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

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

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

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

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

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

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

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

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

Section 1. Adoption

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

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Section 2. Interpretation of Captions

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

Section 3. Providing for Repeal of Laws in Conflict

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

Section 4. Severability

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

Section 5. Providing for a Savings Clause

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

Section 6. Inclusion in the Unified Land Development Code

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

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Section 7. Providing for an Effective Date

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 28th day of January, 2010.

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

By: *Nancy Powell* Deputy Clerk By: *Burt Aaronson* Chair



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: *Sharon Bock*
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 2nd day of
February, 2010.

EXHIBIT A

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

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

5 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

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

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 10/23/09)

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

3
4 CHAPTER A GENERAL

5 Section 1 Applicability

6 G. Application Procedures

7 3. Plan Requirements

8 c. Subdivision Plan

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

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

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

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

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

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

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

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

36
37 CHAPTER A GENERAL

38 Section 1 Applicability

39 G. Application Procedures

40 3. Plan Requirements

41 d. Regulating Plans

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

44 c) In addition to the requirements

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

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Notes:

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EXHIBIT C

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

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

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

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

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

Notes:[Ord. 2008-037]

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

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

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

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

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EXHIBIT D

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

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

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

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

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

9 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

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

12 **Section 1 Uses**

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

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

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

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

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

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

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29 **....
e. Sod**

30 ~~Retail sale of sod shall be limited to retail nurseries in commercial or industrial districts~~
31 ~~only.~~

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33 **....**
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Notes:

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EXHIBIT E

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

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

4
5 CHAPTER B ACCESSORY AND TEMPORARY USES

6 Section 1 Supplementary Regulations

7 A. Accessory Uses and Structures

8 2. Fences, Walls and Hedges

9 c. Dangerous Materials

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

14 2) **Barbed Wire Exceptions**

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

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

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

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

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

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

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

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

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

38 CHAPTER C DESIGN STANDARDS

39 Section 1 Architectural Guidelines

40 B. Threshold

41 1. General

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

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

50 CHAPTER C DESIGN STANDARDS

51 Section 1 Architectural Guidelines

52 H. Guidelines

53 2. Multi-Family Design Elements

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

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

(Updated 12/09/09)

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

3
4 **CHAPTER E PERFORMANCE STANDARDS**

5 **Section 4 Nuisances**

6 **E. Outdoor Lighting**

7 **4. Standards**

8 **d. Illumination Levels**

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

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

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

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

16
17 **CHAPTER F LEGAL DOCUMENTS**

18 **Section 2 Easements**

19 **A. Easement Encroachment**

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

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

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

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

29 **Notes:**

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

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EXHIBIT E

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

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

65. All Other Approvals Required

....

76. Accountability

....

87. Modifications

....

B. Drainage Easement Encroachments

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

Notes:

Underlined language indicates proposed new language.

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

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

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

EXHIBIT E

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

1 7. Construction in or overlapping a drainage easement approved by the LDD shall comply with
2 the provisions of Sections: 2.A.5, 2.A.6, and 2.A.7 of this Chapter.
3
4

5 Part 6. ULDC, Art. 5.G.2.E, Administration [Related to Transfers of Development Rights
6 (TDRs)] (page 62 of 75), is hereby amended as follows:
7

8 CHAPTER G DENSITY BONUS PROGRAMS

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

10 E. Administration

11 1. General

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

14 2. Responsibilities

15 The Executive Director of PZB shall be responsible for:

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

31 Part 7. ULDC, Art. 5.G.2.K.1, General [Related to TDR: Receiving Area Procedure] (page 67
32 and 68 of 75), is hereby amended as follows:
33

34 CHAPTER G DENSITY BONUS PROGRAMS

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

36 K. TDR: Receiving Area Procedure

37 1. General

38 Receiving areas shall be approved concurrent with issuance of a Development Order for a
39 PDD, TDD or a residential subdivision, ~~except for the SCO-PIPD, which shall be approved by~~
40 ~~the DRO.~~ The following procedures shall be followed in order to become a receiving area to
41 obtain the density bonus. [Ord. 2005 – 002]
42
43

44 Part 8. ULDC, Art. 5.G.2.K.3.c. [Related to Review Process and TDR: Receiving Area
45 Procedure] (page 68 of 75), is hereby amended as follows:
46

47 CHAPTER G DENSITY BONUS PROGRAMS

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

49 K. TDR: Receiving Area Procedure

50 3. Review Process

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

Underlined language indicates proposed new language.

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

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

EXHIBIT F

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

1
2 Part 1. ULDC, Article 6.A.1.D.16 – Queuing (pages 26 – 27 of 37) [Supplement 6]), is hereby
3 amended as follows:
4

5 CHAPTER A PARKING

6 Section 1 General

7
8 16. Queuing Standards

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

11 ...
12 c. A maximum of 20 percent of the required queuing spaces, pursuant to Table 6.A.1-D –
13 Minimum Queuing Standards, may count toward the off-street parking requirements
14 pursuant to Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements. This
15 provision shall only apply to uses that require a minimum of 25 parking spaces.
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Notes:

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EXHIBIT G

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

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

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....

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

[Re-number accordingly]

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

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

....

23. Butcher Shop, Wholesale

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

....

e. Flex Space

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

26. Catering Service

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

....

e. Flex Space

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

35. Contractor Storage Yard

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

....

e. Flex Space

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

38. Data and Information Processing

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

a. Flex Space

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

76. Laboratory, Research

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

Notes:

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EXHIBIT G

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

Notes:
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EXHIBIT G

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

C. Flex Space

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

1. Review Process

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

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

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

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

2. Development Standards

a. CH – FLU

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

b. IND – FLU

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

c. Parking and Loading Requirements

1) CH-FLU

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

2) IND-FLU

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

3) Reserve Parking or Parking Covenant

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

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

d. Thresholds

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

Notes:

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EXHIBIT H

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

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

5 **CHAPTER I DEFINITIONS AND ACRONYMS**

6 **Section 2 Definitions**

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

8
9 ~~....~~
10 **12. Electric Power Facilities** – ~~The principal use of power for electric generation~~ Any electric
11 generating facility that uses any process or fuel and includes any associated facility that
12 directly supports the operation of the electrical power facility.

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

14
15 **23. Renewable Energy Facility, Wind** – A facility that uses wind turbines or other systems with
16 a principal use of producing electrical or mechanical power from the wind.

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

19
20 **72. Turbine, Wind** – A rotary engine assembly with attached blades utilized in the process to
21 convert wind into energy.

22 **[Renumber accordingly]**

23
24
25 **Part 2. ULDC, Table 3.E.1.B-21, PDD Use Matrix [Related to Renewable Energy] (pages 17 of**
26 **155), is hereby amended as follows:**
27

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

Use Type	PUD					MUPD								MXPD				PIPD			M	R	N				
	Pods					Land Use Designations								Land Use Designations				Use Zone									
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C	I	D				M	D	H	V
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	L	O	N	L	M	D	P	P	T			
S	M	C	V	R			O	O		D	S			Ø	O			/			/	D	D	E			
Utilities and Excavation Uses																											
....																											
<u>Renewable Energy Facility, Wind</u>						<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>				<u>R</u>		<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>			<u>106-2</u>
....																											
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]																											
Notes:																											
P Permitted by right																											
D Permitted subject to approval by the DRO																											
S Permitted in the district only if approved by Special Permit																											
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																											

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Notes:
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EXHIBIT H

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

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

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

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

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

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

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

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Notes:

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EXHIBIT H

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

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

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

....
44-1. Electric Power Facility

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

....
106-2. Renewable Energy Facility, Wind

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

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



[Ord. 2010-...]

a. Pre-Submittal Requirements

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

b. Minimum Lot Size

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

c. Minimum Setback Requirements

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

1) All Lots

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

2) Lots Adjacent to Existing Residential Uses

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

Notes:

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EXHIBIT H

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

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- 3) Additional Setback**
One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 35 feet.
- d. Perimeter Buffers and Interior Tree Requirements**
 - 1) A Type I incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential use. In addition, a Type II incompatibility buffer shall be required around the perimeter of all ground mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required canopy trees. These buffers may be modified pursuant to Art. 7.B.3., Alternative Landscape Plan.
 - 2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3-1, Minimum Tier Requirements.
- e. Substation**
Substations associated with the facility shall be subject to the requirements of Art. 4.1.A.134, Utility Minor.
- f. Collocation with Existing Electric Power Facilities**
Wind facilities located on a site with an existing electric power facility shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment, pursuant to Article 2.B.2.F, Development Order Amendment.

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

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

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

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EXHIBIT I

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

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

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

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

[Renumber accordingly]

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

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

[Renumber accordingly]

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

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

[Renumber accordingly]

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

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

[Renumber accordingly]

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

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

[Renumber accordingly]

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

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

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

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

....
PAC Pre-Application Conference

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

5 follows:

6

7 CHAPTER A GENERAL

8

8 Section 1 Applicability

9

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

16

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

21

22 2. Sufficiency and Insufficiency
23 The application shall follow the procedures as provided in Article 2.A.1.G, Application
24 Procedures.

25

26 3. Additional LCC and IRO Requirements

27

28 a. Preliminary Application

29

30 The preliminary application shall identify and document any proposed waivers; and
31 include any previous BCC conditions of approval, if applicable.
32 b. Conceptual Site Plan
33 The conceptual site plan shall be prepared in compliance with the Technical Manual.
34 The plan shall indicate and delineate the applicable items listed in Table 2.A.1.E,
35 Conceptual Site Plan Requirements:

36

37

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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
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2

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

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

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3.4. Review Summary

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

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EXHIBIT I

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

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

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

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

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

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

Notes:

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

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

8
9 **CHAPTER E PLAN DEVELOPMENT DISTRICTS (PDDS)**

10 **Section 1 General**

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

- 13
- 14 **f. LCC Minimum Density Requirements**
- 15 All residential units shall be vertically or horizontally integrated. The minimum required
16 density shall be determined as a percentage of maximum density indicated in Table
17 3.E.1.B, PUD Density, as follows:
- 18 1) Sites with Future Land Use designations of LR-2 or lower shall provide, at a
19 minimum, 50 percent of the maximum PUD density; or
 - 20 2) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33
21 percent of the maximum PUD density; or
 - 22 3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a
23 minimum, 20 percent of the maximum PUD density.
- 24 Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1,
25 Workforce Housing Program.

