

Board of County Commissioners

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County Administrator
Robert Weisman

Department of Planning, Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411
Phone: 561-233-5200
Fax: 561-233-5165

**TITLE: ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2009-02**

SUMMARY: The proposed ordinances will account for minor revisions, scrivener's errors, and omitted text from the Unified Land Development Code (ULDC), as well as several specific amendments.

- ❑ Ordinance Title
- ❑ Exhibit A Article 1 – General Provisions
- ❑ Exhibit B Article 2 – Development Review Process
- ❑ Exhibit C Article 3 – Overlays & Zoning Districts
- ❑ Exhibit D Article 4 – Use Regulations
- ❑ Exhibit E Article 5 – Supplementary Standards
- ❑ Exhibit F Article 6 – Parking
- ❑ Exhibit G Flex Space
- ❑ Exhibit H Renewable Energy (Wind)
- ❑ Exhibit I Lifestyle Commercial Center (LCC)
- ❑ Exhibit J Infill Redevelopment Overlay (IRO)
- ❑ Exhibit K Prior Approvals and Non-Conformities
- ❑ Exhibit L Workforce Housing Program (WHP)

BACKGROUND: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on September 23, 2009, and to the Land Development Regulation Advisory Board (LDRAB) and the Land Development Regulation Commission (LDRC) on October 28, 2009, and November 18, 2009. All proposed ULDC amendments were found to be consistent with the Plan.

BCC Public Hearings: December 8, 2009 – Request for Permission to Advertise for First Reading on January 7, 2010: Approved, 6-0; and, January 7, 2010 – 1st Reading and Request for Permission to Advertise for Adoption Hearing, Approved 7-0.

STAFF RECOMMENDATION: Staff recommends a motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ord. 2003-067, as amended.

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS;** CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER E, PRIOR APPROVALS; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCESS;** CHAPTER A, GENERAL; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS;** CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS; **ARTICLE 4 – USE REGULATIONS;** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; **ARTICLE 5, SUPPLEMENTARY STANDARDS;** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 6 – PARKING;** CHAPTER A, PARKING; **ARTICLE 7, LANDSCAPING;** CHAPTER C, MGTS TIER COMPLIANCE; **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS;** CHAPTER G, AFFORDABLE HOUSING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

FLEX SPACE – WHITE PAPER

INTRODUCTION:

To address recommendations from the industry to draft new code provisions in the Unified Land Development Code (ULDC) to address the need for flex space in commercial and industrial zoning districts. There is an ongoing trend in the industry to allow flexibility to a use to have limited office and retail along with the commercial or industrial use. In unincorporated PBC the zoning code allows office/warehouse that allows limited flexibility. The new regulations being proposed would allow the tenant to have primarily a commercial or industrial use but some limited office and retail. The Zoning Division did send a copy of the final proposed code provisions to the League of Cities for input.

BACKGROUND AND SUMMARY:

In 2007, the Palm Beach County League of Cities commissioned an “Industrial Land Use and Economic Development Strategy” study. The study was to address and focus on the countywide need for industrial land. The study indicated that many industrial areas had been converted to allow residential or commercial development. In 2008, the Planning Division recommended that the Board of County Commissioners (BCC) amend the Comprehensive (Comp) Plan to include a definition for flex space. Following adoption of the Comp Plan amendment and in conjunction with direction from the Board of County Commissioners (BCC) the Zoning Division established a Task Team to further address the issue. The first Task Team meeting was held on February 24, 2009 and was attended by industry representatives and staff that would be responsible for developing standards and regulations to allow flex space. At the Land Development Regulation Advisory Board (LDRAB) Organizational Meeting on February 25, 2009, the Flex Space Subcommittee was formally established. The Subcommittee was comprised of Task Team, LDRAB and Staff members.

The issues put forth by the Subcommittee:

- *Current regulations limit the ability to attract certain businesses*
- *Allowing higher percentages of office in industrial areas*
- *Reducing the costs for “start-up” businesses*

LDRAB SUBCOMMITTEE MEETINGS

An LDRAB Flex Space Subcommittee was established to consider recommendations from industry and staff on drafting new code provisions in the Unified Land Development Code (ULDC) that would address flexibility in both commercial and industrial zoning districts for how a space could have limited office and retail in addition to the commercial and industrial uses. Also, to ensure any new regulations were consistent with Planning Ordinance 2008-54, and Comp Plan Policy 2.2.2 Commercial and 2.2.4 Industrial Land Use Policies as well as the Com Plan Flex Space Definition.

Subcommittee Members:

LDRAB – Michael Cantwell, David Carpenter, Jose Jaramillo, Raymond Puzzitiello

Industry – Michael Falk, Neil Gaeta, Dale Hedrick, Steve McCraney, Edna Trimble, Rob Rennenbaum

Staff – Jon MacGillis, Barbara Pinkston-Nau, Isaac Hoyos, Nick Uhren, Scott Rodriguez, Ann DeVeaux

Motion from Subcommittee

A motion was made by the Committee on **November 3, 2009** to recommend the proposed code language be sent to LDRAB for review and recommendation of approval.

The objectives of the Subcommittee were as follows:

1. Review examples of Flex Space projects and regulations from other municipalities as well as other parts of country;
2. Develop regulations consistent with Comp Plan definition and requirements;
3. Review existing Use Charts in the ULDC to identify uses that could benefit from Flex Space; and
4. Review potential impacts on parking, traffic and impact fees

Subcommittee Meetings

The first Flex Space Subcommittee meeting was convened on March 17, 2009. The meetings continued until the final recommendation was made on November 3, 2009. During the first meeting industry expressed concerns that the existing Comp Plan language did not allow sufficient flexibility to address their concerns. Industry representatives were concerned the percentage allotment of office and retail in both commercial and industrial was too limiting. Staff advised the committee that the proposed ULDC amendments would have to be consistent with the Comp Plan. In order to make amendments to the Comp Plan language the BCC would have to approve any changes recommended by Planning staff. The Subcommittee voted to recommend that the Planning Division amendments to the Comp Plan definition for Flex Space in the 2009-02 Round for adoption on November 19, 2009. It was also agreed that the committee would continue to meet on a less frequent basis from February to September while the Comp Plan amendments were being prepared by Planning.

Meetings reconvened in September 2009, and continued discussion on how to address related to: traffic, monitoring, parking, approval processes, thresholds, and flex space users. Staff drafted code language based on Comp Plan directives as well as consensus with industry and committee members.

Subcommittee Recommendations:

- Allow maximum amount of flexibility for commercial and industrial land owners so they can attract business to PBC.
- Address office and retail uses in commercial and industrial zoning districts to ensure tenant can have flexibility under Flex Space to operate
- Reviewed all Uses in Article 4 of the ULDC and identified those that are typical uses that might need the ability to apply for Flex Regulations
- Examined the existing review process to ensure that this process can be folded into existing review process to not to extend review timelines for Public Hearing, DRO and Building Permit Review

All Agendas, Minutes and Attendance for Subcommittee meetings can be reviewed by visiting the Zoning Web Page, Code Revisions, LDRAB Subcommittees at:

http://www.pbcgov.com/pzb/zoning/LDRAB/subs/subcom_meetings.htm

Planning Requirements:

2009-02 Round, Revisions to Flex Space Definition- to address outdated references and percentages within the flex space definition are being updated as flex space provisions are concurrently being added to the ULDC.

FLEX SPACE - A building type with a mix of non-residential uses allowed in the Industrial, Economic Activity Development Center, and Commercial High future land use designations (FLU). Flex space allows each use to be a flexible percentage of the permitted uses allowed in the Use Matrix per the applicable FLU. The uses shall predominately consist of light and medium industrial uses and commercial high uses and related services, such as research and development, office, retail accessory to industrial activities, light to medium industrial processing. Flex space uses shall consist of no less than 30% retail, accessory to industrial uses, and office combined, and no more than 70% light industrial/warehouse uses of the total uses allowed, In General, approximately 75% of the total floor area is devoted to light industrial uses including research and development, light manufacturing, processing, storage and/or warehousing, with the remaining 25% allowed for retail, office and display areas for products manufactured or distributed from the industrial portion, as determined in the Unified Land Development Code (ULDC). Within IND and EDC FLU, retail and office square footage is limited to accessory only, and shall not exceed 30%.

Existing Industrial reference to Flex Space

2.2.4 Industrial

Policy 2.2.4-a: The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space and to promote economic development consistent with the County's economic development directives. The County shall also encourage a broad range of employment opportunities by permitting Flex Space. *Remainder of policy relocated to Regulation Section*

END

LIFESTYLE COMMERCIAL CENTER (LCC) – WHITE PAPER

INTRODUCTION:

To create new language in the ULDC to address recently adopted Comprehensive Plan language for the Lifestyle Commercial Center and address the BCC direction to review existing Large Scale Comprehensive Plan projects either approved or in the Planning Comprehensive Plan process. The Lifestyle Commercial Center (LCC) is a mixed-use development with a residential component to be located predominantly at mid-block that allows flexibility to include in-line buildings along a main street and free standing buildings.

BACKGROUND AND SUMMARY:

- The BCC hearing held on April 28, 2008 to transmit PBC Comprehensive Plan amendments, round 08-01, approved item 2.A.8, the Commercial Location Policy Revision, to create a new Traditional Commercial Development Pattern called a Lifestyle Center. The proposal was previously approved by staff and the Planning Commission at the April 11, 2008 Public Hearing. The revision of the Comprehensive Plan was based on a request from the BCC that Planning staff review the mid-block commercial policies.
- At the BCC adoption public hearing held on August 21, 2008 for Comprehensive Plan amendment round 08-1 item 2.H.2 Commercial Location Policy revisions was presented by Planning staff and approved to have language introduced in the Comprehensive Plan under Policy 1.2.1-I, approved under Ordinance 2008-033.
 - The LCC development will include concentrated areas for shopping, entertainment, business, services, cultural, and housing opportunities comparable to a TMD.
 - The Comprehensive Plan dictates that an LCC shall be a minimum of 10 acres, have a CH Future Land Use, located on an arterial roadway, and that no single tenant shall exceed 100,000 square feet. During this meeting the amended motion was made to approve change of 65,000 square feet Commercial use limitation to 100,000 square feet and prohibit big boxes.
 - The LCC will function as a TMD where large single tenants will be required to have exterior treatment appear as multi-tenants buildings and parking will be designed in a manner that will encourage a pedestrian oriented environment.
 - An LCC will require functional pedestrian and vehicular connection adjacent to parcels on two or more sides of the subject property, design guidelines and/or master plan with a mix of uses including live/work or residential, public open space, vertical and horizontal integration of uses, and a pedestrian oriented design with a main street and an internal street network.
- In round 2008-02 the entire Future Land Use Element was reorganized in Ordinance 2008-052. The text of LCC policy was not changed but was renumbered to 2.2.2-C.
- At the BCC adoption public hearing for round 08-2 on December 3, 2008, item 2.A.1. an amendment to the Future Land Use from LR-2 to CH/2 was approved with conditions for the development of the site to be in the form of a Lifestyle Commercial Center (LCC). As of June 29, 2009 the FLU amendment is not effective yet due to challenges posted by the community.
- A site located at the mid-block, identified as item 2.C.2 presented to the BCC at the April 13, 2009 Public Hearing to change Future Land Use designation from LR-2 to CH/2 was approved with conditions to meet LCC design standards. Currently, the amendment was transmitted but not adopted yet by the BCC.
- The Planning Division is amending the Comprehensive Plan (Round 2009-2) to allow Lifestyle Commercial Center in parcels with Low Commercial (CL) Future Land Use designation. The amendment is to be adopted by the BCC in late November 2009 and eventually to be effective by the end of January 2010.

RESEARCH AND SUPPORTING DOCUMENTS:

Many of today's Lifestyle Centers are the result of industry response to shopping, entertainment, and living. Big box retailers, cinemas and smaller department stores will be included increasingly in the mix. New and creative mixes of retail and entertainment uses will be combined in the new lifestyle centers. They will be part of mixed use developments with major components that include retail, residential, office, hotel and civic/public use such as a city hall, library or museum. LCCs are usually open air centers located within close proximity to affluent neighborhoods and are often equipped with upscale stores. Research was conducted by staff to evaluate LCCs ordinances and development throughout the nation. In addition, the ULDC's existing language pertaining to TMDs was utilized for the main street portion of the site to include similar concepts with the creation of the LCC language.

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DESIGN PRINCIPLES AND COMPONENTS:

1. Site Layout

Layout of buildings may not be required to be based on a block or grid system as in a TDD. The site shall contain internal streets with the majority of the buildings fronting the street which shall be provided to create the internal street layout however; main streets shall be provided to create the internal street layout with a balance of built forms and usable open space including focal points and pedestrian amenities. Freestanding large single and outparcel buildings are permitted and shall be oriented to complement the main street. Vast areas of parking shall be discouraged and shall be located behind buildings, landscape buffering, or street walls.

2. Interconnectivity and Integration

Internal trip capture of mixed uses is not a requirement for a LCC as in a MXP, and the trip capture would not be utilized to reduce traffic impact from the adjacent streets. Instead, interconnectivity (*which is already a requirement for most PDDs and TDDs*) between properties is a requirement, and strategic location of these connecting points would reduce traffic from adjacent streets; would encourage the “park once” concept, and would encourage walkability of pedestrians whether they are neighboring residents or tenants/clienteles of the LCC.

3. Building Forms & Design

The LCC has common elements of an MUPD and a TMD. LCC buildings shall consist of diversified forms, heights, and sizes with enhanced architectural elements to be in an open-air configuration that allows large tenants, which could be the anchor building of the LCC; however, a large tenant building shall be designed to appear as a multi-tenant building if in-lined within the main street and shall be preferably placed with an orientation to usable open space. Large freestanding and outparcel buildings are permitted to be designed in scale and proportion to the pedestrians.

4. Mixed Use and Integration

The majority of the LCC shall consist of commercial related uses, work-live or live-work, and requires a percentage of residential uses based on the site’s FLU designation to complete the mixed use intent of the LCC. With placement of the residential component within the overall layout of the LCC is critical since it will help to 1) establish an internal transition within the LCC, 2) create a visually effective interface without the imposition of oversized buffers to segregate LCC and its adjacent residential uses, 3) provide options for residents who choose to live in a LCC.

Lifestyle Commercial Center Subcommittee Members

LDRAB - Jose Jaramillo and Ray Puzzitiello

Industry - Jennifer Tighe, Jeff Brophy, Scott Mosolf, Dodi Glas, and Pat Lentini

County Staff - Jon MacGillis, Maryann Kwok, William Cross, Barbara Pinkston-Nau, Jan Wiegand, Monica Cantor, Tim Sanford, Brian Davis, Erin Fitzhugh, Scott Rodriguez, Isaac Hoyos, Jorge Perez, and Lisa Alison

Meetings

Key Issues/Topics

- April 28, 2009	Interconnectivity
- May 5, 2009	Horizontal/Vertical Integration
- June 9, 2009	Compatibility
- June 24, 2009	Market Conditions and <i>Review of 1st Draft.</i>
- July 2, 2009	Pedestrian-oriented Design, examples of LCCs across the U.S and <i>Review Draft and Recommendations.</i>
- July 21, 2009	Density, building frontage and review of updated draft.
- August 20, 2009	Review draft and comments from subcommittee members.
- September 8, 2009	Review Final Draft with recommendation to LDRAB.

Recommendation – The LCC Subcommittee recommended an approval of the proposed amendments.

Comprehensive Plan Future Land Use Element (FLUE) Policy Policy 2.2.2-c (formerly Policy 1.2.1-l): Lifestyle Commercial Center (LCC)

Lifestyle Commercial Center is permitted only in the CH land use category. It shall include a concentrated area for shopping, entertainment, business, services, cultural, and housing opportunities similar to a TMD. The LCC shall function as a TMD; therefore, large single tenant buildings are required to have exterior treatments to appear as multi-tenant buildings and parking shall be treated to promote the pedestrian environment. Individual tenants shall not exceed 100,000 sq. feet and shall not be a big box. The LCC requires that properties are greater than 10 acres, are located on an arterial roadway, provide a functional pedestrian and vehicular connection to adjacent parcel/s on two or more sides of the subject property, and provide a master plan and/or design guidelines as part of the adopting ordinance that includes a mix of uses including live/work or residential, public open space, vertical and horizontal integration of uses and a pedestrian oriented design with a main street and internal street network.

END

INFILL/REDEVELOPMENT OVERLAY (IRO) PROJECT WHITE PAPER

INTRODUCTION

The Infill and Redevelopment Overlay (IRO) Project seeks to establish Unified Land Development Code (ULDC) Regulations and related processes to encourage and facilitate predictable and sustainable redevelopment in the **commercial corridors of the Urban/Suburban Tier**. The primary focus is to develop solutions to impediments to redevelopment of non-conformities, and establish a long-term strategic vision that will serve as a blueprint for creating pedestrian-oriented, mixed use and sustainable development to better serve the needs of residents. The preferred method for attaining this is to utilize form based coding principles that assign preference to the built environment rather than by more traditional Euclidean separation of uses. Underlying objectives are to consolidate existing regulations, and to simplify and streamline Zoning processes to increase the redevelopment potential of these areas.



WHY IS THE IRO LIMITED TO COMMERCIAL ONLY?

A Residential Analysis and Summary determined that prior infill/redevelopment initiatives, a need to respect existing residential development patterns, and limited changes in residential industry building trends, among other factors, did not justify a substantial change to existing residential infill/redevelopment provisions. If additional industry trends, new Plan policies, or other similar factors change at a later date, it is anticipated that the issue will be revisited. Note that the IR-O does greatly expand other residential development opportunities by broadening the use of horizontal or vertical mixed use development alternatives on smaller infill parcels, along with an expansion of work/live units.

WHY IS THE IRO LIMITED TO THE URBAN/SUBURBAN TIER ONLY

The Rural, Exurban and Agricultural Reserve Tiers have distinct commercial guidelines that serve to regulate new development, most of which are rural by nature. The IR-O serves to link, but does not apply to the Urban Redevelopment Area or the Westgate/Belvedere Homes CRA Overlay.

THREE KEY GOALS

1. **Mitigating impediments to redevelopment of Non-conformities (Phase 1);**
2. **Development of alternative redevelopment regulations (Phase 1); and,**
3. **Streamline and Consolidate ULDC Regulations (Phase 2).**

GOAL 1 – MITIGATING IMPEDIMENTS TO REDEVELOPMENT OF NON-CONFORMITIES: Zoning staff have been analyzing known issues that preclude some existing projects from partially redeveloping. Such impediments oftentimes render redevelopment impossible, or require additional costs and time to obtain variances. Many of these limitations revolve around existing sites that are rendered “non-conforming” due to newer standards for building setbacks, parking limitations and landscaping requirements. Goal 1 will seek to identify the minimum allowances that may be made to allow such projects to redevelop, while seeking to upgrade overall site appearance to the maximum extent feasible.

GOAL 2 – DEVELOPMENT OF ALTERNATIVE REDEVELOPMENT REGULATIONS: Targets existing developments that may have room to expand, vacant/infill redevelopment, or existing development intended to be demolished to make way for completely new projects. Zoning Staff is proposing to develop an alternative “Optional” Form Based Code by seeking to establish a more pedestrian, mixed use and sustainable urban form of development. The primary element of this concept is to establish predictability that benefits the community and investment in much needed redevelopment. Many of the

intended benefits of this option are highlighted under the section titled “Local and National Precedents.”

GOAL 3 – STREAMLINE AND CONSOLIDATE ULDC REGULATIONS: In many instances, different consultants or staff developed various plans and regulations currently in the ULDC. As a result, while most of the regulations have many similar goals and objectives, the regulations and text are often dramatically different. Improvements in consolidating such requirements coupled with improving legibility will result in a far more user-friendly code for staff, the public and land development professionals.

PURPOSE AND INTENT

1. Establish optional development regulations to facilitate revitalization of commercially designated lands in the Urban/Suburban Tier, by incrementally retrofitting commercial corridors and isolated land uses with sustainable development that creates a sense of place, improves streetscapes and successfully integrates into the surrounding community;
2. Offer property development incentives that will encourage developers, property or business owners to utilize the IRO (e.g. reduced setbacks and parking ratios, increased FAR, and flexible landscaping regulations to maximize the efficient use of property);
3. Implement the Goals, Objectives and Policies of the Comprehensive Plan that mandate sustainable, walkable urban/suburban redevelopment;
4. Utilize Smart Growth and Form Based Coding principles to establish standards that create a predictable built form that improves the streetscape and establishes an enhanced pedestrian realm;
5. Advocate walking, cycling and mass transit as viable alternatives to automobile use;
6. Promote interconnectivity between uses;
7. Promote sustainability by integrating the social, economic and ecological needs of the community with overall regional, state and national policy advocating management of resources for future generations;
8. Mitigate adverse impacts of commercial development to surrounding residential uses and the community as a whole;
9. Promote non-residential and residential mixed use;
10. Respect market realities, industry trends, and property rights;
11. Address multi-disciplinary regulatory and development review processes; and,
12. Establish expedited review process.

STRATEGIES FOR REDEVELOPMENT

The foundation of the IRO shall be based on Form Based Coding principles that establish zoning regulations that result in predictable development patterns that benefit property owners and developers while mitigating the potential for adverse impacts to surrounding residents and neighborhoods. The results of which are intended to create an equally predictable urban form and public realm that is visually pleasing, sustainable, desirable, and establishes a sense of place for surrounding neighborhoods and the public in general.

1. **PRELIMINARY MASTER PLAN:** Applies the concept of the Transect to establish a pattern of development to allow for function and intensity appropriate to specific locations. In the case of the IRO, the Transect can be summarized as a transition between more intense developments placed along commercial corridors, and where feasible – newly created internal streets, gradually tapering down to smaller, less intense commercial, mixed use or even residential uses, thus establishing a natural buffer that creates a more appropriate interaction with existing neighborhoods.
2. **BUILDING PLACEMENT:** Utilize build to lines to place buildings closer to streets, creating spatial definition for streets that improve the overall visual appearance of existing commercial corridors.
3. **ARCHITECTURE:** Establish minimal architectural development standards that regulate building height, massing, scale, fenestration, placement of windows and doors to maximize visual interest and pedestrian accessibility. While a consistent or unified architectural style is generally desirable, regulations shall be flexible so as to allow for the establishment of development patterns that create unique and desirable sense of place.
4. **IMPROVE INTERCONNECTIVITY AND CREATE BLOCKS:** Establish minimum block and street standards that promote walkable communities while reducing vehicle cuts and other impediments to County transportation corridors. This entails establishing minimum block dimensions, promoting all forms of inter-connectivity, and for fragmented corridors, adopting a parallel alley system that mitigates existing redundant use of land area to accommodate deliveries, sanitation, and all other forms of vehicular traffic.
5. **IMPROVE STREETSCAPES AND THE PEDESTRIAN REALM (SIDEWALKS, PLAZAS, SQUARES, GREENS, AND OTHER PUBLIC AREAS):** Improve the “space” between buildings and street rights-of-way by redefining areas to accommodate expanded sidewalk, street tree planting, parking and underground utilities. The elimination of traditional oversized landscape buffers, and establishing building frontage with parking on the side or at the rear in an IR-O project

will help to diminish the spatial separation between buildings and sidewalks, and provide more opportunity for usable open space.

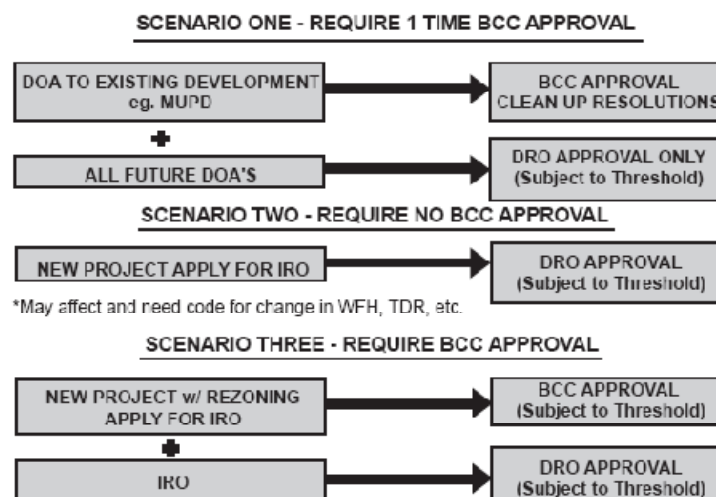
6. **ENCOURAGE GREEN BUILDING:** Provide development incentives to encourage the use of green building and site planning principles that promote energy efficient and reduce environmental impacts.
7. **PARKING:** Adjust parking aisle/stall dimensions to provide for different sizes and types of vehicles. Emphasize and enhance existing shared parking options. Allow for substantial reductions in parking ratios to better accommodate mixed use or more sustainable forms of development. Locate parking to the rear of buildings to minimize adverse impacts to pedestrian and bicycle areas, while improving the overall framing of the street.
8. **LANDSCAPING:** Increase innovative soft/hard landscaping alternatives such as: a) placement of trees in parking areas, building foundations and sidewalks by allowing tree planting in "grates" (i.e. tree cells with treated/prepared subsoil for healthy root growth) b) paving materials that are porous and/or with a low solar reflectance index to reduce heat island effect (i.e. thermal gradient differences between developed and undeveloped areas). Allow for the elimination or minimization of shrubs as part of the landscape requirements due to the building placement design concept (refer to #1.) this allows the implementation of good CPTED practices.
9. **USES AND EXPEDITE THE DEVELOPMENT APPROVAL PROCESS:** By establishing predictable development patterns, less oversight and regulation is required in the review process. Amend the existing review/approval processes and provide predictable administrative process options for projects that meet and incorporate the IR-O vision and development regulations.
10. **MITIGATING ADVERSE IMPACTS:** As noted above, the Floating Regulating Plan will apply the IR-O transect, allowing for more intense development where sufficient parcel depth is available to integrate more intense uses with the existing community. This concept serves to naturally attenuate potential adverse impacts while simultaneously fostering improved interaction with abutting neighborhoods. Additionally, in nearly all instances, a requirement for a 10-foot wide buffer and an 8-foot high concrete panel wall will further mitigate any potential for adverse impacts to abutting residential uses.
11. **NON-CONFORMITIES:** Introduce new standards to accommodate existing site non-conformities such as uses, structures and lots. These standards will address site improvements to encourage increased opportunities for maintenance and renovations so long the proposed redevelopment does not create an adverse impact to the public, safety and welfare. The standards will include adjustment of the current percentage for minor non-conformities and expansion of the definition of affected areas for a previously approved project.

HOW IS THE IR-O PROJECT INTENDED TO WORK?

As proposed, there are generally three potential implementation options that may result with the adoption of Phase I amendments.

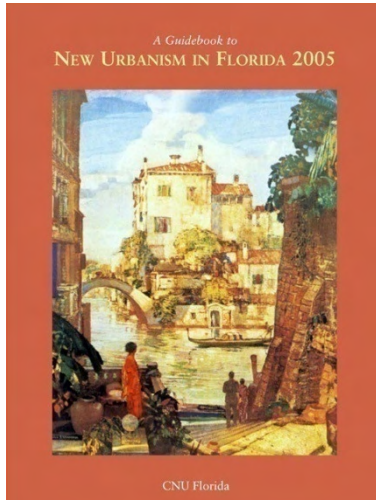
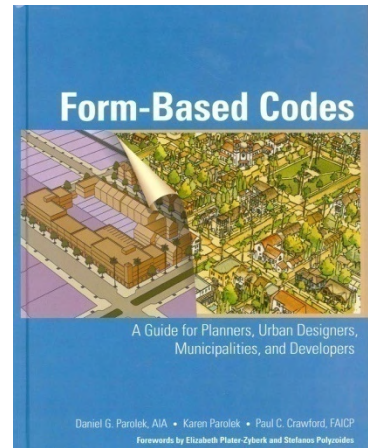
- Option 1 Infill or redevelopment using existing ULDC development standards and use regulations.
- Option 2: Redevelopment using amended provisions for non-conformities.
- Option 3: IR-O Form Based Sustainable Development.

To further encourage infill and redevelopment, any of the three options listed above could be used interchangeably. This would further the intent to incrementally revitalize the commercial corridors by encouraging the use of Option 3 to the maximum extent feasible.



LOCAL AND NATIONAL PRECEDENTS

Form Based Codes regulate development to achieve a specific physical form, and where associated with redevelopment - oftentimes emphasize needed improvements to the public realm, building and parking placement, increasing sustainability by reducing sprawl and other negative growth trends, while streamlining development approval processes, among many other positive factors. These codes are becoming more and more prevalent, with public, industry and governmental support as evidenced by market trends in new development, industry support from entities such as the Urban Land Institute, and by either new social experiments such as green building tax credit incentives to local governments taking the initiative to demand sustainable development.



As evidenced in the Florida Congress for the New Urbanism publication of “A Guidebook to New Urbanism in Florida 2005”, there have been many such projects completed, with hundreds in the pipeline, all enabled by the establishment of Form Based Codes or similar infill/redevelopment plans. It is also important to note that South Florida is the home of several high profile and successful planning firms whose primary focus includes the practice of developing Form Based Codes or sustainable developments, such as the firms of Duany Plater-Zyberk and Company, the Renaissance Group, and Dover, Kohl and Partners, among many others. Worth noting, for years the Treasure Coast Regional Planning Council (TCRPC) has promoted and marketed sustainable development, as outlined in the TCRPC Strategic Regional Policy Plan. Lastly, as evidenced by prior Form Based

Code efforts and existing Plan policies, Palm Beach County government has sought to accommodate these new trends.

The establishment of an infill/redevelopment Form Based Code is not a radical new concept, with numerous examples having been adopted and implemented nationally, including dozens within the State of Florida. As an ever increasing number of local governments are turning to Form Based Codes to better manage new growth or encourage redevelopment, Zoning staff was able to identify or review hundreds of local or national examples, as well as multiple resources.

INFILL/REDEVELOPMENT TASK FORCE (IRTF) AND IR SUBCOMMITTEE

A kick-off meeting for the IR-O project was organized in February 2008, and an Infill Redevelopment Task Force (IRTF) was created as a subcommittee of the LDRAB, consisting of LDRAB members, various land development related industries and interested parties, as follows:

Wendy Tuma – Chair (Landscape Architect)
Joni Brinkman – Vice Chair (LDRAB/League of Cities)
Joanne Davis – LDRAB/BCC Dist. 1
David Carpenter – LDRAB/BCC Dist. 2
Barbara Katz – LDRAB/BCC Dist. 3
Jim Knight – LDRAB/BCC Dist. 4
Ray Puzzitiello – LDRAB/GCBA
Ron Last – LDRAB/FES
Jose' Jaramillo – LDRAB/AIA
Steven Dewhurst – LDRAB/AGCA
Wes Blackman – LDRAB/PBC Plan Cong.
Edward Wronsky – AIA
Jeff Brophy – ASLA
Rick Gonzalez – Architect
Bradley Miller – Planner
Katharine Murray – LUAB
Ken Tuma – Engineer
Chris Roog – Gold Coast Builders Assoc.
Nancy Lodise – Interested Citizen

The Task Force was later renamed to the IR Subcommittee, and assists by providing staff local examples of infill and redevelopment projects; identifying the impediments associated with their experience in these projects, and recommended solutions and policies for incorporation into the IR-O code. Several meetings were held to discuss different topics ranging from visioning of the IRO, predictable review/approval process; street cross sections; drainage; traffic; blocks; building types and building placements, among others. Meetings concluded on October 14, 2009, with a recommendation of approval to move the proposed amendments forward to the full LDRAB.

TREASURE COAST REGIONAL PLANNING COUNCIL (TCRPC)

Through an Interlocal Agreement that was signed on July 22, 2007 between the TCRPC and PBC. The Zoning Division requested TCRPC to provide technical assistance in drafting amendments to address the need for infill and redevelopment in the commercial corridors. TCRPC's tasks includes the following: assist staff in presenting research/data on key issues to facilitate meeting discussions and respond to questions, provide a Benefit/Burden Analysis, which is a qualitative assessment exploring the 'value' added to the development community by utilizing the IRO option. TCRPC staff was tasked with reviewing ten Form Based Codes, with goals of identifying core elements that would best contribute to addressing known impediments identified by the IR-O Project. In selecting these codes, emphasis was placed on reviewing prior PBC examples, others in close proximity with similar impediments, as well as other well known national examples that have similar impediments, scope or scale.

1. Downtown Master Plan West Palm Beach (DPZ) – West Palm Beach, Florida
2. Model Form Based Code for Pre-platted Corridors (Becker Road) – Port St. Lucie, Florida
3. Towns, Villages and Countryside – St. Lucie County, Florida
4. Miami 21 – Miami, Florida
5. Sarasota Planned Mixed Use Infill District – Sarasota, Florida
6. Traditional Development Districts (TDD) – Palm Beach County, Florida
7. Traditional Marketplace Development (TMD) – Palm Beach County, Florida
8. Westgate Belvedere Homes CRA Overlay (WCRA-O) – Florida
9. Santa Ana Renaissance Specific Code – Santa Ana, California
10. Columbia Pike Special Revitalization District Form Based Code Analysis – Arlington County, Virginia

The TCRPC will further assist facilitate LDRAB meeting discussions; discuss and respond to questions on draft/final code language in LDRAB meetings; assist staff in presenting new Code to ZC/BCC and provide expert witness testimony to substantiate any information or documentation of the IR-O code.

