



**INFILL/REDEVELOPMENT SUBCOMMITTEE MEETING  
WEDNESDAY, OCTOBER 14, 2009, 2:00PM – 4:00PM  
2300 NORTH JOG RD, WEST PALM BEACH  
1ST FLOOR CONFERENCE ROOM (VC-1E-58)**

**AGENDA**

- A. CALL TO ORDER**
1. Roll Call
  2. Amendments to the Agenda
  3. Motion to Adopt the Agenda
  4. Adoption of Meeting Minutes
    - August 19, 2009 – **(EXHIBIT A-1)**
    - October 7, 2009 – **(EXHIBIT A-2)**
- B. SUMMARY OF AMENDMENTS**
1. Infill Redevelopment Overlay – **(EXHIBIT B)**
  2. Art. 1.E, Prior Approvals
  3. Art. 1.F, Non-Conformities
- C. NEXT MEETING TOPICS**
- D. ADJOURN**



**INFILL/REDEVELOPMENT SUBCOMMITTEE  
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
MINUTES OF THE AUGUST 19, 2009 SUBCOMMITTEE MEETING  
SPECIAL MEETING TO REVIEW THE DRAFT URA CODE**

**PREPARED BY BUFFY SULLIVAN, PLANNING SECRETARY**

On Wednesday, August 19, 2009 at 2:00 p.m. the Infill/Redevelopment Subcommittee met in the Second Floor Conference Room (VC-2E-12), at 2300 North Jog Road, West Palm Beach, Florida.

**A. CALL TO ORDER**

**1) Roll Call**

Wendy Tuma, Chairperson called the meeting to order at 2:10 p.m., Eileen Platts, Zoning Secretary, called the roll.

**Members Present – 3**

Wendy Tuma – Chair  
Joni Brinkman – Vice Chair  
Jeff Brophy – ASLA

**Zoning Staff Present:**

Maryann Kwok  
William Cross  
Eileen Platts

**Other Staff:**

Joanne Koerner – Land Development  
Edward Nessenthaler – Planning  
Eric McClellan – FDCO  
Rebecca Caldwell – Building  
Bryan Davis – Planning  
Stephanie Gregory – Planning

**Members Absent – 16**

Joanne Davis – LDRAB/BCC Dist. 1  
David Carpenter – LDRAB/BCC Dist. 2  
Barbara Katz – LDRAB/BCC Dist. 3  
Jim Knight – LDRAB/BCC Dist. 4  
Ron Last – LDRAB/FES  
Raymond Puzzitiello – LDRAB/GCBA  
Jose Jaramillo – LDRAB/AIA  
Steven Dewhurst – LDRAB/AGCA  
Wes Blackman – LDRAB/PBC Plan Cong.  
Edward Wronsky – AIA  
Chris Roog – Gold Coast Builders Assoc.  
Bradley Miller – Planner  
Ken Tuma – Engineer  
Katharine Murray – Local Planning Agency  
Rick Gonzalez – Architect  
Nancy Lodise – Interested Citizen

**Other:**

Thuy Shutt – WCRAO

**B. PRA DRAFT CODE**

Bryan Davis of the Planning Division gave a presentation of the Urban Redevelopment Area and the form-based code for the Priority Redevelopment Areas (PRAs). Wendy Tuma asked if a property does not fall within the PRA but is within the URA what regulations do they follow. Bryan Davis responded that properties not within the PRA will fall under the current code (ULDC). He also explained that the PRAs have extended beyond Military and Congress to also include Lake Worth Road and a node at Florida Mango and 10<sup>th</sup> Avenue. Joni Brinkman asked if the Supervisor of Elections changed their future land use. Bryan Davis responded that they “opted out.” Wendy Tuma asked if the maps located in the packet were part of the PRA Code or if they are located in the Comprehensive Plan. Bryan Davis responded that one of the maps is in the Comp Plan (Map LU 9.1) but staff is still exploring if

the Frontage Classifications or Transect Sub-Zones map stays in or outside of the Code. Wendy Tuma further asked if a line needs to be moved on the Sub-Zone map, would a Comp Plan amendment be necessary or could it be worked out with staff. Bryan Davis responded that it is best if the maps are located outside of the ULDC so that if changes are necessary they do not have to go through the code amendment process. The maps should be considered regulating plans and would become part of the record during the BCC adoption (pending further discussion with the County Attorney's office). Wendy Tuma asked if rowhouses are allowed to be front loading and if not could it receive a variance. Bryan Davis responded no to both questions as it is not allowed in the Comprehensive Plan. The subcommittee also discussed the block regulations and specifically if there is a minimum requirement for the creation of a block. Joni Brinkman voiced concern over the redundancy of standards throughout the code. Wendy Tuma asked if the maximum of each floor for a building type can be more clearly provided, rather than just the overall maximum height for the building. Bryan Davis responded that this issue can be resolved. The subcommittee then discussed the Green Building Incentive Program. Issues discussed included creating performance standards utilizing green principles, how other municipalities are implementing these types of regulations, how it relates to TDR's, how an applicant proves that the LEED standards have been met, and other possible green design standards such as Florida Green Building Coalition that could be used to attain the bonus height. During the discussion regarding the landscaping standards, Jeff Brophy and Wendy Tuma expressed concern regarding planting standards, utility easement overlaps, and species selection, as well as interest in helping staff tweak those standards. The discussion then turned to uses and the use matrix. Jeff Brophy asked questions regarding the Specialized District uses and how those relate to the approval process. He suggested that staff add specialized language to make it more clear on how the Specialized District uses work. During the discussion on public art, the subcommittee suggested that staff make the standards as simple as possible. Thuy Shutt gave examples about how Westgate and Palm Beach Gardens wrote their standards. Eric McClellan asked where the overlay applies as the term PRA is geographically tied. Finally, the subcommittee identified the following issues that need to be resolved: (1) Use Matrix's reference to supplementary notes, (2) Landscaping standards, (3) Further clarifying LEED option, (4) 10 foot Utility Easement, (5) Maximum height for each floor and (6) PRA terminology.

**C. ADJOURNMENT**

Joni Brinkman made the motion to adjourn, and Jeff Brophy seconded the motion. The motion passed unanimously **(3-0)**.



**INFILL/REDEVELOPMENT SUBCOMMITTEE  
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
MINUTES OF THE OCTOBER 7, 2009 SUBCOMMITTEE MEETING**

**PREPARED BY EILEEN PLATTS, ZONING SECRETARY**

On Wednesday, October 7, 2009 at 2:00 p.m. the Infill/Redevelopment Subcommittee met in the Second Floor Conference Room (VC-2E-12), at 2300 North Jog Road, West Palm Beach, Florida.

**A. CALL TO ORDER**

**1) Roll Call**

Joni Brinkman, Vice Chairperson called the meeting to order at 2:02 p.m., Eileen Platts, Zoning Secretary, called the roll.

**Members Present – 7**

Joni Brinkman – Vice Chair/LDRAB  
David Carpenter – LDRAB/BCC Dist. 2  
Edward Wronsky – AIA  
Jeff Brophy – ASLA  
Rick Gonzalez – Architect  
Ray Puzzitiello – LDRAB/GCBA  
Bradley Miller – Planner

**Zoning Staff Present:**

Maryann Kwok  
William Cross  
Eileen Platts

**Other Staff:**

Joanne Koerner – Land Development  
Edward Nessenthaler – Planning  
Stephanie Gregory – Planning  
Rebecca Caldwell – Building  
Allan Ennis – Traffic  
Eric McClellan – FDCO

**Members Absent – 12**

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

**Other:**

Anthea Gianniotis – TCRPC

**2) Amendments to October 7, 2009 Agenda**

Joni Brinkman asked if anyone had any amendments to the October 7, 2009 Agenda. There was one amendment needed under item A-4, to change the date from October 7, 2009 to September 16, 2009.

**3) Motion to Adopt October 7, 2009 Agenda**

Joni Brinkman asked if there was a motion to adopt the Agenda as Amended. Rick Gonzalez made the motion to adopt the October 7, 2009 Agenda as Amended, Edward Wronsky seconded the motion. The motion passed unanimously (7-0).

**4) Adoption of September 16, 2009 Minutes – (EXHIBIT A)**

Joni Brinkman asked if anyone had any amendments to the September 16, 2009 Minutes. There was one amendment to change the date from September 2, 2009 to September 16, 2009 in the first line of the Minutes. Rick Gonzalez made the motion to adopt the September 16, 2009

Minutes as Amended, Edward Wronsky seconded the motion. The motion passed unanimously **(7-0)**.

Before beginning the review of the Draft IRO Code Bill Cross advised the members that the next LDRAB meeting on October 28, 2009 might be rescheduled to another date.

**B. SUMMARY OF AMENDMENTS – (EXHIBIT B)**

- Page 5 line 39 Final Master Plan needs to be moved to be under BCC (page 5 line 16);
- Page 5 lines 47-49 Members asked that we not require a Master Sign Plan for Board approval but if an applicant wants to have freestanding signage we need to see a Master Sign Plan;
- Page 7 line 22 change Courtyarda to Courtyard;
- Page 7 line 26 add “private and” in front of the words...public or civic uses;
- Page 7 line 58 change form to from;
- Page 7/Page 15 - return definition of Pedestal Building to page 7 with a reference to page 15 line 3 special buildings;
- Page 8 discussion ensued on whether to change the min to 245ft for the Type III block dimension requirement and if it is 245ft should it be tied to Engineering i.e. Page 8 line 35 “...exceptions shall be permitted only where Engineering requirements preclude...”;
- Page 9 line 50 needs to be changed from 12 ft. to 20 ft. (12 ft + 8 ft for parking);
- Page 10 line 21 add sentence to allow gates for residential connectivity;
- Page 10 line 23 add “DRO” before the word approval;
- Page 11 line 16 an exemption for WCRAO is being added to accommodate small lots;
- Page 11 line 29-31 fix last sentence to clarify what primary façade means;
- Page 12 line 12 add reference to Table 3.B.16.E to clarify the sentence “This may also be applied to multi-family buildings that are constructed to townhouse standards.”;
- Page 13 first table B. needs a footnote to explain the minimum can be reduced to 0 ft.;
- Page 14 first table change building to “B”uilding in line 1;
- Page 14 need to draw another scenario for townhouse table; (for example the townhouses in Abacoa)
- Page 15 line 9 first sentence needs to be rewritten with a diagram and line 20 needs to be rewritten to clarify;
- Page 20 table 5.X.3 change the CH column from “D” to “A” in Day Care General and Day Care Limited;
- Page 20 table 5.X.3 take Place of Worship and Adult Entertainment out of matrix or change to “P” (waiting for County Attorneys input); and,
- Page 20 table 5.X.3 change Gun Club from “P” to “D”.

There were no changes on pages 21-23.

**C. NEXT MEETING TOPICS**

Joni Brinkman recommended that another meeting be scheduled to finish reviewing the rest of the IRO Draft starting on page 24 and to review the revisions to Article 1.E and 1.F. Two times were reserved on October 14<sup>th</sup> for a continuance of this meeting. An email will be sent out to the Members regarding which time is best for them to meet.

**D. ADJOURNMENT**

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

The Infill/Redevelopment Subcommittee meeting adjourned at 4:10 pm.

EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
DRAFT (Updated 09/29/09) DRAFT

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

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

CHAPTER I DEFINITIONS & ACRONYMS

SECTION 2 DEFINITIONS

C. Terms defined herein or referenced in this Article shall have the following meanings:
47. Build to Line - for the purposes of Art. 3.F, an alignment established a certain distance away from the curb line along which the front elevation of a building must be built for a TMD, TND Neighborhood Center, LCC, WCRAO or IRO project.

C. Terms defined herein or referenced in this Article shall have the following meanings:
47. Commercial Corridor - For the purposes of the IRO, linear arterial or collector streets located in the Urban/Suburban Tier that are predominantly lined with properties having a commercial FLU designation or Zoning district.

[Renumber Accordingly.]

F. Terms defined herein or referenced in this Article shall have the following meanings:
55. Form Based Code - A method of regulating the physical form of the built environment to achieve a predictable urban form, public realm, and sense of place.

[Renumber Accordingly.]

L. Terms defined herein or referenced in this Article shall have the following meanings:
60. Lot Frontage -
a. That side of the property line abutting a legally accessible street. On a corner lot, the frontage may be designated by the owner, subject to the approval by the Zoning Division who will determine whether it is consistent with the orientation of the other lots and improvements on the same side of the accessible street. [Ord. 2006-004]
b. For the purposes of buildings in a TDD, or in the WCRAO or IRO projects where a build to line is required, and vehicular access may be from the side or rear of the property, the property line used to meet the build to line requirements shall be the lot frontage. [Ord. 2006-004]

[Renumber Accordingly.]

N. Terms defined herein or referenced in this Article shall have the following meanings:
42. Non-Retail - For purposes of the IRO, where a retail sales use is not the principal use, but may be permitted as accessory use.

[Renumber Accordingly.]

P. Terms defined herein or referenced in this Article shall have the following meanings:
36. Perimeter Street - For the purposes of the IRO, a private or public R-O-W abutting the perimeter boundary of an eligible IRO parcel.

[Renumber Accordingly.]