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EXHIBIT I

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

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

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

Use Type	PUD					MUPD							MXPD		PIPD			MHPD	RVPD	LCC		NOTE
	Pods					Land-Use Designations <u>FLU</u>							Land-Use Designations <u>FLU</u>		Use Zone					<u>FLU</u>		
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L O	C H O	C R	I N D	I N S T	C H	C H O	I N D / L	C O M	I N D / G			C L	C H	
Residential Uses																						
Single Family	P																			122		
Zero Lot Line Home	P												P	P						142		
Townhouse	P												P	P					<u>P</u>	<u>P</u>	132	
Multi-Family	P												P	P					<u>P</u>	<u>P</u>	87	
Mobile Home Dwelling					S												P			85		
Accessory Dwelling	S				S															1		
Congregate Living Facility, Type 1	P																			34		
Congregate Living Facility, Type 2	R			S									<u>S</u>		<u>S</u>				<u>D</u>	<u>D</u>	34	
Congregate Living Facility, Type 3	R	R		R		R	R	R	R		R		R	R					<u>R</u>	<u>R</u>	34	
Estate Kitchen	P																			48		
Farm Residence																				50		
Farm Worker Quarters					P															51		
Garage Sale	P				P								P	P			P			60		
Guest Cottage	P																			66		
Home Occupation	P				P								P	P			P		<u>P</u>	<u>P</u>	70	
Kennel Type I (Private)	P																			73		
Nursing Or Convalescent Facility		R		R		R	R						R							90		
Security Or Caretaker Quarters		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		119		
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

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LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS
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1

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

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

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

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

Use Type	PUD					MUPD						MXPD		PIPD			MHPD	RVPD	LCC		NOTE		
	Pods					Land-Use Designations FLU						Land-Use Designations FLU		Use Zone					FLU				
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L O	C H O	C R O	I N D	I N S T	C H	C H O	I N D / L	C O M D /			I N D /	G		C L	C H
Public and Civic Uses																							
Airport, Helipad & Landing Strip										R	R				R		R				10		
Assembly, Nonprofit Institutional		R		R		R	R			R		R		R	R					<u>R</u>	<u>R</u>	14	
Assembly, Nonprofit Membership				R		R	R	R	R	R		R		R	R					<u>R</u>	<u>R</u>	15	
Cemetery				R																		27	
Place Of Worship		P		P		P	P	P	P	P		P		P	P		P			<u>P</u>	<u>P</u>	29	
College Or University				R		R	R	R	R	R	R	R		R						<u>R</u>	<u>R</u>	30	
Day Camp			P	P			R			P	P		R							<u>R</u>	<u>R</u>	39	
Day Care, General		R		R		R	R	R	R	R		R		R	R	R	R	R	R	<u>R</u>	<u>R</u>	40	
Day Care, Limited		<u>PD</u>		<u>PD</u>		<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>PD</u>	<u>D</u>	<u>D</u>	40	
Government Services		P		P		P	P	P	P	P	P	P		P	P	P	P	P	P	<u>P</u>	<u>P</u>	63	
Hospital Or Medical Center		R				R	R			R				R	R					<u>R</u>	<u>R</u>	71	
Kennel, Type IV (Animal Shelter)						R	R							R								74-3	
School, Elementary Or Secondary				R		R	R	R	R			D		R	R						<u>R</u>	118	
Recreation Uses																							
Arena, Auditorium Or Stadium		R					R			R				R								12	
Campground										P								P				24	
Entertainment, Indoor		R				R	R			P				R			P			<u>R</u>	<u>R</u>	45	
Entertainment, Outdoor		R				R	R			P	D			R			P					46	
Fitness Center		R	P	R		R	R			R	P			P	P		P			<u>R</u>	<u>P</u>	56	
Golf Course			R			R	R	R	R	R	R			R	R	P		P	P	R		62	
Gun Club, Enclosed							R			R	R					P	R	P				67	
Gun Club, Open										R												67	
Gun Range, Private																P	R	P				68	
Marine Facility		R	R				R			R	R			R	R		P					82	
Park, Passive	P	P	P	P	R	P	P	P	P	P		P		P	P	P	P	P	P	<u>P</u>	<u>P</u>	93	
Park, Public			P	P		R	P			P	P	P		P	P		P		R	R	<u>P</u>	<u>P</u>	94
Special Event		S	S	S		S	S			S	S	S		S			S	S		<u>S</u>	<u>S</u>	124	
Zoo							R			R												143	
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040]																							
Notes:																							
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EXHIBIT I

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

1

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

Use Type	PUD					MUPD							MXPD		PIPD			M H P D	R V P D	<u>LCC</u>		N O T E
	Pods					<u>Land Use Designations</u> <u>FLU</u>							<u>Land Use Designations</u> <u>FLU</u>		Use Zone					<u>FLU</u>		
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L O	C H O	C R O	I N D	I N S T	C H	C H O	I N D / L	C O M	I N D / G			C H P D	R V P D	
Agricultural Uses																						
Agriculture, Bona Fide					P																3	
Agriculture, Light Manufacturing																					4	
Agriculture, Packing Plant																					5	
Agriculture, Research/Development						P	P	P	P	P	P	P			P		P				3.1	
Agriculture, Sales And Service							P								P						6	
Agriculture, Storage																					7	
Agriculture, Transshipment											P				P		P				8	
Aviculture, Hobby Breeder					P																19	
Community Vegetable Garden																					32	
Equestrian Arena, Commercial				R						P											47	
Farmers Market							P			P			P		P	P	P				52	
Farrier																					53	
Groom's Quarters	P				P																65	
Nursery, Retail		P			P		P						P			P					88	
Nursery, Wholesale					P										P		P				89	
Potting Soil Manufacturing																					99	
Produce Stand																					101	
Shadehouse					P																121	
Stable, Commercial					P					P											125	
Stable, Private	P				P																126	
Sugar Mill Or Refinery																P					127	
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040]																						
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Table 3.E.1.B-21 - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD		PIPD			MHPD	RVPD	LCC		NOTE			
	Pods					Land-Use Designations FLU						Land-Use Designations FLU		Use Zone					FLU					
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C O	C O	I R	I N	I N	C H	C H			I N	C O		I N	D / L	O M D / G
Utilities and Excavation Uses																								
Air Curtain Incinerator																								9
Air Stripper, Remedial																								11
Chipping And Mulching																		P	P					28
Communication Cell Sites On Wheels (COW) Tower, Mobile	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	31
Communication Panels, Or Antennas, Commercial	B	D	D	D		D	D	D	D	D	P	D		D	D		P	P	P			<u>D</u>	<u>D</u>	31
Communication Tower, Commercial							<u>D-R</u>					R	R	R			<u>P-R</u>	<u>P-R</u>	<u>P-R</u>				<u>R</u>	31
Composting Facility												P					P		P					33
Electric Power Facility		R					R		R	R	R						R	R	R					44-1
Electric Transmission Facility		R					R		R	R	R						R	R	R					44-2
Excavation, Agricultural					P																			49
Excavation, Type I																								49
Excavation, Type II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	49
Excavation, Type III A																							R	49
Excavation, Type III B																							R	49
Recycling Center							P				P						P	P	P					103
Recycling Collection Station		S		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S			<u>S</u>	<u>S</u>	106
Recycling Drop-Off Bin		S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>D</u>	<u>D</u>	104
Recycling Plant												P					P	P	P					105
Sanitary Landfill Or Incinerator																								117
Solid Waste Transfer Station							R		R	R	R	R					P	R	P					123
Utility, Minor	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	134
Water Or Treatment Plant				R			R		R	R	R			R	R		P		P		R	R		139
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040]																								
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EXHIBIT I

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

1

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

Use Type	PUD					MUPD						MXPD		PIPD			LCC		NOTE			
	Pods					Land-Use Designations FLU						Land-Use Designations FLU		Use Zone			FLU					
	R E S	C O M	R E C	C I V	A I G / P	C L	C H	C L O	C H O	C R O	I N D	I N S T	C H	C H O	I N D /	C O M /	I N D /	M H P D		R V P D	<u>C</u> <u>L</u>	<u>C</u> <u>H</u>
Industrial Uses																						
Asphalt Or Concrete Plant											R					P					13	
Data Information Processing						P	P	P		P			P	P	P	P	P			<u>P</u>	<u>P</u>	38
Film Production Studio							P		P	R	P				P	P	P				<u>P</u>	54
Gas And Fuel, Wholesale											R					P					61	
Heavy Industry											R				R	P					69	
Laboratory, Research						R	R	R	R	R	P	R	R		P	R	P			<u>R</u>	<u>R</u>	76
Machine Or Welding Shop											P				P	P					80	
Manufacturing And Processing						R	R	R	R	R	P				P	P					81	
Medical Or Dental Laboratory		P				P	P	P	P					P							84	
Salvage Or Junk Yard											R					R					116	
Transportation Facility															P	P					133	
Truck Stop											R				R	R					131	
Warehouse							R				P				P	P					138	
Wholesaling, General											P				P	P					140	
[Ord. 2005-002] [Ord. 2004-040] [Ord. 2009-040]																						
Notes:																						
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Part 7. ULDC, Art. 3.E1.D. – Application Requirements (page 83 of 155), is hereby amended as follows:

5

6

7

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

8

Section 1 General

9

D. Application Requirements

10

1. Pre-Application Conference (PAC)

11

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

12

[Renumber Accordingly]

13

14

15

16

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

17

18

19

Section 8 Lifestyle Commercial Center Development (LCC)

20

A. General

21

1. Purpose and Intent

22

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

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

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

2. **Applicability**

The requirements of this Section shall apply to all LCCs.

