

LDRAB/LDRC

AMENDMENTS TO THE AGENDA

Wednesday, October 28, 2009

(Updated October 28, 2009)

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Amendments to the Agenda:

#1	Page 3, Agenda
	Reason for Amendment: [Zoning/Planning] Minor changes, as follows: <ul style="list-style-type: none"> - Item D.2, Exhibit E, SR-7 EDO (pages 51 – 56) is hereby withdrawn, to be carried forward to ULDC Amendment Round 2010-01. - Item E.2, amended to read: "...See Exhibits listed above B-1 thru B-9 <u>D.1 and D.3 thru D-9.</u>"

#2	Page 13, Exhibit B-1, Table Row 3 Page 23, Exhibit B-2, Part 9, Line 43 Page 47, Exhibit C, Part 10, Line 61
	Reason for Amendment: [Zoning] Word "Shall" inadvertently stricken.

- b. TMD ~~and LCC~~ Districts
In the TMD and LCC Districts, retail sales, general shall ~~Shall~~ not exceed
100,000 square feet

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Notes for Amendments to the Agenda:

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



**Department of Planning,
Zoning & Building**

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West Palm Beach, FL 33411-2741
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Building Division 233-5100
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**Palm Beach County
Board of County
Commissioners**

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Shelley Vana

Steven L. Abrams

Jess R. Santamaria

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October 21, 2009

Mr. Wesley Blackman, AICP, Chairman
and Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: October 28, 2009 LDRAB/LDRC Meeting

Dear Mr. Blackman:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC meeting on Wednesday, October 28, 2009.

The meeting will commence one hour earlier at **1:00 p.m.** in the Vista Center 1st Floor Conference Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5232 or via email at BCPinkst@pbcgov.org or William Cross, Principal Site Planner at WCross@pbcgov.org.

Sincerely,

Barbara Pinkston-Nau
Principal Site Planner, Zoning Division

Attachments: October 28, 2009 LDRAB/LDRC Agenda and Supporting Materials

BPN/ad

c: Verdenia C. Baker, Deputy County Administrator
Barbara Alterman, Esq., Executive Director, PZB
Lenny Berger, Assistant County Attorney
Jon MacGillis, ASLA, Zoning Director
Maryann Kwok, Chief Planner, Zoning
William Cross, Principal Site Planner, Zoning
Isaac Hoyos, Principal Planner, Planning
John Rupertus, Senior Planner, Planning
Ken Rogers, Director, Land Development
Joanne Koerner, Professional Engineer, Land Development

PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

OCTOBER 28, 2009

BOARD MEMBERS

Wes Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzitiello (Gold Coast Build. Assoc.)

Joanne Davis (District 1)

Joni Brinkman (League of Cities)

Barbara Katz (District 3)

Ron Last, P.E. (Florida Engineering Society)

Jim Knight (District 4)

Jose F. Jaramillo (A.I.A.)

Lori Vinikoor (District 5)

Rosa Durando (Environmental Organization)

Mike Zimmerman (District 6)

Michael Cantwell (PBC Board of Realtors)

Martin Klein, Esq. (District 7)

(Vacant) (Fl. Soc. of Prof. Surveyors)

Brian Waxman, Esq. (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Frank Palen, Esq. (Member at Large/Alternate)

Steven Dewhurst (Association Gen. Cont. of America)

Board of County Commissioners

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Commissioner, District 1

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District 7

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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
Wednesday, October 28, 2009 AGENDA
2300 North Jog Road
1st Floor Conference Room (VC-1W-47), 1:00 p.m.**

A. Call to Order/Convene as LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of September 23, 2009 Minutes (Exhibit A) (pages 1 - 3)

B. ULDC Amendments

1. Exhibit B-1 LCC: Questions Raised by Board Members/Response by Staff
2. Exhibit B-2 Summary of Amendments: Lifestyle Commercial Center (LCC)

C. Convene as LDRC

1. Proof of Publication
2. Consistency Determination
 - a. Exhibit C LCC as previously presented at September 23, 2009 LDRAB meeting, and as amended per Exhibit B above.

D. Reconvene as LDRAB – ULDC Amendments (continued)

1. Exhibit D TDR Moratorium
2. Exhibit E SR-7 Economic Development Overlay (SR-7 EDO)
3. Exhibit F Workforce Housing Program (WHP)
4. Exhibit G Article 1 – General Provisions
5. Exhibit H Article 2 – Development Review Process
6. Exhibit I Article 3 – Overlays and Zoning Districts
7. Exhibit J Article 4 – Use Regulations
8. Exhibit K Article 6 – Parking
9. Exhibit L Renewable Energy (Wind)

E. ReConvene as LDRC

1. Proof of Publication
2. Consistency Determinations: See Exhibits listed above B.1 thru B.9

F. Reconvene as LDRAB

G. Public Comments

H. Staff Comments

I. Adjourn

EXHIBIT A

PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of September 23, 2009 Meeting

On Wednesday, September 23, 2009 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB.

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Barbara P. Nau, Code Revision Principal Planner, called the roll.

Members Present:

Wesley Blackman (PBC Planning Congress)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Jose Jaramillo (A.I.A.)
Rosa Durando (Environmental Org.)
Maurice Jacobson (Condominium Assoc.)
Joanne Davis (District 1)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Mike Zimmerman (District 6)
Martin Klein (District 7)

Members Present – 11

Members Absent:

David Carpenter (District 2)
Ron Last (FL Eng. Society)
Larry Fish (FL Soc. of Pro. Land Surveyors)
Barbara Katz (District 3)
Michael Cantwell (PBC Board of Realtors)
Steven Dewhurst (Assoc. Gen. Cont. of Amer)
Brian Waxman (Mem. At Large, Alternate)
Frank Palen (Mem. At Large, Alternate)

Members Absent - 6

County Staff Present:

Jon MacGillis, ALSA, Director
Lenny Berger, Assistant County Attorney
Barbara Pinkston-Nau, Principal Site Planner, Zoning
Jan Wiegand, Senior Site Planner, Zoning
Monica Cantor, Site Planner II, Zoning
Ann DeVeaux, Site Planner I, Zoning
John Rupertus, Senior Planner, Planning
Jorge Perez, Senior Planner, Planning

2. Additions, Substitutions, and Deletions

Staff presented an add/delete sheet with changes to Exhibit B, LCC White Paper and the Lifestyle Commercial Center proposed regulations.

Motion to adopt, by Martin Klein, seconded by Maury Jacobson. The motion passed unanimously (11 - 0).

3. Motion to Adopt Agenda

Motion to adopt, as amended by Martin Klein, seconded by Maury Jacobson. The motion passed unanimously (11 - 0).

4. Adoption of May 27, 2009 Minutes (Exhibit A)

Motion to adopt, by Martin Klein, seconded by Maury Jacobson. The motion passed unanimously (11 - 0).

B. ULDC Amendments

1. Exhibit B: Article 1 – General Provisions

Jon MacGillis summarized background information pertaining to the Lifestyle Commercial Center (LCC) and stated that this amendment establishes new regulations for a new type of planned development. He pointed out that in the late 80's or early 90's, the Board of County Commissioners (BCC) was concerned with the amount of commercial centers being established in commercial corridors that were not located at major intersections. Hence, the mid-block commercial policy was adopted in the Plan. A project proposing mid-block commercial on Lake Worth Road west of the Turnpike was presented to the Planning Division. The BCC directed Planning and Zoning staff to examine the policy and amend the Plan to accommodate a mid-block commercial development such as TMD or LCC. New regulations are being established under Article 3. A subcommittee was established comprised of LDRAB members Raymond Puzzitiello and Jose Jaramillo, industry representatives and Planning and Zoning staff, among others. The new regulations are the result of the subcommittee meetings.

EXHIBIT A

A power point presentation by Monica Cantor gave insight into how and why the concept and regulations were established. She summarized the LCC's processes that includes: density requirements, purpose and intent, design principles, parking areas, main & secondary streets, pedestrian area on main and secondary streets, usable open space, street trees, street lights and utilities, parking, loading and waivers. She stated that the LCC is a planned development district.

Parts 1 and 2– Jon MacGillis summarized the new or amended definitions and acronym applicable to the LCC. Raymond Puzziello clarified the Work/Live and Live/Work Space. Jon pointed out that in the pre application conference, the developer would meet with staff and determine if any waivers can be obtained up front. Raymond Puzziello questioned who would be responsible for the review. Jon responded that the project would be reviewed by 18 agencies. Part 1, #2 on the add/delete sheet adds language to primary access, line 13 on page 4. Lori Vinikoor questioned if the square feet for a single tenant is 100,000 or 65,000. Jon MacGillis explained that the square footage permitted for large tenants is being amended from 65,000 to 100,000 square feet to be consistent with the Comp Plan. He also pointed out that language was being added to limit a retail tenant's square footage to a maximum of 65,000 to avoid big box type developments. This is also indicated on the add/delete sheet as #8, Part 7, page 18.

Exhibit B: Article 2 – Development Review Procedures

Part 3 – Jon MacGillis stated that the pre-application conference is in the Code and it will be mandatory for a LCC to make the applicant aware of what will be required up front. It also includes additional LCC and Infill Redevelopment Overlay (IRO) requirements. The IRO, another form of development, proposed amendment is scheduled for review by LDRAB next month. The conceptual site plan requirement for a pre-application conference is detailed in a Table on page 6. Also, #3 on the add/delete sheet reflects a change to line 2 and corrects the spelling of the word "daycare".

Exhibit B: Article 3 – Overlays & Zoning Districts

Part 4 – Jon MacGillis stated that the LCC is being added to the Future Land Use Designation and Corresponding PDDs table and corresponds to the commercial low and commercial high land use designations. On page 7, #4 on the add/delete sheet deletes the word "either" on line 16 and corrects formatting from letters to numbers on lines 16, 19, 21 and 23.

Joni Brinkman questioned whether five days would be sufficient time for staff to respond with a written analysis of the pre-application conference. Wes Blackman questioned the density allowed in LR-2. Jon Rupertus clarified that LR-2 is the commercial underlying designation that is typically residential. Planning determination of the land use is based on the underlying designation. Joni Brinkman asked if the FLU Designation Chart could be simplified to remove the percentages since the calculations works out to be one dwelling unit per acre. Jorge Perez stated the reason percentages were used is because there could be other factors that were not considered such as workforce housing or some other qualifications that could drive the percentages up or down slightly. Joni Brinkman asked if the LCC is exempt from Workforce Housing Program requirements as a PDD since it is not a PUD. Jorge Perez and Jon MacGillis both responded that it would not be exempt. Jon MacGillis stated for residential of 10 or more units, it is a requirement to provide workforce housing. The minimum density would be required for the LCC. Joni questioned if the workforce housing calculations are based on the standard density and if going above the minimum density, would a sliding scale on the PUD be used? Jon MacGillis stated that on the pre-application, the number of units being requested must be shown. The Planning Division determines how many units should be provided. Joni also questioned whether these changes would affect the PUD workforce housing calculation chart in the ULDC. Jon stated that he would reexamine that aspect of the chart with Planning.

Part 5 – Jon MacGillis explained that the PDD Use Matrix and the commercial uses allowed for the LCC are the only changes made to the matrix and is directly related to the LCC. The supplementary notes have language added for the use types allowed in the LCC such as enclosed auction, auto service stations, building supplies, car wash, convenient stores, financial institution, car sales and green markets. Language has been added to the supplementary notes to clarify uses that can be permitted in the LCC. Supplementary notes have been added or amended to: enclosed auction, auto service stations, building supplies, car washes, convenient stores, financial institution, car sales and green markets. Wes Blackman questioned the strike out "S" Special Permit for CLF Type 2. Jon responded that it was to correct a scrivener's error and CLFs have never been allowed by Special Permit.

Rosa had several questions regarding mobile homes being allowed as a permitted use on a minimum lot size of 10 or more acres. Jon MacGillis explained that security caretakers quarters and a mobile home is allowed for up to two years while constructing a house. Barbara P. Nau clarified the issue by reading the ULDC definition of security caretakers quarters.

Jon MacGillis pointed out that language has been added to the supplementary notes to clarify when and where the following uses can be placed on the site: – auction, auto service stations, building supplies, car washes, convenient stores, financial institution, car sales and green markets. Rosa Durando also asked if landscaping service would be a permitted use in the LCC and if u-pick and buy was considered a green market and a permitted use in the LCC. Jon MacGillis explained that landscaping service would not be an appropriate use for the LCC and u-pick and buy uses is bona fide ag. Jon MacGillis reiterated that no new agricultural uses are being proposed in the LCC. Joanne Davis commented that putting a pond on a site to accommodate drainage on site could be a good thing and questioned the possibility of using

EXHIBIT A

some of the storm water ponds as water features. Jon MacGillis responded that planned developments are concurrently doing it.

Part 6 –Jon MacGillis summarized the pre-application conference requirements for submitting an LCC to the County.

Part 7 – Jon MacGillis summarized the standards for the LCC and stated what staff would look for in a site plan in an LCC submission. The typical layout would support an open-air marketplace with a main street and could have a large tenant that could be incorporated on the main street or as a stand-alone site. The LCC also allows flexibility, ensures compatibility and interconnectivity. He further elaborated that if there were a conflict with other sections of the Code, the LCC section would apply to the extent of the conflict. Wes Blackman asked if there was anything that could not be subject to a waiver. Jon MacGillis explained the LCC Waiver table on page 20-21 lists the items subject to a waiver. He further explained that if the requirement was not listed in the waiver table, a variance could be sought. The applicant would need to complete an application and demonstrate compliance. The Zoning Director would consider the request for waiver, review the requirements against the table and either grant or deny the waiver. Waivers must be obtained prior to certification. If the Zoning Director denies the waiver, the applicant may appeal to the Zoning Commission for a decision and an application fee would apply. On the add/delete sheet, #6 amends line 55, Article reference and #8 amends lines 61-62.

Joanne Davis asked what the block layout was in City Place. Jon MacGillis responded that City Place was standard; however, the blocks are a little larger than the typical standard size block. Joanne Davis asked what Lake Worth block structure is and Wes Blackman stated that the block size was 120-150 feet. Jon MacGillis summarized the design principles and indicated that the principles weigh heavily on the street layout. Part 8 adds the live/work requirement is to Table 3.F.1.F, Traditional Development Permitted Use Schedule.

Exhibit B: Article 4 – Use Regulations

Part 9 – Jon MacGillis explained that the live/work requirements needed to be added to the the matrix for consistency.

Part 10 – Jon MacGillis explained in detail the amended and new supplementary standards related to the LCC. Discussion ensued on green market. Rosa Durando questioned whether the green market was allowed to run all day in the LCC. Jon MacGillis stated there is a difference in a temporary and permanent green market. He stated that the language would be reexamined and language added to clarify parking requirement for a temporary green market. Discussion ensued regarding note 108, repair services, limited. Rosa Durando questioned why lawn service and motor repair shops would not be allowed. Jon MacGillis stated the use is not appropriate for the LCC due to noise, etc. Wes Blackman stated that note 113, addresses the issue. Martin Klein suggested removing the word "small motors" from the language.

Exhibit B: Article 5 – Supplementary Standards

Part 12 - Jon MacGillis stated the exemption for architectural design standards are being expanded to include the LCC Development District.

C. Public Comments

Drew Martin expressed concerns relative to the five percent requirement for open space and stated that it should be at least 15 percent. He also expressed concerns over native trees being overlooked during development and felt that if native trees are utilized in open spaces it would attract families. He had other concerns regarding water and energy conservation, drip irrigation, nighttime lighting and rooftop gardens that help reduce energy of buildings. He also mentioned the need to have open space and buffer areas that are nature friendly. Jeff Brophy expressed his appreciation for the opportunity to work with staff in drafting the LCC regulations and stated that practical sites were used to truth it.

D. Staff Comments

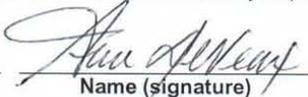
Jon MacGillis stated that ERM would go out to the site to view native species and makes a determination of preservation issues. He discussed open space and useable open space.

Motion to approve, as amended, by Martin Klein, seconded by Maury Jacobson. The motion passed unanimously (11 – 0).

E. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 4:22 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Secretary at (561) 233-5088.