IMPEDIMENTS

The following is a summary list of several commonly known impediments to redeveloping Palm Beach County's commercial corridors:

1. **Concurrency:** Adequate potable water, sanitary sewer, solid waste, drainage, public schools, parks, road and mass transit facilities, and fire rescue are all required to be in place to support new development. Drainage and traffic are frequently difficult to obtain or resolve:
2. **Existing built environment:** Most existing developments are automobile oriented, with parking lots separating streets and sidewalks from buildings, parcels are isolated with little or no pedestrian or vehicular inter-connectivity, streetscapes and building forms are inconsistent, and there is rarely a functional pedestrian realm with exception to required sidewalk connections.
3. **Lack of pedestrian and vehicular interconnectivity:** While most developments provide both a connection to the street and its related pedestrian network, this increases the distance pedestrians or cyclists have to travel to get to each adjacent business, and further contributes to poor traffic performance by putting more and more trips onto roadways.
4. **Lack of local uses:** Being automobile oriented, many commercial projects fail to provide for local neighborhood or community shopping needs. While this is advantageous in an easily mobile society, as more options can be provided where business owners can minimize development expenses, the overall cost to society is adverse in situations where energy costs are excessive.
5. **Predictable development approval processes:** While the ULDC establishes minimum standards for development, oftentimes additional review and approval processes are required to ensure that new development does not adversely impact the health, safety and welfare of the community. This leads to uncertainty as to whether or not a project can be approved, or if there will be additional unforeseen costs tied to an approval.

6. No mixed use: Historical Euclidean Planning standards result in a distinct separation between uses, and have been institutionalized in the County's Zoning Codes for over 50 years.
7. Landscaping: While highly desirable for aesthetic purposes, and where used to separate incompatible land uses – the development of automobile oriented developments has required excessive R-O-W landscaping to buffer unsightly parking lots, and the use of perimeter buffers has been used to buffer compatible uses. In many instances, these misplaced requirements oftentimes not only increase the cost of development, but in some instances – unnecessarily restrict the amount or location of land available to support development.
8. Parking: As outlined in the book "The High Cost of Parking" – the subsidization of automobile oriented use is extremely expensive, all the more so where land prices are high or where parking facilities are required, the cost of concrete and other materials are also costly. Current ULDC parking standards are oftentimes justifiable as a result of current isolated development patterns, as evidenced by many businesses choosing to incorporate the maximum number of spaces permitted.
9. Architectural requirements: As noted above, the current standard of placing buildings away from the street and behind a sea of parking increases the need to improve the aesthetic appearance of buildings due to their lack of functional integration.
10. Mass transit functionality: Where buildings and uses are placed away from the street network, mass transit stops create an isolated pedestrian environment that requires a duplication of shelters and benches that may already be provided along building frontages.
11. Open Space: Existing commercial projects provide little if any relevant functional open space.
12. Signage: Buildings placed away from the street require multiple or duplicate signs to help guide customers to a business, including freestanding signs, wall signs and directional signs.
13. Non-conformities: Note that non-conformities are generally categorized by use, building standards, or parcel standards. While oftentimes non-conforming uses are deemed such due to undesirable or incompatible characteristics, non-conforming buildings and parcels often have little or no adverse impact on the health, safety and welfare of the community. As such, existing non-conforming building and lot limitations oftentimes stymie desirable maintenance, expansion or redevelopment activities.

It is important to note that many of the above are the result of historical industry trends, market forces, State or Federal laws, as well as historical Euclidean Planning and Zoning policies, and was not necessarily considered impediments in the not too recent past. However, new trends in land development, such as public desire for more sustainable development patterns that creates more traditional placemaking coupled with newly developing Federal, State and Regional development goals, such as green building, and other energy saving and community development objectives, current patterns are quickly being identified as unsustainable and undesirable.

LIMITATIONS AND DISCLAIMERS

As currently proposed, the IR-O Project is substantially ambitious, and as such it is important to note that new infill/redevelopment options will seek to implement the main values of sustainable revitalization in the Urban/Suburban Tier, but that not all components of Smart Growth, Form Based Coding, or other needed development regulatory solutions may be attainable at this stage. This project simply seeks to establish a revised framework in anticipation of any future regulatory changes that might enable more intense infill and redevelopment. Changes that are needed to encourage a more intense infill/redevelopment program include, updates to the States Growth Management Act, updates to the Comprehensive Plan, mitigating traffic concurrency issues, large scale drainage solutions, resolution of future local government funding availability for bricks and mortar infrastructure improvements, and changes in the consumer desires for different more urbanized development and use of alternative modes of transportation, among many others.

END

**Prior Approvals and Nonconformities
WHITE PAPER**

INTRODUCTION

The purpose of this proposed amendment is to review existing Palm Beach County (PBC) Unified Land Development Code (ULDC) provisions related to prior approvals and 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 amended for the following reasons:

1. Address inconsistency between Policy 2.2-d of the Comprehensive Plan (Plan) and Art.1.F, Nonconformities of the ULDC;
2. Further refine existing differences between major and minor nonconforming uses in Art.1.F;
3. Update references and terminologies in Art.1.F;
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 in Art.1.E;
6. Clarify similarities and differences between Improvement Classifications: Expansion, Maintenance, Renovation and address Natural Disaster Damage Repair in Art.1.F. Also reassign 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 in Art.1.F that address nonconformities in the Infill and Redevelopment Overlay (IRO); and,
8. Clarify discontinuance and cessation of uses based on case laws in Art.1.F.

The code amendment resulted in staff reviewing and researching existing regulations in the ULDC. The Land Development Regulation Advisory Board (LDRAB) Subcommittee has been convened for the Infill Redevelopment Overlay (IRO), and also served as the Subcommittee for Nonconformities to review staff code amendments.

LDRAB SUBCOMMITTEE

LDRAB Subcommittee Members:

- | | |
|------------------------------|--|
| 1. Wendy Tuma | Planner/Landscape Architect- CHAIR |
| 2. Joni Brinkman | LDRAB/League of Cities-VICE CHAIR |
| 3. Joanne Davis | LDRAB/BCC District 1 |
| 4. David Carpenter | LDRAB/BCC District 2 |
| 5. Barbara Katz | LDRAB/BCC District 3 |
| 6. Jim Knight | LDRAB/BCC District 4 |
| 7. Edward Wronsky | LDRAB/American Institute Architects |
| 8. Steven Dewhurst | LDRAB/Associated General Contractors of America |
| 9. Ron Last, P.E. | LDRAB/Florida Engineering Society |
| 10. Raymond Puzziello | LDRAB/Gold Coast Builders Association |
| 11. C. Wesley Blackman, AICP | LDRAB/PBC Planning Congress |
| 12. Jeff Brophy | Planner/Landscape Architect |
| 13. Rick Gonzalez | Architect |
| 14. Bradley Miller | Planner |
| 15. Katharine Murray | Land Use Advisory Board |
| 16. Chris Roog | Gold Coast Builders Assoc. |
| 17. Ken Tuma | Engineer |
| 18. Nancy Lodise | Interested Citizen |
| 19. Jose' Jaramillo, AIA | Architect |

Key Dates of Meeting on Art.1:

April 2, 2008
April 16, 2008 (Summary of living with Nonconformities – New Solutions)
October 1, 2008
May 13, 2009
June 3, 2009
October, 7 2009
October 14, 2009
November 4, 2009

Subcommittee Recommendation:

On November 4, 2009, the Subcommittee members voted to recommend approval of the proposed amendments to LDRAB, and subject to the following additional recommendations:

1. Increase percentage of improvement value from 125% to 150% for non-government facilities based on the decline in value of property value. At this meeting, staff stated that they may need further research before making any changes to the current percentage. Staff has researched nonconformity requirements of other local jurisdictions in South Florida and has determined the following:
 - a. County allows a higher improvement value for nonconformities in the Redevelopment Overlay areas such as Lake Worth Road Corridor, Westgate Community Redevelopment Area than the adjacent local municipalities (Boca Raton, Boynton Beach, Fort Lauderdale, Delray, and West Palm Beach);
 - b. County allows a lower improvement value for nonconformities in all other areas outside the Redevelopment Overlay areas adjacent local municipalities.Therefore, staff has concluded that in spite of the recent decline in property value, the percentage required under the current ULDC is comparable to the other local government authorities, and recommend the percentage to remain as is.
2. Simplify the review process for improvement classifications by eliminating variance process and capping the maximum amount of percentage for improvements. (See Table 1.F.1.G);
3. For the Redevelopment Areas/Overlays, allow 2 types of administrative approval processes for improvements: improvements up to 20% of the improvement value will be permitted by right and up to 30% through the DRO approval process.

BACKGROUND AND SUMMARY

Notwithstanding the adoption of Ord. 2008-37 effective September 4, 2008, (Ord. 2008-037 amended the percentage of improvement value for government facilities as appraisals by the Property Appraiser's Office are conducted less for government structures due to exemptions for property tax) 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 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, as follow:

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

A major or 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 of a minor nonconforming use 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 in improvements are clearly defined to enforce the main objective of eliminating the nonconformities by curtailing the property owner from investing substantially in the use or structure accommodating the use per the Plan's Policy 2.2-d.

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. **References and Terminologies**

For the purposes of maintaining the ULDC, the following references and terminologies are being updated:

Assessed Value:

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 Property Appraiser 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 Divisions 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.

Aggregate Costs:

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 is proposing to reorganize Art.1.F to include all types of nonconformities and in the order of: lot, structure, use, and site element.

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.

Affected Area directly tied to applications for DRO review and approval process for 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.

The code requirement for 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	Vested	Not Vested	Vested as shown	NA
Approved Plan	Vested	Vested	Lost vested status	Affected area to greatest extent possible
No Approved Plan	Vested	Vested	NA	Vested

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

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. The ULDC does not address damage repair resulted from a natural disaster. If a nonconforming use or structure is damaged as a result of a hurricane or a wild fire, the property owner would be subject to limitations in maintenance or renovation. Therefore, staff has added natural disaster damage repair under the improvement classification so as to provide sound and feasible guidelines for post disaster recovery.

Art.1.1.2 currently defines these terms as:

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.

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, a new definition for Natural Disaster Damage Repair will be added to Art.1.1.2, as follows:

A loss in structural integrity 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.

In addition, under this proposed amendment of Art.1.F, the classification of improvements have also been adjusted to further the policy of 2.2-d of the Comprehensive Plan (which is mainly on elimination or reducing major nonconformities

by limiting the enlargement, expansion or extension of nonconforming future land use activities unless the action decreases the nonconformity), and further clarify the intent of the ULDC on different types of nonconformity:

Nonconformities	Policies of Plan and Intent of ULDC
Major nonconforming uses	Very limited improvements, reasons: per Policy 2.2-d of the Plan. Intent is to eliminate use, no higher level of approval process.
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 or to decrease nonconformity.
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, or to decrease nonconformity.
Nonconforming Site Elements	Comply with Code to the greatest extent possible with restrictions tied to the allowable improvement

7. Redevelopment Overlays

Currently, the ULDC already allows a higher percentage for Overlays such as the Westgate Community Redevelopment Area Overlay and the Lake Worth Road Commercial Corridor Overlay to encourage redevelopment. The primary focus for the Infill Redevelopment Overlay (IRO) is to develop solutions to impediments to redevelopment of non-conformities, and establish a long-term strategic vision that will serve as a blueprint for creating pedestrian-oriented, mixed use and sustainable development to better serve the needs of the community. The IRO and the Urban Redevelopment Area (URA - prepared by Planning Division) is a form-based code and requires built forms (structures and building orientation) to regulate uses. Therefore, under this amendment, staff has added similar benefits and incentives for the IRO and URA.

8. Discontinuance and Cessation of uses

Many local governments, including Palm Beach County, establish time periods to limit how long a use may be discontinued before it loses its nonconforming status. Upon review and consultation with the County Attorney Office, the following amendments for Art.1.F.2.C are proposed to address discontinued or abandoned nonconforming uses.

Discontinuance or Cessation

If A nonconforming use ~~that~~ is intentionally discontinued, abandoned, or changed to becomes an accessory use shall lose its nonconforming status and shall not be reestablished or resumed. Any subsequent use in the same location shall be consistent with this Code. A use that has been discontinued, abandoned, or changed to an accessory use for a period of more than 180 consecutive days (six months), or for a total of 540 calendar days (18 months) during any 1095 consecutive day (three year) period shall constitute a presumption of the intent to discontinue, abandon, or change to an accessory use. then such use shall not be re-established or resumed and any subsequent use in the same location shall be in conformance with this Code. When government action impedes access to the premises as the reason for discontinuance or cessation, the time of delay caused by government shall not be calculated for the purpose, of this Section. In the event either time period has been exceeded, an applicant shall have the burden rebutting the presumption by presenting competent, substantial evidence of the intent to maintain the nonconforming use.

END

ORDINANCE 2010 _____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS**; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER E, PRIOR APPROVALS; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCESS**; CHAPTER A, GENERAL; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS**; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS; **ARTICLE 4 – USE REGULATIONS**; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; **ARTICLE 5, SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 6 – PARKING**; CHAPTER A, PARKING; **ARTICLE 7, LANDSCAPING**; CHAPTER C, MGTS TIER COMPLIANCE; **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS**; CHAPTER G, AFFORDABLE HOUSING; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

1 **Section 1. Adoption**

2 The amendments set forth in Exhibits A, B, C, D, E, F, G, H, I, J, K and L, attached
3 hereto and made a part hereof, are hereby adopted.

4
5 **Section 2. Interpretation of Captions**

6 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
7 Ordinance are intended for the convenience of usage only and have no effect on interpretation.

8
9 **Section 3. Providing for Repeal of Laws in Conflict**

10 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
11 repealed to the extent of such conflict.

12
13 **Section 4. Severability**

14 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
15 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
16 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
17 Ordinance.

18
19 **Section 5. Providing for a Savings Clause**

20 All development orders, permits, enforcement orders, ongoing enforcement actions, and
21 all other actions of the Board of County Commissioners, the Zoning Commission, the
22 Development Review Officer, Enforcement Boards, all other County decision-making and
23 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
24 pursuant to the regulations and procedures established prior to the effective date of this
25 Ordinance shall remain in full force and effect.

26
27 **Section 6. Inclusion in the Unified Land Development Code**

28 The provisions of this Ordinance shall be codified in the Unified Land Development Code
29 and may be reorganized, renumbered or re-lettered to effectuate the codification of this
30 Ordinance.

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1 **Section 7. Providing for an Effective Date**

2 The provisions of this Ordinance shall become effective upon filing with the Department
3 of State.

4
5

6 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
7 County, Florida, on this the _____ day of _____, 20_____.

SHARON R. BOCK, CLERK & PALM BEACH COUNTY, FLORIDA, BY
COMPTROLLER ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Burt Aaronson, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 20_____.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1
2 Part.1 ULDC, Art. 1.C.5, Density and Intensity (page 14 of 109 [Supplement 6]), is hereby
3 amended as follows:
4

5 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

6 Section 5 Density, Intensity and Building Coverage
7 That portion of a property conveyed or dedicated for public right-of-way without
8 compensation may be subsequently included with the subject property for the purpose of
9 density, intensity or building coverage calculations.
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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 B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1
2 Part. 1 ULDC, Art. 2.A.1.G.3.c, Subdivision Plan (page 8 of 53), is hereby amended as follows:

3
4 CHAPTER A GENERAL

5 Section 1 Applicability

6 G. Application Procedures

7 3. Plan Requirements

8 c. Subdivision Plan

9 The subdivision plan shall be the controlling plan for conditional uses, requested uses or
10 PDDs that are subject to the subdivision process. All development site elements
11 including, but not limited to: ingress/egress, density, and intensity in the proposed project
12 shall be consistent with the subdivision plan. ~~All plats shall be consistent with the~~
13 ~~subdivision plan.~~ In cases of conflict between plans, the most recently approved BCC
14 plan or DRO final subdivision plan, as applicable, shall prevail. All plans and plats shall
15 be consistent.

16
17 2) Final Subdivision Plan (FSBP) for Public Hearing Approval (Off-The-Board)

18 After a PSBP is approved by the BCC or ZC, the applicant shall submit a FSBP for
19 parcels of land that are subject to subdivision to the DRO for final review and
20 approval. The FSBP shall be reviewed and approved prior to submission of an
21 application for a plat or other approval required by Article 11, SUBDIVISION,
22 PLATTING, AND REQUIRED IMPROVEMENTS.

23 3) Final Site Subdivision Plan (FSBP) for Administrative Approval

24 The DRO shall approve a Final Site Subdivision Plan for:

- 25 a) ~~Any requests for uses that have a "D" in Table 4.A.3.A-1, Use Matrix; or,~~
- 26 b) ~~Any requests subject to Table 4.A.3.A – Thresholds for Project Requiring DRO~~
27 ~~Approval; or~~

- 28 ea) Any subdivision of ~~individual single-family~~ lots ~~in a PUD or a combination of lots,~~
29 ~~that when has been determined by~~ the Zoning Director determines that it does
30 not require the Public Hearing Approval Process.

31

32
33
34 Part. 2 ULDC, Art. 2.A.1.G.3.d.2).c)(8), Related to Final Regulating Plan (page 9 of 53
35 [Supplement 6]), is hereby amended as follows:

36
37 CHAPTER A GENERAL

38 Section 1 Applicability

39 G. Application Procedures

40 3. Plan Requirements

41 d. Regulating Plans

42 2) Final Regulating Plan (FRP) for Public Hearing Approval or Administrative
43 Approval

44 c) In addition to the requirements

- 45 (8) Phasing pursuant to Art.2.E, Monitoring plan in accordance with Art. 2.D.1,
46 Development Review Officer;

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Notes:
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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1
2 Part 1. ULDC, Table 3.E.1.B, FLU Designation and Corresponding Planned Development
3 Districts (page 72 of 155 [Supplement 6]), is hereby amended as follows:
4

Table 3.E.1.B – **FLU Designation and PDD** Corresponding **Land-Use Planned Development Districts**

	AGR ²	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
PUD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
MHPD	✓	✓	✓	✓	✓	✓	✓	✓	✓		
MXPD								(3)	(3)		

	AGR ¹	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			✓	✓	✓	✓	✓	✓	✓	✓	✓
MXPD				✓		✓				✓	✓
PIPD							✓			✓	✓
RVPD		✓							✓		
LCC			✓	✓							

Notes:[Ord. 2008-037]

1. Check (x) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]
3. MXPD shall be permitted when located at an intersection, as defined by the Plan, or when adjacent to a parcel with a CH FLU designation.

5
6
7 Part 2. ULDC, Table 3.E.1.B, PDD Use Matrix (pages 73 – 79 of 155 [Supplement 6]), is hereby
8 amended as follows:
9

Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD		PIPD			MHPD	RVPD	LCC		NOTE	
	Pods					Land-Use Designations FLU						Land-Use Designations FLU		Use Zone					FLU			
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I	C			I	C		C
	E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	H	H	<u>L</u>	<u>H</u>	
	S	M	C	V	R			O	O			T	O	O	D	M	D	P	P			
					P										L	G	D	D				
Commercial Uses																						
....																						2
Laundry Services		R				P	P	P	P				P	P	P	P		P	P	<u>P</u>	<u>P</u>	78
....																						
Personal Services		P				P	P	P	P				P	P		P		P		<u>P</u>	<u>P</u>	98
....																						
Repair Services, Limited		P				P	P	P	P		P		P	P		P				<u>P</u>	<u>P</u>	108
....																						
Restaurant, Type II		R				R	D	R	R	R			D	R		R				<u>D</u>	<u>D</u>	111
....																						
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

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13 U:\Zoning\CODEREV\2009\BCC Hearings\2009-02 Round\3 Adoption 01-28-10\Exhibit C - Article 3 Overlays & Zoning Districts.doc

Notes:

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EXHIBIT D

**ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/23/09)**

1
2 Part 1. ULDC, Table 4.A.3.A-1 – Use Matrix (pages 12 – 18 of 155) [Supplement 6]), is hereby
3 amended as follows:
4

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay																N O T E			
	Agriculture/ Conservation			Residential				Commercial					Industry/ Public							
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C O	C H O	C G R E	I L	I G		P O	I P F	
				R S A	U S A															
Commercial Uses																				
.... Laundry Services										P	P	P	P	P		P	P			78
Lounge, Cocktail										A	A	A	A	P	A					79
.... Personal Services										P	P	P	P	P	P					98
.... Repair Services, Limited										P	P	P	P	P		P	P	P		108
.... Restaurant, Type II										A	A	D	A	D	A					111
....																				
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037]																				
Key:																				
P Permitted by right																				
D Permitted subject to approval by the DRO																				
S Permitted in the district only if approved by Special Permit																				
B Permitted in the district only if approved by the Zoning Commission (ZC)																				
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																				

5
6
7 Part 2. ULDC, Art. 4.B.1.A.– 18 of 155) [Supplement 6]), is hereby amended as follows:
8

9 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

10 This Section contains supplementary standards for specific uses. In the case of a conflict with other
11 regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated.

12 **Section 1 Uses**

13 **A. Definitions and Supplementary Standards for Specific Uses**

14
15 **....
56. Fitness Center**

16 An enclosed building or structure containing multi-use facilities for conducting recreational
17 activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball,
18 and squash. This use also includes dance studios and karate schools. A fitness center may
19 also include the following customary accessory activities as long as they are intended for the
20 use of the members of the center and not for the general public: babysitting, food service,
21 and the serving of alcoholic beverages consumed on the premises.

22
23 **....
b. CC, CHO, CG Districts and PDDs**

24 A fitness center that has less than ~~in excess of~~ 15,000 square feet of GFA shall be
25 permitted by right ~~approved as a Class A conditional use or requested use.~~

26
27 **....
88. Nursery, Retail**

28
29 **....
e. Sod**
30 ~~Retail sale of sod shall be limited to retail nurseries in commercial or industrial districts~~
31 ~~only.~~
32
33 **....**

34 U:\Zoning\CODEREV\2009\BCC Hearings\2009-02 Round\3 Adoption 01-28-10\Exhibit D - Article 4 Use Regulations.docx

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY USE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

1
2 Part 1. ULDC, Art. 5.B.1.A.2.c, Dangerous Materials, (page 9 of 75), is hereby amended as
3 follows:
4

5 CHAPTER B ACCESSORY AND TEMPORARY USES

6 Section 1 Supplementary Regulations

7 A. Accessory Uses and Structures

8 2. Fences, Walls and Hedges

9 c. Dangerous Materials

10 1) Fences or walls in, or adjacent to, a residential district, shall not be electrified or
11 contain any substance such as broken glass, spikes, nails, barbed wire, or razors
12 designed to inflict discomfort, pain or injury to a person or animal, except as allowed
13 below.

14 2) **Barbed Wire Exceptions**

15 The use of barbed wire ~~shall~~ may be permitted limited as follows: [Ord. 2005 – 002]

16 a) In the AP or AGR districts with any bona fide agricultural use; [Ord. 2005 – 002]

17 b) In the AR district with any bona fide agricultural use, other than nurseries,
18 provided it is setback a minimum of 25 feet from any property line; [Ord. 2005 –
19 002]

20 ~~e) In nonresidential districts, barbed wire shall not be permitted within the required
21 setback, and shall not be visible from any residential district or road R-O-W,
22 except as follows: [Ord. 2005 – 002]~~

23 (1)c) Properties with a Conservation FLU designation, for the purposes of protecting
24 publicly owned natural areas, if limited to the top portion of a fence; and, [Ord.
25 2005 – 002]

26 (2)d) In conjunction with a wastewater or water treatment plant, if limited to the top
27 portion of a fence, and located behind any required perimeter buffer hedges and
28 shrubs. [Ord. 2005 – 002]

29 e) Properties where the owner can document a valid building permit was issued
30 pursuant to Zoning and other applicable agency review and approval; and

31 f) In conjunction with jails, prisons and related correctional facilities.
32
33

34 Part 2. ULDC, Art. 5.C.1.B.1.c, [Related to general thresholds for Architectural Guidelines]
35 (page 28 of 75, Supplement 6 [as amended by Ordinance 2009-040, page 176 of 210]),
36 is hereby amended as follows:
37

38 CHAPTER C DESIGN STANDARDS

39 Section 1 Architectural Guidelines

40 B. Threshold

41 1. General

42 c. Multi-family buildings with more than 16 units or three or more stories; for Workforce
43 Housing (WFH); Transfer Development Rights (TDR's); and, Congregate Living Facilities
44 (CLF's). [Ord. 2006-036] [Ord. 2009-040]
45
46

47 Part 3. ULDC, Art. 5.C.1.H.2, Multi-family Design Elements (page 36 of 75), is hereby amended
48 as follows:
49

50 CHAPTER C DESIGN STANDARDS

51 Section 1 Architectural Guidelines

52 H. Guidelines

53 2. Multi-Family Design Elements

54 In addition to the guidelines for non-residential projects, multi-family projects buildings for
55 Workforce Housing (WFH); Transfer of Development Rights (TDR's); and Congregate Living
56 Facilities (CLF's) shall adhere to the following guidelines:
57
58
59

Notes:

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EXHIBIT E

**ARTICLE 5 – SUPPLEMENTARY USE STANDARDS
SUMMARY OF AMENDMENTS**

(Updated 12/09/09)

1 **Part 4. ULDC, Art. 5.E.4.E.4.d, Illumination Levels [Related to Outdoor Lighting] (page 48 and**
2 **48b of 75), is hereby amended as follows:**

3
4 **CHAPTER E PERFORMANCE STANDARDS**

5 **Section 4 Nuisances**

6 **E. Outdoor Lighting**

7 **4. Standards**

8 **d. Illumination Levels**

9 Table 5.E.4.D – 15, Illumination Levels, indicates the minimum and maximum illumination
10 levels for specific site elements, as well as the maximum to minimum, and average to
11 minimum ratios. **[Ord. 2005-041]**

Table 5.E.4.D–15 - Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
Buildings and Accessory Structures				
a. Pathway Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-thru and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
a. Multi-family Residential	3.0	0.3	10:1	-
b. All Others	3.0 12.0	0.3 1.0	10:1 12:1	3:1
Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	-	10.0	-	-
Property Boundary Refer to Light Trespass				
Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for vehicle sales and rental.	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas.	20	1.0	15:1	4:1
c. Outdoor Work Areas	20	1.0	15:1	4:1
[Ord. 2005-041][Ord. 2008-037]				
Notes:				
1. Measured in foot-candles.				
2. Building or accessory mounted luminaries used to light parking lots shall comply with Parking Lot illumination levels.				
3. May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100' from a ROW.				
4. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.				
5. Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot-candles.				

13
14
15 **Part 5. ULDC, Art. 5.F.2, Easements (page 53-54 of 75), is hereby amended as follows:**

16
17 **CHAPTER F LEGAL DOCUMENTS**

18 **Section 2 Easements**

19 **A. Easement Encroachment**

20 **....**
21 **2. ~~Prohibition Major Encroachments~~**

22 ~~No portion of any b~~ Buildings or structures designed for human occupancy, screen
23 enclosures, pools, or spas shall not be permitted within any easement unless otherwise
24 provided for in this Section.

25 **....**
26 **5. ~~Additional Requirements for Drainage Easements~~**

27 a. ~~All construction in a drainage easement shall be subject to approval by the Department of~~
28 ~~Engineering and Public Works (DEPW).~~

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY USE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

- b. ~~If a building permit is required, the applicant shall obtain approval from the DEPW prior to submitting the building permit application to PZB.~~
- c. ~~The applicant shall submit a request to encroach a drainage easement in or on a form established by the DEPW and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and such other documentation as the DEPW reasonably deems appropriate.~~
- d. ~~The DEPW may deny, approve, or approve with conditions the construction.~~
- e. ~~No approval shall be given before the DEPW has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The DEPW is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The DEPW may require that consent be in or on a form established by the DEPW.~~
- f. ~~The DEPW shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesated person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the DEPW or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a building permit. [Relocated below.]~~

65. All Other Approvals Required

....

76. Accountability

....

87. Modifications

....

B. Drainage Easement Encroachments

- 1. *All construction in a drainage easement shall be subject to approval by the Land Development Division (LDD). [Relocated from Art. 5.F.2.A.5.a) above.]*
- 2. *If a building permit is required, the applicant shall obtain approval from the LDD prior to submitting the building permit application to PZB. [Relocated from Art. 5.F.2.A.5.b) above.]*
- 3. *The applicant shall submit a request to encroach a drainage easement in or on a form established by the LDD and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and such other documentation as the LDD reasonably deems appropriate. [Relocated from Art. 5.F.2.A.5.c) above/]*
- 4. *The LDD may deny, approve, or approve with conditions the construction. [Relocated from Art. 5.F.2.A.5.d) above.]*
- 5. *No approval shall be given before the LDD has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The LDD is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The LDD may require that consent be in or on a form established by the LDD. [Relocated from Art. 5.F.2.A.5.e) above.]*
- 6. *The LDD shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesated person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the LDD or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a building permit. [Relocated from Art. 5.F.2.A.5.f) above.]*

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY USE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

7. Construction in or overlapping a drainage easement approved by the LDD shall comply with the provisions of Sections: 2.A.5, 2.A.6, and 2.A.7 of this Chapter.

Part 6. ULDC, Art. 5.G.2.E, Administration [Related to Transfers of Development Rights (TDRs)] (page 62 of 75), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development Rights Program (TDR) – Special Density Program

E. Administration

1. General

Except as otherwise specified, the TDR Program shall be administered by the Executive Director of PZB or designee.

2. Responsibilities

The Executive Director of PZB shall be responsible for:

- a. Establishing, administering and promoting PBCs TDR Program;
- b. Establishing and administering the TDR Bank;
- c. Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
- d. Executing contracts for sale and purchase of TDR units being purchased from the County's TDR Bank, including related escrow or similar bonding agreements, and TDR deeds as part of the DRO approval process;
- ~~de.~~ Ensuring the contracts for sale and purchase of development rights are executed and all deeds and conservation easements are filed in the public records of PBC;
- ~~ef.~~ Ensuring that the Property Appraisers Office is notified of all TDRs;
- ~~fg.~~ Ensuring that the densities approved through the TDR Program are placed on the FLUA as notations following approval of the TDR receiving area; and, [Ord. 2008-003]
- ~~gh.~~ Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate land use designation for land acquired by PBC whose units are placed in the TDR bank. [Ord. 2008-003]

Part 7. ULDC, Art. 5.G.2.K.1, General [Related to TDR: Receiving Area Procedure] (page 67 and 68 of 75), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development Rights Program (TDR) – Special Density Program

K. TDR: Receiving Area Procedure

1. General

Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD, TDD or a residential subdivision, ~~except for the SCO-PIPD, which shall be approved by the DRO.~~ The following procedures shall be followed in order to become a receiving area to obtain the density bonus. [Ord. 2005 – 002]

Part 8. ULDC, Art. 5.G.2.K.3.c. [Related to Review Process and TDR: Receiving Area Procedure] (page 68 of 75), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development Rights Program (TDR) – Special Density Program

K. TDR: Receiving Area Procedure

3. Review Process

- c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs); ~~except for SCO-PIPD, which shall be approved by the DRO.~~ A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process. [Ord. 2005 – 002]

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EXHIBIT F

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

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Part 1. ULDC, Article 6.A.1.D.16 – Queuing (pages 26 – 27 of 37) [Supplement 6]), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

16. Queuing Standards

In addition to meeting the minimum off-street parking and loading standards of this Article, all drive thru establishments shall meet the following standards.

...

c. A maximum of 20 percent of the required queuing spaces, pursuant to Table 6.A.1-D – Minimum Queuing Standards, may count toward the off-street parking requirements pursuant to Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements. This provision shall only apply to uses that require a minimum of 25 parking spaces.

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EXHIBIT G

FLEX SPACE
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

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Part 1. ULDC, Art. 1.1.2, Definitions (page 54 of 109), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

F. Terms defined herein or referenced Article shall have the following meanings:

....

30. Flex Space – A type of use that allows a flexible amount of retail, office and industrial space in one structure located on parcels with an Industrial (IND), Economic Development Center (EDC), or Commercial High (CH) Future Land Use Designation (FLU), that are directly related to the principal use.

[Re-number accordingly]

Part 2. ULDC, Art. 4.B.1, Uses (pages 35 - 98 of 155), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

....

23. Butcher Shop, Wholesale

An establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.

....

e. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

26. Catering Service

An establishment where food and beverages are prepared and delivered for consumption off the premises. A catering service may also provide personnel, serving equipment, and decorations.

....

e. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

35. Contractor Storage Yard

A lot used for the storage of construction material, equipment, or three or more commercial vehicles used by building trades and services, other than construction sites. [Ord. 2005-002]

....

e. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

38. Data and Information Processing

The use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.

a. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

76. Laboratory, Research

An establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.

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.

EXHIBIT G

FLEX SPACE
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

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....
e. Flex Space
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

....
81. Manufacturing and Processing
An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.

....
c. Flex Space
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

....
84. Medical or Dental Laboratory
A facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.

a. Flex Space
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

....
100. Printing and Copying Services
An establishment engaged in retail photocopy, reproduction, or blueprinting services.

a. Flex Space
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

....
138. Warehouse
A building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

....
f. Flex Space
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

....
140. Wholesaling, General
An establishment engaged in the display, maintaining inventories of goods, storage, distribution and sale of goods to other firms for resale, or the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses. In addition to selling, wholesale establishments sort and grade goods in large lots, break bulk and redistribute in smaller lots, delivery and refrigeration storage, but excluding vehicle sales, wholesale greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.

a. Flex Space
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B-PDD Use Matrix, Table 4.A.3.A-1-Use Matrix, and pursuant to Article 5.B.1.C, Flex Space.

