations. **[Relocated from Art.1.F.3, Nonconforming Structures]**

E. Screen Enclosures

For replacement of nonconforming screen enclosures, the improvement value for the screen enclosures shall not exceed the allowable total value of improvement of the principal structure. The screen enclosure shall be vested in the original location shown on a valid development order or permit.

Comment [mmk17]: Discussed with Bill Cross regarding replacement of screen enclosures, and decided the value of improvements should tie it back to the principal structure.

Reason for amendment: [Zoning] 1) Add clarification to define differences between Major and Minor nonconforming uses. 2) Amend Discontinuance or Cessation of use based on County Assistant Attorney, Leonard Berger's letter dated 8/14/07. Summary of reasons for code amendments: some courts enforce the time limits without regard to any evidence of intent, others hold that discontinuance or abandonment of a nonconforming use requires some evidence of intent, even under zoning ordinances with time limitations. Therefore, it may be reasonable to interpret the ULDC to allow an owner the opportunity to provide evidence of intent to maintain the nonconforming use. This means once the County demonstrates the time period has been exceeded, the owner would have the burden to demonstrate his/her intent to maintain the use. 3) Refer all improvement percentages to the General Section, Tables 1.F, Nonconformities –Percentage and Approval Process for Expansion and Nonconformities - Percentage and Approval Process for Maintenance, Renovation and Natural Disaster Damage Repair. 4) Add damages resulted from Acts of Nature such as hurricanes; floods, wildfires, etc. and establish limitations for repairing a nonconforming use or a conforming structure that accommodates a nonconforming use. 5) Add text to clarify minor nonconforming use may also utilize the percentage of the floor area instead of the value of the structure, whichever is less, to address certain uses such as canopy/pumps of a gas station. This is an ongoing issue with application review of gas stations.

Section 4 Nonconforming Use

A. Nonconforming Use classifications

There are three classes of nonconforming uses: Major, Minor, and Nonconforming to Airport Regulations.

1. Major

A major nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the terms of this Code. Major nonconforming uses are inappropriately located and create or threaten to create incompatibilities that are detrimental to the public welfare. The intent of the PBC Comprehensive Plan is to eliminate or reduce existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are now prohibited, regulated or restricted under the terms of the Plan.

2. Minor

A minor nonconforming use is a use that was legally established in a zoning district where the review and approval processes of the use has been changed to a higher level under the terms of this Code, and where any DOAs or improvements to the use would exceed the development and approval thresholds or do not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare. An applicant who is requesting modification or improvement to a minor nonconforming use is encouraged to apply pursuant to the review and approval process now in effect to correct the nonconforming status of the use for the benefit of future development order amendments and other types of improvements.

3. Nonconforming to Airport Regulations

Requirements for uses nonconforming to Airport regulations are set forth in Art. 1.F.3.F, Uses and Structures within an Airport Zone. Nonconforming uses that are also nonconforming to the Airport zoning regulations shall comply with both the nonconforming provisions and the Airport nonconforming provisions. These uses shall be regulated as follows:

- a. A major nonconforming use shall comply with the major nonconforming use provisions.
- b. A minor nonconforming use shall comply with both provisions of the minor nonconforming use and the Nonconforming to Airport Regulations.

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1 **B. Change in Use**
2 A nonconforming use shall not be changed to any other use, unless the new use conforms to this Code.
3 A nonconforming use physically replaced by a permitted use shall not be re-established.

4 **C. Discontinuance or Cessation**
5 A nonconforming use that is intentionally discontinued, abandoned, or changed to an accessory use shall
6 lose its nonconforming status and shall not be reestablished or resumed. Any subsequent use in the
7 same location shall be consistent with this Code. A use that has been discontinued, abandoned, or
8 changed to an accessory use for a period of more than 180 consecutive days, or for a total of 540
9 calendar days during any three year period shall constitute a presumption of the intent to discontinue,
10 abandon, or change to an accessory use. In the event either time period has been exceeded, an
11 applicant shall have the burden rebutting the presumption by presenting competent, substantial evidence
12 of the intent to maintain the nonconforming use.

Comment [mmk18]: See Lenny Berger's memo to Bill Cross dated August 14, 2007. The case laws are quoted to support the change in text.
.... it may be reasonable to interpret our Code as currently worded to allow an owner to provide evidence of intent to maintain the nonconforming use. It would be clearer, however, to amend our ordinance to indicate that exceeding the established time periods creates a rebuttable presumption of the intent to abandon or discontinue the nonconforming use. Once the County demonstrates the time period has been exceeded, the owner would then have the burden of demonstrating his or her intent to maintain the use. An applicant would then have the opportunity of appealing the Zoning Director's decision to a Hearing Officer.

13 **D. Expansion**
14 **1. Major Nonconforming Use**
15 Expansion shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Percentage
16 and Approval Process for Expansion.

17 **2. Minor Nonconforming Use**
18 A minor nonconforming use may be expanded pursuant to Table 1.F.1.F, Nonconformities -
19 Percentage and Approval Process for Expansion, and the following:
20 a. The expansion shall not exceed ten percent of the approved floor area of the structure or ten
21 percent of the improvement value of the structures on site, whichever is less; or any other form of
22 measure of intensity/density for the specific use such as but not limited to: beds for congregate
23 living facilities; decks for restaurants; number of children for daycares; number of fueling stations
24 or gas pumps for convenience store with gas sales or other traffic intensity measures; and
25 1) For a convenience store with gas sales, the applicant may be allowed to either increase the
26 floor area of the store or increase the number of pumps subject to the ten percent limitation
27 and approval of a Traffic Study by the Engineering Department. Any fraction of the number
28 of pumps that may occur during the calculations shall be rounded upward to the nearest
29 whole number for one half or more of a whole pump, and downward if the it is less than one
30 half of a whole pump.

Comment [mmk19]: Need to amend Art.4.B to link back to Art.1.F, this Section. Add new text to address gas stations to assist staff/applicant during the application review.

31 **E. Maintenance, Renovation and Natural Disaster Damage Repair**
32 Shall not exceed the percentage pursuant to Table 1.F.1.G, Nonconformities - Percentage and
33 Approval Process for Maintenance, Renovation, and Damage Repair. For natural disaster damage
34 repair, improvement value shall be established at the time the damage occurred.

35 **F. Relocation**
36 See Figure 1.F.4, Relocation and Expansion for permitted relocation of nonconformities. A
37 nonconforming use shall not be relocated.

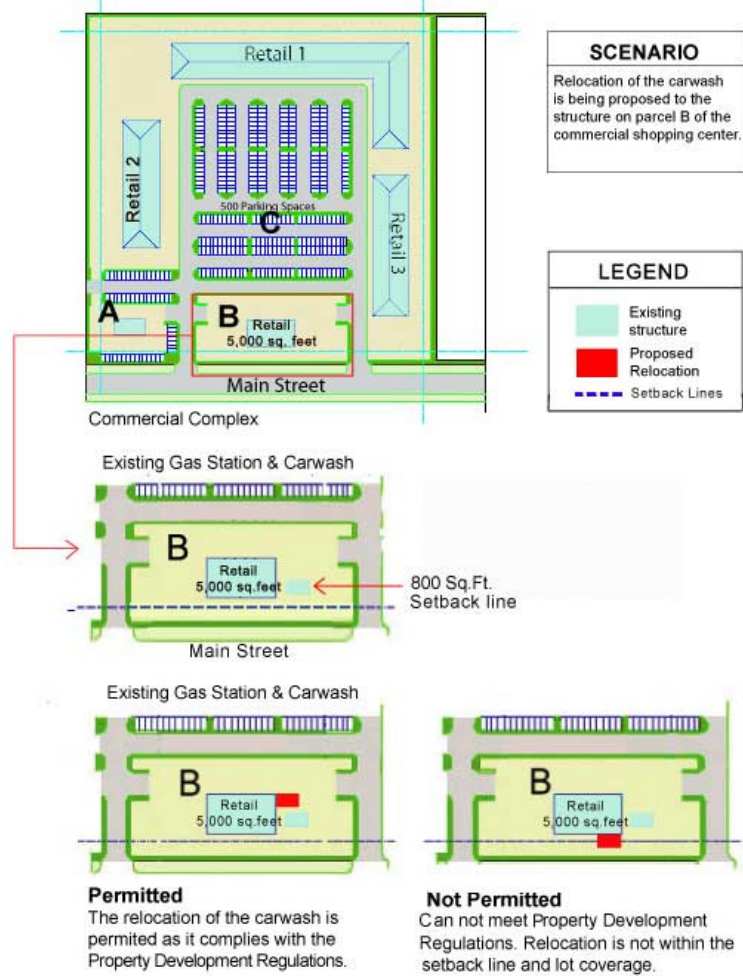
Comment [mmk20]: Changed Title per Subcommittee's comments

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EXHIBIT
ARTICLE 1
NON-CONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 10/27/09)

Figure 1.F.4, Relocation and Expansion



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Notes:
Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
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EXHIBIT
ARTICLE 1
NON-CONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 10/27/09)

Section 5 Nonconforming Site Element

A. Applicability

This Section establishes procedures for improvements and modifications to a prior approval with nonconforming site elements and establishes thresholds for vesting nonconformities. This Section shall apply to non-conforming site elements, including but not limited to: Art. 5.E.4.E, Outdoor Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8, Signage that may be impacted by proposed improvements or modifications to a prior approval. In addition, this Section shall also apply to projects that meet the threshold pursuant to Art.5.B, Generators and Art.5.C., Design Guidelines.

Comment [m21]: Revised text to specify these Articles (site elements).

B. Modification or Improvement to a Prior Approval with Nonconforming Site Elements

Proposed modification or improvement to a project where the use or structure is conforming or has been brought into conformance with this Code through an applicable approval process, and where only the site elements are nonconforming, the following requirements shall be met:

1. Projects without an Approved Plan

A project without an approved plan shall comply with this Code.

2. Unbuilt Projects with an Approved Plan

An unbuilt project with an approved plan shall only comply with Article 6, Parking, Article 7, Landscaping, and Article 8, Signage in the affected area to the greatest extent possible without the loss of density, intensity or required parking.

3. Built Projects with an Approved DRO Plan

Projects, which have commenced development or have been constructed, shall comply with the requirements of this Code and the following:

- a. Projects with 80 percent or more of the approved density or intensity (number of units, square feet or footprint of buildings) constructed shall remain valid for any information and items clearly shown on the approved development order. The affected area shall meet this Code to the greatest extent possible.
- b. Projects with less than 80 percent of the approved density or intensity constructed shall comply with Article 6, Parking, Article 7, Landscaping, and Article 8, Signage in the affected area to the greatest extent possible without the loss of density, intensity, or required parking.

C. Additional Improvement Threshold for Nonconforming Site Elements

When improvements are proposed to a conforming structure with a conforming use, the associated nonconforming site elements shall be improved to comply with current Code requirements. See Technical Manual for examples. The required improvements shall be determined based on the Improvement Value of the structure pursuant to Table 1.F.5, Thresholds for Improvements – Nonconforming Site Elements. These improvements are required in addition to the standards pursuant to Art.1.F.5.C, Built Projects with an Approved DRO Plan.

Table 1.F.5, Thresholds for Improvements - Nonconforming Site Elements

Use or Structure	Percentage ^{1,2}	ULDC Requirements
Non-Government	> 35%	Art. 5.E.4.E, Outdoor Lighting Art. 6, Parking Art. 7, Landscaping Art. 8, Signage
	>75%	In addition to the above requirements: Art. 5.C, Design Standards Art. 5.B.1.A.18, Permanent Generators
Government	>100%	Art. 5.E.4.E, Outdoor Lighting Art. 6, Parking Art. 7, Landscaping Art. 8, Signage Art. 5.C, Design Standards, if applicable Art. 5.B.1.A.18, Permanent Generators, if applicable
Notes: 1. The percentage is based on the Improvement Value of conforming structure(s). 2. The percentage applies to improvements for a conforming use or structure with nonconforming site elements. If the use or structure is nonconforming, the maximum allowable percentage shall comply with Table 1.F.1.F, Allowable Percentage and Approval Process for Nonconformities.		

D. Standalone Improvements to Nonconforming Site elements

Standalone Improvements to Nonconforming Site elements shall comply with Art.1.F.5.B in the affected area, to the greatest extent possible, and with the following, if applicable:

1. Outdoor Lighting

Alterations or additions to outdoor lighting shall comply with Art.5.E.4.E, Outdoor Lighting.

2. Vehicular Use Areas

Alterations or additions to vehicular use areas shall comply with Art. 5.E.4.E, Outdoor Lighting Standards, Art. 6, Parking, and Art. 7, Landscaping.

Comment [mmk22]: This is per discussions with Jon M. I think we need to provide an alternative if the original value of lighting cannot be obtained.

Notes:

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EXHIBIT

ARTICLE 1
NON-CONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 10/27/09)

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a. Non-residential PDDs and TMDs Parking Calculation

Proposed modifications to a previously approved development, whether modifications is for the entire or a portion of the development, shall meet the following:

- 1) the minimum parking requirements pursuant to the non-residential parking requirements of Art.3.E.1.C.2.h, Parking; and,
- 2) the median, interior or terminal landscape islands in the affected area shall be in compliance with Art.7, Landscaping.

3. Sign Renovations or Additions

Approved signs as shown on plans and pursuant to conditions of an approval as of the effective date of this Code shall remain valid. Regulations for renovations or additions to a sign are in Article 8, Signage. The maximum percentage of improvements for a nonconforming sign shall be based on the original value of the previously approved sign.

4. Landscaping

Landscape plans approved as of the effective date of this Code shall remain valid unless the development is amended or modified. The affected area of the amended or modified plans shall be subject to [Art. 7, Landscaping](#) to the greatest extent possible. All plans shall be subject to [Art. 14.C, Vegetation Preservation and Protection](#).

Comment [mmk23]: Add this to address Subcommittee's questions in how to calculate parking spaces for projects (shopping center) with existing parking lot and where changes are made to a portion of the site.

Comment [mmk24]: This is existing text and maybe redundant to what is described above in Art.1.F.5.B.

Notes:

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EXHIBIT

ARTICLE 1
NON-CONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 10/27/09)

[Renumbered accordingly]

Part . ULDC, Article 1.1.2.D.2 Definitions as follows:

Reason for amendment: Amend definitions for Nonconforming use, Major and Minor since they were not adequately defined. The proposed definitions will

....

2. **Damage** – loss in structural integrity or value due to an act of calamity. Also see Natural Disaster Damage.

Part . ULDC, Articles 1.1.2.I.7 Improvement Value, Definitions as follows:

Reason for amendment: Add Improvement Value to Article 1.1.2.I to replace the term "Current Assessed Value" to be consistent with the current Property Appraiser's glossary.

7. **Improvement Value** – for the purposes of Art.1.E and 1.F, Improvement Value means a value placed on a structure and shall be determined by the PBC Property Appraiser's Office. Also see Art.1.1.2.I, for definition of Improvement.

[Renumbered Accordingly....]

Part . ULDC, Article 1.1.2.M.3, Definitions as follows:

Reason for amendment: Amend definition for Maintenance to include repair of fixing of bearing and nonbearing walls.

....

3. **Maintenance** - repair or fix existing ~~nonbearing~~ walls, fixtures, wiring, air conditioning and plumbing necessary to permit structures to remain in a state of good repair without creating additional improvements. See Repair for additional allowed improvements.

Part . ULDC, Article 1.1.2.N.9, N.31 to N.33, Definitions as follows:

Reason for amendment: Add definition for Natural Disaster Damage. Amend definition for Minor Nonconforming use to be consistent with new amendments for Art.1.F.

....

9. **Natural Disaster Damage** - loss in structural integrity or value due to an act of nature such as hurricane, tornado, wild fire, flood. This does not include fire, termites and other damages not related to those listed herein.

[Renumbered accordingly]

....

3233. **Non-Conforming Use, Minor** - a minor nonconforming use is a use that was legally established under a prior code. The current code review and approval processes of the use has been changed to a higher level under the terms of this Code, and where any DOAs or improvements to the use would exceed the development and approval thresholds or do not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare.

33. **Non-Conformities** - for the purposes of Art. 1, uses of land, structures, lots and property development regulations and site development standards that were lawfully established before this Code was adopted or amended, that are not in conformity with the terms and requirements of this Code.

Notes:

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EXHIBIT

ARTICLE 1
NON-CONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 10/27/09)

Part . ULDC, Article 1.1.2.R.23, Definitions as follows:

Reason for amendment: Amend definition for Repair to include repair for Nonconformities under Art.1.F.

....

23. **Repair** - for the purposes of Art. 15, as defined by [Rule 64E-6, F.A.C.](#) For the purposes of Art.1.F. Nonconformities, improvements to restore to a structural sound condition and shall include bearing and nonbearing walls and other improvements included under Maintenance.

Part . ULDC, Article 1.1.2.S.56, Definitions as follows:

Reason for amendment: Add definition for Site Elements for purposes of Art.1.E and 1.F.

....

56. **Site Elements** – Site Elements shall include existing or proposed infrastructure items for the site, including but not limited to: vehicular use areas, parking, loading and service areas; sidewalks, outdoor lights, landscaping, signage and drainage areas.

[Renumbered accordingly]

....

Notes:

Underlined language indicates proposed new language.

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Section 16 PRA, Priority Redevelopment Areas

A. Introduction

1. General Code Introduction

This Section establishes standards and procedures for new development and redevelopment in the part of the unincorporated County designated as Priority Redevelopment Areas of the Urban Redevelopment Area (URA). These areas are depicted in the Map Series of the Comprehensive Plan, the Future Land Use Atlas, and the official zoning map.

~~The PRA Section functions independently of Articles 3, 4, 5, 6, 7 and 8 of this Code, except as specifically indicated.~~

This is a form-based code, pursuant to the concept of the Transect. The Transect provides that certain building forms are appropriate to certain environments. Transect zones enable different development patterns with a high degree of precision and predictability.

~~The PRA Section supersedes the standards and criteria of the following Chapters and Sections of this Code:~~

~~a. Chapters C through F of this Article~~

~~b. Article 5, Chapters B and C, Chapter D Sections 1 and 2, and Chapter G.~~

~~c. Articles 6 and 7.~~

2. Purpose and Intent

The purpose and intent of this Section translates the Urban Redevelopment Area Master Plan (and the URA Master Plan Addendum) recommendations and the Goals, Objectives, and Policies of the Comprehensive Plan into standards and guidelines, to ensure engaging and sustainable land use patterns within the Priority Redevelopment Areas (PRAs) are achieved. Specifically, the goals of this section are to:

- a. Preserve and respect existing intact neighborhoods
- b. Maintain and improve the character and quality of life for those within and adjacent to redeveloped neighborhoods.
- c. Create a predictable regulatory framework for building form and the resulting physical environment.
- d. Reduce automobile trips; promote transit and/or alternative modes of transportation.
- e. Balance housing with office/ employment, general, commercial, and civic uses.
- f. Provide a variety of housing types to support residents of diverse ages, incomes, family sizes, ethnicities and lifestyles.
- g. Create predictability and efficiency in planning and provision of infrastructure.
- h. Create an interconnected pedestrian-friendly street network, including parallel, alternate vehicular connectivity to the PRAs and the creation of new walkable blocks.

These guidelines and standards have been developed to encourage fundamental principles of urban design, architecture, landscaping and sustainability to create authentic traditional development based on the precepts on the Transect, which work on the scale of the neighborhood, the block, and the building. The forms shall be compact, mixed use, and walkable, with an emphasis on safety, comfort and ecological responsibility. Each neighborhood shall allow a variety of mixed uses to promote the revitalization of existing neighborhoods. This also results in an increase in pedestrian activity and the promotion of mass transit by ensuring and bringing many of the daily needs of its residents within walking distance, reducing automobile dependency while promoting transit. Additional detailed purpose and intent language for relevant sections can be found under the applicable heading.

B. Administration and Implementation

1. Purpose and Intent

The purpose of this form-based code is to provide an alternative means of development that promotes mixed use, transit supportive development patterns that supports variety in general commercial (retail and restaurant), office, civic, and residential uses intended to serve an existing group of neighborhoods and to redevelop their existing commercial corridors. The intent is to ensure that all development occurring under this Section is consistent with its provisions. All elements of the PRA Section, its Urban Standards and Regulating Plan, the Building Type standards, the Streetscape Standards, the Architectural Standards, Other Standards and Definitions will be applied during review.

2. Applicability

This Section shall only apply to parcels depicted on the URA Regulating Plan with corresponding transect zones and transect-based Future Land Use Designations (i.e. Urban Infill and Urban Center).

3. Application Requirements

An application for development shall include the following:

- a. a regulating plan and plan sheet, including diagrams and text identifying building sites and dimensions.
- b. existing adjacent thoroughfares and proposed streets.
- c. frontage and building types, including elevations, plan and section views;
- d. a description of uses;
- e. parking;
- f. landscaping; and
- g. civic open space requirements.

4. Review Procedures

a. Applications shall be reviewed and approved by the DRO pursuant to Article 2.D.1, ADMINISTRATIVE PROCESSES. Development that does not comply with the requirements of this Section may seek PRA Waivers or PRA Variances.

b. PRA Waivers

1) An applicant may apply for waivers for development standards and shall complete the PRA Waiver forms provided by the Planning Division. PRA Waiver requests shall be approved by the Planning Director prior to DRO certification or approval of a development order. Standards eligible for waivers are denoted following the standard by "(W)".

2) Standards

When considering a waiver request, the Planning Director shall consider the following standards to approve, approve with conditions, or deny a waiver:

- a) The proposed waiver is not creating further conflict with any portion of this Section, and is consistent with the stated purpose and intent, transect zones, placement standards and development standards of this Section;
- b) The proposed waiver is a result of an action to satisfy a requirement or a restriction from another Governmental Agency; or
- c) The granting of a waiver will not adversely impact adjacent properties.

3) Appeal

An appeal of any Planning Director's decision shall be made to the Zoning Commission pursuant to Art. 2. A.1.S.1, Non-judicial Relief.

c. PRA Variances

An applicant may seek Type II PRA Variances pursuant to Article 2.B.3. Standards eligible for the Type II PRA Variance will be denoted following the standard by "(II)".

d. Conditional Use Approvals for PRA

Proposals within the PRAs are also eligible to apply for Conditional Use approvals, subject to the criteria and review standards in Article 2.B.2.

- 1) The uses eligible to receive a Class A Conditional Use approval is denoted by the letter "A" in Table 3.C.16.C-1 Allowable Uses by Sub-Zones.
- 2) The uses eligible to receive a Class B Conditional Use approval is denoted by the letter "B" in Table 3.C.16.C-1 Allowable Uses by Sub-Zones.

5. Other Considerations

a. Nonconformities Continuing Uses Nonconformities

Existing buildings that do not comply with the provisions of this Section may continue in the same use and configuration until a Substantial Modification occurs or is requested, at which time the Development Review Officer (DRO) shall determine which provisions of this Section shall apply. Existing buildings that have been issued a certificate of occupancy shall not require upgrade to the current Building Code and when renovated may meet the standards of the code under which they were originally permitted. The modification of existing buildings and parcels is permitted subject to a DRO review, provided such changes result in greater conformance with the specifications of this Section.

Existing signs, buildings and uses within the PRAs which do not conform to the provisions of this Section shall be allowed to continue. Such a building which is destroyed or significantly altered may not be replaced, except in conformity with this Section unless the new or renovated building of the same or lesser size and reoccupied by the same use is commenced within one year of destruction.

Comment [s1]: Added to reflect Eric McClellan comment

Comment [s2]: Modeled after IRO Waiver

b. Demolition of existing buildings

- 1) Existing buildings may not be destroyed or removed unless they are to be replaced according to this Section, and only after a building permit which affects the vertical construction for the new building has been received.
- 2) In the case of unsafe buildings or structures, the Building Official may determine that removal may be allowed prior to receiving a building permit which affects vertical construction. Unsafe buildings or structures shall include sites with contamination as determined by an environmental study.
- 1) Nonconforming uses and structures shall be allowed to continue subject to the provisions of Art.1.F, Nonconformities.
- 2) Maintenance, Renovation and Repair shall be in accordance with the thresholds established in Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation and Natural Disaster Damage Repair. The criteria in Table 3.B.16.A – Conforming use in a nonconforming structure shall be utilized by the DRO in determining what amount up to 50 percent of the current assessed value of a conforming use in a nonconforming structure may be permitted, provided one or more of the following improvements are made.

Table 3.B.16.A – Conforming use in a nonconforming structure

Improvements	Additional % allowed
<u>Dedicate a frontage road, if required in Regulating Plan</u>	10 %
<u>Provide an alley connection or easement for an alley to adjacent parcels</u>	5 %
<u>Construct and maintain the streetscape and amenities in accordance with the Regulating Plan</u>	5 %
<u>Provide Civic Open Space in the form of a playground or plaza</u>	5 %

[ORD. 2010-000]

- 3) Renovation of more than 50 percent of the current assessed value of the structure within the PRA shall not be permitted, except in conformity with this Section.

b. Compatibility Considerations

Where buildings exist on adjacent parcels, the DRO may require that a proposed building match the adjacent building's build-to location, height, streetscape and alley access standards rather than the flexible provisions of this Section.

c. Conflicting requirements

Where these requirements conflict with each other or any applicable portion of the ULDC, Land Development Standards, or other requirement(s) by state and federal law, the most restrictive shall apply or the more appropriate urban design standard shall apply.

C. Urban Standards

1. Regulating Plan

a. Purpose and Intent

The Urban Redevelopment Area Section shall consist of the regulating plan and the urban regulations. The purpose of the Section is to encourage and direct redevelopment so the goals of the Urban Redevelopment Area Master Plan are realized. The Section shall ensure that building construction is predictable in order to secure real estate value, that new buildings will be compatible with each other and with the existing neighborhood while also relating to the pedestrian as well as promoting transit; that retail uses be redeveloped along the PRA corridors along stipulated street frontages; that redevelopment be made equitable to all scales of ownership; and the permitting process be simplified and facilitated. The design of buildings and parcels in the PRAs shall be regulated and approved in accordance with the provisions of this code.

b. General Development Standards

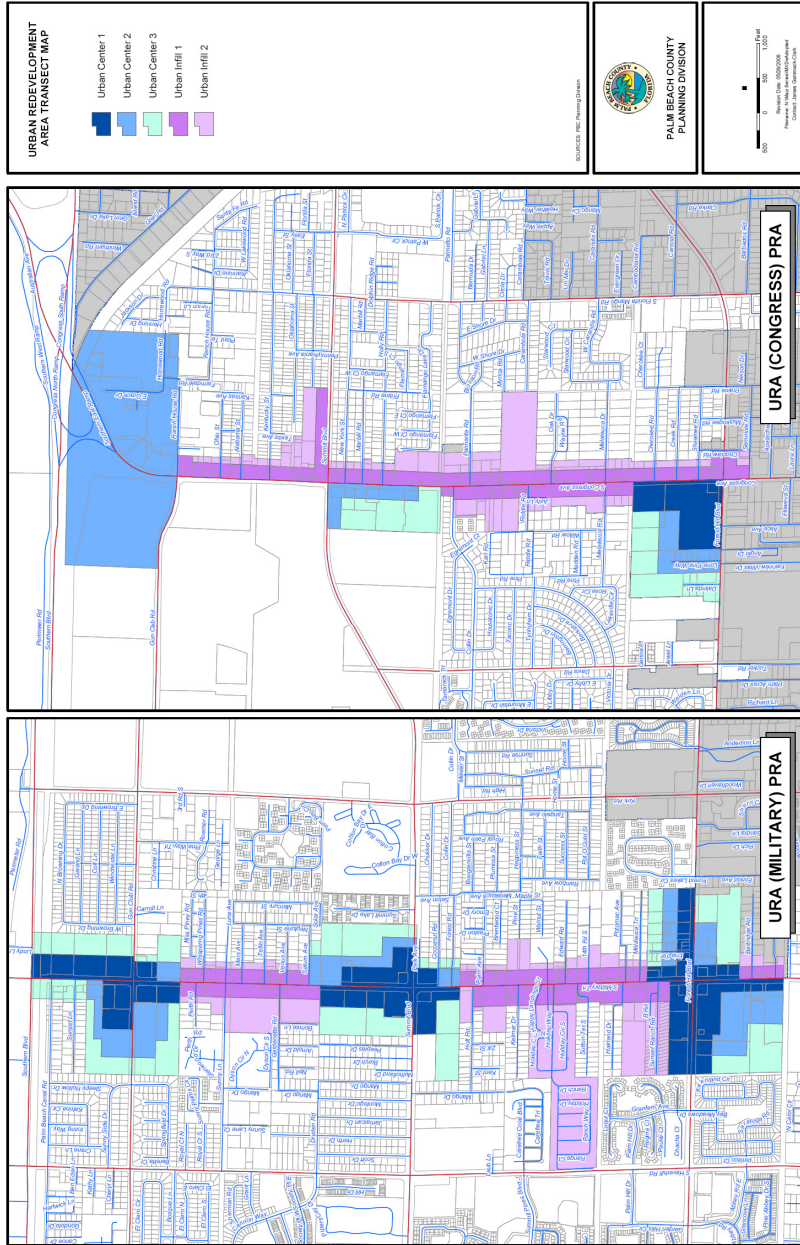
The provisions of this Section shall prevail except as otherwise stated in Article 3.B.16, and in the following circumstances:

- 1) The provisions of the current Florida Building Code, as amended by Palm Beach County, shall take precedence over the provisions of this Section.

