



**INFILL REDEVELOPMENT (IR) SUBCOMMITTEE MEETING
WEDNESDAY, AUGUST 5, 2009, 2:00PM – 4:00PM
2300 NORTH JOG RD, WEST PALM BEACH
2ND FLOOR CONFERENCE ROOM (VC-2E-12)**

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Amendments to the Agenda
3. Motion to Adopt the Agenda
4. Adoption of June 3, 2009 Meeting Minutes (*EXHIBIT A*)

B. REVIEW OF IRO DRAFT (*EXHIBIT B*)

C. URA UPDATES

D. ULDC AMENDMENT ROUND 2009-02 SCHEDULE

1. August 26, 2009 LDRAB: URA Amendments
2. September 23, 2009 LDRAB: LCC Amendments
3. October 21, 2009 LDRAB: IRO Amendments
4. BCC Request for Permission to Advertise – December 3, 2009

E. NEXT MEETING TOPICS (SEPTEMBER 2, 2009)

F. ADJOURN



EXHIBIT A

INFILL/REDEVELOPMENT SUBCOMMITTEE A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MINUTES OF THE JUNE 3, 2009 SUBCOMMITTEE MEETING

PREPARED BY EILEEN PLATTS, ZONING SECRETARY

On Wednesday, June 3, 2009 at 2:00 p.m. the Infill/Redevelopment Subcommittee met in the Second Floor Conference Room (VC-2E-12), at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER

1) **Roll Call**

Maryann Kwok, Chief Planner of Zoning called the meeting to order at 2:10 p.m., Eileen Platts, Zoning Secretary, called the roll.

Members Present - 9

Wendy Tuma – Chair
Joni Brinkman – Vice Chair
David Carpenter – LDRAB/BCC Dist. 2
Barbara Katz – LDRAB/BCC Dist. 3
Jim Knight – LDRAB/BCC Dist. 4
Ray Puzzitiello – LDRAB/GCBA
Bradley Miller – Planner
Jeff Brophy – ASLA
Chris Roog – Gold Coast Builders Assoc.

Members Absent - 10

Joanne Davis – LDRAB/BCC Dist. 1
Ron Last – LDRAB/FES
Jose' Jaramillo – LDRAB/AIA
Edward Wronsky – AIA
Steven Dewhurst – LDRAB/AGCA
Wes Blackman – LDRAB/PBC Plan Cong.
Ken Tuma – Engineer
Katharine Murray – LUAB
Rick Gonzalez – Architect
Nancy Lodise – Interested Citizen

Zoning Staff Present:

Maryann Kwok (Zoning)
William Cross (Zoning)
Eileen Platts (Zoning)

Other:

Chris Barry – Jon E. Schmidt & Assoc.

Other Staff:

Joanne Koerner (Land Development)
Edward Nessenthaler (Planning)
Rebecca Caldwell (Building)
Stephanie Gregory (Planning)
Houston Tate (OCR)
Audley Reid (OCR)

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

Wendy Tuma asked if anyone had any Amendments to the Agenda. Maryann Kwok explained that Bryan Davis, Principal Planner-Planning Division, was not here today so Item C will be pulled from the Agenda. Jim Knight made the motion to adopt the June 3, 2009 Agenda as amended, Barbara Katz seconded the motion. The motion passed unanimously (9-0).

3) **Adoption of May 13, 2009 Minutes – (Exhibit A)**

Wendy Tuma asked if anyone had any amendments to the May 13, 2009 Minutes, seeing there were no amendments, Raymond Puzzitiello made the motion to adopt the Minutes, Barbara Katz seconded the motion. The motion passed unanimously (9-0).

EXHIBIT A

B. ARTICLE 1.F NON-CONFORMITIES

Maryann Kwok briefed the Subcommittee Members on the amendments being made to Article 1.F Non-Conformities. She explained that most of the changes are minor (i.e. rewording and relocation of the existing language) with the exception of two major changes. The first major change is fixing the discrepancies between the Comprehensive Plan and the Zoning Code in terms of Non-Conforming Uses. The Comprehensive Plan restricts improvements to Non-conformities to 10% and based on the structure's original value; however, the ULDC has further broken down the nonconformities to major and minor and have percentage variation for improvements, and the improvement value is based on the current assessed value of the structure per the County's Property Appraiser Office. Zoning and Planning staff have met on these issues; and Planning agreed to take out the details of Non-Conforming Uses that are in the Comprehensive Plan and will reference the Zoning Code for those details instead.

Maryann stated that the second major change is to clarify the differences between Major and Minor Non-Conforming Uses. A Major Non-Conforming Use is defined as a Use that is prohibited in any Zoning District, is not allowed per current Code and is considered to be detrimental to the neighborhood. Therefore many restrictions were placed on Major Non-Conforming Uses so they can eventually be phased out. A Minor Non-Conforming Use is defined as a use that is allowed in the Zoning Code and the Use Matrix and was legally established but over time the Code has changed and requires the use to be subject to a higher level of approval process.

Maryann explained to the Subcommittee Members that the dollar amount of allowable improvements to a Non-Conforming Use/Structure comes from the Current Assessed Value of the structure being multiplied by the percentage allowed on Table 1.F.1.F. Discussion focused on which value should be used to calculate the percentage of allowable improvements to a Non-Conforming structure, should it remain the Assessed Value or would the Market Value of the structure be the better way to go and if the Contractor that is working on that project could provide the Current Assessed/Market Value for the Structure. Staff will look into this option.

Maryann informed the Members that the next step will be to go through Art. 1.E, Prior Approvals and will possibly combine certain sections of this article to Art. 1.F.

C. URA UPDATE

Bryan Davis, Principal Planner, Planning Division was out today so this item was pulled. Bryan will give an update on the URA at the July 1st Meeting.

D. NEXT MEETING TOPICS

Update on the URA, Review; Purpose and Intent, Use Regulations, and Use Approval.

E. ADJOURNMENT

Wendy Tuma asked if there was a motion to adjourn the meeting, Joni Brinkman made the motion to adjourn, and Raymond Puzitiello seconded the motion. The motion passed unanimously (9-0).

The Infill/Redevelopment Subcommittee meeting adjourned at 3:45 pm.

EXHIBIT B

ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT

Part 1. ULDC, Art. 5, Overlays (page of), is hereby amended as follows:

Reason for amendment: [Zoning] Adopt new Art. 5.X, Infill Redevelopment Overlay. See attached White Paper.

CHAPTER X INFILL REDEVELOPMENT OVERLAY (IRO)

SECTION 1 INTRODUCTION (WCross)

A. PURPOSE AND INTENT

- The purpose and intent of the Infill Redevelopment Overlay (IRO), is as follows:
1. Establish optional infill and redevelopment regulations to facilitate revitalization of commercially designated lands...
2. Offer property development incentives that will encourage developers...
3. Implement the Goals, Objectives and Policies of the Comprehensive Plan...
4. Utilize Smart Growth and Form Based Coding principles...
5. Advocate walking, cycling and mass transit as viable alternatives to automobile use.
6. Promote interconnectivity between non-residential and other non-residential or residential uses;
7. Promote sustainability by integrating the social, economic and ecological needs...
8. Mitigate adverse impacts of commercial development...
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. Streamline the Zoning development review process.

Comment [w1]: Presented to BCC at March Workshop, reviewed by IR Subcommittee several times, and edited by JM and MK. 99% done.

Comment [w2]: Continue to reiterate "optional."

Comment [mmk3]: Somehow this has not be touched upon throughout the ordinance.

B. HOW TO USE THIS CODE

A basic explanation of how to use the IRO is provided below. If any newly proposed use or project cannot comply with the requirements of the IRO – stop and either reference the prior approval for the site, or go to the applicable regulations of the ULDC for the parcels FLU and Zoning district.

- 1. STEP 1 – NEW IRO PROJECT OR USE
a. For a new IRO project, go to Step 2, or
b. For any new use to be located in a previously approved IRO project, proceed to Step 3.
2. STEP 2 – APPLICABILITY
Check that the subject parcel meets all of the applicability standards, and for parcels having prior BCC approvals, ascertain if an ABN, DOA or rezoning will be required.
a. If eligible and no ABN, DOA or rezoning is required, go to Step 3, or
b. If eligible and an ABN, DOA or rezoning is required – stop, no further action can be taken without BCC approval, check Step 3 and proceed to Step 4.
3. STEP 3 – USE STANDARDS
Verify if each proposed use is permitted, and check to see if any other development thresholds are exceeded, and apply one of the following:
a. If BCC approval is required – go to Step 4, or
b. If part of a new project and permitted by right, proceed to Step 5, or
c. If located in a previously approved IRO project and permitted by right, then apply one of the following:
1) If the use is not identified on the DRO approved plan, proceed to Step 5, or
2) If the use is identified on the DRO approved plan, proceed to Step 10.
4. STEP 4 – BCC APPROVAL REQUIRED
If at any time, it is determined that BCC approval is required – stop, verify that the proposed project or use will comply with the steps below, ascertain if additional BCC approvals are required, and refer to Art. 2.B, Public Hearing Approvals before proceeding further.
Examples of projects requiring BCC approval include but are not limited to:
a. Re-zonings to a commercial district, or to be consistent with FLU designation;
b. Prior Approvals to address prior conditions, representations, site design or other;
c. Use Approval required per Use Standards; or

Comment [w4]: At this point – the draft IRO is too long. Unless shortened significantly – this must be relocated outside of the ULDC.

Bill: we need to draw this out.

Comment [mmk5]: I agree, it may need to be in a flow chart, I find this hard to follow. I attempt to walk these steps via a flow chart. Will have Eileen work on several charts. Also take this out of the IR ordinance. I have simplified this in another document.

Notes:

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Language crossed out indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
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EXHIBIT B

ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT

- 1 d. Thresholds for height, number of stories exceeded.
2 5. STEP 5 – DETERMINE STEPS FOR ADMINISTRATIVE APPROVALS
3 Once a project site and proposed uses are determined to be eligible, or where requisite BCC
4 approval has been obtained:
5 a. If the use is in a new project, go to Step 6, or if the use is to be located in an existing IRO
6 approved project, but includes new structures or outdoor uses not shown on the DRO
7 approved plan, go to Step 6, or
8 b. If the use is to be located in an existing IRO approved project and located within a
9 previously approved structure, verify compliance with Steps 6 - 10, and proceed to Step
10 11.
11 6. STEP 6 – IRO STANDARDS
12 Verify compliance with or apply all applicable IRO standards, before proceeding to Step 7.
13 a. Use Standards
14 Verify that proposed uses are permitted, or where applicable, BCC approval has been
15 granted.
16 b. Floating Regulating Plan
17 Apply transect zones (TZ) and verify perimeter street frontage types.
18 c. Block Standards
19 Where applicable, introduce blocks, streets or alleys.
20 d. Building Standards
21 Verify building types permitted by TZ, and uses permitted by floor.
22 e. Pedestrian Realm Standards
23 Verify streetscape types and other pedestrian walkway requirements, landscaping, and
24 where applicable, introduce usable open space areas.
25 f. Parking Standards
26 Verify number of parking spaces and loading zones required, and determine placement
27 of related drive isles, access points to streets and alleys, and landscaping.
28 g. Street Standards
29 PENDING - update to Land Design Guidelines Manual or definition of allowable street
30 types and dimensions.
31 7. STEP 7 – APPLY OTHER APPLICABLE ULDC STANDARDS
32 Verify that the project or uses are in compliance with all applicable ULDC requirements
33 before proceeding to Step 8.
34 8. STEP 8 – APPLY OTHER APPLICABLE DEVELOPMENT STANDARDS
35 Verify that the project or uses are in compliance with all other agency requirements (e.g.
36 FBC, SFWMD, etc.) before proceeding to Step 9.
37 9. STEP 9 – DRO APPROVAL
38 Submit application to DRO for FSP or FSBP approval, or amendment to such, before
39 proceeding to Step 10.
40 10. STEP 10 – OTHER APPROVALS
41 Comply with any requirements for subdivision approval, building permits, or any other
42 applicable reviewing agency processes or licensing requirements, as applicable, before
43 proceeding to Step 11.
44 11. STEP 11 – APPLY FOR BUSINESS TAX RECEIPT
45 Upon completion of Steps 1 through 10, application for Business Tax Receipt may be made.

Comment [w6]: New title?
It is now Streetscape and Landscape Standards

Comment [mmk7]: Need a meeting with Eng
staff to discuss status of these standards.

SECTION 2 APPLICABILITY

- 47 A. GENERAL
48 The provisions of the IRO are optional. An applicant may elect to use the IRO regulations for
49 parcels that meet the following criteria:
50 1. BOUNDARIES
51 Parcels shall be located in the U/S Tier, defined as that area being located within the USA, as
52 depicted on Map LU 2.1 Service Areas, of the Plan.
53 2. OTHER OVERLAYS
54 The IRO overlaps several other zoning overlays, as such, the following shall apply:
55 a. The IRO shall not be permitted in the IOZ, NBOZ, SCGCFO, URAO, or SR7 EDO;
56 b. The IRO shall not be permitted in the WCRAO, with exception to the UH sub-area;
57 c. The IRO may be used in the WCRAO UH sub-area provided all applicable sub-area
58 specific provisions are retained; and,
59 d. The IRO may be used in conjunction with the COZ, GAO, LOSTO, LWRCCO, NEO,
60 PBIAO, and TAPO, provided that where there is a conflict between the provisions of the
61 IRO and another overlay, the provisions of the other overlay shall prevail.
62 3. FLU DESIGNATION AND ZONING DISTRICTS
63 Eligible parcels shall have a CL-O, CL, CH-O or CH FLU designation, in combination with a
64 CN, CL-O, CC, CH-O, CH, IRO or MUPD Zoning district. An IRO project may have multiple
65 FLU designations or Zoning districts.