Part 3. ULDC, Art. 5.B.1, Supplementary Standards (pages 29 of 75), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

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.

EXHIBIT G

FLEX SPACE
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

C. Flex Space

A type of use that allows a flexible amount of retail, office and industrial space in one structure located on parcels with an Industrial (IND), Economic Development Center (EDC), or Commercial High (CH) Future Land Use Designation (FLU), that are directly related to the principal use.

1. Review Process

Applications for flex space shall be reviewed pursuant to Article 2, Development Review Process, in addition to one of the following options:

a. Option I – Uses requiring BCC approval shall be subject to the applicable review process pursuant to Art.2.B.2. Conditional Uses, Requested Uses and Development Order Amendments. The applicant shall identify the portion of the building designated for flex space on the site plan. All other uses subject to an administrative review process shall be permitted in the BCC approved building.

b. Option II – Uses requiring DRO approval shall be subject to the review process pursuant to Art.2.D.1. Development Review Officer. The applicant shall identify the portion of the building designated for flex space on the site plan. All other uses subject to the Building Permit review process shall be permitted in the DRO approved building.

c. Option III – Uses subject to the Building Permit review process may occupy a bay or the entire building as long as they comply with the applicable Supplementary Use Standards and additional ULDC requirements (parking, signage, etc.). The applicant shall identify the portion of the building designated for flex space on the site plan. The applicant has the option of applying flex space provisions to a specific bay in the building or having the entire building (single use tenant) dedicated to flex space. The applicant shall submit the Building approved site plan to the Zoning Division for informational purposes indicating the area designated as flex space and demonstrating that the overall site is in compliance with the applicable ULDC regulations.

2. Development Standards

a. CH – FLU

Flex Space located on parcels with a CH FLU shall be permitted to have the following mix of uses: a minimum of 50% industrial, not to exceed 75%; with the balance consisting of office or retail.

b. IND – FLU

Flex Space located on parcels with an IND FLU shall be permitted to have the following mix of uses: a maximum of 30% office or retail, with the balance consisting of industrial.

c. Parking and Loading Requirements

1) CH-FLU

Parking shall be calculated at the rate of 3 spaces per 1000 square feet of floor area.

2) IND-FLU

Parking shall be calculated at the rate of 2.5 spaces per 1000 square feet of floor area.

3) Reserve Parking or Parking Covenant

a) Additional parking shall be reserved on site in the event that the flex space is converted back to regular commercial or industrial use, the minimum requirements based upon the proposed use as indicated in Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, or;

b) A restrictive parking covenant informing current and future owners of the required parking requirements for the uses. If the flex space is converted at a future date the site must comply with the minimum parking requirements based upon the use as indicated in Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements prior to final DRO or Building Permit approval, whichever is applicable. In the event the onsite parking is not sufficient for the proposed use or parking spaces cannot be accommodated on the site, the owner shall be limited to uses that generate parking consistent with existing parking. The covenant shall be submitted to the Zoning Division for County Attorney review and approval at the time of final DRO or building permit application. The approved covenant shall be recorded in the Clerk of Circuit Courts of PBC, and a copy of the approved and recorded covenant shall be submitted to the Zoning Division prior to issuance of a building permit.

d. Thresholds

Proposed flex space uses shall comply with the established review thresholds pursuant to Table 4.A.3.A – Thresholds for Projects Requiring DRO Approval, and Table 4.A.3.A-3 – Thresholds for Projects Requiring Board of County Commissioner Approval.

U:\Zoning\CODEREV\2009\BCC Hearings\2009-02 Round\3 Adoption 01-28-10\Exhibit G - Flex Space.doc

Notes:

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

EXHIBIT H

RENEWABLE ENERGY (Wind)
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

Part 1. ULDC, Art. 1.1.2, Definitions [Related to Electric Power Facilities and Renewable Energy] (pages 51 & 82 of 109), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

E. Terms defined herein or referenced Article shall have the following meanings:

....
12. Electric Power Facilities – ~~The principal use of power for electric generation~~ Any electric generating facility that uses any process or fuel and includes any associated facility that directly supports the operation of the electrical power facility.

R. Terms defined herein or referenced Article shall have the following meanings:

....
23. Renewable Energy Facility, Wind – A facility that uses wind turbines or other systems with a principal use of producing electrical or mechanical power from the wind.

T. Terms defined herein or referenced Article shall have the following meanings:

....
72. Turbine, Wind – A rotary engine assembly with attached blades utilized in the process to convert wind into energy.

[Renumber accordingly]

Part 2. ULDC, Table 3.E.1.B-21, PDD Use Matrix [Related to Renewable Energy] (pages 17 of 155), is hereby amended as follows:

Table 3.E.1.B-21 - PDD Use Matrix cont'd

Use Type	PUD					MUPD								MXPD				PIPD			M	R	N
	Pods					Land Use Designations								Land Use Designations				Use Zone					
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C R	C I D	C I S T	C L	C H	C L	C H	C I D	C M	C I D	C L			
Utilities and Excavation Uses																							
....																							
<u>Renewable Energy Facility, Wind</u>						<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>		<u>R</u>		<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>		
....																							
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]																							
Notes:																							
P Permitted by right																							
D Permitted subject to approval by the DRO																							
S Permitted in the district only if approved by Special Permit																							
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																							

(This space intentionally left blank.)

Notes:

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

EXHIBIT H

**RENEWABLE ENERGY (Wind)
SUMMARY OF AMENDMENTS
(Updated 10/23/09)**

1 **Part 3. ULDC, Table. 3.F.1.F-45, TDD Use Matrix [Related to Renewable Energy] (pages 118 of**
 2 **155), is hereby amended as follows:**
 3

Table 3.F.1.F-45 – Traditional Development Permitted Use Schedule (Continued)

District Tier Land Use Zone	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
Utilities and Excavation											
....											
<u>Renewable Energy Facility, Wind</u>											106-2
....											
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037]											
Notes:											
P Permitted by right. D Permitted subject to approval by the DRO. S Permitted in the district only if approved by Special Permit. R Requested Use.											

4
 5
 6 **Part 4. ULDC, Art. 4.A.3.A-1, Use Matrix [Related to Renewable Energy] (pages 78 of 155), is**
 7 **hereby amended as follows:**
 8

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay																NOTE				
	Agriculture/Conservation			Residential				Commercial					Industry/ Public								
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L	C C	C H	C G	C R	C E		I L	I G	P O	I P
				R S A	U S A																
Utilities & Excavation																					
....																					
<u>Renewable Energy Facility, Wind</u>		<u>A</u>	<u>A</u>		<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
....																					
[Ord. 2006-004] [Ord. 2007-001]																					
Key:																					
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit B Permitted in the district only if approved by the Zoning Commission (ZC) A Permitted in the district only if approved by the Board of County Commissioners (BCC)																					

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Notes:
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EXHIBIT H

RENEWABLE ENERGY (Wind)
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1 Part 5. ULDC, Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses
2 [Related to Electric Power Facilities and Renewable Energy] (page 73 of 155), is hereby
3 amended as follows:
4

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8
9 **44-1. Electric Power Facility**

10 ~~The principal use of power for electric generation~~ Any electric generating facility that uses any
11 process or fuel and includes any associated facility that directly supports the operation of the
12 electrical power facility.

13
14 **106-2. Renewable Energy Facility, Wind**

15 A facility that uses wind turbines or other systems with a principal use of producing electric or
16 mechanical power from the wind.
17

Figure: 4.B.1.A-10-Typical Renewable Wind Structure



[Ord. 2010-...]

18
19 **a. Pre-Submittal Requirements**

20 Prior to submitting an application for zoning approval, the applicant shall provide
21 documentation from the Florida Fish and Wildlife Conservation Commission or US Fish
22 and Wildlife Service indicating that the proposed facility complies with their applicable
23 siting requirements for bat and bird migration patterns. The documentation shall be
24 submitted to the Zoning Division, with the zoning application, and reviewed by ERM.

25 **b. Minimum Lot Size**

26 Lots shall comply with the minimum lot dimension requirements pursuant to Table
27 3.D.1.A, Property Development Regulations, or the applicable PDD requirements.

28 **c. Minimum Setback Requirements**

29 Accessory electric poles, distribution and transmission lines shall be exempt from the
30 minimum setback requirements indicated below.

31 **1) All Lots**

32 Facilities shall comply with the minimum setback requirements of the applicable
33 zoning district.

34 **2) Lots Adjacent to Existing Residential Uses**

35 Facilities located on lots adjacent to existing residential uses shall be setback a
36 minimum of 110 percent of the height of the structure. The height shall be measured
37 from finished grade to the top of the turbine blade. The setback shall be measured
38 from the residential property line.

Notes:

Underlined language indicates proposed new language.

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EXHIBIT H

**RENEWABLE ENERGY (Wind)
SUMMARY OF AMENDMENTS
(Updated 10/23/09)**

3) Additional Setback

One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 35 feet.

d. Perimeter Buffers and Interior Tree Requirements

1) A Type I incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential use. In addition, a Type II incompatibility buffer shall be required around the perimeter of all ground mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required canopy trees. These buffers may be modified pursuant to Art. 7.B.3., Alternative Landscape Plan.

2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3-1, Minimum Tier Requirements.

e. Substation

Substations associated with the facility shall be subject to the requirements of Art. 4.1.A.134, Utility Minor.

f. Collocation with Existing Electric Power Facilities

Wind facilities located on a site with an existing electric power facility shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment, pursuant to Article 2.B.2.F, Development Order Amendment.

Part 6. ULDC, Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements [Related to Electric Power Facilities and Renewable Energy] (page 73 of 155), is hereby amended as follows:

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Utilities and Excavation	Parking ¹	Loading ²
....		
<u>Renewable Energy Facility, Wind</u>	<u>1 space per site: and 1 space per 200 sq. ft. of office space</u>	N/A
....		
[Ord. 2005-002]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

Notes:

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

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 11/10/09)

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Part 1. ULDC, Art. 1.1.2, Definitions (page 26 of 109), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced Article shall have the following meanings:

....

9. Access, Primary - for the purposes of a Lifestyle Commercial Center, a primary access shall be from an arterial street. If a development fronts two arterial streets, the primary access shall have the largest ADT as determined by the County Engineer.

[Renumber accordingly]

....

L. Terms defined herein or referenced Article shall have the following meanings:

....

46. Live/Work – a mixed use supporting one residential dwelling unit collocated with any non-residential use permitted pursuant to the applicable Zoning District, where permitted by the Florida Building Code.

[Renumber accordingly]

....

P. Terms defined herein or referenced Article shall have the following meanings:

....

22. Parking, On-Street – a row of parking spaces along a street that may be designed in a parallel or angled layout.

[Renumber accordingly]

....

46. Planned Development, District (PDD) - a zoning district which is approved pursuant to the policies and procedures of Art. 3.E, Planned Development Districts of this Code including: PUD, Residential Planned Unit Development District; MXPDP, Mixed-Use Planned Development District; MUPD, Multiple Use Planned Development District; PIPD, Planned Industrial Park Development District; MHPD, Mobile Home Park Planned Development District; RVPD, Recreational Vehicle Park Planned Development District; and LCC, Lifestyle Commercial Center.

....

56. Plaza – outdoor space accessible to the public, dedicated to active or passive activities where pedestrians gather, designed to include streetscape and accented with landscape or focal points.

[Renumber accordingly]

....

S. Terms defined herein or referenced Article shall have the following meanings:

....

110. Street, Main – for the purposes of a Lifestyle Commercial Center, a street consisting of buildings located on both sides with on-street parking; sidewalks for pedestrian circulation with provisions for streetscape; usable open spaces, and buildings with a variety of heights and sizes characterized by distinctive architectural elements.

[Renumber accordingly]

....

W. Terms defined herein or referenced Article shall have the following meanings:

....

31. Work/Live Space - a space within a building that is used jointly for residential and any non-residential use permitted pursuant to the applicable Zoning District, where permitted by the Florida Building Code, and commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004]

....

Part 2. ULDC, Art. 1.1.3, Abbreviations and Acronyms (page 107 of 109), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

....
PAC Pre-Application Conference

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

EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 11/10/09)

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4 Part 3. ULDC, Art. 2.A.1.E, Pre-Application conference (page 8 of 53), is hereby amended as
5 follows:

6

7 CHAPTER A GENERAL

8 Section 1 Applicability

9 E. Pre-Application Conference (PAC)

10 The purpose of the pre-application conference PAC is to provide the applicant with an opportunity
11 to submit a preliminary application and conceptual site plan for review by the Zoning Division. The
12 preliminary application and conceptual site plan will be reviewed for compliance with applicable
13 Codes, and to determine the appropriate review processes required for the proposed
14 development.

15 1. Plan Review

16 The applicant shall specify in the application whether the PAC is requested for a conceptual
17 site plan review. A conceptual site plan shall be required for an Infill Redevelopment Overlay
18 (IRO) or Lifestyle Commercial Center (LCC) project. [Ord. 2005 – 002]

19 2. Sufficiency and Insufficiency

20 The application shall follow the procedures as provided in Article 2.A.1.G, Application
21 Procedures.

22 3. Additional LCC and IRO Requirements

23 a. Preliminary Application

24 The preliminary application shall identify and document any proposed waivers; and
25 include any previous BCC conditions of approval, if applicable.

26 b. Conceptual Site Plan

27 The conceptual site plan shall be prepared in compliance with the Technical Manual.
28 The plan shall indicate and delineate the applicable items listed in Table 2.A.1.E,
29 Conceptual Site Plan Requirements:

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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 I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 11/10/09)

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Table 2.A.1.E-1, Conceptual Site Plan Requirements for PAC

<u>Conceptual Site Plan Requirements</u>	<u>IRO</u>	<u>LCC</u>
<u>Intensity or density</u>	✓	✓
<u>Transect zones assigned to all land. All land must be assigned one of the four transect zones described in Art.3.B.16.F, no land may be assigned two or more transect zones. Transect zone boundaries shall follow proposed lot lines or be clearly dimensioned for parcels developed under one entity.</u>	✓	
<u>Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels, perimeter streets, internal street network including alleys.</u>	✓	✓
<u>For IRO, building placement and building type, including any tenants 65,000 square feet or larger.</u>	✓	
<u>For LCC, any freestanding or any tenants 65,000 square feet or larger.</u>		✓
<u>Pedestrian streetscape realm for all perimeter street frontages.</u>	✓	
<u>Pedestrian area for main street(s).</u>		✓
<u>Proposed and required mix of uses, including live/work or residential units, identifying whether or not such is horizontally or vertically integrated.</u>	✓	✓
<u>Location of any requested uses, and outdoor uses such as restaurant or bank drive through facilities, gasoline pumps and related queuing areas, outdoor dining areas, and required outdoor daycare areas, among others. Where applicable, additional detail shall be required to demonstrate how such uses will be located behind buildings, or shielded from adjacent residential uses or perimeter streets.</u>	✓	✓
<u>Location of parking, loading and service areas (dumpsters, etc.).</u>	✓	✓
<u>Required public open space or usable open space.</u>	✓	✓
<u>Demonstrate consistency with the master plan or design guidelines adopted under the Future Land Use Atlas amendment ordinance, if applicable.</u>		✓
<u>Ord. 2010-...</u>		

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3.4. Review Summary

Within five days of the ~~pre-application conference~~ PAC, the DRO shall provide the applicant with a written summary of the preliminary issues, findings, and necessary approvals required for the application.

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EXHIBIT I

**LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS**

(Updated 11/10/09)

1
2 **Part 4. ULDC, Table 3.E.1.B, Future Land Uses Designation and Corresponding Planned**
3 **Development Districts (page 72 of 155), is hereby amended as follows:**
4

Table 3.E.1.B – FLU Designation and Corresponding Planned Development Districts¹

	AGR ²	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
PUD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
MHPD	✓	✓	✓	✓	✓	✓	✓	✓	✓		

	AGR ¹	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			✓	✓	✓	✓	✓	✓	✓	✓	✓
MXPD				✓		✓				✓	✓
PIPD							✓			✓	✓
RVPD		✓							✓		
LCC			<u>✓</u>	<u>✓</u>							

[Ord. 2008-037] [Ord. 2009-040]

Notes:

1. Check (✓) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037] [Ord. 2009-040]
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]

5
6
7 **Part 5. ULDC, Article 3.E.1.B.3, Density (page 79 of 155), is hereby amended as follows:**
8

9 **CHAPTER E PLAN DEVELOPMENT DISTRICTS (PDDS)**

10 **Section 1 General**

11 **B. FLU Consistency, FAR, Density, and Use Standards**

12 **3. Density**

13 **....**

14 **f. LCC Minimum Density Requirements**

15 All residential units shall be vertically or horizontally integrated. The minimum required
16 density shall be determined as a percentage of maximum density indicated in Table
17 3.E.1.B, PUD Density, as follows:

- 1) Sites with Future Land Use designations of LR-2 or lower shall provide, at a minimum, 50 percent of the maximum PUD density; or
- 2) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33 percent of the maximum PUD density; or
- 3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum, 20 percent of the maximum PUD density.

24 Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1,
25 Workforce Housing Program.

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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 11/10/09)

1
2 Part 6. ULDC, Table 3.E.1.B, PDD Use Matrix, (page 73-79 of 155), is hereby amended as
3 follows:
4

Table 3.E.1.B - PDD Use Matrix

Use Type	PUD					MUPD						MXPD		PIPD			MHPD	RVPD	LCC		NOTE
	Pods					Land-Use Designations <u>FLU</u>						Land-Use Designations <u>FLU</u>		Use Zone					<u>FLU</u>		
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L O	C H O	C R	I N D	I N S T	C H	C H O	I N D / L	C O M			I N D / G	C L	
Residential Uses																					
Single Family	P																			122	
Zero Lot Line Home	P											P	P							142	
Townhouse	P											P	P					<u>P</u>	<u>P</u>	132	
Multi-Family	P											P	P					<u>P</u>	<u>P</u>	87	
Mobile Home Dwelling					S											P				85	
Accessory Dwelling	S				S															1	
Congregate Living Facility, Type 1	P																			34	
Congregate Living Facility, Type 2	R			S								<u>S</u>			<u>S</u>			<u>D</u>	<u>D</u>	34	
Congregate Living Facility, Type 3	R	R		R		R	R	R	R		R	R	R					<u>R</u>	<u>R</u>	34	
Estate Kitchen	P																			48	
Farm Residence																				50	
Farm Worker Quarters					P															51	
Garage Sale	P				P							P	P			P				60	
Guest Cottage	P																			66	
Home Occupation	P				P							P	P			P		<u>P</u>	<u>P</u>	70	
Kennel Type I (Private)	P																			73	
Nursing Or Convalescent Facility		R		R		R	R					R								90	
Security Or Caretaker Quarters		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S			119	
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040]																					
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LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 11/10/09)

1

Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD		PIPD			M	R	LCC		N		
	Pods					Land Use Designations FLU						Land Use Designations FLU		Use Zone					FLU				
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I	C			I	H		P	D
E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	D	P	D	L	H		
S	M	C	V	R			O	O			T		O	D	M	D	L	P	D				
Commercial Uses																							
Adult Entertainment														S	S							2	
Auction, Enclosed		R					P			P					P						<u>P</u>	<u>P</u>	16
Auction, Outdoor							R			R	R			P	P	P							16
Auto Paint Or Body Shop		R					R				R			P	P	P							17
Auto Service Station		R				R	R				R	R		P	P	P						<u>R</u>	18
Bed And Breakfast	D	D				S	S	S	S	S		S	S		S								20
Broadcast Studio		R				R	P	R	P	P	P	R	R	P	P						<u>R</u>	<u>R</u>	21
Building Supplies		R					R					R			P						<u>R</u>	<u>R</u>	22
Butcher Shop, Wholesale							R				P	R		P	P	P							23
Car Wash		R					R				P	R		P	P	P					<u>R</u>	<u>R</u>	25
Catering Service																							26
Contractor Storage Yard											P			P		P							35
Convenience Store		P				P	P					P	P		P		P	P			<u>P</u>	<u>P</u>	36
Convenience Store With Gas Sales							R				R	R		R	P							<u>R</u>	37
Day Labor Employment Service		R					R				R				P								41
Dispatching Office							R					R		P	P	P							42
Dog Day Care							R					R		P	R						<u>R</u>	<u>R</u>	43
Financial Institution		R				R	P	R	P			P	P		P						<u>R</u>	<u>R</u>	55
Flea Market, Enclosed		P					R					R			P							<u>R</u>	57
Flea Market, Open							R								R								58
Funeral Home or Crematory		P				R	R				R	R			P								59
Green Market																					<u>D</u>	<u>D</u>	64
Hotel, Motel, SRO, Rooming And Boarding							R		R	R		R	R		P							<u>R</u>	72
Kennel, Type II (Commercial)		R					R					R											74-1
Kennel, Type III (Commercial-Enclosed)		R				R	R					R									<u>R</u>	<u>R</u>	74-2
Kiosk						P	P	P	P	P		P	P	P	P	P					<u>P</u>	<u>P</u>	75
Landscape Service		R					R				P	R		P	P	P							77
Laundry Services		R				P	P	P	P			P	P	P	P		P	P			<u>P</u>	<u>P</u>	78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040]																							
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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 11/10/09)

1

Table 3.E.1.B-21 - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD		PIPD			M H P D	R V P D	LCC		N O T E		
	Pods					Land Use Designations FLU						Land Use Designations FLU		Use Zone					FLU				
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L O	C H O	C R O	I N D	I N S T	C H	C H O	I N D / L	C O M			I N D / G	C L		C H	
Commercial Uses																							
Lounge, Cocktail		R				R	<u>PR</u>		<u>PR</u>	<u>PR</u>				<u>PR</u>	R		<u>PR</u>			R	<u>R</u>	79	
Medical Or Dental Office		P				P	P	P	P					P	P		P			<u>P</u>	<u>P</u>	83	
Monument Sales, Retail						P	P							P			P					86	
Office, Business Or Professional		P				P	P	P	P					P	P		P			<u>P</u>	<u>P</u>	91	
Parking Garage, Commercial		P					R		R	R							P					95	
Parking Lot, Commercial		R					R		R	P												96	
Pawnshop							R															97	
Personal Services		P				P	P	P	P					P	P		P		P		<u>P</u>	<u>P</u>	98
Printing And Copying Services		P				P	P	P	P					P	P		P				<u>P</u>	<u>P</u>	100
Repair And Maintenance, General		R					R				P					P	P	P				107	
Repair Services, Limited		P				P	P	P	P		P			P	P		P				<u>P</u>	<u>P</u>	108
Restaurant, Type I		R					R		R					R	R		R				<u>R</u>	<u>R</u>	109
Restaurant, Type II		R				R	D	R	R	R				D	R		R				<u>D</u>	<u>D</u>	111
Retail Sales, Auto		P				P	P							P	P		P				<u>P</u>	<u>P</u>	113
Retail Sales, General		P				P	P							P	P		P				<u>P</u>	<u>P</u>	114
Retail Sales, Mobile Or Temporary		S												S			S					115	
Self-Service Storage						R	R				P					P	R	P				120	
Theater, Drive-In							R			R							R					128	
Theater, Indoor		R					R			P				R							<u>R</u>	129	
Towing Service And Storage											P					P						130	
Vehicle Sales And Rental		R				R	R							R			R				<u>R</u>	<u>R</u>	135
Veterinary Clinic		R				R	P	R	P					R	R		P				<u>R</u>	<u>R</u>	136
Vocational School		R				R	P		P		P	D		R	R		P				<u>R</u>	<u>P</u>	137
Work/Live Space		P				P	P	P	P					P	P		P				<u>P</u>	<u>P</u>	141-1
<u>Live/Work</u>														<u>D</u>	<u>D</u>						<u>D</u>	<u>D</u>	141-2
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040]																							
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Table 3.E.1.B – PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD		PIPD			M H P D	R V P D	LCC		N O T E	
	Pods					Land Use Designations FLU						Land Use Designations FLU		Use Zone					FLU			
	R E S	C O M	R E C	C I V I L	A G R I C U L T U R A L	C L	C H	C L O	C H O	C R O	I N D	I N S T	C H	C H O	I N D L	C O M M			I N D G	C L		C H
Public and Civic Uses																						
Airport, Helipad & Landing Strip										R	R				R		R			10		
Assembly, Nonprofit Institutional		R		R		R	R			R		R	R	R		R			<u>R</u>	<u>R</u>	14	
Assembly, Nonprofit Membership				R		R	R	R	R	R		R	R	R		R			<u>R</u>	<u>R</u>	15	
Cemetery				R																	27	
Place Of Worship		P		P		P	P	P	P	P		P	P		P		P		<u>P</u>	<u>P</u>	29	
College Or University				R		R	R	R	R	R	R	R			R				<u>R</u>	<u>R</u>	30	
Day Camp			P	P			R			P		P		R					<u>R</u>	<u>R</u>	39	
Day Care, General		R		R		R	R	R	R	R		R	R	R	R	R	R	R	<u>R</u>	<u>R</u>	40	
Day Care, Limited		<u>PD</u>		<u>PD</u>		<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>D</u>	<u>D</u>	40	
Government Services		P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	63	
Hospital Or Medical Center		R				R	R			R			R	R		R			<u>R</u>	<u>R</u>	71	
Kennel, Type IV (Animal Shelter)						R	R					R		R							74-3	
School, Elementary Or Secondary				R		R	R	R	R			D	R	R		R				<u>R</u>	118	
Recreation Uses																						
Arena, Auditorium Or Stadium		R					R			R			R								12	
Campground										P							P				24	
Entertainment, Indoor		R				R	R			P			R			P			<u>R</u>	<u>R</u>	45	
Entertainment, Outdoor		R				R	R			P	D		R			P					46	
Fitness Center		R	P	R		R	R			R	P		P	P		P			<u>R</u>	<u>P</u>	56	
Golf Course			R			R	R	R	R	R	R		R	R	P		P	P			62	
Gun Club, Enclosed							R			R	R				P	R	P				67	
Gun Club, Open										R											67	
Gun Range, Private															P	R	P				68	
Marine Facility		R	R				R			R	R		R	R		P					82	
Park, Passive	P	P	P	P	R	P	P	P	P	P		P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	93	
Park, Public			P	P		R	P			P	P	P	P	P		P		R	R	<u>P</u>	<u>P</u>	94
Special Event		S	S	S		S	S			S	S	S	S		S	S			<u>S</u>	<u>S</u>	124	
Zoo							R			R											143	
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040]																						
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Table 3.E.1.B-21- PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD		PIPD			M H P D	R V P D	<u>LCC</u>		N O T E
	Pods					<u>Land Use Designations</u> <u>FLU</u>						<u>Land Use Designations</u> <u>FLU</u>		Use Zone					<u>FLU</u>		
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L O	C H O	C R O	I N D	I N S T	C H	C H O	I N D / L	C O M			I N D / G	C L	
Agricultural Uses																					
Agriculture, Bona Fide					P															3	
Agriculture, Light Manufacturing																				4	
Agriculture, Packing Plant																				5	
Agriculture, Research/Development						P	P	P	P	P	P	P			P		P			3.1	
Agriculture, Sales And Service							P								P					6	
Agriculture, Storage																				7	
Agriculture, Transshipment											P				P		P			8	
Aviculture, Hobby Breeder					P															19	
Community Vegetable Garden																				32	
Equestrian Arena, Commercial				R							P									47	
Farmers Market							P				P			P	P	P				52	
Farrier																				53	
Groom's Quarters	P				P															65	
Nursery, Retail		P			P	P							P		P					88	
Nursery, Wholesale					P									P		P				89	
Potting Soil Manufacturing																				99	
Produce Stand																				101	
Shadehouse					P															121	
Stable, Commercial					P						P									125	
Stable, Private	P				P															126	
Sugar Mill Or Refinery																P				127	
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040]																					
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	Pods					Land-Use Designations FLU						Land-Use Designations FLU		Use Zone					FLU						
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C O	C O	I R	I N	I N	C H	C H			I N	C O		I N	D / L	O M	D / G
Utilities and Excavation Uses																									
Air Curtain Incinerator																									9
Air Stripper, Remedial																									11
Chipping And Mulching																					P	P			28
Communication Cell Sites On Wheels (COW) Tower, Mobile	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	31
Communication Panels, Or Antennas, Commercial	B	D	D	D		D	D	D	D	D	P	D		D	D		P	P	P				<u>D</u>	<u>D</u>	31
Communication Tower, Commercial							<u>D-R</u>					R	R	R			<u>P-R</u>	<u>P-R</u>	<u>P-R</u>					<u>R</u>	31
Composting Facility												P					P		P						33
Electric Power Facility		R					R		R	R	R						R	R	R						44-1
Electric Transmission Facility		R					R		R	R	R						R	R	R						44-2
Excavation, Agricultural					P																				49
Excavation, Type I																									49
Excavation, Type II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	49
Excavation, Type III A																								R	49
Excavation, Type III B																								R	49
Recycling Center							P				P						P	P	P						103
Recycling Collection Station		S		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S				<u>S</u>	<u>S</u>	106
Recycling Drop-Off Bin		S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>D</u>	<u>D</u>	104
Recycling Plant												P					P	P	P						105
Sanitary Landfill Or Incinerator																									117
Solid Waste Transfer Station							R		R	R	R	R					P	R	P						123
Utility, Minor	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	134
Water Or Treatment Plant				R			R		R	R	R			R	R		P		P			R	R		139

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EXHIBIT I

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1

Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD		PIPD			LCC		NOTE					
	Pods					Land-Use Designations FLU						Land-Use Designations FLU		Use Zone			FLU							
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C O	I R	I N D	I N S T	C H	C H O	I N D /	C O M	I N D /		M H P D	R V P D	<u>C</u> <u>L</u>	<u>C</u> <u>H</u>	
Industrial Uses																								
Asphalt Or Concrete Plant												R					P						13	
Data Information Processing						P	P	P		P			P	P			P	P	P			<u>P</u>	<u>P</u>	38
Film Production Studio							P		P	R	P						P	P	P				<u>P</u>	54
Gas And Fuel, Wholesale												R						P					61	
Heavy Industry												R					R	P					69	
Laboratory, Research						R	R	R	R	R	P	R	R				P	R	P			<u>R</u>	<u>R</u>	76
Machine Or Welding Shop											P						P	P					80	
Manufacturing And Processing						R	R	R	R	R	P						P	P					81	
Medical Or Dental Laboratory		P				P	P	P	P								P						84	
Salvage Or Junk Yard												R						R					116	
Transportation Facility																	P	P					133	
Truck Stop											R						R	R					131	
Warehouse							R				P						P	P					138	
Wholesaling, General											P						P	P					140	
[Ord. 2005-002] [Ord. 2004-040] [Ord. 2009-040]																								
Notes:																								
P Permitted by rights																								
D Permitted subject to approval by the DRO																								
S Permitted in the district only if approved by Special Permit																								
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																								

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Part 7. ULDC, Art. 3.E1.D. – Application Requirements (page 83 of 155), is hereby amended as follows:

5

6

7

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

8

Section 1 General

9

D. Application Requirements

10

1. Pre-Application Conference (PAC)

11

All applications for a LCC shall require a PAC pursuant to Art.2.A.1.E, Pre-Application Conference.

12

[Renumber Accordingly]

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14

15

16

Part 8. Adopt new ULDC Article 3.E.8, Lifestyle Commercial Center Development (LCC) (page 115 of 155), as follows:

17

18

19

Section 8 Lifestyle Commercial Center Development (LCC)

20

A. General

21

1. Purpose and Intent

22

The purpose and intent of the LCC is to implement the FLUE Policy 2.2.2-c of the Plan, as amended. A LCC is a mixed use form of development that incorporates a variety of uses such as: commercial, residential, civic and recreational. The LCC may be a transitional form of development located adjacent to properties with a residential future land use or Zoning district. The layout typically supports an open air, traditional market place design

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1 configuration, which consists of one or more main streets with integrated in-line tenants and
2 may include limited freestanding tenants.

3 LCC regulations are established to provide predictability in the built environment with a
4 degree of design flexibility while ensuring compatibility, interconnectivity and intensity issues
5 are addressed.

6 **2. Applicability**

7 The requirements of this Section shall apply to all LCCs.

8 **3. Conflicts**

9 If a conflict exists between this Section and other Articles in this Code, the provisions of this
10 Section shall apply to the extent of the conflict.

11 **4. Waivers**

12 An applicant may apply for a waiver from the design and dimensional requirements indicated
13 in Article 3.E.8.C, Design and Development Standards pursuant to Table 3.E.8.D, LCC
14 Waivers.

15 **a. Standards**

16 An application for a waiver shall be submitted in a form specified by the Zoning Director.
17 When considering whether to approve, approve with conditions, or deny a waiver
18 request, the Zoning Director shall consider the following standards:

- 19 1) The waiver does not create additional conflicts with this Section of the ULDC, and is
20 consistent with the stated purpose and intent and design principles of the LCC;
- 21 2) The waiver will not cause a detrimental effect on the overall design and development
22 standards of the project, and will be in harmony with the general site layout and
23 design details of the development; and,
- 24 3) The alternative design option recommended as part of the waiver approval, if
25 granted, will not adversely impact LCC users and adjacent properties.

26 **b. Appeal**

27 An appeal on any Zoning Director's decision shall be made to the Zoning Commission
28 pursuant to Art. 2.A.1.S.1, Non-Judicial Relief, in an application form specified by the
29 Zoning Director.