Updated 10/26/09

- 2) The provisions of the Urban Redevelopment Area Transportation Concurrency Exception Area (URA TCEA), located in Transportation Element, Policy 1.2-v, shall determine the ultimate intensity of the redevelopment along the PRAs.
- c. This Section shall determine the design of all buildings and composition of open spaces for all parcels depicted on the regulating plan, and with appropriate zoning and future land use designations.
- d. The regulating plan shall designate locations of intensities and their corresponding Transect Zones. The accompanying frontage classifications shall determine the property development criteria. The selection of Building Type(s) shall be based upon the allowances made under the Transect Zone and compatibility with existing development and potential redevelopment.

Figure 3.B.16.C. — Transect Zones Map



Comment [s3]: This map will be removed from the code. What will the process be for updating these? Contemplating using PPM as process.

[ORD. 2010-000]

2. Frontage Classifications

a) Purpose and Intent

This portion of the Urban Standards identifies the Frontage Classifications allowed within the PRA, and for each type provides a statement of intent, a description, an illustration of the Frontage, and the standards and requirements by transect zone to ensure that the proposed development is consistent with the vision from the URA Master Plan. The Frontages are critical as they define and describe the edge of the public right-of-way, include the Pedestrian Zones and associated amenities, and locate the edge of the build-to zone.

b) Required Frontage

These areas were identified in the URA Master Plan and determined to have sufficient depth to provide a frontage road that accommodates one-way vehicular access and on-street parking, which reduces the need for curb cuts along the adjacent thoroughfare. Required Frontages are appropriate for building types that feature storefronts. The Required Frontage shall be measured from the ~~back-of~~ the existing or ultimate right-of-way curb (as determined by DEPW) to the build-to zone. The allowable range of the Required Frontage and its components shall be 45 feet minimum, and 55 feet maximum. The Required Frontage shall feature a Tree planting strip at least 10 feet wide, adjacent to the ~~back~~-face of curb. Vehicular access is provided by means of a one-way lane which provides access to parallel parking spaces, and also may accommodate alley access to the interior of the block. The Pedestrian Zones, which are comprised of a Planting/Amenity Zone, Clear Pedestrian Circulation Zone, and Shy Zone, is located between the vehicular parking and the build-to zone. Only two curb cuts accessing the thoroughfare are allowed per block.

c. Primary Frontage

Primary frontage is located adjacent to a thoroughfare and is appropriate for the placement of storefronts, residential, and civic functions. The Primary Frontage shall be measured from the ~~back-of-the~~ existing or ultimate right-of-way curb (as determined by DEPW) to the build-to zone. The allowable range of the Primary Frontage and its components shall be a minimum of 20 feet, and a maximum of 25 feet. The Pedestrian Zones, which are comprised of a Planting/Amenity Zone, Pedestrian Circulation Zone, and Shy Zone, are located between the ~~back~~ face of the curb and the build-to zone. One curb cut per block face shall be allowed to provide alley access. On-street parking of any type is prohibited. A Primary frontage may be allowed to create a frontage road with staff approval (W).

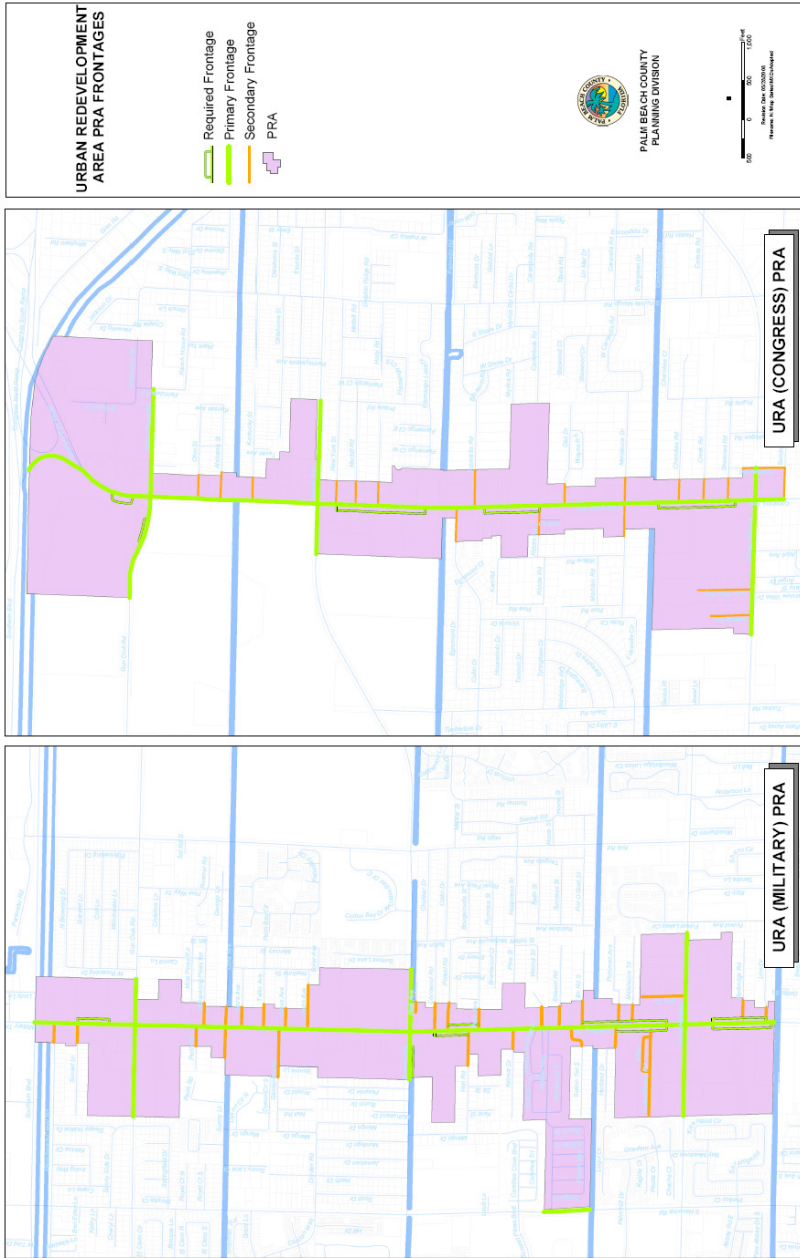
d. Secondary Frontage

Secondary Frontage is located along existing neighborhood streets that perpendicularly intersect a thoroughfare and are appropriate for the placement of residential and civic functions. Only those general commercial and office uses that are neighborhood-oriented are encouraged to locate on Secondary Frontages. The Secondary Frontage shall be measured from the ~~back-of the~~ existing or ultimate right-of-way curb (as determined by DEPW) to the build-to zone. The allowable range of the Secondary Frontage and its components shall be a minimum of 15 feet, and a maximum of 20 feet. The Pedestrian Zones, which are comprised of a Planting/Amenity Zone, Pedestrian Circulation Zone, and Shy Zone, are located between the ~~back~~ face of the curb and the build-to zone. Curb cuts shall be required to provide alley access. On-street parallel parking is allowed in the Right-of-Way, subject to the approval of DEPW. Should on-street parallel parking be incorporated, the measurement for the width of the Secondary Frontage shall be measured from the ~~back~~-face of the curb adjacent to parking.

e. Side Street Frontage

Side Street Frontages are not depicted on the Frontage Classifications Map. This Frontage shall apply only to those new streets established by a block structure. Storefronts, residential, and civic functions may be located on Side Streets. The Side Street Frontage shall be measured from ~~the back-of~~ the existing or ultimate right-of-way curb (as determined by DEPW) to the build-to zone. The allowable range of the Side Street Frontage and its components shall be a minimum of 12 feet, and a maximum of 15 feet. The Pedestrian Zones, which are comprised of a Planting/Amenity Zone, Pedestrian Circulation Zone, and Shy Zone, are located between the ~~back~~ face of the curb and the build-to zone. Curb cuts are allowed to provide alley access. On-street parallel parking is allowed on a Side Street, subject to the approval of DEPW. Should on-street parallel parking be incorporated, the width of the Side Street Frontage shall be measured from the ~~back~~ face of the curb adjacent to parking.

Figure 3.B.16.C – Frontage Classifications Map



Comment [s4]: This map will be removed from the code. What will the process be for updating these? Contemplating using PPM as process.

[ORD. 2010-000]

Figure 3.B.16.C – Typical Example of Required Frontage



[ORD. 2010-000]

Figure 3.B.16.C – Typical Example of Primary Frontage



[ORD. 2010-000]

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Figure 3.B.16.C– Typical Example of Secondary Frontage



[ORD. 2010-000]

Figure 3.B.16.C– Typical Example of Side Street Frontage



[ORD. 2010-000]

3. Allowable Uses

a. Purpose and Intent

The purpose and intent of this form-based code is to provide an alternative means of development that promotes mixed use, sustainable, transit supportive development patterns that supports variety in general commercial (retail and restaurant), office, civic, and residential uses intended to serve an existing group of neighborhoods and to redevelop their existing commercial corridors.

b. Allowable Uses

- 1) Allowable uses and the applicable approval process shall be determined pursuant to Table 3.B.16.C-1, Allowable Uses by Sub-Zones. Additional standards are also located in Article 3.B.16.D, Building Types.
- 2) The supplementary use standards located in Art.4.B. are to be used only to define the uses located in Table 3.B.13.C.-1, Allowable Uses by Sub-Zones.
- 3) The following uses shall apply the supplementary standards located in Art.4.B:
 - (a) Adult Entertainment
 - (b) Bed and Breakfast
 - (c) Butcher Shop, Wholesale
 - (d) Catering Service
 - (e) Dog Daycare
 - (f) Laundry Service
 - (g) Pawn Shop
 - (h) Repair Services, Limited
 - (i) Retail Sales, General

c. Interpretation of Uses

The Planning Zoning Director shall have the authority to interpret Table 3.B.16.C-1, Allowable Uses by Sub-Zones ~~for all other issues that do not affect the health, welfare and safety of the building's occupants.~~ Any use not listed in Table 3.B.16.C-1, Allowable uses by Sub-Zones is prohibited unless the Planning Zoning Director determines that it falls within the same class as a use in that table.

d. Uses Permitted

The uses in the Allowable Use Matrix are permitted within the PRAs, provided that proposed redevelopment complies with the regulations of this form-based code. Parcels within the PRAs, which have not been redeveloped using this Section, shall comply with the use limitations in their existing Development Order.

e. Use Limitations

- 1) Manufacturing, processing, or treatment of products, unless incidental and sold on site shall be prohibited unless approved as a Specialized District.
- 2) Uses, operations or products shall not adversely affect any adjacent use through the dissemination of fumes, dust, odor, smoke, steam, vibration, noise, generation of trash or other similar nuisance.
- 3) The limitations and provisions found in Article 5.E.4, NUISANCES shall apply.
- 4) Any project that wishes to operate a use with a drive-thru (including uses listed as "P" in Table 3.B.16.C-1, Allowable uses by Sub-Zones) must receive a Specialized District designation.

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Table 3.B.16.C-1 – Allowable Uses by Sub-Zones

Use Type	Transect Sub-Zones						Note
	UI 1	UI 2	UC 1	UC 2	UC 3	SD	
Residential Uses							
Accessory Dwelling	P	P		P	P	P	1
Bed and Breakfast	P	P	P	P	P	P	20
Congregate Living Facility, Type I	P	P	P	P	P	P	34
Congregate Living Facility, Type II	P	P	P	P	P	P	34
Congregate Living Facility, Type III	P	P	P	P	P	P	34
Garage Sale	P	P	P	P	P	P	60
Home Occupation	P	P	P	P	P	P	70
Multi-family	P	P	P	P	P	P	82
Kennel, Type I (Private)	P	P	P	P	P	P	73
Nursing Convalescent Facility	P	P	P	P	P	P	90
Townhouse	P	P		P	P	P	132
Security or Caretaker Quarters	P	P	P	P	P	A	119
Commercial Uses							
Adult Entertainment	S	S	S	S	S	S	2
Auction, Enclosed						P	16
Auction, Outdoor						A	16
Auto Paint or Body Shop						A	17
Auto Service Station						A	18
Bed and Breakfast	P	P	P	P	P	P	20
Broadcast Studio	P		P	P	P	P	21
Building Supplies	P	P	P	P	P	AP	22
Butcher Shop, Wholesale						A	23
Car Wash						A	25
Catering Services	P	P	P	P	P	P	26
Contractor Storage Yard						A	35
Convenience Store	P	P	P	P	P	P	36
Convenience Store with Gas Sales						A	37
Dispatching Office	P	P	P	P	P	P	42
Dog Daycare	P	P	P	P	P	P	43
Financial Institution	P	P	P	P	P	P	55
Flea Market, Enclosed	P	P	P	P	P	P	57
Funeral Home or Crematory						A	59
Green Market	P	P	P	P	P	P	64
Hotel, Motel, SRO, Rooming and Boarding	P	P	P	P	P	P	72
Kennel, Type II (Commercial)						A	74-1
Kennel, Type III (Commercial Enclosed)						A	74-2
Kiosk	P	P	P	P	P	P	75
Landscape Service						A	77
Laundry Services	P	P	P	P	P	P	78
Lounge, Cocktail	P		P	P	P	P	79
Medical or Dental Office	P	P	P	P	P	P	83
Office, Business or Professional	P	P	P	P	P	P	91
Parking Garage, Commercial	P	P	P	P	P	P	95
Parking Lot, Commercial						A	96
Pawnshop	B		B	B		B	97
Personal Services	P	P	P	P	P	P	98
Printing and Copying Services	P	P	P	P	P	P	100
Repair and Maintenance, General						A	107
Repair Services, Limited	P	P	P	P	P	P	108
Restaurant, Type I	P	P	P	P	P	P	109
Restaurant, Type II	P	P	P	P	P	P	111
Retail Sales, Auto						A	113
Retail Sales, General	P	P	P	P	P	P	114
Retail Sales, Mobile or Temporary	S	S	S	S	S	S	115
Self-Service Storage						A	120
Theater, Indoor	B		B	B	B	B	129
Vehicle Sales and Rental						A	135
Veterinary Clinic						A	136
Vocational School			P	P	P	P	137

Comment [s5]: Refers to Art. 4 Supplementary Notes

Comment [b6]: Use relocated to "residential uses" upon review of existing Art. 4. Language

Comment [b7]: Several uses removed from Table: truly are "sub-urban" uses requiring higher level of compatibility considerations and separations than proposed code requires.

Comment [b8]: Changes as suggested by Jeff Brophy at IRTF SubCom. Mtg.

Table 3.B.16.C-1 – Allowable Uses by Sub-Zones Continued

	UI 1	UI 2	UC 1	UC 2	UC 3	SD	Note
Public and Civic Uses							
Assembly, Nonprofit Institutional	P	P	P	P	P	P	14
Assembly, Nonprofit Membership	P	P	P	P	P	P	15
College or University						A	30
Day Camp	P	P	P	P	P	P	39
Day Care, General	P	P	P	P	P	P	40
Day Care, Limited	P	P	P	P	P	P	40
Government Services	P	P	P	P	P	P	63
Hospital or Medical Center						A	71
Kennel, Type IV (Animal Shelter)						A	74-3
Place of Worship	P	P	P	P	P	P	29
School, Elementary or Secondary	P	P	P	P	P	P	118
Recreational Uses							
Entertainment, Indoor	P		P	P	P	P	45
Fitness Center	P	P	P	P	P	P	56
Gun Club, Enclosed						A	67
Park, Passive	P	P	P	P	P	P	93
Park, Public	P	P	P	P	P	P	94
Park, Neighborhood	P	P	P	P	P	P	92
Special Event	S	S	S	S	S	S	124
Agricultural Uses							
Community Vegetable Garden	P	P	P	P	P	P	32
Produce Stand	P	P	P	P	P	P	101
Utilities and Excavation							
Communication Cell Sites on Wheels (COWS)	S	S	S	S	S	S	31
Communication Panels, or Antennas, Commercial	B	B	B	B	B	B	31
Electric Transmission Facility	B	B	B	B	B	B	44-2
Recycling Collection Station	P	P	P	P	P	P	106
Recycling Drop Off Bin	P	P	P	P	P	P	104
Utility, Minor	B		B	B	B	B	134
Water or Treatment Plant	B		B	B	B	B	139
Industrial Uses							
Film Production Studio						A	54
Laboratory, Industrial Research						A	76
Machine or Welding Shop						A	80
Manufacturing and Processing						A	81
Medical or Dental Laboratory						A	84
Transportation Facility						A	133
Note: Further restrictions may depend on building type and floor location							
[Ord. 2010-000]							
Key:							
P Permitted by Right							
S Permitted in the subzone if approved by Special Permit							
B Permitted in the subzone if approved by the Zoning Commission							
A Permitted in the subzone if approved by the Board of County Commissioners							

4. Permitted Stories

a. Purpose and Intent

The purpose and intent of this portion is to identify the permitted building height (in stories) allowed in this Section. The County has established a Green Building Incentive Program to encourage the construction of more environmentally-friendly buildings consistent with the URA Master Plan, pursuant to Article 3.B.16.G.4 of this Section. The Green Building Incentive Program provides for additional “bonus height” in the Priority Redevelopment Areas. Table 3.B.16.C-2, Permitted Stories Table describes by Building Type and Transect Zone, the maximum building height by right, the additional bonus height by achieving a LEED™ Silver level, an additional bonus if the LEED™ Silver level has already been achieved and then achieves a LEED™ Gold/Platinum level (or other standard as approved by the County), and the maximum permitted height by the County.

Table 3.B.16.C-2– Permitted Stories Table

Building Type	Transect Zone	By Right	LEED™ Silver	LEED™ Gold	Maximum Permitted
Mixed Use, Type I	All UI	2			2
	All UC	2			2
Mixed Use, Type II	All UI	3	1		4
	All UC	4			4
Mixed Use Type III	UC 1	4	2		6
	UC 2	4	1		5
	UC 3	4			4
Rowhouse, Type A	All UI	3	1		4
	UC	3	1		4
Rowhouse, Type B	All UI	3	1		4
	UC	3	1		4
Apartment Building	All UI	2	1		3
	All UC	3	1		4
Civic Building	All UI	3	1		4
	UC 1	4	2		6
	UC 2	4	1		5
	UC 3	4			4
Laminated Building	UC 1	3	2	1	6
	UC 2	3	2		5
	UC 3	3	1		4
Block Building	UC 1	4	2	2	8
	UC 2	4	1	1	6
	UC 3	4			4
Note: All building types are to be a minimum of two stories					
[Ord. 2010-000]					

b. Other bonus density programs

TDR, AFH and WFH bonus density programs are not eligible within the PRAs.

5. Block Structure and Street Network Design

a. Purpose and Intent

The purpose and intent of this section is to establish the functional and physical relationships between buildings and their settings; to establish criteria for the location of new streets, regulate the size of blocks, and relate the dimensional criteria of the Frontages to the Building Types. The fundamental components for creating traditional neighborhoods are blocks, streets and alleys. Each neighborhood is composed of a network of streets and blocks. Alleys are provided behind mixed use buildings as accessible locations for vehicular parking and other essential services. Collectively, these components contribute to the formation of a block structure, a traditional grid street network. The most significant feature of a block structure is the distinction between public fronts and private backs. Public fronts address streets and civic open space with frequent doors and windows animating the public realm; building walls facing a street frontage shall have the same treatment as the front facade. Private backs are located along alleys and consist of a building service area that includes such uses as parking and trash disposal. The distinctions between the public face and private back also help to emphasize human-scale design, public spaces, and other features that promote a sense of community. Traffic calming measures such as on-street parking, frequent pedestrian crossings, street trees and other features are intended to slow traffic off of thoroughfares making pedestrian travel within a quadrant of an intersection of two arterial roads as easy as it is for vehicular travel. Assemblages of blocks tie together different places through a connected network of narrow streets and alleys.

b. Applicability

The block structure and street network design requirements shall apply to all parcels located within the PRAs with the appropriate transect-based Future Land Use Designation and Transect Zone.

c. Block Development Standards

To ensure compact, contiguous development, the design and layout of blocks, within the PRAs shall comply with the following standards:

1) **Block Size**

a) **UC Transect**

- (1) A Block shall be measured by the streets which define its edges.
- (2) The maximum allowable perimeter of a block shall be 2500 feet.
- (3) The average perimeter of a block shall measure between 1500 and 1800 feet (W).

b) **UI Transect**

- (1) A block shall be measured by the streets and alleys which define its edges.
- (2) The maximum allowable perimeter of a block shall be 1800 feet.
- (3) The average perimeter of a block shall measure between 1200 and 1500 feet (W).

2) **Block Face**

- a) A block face greater than 400 feet in length shall provide an alley, lobby, or other mid-block pedestrian through-access to another street, alley, parking structure, or other internal block use (W).
- b) Typical block face dimensions range between 300 to 500 feet, and shall not exceed 600 feet.
- c) Alley curb cuts shall provide the primary means of vehicular ingress and egress to a block. A maximum of two alley curb cuts shall be permitted per block face.

3) **Vehicular Access**

- a) Each development shall provide an interconnected network of streets, alleys and other non-vehicular public paths.
- b) Streets shall be designed to encourage pedestrian and bicycle travel by providing short routes to connect residential uses with nearby Commercial, Office, Civic, Civic Open Space and other neighborhood facilities.
- c) Existing streets and established points of ingress/egress shall be incorporated into the design of the block structure whenever possible, in conformance with the standards and requirements set forth in this Section.
- d) Side streets established with a redevelopment proposal, are not required to form an orthogonal grid, and are not required to intersect at 90° angles, subject to approval by the Traffic Division. These streets are intended to provide alternative vehicular routes through a neighborhood, connecting to Secondary Streets and thoroughfares, and should be sized according to the intensity of the Building Types allowed by the Transect Zone.
- e) Traffic calming measures such as on-street parking (where permitted by Frontage Type), raised intersections, raised crosswalks, traffic circles, lateral shifts, and the like, are encouraged and preferable to the use of speed bumps.
- f) All streets shall be dedicated by easement for public use. Maintenance responsibilities shall be the obligation of the owner. Closing, obstructing or otherwise limiting access to a street or alley shall be prohibited.
- g) Parking shall be accessed from alleys, parking structures internal to blocks, or may be provided in the form of on-street parking located on Required, Secondary or Side Street Frontages.
- h) Cul-de-sacs and other dead-end streets are not permitted except where physical constraints provide no practicable alternative for through vehicular connection. Canals may or may not present a physical constraint, and will be evaluated at the time of site plan approval by the DRO.
- i) A continuous network of alleys shall serve as the primary means of vehicular ingress/egress to individual parcels. Alleys shall provide rear access to all buildings except for Block and Laminated Building Types:
 - (1) Alley construction is required as part of the redevelopment project within the rear setback unless an alley already exists.
 - (2) Alleys may temporarily terminate in a dead-end, if they allow for future cross-access and connection to adjacent parcels.
 - (3) Alleys shall be kept clear of debris, stored materials, and vehicles.
 - (4) Garage doors shall face alleys or driveways.
 - (5) Alley entrances should align to provide ease of ingress/egress for service vehicles. However, internal variations/deflections in an alley network are encouraged to prevent excessive or monotonous views of the rear of buildings resulting from long stretches of alleys.

4) Pedestrian Access

Relatively large blocks exist due to the land development practices originally exercised during the platting of the PRAs. This pedestrian access standard exists to ensure that all dwelling units and residential lobbies within a block have access to and are connected with the public realm and life of their neighborhood. To that end, the public realm shall extend into the block in the form of new streets (and their corresponding Frontages), Civic Open Spaces, and or interconnected forecourts and courtyards that provide direct access to a Frontage. In no instance shall a vehicular driveway **way** be the sole means of access to a dwelling unit.

5) Civic Open Spaces & Civic Buildings

If **Civic Open Space** is provided/required, **it** shall be included in visually prominent centralized locations in the neighborhood, recognizable and accessible to the public.

6) Mix of Buildings

- a) Developments on parcels or parcel assemblages of less than one acre may be comprised of one building.
- b) Developments of parcels or parcel assemblages greater than one acre shall be composed of at least three or more buildings unless utilizing the Rowhouse, Apartment, Civic or Block building types (**W**). These may be the same Building Type, as allowed by Transect Zone.

7) Massing and Articulation of Blocks and Buildings

Buildings shall be designed as if they had been built in a traditional manner based on a traditional lot pattern. That is they should appear to have been built upon parcels of narrow width, and of greater depth. Each building shall have a clear and harmonious pattern of vertically oriented front facade openings including entries, windows, and bays and columns or other exposed vertical supports. Vertical articulations can be produced by variations in roof lines, window groupings, façade elements such as piers or pilasters, bay windows, and subtle changes in materials and vertical planes that create shadow lines and textural differences. Vertical elements break up long, monolithic building façades along the street.

8) Parking Structures

Parking structures may be allowed within a Block Structure provided they are located **in** the interior of a Block and are completely screened by buildings with habitable uses on all stories. Parking structures are allowed to face an alley without meeting the requirement for habitable screening on the alley façade.

6. Urban Standards by Transect Zone

This portion of the Urban Standards depicts and describes the Transect Zones, allowable uses, and Building Types for those locations indicated in Figure 3.B.16.C - Transect Zones Map.

The Urban Infill (UI) Transect Zones apply to parcels already featuring commercial designations in the PRAs adjacent to existing residential uses and are therefore intended to be transitional by nature. Parcels within both Transect Zones shall redevelop primarily with residential uses while allowing nonresidential uses to be generally located on the ground story and in some cases on second stories. The Urban Center (UC) Transect Zones apply to those areas in the PRAs with the greatest mixed use redevelopment opportunities, based upon physical location and land area. The UC Transect Zones are envisioned as urban, mixed use neighborhoods located at prominent intersections. Urban Center I is considered the most intense and facilitates concentrated nodes of **General** Commercial, Office, Civic, and residential redevelopment in an authentic mixed use pattern. Urban Center II and Urban Center III are intended to step down the scale of development to protect existing healthy neighborhoods.

a. Purpose and Intent of the Urban Infill Transect

The Urban Infill Transects are designated at locations along thoroughfares that possess insufficient depth relative to adjacent residential neighborhoods or have other constraints which render them unable to fully redevelop as authentic mixed use neighborhood blocks. The UI transect is a transitional Transect Zone in the PRAs, serving as the edge of existing residential subdivisions on an existing commercial corridor. The UI Transect is intended to provide a liner which serves as a transition and a physical buffer between the thoroughfare and the existing residential neighborhood. The UI transect establishes "half-block" structures through the use of primarily two-to-four story attached residential and mixed use buildings providing mainly neighborhood oriented **General** Commercial and Office uses, with some potential for Civic buildings. In orienting the long side of the building, or a nearly continuous row of buildings towards the thoroughfare, the UI Transect contribute to a continuous front facade within walking distance of surrounding primarily residential areas. It is this mixing of uses and functions adjacent

to existing intact neighborhoods that leads to a sustainable neighborhood and development pattern and allows its residents the potential to go about their daily lives with a decreased need for personal automobile uses.