Comment [w8]: Add IRO district if we decide
to use as both a Zoning District and Overlay?

Comment [w9]: KEEP THIS
PLACEMARKER: The ability to apply the IRO
to a portion of an overall parcel with other
development pattern can be accommodated by
phasing, or may be reconsidered in a future
phase.

Comment [w10]: Pending final naming
convention from Planning?

Comment [mmk11]: Do we need to tie it with
a COZ, IRO projects can be subject to
conditions authorized by the BCC or DRO?

Comment [mmk12]: Good point, should this
also apply to b?

Comment [mmk13]: May need to either
explain further or introduce that there is IR could
be applied as an Overlay or a Zoning District.

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EXHIBIT B

**ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT**

a. Zoning/FLU Designation Compatibility

Use of the IRO shall be deemed to make any eligible Zoning District consistent with any eligible FLU designation provided that the lesser of a parcels FLU designation(s) or Zoning District equivalent shall regulate IRO use, density, intensity or any other FLU regulated standard within the IRO. The determination of zoning equivalent shall be made in accordance with the following table:

TABLE 5.X.2.A – ZONING/FLU EQUIVALENT

| ZONING DISTRICT(S) OF SUBJECT SITE | MAXIMUM FLU DESIGNATION APPLICABLE | | | |
|---|------------------------------------|-----|-----|-----|
| | CL | CH | CLO | CHO |
| CL-O | | | X | |
| CH-O | | | | X |
| CN | X | | X | |
| CC | X | | X | |
| CG | X | X | X | X |
| IR OR MUPD | (1) | (1) | (1) | (1) |
| [Ord. 2010-...] | | | | |
| NOTES: | | | | |
| 1. Not applicable, apply FLU designation(s) for subject site. | | | | |

Comment [mmk14]: Not clear, but clear when I read BC's explanation, that means we need to further clarify this sentence or provide an example.

Comment [w15]: Examples: 1) CG with CL FLU shall be regulated by using the site's lesser CL FLU designation; 2) CN with CH FLU designation shall be regulated by using the site's lesser Zoning equivalent of CL or CL-O FLU designation; or 3) MUPD or IRO district shall be regulated by actual FLU designations with no alternatives.

Comment [mmk16]: Can we put this in a table to state what is NOT required to be rezoned, it is difficult to follow this. Let's discuss this. Also your above example may be needed in the code as a figure.

b. IR District

To assist in expediting IRO projects that do not require any Public Hearing approvals, a rezoning shall not be required subject to the limitations of Art. 5.X.2.A.3.a, Zoning/FLU Designation Compatibility. Any IRO project that requires any Public Hearing approval, excluding an ABN, shall submit a concurrent application to rezone the subject property to the IR district.

B. PRE-APPLICATION CONFERENCE (PAC)

All new applications for a new IR rezoning, IRO project or IRO use that requires Public Hearing approval, shall submit an application for a PAC in accordance with Art. 2.A.1.E. Where applicable, due diligence must be performed by the applicant to include review of any prior approvals and related ZC or BCC conditions of approval, voluntary commitments, actions or commitments used to garner approval, and testimony heard at time of approval, among others.

C. PRIOR APPROVALS

IRO projects having prior ZC or BCC approvals may be subject to further BCC review and approval. This may not include resolutions approving the rezoning of a parcel if there are no conditions or voluntary commitments that require modification or deletion.

1. APPLICABILITY

Amendments to prior approvals needed to accommodate a new IRO project that exceed the following shall require either a development order abandonment (ABN) or development order amendment (DOA), whichever is applicable.

- Amendment exceeds DRO authority, or
- Amendment conflicts with the findings, limitations or conditions outlined in a current BCC resolution, or
- Amendment conflicts with any consideration or improvement included in a ZC or BCC application used to garner approval, or
- Amendment conflicts with the testimony made by the applicant, agent, professional staff, or other witness, during a ZC or BCC public hearing.

2. DEVELOPMENT ORDER ABANDONMENT

Where all existing uses and related structures and improvements subject to prior approvals are proposed to be abandoned, including demolition of any structures or improvements that cannot comply with the IRO, an application for a Development Order Abandonment (ABN) shall be made in accordance with the provisions of Art. 2, Development Review Procedures.

3. DEVELOPMENT ORDER AMENDMENT

Where any part of an existing use, structure and improvement subject to prior approvals are intended to be retained as part of the phasing in of an IRO project, and such prior approvals are required, a Development Order Amendment shall be required.

a. Expedited Application Consideration

A DOA to allow for the use of IRO regulations may be permitted to proceed as an EAC.

Comment [mmk17]: (PAC), Make sure you mention this in How to Use this Code that a PAC is MANDATORY, just like we require for a LCC. See proposed languages of LCC on PAC. Make it similar if NOT identical. Describe intent of PAC.

D. PRE-APPLICATION CONFERENCE (PAC)
All applications for a LCC shall require a mandatory PAC pursuant to procedures in Art.2.A.1.E, Pre-Application Conference.
1. INTENT
The intent of the PAC is to review a graphic representation of a site plans and design guidelines that are prepared at the preliminary stage. The applicant will be seeking input and direction from the various DRO Agencies on feasibility of the design layout and details. This process will allow a collaborative effort between the applicant and DRO Agencies: 1) to determine whether the proposed development has generally met the purpose and intent as well as design principles of the LCC at a conceptual level; 2) to recognize that further details will be required for staff review at time of application submittal; 3) identify design issues and site restrictions of the development; and, 4) to ensure creative designs are given favorable consideration by providing flexibility in the regulations outlined in Art.3.E.8.C- Development Standards.

Comment [mmk18]: Upper case and lower case? Development Order Amendment

Comment [mmk19]: What kind of testimony, private agreement, verbatim? Verbal and written testimony

SECTION 3 FLOATING REGULATING PLAN (WC: ROUGH DRAFT – PENDING GREEN LIGHT TO PROCEED.)

A. GENERAL

Infill or redevelopment projects that opt to utilize the provisions of the IRO are required to develop a regulating plan that addresses the context of surrounding streets and built form or land use patterns. Due to the diversity of eligible IRO parcels, a Floating Regulating Plan (FRP) is used to establish an outline to be used to create a Site Specific Regulating Plan (SSRP). While the Floating Regulating Plan is primarily organized upon the concept of the transect, secondary consideration is given to frontage streets, building placement and frontage treatments.

Comment [mmk20]: Use our Chapter headings under Table of Contents..

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EXHIBIT B

**ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT**

1. TRANSECT ZONES

Transect Zones (TZ) establish distinct categories to organize uses and the built environment in a continuum of intensity ranging from the most urban to the least urban. The IRO requires the application of one or more of the following four transect zones: Core, General, Edge and Open Space. The primary intent is to facilitate the development of urban forms while providing for gradual transitions rather than harsh distinctions.

2. STREET CLASSIFICATIONS

While primarily developed to address streetscape design and building proximity where adjacent to commercial corridors fronting arterials and collectors, the street classification system is used for all external and internal public, private or other street frontages.

3. SITE SPECIFIC REGULATING PLAN (SSRP) STANDARDS

A SSRP shall be submitted in a form established by the Zoning Director. At a minimum, it shall identify TZs, external street classifications, access points, block structure and internal streets and alleys, general vehicular, bicycle, mass transit and pedestrian circulation systems, and interconnectivity.

4. DRO AND PUBLIC HEARING PROCESS

A SSRP is required to be submitted to the DRO for approval concurrent with required applications for a FMP, FSP or FSBP, whichever are applicable. Public Hearing applications for projects requiring BCC approval for uses or other site design elements shall include a preliminary SSRP.

B. TRANSECT ZONES

The establishment Transect Zones (TZ) serves as the foundation for the SSRP and is primarily intended to mitigate any potential adverse impacts to adjacent streets and land uses. Overall parcel size, dimensions, R-O-W frontages, and other abutting parcel uses or FLU designations dictate the type and location of allowable TZs, with the most intense being located along commercial corridors or where adjacent to similar IRO projects, commercial or industrial uses, transitioning to the least intense where needed to address the context of adjacent uses.

1. TZ TYPES

a. Core

The most intense zone typically comprised of larger interconnected commercial or mixed use buildings that create a continuous façade along one or more streetscapes. Requires the use of the General or Edge zone where the overall parcel is adjacent to residential uses or parcels with a residential FLU designation.

b. General

A moderately intense zone, typically comprised of smaller interconnected commercial or mixed use buildings, that may be used as a transition between the Core TZ and less intense zones or abutting uses, or for smaller parcels with size constraints. Requires the use of the Edge or Open Space TZ where the overall parcel is adjacent to residential uses or parcels with a residential FLU designation.

c. Edge

A low intensity zone comprised of residential or work live uses that are compatible with or similar in scale with adjoining neighborhoods, that may be used as a transition between the Core or General TZ and abutting residential uses.

d. Open Space

A passive zone typically located within other zones, or used as a transition or buffer between the General TZ and abutting parcels. Typical uses include passive civic, recreation or other public open spaces such as plazas and squares, or drainage retention areas, environmental preservation, or perimeter landscape buffers.

2. TZ STANDARDS

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

TABLE 3.X.3.C. – IRO TZ STANDARDS

| PARCEL STANDARDS | TRANSECT ZONE | | | |
|---|---------------|----------------|------|------------------|
| | CORE | GENERAL | EDGE | OPEN SPACE |
| MINIMUM OVERALL PARCEL SIZE | 2 acres | N/A | N/A | N/A |
| MAXIMUM PERCENTAGE OF OVERALL PARCEL ¹ | 50% | N/A | N/A | N/A |
| MINIMUM PERCENTAGE OF OVERALL PARCEL ¹ | N/A | 25% | N/A | N/A ² |
| MINIMUM SETBACK FROM ABUTTING RESIDENTIAL | 300 ft. | 10 ft. | N/A | N/A |
| REQUIRED FRONTAGE | | | | |
| ARTERIAL OR COLLECTOR | X | X ³ | N/A | N/A |
| LOCAL COMMERCIAL STREET ⁵ | N/A | X ³ | N/A | N/A |
| LOCAL RESIDENTIAL STREET ⁵ | N/A | N/A | X | N/A |
| PERMITTED SIDE STREET OR OTHER FRONTAGES | | | | |
| EXPRESSWAY | X | X | X | X |
| LOCAL COMMERCIAL STREET ⁵ | X | X | X | X |
| LOCAL RESIDENTIAL STREET ⁵ | N/A | X | X | X |
| RESIDENTIAL ACCESS ⁵ | N/A | X ⁴ | X | X |
| ALLEYS (INTERNAL) ⁵ | X | X | X | X |

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Comment [mmk21]: Arterial and collector streets,

Comment [mmk22]: So how is this different from a final site plan that shows all these elements? I thought you want a plan that describes the context of the surroundings and how to establish transects. Bill explained that it is a bubble plan that contains these elements. Have someone prepared for a graphic to demonstrate the TZs.

Comment [w23]: Define – most intense reserved for parcels 2 acres or more so as to encourage lot recombination – applying concept of Graduated Density to Intensity (see January 2009 Zoning Practice Issue #1 circulated by Jon).

Comment [w24]: Define – pretty basic and still allowed relatively close to adjacent uses, with minor allowance for increase in intensity.

Comment [w25]: Define – fairly limited. To be used for horizontal mixed use or where residential, work/live or similar multi-family is needed to provide more of a buffer from more intense Core/General TZ's to adjacent residential (e.g. Transition).

Comment [w26]: Define – simplistic and wide ranging (internal and perimeter depending on need).

EXHIBIT B

**ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT**

| |
|--|
| NOTES: |
| 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 for arterials, collectors, and commercial or industrial parcels up to a depth of a minimum of 300 ft. from the property line. |
| 2. See Article 5.X.8, 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 2 acres in size. |
| 5. Includes any access way meeting IRO street standards. |

C. STREET CLASSIFICATION

As a majority of IRO parcels are located in commercial corridors or have frontages on major streets such as arterials and collectors, this code addresses the context of such roadways and establishes related standards to ensure that pedestrian amenities and walkways, buildings and other improvements are properly or safely situated. All perimeter streets, and newly proposed internal streets, are defined by type, and serve as a guideline to applying related standards.

1. GENERAL

Unless stated otherwise herein, any frontage on a perimeter R-O-W shall be classified by the width of the ultimate R-O-W, as indicated in Table 5.X.3.C, Street Classification.

Table 5.X.3.C – Street Classifications

| STREET CLASSIFICATION | ULTIMATE R-O-W WIDTH | | |
|-----------------------------|----------------------|-------------------|----------|
| | < 60 Ft. | ≥ 60 AND < 80 Ft. | ≥ 80 Ft. |
| Type I R-O-W | X | | |
| Type II R-O-W ¹ | | X | |
| Type III R-O-W ¹ | | | X |

2. EXCEPTIONS

In limited instances, the ultimate ROW of a roadway may not be a true indicator of actual traffic intensity. Subsequently, where one or more of the following reflects that the street has a lower intensity, a lesser roadway type may be used to apply the standards of this code.

- Significantly lower ADTs; or
- Limited number of travel lanes with large medians or other non-vehicular use areas; or
- Travel lanes are eight foot wide or less, or
- Where official posted speed limits are less than 35 mph, a Type II R-O-W may be applied, or where less than 25 mph, a Type I R-O-W may be applied.

D. FLU CONSISTENCY, DENSITY AND INTENSITY (FAR)

Unless noted otherwise herein, density and intensity shall be in accordance with the FLU designation or related Zoning PDRs for the subject site.

1. IRO PROJECTS SPLIT BY FLU DESIGNATIONS

Uses allowed, 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 project.

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 article 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 5.X.2.D, IRO FAR Increase. The maximum permissible increase is limited to those subject sites having sufficient land area to allow for establishment of the Core TZ, so as to encourage the assembly of smaller parcels.