3. **Conflicts**

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

4. **Waivers**

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

a. **Standards**

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

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

b. **Appeal**

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

B. Design Principles

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

1. **Site Layout**

a. **Street**

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

b. **Interconnectivity and Circulation**

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

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

c. **Buildings**

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

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

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

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LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 11/10/09)

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

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



Parking areas and pedestrian interconnectivity



Main street layout



Usable open space adjacent to large tenants



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

[Ord. 2010-...]

- 13
- 14 **2. Building Forms and Design**
- 15 a. Buildings shall be designed in scale and proportion to provide pedestrian level interest
- 16 and establish a sense of place by incorporating a variety of heights and façade
- 17 treatments. Architectural, landscape, or hardscape focal points shall be provided at key
- 18 locations such as internal street intersections, public gathering areas and along external
- 19 streets to create a sense of arrival and place or to provide terminus.
- 20 b. Buildings facing the arterial street shall provide pedestrian sidewalks or usable open
- 21 space to be oriented towards the arterial street to encourage walkability, and a positive
- 22 visual interface along the street right-of-way.
- 23 **3. Mixed Use and Integration**
- 24 The LCC shall primarily consist of commercial related uses, live-work units, and limited
- 25 residential units based upon the site's FLU designation. The integration of uses shall consist
- 26 of the following:
- 27 a. Placement of buildings providing a harmonious interface between internal mixed uses,
- 28 and adjacent uses; and
- 29 b. Horizontally integrated residential units are serving as a transition between the more
- 30 intense uses and immediately adjacent existing or future residential uses to reduce the
- 31 need for large buffers.
- 32 **C. Design and Development Standards**
- 33 An LCC shall comply with all standards listed below unless a waiver is granted pursuant to Article
- 34 3.E.8.A.4, Waivers.
- 35 **1. Minimum Site Area**
- 36 Site area shall be 10 acres.
- 37 **2. Access and Frontage**
- 38 a. Minimum frontage shall be consistent with PDD standards pursuant to Art. 3.E.1.C.2.a.,
- 39 Access and Circulation.
- 40

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LIFESTYLE COMMERCIAL CENTER SUMMARY OF AMENDMENTS

(Updated 11/10/09)

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

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(Updated 11/10/09)

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

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

b. Street Frontage

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

c. Landscaping

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

d. Pedestrian Amenities

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

8. Street Trees, Street Lights and Utilities

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

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

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

9. Parking and Loading

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

a. Parking Lot

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

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

b. Parking Structures

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

c. Service and Loading Areas

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

10. Landscaping

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

a. Landscape Buffer Exemption

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

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

b. Foundation Planting

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

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

D. LCC Waivers

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

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EXHIBIT I

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

1

Table 3.E.8.D - LCC Waivers

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

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EXHIBIT I

**LIFESTYLE COMMERCIAL CENTER
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1
2

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

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

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

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

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EXHIBIT I

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

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

Table 4.A.3.A-1 – Use Matrix

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

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

10 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

11 **Section 1 Uses**

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

- 13
14 **16. Auction**
15
16 **d. TMD and LCC Districts**
17 Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005 – 002]
18 [Ord. 2009-040]
19
20 **18. Auto Service Station**
21
22 **f. TMD and LCC Districts**
23 Automotive service stations shall be permitted only on sites that are within 500 feet of the
24 perimeter of the development. a TMD district but shall not be located on a Main Street.
25 The maximum site area is per station shall not exceed 10,000 square feet of GFA.
26 Gasoline pumps shall be located in the rear or side of a building with access from an
27 alley, interior parking area, or a street not designated as a main street.
28
29 **22. Building Supplies**
30
31 **c. LCC District**
32 Building supplies in an LCC shall be enclosed with no outdoor storage area.
33
34
35 **25. Car Wash**
36 **e. LCC District**
37 A maximum of one car wash may be allowed. The car wash shall be located outside the
38 main street, and may be accessed from a secondary street, alley or from a parking lot.
39 The car wash shall not be visible from the main street.
40
41 **37. Convenience Store with Gas Sales**
42

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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
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(Updated 11/10/09)

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

54. **Film Production Studio**

....
a. **CHO ~~and~~, CG, and LCC Districts**
Outdoor activities shall be located a minimum of 300 feet from a residential district.
b. **Film Permit**
A film permit shall be issued by the Director of the Film Liaison Office. The duration of the permit shall not exceed 24 months without approval of the Zoning Director. This permit may be issued in all districts. [Ord. 2007-001]
c. **LCC**
Film production studios shall not be located on a main street.

55. **Financial Institution**

....
b. **TMD and LCC Districts**
Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a ~~m~~Main ~~s~~Street.

64. **Green Market**

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

78. **Laundry Service**

....
c. **TMD and LCC Districts**
A laundry service shall not exceed 3,000 square feet of a GFA.

87. **Multi-family**

....
a. **TMD and LCC Districts**
On Main Streets multi-family units are permitted only on upper floors of mixed-use buildings.

104. **Recycling Drop-Off Bin**

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

106. **Recycling Collection Station**

....
a. **TMD and LCC Districts**
Shall not be located on a Main Street.

108. **Repair Services, Limited**

....
e. **LCC District**
Repairs of motors such as golf carts, mopeds and lawn movers is prohibited.

109. **Restaurant, Type I**

....
d. **TMD and LCC Districts**
A Type I Restaurant shall not: [Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2009-040]
1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000

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EXHIBIT I

LIFESTYLE COMMERCIAL CENTER
SUMMARY OF AMENDMENTS

(Updated 11/10/09)

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

111. Restaurant, Type II

b. Use Limitations and Approval Process

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

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

113. Retail Sales, Auto Accessories and Parts

c. LCC District

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

129. Theater, Indoor

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

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

136. Veterinary Clinic

c. LCC District

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

[ReNUMBER Accordingly.]

137. Vocational School

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

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

141-1. Work/Live Space

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

a. Non-residential Designation

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

ba. Floor Area

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

cb. Office Space

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

de. WCRAO

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

141-2. Live/Work

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

a. Mixed Use Designation

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

b. Final Site Plan

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

c. Residential Limitations

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EXHIBIT I

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

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

....

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

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

....

C. Exemptions

....

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

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EXHIBIT J

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

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

4 CHAPTER I DEFINITIONS & ACRONYMS

5 SECTION 2 DEFINITIONS

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

8
9
10 52. ~~Build-to-Line~~ – ~~for the purposes of Art. 3.F,~~ an alignment established a certain distance
11 away from the curb line along which the front elevation of a building must be built for a TMD,
12 TND Neighborhood Center, LCC, WCRAO or IRO project.

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

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

19 **[Renumber Accordingly.]**

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

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

24 **[Renumber Accordingly.]**

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

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

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

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

41 **[Renumber Accordingly.]**

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

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

46 **[Renumber Accordingly.]**

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

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

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

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

60 **[Renumber Accordingly.]**

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

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EXHIBIT J

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

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

22 [ReNUMBER Accordingly.]

23 SECTION 3 ABBREVIATIONS AND ACRONYMS

-
ABN Development Order Abandonment

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

SSRP Site Specific Regulating Plan (SSRP)

TZ Transect Zones (IRO)

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

28 CHAPTER D ADMINISTRATIVE PROCESS

29 SECTION 1 DEVELOPMENT REVIEW OFFICER

30 A. PURPOSE

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

36 B. APPLICATION TYPES

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

45 [ReNUMBER Accordingly.]

46
47
48 (This space intentionally left blank.)
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EXHIBIT J

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

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

4 CHAPTER D ADMINISTRATIVE PROCESS

5 SECTION 1 DEVELOPMENT REVIEW OFFICER

6 G. ADMINISTRATIVE REVIEW

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

10 1. AMENDMENTS TO BCC/ZC APPROVALS

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

- 17
- 18 h. The modification shall not result in any substantial increase in traffic or access, as
19 determined by PBC; ~~and~~ [Ord. 2008-003]
 - 20 i. Requested uses shall remain in the location approved by the BCC, unless a condition of
21 approval allows relocation; ~~and, -~~ [Ord. 2008-003]
 - 22 j. Modification to an IRO Master Plan, provided that there are no conflicts with prior
23 conditions of approval, any improvement or amenity used to garner support for a project,
24 or testimony from Public Hearing(s).

25

26
27
28 Part 4. ULDC, Art. 3.B, Overlays (page of), is hereby amended to add a new Section titled,
29 Art. 3.B.16, Infill Redevelopment Overlay (IRO), as follows:

30 CHAPTER B OVERLAYS

31 SECTION 16 INFILL REDEVELOPMENT OVERLAY (IRO)

32 A PURPOSE AND INTENT

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

57 B. APPLICABILITY

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

Notes:
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EXHIBIT J

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

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

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

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

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EXHIBIT J

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

1

TABLE 3.B.16.C – IRO FAR INCREASE

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

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4. MIXED USE PROJECTS

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

D. APPLICATION REQUIREMENTS

1. PRE -APPLICATION CONFERENCE (PAC)

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

2. PLAN REQUIREMENTS

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

a. Preliminary Master Plan

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

1) Effect of BCC Approval

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

2) Additional Requirements

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

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

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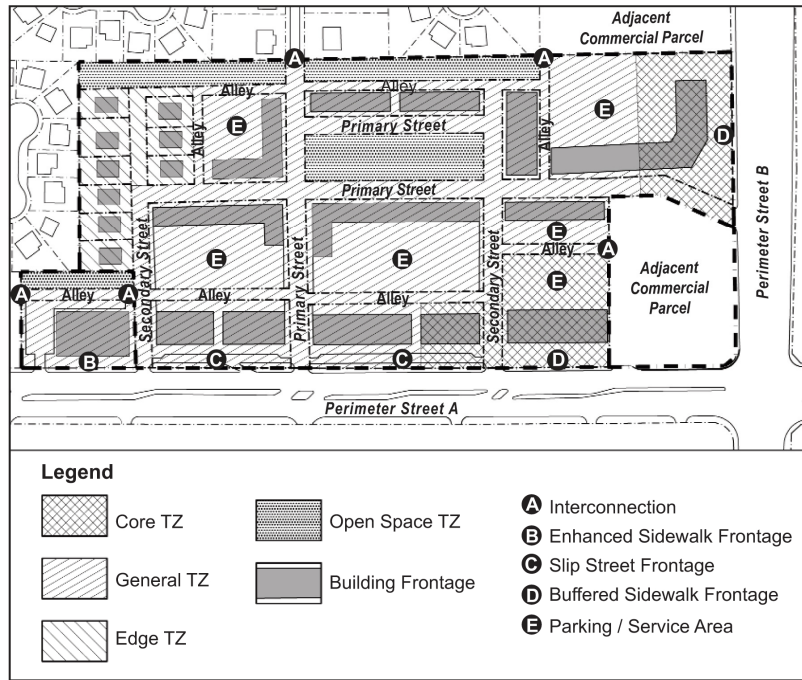
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EXHIBIT J

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

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



[ORD. 2010-...]