The intent of the "half-block" form is to allow for parallel alternate vehicular connectivity through an alley system. The alley is located to the rear of the liner building, which pushes the building towards the thoroughfare. In addition to lessening trips on the thoroughfare, the alley provides a physical separation between the existing residential neighborhoods and the potentially redeveloped UI Transect liner buildings. Civic Open Space may be provided in the UI Transect.

b. Purpose and Intent of the Urban Center Transect

The Urban Center Transects are designated at prominent intersections and possess sufficient depth for the intensity of the wide mix of uses anticipated. The UC transect is the most intensely occupied Transect Zone in the PRAs, with mostly attached buildings that create a continuous front facade within walking distance of surrounding primarily residential areas. Civic Buildings and Civic Open Space are essential, critical components of the UC Transect. It is this intense mixing of uses and functions when properly executed leads to a sustainable neighborhood and allows its residents to go about their daily lives with a decreased need for personal automobile uses.

The UC transects are designated as such at locations of sufficient depth along intersections of at least two streets (designated as thoroughfares), with the intent of establishing new interconnected vehicular and pedestrian routes. These routes become a network of streets and the basis of the redeveloped UC neighborhood. This new street network leads to the creation of a block structure for the neighborhood.

The intent is to generate blocks composed of multi-story mixed use buildings whose massing and articulation results in a traditional development pattern, and to prevent large monolithic buildings that deter pedestrian presence and use. Projects shall be composed of multiple buildings and/or shall be designed to have the appearance of multiple buildings. A variation in building heights and a mix of Building Types and dwelling sizes/types within the UC Transect is required.

c. Urban Infill I (UI.1)

1) Building Disposition

A building facade shall be placed at or within the build-to zone unless specified otherwise by a permitted building type.

- a) Required Frontage build-to zone: 55 to 60 feet from R-O-W.
- b) Primary Frontage build-to zone: 20 to 25 feet from R-O-W.
- c) Secondary Frontage build-to zone: 15 to 20 feet from R-O-W.
- d) Side Street Frontage build-to zone: 12 to 15 feet from R-O-W.
- e) Side lot build-to zone: Minimum 0-6 feet from side lot line.
- f) Rear build-to zone: Minimum 15 feet from centerline of service alley.

2) Vehicular Access and Parking

- a) All new development shall have their parking and service areas accessed from a rear alley.
- b) Parking and service areas shall be located behind the building facade, no less than 20 feet behind the building facade of a Required or Primary Frontage build-to zone, and located behind the build-to zone of a Secondary or Side street frontage.
- c) Minimum parking requirements:
 - (1) Two (2) spaces per 1,000 square feet of non-residential
 - (2) 1.5 spaces per residential unit
 - (3) On-street parking on a frontage adjacent to or corresponding to the building may be counted toward the parking requirement.
- d) Parking may be provided in surface lots, attached/detached garages or outbuildings, or a parking structure.

3. Building Types

The Building types located within the UI.1 Transect Zone are limited to the following:

Table 3.B.16.C-3 – Permitted Building Types in UI.1

Building Type	Permitted	Maximum Stories
Mixed Use, Type I	P	2
Mixed Use, Type II	P	4
Rowhouse, Type A	P	4
Rowhouse, Type B	P	4
Apartment Building	P	3
Civic Building	P	4
[ORD. 2010-000]		

d. Urban Infill II (UI.2)

1) Building Disposition

A building facade shall be placed at or within the build-to zone, unless specified otherwise by a permitted Building Type.

- a) Required Frontage build-to zone: 55 to 60 feet from R-O-W
- b) Primary Frontage build-to zone: 20 to 25 feet from R-O-W
- c) Secondary Frontage build-to zone: 15 to 20 feet from R-O-W
- d) Side Street Frontage build-to zone: 12 to 15 feet from R-O-W
- e) Side lot build-to zone: Minimum 0-6 feet from side lot line
- f) Rear build-to zone: Minimum 15 feet from centerline of service alley

2. Vehicular Access and Parking

- a) All new development shall have their parking and service areas accessed from a rear alley.
- b) Parking and service areas shall be located behind the building facade, no less than 20 feet behind the building facade of a Required or Primary Frontage build-to zone, and located behind the build-to zone of a Secondary or Side street frontage.
- c) Minimum parking requirements
 - (1) Two (2) spaces per 1,000 square feet of non-residential
 - (2) 1.5 spaces per residential unit
 - (3) On-street parking on a frontage adjacent to or corresponding to the building may be counted toward the parking requirement.
- d) Parking may be provided in surface lots, attached/detached garages or outbuildings, or a parking structure.

3. Building Types

The Building types located within the UI.2 Transect Zone are limited to the following:

Table 3.B.16.C-4 – Permitted Building Types in UI.2

Building Type	Permitted	Maximum Stories
Mixed Use, Type I	P	2
Mixed Use, Type II	P	4
Rowhouse, Type A	P	4
Rowhouse, Type B	P	4
Apartment Building	P	3
Civic Building	P	4
[ORD. 2010-000]		

e. Urban Center I (UC.1)

1. Building Disposition

A building facade shall be placed at or within the build-to zone, unless specified otherwise by a permitted Building Type.

- a) Required Frontage build-to zone: 55 to 60 feet from R-O-W
- b) Primary Frontage build-to zone: 20 to 25 feet from R-O-W
- c) Secondary Frontage build-to zone: 15 to 20 feet from R-O-W
- d) Side Street Frontage build-to zone: 12 to 15 feet from R-O-W
- e) Side lot build-to zone: Minimum 0-6 feet from side lot line
- f) Rear build-to zone: Minimum 15 feet from centerline of service alley

2. Vehicular Access and Parking

- a) All new development shall have their parking and service areas accessed from a rear alley.
- b) Parking and service areas shall be located behind the building facade, no less than 20 feet behind the building facade of a Required or Primary Frontage build-to zone, and located behind the build-to zone of a Secondary or Side street frontage.
- c) Minimum parking requirements
 - (1) Two (2) spaces per 1,000 square feet of non-residential
 - (2) 1.5 spaces per residential unit
 - (3) On-street parking on a frontage adjacent to or corresponding to the building may be counted toward the parking requirement
- d) Parking may be provided in surface lots, attached/detached garages or outbuildings, or a parking structure.

3. Building Types

- a) The Building types located within the UC.1 Transect Zone are limited to the following:

Table 3.B.16.C-5 – Permitted Building Types in UC.1

Building Type	Permitted	Maximum Stories
Mixed Use, Type I	II	2
Mixed Use, Type II	II	4
Mixed Use, Type III	P	6
Civic Building	P	6
Laminated Building	P	6
Block Building	P	8
[ORD. 2010-000]		

- b) Civic Buildings shall constitute a minimum of two percent of the gross area of the entire UC Transect.
- c) Mixed Use, Type I or II buildings may be permitted in the UC.1, subject to approval (III).

f. Urban Center II (UC.2)

1. Building Disposition

A building facade shall be placed at or within the build-to zone, unless specified otherwise by a permitted Building Type.

- a) Required Frontage build-to zone: 55 to 60 feet from R-O-W
- b) Primary Frontage build-to zone: 20 to 25 feet from R-O-W
- c) Secondary Frontage build-to zone: 15 to 20 feet from R-O-W
- d) Side Street Frontage build-to zone: 12 to 15 feet from R-O-W
- e) Side lot build-to zone: Minimum 0-6 feet from side lot line
- f) Rear build-to zone: Minimum 15 feet from centerline of service alley

2. Vehicular Access and Parking

- a) All new development shall have their parking and service areas accessed from a rear alley.
- b) Parking and service areas shall be located behind the building facade, no less than 20 feet behind the building facade of a Required or Primary Frontage build-to zone, and located behind the build-to zone of a Secondary or Side street frontage.
- c) Minimum parking requirements
 - (1) Two (2) spaces per 1,000 square feet of non-residential
 - (2) 1.5 spaces per residential unit
 - (3) On-street parking on a frontage adjacent to or corresponding to the building may be counted toward the parking requirement
- d) Parking may be provided in surface lots, attached/detached garages or outbuildings, or a parking structure.

3. Building Types

- a) The Building types located within the UC.2 Transect Zone are limited to the following:

Table 3.B.16.C-6 – Permitted Building Types in UC.2

Building Type	Permitted	Maximum Stories
Mixed Use, Type I	P	2
Mixed Use, Type II	P	4
Mixed Use, Type III	P	5
Rowhouse, Type A	P	4
Rowhouse, Type B	P	4
Apartment Building	P	4
Civic Building	P	5
Laminated Building	P	5
Block Building	P	8
[ORD. 2010-000]		

- b) Civic Buildings shall constitute a minimum of two percent of the gross area of the entire UC Transect.

g. Urban Center III (UC.3)

1. Building Disposition

A building facade shall be placed at or within the build-to zone, unless specified otherwise by a permitted Building Type.

- a) Required Frontage build-to zone: 55 to 60 feet from R-O-W
- b) Primary Frontage build-to zone: 20 to 25 feet from R-O-W
- c) Secondary Frontage build-to zone: 15 to 20 feet from R-O-W
- d) Side Street Frontage build-to zone: 12 to 15 feet from R-O-W
- e) Side lot build-to zone: Minimum 0-6 feet from side lot line
- f) Rear build-to zone: Minimum 15 feet from centerline of service alley

2. Vehicular Access and Parking

- a) All new development shall have their parking and service areas accessed from a rear alley.
- b) Parking and service areas shall be located behind the building facade, no less than 20 feet behind the building facade of a Required or Primary Frontage build-to zone, and located behind the build-to zone of a Secondary or Side street frontage.
- c) Minimum parking requirements
 - (1) Two (2) spaces per 1,000 square feet of non-residential
 - (2) 1.5 spaces per residential unit
 - (3) On-street parking on a frontage adjacent to or corresponding to the building may be counted toward the parking requirement.
- d) Parking may be provided in surface lots, attached/detached garages or outbuildings, or a parking structure.

3. Building Types

- a) The Building types located within the UC.3 Transect Zone are limited to the following:

Table 3.B.16.C-7 – Permitted Building Types in UC.3

Building Type	Permitted	Maximum Stories
Mixed Use, Type I	P	2
Mixed Use, Type II	P	4
Mixed Use, Type III	P	4
Rowhouse, Type A	P	4
Rowhouse, Type B	P	4
Apartment Building	P	4
Civic Building	P	4
Laminated Building	P	4
Block Building	P	4
[ORD. 2010-000]		

- b) Civic Buildings shall constitute a minimum of two percent of the gross area of the entire UC Transect.

h. Specialized Districts

1. Purpose and Intent

The purpose **and intent** of the Specialized District is to establish regulations to address uses, structures and lots that were lawfully established before this Section was adopted or amended, that now do not conform to the terms and requirements of this Section. The intent is to regulate and limit the continued existence of uses, structures and lots that do not conform to the provisions of this Section, and where possible bring them into conformance with this Section.

Alternatively, the Specialized District designation may be warranted for those uses that cannot conform to the requirements of the Transect Zone, its accompanying building types, and mixed use requirements. The purpose of any new special districts (not based on approvals prior to the establishment of the Transect Zones) is to influence their design so they are safe, pedestrian-oriented, and accommodate uses that are determined necessary for the function of a sustainable neighborhood. The intent of new Specialized Districts are to regulate and limit uses, that cannot conform to the mixed use requirements of this Section and where possible bring them into conformance with this Section.

2. General Standards

- a) Specialized Districts shall design their edges to be of similar building mass and disposition to the adjacent Transect Zones.
- b) The density and intensity of a Specialized District shall be restricted to the general height limitations of the Transect Zone as previously described in Table 3.B.16.C – Permitted Stories Table. For example, a Specialized District located in an Ul.1 Transect Zone could only petition to build a maximum three story building (or fourth story if utilizing the Green Building Incentive Program).
- c) All buildings shall front a street or civic open space, and should not feature principal entrances accessible from parking lots.
- d) Specialized Districts shall be developed as an integrated network of streets, and be pedestrian friendly in accordance with the standards in Article 3.B.16.C.5. Where the creation of an entire block, or “half-block” is not possible due to location, parcel size, or other physical constraints, the Specialized District shall contribute to a block structure to the greatest extent feasible, as determined by the DRO and subject to approval by the BCC.
- e) Specialized District adjacent to streets depicted on the Frontage Classification Map shall feature their corresponding frontages as indicated, and utilize these standards for determining building disposition. All streets not depicted on the Frontage Classifications Map shall at a minimum be designated as side streets or alleys, and utilize the corresponding frontages and parking standards. All Secondary and Side Streets shall feature on-street parking, sidewalks, illumination, and street trees, as required by the Streetscape Standards.
- f) Parking for Specialized Districts shall be screened from civic open space and, unless provided as on-street parking, located behind a building façade. Alternatively, parking may be provided in an off-site location. At a minimum, the minimum parking standards shall be provided, unless waived by the Traffic Division.
- g) The provisions of Article 3.B.16.F Architectural Standards, and Article 3.B.16.G, Other Standards shall still apply.

h) Proposals wishing to utilize the Specialized District provisions shall apply for a Class A Conditional Use Approval.

3. Specialized District Uses

- a) Uses allowed within a Specialized District are depicted in Table 3.B.16.C-1 – Allowable Uses by Sub-Zones.
- b) If a parcel receives a Specialized District designation from the BCC, any use labeled “P” in Table 3.B.16.C-1 is permitted by right. If the owner desires to add a use that is labeled “A” or “B”, the applicant must go through the public hearing process to receive a conditional use approval.

Comment [s9]: Response to Jeff Brophy comment during IR Subcommittee Meeting

D. Building Types

1. Mixed Use, Type I

a. Description

Mixed Use, Type I is a live-work unit that provides flexible storefront space at street level, with residential units or office above. The ground story should be designed to accommodate a variety of uses.

b. Frontage

- 1) The distance from the curb to the build-to zone depends on the street frontage.
- 2) When located at an intersection, the building corner must be within the build-to zone.

c. Access

- 1) The principal entrance to non-residential uses shall be from the street frontage.
- 2) Buildings located at an intersection shall locate the principal entrance at the corner within the build-to zone.
- 3) The front facade shall have a minimum of one accessible storefront entrance for every 75 feet of continuous street frontage [\(W\)](#).
- 4) All residential access shall be internalized within the building [\(W\)](#).
- 5) Passages through the building shall be a minimum of 8 feet in width [\(W\)](#).

d. Parking and Services

- 1) Parking and service activities shall be accessed through the alley.
- 2) The building may have indirect access to parking areas.
- 3) Waste and recycling containers shall be internalized in the building or entirely screened from view.
- 4) Service areas and trash disposal facilities shall not face Civic Open Space or a street frontage.
- 5) Minimum 2 spaces per 1,000 square feet of nonresidential.
- 6) Minimum 1.5 spaces per residential unit.

e. Landscaping

All areas on the property shall be paved or treated with an approved groundcover [in accordance with Article 3.B.16.E. Urban Landscaping and Pedestrian Standards.](#)

f. Appurtenances

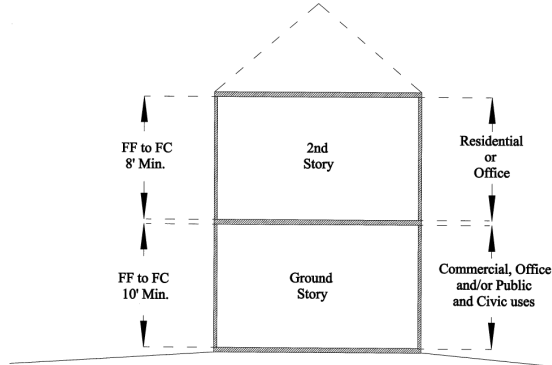
- 1) The building shall include one of the following on each front facade:
 - a) Awning
 - b) Arcade/[Arcaded Sidewalk](#)
 - c) Gallery
- 2) The building may include any of the following:
 - a) Bay/Oriel
 - b) Forecourt
 - c) Balcony

g. Building Height

- 1) The finished floor elevation of the ground story shall be 0-18 inches above the adjacent sidewalk elevation or the street crown, which ever is higher.
- 2) Building height is measured in stories, and shall be two stories; the maximum height of an exterior wall shall be 35 feet.

- 3) The minimum height of each story is depicted in the figure below:

Figure 3.B.16.D-1 – Mixed Use, Type I



[ORD. 2010-000]

- 4) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-1 – Permitted Stories for Mixed Use, Type I

Transect Zone	Maximum By Right	Maximum Permitted
All UI	2	2
All UC	2	2

[ORD. 2010-000]

h. Permitted Uses

- 1) The ground story shall provide flexible commercial, office and/or public and civic uses.
- 2) The second story may consist of residential units and/or office uses.
- 3) The following uses are also permitted in the second story:
 - a) Bed and Breakfast
 - b) Broadcast Studio
 - c) Financial Institution
 - d) Government Services
 - e) Hotel, Motel, SRO, Rooming and Boarding
 - f) Medical or Dental Office
 - g) Office, Business or Professional
 - h) Personal Services
 - i) Vocational School
- 4) The permitted uses allowed within the Mixed Use, Type I are determined by transect zone.

i. Signage

- 1) The building may include the following on each front facade:
 - a) 1 Building Identification **Wall** Sign for each front facade.
 - b) 1 Plaque Sign for each front façade.
- 2) Storefronts may include the following:
 - a) Each principal entrance may have 1 Wall Sign or Awning Sign.
 - b) 1 **Blade Projecting** Sign for each principal entrance.
 - c) Window Signage must be relative for each storefront window.
- 3) Second story office
 - a) Window Signage shall be limited by tenant fenestration.

2. Mixed Use, Type II

a. Description

Mixed Use, Type II is built to the sidewalk, with **general** commercial space at the ground story, with office and/or residential uses on the second story, and exclusively residential uses on the remaining stories.

b. Frontage

- 1) The distance from the R-O-W to the build-to zone depends on the building disposition requirements, as determined by street frontage.
- 2) When located at an intersection, the building corner must be within the build-to zone.

c. Access

- 1) The principal entrance to non-residential uses shall be from the street frontage.
- 2) Buildings located at an intersection shall locate the principal entrance at the corner within the build-to zone.
- 3) The front facade shall have a minimum of one accessible storefront entrance for every 75 feet of continuous street frontage **(W)**.
- 4) All **multi-family** residential access shall be internalized.
- 5) Passages through the building shall be a minimum of 8 feet in width **(W)**.

d. Parking and Services

- 1) Parking and service activities shall be accessed through the alley.
- 2) The building may have indirect access to parking areas.
- 3) Waste and recycling containers shall be internalized in the building or entirely screened from view.
- 4) Service areas and trash disposal facilities shall not face Civic Open Space or a street frontage.
- 5) Minimum 2 spaces per 1,000 square feet of non-residential.
- 6) Minimum 1.5 spaces per residential unit.

e. Landscaping

All areas on the property shall be paved or treated with an approved groundcover **in accordance with Article 3.B.16.E, Urban Landscaping and Pedestrian Standards.**

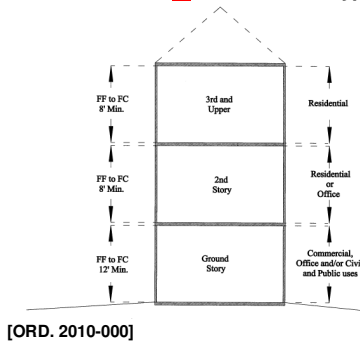
f. Appurtenances

- 1) The building shall include one of the following on each front facade:
 - (a) Awning
 - (b) Arcade/**Arcaded Sidewalk**
 - (c) Gallery
- 2) The building may include any of the following:
 - (a) Bay/Oriel
 - (b) Forecourt
 - (c) Balcony

g. Building Height

- 1) Building height is measured in stories, and shall be between 2 and 4 stories; the maximum height of an exterior wall shall be **35' for two stories, 45' for three stories, and 55' for four stories.**
- 2) The finished floor elevation of the ground story shall be 0-18 inches above the adjacent sidewalk elevation or the street crown, whichever is higher.
- 3) Minimum story heights are depicted in the figure below:

Table 3.B.16.D-2 – Mixed Use, Type II



- 4) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-2 - Permitted Stories for Mixed Use, Type II

Transect Zone	Maximum By Right	LEED Silver Bonus	Maximum Permitted
All UI	3	1	4
All UC	4		4

[ORD. 2010-000]

h. Permitted Uses

- 1) The ground story shall provide flexible **general** commercial uses.
- 2) The second story shall house office and/or residential units.
- 3) The following uses are also permitted in the second story:
 - a) Bed and Breakfast
 - b) Broadcast Studio
 - c) Financial Institution
 - d) Government Services
 - e) Hotel, Motel, SRO, Rooming and Boarding
 - f) Medical or Dental Office
 - g) Office, Business or Professional
 - h) Personal Services
 - i) Vocational School
- 4) The upper stories, third and above, shall exclusively consist of residential units.
- 5) The permitted uses allowed within the Mixed Use, Type II are determined by transect zone.

i. Signage

- 1) The building may include the following on each front facade:
 - a) 1 Building Identification **Wall** Sign for each front facade.
 - b) 1 Plaque Sign for each front facade.
- 2) Storefronts may include the following:
 - a) Each principal entrance may have 1 Wall Sign or Awning Sign.
 - b) 1 **Blade Projecting** Sign for each principal entrance.
 - c) Window Signage must be relative for each storefront window.
- 3) Upper story office
 - a) Window Signage shall be limited by tenant fenestration.

3. Mixed Use, Type III

a. Description

Mixed Use, Type III is built to the sidewalk, with storefront space at the ground story, with office and/or residential uses on the second story, and exclusively residential uses on the remaining stories.

b. Frontage

- 1) The distance from the R-O-W to the build-to zone depends on the building disposition requirements as determined by street frontage.
- 2) When located at an intersection, the building corner must be within the build-to zone.

c. Access

- 1) The principal entrance to non-residential uses shall be from the street frontage.
- 2) Buildings located at an intersection shall locate the principal entrance at the corner within the build-to zone.
- 3) The front façade shall have a minimum of one accessible store front entrance for every 75 feet of continuous street frontage (**W**).
- 4) All **multi-family** residential access shall be internalized.
- 5) Passages through the building shall be a minimum of 8 feet in width (**W**).

d. Parking and Services

- 1) Parking and service activities shall be accessed through the alley.
- 2) The building may have indirect access to parking areas.
- 3) Waste and recycling containers shall be internalized in the building or entirely screened from view.
- 4) Service areas and trash disposal facilities shall not face Civic Open Space or a street frontage.
- 5) Minimum 2 spaces per 1,000 square feet of nonresidential.
- 6) Minimum 1.5 spaces per residential unit.

e. Landscaping

All areas on the property shall be paved or treated with an approved groundcover in accordance with Article 3.B.16.E. Urban Landscaping and Pedestrian Standards.

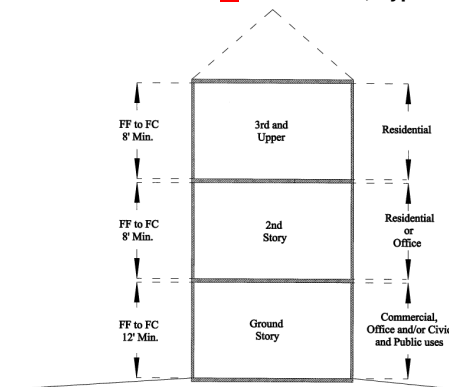
f. Appurtenances

- 1) The building shall include one of the following on each front façade:
 - a) Awning
 - b) Arcade/Arcaded Sidewalk
 - c) Gallery
- 2) The building may include any of the following:
 - a) Bay/Oriel
 - b) Forecourt
 - c) Balcony

g. Building Height

- 1) Building height is measured in stories, and shall be between 2 and 6 stories; the maximum height of an exterior wall shall be 35' for two stories, 45' for three stories, 55' for four stories, 65' for five stories and 75' for six stories.
- 2) The finished floor elevation of the ground story shall be 0-18 inches above the adjacent sidewalk elevation or the street crown, whichever is higher.
- 3) Minimum story heights are depicted in the figure below:

Table 3.B.16.D-3 – Mixed Use, Type III



[ORD. 2010-000]

- 4) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-3 – Permitted Stories for Mixed Use, Type III

Transect Zone	Maximum By Right	LEED Silver Bonus	Maximum Permitted
UC 1	4	2	6
UC 2	4	1	5
UC 3	4		4

[ORD. 2010-000]

h. Permitted Uses

- 1) The ground story shall provide flexible general commercial uses.
- 2) The second story shall house office and/or residential units.
- 3) The following uses are also permitted in the second story:
 - a) Bed and Breakfast
 - b) Broadcast Studio
 - c) Financial Institution
 - d) Government Services
 - e) Hotel, Motel, SRO, Rooming and Boarding
 - f) Medical or Dental Office
 - g) Office, Business or Professional

- h) Personal Services
- i) Vocational School
- 4) The upper stories, third and above, shall exclusively consist of residential units.
- 5) The permitted uses allowed within the Mixed Use, Type III are determined by Transect Zone.

i. Signage

- 1) The building may include the following on each front façade:
 - a) Building Identification **Wall** Sign for each front façade.
 - b) Plaque Sign for each front façade.
- 2) Storefronts may include the following:
 - a) Each principle entrance may have one Wall Sign or Awning sign.
 - b) **One Blade Projecting** sign for each principal entrance.
 - c) Window signage must be relative for each store front window.
- 3) Upper story office:
 - a) Window Signage shall be limited by tenant fenestration.

4. Rowhouse, Type A

a. Description

A Rowhouse, Type A is a dwelling unit attached to abutting dwelling units at partition walls and occupies the full street frontage, found within the UC and UI transect zones.

b. Frontage

- 1) The distance from the R-O-W to the build-to zone depends on the building disposition requirements, as determined by street frontage.
- 2) Rowhouse shall not be located at **an** intersection **properties** unless both street frontages are properly addressed.
- 3) Rowhouse shall not front a required frontage.
- 4) Rowhouse is permitted an additional five foot setback from the established build-to zone.
- 5) A Rowhouse that is adjacent to a Civic Open Space, retention area or canal shall utilize the side street build-to zone measurements.

c. Access

- 1) The principal entrance to each dwelling shall be accessed directly from the street frontage.

d. Parking and Services

- 1) Parking is located to the rear in a parking lot or parking structure/garage.
- 2) Trash collection and other services shall be accessed through the alley.
- 3) Minimum 1.5 spaces per residential unit.

e. Landscaping

- 1) A fence, up to 40 inches in height, is permitted along the street frontage.
- 2) Drought tolerant plants and xeriscape techniques shall be the only utilized landscape practice.
- 3) All areas on the property shall be paved or treated with an approved groundcover in accordance with Article 3.B.16.3E, Urban Landscaping and Pedestrian Standards.

f. Appurtenances

- 1) The principal entrance shall include one of the following:
 - a) Stoop
 - b) Dooryard
 - c) Porch
- 2) The building may include any of the following:
 - a) Bay/Oriel
 - b) Balcony

g. Building Height

- 1) Maximum building height shall be 45'.
- 2) The finished floor elevation of the ground story shall be a minimum of 18 inches above the adjacent sidewalk elevation or the street crown, whichever is higher.
- 3) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-4 – Permitted Stories for Rowhouse, Type A

Transect Zone	Maximum By Right	LEED Silver Bonus	Maximum Permitted
UI	3	1	4
UC	3	1	4
[ORD. 2010-000]			

h. Permitted Uses

Home occupations are allowed within the Rowhouse, Type A.

i. Signage

One **Blade Projecting** Sign per Rowhouse when a home occupation use is located within.