106. Public Realm - For the purposes of the IRO, the sidewalks and related pedestrian areas lining publically or privately owned streets, parks, and other publically accessible open spaces, and public and civic buildings and facilities.

[Renumber Accordingly.]

S. Terms defined herein or referenced in this Article shall have the following meanings:
131. Sustainability - The integration of social, economic and ecological needs of the community with policies advocating management of resources for future generations.

[Renumber Accordingly.]

T. Terms defined herein or referenced in this Article shall have the following meanings:
50. Transect Zones - For the purposes of the IRO, a distinct category of physical form ranging from the most urban to the least urban. The IRO requires the application of one or more of four transect zones: Core, General, Edge and Open Space.

51. Transect Zone, Core - For the purposes of the IRO, the most intense zone, typically comprised of larger interconnected buildings that create a continuous facade along one or more streetscapes. May front arterials, collectors, local commercial streets, and internal streets, but are discouraged from abutting local residential streets or other similar access-ways, and abutting residential uses unless density, intensity and built form are consistent.

52. Transect Zone, General - For the purposes of the IRO, a moderately intense zone, typically comprised of smaller interconnected buildings, and used as a transition between the Core Transect Zone and less intense zones or abutting uses, or for smaller parcels with size constraints. May front arterials, collectors, local commercial streets, and internal streets, and local residential streets or other similar access-ways, but are discouraged from abutting local

Notes:

Underlined language indicates proposed new language.

Language crossed-out indicates language proposed to be deleted.

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

Relocated language is shown as italicized with reference in [brackets].

EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
DRAFT (Updated 09/29/09) DRAFT

residential streets or other similar access-ways, and abutting residential uses unless density, intensity and built form are consistent
53. Transect Zone, Edge - For the purposes of the IRO, a low intensity zone comprised of residential or work live uses that are compatible with or similar in scale with adjoining neighborhoods.
54. Transect Zone, Open Space - For the purposes of the IRO, passive zone typically located within other zones, or used as a transition or buffer between abutting uses. Typical uses include passive civic, recreation or other public open spaces such as plazas and squares, or drainage retention areas, environmental preservation, or landscape buffers.

[Renumber Accordingly.]

SECTION 3 ABBREVIATIONS AND ACRONYMS

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

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

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

CHAPTER D ADMINISTRATIVE PROCESS

SECTION 1 DEVELOPMENT REVIEW OFFICER

A. PURPOSE

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

B. APPLICATION TYPES

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

[Renumber Accordingly.]

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

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

CHAPTER D ADMINISTRATIVE PROCESS

SECTION 1 DEVELOPMENT REVIEW OFFICER

Notes:

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Relocated language is shown as italicized with reference in [brackets].



EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
DRAFT (Updated 09/29/09) DRAFT

G. ADMINISTRATIVE REVIEW

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

1. AMENDMENTS TO BCC/ZC APPROVALS

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

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

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

Reason for amendment: [Zoning] See attached White Paper.

CHAPTER B OVERLAYS

SECTION 16 INFILL REDEVELOPMENT OVERLAY (IRO)

A PURPOSE AND INTENT

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

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

B. APPLICABILITY

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

1. BOUNDARIES

Parcels shall be located in the U/S Tier, defined as that area being located within the USA, as depicted on Map LU 2.1 Service Areas, of the Plan.

2. OTHER OVERLAYS

Notes:

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Relocated language is shown as italicized with reference in [brackets].



**EXHIBIT B**

**INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT**

Where applicable, the IRO may be used in conjunction with the following overlays: GAO, LOSTO, NEO, PBAIO, TAPO, WCRAO-UH subarea, and URA where a parcel does not have a PRA FLU designation. Where there is a conflict between the provisions of the IRO and any of the above overlays, the specific provisions of the other overlay shall prevail.

**3. FLU DESIGNATION**

Eligible parcels shall have one or any combination of the following: CL-O, CL, CH-O or CH FLU designation.

**4. ZONING DISTRICT REQUIREMENTS**

Use of the IRO shall require rezoning to the IR district, unless allowed otherwise herein. Any IRO project that requires Public Hearing approval, excluding a Development Order Abandonment (ABN), shall submit a concurrent application to rezone the subject property to the IR district.

**a. IR Rezoning Alternative**

To assist in expediting IRO projects that do not require any Public Hearing approvals, a rezoning shall not be required subject to the following:

**1) Eligible Districts**

Parcels shall have a CN, CL-O, CC, CH-O, CH or MUPD Zoning district, or combination thereof. MUPD may also include applicable prior approvals identified in Art. 3.E.3.A.2, Applicability.

**2) Intensity Limits**

Application of IRO standards shall be made based upon the lesser of either the actual FLU designation for the site, or the Zoning district equivalent as identified in the table below:

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

**5. CONFLICTS**

If a conflict exists, the provisions of this Section shall apply to the extent of the conflict, unless stated otherwise herein.

**C. FUTURE LAND USES AND DENSITY/INTENSITY**

Density and intensity shall be in accordance with the FLU designation and related Zoning PDRs for the subject site as described herein.

**1. IRO PROJECTS SPLIT BY FLU DESIGNATIONS**

Uses permitted, PDRs, density and intensity shall be determined by the land use designation on the affected area. Density may be transferred from one portion of the project to another.

**2. DENSITY**

There are no minimum density requirements. The maximum allowable density shall be in accordance with Table 2.1-1 of the Plan and related Policies, and Art. 5.G, Density Bonus Programs.

**3. INTENSITY BONUS INCENTIVE (FAR INCREASES)**

The maximum allowable FAR for an IRO project with a CL or CH FLU designation may be increased up to 1.0 in accordance with Table 3.B.16.C-1, IRO FAR Increase. The maximum permissible increase is limited to those subject sites having sufficient land area to allow for establishment of the Core Transect Zone (TZ), so as to encourage the assembly of smaller parcels.

**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 **[brackets]**.

EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT

1

TABLE 3.B.16.C-1 – IRO FAR INCREASE

TRANSECT ZONE	MAXIMUM FAR			
	CL	CL GREEN <sup>2</sup>	CH	CH GREEN <sup>2</sup>
GENERAL	.25 <sup>1</sup>	.35 <sup>1</sup>	.50	.75
CORE	.35 <sup>1</sup>	.50	.75	1.0
[Ord. 2010-...]				
NOTES				
1. May be increased up to .50 for non-retail projects.				
2. Applicable when a project achieves sufficient points to be classified as Green Architecture pursuant to Art.5.C, Design Standards.				

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4. MIXED USE PROJECTS

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

D. APPLICATION REQUIREMENTS

1. PRE -APPLICATION CONFERENCE (PAC)

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

2. PLAN REQUIREMENTS

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

a. Preliminary Master Plan

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

1) Effect of BCC Approval

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

2) Additional Requirements

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

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

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

Insert Conceptual PMP – TCRPC

[ORD. 2010-...]

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b. Final Plans

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

1) Final Master Plan

The DRO shall approve a final master plan for any IR rezoning.

2) Final Subdivision Plan or Site Plan

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

c. Other Plans

1) Regulating Plan

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

2) Master Sign Plan

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

3) Alternative Landscape Plan (ALP)

Shall be required when interior parking landscape options or waivers are utilized.

4) Architectural Elevations

Notes:

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
DRAFT (Updated 09/29/09) DRAFT

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

5. ZONING DIRECTOR WAIVERS

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

a. Standards

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

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

E. GENERAL DESIGN STANDARDS

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

1. STREETS, ACCESS AND INTERCONNECTIVITY

The IRO is primarily intended to accommodate smaller parcels fronting commercial corridors, and establishes perimeter frontage standards for building setbacks and streetscape improvements based upon the size or intensity of such streets. Larger IRO projects shall be designed to create block configurations composed of primary and secondary streets, and alleys. Access from perimeter streets shall be limited to primary streets, rear alley access, with exception to smaller parcels which may use access ways. IRO projects shall provide for the establishment of an alley system that connects to abutting commercial parcels, providing for an alternative slow speed access system running parallel to commercial corridors. Additional connectivity shall be required where larger parcels establish new intersections from internal streets and alleys.

3. TRANSECT ZONES (TZ)

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

TABLE 3.F.16.E – IRO TRANSECT ZONES

Insert Side View Generic Transect Graphic – TCRPC

[ORD. 2010-...]

a. Core

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

b. General

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

c. Edge

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

d. Open Space

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## EXHIBIT B

# INFILL REDEVELOPMENT OVERLAY (IRO)

## SUMMARY OF AMENDMENTS

**DRAFT (Updated 09/29/09) DRAFT**

1 A passive TZ compromised primarily of unbuilt, landscaped areas. Open space may be  
2 surrounded by other TZs, or used as a buffer between the General TZ and development  
3 on abutting parcels. Typical uses include passive civic, recreation or other public open  
4 spaces such as plazas and squares, or drainage retention areas, environmental  
5 preservation, or perimeter landscape buffers.

#### 4. BUILDINGS

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

##### a. Building Types

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

##### 1) Block

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

##### 2) Liner

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

##### 3) Courtyarda

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

##### 4) Civic

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

##### 5) Townhouse

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

##### b. Accessory Structures and Outdoor Uses

37 Accessory structures and outdoor uses that may adversely impact abutting residential  
38 uses shall not be located within 200 feet of a residential property line unless shielded by  
39 buildings, or approved by the Board of County Commissioners as a Class A Conditional  
40 Use approval.

#### 5. PARKING AND LOADING

- 42 1) Required parking and loading for each tenant shall be located to the rear of buildings.  
43 Parking shall only be permitted in front of buildings in the form of on-street parking.  
44 Parking may be allowed on the side of buildings only if minimum frontage requirements  
45 have been addressed; and,  
46 2) The perimeter of a parking lot shall be framed by buildings, or street walls or landscaping,  
47 with trees. Exceptions shall be permitted from small sites having rear alley access, or  
48 other vehicular cross access co-located with required parking lot drive isles.

#### 6. STREETScape AND USABLE OPEN SPACE

- 50 1) A pedestrian oriented streetscape shall be provided along all perimeter, primary and  
51 secondary street frontages;  
52 2) Plazas, squares and other forms of usable open space shall be located in front of or  
53 adjacent to buildings; and,  
54 3) Additional sidewalks or pathways shall be provided to establish a complete pedestrian  
55 network that links all uses and parking lots to perimeter street frontages.

#### 7. LANDSCAPING AND OPEN SPACE TRANSITIONAL ELEMENTS

57 Landscaping in an IRO project is designed to enhance pedestrian areas, establish a more  
58 visually pleasing streetscape, allow for improved visual surveillance form building windows,  
59 as well as minimize impacts to adjacent residential developments. Drainage retention areas,  
60 preserves and other similar low intensity open space areas shall be located so as to provide  
61 a transition between commercial uses and existing adjacent residential uses, or parcels with  
62 a residential FLU designation, when possible.

#### F. DESIGN AND DEVELOPMENT STANDARDS

64 An IRO project shall comply with the following:

##### 1. ACCESS AND FRONTAGE

---

#### Notes:

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

1) External

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

2) Internal

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

3) Small Parcel Exception

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

2. BLOCK STANDARDS

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

a. Applicability

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

b. Minimum Dimensions

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

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

c. Block Frontage

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

d. Subdivision

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

e. Exceptions

Where new blocks are required, exceptions shall be permitted only where Engineering requirements preclude required vehicular access points necessary to complete the block structure.

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



[ORD. 2010-...]

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**EXHIBIT B**

**INFILL REDEVELOPMENT OVERLAY (IRO)  
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**2. STREET STANDARDS**

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

**a. Perimeter Street Types**

Building perimeter frontages and setbacks shall be determined by the width of the ultimate street R-O-W. All perimeter streets shall be classified as indicated in Table 3.B.16.G-1, Perimeter Street Types.

**Table 3.B.16.G-1. – Perimeter Street Types**

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

**1) Exceptions**

A lesser street type designation may be requested to apply the standards of this code if the street meets one of the following situations:

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

**b. Internal Street Types**

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

**1) Primary Street**

The primary façade of all internal buildings must face a primary street. Primary streets shall effectively establish the main pedestrian routes. The design for the street, on-street parking and streetscape shall be consistent with Figure 3.F.2.A, TDD Commercial Street, or the TMD design exception summarized in Art. 3.F.4.D.2.a.1), Design Exception as illustrated in Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking.

**2) Secondary Street**

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

**3) Slip Street Option**

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

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

**4) Alleys**

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

**c. Streetscape**

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

4. INTERCONNECTIVITY STANDARDS

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

a. Street Connections

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

b. Parallel Alley

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

c. Gates

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

d. Cross Access Agreement

Where interconnectivity is required, an irrevocable cross access easement shall be provided prior to approval of the IRO project.

