



**2009 INFILL/REDEVELOPMENT PROJECT  
INFILL/REDEVELOPMENT TASK FORCE (IRTF) MEETING – AGENDA  
WEDNESDAY, APRIL 8, 2009, 2:00 – 4:00 P.M.  
PLANNING, ZONING AND BUILDING  
VISTA CENTER 2300 NORTH JOG ROAD  
2<sup>ND</sup> FLOOR CONFERENCE ROOM VC-2E-12**

**A. CALL TO ORDER**

1. Roll Call
2. Amendments to the Agenda
3. Motion to Adopt the Agenda
4. Adoption of December 17, 2008 Meeting Minutes (*Exhibit A*)

**B. FOLLOW-UP TO MARCH 24, 2009 BCC WORKSHOP**

1. BCC March 24 Workshop Presentation
2. Review White Paper
3. Discuss Approval Process and BCC Direction

**C. NEXT MEETING TOPICS**

**D. ADJOURN**



**EXHIBIT - A**  
**DRAFT**

**INFILL/REDEVELOPMENT TASK FORCE (IRTF)**  
**A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

**MINUTES OF THE DECEMBER 17, 2008 SUBCOMMITTEE MEETING**  
**PREPARED BY EILEEN PLATTS, ZONING SECRETARY**

On Wednesday, December 17, 2008 at 2:00 p.m. the Infill/Redevelopment Task Force (IRTF) met in the First Floor Conference Room (VC-1E-60), at 2300 North Jog Road, West Palm Beach, Florida.

**A. CALL TO ORDER**

**1) Roll Call**

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

**Members Present**

Wendy Tuma – Chair  
Joni Brinkman – Vice Chair  
Jim Knight – LDRAB/BCC Dist.4  
Raymond Puzzitiello – LDRAB/GCBA  
Jeff Brophy – Architect  
Ron Last – LDRAB/FES  
Edward Wronsky – LDRAB/AIA  
Jose' Jaramillo – Architect  
Bradley Miller – Planner

**Members Present - 9**

**Professional Staff Present:**

Rebecca Caldwell (Building)  
William Cross (Zoning)  
Joanne Koerner (Land Development)  
Maryann Kwok (Zoning)  
Dana Little (TCRPC)  
Anthea Gianniotis (TCRPC)  
Edward Nessenthaler (Planning)  
Eileen Platts (Zoning)  
Gerry Gawaldo (Palm Tran)

**Members Absent**

Joanne Davis – LDRAB/BCC Dist.1  
David Carpenter – LDRAB/BCC Dist.2  
Barbara Katz – LDRAB/BCC Dist.3  
Steven Dewhurst – LDRAB/AGCA  
Wes Blackman – LDRAB/PBC Plan Cong.  
Chris Roog – Gold Coast Builders Assoc.  
Ken Tuma – Engineer  
Katharine Murray – LUAB  
Nancy Lodise – Interested Citizen  
Rick Gonzalez – Architect

**Members Absent - 10**

**Other:**

Ashlee Zeller (Zoning)  
Lorraine Cuppi (Zoning)  
Thuy Shutt (WCRAO)  
D.G. McGuire (Zoning)

**2) Amendment & Motion to Adopt Agenda**

Wendy Tuma asked if any of the staff had any Amendments to the Agenda. There were no amendments. The motion passed unanimously (9-0).

**3) Adoption of November 5, 2008 Minutes (*Exhibit A*)**

Edward Wronsky made the motion to adopt the November 5<sup>th</sup> Minutes, Jim Knight seconded the motion. The motion passed unanimously (9-0).

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**B) ILLUSTRATIVE PLAN**

Maryann Kwok started by stating that the current ULDC already uses the terminology “Regulating Plan” so to avoid confusion we now call it the “Illustrative Plan” which is actually a floating Master Plan. The Illustrative Plan is a graphic concept of the Purpose and Intent of the Infill Redevelopment that will describe in detail the components of the Block Structures and Building Types. She informed the members that the Treasure Coast Regional Planning Council is working on the Illustrative Plan using a real location; the area is approximately ½ a mile north and south of Lake Worth road and ½ a mile east and west of Military Trail.

Bill Cross described the Illustrative Plan as a road map to how to use the Infill Redevelopment Code, which will address small parcels as well as how to implement larger parcels as block structure.

**C) BLOCK STANDARDS ~ POWERPOINT PRESENTATION**

Bill Cross explained that what we will discuss today is Walkability, Streets, and Sustainable Neighborhoods. He referred to Policy 1.2.1 of the Comp. Plan that mandates that the buildings be pushed up to the streets, create sustainable walkable neighborhoods and mandates/encourages more of a Traditional Neighborhood Development type commercial development style. Staff wants to encourage sustainable developments which are a multi modal use, establish connectivity standards, create developments that have a sense of place, and minimize adverse impacts of automobile traffic patterns in commercial development on existing adjacent residential communities.

Bill explained that with Block Standards we are talking about alleys and streets with on-street parking, street trees, and a pedestrian sidewalk that is separated by the street trees. Also, Block Dimensions, Parking lot access and placement, connectivity to adjacent parcels and building placement. He stressed that a majority of the IR-O comprised of is smaller parcels and they won't be subject to Block Standards, but there will be some alley requirements and they will share the same components of different sections of the IR-O for building placement, parking access and placement. He explained that with Block Standards there is maximum length, minimum length and perimeter length. Any property that doesn't trip those requirements will be exempt.

Bill referred to Baldwin Park as being what we would want to have for a block structure. It has all of the elements we are talking about, a block with streets on all sides which have sidewalks, street trees and on-street parking. The intent is to ensure that the block structure stays intact and the vehicular crossings and pedestrian realms are kept separate.