5. Rowhouse, Type B

a. Description

A Rowhouse, Type B is a dwelling unit attached to abutting dwelling units at partition walls and occupies the full street frontage, found within the UC and UI Transects Zones.

b. Frontage

- 1) The distance from the R-O-W to the build-to zone depends on the building disposition requirements, as determined by street frontage.
- 2) Rowhouse shall not be located at **an** intersection **properties** unless both street frontages are properly addressed.
- 3) Rowhouse shall not front a required frontage.
- 4) Rowhouse is permitted an additional five foot setback from the established build-to zone.
- 5) A Rowhouse that is adjacent to a Civic Open Space, retention area or canal shall utilize the side street build-to zone measurements.

c. Access

- 1) The principal entrance to each dwelling shall be accessed directly from the street frontage.

d. Parking and Services

- 1) Parking, trash collection and other services are located to the rear and shall be accessed through the alley.
- 2) Each single-family dwelling may have one accessory building/outbuilding.
- 3) Minimum 1.5 spaces per residential unit.

e. Landscaping

- 1) A fence, up to 40 inches in height, is permitted along the street frontage.
- 2) Drought tolerant plants and xeriscape techniques shall be the only utilized landscape practice.
- 3) All areas on the property shall be paved or treated with an approved groundcover in accordance with Article 3.B.16.3E, Urban Landscaping and Pedestrian Standards.

f. Appurtenances

- 1) The principal entrance shall include one of the following:
 - a) Stoop
 - b) Dooryard
 - c) Porch
- 2) The building may include any of the following:
 - a) Bay/Oriel
 - b) Balcony

g. Building Height

- 1) Maximum building height shall be 45'.
- 2) The finished floor elevation of the ground story shall be a minimum of 18 inches above the adjacent sidewalk elevation or the street crown, whichever is higher.
- 3) Accessory Building/Outbuilding are limited to two stories and an overall height of 25'.
- 4) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-5 – Permitted Stories for Rowhouse, Type B

Transect Zone	Maximum By Right	LEED Silver Bonus	Maximum Permitted
UI	3	1	4
UC	3	1	4

DRD. 2010-000]

h. Permitted Uses

Home occupations are allowed within the Rowhouse, Type B.

i. Signage

One **Blade Projecting** Sign per Rowhouse when a home occupation use is located within.

6. Apartment Building

a. Description

An Apartment Building is intended for residential uses, built to the sidewalk that accommodates residential uses on all floors with some potential for **general** commercial and office uses. The principal residential entrance is typically recessed from the sidewalk via a courtyard, forecourt, or

other similar means, with dwelling units being accessed from this quasi-public/private space. When facing a public open space such as a park or green, or when located along Primary frontages, ~~general~~ commercial or office storefronts may be permitted on the first story. Parking is provided to the rear of the building.

b. Frontage

- 1) The distance from the R-O-W to the build-to zone depends on the building disposition requirements, as determined by street frontage.
- 2) Apartment Buildings shall not be located at intersection properties unless both street frontages are properly addressed.
- 3) Apartment Buildings shall not front a required frontage.

c. Access

1) Storefront

- a) The principal storefront entrance shall be from the street frontage or quasi-public space (ie. courtyard or forecourt).
- b) A storefront shall have a minimum of one entrance for every 75 feet of continuous street frontage (W).

2) Residential

- a) Residential entrances shall be recessed from the sidewalk via a courtyard, forecourt, or other similar means.
- b) At least two sides of each dwelling shall be exposed to outside light and air.

d. Parking and Services

- 1) Parking and service activities shall be accessed through the Secondary Street, Side Street, or Alley.
- 2) Residential units may have indirect access to parking areas.
- 3) Waste and recycling containers shall be internalized in the building or entirely screened from view.
- 4) Loading docks, service areas and trash disposal facilities shall not face Civic Open Space or a street frontage.
- 5) Minimum 2 spaces per 1,000 square feet of non-residential.
- 6) Minimum 1.5 spaces per residential unit.

e. Landscaping

- 1) A fence, up to 40 inches in height, is permitted along the street frontage.
- 2) Drought tolerant plants and xeriscape techniques shall be the only utilized landscape practice.
- 3) All areas on the property shall be paved or treated with an approved groundcover in accordance with Article 3.B.16.3E, Urban Landscaping and Pedestrian Standards.

f. Appurtenances

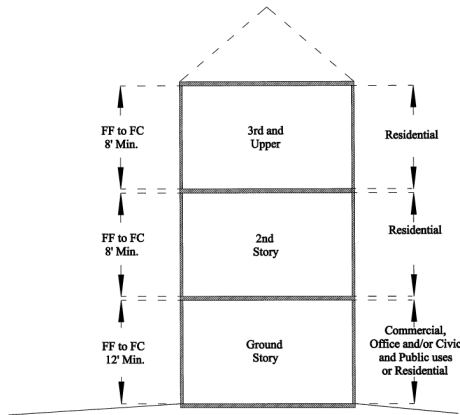
- 1) The building shall include one of the following on each storefront:
 - a) Awning
 - b) Arcade
 - c) Dooryard
 - d) Gallery
- 2) The building may include any of the following:
 - a) Forecourt
 - b) Balcony
 - c) Courtyard
 - d) Dooryard
 - e) Bay/Oriel

g. Building Height

- 1) Maximum building height shall be 35' for two stories, 45' for three stories and 55' for four stories.
- 2) The finished floor elevation of the ground story shall be a minimum of 18 inches above the adjacent sidewalk elevation or the street crown, whichever is higher.

3) Minimum story heights are depicted in the figure below:

Figure 3.B.16.D-6 – Apartment Building



[ORD. 2010-000]

4) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-6 – Permitted Stories for Apartment Building

Transect Zone	Maximum By Right	LEED Silver Bonus	Maximum Permitted
All UI	2	1	3
UC 2	3	1	4
UC 3	3	1	4

[ORD. 2010-000]

h. Permitted Uses

- 1) The ground story may provide some flexible ~~general~~ commercial and office uses with residential units when located along a primary frontage or facing a public open space.
- 2) The second and upper stories shall exclusively consist of residential units.
- 3) The permitted uses allowed within the Apartment Building are determined by Transect Zone.
- 4) The hours of operation for non-residential uses shall be limited to 7 AM to 10 PM.

i. Signage

- 1) The building may include the following on each storefront:
 - a) Building Identification ~~Wall~~ Sign for each front façade.
 - b) Plaque sign for each front façade.
- 2) Storefronts may include the following:
 - a) Each principle entrance may have one Wall Sign or Awning Sign.
 - b) One ~~Blade Projecting~~ sign for each principal entrance.
 - c) Window signage must be relative for each store front window.
- 3) Residential Units:
 - a) One ~~Blade Projecting~~ sign per dwelling when a Home Occupation is located within.

7. Civic Building

a. Description

A Civic Building is an architecturally distinctive building, either built to the sidewalk, or set back to front on a prominent public open space such as a Plaza, Square, or Green that is adjacent to a sidewalk. At least 60% of the square footage of a Civic Building shall be utilized by a government/institutional entity.

b. Location

- 1) Civic uses are encouraged in the UI Transect and shall be designed as part of the UC Transect.

- 2) Civic Buildings shall constitute a minimum of two percent of the gross area of the entire UC Transect.
- 3) Civic Buildings shall be limited by their transect zone.
- 4) Place Civic Buildings in prominent locations that act as landmarks, symbols and focal points for community identity.
- 5) Civic Buildings shall be located:
 - (a) within or adjacent to Civic Open Space (III), or
 - (b) on a property terminating a street vista

c. Landscaping and Open Space

Consult the landscaping provisions for Civic Open Space in Article 3.B.16.E.7.

d. Access

Vehicular and pedestrian access shall be provided directly from a street frontage.

e. Parking and Services

- 1) Minimum 2 spaces per 1,000 square feet of non-residential
- 2) Minimum 1.5 spaces per residential unit

f. Appurtenances

- 1) Civic buildings may include:
 - a) Arcade
 - b) Awning
 - c) Balcony
 - d) Bay/Oriel
 - e) Dooryard
 - f) Gallery
 - g) Forecourt
 - h) Porch
 - i) Stoop

g. Building Height

- 1) Maximum building height shall be 35' for two stories, 45' for three stories, 55' for four stories, 65' for five stories and 75' for six stories.
- 2) The finished floor elevation of the ground story shall be a maximum of 18 inches above the adjacent sidewalk elevation or the street crown, whichever is higher.
- 3) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-7 – Permitted Stories for Civic Building

Transect Zone	Maximum By Right	LEED Silver Bonus	Maximum Permitted
All UI	3	1	4
UC 1	4	2	6
UC 2	4	1	5
UC 3	4		4

[ORD. 2010-000]

h. Permitted Uses

- 1) The following permitted uses are allowed in the Civic Building Type:
 - a) Assembly, Nonprofit Institutional
 - b) Assembly, Nonprofit Membership
 - c) College or University
 - d) Day Camp
 - e) Day Care
 - f) Government Services
 - g) Hospital or Medical Center
 - h) Kennel, Type IV
 - i) Place of Worship
 - j) School, Elementary or Secondary
- 2) A Civic Building may also include:
 - a) Congregate Living Facility
 - b) Catering Services
 - c) Fitness Center
 - d) Lounge, Cocktail (requires a Conditional B Use Approval)
 - e) Nursing Convalescent Facility

- f) Theater, Indoor
- g) Vocational School

i. Signage

Civic buildings with storefronts may utilize signage; consult Article 3.B.16.G.2 for the standards and guidelines.

8. Laminated Building

a. Description

A Laminated Building is built to the sidewalk with individual store fronts at the ground story, but with another larger, generally office/ ~~general~~ commercial use or a parking structure/garage, located immediately behind the smaller store fronts. Residential, employment and/or office uses may be located on the second story and above. At minimum, two or more contiguous sides must laminate the entire height of the building.

b. Frontage

- 1) The distance from the R-O-W to the build-to zone depends on the building disposition requirements, as determined by Transect Zone.
- 2) When located at an intersection, the building corner must be within the build-to zone.

c. Access

- 1) The principle entrance to non-residential uses shall be from the street frontage.
- 2) Buildings located at an intersection shall locate the principle entrance at the corner within the build-to zone.
- 3) The front façade shall have a minimum of one accessible store front entrance for every 75 feet of continuous street frontage (W).
- 4) All multi-family residential access shall be internalized.
- 5) Passages through the building shall be a minimum of 8 feet in width (W).

d. Parking and Services

- 1) Parking and service activities shall be accessed through the Secondary street, Side street or alley.
- 2) Residential units may have indirect access to parking areas.
- 3) Waste and recycling containers shall be internalized in the building or entirely screened from view.
- 4) Loading docks, service areas and trash disposal facilities shall not face Civic Open Space or a street frontage.
- 5) Minimum 2 spaces per 1,000 square feet of non-residential.
- 6) Minimum 1.5 spaces per residential unit.

e. Landscaping

All areas on the property shall be paved or treated with an approved groundcover in accordance with Article 3.B.16.3E, Urban Landscaping and Pedestrian Standards.

f. Appurtenances

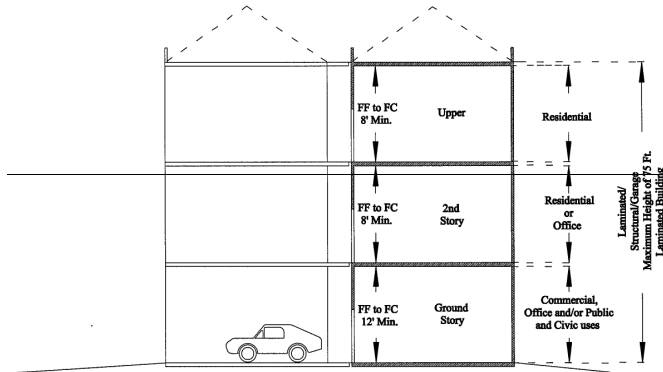
- 1) The building shall include one of the following on each front facade:
 - a) Awning
 - b) Arcade
 - c) Gallery
- 2) The building may include any of the following:
 - a) Bay/Oriel
 - b) Forecourt
 - c) Balcony

g. Building Height

- 1) Maximum building height shall be 35' for two stories, 45' for three stories, 55' for four stories, 65' for five stories and 75' for six stories.
- 2) The finished floor elevation of the ground story shall be 0-18 inches above the adjacent sidewalk elevation or the street crown, whichever is higher.

- 3) Minimum story heights are depicted in the figure below:

Table 3.B.16.D-8 – Laminated Building



Comment [b10]: Changes pending to drawing and permitted uses below. Does not currently allow for "interior" uses as envisioned in Master Plan and Comp Plan.

[ORD.2010-000]

- 4) The interior building or parking garage shall be no taller than the eave height of the adjacent laminated building.
 5) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-8 – Permitted Stories for Laminated Building

Transect Zone	Maximum By Right	LEED Silver Bonus	LEED Gold Bonus	Maximum Permitted
UC 1	3	2	1	6
UC 2	3	2		5
UC 3	3	1		4

[ORD.2010-000]

h. Permitted Uses

- 1) The ground story shall provide flexible **general** commercial uses.
- 2) Residential, office, and/or employment uses may be located on the second and upper stories.
- 3) The following uses are also permitted in the second and upper stories:
 - a) Bed and Breakfast
 - b) Broadcast Studio
 - c) Financial Institution
 - d) Government Services
 - e) Hotel, Motel, SRO, Rooming and Boarding
 - f) Medical or Dental Office
 - g) Office, Business or Professional
 - h) Personal Services
 - i) Vocational School
- 4) Permitted uses for the Laminated Building are determined by Transect Zone.

i. Signage

- 1) The building may include the following on each front façade:
 - a) One Building Identification **wall** Sign for each front façade.
 - b) One Plaque Sign for each front façade.
- 2) Store fronts may include the following:
 - a) Each principle entrance may have one Wall Sign or Awning Sign.
 - b) One **blade Projecting** sign for each principal entrance.
 - c) Window signage must be relative for each store front window.
- 3) Upper story office:
 - a) Window signage shall be limited by tenant fenestration.

9. Block Building

a. Description

A Block Building is predominately single-use building, devoted to office, employment or residential uses. Some general commercial uses are allowable on the ground story.

b. Frontage

- 1) The distance from the R-O-W to the build-to zone depends on the building disposition requirements, as determined by Transect Zone.
- 2) Block Buildings shall be built to the sidewalk on all sides of the building, unless Civic Open Space is incorporated in the block form in which case, only the portion of the building facing the Civic Open Space is exempt from the build-to sidewalk requirement.

c. Access

- 1) The principle entrance to non-residential uses shall be from the street frontage.
- 2) The front façade shall have a minimum of one accessible store front entrance for every 75 feet of continuous street frontage [\(W\)](#).
- 3) All multi-family residential access shall be internalized.
- 4) Block Buildings must reinforce the urban character of the neighborhood and shall therefore continue a connected system of walkable street frontages.
- 5) Passages through the building shall be a minimum of 8 feet in width [\(W\)](#).

d. Parking and Services

- 1) Parking may be internalized within this building type or may be located off-site.
- 2) Residential units may have indirect access to parking areas.
- 3) Waste and recycling containers shall be internalized in the building or entirely screened from view.
- 4) Loading docks, service areas and trash disposal facilities shall not face Civic Open Space.
- 5) Minimum 2 spaces per 1,000 square feet of non-residential.
- 6) Minimum 1.5 spaces per residential unit.

e. Landscaping

All areas on the property shall be paved or treated with an approved groundcover [in accordance with Article 3.B.16.3E, Urban Landscaping and Pedestrian Standards.](#)

f. Appurtenances

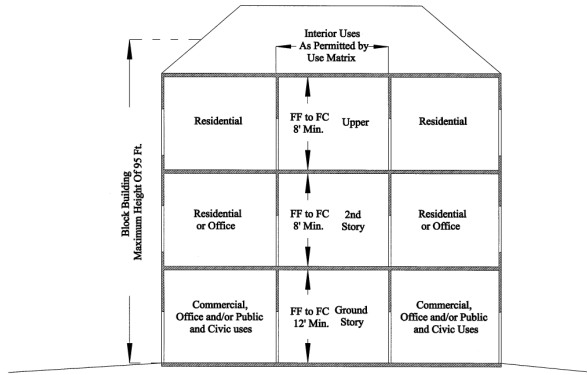
- 1) The building shall include one of the following on each front façade:
 - a) Awning
 - b) Arcade
 - c) Gallery
- 2) The building may include any of the following:
 - a) Bay/Oriel
 - b) Forecourt
 - c) Balcony

g. Building Height

- 1) Maximum building height shall be [35' for two stories, 45' for three stories, 55' for four stories, 65' for five stories, 75' for six stories, 85' for seven stories for 95' for eight stories.](#)
- 2) The finished floor elevation of the ground story shall be 0-18 inches above the adjacent sidewalk elevation or the street crown, whichever is higher.

3) Minimum story heights are depicted in the figure below:

Table 3.B.16.D-9 – Block Building



[ORD. 2010-000]

4) The number of stories permitted per transect zone for this building type are listed below:

Table 3.B.16.D-9 – Permitted Stories for Laminated Building

Transect Zone	Maximum By Right	LEED Silver Bonus	TBD Bonus	Maximum Permitted
UC 1	4	2	2	8
UC 2	4	1	1	6
UC 3	4			4

[ORD. 2010-000]

h. Permitted Uses

- 1) The ground story shall provide flexible **general** commercial uses.
- 2) Residential, office, and/or employment uses may be located on the second and upper stories.
- 3) The following uses are also permitted in the second and upper stories:
 - a) Bed and Breakfast
 - b) Broadcast Studio
 - c) Financial Institution
 - d) Government Services
 - e) Hotel, Motel, SRO, Rooming and Boarding
 - f) Medical or Dental Office
 - g) Office, Business or Professional
 - h) Personal Services
 - i) Vocational School
- 4) The permitted uses allowed within the Block Building are determined by Transect Zone.

i. Signage

- 1) The building may include the following on each front façade:
 - a) One Building Identification **wall** Sign for each front façade.
 - b) One Plaque sign for each front façade.
- 2) Store fronts may include the following:
 - a) Each principle entrance may have one Wall sign or Awning sign.
 - b) One **Blade Projecting** sign for each principal entrance.
 - c) Window signage must be relative for each store front window.
- 3) Upper story office window signage shall be limited by tenant fenestration.

E. Urban Landscape and Pedestrian Standards

1. Purpose and Intent

Within the Primary Redevelopment Areas (PRAs), the developer/property owner is required to construct and maintain all streetscape improvements according to the Urban Landscape and Pedestrian Standards as described further. Examples of streetscape improvements required as part of redevelopment include:

- (1) Installing sidewalks, to include curbs and gutters;
- (2) Under grounding or relocating utility lines along an alley, where not already done;
- (3) Installing street trees, streetlights, benches, trash receptacles, bicycle racks, etc;
- (4) Constructing other public spaces, such as streets and civic open space;
- (5) Dedicating public access easements; and
- (6) Providing public art.

2. Street Standards

a. General Standards

- 1) Whenever pedestrian connectors cross internal drives and curb cuts, provide a highly visible crosswalk, made of a material that provides strong contrast with the vehicular surface (e.g. concrete in asphalt, paver in concrete).
- 2) Consider elevating the crosswalk to the level of the connecting walk. Also use standard warning signs and light fixtures (per The 2003 Manual on Uniform Traffic Control Devices (MUTCD)) to alert drivers to crossings.
- 3) All curb heights, curb return radii and curb cut locations shall be in accordance with the Land Development Design Standards Manual.

b. Utilities

- 1) Utilities shall run underground within the Pedestrian/Amenity Zone or Pedestrian Circulation Zone when located on a Primary, Secondary, or Side street frontage.
- 2) Utilities shall run underground within the area of the Required Frontage road when located on a required frontage.
- 3) Overhead utilities may be relocated to an alley subject to approval by DRO.
- 4) All new lift stations shall be located so they do not interfere with any frontage requirements or Civic Open Space areas provided in accordance with this code.

5) If an easement impedes with the ability to meet the build-to zones required, a waiver may be allowed.

c. Sidewalk Standards

1) General Standards

- a) The area between a front facade and the vehicular lanes are to have 3 distinct zones: Shy Zone, Pedestrian Circulation Zone, and the Planting/Amenity Zone. Minimum widths required for each zone are based on the street frontage found in Table 3.B.16.E – Pedestrian Zone Minimum Widths.

b) Pavement

- (1) A variety of paving materials, textures and colors are encouraged. Consistency of paving design is required within a project and within each block face. Plain, black asphalt is prohibited for use as a hardscape material in pedestrian zones.
- (2) All Paving materials shall be compliant with ADA guidelines and material selection should be sensitive to the needs of mobility impaired persons.
- (3) All paving materials in Pedestrian Circulation Zone and Planting/Amenity Zones shall be constructed entirely of pervious/porous materials, allowing some stormwater to percolate into the underlying soil and promote healthy street tree growth.

d. Appurtenances

The clear height of appurtenances that project or hang from a building shall be at a minimum 8 feet above the sidewalk elevation.

e. Public Realm

1) Shy Zone

- a) The Shy Zone is a relatively narrow band of contrasting pavement abutting the front facade.
- b) Owners are encouraged to place containerized plants and window boxes along the area in front of their buildings within the Shy Zone.
- c) Moveable tables and chairs are encouraged in the Shy Zone, but may not encroach into the Pedestrian Circulation Zone.

2) Pedestrian Circulation Zone

- a) The Pedestrian Circulation Zone is a continuous unobstructed space reserved for pedestrian movement.
- b) The surface shall be constructed entirely of plain poured concrete, and shall feature a pervious (or porous) composition.
- c) The Pedestrian Circulation Zone shall function as a continuous unobstructed space as illustrated for each appurtenance along the street frontage, with the exception of an arcaded sidewalk and gallery.

3) Planting/Amenity Zone

- a) The Planting/Amenity Zone serves as the transition between the vehicular and the pedestrian part of the public realm. Bus stop locations, lighting, benches, trash receptacles, public art and street trees, groundcovers and pavers may be placed in this part of the public realm.
- b) In the PRAs, trees shall be planted in tree wells with an approved groundcover over the top to protect the roots, when planted along a street frontage. Irrigation shall be provided. Pervious pavers are preferred over concrete.
- c) Property owners are encouraged to provide outdoor public art within the property or streetscape, to enrich the pedestrian experience and create a stronger sense of place.
- d) For each project, one bench will be provided for every 50 linear feet of street frontage on a project. Benches shall comply with the ADA Accessibility Guidelines and should be compatible with existing street furniture. Signage or advertising is prohibited on benches. Benches shall be black and made of a durable high quality material, such as painted fabricated steel or painted cast aluminum (W). Recycled materials may be used so long as the finish or look of the material is consistent with or similar to the finishes prescribed above. The current standard bench is the X or equivalent.
- e) ~~The standard trash receptacle for the PRAs is the X or equivalent.~~ At a minimum, one trash receptacle will be provided at each bench location. The trash receptacle shall be black and made of a durable high quality material, such as painted fabricated steel or painted cast aluminum (W). The property owner is responsible for maintaining and servicing the trash receptacle.
- f) Moveable chairs and sidewalk cafes are strongly encouraged in the Planting/Amenity and the Shy Zone, but may not encroach into the Pedestrian Circulation Zone.
- g) Placement and model/type of all street furniture and fixtures, if different than the current standard, shall be subject to the review (W) and approval by the DRO.

Table 3.B.16.E – Pedestrian Zone Minimum Widths

	Shy Zone	Pedestrian Circulation Zone	Planting/ Amenity Zone
Required Frontage	2 feet	8 feet	8 feet
Primary Frontage	2 feet	8 feet	8 feet
Secondary Frontage	1 foot	6 feet	8 feet
Side Street Frontage	1 foot	4 feet	6 feet

3. Street Trees

a. Purpose and Intent

Street tree selection and placement serves to complement and help define the public realm, to provide an aesthetic and functional component to the street/building transition and to visually define the overall appearance of the URA as a design element, to lend a unique signature and visual identity. Benefits of urban street trees include: an effective mechanism to mitigate water runoff, filter pollutants, establish microclimates through introduction of shade and correspondingly reduce building cooling costs, and enhance and define the pedestrian portion of the public realm, specifically between vehicular lanes and building areas. Street tree species in the URA are selected to provide a consistent and coherent theme in the area, while allowing for some variation to avoid repetitious monotony. Street tree planting schemes shall utilize the principles of formal landscaping, and shall be installed and maintained according to the ANSI 300.

Comment [s11]: This portion has not been analyzed for allowable waivers or warrants; pending review by industry.

b. Standards

- 1) Street trees shall be planted in the Planting/Amenity Zones in accordance with the Tree Placement Plan and selected from the Street Tree Table 3.B.16.E – Allowable Street Trees by Frontage Classifications based on the location and frontage type.
- 2) Tree Spacing by Frontage Type

Table 3.B.16.E – Tree Spacing (on center)

Frontage Classifications	Tree Types		
	Large	Medium	Small
Required Frontage	30	20	20
Primary	30	20	20
Secondary	30	20	20
Side	30	20	20

- 3) All opposing street frontages shall mirror species selection and spacing.
- 4) Street trees shall be centered within the Planting/Amenity Zone, which resides between the Pedestrian Circulation Zone and the curb. Tree planting areas shall consist of an open soil surface area that shall be not less than 64 cubic feet per tree. The surface soil should be covered with a vegetative ground cover, mulch to a depth of at least two to four inches and 6 inches clear from trunk, or a permeable tree grate to reduce erosion and stormwater runoff. The street tree should be centered within the 64 cubic feet area. Whenever this is not possible due to a utility or other obstruction, the tree shall be placed towards the building side of the planting area. All Street Trees and palms shall be planted a minimum distance of 6.5 feet from face of curb to ensure tree health and stability, and allow for adequate vehicular recovery areas when adjacent to rights-of-way.
- 5) Where required street tree planting overlaps with, or is adjacent to utility easements and other underground infrastructure, root barriers and/or other alternate methods acceptable to the County shall be employed. In such cases that the Planting/Amenity Zone overlap wholly encompasses the width of the easement, spacing and specie requirements may be modified/waived in conjunction with an alternate tree specie selection better suited to accommodate the impediment. Easement release agreements are required for all landscape material installed in an easement.
- 6) All required street trees shall be planted at the time of development in natural, enhanced, and/or engineered soils or comparable equivalent with a minimum cubic feet of sub surface space at least three times the volume of the root ball. In cases of limited soil volume directly adjacent, linear and lateral 'balanced' networks of radial root trenches and similar systems that accommodate and promote healthy and 'even' root growth are required.