Minutes drafted by: Ann Deveaux, Site Planner I  10/23/09
Name (signature) Date

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EXHIBIT B-1
LDRAB
Questions Raised by Board Members/Response by Staff
Wednesday, September 23, 2009

Question	Response ¹	Required Amendment Page
<p>Under the definition of plaza the term “public” could be interpreted as an area for free access to everyone at all times in which any public event can take place but the development itself is within a private parcel. Review definition.</p>	<p>The new language intends to indicate that open-to-the-public character of a plaza is for people to gather and have some activities without stating that such space is public in terms of ownership. 56. Plaza – outdoor space accessible to the public, dedicated to active or passive activities where pedestrians gather, designed to include streetscape and accented with landscape or focal points.</p>	<p>Page 4 Line 38 - 40</p>
<p>Will WHP be exempt from the LCC density in PUD Table 3.E.1.B? Chart could be simplified. Will chart work for WHP?</p>	<p>Density table 3.E.1.B is not going to be modified.</p>	<p>Examples of WHP are calculation provided in Attachment “B”</p>
<p>Would the WHP requirement apply only to the live/work units, not the work/live units, as those are based on residential units where the second is based on square footage. If that is the case, should an exemption be added to article five exempting the work/live units?</p>	<p>Work/live space is square footage or intensity which does not count towards density so there is not need to change any language in article 5 to include or clarify work/live space. Density will apply to Live/Work. Deleted language shown below avoids any possible conflict: 3. Mixed Use and Integration The LCC shall primarily consist of commercial related uses, work-live-space-of live-work units, and limited residential units based upon the site’s FLU designation. The integration of uses shall consist of the following: </p>	<p>Page 17, line 2</p>

EXHIBIT B-1
LDRAB
Questions Raised by Board Members/Response by Staff
Wednesday, September 23, 2009

Question	Response ¹	Required Amendment Page
<p>LCC will most likely end up that only ten units are provided, we are talking only one WFH unit. How easy will that be to sell as the potential buyer will most likely want to purchase the unit where he may be able to realize a reasonable return on the appreciation. Perhaps that will be addressed in the WFH revisions?</p>	<p>As in any other type of development that requires WHP units, the developer needs to comply with code on the number of workforce housing units. Added language clarifies that LCC is subject to the WHP: <u>f. LCC Minimum Density Requirements</u> <u>All residential units shall be vertically or horizontally integrated. The minimum required density shall be determined as a percentage of maximum density indicated in Table 3.E.1.B, PUD Density, as follows:</u> 1) Sites with Future Land Use designations of LR-2 or lower shall provide, at a minimum, 50 percent of the maximum PUD density; or 2) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33 percent of the maximum PUD density; or 3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum, 20 percent of the maximum PUD density. <u>Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1, Workforce Housing Program.</u></p>	<p>Page 7, lines 15 and 25 to 26</p>
<p>What is the block structure and appears to be too large?</p>	<p>Based on examples provided, the block dimensions in LCC are consistent with standard block dimensions in various Palm Beach County walkable cities studied by staff. LCC minimum block length is 160', maximum 660' without pedestrian pass-thru, and 750' with pedestrian pass-thru. See attachments "A", Typical Block Dimensions in Cities in Palm Beach County.</p>	<p>No changes</p>

EXHIBIT B-1
LDRAB
Questions Raised by Board Members/Response by Staff
Wednesday, September 23, 2009

Question	Response ¹	Required Amendment Page
<p>Why does the code require at least 2 interconnectivity points but excludes interconnectivity with residential uses as shown on page 17 line, 58?</p>	<p>Deleted for consistency in the Comp. Plan language:</p> <p>c. Interconnectivity Interconnectivity shall be required if the LCC is adjacent to an <u>existing</u> development or vacant parcels with a non-residential use, FLY designation or Zoning District. <u>The Planning Division shall review and make a recommendation on interconnectivity, pursuant to Objective 4.3, Community Design of the Plan.</u> In addition, the following shall apply:</p> <p>....</p>	<p>Page 17, line 57 to 60</p>
<p>What is the difference between the 100,000 SF limitation and the 65,000 SF retail tenant?</p>	<p>The proposed language clarifies what retail uses fall into the square footage limitation. After checking all commercial uses from the Uses Matrix, the retail uses listed below are the ones most related with the big box definition from the Comp. Plan.</p> <p>“BIG BOX - A large scale specialty, home improvement, or discount retail center. Big box retail centers are of varying sizes, with most in the range of 75,000 to 300,000+ square feet.”</p> <p>e. Tenant Size and Large Tenant 3) Retail tenants <u>such as: building supplies, enclosed flea market, and vehicles sale and rental</u> occupying more greater than 65,000 square feet shall be prohibited.</p> <p>....</p>	<p>Page 18, Lines 34 to 35</p>

EXHIBIT B-1
LDRAB
Questions Raised by Board Members/Response by Staff
Wednesday, September 23, 2009

Question	Response ¹	Required Amendment Page
Reference to Outdoor Lighting	Art. 5.E.4.E, Outdoor Lighting is applicable to LCC sites unless indicated different in the LCC language.	No changes
Green Market – Can it be run all day long. Add “If you can demonstrate that the parking requirements can be met, can allow” or second option “special permit”. Joni, Joanne and Rosa-C	<p>Changes are reflected in the paragraph below along with the type of approval modification on the PDD Use Matrix, the most restrictive approval, in this case DRO, has been placed in the PDD Use Matrix table:</p> <p>64. Green Market</p> <p>....</p> <p><u>g. LCC District</u></p> <p><u>A permanent Green Market shall be permitted by right and shall be allowed to operate each weekend provided the area designated for the Green Market is not located in required parking and indicated on the final DRO approved final site plan. A The Green Market shall not be that is located on within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2.</u></p>	Page 23, lines 60 to 65

EXHIBIT B-1
LDRAB

Questions Raised by Board Members/Response by Staff
Wednesday, September 23, 2009

ADDITIONAL CORRECTIONS TO THE AMENDMENTS (Exhibit B)

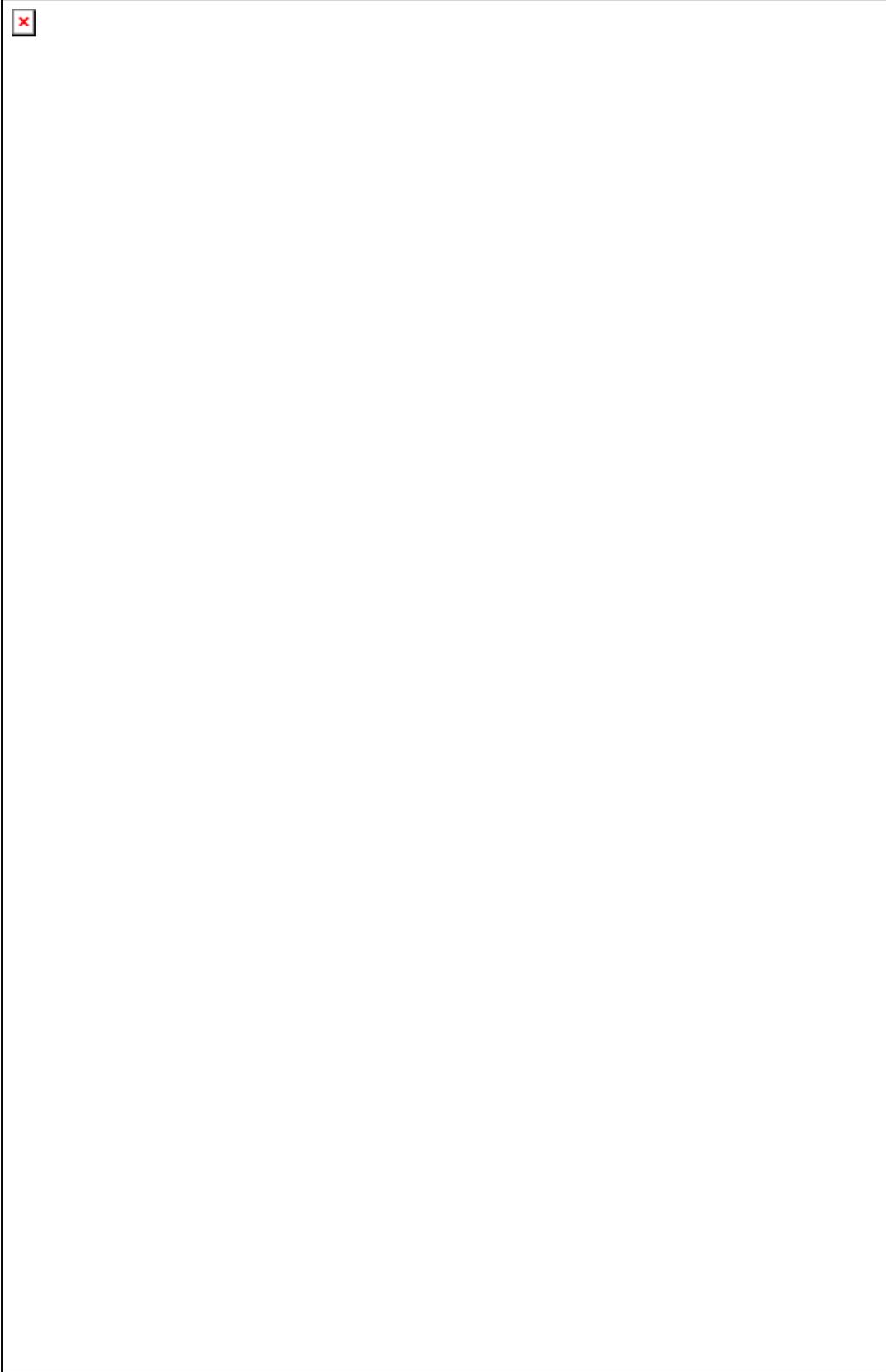
Amendment Reason	New Language	Required Amendment Page
Corrected to clarify type of hearing held by the Board of County Commissioners	<ul style="list-style-type: none"> The BCC transmittal hearing held on April 28, 2008 to adopt <u>transmit</u> PBC Comprehensive Plan amendments, round 08-01, approved item 2.A.8, the Commercial Location Policy Revision, to create a new Traditional Commercial Development Pattern called a Lifestyle Center. The proposal was previously approved by staff and the Planning Commission at the April 11, 2008 Public Hearing. The revision of the Comprehensive Plan was based on a request from the BCC that Planning staff review the mid-block commercial policies. 	White Paper - Page 1, line 15
Correct maximum square footage information to match Ordinance 2008-033 information	<ul style="list-style-type: none"> The Comprehensive Plan dictates that an LCC shall be a minimum of 10 acres, have a CH Future Land Use, located on an arterial roadway, and that no single tenant shall exceed 65,000<u>100,000</u> square feet. 	White Paper - Page 1, line 29
Added to clarify history of square footage limitations.	<p><u>During this meeting the amended motion was made to approve change of 65,000 square feet Commercial use limitation to 100,000 square feet and prohibit big box stores.</u></p>	White Paper - Page 1, line s 29 to 31
Included to clarify updated LCC policy number.	<ul style="list-style-type: none"> <u>In round 2008-02 the entire Future Land Use Element was reorganized in Ordinance 2008-052. The text of LCC policy was not changed but was renumbered to 2.2.2-C.</u> 	White Paper - Page 1, line 29 and 39 to 40

EXHIBIT B-1
LDRAB

Questions Raised by Board Members/Response by Staff
Wednesday, September 23, 2009

Amendment Reason	New Language	Required Amendment Page
Deleted to avoid confusion since the mentioned figure has not been included as part of the LCC code language. Related figures are part of the Technical Manual.	<p>b. All sidewalks shall be a minimum six feet width with no encumbrance. The width may be increased to accommodate seating areas or other pedestrian amenities as provided in Figure 3-F-8-C, LCC Streetscape Requirements. In addition to the sidewalk, a minimum width of five feet shall be provided for the installation of street trees, landscaping and street lights.</p>	Page 18, line 58 to 59
Clarifies location of foundation planting and provides consistency with the TDDs language on secondary streets.	<p>b. Foundation Planting Foundation planting shall be in compliance with Art.7, Landscaping, unless otherwise stated below: 1) Foundation plantings shall not be required for the following: buildings with frontages on the main streets, <u>secondary streets</u>, buildings along an alley or internal street between non-residential buildings, or where buildings front on a plaza or square.</p>	Page 20, line 4
Add language to clarify square footage limitation for discount retail center in order to comply with the big box definition in the Comprehensive Plan and tenant size limitation in the proposed LCC language.	<p>b. TMD and LCC Districts In the TMD and LCC Districts, retail sales, general shall shall not exceed 100,000 square feet of GFA per establishment in the U/S tier, and where applicable, 50,000 square feet of GFA per establishment in the Exurban and Rural tiers and 65,000 square feet of GFA in the AGR for the TMD. A drive-thru facility for a drug store is allowed if located in the rear of a building. Access shall be from an alley, an interior parking area, or a street not designated as a Main Street. The drive-thru facility shall be covered by a canopy or the second story of a building. [Ord. 2005 – 002] f. LCC District <u>A single tenant retail sale use for a discount retail center shall be limited to a maximum of 65,000 square feet of GFA.</u></p>	Page 24, lines 60 to 65 and Page 25, lines 4 to 6

ATTACHMENT "A"
TYPICAL BLOCK DIMENSIONS IN CITIES IN PALM BEACH COUNTY



ATTACHMENT "A"
TYPICAL BLOCK DIMENSIONS IN CITIES IN PALM BEACH COUNTY



Downtown Boca Raton

 Parcels — Roads
 Water


Updated on 8/2009. Please refer to GIS website.


**Planning, Zoning and Building
 Department - GIS**
 2300 N. Jog Road
 West Palm Beach, FL 33411
 561 235-5000
planning@bpc.com
www.planning.bpc.com

ATTACHMENT "A"
TYPICAL BLOCK DIMENSIONS IN CITIES IN PALM BEACH COUNTY



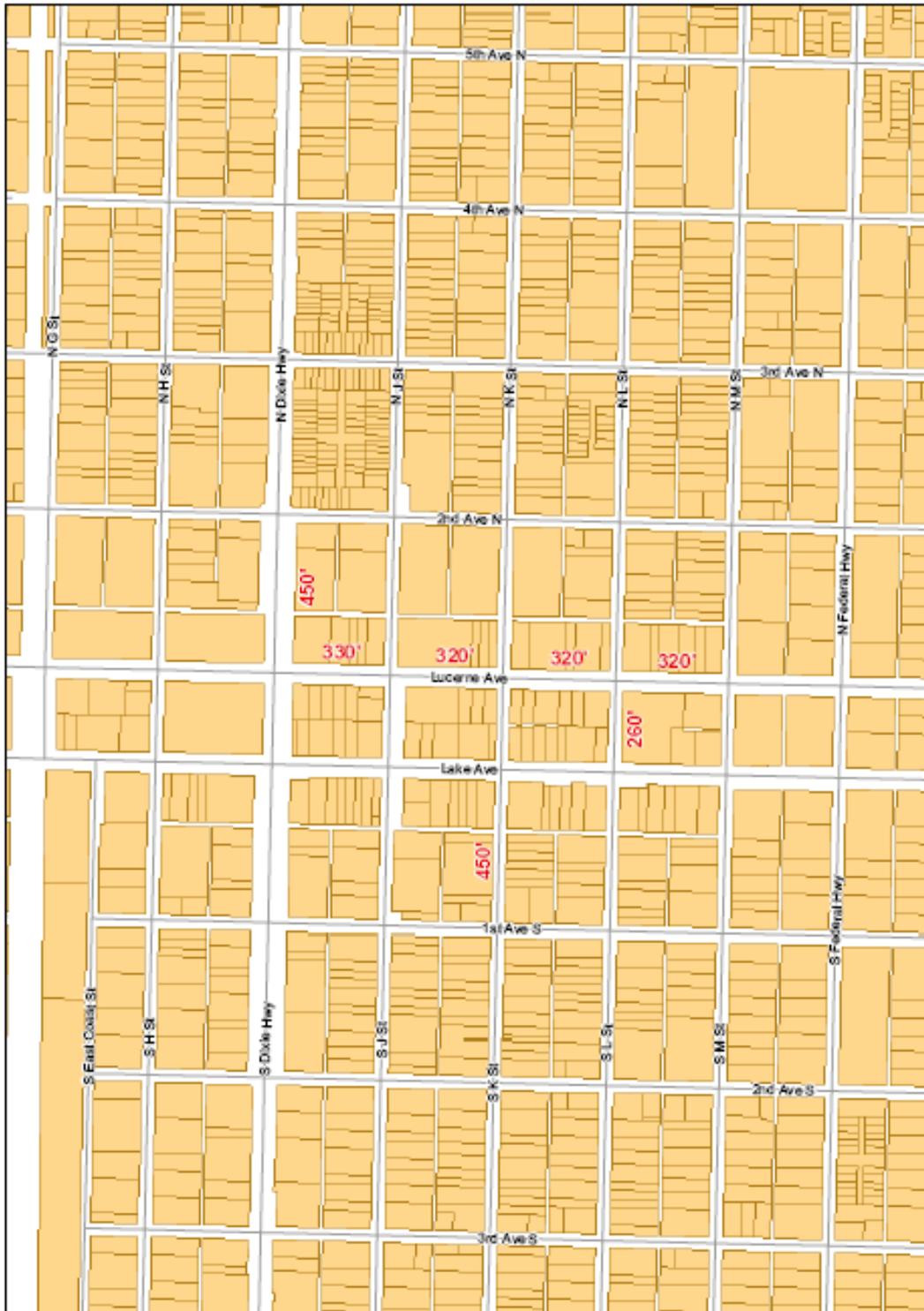
City Place

— Roads Water
 Parcels


Scale: 0 100 200 Feet
Last Updated: 05, 2009. File: City Place, City Place.mxd


**Planning, Zoning and Building
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 (561) 233-6000
prtrng@pbcgov.com
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ATTACHMENT "A"
TYPICAL BLOCK DIMENSIONS IN CITIES IN PALM BEACH COUNTY