**Q & A:**

Rebecca Caldwell asked that if there is an established maximum size for a block and someone acquires all of the properties on an existing block, do they have to put a street in the middle if it is too big. Maryann answered yes, anything that triggers that threshold of the block they would have to meet that requirement but there are scenarios that might make you exempt for example if your lot is less than 2 acres. Rebecca then asked if the parking is in the back and the building is fronted to the back but there was a requirement on which buildings have to front the road will they have to have main access from the parking area and the road. Maryann explained that yes they would have to have double access points from the parking and the front. Ed Wronsky stated that it is sort of a hardship on small parcels. Jim Knight stated that it would be a hardship on large parcels as well. Maryann stated that there are 5 building types for example the block building, the courtyard building, and the laminated building. One of those types does not require double access points. Bill stated that with Block Standards the buildings will have to be placed to front a street and have a certain methodology of entrances or glazing to make the pedestrian feel safe while walking down the street. Jim stated that glazing is more reasonable for large parcels.

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Bradley Miller stated that there has to be some flexibility with the size requirements. Maryann agreed that in terms of the range there should be some kind of flexibility.

**D) BUILDING STANDARDS (CONT'D FROM 11-5-08)**

Building entries/accessibility – make sure provision/location of building entries will not become a burden to the applicant, i.e. meeting requirements of building to be placed at street front with main entrance and parking at rear; and applicant may require to provide 2 entrances for a tenant-security/\$ burden.

Building depth/tenant bays - threshold to require pedestrian connectivity between front/rear. Most commercial bays are approx. 70 feet in depth.

Threshold of blocks/provision of streets – Staff mentioned based on FBCI and TDD codes, the recommended max. block length is 500/660 feet and block size is 2 or more acres. Task Force indicated that make sure it is not a burden to applicant if the site is barely over 2 acres, and is required to meet block and street requirements. Must provide flexibility. May want to look at more than the immediate adjacent properties when asking for blocks/streets/alleys.

Streets/Alleys – Staff explained street requirements and 2 concepts of alleys. Task Force indicated the need to further clarify streets (does it include public/private/alley/access easement, etc.). Staff explained that it could be an access way/internal drive within the site that is developed to look and function as a “street”. Staff will work with Land Development Division to further explore the street/alley concepts.

Stub streets/connectivity between properties – Task Force suggested to build in exemption/flexibility when asking for stub streets, i.e. if the rear of a commercial site is residential with existing homes, existing residential FLU/ZD, then the applicant should be exempt from providing stub streets (unless residents want the connection?). Staff explained Stub Street is not a new concept, Planning Division is asking for connectivity via BCC condition. There is a need to start somewhere to establish connectivity. Task Force suggested connectivity should include not just vehicular but pedestrian.

Existing Commercial corridors – Task Force indicated that there are already existing grids in some of the corridors such as Military and Congress, ask staff to work with existing situations. Average lot depth is 250 feet and may not be necessary to create another street. Ask staff to use existing commercial corridors to truth proposed code requirements.

Location of loading/service areas – PGA Commons as an example, need to identify some streets/alleys could be utilized for loading/servicing.

Architectural features – ideas on treating blank walls, glazing/art etc.

1. Mass Transit (prepared by Gerry Gawaldo)
  - a. The West Palm Beach Regulating Plan has been changed. PBC is currently constructing the WPB Intermodal Transit Center on the County owned property bounded by Banyan, Clearwater, and the Tri-Rail Tracks. The east-west through streets have been abandoned. The new WPB ITC should be operational in May 2009.
  - b. The Street and Alley standards and the Dimension & Speeds standards are fine for residential and pedestrian traffic, but if they will not work if a transit consideration is anticipated. Our Transit Design Manual on our web requires a 55-foot turning radius and a desired 12 –foot travel lane. Standard buses are 40 foot in length without the bike rack and 102 inches wide (8.5 foot) without the mirrors. The minimum usable bus travel lane is 11-feet. Please note that we anticipate articulated buses on the major corridors in the future. They are 65-70 feet long but have the same travel lane and turning radius requirements as the 40-foot buses. Once again, if a transit consideration is anticipated, then we will have to be accommodated.

The bulb outs shown in the Streetscape Features and Implementation of Policy 1.2-I should take into consideration ADA (current and impending) and centerline requirements for both front and

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rear door bus boarding and alighting. These requirements are also outlined in our Transit Design Manual and to a lesser extent in Article 5 of the ULDC (see Figure 5.H.2.b for minimum Typical ADA Bus Stop Requirements, 10-foot by 30-foot Bus Stop Boarding and Alighting Area with typical Bus Shelter Alignment, and Bulb out with Typical Bus Shelter Alignment).

**E) ADJOURNMENT**

The Infill/Redevelopment Task Force meeting adjourned at 3:55 p.m.

**PBC ZONING DIVISION  
INFILL/REDEVELOPMENT OVERLAY (IR-O) PROJECT  
SUMMARY WHITE PAPER**

**INTRODUCTION**

The Infill and Redevelopment Overlay (IR-O) 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 (see attached maps). 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 IR-O 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 IR-O 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. Facilitate commercial revitalization in the Urban/Suburban Tier, by incrementally retrofitting commercial corridors and isolated land uses with sustainable development that creates a sense of place, improved streetscapes and integration into the surrounding community;
2. Implement the Goals, Objectives and Policies of the Comprehensive Plan that mandate sustainable, walkable urban/suburban redevelopment;
3. Accommodate TCRPC regional goals, along with other State and Federal requirements that address future growth management challenges and problems (e.g. TCRPC Strategic Regional Policy Plan);
4. Utilize Smart Growth and Form Based Coding principles to establish standards that create a predictable built form that improves the streetscape and relates to the pedestrian realm (e.g. storefronts, street trees, sidewalks, and other public use areas and amenities);
5. Advocate walking, cycling and mass transit as viable alternatives to automobile use;
6. Foster interconnectivity between non-residential and other non-residential or residential uses;
7. Foster sustainability by integrating the social, economic and ecological needs of the community with overall regional and national policy;
8. Mitigate adverse impacts of commercial development to surrounding residential uses and the community as a whole;
9. Promote commercial and residential mixed use;
10. Respect market realities, industry trends, and property rights;
11. Address multi-disciplinary regulatory and development review processes;