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Table 3.B.16.E – Allowable Species by Frontage Classification

Vegetation Type	Required Frontage	Primary Frontage	Secondary Frontage	Side Street
Street Trees				
Live Oak (<i>Quercus virginiana</i>)	X	X	X	X
Gumbo Limbo (<i>Bursera simaruba</i>)	X	X	X	X
Red Maple (<i>Acer rubrum</i>)			X	X
Satin Leaf (<i>Chrysophyllum oliviforme</i>)			X	X
Geiger Tree (<i>Cordia</i> spp.)			X	X
Pitch Apple (<i>Clusia rosea</i>)			X	X
Pigeon Plum (<i>Coccoloba diversifolia</i>)			X	X
Black Ironwood (<i>Krugiodendron ferreum</i>)			X	X
Bismark Palm (<i>Bismarckia nobilis</i>)	X	X	X	X
Canary Island Date Palm (<i>Phoenix Canariensis</i>)	X	X		
Sabal Palm (<i>Sabal palmetto</i>)			X	X
Florida Royal Palm (<i>Roystonea elata</i>)	X	X	X	X
True Date Palm (<i>Phoenix dactylifera</i>)	X	X		
Groundcover and Grasses				
St Augustine (<i>Floritam</i>)	X	X	X	X
Florida Coontie (<i>Zamia pumilla</i>)	X	X	X	X
Giant Sword Fern (<i>Nephrolepis biserrata</i>)	X	X	X	X
Boston Fern (<i>Nephrolepis exaltata</i>)	X	X	X	X
Blanket Flower (<i>Gaillardia pulchella</i>)	X	X	X	X
Containerized and Potted				
Coral Honeysuckle (<i>Lonicera sempervirens</i>)	X	X	X	X
Queen's Wreath (<i>Petrea volubilis</i>)	X	X	X	X
Madagascar Jasmine (<i>Stephanotis floribunda</i>)	X	X	X	X
Bougainvillea (<i>Bougainvillea</i> spp)	X	X	X	X
Confederate Jasmine (<i>Trachelospermum asiaticum</i>)	X	X	X	X
[ORD. 2010-000]				

Comment [s12]: Pending further discussion with industry

4. Bicycle Parking

- a. For ~~general commercial development commercial uses on the ground story~~, the developer must provide one employee bicycle parking rack or bicycle locker (2-bike capacity) per 5,000 square feet of ground story area and one visitor/customer bicycle parking rack (2-bike capacity) per 12,500 square feet of ground story area.
- b. For ~~office development non-residential uses located on the second story or above~~, the developer must provide one ~~employee~~ bicycle parking rack or bicycle locker (2-bike capacity) per 7,500 square feet of ~~ground-story~~ area and one visitor/customer bicycle parking rack (2-bike capacity) per 20,000 square feet of ~~ground-story~~ area.
- c. For residential development, ~~with the exception of the rowhouse building types~~, the developer must provide one tenant bicycle parking rack or bicycle locker (2-bike capacity) per 3 units and one visitor bicycle parking rack (2-bike capacity) per 50 units.
- d. All bicycle-parking facilities are to be highly visible to intended users and should be protected from rain by a structure. The bicycle parking facilities shall not encroach on any area in the ~~Clear Zone Pedestrian Circulation Zone~~, nor shall they encroach on any required fire egress.
- e. ~~X-Bike racks are the standard bike rack for the PRAs. Bike racks within the PRA shall be made of galvanized steel or other comparable material with a baked-on black paint finish (W). Innovative and creative designs for bike racks are encouraged whereas the typical inverted "U" bike racks are highly discouraged.~~

Comment [s13]: Revised to maintain consistency with new use matrix

5. Alley

- a. Alleys shall provide access to the rear of all buildings. Alley construction is required as part of the redevelopment project unless an alley already exists.
- b. Building backs allow commercial operators to utilize these spaces as efficient working environments and allow residents to have a semi-private space.
- c. The developer is required to dedicate the alley for public access.

6. Street and Outdoor Lighting

- a. A lighting program should consider the illumination of sidewalks and other multi-use pathways using low intensity fixtures that provide an even distribution of light while avoiding areas of intense shadows.
- b. To consolidate the number of fixtures placed within the Planting/Amenity Zone and R-O-W, consider the co-location of light fixtures along with other streetscape elements on single poles (i.e. street lighting and pedestrian lighting).
- c. A substantial amount of lighting for pedestrians should be provided from the store fronts using either indirect illumination from within the building or direct illumination under canopies or awnings.
- d. All site lighting will be required to meet the requirements found in Article 5.E.4.E, OUTDOOR LIGHTING.
- e. Street lighting for pedestrians shall be provided along all streets, including alleys and parking areas. The general rule for lighting is to prefer more, smaller lights opposed to fewer, high-intensity lights, to provide a more human scale. Street light structures shall not exceed 18 feet in height. Streetlights shall be installed on both sides of streets and should be at intervals no longer than 75 feet measured parallel to the street. Street lighting design shall meet the minimum standards developed by the illumination engineering society, as approved. Building, wall, and freestanding exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets.
- f. At the time of development, the developer is **only** responsible for the installation of street lights on the side(s) of the street being developed.

7. Civic Open Space

a. Intent

The provisions for civic open spaces provide a landscaped environment for the neighborhood, which complements the surrounding architecture and fulfills a critical need for neighborhood-oriented recreational space within an urban environment. Civic Open Space may also link Civic Buildings in the urban environment in providing paths and gathering places for social activity and recreation. Land designated for civic open space, shall consist of squares, plazas, greens and playgrounds.

b. Plaza

Plazas are formally disposed open spaces available for civic purposes and commercial activities, and serve as the focal point for the social and commercial life of the neighborhood. A plaza shall be defined by store fronts, civic buildings, and/or streets. It is primarily comprised of hardscape/pavers, with trees and containerized plants serving as the only vegetative material. At a minimum, a Plaza shall be 0.1-acre in size.

- 1) Maximum 30 percent unpaved surface area (turf, groundcover or mulch).
- 2) The remaining balance shall be paved surfaces.
- 3) A public art project is required in these locations, as outlined in Article 3.B.16.E.8.
- 4) Paved surfaces shall have a coordinated, distinctive pattern.

c. Square

Squares are formally disposed open spaces available for civic purposes and unstructured recreation, and serve as a focal point for the social life of the neighborhood. A square shall be defined by store fronts, Civic Buildings, Rowhouses, Apartment Buildings and/or streets. It is primarily comprised of landscape materials, primarily lawn and trees. At a minimum, a Square shall be 0.2-acres in size.

- 1) Minimum 60 percent unpaved surface area (turf, groundcover or mulch).
- 2) The remaining balance may be any paved surface including a maximum 30 percent paved surface.
- 3) A public art project is required in these locations.
- 4) Paved surfaces shall have a coordinated, distinctive pattern.

Comment [s14]: Working with parks and rec to finalize language

d. Playground

Playgrounds are open spaces designed and equipped for the children's recreation. It may be fenced, and may include a shelter or other structure. Playgrounds shall be interspersed within residential areas, and may be placed within a block, adjacent to street frontage. Playgrounds may also be included in greens. There is no minimum or maximum size.

e. Green

Greens are naturally disposed open spaces available for unstructured recreation, intended for less intensive foot traffic. It shall be defined by building frontages and/or streets on two or more sides. The minimum size shall be 0.25-acre and the maximum shall be 6 acres. It may also be partially depressed below the street grade for the purposes of accommodating temporary stormwater retention.

- 1) Minimum 80 percent unpaved surface area (turf, groundcover, soil or mulch).
- 2) The remaining balance may be any paved surface up to a maximum 20 percent of the Green.
- 3) Paved surfaces shall have a coordinated, distinctive pattern.

f. Design Criteria

In addition to the above components, Civic Open Spaces shall be designed, constructed, planted and maintained according to the following requirements:

- 1) A minimum of 5 percent of the gross area of each Urban Center neighborhood proper (per quadrant for intersection of two arterial roads) shall be permanently allocated as tracts comprised of plazas, squares, and greens. This acreage shall be allocated and depicted on the regulating plan for the neighborhood. It shall be provided no later than the issuance of Certificate of Occupancy for 50 percent of the units of the neighborhood proper. Each Urban Center shall contain at least one square or plaza. This mandatory square or plaza shall be within a 300-foot radius of the geometric center of the Urban Center neighborhood. At least 95 percent of the neighborhood housing units must be within a 1/4 mile walk of a Square/Plaza. The remaining required Civic Open Space use tracts shall be divided into lesser tracts and distributed such that no part of the neighborhood proper is further than a 600-foot radius from a plaza, square or green.
- 2) For Urban Infill developments of at least 5 acres, 5% of the gross area shall be permanently allocated as a tract of land comprised of a plaza, square or green (III). This acreage shall be allocated and depicted on the regulating plan for the neighborhood, and provided no later than the issuance of Certificate of Occupancy for the development. This required allocation shall be adjacent to a street.
- 3) A properly defined Civic Open Space is visually bound by front facades to create an outdoor room that is comfortable to its users.
- 4) Civic Open Spaces shall feature open, unimpeded pedestrian access from the adjacent streets and sidewalks. They shall also be visually permeable from the sidewalk, allowing passersby to see directly into the open space. A clear, unobstructed view at the pedestrian level through the Civic Open Space is important for public safety purposes. To ensure that Civic Open Space is well used, it is essential to locate and design it carefully. Take views and sun exposure into account as well.
- 5) Street corners where two thoroughfares intersect are not a good location for neighborhood-oriented Civic Open Space. Plazas and other open space features at high-traffic street corners may be attractive to look at or pass by, but are not very well used due to noise, fumes, vibration and other nuisances.

g. Components

1) Paving

Pervious paving materials are encouraged in all Civic Open Spaces, and impervious paving material shall be limited to the greatest extent possible. Plain, black asphalt is prohibited.

2) Seating

- (a) A minimum of 5 linear feet of seating should be provided for every 1,000 square feet of urban open space.
- (b) Moveable chairs are encouraged and each may be counted as 2 ½ linear feet of seating area.
- (c) Seating should be greater than 16 inches and less than 30 inches above grade and not less than 16 inches in depth. Seating greater 28 inches in depth and accessible from opposing sides should count as double.
- (d) Seating may include benches, dedicated seating along planter and retaining walls where the seating area is between 16 and 30 inches above grade.

- 3) **Other**
 - (a) One trash receptacle for each 5,000 square feet of each physically separated civic open space.
 - (b) Public art is encouraged to be placed within the Civic Open Space, and is a required component of the plaza and square.
 - (c) One drinkable water fountain for each 5,000 square feet of each landscaped Civic Open Space.
- h. **Landscaping**
 - 1) Trees shall be selected and planted in accordance with the specific arrangements set forth in the Civic Open Space planting plans (see diagrams) and all plantings selected from the respective list.
 - 2) General Design Specifications: 1 tree (six feet caliper above grade) for every 1,000 square feet of provided open space to be planted in at least 350 square feet of soil.
 - 3) All trees will be selected and planted following the basic requirements as set forth in Table 3.B.16.E – Allowable Civic Open Space Species List as pertains to quality and size.
- i. **Maintenance**

The owner shall maintain all areas and elements that lie within the Civic Open Space.

Table 3.B.16.E – Allowable Civic Open Space Species List

Large Canopy	
Live Oak (<i>Quercus virginiana</i>)	
Gumbo Limbo (<i>Bursera simaruba</i>)	
Red Maple (<i>Acer rubrum</i>)	
Mahogany (<i>Swietenia mahagoni</i>)*	
Royal Poinciana (<i>Delonix regia</i>)*	
Wild Tamarind (<i>Lysiloma latisiliquum</i>)*	
Sweetbay Magnolia (<i>Magnolia Virginiana</i>)	
Small and Medium Canopy	
Satin Leaf (<i>Chrysophyllum oliviforme</i>)	
Geiger Tree (<i>Cordia spp.</i>)	
Pitch Apple (<i>Clusia rosea</i>)	
Pigeon Plum (<i>Coccoloba diversifolia</i>)	
Black Ironwood (<i>Krugiodendron ferreum</i>)	
Palms	
Bismark Palm (<i>Bismarckia nobilis</i>)	
Canary Island Date Palm (<i>Phoenix Canariensis</i>)	
Sabal Palm (<i>Sabal palmetto</i>)	
Florida Royal Palm (<i>Roystonea elata</i>)	
True Date Palm (<i>Phoenix dactylifera</i>)	
Groundcover and Grasses	
St Augustine	
Ferns, Boston and Sword (<i>Nephrolepis spp.</i>)	
Florida Coontie (<i>Zamia pumilla</i>)	
Containerized and Vines	
Coral Honeysuckle (<i>Lonicera sempervirens</i>)	
Queen's Wreath (<i>Petrea volubilis</i>)	
Madagascar Jasmine (<i>Stephanotis floribunda</i>)	
Bougainvillea (<i>Bougainvillea spp</i>)	
Confederate Jasmine	
Other	
Bamboo (only clumping, non-invasive permitted) ¹	
Kapok (<i>Ceiba pentandra</i>) ¹	
Baobab (<i>Adansonia</i>) ¹	
Note:	
1.	Denotes species that may be selected only when the tree canopy at maturity would not directly overhang paved areas
2.	Other species may be allowed subject to the approval of the Planning Director.

Comment [s15]: Pending further discussion with industry.

8. Public Art

All new development where total vertical construction costs of all buildings on a project site are equal to or greater than \$1,000,000.00 shall provide art valued in an amount of one percent of the total vertical construction costs.

F. Architectural Standards

1. General

a. Purpose and Intent

The purpose of the architectural standards is to encourage visual harmony among buildings through the common use of similar proportions elements and materials in architecture. This ensures that redevelopment over time is responsive to its context, whether established or planned), and contributes to the creation of an identity for the area. Creativity is not stifled and diversity and originality are allowed, as no specific architectural style is prescribed in the Architectural Standards. The intent of these standards is to promote the creation of a rational architecture that is of its time, and meets the needs of its place.

2. Architectural Treatments

a. General for All Building Types

- 1) Architecture shall be designed with a careful attention to details that are pedestrian oriented and directly relate to the streetscape.
- 2) The front facade shall receive more attention than the rest of the building. To maximize the street frontage of buildings and minimize the visibility of parking areas from the street, a building should be articulated so that the long side fronts the street. When located at an intersection, the front façade of a building shall be the designated as the façade with the greatest length fronting a street. This standard does not preclude two or more facades from being designated as front facades.
- 3) Higher intensity buildings should not cast a shadow line on existing neighborhoods. To avoid this, buildings should be stepped back, such as a terrace, on their upper stories or designed in such a manner as to allow sunlight to pass through a certain portion of the building.

b. Mass and Articulation

- 1) The mass of the building shall contribute to a sense of place by bounding the edge of the public realm along a street, provide architecture that is responsive to its site, surroundings, and human activities and is aesthetically pleasing.
- 2) To promote human scale and visual interest, the mass of the building should be broken down horizontally and vertically, and articulated in a hierarchy of separate volumes. Within each volume or bay there should be an orderly rhythmic placement of windows and doors. These should be well proportioned and related to create a satisfactory architectural composition. No building shall feature a continuous street frontage greater than 64 feet, unless its mass is articulated as separate volumes (W). Do not create a large monolithic structure.
- 3) The building façade composition should be proportioned so that verticals dominate horizontals except for store front windows, which may be square. Large openings, including fenestration and appurtenances, should be made up of smaller vertically proportioned elements grouped together to create the desired width.
- 4) No more than 20 feet of horizontal and vertical distance of a front facade shall be provided without articulation or architectural relief. This may be accomplished through the use of expression lines, fenestration, changes in material expression, and appurtenances. Front facade articulation shall maintain a distinction between the storefront and upper stories.
- 5) Buildings at street corners should strive for a distinctive form and high level of articulation. To establish a presence, buildings should be designed to address the corner that is, to engage the interest of drivers, pedestrians and bicyclists at the intersection. Appropriate treatments include but are not limited to providing a principle entrance, additional building mass/height, and distinctive architectural elements at the corner.
- 6) The rhythm established by the repetition of façade elements shall be maintained on all public frontages.
- 7) The visibility of elevators, stairways, and corridors in the upper stories should be minimized by incorporating them into the mass of the building.

c. Entrances

- 1) Use building massing, fenestration, rhythm, appurtenances and changes in the roofline to emphasize the principle entrance.
- 2) The principal entrance of a store front shall be both architecturally and functionally designed on the facade of the building facing the street frontage. Principal entrances may be recessed

into the building up to 3 feet. Other entrances or emergency exits may be designed to be consistent with the principle entrance requirements (there may be more than one principal entrance per facade).

- 3) If a building is long or large, more than one principal entrance may be needed on the front facade. To promote pedestrian interest and walkability, a principal entrance shall occur at a minimum of every 75 feet on Required, Primary and Secondary Frontages [\(W\)](#).

d. Fenestration

- 1) On all buildings, windows shall be placed to afford views of all streets and parking and service areas.
- 2) All windows within a building should be related in proportions and trim. Elements associated in those windows should be unified in composition, (e.g., common sills, headers, frames).
- 3) All window glazing shall be inset a minimum of three inches from the exterior wall finish [\(W\)](#).
- 4) Windows in store fronts facing a street or Civic Open Space shall have non-reflective, 70-90% visible light transmittance. At least 70% of the store front façade for the ground story shall consist of fenestration at the pedestrian level as measured from top of the bulkhead to the ground story ceiling height. Where privacy is desired, for restaurants, professional services, etc., windows should be divided into smaller panes.
- 5) For facades with Storefronts: above the ground story, the window to wall proportion should be less than that of the store front (generally to ½).

e. Materials and Finishes

- 1) Consideration shall be given to incorporating locally accepted building practices, materials and products into the design. This includes strategies associated with “Green” building.
- 2) Exterior walls shall be finished in warm, neutral colors, or may be left in a natural state if using an appropriate material (e.g., cut stone). Consideration should be given to neighboring buildings and established architectural themes.

f. Roofs

- 1) Roof forms should complement the building mass and be consistent with the style, detailing and materials of the overall architecture.
- 2) **Pitched Roofs**
 - a) Double-pitched roofs (including gable, hip, and pyramid) shall be used in the Urban Infill transects to add visual interest and serve as a transition to the existing neighborhoods.
 - b) The maximum allowable roof pitch shall not exceed 6:12 [\(W\)](#). Roof overhangs/eaves shall be such that they contribute to the architecture as a whole.
 - c) Single-pitched/shed roofs should not be used as the roof of a principal building. However, they may be featured on appurtenances.
- 3) **Flat Roofs**
 - a) Flat roofs are acceptable in all Urban Center transects, provided that a strong well-detailed cornice and/or parapet wall is provided.
 - b) Buildings utilizing “Green” roof strategies for stormwater, recreational or other sustainable purposes may use a flat roof, regardless of transect. Buildings should be equipped with roofs of shallow 4-inch soils and drought-tolerant species. Buildings with intensive green roofs may feature deeper soil applications and use larger shrub and tree species. Such species shall be chosen for their storm resistance, low maintenance requirements, and ability to tolerate extreme fluctuations in water availability.

3. Architectural Appurtenances

a. [Arcade/Arcaded Sidewalk](#)

A covered pedestrian walkway contiguous to a Street, Plaza or Square that is open to the public, a useable floor area shall be required above the roof of the arcade.

- 1) The outside column face shall be positioned at minimum of 5 feet from the utility easement.
- 2) Minimum clear space of 10 feet from front facade to inside column face [\(may receive a waiver for this standard if on Secondary or Side Street\)](#).
- 3) Minimum clear height of 10 feet from sidewalk elevation to colonnade ceiling.
- 4) A porch or enclosed useable space shall be above the colonnade.
- 5) Height shall be relative to the ground story ceiling height.
- 6) Minimum spacing between column openings shall be 8 feet on center.

b. Awning

A non-permanent roof-like appurtenance supported by a frame that is cantilevered from a facade over windows and doors.

- 1) Storefront awnings may project into the Pedestrian Circulation Zone.

- 2) Storefront awnings shall have a minimum clear height of 8 feet from sidewalk elevation to bottom edge.
- 3) Architecturally and functionally designed upper stories awnings may be permitted.

c. Balcony

An appurtenance providing an exterior platform, attached to a building and may project forward of its required build-to zone. Balconies aligned vertically on adjacent floors may post up to one another and share a single roof element.

- 1) The following standards apply:
 - a) May project into the Pedestrian Circulation Zone.
 - b) Minimum 3 feet depth for upper stories, when above a storefront.

d. Bay/Oriel

An appurtenance to a building forming a livable enclosed space projecting beyond the building.

- 1) For Mixed Use Buildings, the following standards apply:
 - a) Upper stories may extend beyond the build-to zone.
 - b) May have fenestration on both front and side surfaces.
- 2) For Residential Building Types, the following standards apply:
 - a) Shall not encroach into the Pedestrian Circulation Zone.
 - b) Shall have fenestration on both front and side surfaces.

e. Dooryard

A private appurtenance providing outdoor living space elevated above ground level.

- 1) Minimum 18 inches above sidewalk elevation or street crown, whichever is higher **(W)**.
- 2) May extend beyond the build-to zone up to the Pedestrian Circulation Zone.

f. Gallery

A covered promenade over a pedestrian walkway, contiguous to a street, plaza or square that is open to the public, with no usable floor area above.

- 1) The outside column face shall be positioned at minimum of 5 feet from the utility easement.
- 2) Minimum clear space of 10 feet from front facade to inside column face **(may receive a waiver for this standard if on Secondary or Side Street)**.
- 3) Minimum clear height of 10 feet from sidewalk elevation to colonnade ceiling.
- 4) Minimum spacing between column openings shall be 8 feet on center.

g. Forecourt

A public area created by recessing the façade, surrounded by two or more building walls; the forecourt may be elevated up to 18 inches above ground level.

- 1) 20% (maximum) of the front facade may be recessed beyond the build-to zone at a depth no greater than the length, unless the forecourt serves as an entry to a courtyard.
- 2) Prohibited at all street corners.
- 3) Building walls facing the forecourt shall have the same treatment as the front facade.

h. Porch

An appurtenance to a building, forming a covered approach or vestibule to a doorway.

- 1) May extend beyond the build-to zone up to the Pedestrian Circulation Zone.
- 2) Required to be open, un-air-conditioned.
- 3) Minimum 3 feet deep by 4 feet wide.
- 4) Minimum elevation 18 inches above the adjacent sidewalk elevation or street crown, whichever is higher.

i. Stoop

An appurtenance on the front facade up to the Pedestrian Circulation Zone with the ground story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

- 1) May extend beyond the build-to zone up to the Pedestrian Circulation Zone.
- 2) Required to be open and not air-conditioned.
- 3) Minimum 3 feet deep by 4 feet wide.
- 4) Minimum elevation 18 inches above the adjacent sidewalk elevation or street crown, whichever is higher.

4. Utilities and Mechanical Equipment

a. Building Equipment

- 1) All outdoor mechanical system equipment shall either be located on the roof, or to the rear and/or side of the building. Mechanical equipment includes, but is not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including litter containers), and storage tanks. This equipment shall not be located adjacent to nor within Civic Open Space, or a Primary or Required Frontage.

- 2) All roof-mounted equipment shall be screened with parapets or other types of visual screening extending a minimum of 42 inches above the roof.
- 3) Equipment accessible from ground level should be placed within a low enclosure, or other similar access-restricted area. This may be further complimented by use of vegetative material.

b. Building Service Areas

All solid waste, recycling, and yard trash containers (except trash receptacles), grease containers, and loading docks shall be located at the rear of the building, accessible by an alley, or in a location remote from pedestrian spaces. When in a parking area, solid waste, recycling, and yard trash containers (except trash receptacles), grease containers, and loading docks shall be located in a portion of the parking area that is furthest from the street. Alternatively, solid waste containers may be internalized within the building, provided that sufficient accommodations exist to roll them into the alley for collection.

G. Other Standards

1. Purpose and Intent

The purpose is to provide standards for those essential characteristics of development and sustainable communities that are not found elsewhere in this code. The intent of these standards is to provide a clear articulation of the expectations of new development and redevelopment in the Priority Redevelopment Areas. The Other Standards include signage, landscaping, green building incentive program, stormwater management, parking dimensions, and the workforce housing program components for this Section.

2. Sign Standards

a. Purpose and Intent

The purpose of the standards and guidelines in this section is not uniformity, but rather the elimination of those elements that result in a cluttered and unattractive visual environment. The intent of these standards is to provide a consistent framework which allows some flexibility in creative expression and variety in signage for each business. Therefore, signage can provide an effective means of advertising and promoting products and/or services, and in turn these standards allow each business to contribute to and compliment the public realm in a positive, coherent manner.

b. Applicability

Signage within the PRAs shall utilize the provisions located within Article 8, SIGNAGE with the exception of the locational and dimensional standards/requirements stated below.

c. Prohibited Signage

The prohibited signs listed in Art. 8.C are also prohibited within the PRAs, as well as Balloon Type Signs, Art. 8.D.1 and Ground Mounted Signs, Art. 8.G.2.

d. Master Sign Plan (MSP)

A MSP is required for projects within the PRAs and shall follow the requirements in Art. 8.E.3, Master Sign Program Plan.

e. Alternative Sign Plan (ASP)

An applicant for a project within the PRAs may utilize the Alternative Sign Plan in accordance with Art. 8.E.4.

f. General Standards

1) Conceptual

Signage shall enhance and compliment the architectural qualities and elements of buildings. Architectural elements, such as moldings, pilasters, arches, clerestory windows, roof eaves, or cornice lines should be used as a frame.

2) Location

- a) Signage shall have minimum clear height of 8 feet above sidewalk elevation.
- b) Neon signs may be permitted as window signage, limited to storefronts.
- c) For building walls not defined as facade, signage area is limited to the ground story service door.

3) Illumination

- a) Signs may be illuminated only when prescribed and is limited to the period when the establishment is open for business.
- b) Illumination shall be done in a manner as to minimize light trespass onto adjacent properties or public R-O-W.

Comment [s16]: Signage standards changed to reflect County Attorney concerns.

- c) Illumination shall be constant and shall not consist of flashing, animated or changing lights. Such exceptions may include ~~banks~~ financial institutions, Civic buildings and entertainment venues.
- 4) Figure 8.F.2.D-7 of the ULDC shall be the method for determining a sign's area for calculation purposes/measuring standards.
- 5) All permanent signs shall consist of durable long lasting materials.
- 6) Signs that no longer communicate the service or good provided within shall be removed within 60 days after the use has ceased or vacated the premises.

~~c. Building Identification Signs~~

~~g. Signage Types for the PRAs~~

1) ~~Building Identification Wall Sign~~

- a) One Building Identification ~~Wall~~ Sign per building front façade.
- b) Building Identification Wall Sign may indicate, ~~without advertising matter~~, information relating to the building or site, such as, the building name, date, and/or address. Shall be located on the building's parapet wall or under the eaves, and above the upper story windows, projecting no more than 6 inches from the façade.
- c) Signage area is limited to 1 square foot for every 16 linear feet of street frontage, plus, 2 square feet for every story above the second story, up to 28 square feet.
- d) May be back lit, internally illuminated or externally illuminated.

2) ~~Plaque Sign~~

- a) One Plaque Sign per façade.
- b) Plaque Signs may indicate, ~~without advertising matter~~, the building's name, date, address and/or unique information relevant to the building or site.
- c) The sign shall be limited to 1 square foot, placed at pedestrian level.

~~3) Address Sign~~

- ~~a) Address sign is required for each freestanding building;~~
- ~~b) All Address signs should be between 8 and 12 inches;~~
- ~~c) Buildings with multiple addresses shall post the address range and shall be of uniform size and color. Further standards are subject to Palm Beach County Fire Rescue discretion;~~

~~d. Storefront Signs~~

3) ~~Wall Signs for Storefronts~~

- a) Maximum letter heights are determined by street frontage, as prescribed in Table 3.B.16.G – Allowable Wall Sign Area.
- b) Allowable wall sign areas are relative to street frontage and length of frontage, each not to exceed the maximum area prescribed in Table 3.B.16.G – Total Allowable Sign Area in square feet, the following standards apply.
- c) Storefronts may have multiple wall signs, limited to one per principal entrance.
- d) Storefronts with multiple principal entrances shall have 36 feet or greater of separation, and similarly the wall signs shall be separated by a minimum of 6 feet.
- e) The sum of all sign areas per store front shall not exceed the total allowable sign areas as prescribed in Table 3.B.16.G – Total Allowable Sign Area in square feet.
- f) Additional wall signs and principal entrances shall be uniform throughout the store front.
- g) Each wall sign shall be located within 12 to 14 feet above the adjacent sidewalk elevation, projecting no more than 6 inches from the front façade, arcaded sidewalk, or gallery.
- h) Each wall sign may be back lit, internally illuminated or externally illuminated.