Lake Worth

 Parcels
  Roads
 Water

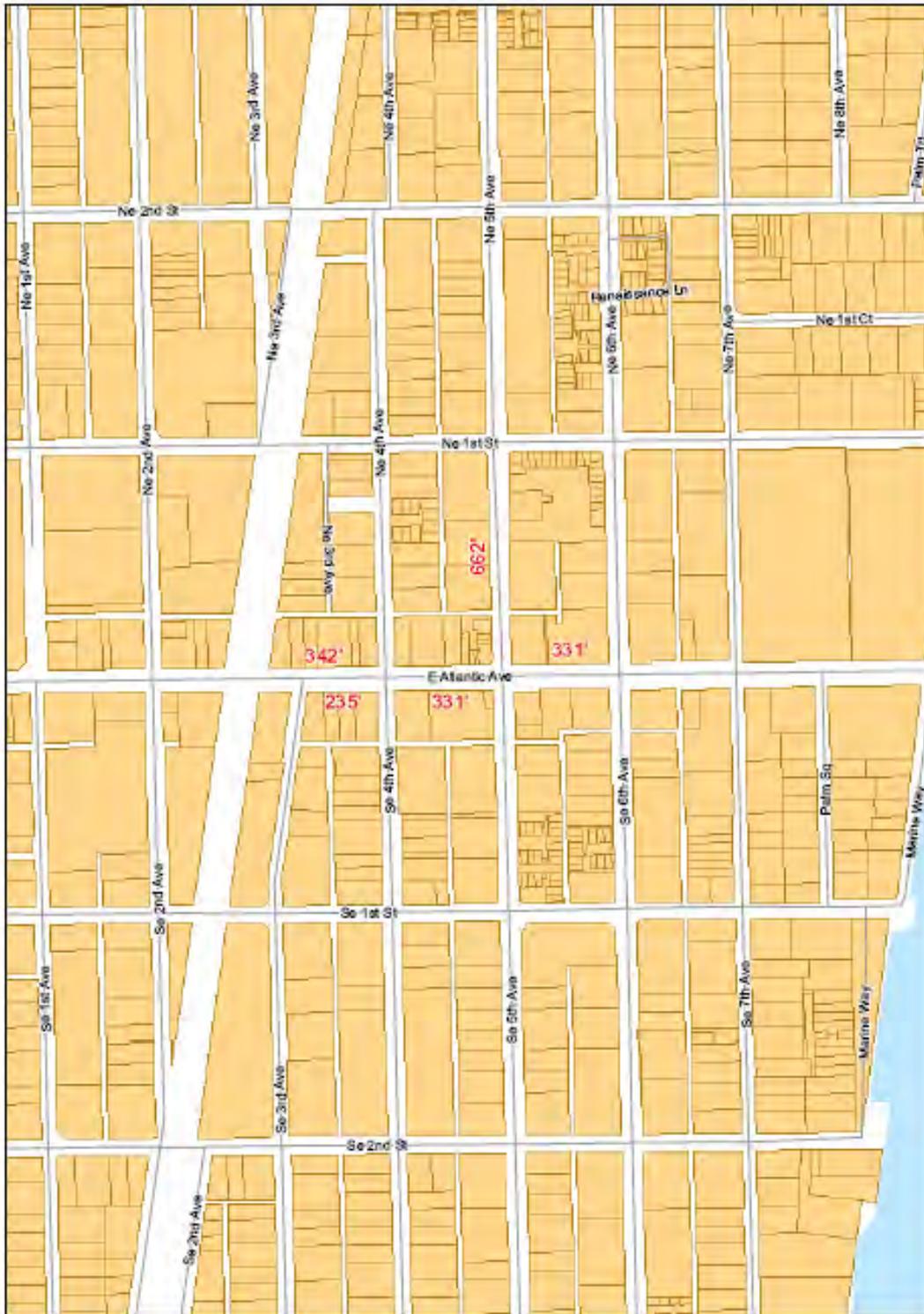


Scale: 1 inch = 200 feet


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ATTACHMENT "A"

TYPICAL BLOCK DIMENSIONS IN CITIES IN PALM BEACH COUNTY



Downtown Delray Beach

Parcels
 Roads

Water

Scale: 1 inch = 100 feet

**Planning, Zoning and Building
Department - GIS**

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ATTACHMENT "B"
WORKFORCE HOUSING PROGRAM EXAMPLE

REGULAR SITE CALCULATION OF WORKFORCE HOUSING:

Site Acreage: **15.5**
 FLU : **CH/MR-5**

Calculation of WHP
Standard =>
 15.5 acres x 4 du/ac = **62 units**

Standard density used for MR-5 from the Comp. Plan Table 2.1-1 Residential Categories and Allowed Densities.

62 units x 6% = 3.72 units = **4 Workforce Units**

Required percentage of affordable units (Standard Density) as indicated in the ULDC Table 5.G.1.B-17 Workforce Housing Program

Maximum Density =>
 15.5 acres x 5 du/ac = 77.5 = 77 units

Maximum density used for MR-5 from the Comp. Plan Table 2.1-1 Residential Categories and Allowed Densities

77 units - 62 units = **15 units** x 20% = 3 **Workforce Units**

Maximum additional density (PDD)

Required percentage of affordable units for Maximum Density - ULDC Table 5.G.1.B-17 Workforce Housing Program

From the additional 16 units of the maximum density 3 need to be workforce

Standard and Maximum Density =>
 62 units + 15 units = **TOTAL 77 units** of which (4WHU + 4 WHU =) **7 units are Workforce Housing Units.**

LCC CALCULATION USING SAME SITE DATA AS ABOVE

LCC Density Requirements

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

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

ATTACHMENT "B"
WORKFORCE HOUSING PROGRAM EXAMPLE

Table 3.E.1.B.-23 - PUD Density

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5 du/ac	(1)	0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)	1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	12 du/ac	18 du/ac
[Ord.2006-004]									
Notes:									
1. The minimum density in the RR FLU designation for a PUD are as follows: RR20 - 0.5 units/20 acre; RR10 - 0.5 unit/10 acre; RR5 – 0.5 unit/5 acres; RR2.5 – 0.5 unit/2.5 acres.									
2. The maximum density in the RR FLU designations for a PUD are as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/ 5 acres; RR2.5 – 1 units/2.5 acres.									

15.5 Acres X 5 du/ac = 77.5 du/ac = 77du x 20% = 15.4 units = **16 units min in LCC**

For a site with the same acreage the first 62 units are the standard as shown in the example above. The 16 units from LCC minimum density are still within the standard, the workforce housing calculation will be as follows:

16 units x 6% = 0.96 = 1 Workforce Unit **1 Workforce Unit of the 16 units provided**

Required percentage of affordable units (Standard Density) as indicated in the ULDC Table 5.G.1.B-17 Workforce Housing Program to calculate workforce units.

EXHIBIT B-2

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

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Part 1. ULDC, Art. 3.E.1.B, Future Land Uses and Density (page 72 of 155), is hereby amended as follows:

Reason for amendment: [Planning] 1) Amended for consistency with proposed language for the Development Economic Overlay; and, 2) added language to clarify WHP applicability. (See Exhibit C, Part 4, Page 7, lines 15 and 25 to 26)

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

B. Future Land Uses and Density

3. Density

....

f. LCC Minimum Density Requirements

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

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

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

Part 2. ULDC, Table 3.E.1.B, PDD Use Matrix, (page 74 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] 1) amend Green Market to be subject to DRO approval in order to be consistent with amended use definition. (See Exhibit C, Part 5, Page 9, line 1)

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

Use Type	PUD					MUPD					MXPD		PIPD			M	R	V	P	D	L	C	H	N	O	T	E			
	Pods					Land-Use-Designations FLU					Land-Use-Designations FLU		Use Zone															C	L	H
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I															
	E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	H	H	C	C									
	S	M	C	V	R			O	O		D	S		O		/	G													
					P																									
Commercial Uses																														
....																														
Green Market																											64			
....																														
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037]																														
Notes:																														
Permitted by right																														
Permitted subject to approval by the DRO																														
Permitted in the district only if approved by Special Permit																														
Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																														

(This space intentionally left blank.)

Notes:

- Underlined language indicates proposed new language.
- Language ~~crossed-out~~ indicates language proposed to be deleted.
- (ellipses) or **[Renumber accordingly]** indicates language not amended which has been omitted to save space.
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EXHIBIT B-2

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

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Part 3. Adopt new ULDC Article 3.E.8B.3, Mixed Use and Integration, (page 70 of 155), as follows:

Reason for amendment: [Planning] Deletion requested by Planning Division to reflect Comprehensive Plan language related to the mix of uses. (See Exhibit C, Part 7, Page 17, line 2)

Section 8 Lifestyle Commercial Center Development (LCC)

B. Design Principles

3. Mixed Use and Integration

The LCC shall primarily consist of commercial related uses, ~~work live space or~~ live-work units, and limited residential units based upon the site's FLU designation. The integration of uses shall consist of the following:

Part 4. Adopt new ULDC Article 3.E.8.C.3.c., Interconnectivity, (page 70 of 155), as follows:

Reason for amendment: [Zoning] 1) Deleted to provide consistency with the Comprehensive Plan LCC language as requested by LDRAB; and, 2) clarify agency responsible. (See Exhibit C, Part 7, Page 17, lines 57 to 60)

Section 8 Lifestyle Commercial Center Development (LCC)

C. Design and Development Standards

3. Site Layout

....

c. Interconnectivity

Interconnectivity shall be required if the LCC is adjacent to an existing development or vacant parcels ~~with a non residential use, FLU designation or Zoning District. The Planning Division shall review and make a recommendation on interconnectivity, pursuant to Objective 4.3, Community Design of the Plan.~~ In addition, the following shall apply:

....

Part 5. Adopt new ULDC Article 3.E.8.C.4.e.3). [Related to Tenant Size and Large Tenant], (page 70 of 155), as follows:

Reason for amendment: [Zoning] Added to clarify uses subject to the square footage limitation consistent with the big box definition from the Comprehensive Plan. (See Exhibit C, Part 7, Page 18, lines 34 to 35)

Section 8 Lifestyle Commercial Center Development (LCC)

C. Design and Development Standards

4. Buildings

e. Tenant Size and Large Tenant

3) Retail tenants such as: building supplies, enclosed flea market, and vehicles sale and rental occupying more greater than 65,000 square feet shall be prohibited.

Part 6. Adopt new ULDC Article 3.E.8.C.5.b. [Related to Pedestrian Area on Main Street] (page 70 of 155), as follows:

Reason for amendment: [Zoning] Deleted since mentioned figure has not been included as part of the LCC code language. (See Exhibit C, Part 7, Page 18, lines 59 to 60)

Section 8 Lifestyle Commercial Center Development (LCC)

C. Design and Development Standards

5. Pedestrian Area on Main Street

b. All sidewalks shall be a minimum six feet width with no encumbrance. The width may be increased to accommodate seating areas or other pedestrian amenities ~~as provided in Figure 3.E.8.C, LCC Streetscape Requirements.~~ In addition to the sidewalk, a minimum width of five feet shall be provided for the installation of street trees, landscaping and street lights.

Notes:

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

EXHIBIT B-2

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

1 Part 7. Adopt new ULDC Article 3.E.8.C.10.b.1). [Related to Foundation Planting] (page 70 of
2 155), as follows:
3

4 Reason for amendment: [Zoning] Added to clarify location of foundation planting for consistency with
5 other sections of the code such as TDDs. (See Exhibit C, Part 7, Page 20, line 5)
6

7 Section 8 Lifestyle Commercial Center Development (LCC)

8 C. Design and Development Standards

9 10. Landscaping

10 b. Foundation Planting

11 1) Foundation plantings shall not be required for the following: buildings with frontages
12 on the main streets, secondary streets, buildings along an alley or internal street
13 between non-residential buildings, or where buildings front on a plaza or square.
14

15 Part 8. ULDC, Art. 4.B.1.A.64. Green Market is hereby amended to add new 4.B.1.A.64.g, LCC
16 District, (page 52 of 155), as follows:
17

18 Reason for amendment: [Zoning] 1) Amended to clarify Green Market as DRO approval; and, 2) add
19 language for Special Permit for Green Market.(See Exhibit C, Part 10, Page 23, lines 60 to 65)

19 CHAPTER B SUPPLEMENTARY USE STANDARDS

20 Section 1 Uses

21 A. Definitions and Supplementary Standards for Specific Uses

22
23 64. Green Market

24 g. LCC District

25 A permanent Green Market shall be permitted by right and shall be allowed to operate
26 each weekend provided the area designated for the Green Market is not located in
27 required parking and indicated on the final DRO approved final site plan. A The Green
28 Market shall not be that is located on within required parking spaces or access aisles for
29 a temporary period of time, which shall be defined by anything exceeding one hour or
30 several days, shall comply with the Special Permit requirements in Article 2.D.2.
31

32
33 Part 9. ULDC, Art. 4.B.1.A.114, Retail Sales General is hereby amended to add new
34 4.B.1.A.114.f, LCC District, (page 76 of 155), as follows:
35

36 Reason for amendment: [Zoning] Add language to clarify square footage limitation for discount retail
37 center in order to comply with the big box definition in the Comprehensive Plan and tenant size limitation
38 in the proposed LCC language. (See Exhibit C, Part 10, Page 25, lines 4 to 6)

37 CHAPTER B SUPPLEMENTARY USE STANDARDS

38 Section 1 Uses

39 A. Definitions and Supplementary Standards for Specific Uses

40 114. Retail Sales, General

41
42 b. TMD and LCC Districts

43 In the TMD and LCC Districts, retail sales, general shall Shall not exceed 100,000 square
44 feet of GFA per establishment in the U/S tier, and where applicable, 50,000 square feet
45 of GFA per establishment in the Exurban and Rural tiers and 65,000 square feet of GFA
46 in the AGR for the TMD. A drive-thru facility for a drug store is allowed if located in the
47 rear of a building. Access shall be from an alley, an interior parking area, or a street not
48 designated as a Main Street. The drive-thru facility shall be covered by a canopy or the
49 second story of a building. [Ord. 2005 – 002]
50

51 f. LCC District

52 A single tenant retail sale use for a discount retail center shall be limited to a maximum of
53 65,000 square feet of GFA.
54

55 U:\Zoning\CODEREV\2009\LDRAB\Meetings\10-28\Exhibit B-2 - LCC Summary of Amendments 10-23-09.doc

Notes:

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

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DESIGN PRINCIPLES AND COMPONENTS:

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1. Site Layout

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

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2. Interconnectivity and Integration

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

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3. Building Forms & Design

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

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4. Mixed Use and Integration

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

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Lifestyle Commercial Center Subcommittee Members

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LDRAB - Jose Jaramillo and Ray Puzitiello

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

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

47

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Meetings

Key Issues/Topics

- April 28, 2009

Interconnectivity

- May 5, 2009

Horizontal/Vertical Integration

- June 9, 2009

Compatibility

- June 24, 2009

Market Conditions and *Review of 1st Draft.*

Notes:

Underlined language indicates proposed new language.

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... (ellipses) or **[ReNUMBER accordingly]** indicates language not amended which has been omitted to save space.

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

EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

- 1 - July 2, 2009 Pedestrian-oriented Design, examples of LCCs across the U.S and
2 *Review Draft and Recommendations.*
- 3 - July 21, 2009 Density, building frontage and review of updated draft.
- 4 - August 20, 2009 Review draft and comments from subcommittee members.
- 5 - September 8, 2009 Review Final Draft with recommendation to LDRAB.