12. Offer property development incentives that will encourage developers or business owners to utilize the IR-O (e.g. reduced setbacks, reduced parking, increased FAR, enhanced landscaping to increase efficiency in uses of properties);
13. Streamline the development review process; and,
14. Establish a Countywide Redevelopment Overlay within the Urban/Suburban Tier that unifies multiple redevelopment efforts such as the Westgate/Belvedere Homes CRA Overlay (WCRA-O) and the Urban Redevelopment Area (URA) by bridging goals while allowing for similar benefits outside of such areas.

## STRATEGIES FOR REDEVELOPMENT

The foundation of the IR-O 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. **FLOATING REGULATING 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 IR-O, 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.

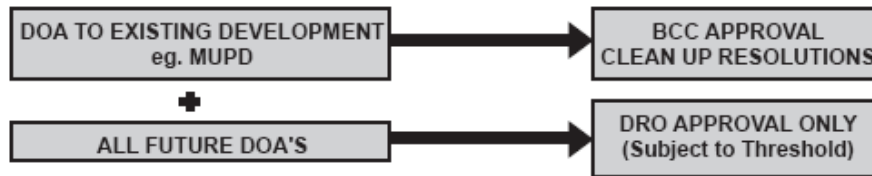
Option 1      Infill or redevelopment using existing ULDC development standards and use regulations.

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.

**SCENARIO ONE - REQUIRE 1 TIME BCC APPROVAL**

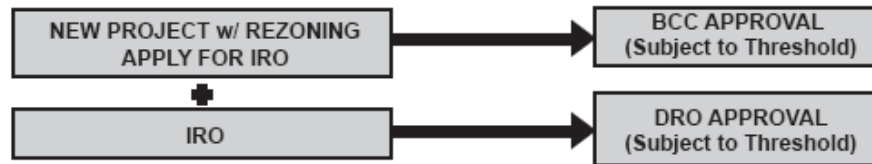


**SCENARIO TWO - REQUIRE NO BCC APPROVAL**



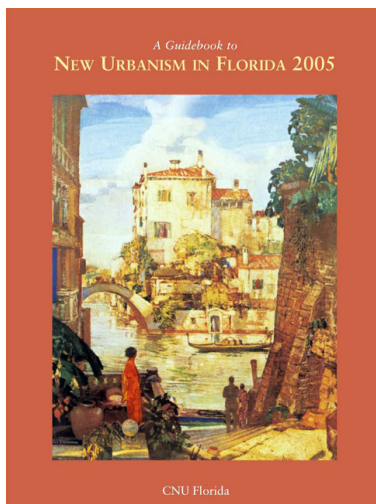
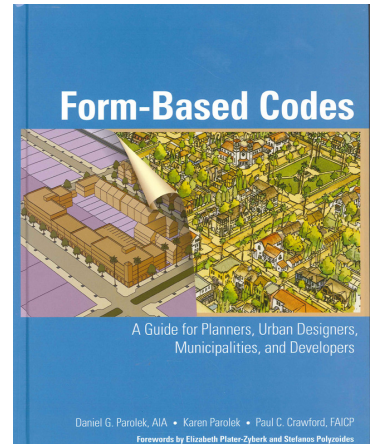
\*May affect and need code for change in WFH, TDR, etc.

**SCENARIO THREE - REQUIRE BCC APPROVAL**



**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 are 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)**

A kick-off meeting for the IR-O project was organized in February 2008, and an Infill Redevelopment Task Force (IRTF) was created consisting of members of various land development related industries and interested parties. The Task Force is a subcommittee of the LDRAB, 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. At this stage, several IRTF meetings were held from March to December 2008 to discuss different topics ranging from visioning of the IR-O, predictable review/approval process; street cross sections; drainage; traffic; blocks; building types and building placements.

### **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 IR-O 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

At this stage, the TCRPC is preparing an Illustrative plan for a specific area of the County (intersection of Lake Worth Road and Military Trail), the function of this plan is to provide dimensional information that is used to test different site conditions against the objectives of the IR-O. The plan will consist of a series of detailed site plans of individual lots to demonstrate that the IR property development requirements such as setbacks, frontage roads, rear parking and

how they will physically placed and fitted in different sites. The illustrative plan is a tool to assist staff in truthing the IR-O vision. This will serve as a basis for a Floating Regulating Plan that will apply to each parcel of land to be developed with an IR-O.