5. TRANSECT ZONE STANDARDS

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

a. General Standards

The following general standards shall be followed when assigning TZs:

- a. The Core TZ should be located adjacent to busy highways, arterials, or collectors;
- b. Similar uses and building scale should face each other across both perimeter and internal streets, or public open spaces – transect zones should be applied similarly;
- c. changes in TZs should generally occur at the rear of buildings or lots, rather than along streets, with exception to the Open Space TZ;
- d. The Open Space TZ may face other TZs across streets. When the Open Space TZ is used to designate a public open space within the proposed development, it should be surrounded by streets on one or more sides;
- e. When a parcel adjoins existing or approved development, either a similar transect zone or a zone that establishes a compatible transition shall be assigned.

b. Minimum Standards

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

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INFILL REDEVELOPMENT OVERLAY (IRO)  
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1

TABLE 3.B.16.F – IRO TZ STANDARDS

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

2

TABLE 3.F.16.E – TYPICAL TRANSECT ZONES

Insert Plan View Typical Transect Graphic – TCRPC

[ORD. 2010-...]

3

4

6. BUILDING STANDARDS

5

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

6

a. Building Placement

7

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

8

1) Corners

9

Where a parcel is located at the intersection of two streets, at least one building shall be placed so as to meet the build-to-lines for both streets. This shall not preclude the use of multiple buildings.

10

2) Building Hierarchy

11

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

12

b. Building Property Development Regulations

13

All buildings shall front a street and shall be designed in compliance with the following.

14

1) Building Frontage

15

Building frontage is the percentage of the total width of a lot which is required to be occupied by the primary façade of a building. The primary façade shall be parallel to a street, located in accordance with the build-to-line requirements of the street type. Frontage requirements must be addressed for the most intense perimeter streets first. Once the frontage requirement has been addressed for the most intense perimeter street, exceptions for other perimeter streets shall be permitted where insufficient building intensity is proposed or for less intense side streets. The location of the primary faced is not changed by architectural elements such as cornices, bay windows, awnings, porches, balconies, stoops, colonnades, arcades or forecourts.

16

2) Internal Buildings

17

Internal buildings shall have building frontage on a perimeter street, unless exempted herein.

18

3) Setback Measurement

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Setbacks shall be applied as follows:

a) Perimeter Frontage

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

b) Internal Frontage

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

c) Townhouses

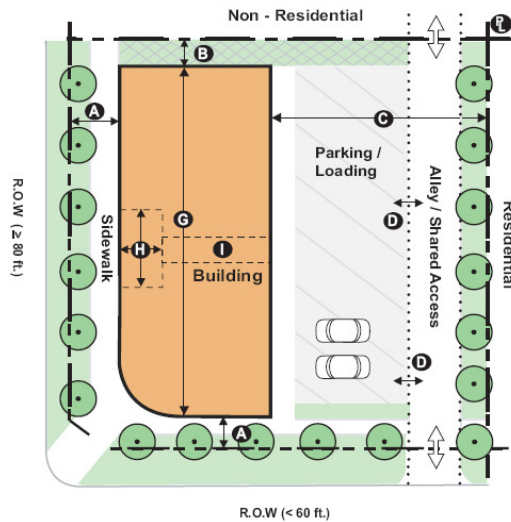
For the purposes of townhouse units, building placement setbacks shall be used to establish the location of townhouse lots. Additional townhouse setbacks may be permitted in accordance with Building PDRs. This may also be applied to multi-family buildings that are constructed to townhouse standards.

d) Side Setback Reduction

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

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

Editors Note: This graphic represents revisions that will be made to the following four tables/graphics. The area surrounding the building type, with emphasis on the use of dimensions for items A – B, adjacent roadways, property uses and typical internal details are being re-attached to each building type graphic – as was presented to the subcommittee on October 28, 2008.



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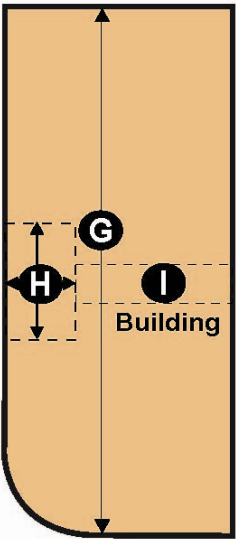
EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
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1

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

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



[Ord. 2010-...]

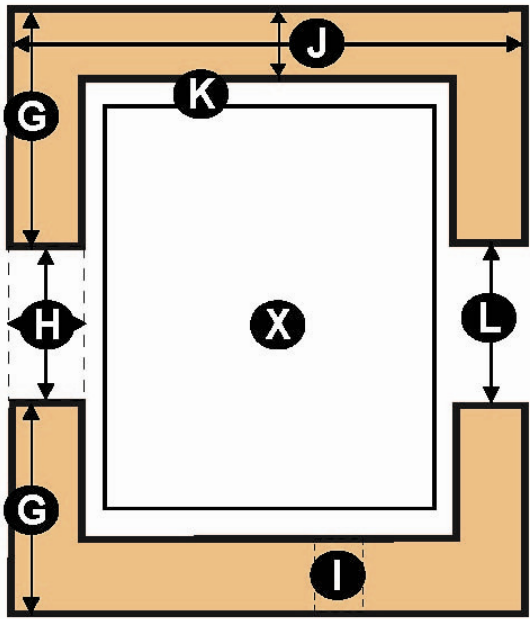
**NOTES**

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
2. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.
3. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
4. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.

2  
3

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

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



[Ord. 2010-...]

**NOTES**

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

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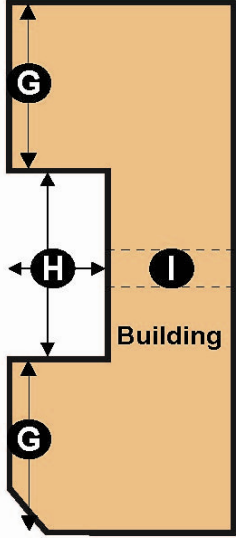
EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT

1

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

BUILDING PLACEMENT		MIN. <sup>2</sup>	MAX. <sup>1</sup>
A.	Type I ROW Frontage	10 ft.	15 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Type III ROW Frontage	15 ft.	25 ft.
	Internal Street Frontage	15 ft.	25 ft.
	Slip Street Frontage	15 ft.	25 ft.
B.	Non-Residential	10 ft.	N/A
C.	Residential (IRO Project)	10 ft.	N/A
	Residential	30 ft.	N/A
D.	Between rear parking and alley	5 ft. <sup>2</sup>	N/A
BUILDING FRONTAGE % <sup>3</sup>		MIN.	MAX.
G.		60%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		N/A	300 ft.
COURTYARD % OF FOOTPRINT		MIN.	MAX.
H.		10%	25%
COURTYARD DIMENSIONS		MIN.	MAX.
H.		30 ft.	N/A
PEDESTRIAN PASS THRU <sup>3,4</sup>		MIN.	MAX.
I.	Separation <sup>4</sup>	100 ft.	300 ft.
	Width	10 ft.	20 ft.



[Ord. 2010-...]

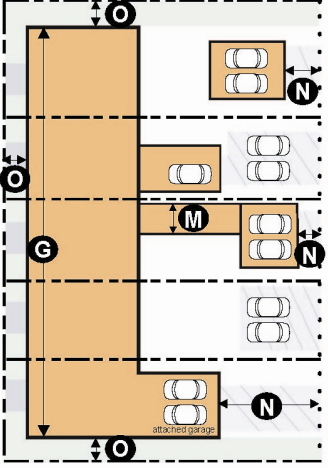
**NOTES**

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
2. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.
3. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
4. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.

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

LOT PLACEMENT		MIN. <sup>2</sup>	MAX. <sup>1</sup>
A.	Type I ROW Frontage	10 ft.	15 ft.
	Type II ROW Frontage	10 ft.	20 ft.
	Type III ROW Frontage	Prohibited	
	Internal Street Frontage	15 ft.	25 ft.
	Slip Street Frontage	15 ft.	25 ft.
B.	Non-Residential	10 ft.	N/A
C.	Residential (IRO Project)	10 ft.	N/A
	Residential	30 ft.	N/A
D.	Between rear parking and alley	5 ft. <sup>2</sup>	N/A
BUILDING FRONTAGE % <sup>3</sup>		MIN.	MAX.
G.		50%	96%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		32 ft.	250 ft.
WING STANDARD <sup>4</sup>		MIN.	MAX.
M.	Wing Width	N/A	50%
BUILDING SETBACKS <sup>4</sup>		MIN.	MAX.
N.	Rear Setback to Alley	5 ft.	N/A
O.	Front/End Setbacks	5 ft.	10 ft.



[Ord. 2010-...]

**NOTES**

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
2. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.
3. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
4. Townhouse, including wings, garages or accessory dwellings shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and, shall comply with Art. 3.D.2.C.7, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL.

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c. Building Type by Transect Zone

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

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT

1

TABLE 3.B.16.I-1. – BUILDING TYPE BY TRANSECT ZONE

BUILDING TYPE	TRANSECT ZONES			
	CORE	GENERAL	EDGE	OPEN SPACE
BLOCK	✓	✓		
LINER	✓	1		
COURTYARD		✓	✓	
CIVIC	✓	✓	✓	
TOWNHOUSE		✓	✓	
[ORD. 2010-...]				
NOTES:				
✓ Means applicable or permitted.				
1 Building type may be permitted where located a minimum of 200 feet from adjacent parcels with residential FLU designation or uses.				

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d. Special Building Standards

1) Pedestal Building

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

- a) A recess line of at least 15 feet is required along at least 50 percent of building facades facing streets; and,
- b) Massing is regulated using a percentage of maximum size of the floor footprint of the building footprint per each story of above the height limit threshold. All additional construction above this threshold shall be limited to 65 percent of the 1<sup>st</sup> floor footprint, as follows:
  - (1) The main volume of the building shall be oriented toward perimeter or primary streets, away from side or rear lot lines to reduce impact on adjacent properties;
  - (2) Tower elements shall be located to appropriately respond to the condition of the site. Desirable tower locations emphasize street corners, main building entrances, gateways, or the visual axis of another street or usable open space; and,
  - (3) Massing articulation shall not wholly occur within the center of the block and must be evident on the street façade(s) using architectural variations such as changes in the number of stories, articulations in the eave or roofline, or adjusting the location of the front façade to accommodate civic open space.

2) Civic Building

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

e. Additional Building Standards

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

1) Primary Entrances

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

2) Secondary Entrances

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

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

3) Windows on Facades Facing Streets

Building facades facing streets or usable open spaces must have transparent windows covering between 20 to 75 percent of the wall area of each story as measured between finished floors to allow transmission of visible daylight.

4) Outdoor Uses

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

a) Residential Setbacks

Outdoor uses shall be setback a minimum of 200 feet from any abutting residential use or parcel with a residential future land use designation, unless

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS

DRAFT (Updated 09/29/09) DRAFT

1 approved by the BCC as a Class A Conditional Use. This shall include all related  
2 vehicular use areas, such as access-ways and parking. Exceptions shall be  
3 permitted for outdoor dining areas that are entirely blocked from view and located  
4 along building frontages facing a perimeter street.

5 **b) Screening**

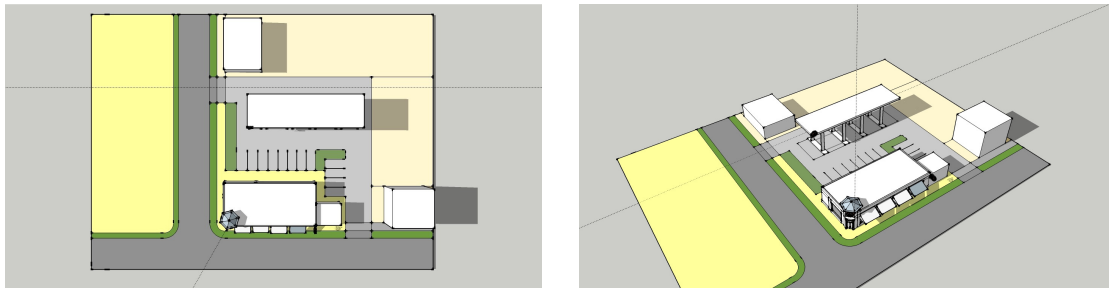
6 Outdoor uses shall be framed by either of the following, or a combination of both:

- 7 (1) Buildings or similar structures on all four sides; or,
- 8 (2) A five foot wide landscape strip that includes a 30 inch high hedge or
- 9 concrete streetwall, with canopy trees planted 30 feet on center. Breaks to
- 10 allow for pedestrian access shall be permitted.

11 **b) Gasoline Service Facility Location**

12 A minimum of 50 percent of all gasoline service areas, inclusive of pump islands,  
13 canopies, and queing areas shall be located behind buildings that comply with  
14 minimum frontage standards, and shall be consistent with Figure 3.F.16.F,  
15 Gasoline Service Station. Service areas may abut a Type I or secondary street  
16 that complies with the streetscape standards of this Section, if located behind a  
17 five foot wide landscape buffer area, with a 36 inch high streetwall, hedge a  
18 minimum height of 30 inches in height, and canopy trees space 30 feet on  
19 center.  
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FIGURE 3.F.16.F – GASOLINE SERVICE FACILITIES



[ORD. 2010-...]