TABLE 5.X.2.A – IRO FAR INCREASE

| TRANSECT ZONE | MAXIMUM FAR | |
|---------------|-------------|-----|
| | CL | CH |
| GENERAL | .50 | .85 |
| CORE | .75 | 1.0 |

4. MULTIPLE USE PROJECTS

In accordance with FLUE Policy 2.2.2-f.6, a multiple use project may be allowed to utilize up to 100 percent of the combination of a site's residential density and its commercial intensity equivalent: Additional density or intensity is equivalent to the corresponding amount of non-utilized density or intensity (where A = percent of additional density or intensity, U = percent of utilized density or intensity: A = 100 percent – U).

5. MIXED USE PROJECTS

Comment [w27]: Consolidate into one table – define factors to allow for predictable result (e.g. addresses wide streets with multiple lanes and medians that do not carry heavy traffic and as such, should be regulated less intensely allowing narrower pedestrian realms and build to lines.

Comment [mmk28]: Add sentence to state the max. density/intensity is based on applicant's commitments to provide some green architecture and green site design.

Comment [mmk29]: BC/MMK discussed this and decided that more intensity will be rewarded if the applicant does choose to use Green Architecture (JM) and Green Site Design Principles (MMK).

Comment [mmk30]: Even though we are not writing a code to address the economic climate; however, if we encourage developers to use the IRO regulations, we must provide flexibility – benefits and burden. It would be an incentive to build in flexibility for the required mixed use, if there is a lot of residential uses in the neighborhoods, give them a break on the mixed use, and let them phase out the mixed use for a longer period of time. Bill and MMK discussed - We can amend the code in our phase 2 or phase 3 to address requirements in mixed use as the residential market starts to pick up. We need to fix Art.2.E to add in IRO incentive phasing.

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**ARTICLE 5 – OVERLAYS
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1 In accordance with FLUE Policy 2.2.2-f.7, a mixed use project that vertically integrates 20
2 percent of allowed residential units with non-residential uses shall be allowed to utilize up to
3 100% of both a site’s residential density and commercial intensity.
4

5 **SECTION 3 USE STANDARDS**

6 **A. GENERAL**

7 The standards of the IRO allow for a larger number of uses to be permitted by right; however,
8 only those uses that have been indicated on a DRO approved FSP or FSBP shall be eligible to
9 apply for building permits or a BTR. Where permitted, uses may also be further restricted by TZ,
10 building type and floor, as specified in Art. 5.X.7, Building Standards.

Comment [mmk31]: Business Tax Receipts

11 **B. PERMITTED USES**

12 Table 5.X.3, IRO Permitted Use Schedule identifies the permitted and requested uses allowed for
13 an IRO project. Permitted uses are based upon FLU designation as defined under Art. 5.X.2,
14 Applicability.
15

TABLE 5.X.3 – 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 | P | P | P | P | 132 | Green Market | P | P | L | L | 64 |
| Multi-family | P | P | P | P | 87 | Hotel, Motel, SRO, Rooming And Boarding | A | P | | | 72 |
| Accessory Dwelling | P | P | P | P | 1 | Kennel, Type III (Enclosed) | P | P | | | 74-2 |
| CLF, Type I | P | P | P | P | 34 | Kiosk | P | P | P | P | 75 |
| CLF, Type II | P | P | P | P | 34 | Laundry Services | P | P | | | 78 |
| CLF, Type III | A | P | A | P | 34 | Lounge, Cocktail | P | P | | | 79 |
| Garage Sale | P | P | P | P | 60 | Office, Medical or Dental | P | P | | | 83 |
| Guest Cottage | P | P | P | P | 66 | Office, Business or Professional | P | P | P | P | 91 |
| Home Occupation | P | P | P | P | 70 | Parking Garage, Commercial | P | P | | | 95 |
| Nursing Facility | P | P | P | P | 90 | Parking Lot, Commercial | P | P | | | 96 |
| Security or Caretakers Quarters | P | P | P | P | 119 | Pawnshop | A | P | | | 97 |
| COMMERCIAL USES | | | | | | Personal Services | P | P | | | 98 |
| Adult Entertainment | | S | | | 2 | Printing and Copying | P | P | P | P | 100 |
| Auction, Enclosed | | P | | | 16 | Repair and Maintenance, General | A | P | | | 107 |
| Auto Paint or Body Shop | | A | | | 17 | Repair Services, Limited | P | P | | | 108 |
| Auto Service Station | | P | | | 18 | Restaurant, Type I | P | P | | | 109 |
| Broadcast Studio | P | P | P | P | 21 | Restaurant, Type II | P | P | | | 111 |
| Building Supplies | P | P | | | 22 | Retail Sales, Auto Parts | P | P | | | 113 |
| Car Wash | P | P | | | 25 | Retail Sales, General | P | P | | | 114 |
| Catering Service | P | P | | | 26 | Retail Sales, Mobile or Temporary | P | P | | | 115 |
| Convenience Store | P | P | | | 36 | Self Service Storage | P | P | | | 120 |
| Convenience Store with Gas Sales | P | P | | | 37 | Theater, Indoor | P | P | | | 128 |
| Day Labor and Employment Service | | P | | | 41 | Vehicle Sales and Rental | A | P | | | 135 |
| Dispatching Office | | P | | | 42 | Veterinary Clinic | P | P | | | 136 |
| Dog Daycare | P | P | L | L | 43 | Vocational School | P | P | P | P | 137 |
| Financial Institution | P | P | P | P | 55 | Work/Live Space | P | P | P | P | 141 |
| Flea Market, Enclosed | | P | | | 57 | | | | | | |
| Funeral Home or Crematory | | A | | | 59 | | | | | | |
| [Ord. 2010-] | | | | | | | | | | | |
| KEY | | | | | | | | | | | |
| P Permitted by right. | | | | | | | | | | | |
| 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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**ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT**

1

TABLE 5.X.3 – 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 | | | | | | AGRICULTURAL USES | | | | | |
| Assembly, Non-profit Institutional | P | P | | | 14 | Agriculture, Sales/Service | P | P | | | 6 |
| Assembly, Non-profit Membership | P | P | | | 15 | Farmers Market | P | P | | | 52 |
| Place of Worship | P | P | A | A | 29 | UTILITIES AND EXCAVATION | | | | | |
| College or University | P | P | | | 30 | Air Stripper, Remedial | P | P | P | P | 11 |
| Day Camp | P | P | | | 39 | Communication Cell Sites on Wheels (COW) Tower, Mobile | S | S | S | S | 31 |
| Dare Care, General | P | P | | | 40 | Communication Panels or Antennas, Commercial | P | P | P | P | 31 |
| School, Elementary or Secondary | P | P | P | P | 118 | Communication Tower, Commercial | A | B | A | B | 31 |
| Day Care, Limited | P | P | P | P | 40 | Electric Transmission Facility | A | A | A | A | 44-2 |
| Government Services | P | P | P | P | 63 | Excavation, Type II | P | P | P | P | 49 |
| Helipad | A | A | A | A | 10 | Recycling Collection Station | P | P | | | 104 |
| Hospital or Medical Center | P | P | | P | 71 | Recycling Drop Off | P | P | | | 105 |
| RECREATION USES | | | | | | Utility, Minor | P | P | P | P | 134 |
| Entertainment, Indoor | P | P | | | 45 | INDUSTRIAL USES | | | | | |
| Fitness Center | P | P | | | 56 | Data Information Processing | P | P | P | P | 13 |
| Gun Club, Enclosed | | P | | | 67 | Film Production Studio | | P | | P | 38 |
| Marine Facility | P | P | | | 82 | Laboratory, Industrial Research | A | P | A | P | 76 |
| Park, Passive | P | P | P | P | 93 | Medical or Dental Laboratory | | P | | P | 84 |
| Park, Public | P | P | P | P | 94 | | | | | | |
| Park, Neighborhood | P | P | P | P | 92 | | | | | | |
| Special Event | S | S | S | S | 124 | | | | | | |
| [Ord. 2010-] | | | | | | | | | | | |
| KEY | | | | | | | | | | | |
| P Permitted by right. | | | | | | | | | | | |
| 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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C. 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.

SECTION 5 BLOCK STRUCTURE STANDARDS

A. GENERAL

This section establishes the standards for creating small, pedestrian scaled, walkable blocks and corresponding streetscapes and alley systems. Individually, there are substantial benefits to be realized by applying these standards to new development. However, the primary purpose is to incrementally achieve the retrofitting of existing strip-sprawl commercial development by replacing it with a series of interlinked developments comprised of a network of walkable blocks and streetscapes.

B. THRESHOLDS

The standards of this section shall apply to all IRO developments, whether a site is to be subdivided or held in common ownership. Due to the range of variations in size, shape, frontage, interconnectivity, and access, among other factors, there is an infinite assortment of parcel types in the IRO, resulting in differing levels of applicability. As such, applicability shall be determined by a review of the following thresholds for each site:

- Greater than or equal to two (≥ 2) acres in size – introduce new blocks;
- Exceeds maximum allowable perimeter or block lengths – introduce new blocks;
- Adjacent to a site with a commercial FLU designation – provide for interconnectivity by use of a street or parallel alley;
- Adjacent to a site with any other FLU designation – interconnectivity is encouraged;
- Greater than or equal to two (≥ 2) acres in size – interconnectivity shall be provided by the use of streets. An exception shall be allowed where a parallel alley is required on the adjacent site;
- Access from lot frontage – shall comply with street standards, unless exempted herein;
- Access from side street lot frontage – shall comply with street standards, unless exempted herein;
- Internal buildings – building frontage must be on a main street, unless exempted herein;
- Subdivision – introduce new blocks or lots.

Comment [mmk32]: Allow minor deviations via ZD if throughout the design they use the green site design or the green architecture principles. BC/MMK discussed that it MAY mess up the IRO process; therefore may use a similar deviation process but more restrictive than the LCC's.

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**ARTICLE 5 – OVERLAYS
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C. BLOCK REQUIREMENTS

A block shall be an area of land entirely bounded by streets or alleys. Any new blocks, whether required or voluntary, shall comply with the following dimensional requirements:

BLOCK DIMENSION REQUIREMENTS

| BLOCK PERIMETER (TOTAL) | | MINIMUM | MAXIMUM |
|----------------------------|---|-----------|-----------|
| A | No Pedestrian Pass Through, or | 640 | 1,600 ft. |
| B | With Pedestrian Pass Through | 640 | 2,000 ft. |
| BLOCK LENGTH (SINGLE SIDE) | | MINIMUM | MAXIMUM |
| C | No Pedestrian Pass Through, or | 160 | 500 ft. |
| D | With Pedestrian Pass Through ⁽¹⁾ | 160 | 750 ft. |
| BLOCK SIZE | | MINIMUM | MAXIMUM |
| E | No pedestrian Pass Through | 0.5 acres | 4 acres |
| F | With pedestrian Pass Through | 0.5 acres | 5 acres |

An exception to individual block dimensions shall be permitted where two or more vehicular cross access points are provided to an adjacent parcel(s). In one-half of a block shall be permitted as follows: The maximum block perimeter, length and size shall be one-half of that permitted; the maximum shall be based on no pedestrian pass through unless connecting to an existing adjacent block with pedestrian pass through; and, temporary stub connections shall provide for a turnaround acceptable to the County Engineer.

D. STREETS AND ALLEYS

All new streets and alleys shall be designed in compliance with the IRO Street and Alley Standards Chapter of the Land Development Guidelines Manual. This shall include all public and private R-O-W, access ways or other provisions for vehicular travel.

1. GENERAL

Streets and alleys are required for all IRO projects, unless exempted herein. Streets are used to comply with block standards, provide frontage for buildings not located on a perimeter frontage, and where ingress/egress is made from a site's frontage or side street frontage. Alleys are used as the minimum standard of connectivity for a commercial corridor parallel alley system, to be used to comply with block standards where permitted, and for ingress/egress when a street cannot be used due to site constraints.

2. ACCESS REQUIREMENTS

Access shall be limited externally and internally so as to minimize curb cuts to streets, or other areas having pedestrian walkways.

a. External

A maximum of one access point shall be permitted for each 160 linear feet of street frontage, or as allowed by the County Engineer.

b. Internal

A maximum of one access point, excluding alley ways, shall be permitted for each block side to allow for access to parking lots, drive through uses, loading areas, or other similar uses. Projects not required to comply with block standards are highly encouraged to comply where feasible.

3. INTERCONNECTIVITY

Any site abutting a parcel with a commercial FLU designation, or any other vacant parcel, shall provide irrevocable cross access to such parcels. Cross access to non-commercial parcels is highly encouraged. Interconnectivity shall be located as follows:

a. Block Intersections

Where a site is required to create new blocks, interconnectivity shall be provided from any perimeter intersections, and where applicable, in accordance with parallel alley requirements.

b. Parallel Alley

Where a site is a part of a commercial corridor bounded on either end by an existing public R-O-W, cross access shall be provided to an abutting parcel at a point designated as the shallowest lot depth. A street or alley shall be required to cross the site to provide connectivity between adjacent parcels, or to a side street, or to an arterial or collector.

c. Alignment

To provide for an efficient means of relieving traffic from external roadways while minimizing impact to adjacent residential parcels, the following shall be required:

- 1) Connectivity shall run parallel to the corridor, or along a curvilinear path with no significant turning movements. Stop signs and other traffic calming measures may be permitted if allowed by the County Engineer.
- 2) INSERT – Language to ensure 10' LBE is provided for – and either transition to alley or street....

4. STREET REQUIREMENTS

Can define – or defer to LD Guidelines – pending meeting with Ken/Allan/Joanne/Nick.

Comment [mmk33]: Format consistency, sometime we use ROW, r.o.w., R.O.W., which is the correct version? It has been seen throughout the ULDC.

Comment [mmk34]: Access, in Art.1 ingress/egress is defined under access. BC/MMK discussed to add IRO to lot frontage definition in Art.1, same as TDD and WCRAO.