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**

**Table 4.A.3.A-1 - Use Matrix Continued  
FOR SITE WITH AN IR-O\***

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	C H O	C G	C R E	I L		I G	P O	I P F
				R S A	U S A															
Commercial Uses																				
Adult Entertainment														S		S	S			2
Auction, Enclosed		P									B			D	D					16
Auction, Outdoor		P												A	A	A	B			16
Auto Paint or Body Shop														A		P	P			17
Auto Service Station											A			A		B	D			18
Bed and Breakfast				S	S	S	S	S							S					20
Broadcast Studio											<u>D*</u>	<u>B</u>	<u>D*</u>	D	D		P			21
Building Supplies											<u>A</u>	<u>B</u>		<u>D*</u>		D	P			22
Butcher Shop, Wholesale														A		P	P			23
Car Wash											<u>A</u>	<u>B</u>		<u>D*</u>		D				25
Catering Service									<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				26
Contractor Storage Yard (IND use?)																D?	P?			35
Convenience Store									<u>A</u>	<u>B</u>	<u>D*</u>			P						36
Convenience Store with Gas Sales											A			<u>A</u>	<u>B</u>					37
Day Labor Employment Service														A		D	P			41
Dispatching Office														B		P	P			42
Dog Daycare											<u>A*</u>			<u>A</u>	<u>B</u>	P				43
Financial Institution									D	D	<u>A</u>	<u>A</u>	<u>A</u>	<u>D*</u>						55
Flea Market, Enclosed														B						57
Flea Market, Open														A	A	B				58
Funeral Home or Crematory											A			A		D				59
Green Market		P							S		S			S						64
Hotel, Motel, SRO, Rooming and Boarding								A			A	B	B	D						72
Kennel, Type II (Commercial)		B												B		B	B			74-1
Kennel, Type III (Commercial Enclosed)											A			B		B	D			74-2
Kiosk									P	P	P	P	P	P	P	P				75
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037]																				
<b>Key:</b>																				
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)																				

**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	C H O	C G R E	I L	I G		P O	I P F	
				R S A	U S A															
<b>Commercial Uses</b>																				
Landscape Service		D		A								B		B		P	P		77	
<u>Laundry Services</u>										P	P	P	P	P		P	P		78	
Lounge, Cocktail										A	A	A	A	P	A				79	
<i>Medical or Dental Office</i>										D	A	P	D	P				P	D	83
<i>Monument Sales Retail</i>												A		P		P				86
<u>Office, Business or Professional</u>										P	P	P	P	P						91
<i>Parking Garage, Commercial</i>														A		P				95
<i>Parking Lot, Commercial</i>												B	B	D	P	P		P		96
Pawnshop														A						97
<u>Personal Services</u>										P	P	P	P	P	P					98
<u>Printing and Copying Services</u>										P	P	P	P	P		P				100
<i>Real Estates Sales Model, Non-PDD</i>																				102
<i>Repair and Maintenance, General</i>												A		A		P	P	P		107
<i>Repair Services, Limited</i>										P	P	P	P	P		P	P	P		108
<i>Restaurant, Type I</i>												A	A	A	A					109
<i>Restaurant, Type II</i>										A	A	D	A	D	A					111
<i>Retail Sales, Auto</i>										P		P		P						113
<i>Retail Sales, General</i>										P		P		P						114
<i>Retail Sales, Mobile or Temporary</i>		S								S	S	S	S	S	S	S	S	S		115
<i>Self-Service Storage</i>												A		A		D	D			120
<i>Theater, Drive-In</i>														A	D					128
<i>Theater, Indoor</i>										A		B		D	P					129
<i>Towing Service and Storage</i>																P	P			130
<i>Vehicle Sales and Rental</i>												A		A		A				135
<i>Veterinary Clinic</i>		D		B	B					A	A	B	B	P		P				136
<i>Vocational School</i>												A	P	P		P	P	P	A	137
<i>Work/Live Space</i>																				141

[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036] [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)

## SUPPLEMENTARY NOTES:

### 21. Broadcast Studio

An establishment primarily engaged in broadcasting visual or aural programs by radio or television to the public including cable and other television services. May also produce taped television or radio program materials. Included are commercial, religious, educational, and entertainment based television and radio stations.

### 22. Building Supplies

#### a. Retail

An establishment engaged in the retail sale of building supplies and home improvement products.

- 1) Only permitted as an accessory use in an Industrial Zoning District.

#### b. Wholesale

An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.

- 1) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.

Definition in Art.1 is identical to Art.4.B.22.

If applies for an IR-O, should allow a lower approval process.

### 25. Car Wash

A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.

#### a. Location Criteria

##### 1) Intersection Criteria

A maximum of two car washes shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004]**

##### 2) Separation Criteria

A car wash shall be separated from any other car wash pursuant to Art. 5.E.2.C.1. **[Ord. 2006-004]**

#### b. Auto Detailing

Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG district or a PDD with a CH FLU designation. **[Ord. 2006-004]**

#### c. Accessory Use

An automatic car wash shall be allowed as an accessory use to an auto service station or convenience store with gas sales when it is located on the same lot. **[Ord. 2006-004]**

#### d. Loudspeakers

No outdoor speaker or public address systems audible off-site shall be permitted. **[Ord. 2006-004]**

Should consider allowing a lower approval process and waive intersection criteria if requirements for placement of building and outdoor use zones are fulfilled.

### 36. Convenience Store

An establishment serving a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.

#### a. Floor Area

A maximum of 5,000 square feet.

#### b. CN and CC District

Shall comply with [Article 5.E.1, Major Intersection Criteria](#).

Should consider allowing a lower approval process and waive intersection criteria if requirements for placement of building are fulfilled.

In addition, further define inline or outparcel type of c-store, and allow a smaller in-line type of c-store be approved under DRO.



### 37. Convenience Store with Gas Sales

A convenience store which includes accessory gasoline retail sales to the general public.

- a. **Floor Area**  
A maximum of 5,000 square feet.
- b. **Approval Criteria**  
A convenience store with gas sales shall be subject to the approval criteria of [Art. 4.B.1.A.18.a, Approval Criteria](#). [Ord. 2006-004]
- c. **Location Criteria [Ord. 2006-004]**
  - 1) **Intersection Criteria**  
A maximum of two auto service stations and convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]
  - 2) **Separation Criteria**  
A convenience store with gas sales shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]
  - 3) **U/S Tier**  
A convenience store with gas sales with a CL FLU designation shall also comply with [Art. 5.E.1, Major Intersection Criteria](#). [Ord. 2006-004]
  - 4) **Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)**  
A convenience store with gas sales shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table. [Ord. 2006-004]
- d. **Water**  
Evidence of the protection of drinking water sources shall be provided to the Health Department prior to certification by the DRO. [Ord. 2006-004]
- e. **Parking**
  - 1) **Location**  
A convenience store with gas sales greater than 3,000 square feet in GFA shall provide one half of the required parking spaces directly adjacent to the store. [Ord. 2006-004]
  - 2) **Parking for Accessory Automatic Car Wash**  
Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]
- f. **Collocated Restaurant**  
A Type I or II restaurant may be collocated with a convenience store with gas sales subject to the use regulations applicable to the restaurant use. [Ord. 2006-004]
- g. **TMD 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]
- h. **WCRA Overlay**  
Convenience stores with gas sales are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations. [Ord. 2006-004]

Consider allowing a C-store with gas sales in a CG Zoning District through a Class B approval, if the placement of outdoor use follows the IR-O regulations, and limit the number of pumps and size of c-store. Waive intersection criteria if the parcel of land is a redevelopment site.