21 **c) Drive Through Facilities**

22 Drive through facilities and related queuing areas shall be located behind  
23 buildings and shall not be visible from a perimeter or primary street frontage.  
24 Exceptions shall be permitted for drive through facilities that are located inside a  
25 building or side façade where vehicular traffic exits onto a Type I R-O-W, subject  
26 to approval by the County Engineer, where designed similar to Figure 3.F.16.F,  
27 Typical Drive Through Configurations.  
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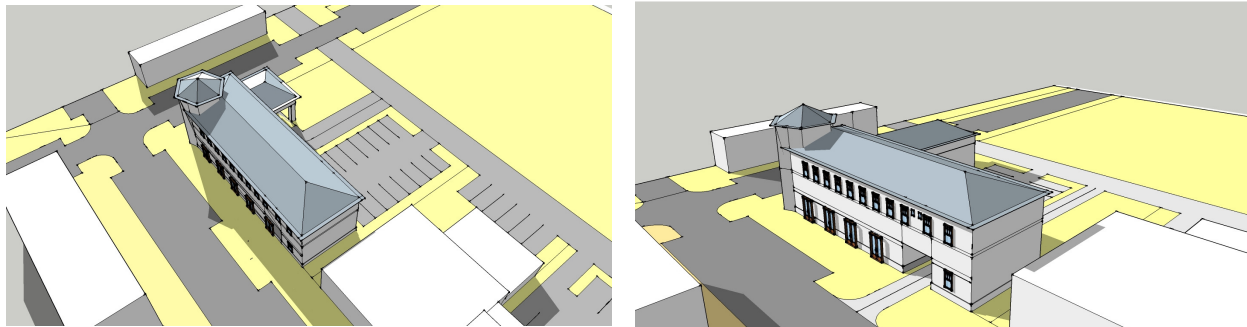
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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT

1

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



[Ord. 2010-...]

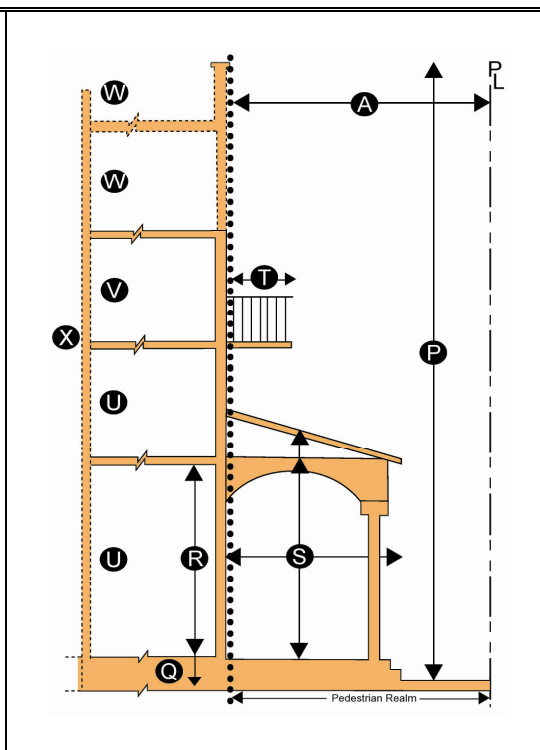
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5. BUILDING ELEVATIONS, HEIGHT AND USE BY FLOOR

The following tables establish regulations for building height and building encroachment in each TZ to address compatibility and visual impact issues.

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

BUILDING HEIGHT		MAX.						
P.	Edge TZ or Townhouse Building	35 ft. (3 stories)						
	General TZ	60 ft. (4 stories) <sup>1,2</sup>						
	Core TZ	75 ft. (5 stories) <sup>1,2</sup>						
INTERIOR HEIGHT		MIN.	MAX.					
Q.	Finished Floor - Residential	1.5 ft.	N/A					
	Finished Floor - Other	0.5 ft.	N/A					
R.	Residential	9 ft.	N/A					
	Other	12 ft.	N/A					
ENCROACHMENT		MIN.	MAX.					
S.	Stoop <sup>4</sup>	-	6 ft.					
	Gallery <sup>3,4</sup>	10 ft.	12 ft.					
	Gallery Height	10 ft.	15 ft.					
	Balcony	-	6 ft.					
USES BY TRANSECT/FLOOR								
TRANSECT	USES							
	R	C	O	W	CV	RC	U	I
U.	Edge	✓			✓			
	General	✓	✓	✓	✓	✓		
	Core	✓	✓	✓	✓	✓	✓	✓
V.	Edge	✓			✓			
	General	✓		✓	✓	✓		
	Core	✓	✓	✓	✓	✓	✓	✓
W.	Edge	✓			✓			
	General	✓		✓	✓	✓		
	Core	✓		✓	✓	✓		✓
X.	Liner building interior, same uses as allowed in TZ.							



[Ord. 2010-...]

**USE CLASSIFICATION KEY (REFER TO ART. 5.X.3, USE STANDARDS)**

R = Residential	C = Commercial, Other	O = Commercial, Office	W = Work/Live
CV = Public and Civic	RC = Recreation	U = Utilities and Excavation	I = Industrial

**NOTES**

- ✓ Means applicable or permitted.
1. Shall be exempt from Art. 3.D.1.E.2, Height where adjacent to a R-O-W greater than 50 feet in width, or an IRO compliant street (excluding alleys).
2. One additional story and 15 feet in height permitted for Green Building.
3. The required sidewalk zone may be accommodated within a gallery.
4. Encroachment for stoop or gallery (including uses therein such as outdoor dining, benches, or displays) shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area.

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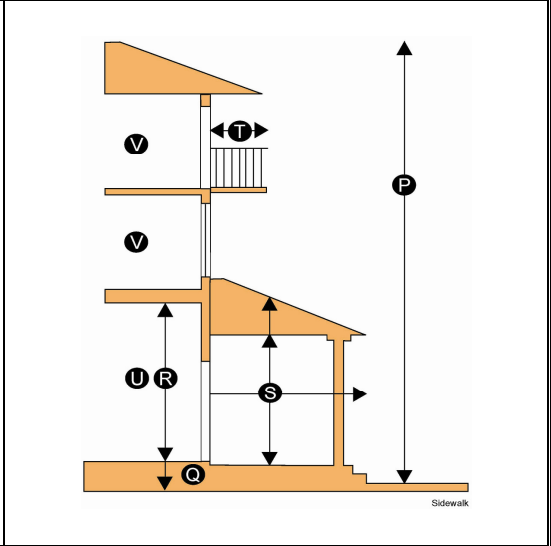
## EXHIBIT B

# INFILL REDEVELOPMENT OVERLAY (IRO) SUMMARY OF AMENDMENTS DRAFT (Updated 09/29/09) DRAFT

1

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

BUILDING HEIGHT		MAX.	
P.	Edge	35 ft. (3 stories)	
	General		
INTERIOR HEIGHT		MIN.	MAX.
Q.	Finished Floor - Residential	1.5 ft.	N/A
	Finished Floor – Live/Work Unit	1.5 ft.	N/A
R.	Ceiling - Residential	9 ft.	N/A
	Ceiling – Live/Work Unit	12 ft.	N/A
ENCROACHMENT <sup>1</sup>		MIN.	MAX.
S.	Stoop	N/A	6 ft.
	Front Porch	N/A	8 ft.
	Front Porch Height	N/A	15 ft.
T.	Balcony	-	6 ft.
USES BY TRANSECT/FLOOR			
TRANSECT	USES		
	RESIDENTIAL	LIVE/WORK UNIT	
U.	Edge	✓	✓
	General	✓	✓
V.	Edge	✓	(2)
	General	✓	✓
<b>[Ord. 2010-...]</b>			
NOTES			
✓ Means applicable or permitted.			
1. Encroachment for stoop or front porch shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area.			
2. Shall only be permitted where uses on the 2 <sup>nd</sup> floor or higher is limited to residential.			



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**7. USE STANDARDS**

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

**a. Permitted Uses**

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

**b. Accessory Uses**

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

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT

1

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

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

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT

1

TABLE 5.X.3 – IRO PERMITTED USE SCHEDULE (CONTINUED)

USE TYPE	LAND USE				NOTE	USE TYPE	LAND USE				NOTE
	C L	C H	C L O	C H O			C L	C H	C L O	C H O	
<b>PUBLIC AND CIVIC USES</b>						<b>AGRICULTURAL USES</b>					
Assembly, Non-profit Institutional	D	D			14	Agriculture, Sales/Service	D	D			6
Assembly, Non-profit Membership	D	D			15	Farmers Market	D	D			52
Place of Worship	D	D	D	D	29	<b>UTILITIES AND EXCAVATION</b>					
College or University	D	D			30	Air Stripper, Remedial	D	D	D	D	11
Day Camp	D	D			39	Communication Cell Sites on Wheels (COW) Tower, Mobile	S	S	S	S	31
Dare Care, General	A	D			40	Communication Panels or Antennas, Commercial	D	D	D	D	31
School, Elementary or Secondary	D	D	D	D	118	Communication Tower, Commercial	A	A	A	A	31
Day Care, Limited	A	D			40	Electric Transmission Facility	A	A	A	A	44-2
Government Services	D	D	D	D	63	Excavation, Type II	D	D	D	D	49
Helipad	A	A	A	A	10	Recycling Collection Station	D	D			104
Hospital or Medical Center	D	D		D	71	Recycling Drop Off	D	D			105
<b>RECREATION USES</b>						Utility, Minor	D	D	D	D	134
Entertainment, Indoor	D	D			45	<b>INDUSTRIAL USES</b>					
Fitness Center	D	D			56	Data Information Processing	D	D	D	D	13
Gun Club, Enclosed		P			67	Film Production Studio		D		D	38
Marine Facility	D	D			82	Laboratory, Industrial Research	A	D	A	D	76
Park, Passive	D	D	D	D	93	Medical or Dental Laboratory		D		D	84
Park, Public	D	D	D	D	94						
Park, Neighborhood	D	D	D	D	92						
Special Event	S	S	S	S	124						
[Ord. 2010- ]											
<b>KEY</b>											
P Permitted by right.											
D Permitted subject to DRO approval.											
L Permitted by right, subject to accessory use limitations.											
S Permitted subject to Special Permit approval.											
A Permitted subject to Board of County Commission Approval.											
◆ May be permitted under limited circumstances – see specific Use Regulations.											

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8. STREETScape STANDARDS

Streetscape standards are established to improve the visual appearance of the streetscape while creating a pedestrian friendly environment along commercial corridors, other perimeter street frontages, and for any new internal streets. The streetscape is generally defined as the area located between the ultimate R-O-W for perimeter streets or edge of curb for internal streets and building facades, usable open space or required landscape/street-wall used to buffer parking lots or outdoor use areas.

a. General Standards

The following standards shall apply to all streetscapes.

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

Notes:

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**EXHIBIT B**

**INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT**

- 1) Where an existing or newly required utility easement is located adjacent to subject roadways, streetscape requirements shall be applied from the inner edge of the utility easement, and shall be landscaped with appropriate groundcover, with exception to the following:
- a) Applicants are encouraged to improve utility easement areas to be consistent with required streetscape areas;
  - b) Utility easements may encroach into required streetscape areas up to a maximum of five feet, subject to Engineering approval and consent from easement holder; and,
  - c) Street trees may be located in utility easements subject to use of tree root barrier devices approved by County landscape staff and easement holder.

**b. Design Standards**

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

**1) Enhanced Sidewalk**

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

**TABLE 3.B.16.F – ENHANCED SIDEWALK DIMENSIONAL STANDARDS**

R.O.W. OR STREET TYPE	STREET TREE PLANTING AREA MINIMUM WIDTH <sup>1</sup>	PEDESTRIAN SIDEWALK MINIMUM WIDTH
<b>PERIMETER STREETS</b>		
<b>TYPE I R-O-W</b>	5 ft.	5 ft.
<b>TYPE II R-O-W</b>		8 ft.
<b>TYPE III R-O-W</b>		10 ft.
<b>INTERNAL STREETS</b>		
<b>SLIP STREET</b>	5 ft.	6 ft.
<b>PRIMARY STREET</b>		6 ft.
<b>SECONDARY STREET</b>		5 ft.
<b>[Ord. 2010-...]</b>		
<b>Notes:</b>		
1. Minimum width may be increased where required to accommodate minimum PBC Engineering setbacks for street trees.		

- a) Street trees shall be installed in accordance with 3.F.2.A.4.d, Street Trees, except that exceptions to tree spacing may be permitted where necessary to accommodate bisecting utility easements, or other similar improvements;
- b) Street lights shall be required for all perimeter and internal streets in accordance with Art. 3.F.2.A.1.f.2), TDD Street Lighting;
- c) Any areas remaining between required street tree and pedestrian sidewalk area and building frontages shall be improved with additional pedestrian sidewalk area, or other decorative pavement treatment to be used as outdoor dining areas, usable open space or to encourage a pedestrian interface display windows, where applicable;
- d) Decorative planter boxes or potted trees may be located within two feet of building frontages, provided they do not screen views to building windows or doors, or adversely impact pedestrian use areas; and,
- e) No temporary or permanent physical structures may be affixed to building frontages in the streetscape so as to preclude views of windows or doorways.

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
 SUMMARY OF AMENDMENTS  
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1

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



[ORD. 2010-...]

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2) Buffered Sidewalk

The buffered sidewalk streetscape option is similar to the enhanced sidewalk option, except that the street tree planting area is replaced with a wider planting area to provide additional buffering between streets with fast moving vehicular lanes and pedestrian areas. The buffered sidewalk streetscape is generally appropriate on thoroughfares with rights-of-way dimensions greater than 60 feet. The following table shows dimensional standards for planting areas based perimeter street type.