Comment [s17]: Same standards as in Art. 8

Table 3.B.16.G – Allowable Wall Sign Area

Wall Signs – General Standards		
Street Frontage	Maximum Area Per Wall Sign	Maximum Letter Height
Required	24 square feet	15 inches
Primary	18 square feet	12 inches
Secondary/Side	12 square feet	9 inches
[ORD. 2010-000]		

Table 3.B.16.G – Total Allowable Signage Area in square feet
Total Allowable Signage Area (square feet)

Street Frontage	Store Front Length (Feet)											
	8 ft	12 ft	16 ft	20 ft	24 ft	28 ft	32 ft	36 ft	40 ft	44 ft	48 ft	52 ft
Required	6.5	9.5	13	16	19	22.5	25.5	29	32	35	38.5	41.5
Primary	5	7	9.5	12	14.5	17	19	21.5	24	26.5	29	31
Secondary/Side	3	4.5	6.5	8	9.5	11	13	14.5	16	17.5	19	21

Notes:

1. Wall sign areas are determined by using a constant value per street frontage by the store front length in feet, rounded to the nearest half square foot.
2. The values represent International Sign Association (ISA) recommendations for signage regulations.

[ORD. 2010-000]

- 4) **Awning Sign**
 - a) Awning Signs are permitted as a substitute for Wall Signage.
 - b) Awning Signs are limited to the skirt or bottom flap on store front façades; letters, emblems, logos or symbols shall be limited to 4 inches in height.
 - c) The awning skirt or bottom flap shall be relative to the ground story ceiling height.
 - d) May be internally illuminated.
- 5) **Blade Projecting Sign**
 - a) One **Blade Projecting** Sign per principal entrance, must be perpendicular to the façade/street and located above or adjacent to the principal entrance.
 - b) **Blade Projecting** Signs may be 2 sided, ~~or 3 dimensional to reflect the silhouette of a particular object indicating use or service.~~
 - c) The area of each sign face shall be limited to 3 square feet and no more than 6 inches in width.
 - d) **Blade** Projecting Signs shall have a clear height of 8 feet and may project up to 1 foot beyond the Shy Zone.
 - e) May be internally or externally illuminated.
- 6) **Window Sign**
 - a) Window signs shall be limited to 20 percent of total store front fenestration, as prescribed in Article 3.B.16.F (Architectural Standards), the minimum fenestration is 70% of the front facade at pedestrian level (from top of the bulkhead to the ground story ceiling height).
 - b) Window signage should appear proportional on each store front window and shall not be illuminated.
- e. **Other Sign Types**
 - 1) **Directory Sign**
 - a) Directory Sign may be located at each pedestrian accessible access way or passage.
 - b) Directory Signs inform pedestrians of the location/direction to store fronts within a forecourt or courtyard.
 - c) May be internally or externally illuminated.
 - 2) **Window Signage for Second Story Office**
 - a) Shall be fixed to the window and is limited to 20 percent of the office fenestration, per window.
 - b) Shall only advertise the goods and/or services provided within.
 - c) Signage should appear proportional throughout the fenestration.
 - d) Shall not be illuminated.
 - 3) **Signage for Rowhouse Office**
 - a) ~~Must utilize the Projecting Sign, as described in Article 8.G.C. and is~~ limited to 1 square foot.

- b) Must be fixed to the front façade or vertical member of an appurtenance at the ground story level.
- c) Shall not be illuminated.

4) ~~Marquee Sign~~

- a) ~~Marquees are generally associated with entertainment venues & shall comply with further administrative standards.~~

3. Landscaping Standards

a. Purpose and Intent

The purpose of the following landscaping standards is to allow for those areas not otherwise included in the Urban Landscape and Pedestrian Standards or Civic Open Spaces to recreate the species mix typically found in a native uplands habitat. The intent is to provide species that are either native indigenous species or those that are sustainable and/or desirous for aesthetic purposes. Furthermore, this acknowledges that trees and other plants contribute to and belong in the urban environment for the purposes of creating shade, cleansing and cooling the air, adding value to properties, reducing energy demands and costs, providing for visual screening and buffering, and reducing the amount of pollutants potentially discharged into bodies of water.

b. Standards

- 1) All turf must be sodded at installation not seeded, sprigged, or plugged.
- 2) Approved groundcovers shall be used, where hardscaping or turf locations are not otherwise required.
- 3) At planting, all trees shall be at least 6 inches minimum caliper and a minimum 14 feet in overall height. All species shall be selected from Table 3.B.16.G – Allowable Trees.
- 4) In addition to the property, the owner shall maintain the following areas and elements that lie within:
 - (a) The front façade portion between their side build-to zone and the back of the street curb (includes all streetscape elements).
 - (b) The alley and parking areas between the side build-to zone and up to the edge an adjacent property (includes R-O-W elements).
- 5) All plant material shall be Florida #1 or Florida fancy grade from Table 3.B.16.G – Allowable Trees.
- 6) Drought tolerant plants and xeriscape techniques shall be the only acceptable landscape practice. These include: amending the soil, mulching, grouping plants by water need, and utilizing water efficient and/or recycled stormwater irrigation equipment.
- 7) All invasive exotic species on the property shall be removed prior to development.
- 8) Any unpaved ground area shall be planted with groundcover.
- 9) Bioswales shall be installed to infiltrate runoff from parking areas and alleys for all in line shallow depth infill parcels in the UI Transect. Bioswales may also be used in the UC Transect. At a minimum, the Bioswale shall:
 - (a) Be a minimum 10 feet in width.
 - (b) Traverse the property and be located adjacent to the rear parcel boundary.
 - (c) Serve as a vegetated buffer strip and include plant material from Table 3.B.16.G – Allowable Trees in the following minimum ratios:
 - (1) One Large Canopy Tree per 20 linear feet.
 - (2) One Small/Medium Canopy Tree per 20 linear feet.
 - (3) Cluster of three Palms or three Pines per 20 linear feet.
 - (4) Fully sodded and/or appropriate groundcover suitable for soil stabilization, preliminary stormwater treatment and nutrient uptake.
 - (d) Include a 4 to 6 foot high black or green colored vinyl clad chain link fence within 6 inches of the property line, unless adjacent property already has a fence.
 - (e) Be designed as a stormwater management system to allow some infiltration and treatment of runoff prior to conveyance to a detention or retention area.
 - (f) Accommodate the use of cross blocks, weirs and connections to exfiltration/infiltration trenches where feasible.
 - (g) Connect to bioswales on adjacent parcels.
- 10) All parking lot rows shall be terminated by a tree planting area a minimum of 50 square feet in area, and planted with at least one small/medium Canopy Tree. They should be placed lower than walkways, not mounded up.

Comment [s18]: This portion has not been analyzed for allowable waivers or warrants; pending review by industry.

Table 3.B.16.G– Allowable Trees

Large Canopy
Live Oak (<i>Quercus virginiana</i>)
Red Maple (<i>Acer rubrum</i>)
Gumbo Limbo (<i>Bursera simaruba</i>)
Mahogany (<i>Swietenia mahagoni</i>)
Bald Cypress (<i>Taxodium Distichum</i>)
Sweetbay Magnolia (<i>Magnolia Virginiana</i>)
Small and Medium Canopy
Satin Leaf (<i>Chrysophyllum oliviforme</i>)
Silver Buttonwood (<i>Conocarpus erectus var. sericea</i>)
Geiger Tree (<i>Cordia spp.</i>)
Pitch Apple (<i>Clusia rosea</i>)
Pigeon plum (<i>Coccoloba diversifolia</i>)
Black Ironwood (<i>Krugiodendron ferreum</i>)
Palms and Pines
Sabal Palm (<i>Sabal palmetto</i>)
Slash Pine (<i>Pinus elliotii var. "densa"</i>)
Groundcover and Grasses
Blanket Flower (<i>Gaillardia pulchella</i>)
Muhly Grass (<i>Muhlenbergia capillaris</i>)
Saltmeadow Cord Grass (<i>Spartina patens</i>)
St Augustine (<i>Stenotaphrum secundatum</i>)
Wiregrass (<i>Aristida stricta = A. beyrichiana</i>)
Other
Bamboo
[ORD. 2010-000]

Comment [s19]: Pending further discussion with industry.

4. Green Building Incentive Program

a. Intent

The purpose of the Green Building Incentive Program is to stimulate private sector development to construct environmentally-friendly buildings consistent with the goals of the URA Master Plan, and to offer a tangible incentive using “bonus height” for projects meeting nationally recognized criteria.

b. Standard of Measurement

The standard of measurement shall be the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED™) Green Building Rating System.

c. Applicability

All new development or rehabilitation projects in the Priority Redevelopment Areas (PRAs) are eligible for bonus height consideration, with the exception of the Mixed Use, Type I building. The proposed site plan (including the requested bonus height) will be reviewed through the DRO and building permit process.

d. Additional Height

In order to qualify for the height bonus, the development must guarantee a LEED™ rating at the Silver level or above (Gold or Platinum). For site plan proposals in which the LEED™ certified ~~Platinum~~ Silver award levels are being sought may receive an additional bonus. Additional incentives for projects pursuing the Gold or Platinum level may also be considered by the County. Height bonuses can be found in Table 3.B.16.C – Permitted Stories Table.

e. Implementation

- 1) At the time of DRO application for site plan approval, the developer shall submit the LEED™ scorecard (LEED™ Version 2.2 or the most recent version) along with the site plan application. The LEED™ scorecard will be accompanied by a detailed analysis of each credit and why the standard can or cannot be achieved. The LEED™ scorecard is a checklist of green building standards and allows the developer to voluntarily score the building against the LEED™ Green Building Rating System. The scorecard is the documentation supporting the developer’s request for bonus height. The scorecard is used to select which credits the developer intends to pursue and the number of points “earned” determines the award level. The building registration and other required information will be filed with USGBC at the beginning of the project for LEED™ certification and rating by the developer. Prior to DRO

certification of the site plan, the County and the developer will enter into a development agreement requiring that the green building components identified in the scorecard be constructed or installed in the building and that any third-party inspection fees will be paid for by the developer. Furthermore, the developer shall post a surety with the County. The amount of the surety shall be based on the number of dwelling units contained within the "bonus height" stories. The number of dwelling units shall be multiplied by the BCC's established price for TDRs at the date of the application.

- 2) Once the site plan is approved by the DRO, permit drawings shall be reviewed to ensure inclusion of the approved green building components and practices, based on the scorecard. The developer shall utilize third-party LEED™ certified inspectors or architects hired by the developer during review of the permit drawings and construction of the building. Permits shall not be issued unless approved LEED™ components are included in the plan drawings.
- 3) During plan review and construction, the LEED™ certified inspector or architect will provide documentation and submit regular reports to the County ensuring compliance with the LEED™ standards and scorecard and the approved site plan. If during construction, the developer is unable to include required green building components, or if the inspector/architect finds that the developer failed to include these components, then the County shall pursue enforcement.
- 4) The application for LEED™ certification and rating shall be submitted to USGBC when the building construction is complete or substantially complete, depending on the credits elected. If during construction of the building, the developer is unable to include all of the approved green building components previously identified in the scorecard, and then the developer will be required to replace components not provided with other green building components acceptable to USGBC and the LEED™ Rating System. Substantial deviation from the original scorecard shall require an amendment to the approved DRO plan and scorecard. Should the building be completed, with the LEED™ certification at the stipulated level of the scorecard unmet, the County may, at its discretion collect the surety and apply the funds to a TDR contract to purchase an equivalent number of units to those proposed for the original bonus height consideration.
- 5) Within one year from the issuance of the Certificate of Occupancy, LEED™ certification (at the agreed upon level or better) by the USGBC consistent with the approved site plan shall be provided to PZB. Certification by USGBC will be obtained when the building is complete and the developer has constructed or installed the approved green building components previously identified. Upon receipt of the USGBC certification at the County, the posted surety shall be returned to the developer.

5. Stormwater Mitigation Strategies

a. Purpose and Intent

In urban mixed-use infill development, some Best Management Practices (BMPs) for stormwater management differ from suburban practices. Compact development creates fewer pollutants by reducing expansive lawns and parking areas. However, because less land is available for stormwater treatment, excess stormwater may be infiltrated or detained in subsurface basins and oils and greases can be removed with skimmers. This subsection allows the use of a variety of innovative and emergent BMPs to meet stormwater management standards. The use of these practices and their functional equivalents are presumed to comply with the stormwater management standards contained in the ULDC and may be eligible for future credit if a stormwater utility in Palm Beach County is codified; if this subsection conflicts with any other provision of the ULDC, the provisions of this subsection will prevail.

b. Stormwater Management Plans

A master stormwater management plan may ultimately be developed and implemented for the PRAs. This plan would be based upon likely build-out scenarios proposed in the URA Master Plan and Addendum. A cost estimate and joint stormwater management strategy will be developed based upon the plan. In the interim, stormwater management shall be as otherwise required in Article 11 with the exception of parcels within the PRAs may develop a stormwater management plan in conjunction with other adjacent parcels.

c. Suggested Strategies

Innovative urban stormwater management designs and techniques may be considered for addressing stormwater treatment requirements, including but not limited to porous pavement, treatment inlet boxes with skimmers or traps, subsurface basins and/or cisterns for infiltration or detention, prefabricated multi-chamber water quality devices, stormwater treatment mitigation,

bioswales and rain gardens to infiltrate runoff from paved areas, etc. Many of these strategies are encouraged and required throughout the PRA areas.

d. Other Strategies

One emergent solution to the challenge of urban stormwater management is the use of green roofs with cistern systems. Easily utilized on the flat roofs of many mixed use, residential, and civic buildings, green roofs with cisterns are used to store stormwater falling on the roof and use it for irrigation of rooftop vegetation, irrigation of landscaping on site and/or infiltration. Besides reducing land costs, by reduced needs for an area of stormwater management, green roofs have the potential to create otherwise wasted rooftops as recreational, urban gardens, and/or open space, thereby increasing building value and efficiency of land use.

e. Stormwater requirements

Stormwater management designs shall be submitted to the DRO for evaluation at the time of the site plan approval process. All stormwater management designs and techniques must be certified by a Florida professional engineer who is competent in the fields of hydrology, drainage, and flood control. The submittal must include a proposed maintenance schedule for each technique, identifying the timing of inspections and the maintenance activities that will be taken such as removing debris from inlet boxes, replacing filters, pumping out accumulated sediment, mechanical sweeping and/or vacuuming, etc. Once constructed, the owner shall be responsible for maintaining the stormwater system in accordance with the approved designs.

6. Parking Standards

a. Parking Space Minimum Dimensions

- 1) Pull-in parking space, 9 feet wide, 18 feet long.
- 2) Parallel parking space, 8 feet wide, 20 feet long.

- b. Parking aisle and alley minimum widths (based upon lane direction, number and orientation of parking space to travel direction) as indicated in Table 3.B.16.G below.

Table 3.B.16.G – Parking Aisle and Alley Minimum Widths

Number of Lanes	Parallel	30° Angle	45° Angle	60° Angle	90° Angle
One-way	12 feet	14 feet	14 feet	16 feet	20 feet
Two-way	18 feet	20 feet	20 feet	20 feet	22 feet

[ORD. 2010-000]

7. Workforce Housing Standards

a. General Standards

- 1) WHP units shall be designed to be compatible with the overall project.
- 2) Developments with 10 or more residential dwelling units shall dedicate, at minimum, 15 percent as workforce housing, for sale or rent to households with incomes from 60% to 120% of Area Median Income (AMI).
- 3) One-third of the required WHP units shall be provided for households at 60-80% of AMI (low), one-third for households at 81-100% of AMI (moderate) and one-third for households at 101-120% of AMI (middle). The distribution shall be equal among the three income ranges.
- 4) All required WHP units shall be constructed on site.
- 5) The minimum affordability period for all WHP units shall be 25 years.
- 6) Required WHP units may be clustered or dispersed throughout the project.

b. Exemptions

- 1) All congregate living facilities and nursing or convalescent facilities.
- 2) Projects that target the development of units primarily limited to households having incomes that are less than or equal to 60 percent AMI, and use federal, state, or local funding sources.
- 3) An exemption may require the submittal of documentation indicating how income restrictions and affordability periods will be guaranteed in a manner and form approved by the Planning Director.

c. Required Documentation and Administrative Process

- 1) Prior to DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided for by the County, which identifies

each required WHP unit. The Covenant shall include but not limited to restrictions requiring: that all identified WHP units shall be sold, resold, or rented to only low, moderate, or middle income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for 25 years from the date each unit is purchased or designated as WHP rental unit; and that in the event a unit is resold before the 25 year period conclude, a new 25 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the WHP. Every deed for sale of a WHP housing unit shall incorporate by reference the controlling Covenant.

- 2) Prior to the sale, resale, or rent of any WHP unit established pursuant to this program, the seller shall provide the County Administrator, or designee, documentation sufficient to demonstrate compliance with the WHP. Such documentation shall include but not limited to information regarding the identity and income of all occupants of the WHP unit. The owner or lessee of the WHP unit shall submit to the County Administrator, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP. The County may conduct site visits at responsible times, or perform other independent investigation to verify continued compliance with the WHP.
- 3) The County may enforce the requirements of the WHP through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, and tolling of the 25 year term of the WHP.
- 4) WHP units shall not be subject to restrictions beyond income qualifications. The limitation on restrictions may be waived by the BCC or Planning Director, only to ensure housing for a specific target group (e.g. disabled populations) where there is a demonstrated need.

H. Definitions

1. **Accessory Building/Outbuilding** – For the purposes of Art. 3.B.16, PRA, an ancillary building associated with a residential use that may contain an independent dwelling unit, home office, workshop, garage or other vehicular parking limited in size and shares ownership and utility connections with a principal building, typically located to the rear. It may be attached or detached to the principal building.
2. **Alley** - A R-O-W providing a secondary means of access to property and is not intended or used for principal traffic circulation. For the purposes of Art. 3.B.16, PRA, an alley provides the primary vehicular access to a building for the purpose of vehicle parking, and location of utility meters, and recycling and garbage bins.
3. **Apartment Building** – For the purposes of Art. 3.B.16, PRA, a building which accommodates residential uses on all floors with some potential for general commercial/office uses.
4. **Appurtenance** - For the purposes of Art. 9, a part, possession, or other incidental part which is generally subordinate to, or adjoins the principal use of structure. i.e., fences, walls, steps, paving, sidewalks, signs and light fixtures. For the purposes of Art. 3.B.16, PRA i.e, arcaded sidewalks, awnings, balconies, bays/oriels, dooryards, galleries, porches and stoops.
5. **Arcaded Sidewalk** - A covered pedestrian walkway contiguous to a Street, Plaza or Square that is open to the public. For the purposes of Art.3.B.15, WCRAO, Westgate Community Redevelopment Agency Overlay and the Art. 3.B.16, PRA, an arcaded sidewalk shall require usable floor area above the roof of the arcade.
6. **Awnings** -
 - a. A temporary hood or cover that projects from the wall of a building and that may include a type, which can be retracted, folded, or collapsed against the face of a supporting building.
 - b. For the purposes of Art. 3.B.16, PRA, an awning is a non-permanent roof like appurtenance supported by a frame that is cantilevered from a facade over windows and doors.
7. **Balcony** – For the purposes of Art. 3.B.16, PRA, an appurtenance providing an exterior platform, attached to the front of a main building and forward of its required build-to zone as permitted by the Florida Building Code as amended by the County. Balconies aligned vertically on adjacent stories may post up to one another and share a single roof element.
8. **Bays/Oriels** – For the purposes of Art. 3.B.16, PRA, an appurtenance to a building forming a livable enclosed space projecting beyond the building.
- ~~9. **Block** -~~
 - a. ~~A parcel of land entirely surrounded by streets, railroad ROW, parks or other public space or a combination thereof.~~
 - b. ~~For the purposes of Art. 3, an area of land entirely bounded by streets.~~

Comment [s20]: Definitions to move to Art. 1?

10. **Block Face** – [For the purposes of Art. 3.B.16, PRA](#), one side of a block.
11. **Block Structure** -
12. **Building Type** – [For the purposes of Art. 3.B.16, PRA](#), a category of habitable structures, commonly determined by function, disposition, and configuration, including frontage and height, but specifically defined in Policy 1.2.4-d of the Future Land Use Element (FLUE) of the Comprehensive Plan.
13. **Build-to zone** – [For the purposes of Art. 3.B.16, PRA](#), the range of allowable distance from the lot line facing a street where the façade of a building shall be placed.
14. **Bulkhead** -
15. **Civic Building** – [For the purposes of Art. 3.B.16, PRA](#), a building owned, leased, or operated by a public agency or other non-profit entity for the primary purpose of providing a service to the general public such as arts, charitable, culture, day care, education, government, place of worship, recreation and other public purposes.
16. **Civic Open Space** – [For the purposes of Art. 3.B.16, PRA](#), a privately owned outdoor area dedicated to public use. Civic Open Spaces are defined by their relationship to the street, adjacent buildings, the arrangement of their hardscape and landscape, size and use.
- ~~17. **Colonnade** – a covered pedestrian structure over a sidewalk that is open to the street except for supporting columns e.g., arcaded sidewalks and galleries. Awnings are not considered colonnades.~~
18. **Courtyard** – [For the purposes of Art. 3.B.16, PRA](#), an outdoor area enclosed by a building on at least three sides that is open to the sky.
19. **Disposition** – [For the purposes of Art. 3.B.16, PRA](#), the placement of a building on its lot.
20. **Dooryard** – [For the purposes of Art. 3.B.16, PRA](#), a private appurtenance providing outdoor living space elevated above ground level.
21. **Driveway** – [For the purposes of Art. 3.B.16, PRA](#), a vehicular lane within a lot, usually leading to a garage or carport and may be used for parking.
22. **Engineered Soil** - [For the purposes of Art. 3.B.16, PRA](#), a medium, that can be compacted to meet the 95 percent of proctor density of AASHTO standards for paved surfaces, placed 24-36 inches deep underneath the six-inch base course for pavement. A layer of geotextile fabric to prohibit roots from growing toward the surface is placed between the base and the medium. The formula for the medium, termed structured soil is 100 percent crushed limestone or granite from three-fourths to 1 .5 inches/20 clay loam/0.03 hydrogel tackifier; the moisture mixing is ten percent.
23. **Expression Line** - [For the purposes of Art. 3.B.16, PRA](#), a traditional architectural feature: a decorative linear element, horizontal or vertical, on the exterior of a building that typically delineates the stories or bays of a building. Use of this element impacts the perceived scale of a building by dividing it into more human-scaled components.
24. **Façade** - [For the purposes of Art. 3.B.16, PRA](#), the exterior wall of a building that is set within a Build-to-Zone. This includes but is not limited to, the wall, windows, doorways, appurtenances and such traditional design elements as expression lines, cornice, and parapet.
25. **Fenestration** - [For the purposes of Art. 3.B.16, PRA](#), an opening in the building wall allowing light and views between interior and exterior. Fenestration is measured as glass area for conditioned space and as open area for parking structure/garage or other un-conditioned, enclosed space.
- ~~26. **Finished Floor Elevation** – The highest finished ground floor surface elevation to which no additional permanent finished material would be applied.~~
27. **Forecourt** - [For the purposes of Art. 3.B.16, PRA](#), a public area created by recessing the façade, surrounded by two or more building walls; the forecourt may be elevated up to 18” above ground level.
28. **Formal Landscaping** - [For the purposes of Art. 3.B.16, PRA](#), street trees or shrubs that form an aligned street wall parallel to the street. When used, paved sidewalks or tree grates may be required to be constructed using engineered soil to accommodate root growth for long-term tree stability and infrastructural compatibility. This tree arrangement forms an intimate, comfortable, dignified public place along a corridor. The arrangement is often useful to visually “narrow down” a corridor when facing buildings on a street are set too far apart or are of insufficient height to establish a comfortable street width to building height ratio of 3:1 to 1:1.
29. **Front Façade** - For the purposes of Art. 3, the wall of a building parallel with and facing a frontage line [or for the purposes of Art. 3.B.16, PRA, street frontage.](#)
- ~~30. **Gallery** – A covered promenade over a pedestrian walkway, contiguous to a street, plaza or square that is open to the public, with no usable floor area above.~~
- ~~31. **General Commercial** – A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser. General commercial services include, but are not limited to, barber~~

Comment [s22]: Already defined in ULDC

Comment [s23]: Already defined in ULDC

Comment [s24]: Already defined in ULDC

~~shops; beauty salons; travel agencies; fortune tellers; retail dry cleaning; express delivery service; health spas and fitness studios; photo studios; animal clinics; repair service establishments, excluding auto related or marine related establishments; commercial storage; and the like. General commercial goods include, but are not limited to, clothing, food, furniture, pharmaceuticals, books, art objects and the like.~~

32. **Ground Story** – For the purposes of the Art. 3.B.16, PRA, the first floor of a building where the finished floor elevation is within 18 inches of the adjacent fronting sidewalk elevation or street crown, whichever is higher. The next story above the ground story is the second story. When a residential use occupies the ground floor elevation it shall be at least 18 inches above the fronting sidewalk elevation or street crown, whichever is higher, as indicated in the building envelope standards.

~~33. **Home Occupation** – A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by state of Florida agencies to be open to the public, such as gun dealers.~~

34. **Laminated Building** – For the purposes of Article 3.B.16, PRA, a building or portion of a building constructed in front of a parking structure/garage, cinema, supermarket etc., positioned to conceal large expanses of blank wall area and to face the street space with a facade that has ample doors and windows opening onto the sidewalk.

35. **Liner Building** – For the purposes of Article 3.B.16, PRA, a building specifically designed to mask a parking lot or parking structure from a roadway and to frame the public realm.

36. **Mixed Use** - For the purposes of Art. 13, means a group of different uses of land within a tract of land or a building for which applications for development permits are sought. For the purposes of Art. 3.B.15, Westgate Community Redevelopment Agency Overlay (WCRAO), and Art.3.B.16, Priority Redevelopment Areas (PRAs), also means the combination of residential and one or more non-residential uses that are functionally integrated.

37. **Neighborhood** – For the purposes of Article 3.B.16, PRA a defined and compact geographic area consisting of residences which may include uses to serve the daily needs of the residents, such as shops, workplaces, recreational areas and civic uses (schools, places of worship), that are accessible by interconnecting streets.

38. **Office** – for the purposes of Art. 13, a building used primarily for conducting the affairs of or the administration of a business, organization profession, service, industry or similar activity. For the purposes of Article 3.B.16, PRA, a room or group of rooms used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to: offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices, and exclude manufacturing activities.

~~39. **Open Air Retail** – A retail sales establishment operated substantially in the open air including, but not limited to, vending cart, push cart, kiosk, farmers market, and the like. Uses not included are, car sales, equipment sales, boats sales, and home and garden supplies and equipment.~~

40. **Parking, Shared** – for the purposes of Art. 6, the development and use of parking areas for joint use by separate businesses in one or more properties. Typically, sharing of parking space during off-peak hours and confirmed by a traffic analysis allows for a shared parking agreement. For the purposes of Art. 3.B.16, parking available to the public for free, or at the same fee for all users, which shall not exceed the prevailing market rate. Time limits may be imposed to ensure turn-over. Hours of public availability may also be restricted.

41. **Parking Garage/Structure** - a. for the purposes of Art. 4, a building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principle use and subject to: For the purposes of Art. 3.B.16, PRA, a structure containing one or more stories of parking for shared or common use.