6
7 **Recommendation** – The LCC Subcommittee recommended an approval of the proposed
8 amendments.

9
10
11 **Comprehensive Plan Future Land Use Element (FLUE) Policy Policy 2.2.2-c (formerly Policy**
12 **1.2.1-I): Lifestyle Commercial Center (LCC)**

13
14 Lifestyle Commercial Center is permitted only in the CH land use category. It shall include a
15 concentrated area for shopping, entertainment, business, services, cultural, and housing
16 opportunities similar to a TMD. The LCC shall function as a TMD; therefore, large single tenant
17 buildings are required to have exterior treatments to appear as multi-tenant buildings and parking
18 shall be treated to promote the pedestrian environment. Individual tenants shall not exceed 100,000
19 sq. feet and shall not be a big box. The LCC requires that properties are greater than 10 acres, are
20 located on an arterial roadway, provide a functional pedestrian and vehicular connection to adjacent
21 parcel/s on two or more sides of the subject property, and provide a master plan and/or design
22 guidelines as part of the adopting ordinance that includes a mix of uses including live/work or
23 residential, public open space, vertical and horizontal integration of uses and a pedestrian oriented
24 design with a main street and internal street network.
25

Notes:

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

... (ellipses) or **[ReNUMBER accordingly]** indicates language not amended which has been omitted to save space.

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

EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

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

Reason for amendment: [Zoning] Amend to include Pre-Application Conference (PAC) acronym for clarification of the LCC approval process.

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

....
PAC Pre-Application Conference
....

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

Reason for amendment: [Zoning] Amend to specify what type of requirements are needed when submitting for a Pre-Application Conference (PAC) for LCC and IRO.

CHAPTER A GENERAL

Section 1 Applicability

E. Pre-Application Conference (**PAC**)

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

1. Plan Review

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

2. Sufficiency and Insufficiency

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

3. Additional LCC and IRO Requirements

a. Preliminary Application

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

b. Conceptual Site Plan

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

(This space intentionally left blank)

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) or **[ReNUMBER accordingly]** indicates language not amended which has been omitted to save space.

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

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

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

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3.4. Review Summary

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

(This space intentionally left blank)

Notes:

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

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

Reason for amendment: [Zoning] 1) Update the FLU Designation and Corresponding Planned Development District table to include Commercial High (CH) and Commercial Low (CL) Future Land Use designations and correspondent LCC Planned Development District; and, 2) include clarification for Planned Development District (PDD) density to determine required density for LCC.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

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

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

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

[Ord. 2008-037]

Notes:

1. Check (x✓) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]

2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]

-
- f. LCC Minimum Density Requirements**
All residential units shall be vertically or horizontally integrated. The minimum required density shall be determined as a percentage of maximum density indicated in Table 3.E.1.B, PUD Density, as follows:
- 1) Sites with Future Land Use designations of LR-2 or lower shall provide, at a minimum, 50 percent of the maximum PUD density; or
 - 2) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33 percent of the maximum PUD density; or
 - 3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum, 20 percent of the maximum PUD density.
- Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1, Workforce Housing Program.

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1
2 Part 5. ULDC, Table 3.E.1.B, PDD Use Matrix, (page 73-79 of 155), is hereby amended as
3 follows:
4

5 Reason for amendment: [Zoning] 1) Change Land Use Designation to FLU; 2) amend the PDD Use
6 Matrix to include Lifestyle Commercial Center (LCC) Planned Development District uses consistent with
7 Commercial High and Commercial Low Future Land Use designations; 3) remove Special Permit for Type
8 II CLF from the commercial pod of PIPD and Commercial High Future Land Use designation of MXPD to
9 eliminate inconsistency with MUPD; 4) add newly created Live/Work Unit use and allow this use in MXPD
10 and LCC; and, 5) change Cocktail Lounge from permitted use to requested use in MUPD, MXPD and
11 PIPD.
12

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

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

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1

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

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

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1

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

Use Type	PUD					MUPD					MXPD		PIPD			M	R	V	P	D	LCC		N	O	T	E
	Pods					Land-Use-Designations FLU					Land-Use-Designations FLU		Use Zone								FLU					
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I						C	I				
E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	H	P	D	D	<u>L</u>	<u>H</u>				
Commercial Uses																										
Lounge, Cocktail		R				R	<u>PR</u>	<u>PR</u>	<u>PR</u>				<u>PR</u>	R		<u>PR</u>						<u>R</u>	<u>R</u>			79
Medical Or Dental Office		P				P	P	P	P				P	P		P						<u>P</u>	<u>P</u>			83
Monument Sales, Retail						P	P						P			P										86
Office, Business Or Professional		P				P	P	P	P				P	P		P						<u>P</u>	<u>P</u>			91
Parking Garage, Commercial		P					R		R	R						P										95
Parking Lot, Commercial		R					R		R	P																96
Pawnshop							R																			97
Personal Services		P				P	P	P	P				P	P		P		P			<u>P</u>	<u>P</u>			98	
Printing And Copying Services		P				P	P	P	P				P	P		P						<u>P</u>	<u>P</u>			100
Repair And Maintenance, General		R					R			P						P	P	P							107	
Repair Services, Limited		P				P	P	P	P	P			P	P		P					<u>P</u>	<u>P</u>			108	
Restaurant, Type I		R					R		R				R	R		R					<u>R</u>	<u>R</u>			109	
Restaurant, Type II		R				R	D	R	R	R			D	R		R					<u>D</u>	<u>D</u>			111	
Retail Sales, Auto		P				P	P						P	P		P					<u>P</u>	<u>P</u>			113	
Retail Sales, General		P				P	P						P	P		P					<u>P</u>	<u>P</u>			114	
Retail Sales, Mobile Or Temporary		S											S			S									115	
Self-Service Storage						R	R			P						P	R	P							120	
Theater, Drive-In							R			R							R								128	
Theater, Indoor		R					R			P			R									<u>R</u>			129	
Towing Service And Storage										P						P									130	
Vehicle Sales And Rental		R				R	R						R			R					<u>R</u>	<u>R</u>			135	
Veterinary Clinic		R				R	P	R	P				R	R		P					<u>R</u>	<u>R</u>			136	
Vocational School		R				R	P		P	P	D		R	R		P					<u>R</u>	<u>P</u>			137	
Work/Live Space		P				P	P	P	P				P	P		P					<u>P</u>	<u>P</u>			141-1	
<u>Live/Work</u>													<u>D</u>	<u>D</u>							<u>D</u>	<u>D</u>			141-2	
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013]																										
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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1

Table 3.E.1.B – PDD Use Matrix cont'd

Use Type	PUD					MUPD					MXPD		PIPD			M	R	V	P	D	LCC		N	O	T	E			
	Pods					Land-Use-Designations FLU					Land-Use Designations FLU		Use Zone								<u>C</u>	<u>C</u>							
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I						C	I					H	R	P
	E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	D	M	D									
	S	M	C	V	R			O	O				O	O	D	M	D	L	G										
					P																								
Public and Civic Uses																													
Airport, Helipad & Landing Strip										R	R				R		R											10	
Assembly, Nonprofit Institutional		R		R		R	R			R	R		R	R		R										<u>R</u>	<u>R</u>		14
Assembly, Nonprofit Membership				R		R	R	R	R	R		R	R	R		R										<u>R</u>	<u>R</u>		15
Cemetery				R																									27
Place Of Worship		P		P		P	P	P	P	P		P	P		P		P		P							<u>P</u>	<u>P</u>		29
College Or University				R		R	R	R	R	R	R	R				R										<u>R</u>	<u>R</u>		30
Day Camp			P	P			R			P	P		R													<u>R</u>	<u>R</u>		39
Day Care, General		R		R		R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R					<u>R</u>	<u>R</u>		40
Day Care, Limited		<u>PD</u>		<u>PD</u>		<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>D</u>	<u>D</u>		40
Government Services		P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		<u>P</u>	<u>P</u>		63
Hospital Or Medical Center		R				R	R		R			R	R	R		R										<u>R</u>	<u>R</u>		71
Kennel, Type IV (Animal Shelter)						R	R					R	R			R													74-3
School, Elementary Or Secondary				R		R	R	R	R			D	R	R		R										<u>R</u>			118
Recreation Uses																													
Arena, Auditorium Or Stadium		R					R			R			R																12
Campground										P																			24
Entertainment, Indoor		R				R	R			P			R				P									<u>R</u>	<u>R</u>		45
Entertainment, Outdoor		R				R	R			P	D		R				P												46
Fitness Center		R	P	R		R	R		R	P			P	P		P										<u>R</u>	<u>P</u>		56
Golf Course			R			R	R	R	R	R	R		R	R		P		P	P	P	R								62
Gun Club, Enclosed							R			R	R					P	R	P											67
Gun Club, Open										R																			67
Gun Range, Private																P	R	P											68
Marine Facility		R	R				R		R	R			R	R			P												82
Park, Passive		P	P	P	P	R	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		<u>P</u>	<u>P</u>		93
Park, Public				P	P		R	P			P	P	P	P	P	P		P		R	R					<u>P</u>	<u>P</u>		94
Special Event		S	S	S		S	S			S	S	S	S				S	S								<u>S</u>	<u>S</u>		124
Zoo							R			R																			143
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037]																													
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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

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

Use Type	PUD					MUPD					MXPD		PIPD			LCC		N O T E						
	Pods					Land Use Designations FLU					Land Use Designations FLU		Use Zone			FLU								
	R E S	C O M	R E C	C I V	A G / P	C L	C H	C L	C H	C O	I R	I N	I N	S T	C H	C H O	I N D / L		C O M D / G	I N D / G	M H P D	R V P D	C L	C H
Agricultural Uses																								
Agriculture, Bona Fide					P																			3
Agriculture, Light Manufacturing																								4
Agriculture, Packing Plant																								5
Agriculture, Research/Development						P	P	P	P	P	P	P					P		P					3.1
Agriculture, Sales And Service							P										P							6
Agriculture, Storage																								7
Agriculture, Transshipment												P					P		P					8
Aviculture, Hobby Breeder					P																			19
Community Vegetable Garden																								32
Equestrian Arena, Commercial				R							P													47
Farmers Market							P			P				P		P	P	P						52
Farrier																								53
Groom's Quarters	P				P																			65
Nursery, Retail		P			P		P							P			P							88
Nursery, Wholesale					P											P		P						89
Potting Soil Manufacturing																								99
Produce Stand																								101
Shadehouse					P																			121
Stable, Commercial					P						P													125
Stable, Private	P				P																			126
Sugar Mill Or Refinery																		P						127
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037]																								
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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

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Part 7. Adopt new ULDC Article 3.E.8, Lifestyle Commercial Center Development (LCC) (page 70 of 155), as follows:

Reason for amendment: [Zoning] Establish Lifestyle Commercial Center (LCC) as a new type of planned development to comply with Policy 2.2.2-c of the Plan as adopted by the BCC on August 21, 2008.

Section 8 Lifestyle Commercial Center Development (LCC)

A. General

1. Purpose and Intent

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

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

2. Applicability

The requirements of this Section shall apply to all LCCs.

3. Conflicts

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

4. Waivers

An applicant may apply for a waiver from the design and dimensional requirements indicated in Article 3.E.8.C, Design and Development Standards pursuant to Table 3.E.8.D-1, LCC Waivers.

a. Standards

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

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

b. Appeal

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

B. Design Principles

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

1. Site Layout

a. Street

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

b. Interconnectivity and Circulation

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

- 1) Minimize internal vehicular trips by arranging buildings, amenities, and parking in proximity to each other to reduce pedestrian walking distance;

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

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- 2) Establish location of vehicular or pedestrian interconnectivity points with adjacent properties;
- 3) The site shall be designed without any provisions for gates unless stated otherwise herein.
- c. Buildings**
 - 1) A majority of the buildings (building square footage) shall front on an internal main street with a build-to-line. Buildings shall frame the main street integrating site elements such as sidewalks and pedestrian amenities.
 - 2) Buildings in developments that include a freestanding large tenant, or outparcel tenants, shall be oriented in a manner that complements the main street buildings and associated parking areas, and mitigates the impact of potential incompatibilities on surrounding properties.
- d. Pedestrian Area and Usable Open Space**
 - 1) Pedestrian areas in any form of usable open space shall function as activity nodes within the development. These areas or activity nodes shall include, but not limited to: art, fountains, shaded sitting areas and other similar amenities to encourage public use.
 - 2) Large or out parcel tenants located outside of the main street areas shall be connected to the LCC pedestrian circulation system through a series of usable open spaces and shaded sidewalks.
- e. Parking and Loading**
 - 1) Required parking and loading for each tenant shall be located to the side and rear of the building.
 - 2) Perimeter of parking lots shall be framed by buildings, structures or landscaping to create user friendly spaces.
- f. Transitional Elements**

Drainage or preserve areas shall serve as a transition between the commercial portion of the development and adjacent existing residential uses when possible.

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



Parking areas and pedestrian interconnectivity



Main street layout



Usable open space adjacent to large tenants



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

[Ord. 2010-...]

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2. Building Forms and Design

- a. Buildings shall be designed in scale and proportion to provide pedestrian level interest and establish a sense of place by incorporating a variety of heights and façade treatments. Architectural, landscape, or hardscape focal points shall be provided at key locations such as internal street intersections, public gathering areas and along external streets to create a sense of arrival and place or to provide terminus.
- b. Buildings facing the arterial street shall provide pedestrian sidewalks or usable open space to be oriented towards the arterial street to encourage walkability, and a positive visual interface along the street right-of-way.

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

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- 3. Mixed Use and Integration**
The LCC shall primarily consist of commercial related uses, ~~work live space or~~ live-work units, and limited residential units based upon the site's FLU designation. The integration of uses shall consist of the following:
- a. Placement of buildings providing a harmonious interface between internal mixed uses, and adjacent uses; and
 - b. Horizontally integrated residential units are serving as a transition between the more intense uses and immediately adjacent existing or future residential uses to reduce the need for large buffers.
- C. Design and Development Standards**
An LCC shall comply with all standards listed below unless a waiver is granted pursuant to Article 3.E.8.A.4, Waivers.
- 1. Minimum Site Area**
Site area shall be 10 acres.
- 2. Access and Frontage**
- a. Minimum frontage shall be consistent with PDD standards pursuant to Art. 3.E.1.C.2.a., Access and Circulation.
 - b. Primary access shall be provided from the arterial street to a main street of the LCC.
- 3. Site Layout**
Blocks and streets shall establish the general framework for the site layout.
- a. Blocks**
Blocks shall be created by utilizing streets and alleys to provide continuous vehicular circulation, interconnectivity, and accessibility within the LCC, with exception in area where an access is required by the Engineering Department. Blocks shall be subject to the following thresholds:
- 1) Minimum length of a block shall be 160 feet;
 - 2) Maximum length of a block shall be 660 feet without pedestrian pass-thru; and,
 - 3) Maximum length of a block shall be 750 feet with pedestrian pass-thru.
- b. Streets**
Streets shall include main streets, secondary streets, alleys, and driveways that are designed consistent with the following. Streets designated as public or private R-O-W shall also comply with any Engineering requirements.
- 1) Main Street**
The main street(s) shall be designed as the primary street(s) in the LCC and shall comply with the following standards:
- a) A continuous main street shall traverse a minimum of 60 percent of the length or width of the LCC, whichever is greater;
 - b) The design shall be consistent with Figure 3.F.2.A-12, TDD Commercial Street or the TMD design exception summarized in Figure 3.F.4.D-29, Typical Example of TMD Commercial Street with Angled Parking;
 - c) A minimum of 65 percent of the total GFA for the overall development shall be located on the main street(s);
 - d) A plaza may be located at the end of a main street provided a building is located immediately adjacent to the plaza to frame the space and establish a visual terminus; and,
 - e) Intersections of two main streets, if provided, shall provide an amenity including, but not limited to: roundabout with decorative pavers and a focal point; or any other element that reflects a common architectural theme of the LCC.
- 2) Secondary Street**
Secondary streets shall be designed consistent with Figure 3.F.2.A-12, TDD Commercial Street, except that on-street parking may not be required and minimum sidewalk width may be reduced from ten to four feet in width.
- 3) Alley**
Alley access shall not be permitted from a main street. Alleys shall conform with the requirements of Article 3.F.2.A.1.e, Alleys.
- c. Interconnectivity**
- 1) Interconnectivity shall be required if the LCC is adjacent to an existing development or vacant parcels ~~with a non-residential use, FLU designation or Zoning District. The Planning Division shall review and make a recommendation on interconnectivity, pursuant to Objective 4.3, Community Design of the Plan.~~ In addition, the following shall apply:
 - 2) All required connecting points shall be paved up to the property line of adjacent parcels and a cross access agreement shall be recorded.
 - 3) All connecting access points shall be designed and constructed pursuant to the Land Development Design Standards Manual.