### 43. Dog Daycare

An establishment which provides daytime care and training for domestic dogs.

- a. **Use Approval**  
Prior to review by DRO, approval shall be obtained from PBCACC. [Ord. 2006-036]
- b. **Waste Disposal**  
A dog day care shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.
- c. **Number of Dogs**  
The number of dogs permitted shall be based on the square footage of the facility pursuant PBCACC limitations and requirements. [Ord. 2006-036]
- d. **Runs and Drop-Off**

Facilities shall be subject to the following standards:

- 1) outdoor runs, play areas, yards, etc., shall be prohibited;
- 2) adequate drop-off areas shall be provided; and
- 3) three drop off spaces measuring 12 feet by 20 feet shall be provided for every 50 dogs.

If the facility is located within an existing building in a CG Zoning District, must meet above requirements, and if no contiguous residential uses, may allow limited s.f. of outdoor runs or play areas.

Allow this facility in CC Zoning District to provide services for community, subject to IR-O ordinance if there are no residential uses contiguous to the site.

**55. Financial Institution**

An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.

**a. Development Thresholds and Approval Process**

A financial institution shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A-5, Development Thresholds and Approval Process. [Ord. 2007-013]

**Table 4.B.1.A-5 – Development Threshold and Approval Process**

Zoning District	Development Thresholds			Approval Process
	GFA		Drive-thru <sup>(1)</sup>	
CN and CLO	5,000 s.f. max	and	Not permitted	DRO
CC, CHO, and CG; CL,, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and TDDs	5,000 s.f. max	and	No drive thru lanes	Permitted by Right
CC; and, CL and CLO PDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	DRO
CG; CH and CHO PDDs; COM Pod of PIPD; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted by Right
CC, CHO and CG; CH and CHO PDDs; and TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Class A or Requested Use
<b>Ord. 2007-013</b>				
<b>Notes:</b>				
1. An ATM lane shall not be considered a drive through lane for purposes of development thresholds.				

Notes:

**b. TMD District**

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 Main Street.

Subject to IR-O ordinance, placement of Outdoor uses.

Allow lower level of approval process for big financial institution and have more than 3 drive thru lanes, subject to placement of outdoor uses.

**72. Hotel, Motel, SRO, and Rooming and Boarding House**

An establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses. [Ord. 2006-004]

**a. Commercial Districts and AZO Overlay**

If permitted by Table 3.B.2.A-1, Airport Use Regulations, Table 3.E.1.B-22, PDD Use Matrix, or Table 4.A.2.A-1, Use Matrix, or a hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU designation, or in the AZO Overlay, shall comply with the following: [Ord. 2006-004] [Ord. 2006-036]

**1) Lot Size**

A minimum of one acre or the minimum required by the district, whichever is greater.

**2) Lot Width**

A minimum of 100 feet or the minimum required by the district, whichever is greater.

**3) Sleeping Units**

A maximum of one per 1,000 square feet of lot area.

**b. RM District**

A rooming and boarding house is permitted only in the RM district with an HR FLU designation. The number of beds permitted shall be calculated consistent with a Type 3 CLF. Hotels, motels, and SROs are prohibited.

**c. CRE District**

A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU designation as a Class A conditional use.

**d. Accessory Uses**

Hotels and motels may include typical accessory uses, such as fitness centers, meeting rooms, conference centers, restaurants and lounges.

**e. Lounge**

An accessory lounge shall not exceed ten percent of the GFA of a hotel or motel. **[Ord. 2006-004]**

**83. Medical or Dental Office**

An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. **[Ord. 2005-002]**

**a. CN District**

May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

**b. Ambulatory Surgical Center**

Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory. **[Ord. 2005-041]**

**1) Floor Area**

- a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted subject to the approval process for a medical or dental office. **[Ord. 2005-041]**
- b) An ambulatory surgical center greater than 10,000 square feet of GFA is only permitted in developments with a CH FLU designation, subject to BCC approval as a Class A or Requested Use. **[Ord. 2005-041]**

**2) Elective Surgical Care**

Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute. **[Ord. 2005-041]**

**95. Parking Garage/Structure**

A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use and subject to:

- a. [Article 6.A.1.D.18, Parking Structure Standards](#); and
- b. [Article 7.G.2.F, Parking Structures](#).

What about government operated parking structure?

**96. Parking Lot, Commercial**

A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and subject to:

- a. **Parking**  
Design standards of [Art. 6.A, PARKING](#); and
- b. **Landscaping**  
[Art. 7.G, Landscape - Off Street Parking Requirements](#).
- c. **Principal Use**

Parking spaces may be rented for daily parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile working and detailing.

**d. Proximity to Residential**

A commercial parking lot shall not be located on a parcel adjacent to a residential district.

**e. Storage**

Long trailers storage of vehicles shall be permitted in the IL district if screened from view in accordance with the outdoor storage standards.