30 **B. Design Principles**

31 The LCC form of development shall consider the impact of proposed commercial uses, and the
32 need to establish an interface with existing and future adjacent developments. This interface
33 shall be comprised of the following: site layout, building form, interconnectivity, and mixed of
34 uses that will support the surrounding residential uses. The LCC shall be laid out with one or
35 more main streets that incorporate any in-line large tenant that is designed as a multi-tenant store
36 front. It may also include a freestanding large tenant and outparcel tenants that are located
37 outside of the main street.

38 **1. Site Layout**

39 **a. Street**

40 Streets within an LCC shall be designed to create block configurations composed of main
41 streets, secondary streets and alleys, as defined in Art. 3.E.8.C.3, Site Layout.

42 **b. Interconnectivity and Circulation**

43 The site layout shall provide interconnectivity between the LCC and adjacent parcels on
44 at least two sides. The ingress/egress shall be aligned with that of existing and future
45 developments on adjacent parcels and shall be shown on the Preliminary Site Plan (PSP)
46 pursuant to Art.2.A.1.G.3, Plan Requirements. The design principles are:

- 47 1) Minimize internal vehicular trips by arranging buildings, amenities, and parking in
48 proximity to each other to reduce pedestrian walking distance;
- 49 2) Establish location of vehicular or pedestrian interconnectivity points with adjacent
50 properties;
- 51 3) The site shall be designed without any provisions for gates unless stated otherwise
52 herein.

53 **c. Buildings**

- 54 1) A majority of the buildings (building square footage) shall front on an internal main
55 street with a build-to-line. Buildings shall frame the main street integrating site
56 elements such as sidewalks and pedestrian amenities.
- 57 2) Buildings in developments that include a freestanding large tenant, or outparcel
58 tenants, shall be oriented in a manner that complements the main street buildings
59 and associated parking areas, and mitigates the impact of potential incompatibilities
60 on surrounding properties.

61 **d. Pedestrian Area and Usable Open Space**

- 62 1) Pedestrian areas in any form of usable open space shall function as activity nodes
63 within the development. These areas or activity nodes shall include, but not limited
64 to: art, fountains, shaded sitting areas and other similar amenities to encourage
65 public use.

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- 1 2) Large or out parcel tenants located outside of the main street areas shall be
- 2 connected to the LCC pedestrian circulation system through a series of usable open
- 3 spaces and shaded sidewalks.
- 4 **e. Parking and Loading**
- 5 1) Required parking and loading for each tenant shall be located to the side and rear of
- 6 the building.
- 7 2) Perimeter of parking lots shall be framed by buildings, structures or landscaping to
- 8 create user friendly spaces.
- 9 **f. Transitional Elements**
- 10 Drainage or preserve areas shall serve as a transition between the commercial portion of
- 11 the development and adjacent existing residential uses when possible.
- 12

Figure 3.E.8.B – Typical Open Space and Main Street Layouts



Parking areas and pedestrian interconnectivity



Main street layout



Usable open space adjacent to large tenants



Main street configuration, architectural focal points, mid-block plaza.

[Ord. 2010-...]

- 13
- 14 **2. Building Forms and Design**
- 15 a. Buildings shall be designed in scale and proportion to provide pedestrian level interest
- 16 and establish a sense of place by incorporating a variety of heights and façade
- 17 treatments. Architectural, landscape, or hardscape focal points shall be provided at key
- 18 locations such as internal street intersections, public gathering areas and along external
- 19 streets to create a sense of arrival and place or to provide terminus.
- 20 b. Buildings facing the arterial street shall provide pedestrian sidewalks or usable open
- 21 space to be oriented towards the arterial street to encourage walkability, and a positive
- 22 visual interface along the street right-of-way.
- 23 **3. Mixed Use and Integration**
- 24 The LCC shall primarily consist of commercial related uses, live-work units, and limited
- 25 residential units based upon the site's FLU designation. The integration of uses shall consist
- 26 of the following:
- 27 a. Placement of buildings providing a harmonious interface between internal mixed uses,
- 28 and adjacent uses; and
- 29 b. Horizontally integrated residential units are serving as a transition between the more
- 30 intense uses and immediately adjacent existing or future residential uses to reduce the
- 31 need for large buffers.
- 32 **C. Design and Development Standards**
- 33 An LCC shall comply with all standards listed below unless a waiver is granted pursuant to Article
- 34 3.E.8.A.4, Waivers.
- 35 **1. Minimum Site Area**
- 36 Site area shall be 10 acres.
- 37 **2. Access and Frontage**
- 38 a. Minimum frontage shall be consistent with PDD standards pursuant to Art. 3.E.1.C.2.a.,
- 39 Access and Circulation.

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- 1 b. Primary access shall be provided from the arterial street to a main street of the LCC.
2
3 **3. Site Layout**
4 Blocks and streets shall establish the general framework for the site layout.
5 **a. Blocks**
6 Blocks shall be created by utilizing streets and alleys to provide continuous vehicular
7 circulation, interconnectivity, and accessibility within the LCC, with exception in area
8 where an access is required by the Engineering Department. Blocks shall be subject to
9 the following thresholds:
10 1) Minimum length of a block shall be 160 feet;
11 2) Maximum length of a block shall be 660 feet without pedestrian pass-thru; and,
12 3) Maximum length of a block shall be 750 feet with pedestrian pass-thru.
13 **b. Streets**
14 Streets shall include main streets, secondary streets, alleys, and driveways that are
15 designed consistent with the following. Streets designated as public or private R-O-W
16 shall also comply with any Engineering requirements.
17 **1) Main Street**
18 The main street(s) shall be designed as the primary street(s) in the LCC and shall
19 comply with the following standards:
20 a) A continuous main street shall traverse a minimum of 60 percent of the length or
21 width of the LCC, whichever is greater;
22 b) The design shall be consistent with Figure 3.F.2.A-12, TDD Commercial Street or
23 the TMD design exception summarized in Figure 3.F.4.D-29, Typical Example of
24 TMD Commercial Street with Angled Parking;
25 c) A minimum of 65 percent of the total GFA for the overall development shall be
26 located on the main street(s);
27 d) A plaza may be located at the end of a main street provided a building is located
28 immediately adjacent to the plaza to frame the space and establish a visual
29 terminus; and,
30 e) Intersections of two main streets, if provided, shall provide an amenity including,
31 but not limited to: roundabout with decorative pavers and a focal point; or any
32 other element that reflects a common architectural theme of the LCC.
33 **2) Secondary Street**
34 Secondary streets shall be designed consistent with Figure 3.F.2.A-12, TDD
35 Commercial Street, except that on-street parking may not be required and minimum
36 sidewalk width may be reduced from ten to four feet in width.
37 **3) Alley**
38 Alley access shall not be permitted from a main street. Alleys shall conform with the
39 requirements of Article 3.F.2.A.1.e, Alleys.
40 **c. Interconnectivity**
41 1) Interconnectivity shall be required if the LCC is adjacent to an existing development
42 or vacant parcels. The Planning Division shall review and make a recommendation
43 on interconnectivity, pursuant to Objective 4.3, Community Design of the Plan. In
44 addition, the following shall apply:
45 2) All required connecting points shall be paved up to the property line of adjacent
46 parcels and a cross access agreement shall be recorded.
47 3) All connecting access points shall be designed and constructed pursuant to the Land
48 Development Design Standards Manual.
49 4) The use of gates or other preventative barriers is prohibited, exceptions are allowed
50 for: dumpsters, loading areas, private garages and parking areas.
51 **4. Buildings**
52 All buildings shall front a street, and shall be designed in compliance with the following:
53 **a. Internal Frontage**
54 1) Buildings or structures located on the main or secondary street shall be setback a
55 minimum of 15 feet and maybe expanded to 25 feet to provide outdoor dining areas,
56 pedestrian area or usable open space. Setbacks are measured from the proposed
57 building façade to the inside edge of the curb.
58 **b. Perimeter Frontage**
59 Buildings that front on the perimeter of a LCC and adjacent to residential uses, arterial
60 streets or any other street exterior to the development shall be considered perimeter
61 building frontage, and shall comply with the following:
62 1) Buildings or structures located on the perimeter of the site shall be setback a
63 minimum of 25 feet. Setbacks are measured from the proposed building façade to
64 the inside edge of the perimeter R-O-W buffer.
65 2) Façade shall provide design features including, but not limited to: building entrances,
display windows, usable open space and pedestrian circulation system.

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- 1 3) Outdoor vehicular circulation and queuing areas for uses including, but not limited to:
- 2 gas sales, financial institution, restaurants, and other facilities with drive-thru shall
- 3 only be allowed if the associated outdoor vehicular activities are not visible from the
- 4 street or adjacent residential uses.
- 5 **c. Building Design**
- 6 1) The facade design of all buildings shall comply with Art. 5.C, Design Guidelines.
- 7 2) For perimeter building that faces a street R-O-W, a pedestrian area with sidewalks
- 8 and street trees shall be provided abutting the building.
- 9 **d. Building Height**
- 10 The maximum building height shall be 45 feet. The height limit shall not apply to those
- 11 exceptions listed in Art. 3.D.1.E.4, Height Exceptions.
- 12 **e. Tenant Size and Large Tenant**
- 13 1) The total square footage for all freestanding buildings and large tenants shall not
- 14 exceed 40 percent of the GFA of the LCC.
- 15 2) Large tenants occupying more than 100,000 square feet shall be prohibited.
- 16 3) Any large scale single tenant retail use (as defined by the definition of big box in the
- 17 Plan), with or without accessory tenants, in a single building, shall not exceed 65,000
- 18 square feet.
- 19 4) Large tenants shall be architecturally designed to appear as a multi-tenant building.
- 20 5) Large tenants shall comply with requirements for fenestration details and exterior
- 21 treatments of Table 5.C.1.I-13, Large Scale Commercial Development.
- 22 6) No single tenant shall occupy more than 200 feet of frontage. An increase of up to
- 23 240 feet per single tenant shall be permitted, provided that any increase over 200
- 24 feet incorporates the appearance of a separate storefront to include: a distinct
- 25 architectural style a minimum of 40 feet in length, similar transparency, and an
- 26 additional building entrance, or appearance of an entrance.
- 27 **f. Integrated Residential Use**
- 28 Residential uses shall be provided in compliance with Art.3.E.1.B.3.f, LCC Minimum
- 29 Density Requirements and the following standards:
- 30 1) For project with vertically integrated units, these units shall be located above non-
- 31 residential buildings, and shall be accessed from the main street through a common
- 32 area, including but not limited to: an internal lobby, courtyard, gathering areas, or
- 33 usable open space between buildings.
- 34 2) For horizontally integrated units, alternative frontage requirements may be permitted
- 35 pursuant to Art.3.F.4.D.4.d, Optional Standards for Residential PDRs.
- 36 **5. Pedestrian Area on Main Street**
- 37 The area between the building façade and the main street curb is defined as pedestrian area,
- 38 and shall be subject to the following:
- 39 a. Required on both sides of a main street with open or arcaded sidewalks, street trees,
- 40 pedestrian amenities, and street furniture.
- 41 b. All sidewalks shall be a minimum six feet width with no encumbrance. The width may be
- 42 increased to accommodate seating areas or other pedestrian amenities. In addition to
- 43 the sidewalk, a minimum width of five feet shall be provided for the installation of street
- 44 trees, landscaping and street lights.
- 45 c. A minimum of 75 percent of the frontage on the main street shall have arcaded sidewalks
- 46 or any other architectural element that provides shade to pedestrians such as permanent
- 47 canopies and awnings. All arcades or architectural shade elements shall have a minimum
- 48 height clearance of 12 feet. When canopies or awnings are provided to comply with the
- 49 75 percent requirement, they shall extend at least 6 feet to shade pedestrian sidewalks.
- 50 d. Pedestrian pass-thru that connects the main street and the parkinglots or service areas at
- 51 the rear or the side of the building shall have a maximum width of 25 feet. Pedestrian
- 52 pass-thrus shall be occurred at intervals no greater than 100 feet to provide convenient
- 53 pedestrian access.
- 54 **6. Pedestrian Area on Secondary Street**
- 55 Pedestrian area shall be a minimum width of ten feet and shall be located on both sides if the
- 56 street. The sidewalk shall be a minimum width of five feet with no encumbrance and a
- 57 minimum width of five feet for amenities such as street trees and street lights.
- 58 **7. Usable Open Space**
- 59 A minimum of five percent of the total site GFA shall be provided as usable open space.
- 60 **a. Dimensions**
- 61 All usable open spaces shall meet the minimum dimensions provided under Table
- 62 3.E.8.C, Dimensions for Usable Open Space. The provision of usable open space in
- 63 excess of the minimum required shall be notated.
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Table 3.E.8.C - Dimensions for Usable Open Space

	Size Min.	Length Min.	Width Min.
Main Usable Open Space	10,000 s.f.	120 ft.	80 ft.
Other Usable Open Space	5,000 s.f.	60 ft.	40 ft.

b. Street Frontage

Usable open space shall be bounded by a street on at least one side.

c. Landscaping

A minimum of 15 percent of each usable open space shall be shaded by landscape material or shade structures at time of construction, and a minimum of 30 percent of the total square footage shall be pervious.

d. Pedestrian Amenities

If one or more usable open spaces are provided within the LCC, a minimum of 50 percent of these spaces shall be designed with seating areas for pedestrians. Each space shall have a minimum of one linear foot of seating for each 200 square feet of overall area.

8. Street Trees, Street Lights and Utilities

a. Street trees shall be planted pursuant to Art. 3.F.2.A.4.d, Street Trees.

b. Street lights shall be provided along all streets and alleys pursuant to Art. 3.F.2.A.1.f.2).a), TDD Street Lighting. At least one light fixture shall be located at the pedestrian crosswalk and along of all pedestrian pass-thru.

c. All public utilities shall be installed in accordance to the standard of Art. 11.E.7, Utilities.

9. Parking and Loading

Parking shall comply with Art. 6, Parking, unless otherwise stated below:

a. Parking Lot

A maximum of 200 parking spaces shall be permitted in each parking lot. The perimeter of the parking lot shall be framed by:

1) buildings or structures on all four sides; or

2) an eight-foot wide landscape strip. The landscape strip shall have a 30 inch-high hedge or a 30 inch-concrete wall and appropriate groundcover. Canopy trees shall be planted at 20 feet on center.

b. Parking Structures

Parking for any use in excess of six spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure.

c. Service and Loading Areas

All service and loading areas shall be located along the rear or side of the structures, and shall not be visible from the main street and any usable open space. The service areas shall be located within the footprint of the building or immediately adjacent to the building.

10. Landscaping

Landscaping shall comply with Art. 7, Landscaping, unless otherwise stated below:

a. Landscape Buffer Exemption

Required perimeter buffers may be modified subject to an approved Alternative Landscape Plan, if:

1) the proposed horizontally integrated residential units of the LCC are located adjacent to existing residential units of the same housing type and density, and the adjacent parcel has an existing buffer that meets this Code; or

2) the adjacent non-residential development is compatible with the LCC and has an existing buffer that meets this Code.

b. Foundation Planting

Foundation planting shall be in compliance with Art. 7, Landscaping, unless otherwise stated below:

1) Foundation plantings shall not be required for the following: buildings with frontages on the main streets, secondary streets, buildings along an alley or internal street between non-residential buildings, or where buildings front on a plaza or square.

2) Buildings that face a perimeter street R-O-W and designed with: arcades, pedestrian area or framed by an usable open space.

D. LCC Waivers

An applicant may seek waivers from specific code requirements listed in Table 3.E.8.D, LCC Waivers, by submitting an application on forms provided by the Zoning Division. Waiver approval shall be granted prior to DRO certification. The Zoning Director shall consider the following "criteria of review" and any justification provided by the applicant in considering a waiver request.

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Table 3.E.8.D - LCC Waivers

Requirements	Waiver	Criteria of Review ¹
Main Street		
Art. 3.E.8.C.3.b.1).a) A continuous main street shall traverse a minimum of 60 percent of the length or width of the LCC; whichever is greater.	Reduce a maximum of 10 percent.	-Constraints on site configuration prohibiting compliance with minimum length; -Encumbrance by existing natural features or easements (lake, preserve, etc.).
Art. 3.E.8.C.3.b.1).c) A minimum of 65 percent of the total GFA shall be located on the main street(s).	Reduce a maximum of 10 percent.	-Existing site constraints that prohibit compliance with required layout and square footage cannot be accommodated on main streets.
Interconnectivity		
Art. 3.E.8.C.3.c.4) The use of gates or other preventative barriers is prohibited, exceptions are allowed for: dumpsters, loading areas, private garages and parking areas.	Allow use of gates within the development.	-Special circumstances between adjacent uses; -Specific user requirements within the LCC requires building(s) to be gated provided these gates do not impact the continuity of the LCC street network.
Perimeter Frontage		
Art. 3.E.8.C.4.b.2) Façade shall provide design features, including but not limited to: building entrances, display windows, usable open space and pedestrian circulation system.	No façade design features	-If proposed building is separated from the adjacent street or use by a canal R-O-W or other geological encumbrance or utility easement that is 80 feet or greater. -Façade shall meet Art.5.C.
Art. 3.E.8.C.4.b.3) Outdoor vehicular circulation and queuing areas for uses including, but not limited to: gas sales, financial institution, restaurants, and other facilities with drive-thru shall only be allowed if the associated outdoor vehicular activities are not visible from the street or adjacent residential uses.	Allow outdoor vehicular activities to be visible from the perimeter street.	-Provide a Type 3 Incompatibility Buffer, and exemplary architectural design that incorporates walls or other visual barriers a minimum of six feet in height, or a combination of the two.
Building Height		
Art. 3.E.8.C.4.d The maximum building height shall be 45 feet.	Increase building height up to a maximum of 60 feet. >60 feet shall be subject to a Waiver approval by the BCC.	-Demonstrate that the use associated with the building requires additional height due to its use or structural reasons related to the use or building design; -Architectural focal point shall be provided and proportional to the additional height of the building. -Additional height of the building shall create no impact on adjacent properties. -Utilize Green Architecture, if applicable.

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Requirements	Waiver	Criteria of Review ¹
Tenant Size and Large Tenant		
Art. 3.E.8.C.4.e.1) The total square footage for all freestanding building and large tenants shall not exceed 40 percent of the GFA of the LCC.	Increase a maximum of 10 percent of the total GFA to be designated for freestanding buildings and large tenants.	-Increase Architectural features that exceed Art.5.C ; or -Utilize Green Architecture, if applicable; and -Increase usable open space by 10% for the site.
Art. 3.E.8.C.4.e.6) Single tenants shall not occupy more than 240 feet of frontage.	Increase to a maximum of 325 feet for sides that do not have pedestrian use areas or street frontages other than for service areas.	-Provide Architectural features that exceed Art.5.C ; -Utilize Green Architecture, if applicable.
Vertical Integration		
Art. 3.E.8.C.4.f.1) Vertically integrated units shall be accessed from the main street through a common area, including but not limited to: an internal lobby, courtyard, gathering area or usable open space between buildings.	Vertically integrated units without access from the main street	-Proposed access complies with the entry requirements of Art. 5.C.1.H.1.d, Entries, provided it is adjacent to usable open space.
Usable Open Space		
Table 3.E.8.C. Dimensions for Usable Open Space	Reduce a maximum of 25 percent of the minimum dimensions.	-Proposed design features of the reduced usable open space elements shall exceed minimum code requirements; and, -Demonstrate the overall usable open spaces are evenly distributed to meet the purpose and intent of this requirement.
Parking Lot		
Art. 3.E.8.C.9.a A maximum of 200 parking spaces shall be permitted in each parking lot.	Increase a maximum of 20 percent.	-Only allowed if framed by buildings on all four sides and designed to give the appearance of small parking lots.
[Ord. 2010-...]		
Notes:		
1. The applicant can submit additional justification or documentation to support waiver request.		

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Part 9. ULDC, Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 118 of 155), is hereby amended as follows:

Table 3.F.1.F – Traditional Development Permitted Use Schedule

District Tier Pods	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	NC	Open Space/Rec			Dev.	Preserve	
Commercial Uses											
....											
<u>Live/Work</u>		<u>D</u>					<u>D</u>	<u>D</u>	<u>D</u>		<u>141-2</u>
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037]											
Notes:											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											
[Ord. 2005-002]											

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Notes:
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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 11/10/09)

1
2 Part 10. ULDC, Table 4.A.1.A, Standard Use Matrix (page 12 of 155), is hereby amended as
3 follows:
4

Table 4.A.3.A-1 – Use Matrix

Use Type	Zoning District/Overlay																	N O T E
	Agriculture/ Conservation			Residential					Commercial					Industry/ Public				
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C H O	C G R E	I L	I G	P O	I P F	
Commercial Uses																		
..... Live/Work																		141-2
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2007-001] [Ord. 2008-037]																		
Key:																		
P Permitted by right																		
D Permitted subject to approval by the DRO																		
S Permitted in the district only if approved by Special Permit																		
B Permitted in the district only if approved by the Zoning Commission (ZC)																		
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																		

5
6
7 Part 11. ULDC, Art. 4.B.1.A, Supplementary Use Standards, (pages 33-34, 35, 36-37, 42-43, 49,
8 51, 59, 62, 71, 73, 74-76, 88, 93, and 98 of 155), is hereby amended as follows:
9

10 CHAPTER B SUPPLEMENTARY USE STANDARDS

11 Section 1 Uses

12 A. Definitions and Supplementary Standards for Specific Uses

- 13
14 **16. Auction**
15
16 **d. TMD and LCC Districts**
17 Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005 – 002]
18 [Ord. 2009-040]
19
20 **18. Auto Service Station**
21
22 **f. TMD and LCC Districts**
23 Automotive service stations shall be permitted only on sites that are within 500 feet of the
24 perimeter of the development. a TMD district but shall not be located on a Main Street.
25 The maximum site area is per station shall not exceed 10,000 square feet of GFA.
26 Gasoline pumps shall be located in the rear or side of a building with access from an
27 alley, interior parking area, or a street not designated as a main street.
28
29 **22. Building Supplies**
30
31 **c. LCC District**
32 Building supplies in an LCC shall be enclosed with no outdoor storage area.
33
34
35 **25. Car Wash**
36 **e. LCC District**
37 A maximum of one car wash may be allowed. The car wash shall be located outside the
38 main street, and may be accessed from a secondary street, alley or from a parking lot.
39 The car wash shall not be visible from the main street.
40
41 **37. Convenience Store with Gas Sales**

Notes:

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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 11/10/09)

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-
- g. TMD and LCC Districts**
Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2006-004]
-
- 54. Film Production Studio**
-
- a. CHO ~~and~~ CG, and LCC Districts**
Outdoor activities shall be located a minimum of 300 feet from a residential district.
- b. Film Permit**
A film permit shall be issued by the Director of the Film Liaison Office. The duration of the permit shall not exceed 24 months without approval of the Zoning Director. This permit may be issued in all districts. [Ord. 2007-001]
- c. LCC**
Film production studios shall not be located on a main street.
- 55. Financial Institution**
-
- b. TMD and LCC Districts**
Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a ~~m~~Main ~~s~~Street.
-
- 64. Green Market**
-
- g. LCC District**
A permanent Green Market shall be allowed to operate each weekend provided the area designated for the Green Market is not located in required parking and indicated on the final DRO site plan. A Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2.
-
- 78. Laundry Service**
-
- c. TMD and LCC Districts**
A laundry service shall not exceed 3,000 square feet of a GFA.
-
- 87. Multi-family**
-
- a. TMD and LCC Districts**
On Main Streets multi-family units are permitted only on upper floors of mixed-use buildings.
-
- 104. Recycling Drop-Off Bin**
-
- b. Location**
The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking space. In TMD and LCC districts, the recycling drop-off bins shall be designed to be consistent with the buildings design.
-
- 106. Recycling Collection Station**
-
- a. TMD and LCC Districts**
Shall not be located on a Main Street.
-
- 108. Repair Services, Limited**
-
- e. LCC District**
Repairs of motors such as golf carts, mopeds and lawn movers is prohibited.
-
- 109. Restaurant, Type I**
-
- d. TMD and LCC Districts**
A Type I Restaurant shall not: [Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2009-040]
1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000

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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 11/10/09)

square feet of indoor dining area, for a maximum of 6,500 square feet of GFA; [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040]

111. Restaurant, Type II

b. Use Limitations and Approval Process

4) ~~TND_s and TMD_s~~ and LCC Districts

Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001]

113. Retail Sales, Auto Accessories and Parts

c. LCC District

Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a freestanding building and shall not have outdoor storage or any installation of vehicle parts in the main streets or parking lots.

129. Theater, Indoor

b. ~~CC, CG, and MUPD~~ and LCC Districts

Indoor theaters not exceeding 15,000 square feet are a permitted use.

136. Veterinary Clinic

c. LCC District

A veterinary clinic shall not include outdoor runs or boarding facilities and shall not occupy more than 5,000 square feet of GFA.

[ReNUMBER Accordingly.]

137. Vocational School

a. ~~AGR, CC, and CG~~ and LCC Districts

A vocational school shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft unless approved as a Class A conditional use.

141-1. Work/Live Space

A space within a building that is used jointly for residential and any non-residential use permitted in the Zoning district, where permitted by the FBC, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004] [Ord. 2007-013]

a. Non-residential Designation

Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district.

ba. Floor Area

Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]

cb. Office Space

A minimum of ten percent of the living area shall be designated as office space. [Ord. 2004-040]

de. WCRAO

Shall be permitted in accordance with Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations. [Ord. 2007-013]

141-2. Live/Work

Live/Work – a mixed use consisting of one residential dwelling unit collocated with any permitted non-residential use pursuant to the applicable zoning district, where permitted by the Florida Building Code.

a. Mixed Use Designation

The residential unit shall be counted as density with no limit on maximum square footage, and the non-residential use shall be counted as building square footage. Both shall comply with the allowable density and FAR permitted in the Zoning district.

b. Final Site Plan

To ensure compliance with parking, concurrency and building code requirements, among others, the square footage for both the residential unit and the non-residential use shall be clearly indicated on the Final Site Plan for each live/work unit.

c. Residential Limitations

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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 11/10/09)

Non residential uses or other similar activities other than home office shall be prohibited within the residential unit portion.

....

Part 12. ULDC, Art.5.C.1.C, Exemptions [Related to Architectural Guidelines] (page 29 of 75), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

....

C. Exemptions

....

7. All building frontages that are required to be located on a main street in an LCC shall be exempt from the requirements of Art. 5.C.1.H.1.c.1),a), Recesses and Projections.

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1
2 Part 1. ULDC, Art. 1.I, Definitions and Acronyms (page 44 of 155), is hereby amended as
3 follows:

4 CHAPTER I DEFINITIONS & ACRONYMS

5 SECTION 2 DEFINITIONS

6
7 B. Terms defined herein or referenced in this Article shall have the following meanings:
8

9
10 52. ~~Build-to-Line – for the purposes of Art. 3.F,~~ an alignment established a certain distance
11 away from the curb line along which the front elevation of a building must be built for a TMD,
12 TND Neighborhood Center, LCC, WCRAO or IRO project.

13
14 C. Terms defined herein or referenced in this Article shall have the following meanings:

15
16 47. Commercial Corridor – For the purposes of the IRO, linear arterial or collector streets
17 located in the Urban/Suburban Tier that are predominantly lined with properties having a
18 commercial FLU designation or Zoning district.

19 [Renumber Accordingly.]

20 F. Terms defined herein or referenced in this Article shall have the following meanings:

21
22 55. Form Based Code - A method of regulating the physical form of the built environment to
23 achieve a predictable urban form, public realm, and sense of place.

24 [Renumber Accordingly.]

25 L. Terms defined herein or referenced in this Article shall have the following meanings:

26
27 60. Lot Frontage -
28 a. That side of the property line abutting a legally accessible street. On a corner lot, the
29 frontage may be designated by the owner, subject to the approval by the Zoning Division
30 who will determine whether it is consistent with the orientation of the other lots and
31 improvements on the same side of the accessible street. [Ord. 2006-004]
32 b. For the purposes of ~~buildings in a TDD, or in the~~ WCRAO or IRO projects where a build-
33 to-line is required, and vehicular access may be from the side or rear of the property, the
34 property line used to meet the build-to-line requirements shall be the lot frontage. [Ord.
35 2006-004]

36
37 N. Terms defined herein or referenced in this Article shall have the following meanings:

38
39 42. Accessory-Retail – Where a retail sales use is not the principal use, but may be permitted
40 as an accessory use.

41 [Renumber Accordingly.]

42 P. Terms defined herein or referenced in this Article shall have the following meanings:

43
44 36. Perimeter Street – For the purposes of the IRO, a private or public street R-O-W abutting the
45 perimeter boundary of an eligible IRO parcel.

46 [Renumber Accordingly.]

47 S. Terms defined herein or referenced in this Article shall have the following meanings:

48
49 117. Streetscape – For the purposes of the IRO, WCRAO, LCC and TDDs, the visual
50 elements of a street, adjoining buildings, street furniture, trees, pedestrian areas and open
51 spaces, that combine to form the street's character.

52 118. Street Wall – A characteristic of a streetscape resulting from the placement of
53 continuous and harmonious building facades. May also include walls of proportional or
54 sufficient height used to separate the streetscape from parking lots or other similar use areas,
55 so as to maintain visual continuity with emphasis on establishing livable pedestrian use
56 areas.

57
58 133. Sustainability – The integration of social, economic and ecological needs of the
59 community with policies advocating management of resources for future generations.

60 [Renumber Accordingly.]

61 T. Terms defined herein or referenced in this Article shall have the following meanings:
62

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

- 1 50. Transect Zones – For the purposes of the IRO, a distinct category of physical form ranging
 2 from the most urban to the least urban. The IRO requires the application of one or more of
 3 four transect zones: Core, General, Edge and Open Space.
 4 a. Transect Zone, Core – The most intense zone, typically comprised of larger
 5 interconnected buildings that create a continuous façade along one or more
 6 streetscapes. May front arterials, collectors, local commercial streets, and internal
 7 streets, but are discouraged from abutting local residential streets or other similar access-
 8 ways, and abutting residential uses unless density, intensity and built form are consistent.
 9 b. Transect Zone, General – A moderately intense zone, typically comprised of smaller
 10 interconnected buildings, and used as a transition between the Core Transect Zone and
 11 less intense zones or abutting uses, or for smaller parcels with size constraints. May
 12 front arterials, collectors, local commercial streets, and internal streets, and local
 13 residential streets or other similar access-ways, but are discouraged from abutting local
 14 residential streets or other similar access-ways, and abutting residential uses unless
 15 density, intensity and built form are consistent
 16 c. Transect Zone, Edge – A low intensity zone comprised of residential or work live uses
 17 that are compatible with or similar in scale with adjoining neighborhoods.
 18 d. Transect Zone, Open Space – A passive zone typically located within other transect
 19 zones, or used as a transition or buffer between abutting uses. Typical uses include
 20 passive civic, recreation or other public open spaces such as plazas and squares, or
 21 drainage areas, environmental preservation, or landscape buffers.

22 [ReNUMBER Accordingly.]

23 SECTION 3 ABBREVIATIONS AND ACRONYMS

-
ABN Development Order Abandonment

FBC Florida Building Code or Florida Building Commission
FBSDC Form Based Code

SSRP Site Specific Regulating Plan (SSRP)

TZ Transect Zones (IRO)

24
25
26 Part 2. ULDC, Art. 2.D.1.B, Application Types [Related to Administrative Processes and
27 Development Review Officer] (page 25 of 53), and is hereby amended as follows:

28 CHAPTER D ADMINISTRATIVE PROCESS

29 SECTION 1 DEVELOPMENT REVIEW OFFICER

30 A. PURPOSE

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

36 B. APPLICATION TYPES

- 37 1. The following types of development shall require approval of a master plan, site plan or
38 subdivision plan by the DRO prior to the issuance of a building permit, commencement of any
39 related land development activity, utilization of any use or approval granted by the BCC or
40 ZC, or utilization of any use requiring approval by the DRO:
41 a. Conditional Use/Requested Use;
42 b. All development in a PDD or TDD;
43 c. All development within the IR Zoning district, or projects electing to utilize the provisions
44 of the IRO;

45 [ReNUMBER Accordingly.]

46
47
48 (This space intentionally left blank.)
49

Notes:

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1
2 Part 3. ULDC, Art. 2.D.1.G, Administrative Review [Related to Administrative Processes and
3 Development Review Officer] (page 25 of 53), and is hereby amended as follows:

4 CHAPTER D ADMINISTRATIVE PROCESS

5 SECTION 1 DEVELOPMENT REVIEW OFFICER

6 G. ADMINISTRATIVE REVIEW

7 The DRO may approve ~~minor~~ amendments to master plans, site plans and subdivision plans, and
8 approve new site final plans, in accordance with the following procedures. [Ord. 2007-001] [Ord.
9 2008-003]

10 1. AMENDMENTS TO BCC/ZC APPROVALS

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

17

18 h. The modification shall not result in any substantial increase in traffic or access, as
19 determined by PBC; ~~and~~ [Ord. 2008-003]

20 i. Requested uses shall remain in the location approved by the BCC, unless a condition of
21 approval allows relocation; ~~and, -~~ [Ord. 2008-003]

22 j. Modification to an IRO Master Plan, provided that there are no conflicts with prior
23 conditions of approval, any improvement or amenity used to garner support for a project,
24 or testimony from Public Hearing(s).