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

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

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

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
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1

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



[ORD. 2010-...]

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3) Slip Street

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

- a) A landscape planting area shall be required between a perimeter R-O-W and the slip street ranging from ten to 15 feet in width. Additional width may be permitted to accommodate utility easements or Engineering requirements, but shall not be increased otherwise.
- b) Street trees shall be planted in the landscape area in accordance with Art. 3.F.4.A.4.d, Street Trees, but shall be generally consistent with the tree species and spacing provided in the enhanced sidewalk area;
- c) A minimum of two tiers of small, medium or large shrubs shall be installed in accordance with Table 7.F.7.B, R-O-W Buffer Shrub Types; and,
- d) All other requirements shall be in compliance with enhanced sidewalk, where applicable.

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



[ORD. 2010-...]

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9. USABLE OPEN SPACE

A minimum of five (5%) percent of the net acreage of the project shall be provided as usable open space. Plaza's or squares that provide a focal point for pedestrians shall be the preferred method for providing usable open space, but credit may be given for required pedestrian streetscapes or other similar usable open space amenities. All usable open space areas shall meet the minimum dimensions provided under Table 3.B.16.E, Dimensions for Usable Open Space, unless exempted otherwise herein.

a. Required Plazas and Squares

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

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**EXHIBIT B**

**INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
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**TABLE 3.B.16.E, DIMENSIONS FOR USABLE OPEN SPACE**

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

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**b. Streetscape Credit**

Projects that have net land areas of less than two and one-half acres in size may count all streetscape areas towards the usable open space requirement. All others may count up to fifty (50%) percent of streetscape areas towards usable open space requirements.

**c. Street Frontage**

Usable open space shall a perimeter or primary street on at least one side.

**d. Shade**

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

**e. Pervious Areas and Landscaping**

A minimum of 30 percent of all usable open space areas, excluding streetscape where applicable, shall be pervious, and covered with

**f. Pedestrian Amenities**

If one or more usable open spaces are provided within an IRO project, 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.

**10. PARKING AND LOADING STANDARDS**

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

**a. Location and Access**

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

**TABLE 3.B.16.F – PARKING LOCATION**

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

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**1) On-street Parking**

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

**2) Parking Lots**

The perimeter of parking lots shall be framed by either of the following, or a combination of both:

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

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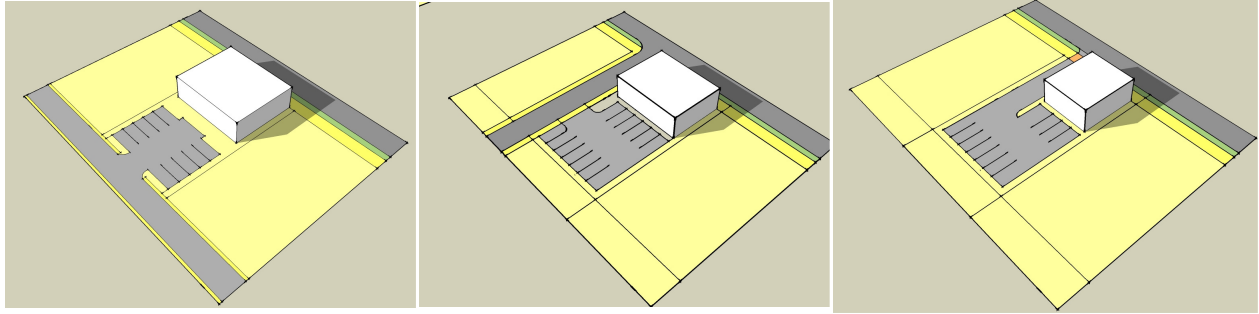


EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
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1

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



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

Side Street Access

Small Mid-block Parcel Access

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3) Parking Structures

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

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

4) Townhouse Parking

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

5) Service and Loading Areas

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

b. Parking Ratios

The required number of parking spaces shall correspond to broad uses and not to a specific use, and shall be responsive to the long term transition of tenants within a non-residential or mixed use development. The applicant may choose from the following parking requirements:

1) Non-residential

- a) Minimum: one space per 333 square feet of GFA (3/1000);
b) Maximum: one space per 166 square feet of GFA (6/1000), unless parking is accommodated in a parking structure;
c) Where uses are not intended to allow for easy of transition to other uses, the general parking standards outlined in Art. 6, Parking may be applied, provided that use limitations are identified on the DRO approved site plan;
d) Reduction in required parking through use of a shared parking study, as defined in Art. 6, Parking; or,
e) Where eligible, applicant may receive credit for any perimeter on-street parking spaces located along Type I streets, subject to approval by the County Engineer. Use of this option may be limited to where the developer pays for required improvements to existing Type I streets.

2) Residential

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

11. LANDSCAPE STANDARDS

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

a. Perimeter Buffers

1) Streetscape Exemptions

Required landscape perimeter buffers shall not be required where an IRO streetscape is required.

2) Compatibility Buffers

A side interior compatibility buffer shall not be required when a zero side setback is used.

3) Alternative Incompatibility Buffer Option

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)

SUMMARY OF AMENDMENTS

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

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

b. Foundation Planting

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

c. Alternative Parking Lot Design Options

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

1) Option 1

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

2) Option 2

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

3) Option 3

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

4) Option 4

Up to a maximum of 25 percent of required terminal, interior and divider median landscape areas shall not be required provided those parking areas provide shade by installing covered parking that utilizes materials with appropriate solar reflectance index (SRI) depending on the pitch of the roof of the structure.

5) Option 5

Required terminal, interior and divider median landscape areas and required shrubs shall not be required, subject to the following:

- a) The number of required terminal, interior and divider median trees are doubled;
b) Trees are protected by curbing, wheel stops or other similar methods of protection;
c) Green building standards for tree wells and related root growth areas are utilized;
d) All abutting parking spaces utilize pervious pavement that has an SRI of at least 29 to improve solar reflectance; and,
e) Land Development approval.

d. Rear or Side Entrances

Buildings with additional entrances located on the side or rear facades shall either provide an enhanced streetscape between any abutting parking lots that meets the standards for a primary street; or shall provide foundation planting along a minimum of 50 percent of the applicable façade, with a minimum depth of five feet, to be planted in accordance with Art. 7, Landscaping, with a sidewalk a minimum of five feet in width as needed to separate pedestrians from abutting vehicle use areas along the building façade.

G. IRO WAIVERS

The applicant may apply for waivers for development standards and shall complete the Waiver forms provided by the Zoning Division. Waiver requests shall be approved by the Zoning Director prior to DRO certification or approval of the development order. The following table summaries the development standards that could be requested through a waiver process:

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
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Table 3.B.16.G – IRO Waivers

Requirements	Maximum Waiver	Minimum Justification Criteria of Review *1
<b>Interconnectivity Standards</b>		
Art. 3.B.16.F.4, Interconnectivity Standards	No interconnectivity requirement.	Interconnectivity shall not be required where an applicant can document that such would be prohibited by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as water treatment plants, jails, or other similar facilities.
<b>Building Standards</b>		
Civic building standards.	No frontage requirement.  No build to line requirement.	Public and private civic buildings shall be designed to reflect their public purpose and are intended to be landmarks within the community. Frontages shall be located abutting usable open space areas, and additional pedestrian amenities shall be provided to emphasize the civic nature of the use.

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

Reason for amendment: (Zoning) Update to address new IR district.

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

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

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
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Part 6. ULDC, Art. 3.C.1.C, Previous Zoning Districts (page 53 of 155), and is hereby amended as follows:

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

CHAPTER C STANDARD DISTRICTS

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

C. PREVIOUS ZONING DISTRICTS

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

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

Reason for amendment: (Zoning)

CHAPTER C STANDARD DISTRICTS

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

G. COMMERCIAL DISTRICTS

7. IR, INFILL REDEVELOPMENT DISTRICT

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

This space intentionally left blank.

Notes:

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Relocated language is shown as italicized with reference in [brackets].

EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)  
SUMMARY OF AMENDMENTS  
DRAFT (Updated 09/29/09) DRAFT

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

Reason for amendment: (Zoning) Add minimum PDRs for IR Zoning District.

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

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

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

Reason for amendment: [Zoning] Re-affirms DRO approval requirements outlined in Art. 3.B.16, IRO.

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

Zoning District	Thresholds: Number of Units, or Square Feet or Other
....	....
<u>IRO</u>	<u>Any project utilizing the Infill Redevelopment Overlay.</u>
Notes:	
....	

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

Reason for amendment: [Zoning] Re-affirms DRO approval requirements outlined in Art. 3.B.16, IRO.

CHAPTER A USE CLASSIFICATION

SECTION 4 DEVELOPMENT THRESHOLDS

A. GENERAL

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

1. EXEMPTIONS

The following projects shall be exempt from this requirement:

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

Notes:

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
DRAFT (Updated 09/29/09) DRAFT

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

Reason for amendment: [Zoning] IRO specific use standards, and outdoor uses located in a Core Transect Zone shall be subject to DRO approval.

CHAPTER B SUPPLEMENTARY USE STANDARDS

SECTION 1 USES

A. DEFINITIONS AND SUPPLEMENTARY STANDARDS FOR SPECIFIC USES

18. AUTO SERVICE STATION

f. Infill Redevelopment Overlay (IRO)
An automotive service station located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

25. CAR WASH

e. Infill Redevelopment Overlay (IRO)
A car wash located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

37. CONVENIENCE STORE WITH GAS SALES

g. TMD and LCC Districts, and IRO Projects
Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2006-004]
i. Infill Redevelopment Overlay (IRO)
A convenience store with gas sales located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

55. FINANCIAL INSTITUTION

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

64. GREEN MARKET

g. LCC District and IRO Projects
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 indicated on the DRO approved final site plan. The Green Market shall not be located on required parking spaces or access aisles.

107. REPAIR AND MAINTENANCE, GENERAL

f. Bay Door Orientation
Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. [Ord. 2005 – 002]
1) Buffer Requirements
Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.
2) Bay Doors Facing a Residential District or Use
Bay doors facing a residential district or use separated by an arterial or collector street shall require a Type 3 incompatibility buffer.
3) Infill Redevelopment Overlay (IRO)
Bay doors shall not be oriented towards perimeter streets
i. Infill Redevelopment Overlay (IRO)
A repair and maintenance general use located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.

104. RECYCLING DROP-OFF BIN

Notes:

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
DRAFT (Updated 09/29/09) DRAFT

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

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

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

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

Part 12. ULDC, Art. 7.A.1.B, Landscape Design Principles (page), and is hereby amended as follows:

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

CHAPTER A GENERAL
SECTION 1 LANDSCAPE AND BUFFERING

B. LANDSCAPE DESIGN PRINCIPLES
The standards established in this Article are to be considered the minimum requirements for landscape design. It is the intent of this Article to encourage creativity in landscape design while providing general direction and criteria for the evaluation of landscape plans, planting plans and alternative landscape plans. The following design principles are general standards to be used by County staff and DRO in evaluating whether landscape plans conform to the requirements of this Article:

10. QUALITY PEDESTRIAN ENVIRONMENT

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

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



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

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



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

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EXHIBIT B

INFILL REDEVELOPMENT OVERLAY (IRO)
SUMMARY OF AMENDMENTS
DRAFT (Updated 09/29/09) DRAFT

1
2 Part 13. ULDC, Art. 7.A.1.C, Applicability [Related to Landscaping] (page), and is hereby
3 amended as follows:
4

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

5 CHAPTER A GENERAL

6 SECTION 1 LANDSCAPE AND BUFFERING

7
8 C. APPLICABILITY
9 The provisions of this Article shall be considered minimum standards and shall apply to all new
10 development except development exempted in Art. 7.A.1.F, Exemptions, and deviations allowed
11 by Art. 7.A.1.E, Deviations. For previously approved development orders, refer to Art. 1.F,
12 NONCONFORMITIES.
13 ....

14 CHAPTER B TYPES OF PLANS

15 SECTION 4 STREET PLANTING PLAN

16 Plans for landscaping within streets shall be provided for new subdivisions in accordance with Article
17 11.B.3.B.3, Construction Plans and Supplemental Engineering Reports.
18

19 CHAPTER C MGTS TIER COMPLIANCE

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

22 SECTION 1 U/S TIER

23 Landscaping in the U/S Tier should have a higher level of detail and more structure, such as pedestrian
24 accents, formal arrangements in perimeter landscape and buffers, street tree plantings, and inter-
25 connections between pedestrian and vehicular areas. The Revitalization and Redevelopment Overlay is
26 located with the U/S Tier and recognizes the unique opportunities and restrictions often encountered in
27 development of infill parcels. Greater flexibility and alternative landscape solutions are available to
28 promote development within the boundaries of these areas. However, it also recognizes the unique
29 opportunities and restrictions that may be encountered in infill and redevelopment parcels, and
30 recommends allowing greater flexibility and alternative landscape solutions to be made available to these
31 types of projects.
32 ....