42. **Parking Lot** - For the purposes of Art. 6, an off-street, area constructed at grade that is used for the temporary parking of automobiles, motorcycles and trucks. Parking lots include access aisles, ramps, maneuvering and all related vehicle use areas. For the purposes of Art. 3.B.16,PRA, a parking lot is for shared or common use.

43. **Passage** - For the purposes of Art. 3.B.16,PRA, a pedestrian connector, open or roofed, that passes between or through buildings, providing more direct connections throughout the block, connecting rear-parking areas to street frontages.

44. **Paver** - For the purposes of Art. 3.B.16,PRA, a brick, block, or other stamped pavement used in special sidewalk or crosswalk paving.

Comment [s25]: No longer need this definition as use table as evolved

Comment [s26]: Already in ULDC

Comment [s27]: URA Code no longer uses this term

45. **Playground** - For the purposes of Art. 3.B.16.PRA, a Civic Open Space type that can be paved or landscaped and includes play equipment, ball courts and/or fields depending on the size of the space. Typically the area is fenced and is found in primarily residential areas or in transitions to residential areas.
46. **Plaza** - For the purposes of Art. 3.B.16.PRA, a Civic Open Space type designed for civic purposes and general commercial activities in the more urban areas Transect Zones generally paved and spatially defined by front facades.
47. **Porch** - For the purposes of Art. 3.B.16.PRA, an appurtenance to a building, forming a covered approach or vestibule to a doorway.
48. **Principal Entrance** - For the purposes of Art. 3.B.16.PRA, the main point of access for pedestrians into a building or storefront. The principal entrance shall remain operable and accessible during hours of operation.
49. **Public Art** - For the purposes of Art. 3.B.16.PRA, art that is visually or physically accessible to the public and that is acquired by County funds, donated to the County, or provided by a private entity as a community benefit. Public Art encompasses the broadest definition of visual art including the imaginative use and interplay of artistic disciplines.
50. **Rowhouse** - For the purposes of Art. 3.B.16.PRA, a single-family dwelling that shares a party wall with another of the same type and occupies the full street frontage.
51. **Specialized District** - For the purposes of Art. 3.B.16.PRA:
 - a. Areas designated by specific regulations to address uses, buildings and lots that were lawfully established prior to ~~the URC~~ this Section was adopted, and do not conform to the terms and requirements of this code.
 - b. A designation that may be granted by the BCC for those uses that cannot conform to the requirements of their Transect Zone, its accompanying building types, and mixed use requirements.
52. **Stoop** -
 - a. A small porch or platform.
 - b. For the purposes of Art. 3.B.16, PRA, an appurtenance on the front facade up to the Clear Pedestrian Circulation Zone with the ground story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.
53. **Storefront** - For the purposes Art. 3.B.16, PRA, retail establishments include, office and general commercial and the like, located at ground story.
54. **Story** - For the purposes Art. 3.B.16, PRA, a habitable area (i.e. between the finished floor elevation and finished ceiling) within a building, excluding an attic or raised basement. Story heights are limited based on the building type.
- ~~55. **Street** - A strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.~~
56. **Street Frontage** - For the purposes of Article 3.B.16, PRA, ~~the Priority Redevelopment Areas~~, includes any one of the following: Required Frontage; Primary Frontage; and Secondary Frontage as depicted on URA PRA Frontages Map; would also include any street frontages depicted on a Regulating Plan for the Urban Center Transect.
57. **Transect** - For the purposes Art. 3.B.16, PRA, a cross-section of the environment showing a range of different habitats. The rural-urban transect of the human environment used in New Urbanism is generally divided into six transect zones. These zones describe the physical form and character of the place, according to the density/intensity of its land use and urbanism.
58. **Transect Zone** - For the purposes Art. 3.B.16, PRA, one of several areas of the County within the Priority Redevelopment Areas of the Urban Redevelopment Area regulated by a form-based code. Transect Zones are administratively similar to the land use designations and their corresponding zoning districts in conventional codes, except that in addition to the building use, density, height, and setback requirements, other elements of the intended habitat are integrated including those of the private lot and building and public frontage.
59. **Transparency** - For the purposes Art. 3.B.16, PRA, the degree, measured as a percentage, to which a store front has clear, transparent windows. Tints, films, and mirrored surfaces detract from the level of transparency.
60. **Vertical Integration** - For the purposes Art. 3.B.16, PRA, mixed, dissimilar land uses are contained within the same building, usually on different floors of a multi-story building.

Comment [s28]: Already in ULDC

Updated 10/26/09

61. **Xeriscape** – [For the purposes Art. 3.B.16. PRA](#), a landscaping method that utilizes water-conserving techniques (as the use of drought-tolerant plants, mulch, and efficient irrigation) as made clear in the most recent edition of the SFWMD's "Xeriscape Plant Guide".

CHAPTER B PUBLIC HEARING PROCEDURES

Section 1 Official Zoning Map Amendment (Rezoning)

A. Purpose

The purpose of this Section is to provide a means for changing the boundaries of the Official Zoning Map. This Section is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant an amendment, the BCC shall consider, the consistency of the proposed amendment with the intent of the Plan set forth in this Section.

B. Standards

When considering a development order application for rezoning to a standard zoning district, the BCC and ZC shall consider standards 1 – 8 indicated below. In addition the standards indicated in section 2.B of this chapter shall also be considered for rezoning to a standard zoning district with a conditional use, and rezoning to a PDD or TDD with or without a requested use or waiver. An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001]

1. Consistency with the Plan

The proposed amendment is consistent with the Plan. [Ord. 2007-001]

2. Consistency with the Code

The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. [Ord. 2007-001]

3. Compatibility with Surrounding Uses

The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district. [Ord. 2007-001]

4. Effect on the Natural Environment

The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

5. Development Patterns

The proposed amendment will result in a logical, orderly, and timely development pattern. [Ord. 2007-001]

6. Consistency with Neighborhood Plan

The proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC policy. [Ord. 2007-001]

7. Adequate Public Facilities

The proposed amendment complies with [Art. 2.F, Concurrency](#). [Ord. 2007-001]

8. Changed Conditions or Circumstances

There are demonstrated changed conditions or circumstances that necessitate the amendment. [Ord. 2007-001]

9. Mobile Home Parks

Any rezoning of property having an existing mobile home park shall comply with the requirements of F.S. Chapter 723.083, Governmental Action Affecting Removal of Mobile Home Owners. [Ord. 2007-013]

C. Effect of a Map Amendment

1. General

Approval of a rezoning shall be deemed to authorize only the particular zoning district for which it is approved.

2. Time Limitations

A rezoning shall be reviewed pursuant to [Art. 2.E, Monitoring](#). [Ord. 2005-002]

D. Development Order Amendment to a PDD, TDD or COZ

A development order for a PDD, TDD or COZ may be amended, extended, varied or altered either pursuant to the conditions established with its original approval, or as otherwise set forth in this Code. Prior to any PDD, TDD or COZ being amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC must find that a change of circumstances or conditions has occurred which make it necessary or reasonable to amend, extend, vary or alter the PDD, TDD or COZ. [Ord. 2005-041]

Section 2 Conditional Uses, Requested Uses and Development Order Amendments

A. Purpose

Conditional uses, requested uses, and development order amendments are generally compatible with the other uses permitted in a district, but require individual review of their location, design, configuration, intensity and/or density and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location. [Ord. 2007-001]

B. Standards

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use, or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001]

1. Consistency with the Plan

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. [Ord. 2007-001]

Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

2. Consistency with the Code

The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of [Article 4.B, SUPPLEMENTARY USE STANDARDS](#). [Ord. 2007-001]

3. Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. [Ord. 2007-001]

4. Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

5. Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. [Ord. 2007-001]

6. Development Patterns

The proposed use or amendment will result in a logical, orderly and timely development pattern. [Ord. 2007-001]

7. Consistency with Neighborhood Plans

The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy. [Ord. 2007-001]

8. Adequate Public Facilities

The extent to which the proposed use complies with [Art. 2.F, Concurrency](#). [Ord. 2007-001]

9. Changed Conditions or Circumstances

There are demonstrated changed conditions or circumstances that necessitate a modification. [Ord. 2007-001]

C. Class A and B Conditional Uses for PRA

1. Class A Conditional Use

Only those uses denoted in Table 3.B.16.C – Allowable Uses by Sub-Zones shall be eligible to apply for a Class A Conditional Use approval.

a. Review Standards

Before granting a Class A Conditional Use within the PRA's, the BCC must find that the project complies with the standards in Article 2.B.2.B and 2.B.2.C Class A Conditional Uses in addition to the following standards:

- (1) Projects shall be designed to be of similar building mass and disposition to the adjacent Transect Zone;
- (2) Buildings shall front a street or civic open space, and should not feature principal entrances accessible from parking lots;
- (3) Projects shall be developed as an integrated network of streets, and be pedestrian friendly in accordance with the standards in Article 3.B.16.C.5;
- (4) Projects shall contribute to a block structure to the greatest extent feasible;
- (5) Projects shall be adjacent to streets depicted on the Frontage Classifications Map, shall feature their corresponding frontages as indicated, and utilize these standards for determining building disposition;
- (6) Parking shall be screened from civic open spaces and, unless provided as on-street parking, located behind a building façade; and
- (7) Meets the provisions of Article 3.B.16.F, Architectural Standards and Article 3.B.16.G, Other Standards.

b. Approval Requirements

- 1) All requests for a Class A Conditional Use shall be submitted for DRO review.
- 2) Each aspect of the property development regulations, except those specifically required in Review Standards, shall be negotiated in good faith between the appropriate DRO agency and the applicant. Negotiations may consider standards and criteria established by: State and National Best Management Practices (BMPs), Professional Organizations (AIA, APA, AASHTO, ULI, etc.), similar or comparable regulations in effect in nearby jurisdictions. These criteria coupled with a calibration for local conditions and parcel specific situations shall serve as the basis for property development regulations and use restrictions.
- 3) The BCC shall have the authority to approve, approve with conditions or deny any applications for a Class A Conditional Use, and to set development standards and controls appropriate for any use allowable under the Class A designation.

c. Conditions

The BCC may impose conditions to ensure that the approval complies with the standards required above.

2. Class B Conditional Use

Only the uses denoted in Table 3.B.16.C – Allowable Uses by Sub-Zones shall be eligible to apply for a Class B Conditional Use approval by the ZC. This designation does not constitute an authorization of such use or an assurance that such use will be approved under this Section.

a. Review Standards

Before granting a Class B Conditional Use, the ZC must find that the project complies with the standards in Article 2.B.2.B and 2.B.2.E Class B Conditional Uses in addition to the following standards:

- 1) The proposed use is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.
- 2) The proposed use complies with all applicable standards and provisions of this Section for layout, function, and general development characteristics.

Underlined language indicates proposed new language.
 Language ~~crossed-out~~ indicates language proposed to be deleted.
 (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.

- 3) The proposed use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
- 4) The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
- 5) The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, and stormwater management.
- 6) There are demonstrated changed conditions or circumstances that necessitate a modification.

b. Conditions

The ZC may impose conditions to ensure that the approval complies with the standards required above.

D. ~~C.~~ Class A Conditional Use

1. Authorized Class A Conditional Uses

Only those uses that are authorized as Class A conditional uses in Table 4.A.3.A-1, Use Matrix, may be approved as Class A conditional uses. The designation of a use as a Class A conditional use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

E. ~~D.~~ Requested Use

1. Authorized Requested Uses

Only those uses that are authorized as requested uses in Table 3.E.1.B-22, PDD Use Matrix, may be approved as requested uses. The designation of a use as a requested use in a planned development does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

F. ~~E.~~ Class B Conditional Use

1. Authorized Class B Conditional Uses

Only those uses that are authorized as Class B conditional uses in Table 4.A.3.A-1, Use Matrix, may be approved as Class B conditional uses. The designation of a use as a Class B conditional use in a standard district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

G. ~~F.~~ Development Order Amendment

1. General

A development order for a Class A conditional use, requested use or Class B conditional use may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Section. Before any conditional/requested use is amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the conditional/requested use. **[Ord. 2007-001]**

2. Expedited Application Consideration (EAC)

Certain minor development order amendments may be eligible for expedited consideration and review:

a. Criteria

The application shall meet all of the following criteria in order to be reviewed, in an EAC process;

- 1) Approval of the Zoning Director, ~~and the~~ County Engineer and Planning Director for PRA applications shall be obtained prior to submission. The Zoning Director, ~~and the~~ County Engineer and Planning Director for PRA applications shall consult with any other department responsible for the conditions of approval. They shall approve or deny the request to obtain expedited consideration based on compatibility of the request with the surrounding area. The magnitude of the requested modification shall also be considered. The County Engineer, ~~and the~~ Zoning Director and Planning Director for PRA applications shall only permit expedited consideration for proposals which have minimal site design impact, and which, if approved, will be compatible with surrounding areas; **[Ord. 2007-001]**
- 2) The proposed application, if approved, will not increase intensity or density of the project; **[Ord. 2007-001]**
- 3) Proof of compliance with all previous conditions of development approval; **[Ord. 2007-001]**
- 4) No change to the threshold certificate, except alteration of legal description, shall occur; **[Ord. 2007-001]**
- 5) The proposed amendment does not affect uses or intensities/densities within a DRI (Development of Regional Impact); and **[Ord. 2007-001]**
- 6) All impacts shall be internal to the project **[Ord. 2007-001]**

3. Procedures

After approval by the County Engineer, ~~and the~~ Zoning Director and Planning Director for PRA applications to participate in an EAC process, the application shall be submitted and reviewed pursuant to the applicable development approval procedure, except that:

- a. After the application is certified by the DRO, the proposed modification may proceed directly to the next BCC hearing for which advertising requirements can be met. **[Ord. 2007-001]**

H. ~~G.~~ Conditions of Approval

1. Class A. Conditional/Requested Use/Development Order Amendment

The DRO and ZC may recommend, and the BCC may impose, such conditions in a development order for a Class A conditional use, requested use, or development order amendment that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours of operation. Conditions shall be included if

conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval, shall not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by [Art. 2.E, Monitoring](#). [Ord. 2007-001]

2. Class B Conditional Use

The DRO may recommend, and the ZC may impose, such conditions in a development order for a Class B conditional use as stated in [Article 2.B.2.G.1, Class A Conditional/Requested Use](#), above.

~~I. H.~~ Effect of Issuance of a Development Order

1. General

Issuance of a development order for a conditional use, requested use, or DOA shall be deemed to authorize only the particular site configuration, layout and level of impacts which were approved pursuant to this Code, unless the approval is abandoned. Permitted uses may occur in conjunction with or in place of a conditional or requested use.

2. Site Plan Compliance/Initiation of Use

Development, benefit, or use of a conditional use, requested use or DOA shall not be permitted until the applicant has secured and complied with all other development orders and site improvements required by this Code.

The approval of a development order shall not ensure that subsequent approvals for other development permits will be granted unless the relevant and applicable portions of this Code are met.

Section 3 Type II Variance

A. Purpose

To allow a deviation from certain standards of this Code when special circumstances or conditions peculiar to the property exist and the literal enforcement of this Code would result in undue and unnecessary hardship. A Type II variance is required when deviations are requested for: any project that is subject to BCC or ZC approval; any project requesting 5 or more variances; any variance request greater than 15 percent of a required standard; and any airport zoning variance as described in [Art. 2.B.3.D.2, Airport Variance](#). [Ord. 2006-036]

B. Application Procedure

1. Subdivision Variance

A variance from [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#), shall be submitted to the County Engineer and shall comply with the application procedures and requirements of this Chapter. The County Engineer shall review the application and forward a copy to the applicable agencies for review and comment within 15 days after the application is determined sufficient.

2. Noise Variance

See [Article 5.E, PERFORMANCE STANDARDS](#).

3. Sequence of Submittal

An application for a variance shall comply with the following:

- a. Approval of a variance shall be obtained prior to master plan, site plan or subdivision plan approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs first.
- b. If an application for a development order is contingent upon approval of a variance, then the variance shall be obtained prior to certification by the DRO.
- c. Application for a variance from the Airport Zoning regulations shall comply with the review procedures in [Article 16, AIRPORT REGULATIONS](#).
- d. A pre-application meeting with staff shall be required prior to application submittal. [Ord. 2008-003]

C. Application Requirements

1. Description

All properties described in one application must be contiguous. The Zoning Director may require more than one application if the property concerned contains more than 40 acres, or the fee paid for one application would not equal the cost of processing multiple applications.

D. Review and Recommendation

1. Zoning and Subdivision Variances

The applicable PBC Departments shall review the application and forward recommendations or comments to the Zoning Director within 15 working days after the application is determined sufficient. The staff report shall contain recommended findings of fact and conclusions of law, and a recommendation of approval, approval with conditions, or denial with or without prejudice based on the standards in [Art. 2.A.1.L, Actions by Decision Making Bodies or Persons](#). [Ord. 2008-003]

2. Airport Variance

A variance from [Art. 16, Airport Regulations](#), shall require the applicant to submit a copy of the application by certified mail to the FDOT Aviation Section and DOA. The FDOT and DOA shall have 45 days from receipt of the application to provide comments to the applicant and ZC, after which the right to comment is waived. The ZC may proceed with consideration of an application only upon receipt of FDOT and DOA comments or upon the applicant's filing a copy of a certified mail return receipt showing the 45 days have elapsed, demonstrating FDOT's and DOA's intent to waive the right to comment. [Ord. 2005-002] [Ord. 2006-036]

- a. When reviewing variances from the [Art. 16, Airport Regulations](#), the ZC may approve, approve with conditions, postpone, or deny with or without prejudice a variance for the erection, alteration, or modification of any structure which would cause the structure to exceed the Federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The

variance may not always be evaluated or granted solely on the basis that the proposed will not exceed Federal obstruction standards. Except as otherwise provided in Chapter 333, Fla. Stat., the standards in [Art. 2.B.3.E, Standards](#), shall be used to evaluate the variance application. [Ord. 2006-036]

3. PRA Variances

a. Applicability

Standards not eligible for Variances:

- 1) Required provisions for frontages;
- 2) Minimum parking requirements and location of parking;
- 3) Building disposition requirements;
- 4) Building height (minimum and maximum);
- 5) PRA Use Matrix;
- 6) Civic open space requirements; and
- 7) Required provision of alleys and cross access agreements.

E. Standards

1. Zoning and Subdivision Variances

The ZC shall consider and find that all seven criteria listed below have been satisfied by the applicant prior to making a motion for approval, of a zoning or subdivision variance: [Ord. 2006-036]

- a. ~~1.~~ 4.—Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district;
- b. ~~2.~~ 2.—Special circumstances and conditions do not result from the actions of the applicant;
- c. ~~3.~~ 3.—Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;
- d. ~~4.~~ 4.—Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
- e. ~~5.~~ 5.—Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;
- f. ~~6.~~ 6.—Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and
- g. ~~7.~~ 7.—Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

2. Standards for PRA

Economic hardship is not sufficient justification for granting a Variance for PRA. Before granting a variance to the provisions of this Section, the ZC must find that the project complies with Article 2.B.3.E Type II Variance Standards in addition to the following standards:

- a. The variance is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities;
- b. The variance is in harmony with the general vision and intention of the development pattern of the URA Master Plan;
- c. The variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, or welfare;
- d. The project is designed and arranged on the site in a manner that minimizes impact; and
- e. There are demonstrated changed conditions or circumstances that necessitate a modification.

F. Conditions

The Zoning Director, or County Engineer, or Airport Director, or Planning Director for PRA applications whichever is appropriate, may recommend, and the ZC may impose, such conditions in a development order for a variance as are necessary to accomplish the goals, objectives and policies of the Plan and this Code, including limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or a condition shall be a violation of this Code. [Ord. 2006-036]

1. Request for Time Limitation Waiver

If a variance is requested for property that does not require a building permit to implement the use, then the applicant may request a waiver from [Article 2.B.3.F.1, Request for Time Limitation Waiver](#), of this Chapter. If a waiver from the time limitation is requested, the applicant shall specifically request the waiver simultaneous with submittal of the application and provide a written justification for the request. The justification shall be reviewed by the appropriate variance review body, and if sufficient make a finding, as a condition of approval, that the variance is not subject to the time limitations of this Section or may require compliance with the variance approval by a specified time, as deemed appropriate.

G. Effect of Development Order

1. General

Issuance of a development order for a variance shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific condition of approval limits the specific use for which it is issued. A development order for a variance shall run with the land.

2. Time Limitation

Unless otherwise specified in the development order or a condition of approval, construction shall be commenced pursuant to [Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase](#), within 12 months of the variance approval date, otherwise it shall become null and void. If more than one variance was granted, the use of one of the variances shall vest the other variances. Permitted time frames do not change with successive owners. Upon written request, an extension of time for the variance or any condition thereof may be granted for a maximum of 24 months. No request for an extension shall be considered unless a written application requesting the extension is submitted to

Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

the appropriate Department prior to the date the development order or condition is to expire. Failure to submit an application for an extension within the time limits established by this Section shall render the development order for the variance null and void.

3. Conforming

Approval of a variance by the ZC shall render a parcel of land, building or the structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building or structure as indicated on the site plan as submitted in the application. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code. **[Ord. 2006-036]**

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

A. Purpose

The purpose of this Section is to establish a review process for all developments requiring approval by the DRO based upon comments and recommendations from appropriate PBC departments PBC divisions and other local government agencies to establish standards for review, standards for approval, to set limits on the administrative authority of the DRO to modify BCC or ZC approvals, and an appeal process.

B. Application Types

1. The following types of development shall require approval of a master plan, site plan or subdivision plan by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO:
 - a. Conditional Use/Requested Use;
 - b. All development in a PDD or TDD;
 - c. "D" uses in [Table 4.A.3.A-1, Use Matrix](#);
 - d. New commercial, industrial and residential development of more than two dwelling units in the WCRA;
 - e. All new construction that creates, meets or exceeds the thresholds in [Table 4.A.3.A-2, Threshold for Project Requiring DRO Approval](#);
 - f. Amendments or changes to any previously approved special exception, conditional use or other development which required approval of a site plan or subdivision by [Ord. No.1957-003](#), [Ord. No.1973-002](#), or [Ord. No.1992-020](#) as amended;
 - g. Any use governed by [Art. 1.F.2, Nonconforming Use](#);
 - h. Any amendment to a previously approved site plan; and
 - i. All subdivision of land, unless exempt.
2. If any of the these development types do not require construction of additional square feet, complete implementation of the DRO approval prior to utilization of any of the development types shall occur.

C. Review Procedures

1. Staff Review

At least five days prior to the DRO review date, each applicant shall be provided a list of issues, if any, which must be addressed prior to approval of the application. **[Ord. 2007-001] [Ord. 2008-003]**

a. Expedited DRO Applications (EDA - Signature Only)

Expedited applications will not receive written comments from the DRO. A previously postponed Type 1 EDA will receive updated comment letters only. **[Ord. 2007-001]**

2. Action by the DRO

On the review date established by the DRO, the DRO shall inform each applicant of the revisions necessary for the application to receive approval. Each applicant shall be provided a maximum of three working days to revise minor outstanding issues. Within seven working days after the review date the DRO shall approve, approve with conditions, not approve, deny, withdraw or postpone each application on the agenda after reviewing the recommendations and comments provided by the agency officers. The DRO shall not approve a plan of development until the plan meets all applicable Code requirements, standards, policies, and conditions of approval. **[Ord. 2008-003]**

3. Resubmittal Requirements

The applicant shall provide a written response addressing all outstanding certification issues for applications which were not approved in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted on the submittal date as established on the Annual Zoning Calendar. The applicant shall request to be placed on an agenda a minimum of two days prior to the meeting date. **[Ord. 2008-003]**

D. Application Requirements

All applications to the DRO shall contain a plan of development, which graphically and in tabular form provides sufficient information for a decision to be rendered in accordance with the standards in Section.

1. Plan Requirements

- At a minimum, all site plans and subdivision plans submitted to the DRO shall:
- a. Comply with the Technical Manual Requirements published by the Zoning Division;
 - b. Comply with the Land Design Manual published by the Land Development Division; and
 - c. Comply with all applicable requirements in this Code.

2. Subdivision Plan

All subdivision of land shall receive approval of a subdivision plan by the DRO prior to submission of a plat or other approval required by [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#).

a. Exception

A minor subdivision may be exempt from this Section subject to the approval of a Plat Waiver pursuant to [Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS](#).

3. Effect of a Development Order Approved by the DRO

A development order approved by the DRO shall have the following effect and authority:

- a. Any permitted uses may occur in conjunction with or in place of the approval use;
- b. A development order for a site plan or a subdivision plan shall apply to only the land legally described in the application submitted to, and found sufficient by, the DRO and shall run with the land for the life of the development order;
- c. A development order for a site plan or subdivision plan shall authorize only the particular site configuration, layout, design, level of impacts, and intensity/density which were approved by the DRO pursuant to the standards of this Code; and
- d. A development order for a site plan or subdivision may only be amended pursuant to the procedures and standards in this Section.

E. Standards

Prior to approval by the DRO, a site plan or subdivision plan shall comply with the following standards:

1. Consistency with the Plan

Shall be consistent with the purposes, goals, objectives, and policies in the Plan.

2. Consistency with Neighborhood Plans

The plan of development shall be consistent with applicable neighborhood plans.

3. Other Relevant Codes

The site plan or final subdivision plan shall comply with the PBC's health, fire and building standards and all other relevant and applicable provisions of this Code.

F. Conditions

1. DRO Authority

The DRO shall have the authority to impose conditions on a development order which:

a. Code Compliance

Ensure compliance with Code requirements;

b. Minimize Impacts

Ensure compatibility of the proposed development or use with surrounding land uses, address the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-site safety;

(This space intentionally left blank)

c. Legal Documents

Require the execution of a unity of title, unity of control, shared parking and other legal documentation necessary to satisfy requirements of this Code;

d. Traffic Performance Standards

Require road construction necessary for the project to meet TPS including drainage, turn lanes, sidewalks, and signalization;

e. Agricultural Uses in the Urban Services Area (USA)

Reduce negative impacts on surrounding properties including but not limited to: controlling objectionable odors, fencing, sound limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of operation; and

f. Waiver

Allows specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for the waiver.

2. Condition Limitations

- a. Conditions imposed by the DRO shall be reasonable, not be contrary to law, limited to on-site improvements, except for off-site road improvements or conveyances specifically attributable to the project's impact.
- b. Conditions shall not amend BCC, ZC or variance imposed conditions or affect previously approved conditions.
- c. For modifications or additions to previously approved development orders, conditions shall only be imposed to address the specific impacts of the new use or development.
- d. Conditions shall not restrict land uses otherwise permitted by the Code, unless necessary for parking or concurrency purposes, or require payment of any fees not otherwise required.