**109. Restaurant, Type I**

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. Traffic generation rates are normally in the range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. **[Ord. 2006-004]**

**a. Location Criteria**

A Type I restaurant with a drive through shall be subject to the following: **[Ord. 2006-004]** **[Ord. 2007-001]**

**1) Intersection Criteria**

A maximum of two Type I restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004]**

**2) Separation Criteria**

A Type I restaurant shall be separated from any other Type I subject to these standards, in accordance with Art. 5.E.2.C.2. **[Ord. 2006-004]**

**3) Exception**

A Type I restaurant that is designed to enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following, may be exempt from intersection and separation criteria: **[Ord. 2006-004]**

- a) Required sidewalks and related pedestrian connections fronting on the façade supporting the primary entrance shall be increased to eight feet in width; **[Ord. 2006-004]**
- b) Dumpster enclosures shall be physically connected to and architecturally consistent with the building and shall not be freestanding; **[Ord. 2006-004]**
- c) No reductions in the width of required foundation planting areas shall be permitted; **[Ord. 2006-004]**
- d) Wall signage is limited to one façade of the restaurant; **[Ord. 2006-004]**
- e) Landscape plans and architectural elevations shall be required as part of any application for a Conditional or Requested Use, or any DOA affecting the items listed herein. **[Ord. 2006-004]**
- f) Where applicable, a drive through, including queuing and by-pass lanes shall not be visible from adjacent public streets. This may be accomplished by the use of a Type 3 Incompatibility Buffer, exemplary architectural design that incorporates walls or other visual barriers a minimum of six feet in height, or a combination of the two; **[Ord. 2006-004]**
- g) Required parking shall not be separated from restaurant entrances by any means of vehicular circulation with exception of drive isles used to access those parking spaces; **[Ord. 2006-004]**
- h) The restaurant shall not have continuous vehicular circulation on all four sides. For the purposes of this Section, vehicular circulation shall include drive ways, drive aisles, or other means of internal vehicular circulation located within 50 feet or less of the building. Vehicular circulation shall not include customer parking provided for the restaurant, one-way drive-through lanes and related by-pass lanes serving the restaurant. **[Ord. 2006-004]**

**b. U/S Tier**

A Type I restaurant with a CL FLU designation shall comply with [Article 5.E.1. Major Intersection Criteria](#), unless the restaurant meets the requirements of Art. 4.B.1.A.109.c.2), Permitted by Right. **[Ord. 2006-004]**

**c. Approval Process Exceptions [Ord. 2006-004]**

**1) DRO Approval**

A Type I restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.B.1.B-21, PDD Use Matrix, Table 3.F.1.F-32, Traditional Development Permitted Use Schedule, Table 4.A.3.A-1, Use Matrix, or in an MUPD with a CL FLU designation, subject to the following: **[Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013]**

- a) GFA including outdoor dining areas does not exceed 5,000 square feet; and **[Ord. 2007-013]**
- b) The use is not located in an out parcel or freestanding building. **[Ord. 2007-013]**

**2) Permitted by Right**

A Type I restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: **[Ord. 2006-004]**

- a) GFA including outdoor dining areas does not exceed 1,500 square feet; **[Ord. 2006-004]**
- b) All district specific requirements are addressed; **[Ord. 2006-004]**
- c) The total of all Type I restaurant uses does not exceed 25 percent of the overall GFA of the development, unless it is the sole use of the property; and **[Ord. 2006-004]**
- d) The restaurant is not located in a freestanding building, unless it is the sole use of the property. **[Ord. 2006-004]**

**d. TMD District**

Type I Restaurant shall not: **[Ord. 2005-002] [Ord. 2006-004]**

- 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 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]**
- 2) Be located in an outparcel or freestanding building; with exception to restaurants in a AGR TMD where food is served cafeteria or buffet style; or **[Ord. 2005-002] [Ord. 2007-001]**
- 3) Have a drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. **[Ord. 2005-002] [Ord. 2006-004]**

**e. Outdoor Dining**

Shall comply with the principal structure setbacks.

*A Type I restaurant with a drive thru but willing to comply with IR-O placement of outdoor uses may allow to go through a lower approval process.*

**111. Restaurant, Type II**

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering. **[Ord. 2006-004] [Ord. 2007-001]**

**a. Alcohol Sales**

A Type II Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A Type II Restaurant with less than 150 seats that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to obtaining an alcoholic beverage license. The Special Permit shall be subject to the following restrictions: **[Ord. 2006-004]**

**1) Accessory Use**

Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division.

**2) Kitchen**

The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served.

**3) Floor Area**

A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales.

**4) Special Permit Renewal**

The Special Permit shall be renewed annually.

**b. Use Limitations and Approval Process**

**1) DRO Approval**

**a) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC**

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036] [Ord. 2007-013]

**b) CHO District; and PDDs with a CHO FLU**

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013]

**c) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone**

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013]

**2) Catering Service**

Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval. [Ord. 2006-004] [Ord. 2006-036]

**3) Take Out Service**

Take out service is permitted as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order service. [Ord. 2006-004] [Ord. 2006-036]

**4) TNDs and TMDs**

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**

An establishment providing retail sales of auto accessories and parts.

**a. Architecture**

Stand alone or freestanding auto accessory and parts stores contiguous to a public street or residential zoning district shall comply with [Article 5.C, DESIGN STANDARDS](#).

**b. Disposal of Motor Oil**

Auto part stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).

**114. Retail Sales, General**

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, and marine supply sales (excluding boat sales). Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

**a. TND District**

In a Neighborhood Center, general retail sales shall not exceed 5,000 square feet of GFA per establishment (40,000 square feet for a food store or 20,000 square feet for a food store when the TND is developed as part of a TTD). In a multi-family building with more than 50 units, a "corner store" is allowed, provided it does not exceed 1,000 square feet and is integrated into the building and at a corner location.