Comment [mmk35]: Need a diagram to illustrate 2a. 2b. BC brought up a good point to minimize curb cuts so as to have a safe vehicular circulation, and to allow more opportunity for parking on "main streets".

Comment [mmk36]: Add some limitations.

Comment [mmk37]: Via what legal procedure. An easement, established when ? and paved up to, and be done by... BC explained that BC/MMK met with Lenny/Ken Rogers to establish some kind of forms.

Comment [mmk38]: I understand, but needs to define what is perimeter intersection.

Comment [mmk39]: BC/MMK want to clarify on this. Pending on what ENG staff provided us, if not clear, Zoning will need to tie loose ends and make this clearer.

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5. ALLEY REQUIREMENTS

Can define – or defer to LD Guidelines – pending meeting with Ken/Allan/Joanne/Nick.

E. SUBDIVISION

Any subdivision of land shall comply with all lot dimensions for the applicable Zoning district with exception to minimum acreage. There shall be no minimum acreage requirement for new lots in an IRO project.

Incorporate standards above into table/figure format?

| | |
|--|--|
| <p>PROJECTS ≥ TWO ACRES</p> <p>IRO projects that are comprised of one or more parcels totaling two acres or more in size, or where parcel perimeter R-O-W frontage exceeds maximum allowable block length, shall be further subdivided to create additional blocks.</p> <p>Projects less than two acres in size shall not be required to introduce blocks, but may opt to do so.</p> | |
| <p>INTRODUCE STREETS, ALLEYS AND PARKING ACCESS</p> <p>Where blocks are required, such shall be defined by introducing streets that comply with the minimum standards for IRO streets to include on-street parking, street trees and sidewalks as required by Section 8, Pedestrian Realm Standards, and the Land Development Design Guidelines Manual. Alleys shall be limited to the interiors of blocks, with an exception permitted for the outermost perimeter of a project where streets may be replaced by alleys.</p> <p>Where streets are required on smaller sites not subject to block standards, such shall be required to connect with a rear alley if located in a commercial corridor.</p> | |
| <p>INTRODUCE LOTS</p> <p>Individual lots are not required but are encouraged. IRO projects in an MUPD may opt to establish outparcels but shall not be exempt from block standards, and any requisite streets or alleys. Lots shall be exempt from the minimum acreage requirements of the district, but shall comply with minimum frontage and lot dimensions, including townhouse lots where applicable.</p> | |
| <p>[Ord. 2010-...]</p> <p>NOTES:</p> <p>1.</p> <p>2.</p> | |

Comment [w40]: If more specific standards are not moved from text above into this text/figure format – then the “introduce lots” figure can be consolidated with the introduce streets figures above...

10

SECTION 6 PLACEMENT STANDARDS (MMK)

A. GENERAL

The Placement Standards establish dimensional and location criteria for creating effective placement of buildings and outdoor uses, and other site elements such as usable open space,

13

- Notes:**
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sidewalks, parking, service areas, drainage areas and corresponding alley systems to achieve the design principles of form-based code. Placement standards are tools created to implement the principles of transect zones for each parcel in order to address compatibility issues.

B. BUILDING PLACEMENT

Minimum setbacks or maximum build to line where applicable, are based upon width of abutting R-O-W type (corresponds to similar streetscape requirements); existing uses, or anticipated uses based on FLU designation, as follows:

Comment [w41]: Need to be sure we redefine frontage as being the lot side with the most intense perimeter R-O-W frontage (e.g. tracing the definitions of Art. 1 indicates that frontage is tied to ingress/egress, this had to be tweaked for WCRAO to allow for rear or side access limitations – same here. May be able to piggyback. SECONDLY – how to define frontage for any new internal blocks? BC/MMK will need to discuss MAIN STREET concept. This is used in the TMD and LCC.

TABLE 5.X.7.B – BUILDING PLACEMENT

| BUILDING PLACEMENT | SETBACK/BUILD TO LINE ¹ | |
|---|------------------------------------|-------------------|
| | MIN. | MAX. ² |
| A Type I ROW | 10 ft. | 15 ft. |
| Type II ROW | 10 ft. | 20 ft. |
| Type III ROW | 15 ft. | 25 ft. |
| B Non-Residential | 10 ft. ³ | N/A ⁵ |
| C Residential (IRO Project) | 10 ft. ⁴ | N/A ⁵ |
| Residential (standard, PDD or TDD) | 30 ft. | N/A ⁵ |
| D Between rear parking and alley | 3 ft. ⁶ | - |
| [Ord. 2010-...] | | |
| NOTES: | | |
| 1. Setback measured from building façade to property line. | | |
| 2. Maximum building setback may be increased where necessary to accommodate utility easements, suburban landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer. | | |
| 3. May be reduced to 0 ft. subject to compliance with Building Standard limitations for reduced setbacks. | | |
| 4. May be reduced to 0 ft. where proposed buildings are residential and of similar design and bulk to the adjacent IRO residential use, subject to compliance Building Standard limitations for reduced setbacks. | | |
| 5. Maximum setback may vary depending on compliance with Building Standards. | | |
| 6. D - is the only dimension not measured between façade and property line. | | |

FIGURE 5.X.6.B - ILLUSTRATION 1 – PLAN VIEW
Insert Image

Show a plan consisting of above dimensions in Table 5.Q.7.B

Comment [w42]: Relocate all building placement provisions from Building Standards – both table data and figures. BC/MMK discussed – placement is regulated by TRANSECTS and street types, calibrate.

C. ACCESS PLACEMENT

1. VEHICULAR ACCESS

a. Lots with alley

Vehicular traffic, which includes: parking, drop-off, delivery and other service related activities shall be accessed from either the rear of the lot, a side street or an alley.

b. Lots without alleys

Vehicular traffic, which includes: parking, drop-off, delivery and other service related activities shall be accessed from either the side street or from the side of the building.

c. Exception

For all previously approved projects or any lots with site constraints where requirements under a. and b. cannot be applied, and vehicular traffic can only be accessed from the front of the lot, the access, parking and service layouts shall be evaluated and requirements under this Section of the Code shall be applied to the greatest extent possible based on the criteria listed under XXX.

D. PARKING PLACEMENT

When designing the layout of parking area, the applicant shall reference Section 10, Parking Standards, and shall comply with the following:

1. A majority of vehicular parking spaces or areas shall be located to the rear of buildings. Parking in front of buildings shall be limited to on-street parking only. Parking on the side of buildings shall be limited to on-street parking, with any additional permitted spaces located in parking courts.

TABLE 5.X.6.D – AT GRADE PARKING PLACEMENT

| PARKING LOCATION | MAXIMUM % OF PARKING PROVIDED |
|--|-------------------------------|
| Rear | 100% |
| Side | 25% ^{1,3} |
| Front | 10% ^{2,3} |
| [Ord. 2010-...] | |
| NOTE: | |
| 1. On-street parking only, with additional located in parking courts. | |
| 2. On-street parking only, including slip streets where applicable. | |
| 3. Exceptions may be permitted for parking courts located internal to a development where all building placement standards have been | |

Comment [w43]: Might be easier to exclude streets with on-street parking and use this table to refer to parking lots or structures.

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addressed.

2. Parking structures shall only be permitted where developed as a Liner Building. Where the parking structure abuts a street front, the ground floor of the structure shall be designed with storefronts or with architectural features that are consistent with the principal building.

TABLE 5.X.6.D – PARKING AREA STRUCTURE SETBACKS

| PROPERTY LINE | SETBACKS | |
|----------------------------------|-----------------------|------------------|
| | AT GRADE | STRUCTURE (MIN.) |
| Front | Min. 40% of lot depth | 0 ft. |
| Side (street) | 10 ft. max. | 0 ft. |
| Side (non-residential, interior) | 0-10 ft. max. | 0 ft. |
| Rear (residential) | 10 ft. min. | 10 ft. min. |
| Rear (alley) | 3 ft. min. | 3 ft. min. |

Comment [w44]: Not applicable if only allowed as part of a Liner Building.

E. OUTDOOR USE PLACEMENT (NOT COMPLETE)

A principal or accessory use with outdoor operations such as a gas canopy with fueling stations; carwash drying area; drive thru of restaurants/financial institution where vehicular circulation are conventionally being placed in area with a large amount of asphalt visible from streetfront outdoor eating area of a restaurant; outdoor play area of a daycare center
Projects with an IRO for uses with an integral component of outdoor operations shall be compliance with the following regulations: By pass lane queuing distance in Art.6

Comment [w45]: Same also pending for outdoor use structures – such may not be required except for height and drive thru exits in Building Standards – pending final version here.

Comment [mmk46]: I need help to complete "E". Maybe use the same LCC language that this type of uses could only be allowed on outparcels or where drive-thrus are placed underneath a building canopy (Like the one in PGA Commons) or at the rear of the building.

TABLE 5.X.6.E – DRIVE THRU CANOPY SETBACKS

| PROPERTY LINE | SETBACKS | |
|----------------------------------|----------|------------------|
| | AT GRADE | STRUCTURE (MIN.) |
| Front | | ft. |
| Side (street) | | |
| Side (non-residential, interior) | | |
| Rear (residential) | | |
| Rear (alley) | | |

SECTION 7 BUILDING STANDARDS

A. GENERAL

The provisions of this section shall be applied in conjunction with any other applicable ULDC standards or limitations for buildings where not expressly stated herein.

B. BUILDING TYPES

There are six general building types permitted in the IRO: block, pedestal, liner, courtyard), civic and townhouse building types. See the section below for other structures, and for structures related to outdoor uses.

1. BLOCK BUILDING

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

2. PEDESTAL BUILDING

A type of building designed to accommodate the tallest permissible building whose primary facades must be stepped back to reduce apparent bulk when viewed from an adjacent sidewalk.

3. LINER BUILDING

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

4. COURTYARD BUILDING

A type of building arranged around a courtyard, such as gardens, patios, plazas or squares that are open to the sky, and dedicated for common use.

5. CIVIC BUILDING

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

6. TOWNHOUSE BUILDING

A type of building primarily intended for residential use that may also be used as a work/live space or unit. While a townhouse building is intended to be developed using individual lots and party walls, it may also be developed as a multi-family condominium if developed consistent with all townhouse requirements. A townhouse building shall comply with Art.

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3.D.2.A, Townhouse and all other related ULDC provisions, unless expressly stated otherwise herein.

7. OUTDOOR USE STRUCTURES

This category of building types is intended to regulate a broad range of accessory structures and improvements intended to support outdoor recreational or commercial uses, but shall not include any permitted pedestrian shade structures required or permitted as part of a building type listed above.

PENDING – Very short simple section – outdoor uses are regulated by placement standards – this should only address height, and where drive thru openings may be allowed to front a street, etc.

a. Commercial

PENDING – Gas station canopies, covered drive through, enclosed dumpsters etc.

b. Civic or Recreational

PENDING – Shade structures, pergolas, band shells, etc.

c. Others

PENDING – Unknown – NEED INPUT FROM OTHERS on what needs to be addressed?

C. BUILDING REGULATIONS

1. GENERAL

IRO buildings shall comply with the following general standards:

a. Primary Entrances

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

b. Secondary Entrances

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

- 1) Shall not exceed 75 percent of the size of the smallest primary entrance. This shall apply to door openings, and any entrance related architectural features such as banding, porticos, or other similar features.
2) Shall not exceed the number of primary entrances.
3) Limitations shall not apply to service access or emergency exits.

c. Windows on Facades Facing Streets

Pending review of streetscape and Shy Zone?

Have to settle on minimum glazing – need to keep it far simpler than TDD and WCRAO.

d. Additional Building Placement Standards

In addition to the Building Placement standards indicated above, all building types excluding outdoor uses and related structures, shall comply with the following:

1) Corners

Where a parcel has two or more corners fronting on perimeter streets, at least one building shall be located so as to meet the build to line for each street as a starting point for complying with minimum frontage requirements. This shall not preclude the use of multiple buildings.

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.

3) Street Frontage

The longest façade of a building shall be required to front a perimeter street, or an interior main street, or a plaza or square that fronts such. Frontage requirements must be addressed for the most intense perimeter streets first. 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.

e. Liner Building

Where required, a liner shall be provided on any side that fronts a perimeter street, slip-street, internal main-street, any usable open space, or similar environment.

2. 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.

Comment [w47]: Simplify and reconcile pending MK finalizing Placement Standards for outdoor uses.

Comment [w48]: Prior notes acknowledging expected Placement Standards.

Comment [w49]: Reluctant to introduce too much complexity here – e.g. breaks, specifications for dining areas, minimum number of entrances for specified distance, shade requirements, etc. Keep it Simple?!?!?!?

Comment [mmk50]: LCC regulations do not include min. glazing, let it be part of the green architecture, which should be an integral component of the exterior façade and how lights are being designed internally for the building. Leave out window glazing, reference back to Art 5.C.

Comment [mmk51]: So the first IRO project establishes the transects plan for that corridor?

Bill: No, each site applies SSRP standards to determine what zones are permitted (basically dictated by adjacent FLU or uses, and property size [i.e. core is not allowed on smaller sites – to encourage consolidation of parcels]).

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TABLE 5.X.7.D – BUILDING TYPE BY TRANSECT ZONE

| BUILDING TYPE | TRANSECT ZONES | | | |
|---------------|----------------|---------|------|------------|
| | CORE | GENERAL | EDGE | OPEN SPACE |
| BLOCK | X | X | | |
| PEDESTAL | X | (1) | | |
| LINER | X | (1) | | |
| COURTYARD | | X | X | |
| CIVIC | | X | X | |
| TOWNHOUSE | | X | X | |

[Ord. 2010-...]

NOTES:

1. Building type may be permitted where located a minimum of 500 feet from adjacent parcels with residential FLU designation or uses.
- 2.