25

26
27

28 Part 4. ULDC, Art. 3.B, Overlays (page of), is hereby amended to add a new Section titled,
29 Art. 3.B.16, Infill Redevelopment Overlay (IRO), as follows:

30 CHAPTER B OVERLAYS

31 SECTION 16 INFILL REDEVELOPMENT OVERLAY (IRO)

32 A PURPOSE AND INTENT

33 The purpose and intent of the Infill Redevelopment Overlay (IRO), is as follows:

- 34 1. Establish optional development regulations to facilitate revitalization of commercially
35 designated lands in the Urban/Suburban Tier, by incrementally retrofitting commercial
36 corridors and isolated land uses with sustainable development that creates a sense of place,
37 improves streetscapes and successfully integrates into the surrounding community;
- 38 2. Offer property development incentives that will encourage developers, property or business
39 owners to utilize the IRO (e.g. reduced setbacks and parking ratios, increased FAR, and
40 flexible landscaping regulations to maximize the efficient use of property);
- 41 3. Implement the Goals, Objectives and Policies of the Comprehensive Plan that mandate
42 sustainable, walkable urban/suburban redevelopment;
- 43 4. Utilize Smart Growth and Form Based Coding principles to establish standards that create a
44 predictable built form that improves the streetscape and establishes an enhanced pedestrian
45 realm;
- 46 5. Advocate walking, cycling and mass transit as viable alternatives to automobile use;
- 47 6. Promote interconnectivity between uses;
- 48 7. Promote sustainability by integrating the social, economic and ecological needs of the
49 community with overall regional, state and national policy advocating management of
50 resources for future generations;
- 51 8. Mitigate adverse impacts of commercial development to surrounding residential uses and the
52 community as a whole;
- 53 9. Promote non-residential and residential mixed use;
- 54 10. Respect market realities, industry trends, and property rights;
- 55 11. Address multi-disciplinary regulatory and development review processes; and,
- 56 12. Establish expedited review process.

57 B. APPLICABILITY

58 The provisions of the IRO are optional, with the stipulation that when selected all new
59 development will be in compliance with this Section, excepting any permitted waivers. An
60 applicant may elect to use the IRO regulations for parcels that meet the following criteria:
61

Notes:

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EXHIBIT J

**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)**

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- 1. BOUNDARIES**
Parcels shall be located in the U/S Tier, defined as that area being located within the USA, as depicted on [Map LU 2.1 Service Areas](#), of the Plan.
- 2. OTHER OVERLAYS**
Where applicable, the IRO may be used in conjunction with the following overlays: GAO, LOSTO, NEO, PBIAO, TAPO, WCRAO-UH subarea, and URA where a parcel does not have a URA Urban Center (UC) or Urban Infill (UI) FLU designation. Where there is a conflict between the provisions of the IRO and any of the above overlays, the specific provisions of the other overlay shall prevail.
- 3. FLU DESIGNATION**
Eligible parcels shall have one or any combination of the following: CL-O, CL, CH-O or CH FLU designation.
- 4. ZONING DISTRICT REQUIREMENTS**
Use of the IRO shall require rezoning to the IR district, unless allowed otherwise herein. Any IRO project that requires Public Hearing approval, excluding a Development Order Abandonment (ABN), shall submit a concurrent application to rezone the subject property to the IR district.
 - a. IR Rezoning Alternative**
To assist in expediting IRO projects that do not require any Public Hearing approvals, a rezoning shall not be required subject to the following:
 - 1) Eligible Districts**
Parcels shall have a CN, CL-O, CC, CH-O, CG or MUPD Zoning district, or combination thereof. MUPD may also include applicable prior approvals identified in Art. 3.E.3.A.2, Applicability.
 - 2) Intensity Limits**
Application of IRO standards shall be made based upon the lesser of either the actual FLU designation for the site, or the Zoning district equivalent as identified in the table below:

TABLE 3.B.16.B – ZONING/FLU EQUIVALENT				
ZONING DISTRICT(S) OF SUBJECT SITE	MAXIMUM FLU DESIGNATION			
	CL-O	CH-O	CL	CH
CL-O	✓			
CH-O		✓		
CN			✓	
CC			✓	
CG				✓
MUPD	(1)	(1)	(1)	(1)
[Ord. 2010-...]				
NOTES:				
1. Not applicable, apply FLU designation(s) for subject site.				
EXAMPLES:				
Existing Zoning	(Zoning/FLU Equivalent)	Existing FLU	Apply	Least Intense
CN	(CL)	CH	=	CL
CLO	(CLO)	CHO	=	CLO
CG	(CH)	CL	=	CL
MUPD	(N/A)	CL	=	CL

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- 5. CONFLICTS**
If a conflict exists, the provisions of this Section shall apply to the extent of the conflict, unless stated otherwise herein.
- C. FUTURE LAND USES AND DENSITY/INTENSITY**
Density and intensity shall be in accordance with the FLU designation and related Zoning PDRs for the subject site as described herein.
 - 1. SPLIT BY FLU DESIGNATIONS**
Uses permitted, PDRs, density and intensity shall be determined by the land use designation on the affected area. Density may be transferred from one portion of the site to another.
 - 2. DENSITY**
There are no minimum density requirements. The maximum allowable density shall be in accordance with Table 2.1-1 of the Plan and related Policies, and Art. 5.G, Density Bonus Programs.
 - 3. INTENSITY BONUS INCENTIVE (FAR INCREASES)**
The maximum allowable FAR for an IRO project with a CL or CH FLU designation may be increased up to 1.0 in accordance with Table 3.B.16.C, IRO FAR Increase. The maximum permissible increase is limited to those subject sites having sufficient land area to allow for establishment of the core transect zone, so as to encourage the assembly of smaller parcels.

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EXHIBIT J

**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)**

1

TABLE 3.B.16.C – IRO FAR INCREASE

TRANSECT ZONE	MAXIMUM FAR			
	CL	CL GREEN (2)	CH	CH GREEN (2)
GENERAL	.25 (1)	.35 (1)	.50	.75
CORE	.35 (1)	.50	.75	1.0
[Ord. 2010-...]				
NOTES				
1. May be increased up to .50 for accessory-retail projects, in accordance with the Plan.				
2. Applicable when a project achieves sufficient points to be classified as Green Architecture pursuant to Art.5.C, Design Standards.				

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4. MIXED USE PROJECTS

A mixed use project that vertically integrates at least 20 percent of allowed residential units with non-residential uses shall be allowed to utilize up to 100 percent of both a site's residential density and commercial intensity.

D. APPLICATION REQUIREMENTS

1. PRE -APPLICATION CONFERENCE (PAC)

All applications for an IR rezoning or an IRO project shall require a PAC pursuant to procedures in Art. 2.A.1.E, Pre-Application Conference.

2. PLAN REQUIREMENTS

Required plans shall comply with Art. 2.A.1.G.3, Plan Requirements, and the Zoning Technical Manual.

a. Preliminary Master Plan

The BCC shall approve a preliminary master plan for a rezoning to the IR district.

1) Effect of BCC Approval

BCC approval of a preliminary master plan, or any other plans submitted voluntarily by the applicant, shall be binding upon the property owners subject to the development order, their successors or assignees, and shall constitute the development regulations for the land.

2) Additional Requirements

The preliminary master plan shall also include the following, as applicable:

- a) Intensity or density, including any mix of uses and vertical integration for any project proposing to use Art. 3.B.16.C.4, Mixed Use Projects;
- b) Transect zones assigned to all land;
- c) Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels; perimeter streets; and the internal street network, including alleys;
- d) General building location, including any tenants 65,000 square feet or larger and pedestrian streetscape realm for all perimeter street frontages;
- e) Location of any requested uses;
- f) General location of parking, loading, and service areas; and,
- i) General location of required usable open space.

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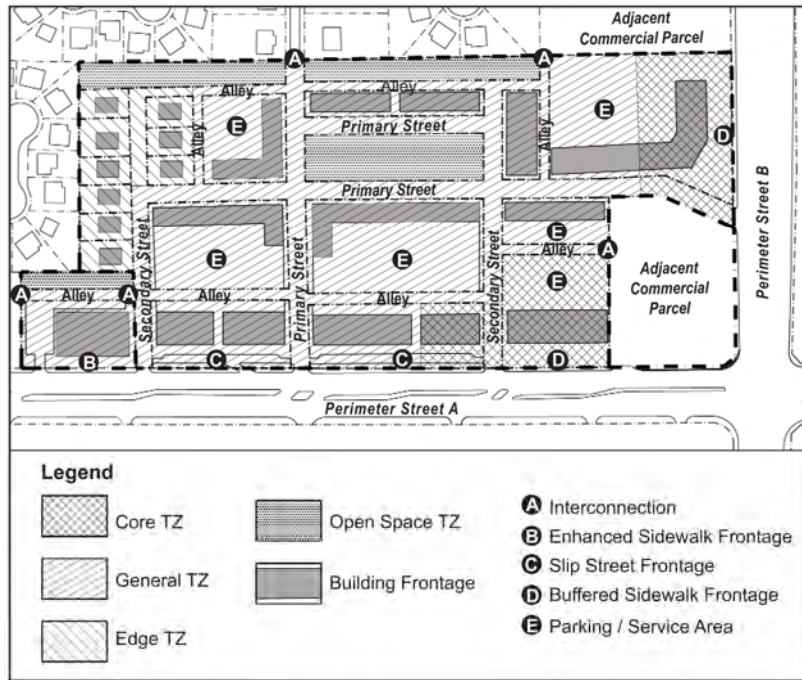
EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

1

FIGURE 3.F.16.D – TYPICAL EXAMPLE OF IRO PRELIMINARY MASTER PLAN



[ORD. 2010-...]

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b. Other Plans

1) Regulating Plan

The DRO shall approve a regulating plan or alternative design standards.

2) Master Sign Plan

Shall not be required for BCC approval if no freestanding signs are proposed, excluding directional signage.

3) Architectural Elevations

Shall be in accordance with Art. 5.C, Design Standards.

c. Final Plans

Shall include the additional requirements listed above under the preliminary master plan, as applicable.

1) Final Site Plan or Subdivision Plan

The DRO shall approve a final site plan or final subdivision plan(s) for all land areas located within an IRO project.

5. ZONING DIRECTOR WAIVERS

An applicant may apply for a waiver from as specified in Table 3.B.16.F, IRO Waivers.

a. Standards

An application for a waiver shall be submitted in a form specified by the Zoning Director. When considering whether to approve, approve with conditions, or deny a waiver request, the Zoning Director shall consider the following standards:

- 1) The waiver does not create additional conflicts with this Section of the ULDC, and is consistent with the stated purpose and intent and standards for the IRO;
- 2) The waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and,
- 3) The alternative design option recommended as part of the waiver approval, if granted, will not adversely impact users of the IRO project or adjacent properties.

b. Appeal

An appeal on any Zoning Director's decision shall be made to the Zoning Commission pursuant to Art. 2.A.1.S.1, Non-Judicial Relief, in an application form specified by the Zoning Director.

E. GENERAL DESIGN STANDARDS

An IRO project shall be designed in a manner that establishes an enhanced pedestrian environment by providing a functional interface with perimeter streets and abutting uses. This is accomplished by regulating the following: site layout; interconnectivity; location of intensity and density; building and parking placement; building form; and provision of an enhanced streetscape and usable pedestrian amenities.

1. STREETS, ACCESS AND INTERCONNECTIVITY

The IRO is primarily intended to accommodate smaller parcels fronting commercial corridors, and establishes perimeter frontage standards for building setbacks and streetscape

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

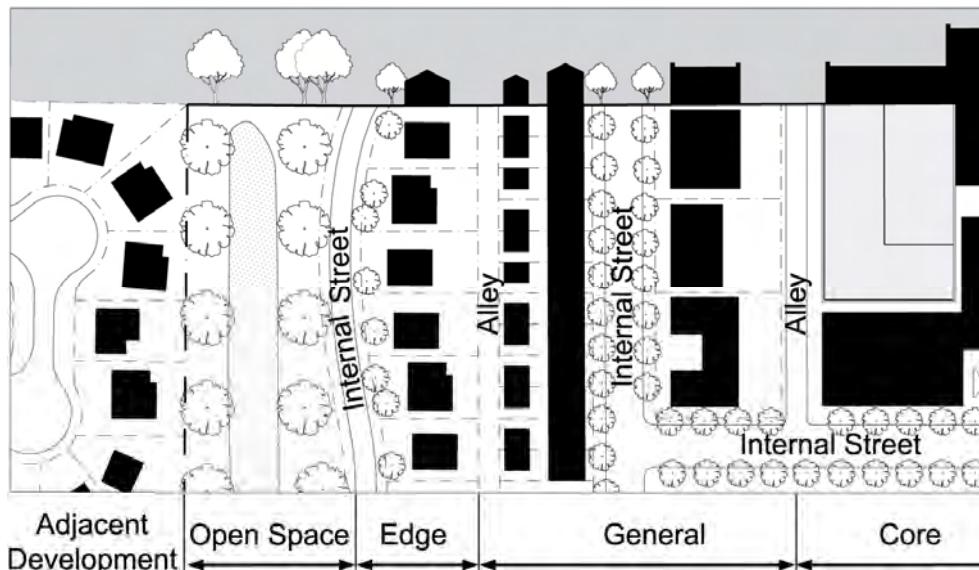
(Updated 11/20/09)

1 improvements based upon the size or intensity of such streets. Larger IRO projects shall be
2 designed to create block configurations composed of primary and secondary streets, and
3 alleys. Access from perimeter streets shall be limited to primary streets where feasible, and
4 rear alley access, with exception to smaller parcels which may use access ways to comply
5 with rear alley requirements. IRO projects shall provide for the establishment of an alley
6 system that connects to abutting commercial parcels, providing for an alternative slow speed
7 vehicular access system running parallel to commercial corridors. Additional connectivity
8 shall be required where larger parcels establish new intersections from internal streets and
9 alleys.

10 **2. TRANSECT ZONES (TZ)**

11 Transect Zones are distinct categories that define and organize density and intensity ranging
12 from the most urban to the least urban. The IRO requires the application of one or more of
13 the following four transect zones to all land within an IRO project: Core, General, Edge and
14 Open Space. The primary intent is to facilitate the development of urban forms while
15 providing for gradual transitions in building scale and use intensity, rather than rigid
16 distinctions. The following describes the four TZ types:

17 **TABLE 3.F.16.E – GENERALIZATION OF IRO TRANSECT ZONES**



[ORD. 2010-...]

18 **a. Core**

19 The most intense TZ typically comprised of larger interconnected commercial or mixed
20 use buildings that create a continuous street wall along one or more streetscapes. Using
21 the Core TZ may also require the use of the General or Edge TZ if the parcel is adjacent
22 to residential uses or parcels with a residential FLU designation, so as to provide a
23 compatible transition.

24 **b. General**

25 A moderately intense TZ comprised of a wide range of building types including smaller
26 interconnected commercial, mixed use, and multi-family buildings. The General TZ may
27 be used as a transition between the Core TZ and less intense zones or abutting uses, or
28 for smaller parcels with size constraints.

29 **c. Edge**

30 A low intensity TZ comprised of residential or work live uses that are compatible with or
31 similar in scale to adjoining residential neighborhoods. The Edge TZ may be used to
32 provide an appropriate transition between the Core or General TZs and abutting
33 residential uses.

34 **d. Open Space**

35 A passive TZ comprised primarily of unbuilt, landscaped areas. Open space may be
36 surrounded by another TZ or used as a buffer between the General TZ and development
37 on abutting parcels. Typical uses include passive civic, recreation or other public open
38 spaces such as plazas and squares, or drainage retention areas, environmental
39 preservation, or perimeter landscape buffers.

40 **3. BUILDINGS**

41 All buildings shall be located along perimeter streets first, and then may be located internally,
42 provided they front a primary street and are clustered with perimeter buildings.

43 **a. Building Types**

44 **Notes:**

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY SUMMARY OF AMENDMENTS

(Updated 11/20/09)

1 There are five general building types permitted in the IRO: block, liner, courtyard, and
2 townhouse, with additional standards for civic uses, accessory structures and related
3 outdoor uses.

4 **1) Block**

5 A type of building with little or no substantial deviations in any facades typically used
6 to accommodate single floor uses of up to 65,000 square foot per floor.

7 **2) Liner**

8 A specialized type of building, used to conceal parking garages, large footprint
9 building (large scale development or multi-tenant) in excess of 65,000 square feet in
10 size, and may also include green spaces, plazas or squares. Liner buildings may be
11 attached to, or have rear alley access separating the use to be concealed, and shall
12 be the same height as the use to be concealed.

13 **3) Courtyard**

14 A type of building arranged around a courtyard, such as a garden, patio, plaza or
15 square that is open to the sky, and dedicated for common use.

16 **4) Civic**

17 A type of building used to accommodate public or private civic uses. Deviations from
18 IRO property development regulations may be permitted, where stated, when a
19 public plaza, square or other passive open space area is incorporated into the site.

20 **5) Townhouse**

21 A type of building primarily intended for residential use that may also be used as a
22 work/live space or unit. While a townhouse building is intended to be developed
23 using individual lots and party walls, it may also be developed as multi-family if
24 developed consistent with all townhouse requirements. A townhouse building shall
25 comply with Art. 3.D.2.A, Townhouse and all other related ULDC provisions, unless
26 expressly stated otherwise herein.

27 **b. Accessory Structures and Outdoor Uses**

28 Shall be located so as to be screened from view from streets and to minimize any
29 adverse impacts to adjacent residential properties.

30 **4. PARKING AND LOADING**

31 Required parking and loading for each tenant shall be located to the rear of buildings.
32 Parking shall only be permitted in front of buildings in the form of on-street parking. Parking
33 may be allowed on the side of buildings only if minimum frontage requirements have been
34 addressed.

35 **5. STREETScape AND USABLE OPEN SPACE**

- 36 a. A pedestrian oriented streetscape shall be provided along all perimeter, primary and
37 secondary street frontages;
38 b. Plazas, squares and other forms of usable open space shall be located in front of or
39 adjacent to buildings; and,
40 c. Additional sidewalks or pathways shall be provided to establish a complete pedestrian
41 network that links all uses and parking lots to perimeter street frontages.

42 **6. LANDSCAPING AND OPEN SPACE TRANSITIONAL ELEMENTS**

43 Landscaping in an IRO project shall be designed to enhance pedestrian areas, allow for
44 improved visual surveillance from building windows, and minimize impacts to adjacent
45 residential developments. Drainage retention areas, preserves and other similar low intensity
46 open space areas shall be located so as to provide a transition between commercial uses
47 and existing adjacent residential uses, or parcels with a residential FLU designation, when
48 possible.

49 **F. DESIGN AND DEVELOPMENT STANDARDS**

50 An IRO project shall comply with the following:

51 **1. ACCESS AND FRONTAGE**

52 Access shall be limited to minimize curb cuts to streets so as to improve traffic flow and
53 reduce adverse impacts to pedestrian walkways. Where feasible, access from rear alleys is
54 encouraged.

55 **a. External**

56 No more than one access point shall be permitted for each 160 linear feet of street
57 frontage, and shall be in the form of a street or alley, unless exempted otherwise herein.
58 Parcels with side street frontages shall be required to provide rear alley access or a
59 larger street, unless bounded by a street along the rear property line.

60 **b. Internal**

61 No more than one access point or alley shall be permitted for each 160 linear feet of
62 street frontage to allow for access to parking and loading, drive through facilities, or other
63 similar uses.

64 **c. Small Parcel Exception**

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

1 Parcels with less than 160 feet of frontage shall be permitted to establish one access
2 point along a perimeter street; however, alley access shall be encouraged as the primary
3 means of vehicular access where feasible.

4 **2. BLOCK STANDARDS**

5 Blocks shall be created by utilizing streets and alleys to provide continuous pedestrian and
6 vehicular circulation, interconnectivity and accessibility in IRO projects. Any new blocks
7 created, whether required or voluntary, shall be in accordance with the following:

8 **a. Applicability**

9 Blocks are required for projects five or more acres in size, or where the subdivision of
10 land is proposed, excluding lot recombination.

11 **b. Minimum Dimensions**

12 **TABLE 3.B.16.F. - BLOCK DIMENSION REQUIREMENTS**

BLOCK PERIMETER (TOTAL)	MINIMUM	MAXIMUM
No Pedestrian Pass Through, or	640	1,600 ft.
With Pedestrian Pass Through	640	2,200 ft.
BLOCK LENGTH (SINGLE SIDE)	MINIMUM	MAXIMUM
No Pedestrian Pass Through, or	160	600 ft.
With Pedestrian Pass Through	160	750 ft.

13 **c. Block Frontage**

14 All blocks shall have frontage on a perimeter or internal street frontage. Streets shall be
15 used to interconnect blocks. When using alleys to meet block requirements, they shall
16 only be permitted along the side or rear of a block where streets are not required.

17 **d. Subdivision**

18 Any subdivision of land shall comply with all lot dimensions applicable to the IR district,
19 with exception to townhouse lots.

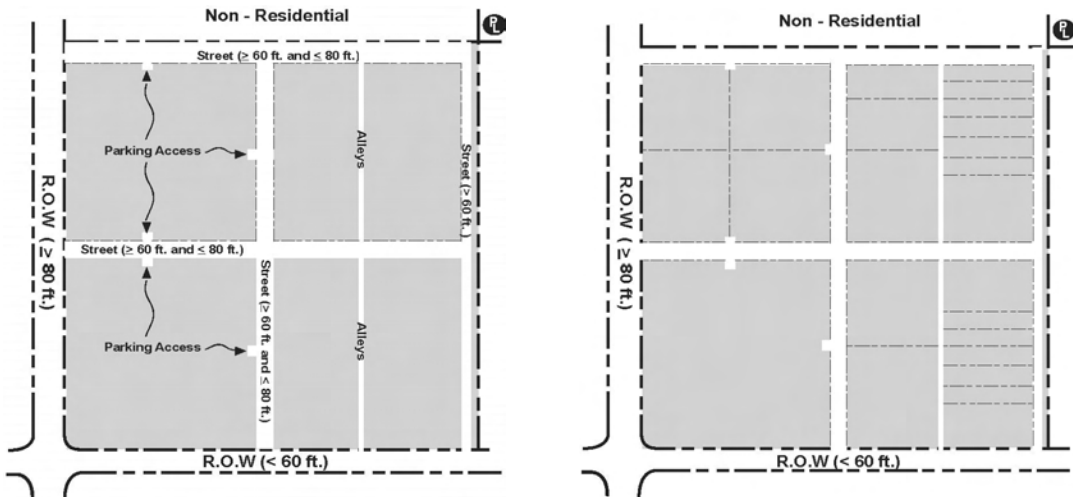
20 **d. PDD Subdivision Alternative**

21 An IRO project may apply for an exemption from subdivision recordation requirements
22 and subdivide by fee title conveyance of individual lots in accordance with the approval
23 process and requirements of Art. 11.A.6.B, Subdivision of Commercial and Industrial
24 Building Sites.

25 **f. Exceptions**

26 Where new blocks are required, exceptions shall be permitted only where PBC DEPW
27 requirements preclude required vehicular access points necessary to complete the block
28 structure.
29
30

31 **Figure 3.B.16.F – Typical Example of IRO Blocks, Streets and Subdivision**



[ORD. 2010-...]

32 **3. STREET STANDARDS**

33 This code addresses the design of external and internal streets and establishes related
34 standards to ensure that pedestrian amenities and walkways, buildings and other
35 improvements are properly and safely situated. Vehicular circulation and interconnectivity
36 shall be established using a system of streets and alleys, unless exempted herein. Streets
37 are used to create connections between parcels, establish blocks, and provide frontage for
38 buildings that are not located with frontage on a perimeter street. Alleys provide links
39 between adjacent parcels along the rear of lots, behind buildings, and to link parking areas.

40 **a. Perimeter Street Types**

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EXHIBIT J

**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS**

(Updated 11/20/09)

Building perimeter frontages and setbacks shall be determined by the width of the ultimate street R-O-W. All perimeter streets shall be classified as indicated in Table 3.B.16.G, Perimeter Street Types.

Table 3.B.16.F. – Perimeter Street Types

STREET TYPE	ULTIMATE R-O-W WIDTH		
	< 60 Ft.	≥ 60 AND < 80 Ft.	≥ 80 Ft.
Type I R-O-W	✓		
Type II R-O-W		✓	
Type III R-O-W			✓
[Ord. 2010-...]			
Notes:			
✓ Means applicable.			

1) Exceptions

A Type I or Type II street type may be used to apply the standards of this code if the street meets one of the following situations:

- a) Street has a limited number of travel lanes and large medians, or on-street parking; or
- b) Where streets are designed with narrower lanes and official posted speed limits are 35 mph or less, a Type II R-O-W may be applied, or where 30 mph or less, a Type I R-O-W may be applied.

b. Internal Street Types

Internal streets shall include primary streets, secondary streets, slips streets and alleys. For the purposes of the IRO, internal streets may include access ways or driveways, provided they comply with the design standards herein; however, new internal streets or alleys designated as private or public R-O-W shall also comply with any Engineering requirements.

1) Primary Street

The design for the street, on-street parking and streetscape shall comply with Figure 3.F.2.A, TDD Commercial Street, or the TMD design exception summarized in Art. 3.F.4.D.2.a.1), Design Exception as illustrated in Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking. If required, primary streets shall serve to establish the main pedestrian routes of a project.

2) Secondary Street

Secondary streets may be permitted where necessary to comply with block structure requirements. Secondary streets shall be designed to be consistent with primary streets, except that on-street parking shall not be required, and minimum sidewalk width may be reduced to five feet in width.

3) Slip Street Option

The slip street option allows for the establishment of a parallel street immediately abutting a commercial corridor. The slip street establishes a pedestrian oriented streetscape along perimeter frontages that also accommodates on-street parking. Eligible parcels shall have a minimum frontage of 400 feet along a perimeter street, and shall be generally consistent with the standards for a primary street, with exception to the following:

- a) Vehicular traffic shall be one way, in the direction of the closest lanes on the abutting R-O-W;
- b) The street shall be a minimum of 12 feet wide, or as required by the County Engineer;
- c) Vehicle stacking and interaction with any access points shall be as required by the County Engineer; and,
- d) On-street parking shall only be required on one side of the street.

4) Alleys

Alley access shall not be permitted from primary streets. Alleys shall conform to the requirements of Art. 3.F.2.A.a.e, Alleys.

c. Streetscape

Street trees, street lights, sidewalk dimensions and other pedestrian amenities shall be in accordance with the streetscape standards defined in Art. 3.B.16.E.8, Streetscape Standards.

4. INTERCONNECTIVITY STANDARDS

Interconnectivity to adjacent residential parcels is encouraged, but not required. Interconnectivity shall be required to any non-residential development or vacant parcel with a non-residential use, FLU designation or Zoning district abutting an IRO project. In addition, the following shall apply.

a. Street Connections

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EXHIBIT J

**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS**

(Updated 11/20/09)

1 Parcels required to or proposing to establish a block structure, shall provide
2 interconnectivity where any new internal intersections abut adjacent parcels.

3 **b. Parallel Alley**

4 All parcels with frontage on a commercial corridor shall install an alley running parallel to
5 the corridor. The alley shall be generally located along the rear property line, or at a point
6 that allows interconnectivity to shallower abutting lots. Where new blocks are not
7 required or proposed, alleys may be incorporated as drive aisles within parking lots. In
8 the event the adjacent parcel is undeveloped, a stub out shall be provided to
9 accommodate future connections.

10 **c. Gates**

11 The use of gates or other similar barriers is prohibited. Exceptions are permitted for the
12 following: dumpsters, loading areas, and private garages or parking lots.

13 **d. Cross Access Agreement**

14 Where interconnectivity is required, an irrevocable cross access easement shall be
15 provided prior to final DRO plan approval.

16 **5. TRANSECT ZONE STANDARDS**

17 Transect zone boundaries shall follow proposed lot lines or be clearly dimensioned for
18 parcels developed under one entity. No land may be assigned two or more transect zones.
19 Overall parcel size, dimensions, R-O-W frontages, and other abutting parcel uses or FLU
20 designations dictate the type and location of allowable TZs, with the most intense being
21 located along commercial corridors or where adjacent to similar IRO projects, commercial or
22 industrial uses, transitioning to the least intense where needed to address the context of
23 adjacent uses.

24 **a. General Standards**

25 The following general standards shall be followed when assigning TZs:

- 26 a. The Core TZ should be located adjacent to busy highways, arterials, or collectors;
- 27 b. Changes in TZs should generally occur at the rear of buildings or lots, rather than
28 along streets, with exception to the Open Space TZ;
- 29 c. The Open Space TZ may face other TZs across streets. When the Open Space TZ
30 is used to designate a public open space within the proposed development, it should
31 be surrounded by streets on one or more sides;
- 32 d. When a parcel adjoins existing or approved development, either a similar transect
33 zone or a zone that establishes a compatible transition shall be assigned.

34 **b. Minimum Standards**

35 The following table establishes minimum standards for assigning each of the four TZs:
36

TABLE 3.B.16.E – IRO TZ STANDARDS

PARCEL STANDARDS	TRANSECT ZONE			
	CORE	GENERAL	EDGE	OPEN SPACE
MINIMUM OVERALL PARCEL SIZE	1 acre	N/A	N/A	N/A
MAXIMUM PERCENTAGE OF OVERALL PARCEL	50% (1)	N/A	N/A	N/A
MINIMUM PERCENTAGE OF OVERALL PARCEL	N/A	25%	N/A	N/A (2)
MINIMUM SETBACK FROM ABUTTING RESIDENTIAL	200 ft.	10 ft.	N/A	N/A
REQUIRED FRONTAGE				
ARTERIAL OR COLLECTOR	✓	✓ (3)	N/A	N/A
LOCAL COMMERCIAL STREET (5)	✓	✓ (3)	N/A	N/A
LOCAL RESIDENTIAL STREET (5)	N/A	N/A	✓	N/A
PERMITTED SIDE STREET OR OTHER FRONTAGES				
EXPRESSWAY	✓	✓	✓	✓
LOCAL COMMERCIAL STREET (5)	✓	✓	✓	✓
LOCAL RESIDENTIAL STREET (5)	N/A	✓	✓	✓
RESIDENTIAL ACCESS (5)	N/A	✓ (4)	✓	✓
ALLEYS (INTERNAL) (5)	✓	✓	✓	✓
[ORD. 2010-...]				
NOTES:				
✓ Means applicable or permitted.				
1. Maximum Core TZ may be increased up to 95%, and minimum General TZ may be reduced commensurately, where parcel is abutting on all sides by arterials, collectors, and commercial or industrial parcels up to a depth of a minimum of 200 ft. from the property line.				
2. See Article 3.B.16. L, for minimum "Usable Open Space" requirements.				
3. General TZ shall be exempt from Arterial or Collector requirement when a Core TZ is used, or where an eligible parcel only fronts on a Local Commercial Street.				
4. General TZ frontage only permitted for parcels less than 1 acre in size.				
5. Includes any access way meeting IRO street standards.				

37
38 **6. BUILDING STANDARDS**

39 The provisions of this section shall be applied in conjunction with any other applicable ULDC
40 standards or limitations for buildings, unless stated expressly herein.

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

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a. **Building Placement**

Table 3.B.16.F, Building Placement provides the dimensional requirements for building placement for IRO projects. All building types excluding outdoor uses and related structures, shall comply with the following:

1) **Corners**

Where a parcel is located at the intersection of two streets, at least one building shall be placed so as to meet the build-to-lines for both streets.

2) **Building Hierarchy**

Building placement shall follow an established order, with initial buildings required to meet minimum placement and frontage requirements along the most intense perimeter streets. Additional buildings may be located on interior main streets, but shall be ordered so as to create a consistent streetscape.

b. **Building Property Development Regulations**

The primary façade of all buildings shall front a street and shall be designed in compliance with the following.

1) **Perimeter Street Building Frontage**

Building frontage is the percentage of the total width of a lot which is required to be occupied by the primary façade of a building.

- a) The primary façade shall be parallel to a street, and located in accordance with the build-to-line requirements of the street type;
- b) Frontage requirements must be addressed for the most intense perimeter streets first.

2) **Perimeter Frontage Exceptions**

Once the frontage requirement has been addressed for the most intense perimeter street, exceptions for other perimeter streets shall be permitted where insufficient building intensity is proposed or for less intense side streets. Frontage requirements may be reduced for lots with no rear or side access to required parking as necessary to accommodate a drive isle for ingress/egress.

3. **Internal Building Frontage**

Internal buildings shall only be permitted when located fronting a primary street, unless exempted herein.

4) **Setback Measurement**

Setbacks shall be in accordance with Table 3.B.16.E, Building Configuration PDRs, and the following:

a) **Perimeter Frontage**

Setbacks shall be measured from the edge of ultimate R-O-W, or from the property line, whichever is applicable.

b) **Internal Frontage**

Setbacks shall be measured from the proposed building frontage façade to the outside edge of curb.

c) **Townhouses**

For the purposes of townhouse units, building placement setbacks shall be used to establish the location of townhouse lots. Additional townhouse building setbacks may be permitted. This may also be applied to multi-family buildings that are constructed to townhouse standards.

d) **Side Setback Reduction**

Where permitted, buildings permitted to use a zero side setback reduction shall comply with the following:

- (1) No windows, doors or other openings are permitted. No portion of a building, including roof eaves, gutters and soffits may encroach onto adjacent parcels;
- (2) No form of opening, attachment, or any item or method of construction requiring maintenance other than cleaning and painting, when visible, shall be permitted;
- (3) A maintenance easement is granted allowing for a minimum of two feet for access to any portion of the building left exposed; and,
- (4) Height shall be limited to two stories and maximum of 30 feet. Additional height may be permitted subject to the standard setback and any other setback requirements.