**b. TMD District**

Shall not exceed 100,000 square feet of GFA per establishment in the U/S tier, 50,000 square feet of GFA per establishment in the Exurban and Rural tiers and 65,000 square feet of GFA in the AGR. A drive-thru facility for a drug store is allowed if located in the rear of a building. Access shall be from an alley, an interior parking area, or a street not designated as a Main Street. The drive-thru facility shall be covered by a canopy or the second story of a building. [Ord. 2005-002]

**c. CN District**

Shall be limited to a maximum of 3,000 square feet of GFA per use.

**d. LOSTO**

Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit.

**e. Fireworks**

The retail sale or storage of fireworks as a principal use in any commercial district is prohibited.

**1) Exception**

Temporary sale of sparklers, subject to a special permit.

**120. Self-Service Storage**

A facility consisting of individual, self-contained units that are leased for the storage of business or personal goods.

**a. Types Permitted**

- 1) Limited-access, which is a multi-storied self-service storage facility with limited access points from the exterior of the building to interior halls that serve individual bays.
- 2) Multi-access, storage which is a one story self-service storage facility with multi-access points from the exterior of the building to individual bays.

**b. General**

All self-service storage uses shall comply with the following:

**1) Location**

A self service storage facility located in a CL FLU designation shall not be located within 1,000 feet of another self-service storage facility. [Ord. 2005-002]

**2) Limitations**

A maximum of 1,000 square feet of the rental office may be devoted to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape, and packing materials. [Ord. 2005-002]

**3) Storage Units**

Use of storage units shall be limited to the storage of goods only. Storage of hazardous goods shall be prohibited. A business may not be conducted from a storage unit. A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation.

**4) Vehicle Rental**

Vehicle rental may be permitted subject to a Class A conditional use and shall be limited to the rental of trucks and trailers used for moving and accessory uses such as the installation of hitch and towing packages, and wash facility.

**5) Security Quarters**

A security or caretaker quarters use may be allowed on the site of a self-storage facility pursuant to [Article 4.B, SUPPLEMENTARY USE STANDARDS](#).

**6) Outside Storage**

Except as provided in this Section, all goods shall be stored entirely within enclosed buildings. Open storage of recreational vehicles and dry storage of pleasure boats of

the type customarily maintained for personal use shall be permitted within a self service storage facility provided the following standards are met:

- a) **Location**  
The storage shall occur only within a designated area.
  - b) **Storage Area**  
The storage area shall not exceed 50 percent of the lot area.
  - c) **Screening**  
The storage area shall be entirely screened from view from adjacent residential areas and public streets.
  - d) **Boats**  
Boats stored on the site shall be on wheeled trailers.
  - e) **Repair**  
Vehicle repair shall be prohibited.
- 7) **Landscaping and Buffering**
- a) **Wall Option**  
A perimeter wall in the landscape buffer may be waived if all of the following standards are met.
    - (1) **Facades**  
The exterior facades of storage structures present an unbroken, wall-like appearance when seen from adjacent lots and streets.
    - (2) **Wall**  
Separate storage structures are connected by a solid opaque wall to give the appearance of structural continuity.
    - (3) **Access Isles**  
No aisle-ways or other vehicle access ways are located in the area between the building and the adjacent property line.
    - (4) **Buffering**  
The area between the building and the adjacent property line is planted as a landscape buffer with a berm or maintained as a vegetation preserve.
- 8) **Loudspeakers**  
Exterior loudspeakers, public address, or paging equipment shall be prohibited.
- 9) **Door Orientation**  
Bay doors shall not face in a residential district nor shall bay doors be visible from a public street.
- 10) **Barbed Wire**  
Barbed or similar wire shall not be visible from any residential district or public street.
- c. **Supplemental Standards for Multi-Access Facilities**
- 1) **Lot Size**  
A minimum of two acres.
  - 2) **Separation**  
A minimum of ten feet between buildings.
  - 3) **Bay Size**  
A maximum of 500 square feet.
  - 4) **Height**  
A maximum of 35 feet.
  - 5) **Circulation**
    - a) **Interior**  
The minimum width of aisle ways between storage structure shall be 20 feet for one-way traffic, and 30 feet if two-way traffic between storage structure.
    - b) **Flow**  
Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of standard directional signage and painted lane markings with arrows.
  - 6) **Door Orientation and Access**  
Bay doors and access points located on the second story or above shall be oriented toward the interior of the site.
  - 7) **CLO, CHO, CLO/MUPD, and CHO/MUPD**
    - a) **Outdoor Storage Area**  
A maximum of 30 percent of overall square footage.
    - b) **Door Orientation**  
All bay doors shall be oriented toward the interior of the site.
    - c) **Height**



A maximum of one story.

**d) Multi-Access Storage**

Multi-access storage shall not be permitted on parcels in the CLO, and CHO districts and MUPD districts with a CLO or CHO FLU designation when adjacent to a residential district.

**d. Supplemental Standards for Limited Access Facilities**

**1) Lot Size**

A minimum of one acre.

**2) Loading**

A minimum of two off-street loading spaces shall be provided at each entry into the building.

**e. CLO, CHO, and MUPD Districts**

Limited access self-service storage facilities in the CLO and CHO districts, and MUPD district with a CLO or CHO FLU designation, shall comply with the following regulations:

**1) Lot Size**

A minimum of three acres and a maximum of ten acres.

**2) Height**

A maximum of 25 feet. The portion of a facility including a security or caretaker's quarters shall be limited to two stories and shall not exceed 30 feet in height to the highest point.

**3) Signage**

One freestanding or one wall sign.

**4) Frontage**

The facility shall front on and access from an arterial or collector street.

**f. Multi-Access and Limited-Access Combinations**

A combination of multi-access and limited-access storage uses may be permitted within the same building or on the same site pursuant to the supplemental standards for both uses.