3. BUILDING CONFIGURATION

All allowable building types shall comply with Art. 5.X.6, Placement Standards and the property development regulations of Table 5.X.7.E, General Building Configuration PDRs.

TABLE 5.X.7.E – GENERAL BUILDING CONFIGURATION PDRs¹

| BUILDING FRONTAGE % ² | MIN. | MAX. | PEDESTAL AND BLOCK BUILDING ² | COURTYARD BUILDING ² |
|-------------------------------------|---------|---------|--|---------------------------------|
| G. Block | 50% | 100% | | |
| Pedestal | 50% | 100% | | |
| Liner | 60% | 100% | | |
| Courtyard | 60% | 100% | | |
| Townhouse | 90% | 96% | | |
| INDIVIDUAL BUILDING LENGTH | MIN. | MAX. | | |
| G. Block | N/A | 275 ft. | | |
| Pedestal | N/A | 300 ft. | | |
| Liner | 200 ft. | 400 ft. | | |
| Courtyard | N/A | 300 ft. | | |
| Townhouse | 32 ft. | 250 ft. | | |
| COURTYARD % OF FOOTPRINT | MIN. | MAX. | | |
| H. Block, Pedestal, Liner | N/A | 10% | | |
| Courtyard | 10% | 25% | | |
| COURTYARD DIMENSIONS | MIN. | MAX. | | |
| H. Block, Pedestal, Liner | 15 ft. | 30 ft. | | |
| Courtyard | 30 ft. | N/A | | |
| PEDESTRIAN PASS THRU ^{3,4} | MIN. | MAX. | | |
| I. Separation ⁴ | 100 ft. | 300 ft. | | |
| Width | 10 ft. | 20 ft. | | |
| LINER BUILDING | MIN. | MAX. | | |
| J. ⁵ Depth | 30 ft. | 100 ft. | | |
| Length | 75 % | 100 % | | |
| K. Separation | N/A | N/A | | |
| L. Parking Access | N/A | 10% | | |
| X. Texas Donut | N/A | N/A | | |
| TOWNHOUSE BUILDING ⁶ | MIN. | MAX. | | |
| M. Wing Width | N/A | 50% | | |
| N. Rear Setback to Alley | 5 ft. | N/A | | |
| O. Front/End Setbacks | 5 ft. | 10 ft. | | |

[Ord. 2010-...]

NOTES:

1. A civic building may apply any combination of the above, or apply for additional deviations in accordance with the standards for civic buildings indicated in this Section.
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. Does not apply to Townhouse Building.
4. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.
5. Liner dimensions apply to all sides required to have a liner.
6. 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.

Comment [w52]: Define and provide illustration in Art. 1.1.2, Definitions. Cannot properly regulate a Liner Building without addressing interior building, garage, or other uses.

Comment [w53]: 1) See Rebecca C. to clarify desired "firewall" language; and, 2) This note actually addresses a loophole in the current TH regulations – whereas, only 50% of TH wall has to be attached to another TH – but there are no setbacks, openings or attachment standards for remaining 50%. Would rather correct now – rather than have become a Building Permit issue (e.g. FBC requirement for fire separation).

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EXHIBIT B

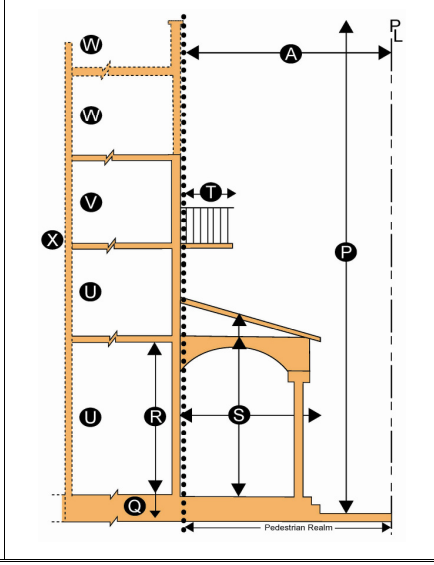
ARTICLE 5 – OVERLAYS
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4. BUILDING ELEVATIONS, HEIGHT AND USE BY FLOOR

TABLE 5.X.7.E – PEDESTAL, LINER, BLOCK, COURTYARD AND CIVIC BUILDING HEIGHT AND USE

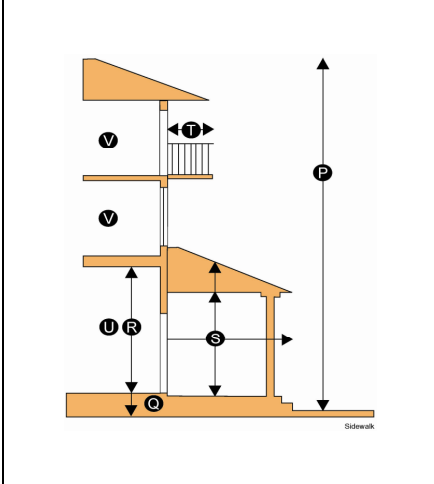
| BUILDING HEIGHT | | MAX. | | | | | | |
|---|--|-----------------------------------|----------------|---|----|----|---|---|
| P. | Edge TZ or Townhouse Building | 35 ft. (3 stories) | | | | | | |
| | General TZ | 48 ft. (4 stories) ^{1 2} | | | | | | |
| | Core TZ | 60 ft. (5 stories) ^{1 2} | | | | | | |
| INTERIOR HEIGHT | | MIN. | MAX. | | | | | |
| Q. | Finished Floor - Residential | 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 | - | 5 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 | X | | | X | | | |
| | General | X | X | X | X | X | X | |
| | Core | X | X | X | X | X | X | X |
| V. | Edge | X | | | X | | | |
| | General | X | | X | X | X | | |
| | Core | X | X | X | X | X | X | X |
| W. | Edge | X | | | X | | | |
| | General | X | | X | X | X | | |
| | Core | X | | X | X | X | | X |
| X | Liner building interior, same uses as allowed in TZ. | | | | | | | |
| [Ord. 2010-...] | | | | | | | | |
| 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 | | | | | | | | |
| 1. Shall be exempt from Art. 3.D.1.E.2 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 12 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 sidewalk zone or be located within five feet of the tree zone. | | | | | | | | |



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TABLE 5.X.7.C – TOWNHOUSE BUILDING HEIGHT AND USE

| BUILDING HEIGHT | | MAX. | |
|---|------------------------------|----------------------|--------|
| P. | Edge | 35 ft. (3 stories) | |
| | General | | |
| | Core | | |
| INTERIOR HEIGHT | | MIN. | MAX. |
| Q. | Finished Floor - Residential | 1.5 ft. | N/A |
| | Finished Floor - Other | 1.5 ft. | N/A |
| R. | Ceiling - Residential | 9 ft. | N/A |
| | Ceiling - Other | 12 ft. | N/A |
| ENCROACHMENT ¹ | | MIN. | MAX. |
| S. | Stoop | N/A | 5 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 | WORK/LIVE SPACE/UNIT | |
| U. | Edge | X | |
| | General | X | |
| | Core | N/A | |
| V. | Edge | X | |
| | General | X | |
| | Core | X | |
| [Ord. 2010-...] | | | |
| NOTES | | | |
| 1. Encroachment for stoop or front porch shall not impede required sidewalk zone or be located within five feet of the tree zone. | | | |



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SECTION 8 STREETScape, LANDSCAPE AND USABLE OPEN SPACE STANDARDS (MMK)

A. GENERAL

This section establishes alternative design standards for the following: streetscape, landscape, and usable open space.

The IRO establishes a predictable spatial framework to create a pedestrian-friendly environment supportive of infill redevelopment and multi-modal transportation options. These standards ensure the area between building facades and the vehicular lanes of a street are designed to create a superior pedestrian environment that improves the overall visual appearance and use of a street. For the purpose of this Chapter, the area between the site's property line and the building façade is defined as the Streetscape or Pedestrian realm, and standards are contained in Section 9.B of this Chapter.

Comment [w54]: Good – original or sourced elsewhere?
I did, and Anthea helped me to phrase the sentence better.

The Landscape Standards provide an alternative to the conventional code requirements for perimeter buffers and interior landscaping. The IRO utilizes the Placement Standards in Section 7 to provide a predictable built environment for each site element to regulate uses, and thereby eliminating the need of oversized buffers to address potential incompatibilities between non-residential uses on the site and its adjacent residential uses. The Landscape Standards are contained in Section 9.C of this Chapter.

Comment [mmk55]: Need definition for this IRO code and Article 1.E and 1.F

The Usable Open Space Standards provide a design alternative to establish a balance of built forms and open area within a site. The other objective is to establish, overtime, a network of usable open spaces, which could form an integral component of the pedestrian circulation system within blocks of the U/S Tier commercial corridors. The Open Space Standards are contained in Section 9.D of this Chapter.

B. STREETScape OR PEDESTRIAN REALM DESIGN STANDARDS

As described in Section 7, Placement Standards, building placement for an IRO project is determined by the width of the right-of-way on which the site is located. The width of the street establishes the dimensional requirement for building setback. Once the placement of building(s) is established, it defines the pedestrian realm as the area between building(s) and the property lines bordering a street. The standards for the pedestrian realm are intended to expand and enhance any existing public improvements, such as sidewalks and plantings, to establish a cohesive, superior streetscape.

The IRO establishes 3 streetscape configurations: Enhanced Sidewalk, Buffered Sidewalk, and Slip Street. The applicant may choose one of the streetscape configurations to use; however, the streetscape design should be consistent with the surrounding character, and shall maintain or enhance connectivity between adjacent parcels. In the event that the Zoning Director determines a proposed streetscape design is inconsistent with the surrounding area or lacks connectivity, the proposed streetscape by the applicant shall be subject to a BCC approval through the Class A Conditional Use process.

[Note: need to define what is consistent because the IR code is definitely different or inconsistent with the conventional code development layout].

1. ENHANCED SIDEWALK

The Enhanced Sidewalk streetscape option establishes a wide, continuous, paved pedestrian path with regularly spaced shade trees along the street. The following table shows dimensional standards of Enhanced Sidewalk based on the width of the site's street right-of-way.

TABLE 5.X.8.C – ENHANCED SIDEWALK DIMENSIONAL STANDARDS

| WIDTH OF R.O.W. | PEDESTRIAN PATH MEASURED FROM BUILDING FAÇADE AND SITE'S PROPERTY LINE |
|--|--|
| Street R.O.W. < 60 ft. | 15 ft. min. |
| Street R.O.W. > 60 <80ft. | 25 ft. min. |
| [Ord. 2010-...] | |
| Notes: | |
| 1. Min. path width = Max. building setback | |

a. Pedestrian Path

- 1) A paved path with width ranging from 15 to 25 feet shall be installed at the time of site development. Where an existing public sidewalk adjoins the property line, the paved areas of the public sidewalk and the pedestrian path shall connect, thereby expanding the perceived width of the public sidewalk. (See Illustration 1)
- 2) On streets constructed to the ultimate right-of-way dimension, an existing, adjoining public sidewalk may be counted toward the minimum pedestrian sidewalk requirement, provided the total paved pedestrian area (sidewalks) meet the dimensional requirement in the above table.

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FIGURE 5.X.8.C - INSERT ILLUSTRATION 1
(CROSS SECTION)

Show how public sidewalk and pedestrian path connects. <60 feet

FIGURE 5.X.8.C - INSERT ILLUSTRATION 2
(PLAN VIEW)

Enhanced Sidewalk – Combined Pedestrian Path and Public Sidewalk >60 feet <80 feet

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- 3) All paving materials for the pedestrian path 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 the pedestrian path shall be established within a block, if applicable. The first application for an IRO of a commercial corridor or a block shall establish the paving pattern. Subsequent IRO projects shall follow the approved paving pattern of the first application to ensure consistency in design pattern within the corridor or block (See Section 6).
- 5) For a development that is subject to public sidewalk provision requirements by the Engineering Department, the applicant may choose to locate the required public sidewalk within the site subject to a **sidewalk easement agreement** approved by the Engineering Department. The relocated sidewalk shall meet the above width and paving requirements for a pedestrian path; (see *Illustration 2*)
- 6) 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.

b. Street Trees

Street trees are intended to provide a shaded environment for the pedestrian, provide a physical separation between the pedestrian and vehicles, and improve the overall visual appearance of the street.

- 1) Street trees shall be planted at the time of development. Street trees shall be installed in the pedestrian path along the curb-side spaced uniformly at 25 feet on center. Spacing of trees may only exceed 25 feet in order to accommodate curb cuts, fire hydrants, utilities and other infrastructure elements. Variation of tree spacing shall be subject to an Alternative Landscape Plan pursuant to Art.7, and shall be subject to the addition of planter, shrub or architectural shade device requirements listed below in b.4) to fulfill the intent of providing shade or visual quality.
- 2) Street trees shall be planted in **planters** or **grates**;
- 3) Street trees shall be of canopy species pursuant to **Art.7, Appendix A- PBC's Preferred Species List**. Consistency in street tree species shall be established 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 the species. Palm varieties may be used at corners, crosswalks, or to accent building entrances.
- 4) In the event that obstacles such as utility easements prevent the installation of required street trees, removable planters of small palms and small shrubs, vines or seasonal flowers shall be installed. In addition, the building shall provide devices such as awnings or roof overhangs to establish a shaded pedestrian environment.
- 5) The Street Trees requirements are contingent upon whether the setback area is encumbered by an existing or a required utility easement. Easement encroachments into the pedestrian path shall be permitted, and may use tree planters to achieve the design standard.

2. BUFFERED SIDEWALK

The Buffered Sidewalk streetscape option utilizes a wide, continuous planting area to separate the pedestrian route from fast-moving vehicular travel lanes. The Buffered Sidewalk is composed of two components: the Pedestrian Area and the Planting Area. The Pedestrian Area is intended for pedestrian circulation and is located between the building façade and the Planting Area. The Planting Area is dedicated primarily for street tree planting, and is located between the Pedestrian Area and the property line of the site. The Buffered Sidewalk streetscape is generally appropriate on thoroughfares with rights-of-way dimensions greater than 60 feet. The following table shows dimensional standards for Planting and Pedestrian Areas based on the width of the site's street right-of-way.