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1

TABLE 3.B.16.E. – BLOCK BUILDING CONFIGURATION PDRs

BUILDING PLACEMENT		MIN.	MAX. (1)
A.	Type I ROW Frontage	10 ft.	15 ft.
	Buffered Sidewalk	15 ft.	25 ft.
	Slip Street	42 ft.	50 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Buffered Sidewalk	18 ft.	35 ft.
	Slip Street	42 ft.	55 ft.
	Type III ROW Frontage	15 ft.	25 ft.
	Buffered Sidewalk	20 ft.	40 ft.
	Slip Street	47 ft.	75 ft.
	Internal Street Frontage	15 ft.	25 ft.
B.	Non-Residential	10 ft. (2)	N/A
C.	Residential (IRO Project)	10 ft.	N/A
	Residential (Non-IRO Project) (6)	30 ft.	N/A
D.	Between rear parking and alley	5 ft. (3)	N/A
BUILDING FRONTAGE % (4)		MIN.	MAX.
G.		50%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		N/A	275 ft.
COURTYARD % OF FOOTPRINT		MIN.	MAX.
H.		N/A	10%
COURTYARD DIMENSIONS		MIN.	MAX.
H.		15 ft.	30 ft.
PEDESTRIAN PASS THRU (4)(5)		MIN.	MAX.
I.	Separation (4)	100 ft.	300 ft.
	Width	10 ft.	20 ft.

[Ord. 2010-...]

NOTES

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
2. May be reduced to 0 ft. where in compliance with provisions for side setback reduction.
3. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.
4. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
5. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.
6. Means adjacent residential parcels that are not located within a development using IRO regulations.

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1

TABLE 3.B.16.E. – LINER BUILDING CONFIGURATION PDRs

BUILDING PLACEMENT		MIN.	MAX. (1)
A	Type I ROW Frontage	10 ft.	15 ft.
	Buffered Sidewalk	15 ft.	25 ft.
	Slip Street	42 ft.	50 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Buffered Sidewalk	18 ft.	35 ft.
	Slip Street	42 ft.	55 ft.
	Type III ROW Frontage	15 ft.	25 ft.
	Buffered Sidewalk	20 ft.	40 ft.
	Slip Street	47 ft.	75 ft.
Internal Street Frontage		15 ft.	25 ft.
B	Non-Residential	10 ft. (2)	N/A
C	Residential (IRO Project)	10 ft.	N/A
	Residential (Non-IRO Project) (7)	30 ft.	N/A
D	Between rear parking and alley	5 ft. (3)	N/A
BUILDING FRONTAGE % (4)		MIN.	MAX.
G.		60%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		200 ft.	400 ft.
COURTYARD % OF FOOTPRINT		MIN.	MAX.
H.		N/A	10%
COURTYARD DIMENSIONS		MIN.	MAX.
H.		15 ft.	30 ft.
PEDESTRIAN PASS THRU (4)(5)		MIN.	MAX.
I.	Separation ⁴	100 ft.	300 ft.
	Width	10 ft.	20 ft.
LINER AND INTERIOR STANDARDS		MIN.	MAX.
J. (6)	Depth	30 ft.	100 ft.
	Length	75 %	100 %
K.	Separation	N/A	N/A
L.	Parking Access	N/A	10%
X.	Internal Use	N/A	N/A

[Ord. 2010-...]

NOTES

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
2. May be reduced to 0 ft. where in compliance with provisions for side setback reduction.
3. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.
4. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
5. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.
6. Liner dimensions shall apply to all façades used to conceal a large footprint tenant that front a perimeter-street, slip-street, primary-street, and usable open space. Additional standards may apply to parking garage structures.
7. Means adjacent residential parcels that are not located within a development using IRO regulations.

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1

TABLE 3.B.16.E. – COURTYARD BUILDING CONFIGURATION PDRS

BUILDING PLACEMENT		MIN.	MAX. (1)
A.	Type I ROW Frontage	10 ft.	15 ft.
	Buffered Sidewalk	15 ft.	25 ft.
	Slip Street	42 ft.	50 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Buffered Sidewalk	18 ft.	35 ft.
	Slip Street	42 ft.	55 ft.
	Type III ROW Frontage	15 ft.	25 ft.
	Buffered Sidewalk	20 ft.	40 ft.
	Slip Street	47 ft.	75 ft.
	Internal Street Frontage	15 ft.	25 ft.
B.	Non-Residential	10 ft. (2)	N/A
C.	Residential (IRO Project)	10 ft.	N/A
	Residential (non IRO Project) (6)	30 ft.	N/A
D.	Between rear parking and alley	5 ft. (3)	N/A
BUILDING FRONTAGE % (4)		MIN.	MAX.
G.		60%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		N/A	300 ft.
COURTYARD % OF FOOTPRINT		MIN.	MAX.
H.		10%	25%
COURTYARD DIMENSIONS		MIN.	MAX.
H.		30 ft.	N/A
PEDESTRIAN PASS THRU (4)(5)		MIN.	MAX.
I.	Separation	100 ft.	300 ft.
	Width	10 ft.	20 ft.

[Ord. 2010-...]			
NOTES			
1.	Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.		
2.	May be reduced to 0 ft. where in compliance with provisions for side setback reduction.		
3.	Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.		
4.	Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.		
5.	Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.		
6.	Means adjacent residential parcels that are not located within a development using IRO regulations.		



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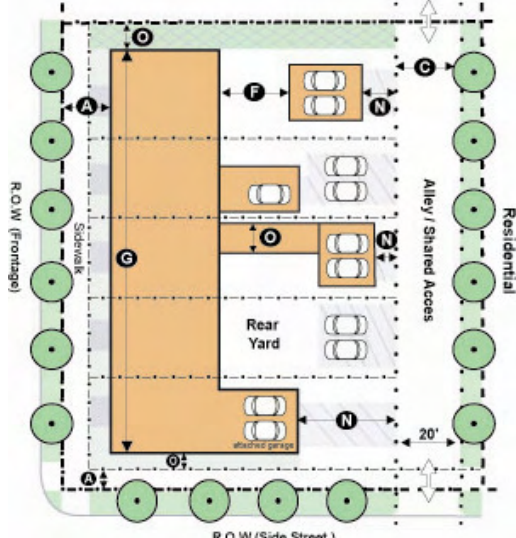
EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1

TABLE 3.B.16.E. – TOWNHOUSE LOT AND BUILDING CONFIGURATION PDRS

LOT PLACEMENT		MIN.	MAX. (1)
A	Type I ROW Frontage	10 ft.	15 ft.
	Buffered Sidewalk	15 ft.	25 ft.
	Slip Street	42 ft.	50 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Buffered Sidewalk	18 ft.	35 ft.
	Slip Street	42 ft.	55 ft.
	Type III ROW Frontage	Prohibited	
	Internal Street Frontage	15 ft.	25 ft.
B	Non-Residential	10 ft.	N/A
C	Residential (IRO Project)	10 ft.	N/A
	Residential (non IRO Project) (4)	30 ft.	N/A
BUILDING FRONTAGE % (2)		MIN.	MAX.
G.		50%	96%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		32 ft.	250 ft.
WING STANDARD (3)		MIN.	MAX.
M.	Wing Width	N/A	50%
BUILDING SETBACKS (3)		MIN.	MAX.
N.	Rear Setback to Alley	5 ft.	N/A
O.	Front/End Setbacks	5 ft.	10 ft.



The diagram illustrates a townhouse lot layout. It shows a main lot bounded by a Right-of-Way (ROW) on the front and side, and an Alley/Shared Access on the rear. A building footprint is shown with setbacks from the front and side ROWs. A rear yard is located behind the building. The diagram includes labels for 'R.O.W. (Frontage)', 'Sidewalk', 'Rear Yard', 'R.O.W. (Side Street)', and 'Residential'. Various setback lines and dimensions are indicated with letters A through O, corresponding to the table above.

[Ord. 2010-...]

NOTES

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
2. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
3. Townhouse, including wings, garages or accessory dwellings shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and, shall comply with Art. 3.D.2.C.7, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL.
4. Means adjacent residential parcels that are not located within a development using IRO regulations.

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c. Building Type by Transect Zone

The implementation of the transect zones includes identifying the placement of buildings by type so as to allow for the proper location of higher intensity uses while ensuring consistency with the context of less intensive neighboring uses, where applicable.

TABLE 3.B.16.I. – BUILDING TYPE BY TRANSECT ZONE

BUILDING TYPE	TRANSECT ZONES			
	CORE	GENERAL	EDGE	OPEN SPACE
BLOCK	✓	✓		
LINER	✓	(1)		
COURTYARD		✓	✓	
CIVIC	✓	✓	✓	
TOWNHOUSE		✓	✓	

[Ord. 2010-...]

NOTES:

- ✓ Means applicable or permitted.
- 1 Building type may be permitted where located a minimum of 200 feet from adjacent parcels with residential FLU designation or uses.

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d. Special Building Standards

1) Pedestal Building

The following standards shall apply where any building exceeds either 4 stories or 48 feet in height.

- a) A horizontal recess line of at least 15 feet is required along at least 50 percent of building facades facing streets; and,
- b) Massing is regulated using a percentage of maximum size of the floor footprint of the building footprint per each story above the height limit threshold. All additional construction above this threshold shall be limited to 65 percent of the 1st floor footprint, as follows:
 - (1) The main volume of the building shall be oriented toward perimeter or primary streets, away from side or rear lot lines to reduce impact on adjacent properties;
 - (2) Tower elements shall be located to appropriately respond to the condition of the site. Desirable tower locations emphasize street corners, main building entrances, gateways, or the visual axis of another street or usable open space; and,

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

1 (3) Massing articulation shall not wholly occur within the center of the block and
2 must be evident on the street façade(s) using architectural variations such as
3 changes in the number of stories, articulations in the eave or roofline, or
4 adjusting the location of the front façade to accommodate civic open space.

5 **2) Civic Building**

6 A civic building may apply any one or combination of block, liner or courtyard building
7 type, or apply for waivers in accordance Table 3.B.16.E, Waivers.

8 **e. Additional Building Standards**

9 Additional building standards are established to provide design standards to facilitate
10 pedestrian access and circulation.

11 **1) Primary Entrances**

12 The primary entrance for all 1st floor tenants must directly face a street, or a
13 courtyard, plaza, square or other form of usable open space fronting a street. Access
14 for tenants located on upper floors shall provide similar entrances, but may be
15 permitted to deviate from this requirement on sites less than one acre in size. In
16 either situation, street access may be in the form of common lobbies, elevators,
17 stairwells, or other form of consolidated access. There are no limits on the allowable
18 number of primary entrances.

19 **2) Secondary Entrances**

20 Each tenant may be permitted to have additional entrances located at side or rear
21 facades facing a parking lot or other area, subject to the following limitations:

- 22 a) Shall not exceed the number of primary entrances.
- 23 b) Limitations shall not apply to service access or emergency exits.

24 **3) Windows on Facades Facing Streets**

25 Non-residential and multi-family building facades facing perimeter and primary streets
26 or usable open space must have transparent windows covering between 35 to 75
27 percent of the wall area of each story as measured between finished floors, to allow
28 transmission of visible daylight.

29 **4) Outdoor Uses**

30 Additional standards are established for non-residential outdoor uses, excluding
31 passive recreation areas or other similar uses, to ensure compatibility with the
32 streetscape, usable open space areas, and any abutting residential uses or parcels
33 with a residential FLU designation.

34 **a) Residential Setbacks**

35 Outdoor uses shall be setback a minimum of 200 feet from any abutting
36 residential use or parcel with a residential future land use designation, unless
37 approved by the BCC as a Class A Conditional Use. This shall include vehicular
38 access and parking for vehicular related uses such as gasoline sales, car
39 washes, or drive through facilities.

40 **b) Screening**

41 Outdoor uses shall be framed by either of the following, or a combination of both:
42 (1) Buildings or similar structures on all four sides; or,
43 (2) A five foot wide landscape strip that includes a 30 inch high hedge or
44 concrete street wall, with multi-trunk or flowering trees planted 30 feet on
45 center. Breaks to allow for pedestrian access shall be permitted.

46 **b) Drive-through and Gasoline Service Location**

47 A minimum of 50 percent of all drive-through lanes and gasoline service areas,
48 inclusive of pump islands, canopies, and queuing areas shall be located behind
49 buildings that comply with minimum frontage standards, and shall be consistent
50 with Figure 3.F.16.F, Gasoline Service Station and Figure 3.F.16.F, Typical
51 Drive-through Configurations.

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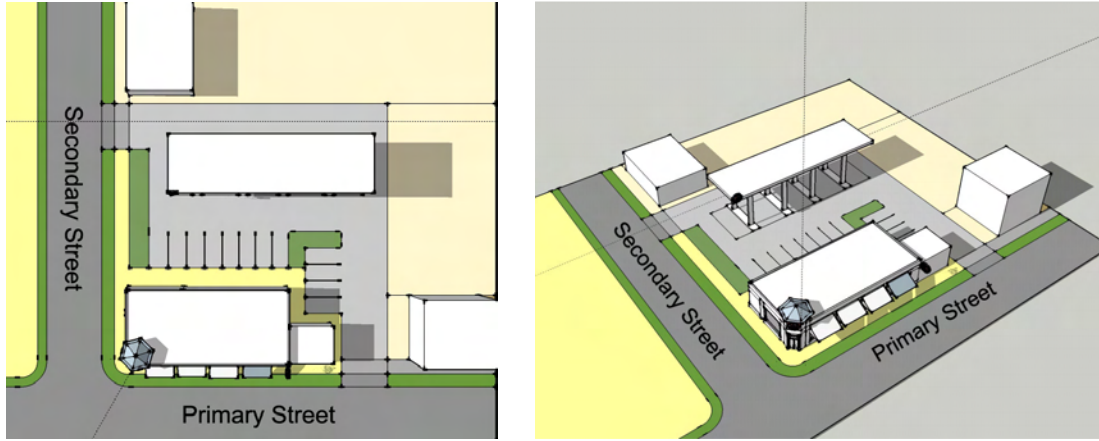
EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

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FIGURE 3.F.16.F – TYPICAL GASOLINE SERVICE FACILITIES



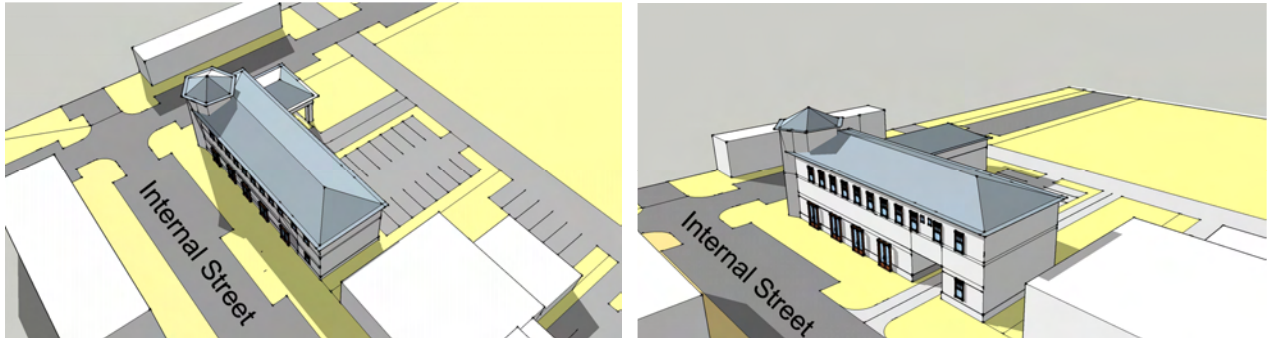
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c) Drive-through Facility Exception

Exceptions shall be permitted for drive through facilities that are located inside a building or side façade where vehicular traffic exits onto a Type I R-O-W, subject to approval by the County Engineer, where designed similar to Figure 3.F.16.F, Typical Drive Through Configurations.

FIGURE 3.F.16.F – TYPICAL DRIVE THROUGH CONFIGURATIONS



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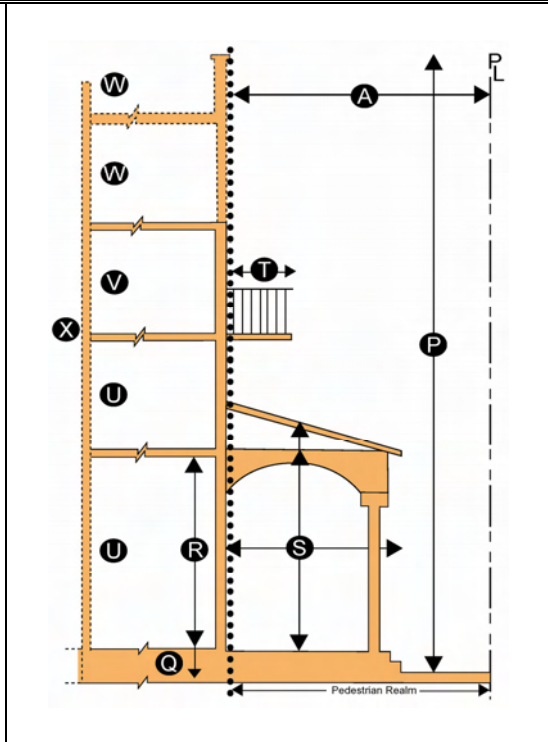
EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

- 1 5. BUILDING ELEVATIONS, HEIGHT AND USE BY FLOOR
2 The following tables establish regulations for building height and building encroachment in
3 each TZ to address compatibility and visual impact issues.
4

TABLE 3.B.16.F – PEDESTAL, LINER, BLOCK, COURTYARD AND CIVIC BUILDING HEIGHT AND USE

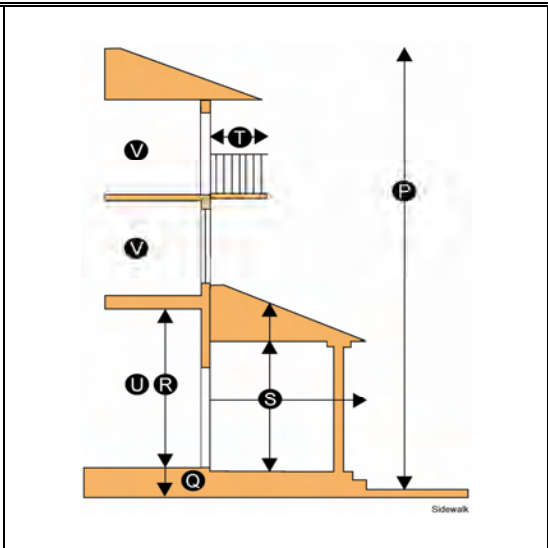
BUILDING HEIGHT		MAX.						
P.	Edge TZ or Townhouse Building	35 ft. (3 stories)						
	General TZ	60 ft. (4 stories) (1)(2)						
	Core TZ	75 ft. (5 stories) (1)(2)						
INTERIOR HEIGHT		MIN.	MAX.					
Q.	Finished Floor – Residential (5)	1.5 ft.	N/A					
	Finished Floor - Other	0.5 ft.	N/A					
R.	Residential	9 ft.	N/A					
	Other	12 ft.	N/A					
ENCROACHMENT		MIN.	MAX.					
S.	Stoop (4)	-	6 ft.					
	Gallery (3)(4)	10 ft.	12 ft.					
	Gallery Height	10 ft.	15 ft.					
T.	Balcony	-	6 ft.					
USES BY TRANSECT/FLOOR								
TRANSECT	USES							
	R	C	O	W	CV	RC	U	I
U.	Edge	✓			✓			
	General	✓	✓	✓	✓	✓	✓	
	Core	✓	✓	✓	✓	✓	✓	✓
V.	Edge	✓			✓			
	General	✓		✓	✓	✓	✓	
	Core	✓	✓	✓	✓	✓	✓	✓
W.	Edge	✓			✓			
	General	✓		✓	✓	✓	✓	
	Core	✓		✓	✓	✓	✓	✓
X	Liner building interior, same uses as allowed in TZ.							
USE CLASSIFICATION KEY (REFER TO ART. 5.X.3, USE STANDARDS)								
R = Residential		C = Commercial, Other		O = Commercial, Office		W = Work/Live		
CV = Public and Civic		RC = Recreation		U = Utilities and Excavation		I = Industrial		
NOTES								
✓ Means applicable or permitted.								
1. Shall be exempt from Art. 3.D.1.E.2, Height where adjacent to a R-O-W greater than 50 feet in width, or an IRO compliant street (excluding alleys).								
2. One additional story and 15 feet in height permitted for Green Building.								
3. The required sidewalk zone may be accommodated within a gallery.								
4. Encroachment for stoop or gallery (including uses therein such as outdoor dining, benches, or displays) shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area.								
5. Allowances shall be permitted for single floor units located on the first floor to accommodate ADA requirements.								



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TABLE 3.B.16.F – TOWNHOUSE BUILDING HEIGHT AND USE

BUILDING HEIGHT		MAX.	
P.	Edge	35 ft. (3 stories)	
	General		
INTERIOR HEIGHT		MIN.	MAX.
Q.	Finished Floor - Residential	1.5 ft.	N/A
	Finished Floor – Live/Work Unit	1.5 ft.	N/A
R.	Ceiling - Residential	9 ft.	N/A
	Ceiling – Live/Work Unit	12 ft.	N/A
ENCROACHMENT (1)		MIN.	MAX.
S.	Stoop	N/A	6 ft.
	Front Porch	N/A	8 ft.
	Front Porch Height	N/A	15 ft.
T.	Balcony	-	6 ft.
USES BY TRANSECT/FLOOR			
TRANSECT	USES		
	RESIDENTIAL	LIVE/WORK UNIT	
U.	Edge	✓	
	General	✓	
V.	Edge	(2)	
	General	✓	
NOTES			
✓ Means applicable or permitted.			
1. Encroachment for stoop or front porch shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area.			
2. Shall only be permitted where uses on the 2 nd floor or higher is limited to residential.			
3. Allowances shall be permitted for single floor units located on the first floor to accommodate ADA requirements.			



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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

7. USE STANDARDS

The standards of the IRO allow only those uses that have been indicated on a DRO approved FSP or FSBP to be eligible to apply for building permits or a business tax receipt (BTR). Where permitted, uses may also be further restricted by TZ, building type and number or floor location.

a. Permitted Uses

Table 3.B.16.F, IRO Permitted Use Schedule, identifies the permitted and requested uses allowed for an IRO project.

b. Accessory Uses

Accessory uses shall be permitted in accordance with Art. 5.B, Accessory and Temporary Uses. Any proposed use that exceeds the limitations of an accessory use shall only be permitted if allowed above and where in compliance with the requirements of this code.

TABLE 3.B.16.F.– IRO PERMITTED USE SCHEDULE

USE TYPE	LAND USE				NOTE	USE TYPE	LAND USE				NOTE
	C L	C H	C L O	C H O			C L	C H	C L O	C H O	
RESIDENTIAL USES						COMMERCIAL USES (CONTINUED)					
Townhouse	D	D	D	D	132	Green Market	D	D	L	L	64
Multi-family	D	D	D	D	87	Hotel, Motel, SRO, Rooming And Boarding	A	D			72
Accessory Dwelling	D	D	D	D	1	Kennel, Type III (Enclosed)	D	D			74-2
CLF, Type I	D	D	D	D	34	Kiosk	D	D	D	D	75
CLF, Type II	D	D	D	D	34	Laundry Services	D	D			78
CLF, Type III	A	D	A	D	34	Lounge, Cocktail	A	A			79
Garage Sale	D	D	D	D	60	Office, Medical or Dental	D	D			83
Guest Cottage	D	D	D	D	66	Office, Business or Professional	D	D	D	D	91
Home Occupation	D	D	D	D	70	Parking Garage, Commercial	D	D			95
Nursing Facility	D	D	D	D	90	Parking Lot, Commercial	D	D			96
Security or Caretakers Quarters	D	D	D	D	119	Pawnshop	A	D			97
COMMERCIAL USES						Personal Services	D	D			98
Auction, Enclosed		D			16	Printing and Copying	D	D	D	D	100
Auto Paint or Body Shop		A			17	Repair and Maintenance, General	A	A			107
Auto Service Station	A	A			18	Repair Services, Limited	D	D			108
Broadcast Studio	D	D	D	D	21	Restaurant, Type I	A	A			109
Building Supplies	D	D			22	Restaurant, Type II	D	D			111
Car Wash	A	A			25	Retail Sales, Auto Parts	D	D			113
Catering Service	D	D			26	Retail Sales, General	D	D			114
Convenience Store	D	D			36	Retail Sales, Mobile or Temporary	D	D			115
Convenience Store with Gas Sales	A	A			37	Self Service Storage	D	D			120
Day Labor and Employment Service		A			41	Theater, Indoor	D	D			128
Dispatching Office		D			42	Vehicle Sales and Rental	A	A			135
Dog Daycare	D	D	L	L	43	Veterinary Clinic	D	D			136
Financial Institution	A	A	A	D	55	Vocational School	D	D	D	D	137
Flea Market, Enclosed		D			57	Work/Live Space	D	D	D	D	141-1
Funeral Home or Crematory		A			59	Live/Work Unit	D	D			141-2
[Ord. 2010-]											
KEY											
P Permitted by right.											
D Permitted subject to DRO approval.											
L Permitted only where accessory to a permitted use.											
S Permitted subject to Special Permit approval.											
A Permitted subject to Board of County Commission Approval.											
◆ May be permitted under limited circumstances – see specific Use Regulations.											

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(Updated 11/20/09)

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TABLE 3.B.16.F – IRO PERMITTED USE SCHEDULE (CONTINUED)

USE TYPE	LAND USE				NOTE	USE TYPE	LAND USE				NOTE
	C L	C H	C L O	C H O			C L	C H	C L O	C H O	
PUBLIC AND CIVIC USES						UTILITIES AND EXCAVATION					
College or University	D	D			30	Air Stripper, Remedial	D	D	D	D	11
Day Camp	D	D			39	Communication Cell Sites on Wheels (COW) Tower, Mobile	S	S	S	S	31
Dare Care, General	A	A			40	Communication Panels or Antennas, Commercial	D	D	D	D	31
School, Elementary or Secondary	D	D	D	D	118	Communication Tower, Commercial	A	A	A	A	31
Day Care, Limited	A	D			40	Electric Transmission Facility	A	A	A	A	44-2
Government Services	D	D	D	D	63	Excavation, Type II	D	D	D	D	49
Helipad	A	A	A	A	10	Recycling Collection Station	D	D			104
Hospital or Medical Center	D	D		D	71	Recycling Drop Off	D	D			105
RECREATION USES						INDUSTRIAL USES					
Entertainment, Indoor	D	D			45	Data Information Processing	D	D	D	D	13
Fitness Center	D	D			56	Film Production Studio		D		D	38
Gun Club, Enclosed		D			67	Laboratory, Industrial Research	A	D	A	D	76
Marine Facility	D	D			82	Medical or Dental Laboratory		D		D	84
Park, Passive	D	D	D	D	93						
Park, Public	D	D	D	D	94						
Park, Neighborhood	D	D	D	D	92						
Special Event	S	S	S	S	124						
AGRICULTURAL USES											
Agriculture, Sales/Service	D	D			6						
Farmers Market	D	D			52						
[Ord. 2010-]											
KEY											
P Permitted by right.											
D Permitted subject to DRO approval.											
L Permitted by right, subject to accessory use limitations.											
S Permitted subject to Special Permit approval.											
A Permitted subject to Board of County Commission Approval.											
◆ May be permitted under limited circumstances – see specific Use Regulations.											

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8. STREETScape STANDARDS

Streetscape standards are established to improve both the physical and visual appearance of the streetscape while creating a pedestrian friendly environment along commercial corridors, other perimeter street frontages, and for any new internal streets.

a. General Standards

The following standards shall apply to all streetscapes.

- 1) Required buffer areas or street trees shall be located between streets and pedestrian sidewalks and other hardscaped areas;
- 2) Required pedestrian sidewalks shall be free and clear of all encumbrances;
- 3) All paving materials for the pedestrian sidewalks shall be compliant with ADA accessibility standards, and shall be constructed of concrete acceptable to the Engineering Department;
- 4) Consistency in paving pattern and materials for streetscapes are required for all individual projects, and are encouraged for abutting IRO projects. The first application for an IRO of a commercial corridor or a block shall establish the paving pattern.
- 5) Where a sidewalk or a path crosses curb cuts at ingress/egress points and internal drives, the pedestrian crossing shall be paved with a material that provides a different texture or a color contrast with the vehicular surface, but preferably consistent with the paving material of the path;
- 6) Where a street tree planting area is required, area may be landscaped with appropriate ground cover; however, applicants are encouraged to install required trees in tree grates with appropriate root barrier or other similar structures to promote tree growth, and areas in-between may be hardscaped;
- 7) Consistency in street tree species shall be encouraged within a block, if applicable, and shall be reflective of the character of the surrounding area. The first application for an IRO of a commercial corridor or a block shall establish preferred species.
- 8) Streetscape shall be provided along both sides of primary and secondary streets;
- 9) Where applicable, sidewalks located within a perimeter R-O-W may be incorporated into the streetscape requirements of this section, subject to a sidewalk easement agreement with the DEPW; and,
- 10) Where an existing or proposed utility easement is located adjacent to subject roadways, streetscape requirements shall be applied from the inner edge of the utility

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INFILL REDEVELOPMENT OVERLAY
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(Updated 11/20/09)

1 easement, and shall be landscaped with appropriate groundcover, with exception to
2 the following:

- 3 a) Applicants are encouraged to improve utility easement areas with improved
- 4 surfacing or landscaping to be consistent with required streetscape areas;
- 5 b) Utility easements may encroach into required streetscape areas up to a
- 6 maximum of five feet, subject to Engineering approval and consent from
- 7 easement holder; and,
- 8 c) Street trees may be located in utility easements subject to use of tree root barrier
- 9 approved by County Landscape and easement holder.

10 **b. Design Standards**

11 The IRO establishes three general forms of streetscape configurations, as follows:
12 enhanced sidewalk, buffered sidewalk, and slip-street. While the enhanced sidewalk
13 may be applicable to both perimeter and internal streets, the remaining two are generally
14 limited to commercial corridors or other perimeter streets. The applicant may choose one
15 of the streetscape configurations to use; however, the streetscape design should be
16 consistent with the surrounding character.

17 **1) Enhanced Sidewalk**

18 The enhanced sidewalk streetscape option establishes a continuous sidewalk with
19 regularly spaced shade trees along the street.

- 20 a) The street tree planting area shall be a minimum of five feet in width;
- 21 b) The pedestrian sidewalk area shall be a minimum of six feet in width, and shall
- 22 be free and clear of any obstructions or uses. Width may be reduced to five feet
- 23 where abutting a Type III R-O-W or secondary street.
- 24 c) Street trees shall be installed in accordance with 3.F.2.A.4.d, Street Trees,
- 25 except that exceptions to tree spacing may be permitted where necessary to
- 26 accommodate bisecting utility easements, or other similar improvements;
- 27 d) Street lights shall be required for all perimeter and internal streets in accordance
- 28 with Art. 3.F.2.A.1.f.2), TDD Street Lighting;
- 29 e) Any areas remaining between required street tree and pedestrian sidewalk area
- 30 and building frontages shall be improved with additional pedestrian sidewalk
- 31 area, or other decorative pavement treatment to be used as outdoor dining
- 32 areas, usable open space or to encourage a pedestrian interface display
- 33 windows, where applicable;
- 34 f) Decorative planter boxes or potted trees may be located within two feet of
- 35 building frontages, provided they do not screen views to building windows or
- 36 doors, or adversely impact pedestrian use areas;
- 37 g) No temporary or permanent physical structures may be affixed to building
- 38 frontages in the streetscape so as to preclude views of windows or doorways;
- 39 and,
- 40 h) A minimum of 75 percent of buildings fronting on a Type I or II R-O-W, primary or
- 41 slip street shall have arcaded sidewalks or other architectural element that
- 42 provides shade to pedestrians, such as permanent canopies and awnings.
- 43

FIGURE 3.B.16.F – TYPICAL ENHANCED STREETScape



[ORD. 2010-...]

44 **2) Buffered Sidewalk**

45 The buffered sidewalk streetscape option is similar to the enhanced sidewalk option,
46 except that the street tree planting area is replaced with a wider planting area to
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**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS**

(Updated 11/20/09)

provide additional buffering between streets and pedestrian areas. The following table shows dimensional standards for planting areas based perimeter street type.

TABLE 3.B.16.F – BUFFERED SIDEWALK DIMENSIONAL STANDARDS

WIDTH OF R.O.W.	PLANTING AREA WIDTH	
	MINIMUM	MAXIMUM
Type I R-O-W	5 ft.	10 ft.
Type II R-O-W	8 ft.	20 ft.
Type III R-O-W	10 ft.	25 ft.
[Ord. 2010-...]		
Notes:		

- a) The planting area shall not be paved, except that paved access shall be provided to cross-walks and transit stops;
- b) One canopy tree for each 25 feet of the property’s frontage shall be provided. Trees may be installed in a formal, uniform spacing or may be arranged within the planting area in informal clusters so long as the required quantity is satisfied;
- c) In addition to the required canopy trees, flowering trees, palms, shrub layers, grass, groundcovers shall be required to provide design variations and colors. Quantity of plant materials shall be established depending on the width of the Planting Area, and shall be calculated in compliance with Art.7, Landscaping;
- d) Grass shall be permitted; however, groundcover shall be encouraged as a substitute for grass for water conservation and maintenance purposes;
- e) Berms shall only be permitted in order to create a streetscape with an informal, naturalistic design;
- f) Meandering pedestrian walkways are encouraged to be incorporated into larger sidewalk buffer planting areas; and,
- g) All other requirements shall be in compliance with the enhanced sidewalk defined above, with exception to street tree planting requirements.