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

- 1 4) The use of gates or other preventative barriers is prohibited, exceptions are allowed
- 2 for: dumpsters, loading areas, private garages and parking areas.
- 3
- 4 **4. Buildings**
- 5 All buildings shall front a street, and shall be designed in compliance with the following:
- 6 **a. Internal Frontage**
- 7 1) Buildings or structures located on the main or secondary street shall be setback a
- 8 minimum of 15 feet and maybe expanded to 25 feet to provide outdoor dining areas,
- 9 pedestrian area or usable open space. Setbacks are measured from the proposed
- 10 building façade to the inside edge of the curb.
- 11 **b. Perimeter Frontage**
- 12 Buildings that front on the perimeter of a LCC and adjacent to residential uses, arterial
- 13 streets or any other street exterior to the development shall be considered perimeter
- 14 building frontage, and shall comply with the following:
- 15 1) Buildings or structures located on the perimeter of the site shall be setback a
- 16 minimum of 25 feet. Setbacks are measured from the proposed building façade to
- 17 the inside edge of the perimeter R-O-W buffer.
- 18 2) Façade shall provide design features including, but not limited to: building entrances,
- 19 display windows, usable open space and pedestrian circulation system.
- 20 3) Outdoor vehicular circulation and queuing areas for uses including, but not limited to:
- 21 gas sales, financial institution, restaurants, and other facilities with drive-thrus shall
- 22 only be allowed if the associated outdoor vehicular activities are not visible from the
- 23 street or adjacent residential uses.
- 24 **c. Building Design**
- 25 1) The facade design of all buildings shall comply with Art. 5.C, Design Guidelines.
- 26 2) For perimeter building that faces a street R-O-W, a pedestrian area with sidewalks
- 27 and street trees shall be provided abutting the building.
- 28 **d. Building Height**
- 29 The maximum building height shall be 45 feet. The height limit shall not apply to those
- 30 exceptions listed in Art. 3.D.1.E.4, Height Exceptions.
- 31 **e. Tenant Size and Large Tenant**
- 32 1) The total square footage for all freestanding buildings and large tenants shall not
- 33 exceed 40 percent of the GFA of the LCC.
- 34 2) Large tenants occupying more than 100,000 square feet shall be prohibited.
- 35 3) Retail tenants such as: building supplies, enclosed flea market, and vehicles sale and
- 36 rental occupying more greater than 65,000 square feet shall be prohibited.
- 37 4) Large tenants shall be architecturally designed to appear as a multi-tenant building.
- 38 5) Large tenants shall comply with requirements for fenestration details and exterior
- 39 treatments of Table 5.C.1.I-13, Large Scale Commercial Development.
- 40 6) No single tenant shall occupy more than 200 feet of frontage. An increase of up to
- 41 240 feet per single tenant shall be permitted, provided that any increase over 200
- 42 feet incorporates the appearance of a separate storefront to include: a distinct
- 43 architectural style a minimum of 40 feet in length, similar transparency, and an
- 44 additional building entrance, or appearance of an entrance.
- 45 **f. Integrated Residential Use**
- 46 Residential uses shall be provided in compliance with Art.3.E.1.B.5.f, LCC Minimum
- 47 Density Requirements and the following standards:
- 48 1) For project with vertically integrated units, these units shall be located above non-
- 49 residential buildings, and shall be accessed from the main street through a common
- 50 area, including but not limited to: an internal lobby, courtyard, gathering areas, or
- 51 usable open space between buildings.
- 52 2) For horizontally integrated units, alternative frontage requirements may be permitted
- 53 pursuant to Art.3.F.4.D.4.d.1), TMD Optional Standards for Residential PDRs.
- 54 **5. Pedestrian Area on Main Street**
- 55 The area between the building façade and the main street curb is defined as pedestrian area,
- 56 and shall be subject to the following:
- 57 **a.** Required on both sides of a main street with open or arcaded sidewalks, street trees,
- 58 pedestrian amenities, and street furniture.
- 59 **b.** All sidewalks shall be a minimum six feet width with no encumbrance. The width may be
- 60 increased to accommodate seating areas or other pedestrian amenities as provided in
- 61 Figure 3.E.8.C, LCC Streetscape Requirements. In addition to the sidewalk, a minimum
- 62 width of five feet shall be provided for the installation of street trees, landscaping and
- 63 street lights.
- 64 **c.** A minimum of 75 percent of the frontage on the main street shall have arcaded sidewalks
- 65 or any other architectural element that provides shade to pedestrians such as permanent
- canopies and awnings. All arcades or architectural shade elements shall have a minimum

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

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height clearance of 12 feet. When canopies or awnings are provided to comply with the 75 percent requirement, they shall extend at least 6 feet to shade pedestrian sidewalks.
d. Pedestrian pass-thru that connects the main street and the parkinglots or service areas at the rear or the side of the building shall have a maximum width of 25 feet. Pedestrian pass-thrus shall be occurred at intervals no greater than 100 feet to provide convenient pedestrian access.

6. **Pedestrian Area on Secondary Street**

Pedestrian area shall be a minimum width of ten feet and shall be located on both sides if the street. The sidewalk shall be a minimum width of five feet with no encumbrance and a minimum width of five feet for amenities such as street trees and street lights.

7. **Usable Open Space**

A minimum of five percent of the total site GFA shall be provided as usable open space.

a. **Dimensions**

All usable open spaces shall meet the minimum dimensions provided under Table 3.E.8.C-7, Dimensions for Usable Open Space. The provision of usable open space in excess of the minimum required shall be notated.

Table 3.E.8.C.7, Dimensions for Usable Open Space

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

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b. **Street Frontage**

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

c. **Landscaping**

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

d. **Pedestrian Amenities**

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

8. **Street Trees, Street Lights and Utilities**

- a. Street trees shall be planted pursuant to Art. 3.F.2.A.4.d, Street Trees.
- b. Street lights shall be provided along all streets and alleys pursuant to Art.3.F.2.A.1.f.2) TDD Street Lighting. At least one light fixture shall be located at the pedestrian crosswalk and along of all pedestrian pass-thrus.
- c. All public utilities shall be installed in accordance to the standard of Art.11.E.7, Utilities.

9. **Parking and Loading**

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

a. **Parking Lot**

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

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

b. **Parking Structures**

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

c. **Service and Loading Areas**

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

10. **Landscaping**

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

a. **Landscape Buffer Exemption**

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

- 1) the proposed horizontally integrated residential units of the LCC are located adjacent to existing residential units of the same housing type and density, and the adjacent parcel has an existing buffer that meets this Code; or
- 2) the adjacent non-residential development is compatible with the LCC and has an existing buffer that meets this Code.

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EXHIBIT C

**LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS**

(Updated 10/23/09)

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b. Foundation Planting

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

- 1) Foundation plantings shall not be required for the following: buildings with frontages on the main streets, secondary streets, buildings along an alley or internal street between non-residential buildings, or where buildings front on a plaza or square.
- 2) Buildings that face a perimeter street R-O-W and designed with: arcades, pedestrian area or framed by an usable open space.

D. LCC Waivers

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

Table 3.E.8.D. – LCC Waivers

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

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

Table 3.E.8.D. – LCC Waivers

Requirements	Waiver	Criteria of Review ¹
Tenant Size and Large Tenant		
Art.3.E.8.C.4.e The total square footage for all freestanding building and large tenants shall not exceed 40 % of the GFA of the LCC.	Increase a maximum of 10% of the total GFA to be designated for freestanding buildings and large tenants.	-Increase Architectural features that exceed Art.5.C ; or -Utilize Green Architecture, if applicable; and -Increase usable open space by 10% for the site.
Art.3.E.8.C.4.e.5) Single tenants shall not occupy more than 240 feet of frontage.	Increase to a maximum of 325 feet for sides that do not have pedestrian use areas or street frontages other than for service areas.	-Provide Architectural features that exceed Art.5.C ; -Utilize Green Architecture, if applicable.
Vertical Integration		
Art.3.E.8.C.4.f. Vertically integrated units shall be accessed from the main street through a common area, including but not limited to: an internal lobby, courtyard, gathering area or usable open space between buildings.	Vertically integrated units without access from the main street	-Proposed access complies with the entry requirements of Art. 5.C.1.H.1.d, Entries, provided it is adjacent to usable open space.
Usable Open Space		
Table 3.E.8.C.7 Dimensions for Usable Open Space	Reduce a maximum of 25 percent of the minimum dimensions.	-Proposed design features of the reduced usable open space elements shall exceed minimum code requirements; and, -Demonstrate the overall usable open spaces are evenly distributed to meet the purpose and intent of this requirement.
Parking Lot		
Art.3.E.8.C.9.a A maximum of 200 parking spaces shall be permitted in each parking lot.	Increase a maximum of 20%.	-Only allowed if framed by buildings on all four sides and designed to give the appearance of small parking lots.
[Ord. 2010-...]		
Notes:		
1. The applicant can submit additional justification or documentation to support waiver request.		

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EXHIBIT C

**LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)**

1
2 **Part 8. ULDC, Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 118 of**
3 **155)), is hereby amended as follows:**
4

Reason for amendment: [Zoning] Include Live/Work unit use within the residential uses of the Traditional Development Permitted Use Schedule, Table 3.F.1.F as the use was introduced for the LCC.

5

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

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

6

7

8 **Part 9. ULDC, Table 4.A.1.A, Standard Use Matrix (page 12 of 155), is hereby amended as**
9 **follows:**

10

Reason for amendment: [Zoning] Include Live/Work unit as the use within the residential uses of the standard zoning districts Use Matrix, Table 4.A.3.A as the use was introduced for LCC.

11

Table 4.A.3.A-1 – Use Matrix

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

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14 **Part 10. ULDC, Art.4.B, Supplementary Use Standards, (page 31 of 155), is hereby amended as**
15 **follows:**

16

Reason for amendment: [Zoning] Amend to clarify uses to be permitted in the Lifestyle Commercial Center (LCC) Development District.

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CHAPTER B SUPPLEMENTARY USE STANDARDS

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

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1 Section 1 Uses

2 A. Definitions and Supplementary Standards for Specific Uses

3
4 16. Auction

5
6 d. TMD and LCC Districts

7 Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005 – 002]

8
9 18. Auto Service Station

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11 f. TMD and LCC Districts

12 Automotive service stations shall be permitted only on sites that are within 500 feet of the
13 perimeter of ~~the development, a TMD district but shall not be located on a Main Street.~~
14 The maximum site area ~~is per station shall not exceed~~ 10,000 square feet of GFA.
15 Gasoline pumps shall be located in the rear or side of a building with access from an
16 alley, interior parking area, or a street not designated as a main street.

17
18 22. Building Supplies

19
20 b. Wholesale

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

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

25 c. LCC District

26 Building supplies in an LCC shall be enclosed with no outdoor storage area.

27
28 25. Car Wash

29 e. LCC District

30 A maximum of one car wash may be allowed. The car wash shall be located outside the
31 main street, and may be accessed from a secondary street, alley or from a parking lot.
32 The car wash shall not be visible from the main street.

33
34 37. Convenience Store with Gas Sales

35
36 g. TMD and LCC Districts

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

39
40 54. Film Production Studio

41
42 a. CHO and CG and LCC Districts

43 Outdoor activities shall be located a minimum of 300 feet from a residential district.

44 b. Film Permit

45 A film permit shall be issued by the Director of the Film Liaison Office. The duration of the
46 permit shall not exceed 24 months without approval of the Zoning Director. This permit
47 may be issued in all districts. [Ord. 2007-001]

48 c. LCC

49 Film production studios shall not be located on a main street.

50
51 55. Financial Institution

52
53 b. TMD and LCC Districts

54 Drive-up teller units shall be located in the rear of a building with access from an alley,
55 interior parking area, or a street not designated as a ~~m~~ain ~~s~~treet.

56
57 64. Green Market

58
59 g. LCC District

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

Notes:

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

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 - 78. Laundry Service
 -
 - c. TMD and LCC Districts
A laundry service shall not exceed 3,000 square feet of a GFA.
 -
 - 87. Multi-family
 -
 - a. TMD and LCC Districts
On Main Streets multi-family units are permitted only on upper floors of mixed-use buildings.
 -
 - 104. Recycling Drop-Off Bin
 -
 - a. **Mobility**
The mobility of a drop-off bin shall be maintained at all times.
 - b. **Location**
The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking space. In TMD and LCC districts, the recycling drop-off bins shall be designed to be consistent with the buildings design.
 -
 - 106. Recycling Collection Station
 -
 - a. TMD and LCC Districts
Shall not be located on a Main Street.
 -
 - 108. Repair Services, Limited
 -
 - e. LCC District
Repairs of motors such as golf carts, mopeds and lawn movers is prohibited.
 -
 - 109. Restaurant, Type I
 -
 - d. TMD and LCC Districts
A Type I Restaurant shall not: [Ord. 2005 – 002] [Ord. 2006-004]
 - 1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]
 -
 - 111. Restaurant, Type II
 -
 - b. **Use Limitations and Approval Process**
 -
 - 4) ~~TNDs, and TMDs, and LCC Districts~~
Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001]
 -
 - 113. Retail Sales, Auto Accessories and Parts
 -
 - c. LCC District
Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a freestanding building and shall not have outdoor storage or any installation of vehicle parts in the main streets or parking lots.
 -
 - 114. Retail Sales, General
 -
 - b. TMD and LCC Districts
~~In the TMD and LCC Districts, retail sales, general shall~~ Shall not exceed 100,000 square feet of GFA per establishment in the U/S tier, ~~and where applicable,~~ 50,000 square feet of GFA per establishment in the Exurban and Rural tiers and 65,000 square feet of GFA in the AGR ~~for the TMD~~. A drive-thru facility for a drug store is allowed if located in the rear of a building. Access shall be from an alley, an interior parking area, or a street not
 -

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

designated as a Main Street. The drive-thru facility shall be covered by a canopy or the second story of a building. [Ord. 2005 – 002]

....
f. LCC District

A single tenant retail sale use for a discount retail center shall be limited to a maximum of 65,000 square feet of GFA.

....
129. Theater, Indoor

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

a. CRE District

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

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

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

....
136. Veterinary Clinic

....
c. LCC District

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

[ReNUMBER Accordingly.]

137. Vocational School

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

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

....
141-1. Work/Live Space

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

a. Non-residential Designation

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

ba. Floor Area

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

eb. Office Space

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

de. WCRAO

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

141-2.Live/Work

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

a. Mixed Use Designation

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

b. Final Site Plan

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

c. Residential Limitations

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

....

Part 11. ULDC, Art.5.C.1.C, Exemptions (Related to Architectural Guidelines) (page 29 of 75), is hereby amended as follows:

Reason for amendment: [Zoning and Industry] 1) Expand exemption to include LCC Development District.

Notes:

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EXHIBIT C

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
(Updated 10/23/09)

1 CHAPTER C DESIGN STANDARDS

2 Section 1 Architectural Guidelines

3

4 C. Exemptions

5

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

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EXHIBIT D

TDR MORATORIUM
SUMMARY OF AMENDMENTS
(Updated 10/21/09)

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Part 1. ULDC, Art. 5.G.2, Transfer of Development of Rights (TDRs) – Special Density Programs (page 69 of 75 [Supplement 6]), is hereby amended to add new subsection O, Moratorium, as follows:

Reason for amendment: [Zoning/County Attorneys] BCC directed Staff at the September 29, 2009, BCC Hearing to amend the Transfer of Development Rights (TDRs) – Special Density Programs to impose a moratorium on new applications for TDR approvals.

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Programs

....

O. Moratorium

1. The Board of County Commissioners of Palm Beach County does hereby impose a moratorium beginning on the effective date of this ordinance, upon the acceptance of applications for transfer of development rights (TDR) approvals.
2. This Ordinance shall expire upon the earlier of the following: one year from the effective date of this ordinance or upon the effective date of comprehensive plan amendments related to TDRs to be considered by the Board of County Commissioners in amendment round 10-1.

U:\Zoning\CODEREV\2009\LDRAB\Meetings\10-28\Exhibit D - TDR Moratorium.docx

Notes:

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EXHIBIT E

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS

Updated 10/22/09

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Part 1. ULDC, Art 3.B, Overlays (page 51 of 155 [Supplement 6]), is hereby amended to add new Art. 5.B.17, SR-7 Economic Development Overlay, as follows:

Reason for amendment: [Planning/Zoning] Establish new SR-7 EDO as required by Future Land Use Element (FLUE) Objective 1.10, SR-7 Economic Development Overlay (EDO) and Policies 1.10-a through 1.10-r.