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TABLE 5.X.9.C.3 BUFFERED SIDEWALK DIMENSIONAL STANDARDS

TABLE 5.X.8.C – BUFFERED SIDEWALK DIMENSIONAL STANDARDS

| WIDTH OF R.O.W. | BUILDING SETBACK MEASURED FROM PROPERTY LINE | PLANTING AREA | PEDESTRIAN PATH |
|-------------------------|---|---------------|-----------------|
| Street R.O.W. >60-80ft. | 25 ft. max. | 8 ft. min. | 12 ft. min. |
| Street R.O.W. >80ft. | 40 ft. max. | 10 ft. min. | 20 ft. min. |
| [Ord. 2010-...] | | | |
| Notes: | | | |

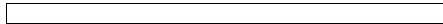
a. Planting Area

- 1) The Planting Area shall not be paved, except that paved access shall be provided to cross-walks and transit stops.
- 2) 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 the required quantity is satisfied.
- 3) 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.
- 4) Grass shall be permitted; however, groundcover shall be encouraged as a substitute for grass for water conservation and maintenance purposes.
- 5) Berms shall only be permitted in order to create a streetscape with an informal, naturalistic design.
- 6) The Planting Area requirements are contingent upon whether the setback area is encumbered by an existing or a required utility easement. Easement encroachments into the planting area shall be permitted, and may use tree planters to achieve the design standard.

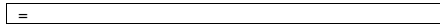
b. Pedestrian Path

- 1) A paved area with width ranging from 15 to 25 feet, pursuant to Table 5.X.9.C.3 Buffered Sidewalk Dimensional Standards. The applicant is required to install the pavement at the time of site development.
- 2) All other requirements shall be in compliance with Enhanced Sidewalk, Pedestrian Path, 1.a.3) through 1.a.6).

**FIGURE 5.X.8.C - INSERT ILLUSTRATION 3
(STREETSCAPE)**



**FIGURE 5.X.8.C - INSERT ILLUSTRATION 4
(BUFFERED SIDEWALK)**



3. SLIP STREET [NEED HELP FROM STAFF AND SUBCOMMITTEE ON THE X DIMENSIONS]

The Slip Street streetscape option is intended for sites with at least X feet of frontage along a commercial corridor. This streetscape condition establishes a parallel route to the street that accommodates pedestrians, parking opportunities, and slow-moving vehicular circulation. The streetscape is intended to establish an environment consistent with traditional main streets, while relieving the existing street of vehicular trips. This streetscape condition is required for lots X feet in width along streets with rights-of-way greater than 60 feet in width. Building Placement requirements in Section 7 do not apply to buildings with the Slip Street streetscape; buildings shall be placed in accordance with the requirements contained herein.

a. Planting Area

- The Planting Area shall extend from the property line at a range from 10 to 15 feet.
- 1) The Planting Area shall be in compliance with Buffered Sidewalk, Planting Area requirements, 2.a.1) through 2.a.5).

b. Vehicular Circulation

- 1) A lane accommodating one-way vehicular travel, at a range from 10 to 12 feet in width, shall be installed adjacent to the Planting Area.
- 2) A parallel parking lane, at a range from seven to eight feet in width, shall be installed between the vehicular travel lane and the required Pedestrian Path (See Illustrations 5 and 6 below). The parking lane shall include a curb profile approved by the Engineering Department along the sidewalk.

c. Building Placement and Sidewalk/Pedestrian Path Requirements

- 1) Buildings shall be setback from the parallel parking lane a minimum of 15 feet, and no more than 25 feet to establish the location of the front facades of buildings on the Slip Street streetscape.
- 2) A paved pedestrian path, at a range from 15 to 25 feet in width, shall be installed between the parallel parking lane and the front building façade(s).

Notes:

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- 3) All other requirements shall be in compliance with Enhanced Sidewalk, Pedestrian Path, and 1.a.3) through 1.a.6).
4) The Planting Area requirements are contingent upon whether the setback area is encumbered by an existing or a required utility easement. Easement encroachments into planting area shall be permitted for a maximum of five feet.

FIGURE 5.X.8.C - INSERT ILLUSTRATION 5
(PLAN OF SLIP STREET)

FIGURE 5.X.8.C - INSERT ILLUSTRATION 6
(SECTION OF SLIP STREET)

C. LANDSCAPE STANDARDS

The Landscape Standards establish alternative requirements for perimeter compatibility and incompatibility buffers, foundation planting and interior planting.

1. COMPATIBILITY BUFFER

Table Building Placement 3 of Section 7, Building Placement establishes a range of setback from zero to five feet between compatible uses for projects with an IRO. The applicant may choose to install a five foot buffer between the site and its adjacent non-residential use. Required plant materials shall be in compliance with Art.7, Compatibility Buffer Standards [which is one tree at 25 lineal feet and a 3-foot high hedge/shrubs].

a. Exception

- Buffers may not be required, if:
The adjacent compatible use has an existing buffer that meets the code requirements; or
The site abuts an existing or approved compatible use; or
The site development has a proposed zero setback adjacent to an existing or approved but unbuilt compatible use.

2. INCOMPATIBILITY BUFFER

Table Building Placement 3 of Section 7, Building Placement establishes a minimum setback of ten feet between projects with an IRO and its adjacent incompatible uses. The applicant is required to install a ten-foot wide buffer with an eight-foot high concrete panel wall. Required canopy trees shall be spaced at 20 lineal feet alternating on the exterior and interior side of the wall.

a. Shrubs

A single row of medium shrubs, perpetually maintained at a minimum height of 3 feet shall be provided on the exterior side of the wall.

b. Wall Requirement and Exception

- 1) 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 finished architectural finish treatment and color on both sides of the wall.
2) The required wall may be allowed to locate at the common property line and shall be exempt from Art.7.F.3.B, Location of Planting to provide flexibility for installation of plant materials. Relocation of wall shall be subject to a written agreement between applicant and adjacent property owners.

3. INTERIOR PLANTING

Interior Planting Standards are established for terminal islands, interior islands, divider medians, and landscape diamonds. For an IRO project, the applicant may choose to comply with all of the Standards of Art.7, Chapter G, Off-Street Parking Requirements; and seek deviations through an ALP where site restrictions prohibit the design from meeting code requirements.

In determining whether the Zoning Director shall support the proposed deviations through an ALP, the ALP shall be submitted at time of application, and the Zoning Director shall consider the standards in the IRO Required Findings to approve or deny the ALP.

a. Terminal Island

Terminal island shall have a minimum length of 15 feet and width of eight feet excluding curbs, and shall have one canopy tree per island. For projects that are two acres or less, terminal islands without a sidewalk may allow to be reduced to five feet if it is adjacent to a ten-foot wide incompatibility buffer and may be reduced down to three feet if it is adjacent to a perimeter compatibility buffer. The terminal island and the buffer shall be combined to provide an expanded width of the planting areas.

b. Interior Island

Interior island shall comply with the same dimensional standards of the terminal island as indicated in 3.a. One island shall be provided for every ten parking spaces with a maximum of 100 feet separation. One canopy tree shall be installed at every 20 feet on center. For projects that are two acres or less, interior island may be exempt and shall be replaced by Landscape Diamonds pursuant to Art.7.G.2.D.

[D. Landscape Diamonds Art.7.G.2.D

Landscape diamonds containing one tree and appropriate ground cover may be distributed throughout the interior of an off-street parking area as an alternative to median islands. Grade level tree planting

Notes:

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areas shall be located only at the common intersection of four parking spaces and spaced a maximum of four parking spaces apart. The minimum tree planting area shall be 25 square feet with minimum dimension of five feet by five feet.]

c. Sidewalk in Terminal or Interior Island

If a sidewalk or utilities are included in the terminal island, the width shall be expanded to the minimum width necessary to accommodate the sidewalk or utilities. As an option, the required tree may be relocated in the vicinity of the parking area to maximize the provision of shade.

d. Divider Median

Divider median shall be in compliance with Art.7.G.2.C. For projects that are two acres or less, divider median shall be replaced by Landscape Diamonds pursuant to Art.7.G.2.D.

4. FOUNDATION PLANTING

1. Foundation planting for front facades and located in the Pedestrian Area shall not be required. However, an applicant may choose to provide planting if the Pedestrian Area exceeds the minimum width requirement. Any foundation planting installed shall be provided in compliance with Art.7.

2. Foundation planting for side facades shall be provided in compliance with Table 7.C.3-1, Minimum Tier Requirements. Foundation planting shall be a minimum of 40% of the length or width of the façade.

a. Exemption

Foundation planting shall not be required, if:

- 1) If the side of the building has a five foot or less setback;
2) If the side of the building abuts a landscape buffer; or
3) If window boxes or planters are placed at the side of the building.

b. Deviations

- 1) If foundation planting is required to be provided along the side facades of a building, and has been determined that none of the above exemptions are applicable, then the required percentage may be transferred to the rear façade if the rear façade has a pedestrian walkway connecting the rear parking lot to and from the building(s). Transfer of the percentage is subject to the approval of an ALP pursuant to Art.7.B.3.
2) Deviation may also be in compliance with Art.7.D.11.B.

[This is the current code language for Art.7.D.11.B.2, it is drafted for the Westgate

2. FOUNDATION PLANTING DEVIATIONS

The following deviations shall be permitted subject to DRO approval of an ALP: [Ord. 2006-004]

a. The width of side foundation planting areas may be reduced from eight to five feet in width for buildings with a ten-foot side setback if the overall volume of reduced planting area is relocated on site or the required landscaping within the foundation planting area, at installation, be increased in height by 25 percent. [Ord. 2006-004] [Ord. 2008-003]

b. Side foundation planting may be eliminated for buildings using a zero side setback. [Ord. 2006-004] [Ord. 2008-003]

c. Side foundation planting may be relocated on site or the equivalent required landscaping within the site, be increased in height by 25 percent if the applicant can demonstrate that proposed building heights will adversely limit sunlight and viability of planting area. [Ord. 2006-004] [Ord. 2008-003]

D. USABLE OPEN SPACE

In addition to the planting area and pedestrian path, usable open space is encouraged to be incorporated within the public realm or interior of the site to provide a variety of outdoor uses and increase the options for pedestrian activities. Well defined and easily accessible usable open spaces could be the visual focal point in the public realm. For the purpose of this Chapter, usable open space is defined as square, plaza, courtyard, surface or roof top green areas with passive recreational features of which the design layout and location maximize access, visibility and safety for pedestrian activities or recreation.

The Usable Open Space standards establish an alternative for pervious areas that are previously required under Art.7. These standards promote "green" design principles by requiring specific location, orientation, and choice of construction materials for these open spaces. These standards also incorporate CPTED principles to ensure a healthy and safe environment is being provided to the users.

1. SIZE AND DIMENSIONS

Usable Open Space shall be a minimum of 10% of the building square feet.

The usable open space shall have a minimum 25 linear feet along a street for lots less than 100 feet in width and 30 linear feet along lots wider than 100 feet. Open space shall be no deeper than 2.5 times the frontage width, and the width shall be no greater than 5 times the depth. [WPB Code]

2. EXCEPTION

Comment [w56]: N/A – Exempt for all streetscapes - foundation plantings are not required for streetscape frontages.

Comment [w57]: Minimum pervious to be deleted in 09-01.

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1 For lots that are 2 acres or less in size, an architectural colonnade or arcade located in the
2 public realm area may be counted towards the required percentage of usable open space.
3 The path leading to the usable open space may be counted towards the percentage provided
4 the path is paved with materials of high Solar Reflectance Index (SRI) and of porous
5 materials that would assist in the drainage of the hard surfaced areas.
6 *For buildings that are designed with individual balconies and patios, then these features may
7 be counted towards the usable open space requirements. [private, save this for incentives].

8 **3. LOCATION, VISIBILITY AND ORIENTATION**

9 Usable open space shall be bordered by a street on at least one side, and shall be accessible
10 from the sidewalk.

11 Buildings bordering useable open space shall provide facades of at least 25% of the wall in
12 transparent windows or doors. Building entrances providing direct access to the usable open
13 space are encouraged.

14 A minimum 75% of a usable open space shall be visible from the street frontage perimeter. If
15 there is more than one usable open space proposed, the minimum size shall be 1,500 square
16 feet; otherwise, the required amount must be consolidated into one space.

17 One shade tree shall be installed for every 30 feet of perimeter of the Usable Open Space.
18 Trees shall be arranged to provide a shaded environment for pedestrians and benches.
19 Trees may be installed in either a formal arrangement, using regular spacing along the
20 perimeter and pathways, or may be arranged in informal clusters.

21 At least two benches shall be installed within a shaded area.

22 Bicycle racks with no less than two (four?) spaces shall be installed. The applicant shall
23 determine the

24 Adequate lighting shall be provided pursuant to **Art.5.E.4.E, Outdoor Lighting**.

25 If the Usable Open Space is a recreational area for children, fences no greater than 4 feet in
26 height may be used to contain areas with play equipment.

27 Vehicular traffic shall not be permitted within any public open space.

28 **E. INTERNAL ROADWAY**

29 Landscaping for internal roadway and access tract shall be consistent with the Urban Design (or
30 Type 1?) standard.

31 **F. UTILITIES AND EASEMENT**

32 1. For new development, utilities shall be installed underground or may be relocated to an alley,
33 subject to the approval buy the Utilities companies.
34

35 **SECTION 9 PARKING STANDARDS (MMK)**

36 **A. GENERAL**

37 The required number of parking spaces shall correspond to broad use categories, not specific
38 uses, and shall be responsive to the long term transition of tenants within a non-residential or
39 mixed use development. These standards provide flexibility in dimensional and layout
40 requirements to address site restrictions, and provide for reductions in the number of required off-
41 street parking spaces for sites that are located in close proximity to public transit, or have a
42 potential for inter-connectivity and shared parking areas between contiguous developments.