55 U:\Zoning\CODEREV\2009\LDRAB\Sub-committees\Infill\10-7-09\Exhibits and Handouts\Exhibit B - MAIN WORKING DRAFT -
56 CURRENT 9-29-09.doc

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EXHIBIT

ARTICLE 1
PRIOR APPROVALS
SUMMARY OF AMENDMENTS
(Updated 09/21/09)

Part .1 ULDC, Article 1.E.1, General are hereby deleted in entirety, and replaced with new text as follows:

Reason for amendment: [Zoning] 1) Repeal Art.1.E. 2) Establish a link between Art.1.E and 1.F by relocating nonconforming site elements, which were previously in Art.1.E.1.C.1 to the revised Art.1.F.2. 3) Revise this Chapter to address prior approval, invalid approval, application in process that are not subject to pending code amendments. 4) Also address how to process projects with prior approvals and potential nonconformities. 5) Add submittal requirements to establish a record of project amendment history on the approved plan. 6) Relocate modifications to prior approvals with nonconforming site elements to Art.1.F.2.

CHAPTER E PRIOR APPROVALS

Section 1 General

A. Purpose and Intent

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

B. Prior Approvals

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the BCC, the ZC, the DRO, Enforcement Boards, all other PBC decision making and advisory boards, Special Masters, Hearing Officers, and all other PBC Officials, issued pursuant to the procedures established by prior ordinance or PBC land development regulations shall remain in full force and effect until superseded by amendment, expiration, revocation, or abandonment.

The uses, structures, lot size, site elements and the associated site design, access, intensity, density, and tabular data shown on a valid development order such as a development permit or plan that was approved in accordance with a prior ordinance shall not be subject to the requirements of this Code for any information clearly shown. This information may be carried forward onto subsequent plans if necessary to implement the previously approved plan.

1. Prior Variances, Exemptions or Waivers

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

C. Modification to Prior Approvals

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

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

The proposed modification shall comply with the current Code to the greatest extent possible in the affected area, as defined in Article 1.1.2, Definitions, which includes the determination whether the prior approval has nonconformities. Proposed modifications may not increase a nonconformity.

2. Submittal Requirements

The applicant shall identify the extent of the proposed modification on the applicable plan and in the application pursuant to Art.2, Plan Requirements. The plan and application shall:

- a. list all prior Zoning resolutions and prior ULDC Amendment Ordinances to establish a record of any prior vesting claim;
b. delineate on the plan the boundary of the affected area and indicate all proposed modifications;
c. identify all nonconformities of the prior approved development order, which includes: lot, site elements, structure and use of the subject property to establish a record of nonconformities in the tabular data of the plan. Reference Art.1.F for limitations and requirements for these nonconformities;
d. notate on plan and document in the tabular data of the plan all nonconformities outside of the affected. All legal nonconformities that are clearly shown on a prior development order shall be vested;

D. Invalid Approvals

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

E. Applications In Process

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

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EXHIBIT

ARTICLE 1
PRIOR APPROVALS
SUMMARY OF AMENDMENTS
(Updated 09/21/09)

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

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

Section 2 Definitions

30. Affected Area - for the purposes of Art.1.E, the area on a development that is subject to the proposed modification, including but not limited to: number of parking spaces (for a single use or shared with other uses); layout of parking lot; location of uses, perimeter buffers, interior landscaping, lighting and signs, and structures for compliance with Art.5.C, Design Guidelines.

[Renumbered accordingly...]

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

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

Section 2 Definitions

....
BPN to check with Bob Banks and Lenny Berger on DO per Jon.

33. Development Order, Local Government- a development order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include:
Permits, enforcement orders, ongoing enforcement actions, and all other actions of the BCC, the ZC, the DRO, Enforcement Boards, all other PBC decision making bodies pursuant to Art.17, Decision Making Bodies; and aAffidavits of exemption and subdivision approval.
It typically involves the submission and review of a plan pursuant to Art.2, Plan Requirements master plan, site plan, or building plans, but may not necessarily involve such.
It shall not include:
Land use designations established by Local Government's Comprehensive Plan. It does not include comprehensive g General rezoning district boundary changes initiated by PBC.
Vegetative removal, clearing, grading or demolition permits.
It typically involves a petition an application of the landowner for his a property owner alone for a subject property and not adjoining properties.

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EXHIBIT

ARTICLE 1  
NON-CONFORMITIES  
SUMMARY OF AMENDMENTS  
(Updated 09/30/09)

Part .1 ULDC, Articles 1.F.1, General, 1.F.2, Non-Conforming Use, 1.F.3, Non-Conforming Structure, and 1.F.4, Non-Conforming Lot are hereby deleted in entirety, and replaced with new Articles 1.F.1, General, 1.F.2, Non-Conforming Site Element, 1.F.3, Non-Conforming Lot, 1.F.4, Non-Conforming Structure, and 1.F.5, Non-conforming Use, as follows:

**Reason for amendment:** [Zoning] 1) Organize Art.1.F as follows: Art.1.F.1., General; Art.1.F.2, Nonconforming Site Element; Art.1.F.3, Nonconforming Lot; Art.1.F.4, Nonconforming Structure; Art.1.F.5, Nonconforming Use.  
2) Art.1.F.1, General: move all the general items such as Improvement Value, maximum allowable improvements from other sections to this Section. Also, add text to allow applicant to apply for reassessment of property through the Property Appraiser Office.  
3) Currently, this section only addresses regulations for nonconforming lot, structure, and use; add text to address nonconforming site elements.  
4) Add Table to summarize percentage and approval process for each category of improvements.

CHAPTER F NONCONFORMITIES

Section 1 General

A. Purpose and Intent

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

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

B. Applicability

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

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

C. Improvements to Nonconformities

There are four classifications of improvements that may be made to nonconformities. These include: Expansion, Maintenance, Renovation, and Natural Disaster Damage Repair pursuant to Art.1.I.2, Definitions.

D. Improvement Value

Improvement Value, as determined by the Palm Beach County Property Appraiser (PBCPA), is utilized to calculate allowable improvements for all types of nonconformities listed in this Chapter. The maximum allowable improvement is based upon the PBCPA's Improvement Value of the structure as follows: 125 percent for non-government structures and 185 percent for government structures. As an alternative, a property owner may apply to the PBCPA's Office for a re-assessment to obtain the most recent improvement value of the structure. If a new value of the structure is established, it shall be forwarded directly to the Zoning Director from the PBCPA's Office.

E. Total Value of Improvements

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

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EXHIBIT

ARTICLE 1  
NON-CONFORMITIES  
SUMMARY OF AMENDMENTS  
(Updated 09/30/09)

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F. **Maximum Improvement to Nonconformity**

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

1. The combined total percentage of improvement classifications: expansion, maintenance, renovation, or natural disaster damage repair, shall not exceed the percentages for one five-year period pursuant to Table 1.F.1.F, Allowable Percentage and Approval Process for Nonconformities.
2. The applicable maximum percentage for a nonconforming use pursuant to Table 1.F.1-F shall be utilized for a combination of improvements to nonconforming uses, structures or site elements.
3. The cumulative total percentage for improvements to a nonconforming use or structure shall not exceed the maximum percentage of the total Improvements Value. See Appendix A for examples of calculation.
4. Public utility facilities with nonconforming structures on existing sites shall not be subject to the requirements of this Chapter.
5. For additional requirements for each type of nonconformities, see applicable Sections below.

(This space intentionally left blank)

2. *If there is a combination of improvements (expansion, maintenance, renovation) requested to be performed for a nonconforming use, structure and site elements, the applicable maximum percentage pursuant to Table 1.F.1.F-1 for the nonconforming use shall be utilized for improvements for the use, structure and site elements.*
3. *If there is a combination of improvements requested to be performed for a nonconforming use or structure, the cumulated total percentage of improvements shall be applied. In no event shall a combination of nonconformities exceed the maximum percentage of the total Improvement Value. See Appendix A for examples of calculation.*

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**EXHIBIT**

**ARTICLE 1  
NON-CONFORMITIES  
SUMMARY OF AMENDMENTS  
(Updated 09/30/09)**

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**Table 1.F.1.F, Allowable Percentage and Approval Process for Nonconformities**

<b>Improvement Classifications</b>	<b>Major Nonconforming use in a conforming structure<sup>1,2</sup></b>	<b>Minor Nonconforming use in a conforming structure<sup>1,2</sup></b>	<b>Conforming use in a nonconforming structure<sup>1,2</sup></b>	<b>Nonconforming Site Element<sup>3,4</sup></b>
<b>Expansion</b>				
Non-Government, Government <sup>8</sup> , and IR-O, PRAs, LWRCC-O, WCRA-O <sup>7</sup>	-Shall not expand in area it occupies unless it is being expanded into an area of a structure, which was designed and approved for such use in a valid development order prior to becoming nonconforming; -By Right	One time only; 10% max <sup>5</sup> ; DRO	Comply with Code; DRO	Comply with Code to greatest extent possible; -DRO
<b>Maintenance</b>				
Non-Government	20% max.; By Right	30% max.; By Right	-20% max.; By Right; ->20<30%, Type II Variance	Comply with Code to greatest extent possible; -DRO
Government <sup>8</sup>	30% max.; By Right	45% max.; By Right		
PRAs, LWRCC-O, WCRA-O, IR-O <sup>7</sup>	30% max.; DRO	50% max.; DRO		
<b>Renovation</b>				
Non-Government	Same as Maintenance			
Government <sup>8</sup>				
PRAs, LWRCC-O, WCRA-O, IR-O <sup>7</sup>				
<b>Natural Disaster Damage Repair</b>				
Non-Government	Same as Maintenance		30% max. By Right	Same as Maintenance
Government <sup>8</sup>				
PRAs, LWRCC-O, WCRA-O, IR-O <sup>7</sup>				
Notes:				
1. All percentages shall be based on the Improvement Value of the structure pursuant to Art.1.F.D, unless stated otherwise herein.				
2. The maximum percentage for nonconforming uses shall be based on the Improvement Value of its structure(s), regardless of whether the structure(s) is conforming or nonconforming.				
3. The maximum percentage for the use shall be utilized for improvements to a nonconforming use with a nonconforming structure or site elements.				
4. Improvements to a site with only nonconforming site elements shall comply with Article 1.F.5.				
5. Expansion shall be based upon intensity/density pursuant to Art.1.F.4.D.				
6. All improvements for Major and Minor Nonconforming uses shall comply with the applicable Sections of Art.1.F.4.D.				
7. A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art.3.B, Overlays				
8. A higher percentage shall be allowed for Government structures as appraisals by the Property Appraiser's Office are conducted less for Government structures due to exemptions for property tax.				

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

7

**Section 2 Nonconforming Lot**

11

**A. Applicability**

12

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

13

**1. Legal Access Requirements**

14

**a. Development of a Single-family Dwelling Unit**

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

16

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

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**Notes:**

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

**2. Legal Lot of Record**

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

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

**3. FLU and Zoning Consistency**

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

**4. Lot Recombination Requirements**

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

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

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

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

**C. Residential Development Regulations**

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

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

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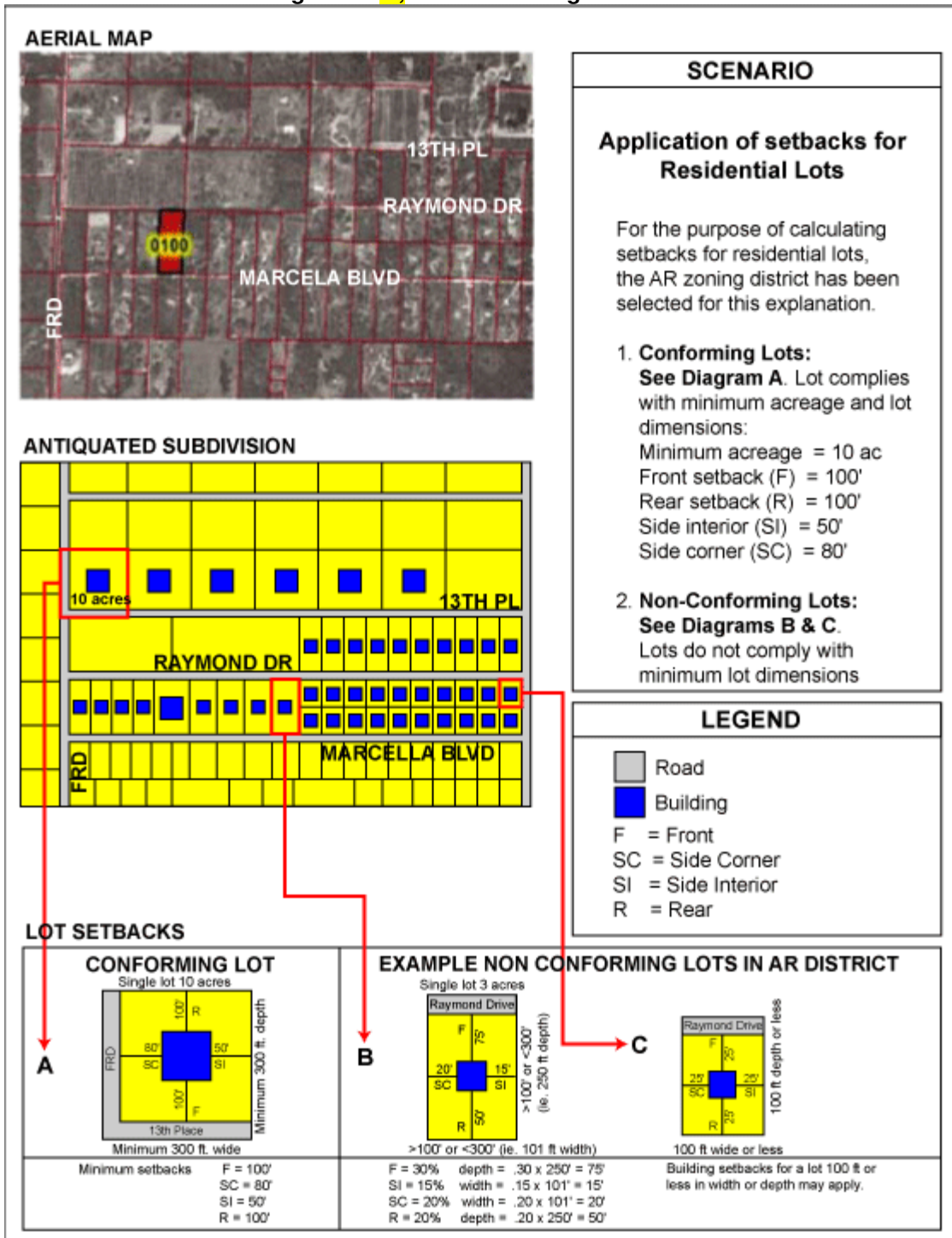
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EXHIBIT

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1

Figure 1.F.2, Nonconforming Lots & Setbacks



[Ord. 2005-002]

D. Accessory Dwellings

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

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

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

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

1. The proposed use is allowed by this Code; and

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- 2. All other property development regulations, supplemental development regulations and setbacks for the use are met, or variances are obtained pursuant to the requirements of Art. 2.B.3, Variances.