FIGURE 3.B.16.F – TYPICAL BUFFERED SIDEWALK STREETScape



[ORD. 2010-...]

3) Slip Street

Slip street streetscape shall be required for any proposed slip streets, and shall be designed as follows:

- a) A landscape planting area shall be required between a perimeter R-O-W and the slip street ranging from ten to 15 feet in width. Additional width may be permitted to accommodate utility easements or Engineering requirements, but shall not be increased otherwise. Area shall be hardscaped or covered with appropriate ground cover.
- b) Street trees shall be planted in the landscape area in accordance with Art. 3.F.4.A.4.d, Street Trees, but shall be generally consistent with the tree species and spacing provided in the enhanced sidewalk area; and,
- c) All other requirements shall be in compliance with enhanced sidewalk, where applicable.

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(Updated 11/20/09)

FIGURE 3.B.16.F – TYPICAL SLIP STREET STREETScape



[ORD. 2010-...]

9. **USABLE OPEN SPACE**

A minimum of five percent of the gross acreage of the project shall be dedicated or provided as usable open space. Plaza's or squares that provide a concentrated focal point for pedestrians shall be the preferred method for providing usable open space, but credit may be given for required pedestrian streetscapes or other similar usable open space amenities. All usable open space areas shall meet the minimum dimensions provided under Table 3.B.16.E, Dimensions for Usable Open Space, unless exempted otherwise herein.

a. **Required Plazas and Squares**

Projects ten acres or more shall provide at least one central plaza, square or other similarly dimensioned usable open space area.

TABLE 3.B.16.E, DIMENSIONS FOR USABLE OPEN SPACE

	Size Min.	Length Min.	Width Min.
Central Plaza or Square	10,000 s.f.	120 ft.	80 ft.
Other Plazas or Square	5,000 s.f.	60 ft.	40 ft.

b. **Streetscape Credit**

Projects that have net land areas of less than two and one-half acres in size may count all streetscape areas towards the usable open space requirement. All others may count up to fifty percent of streetscape areas towards usable open space requirements.

c. **Street Frontage**

Minimum required usable open space shall front on a perimeter or primary street on at least one side.

d. **Shade**

A minimum of 15 percent of each plaza, square or other usable open space area shall be shaded by landscape material or shade structures at time of construction. Where applied to streetscape galleries, awnings or other building amenities may be counted towards shade requirement. A minimum of 30 percent of the total square footage shall be pervious.

e. **Pervious Areas and Landscaping**

A minimum of 30 percent of all usable open space areas, excluding streetscape where applicable, shall be pervious, and covered with appropriate ground cover in accordance with Art. 7, Landscaping.

f. **Pedestrian Amenities**

Required usable open space areas shall have a minimum of one linear foot of seating for each 200 square feet of overall area.

10. **PARKING AND LOADING STANDARDS**

Parking and loading shall comply with Art. 6, Parking, unless otherwise stated below:

a. **Location and Access**

Parking and service areas shall be located at the side or rear of building(s) in accordance with Table 3.B.16.F, Parking Location, except for slip streets. The most intense street shall be considered the frontage for corner lots. These standards provide flexibility in dimensional and layout requirements to address site restrictions, and provide for reductions in the number of required off-street parking spaces for sites that are located in close proximity to public transit, or have a potential for inter-connectivity and shared parking areas between contiguous developments.

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1

TABLE 3.B.16.F – PARKING LOCATION

PARKING LOCATION	MAXIMUM % OF PARKING PROVIDED
Rear	100%
Side	50% (1)(2)
Front	(3)
[Ord. 2010-...]	
NOTE:	
1. On-street parking only, with additional located in parking lots.	
2. Exceptions may be permitted for parking courts located internal to a development where all building placement standards have been addressed.	
3. On-street parking only, including slip streets where applicable.	

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1) **On-street Parking**

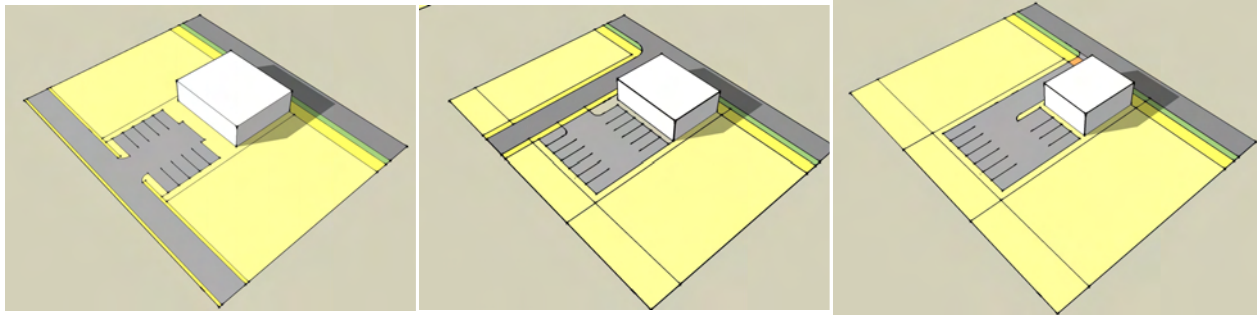
Parking in front of buildings shall only be permitted where on-street parking is allowed.

2) **Parking Lots**

It is the intent that parking lots shall be screened from all streets. The perimeter of parking lots shall be framed by either of the following, or a combination of both:

- a) Buildings; or,
- b) A five foot wide landscape strip that includes a minimum 30 inch high hedge or concrete streetwall, with canopy trees planted 30 feet on center. Breaks to allow for pedestrian access shall be permitted.
- c) Alternatively, there shall be no required separation between parking and parallel alleys for any project that does not have streets or blocks, and alleys may be incorporated into parking lots as standard drive isles.

FIGURE 3.B.16.F – TYPICAL PARKING LOCATION AND ACCESS



Preferred Alley Access
[ORD. 2010-...]

Side Street Access

Small Mid-block Parcel Access

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3) **Parking Structures**

Parking for any use in excess of six spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure configured as a liner building, subject to the following:

- a) When fronting perimeter and primary streets, usable open space, or other similar areas, shall comply with liner building PDRs; or,
- b) When fronting secondary streets, alleys, parking lots or other similar areas, shall be screened by a façade that incorporates landscaping or architectural features consistent with the primary frontage, or any combination.

4) **Townhouse Parking**

The requirements for townhouse parking may also be applied to multi-family buildings that are designed to appear and function as townhouses. Individual parking spaces or garages shall be permitted to the rear of townhouses, with access from an alley or street. Garage setbacks shall be in accordance with PDRs for townhouse buildings.

5) **Service and Loading Areas**

All service and loading areas shall be located along the rear or side of buildings, and shall not be visible from perimeter or primary streets, or any usable open space. The service areas shall be located within the footprint of the building or immediately adjacent to the building. Required loading space areas may be waived, reduced in number or dimension, in accordance with Art. 6.B, Loading Standards, or by IRO waivers.

b. **Parking Ratios**

The required number of parking spaces shall correspond to broad uses and not to a specific use, and shall be responsive to the long term transition of tenants within a non-

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residential or mixed use development. The applicant may choose from the following parking requirements:

1) **Non-residential**

- a) Minimum: one space per 333 square feet of GFA (3/1000);
- b) Maximum: one space per 200 square feet of GFA (5/1000), unless parking is accommodated in a parking structure;
- c) Where uses are not intended to allow for transition to other uses, the general parking standards outlined in Art. 6, Parking may be applied, provided that use limitations are identified on the DRO approved site plan;
- d) Reduction in required parking through use of a shared parking study, as defined in Art. 6, Parking; or,
- e) Where eligible, applicant may receive credit for any perimeter on-street parking spaces located along Type I streets, subject to approval by the County Engineer. Use of this option may be limited to where the developer pays for required improvements to existing Type I streets.

2) **Residential**

Multi-family residential parking ratios may be reduced in accordance with Table 3.B.15.I, WCRAO Mixed Use Parking Deviations.

11. **LANDSCAPE STANDARDS**

All IRO projects shall comply with Art. 7, Landscaping, unless stated otherwise herein:

a. **Perimeter Buffers**

1) **Streetscape Exemptions**

Required landscape perimeter buffers pursuant to Art. 7, Landscaping shall not be required where an IRO streetscape is required.

2) **Compatibility Buffers**

A side interior compatibility buffer shall not be required when a zero side setback is proposed or exists.

3) **Alternative Incompatibility Buffer Option**

The following incompatibility buffer option may be utilized where projects are in compliance with minimum setbacks for non-residential outdoor use areas:

- a) Landscape buffer planting area shall be a minimum of ten feet in width;
- b) No easement encroachment shall be permitted;
- c) An eight foot tall solid concrete block or panel wall shall be installed along the affected property line, with a setback a minimum of two feet to allow for maintenance of the exterior side of the wall. Setback may be increased as needed to accommodate required footers;
- d) The required wall shall be constructed of materials and with a design consistent with the principal building of the IRO, and shall have the same architectural finish treatment and color on both sides of the wall.
- e) Exterior landscape areas shall have groundcover that is low maintenance and does not impede necessary access for maintenance;
- f) Canopy trees shall be planted along the internal side of the wall to be spaced a minimum of 20 feet on center;
- g) A hedge shall be installed in accordance with the standards for medium shrubs, as specified in Table 7.F.7, Shrub Planting Requirements.

b. **Foundation Planting**

Foundation planting requirements may be subject to the exemptions, exceptions, and deviations as permitted for WCRAO projects, as indicated in Art. 7.D.11.B, WCRAO Exemptions.

c. **Alternative Parking Lot Design Options**

This section provides landscape or alternatives, or reductions for interconnectivity that allow for the use of innovative design or green building materials necessary for smaller sites or desired for larger projects. The following may be used individually or in combination:

1) **Option 1**

Projects that are one-half acres or less in size, with 20 or fewer parking spaces may relocate all interior landscape parking materials into one open space preserve;

2) **Option 2**

Projects that are two acre or less in size may reduce required terminal island landscape width to a minimum of five feet in width of landscape area;

3) **Option 3**

Landscape area and shrub requirements for terminal, interior and divider median islands may be replaced with bio-swales and appropriate landscaping, provided that required canopy trees can be accommodated. Alterations to required curbing may be permitted subject to demonstration that vegetated areas are protected from vehicles and that there will be no adverse impacts to pedestrians; or,

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**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS**

(Updated 11/20/09)

- 1 4) **Option 4**
 2 Up to a maximum of 25 percent of required terminal, interior and divider median
 3 landscape areas shall not be required provided those parking areas provide shade
 4 by installing covered parking that utilizes materials with appropriate solar reflectance
 5 index (SRI) depending on the pitch of the roof of the structure.
 6 5) **Option 5**
 7 Required terminal, interior and divider median landscape areas and required shrubs
 8 shall not be required, subject to the following:
 9 a) The number of required terminal, interior and divider median trees are doubled;
 10 b) Trees are protected by curbing, wheel stops or other similar methods of
 11 protection;
 12 c) Green building standards for tree wells and related root growth areas are utilized;
 13 d) All abutting parking spaces utilize pervious pavement that has an SRI of at least
 14 29 to improve solar reflectance; and,
 15 e) Land Development approval.
 16 6) **Option 6**
 17 No interior island required if parking spaces are abutting landscape buffers, street
 18 walls or tree planting areas.
 19 d. **Rear or Side Entrances**
 20 Buildings with additional entrances located on the side or rear facades shall either
 21 provide an enhanced streetscape between any abutting parking lots that meets the
 22 standards for a primary street; or shall provide foundation planting along a minimum of 50
 23 percent of the applicable façade, with a minimum depth of five feet, to be planted in
 24 accordance with Art. 7, Landscaping, with a sidewalk a minimum of five feet in width as
 25 needed to separate pedestrians from abutting vehicle use areas along the building
 26 façade.
 27 **G. IRO WAIVERS**
 28 The applicant may apply for waivers for development standards in accordance with Art.
 29 3.F.16.D.5, Zoning Director Waivers and Table 3.B.16.G, IRO Waivers. Waiver requests shall be
 30 reviewed by the Zoning Director for denial, approval or approval with conditions, prior to either
 31 DRO certification or approval. The following table summaries the development standards that
 32 could be requested through a waiver process:
 33

Table 3.B.16.G – IRO Waivers

Requirements	Maximum Waiver	Minimum Justification Criteria of Review
Internal Street Standards		
Art. 3.B.16.F.3.b, Internal Street Types	Allow additional lanes, or minor increases in lane width.	- Where required to accommodate traffic, or where required by the DEPW or Palm Tran. - Minimum deviation required and remains generally consistent with TDD street standards. - Consistent with livable street standards that prioritize pedestrian safety.
Interconnectivity Standards		
Art. 3.B.16.F.4, Interconnectivity Standards	No interconnectivity requirement.	- Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as water treatment plants, jails, or other similar facilities.
Art. 3.B.16.F.4.c, Gates	Allow use of gates within the development.	- Special circumstances between adjacent uses. - Specific user requirements within the IRO project requires the use of gates, provided such does not impact the continuity of required blocks, streets or alleys.
Building Standards		
Civic building standards.	No frontage requirement. No build to line requirement.	- Public and private civic buildings shall be designed to reflect their public purpose and are intended to be landmarks within the community. - Frontages shall be located abutting usable open space areas, and additional pedestrian amenities shall be provided to emphasis the civic nature of the use.

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**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)**

Table 3.B.16.G – IRO Waivers

Requirements	Maximum Waiver	Minimum Justification Criteria of Review
Usable Open Space		
Art. 3.B.16.F.9, Usable Open Space	Allow for reduction.	- Lot less than 2.5 acres in size having insufficient frontage to accommodate usable open space in pedestrian streetscape areas.
Loading Space		
Art. 3.B.16.F.10.a.5), Service and Loading Areas; and, Art. 6.B.1, Loading.	Waive or reduce required loading spaces, dimensions for width, length, maneuvering area, and location.	- Limitations due to access, lot size; location of residential uses; proximity to streets or alleys; or vehicular circulation. - Document that any loading alternatives will not adversely impact pedestrian or vehicular circulation, including alleyways, drive isles, handicapped accessibility, or other similar functional considerations. - Document that any loading alternatives will not conflict with DEPW or FDOT requirements.
[Ord. 2010-...]		

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Part 5. ULDC, Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (page 52 of 155), and is hereby amended as follows:

TABLE 3.C.1.A FUTURE LAND USE (FLU) DESIGNATION AND CORRESPONDING STANDARD ZONING DISTRICTS ¹

FLU Designation	Zoning District ²					
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR ²	AGR ³				
Residential						
RR-20	AR					
RR-10	AR	CRE ⁴				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR ³	RE	RT	AP		
LR-2	AR ³	RE ³	RT			
LR-3	AR ³	RE ³	RT			
MR-5	AR ³	RE ³	RT ³	RS	RM	
HR-8	AR ³	RE ³	RT ³	RS	RM	
HR-12	AR ³	RE ³	RT ³	RS ³	RM	
HR-18	AR ³	RE ³	RT ³	RS ³	RM	
Commercial						
<u>CL-O</u>	CLO	<u>IR</u>				
<u>CL</u>	CN	CC	CLO	<u>IR</u>		
<u>CH-O</u>	CLO	CHO	<u>IR</u>			
<u>CH</u>	CN	CC	CLO	CHO	CG	<u>IR</u>
<u>CR</u>	CRE					
Industrial						
IND	IL	IG	CRE			
EDC	IL	IG				
Institutional/Civic						
INST	IPF					
PARK	IPF					
U/T	PO					
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-...]						
Notes:						
1. Unless exempted otherwise by Art. 3.C.1.B, Standard District Exceptions and Limitations, or where a parcel is rezoned to a PDD or TDD, all new development such as any application for a rezoning, conditional use or subdivision of property shall require the subject site be rezoned to a shaded district.						
2. Typical Example of a "shaded district."						
3. Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with Art. 3.C.1.B.1.						

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Notes:

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1
2 Part 6. ULDC, Art. 3.C.1.C, Previous Zoning Districts (page 53 of 155), and is hereby amended
3 as follows:

4 CHAPTER C STANDARD DISTRICTS

5 SECTION 1 FUTURE LAND USE (FLU) DESIGNATION AND CORRESPONDING DISTRICTS

6 C. PREVIOUS ZONING DISTRICTS

- 7 1. The following previously established zoning districts correspond to the current districts:
- 8 a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades
- 9 Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.
- 10 b. Rural Services (RSER) District shall correspond to the AR District.
- 11 c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.
- 12 d. Residential Transitional Urban (RTU) District shall correspond to the RS District.
- 13 e. Multifamily Residential High Density (RH) District shall correspond to the RM District.
- 14 f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall
- 15 correspond to the Commercial High Office District (CHO) District.

16 2. Where the corresponding district for a parcel is consistent with its FLU designation, a
17 rezoning shall not be required, provided that any development is consistent with the
18 requirements of the corresponding district. Any application that requires Public Hearing
19 approval shall be accompanied by an application to a current Zoning district.
20

21
22 Part 7. ULDC, Art. 3.C.1.G, Commercial Districts (page 55 of 155), and is hereby amended as
23 follows:

24 CHAPTER C STANDARD DISTRICTS

25 SECTION 1 FUTURE LAND USE (FLU) DESIGNATION AND CORRESPONDING DISTRICTS

26 G. COMMERCIAL DISTRICTS

27
28 7. IR, INFILL REDEVELOPMENT DISTRICT
29 The IR district is to encourage infill and redevelopment in the U/S Tier, with all new
30 development subject to the requirements of the IRO. To further encourage the partial
31 conversion of larger existing commercial developments, previously developed uses, buildings
32 and improvements may be retained where information is clearly shown on prior approvals,
33 provided that any future development in accordance with the IRO. In granting approval of a
34 rezoning to the IR district, the BCC may adopt conditions of approval; or, including carrying
35 forward conditions of approval related to prior approvals, under the premise that such
36 conditions shall be phased out upon conversion to an IRO development.
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EXHIBIT J

**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)**

1
2 **Part 8. ULDC, Table 3.D.1.A – Property Development Regulations (page 56 of 155), and is**
3 **hereby amended as follows:**
4

TABLE 3.D.1.A - PROPERTY DEVELOPMENT REGULATIONS

Zoning District	Min Lot Dimensions			Density (6)		Max FAR (7)	Max Building Coverage	Min Setbacks (10)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
....											
Commercial											
CN	0.5 ac.	100	100	-	-	-	25%	30	30	(8)	30
CC	1 ac.	100	200	-	-	-	25%	30	30	(8)	30
CG	1 ac.	100	200	-	-	-	25%	50	15	(8)	20
CLO	1 ac.	100	200	-	-	-	25%	30	15	(8)	20
CHO	1 ac.	100	200	-	-	-	25%	40	15	(8)	20
CRE	3 ac.	200	300	-	-	-	40%	80	50	80	50
IR	N/A	50	100			(8)	40%	(9)	(9)	(9)	(9)
....											
[Ord. 2005 – 002] [Ord. 2005-041]											
Notes:											
....											
8. Maximum FAR shall be in accordance with Table 3.B.16.C, IRO FAR Increase.											
9. Building setbacks shall be in accordance with Art. 3.B.16, Infill Redevelopment Overlay.											
[ReNUMBER accordingly.]											

5
6
7 **Part 9. ULDC, Table 4.A.3.A, Commercial Districts (page 19 of 155), and is hereby amended as**
8 **follows:**
9

TABLE 4.A.3.A - THRESHOLDS FOR PROJECTS REQUIRING DRO APPROVAL

Zoning District	Thresholds: Number of Units, or Square Feet or Other
....
IR	Any project utilizing the Infill Redevelopment Overlay.
Notes:	
....	

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11
12 **Part 10. ULDC, Art. 4.A.4.A, General (page 19 of 155), and is hereby amended as follows:**

CHAPTER A USE CLASSIFICATION

SECTION 4 DEVELOPMENT THRESHOLDS

A. GENERAL

Any amendment to an existing development, or new construction of residential, commercial or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.3.A-3, Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.1, Official Zoning Map Amendment (Rezoning). ~~Projects located in the PO Zoning District or that propose to rezone to the PO district, that support existing or proposed government facilities, shall be exempt from this requirement.~~ Projects that meet or exceed the thresholds of this table that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be approved as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2007-013]

1. EXEMPTIONS

The following projects shall be exempt from this requirement:

- a. Projects located in the PO Zoning District or that propose to rezone to the PO district, that support existing or proposed government facilities; and,
- b. Infill Redevelopment Overlay projects approved by the DRO.

32 **Part 11. ULDC, Art. 4.B.1.A, General (page 20 of 155), and is hereby amended as follows:**

CHAPTER B SUPPLEMENTARY USE STANDARDS

SECTION 1 USES

Notes:

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

A. DEFINITIONS AND SUPPLEMENTARY STANDARDS FOR SPECIFIC USES

18. AUTO SERVICE STATION

....
f. Infill Redevelopment Overlay (IRO)

An automotive service station located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

25. CAR WASH

....
e. Infill Redevelopment Overlay (IRO)

A car wash located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

37. CONVENIENCE STORE WITH GAS SALES

....
g. TMD and LCC Districts, and IRO Projects

Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2006-004]

....
i. Infill Redevelopment Overlay (IRO)

A convenience store with gas sales located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

55. FINANCIAL INSTITUTION

....
c. Infill Redevelopment Overlay (IRO)

A financial institution with no drive thru lanes; or, a financial institution with drive through lanes located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

64. GREEN MARKET

....
g. LCC District and IRO Projects

A permanent Green Market shall be allowed to operate each weekend provided the area designated for the Green Market is not located in required parking and indicated on the final DRO site plan. A Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2.

107. REPAIR AND MAINTENANCE, GENERAL

....
f. Bay Door Orientation

Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. [Ord. 2005 – 002]

1) Buffer Requirements

Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.

2) Bay Doors Facing a Residential District or Use

Bay doors facing a residential district or use separated by an arterial or collector street shall require a Type 3 incompatibility buffer.

3) Infill Redevelopment Overlay (IRO)

Bay doors shall not be oriented towards perimeter streets.

....
j. Infill Redevelopment Overlay (IRO)

A repair and maintenance general use located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

104. RECYCLING DROP-OFF BIN

....
b. Location

The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking space. In TMD and LCC districts, and for IRO projects, the recycling drop-off bins shall be designed to be consistent with the buildings design.

109. RESTAURANT, TYPE I

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

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f. Infill Redevelopment Overlay (IRO)
A Type I restaurant located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

....
135. VEHICLE SALES AND RENTAL

e. Infill Redevelopment Overlay (IRO)
A vehicle sales and rental use located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

....
136. VETERINARY CLINIC

c. Infill Redevelopment Overlay
A veterinary clinic shall not include outdoor runs. Boarding facilities shall comply with the standards for a type III commercial kennel.

Part 12. ULDC, Art. 7.C, MGTS Compliance [Related to Landscaping], and is hereby amended as follows:

CHAPTER B TYPES OF PLANS

SECTION 4 STREET PLANTING PLAN

Plans for landscaping within streets shall be provided for new subdivisions in accordance with Article 11.B.3.B.3, Construction Plans and Supplemental Engineering Reports.

CHAPTER C MGTS TIER COMPLIANCE

Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition.

SECTION 1 U/S TIER

Landscaping in the U/S Tier should have a higher level of detail and more structure, such as pedestrian accents, formal arrangements in perimeter landscape and buffers, street tree plantings, and inter-connections between pedestrian and vehicular areas. The Revitalization and Redevelopment Overlay is located with the U/S Tier and recognizes the unique opportunities and restrictions often encountered in development of infill parcels. Greater flexibility and alternative landscape solutions are available to promote development within the boundaries of these areas. However, it also recognizes the unique opportunities and restrictions that may be encountered for parcels developing consistent with Art. 3.B.16, Infill Redevelopment Overlay, and recommends allowing greater flexibility and alternative landscape solutions to be made available to these types of projects.

....

U:\Zoning\CODEREV\2009\BCC Hearings\2009-02 Round\3 Adoption 01-28-10\Exhibit J - Infill Redevelopment Overlay.doc

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EXHIBIT K

ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

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

CHAPTER E PRIOR APPROVALS

Section 1 General

A. Purpose and Intent

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

B. Prior Approvals

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the BCC, the ZC, the DRO, Enforcement Boards, all other PBC decision making and advisory boards, Special Masters, Hearing Officers, and all other PBC Officials, issued pursuant to the procedures established by prior PBC land development regulations shall remain in full force and effect until superseded by amendment, expiration, revocation, or abandonment. The uses, structures, lot size, site elements and the associated site design, access, intensity, density, and tabular data shown on a valid development order such as a development permit or plan that was approved in accordance with a prior ordinance shall not be subject to the requirements of this Code for any information clearly shown. This information may be carried forward onto subsequent plans if necessary to implement the previously approved plan.

1. Prior Variances, Exemptions or Waivers

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

C. Modification to Prior Approvals

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

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

The proposed modification shall comply with the current Code to the greatest extent possible in the affected area, which also includes the determination of whether the prior approval has nonconformities.

2. Modification to a Prior Approval with Nonconformities

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

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

D. Invalid Approvals

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

E. Applications In Process

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

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EXHIBIT K

ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

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

Section 2 Definitions

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

[Renumbered accordingly.]

Part 3. 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 Lot, 1.F.3, Non-Conforming Structure, 1.F.4, Non-conforming Use and 1.F.2, Non-Conforming Site Element, as follows:

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 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, to address any development restrictions unique to each overlay and to ensure overall compliance with the general intent of non-conformity provisions.

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 use of the property. The applicant will be required to submit a Vested Use Recognition Form established by the Zoning Director to confirm the use is vested.
3. An accessory nonconforming use shall not become the principal use.

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: 125 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 property Appraiser 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.

E. Total Value of Improvements

The International Code Council's 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. As an alternative

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EXHIBIT K

**ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)**

to the Building Valuation Data table, an applicant may submit other comparable guidelines adopted by law or accepted in practice by the Building Official.

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. No variance shall be permitted beyond the percentages stated in this Table.

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 (4)
Expansion				
Non-Government and Government	One time only 10% max. allowed with DRO Approval.	One time only 10% max. allowed with DRO Approval.	Comply with Code through applicable review approval process.	Comply with applicable Code to greatest extent possible through applicable review approval process.
IR-O, PRAs, LWRCC-O, WCRA-O (3)	Shall not be expanded 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.	Shall not exceed 10% max. of approved floor area of the structure or 10% of the improvement value of the structures on site, whichever is less, or other form of measures pursuant to Art.1.F.4.D.	Shall not change or increase the nonconforming features of the structure. Shall not result in the expansion of a nonconforming use.	
Notes:				
1. Nonconforming use in a nonconforming structure shall not expand.				
2. Expansion shall be based upon intensity or density pursuant to Art.1.F.4.D, Nonconforming Use.				
3. 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.				
4. Refer to Art.1.F.5, Nonconforming Site Elements for additional information.				

G. Maximum Improvement to a Nonconformity

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

1. 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 Natural Disaster Damage Repair**.
2. Maintenance – may be performed in any 12-consecutive month period.
3. 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.
4. Public utility facilities with nonconforming structures on existing sites shall not be subject to the requirements of this Chapter.
5. For additional requirements for each type of nonconformities, see applicable Sections of this Chapter.
6. No variance shall be permitted for the percentages stated in Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion.
7. Repair for non natural disaster damage shall comply with percentage pursuant to Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion.

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EXHIBIT K

**ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)**

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

Improvement Classifications	Major Nonconforming use (1) (2)	Minor Nonconforming use (1) (2)	Conforming Use in Nonconforming Structure (1)	Nonconforming Site Elements
Non-Government				
Maintenance	≤20%; By Right	≤30%; By Right	≤20%; By Right OR >20%≤30%; DRO	Comply with applicable Code to greatest extent possible through applicable review approval process. (5)
Renovation				
Natural Disaster Damage Repair				
Government (3)				
Maintenance	≤30%; By Right	≤ 45%; By Right		
Renovation				
Natural Disaster Damage Repair				
PRA's, LWRCC-O WCRA-O, IR-O (4)				
Maintenance	≤20%; By Right OR >20%≤30%; DRO	≤30%; By Right OR >30 ≤ 50%; DRO	≤30%; By Right OR ≤ 50%; DRO	
Renovation				
Natural Disaster Damage Repair				
Notes:				
1.	All percentages shall be based on the Improvement Value of the structure pursuant to Art.1.F.1.D, unless stated otherwise herein.			
2.	For nonconforming use in a conforming or nonconforming structure, the percentage of the nonconforming use shall apply.			
3.	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.			
4.	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			
5.	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.			

Section 2 Nonconforming Lot

A. Applicability

This section shall only apply to non-conforming lots that do not meet the minimum lot acreage and dimensional criteria pursuant to Table 3.D.1.A, Property Development Regulations 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]**

- a. Is depicted on either a plat of record, affidavit of exemption, or affidavit of waiver; or **[Ord. 2008-037]**
- b. Existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title; or **[Ord. 2008-037]**
- c. 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

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

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EXHIBIT K

ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

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

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

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

9 **C. Residential Development Regulations**

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

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

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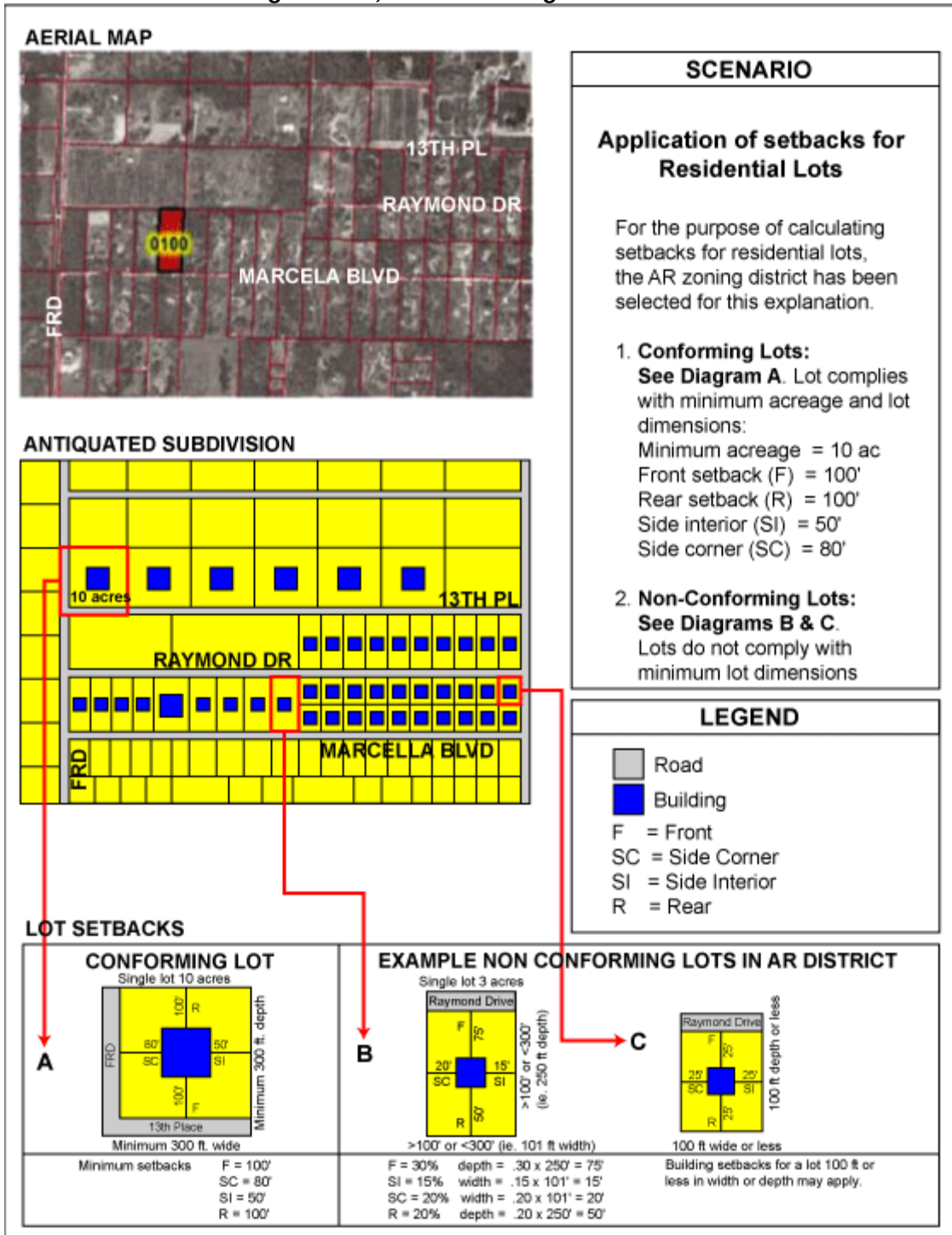
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EXHIBIT K

ARTICLE 1
 PRIOR APPROVALS AND NONCONFORMITIES
 SUMMARY OF AMENDMENTS
 (Updated 12/09/09)

Figure 1.F.2, Nonconforming Lots & Setbacks



[Ord. 2005-002]

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

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ARTICLE 1
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SUMMARY OF AMENDMENTS
(Updated 12/09/09)

- 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.

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 Natural Disaster 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:

- 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.