43 In addition to the above, this Section also establishes **Green Design Principles** for an applicant to
44 consider when preparing for the design layout and choice of materials utilized for the construction
45 of the parking and loading areas. The Green Design Principles are established to enable an IRO
46 project to achieve sufficient points for development incentives as referenced in **Section 12,**
47 **Incentives**.

48 **C. PARKING STANDARDS**

49 Off street parking spaces shall be provided in parking courts, a parking structure,
50 attached/detached garages. Approved on-street parking, whether located on internal or adjacent
51 perimeter streets, shall also be counted towards required or overall parking provided.

52 **1. ACCESS TO OFF-STREET PARKING**

53 **a. Alley**

54 Alleys, when present, shall be the primary source of access to off-street parking. Alleys
55 shall be a minimum width of 20 feet, and may be incorporated into parking lots as
56 standard drive aisles. Access to all properties adjacent to the alley shall be maintained.

57 **b. Side Street**

58 When alleys are not present, primary access to the off-street parking area shall be from a
59 side street.

60 **c. Front**

61 When neither an alley nor a side street is present as in a midblock site, the primary
62 source of access to off-street parking areas may be from the front, utilizing a driveway
63 that passes either to the side or through the building. In the instance that access
64 constraints necessitate front access, and the dimensional requirements for access
65 require a reduction in the minimum building frontage percentage contained in **Section 8,**

Comment [w58]: Have not seen this yet?
MMK response: I want to combine this with LCC
waiver/Green Architecture/Green Site Design
Principles.

Notes:

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Building Placement, the Zoning Director may approve the deviation request based on the Standards for Deviations and the applicant's commitment to achieve a minimum of X points through the Green Design Principles, Section 12.

d. Cross Access

Access between parking lots across property lines is required, and shall be accommodated within the site layout. Refer to Art.6.XX, Access Connections for requirements.

2. PARKING AREA

a. Allowable Side Parking

Where parking on the side of a structure is permitted, parking shall be accommodated using approved on-street parking or parking courts, as follows:

- 1. Parking courts shall provide a minimum five foot wide landscape planting area abutting any sidewalk, perimeter frontage, or adjacent parcel;
2. Landscape planting area shall include a 30 inch-high hedge. A 30 inch high wall shall also be required where abutting any sidewalk or perimeter street. Location of hedge or wall shall not block the safe sight distance of the drivers; and,
3. Landscape plating area shall include one canopy tree per 30 lineal feet.

Figure 5.X.9.C - Insert Illustration 2 (Cross Section)

show parking on the side situation with wall/hedge.

b. Parking in the Front

No deviations in the IRO streetscape options shall be allowed to accommodate parking in the front of buildings.

3. MINIMUM OFF STREET PARKING AND LOADING REQUIREMENTS

The applicant may choose from the following parking requirements:

- a. Range of parking for PDD with an IRO portion from 3/1000 to 5/1000 for commercial or mixed use projects with commonly shared parking spaces;
b. Three spaces per 1,000 square feet for non-residential use(s) for standard zoning district; or
c. 1.5 spaces per residential unit.

4. PARKING DIMENSIONS

Reductions for minimum parking dimensions required in Article 6, Parkign, shall be permitted for on-street parking as indicated in the Land Development Design Guidelines Manual.

5. SCREENING

a. Bay Doors

Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view.

b. Loading Areas

Loading areas, which may include loading spaces, docks and associated maneuvering areas that are: [Ord. 2008-037]

- a. within 100 feet of a parcel with a residential FLU, zoning district or use; or [Ord. 2008-037]
b. visible from a street R-O-W; shall be screened by an opaque wall architecturally compatible with the adjacent structure, unless exempted pursuant to Art. 6.B.1.F.4 below. The wall shall be of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall. [Ord. 2008-037]

H. STRATEGIES FOR GREEN DESIGN

The infrastructure required to support vehicle circulation such as parking and roadway surfaces increase the consumption of land and nonrenewable resources, it may alter storm water flow, absorb heat energy, and increasing the heat island effect.

The following are provisions strategies and design principles for consideration in achieving green design principles:

- 1. Provide instant shade in parking areas by installing covered parking areas, parking structures. Covered parking shall utilize materials with appropriate solar reflectance index (SRI) depending on the pitch of the roof of the structure. Trellises and other exterior structures that can support vegetation to shade parking areas, walkways to parking/building.
2. Paving materials (coatings and colorants over asphalt pavement) that have light color or have a SRI of at least 29 to improve solar reflectance;
3. Minimize paved areas of parking area layout, may utilize tree diamonds instead of interior islands to reduce aisle areas and heat island effect;
4. For sites 2 acres or less, may consider combining loading or service areas with aisle areas;
5. Utilize a parking deck to reduce parking area footprint for at least 50%;

Comment [w59]: Good concept for waivers – but could make automatic as the minimum to permit reasonable access without having to go thru a detailed waiver process?

Comment [w60]: May be redundant to block standards.

Comment [w61]: Need to do more to reduce required loading areas and allow for more diversity – e.g. less intense non-retail type uses should be able to load/unload from an internal street.

Comment [w62]: Suggest using range as approved for WCRAO – as Jon seems comfortable with it...

Comment [w63]: Is this any different than standard code? If not – delete. Do agree we need to create some architectural improvement for bay doors that face interior parking courts (see Jupiter/Military Trail site as an example).

Comment [mmk64]: Should I put this in a separate Section along with all the other Green design principles

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- 6. Reduce dimensions of parking space, aisle for compact vehicles. Locate parking spaces for compact vehicles and hybrid fuel vehicles closest to the building entrance; also provide preferred parking spaces (i.e. spaces closest to the building entrance);
- 7. Pave parking areas with porous materials subject to the approval by Land Development Division; or
- 8. Provide bicycle racks 1 rack per X vehicular spaces.

H. STANDARDS FOR DEVIATIONS

(may put this in General under a different Section, need this for when front access requires a reduction in the minimum 65% Building Frontage due to site constraints only).

The Zoning Director shall consider and determine that all criteria listed below have been satisfied by the applicant prior to making a final decision regarding the request for deviations from Parking Standards:

- 1. Where existing site elements posed restrictions for accessing off-street parking from an alley or side street, and require reducing the required minimum building frontage (building placement section) in order to accommodate access from the front.
- 2. Granting the deviation shall not confer upon the applicant any special privilege, but to provide flexible design alternatives to further achieve the overall purpose and intent of the IRO.
- 3. Granting the deviation is the minimum deviation that will make possible a reasonable use of the parcel of land.

SECTION 11 STREET STANDARDS

**AMENDED LAND DEVELOPMENT DESIGN GUIDELINES MANUAL
OR
PENDING WC DRAFT**

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RELATED AMENDMENTS

Amend/Verify consistency with any amendments in Round 2009-01.

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

Reason for amendment: (Zoning) Add definitions and acronyms related to the Infill Redevelopment Overlay.

CHAPTER I DEFINITIONS & ACRONYMS

SECTION 2 DEFINITIONS

-
- C. Terms defined herein or referenced in this Article shall have the following meanings:
 - Commercial Corridor (IRO) -
-
- F. Terms defined herein or referenced in this Article shall have the following meanings:
 - Form Based Code - A method of regulating the physical form of the built environment to achieve a predictable urban form, public realm, and sense of place.
-
- P. Terms defined herein or referenced in this Article shall have the following meanings:
 - Public Realm (IRO) – Publically or privately owned streets, sidewalks, rights-of-way, parks, and other publically accessible open spaces, and public and civic buildings and facilities.
-
- R. Terms defined herein or referenced in this Article shall have the following meanings:
 - Floating Regulating Plan (IRO) – A type of development concept plan required for all IRO projects that identifies transect zones, blocks, streets and alleys, and building types to identify the context and character of the development.
-
- S. Terms defined herein or referenced in this Article shall have the following meanings:
 - Sustainability – The integration of social, economic and ecological needs of the community with policies advocating management of resources for future generations.
-
- T. Terms defined herein or referenced in this Article shall have the following meanings:
 - Transect Zones (IRO) – A distinct category of physical form ranging from the most urban to the least urban. The IRO requires the application of one or more of four transect zones: Core, General, Edge and Open Space.
 - Transect Zone, Core 1 (IRO) – The most intense zone, typically comprised of larger interconnected buildings that create a continuous façade along one or more streetscapes. May front arterials, collectors, local commercial streets, and internal streets, but are discouraged from abutting local residential streets or other similar access-ways, and abutting residential uses unless density, intensity and built form are consistent.
 - Transect Zone, General 2 (IRO) – A moderately intense zone, typically comprised of smaller interconnected buildings, and used as a transition between the Core Transect Zone and less intense zones or abutting uses, or for smaller parcels with size constraints. May front arterials, collectors, local commercial streets, and internal streets, and local residential streets or other similar access-ways, but are discouraged from abutting local residential streets or other similar access-ways, and abutting residential uses unless density, intensity and built form are consistent
 - Transect Zone, Edge 3 (IRO) – A low intensity zone comprised of residential or work live uses that are compatible with or similar in scale with adjoining neighborhoods.
 - Transect Zone, Open Space 4 (IRO) – A passive zone typically located within other zones, or used as a transition or buffer between abutting uses. Typical uses include passive civic, recreation or other public open spaces such as plazas and squares, or drainage retention areas, environmental preservation, or landscape buffers.
-
- 31. Work/Live Space - A work/live space or unit is a horizontal or vertical combination of residential and commercial uses that may accommodate employees and walk in trade, located within a building where the tenants of each space or unit both live and work 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]
-

SECTION 3 ABBREVIATIONS AND ACRONYMS

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- **ABN** Development Order Abandonment
- **CC** Commercial Corridor (IRO)
- **FBC** Florida Building Code or Florida Building Commission
- **FBSDC** Form Based Code
- **FRP** Floating Regulating Plan
- **SSRP** Site Specific Regulating Plan (SSRP)
- **TZ** Transect Zones (IRO)
-

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

| |
|--|
| Reason for amendment: (Zoning) 1) IRO, LCC and URA all have a mandatory pre-application conference requirement so as to ensure that potential applications can comply with all applicable standards. These amendments serve to consolidate redundant provisions; and, 2) Add acronym. |
|--|

6 **CHAPTER A GENERAL**

7 **SECTION 1 APPLICABILITY**

8 **E. PRE-APPLICATION CONFERENCE**

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

14 **1. SITE PLAN REVIEW**

15 The applicant shall specify in the application whether the pre-application conference is
16 requested for a conceptual site plan review. **[Ord. 2005 – 002]**

17 **2. SUFFICIENCY AND INSUFFICIENCY**

18 The application shall follow the procedures as provided in [Article 2.A.1.G, Application](#)
19 [Procedures](#).

20 **3. REVIEW SUMMARY**

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

24 **4. IRO, LCC AND URA STANDARDS**

25 **A PAC shall be required for any IRO, LCC or URA project. This shall not include any new**
26 **uses that are clearly indicated on a DRO approved site plan, as a listed permitted use,**
27 **including any related outdoor use areas. PAC applications shall include the following:**

- 28 **a. Pending**
- 29 **b. Pending**
- 30 **c. Pending**

31
32
33 **Part . ULDC, Art. 2.D.1.B, Application Types [Related to Administrative Processes and**
34 **Development Review Officer] (page 25 of 53), and is hereby amended as follows:**
35

| |
|--|
| Reason for amendment: (Zoning) Add requirement that all IRO projects obtain DRO approval. |
|--|

Comment [w65]: This is where LCC and URA additional PAC requirements can be listed. No additional standards are required for IRO at this time; however, will review suggested list from Monica/Stephanie's teams and re-assess.

36 **CHAPTER D ADMINISTRATIVE PROCESS**

37 **SECTION 1 DEVELOPMENT REVIEW OFFICER**

38 **A. PURPOSE**

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

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B. APPLICATION TYPES

- 1. The following types of development shall require approval of a master plan, site plan or subdivision plan by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO:
a. Conditional Use/Requested Use;
b. All development in a PDD or TDD;
c. All development electing to utilize the provisions of the IRO; [Renumber Accordingly.]

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

Reason for amendment: (Zoning) Expand DRO authority to amend prior BCC/ZC approvals to include IRO projects, only where there are no conflicts with conditions of approval. IRO projects that cannot comply with the provisions of the IRO, any ZC/BCC conditions of approval, or testimony given at Public Hearings, shall be required to submit an application for a DOA to remedy any conflicts.

CHAPTER D ADMINISTRATIVE PROCESS

SECTION 1 DEVELOPMENT REVIEW OFFICER

G. ADMINISTRATIVE REVIEW

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

1. AMENDMENTS TO BCC/ZC APPROVALS

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

- h. The modification shall not result in any substantial increase in traffic or access, as determined by PBC; and [Ord. 2008-003]
i. Requested uses shall remain in the location approved by the BCC, unless a condition of approval allows relocation; and, - [Ord. 2008-003]
j. Any modification within an affected area that implements the provisions of the IRO, provided that there are no conflicts with prior conditions of approval, any improvement or amenity used to garner support for a project, or testimony from Public Hearing(s). The use of variance relief from IRO requirements shall not be used to circumvent any such limitations. IRO modifications are limited to the affected area of a project, and shall not be misconstrued as allowing any additional changes within unaffected areas.