**g. WCRA Overlay**

Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.15.E-7, WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

**129. Theater, Indoor**

An establishment for showing motion pictures or live performances in an enclosed building.

**a. CRE District**

Shall not be allowed in a CRE district with an RR FLU designation.

**b. CC, CG and MUPD Districts**

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

**c. IL District**

An indoor theater exceeding three acres in the IL district shall rezone to the CRE district.

**135. Vehicle Sales and Rental**

An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

**a. Development Standards**

**1) Lot Size**

A minimum of three acres.

**2) IL District**

A minimum of one acre.

**3) Accessory Uses**

Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located a minimum of 100 feet from any residential district.

**4) Bay Doors**

Service bay doors shall not be oriented toward any adjacent property in a residential district or toward any adjacent public street.

**5) Outdoor Activities**

There shall be no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts.

**6) Sales Office**

No mobile home, recreational vehicle, or other vehicle shall be used as a sales office, storage space or as a dwelling unit.

**7) Car Wash**

Car wash facilities shall use a water recycling system.

**8) Loudspeakers**

No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.

**9) Loading Space**

Loading space shall be setback a minimum of 100 feet from an existing residential district, use or FLU designation.

**10) Parking**

Vehicles otherwise stated in this Section, all vehicular use areas for display, sale, rent, or storage shall comply with [Article 6, PARKING](#).

**b. Display**

Outdoor area storage and display areas shall be permitted, subject to the following requirements:

**1) Bull Pen Storage**

Vehicle may be stored outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. Outdoor sales and display parking shall conform to [Article 6, PARKING](#), except for space striping. Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicap parking space, driveway, queuing area, fire lane, or other vehicle circulation area.

**2) Parking**

A barrier shall be provided between vehicles or display and customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

**3) Display**

No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part.

**4) Operating Conditions**

No vehicles shall be stored or displayed on-site except those which are intended for sale, rental or lease, and are in safe operating and running condition.

**c. District and Overlay Limitations**

**1) CC, CG IL, and MUPD Districts**

**a) Truck and Trailer Rental**

Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be permitted as an accessory use to an auto service station or convenience store with gas sales subject to DRO approval. Truck and trailer rental exceeding five vehicles shall be permitted subject to requested or Class B conditional use approval. Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. No truck or trailer shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

**2) CG and MUPD Districts**

A vehicle sales and rental facility consisting of an indoor vehicle showroom only shall be allowed subject to DRO approval and the following criteria.

**a) Floor Area**

A maximum of 30,000 square feet and 15 display vehicles.

**b) New Vehicles**

Display shall be limited to new vehicles only.

**c) Test Drives**

Test drives shall not be permitted from the indoor vehicle showroom or on-site.

**d) Parking**

Vehicles for sale or lease shall not be parked or displayed outside of the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required loading spaces and shall not be stored on-site.

**e) Vehicle Operations**

Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.

**f) Maintenance and Repair**

Maintenance, repair, painting or detailing shall not occur on-site.

**3) IL District**

In the district vehicle sales and rental uses shall be limited to the following:

**a) Accessory Use**

In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each vehicle shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of walls, fences or landscaping. No vehicle shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

**(1) Display**

Vehicles on display shall be located within 100 feet of a repair bay.

**b) Automobile Rental**

Automobile rental shall be subject to Class A conditional use approval.

**c) Mobile Home, RV, and Heavy Equipment Sales or Rental**

The sale or rental of mobile homes, recreational vehicles or heavy equipment shall be permitted subject to Class B conditional use approval.

**d) Rental Equipment**

Construction equipment, moving trailer, farm equipment, and farm implement and machinery sales and rental uses shall require DRO approval.

**4) WCRA Overlay**

Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**

**d. Temporary Sale**

The temporary sale of vehicles shall be allowed as a Special Permit, and subject to the following additional standards.

**1) CG, IL, and MUPD Districts**

Temporary sale of vehicles shall be permitted.

**2) Lot Size**

A minimum of ten acres.

**3) Separation**

A minimum of 50 feet from all buildings.

**4) Duration**

Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December.

**5) Parking**

A maximum of 50 required off-street parking spaces may be utilized. No activities shall extend beyond the permitted area.

**6) Signage**

Signage shall be permitted only in the designated event area.

**7) Hours of Operation**

Hours of operation shall be from 8:00 a.m. to 9:00 p.m.

**8) Location**

There shall be suitable access to the event area, subject to Zoning Division approval.

**136. Veterinary Clinic**

An establishment engaged in providing medical care, treatment and temporary boarding for animals.

**a. AR and AGR Districts**

Shall be limited to livestock only and located on a minimum of five acres.

- b. **CN District**  
Shall not have outdoor facilities nor occupy more than 3,000 square feet of GFA.
- c. **Outdoor Runs**  
A veterinary clinic with outdoor runs or boarding facilities shall comply with the following standards:
  - 1) **Lot Size**  
A minimum of one acre.
  - 2) **Setbacks**  
Outdoor runs and boarding facilities shall not be located within 50 feet of any property line adjacent to an existing residential use, district or FLU; or 25 feet from any property line adjacent to a non-residential zoning district, use, or FLU.
  - 3) **WCRAO**  
Outdoor runs shall not be located within 25 feet of any property line.
  - 4) **Design Runs**  
Outdoor runs shall have a hard surface or grass with drains every ten feet, and shall be connected to an approved sanitary facility. A six foot high fence shall be required around the runs. If the fence is not opaque, a continuous opaque hedge, a minimum of four feet at installation, shall be provided around the run.

**137. Vocational School**

An establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.

a. **AGR, CC and CG Districts**

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

b. **AGR-PUD**

A Vocational School is not permitted.

**141. Work/Live Space**

A space within a building that is used jointly for residential, 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. **Floor Area**

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

b. **Office Space**

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

c. **WCRAO**

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