CHAPTER B OVERLAYS

SECTION 17 SR-7 ECONOMIC DEVELOPMENT OVERLAY

A. PURPOSE AND INTENT

The purpose of the SR7 EDO is to provide a framework that will increase the available amount of developable land area necessary to attract skilled trades companies, and provide for economic activities that diversify those already found in the vicinity. The primary intent is to encourage the establishment of industries that provide professional and technical types of jobs for the local population, provide land for the establishment of skilled trades companies, while potentially reducing the volume of employment related east - west commuter trips for area residents. Alternatively, the SR7 EDO establishes protections for existing uses within the overlay, and other development protections to mitigate any adverse impacts to residents.

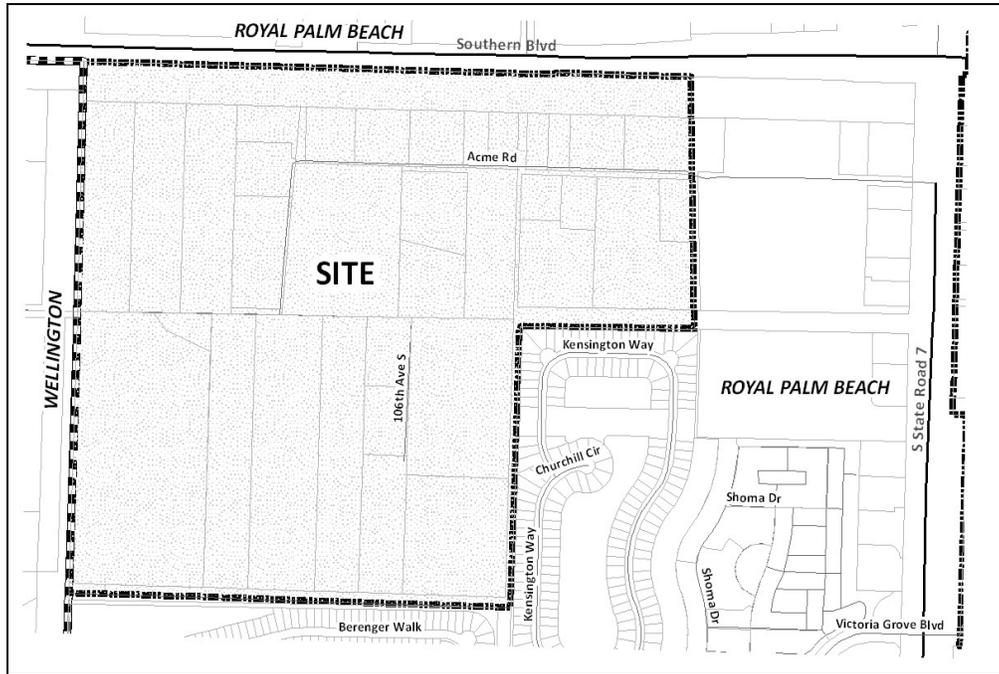
B. APPLICABILITY

This Section shall apply to all new development within the defined boundaries of the SR-7 EDO, unless exempted otherwise herein.

1. BOUNDARIES

The SR7 EDO consists of an within unincorporated PBC approximately 174.4 acres in size generally bounded on the north by the SFWMD West Palm Beach Canal (State Road 80/Southern Boulevard); to the South and Southeast by the Victoria Grove subdivision; to the east by the lots 72-42-43-27-05-009-0101 and 72-41-43-36-01-000-0010 (aka Lowes Home Center subdivision); and, to the west by an un-named canal and the Village of Wellington. See Figure 3.B.17.B, Map of SR7 EDO Boundaries.

FIGURE 3.B.17.B - MAP OF SR-7 EDO BOUNDARIES



[ORD. 2010-...]

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2. PREVIOUSLY APPROVED USES

All uses that are existing and were legally established or requested before the effective date of FLUE Objective 1.10, SR-7 Economic Development Overlay (including related policies),

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EXHIBIT E

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO) SUMMARY OF AMENDMENTS

Updated 10/22/09

1 shall be considered exempted uses. This shall include the Folke Peterson Center for Animal
2 Welfare, existing single-family residential uses and accessory uses and structures, or other
3 similar development order or development permit. These uses shall be exempt from the
4 requirements of this Section, and shall be permitted to continue operations, expand where
5 permitted elsewhere by the ULDC, or be developed for residential purposes. This shall not
6 be deemed to exempt such prior approvals from Art. 1.E, Prior Approvals, or Art. 1.F,
7 Nonconformities.

8 **C. SR-7 EDO MINIMUM DENSITY REQUIREMENTS**

9 Each SR-7 EDO project shall be required to provide residential units, including workforce housing
10 program (WHP) units. The minimum required density shall be 20 percent of the maximum
11 density for the underlying LR-2 FLU designation as indicated in Table 3.E.1.B, PUD Density (i.e.
12 0.4 x total gross acreage of each project). Minimum workforce housing units shall be calculated
13 in accordance with Art. 5.G.1, Workforce Housing Program. Vertical integration is encouraged
14 between workforce housing units and other compatible uses. This may also include live/work
15 units.

16 **D. APPLICATION REQUIREMENTS**

17 **1. PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD) REZONING**

18 All applications for a SR-7 EDO project shall require a rezoning to the PIPD district.

19 **2. PRE-APPLICATION CONFERENCE (PAC)**

20 A PAC shall be required for all applications for a SR-7 EDO project, in accordance with
21 Art. 2.A.1.E, Pre-Application Conference.

22 **3. PRELIMINARY MASTER PLAN**

23 The BCC shall approve a preliminary master plan for any SR-7 EDO project.

24 **E. DESIGN PRINCIPLES**

25 A SR-7 EDO project shall consider the impact of industrial and commercial job generating uses
26 and the need to mitigate adverse impacts to adjacent development, while providing for the needs
27 of the workforce and related business activities.

28 **1. LOCATION LIMITS FOR SUPPORT USES**

29 Where permitted, commercial uses shall be located internally to the overlay and designed to
30 primarily serve residents, workers and associated business affiliates within the SR-7 EDO.
31 These uses shall be designed to minimize any internal vehicle usage, with an enhanced
32 pedestrian circulation system that provides weather protection by use of landscaping or other
33 canopy structures. This requirement may be addressed by providing access to adjacent SR-
34 7 EDO projects, provided a cross access agreement, or other similar safeguard approved by
35 the Planning Division, is established to ensure that access shall be maintained in perpetuity.

36 **2. MINIMUM LOT SIZE**

37 Minimum lot size may be waived for any SR-7 EDO project that immediately abuts another
38 SR-7 EDO project or projects that meet the minimum acreage for a PIPD.

39 **3. ACCESS**

40 The Planning Division shall coordinate with applicants, FDOT and the County Engineer to
41 establish no more than two access points to Southern Boulevard for the overlay, to include
42 the following:

- 43 a. One access shall be located at the intersection of Southern Boulevard and 103rd Avenue
44 North;
- 45 b. One access shall be located in the vicinity of the northwestern corner of the overlay to
46 provide access onto Southern Boulevard and shall be limited to a directional or right-
47 in/right-out connection, or as approved by FDOT;
- 48 c. Internal vehicular circulation within the overlay shall be designed so that primary access
49 is from Southern Blvd. and secondary access is from SR 7; and,
- 50 d. No SR-7 EDO projects shall be approved without establishing a minimum of one access
51 point to Southern Boulevard;
- 52 e. No SR-7 EDO project shall be approved without establishing minimum legal access to all
53 lots within the project as required by the Subdivision Ordinance (Article 11 of the ULDC).

54 **4. INTERCONNECTIVITY**

55 SR-7 EDO projects shall consider the overall framework necessary to allow for the
56 development of all parcels within the overlay, to include sufficient R-O-W to allow for access
57 to Southern Boulevard, and development of any needed utilities.

- 58 a. Projects abutting the SFWMD C-51 Canal shall provide an east-west street that shall be
59 constructed to minimum County standards;
- 60 b. Projects that include parcels fronting on the SFWMD C-51 Canal shall provide a means
61 of access to adjacent parcels that do not front abut this canal. Access shall comply with
62 minimum legal access required by Art. 11 and be the minimum R-O-W necessary to
63 establish frontage and accommodate any requisite connections to additional parcels
64 within the overlay;
- 65 c. The alignment of access roads shall be clearly depicted on all plans; and,

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EXHIBIT E

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS

Updated 10/22/09

- 1 d. An irrevocable cross access agreement, to include provisions for utility connections, shall
- 2 be provided to all property owners entitled to the interconnectivity standards above, and
- 3 where appropriate shall indicate that cross access may be extended to additional parcels
- 4 within the overlay. This requirement may be supplanted where similar access rights are
- 5 dedicated by plat, subject to Engineering approval.
- 6 **5. DRIVE-THROUGH USES**
- 7 Drive-through uses are prohibited within the SR-7 EDO.
- 8 **6. GENERAL RETAIL SALES**
- 9 Shall be prohibited as a principal use.
- 10 **7. RESTAURANTS**
- 11 Where permitted by a FLU amendment, restaurants shall be limited to a maximum of 15,000
- 12 square feet of rentable space.
- 13 **8. PERIMETER BUFFERS**
- 14 Where any non-residential uses are to be located abutting parcels having existing residential
- 15 uses or having a rural residential FLU designation, the following shall be required:
- 16 a) Required buffer width and number of trees, palms and shrubs shall be increased by 50
- 17 percent; or
- 18 b) Alternatively, increased buffer width and planting requirements shall not be required
- 19 where adjacent to properties within the SR-7 EDO if notarized affidavits are provided
- 20 from adjacent property owners, or designated agents, releasing the applicant from these
- 21 requirements.
- 22 **9. HEIGHT LIMITATIONS**
- 23 Buildings, or portions thereof, located within 50 feet of the SR-7 EDO outer boundary shall
- 24 measure no more than 35 feet as a maximum height and consist of no more than two stories.
- 25 **F. USE REGULATIONS**
- 26 This section shall regulate primary or collocated uses that shall be permitted within an SR-7 EDO
- 27 project. The standards of the SR-7 EDO allow for limited commercial and industrial uses that
- 28 intended to create an additional employment node in the western communities. Limited
- 29 commercial, civic, and recreational uses are permitted only where intended to serve workers
- 30 within the overlay, inclusive of any associated business affiliates.
- 31 **A. PERMITTED USES**
- 32 Table 3.B.17.F, SR-7 EDO Permitted Use Schedule, identifies uses permitted within the
- 33 overlay.
- 34 **B. ACCESSORY USES**
- 35 Accessory uses shall be permitted in accordance with Art. 5.B, Accessory and Temporary
- 36 Uses. Any proposed use that exceeds the limitations of an accessory use shall only be
- 37 permitted if allowed above and where in compliance with the requirements of this code.
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- 49 This space left blank intentionally.
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EXHIBIT E

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS
Updated 10/22/09

1

TABLE 3.B.17.F – SR-7 EDO PERMITTED USE SCHEDULE

USE TYPE	PIPD USE ZONE				NOTE	
	R E S	I N D / L	C O M	I N D / G		
RESIDENTIAL USES						
Townhouse	P		D		132	
Multi-family	P		D		87	
Accessory Dwelling	P		D		1	
CLF, Type III	R		R		34	
Garage Sale	P		P		60	
Guest Cottage	P		D		66	
Home Occupation	P		P		70	
Security or Caretakers Quarters	S	S	S	S	119	
COMMERCIAL USES						
Auction, Enclosed			P		16	
Broadcast Studio		P	D		21	
Day Labor and Employment Service			P		41	
Dispatching Office		P	P	P	42	
Dog Daycare		P	R		43	
Financial Institution			R		55	
Funeral Home or Crematory			R		59	
Hotel, Motel, SRO, Rooming And Boarding			R		72	
Laundry Services			P		78	
Office, Medical or Dental			P		83	
Office, Business or Professional			P		91	
Personal Services			P		98	
Printing and Copying Services			P		100	
Restaurant, Type I			R		109	
Restaurant, Type II			R		111	
Vocational School			D		137	
Work/Live Space			D		141-1	
Live/Work Unit			D		141-2	
UTILITIES AND EXCAVATION USES						
Electric Transmission Facility			P	P	P	44-2
Excavation, Type II			P	P	P	49
Utility, Minor	P	P	P	P	P	134
PUBLIC AND CIVIC USES						
Assembly Non Profit Institutional			R			14
Places of Worship			R			29
College or University			R			30
Daycare, General			R	R	R	40
Daycare, Limited			R	R	R	40
Government Services			P	P	P	63
Hospital or Medical Center			R			71
RECREATIONAL USES						
Fitness Center			R			56
Park, Passive	P	P	P	P	P	93
INDUSTRIAL USES						
Data Information Processing			P	P	P	38
Film or Production Studio			P	P	P	54
Laboratory, Research			P	P	P	76
Manufacturing and Processing			P		P	81
Medical or Dental Laboratory			P			84
Warehouse			P		P	138
Wholesaling, General			P		P	140
[Ord. 2010-]						
KEY						
P Permitted by right.						
D Permitted subject to DRO approval.						
S Permitted subject to Special Permit approval.						
R Permitted subject to Board of County Commission Approval.						

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Part 2. ULDC, Art 3.E.1.C.2.A, Access and Circulation (page 80 of 155 [Supplement 6]), is hereby amended, as follows:

Reason for amendment: [Planning/Zoning] Establish new SR-7 EDO as required by Future Land Use Element (FLUE) Objective 1.10, SR-7 Economic Development Overlay (EDO) and Policies 1.10-a through 1.10-r. Required to implement Policy 1.10-p, and summary of amendments outlined in the Planning staff report to BCC for amendment Adoption Hearing.

7

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

8

SECTION 1 GENERAL

9

C. OBJECTIVES AND STANDARDS

10

2. PERFORMANCE STANDARDS

11

Planned developments shall comply with the following standards:

12

a. Access and Circulation

13

1) PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street, unless stated otherwise herein;

14

a) Infill Development

15

The BCC may grant a waiver to reduce the frontage requirement in the U/S Tier upon demonstration by the applicant that the standards cannot be satisfied by any other means and: [Ord. 2005 – 002]

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(1) the reduction is the minimum necessary to provide safe and adequate access to the project; [Ord. 2005 – 002]

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EXHIBIT E

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS

Updated 10/22/09

- (2) the reduction will not result in any undue hardship or adverse impact on adjacent property owners; [Ord. 2005 – 002]
(3) the reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code; [Ord. 2005 – 002]
(4) the reduction is supported by the County Engineer and PZB; -- [Ord. 2005 – 002]
(5) where applicable, the reduction is necessary to allow for development of new SR-7 EDO projects that establish access by means of interconnectivity requirements of the overlay.

Part 3. ULDC, Art 3.E.6, Planned Industrial Park Development (page 109 of 155 [Supplement 6]), is hereby amended, as follows:

Reason for amendment: [Planning/Zoning] Establish new SR-7 EDO as required by Future Land Use Element (FLUE) Objective 1.10, SR-7 Economic Development Overlay (EDO) and Policies 1.10-a through 1.10-r. Whereas, FLUE Policy 1.10-c indicates that the PIPD is the only Zoning district permitted for a SR-7 EDO project.

CHAPTER B PLANNED DEVELOPMENT DISTRICTS (PDDS)

SECTION 5 PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD)

A. GENERAL

3. CONFLICTS

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict, with exception to the SR-7 EDO.

B. OBJECTIVES AND STANDARDS

1. DESIGN OBJECTIVES

b. Be designed as a predominantly industrial development, with exception to the SR-7 EDO, which shall allow for larger percentages of business or professional office uses, or other similar uses that are identified in Art. 3.B.17, SR-7 EDO;

3. RESIDENTIAL POD

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Residential Pod, indicated under Table 3.E.1.B-22-PDD Use Matrix, except for a SR-7 EDO; and Art. 4.B.1.A, Supplemental Standards Art. 4, Use Regulations. [Ord. 2004-040] [Ord. 2008-003]

Part 4. ULDC, Art 4.B.1.A, Supplemental Standards (page 20 of 155 [Supplement 6]), is hereby amended, as follows:

Reason for amendment: [Planning/Zoning] 1) Establish new SR-7 EDO as required by Future Land Use Element (FLUE) Objective 1.10, SR-7 Economic Development Overlay (EDO) and Policies 1.10-a through 1.10-r: Whereas, FLUE Policies 1.10-c, 1.10-e, 1.10-h, and 1.10-i establish extensive limitations for industrial, civic, recreational and limited commercial uses in a SR-7 EDO.