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b. Other Plans

1) Regulating Plan

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

2) Master Sign Plan

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

3) Architectural Elevations

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

c. Final Plans

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

1) Final Site Plan or Subdivision Plan

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

5. ZONING DIRECTOR WAIVERS

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

a. Standards

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

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

b. Appeal

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

E. GENERAL DESIGN STANDARDS

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

1. STREETS, ACCESS AND INTERCONNECTIVITY

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

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

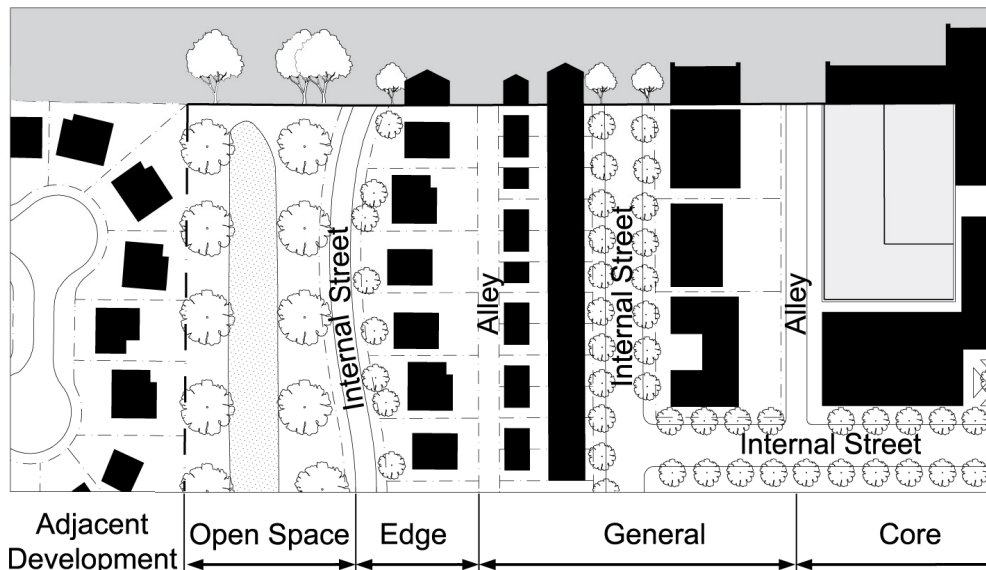
(Updated 11/20/09)

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

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

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

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



[ORD. 2010-...]

18 **a. Core**

19 The most intense TZ typically comprised of larger interconnected commercial or mixed
20 use buildings that create a continuous street wall along one or more streetscapes. Using
21 the Core TZ may also require the use of the General or Edge TZ if the parcel is adjacent
22 to residential uses or parcels with a residential FLU designation, so as to provide a
23 compatible transition.
24

25 **b. General**

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

30 **c. Edge**

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

35 **d. Open Space**

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

41 **3. BUILDINGS**

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

44 **a. Building Types**

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

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

1) **Block**

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

2) **Liner**

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

3) **Courtyard**

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

4) **Civic**

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

5) **Townhouse**

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

b. **Accessory Structures and Outdoor Uses**

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

4. **PARKING AND LOADING**

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

5. **STREETSCAPE AND USABLE OPEN SPACE**

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

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

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

F. **DESIGN AND DEVELOPMENT STANDARDS**

An IRO project shall comply with the following:

1. **ACCESS AND FRONTAGE**

Access shall be limited 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.

a. **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.

b. **Internal**

No more than one access point or alley 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.

c. **Small Parcel Exception**

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

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

4 **2. BLOCK STANDARDS**

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

8 **a. Applicability**

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

11 **b. Minimum Dimensions**

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

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

13 **c. Block Frontage**

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

17 **d. Subdivision**

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

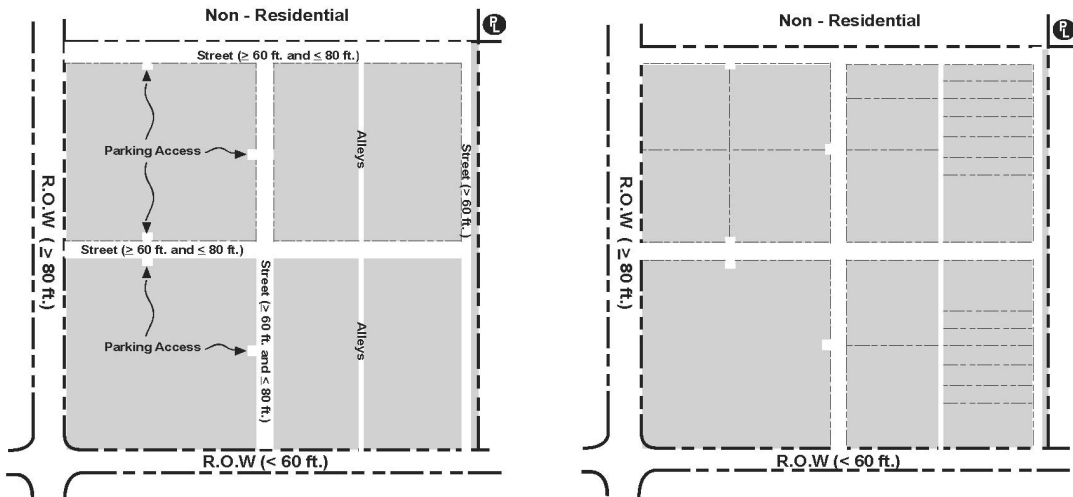
20 **d. PDD Subdivision Alternative**

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

25 **f. Exceptions**

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

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



[ORD. 2010-...]

31 **3. STREET STANDARDS**

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

39 **a. Perimeter Street Types**

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EXHIBIT J

**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS**

(Updated 11/20/09)

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

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

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

1) Exceptions

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

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

b. Internal Street Types

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

1) Primary Street

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

2) Secondary Street

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

3) Slip Street Option

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

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

4) Alleys

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

c. Streetscape

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

4. INTERCONNECTIVITY STANDARDS

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

a. Street Connections

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EXHIBIT J

**INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS**

(Updated 11/20/09)

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

3 **b. Parallel Alley**

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

10 **c. Gates**

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

13 **d. Cross Access Agreement**

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

16 **5. TRANSECT ZONE STANDARDS**

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

24 **a. General Standards**

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

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

34 **b. Minimum Standards**

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

TABLE 3.B.16.E – IRO TZ STANDARDS

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

37
38 **6. BUILDING STANDARDS**

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

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EXHIBIT J

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

1

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

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

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



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SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1

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

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

[Ord. 2010-...]

NOTES

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

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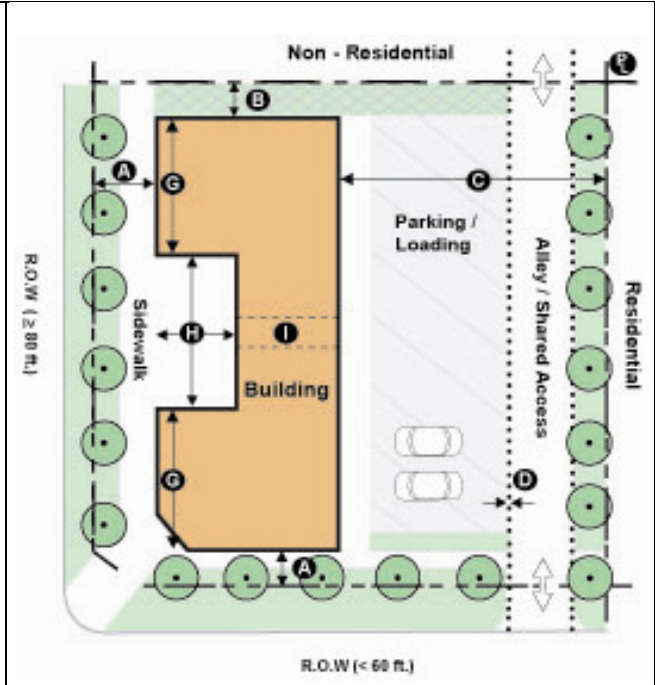
INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 11/20/09)

1

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

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

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



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EXHIBIT J

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

1

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

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

The diagram illustrates a townhouse lot layout. It shows a main lot bounded by a 'R.O.W. (Frontage)' on the left and a 'R.O.W. (Side Street)' on the bottom. A 'Buffered Sidewalk' runs along the frontage. The lot contains several townhouse units, a 'Rear Yard', and an 'Alley / Shared Access' on the right side. Various setback lines and dimensions are indicated with letters A through O, corresponding to the table above. The lot is situated between 'Residential' areas.

[Ord. 2010-...]
NOTES
1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
2. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
3. Townhouse, including wings, garages or accessory dwellings shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and, shall comply with Art. 3.D.2.C.7, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL.
4. Means adjacent residential parcels that are not located within a development using IRO regulations.