Reason for amendment: [Zoning] 1) Refer all improvement percentages to the General Section, Table 1.F.1.F-1, Nonconformities – Allowable Percentage and Approval Process.2) Add damages resulted from Acts of Nature such as hurricanes; floods, wildfires, etc. and establish limitations for repairing a nonconforming structure or a structure that accommodates a nonconforming use. 3) All regulations pertaining to Airport remain as is.

Section 3 Nonconforming Structure

A. General

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

B. Expansion

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

C. Maintenance and Renovation

Maintenance and renovation shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Allowable Percentage and Approval Process.

D. Natural Disaster Damage Repair

Damage repair caused by acts of nature shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Allowable Percentage and Approval Process.

E. Uses and Structures within an Airport Zone

1. Applicability

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

a. Exemptions

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

2. Existing Uses and Occupancy

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

a. Change in Use and Occupancy

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

3. Abandonment of a Use

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

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

a. Height Restrictions

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

b. Use Regulations

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

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

**5. Relocated Buildings**

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

**6. Obstruction and Marking Requirements**

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

**Reason for amendment:** [Zoning] 1) Add clarification to define differences between Major and Minor nonconforming uses. 2) Refer all improvement percentages to the General Section, Table 1.F.1.F-1, Nonconformities – Allowable Percentage and Approval Process. 3) Add damages resulted from Acts of Nature such as hurricanes; floods, wildfires, etc. and establish limitations for repairing a nonconforming use or a structure that accommodates a nonconforming use. 4) Add text to clarify minor nonconforming use may also utilize the percentage of the floor area instead of the value of the structure, whichever is less, to address certain uses such as a canopy/pumps of a gas station. 5) All regulations pertaining to Airport remain as is.

**Section 4 Nonconforming Use**

**A. Nonconforming Use classifications**

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

**1. Major**

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

**2. Minor**

A minor nonconforming use is a use that was legally established in a zoning district where the review and approval processes of the use has been changed to a higher level under the terms of this Code, and where any DOAs or improvements to the use would exceed the development and approval thresholds or do not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare. An applicant who is requesting modification or improvement to a minor nonconforming use is encouraged to apply pursuant to the review and approval process now in effect to correct the nonconforming status of the use for the benefit of future development order amendments and other types of improvements. **[Relocated from Art. 1.I.2.N.32 with revisions]**

**3. Nonconforming to Airport Regulations**

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

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

**B. Change in Use**

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

**C. Discontinuance or Cessation**

If a nonconforming use is discontinued, abandoned, or becomes an accessory use for a period of more than 180 consecutive days (six months), or for a total of 540 calendar days (18 months) during any 1,095 consecutive day (three year) period, then such use shall not be re-established as a principal use or resumed and any subsequent use in the same location unless in conformance with this Code. When government action impedes access to the premises as the reason for discontinuance or cessation, the time of delay caused by government action shall be documented and subtracted from this calculation.

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1 D. Expansion

2 1. Major Nonconforming Use

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

5 2. Minor Nonconforming Use

6 A minor nonconforming use may be expanded pursuant to **Table** 1.F.1.F, Nonconformities -  
7 Allowable Percentage and Approval Process, and the following:

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

13 1) For a convenience store with gas sales, the applicant may be allowed to either increase the  
14 floor area of the store or increase the number of pumps subject to the ten percent limitation  
15 and approval of a Traffic Study by the Engineering Department. Any fraction of the number  
16 of pumps that may occur during the calculations shall be rounded upward to the nearest  
17 whole number for one half or more of a whole pump, and downward if the it is less than one  
18 half of a whole pump. The gas canopy of the fueling stations may be expanded along with  
19 and must be proportional to the increase of the pumps.

20 b. The expansion shall reduce nonconforming features to the greatest extent possible.

21 E. Maintenance and Renovation

22 Shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Allowable Percentage and  
23 Approval Process.

24 F. Natural Disaster Damage Repair

25 Shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Allowable Percentage and  
26 Approval Process. Improvement value shall be established at the time the damage occurred.

27 G. Relocation

28 See Figure 1.F.4 for permitted relocation of nonconformities. A nonconforming use shall not be relocated.  
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Notes:

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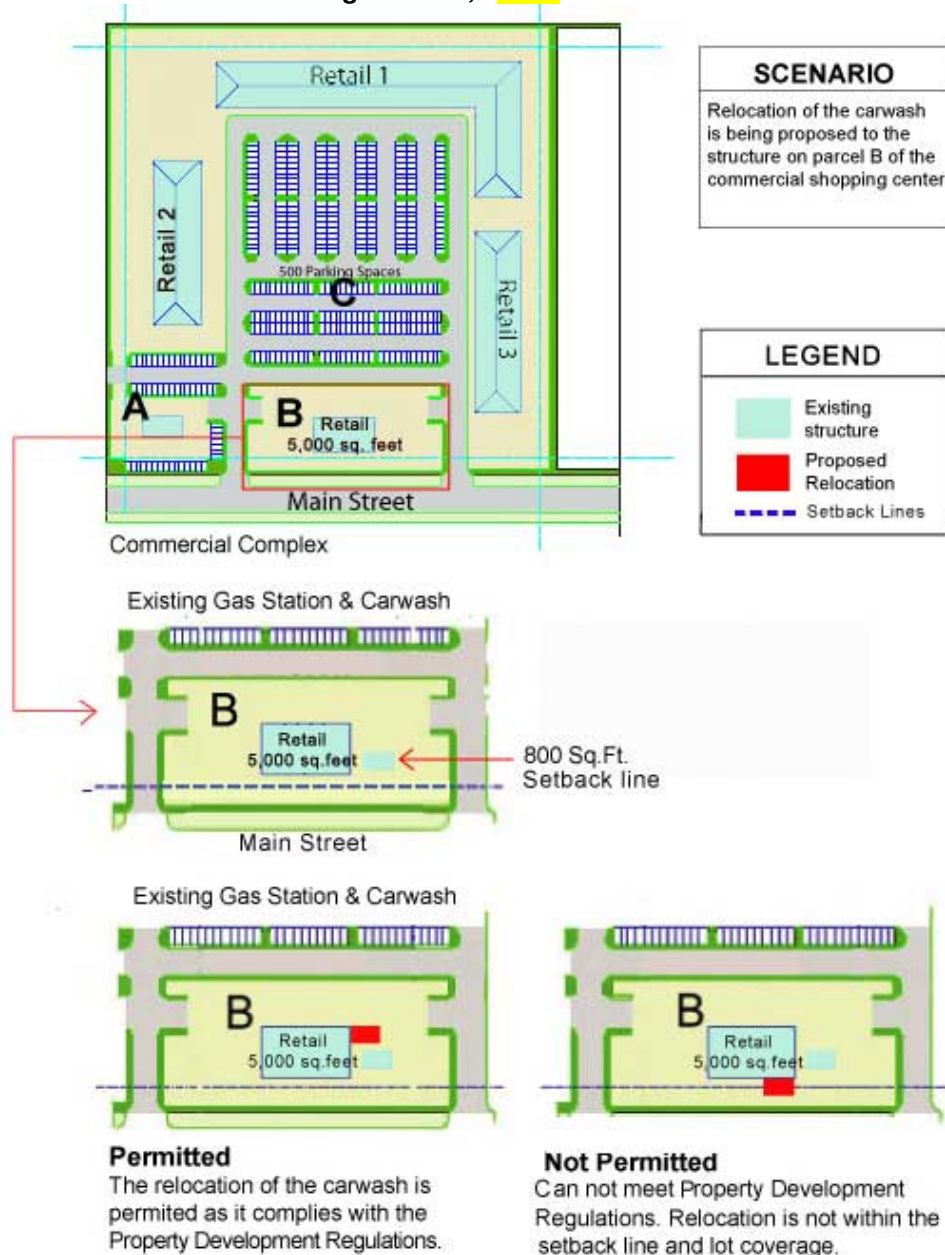
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Figure 1.F.4, **4.F-1-Relocation**



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EXHIBIT

ARTICLE 1
NON-CONFORMITIES
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Section 5 Nonconforming Site Element

A. General

This Section establishes procedures for modifications and improvements to a prior approval with nonconforming site elements including, but not limited to: outdoor lighting, parking and loading, landscaping and signage, and establishes thresholds for vesting nonconformities.

B. Applicability

This Section shall only apply to non-conforming site elements that may be impacted by proposed modifications or improvements to a prior approval. See Appendix B, Figure 1.F, Nonconforming Site Element Scenarios.

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

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

1. Projects without an Approved Plan

A project without a BCC or Final DRO approved plan shall comply with this Code.

2. Unbuilt Projects with an Approved DRO Plan

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

3. Built Projects with an Approved DRO Plan

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

- a. Projects with 80 percent or more of the approved density or intensity (number of units, square feet or footprint of buildings) constructed shall remain valid for any information and items clearly shown on the approved development order. The affected area shall meet this Code to the greatest extent possible.
b. Projects with less than 80 percent of the approved density or intensity constructed shall comply with Article 6, Parking, Article 7, Landscaping, and Article 8, Signage in the affected area to the greatest extent possible without the loss of density, intensity, or required parking.
c. In determining the greatest extent possible, the applicant may utilize the following guidelines, including but not limited to:

Table 1.F.5, Factors to Consider in Determining Greatest Extent Possible

Table with 2 columns: Nonconforming Site Elements, Factors to Consider. Rows include Outdoor Lighting, Art.5.E; Parking, Art.6; Landscaping, Art.7; Signage, Art.8.

D. Additional Improvement Threshold for Nonconforming Site Elements

When improvements such as maintenance or renovation are proposed for a conforming structure with a conforming use, the associated nonconforming site elements shall be improved to comply with current Code requirements. See Example 3 in Appendix A. The required improvements shall be determined based on the Improvement Value of the structure pursuant to Table 1.F.5, Thresholds for Improvements - Nonconforming Site Elements. These improvements are required in addition to the standards pursuant to Art.1.F.5.C, Built Projects with an Approved DRO Plan.

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

Table with 3 columns: Use or Structure, Percentage, ULDC Requirements. Rows include Non-Government (>35%, >75%) and Government (>100%).

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		Art. 6, Parking Art. 7, Landscaping Art. 8, Signage Art. 5.C, Design Standards, if applicable Art. 5.B.1.A.18, Permanent Generators, if applicable
Notes:		
1.	The percentage is based on the Improvement Value of conforming structure(s).	
2.	<u>The percentage applies to improvements for a conforming use or structure with nonconforming site elements. If the use or structure is nonconforming, the maximum allowable percentage shall comply with Table 1.F.1.F, Allowable Percentage and Approval Process for Nonconformities.</u>	

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**1. Outdoor Lighting**

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

**2. Vehicular Use Areas**

Alterations or additions to vehicular use areas shall comply with Art. 5.E.4.E, Outdoor Lighting Standards, Art. 6, Parking, and Art. 7, Landscaping for the affected area. **[Ord. 2005-041]**

**a. Non-residential PDDs and TMDs Parking Calculation**

For non-residential PDDs and TMDs where parking may be commonly shared by tenants of the development, proposed modifications to a previously approved development, whether modifications is for the entire or a portion of the development, shall meet:

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

**3. Sign Renovations or Additions**

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

**4. Landscaping**

Landscape plans approved as of the effective date of this Code shall remain valid unless the development is amended or modified. The affected area of the amended or modified plans shall be subject to [Art. 7, Landscaping](#) to the greatest extent possible. All plans shall be subject to [Art. 14.C, Vegetation Preservation and Protection](#). Modifications to development orders shall comply with [Art. 1.E. Prior Approvals](#) and [Art.1.F.2, Nonconforming Site Element](#).