CHAPTER B SUPPLEMENTAL USE STANDARDS

SECTION 1 USES

A. DEFINITIONS AND SUPPLEMENTARY STANDARDS FOR SPECIFIC USES

21. BROADCAST STUDIO

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

a. SR-7 EDO
Broadcast towers or antennae are not permitted.

Notes:

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Language crossed-out indicates language proposed to be deleted.
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Relocated language is shown as italicized with reference in [brackets].

EXHIBIT E

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS

Updated 10/22/09

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55. FINANCIAL INSTITUTION

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

....

c. SR-7 EDO
Drive through uses are prohibited.

....

109. RESTAURANT, TYPE I

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

....

f. SR-7 EDO
Drive through uses are prohibited.

U:\Zoning\CODEREV\2009\LDRAB\Meetings\10-28\Exhibit E - SR-7 EDO.doc

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EXHIBIT F

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

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

Reason for amendment: [PLANNING] In January 2009 the BCC directed Planning staff to work with industry to discuss revisions to the workforce Housing Program. These proposed amendments are the result of seven meetings with industry representatives and workshops with the BCC discussing various workforce housing topics. Industry requested review of the current program given the changes in the residential construction market and overall downturn of the economy.

CHAPTER G DENSITY BONUS PROGRAMS

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

Section 1 Workforce Housing Program (WHP)

A. Purpose and Intent

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

B. Applicability

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

1. Exemptions

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

2. Limitations

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

3. Income Ranges

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

Reason for amendment: A specific program (AHP) for projects targeting households earning 60 percent or less of AMI has been adopted. Any project must either comply with either the AHP or the WHP.

4. When WHP and AHP Units are Proposed

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

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EXHIBIT F

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

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Reason for amendment: The new code provides three options by which projects can meet requirements to provide workforce housing. The first is a no incentive option where no bonuses or other incentives are used and all units are sold in the WHP price ranges. The second is a limited incentive option where all incentives are available but the bonuses cannot exceed half of their maximum potential. The third is essentially the existing program using full benefits.

C. Development Options

1. No Incentives

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

- a. All dwelling units proposed shall be required to target households with incomes from 60 percent to 140 percent of AMI.
- b. To be eligible no more than 90 percent of the total project units can be built within any one of the four targeted income categories; all other units must be built in any one, or any combination thereof, of the remaining three income categories.
- c. All for sale units which includes attached and detached housing types shall be required to be income restricted for a period of 7 years (non-recurring).
- d. All units within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring).
- e. Projects developed under this option shall not be permitted to utilize the payment in lieu of construction provisions as outlined in Art. 5.G.1.B.3, Income Ranges or Art. 5.G.1.1.6, Release of Obligation to Construct WHP For Sale Units.

2. Limited Incentive

A proposal requesting a density bonus of less than 15 percent for projects with LR-1 thru LR-3 FLU designations or less than 50 percent for projects with MR-5 thru HR-18 FLU designations.

- a. The required percentage of WHP units will also be limited to: 2.5 percent of Standard Density; 8 percent of PUD Density and 17 percent of the WHP density bonus.
- b. 50% of the required WHP units shall be set aside for low income households (households that earn between 60 percent and 80 percent of the County's median income) and 50 percent of the required WHP units shall be set aside for moderate 1 income households (households that earn between 80 percent and 100 percent of the County's median income).
- c. The WHP - TPS special methodology mitigation, the WHP expedited review, the WHP site plan regulation options and any additional WHP incentives will be available if requested.
- d. All for sale units shall be income restricted for a period of 15 years (recurring). Each WHP unit shall be sold, resold, or rented only to Low or Moderate 1 income qualified households and the WHP restrictions remain in effect for 15 years from the date each unit is first purchased or rented. In the event a unit is resold before the 15 year period concludes, a new 15 year period shall take effect on the date of resale.
- e. All units within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring).

3. Full Incentive

A proposal requesting consideration for all available WHP incentives, as indicated in the following Table 5.G.1.B, Workforce Housing Program, and following text.

This space left blank intentionally.

Notes:

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EXHIBIT F

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

1

Table 5.G.1.B-47 - Workforce Housing Program

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S (including SCO), Exurban and Rural Tiers
	FLU (1)	RR-20, RR-10, RR-5, RR-2.5, LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
	RR-20 LR-1 thru LR-3	0— up to 30%
	MR-5 thru HR-18 (2)	0— up to 100% (Pre-App required for > 30%)
Required % of Affordable WHP Units (3)		
	Standard Density	6 5%
	Maximum Density	20 16%
	WHP Density Bonus	40 34%
Required Affordability WHP Ranges (4) (5)		
	Low (60-80%)	25%
	Moderate 1 (> 80-100%)	25%
	Moderate 2 (>100-120%)	25%
	Middle (>120- or ≤450 140%)	25%
Provision of Units		
	On-site (6)	Minimum 25% of Required Workforce Units
	Off site	Maximum 75% of any combination of options
	Option 1	Construct units off site (Art. 5.G.1.G.1)
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict. (Art. 5.G.1.G.2)
	Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost. (Art. 5.G.1.G.3)
	Option 4	In-lieu Payment —50% of unit maximum (Art. 5.G.1.G.4)
[Ord. 2006-055] [Ord. 2007-013] [Ord. 2009-02]		
Notes:		
<p>1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]</p> <p>2. A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional Requirements for >30% Density Bonus. [Ord. 2006-055]</p> <p>3. Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]</p> <p>4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [>120-< or =450 140%]; the 2nd Moderate 2 [>100-120%]; and, the 3rd Moderate 1 [>80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055] [Ord. 2007-013]</p> <p>5. Applicants may choose to opt out of the required middle income affordability range. Where applicable, the required distribution would be equal among the low, moderate 1 and moderate 2 ranges. [Ord. 2006-055]</p> <p>a. The DRO may waive the minimum 25% on-site requirement where mandatory workforce units total ten units or less; or [Ord. 2006-055] [Ord. 2009-00]</p> <p>b. If the homes in a development are valued at 200% or more of the median County home value (as updated by HCD). [Ord. 2006-055]</p> <p>Note: This provision does not reduce the requirement to provide WHP units, and a All units not located on site shall comply with options 1 through 4 for 100% of all mandatory Workforce housing requirements of onsite units. [Ord. 2006-055] [Ord. 2009-02]</p>		

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C.D. Design Requirements

1. Design

WHP units shall be designed to be compatible with the overall project, as follows: [Ord. 2006-055]

- a. All WHP units shall be constructed on site, unless approved otherwise in accordance with Art. 5.G.1.G.E, WHP Off Site Options; [Ord. 2006-055]
- b. All affordable units shall be designed to a compatible exterior standard as other units within the development or pod phase and shall be compatible with the surrounding land uses; and [Ord. 2006-055] [Text relocated from Art. 5.G.1.I.5, Compatibility]
- c. Required WHP units may be clustered or dispersed throughout the project. [Ord. 2006-055]
- d. Multi-Family development shall comply with Art. 5.C.1.H.1, Nonresidential Design Elements and Art. 5.C.1.H.2, Multi-Family Design Elements. The applicant shall include building footprints and elevations as part of the application. These documents shall be submitted at time of initial application.

[Renumber accordingly]

f. Option 1 - AR, RE and RT Districts

The zoning for parcels electing to use this option must be in compliance with Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. [Ord. 2008-037]

Notes:

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EXHIBIT F

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

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Reason for amendment: [Planning] Consistent with recent Plan amendments the AHP and WHP shall only apply in the Urban/Suburban Tier. This amendment removes Exurban and Rural Tier designations from the WHP. (AHP amendments adopted August 25, 2009/Ord. No. 2009-033).

- 1) AR and RE Minimum Lot Size in RR FLU Designation**
~~Minimum required lot size may be reduced by dividing gross acreage by the total number of permitted units to include the highest standard density permitted and any bonus units. [Ord. 2006-055]~~
- 2) AR FAR Calculations**
~~New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation. [Ord. 2006-055]~~
- 3-1) RT PDR Deviations**
Deviations from the minimum PDRs for the RT district with a LR 2 or LR 3 FLU designation may be in accordance with Table 5.G.1.D-19, RT Deviations for WHP, only for those projects that qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and utilize a minimum density bonus of 20 percent. **[Ord. 2006-055]**

Table 5.G.1.D-19 - RT Deviations for WHP ⁽¹⁾

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP	LR 2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP	LR 3	9,000 sf	65'	40%	80'	1 st Floor 10'	1 st floor - 15'

[Ord. 2006-055]

Notes:

ND No deviation.
1. Eligible projects must qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use. **[Ord. 2006-055]**

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- k. Option 6 – Relocation of Units to Civic Tracts**
Residential units may be permitted in a civic pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project: **[Ord. 2006-055]**
 - 1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; ~~and or~~, **[Ord. 2006-055]**
 - 2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted. **[Ord. 2006-055]**

Reason for amendment: [Planning] New standards for WHP on-site, also added construction language for WHP offsite, and option 4 – added rental unit payment and timing provision for in-lieu payment (i.e. issuance) “1st Building Permit.”

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F. WHP On-site Construction
WHP units may be located on-site in accordance with the provisions of Article 5.G.1.C, Workforce Development Alternatives; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to final DRO approval, the applicant shall identify on the plan the total number of WHP units proposed for development within each pod or phase, as applicable. The plan shall also indicate the number of units in each applicable WHP income category. In no instance shall all of the WHP units be constructed in the last stage of development (pod/phase, where applicable).

E.G. WHP Off-site Options
WHP units may be located off-site using the options listed below and in accordance with the provisions of Table 5.G.1.B-17, Workforce Housing Program; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to issuance of a building permit, or final DRO approval if applicable, all contracts or related agreements for any off-site option evidencing site control and necessary approvals shall be approved by the County Administrator, or designee. Prior to final DRO approval, the applicant shall identify the total number of WHP units proposed for development off-site including the number in each applicable WHP income category. Off-site options may be accommodated in municipalities located within Palm Beach County. **[Ord. 2006-055]**

1. Option 1 – Off-site Construction

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EXHIBIT F

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

- 1 Building permits shall be issued for a minimum of ~~50~~ 25-percent of the required WHP units to
 2 be constructed off-site prior to the issuance of ~~the first no more than 25-percent of the CO~~
 3 ~~building permits~~ in the subject development. All off-site WHP units must receive CO prior to
 4 issuance of no more than ~~75~~ 85-percent of the CO's in the subject development. [Ord. 2006-
 5 0455]
 6 a. **WCRAO** – Off-site construction of the required WHP units within the low income range
 7 shall be limited to ten percent. [Ord. 2008-037]
 8 **2. Option 2 – Purchase Market Rate Units**
 9 Purchase of an equivalent number of existing market rate units to be deeded to the County or
 10 sold to eligible households and deed restricted. The developer may retain the title to off site
 11 units subject to recordation of a deed restriction that meets the intent of this provision. A
 12 minimum of 50-percent of the units must be purchased and deeded to the County or deed
 13 restricted prior to the issuance of ~~the first no more than 25-percent of the CO~~ building permits
 14 in the subject development. All market rate units shall be purchased and deeded to the
 15 County or deed restricted prior to issuance of no more than ~~75~~ 85-percent of the CO's in the
 16 subject development. [Ord. 2006-055]
 17 **3. Option 3 – Donate Buildable Land**
 18 Donation of developable land acceptable to the County in an amount equal to the buyout
 19 costs of the affected units. Donated land must be deeded to the County prior to issuance of
 20 the first building permit in the subject development. [Ord. 2006-055]
 21 **4. Option 4 – In-lieu Payment (Prior to Issuance of First Residential Unit Building Permit)**
 22 The in-lieu payment for all WHP units shall be \$81,500 per for sale unit and \$50,000 per
 23 rental unit. The payment shall be deposited in the WHP Trust Fund maintained by the PBC
 24 Department of HCD at the time of issuance of the first residential unit building permit for the
 25 subject development deposited in a WHP Trust Fund maintained by the PBC Department of
 26 HCD.

28 **Reason for amendment: [Planning]** New provisions for greater than 30% Density, allows opportunity for
 29 consideration of the site's location in proximity to additional amenities.

31 **F.H. Additional Requirements for >30% Density Bonus**

32 Projects requesting a density bonus greater than 30 percent shall comply with the following:
 33 [Ord. 2006-055]

34 **1. Sector Analysis**

35 WHP projects, including relocated WHP units, shall be equitably distributed so that there is
 36 no undue concentration of very-low and low income households housing. Table 5.G.1.F-20,
 37 WHP Density Bonus Guide indicates the maximum density bonus permitted and the
 38 concentration of very-low and low income housing within a sector will be one factor taken into
 39 consideration when determining the maximum density bonus permitted. Other factors to be
 40 considered include: the location of the proposed development and it's relationship to the
 41 study area; the housing type(s) proposed; if the development site is located within ¼ mile
 42 radius of a public park (neighborhood or regional park, not a golf course); civic uses
 43 (schools/libraries); a mass transit facility/route; child care facilities; medical facilities; a super
 44 market; a community commercial facility; employment opportunities; and within ½ mile radius
 45 of social services; a regional commercial facility; an industrial facility; additional civic uses
 46 and employment opportunities. Prior to submittal of a WHP pre-application, the applicant
 47 shall meet with the Planning Director or designee to establish the sector within which the
 48 distribution analysis shall be conducted. The boundaries of the sector shall be approved by
 49 the Planning Director or designee. The maximum density bonus permitted or a bonus in
 50 excess of the maximum shall be recommended by the Planning Director or designee.

Table 5.G.1.F-20 - WHP Density Bonus Guide

% of Affordable Housing Very Low & Low Income Households in Sector	> 50%	40-50%	20-40%	0-20%
Maximum Density Bonus ⁽¹⁾	up to 40%	up to 60%	up to 80%	up to 100%
[Ord. 2009-01]				
Notes:				
1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. [Ord. 2006-055]				

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 54 **G.I. Affordability Requirements**

55 Where applicable, the required percentage, affordability ranges and provision of units, shall be in
 56 accordance with Table 5.G.1.B-17, Workforce Housing Program. [Ord. 2006-055]

57 **1. Sales and Rental Prices of WHP Units**

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EXHIBIT F

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

1 All required WHP units shall be offered for sale or rent at an attainable housing cost for each
2 of the targeted income ranges. The sale and rent prices ~~may shall~~ be updated annually by
3 the ~~County Administrator Planning Director~~, or designee, with the sale prices based on the
4 Area Median Income (AMI), and the household income limits for PBC (West Palm
5 Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be
6 adjusted based on the number of occupants, as published annually by HUD (sale price:
7 household income figure multiplied by three and priced at the middle of each of the four WHP
8 income categories), and rental prices based on the annual Florida Housing Finance
9 Corporation Multi-Family Rental Figures as adjusted for number of bedrooms in WHP rental
10 units Any utility allowances applied against gross maximum WHP unit rents shall also be
11 adjusted based on a number of bedrooms in WHP rental units. A chart with the sales and
12 rent prices will be maintained and updated annually by the County.
13

14 Reason for amendment: [Planning] Clarify change to timing of recording of the master covenant, and
15 the clarify change of the affordability period of WHP for-sale and rental units.

16
17 **2. Master Covenant**

18 Prior to ~~final DRO approval~~ issuance of the first building permit, the applicant shall record in
19 the public records of Palm Beach County a Covenant binding the entire project, in a form
20 provided for by the County, which identifies each required WHP unit. ~~In the event the project~~
21 ~~is not subject to final DRO approval, the applicant must submit a recorded copy of the~~
22 ~~Covenant to Building Division prior to issuance of the first building permit.~~

23 **a. For Sale Units**

24 The Covenant shall include but not be limited to restrictions requiring: that all identified
25 WHP units shall be sold, resold or rented only to low, moderate 1, moderate 2, or middle-
26 income qualified households at an attainable housing cost for each of the targeted
27 income ranges; that these restrictions remain in effect for ~~25 15~~ years recurring from the
28 date of the certificate of occupancy for each unit is first purchased or designated as WHP
29 rental unit; and that in the event a unit is resold before the ~~25 15~~ year period concludes, a
30 new ~~25 15~~ year period shall take effect on the date of resale. The Covenant shall further
31 provide monitoring and compliance requirements including but not limited those set forth
32 below to ensure compliance with the WHP. Every deed for sale of a WHP housing unit
33 shall incorporate by reference the controlling Covenant. [Ord. 2006-055]

34 **b. Rental Units**

35 The Covenant shall include but not be limited to restrictions requiring: that all identified
36 WHP units shall be rented only to low, moderate 1, moderate 2, or middle-income
37 qualified households at an attainable housing cost for each of the targeted income
38 ranges; that these restrictions remain in effect for a period of 30 years (non-recurring)
39 from the date of occupancy of the first WHP unit; and that in the event a rental complex is
40 resold before the 30 year period concludes, the new owner assumes the requirement for
41 the number of remaining years; and the number of years remaining shall be determined
42 by the Planning Director or his designee; and shall take effect on the date of resale. The
43 Covenant shall further provide monitoring and compliance requirements including but not
44 limited to those set forth below to ensure compliance with the WHP. Every deed for a
45 rental development with WHP housing units and every rental agreement for each WHP
46 unit shall incorporate by reference the controlling Covenant.