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

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

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

[Ord. 2010-...]
NOTES:
✓ Means applicable or permitted.
1 Building type may be permitted where located a minimum of 200 feet from adjacent parcels with residential FLU designation or uses.

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- d. **Special Building Standards**
1) **Pedestal Building**
The following standards shall apply where any building exceeds either 4 stories or 48 feet in height.
a) A horizontal recess line of at least 15 feet is required along at least 50 percent of building facades facing streets; and,
b) Massing is regulated using a percentage of maximum size of the floor footprint of the building footprint per each story above the height limit threshold. All additional construction above this threshold shall be limited to 65 percent of the 1st floor footprint, as follows:
(1) The main volume of the building shall be oriented toward perimeter or primary streets, away from side or rear lot lines to reduce impact on adjacent properties;
(2) Tower elements shall be located to appropriately respond to the condition of the site. Desirable tower locations emphasize street corners, main building entrances, gateways, or the visual axis of another street or usable open space; and,

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS

(Updated 11/20/09)

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(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

Non-residential and multi-family building facades facing perimeter and primary streets or usable open space must have transparent windows covering between 35 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 designation.

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 approved by the BCC as a Class A Conditional Use. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive through facilities.

b) Screening

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

b) Drive-through and Gasoline Service Location

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

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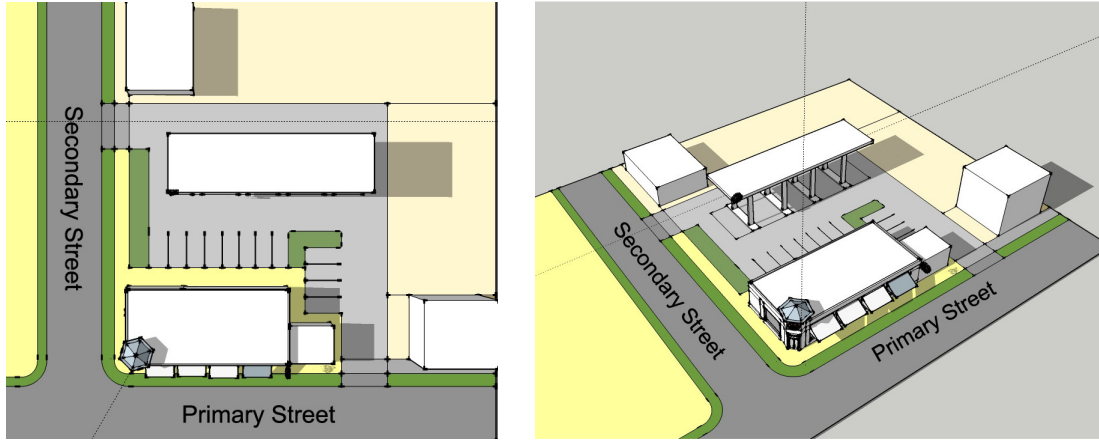
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EXHIBIT J

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

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



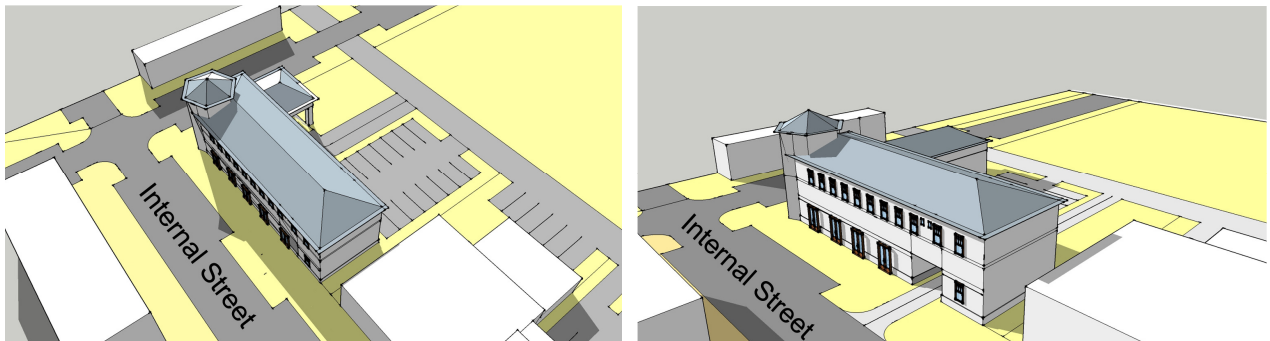
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c) Drive-through Facility Exception

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

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



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EXHIBIT J

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

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

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

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

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

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

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EXHIBIT J

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

7. USE STANDARDS

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

a. Permitted Uses

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

b. Accessory Uses

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

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

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

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INFILL REDEVELOPMENT OVERLAY
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(Updated 11/20/09)

1

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

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

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8. STREETScape STANDARDS

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

a. General Standards

The following standards shall apply to all streetscapes.

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

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

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

10 **b. Design Standards**

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

17 **1) Enhanced Sidewalk**

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

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

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



[ORD. 2010-...]

44 **2) Buffered Sidewalk**

45 The buffered sidewalk streetscape option is similar to the enhanced sidewalk option,
46 except that the street tree planting area is replaced with a wider planting area to
47

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**INFILL REDEVELOPMENT OVERLAY
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1 provide additional buffering between streets and pedestrian areas. The following
2 table shows dimensional standards for planting areas based perimeter street type.
3

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

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

- 4
- 5 a) The planting area shall not be paved, except that paved access shall be provided
6 to cross-walks and transit stops;
- 7 b) One canopy tree for each 25 feet of the property’s frontage shall be provided.
8 Trees may be installed in a formal, uniform spacing or may be arranged within
9 the planting area in informal clusters so long as the required quantity is satisfied;
- 10 c) In addition to the required canopy trees, flowering trees, palms, shrub layers,
11 grass, groundcovers shall be required to provide design variations and colors.
12 Quantity of plant materials shall be established depending on the width of the
13 Planting Area, and shall be calculated in compliance with Art.7, Landscaping;
- 14 d) Grass shall be permitted; however, groundcover shall be encouraged as a
15 substitute for grass for water conservation and maintenance purposes;
- 16 e) Berms shall only be permitted in order to create a streetscape with an informal,
17 naturalistic design;
- 18 f) Meandering pedestrian walkways are encouraged to be incorporated into larger
19 sidewalk buffer planting areas; and,
- 20 g) All other requirements shall be in compliance with the enhanced sidewalk defined
21 above, with exception to street tree planting requirements.
22

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



[ORD. 2010-...]

- 23
- 24 **3) Slip Street**
- 25 Slip street streetscape shall be required for any proposed slip streets, and shall be
26 designed as follows:
- 27 a) A landscape planting area shall be required between a perimeter R-O-W and the
28 slip street ranging from ten to 15 feet in width. Additional width may be permitted
29 to accommodate utility easements or Engineering requirements, but shall not be
30 increased otherwise. Area shall be hardscaped or covered with appropriate
31 ground cover.
- 32 b) Street trees shall be planted in the landscape area in accordance with Art.
33 3.F.4.A.4.d, Street Trees, but shall be generally consistent with the tree species
34 and spacing provided in the enhanced sidewalk area; and,
- 35 c) All other requirements shall be in compliance with enhanced sidewalk, where
36 applicable.
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FIGURE 3.B.16.F – TYPICAL SLIP STREET STREETScape



[ORD. 2010-...]

9. **USABLE OPEN SPACE**

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

a. **Required Plazas and Squares**

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

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

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

b. **Streetscape Credit**

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

c. **Street Frontage**

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

d. **Shade**

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

e. **Pervious Areas and Landscaping**

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

f. **Pedestrian Amenities**

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

10. **PARKING AND LOADING STANDARDS**

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

a. **Location and Access**

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

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EXHIBIT J

INFILL REDEVELOPMENT OVERLAY
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TABLE 3.B.16.F – PARKING LOCATION

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

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1) **On-street Parking**

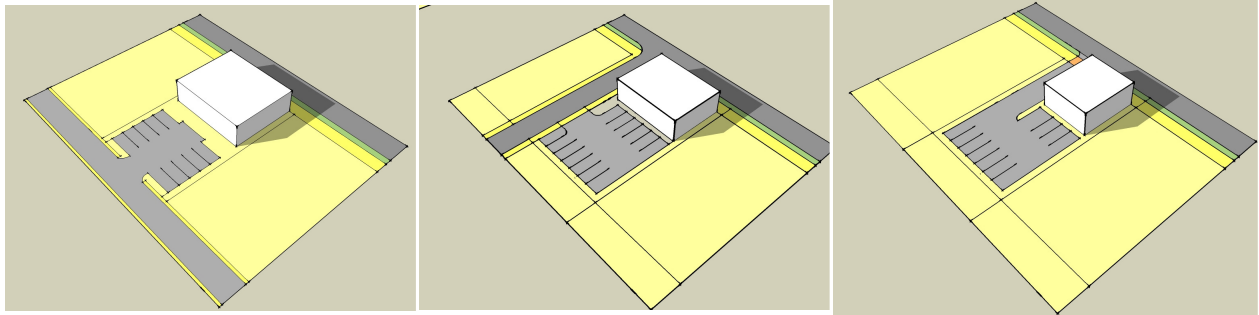
Parking in front of buildings shall only be permitted where on-street parking is allowed.

2) **Parking Lots**

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

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

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



Preferred Alley Access Side Street Access Small Mid-block Parcel Access
[ORD. 2010-...]