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EXHIBIT

ARTICLE 1  
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APPENDIX A

Figure 1.F, Improvement Value Example One

**Requests:**

An applicant is proposing to expand; renovate and maintain a minor non-conforming use (non-government) with a non-conforming structure, and nonconforming site elements: outdoor lighting; parking, landscaping and signs.

**Step One**

The applicant must utilize the **Non-conforming Building Modification Chart** (established by Zoning/Building Divisions) to establish description and value of work under each classification of improvement.

**Step Two**

Improvement Value of structure from PBCPA = \$100,000.

Establish the maximum allowable improvement value based on non-government % (see Art.1.F.1.D):  $\$100,000 \times 125\% = \$125,000$  [a]

**Step Three**

Utilize the percentage under nonconforming use (see Table 1.F.1.F-1) for calculation. Since a combination of improvements is proposed, Expansion may be calculated separately from Maintenance and Renovation.

**Step Four**

Maximum % for Expansion is 10%.

*(Percentage is based on Art.1F.4.D.2. Expansion shall comply with current code).*

**Step Five**

Maximum % for Maintenance or Renovation is 30% each. However, the cumulative total percentage shall not exceed 30%; therefore, the applicant shall demonstrate how the maximum 30% is achieved for both improvements. In this case, the applicant chose to use 20% for Maintenance and 10% for Renovation.

$\$125,000 \times 20\%$  Maintenance = \$25,000 [b]; and

$\$125,000 \times 10\%$  Renovation = \$12,500 [c].

Therefore, the total allowable improvement value for Expansion, Maintenance and Renovation for this project is  $[b]+[c] = \$37,500$  for the use and structure.

**Step Six**

Since the percentage of improvements does not exceed the 35% threshold, i.e. 30% Maintenance and Renovation (see Table 1.F.5, Thresholds for Improvements – Nonconforming Site Elements) to meet current code requirements for outdoor lighting, parking, landscaping and sign. All existing site elements shall be vested, and all proposed site elements associated with the Expansion shall comply with the code to the greatest extent possible.

**Note:** The applicant may choose to make improvements of the nonconforming site elements, these improvements shall have no monetary restrictions, and improvements shall comply with the current code to the greatest extent possible.

**Notes:**

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EXHIBIT

ARTICLE 1  
INFILL REDEVELOPMENT OVERLAY (IRO) PROJECT  
NON-CONFORMITIES  
SUMMARY OF AMENDMENTS  
(Updated 09/18/09)

Figure 1.F, Improvement Value Example Two

**Requests:**

An applicant is proposing to expand; renovate and maintain a non-conforming structure (non-government) with a conforming use, the site elements (outdoor lighting, parking, landscaping and sign) are nonconforming. The applicant must comply with current code under Expansion (Table 1.F.1.F-1) and utilize the maximum percentage allowed under either maintenance or renovation.

**Step One**

The applicant must utilize the **Non-conforming Building Modification Chart** (established by Zoning/Building Divisions) to establish descriptions and value of work under each classification of improvement.

**Step Two**

Improvement Value of structure from PBCPA = \$100,000.

Establish the maximum allowable improvement value based on non-government % (see Art.1.F.1.D):  $\$100,000 \times 125\% = \$125,000$  [a]

**Step Four**

Maximum % for Expansion is 10%:

$\$125,000 \times 10\% = \$12,500$  [b]

*(Percentage shall be subject to Art.1.F.4.D.2. Expansion shall comply with current code).*

**Step Five**

Maximum % for Maintenance or Renovation is 20% each. However, the cumulative total percentage shall not exceed 20%; therefore, the applicant shall allow using a maximum 20% is achieved for both improvements. In this case, the applicant chose to use 10% for Maintenance and 10% for Renovation.

$\$125,000 \times 10\%$  Maintenance = \$12,500 [c]; and

$\$125,000 \times 10\%$  Renovation = \$12,500 [d].

Therefore, the total allowable improvement value for Expansion, Maintenance and Renovation for this project is  $[b]+[c]+[d] = \$37,500$  for the structure.

**Step Six**

Since the percentage of improvements does not exceed the 30% threshold, i.e. 10% Expansion and 20% Maintenance and Renovation (see Table 1.F.5-1) to meet current code requirements for outdoor lighting, parking, landscaping and sign. All existing non conforming site elements shall be vested; however, if the applicant chooses to improve these site elements, they shall comply with the current code to the greatest extent possible,

**Note:**

The applicant may choose to make improvements of the nonconforming site elements, these improvements shall have no monetary restrictions, and improvements shall comply with the current code to the greatest extent possible.

Requests up to a max. of 30% for Maintenance or Renovation shall be subject to a Type II Variance approval (see Table 1.F.1.F-1).

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EXHIBIT

ARTICLE 1  
INFILL REDEVELOPMENT OVERLAY (IRO) PROJECT  
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Figure 1.F, Improvement Value Example Three

**Requests:**  
An applicant is proposing to renovate a conforming use and its structure. The parking lot, landscaping, outdoor lighting and signs are nonconforming.

**Step One**  
The applicant must utilize the **Non-conforming Building Modification Chart** (established by Zoning/Building Divisions) to establish description and value of work under each classification of improvement.

**Step Two**  
Improvement Value of structure from PBCPA = \$100,000.  
Establish maximum allowable improvement value based on non-government % (see Art.1.F.1.D):  $\$100,000 \times 125\% = \$125,000$

**Step Three**  
The proposed budget for improvements is \$50,000, and therefore it exceeds 35% of improvement value of structure.  
i.e.  $\$125,000 \times 35\% = \$43,750$   
The applicant is required to provide improvements to outdoor lighting, parking and landscaping and signage pursuant to table 1.F.5.D, Thresholds for Improvements – Nonconforming Site Elements.

When determining the greatest extent possible to meet current code requirements, the applicant shall utilize the following guidelines for each type of nonconforming site elements:

1. Outdoor lighting – types of lighting, height of light pole, location of lighting, illumination level.
2. Parking – compare the number of existing parking, required parking per current code; quantity of interior landscaping, dimensional requirements and quantity of interior and terminal islands, striping of spaces.
3. Landscaping – types of buffers and interior landscaping, spacing of trees/shrubs, and whether deviations of requirements can be achieved through an Alternative Landscape Plan.
4. Signage – types of signs, dimensional requirements of signs, number of signs, and location of signs.

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**EXHIBIT**  
**ARTICLE 1**  
**INFILL REDEVELOPMENT OVERLAY (IRO) PROJECT**  
**NON-CONFORMITIES**  
**SUMMARY OF AMENDMENTS**  
**(Updated 9/21/09)**

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**APPENDIX B**

**Table 1.F, Nonconforming Site Element Scenarios**

<b>Proposed Modification or Improvement</b>	<b>Conforming Items</b>	<b>Nonconforming Items</b>	<b>Application of ULDC Requirements in the Affected Area (1)</b>
Use Change with Interior Improvements	Use(s), Structures, Setbacks, and Lot size	Site elements such as: <ul style="list-style-type: none"> <li>• Lighting</li> <li>• Parking</li> <li>• Landscaping</li> <li>• Signage</li> </ul>	1. Comply with the following to the greatest extent possible: <ul style="list-style-type: none"> <li>• Art.5.E, Outdoor Lighting</li> <li>• Art.6 Parking</li> <li>• Art.7 Landscaping</li> <li>• Art.8 Signage</li> </ul>
Exterior structural expansion	Use(s), Structures, Setbacks, and Lot size	Site elements such as: <ul style="list-style-type: none"> <li>• Lighting</li> <li>• Parking</li> <li>• Landscaping</li> <li>• Signage</li> </ul>	1. Comply with the following to the greatest extent possible: <ul style="list-style-type: none"> <li>• Art.5.E, Outdoor Lighting</li> <li>• Art.6 Parking</li> <li>• Art.7 Landscaping</li> <li>• Art.8 Signage</li> </ul> 2. Proposed structural expansion must meet minimum setback requirements.
Use Change with exterior structural expansion  Maintenance/ Renovation  Damage Repair	Structures, Setbacks, and Lot size	Use and Site elements such as: <ul style="list-style-type: none"> <li>• Lighting</li> <li>• Parking</li> <li>• Landscaping</li> <li>• Signage</li> </ul>	1. Determine whether the use is considered major or minor nonconforming pursuant to Art.1.F.  2. Limited Structural expansion, and must comply with minimum setbacks and applicable ULDC provisions or seek variance relief, if permitted by Code  3. Comply with the following to the greatest extent possible: <ul style="list-style-type: none"> <li>• Art.5.E, Outdoor Lighting</li> <li>• Art.6 Parking</li> <li>• Art.7 Landscaping</li> <li>• Art.8 Signage</li> </ul>
Exterior structural expansion  Maintenance/ Renovation  Damage Repair	Use(s) and Lot size	Structure and Site elements such as: <ul style="list-style-type: none"> <li>• Lighting</li> <li>• Parking</li> <li>• Landscaping</li> <li>• Signage</li> </ul>	1. Structural expansion must comply with minimum setbacks and applicable ULDC provisions or seek variance relief, if permitted by Code  2. Comply with the following to the greatest extent possible: <ul style="list-style-type: none"> <li>• Art.5.B, Permanent Generators</li> <li>• Art.5.E, Outdoor Lighting</li> <li>• Art.6 Parking</li> <li>• Art.7 Landscaping</li> <li>• Art.8 Signage</li> </ul>
Use Change with Exterior structural expansion OR  Maintenance/ Renovation OR  Damage Repair	Lot Size	Use, Structure and Site elements such as: <ul style="list-style-type: none"> <li>• Lighting</li> <li>• Parking</li> <li>• Landscaping</li> <li>• Signage</li> </ul>	1. Determine whether the use is considered major or minor nonconforming.  2. Limited Structural expansion, and must comply with minimum setbacks and applicable ULDC provisions or seek variance relief, if permitted by Code.  3. Comply with the following to the greatest extent possible: <ul style="list-style-type: none"> <li>• Art.5.B, Permanent Generators</li> <li>• Art.5.C, Design Standards</li> <li>• Art.5.E, Outdoor Lighting</li> <li>• Art.6 Parking</li> <li>• Art.7 Landscaping</li> <li>• Art.8 Signage</li> </ul>

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SUMMARY OF AMENDMENTS  
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2 [Renumbered accordingly]

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

5  
6 Reason for amendment: Amend definitions for Nonconforming use, Major and Minor since they were not  
7 adequately defined. The proposed definitions will

8  
9 ....

10  
11 2. **Damage** – loss in structural integrity or value due to an act of calamity. Also see Natural Disaster  
12 Damage.

13  
14  
15 Part . ULDC, Articles 1.1.2.I.7 Improvement Value, Definitions as follows:

16  
17 Reason for amendment: Add Improvement Value to Article 1.1.2.I to replace the term "Current Assessed Value"  
18 to be consistent with the current Property Appraiser's glossary.

19  
20 7. **Improvement Value** – for the purposes of Art.1.E and 1.F, Improvement Value means a value placed on a  
21 structure and shall be determined by the PBC Property Appraiser's Office. Also see Art.1.1.2.I, for  
22 definition of Improvement.

23  
24 Note: Assessed Value is higher than Improvement Value. Assessed value = Value placed on a homesteaded  
25 property before any exemptions are deducted but after the property tax cap is factored. For non-Homestead  
26 properties, the Assessed Value is the same as Market Value. Assessed Value minus exemptions equals Taxable  
27 Value.

28  
29 [Renumbered Accordingly....]

30  
31  
32  
33 Part . ULDC, Article 1.1.2.M.3, Definitions as follows:

34  
35 Reason for amendment: Amend definition for Maintenance to include repair of fixing of bearing and nonbearing  
36 walls.

37  
38 ....

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

42  
43 Part . ULDC, Article 1.1.2.N.9, N.31 to N.33, Definitions as follows:

44  
45 Reason for amendment: Add definition for Natural Disaster Damage. Amend definition for Minor  
46 Nonconforming use to be consistent with new amendments for Art.1.F.

47  
48 ....

49  
50 9. **Natural Disaster Damage**- loss in structural integrity or value due to an act of nature such as  
51 hurricane, tornado, wild fire, flood. This does not include any manmade or self-created disasters

52  
53 [Renumbered accordingly]

54  
55 ....

56 ~~3233~~. **Non-Conforming Use, Minor** - a minor nonconforming use is a use that was legally established  
57 under a prior code. The current code review and approval processes of the use has been changed to  
58 a higher level under the terms of this Code, and where any DOAs or improvements to the use would  
59 exceed the development and approval thresholds or do not meet the property development  
60 regulations of this Code. Minor nonconforming uses do not create or threaten to create  
61 incompatibilities injurious to the public welfare.

62 33. **Non-Conformities** - for the purposes of Art. 1, uses of land, structures, lots and property  
63 development regulations and site development standards that were lawfully established before this

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Code was adopted or amended, that are not in conformity with the terms and requirements of this Code.

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

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

....

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

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