47 **3. Monitoring and Compliance**

48 Prior to the sale, resale, or at the time of the rental of any WHP unit established pursuant to
49 this program, the seller of a for-sale unit or the owner of a rental development shall provide
50 the ~~County Administrator Planning Director~~, or designee, documentation sufficient to
51 demonstrate compliance with the WHP. Such documentation shall include but not be limited
52 to information regarding the identity and income of all occupants of the WHP unit. The owner
53 ~~or lessee~~ of the WHP unit shall submit to the ~~County Administrator Planning Director~~, or
54 designee, on a form provided by the County, an annual report containing information and
55 documentation to demonstrate continued compliance with the WHP and a copy of any
56 monitoring information provided to and received from the appropriate funding agency/source.
57 The County may conduct site visits at reasonable times, or perform other independent
58 investigation to verify continued compliance with the WHP. [Ord. 2006-055]

59 **4. Enforcement**

60 The County may enforce the requirements of the WHP through any cause of action available
61 at law or equity, including but not limited to seeking specific performance, injunctive relief,
62 rescission of any unauthorized sale or lease, reclassification of a lesser unit to another
63 income category, and tolling of the ~~25 15~~-year (recurring) term of for sale units or the 30 year
64 (non-recurring) term for rental units of the WHP. [Ord. 2006-055]

65 **5. Limitation on Restrictions**

Notes:

Underlined language indicates proposed new language.

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... (ellipses) or [Renumber accordingly] indicates language not amended which has been omitted to
save space.

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EXHIBIT F

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

~~WHP units shall not be subject to restrictions beyond income qualifications. The limitation on restrictions may be waived by the ZC, BCC, or Planning Director, only to ensure housing for a specific target group (e.g. disabled populations) where there is a demonstrated need. [Ord. 2006-055]~~

~~6-5. Compatibility~~

~~The resulting development shall be compatible with surrounding residential land uses, as described herein. [Ord. 2005-002] [Relocated above to new Art. 5.G.1.B.2, Limitations]~~

Reason for amendment: [Planning] The new code provides a second in-lieu payment option in order to release any for sale units that are not sold within a set period of time.

6. Release of Obligation to Construct WHP For-Sale Units

It is not the intent of the WHP provisions to require a developer to commence construction on any WHP for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WHP units will be marketed in the same manner as the market-rate units within a development. In the event a WHP unit eligible for contract has been available for purchase for a period not less than 180 days and no contract has been executed during the 180 day period; or, is located within a development pod/phase in which not less than 80 percent of the for sale market rate units (i.e. non WHP units) have binding purchase contracts; then upon the later of the two aforementioned requirements having been met, that specific WHP unit is eligible to be released from the WHP obligations inclusive of release from the Covenant.

a. For Sale Units

When a WHP unit is not purchased in accordance with the provisions above, an In-Lieu cash payment shall be permitted as follows:

- 1) if the price differential between the required WHP unit and the contract price for the market rate unit is less than or equal to \$20,000, then the In-Lieu cash payment shall be \$10,000;
- 2) if the price differential between the required WHP unit and the contract price for the market rate unit is greater than \$20,000 and less than \$81,250, then the In-Lieu cash payment shall be one half (50 percent) of the difference; and,
- 3) if the price differential between the required WHP unit and the contract price for the market rate unit is greater than or equal to \$81,250, then the In-Lieu cash payment shall be \$40,750.

The contract price of any for sale market rate unit shall be the base price of the unit and shall not include any lot premium and/or buyer purchased upgrades that are in addition to the base price of the unit. The Developer shall provide written notice to the Department of Planning, Zoning and Building requesting confirmation of the In-Lieu cash payment amount, which request shall include: a copy of the executed purchase contract between seller and purchaser denoting the purchase price of the unit, but shall not be required to submit any information relative to any lot premium and upgrades that are in addition to the base price of the unit; the project name, zoning control number, PCN, and address of the lot; and, the calculation as to the amount of the In-Lieu cash payment amount being requested.

The County shall provide written confirmation to the Developer, within ten 10 business days of receipt, as to the County's agreement/disagreement with the In-Lieu cash payment amount requested by the Developer.

Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be released from any and all obligations of the WHP requirements of the ULDC and the County shall provide written confirmation that the unit/lot has been released, inclusive of release from the Covenant. Units which are not required to be constructed pursuant to Art. 5.G.1.B.3, Income Ranges are not eligible for this reduced in-lieu payment. These units must provide in-lieu payment consistent with Art. 5.G.1.G.4, Option 4 – In Lieu Cash Payment. The County shall utilize cash payments for the express purpose of providing down payment assistance to eligible households seeking to purchase WHP units. To the greatest extent possible, the down payment assistance provided by the County shall be utilized for the purchase of WHP units from the project from which the cash payment was provided. The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD, and designated for the above referenced purpose.

b. "Available for purchase" shall be defined as:

a. written notice is provided to the Planning Director and the Department of Housing and Community Development and to a list of interested parties provided to the developer by the County that developer has a project approved which requires the construction of WHP units and the developer is ready to commence sales of the required WHP unit within the development. The written notice shall include the location of the subject property, the location of the sales office, the hours of the sales

Notes:

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EXHIBIT F

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

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- office, the floor plan and construction specifications for the WHP unit available for contract; and the pricing of the WHP unit available for contract;
- b. developer shall include in the sales office displays and WHP unit promotional brochures produced as of and during the entire duration of the effective period as defined in Art. 5.G.1.I.6. Release of Obligation to Construct WHP For Sale Units, (i) and (ii) above, that certain units within the project are subject to the WHP provisions of Palm Beach County and are available for purchase for qualified households;
- c. the inclusion of informational packets in the sales center for those interested in purchasing a WHP unit which provides the qualification standards, terms of the Covenant, where to go to get qualified, and other relevant information regarding the WHP units (note this packet to be provided by or approved by Palm Beach County prior to placement on the sales floor);
- d. at the time WHP units become available for purchase the developer shall provide to the Palm Beach County Department of Planning, Zoning and Building proof of outreach to local housing advocacy groups and others on the interested parties list.
- e. the developer acts in good faith to market and sell the unit during the effective period as defined in Art. 5.G.1.I.6. Release of Obligation to Construct WHP For Sale Units, above.

- 7. Event of Default of for sale WHP unit following execution of binding contract:**
In the event of default by the purchaser of a for sale WHP unit after execution of a binding contract and prior to closing, the developer shall be permitted to provide the In-Lieu cash payment (in the amount as determined using for formula outlined in Section 5.G.1.I.6. above) and shall be permitted to be released from the WHP obligations for the defaulted unit, inclusive of the release from the Covenant, upon the later of either of the two events having occurred;
 - a. the first inspection of the WHP unit subject to the default occurred not less than one hundred and eighty (180) days prior to the request to provide the In-Lieu cash payment;
or
 - b. the WHP unit subject to the default is located within a development pod/phase in which not less than 80% of the for sale market rate units (i.e. non WHP units) have binding purchase contracts. The Developer shall provide written notice upon the event of default on a required WHP unit to the Palm Beach County Department of Planning, Zoning and Building, the Department of Housing and Community Development and to the list of interested parties indicating that:
 - 1) a default occurred on a required WHP unit;
 - 2) the specifics of the defaulted lot (WHP income category, location of the project, PCN for the WHP unit, WHP price of the unit, square footage of the unit, and floor plan of the unit); and,
 - 3) that the unit remains available for purchase to an eligible WHP household until such time as an In-Lieu cash payment is made pursuant to the later of the two timing mechanism having been met.

HJ. Annual Report
The Executive Director of PZB shall submit an annual report to the BCC indicating the status of the WHP. [Ord. 2006-055]

Part 2. ULDC Art. 12.G.6, Workforce Housing (page 30 of 62), is hereby amended, as follows:

Reason for amendment: [Planning] Amend to ADD the Affordable Housing Program to the TPS affordable housing Exception section.

CHAPTER G AFFORDABLE HOUSING

Section 6 Workforce Housing and Affordable Housing

A. Workforce Housing Program (WHP)
TE Policy 1.2-b of the Plan allows special methodologies to be applied for WHP projects. The projects net trips associated with the non-WHP units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level-of-service (including Florida Strategic Inter-modal System [SIS]). The project's net trips associated with all remaining residential units of the project (including WHP units) shall be subject to a 5% of adopted level-of-service significance level in determining compliance with TPS. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities. [Ord. 2005 – 002] [Ord. 2006-055]

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EXHIBIT G

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

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

Reason for amendment: [Engineering and Zoning] Address comments from Land Development Division on ULDC Amendment Round 2009-01 by adding text to addresses the 2 processes conveyance and dedication of street right-of-way.

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 5 Density, Intensity and Building Coverage

That portion of a property conveyed or dedicated for public right-of-way without compensation may be subsequently included with the subject property for the purpose of density, intensity or building coverage calculations.

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Notes:

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EXHIBIT H

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

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

Reason for amendment: [Engineering and Zoning] 1) Clarify plans and plats have to be consistent; 2) Clarify the next step for Public Hearing Process by adding in a commonly used terminology "Off-The-Board" by staff and agents. Off-The -Board means applications that received BCC or ZC approval and are proceeding to DRO for final approval; and, 3) Correct Site to Subdivision, a glitch that has been erroneously adopted on October 22 in ULDC Amendment Round j2009-01. In addition strike out texts that do not pertain to the Final Subdivision Plan.

CHAPTER A GENERAL

Section 1 Applicability

G. Application Procedures

3. Plan Requirements

c. Subdivision Plan

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

....

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

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

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

The DRO shall approve a Final Site Subdivision Plan for:

- a) ~~Any requests for uses that have a "D" in Table 4.A.3.A.1, Use Matrix; or,~~
- b) ~~Any requests subject to Table 4.A.3.A.1 Thresholds for Project Requiring DRO Approval; or~~
- ea) Any subdivision of ~~individual single family~~ lots ~~in a PUD or a combination of lots,~~ that ~~when has been determined by~~ the Zoning Director determines that it does not require the Public Hearing Approval Process.

....

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

Reason for amendment: [Zoning] Correct Phasing Plan to Phasing, a glitch that has been erroneously placed during 2009- Round 1 amendments of the ULDC. In addition, the Phasing Plan requirements will be created and found in the Zoning Technical Manual.

CHAPTER A GENERAL

Section 1 Applicability

G. Application Procedures

3. Plan Requirements

d. Regulating Plans

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

c) In addition to the requirements

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

....

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Notes:

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EXHIBIT I

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

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

Reason for amendment: [Planning] Amend to be consistent with FLUE Policy 4.4.6-a (formerly 1.2.1-l) which allows an MXPD in HR-12 and HR-18 based on specific location criteria.

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

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

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

Notes:[Ord. 2008-037]

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

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Notes:

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EXHIBIT J

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

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

Reason for amendment: [Zoning/Planning] Amend to delete uses currently allowed in the CLO Zoning District for consistency with the Comp Plan.

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

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

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

Reason for amendment: [Zoning/Planning] 1) Clarify that fitness centers less than 15,000 square feet in size shall be permitted by right; and, 2) Amend to delete prohibition on sod sales for retail nurseries.

CHAPTER B SUPPLEMENTARY USE STANDARDS

This Section contains supplementary standards for specific uses. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated.
Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

56. Fitness Center

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

b. CC, CHO, CG Districts and PDDs

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

88. Nursery, Retail

Notes:

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EXHIBIT J

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

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....
e- ~~Sod~~
~~Retail sale of sod shall be limited to retail nurseries in commercial or industrial districts only.~~
....

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Notes:

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EXHIBIT K

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

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

Reason for amendment: [Zoning] Amend to allow 20% of the required queuing spaces to count toward the minimum parking requirements.

CHAPTER A PARKING

Section 1 General

16. Queuing Standards

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

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

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Notes:

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EXHIBIT L

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

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2 **Part 1. ULDC, Art. 1.1.2, Definitions [Related to Electric Power Facilities and Renewable**
3 **Energy] (pages 51 & 82 of 109), is hereby amended as follows:**
4

5 **Reason for amendment:** [BCC] The BCC directed staff to amend the Comp Plan and the ULDC to
6 establish provisions that allow various types of Renewable Energy. The definition for Electric Power
7 Facility has also been modified to ensure consistency with the Comp Plan definition. The proposed
8 ULDC amendments are consistent with the Comp Plan amendments adopted by the BCC in 2009. At the
9 July 22, 2009 meeting, LDRAB directed staff to reconvene the Renewable Energy Subcommittee to: 1)
10 address review processes; and 2) include additional standards to address bird migration concerns. As a
11 result of the subcommittee meetings staff has: 1) changed the review process to require BCC approval; 2)
12 removed the use from PUDs; and 3) added standards that address bat and bird migration.

13
14
15 **CHAPTER I DEFINITIONS AND ACRONYMS**

16 **Section 2 Definitions**

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

18
19 **12. Electric Power Facilities** – ~~The principal use of power for electric generation~~ Any electric
20 generating facility that uses any process or fuel and includes any associated facility that
21 directly supports the operation of the electrical power facility.
22

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

24
25 **23. Renewable Energy Facility, Wind** – A facility that uses wind turbines or other systems with
26 a principal use of producing electrical or mechanical power from the wind.
27

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

29
30 **72. Turbine, Wind** – A rotary engine assembly with attached blades utilized in the process to
31 convert wind into energy.
32 **[Renumber accordingly]**

33
34
35 **Part 2. ULDC, Table 3.E.1.B-21, PDD Use Matrix [Related to Renewable Energy] (pages 17 of**
36 **155), is hereby amended as follows:**
37

38 **Reason for amendment:** [BCC] Amend the PDD Use Matrix to add a new use, Renewable Energy
39 Facility, Wind; indicate where they can be sited; and the applicable approval process.
40

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

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

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Notes:
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EXHIBIT L

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

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

4 **Reason for amendment:** [BCC] Amend the TDD Use Matrix to add Renewable Energy, for consistency
 5 with all use matrices.
 6

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

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

7
 8
 9 **Part 4. ULDC, Art. 4.A.3.A-1, Use Matrix [Related to Renewable Energy] (pages 78 of 155), is**
 10 **hereby amended as follows:**
 11

12 **Reason for amendment:** [BCC] Amend the Use Matrix to add a new use type Renewable Energy
 13 Facility, Wind; indicate where they can be sited; and the applicable approval process.
 14
 15

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

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

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EXHIBIT L

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

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

5 Reason for amendment: [BCC/Zoning/Planning] The BCC directed staff to amend the Comp Plan and
6 ULDC to establish provisions for Renewable Energy. The definition for electric power facility has also
7 been amended to ensure consistency with the Comp Plan.
8

9 CHAPTER B SUPPLEMENTARY USE STANDARDS

10 Section 1 Uses

11 A. Definitions and Supplementary Standards for Specific Uses

12
13 44-1.Electric Power Facility

14 ~~The principal use of power for electric generation~~ Any electric generating facility that uses any
15 process or fuel and includes any associated facility that directly supports the operation of the
16 electrical power facility.
17

18
19 106-2.Renewable Energy Facility, Wind

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

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



[Ord. 2010-...]

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

29 b. Minimum Lot Size
30 Lots shall comply with the minimum lot dimension requirements pursuant to Table
31 3.D.1.A, Property Development Regulations, or the applicable PDD requirements.

32 c. Minimum Setback Requirements
33 Accessory electric poles, distribution and transmission lines shall be exempt from the
34 minimum setback requirements indicated below.

35 1) All Lots
36 Facilities shall comply with the minimum setback requirements of the applicable
37 zoning district.
38 2) Lots Adjacent to Existing Residential Uses

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EXHIBIT L

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

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

3) Additional Setback

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

d. Perimeter Buffers and Interior Tree Requirements

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

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

e. Substation

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

f. Collocation with Existing Electric Power Facilities

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

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

Reason for amendment: [BCC/Zoning/Planning] Amend parking requirements to include Renewable Energy Facility, Wind. The facility is unmanned and does not require more than one parking space.

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

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

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