G. Administrative Review

The DRO may approve minor amendments to site plans and subdivision plans, and approve new site plans, in accordance with the following procedures. **[Ord. 2007-001] [Ord. 2008-003]**

1. Amendments to BCC/ZC Approvals

The DRO shall have the authority to approve minor modifications to a development order approved by the BCC or ZC. An application for an amendment shall be submitted in accordance with [Article 2.A.1, Applicability](#), and reviewed in accordance with the standards in [Article 2.D.1.C, Review Procedures](#). Applications must be submitted on deadlines established on an Annual Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to the following: **[Ord. 2008-003]**

- a. The relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.
 - 1) Relocated square footage shall not be used to create additional freestanding buildings or structures; and
 - 2) Buildings and structures shall not be relocated closer to perimeter property lines than shown on the plan approved by the BCC or ZC.
- b. An increase of no more than five percent in the total floor area of any building or structure, provided that the increase does not exceed 1,000 square feet whichever is less; **[Ord. 2008-003]**
- c. An overall increase of not more than ten percent of the height of any structure;
- d. Relocation of access points; and addition or deletion of internal access points; **[Ord. 2008-003]**
- e. Relocation of open space or recreation areas, provided that the request does not result in a substantial change in the amount, configuration, or character of open space or recreation approved by the BCC or ZC; **[Ord. 2008-003]**
- f. The redesignation of phasing provided the request meets the intent of the development order; **[Ord. 2008-003]**
- g. The modification shall not substantially change or increase the impacts reviewed in the original development order; **[Ord. 2008-003]**
- h. The modification shall not result in any substantial increase in traffic or access, as determined by PBC; and **[Ord. 2008-003]**
- i. Requested uses shall remain in the location approved by the BCC, unless a condition of approval allows relocation. **[Ord. 2008-003]**

2. Agency Review

Agency Review is utilized for applications that may require the submittal of a new site plan, or amendment(s) to an existing approved site or subdivision plan. This type of application requires review, comment, and conditions by five or fewer DRO agencies as necessary to authorize the amendment. The Zoning Division will determine which agencies are required to review the amendment based upon the request and compliance with county ordinances. Typical amendments are, but not limited to, the following provided Section Art. 2.D.1.G.1 requirements are not exceeded: **[Ord. 2008-003]**

- a. Increases in building square footage; **[Ord. 2008-003]**
- b. Relocation of building square footage; **[Ord. 2008-003]**
- c. Transfer of building square footage; **[Ord. 2008-003]**
- d. Alternate Landscape Plans (ALPs); **[Ord. 2008-003]**
- e. Palm Beach County School Board Projects; and, **[Ord. 2008-003]**
- f. Type IB excavation. **[Ord. 2008-003]**

Applications shall be submitted in accordance with the Annual Zoning Calendar, and pursuant to the provisions in [Article 2.A.1, Applicability](#), and [Article 2.D.1.C, Review Procedures](#). The applicant shall be responsible for obtaining the recommendation of approval and any comments

from the affected DRO agencies, in a form and manner establish by the Zoning Director. [Ord. 2007-001] [Ord. 2008-003]

3. Zoning Review

Zoning review is utilized for applications that require only Zoning Division approval of: minor corrections to tabular, additions and amendments to an existing approved site or subdivision plan. Typical amendments may include, but not be limited to the following: [Ord. 2008-003]

- a. Change in sign location; [Ord. 2008-003]
- b. Minor modifications to parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-003]
- c. Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]
- d. Proposed phase lines; [Ord. 2008-003]
- e. Reduction in building size; [Ord. 2008-003]
- f. Proposed canopies; [Ord. 2008-003]
- g. Minor revisions to lot lines to be consistent with plat; [Ord. 2008-003]
- h. Temporary sales trailers (must first have been issued a Special Permit); and, [Ord. 2008-003]
- i. Other minor structures. [Ord. 2008-003]

The Zoning Director shall maintain PPM Z0-0-29, outlining a list of minor amendments, subject to periodical update, indicating which items are exempt from the Zoning administrative review process. Applications shall be submitted in accordance with the intake dates established on the Annual Zoning Calendar, and pursuant to the provisions in Article 2.A.1, Applicability, and Article 2.D.1.C, Review Procedures. [Ord. 2008-003]

4. Administrative Amendments

Minor corrections, additions and amendments to an approved site plan or subdivision plan, which do not require recommendation and comment from an agency other than the Zoning Division, may be approved administratively by the DRO. Administrative Amendments permitted include, but are not limited to, a change in sign location, minor modifications to parking areas (such as the relocation of handicapped parking spaces), relocation of terminal islands to accommodate trees or utility lines, addition of phase lines reduction in building size, addition of canopies, removal of excess parking, minor revisions to lot lines to be consistent with a plat, temporary sales trailers, and other minor structures. An application for an Administrative Amendments shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures.

Section 2 Special Permit

A. Purpose

To create standards and an approval process for certain uses, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. These uses shall require approval of a special permit by the Zoning Division prior to issuance of a CO, business tax receipt, building permit, or commencement of activity. [Ord. 2007-013]

B. Authorized Special Permits

Only the uses identified in Table 4.A.3.A-1, Use Matrix, or Article 4.B, SUPPLEMENTARY USE STANDARDS, by an “S” shall require a special permit. This designation in Table 4.A.3.A-1, Use Matrix, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district.

C. Procedure

1. Contents of Application

The application shall be submitted in a form established by the Zoning Director and made available to the public. A business tax receipt must be obtained and all permits must be posted on the site prior to commencement of operation. If a survey is required, the survey shall indicate: [Ord. 2007-013]

- a. Location of existing and proposed signage;
- b. Square footage of the designated area;
- c. Location, setback, and footprint of tent, if applicable;
- d. Required setbacks for products (trees, etc); and
- e. Location where permit will be posted.

D. Standards

The following standards shall apply to all special permits:

- 1. Compliance with the goals policies and objectives in the Plan;
- 2. Compliance with the applicable property development regulations of the zoning district in which the use is located;
- 3. Compliance with all applicable portions of this Code, including, but not limited, concurrency, parking, and landscaping; and
- 4. Utilization of the location, design, layout, access, and duration of the use to minimize potential adverse impacts on surrounding land uses.

E. Conditions

The Zoning Division shall have the authority to apply conditions to the special permit which ensure compliance with Code requirements, time limitations, and the standards above. If a special permit is found in violation of any condition or Code requirement, the Zoning Division may withhold future special permits from the applicant for a period of 24 months.

F. Renewal

Certain special permits are required to be renewed annually.

- 1. Special permits requiring annual renewal shall be subject to the following:

- a. Renewal shall occur on or prior to the date the original permit was issued, or a new permit shall be applied for;
 - b. Renewal permit shall be subject to the regulations in effect at the time of renewals; and;
 - c. Renewal fee as provided in the fee schedule.
2. Failure to renew a special permit shall result in the permit becoming null and void. The use or activity permitted by the special permit shall cease immediately and the affected area returned to its pre-permit state.

G. Expiration

Failure to utilize a special permit within one year of issuance, or by the date specified in a condition of approval, shall result in the permit becoming null and void.

H. Discontinuance

A special permit shall expire if the use or activity is discontinued for more than 90 days.

I. Revocation

A special permit may be revoked at any time by the Zoning Director if it is determined that the recipient is in violation of the Code, a related standard, or a condition of approval. Revocation of a special permit shall result in the permit becoming null and void. The use or activity permitted by the special permit shall cease immediately and the affected area shall be returned to its pre-permit state.

Section 3 Type IA and Type IB Administrative Variances

A. Purpose

To allow minor deviation from certain standards of this Code when special circumstances or conditions peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the Zoning Director or the Planning Director for PRA applications the authority to review, approve, deny, and render conditions to an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. This Section may not be combined with any other Section that allows variations from the same PDRs.

B. Type IA Administrative Variances

Type IA variances may be considered for the following: **[Ord. 2006-036]**

1. Structural Encroachments into Setbacks

A variance may be requested for a setback reduction up to five percent of the minimum requirement. **[Ord. 2006-036]**

2. Preservation of Vegetation

Variance requests that will accommodate the preservation of existing native tree(s) pursuant to [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#), as follows: **[Ord. 2006-036]**

- a. Up to five percent of a required setback; and
- b. Up to five percent of the required number of parking spaces.

3. Native Ecosystem Overlay District (NEO)

A variance may be issued from off-street parking, off-street loading, density-intensity, heights and setbacks provided the following criteria are met pursuant to the extent permitted [Article 3.B.8, NEO, Native Ecosystem Overlay](#).

a. Procedure

- 1) A NEO variance application shall be submitted in a form and established by the Zoning Director and made available to the public.
- 2) The application shall be reviewed by ERM to ensure the property is located in an established NEO district. ERM may conduct a site visit to verify the NEO and impact of the proposed development. A written determination by ERM shall be sent to the Zoning Division regarding the proposed preservation.

b. Restrictive Covenant

A restrictive covenant shall be recorded in order to preserve the native vegetation identified in the application prior to issuance of an administrative variance. A restrictive covenant shall be recorded in the PBC Public Records on a form established by the County Attorney, to ensure the preservation of native vegetation in perpetuity. The NEO administrative variance shall not be issued until a copy of the recorded restrictive covenant is submitted to the Zoning Division.

4. Vacant Lots

The owner of a lot that is subject to the requirement in [Art. 7.E.4.B, Vacant Lots](#), may apply to the Zoning Director for a variance from the time frames, landscaping, and amount of coverage required based on consideration of the following criteria: **[Ord. 2005-002] [Ord. 2006-036]**

- a. The length of time the lot has been maintained as a vacant lot;
- b. Whether the applicant intends to redevelop the lot within one year of the demolition of the home;
- c. Whether literal interpretation of the terms of the requirements would create an unnecessary and undue hardship, and the applicant can demonstrate that the demolition does not significantly diminish the residential character of the neighborhood;
- d. The existence of special conditions that mitigate the detrimental effect of the vacant lot on the character of the residential neighborhood; and
- e. Whether granting the variance will be consistent with the purposes goals, objectives, and policies of the Plan and this Code.

5. Priority Redevelopment Area (PRA) Deviations

The applicant may seek deviations for specific regulations in Article 3.B.16 PRA. (Hyperlink the Article)

C. Type IB Administrative Variances

A pre-application meeting with staff shall be required prior to application submittal. Type IB variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003]

1. Residential Lots of Three Units or Less

A variance may be requested for the following: [Ord. 2006-036] [Ord. 2008-003]

- a. Setback reduction greater than five percent of the minimum requirement. [Ord. 2006-036] [Ord. 2008-003]
- b. Relief from [Article 5.B.1.A, Accessory Uses and Structures](#) as follows: General; Fences, Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Recreation Facility; Swimming Pools and Spas; Screen Enclosures; and Permanent Generators. [Ord. 2008-003]
- c. Relief from Excavation Standards (Art. 4.D.5.C, Type 1A Excavation, and 4.D.5.C, Type 1B Excavations). [Ord. 2008-003]

2. Non Residential Projects

A variance may be requested for the following: [Ord. 2008-003]

- a. Setback reduction greater than five percent but not exceeding 15 percent of the minimum requirement, [Ord. 2008-003]
- b. Reduction in the number of parking spaces not exceeding 15 percent of the minimum requirement; [Ord. 2006-036] [Ord. 2008-003]
- c. Relief from [Article 5.B.1.A., Accessory Uses and Structures](#) as follows: General; Fences, Walls and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Recreation Facility; Swimming Pools and Spas; Screen Enclosures; and Permanent Generators. [Ord. 2008-003]
- d. Easement encroachment into a required landscape that exceeds five feet. [Ord. 2008-003]

3. Permanent Generators on SFD and ZLL Lots

A variance may be requested to reduce the minimum front and/or side setback requirements for permanent generators proposed on single family or ZLL lots, provided that the generator complies with all other applicable ULDC requirements. [Ord. 2007-001]

4. PRA Overlay Deviations

A variance within the URAO would permit a practice that is not consistent with a specific dimensional or locational provision, but is justified by its ability to fulfill the purpose and intent of the applicable section, adheres to the Goals, Policies and Objectives of the Comprehensive Plan, and is consistent with the vision established in the URA Master Plan. Economic hardship is not sufficient justification for granting a waiver.

D. Limitations

This Section may not be combined with any other Section that allows variations from the same PDRs.

E. Conditions

The Zoning Director or Planning Director for PRA applications may recommend conditions in a development order for an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code, including, but not limited to, limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or condition shall be a violation of this Code.

F. Time Limitation

Unless otherwise specified in the development order or a condition of approval, failure to utilize an administrative variance within one year of issuance, or by date specified in a condition of approval, shall result in the variance becoming null and void. If more than one variance was granted in the application, the use of one variance shall vest all other variances. Permitted time frames do not change with successive owners. Applications for extensions shall be submitted a minimum of 30 days prior to expiration. [Ord. 2008-003]

G. Standards

The Zoning Director or Planning Director for PRA applications shall consider and find that all criteria listed below have been satisfied by the applicant prior to making a final decision regarding an application for a administrative variance.

1. Type IA – Zoning Variance

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036]
- b. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district; [Ord. 2006-036]
- c. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; [Ord. 2006-036]
- d. All viable options to address the situation have been exhausted; [Ord. 2006-036]
- e. The request is the minimum variance necessary to make possible a reasonable use of the parcel of land. [Ord. 2006-036]

2. Type IB – Zoning Variance

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district; [Ord. 2006-036]
- b. Special conditions and circumstances do not result from the actions of the applicant; [Ord. 2006-036]

- c. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district; **[Ord. 2006-036]**
- d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship; **[Ord. 2006-036]**
- e. Granting the variance is the minimum variance that will make possible a reasonable use of the parcel of land, building, or structure; **[Ord. 2006-036]**
- f. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and **[Ord. 2006-036]**
- g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. **[Ord. 2006-036]**

3. Type IB PRA Variance

a. Applicability

Examples of variances may include problems relating to the dimensional location of:

- 1) Topography or street grade;
- 2) Alleys and streets;
- 3) Breaks and passages between buildings;
- 4) Streetscape details; or
- 5) Design issues related to the inclusion of existing buildings or mature trees as part of a development proposal.

b. Review Standards

Before granting a variance to the provisions of this Section, the Planning Division must find that the project complies with Article 2.D.1.G Administrative Review in addition to the following standards:

- 1) The variance is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities;
- 2) The variance is in harmony with the general vision and intention of the development pattern of the URA Master Plan;
- 3) The variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, or welfare;
- 4) The project is designed and arranged on the site in a manner that minimizes impact; and
- 5) The variance is the minimum necessary to allow reasonable use of the property.

5. Type II PRA Variance

- a. The variance is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities;
- b. The variance is in harmony with the general vision and intention of the development pattern of the URA Master Plan;
- c. The variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, or welfare;
- d. The project is designed and arranged on the site in a manner that minimizes impact; and
- e. There are demonstrated changed conditions or circumstances that necessitate a modification.

H. Effect of Development Order

Approval of a variance shall render a parcel of land, building or structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building or structure as indicated on the site plan as submitted in the application. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code. **[Ord. 2006-036]**

Section 4 Administrative Amendments

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Underlined language indicates proposed new language.
 Language ~~crossed-out~~ indicates language proposed to be deleted.
 ... (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.

ARTICLE 5

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

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Section 2 Types of Parks

A. Countywide Parks and Preservation/Conservation Areas

1. Countywide Parks

The PBC Parks and Recreation Department supplies a countywide system of public parks and recreational facilities for which Level of Service (LOS) standards are established in the Recreation and Open Space Element of the Plan. For purposes of park concurrency, Regional, Beach and District Park LOS are established and Park Impact Fees assessed on new residential development to maintain the countywide park systems LOS concurrent with growth. The CIE is updated annually to include projects needed to meet countywide Comprehensive Plan LOS that will be funded through the Parks and Recreational Department's ongoing Capital Improvement Program. [Ord. 2006-004]

2. Countywide Park Impact Fees

Park impact fees shall be assessed according to the provisions of [Article 13.B, COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE](#), as amended, to meet Countywide LOS needs for public, regional, beach, and district parks.

3. Reservations

Where a planned countywide Beach, Regional, District park, or Preservation/Conservation area is shown in the Plan, and a proposed development application is located in whole or part within the planned beach, regional, district park, or preservation/conservation area, such area shall be preserved for a period not to exceed two years during which time PBC shall either acquire the land or release the reservation. The time period initiating the reservation shall commence with the filing of an application for development order.

B. Community and Neighborhood Park Recreation Standards

1. Required Recreational Areas

All proposed residential development shall make adequate provisions for recreation areas to accommodate the neighborhood and community park level recreational needs of the residents of the development. The recreation areas shall consist of a developed parcel of land that includes recreational facilities of a type consistent with the needs of the residents. The recreation parcel shall be located so as to provide convenient and safe pedestrian access for the residents of the development. The recreation area shall be reserved by the developer for the perpetual use of the residents of the development. The owner of the land or a property owner's association and their successors in interest shall be responsible for the perpetual maintenance of the recreation area.

2. Calculation of Required Recreation

The required recreation area shall be the equivalent of two and one-half acres of developed land per 1,000 people population, based on 2.32 people per unit. Development of recreational facilities shall be of a type suitable for general neighborhood or community park use. The dollar amount to be spent on recreational improvements per acre shall be no less than 75 percent of PBC's average cost per acre for developing community and neighborhood park type facilities as calculated by the Park and Recreation Department based on the current PBC cost per acre to develop Community or Neighborhood park facilities. The minimum dollar amount to be spent on recreation facilities shall be determined by the Parks and Recreation Department at the time of final site plan submission.

a. WCRAO and PRA

The required recreation area shall be the equivalent of one and one quarter acres of developed land per 1,000 people population, based on 2.32 people per unit. [Ord. 2008-037]

3. Approval

Prior to DRO certification, projects proceeding to the public hearing process shall indicate the character and location of the proposed recreation in the application for review and approval by the Parks and Recreation Department. For projects requiring final site plan approval, the proposed location and configuration of the recreation area(s) and the recreational improvements shall be indicated on the plan for review and approval by the Parks and Recreation Department.

4. Reduction in Recreation Area Land Requirement

The Parks and Recreation Department may allow reduction of the recreation land area requirement by not more than 25 percent when other open space tracts are platted and made available to residents for recreational purpose and the combined value of the recreation facilities to be constructed and the resulting reduced land area exceeds the total value of the recreation land area and facilities requirement of [Article 5.D.2.B.2, Calculation of Required Recreation](#), by a minimum of 25 percent. **[Ord. 2006-004]**

5. Cash-Out Option

At the option of the Parks and Recreation Department, the developer may, in lieu of or in combination with [Article 5.D.2.B.2, Calculation of Required Recreation](#), contribute the dollar value of the total recreational area requirement of this Chapter including land and improvements of this Chapter for the entire development at the time the first plat is submitted for recording. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of community or neighborhood parks according to the provisions of [Article 5.D.2.B.6, Park and Recreation Trust Fund](#).

a. WCRAO

At the option of the Parks and Recreation Department, with a positive recommendation from the WCRA, the developer may, in lieu of or in combination with [Article 5.D.2.B.2, Calculation of Required Recreation](#), contribute the dollar value of the total recreational area requirement, or convey land of equal value within the WCRA targeted area to the County, as identified by the Parks and Recreation Department or the WCRA Plan, including land and improvements for the entire development, or a portion thereof, at the time the first plat is submitted for recording or issuance of the first residential or mixed use building permit. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, issuance of the first residential or mixed use building permit or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat or issuance of the first residential or mixed use building permit. All such funds collected shall be held in a non-lapsing Park and Recreation Trust Fund for the acquisition and improvement of the WCRA community or neighborhood parks according to the provisions of [Article 5.D.2.B.6, Park and Recreation Trust Fund](#). **[Ord. 2008-037]**

b. PRA

At the option of the Parks and Recreation Department, with a positive recommendation from the Planning Director, the developer may, in lieu of or in combination with [Article 5.D.2.B.2, Calculation of Required Recreation](#), contribute the dollar value of the total recreational area requirement or convey land of equal value within or adjacent to the PRA targeted area to the County, as identified by the Parks and Recreation Department or the URA Master Plan and Addendum, including land and improvements for the entire development, or a portion thereof, at the time the first plat is submitted for recording or issuance of the first residential or mixed use building permit. Land value shall be based on PBC's cost to acquire land for community or neighborhood parks at the time the first plat is submitted for recording, issuance of the first residential or mixed use building permit, or on a PBC approved certified MSA appraisal of the average value of the land in the development at the time of first plat or issuance of the first residential or mixed use building permit. All such funds collected shall be held in a non-lapsing Park and Recreation Trust fund for the acquisition and improvement of the PRA community or neighborhood parks according to the provisions of [Article 5.D.2.B.6 Park and Recreation Trust Fund](#).

6. Park and Recreation Trust Fund

Monies deposited by a developer pursuant to this Chapter shall be expended within a reasonable period of time for the purpose of acquiring and/or developing land necessary to meet the need for neighborhood or community type recreational facilities created by the development in order to provide a system of parks which will be available to and sufficiently benefit the residents of the development. Monies deposited by a developer pursuant to this Chapter shall be expended to acquire and/or develop land for park purposes not farther than five miles from the perimeter of the development.

7. Other

The BCC shall establish an effective program for the acquisition of lands for the development of public parks in order to meet, within a reasonable period of time, the existing need for public parks. The annual budget and capital improvement program of PBC shall provide for appropriation of funds as may be necessary to carry out PBC's program for the acquisition and/or development of land for public parks. The funds necessary to acquire lands to meet the existing need for PBC parks must be provided from a source of revenue other than from the amount deposited in the Trust Fund.

8. Open Space Credit

Where developed recreational facilities are provided within lands required or credited for other open space purposes pursuant to this Code, (i.e., buffer areas, natural preserves, utility easements, ROW, drainage, "green roofs", or water management tracts), only credit for the cost of approved facilities may be applied towards the recreation area requirement of [Article 5.D.2.B.2, Calculation of Required Recreation](#), and only if the facilities are reserved for the use of the residents of the development.

9. Other Credits

Any parcel used to satisfy Parks and Recreation Standards shall meet the following requirements: **[Ord. 2006-004]**

a. Minimum Parcel Size

Minimum parcel size shall be 7,500 square feet exclusive of easements and landscape buffers.

[Ord. 2006-004]

b. Minimum Parcel Width

Minimum parcel width shall average 75 feet with no dimension less than 50 feet. **[Ord. 2006-004]**

c. Minimum Parcel Depth

Minimum parcel depth shall average 100 feet with no dimension less than 75 feet. **[Ord. 2006-004]**

d. Waiver of Minimum Parcel Dimensions

The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcels function in the overall recreation and open space network of the development. **[Ord. 2006-004]**

e. PRA

At the option of the Parks and Recreation Department, with a positive recommendation from the Planning Director, the developer may count areas provided as Pedestrian Zones per Art. 3.B.16.C.2 Frontage Classifications and may also count areas provided per Art. 3.B.16.D.7 Civic Open Spaces, regardless of the minimum parcel size, width and depth as required in Article 5.D.2.B.9 Other Credits to satisfy the requirements of [Article 5.D.2.B.2, Calculation of Required Recreation](#).

C. Passive Park

See [Art. 4.B.1.A.93, Passive Park](#)

D. Public Park

See [Art. 4.B.1.A.94, Public Park](#)

E. Infill Neighborhood Park

See [Art. 4.B.1.a.92, Neighborhood Infill Park](#)

F. Phasing

Any development required to provide recreation shall follow one of the following phasing plans:

1. Single Phasing

When the development is to be constructed in a single phase, or where each phase will provide recreational facilities specifically for the residents of that phase, then the recreational site(s) for that phase shall be site planned, or platted, concurrent with that phase of construction. No more than 40 percent of the building permits for residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a phasing plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department. **[Ord. 2006-004]**

2. Multiple Phasing

When the development is to be constructed in multiple phases or plats and one or more required recreational site(s) is/are intended to serve the residents of two or more phases of the development, then the following sequence shall be adhered to:

- a. The recreation site(s) shall be site planned concurrent with the site plan for the first phase of residential development for which the recreational site will serve.
- b. The recreation site(s) shall be platted concurrent with the plat for the residential development phase they will serve. No more than 40 percent of the building permits for residential units shall be issued for any phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a phasing plan for completion of the required recreation area is agreed to and approved by the Parks Department. **[Ord. 2006-004]**

G. County Park Landscape Standards

This section recognizes that public parks require flexibility in landscape design to address unique natural and manmade resources that serve the public. County park landscape standards are applicable in all development Tiers and promote open views and vistas into natural landscapes, lakes, greenways, blueways, and open spaces for appreciation and benefit of the public. Deviations for PBC owned and operated public parks from the landscaping requirements of [Art. 7, Landscaping](#), are as follows: **[Ord. 2006-004]** **[Ord. 2008-003]**

1. General Standards [Ord. 2006-004]

a. Minimum Tree Quantities

A minimum of one tree is required per 1,200 sq. ft. overall area, excluding lakes, natural areas and recreation areas. **[Ord. 2006-004]** **[Ord. 2008-003]**

b. Minimum Shrub Quantities

A minimum of one shrub is required per 1,250 sq. ft. of impervious area, excluding lakes and wetlands. **[Ord. 2006-004]** **[Ord. 2008-003]**

c. Interior and Perimeter Buffer Trees

A minimum of 75 percent of required trees shall be canopy trees. Palms or pines may be counted as one canopy tree, not to exceed 25 percent of the total number of required trees. **[Ord. 2006-004]**

d. Foundation Planting [Ord. 2006-004]

1) Exemption

Open air pavilions, bathrooms, scoreboxes, mechanical vaults, and similar park structures less than 2,000 sq. ft. are exempt from foundation planting requirements. **[Ord. 2006-004]**

2) Dimensions

Foundation planting shall be provided along a minimum of 50 percent of front and side facades, and the rear facade if oriented towards any public use area. Width shall be a minimum of five feet along front and rear facades, where required, and eight feet along side facades. **[Ord. 2006-004]**

2. Perimeter Buffer Landscape Requirements

a. R-O-W Buffers

1) Applicability

R-O-W buffers pursuant to Art. 7, for public parks, open space, and golf courses, shall be exempt from the shrub and hedge planting requirements of [Table 7.C.3-1, Minimum Tier Requirements](#) and [Art. 7.F.2.B, Shrubs](#). Required R-O-W buffer trees may be planted in a natural pattern within and adjacent to the designated landscape buffer. **[Ord. 2006-004]** **[Ord. 2008-037]**

2) Required Plantings

Where parking lots, maintenance buildings and/or loading areas are located immediately adjacent to R-O-W buffers, the standards in Art. 5.D.2.G.2.a.1, shall not apply. Where shrub and hedge plantings are required the minimum number of layers of shrubs indicated in [Table 7.C.3-1, Minimum Tier Requirements](#) may be reduced to two in all Tiers. **[Ord. 2008-037]**

b. Compatibility Buffer

Compatibility buffers shall be a minimum of five feet in width. Public park uses adjacent to other public park open space and civic uses or pods shall be exempt from compatibility buffer requirements. Required compatibility buffers shall be exempt from the shrub and hedge planting requirements of [Table 7.C.3-1, Minimum Tier Requirements](#) and [Art. 7.F.8, Compatibility Buffer](#). Required trees may be planted in a natural pattern within or adjacent to the designated landscape buffer. **[Ord. 2006-004]** **[Ord. 2008-037]**

c. Incompatibility Buffer

Incompatibility buffers shall be a minimum of 15 feet in width. The minimum number of layers of shrubs indicated in [Table 7.C.3-1, Minimum Tier Requirements](#) may be reduced to two in all Tiers. **[Ord. 2006-004] [Ord. 2008-037]**

d. Pathways in Buffers

Pedestrian pathways, exercise trails and other related recreational trails may be allowed to meander in required R-O-W and compatibility buffers. **[Ord. 2006-004]**

e. Berms

Berms shall be permitted in any perimeter buffer in all Tiers. **[Ord. 2006-004]**

f. Fences and Walls

Walls and fences may be located along the property line, and may be exempt from the tree, shrub and hedge requirements of [Art. 7.F.3, Walls and Fences](#). Vinyl coated chain link fences are permitted in any perimeter buffer in any Tier, and may be exempt from the requirements of Art. 7.F.3.C, Chain Link Fences. **[Ord. 2006-004]**

g. WCRAO and PRA

Landscape buffers shall not be required if the proposed park and recreation areas are internally integrated within the development. **[Ord. 2008-037]**

3. Off Street Parking Requirements [Ord. 2006-004]

a. Interior Islands

One interior island a minimum of ten feet in width shall be required per ten spaces, in all Tiers (maximum 100 feet apart), except for parks and recreation areas within the PRA. **[Ord. 2006-004]**