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ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

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]

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 under a prior code. The use has been changed to a more restrictive review and approval process 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.D, 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.

B. Change in Use

A nonconforming use shall not be changed to any other use, unless the new use conforms to this Code. A nonconforming use physically replaced by a permitted use shall not be re-established.

C. Discontinuance or Cessation

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

D. Expansion

1. Major Nonconforming Use

Expansion shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Percentage and Approval Process for Expansion.

2. Minor Nonconforming Use

A minor nonconforming use may be expanded pursuant to Table 1.F.1.F, Nonconformities - Percentage and Approval Process for Expansion, and the following:

- a. The expansion shall not exceed ten percent of the approved floor area of the structure or ten percent of the improvement value of the structures on site, whichever is less; or any other form of measure of intensity/density for the specific use such as but not limited to: beds for congregate living facilities; decks for restaurants; number of children for daycares; number of fueling stations or gas pumps for convenience store with gas sales or other traffic intensity measures.

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EXHIBIT K

ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

1 **E. Maintenance, Renovation and Natural Disaster Damage Repair**

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

5 **F. Relocation**

6 See Figure 1.F.4, Relocation and Expansion for permitted relocation of nonconformities. A
7 nonconforming use shall not be relocated.
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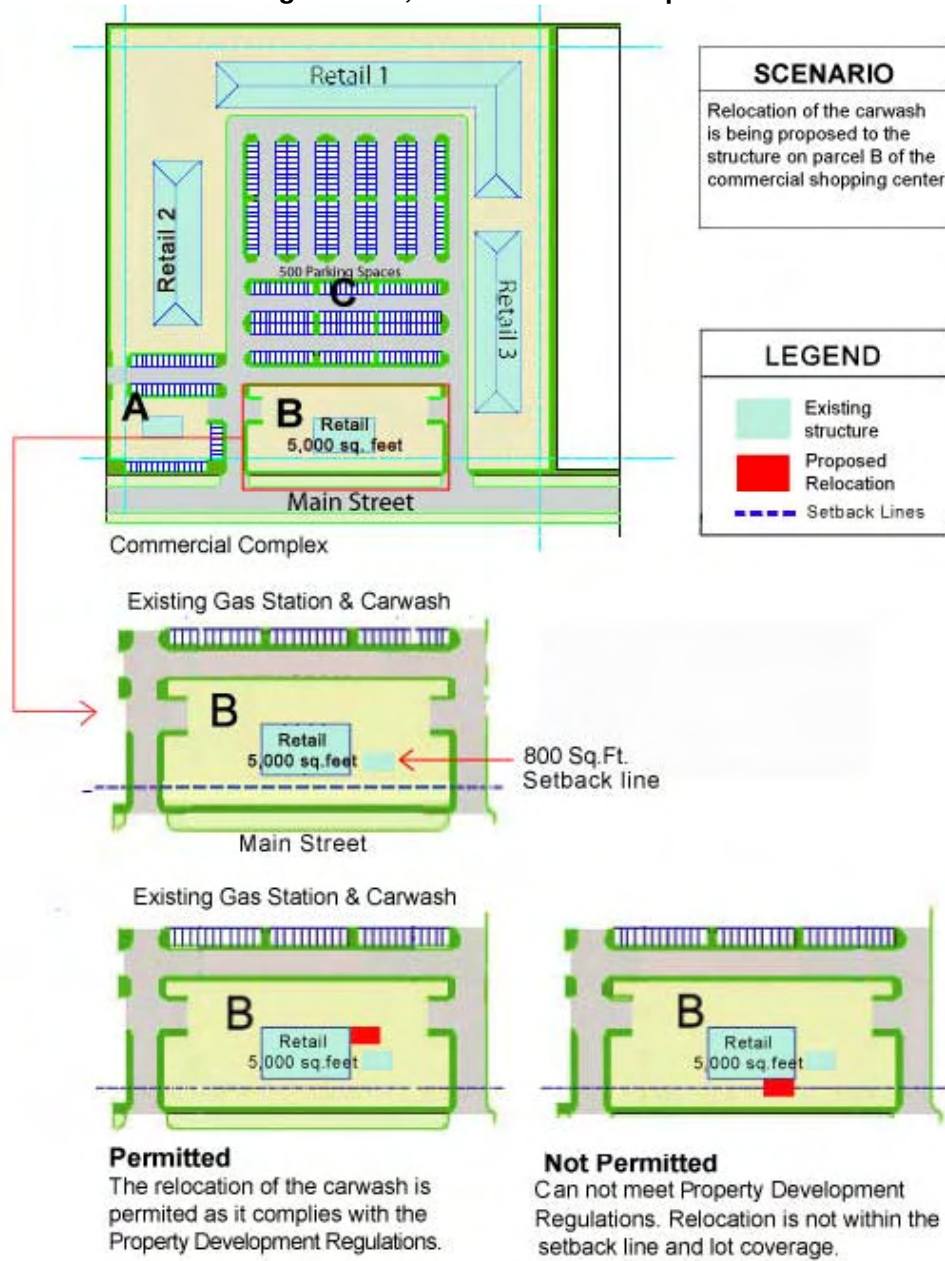
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EXHIBIT K

ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

Figure 1.F.4, Relocation and Expansion



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EXHIBIT K

ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

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.

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 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 must also be improved to comply with current Code requirements. (See Zoning Division 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 Plan.

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

Table with 3 columns: Use or Structure, Percentage, and ULDC Requirements. It details requirements for Non-Government and Government structures based on improvement percentages (>35%, >75%, >100%).

- 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.
3. Applies only to exterior renovations or additions to existing buildings and structures.

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 the following, where 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.

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EXHIBIT K

ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

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 be in compliance with 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) applicable sections of Art.7, Landscaping.

3. Sign Renovations or Additions

Approved signs as shown on plans or pursuant to conditions of an approval shall remain valid. Renovations or additions to a sign shall be in compliance with 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

Approved landscape plans 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 also be subject to Art. 14.C, Vegetation Preservation and Protection.

Part 4. ULDC, Article 1.C.4.H, Measurement, as follows:

H. Gasoline Pumps

For the purposes, any fraction of Art.1.F and Art.4.B, any fraction of the number of pumps shall be rounded upward to the nearest whole number for one half or more of a whole pump, and downward if it is less than one half of a whole pump.

....

Part 5. ULDC, Article 1.I.2.D.2 Definitions, as follows:

....

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

Part 6. ULDC, Art. 1.I.2.G.5, Definitions, as follows:

- 5. Gasoline Pump - For the purposes of Art. 4.B, a mechanism that draws gasoline from underground storage tanks. A gasoline pump may have multiple dispensers and may be installed within a fueling island adjacent to queuing spaces.

Part 7. ULDC, Article 1.I.2.I.7 Improvement Value, Definitions, as follows:

- 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. Also see Art.1.I.2.I, for definition of Improvement.

[Renumber Accordingly]

....

Part 8. ULDC, Article 1.I.2.M.3, Definitions, as follows:

....

- 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 9. ULDC, Article 1.I.2.N.9, Definitions, as follows:

....

- 9. Natural Disaster Damage - loss in structural integrity 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.

[Renumber accordingly.]

....

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ARTICLE 1
PRIOR APPROVALS AND NONCONFORMITIES
SUMMARY OF AMENDMENTS
(Updated 12/09/09)

Part 10. ULDC, Article 1.I.2.N.32-33, Definitions, as follows:

3233. Non-Conforming Use, Minor - a minor nonconforming use is a use that was legally established in a zoning district under a prior code. The use has been changed to a more restrictive review and approval process 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.

3334. Non-Conformities - for the purposes of Art. 1, uses of land, structures, lots, site elements, 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.
[Renumber accordingly.]

Part 11. ULDC, Article 1.I.2.R.23, Definitions as follows:

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

Part 12. ULDC, Article 1.I.2.S.56, Definitions as follows:

56. Site Elements - For the purposes of Art.1.E, and 1.F Site Elements shall include existing or proposed items for the site, which include but not limited to: parking, loading, outdoor lighting, landscaping, or signage.
[Renumber accordingly.]

Part 13. ULDC, Art. 4.B.18, Auto Service Station and Art. 4.B.37, Convenience Store with Gas Sales, (pages 33 and 42 of 155), is hereby amended as follows:

18. Auto Service Station
An establishment primarily engaged in the retail sale of gasoline or motor fuels. An auto service station may include accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.

g. Nonconformities
For an automotive service station with gasoline sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the ten percent limitation and approval of a Traffic Study by the Engineering Department.

37. Convenience Store with Gas Sales
A convenience store which includes accessory gasoline retail sales to the general public.

g. Nonconformities
For a convenience store with gasoline sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the ten percent limitation and approval of a Traffic Study by the Engineering Department.

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EXHIBIT L

WORKFORCE HOUSING PROGRAM
SUMMARY OF AMENDMENTS
(10/22/09)

1
2 Part 1. ULDC Art. 5.G.1, Workforce Housing Program (page 54 of 75), is hereby amended, as
3 follows:
4

5 CHAPTER G DENSITY BONUS PROGRAMS

6 The WHP, AHP or the TDR Program are the required methods for increasing density above the maximum
7 density permitted by a property's FLUA designation within unincorporated PBC, unless an applicant can
8 both justify and demonstrate a need for a Site Specific FLUA Amendment and demonstrate that the
9 current FLUA designation is inappropriate, as outlined in Art. 2.C, FLU Amendments. [Ord. 2008-003]
10

11 Section 1 Workforce Housing Program (WHP)

12 A. Purpose and Intent

13 The WHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an
14 Inclusionary WHP. The program mandates or encourages the development and equitable
15 geographic distribution of workforce housing units for Low, Moderate 1 and Moderate 2, and
16 Middle-income households, ensures a minimum affordability period, and provides for a density
17 bonus and other incentives. The program is intended to increase the supply of housing
18 opportunities for persons employed in PBC in jobs that residents rely upon to make the
19 community viable. [Ord. 2006-055]

20 B. Applicability

21 In cases of conflict between this Chapter and other Articles of this Code, the provisions of this
22 Chapter shall apply. The WHP shall apply to all new developments with a residential component
23 of 10 or more dwelling units. ~~This shall include the expansion of existing projects that add~~ For
24 existing projects proposing 10 or more dwelling units, ~~where~~ the program shall apply to those
25 units being **added**. Requirements and limitations are further defined in Table 5.G.1.B-17,
26 Workforce Housing Program. [Ord. 2006-055]

27 1. Exemptions

- 28 a. ~~Projects that target the development of units primarily limited to households having~~
29 ~~incomes that are less than or equal to 60 percent AMI, and use federal, state or local~~
30 ~~funding sources. An exemption may require the submittal of documentation indicating~~
31 ~~how income restrictions and affordability periods will be guaranteed. These projects may~~
32 ~~elect to utilize the WHP program, but any density bonus shall be subject to the~~
33 ~~requirements of Art. 5.G.1.F.1, Sector Analysis. [Ord. 2006-055] Projects utilizing the~~
34 ~~AHP shall not be subject to the requirements of the WHP.~~
35 b. All congregate living facilities (CLFs); and, nursing or convalescent facilities. [Ord. 2006-
36 055]

37 2. Limitations

38 *WHP units shall not be subject to restrictions beyond income qualifications.* [Relocated from
39 Art. 5.G.1.I.5, Limitations on Restrictions]

40 3. Income Ranges

41 There are four targeted income range categories in the WHP pursuant to Table 5.G.1.B,
42 Workforce Housing Program. Applicants shall not be required to provide units in a category
43 when the category price is greater than the median sales price for the County. These units
44 would be eligible for the In-Lieu payment pursuant to Article 5.G.1.G.4, Option 4 – In Lieu
45 Payment, or distributed equally among the remaining targeted income ranges.

46 4. When WHP and AHP Units are Proposed

47 The Planning Director shall make a determination as to which program shall be followed
48 when projects include units targeting both income groups.

49 C. Development Options

50 1. No Incentives

51 A proposal requesting no additional WHP density bonus; TDR units; WHP - TPS special
52 methodology mitigation; WHP expedited review; WHP site plan regulation options; or any
53 additional WHP incentive shall comply with the following

- 54 a. All dwelling units proposed shall be required to target households with incomes from 60
55 percent to 140 percent of AMI.
56 b. To be eligible no more than 90 percent of the total project units can be built within any
57 one of the four targeted income categories; all other units must be built in any one, or
58 any combination thereof, of the remaining three income categories.
59 c. All for sale units which includes attached and detached housing types shall be required to
60 be income restricted for a period of 7 years (non-recurring).
61 d. All units within a rental development utilizing this development option will be required to
62 be income restricted for a period of 30 years (non-recurring).

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EXHIBIT L

WORKFORCE HOUSING PROGRAM
SUMMARY OF AMENDMENTS
(10/22/09)

1 e. Projects developed under this option shall not be permitted to utilize the payment in lieu
2 of construction provisions as outlined in Art. 5.G.1.B.3, Income Ranges or Art. 5.G.1.I.6,
3 Release of Obligation to Construct WHP For Sale Units.

4 **2. Limited Incentive**

5 A proposal requesting a density bonus of less than 15 percent for projects with LR-1 thru LR-
6 3 FLU designations or less than 50 percent for projects with MR-5 thru HR-18 FLU
7 designations.

8 a. The required percentage of WHP units will also be limited to: 2.5 percent of Standard
9 Density; 8 percent of PUD Density and 17 percent of the WHP density bonus.

10 b. 50% of the required WHP units shall be set aside for low income households (households
11 that earn between 60 percent and 80 percent of the County's median income) and 50
12 percent of the required WHP units shall be set aside for moderate 1 income households
13 (households that earn between 80 percent and 100 percent of the County's median
14 income).

15 c. The WHP - TPS special methodology mitigation, the WHP expedited review, the WHP
16 site plan regulation options and any additional WHP incentives will be available if
17 requested.

18 d. All for sale units shall be income restricted for a period of 15 years (recurring). Each
19 WHP unit shall be sold, resold, or rented only to Low or Moderate 1 income qualified
20 households and the WHP restrictions remain in effect for 15 years from the date each
21 unit is first purchased or rented. In the event a unit is resold before the 15 year period
22 concludes, a new 15 year period shall take effect on the date of resale.

23 e. All units within a rental development utilizing this development option will be required to
24 be income restricted for a period of 30 years (non-recurring).

25 **3. Full Incentive**

26 A proposal requesting consideration for all available WHP incentives, as indicated in the
27 following Table 5.G.1.B, Workforce Housing Program, and following text.

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EXHIBIT L

**WORKFORCE HOUSING PROGRAM
SUMMARY OF AMENDMENTS
(10/22/09)**

1

Table 5.G.1.B-47 - Workforce Housing Program

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S <i>(including SCO), Exurban and Rural Tiers</i>
	FLU (1)	RR-20, RR-10, RR-5, RR-2.5, LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
	RR-20 LR-1 thru LR-3	0 – up to 30%
	MR-5 thru HR-18 (2)	0 – up to 100% <i>(Pre-App required for > 30%)</i>
Required % of Affordable WHP Units (3)		
	Standard Density	6 5%
	Maximum Density	20 16%
	WHP Density Bonus	40 34%
Required Affordability WHP Ranges (4) (5)		
	Low (60-80%)	25%
	Moderate 1 (> 80-100%)	25%
	Moderate 2 (>100-120%)	25%
	Middle (>120- or ≤ 150 140%)	25%
Provision of Units		
	On-site (6)	Minimum 25% of Required Workforce Units
	Off-site	Maximum 75% of any combination of options
	Option 1	Construct units off site <i>(Art. 5.G.1.G.1)</i>
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict. <i>(Art. 5.G.1.G.2)</i>
	Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost. <i>(Art. 5.G.1.G.3)</i>
	Option 4	In-lieu Payment – 50% of unit maximum <i>(Art. 5.G.1.G.4)</i>
[Ord. 2006-055] [Ord. 2007-013] [Ord. 2009-02]		
Notes:		
<p>1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]</p> <p>2. A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional Requirements for >30% Density Bonus. [Ord. 2006-055]</p> <p>3. Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]</p> <p>4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [>120-< or =150 140%]; the 2nd Moderate 2 [>100-120%]; and, the 3rd Moderate 1 [>80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055] [Ord. 2007-013]</p> <p>5. Applicants may choose to opt out of the required middle income affordability range. Where applicable, the required distribution would be equal among the low, moderate 1 and moderate 2 ranges. [Ord. 2006-055]</p> <p>a. The DRO may waive the minimum 25% on-site requirement where mandatory workforce units total ten units or less; or [Ord. 2006-055] [Ord. 2009-00]</p> <p>b. If the homes in a development are valued at 200% or more of the median County home value (as updated by HCD). [Ord. 2006-055]</p> <p>Note: This provision does not reduce the requirement to provide WHP units, and a All units not located on site shall comply with options 1 through 4 for 100% of all mandatory Workforce housing requirements of onsite units. [Ord. 2006-055] [Ord. 2009-02]</p>		

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C D. Design Requirements

1. Design

WHP units shall be designed to be compatible with the overall project, as follows: **[Ord. 2006-055]**

- a. All WHP units shall be constructed on site, unless approved otherwise in accordance with Art. 5.G.1.G.E, WHP Off Site Options; **[Ord. 2006-055]**
- b. All affordable units shall be designed to a compatible exterior standard as other units within the development or pod *phase and shall be comparable with the surrounding land uses*; and **[Ord. 2006-055] [Text relocated from Art. 5.G.1.I.5, Compatibility]**
- c. Required WHP units may be clustered or dispersed throughout the project. **[Ord. 2006-055]**

....

f. Option 1 - AR, RE and RT Districts

The zoning for parcels electing to use this option must be in compliance with Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. **[Ord. 2008-037]**

1) AR and RE Minimum Lot Size in RR FLU Designation

~~Minimum required lot size may be reduced by dividing gross acreage by the total number of permitted units to include the highest standard density permitted and any bonus units. [Ord. 2006-055]~~

2) AR FAR Calculations

~~New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation. [Ord. 2006-055]~~

3-1) RT PDR Deviations

Notes:

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1 Deviations from the minimum PDRs for the RT district with a LR 2 or LR 3 FLU
2 designation may be in accordance with Table 5.G.1.D-19, RT Deviations for WHP,
3 only for those projects that qualify for maximum density in accordance with Table 2.1-
4 1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and
5 utilize a minimum density bonus of 20 percent. **[Ord. 2006-055]**
6

Table 5.G.1.D-19 - RT Deviations for WHP ⁽¹⁾

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP	LR 2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP	LR 3	9,000 sf	65'	40%	80'	1 st Floor 10'	1 st floor – 15'
[Ord. 2006-055]								
Notes:								
ND No deviation.								
1. Eligible projects must qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use. [Ord. 2006-055]								

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....
k. Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a civic pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project: **[Ord. 2006-055]**

- 1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; ~~and or~~, **[Ord. 2006-055]**
- 2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted. **[Ord. 2006-055]**

F. WHP On-site Construction

WHP units may be located on-site in accordance with the provisions of Article 5.G.1.C, Workforce Development Alternatives; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to final DRO approval, the applicant shall identify on the plan the total number of WHP units proposed for development within each pod or phase, as applicable. The plan shall also indicate the number of units in each applicable WHP income category. In no instance shall all of the WHP units be constructed in the last stage of development (pod/phase, where applicable).

E.G. WHP Off-site Options

WHP units may be located off-site using the options listed below and in accordance with the provisions of Table 5.G.1.B-17, Workforce Housing Program; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to issuance of a building permit, or final DRO approval if applicable, all contracts or related agreements for any off-site option evidencing site control and necessary approvals shall be approved by the County Administrator, or designee. Prior to final DRO approval, the applicant shall identify the total number of WHP units proposed for development off-site including the number in each applicable WHP income category. Off-site options may be accommodated in municipalities located within Palm Beach County. **[Ord. 2006-055]**

1. Option 1 – Off-site Construction

Building permits shall be issued for a minimum of ~~50~~ 25-percent of the required WHP units to be constructed off-site prior to the issuance of ~~the first no more than 25-percent of the CO building permits~~ in the subject development. All off-site WHP units must receive CO prior to issuance of ~~no~~ more than ~~75~~ 85-percent of the CO's in the subject development. **[Ord. 2006-0455]**

- a. **WCRAO** – Off-site construction of the required WHP units within the low income range shall be limited to ten percent. **[Ord. 2008-037]**

2. Option 2 – Purchase Market Rate Units

Purchase of an equivalent number of existing market rate units to be deeded to the County or sold to eligible households and deed restricted. The developer may retain the title to off site units subject to recordation of a deed restriction that meets the intent of this provision. A minimum of 50-percent of the units must be purchased and deeded to the County or deed restricted prior to the issuance of ~~the first no more than 25-percent of the CO building permits~~ in the subject development. All market rate units shall be purchased and deeded to the County or deed restricted prior to issuance of ~~no~~ more than ~~75~~ 85-percent of the CO's in the subject development. **[Ord. 2006-055]**

3. Option 3 – Donate Buildable Land

Donation of developable land acceptable to the County in an amount equal to the buyout costs of the affected units. Donated land must be deeded to the County prior to issuance of the first building permit in the subject development. **[Ord. 2006-055]**

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EXHIBIT L

**WORKFORCE HOUSING PROGRAM
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(10/22/09)**

1 **4. Option 4 – In-lieu Payment (Prior to Issuance of First Residential Unit Building Permit)**
 2 The in-lieu payment for all WHP units shall be \$81,500 per for sale unit and \$50,000 per
 3 rental unit. The payment shall be deposited in the WHP Trust Fund maintained by the PBC
 4 Department of HCD at the time of issuance of the first residential unit building permit for the
 5 subject development deposited in a WHP Trust Fund maintained by the PBC Department of
 6 HCD.

7 **F.H. Additional Requirements for >30% Density Bonus**

8 Projects requesting a density bonus greater than 30 percent shall comply with the following:
 9 **[Ord. 2006-055]**

10 **1. Sector Analysis**

11 WHP projects, including relocated WHP units, shall be equitably distributed so that there is
 12 no undue concentration of very-low and low income households ~~housing~~. Table 5.G.1.F-20,
 13 WHP Density Bonus Guide indicates the maximum density bonus permitted and the
 14 concentration of very-low and low income housing within a sector will be one factor taken into
 15 consideration when determining the maximum density bonus permitted. Other factors to be
 16 considered include: the location of the proposed development and it's relationship to the
 17 study area; the housing type(s) proposed; if the development site is located within ¼ mile
 18 radius of a public park (neighborhood or regional park, not a golf course); civic uses
 19 (schools/libraries); a mass transit facility/route; child care facilities; medical facilities; a super
 20 market; a community commercial facility; employment opportunities; and within ½ mile radius
 21 of social services; a regional commercial facility; an industrial facility; additional civic uses
 22 and employment opportunities. Prior to submittal of a WHP pre-application, the applicant
 23 shall meet with the Planning Director or designee to establish the sector within which the
 24 distribution analysis shall be conducted. The boundaries of the sector shall be approved by
 25 the Planning Director or designee. The maximum density bonus permitted or a bonus in
 26 excess of the maximum shall be recommended by the Planning Director or designee.

Table 5.G.1.F-20 - WHP Density Bonus Guide

<u>% of Affordable Housing Very Low & Low Income Households in Sector</u>	> 50%	40-50%	20-40%	0-20%
Maximum Density Bonus ⁽¹⁾	<u>up to 40%</u>	<u>up to 60%</u>	<u>up to 80%</u>	<u>up to 100%</u>
[Ord. 2009-01]				
Notes:				
1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. [Ord. 2006-055]				

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29 **G.I. Affordability Requirements**

30 Where applicable, the required percentage, affordability ranges and provision of units, shall be in
 31 accordance with Table 5.G.1.B-17, Workforce Housing Program. **[Ord. 2006-055]**

32 **1. Sales and Rental Prices of WHP Units**

33 All required WHP units shall be offered for sale or rent at an attainable housing cost for each
 34 of the targeted income ranges. The sale and rent prices ~~may shall~~ be updated annually by
 35 the ~~County Administrator~~ Planning Director, or designee, with the sale prices based on the
 36 Area Median Income (AMI), and the household income limits for PBC (West Palm
 37 Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be
 38 adjusted based on the number of occupants, as published annually by HUD (sale price:
 39 household income figure multiplied by three and priced at the middle of each of the four WHP
 40 income categories), and rental prices based on the annual Florida Housing Finance
 41 Corporation Multi-Family Rental Figures as adjusted for number of bedrooms in WHP rental
 42 units. Any utility allowances applied against gross maximum WHP unit rents shall also be
 43 adjusted based on a number of bedrooms in WHP rental units. A chart with the sales and
 44 rent prices will be maintained and updated annually by the County.

45 **2. Master Covenant**

46 Prior to ~~final DRO approval~~ issuance of the first building permit, the applicant shall record in
 47 the public records of Palm Beach County a Covenant binding the entire project, in a form
 48 provided for by the County, which identifies each required WHP unit. ~~In the event the project~~
 49 ~~is not subject to final DRO approval, the applicant must submit a recorded copy of the~~
 50 ~~Covenant to Building Division prior to issuance of the first building permit.~~

51 **a. For Sale Units**

52 The Covenant shall include but not be limited to restrictions requiring: that all identified
 53 WHP units shall be sold, resold or rented only to low, moderate 1, moderate 2, or middle-
 54 income qualified households at an attainable housing cost for each of the targeted
 55 income ranges; that these restrictions remain in effect for 25 15 years recurring from the
 56 date of the certificate of occupancy for each unit is first purchased or designated as WHP
 57 rental unit; and that in the event a unit is resold before the 25 15 year period concludes, a
 58

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new 25 15 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited 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. [Ord. 2006-055]

b. Rental Units

The Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be rented only to low, moderate 1, moderate 2, or middle-income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a period of 30 years (non-recurring) from the date of occupancy of the first WHP unit; and that in the event a rental complex is resold before the 30 year period concludes, the new owner assumes the requirement for the number of remaining years; and the number of years remaining shall be determined by the Planning Director or his designee; and 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 a rental development with WHP housing units and every rental agreement for each WHP unit shall incorporate by reference the controlling Covenant.

3. Monitoring and Compliance

Prior to the sale, resale, or at the time of the rental of any WHP unit established pursuant to this program, the seller of a for-sale unit or the owner of a rental development shall provide the ~~County Administrator~~ Planning Director, or designee, documentation sufficient to demonstrate compliance with the WHP. Such documentation shall include but not be 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~~ Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the WHP. [Ord. 2006-055]

4. Enforcement

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, reclassification of a lesser unit to another income category, and tolling of the 25 15-year (recurring) term of for sale units or the 30 year (non-recurring) term for rental units of the WHP. [Ord. 2006-055]

5. Limitation on Restrictions

~~WHP units shall not be subject to restrictions beyond income qualifications. The limitation on restrictions may be waived by the ZC, BCC, or Planning Director, only to ensure housing for a specific target group (e.g. disabled populations) where there is a demonstrated need. [Ord. 2006-055]~~

~~**6-5. Compatibility**~~

~~The resulting development shall be compatible with surrounding residential land uses, as described herein. [Ord. 2005-002] [Relocated above to new Art. 5.G.1.B.2, Limitations]~~

6. Release of Obligation to Construct WHP For-Sale Units

It is not the intent of the WHP provisions to require a developer to commence construction on any WHP for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WHP units will be marketed in the same manner as the market-rate units within a development. In the event a WHP unit eligible for contract has been available for purchase for a period not less than 180 days and no contract has been executed during the 180 day period; or, is located within a development pod/phase in which not less than 80 percent of the for sale market rate units (i.e. non WHP units) have binding purchase contracts; then upon the later of the two aforementioned requirements having been met, that specific WHP unit is eligible to be released from the WHP obligations inclusive of release from the Covenant.

a. For Sale Units

When a WHP unit is not purchased in accordance with the provisions above, an In-Lieu cash payment shall be permitted as follows:

- 1) if the price differential between the required WHP unit and the contract price for the market rate unit is less than or equal to \$20,000, then the In-Lieu cash payment shall be \$10,000;
- 2) if the price differential between the required WHP unit and the contract price for the market rate unit is greater than \$20,000 and less than \$81,250, then the In-Lieu cash payment shall be one half (50 percent) of the difference; and,
- 3) if the price differential between the required WHP unit and the contract price for the market rate unit is greater than or equal to \$81,250, then the In-Lieu cash payment shall be \$40,750.

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The contract price of any for sale market rate unit shall be the base price of the unit and shall not include any lot premium and/or buyer purchased upgrades that are in addition to the base price of the unit. The Developer shall provide written notice to the Department of Planning, Zoning and Building requesting confirmation of the In-Lieu cash payment amount, which request shall include: a copy of the executed purchase contract between seller and purchaser denoting the purchase price of the unit, but shall not be required to submit any information relative to any lot premium and upgrades that are in addition to the base price of the unit; the project name, zoning control number, PCN, and address of the lot; and, the calculation as to the amount of the In-Lieu cash payment amount being requested.

The County shall provide written confirmation to the Developer, within ten 10 business days of receipt, as to the County's agreement/disagreement with the In-Lieu cash payment amount requested by the Developer.

Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be released from any and all obligations of the WHP requirements of the ULDC and the County shall provide written confirmation that the unit/lot has been released, inclusive of release from the Covenant. Units which are not required to be constructed pursuant to Art. 5.G.1.B.3, Income Ranges are not eligible for this reduced in-lieu payment. These units must provide in-lieu payment consistent with Art. 5.G.1.G.4, Option 4 – In Lieu Cash Payment. The County shall utilize cash payments for the express purpose of providing down payment assistance to eligible households seeking to purchase WHP units. To the greatest extent possible, the down payment assistance provided by the County shall be utilized for the purchase of WHP units from the project from which the cash payment was provided. The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD, and designated for the above referenced purpose.

b. "Available for purchase" shall be defined as:

a. written notice is provided to the Planning Director and the Department of Housing and Community Development and to a list of interested parties provided to the developer by the County that developer has a project approved which requires the construction of WHP units and the developer is ready to commence sales of the required WHP unit within the development. The written notice shall include the location of the subject property, the location of the sales office, the hours of the sales office, the floor plan and construction specifications for the WHP unit available for contract; and the pricing of the WHP unit available for contract;

b. developer shall include in the sales office displays and WHP unit promotional brochures produced as of and during the entire duration of the effective period as defined in Art. 5.G.1.I.6. Release of Obligation to Construct WHP For Sale Units, (i) and (ii) above, that certain units within the project are subject to the WHP provisions of Palm Beach County and are available for purchase for qualified households;

c. the inclusion of informational packets in the sales center for those interested in purchasing a WHP unit which provides the qualification standards, terms of the Covenant, where to go to get qualified, and other relevant information regarding the WHP units (note this packet to be provided by or approved by Palm Beach County prior to placement on the sales floor);

d. at the time WHP units become available for purchase the developer shall provide to the Palm Beach County Department of Planning, Zoning and Building proof of outreach to local housing advocacy groups and others on the interested parties list.

e. the developer acts in good faith to market and sell the unit during the effective period as defined in Art. 5.G.1.I.6. Release of Obligation to Construct WHP For Sale Units, above.

7. Event of Default of for sale WHP unit following execution of binding contract:

In the event of default by the purchaser of a for sale WHP unit after execution of a binding contract and prior to closing, the developer shall be permitted to provide the In-Lieu cash payment (in the amount as determined using for formula outlined in Section 5.G.1.I.6. above) and shall be permitted to be released from the WHP obligations for the defaulted unit, inclusive of the release from the Covenant, upon the later of either of the two events having occurred:

a. the first inspection of the WHP unit subject to the default occurred not less than one hundred and eighty (180) days prior to the request to provide the In-Lieu cash payment; or

b. the WHP unit subject to the default is located within a development pod/phase in which not less than 80% of the for sale market rate units (i.e. non WHP units) have binding purchase contracts. The Developer shall provide written notice upon the event of default on a required WHP unit to the Palm Beach County Department of Planning, Zoning and Building, the Department of Housing and Community Development and to the list of interested parties indicating that:

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- 1) a default occurred on a required WHP unit;
- 2) the specifics of the defaulted lot (WHP income category, location of the project, PCN for the WHP unit, WHP price of the unit, square footage of the unit, and floor plan of the unit); and,
- 3) that the unit remains available for purchase to an eligible WHP household until such time as an In-Lieu cash payment is made pursuant to the later of the two timing mechanism having been met.

HJ. Annual Report

The Executive Director of PZB shall submit an annual report to the BCC indicating the status of the WHP. [Ord. 2006-055]

Part 2. ULDC Art. 12.G.6, Workforce Housing (page 30 of 62), is hereby amended, as follows:

CHAPTER G AFFORDABLE HOUSING

Section 6 Workforce Housing and Affordable Housing

A. Workforce Housing Program (WHP)

TE Policy 1.2-b of the Plan allows special methodologies to be applied for WHP projects. The projects net trips associated with the non-WHP units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level-of-service (including Florida Strategic Inter-modal System [SIS]). The project's net trips associated with all remaining residential units of the project (including WHP units) shall be subject to a 5% of adopted level-of-service significance level in determining compliance with TPS. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities. [Ord. 2005 – 002] [Ord. 2006-055]

B. Affordable Housing Program (AHP)

TE Policy 1.2-b of the Plan allows special methodologies to be applied for AHP projects. The project's net trips associated with the units attributable to the standard density and all non residential land uses shall be subject to the 1% of adopted level-of-service significance level. The project's net trips associated with the entire project (including any bonus density units) shall be subject to the 5% adopted level-of-service significance level in determining compliance with the Traffic Performance Standards. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities.

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