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3) **Parking Structures**

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

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

4) **Townhouse Parking**

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

5) **Service and Loading Areas**

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

b. **Parking Ratios**

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

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

1) **Non-residential**

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

2) **Residential**

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

11. **LANDSCAPE STANDARDS**

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

a. **Perimeter Buffers**

1) **Streetscape Exemptions**

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

2) **Compatibility Buffers**

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

3) **Alternative Incompatibility Buffer Option**

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

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

b. **Foundation Planting**

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

c. **Alternative Parking Lot Design Options**

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

1) **Option 1**

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

2) **Option 2**

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

3) **Option 3**

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

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

Table 3.B.16.G – IRO Waivers

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

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Table 3.B.16.G – IRO Waivers

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

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

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

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

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EXHIBIT J

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

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

4 CHAPTER C STANDARD DISTRICTS

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

6 C. PREVIOUS ZONING DISTRICTS

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

16 2. Where the corresponding district for a parcel is consistent with its FLU designation, a
17 rezoning shall not be required, provided that any development is consistent with the
18 requirements of the corresponding district. Any application that requires Public Hearing
19 approval shall be accompanied by an application to a current Zoning district.
20
21

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

24 CHAPTER C STANDARD DISTRICTS

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

26 G. COMMERCIAL DISTRICTS

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

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

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

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

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

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

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

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

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

CHAPTER A USE CLASSIFICATION

SECTION 4 DEVELOPMENT THRESHOLDS

A. GENERAL

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

1. EXEMPTIONS

The following projects shall be exempt from this requirement:

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

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

CHAPTER B SUPPLEMENTARY USE STANDARDS

SECTION 1 USES

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EXHIBIT J

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

A. DEFINITIONS AND SUPPLEMENTARY STANDARDS FOR SPECIFIC USES

18. AUTO SERVICE STATION

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

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

25. CAR WASH

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

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

37. CONVENIENCE STORE WITH GAS SALES

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

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

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

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

55. FINANCIAL INSTITUTION

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

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

64. GREEN MARKET

....
g. LCC District and IRO Projects

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

107. REPAIR AND MAINTENANCE, GENERAL

....
f. Bay Door Orientation

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

1) Buffer Requirements

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

2) Bay Doors Facing a Residential District or Use

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

3) Infill Redevelopment Overlay (IRO)

Bay doors shall not be oriented towards perimeter streets.

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

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

104. RECYCLING DROP-OFF BIN

....
b. Location

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

109. RESTAURANT, TYPE I

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EXHIBIT J

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

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

....
135. VEHICLE SALES AND RENTAL

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

....
136. VETERINARY CLINIC

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

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

CHAPTER B TYPES OF PLANS

SECTION 4 STREET PLANTING PLAN

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

CHAPTER C MGTS TIER COMPLIANCE

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

SECTION 1 U/S TIER

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

....

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EXHIBIT K

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

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

CHAPTER E PRIOR APPROVALS

Section 1 General

A. Purpose and Intent

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

B. Prior Approvals

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

1. Prior Variances, Exemptions or Waivers

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

C. Modification to Prior Approvals

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

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

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

2. Modification to a Prior Approval with Nonconformities

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

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

D. Invalid Approvals

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

E. Applications In Process

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

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EXHIBIT K

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

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

Section 2 Definitions

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

[Renumbered accordingly.]

Part 3. ULDC, Articles 1.F.1, General, 1.F.2, Non-Conforming Use, 1.F.3, Non-Conforming Structure, and 1.F.4, Non-Conforming Lot (pages 16-23 of Article 1 [Supplement No. 6]) are hereby deleted in entirety, and replaced with new Articles 1.F.1, General, 1.F.2, Non-Conforming Lot, 1.F.3, Non-Conforming Structure, 1.F.4, Non-conforming Use and 1.F.2, Non-Conforming Site Element, as follows:

CHAPTER F NONCONFORMITIES

Section 1 General

A. Purpose and Intent

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

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

B. Applicability

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

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

C. Improvements to Nonconformities

There are four classifications of improvements that may be made to nonconformities. These include: Expansion, Maintenance, Renovation, and Natural Disaster Damage Repair pursuant to Art.1.1.2, Definitions.

D. Improvement Value

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

E. Total Value of Improvements

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

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EXHIBIT K

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

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

F. Expansion for Nonconformities

Expansion shall comply with Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion and other applicable Sections of this Chapter. No variance shall be permitted beyond the percentages stated in this Table.

Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion

Improvement Classification	Major Nonconforming Use in a Conforming Structure (1)	Minor Nonconforming Use in a Conforming Structure (1) (2)	Conforming Use in a Nonconforming Structure	Nonconforming Site Element (4)
Expansion				
Non-Government and Government	One time only 10% max. allowed with DRO Approval.	One time only 10% max. allowed with DRO Approval.	Comply with Code through applicable review approval process.	Comply with applicable Code to greatest extent possible through applicable review approval process.
IR-O, PRAs, LWRCC-O, WCRA-O (3)	Shall not be expanded in area it occupies unless it is being expanded into an area of a structure, which was designed and approved for such use in a valid development order prior to becoming nonconforming.	Shall not exceed 10% max. of approved floor area of the structure or 10% of the improvement value of the structures on site, whichever is less, or other form of measures pursuant to Art.1.F.4.D.	Shall not change or increase the nonconforming features of the structure. Shall not result in the expansion of a nonconforming use.	
Notes:				
1. Nonconforming use in a nonconforming structure shall not expand.				
2. Expansion shall be based upon intensity or density pursuant to Art.1.F.4.D, Nonconforming Use.				
3. A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art.3.B, Overlays.				
4. Refer to Art.1.F.5, Nonconforming Site Elements for additional information.				

G. Maximum Improvement to a Nonconformity

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

1. Maintenance, Renovation and Natural Disaster Damage Repair - The total combined value for improvement classifications shall not exceed the allowable maximum percentage of any single improvement classification. The percentage of each improvement classification is pursuant to **Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair.**
2. Maintenance – may be performed in any 12-consecutive month period.
3. Renovation and Natural Disaster Damage Repair - The cumulative changes in total value of improvement are calculated over the previous five-year period as a nonconforming use or structure is renovated or repaired for damages.
4. Public utility facilities with nonconforming structures on existing sites shall not be subject to the requirements of this Chapter.
5. For additional requirements for each type of nonconformities, see applicable Sections of this Chapter.
6. No variance shall be permitted for the percentages stated in Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion.
7. Repair for non natural disaster damage shall comply with percentage pursuant to Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion.

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EXHIBIT K

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

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

Improvement Classifications	Major Nonconforming use (1) (2)	Minor Nonconforming use (1) (2)	Conforming Use in Nonconforming Structure (1)	Nonconforming Site Elements
Non-Government				
Maintenance	≤20%; By Right	≤30%; By Right	≤20%; By Right OR >20%≤30%; DRO	Comply with applicable Code to greatest extent possible through applicable review approval process. (5)
Renovation				
Natural Disaster Damage Repair				
Government (3)				
Maintenance	≤30%; By Right	≤ 45%; By Right		
Renovation				
Natural Disaster Damage Repair				
PRA's, LWRCC-O WCRA-O, IR-O (4)				
Maintenance	≤20%; By Right OR >20%≤30%; DRO	≤30%; By Right OR >30 ≤ 50%; DRO	≤30%; By Right OR ≤ 50%; DRO	
Renovation				
Natural Disaster Damage Repair				
Notes:				
1.	All percentages shall be based on the Improvement Value of the structure pursuant to Art.1.F.1.D, unless stated otherwise herein.			
2.	For nonconforming use in a conforming or nonconforming structure, the percentage of the nonconforming use shall apply.			
3.	A higher percentage shall be allowed for Government structures as appraisals by the Property Appraiser's Office are conducted less for Government structures due to exemptions for property tax.			
4.	A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art.3.B, Overlays			
5.	If the use or structure is nonconforming, the maximum allowable percentage for improvements for the site elements shall be included in the total value of improvements.			

Section 2 Nonconforming Lot

A. Applicability

This section shall only apply to non-conforming lots that do not meet the minimum lot acreage and dimensional criteria pursuant to Table 3.D.1.A, Property Development Regulations of this Code, if all of the following conditions are met: **[Ord. 2008-037]**

1. Legal Access Requirements

a. Development of a Single-family Dwelling Unit

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

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

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

2. Legal Lot of Record

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

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

3. FLU and Zoning Consistency

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

4. Lot Recombination Requirements

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

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EXHIBIT K

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

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

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

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

9 **C. Residential Development Regulations**

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

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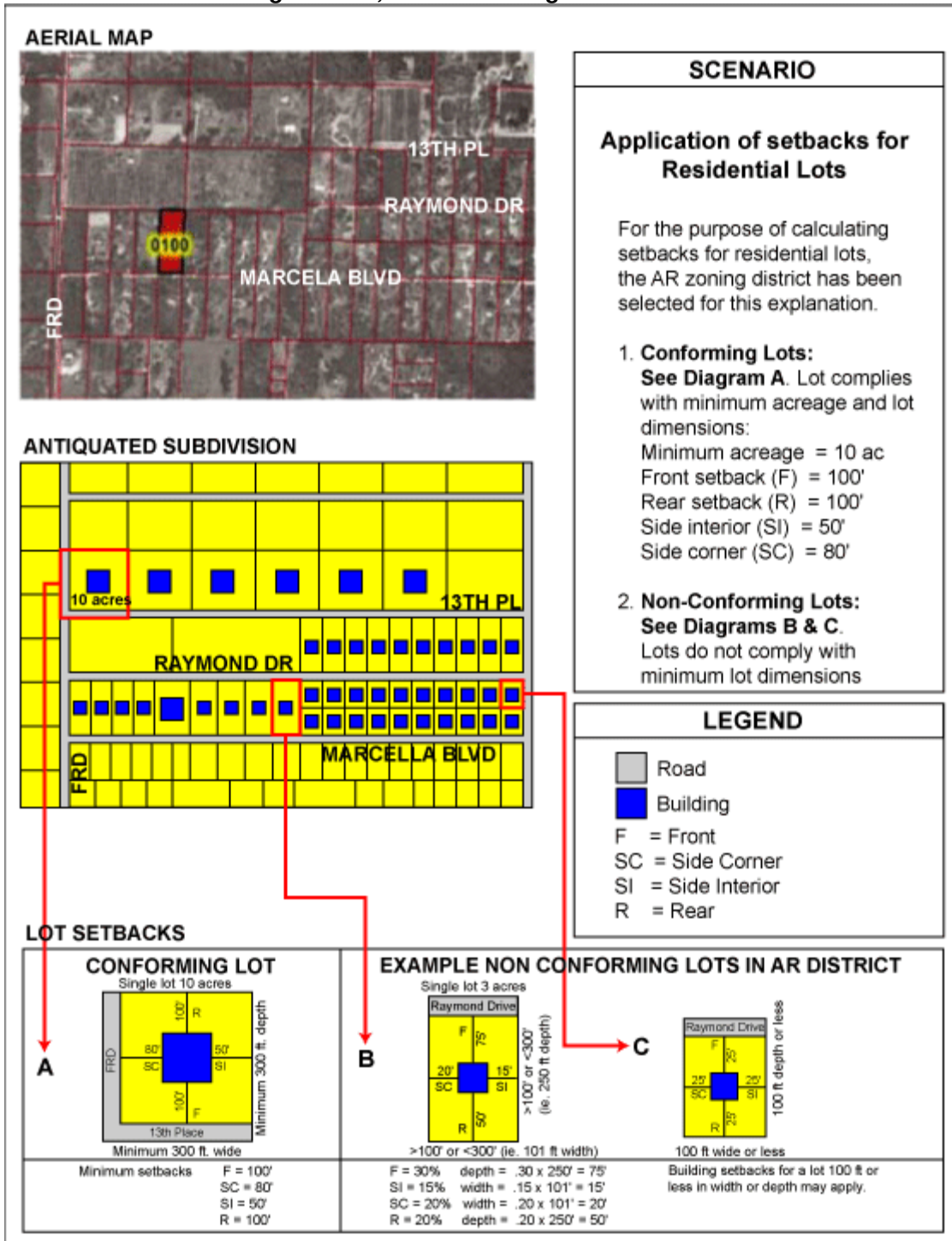
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EXHIBIT K