Part . ULDC, Art. 3.B.3, Conditional Overlay Zone (page 18 of 155), and is hereby amended as follows:

Reason for amendment: (Zoning) Expand scope of COZ to allow for use in conjunction with an IRO project where application is made for a Development Order Abandonment (ABN) to allow for application of IRO regulations, where existing uses and improvements will be utilized until the new IRO project commences development. The COZ shall serve to retain any and all conditions and site plan approvals associated with prior approvals for existing uses intended to be abandoned/demolished. This ensures that existing uses are regulated in accordance with any prior approvals pending utilization of IRO regulations, as well as a safety net should the new project not commence within time limitations.

CHAPTER B OVERLAY ZONES

SECTION 3 COZ, CONDITIONAL OVERLAY ZONE

A. PURPOSE AND INTENT

The purpose of a A COZ district is to modify or restrict uses or the use and site development regulations authorized in the underlying normally permitted by standard zoning district regulations where necessary to prevent, minimize or mitigate adverse impacts upon the surrounding land uses. Conditions shall be required included if the applicable regulations are inadequate to protect the surrounding land uses. A COZ may also be required for a DOA to a prior rezoning approval

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Comment [w66]: Pending determination on phasing out of conditional use approvals (and related conditions therein) as may be amended by a DOA, we may be able to limit a COZ to prior rezoning approvals that have conditions of approval (older Ordinances) or voluntary commitments, without a prior COZ? Excluding PDDs, which may be the same as Conditional Uses – where a DOA can be used to incorporate phase out?

Comment [w67]: Means "and/or" per Art. 1 – allows for combination or one or the other...

Comment [w68]: Redundant – "mitigate" synonym includes "lessen" which also has a synonym of "minimize."

EXHIBIT B

**ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT**

1 where necessary to allow for the use of the IRO. Requirements of the COZ district are in addition
2 to and supplement other applicable requirements of this Code. [Ord. 2008-037]

3 **B. BOUNDARIES**

4 A COZ is site specific to parcels subject to the applicability standards below. The boundary of the
5 COZ is applied to the property considered for rezoning. [Ord. 2008-037]

6 **C. APPLICABILITY**

7 The provisions of the COZ shall apply to lands in unincorporated PBC pursuant to BCC approval.
8 When applying a Type I or II in application of the COZ, the BCC shall find that the proposed
9 rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or
10 more of the following reasons for the COZ district: [Ord. 2008-037]

- 11 1. Consistency with the Code: potential impact to surrounding land uses requires mitigation;
- 12 2. Compatibility with Surrounding Uses: compatibility will be furthered between the requested
13 zoning district and adjacent zones if uses and property development regulations (PDRs) are
14 modified; ~~and/or~~
- 15 3. Adequate Public Facilities: intensity limits reflect available capacity of public facilities; or,
- 16 4. IRO DOA: To carry forward prior rezoning conditions of approval or voluntary commitments
17 where associated with a DOA to allow for the use of the IRO.

18 **D. COZ AUTHORITY DISTRICT REGULATIONS**

19 Restrictions or conditions of approval which may be imposed by a Type I or II in the COZ district
20 include: limitations on uses, size, height, bulk, mass, scale and location of improvements,
21 standards for landscaping, buffering, lighting, adequate ingress and egress, on-site or off-site
22 improvements; hours of operation; and any other specific site development limitation necessary to
23 mitigate adverse impacts to surrounding land uses ~~regulations required or authorized by this~~
24 ~~Code.~~

25 **E. COZ**

26 **1. PROCESS**

- 27 During the Zoning review process, the property owner shall either: [Ord. 2008-037]
28 a. apply for a COZ overlay; or [Ord. 2008-037]
29 b. voluntarily agree to a COZ overlay recommended by staff for the property being
30 considered for rezoning. [Ord. 2008-037]

31 ~~**2. AUTHORITY**~~

32 ~~The COZ authorizes specific development restrictions, including but not limited to, traffic~~
33 ~~performance standards; use limitations, etc. to proactively address potential incompatibilities~~
34 ~~with the adjacent properties. The BCC may impose conditions of approval to address these~~
35 ~~restrictions. [Ord. 2008-037]~~

36 **3. EXCEPTION**

37 In the case when a rezoning is requested or required to maintain consistency with the
38 Comprehensive Plan or any conditions to a site specific Plan amendment initiated by the
39 Planning Division, consent of the property owner(s) or agreement with the COZ shall not be
40 required. [Ord. 2008-037]

Comment [w69]: Redundant to prior District
Limitations.

Comment [w70]: This is a "Catch 22" as
almost all rezoning are to be consistent with
FLU designation – with exception to
underzonings?

41
42
43 **Part . ULDC, Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard**
44 **Zoning Districts (page 52 of 155), and is hereby amended as follows:**
45

Reason for amendment: (Zoning)

**TABLE 3.C.1.A FUTURE LAND USE (FLU) DESIGNATION AND CORRESPONDING
STANDARD ZONING DISTRICTS¹**

| FLU Designation | | Zoning District ² | | | |
|---------------------------------|-----------------|------------------------------|-----------------|-----------------|----|
| Agriculture/Conservation | | | | | |
| AP | AP | | | | |
| AGR | AGR | | | | |
| CON | PC | | | | |
| SA | AR ³ | 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 ³ | | |
| 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 | | | | | |
| CL-O | CLO | IB | | | |

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EXHIBIT B

**ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT**

| | | | | | | |
|--|-----|-----|-----|-----|----|----|
| CL | CN | CC | CLO | IR | | |
| CH-O | CLO | CHO | IR | | | |
| CH | CN | CC | CLO | CHO | CG | IR |
| CR | 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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Part . ULDC, Art. 3.C.1.C, Previous Zoning Districts (page 53 of 155), and is hereby amended as follows:

Reason for amendment: (Zoning) Clarification of validity of previous districts and corresponding districts where consistent with FLU designation, to include requirement for concurrent rezoning application where any other BCC application is proposed.

CHAPTER C STANDARD DISTRICTS

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

C. PREVIOUS ZONING DISTRICTS

1. The following previously established zoning districts correspond to the current districts:
 - a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.
 - b. Rural Services (RSER) District shall correspond to the AR District.
 - c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.
 - d. Residential Transitional Urban (RTU) District shall correspond to the RS District.
 - e. Multifamily Residential High Density (RH) District shall correspond to the RM District.
 - f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall correspond to the Commercial High Office District (CHO) District.
2. Where the corresponding district for a parcel is consistent with its FLU designation, a rezoning shall not be required, provided that any development is consistent with the requirements of the corresponding district. Any application that requires Public Hearing approval shall be accompanied by an application to a current Zoning district.

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

Reason for amendment: (Zoning)

CHAPTER C STANDARD DISTRICTS

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

G. COMMERCIAL DISTRICTS

-
- 7. IR, INFILL REDEVELOPMENT DISTRICT**
- The IR district is to encourage infill and redevelopment in the U/S Tier, with all new development subject to the requirements of the IRO, including provisions requiring BCC approval of a Floating Regulating Plan. To further encourage the partial conversion of larger existing commercial developments, previously developed uses, buildings and improvements may be retained where information is clearly shown on prior approvals, provided that any future development be in accordance with the IRO. In granting approval of a rezoning to the IR district, the BCC may adopt conditions of approval for a Floating Regulating Plan; or, where required to carry forward conditions of approval related to prior approvals, under the premise that such conditions shall be phased out upon conversion to an IRO development.

Comment [w71]: This actually almost makes sense, with exception to how to explain that "uses" in previously constructed buildings/improvements may be interchanged based on the prior district (e.g. CN, CC, CL, CLO, CH, CHO or MUPD)???. A simple graphic showing an approved Floating Regulating Plan, phasing and a part of a site with an existing MUPD may be helpful to delineate this concept. Thoughts???

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EXHIBIT B

ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT

1 Part . ULDC, Art. 4.B.1.A.141, Work/Live Space, (page 98 of 155), and is hereby amended as
2 follows:
3

Reason for amendment: (Zoning) Update definition for Work/Live space to delete reference to industrial
activities; 2) allow for increase in residential FAR where density is used; and, 3) Delete redundant
reference to WCRAO Use Regulations.

4 CHAPTER B SUPPLEMENTARY USE STANDARDS

5 SECTION 1 USES

6 A. DEFINITIONS AND SUPPLEMENTARY STANDARDS FOR SPECIFIC USES

7
8 141. WORK/LIVE SPACE OR UNIT

9 A work/live space or unit is a horizontal or vertical combination of residential and commercial
10 uses that may accommodate employees and walk in trade, located within a building where
11 the tenants of each space or unit both live and work. Non-residential uses are limited to
12 those permitted by the PDD, TDD or Standard District Use Regulations Use Matrices.

13 a. Work/Live Space

14 A work/live space shall only be permitted where non-residential intensity is allowed by the
15 FLU designation. GFA shall be calculated towards the maximum FAR allowed.

16 1. Residential Space

17 Living area shall be a minimum of 250 square feet, but shall not exceed 1,000 square
18 fee.

19 2. Non-residential Space

20 Non-residential use(s) shall be a minimum of 100 square feet, but shall not exceed
21 1,000 square feet.

22 b. Work/Live Unit

23 A work/live unit shall only be permitted where mixed use is allowed and residential and
24 non-residential uses are collocated in one space or unit. Residential GFA shall be
25 calculated towards the maximum residential density allowed, and non-residential GFA
26 shall be calculated towards the maximum FAR allowed.

27 c. Interconnectivity

28 Residential and non-residential use areas may be interconnected or separated from one
29 another, provided that where required by FBC, separations shall provide for appropriate
30 firewall and other similar safety considerations.

31 d. Combination

32 Any combination of work/live spaces or units shall be permitted, within the limitations of
33 maximum FAR and density permitted for a site.

34
35 141. WORK/LIVE SPACE

36 A space within a building that is used jointly for residential, commercial and/or industrial
37 purposes, where the residential space is accessory to the primary use as a place of work.
38 [Ord. 2004-040] [Ord. 2006-004] [Ord. 2007-013]

39 a. Floor Area

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

41 b. Office Space

42 A minimum of ten percent of the living area shall be designated as office space. [Ord.
43 2004-040]

44 c. WCRAO

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

47
48 Part . ULDC, Art. 7.A1.B, Landscape Design Principles (page), and is hereby amended as
49 follows:
50
51

Reason for amendment: (Zoning) Update Landscape Design Principles to incorporate IR streetscape
and other pedestrian oriented design provisions.

52 CHAPTER A GENERAL

53 SECTION 1 LANDSCAPE AND BUFFERING

54 B. LANDSCAPE DESIGN PRINCIPLES

55 The standards established in this Article are to be considered the minimum requirements for
56 landscape design. It is the intent of this Article to encourage creativity in landscape design while
57 providing general direction and criteria for the evaluation of landscape plans, planting plans and

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EXHIBIT B

**ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT**

1 alternative landscape plans. The following design principles are general standards to be used by
2 County staff and DRO in evaluating whether landscape plans conform to the requirements of this
3 Article:

4
5 **10. QUALITY PEDESTRIAN ENVIRONMENT**

6 In the U/S Tier, as well as pedestrian-oriented development types such as TDD's, landscape
7 designs should give special attention to ensuring a safe and attractive pedestrian
8 environment. In high activity areas, such as commercial and workplace areas, benches,
9 kiosks, artwork, and other streetscape elements should be incorporated into landscape
10 designs. Pedestrian access to sidewalks or buildings should be considered in all landscape
11 designs. Landscaping shall not obstruct pedestrian sightlines, especially at crosswalks.
12

**Photo 7.A.1.B-10 - Visual Interest for
Pedestrian and Automobile Traffic**



Meandering sidewalks flanked by well composed curvilinear landscaping can add visual interest for pedestrian and automobile traffic.

**Photo 7.A.1.B-11 - Streetscape
Elements**



Effective use of landscaping to frame the sidewalk and buffer the pedestrians from the street. Streetscape elements such as benches and potted plants enhance the pedestrian experience.

13 **Part . ULDC, Art. 7.A.1.C, Applicability [Related to Landscaping] (page), and is hereby**
14 **amended as follows:**
15
16

Reason for amendment: (Zoning) Update Landscape Applicability to reference IRO provisions

17 **CHAPTER A GENERAL**

18 **SECTION 1 LANDSCAPE AND BUFFERING**

19 **C. APPLICABILITY**

20 The provisions of this Article shall be considered minimum standards and shall apply to all new
21 development except development exempted in [Art. 7.A.1.F, Exemptions](#), and deviations allowed
22 by Art. [7.A.1.E, Deviations](#). For previously approved development orders, refer to [Art. 1.F,](#)
23 [NONCONFORMITIES](#).
24
25
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30 **CHAPTER B TYPES OF PLANS**

31 **SECTION 4 STREET PLANTING PLAN**

32 Plans for landscaping within streets shall be provided for new subdivisions in accordance with Article
33 11.B.3.B.3, Construction Plans and Supplemental Engineering Reports.
34

35 **CHAPTER C MGTS TIER COMPLIANCE**

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

38 **SECTION 1 U/S TIER**

39 Landscaping in the U/S Tier should have a higher level of detail and more structure, such as pedestrian
40 accents, formal arrangements in perimeter landscape and buffers, street tree plantings, and inter-
41 connections between pedestrian and vehicular areas. The Revitalization and Redevelopment Overlay is
42 located with the U/S Tier and recognizes the unique opportunities and restrictions often encountered in
43 development of infill parcels. Greater flexibility and alternative landscape solutions are available to
44 promote development within the boundaries of these areas. However, it also recognizes the unique

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EXHIBIT B

**ARTICLE 5 – OVERLAYS
SUMMARY OF AMENDMENTS
DRAFT (Updated 07/26/09) DRAFT**

1 opportunities and restrictions that may be encountered in infill and redevelopment parcels, and
2 recommends allowing greater flexibility and alternative landscape solutions to be made available to these
3 types of projects.

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7 U:\Zoning\CODEREV\Research - Central\INFILL REDEVELOPMENT PROJECT (2008-09)\2 Drafts\00 MAIN DRAFT\MAIN
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