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

Figure 1.F.2, Nonconforming Lots & Setbacks



[Ord. 2005-002]

D. Accessory Dwellings

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

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

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

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

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

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EXHIBIT K

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

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

Section 3 Nonconforming Structure

A. General

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

B. Expansion

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

C. Maintenance, Renovation and Natural Disaster Damage Repair

Maintenance, renovation, and damage repair caused by acts of nature shall not exceed the percentage pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair.

D. Uses and Structures within an Airport Zone

1. Applicability

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

a. Exemptions

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

2. Existing Uses and Occupancy

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

a. Change in Use and Occupancy

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

3. Abandonment of a Use

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

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

a. Height Restrictions

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

b. Use Regulations

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

- 1) the structure is more than 80 percent torn down, destroyed, deteriorated, or decayed; or
2) the cost of repair, reconstruction or restoration exceeds 80 percent of the assessed value of the existing building or structure; or
3) the non-structural alterations or repairs exceed 50 percent of the assessed value of the existing building or structure.

If the structure does not meet these criteria, then only the new construction, alteration or repair shall be subject to the requirements of Art. 16, Airport Regulations.

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EXHIBIT K

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

5. Relocated Buildings

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

6. Obstruction and Marking Requirements

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

Section 4 Nonconforming Use

A. Nonconforming Use classifications

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

1. Major

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

2. Minor

A minor nonconforming use is a use that was legally established in a zoning district under a prior code. The use has been changed to a more restrictive review and approval process under the terms of this Code, and where any DOAs or improvements to the use would exceed the development and approval thresholds or do not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare. An applicant who is requesting modification or improvement to a minor nonconforming use is encouraged to apply pursuant to the review and approval process now in effect to correct the nonconforming status of the use for the benefit of future development order amendments and other types of improvements.

3. Nonconforming to Airport Regulations

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

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

B. Change in Use

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

C. Discontinuance or Cessation

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

D. Expansion

1. Major Nonconforming Use

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

2. Minor Nonconforming Use

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

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

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EXHIBIT K

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

- 1 **E. Maintenance, Renovation and Natural Disaster Damage Repair**
- 2 Shall not exceed the percentage pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval
- 3 Process for Maintenance, Renovation, and Natural Disaster Damage Repair. For natural disaster
- 4 damage repair, improvement value shall be established at the time the damage occurred.
- 5 **F. Relocation**
- 6 See Figure 1.F.4, Relocation and Expansion for permitted relocation of nonconformities. A
- 7 nonconforming use shall not be relocated.
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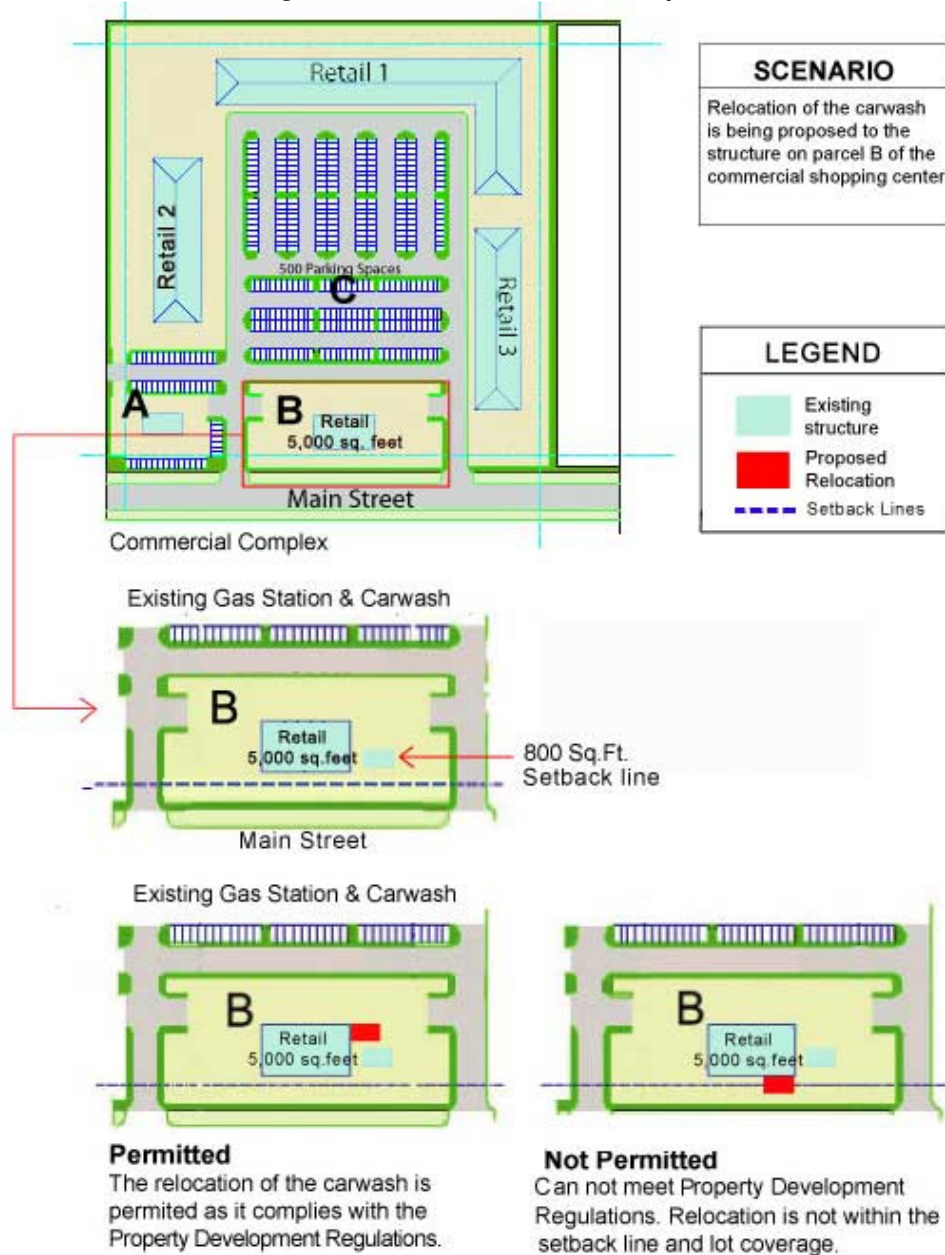
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EXHIBIT K

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

Figure 1.F.4, Relocation and Expansion



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EXHIBIT K

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

Section 5 Nonconforming Site Element

A. Applicability

This Section establishes procedures for improvements and modifications to a prior approval with nonconforming site elements and establishes thresholds for vesting nonconformities. This Section shall apply to non-conforming site elements, including but not limited to: Art. 5.E.4.E, Outdoor Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8, Signage that may be impacted by proposed improvements or modifications to a prior approval. In addition, this Section shall also apply to projects that meet the threshold pursuant to Art.5.B, Generators and Art.5.C., Design Guidelines.

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

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

1. Projects without an Approved Plan

A project without an approved plan shall comply with this Code.

2. Unbuilt Projects with an Approved Plan

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

3. Built Projects with an Approved Plan

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

a. Projects with 80 percent or more of the approved density or intensity (number of units, square feet or footprint of buildings) constructed shall remain valid for any information and items clearly shown on the approved development order. The affected area shall meet this Code to the greatest extent possible.

b. Projects with less than 80 percent of the approved density or intensity constructed shall comply with Article 6, Parking, Article 7, Landscaping, and Article 8, Signage in the affected area to the greatest extent possible without the loss of density, intensity, or required parking.

C. Additional Improvement Threshold for Nonconforming Site Elements

When improvements are proposed to a conforming structure with a conforming use, the associated nonconforming site elements must also be improved to comply with current Code requirements. (See Zoning Division Technical Manual for examples). The required improvements shall be determined based on the Improvement Value of the structure pursuant to Table 1.F.5, Thresholds for Improvements – Nonconforming Site Elements. These improvements are required in addition to the standards pursuant to Art.1.F.5.C, Built Projects with an Approved Plan.

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

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

D. Standalone Improvements to Nonconforming Site elements

Standalone Improvements to Nonconforming Site elements shall comply with Art.1.F.5.B in the affected area, to the greatest extent possible, and the following, where applicable:

1. Outdoor Lighting

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

2. Vehicular Use Areas

Alterations or additions to vehicular use areas shall comply with Art. 5.E.4.E, Outdoor Lighting Standards, Art. 6, Parking, and Art. 7, Landscaping.

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EXHIBIT K

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

a. Non-residential PDDs and TMDs Parking Calculation

Proposed modifications to a previously approved development, whether modifications is for the entire or a portion of the development, shall be in compliance with the following:

- 1) the minimum parking requirements pursuant to the non-residential parking requirements of Art.3.E.1.C.2.h, Parking; and,
2) applicable sections of Art.7, Landscaping.

3. Sign Renovations or Additions

Approved signs as shown on plans or pursuant to conditions of an approval shall remain valid. Renovations or additions to a sign shall be in compliance with Article 8, Signage. The maximum percentage of improvements for a nonconforming sign shall be based on the original value of the previously approved sign.

4. Landscaping

Approved landscape plans shall remain valid unless the development is amended or modified. The affected area of the amended or modified plans shall be subject to Art. 7, Landscaping to the greatest extent possible. All plans shall also be subject to Art. 14.C, Vegetation Preservation and Protection.

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

H. Gasoline Pumps

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

....

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

....

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

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

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

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

7. Improvement Value - For the purposes of Art.1.E and 1.F, Improvement Value means a value placed on a structure and shall be determined by the PBC Property Appraiser. Also see Art.1.I.2.I, for definition of Improvement.

[Renumber Accordingly]

....

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

....

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

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

....

9. Natural Disaster Damage - loss in structural integrity due to an act of nature such as hurricane, tornado, wild fire, flood. This does not include fire, termites and other damages not related to those listed herein.

[Renumber accordingly.]

....

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EXHIBIT K

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

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

3233. Non-Conforming Use, Minor - a minor nonconforming use is a use that was legally established in a zoning district under a prior code. The use has been changed to a more restrictive review and approval process under the terms of this Code, and where any DOAs or improvements to the use would exceed the development and approval thresholds or do not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare.

3334. Non-Conformities - for the purposes of Art. 1, uses of land, structures, lots, site elements, and property development regulations and site development standards that were lawfully established before this Code was adopted or amended, that are not in conformity with the terms and requirements of this Code.
[Renumber accordingly.]

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

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

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

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

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

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

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

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

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

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EXHIBIT L

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

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

CHAPTER G DENSITY BONUS PROGRAMS

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

Section 1 Workforce Housing Program (WHP)

A. Purpose and Intent

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

B. Applicability

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

1. Exemptions

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

2. Limitations

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

3. Income Ranges

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

4. When WHP and AHP Units are Proposed

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

C. Development Options

1. No Incentives

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

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

Notes:

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EXHIBIT L

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

e. Projects developed under this option shall not be permitted to utilize the payment in lieu of construction provisions as outlined in Art. 5.G.1.B.3, Income Ranges or Art. 5.G.1.1.6, Release of Obligation to Construct WHP For Sale Units.

2. Limited Incentive

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

a. The required percentage of WHP units will also be limited to: 2.5 percent of Standard Density; 8 percent of PUD Density and 17 percent of the WHP density bonus.

b. 50% of the required WHP units shall be set aside for low income households (households that earn between 60 percent and 80 percent of the County's median income) and 50 percent of the required WHP units shall be set aside for moderate 1 income households (households that earn between 80 percent and 100 percent of the County's median income).

c. The WHP - TPS special methodology mitigation, the WHP expedited review, the WHP site plan regulation options and any additional WHP incentives will be available if requested.

d. All for sale units shall be income restricted for a period of 15 years (recurring). Each WHP unit shall be sold, resold, or rented only to Low or Moderate 1 income qualified households and the WHP restrictions remain in effect for 15 years from the date each unit is first purchased or rented. In the event a unit is resold before the 15 year period concludes, a new 15 year period shall take effect on the date of resale.

e. All units within a rental development utilizing this development option will be required to be income restricted for a period of 30 years (non-recurring).

3. Full Incentive

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

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Notes:

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EXHIBIT L

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

1

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

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S <i>(including SCO), Exurban and Rural Tiers</i>
	FLU (1)	RR-20, RR-10, RR-5, RR-2.5, LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
	RR-20 LR-1 thru LR-3	0 – up to 30%
	MR-5 thru HR-18 (2)	0 – up to 100% <i>(Pre-App required for > 30%)</i>
Required % of Affordable WHP Units (3)		
	Standard Density	6 5%
	Maximum Density	20 16%
	WHP Density Bonus	40 34%
Required Affordability WHP Ranges (4) (5)		
	Low (60-80%)	25%
	Moderate 1 (> 80-100%)	25%
	Moderate 2 (>100-120%)	25%
	Middle (>120- or ≤150 140%)	25%
Provision of Units		
	On-site (6)	Minimum 25% of Required Workforce Units
	Off-site	Maximum 75% of any combination of options
	Option 1	Construct units off site <i>(Art. 5.G.1.G.1)</i>
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict. <i>(Art. 5.G.1.G.2)</i>
	Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost. <i>(Art. 5.G.1.G.3)</i>
	Option 4	In-lieu Payment –50% of unit maximum <i>(Art. 5.G.1.G.4)</i>
[Ord. 2006-055] [Ord. 2007-013] [Ord. 2009-02]		
Notes:		
<p>1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]</p> <p>2. A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional Requirements for >30% Density Bonus. [Ord. 2006-055]</p> <p>3. Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]</p> <p>4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [>120-< or =150 140%]; the 2nd Moderate 2 [>100-120%]; and, the 3rd Moderate 1 [>80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055] [Ord. 2007-013]</p> <p>5. Applicants may choose to opt out of the required middle income affordability range. Where applicable, the required distribution would be equal among the low, moderate 1 and moderate 2 ranges. [Ord. 2006-055]</p> <p>a. The DRO may waive the minimum 25% on-site requirement where mandatory workforce units total ten units or less; or [Ord. 2006-055] [Ord. 2009-00]</p> <p>b. If the homes in a development are valued at 200% or more of the median County home value (as updated by HCD). [Ord. 2006-055]</p> <p>Note: This provision does not reduce the requirement to provide WHP units, and a All units not located on site shall comply with options 1 through 4 for 100% of all mandatory Workforce housing requirements of onsite units. [Ord. 2006-055] [Ord. 2009-02]</p>		

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C D. Design Requirements

1. Design

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

- a. All WHP units shall be constructed on site, unless approved otherwise in accordance with Art. 5.G.1.G.E, WHP Off Site Options; **[Ord. 2006-055]**
- b. All affordable units shall be designed to a compatible exterior standard as other units within the development or pod *phase and shall be comparable with the surrounding land uses*; and **[Ord. 2006-055] [Text relocated from Art. 5.G.1.I.5, Compatibility]**
- c. Required WHP units may be clustered or dispersed throughout the project. **[Ord. 2006-055]**

....

f. Option 1 - AR, RE and RT Districts

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

1) AR and RE Minimum Lot Size in RR FLU Designation

~~Minimum required lot size may be reduced by dividing gross acreage by the total number of permitted units to include the highest standard density permitted and any bonus units. **[Ord. 2006-055]**~~

2) AR FAR Calculations

~~New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation. **[Ord. 2006-055]**~~

3-1) RT PDR Deviations

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EXHIBIT L

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

1 Deviations from the minimum PDRs for the RT district with a LR 2 or LR 3 FLU
2 designation may be in accordance with Table 5.G.1.D-19, RT Deviations for WHP,
3 only for those projects that qualify for maximum density in accordance with Table 2.1-
4 1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and
5 utilize a minimum density bonus of 20 percent. **[Ord. 2006-055]**
6

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

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP	LR 2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP	LR 3	9,000 sf	65'	40%	80'	1 st Floor 10'	1 st floor – 15'
[Ord. 2006-055]								
Notes:								
ND No deviation.								
1. Eligible projects must qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use. [Ord. 2006-055]								

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....
k. Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a civic pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project: **[Ord. 2006-055]**

- 1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; ~~and or~~, **[Ord. 2006-055]**
- 2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted. **[Ord. 2006-055]**

F. WHP On-site Construction

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

E.G. WHP Off-site Options

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

1. Option 1 – Off-site Construction

Building permits shall be issued for a minimum of ~~50~~ 25-percent of the required WHP units to be constructed off-site prior to the issuance of ~~the first no more than 25-percent of the CO building permits~~ in the subject development. All off-site WHP units must receive CO prior to issuance of ~~no~~ no more than ~~75~~ 85-percent of the CO's in the subject development. **[Ord. 2006-0455]**

- a. **WCRAO** – Off-site construction of the required WHP units within the low income range shall be limited to ten percent. **[Ord. 2008-037]**

2. Option 2 – Purchase Market Rate Units

Purchase of an equivalent number of existing market rate units to be deeded to the County or sold to eligible households and deed restricted. The developer may retain the title to off site units subject to recordation of a deed restriction that meets the intent of this provision. A minimum of 50-percent of the units must be purchased and deeded to the County or deed restricted prior to the issuance of ~~the first no more than 25-percent of the CO building permits~~ in the subject development. All market rate units shall be purchased and deeded to the County or deed restricted prior to issuance of ~~no~~ no more than ~~75~~ 85-percent of the CO's in the subject development. **[Ord. 2006-055]**

3. Option 3 – Donate Buildable Land

Donation of developable land acceptable to the County in an amount equal to the buyout costs of the affected units. Donated land must be deeded to the County prior to issuance of the first building permit in the subject development. **[Ord. 2006-055]**

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EXHIBIT L

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

1 **4. Option 4 – In-lieu Payment (Prior to Issuance of First Residential Unit Building Permit)**
 2 The in-lieu payment for all WHP units shall be \$81,500 per for sale unit and \$50,000 per
 3 rental unit. The payment shall be deposited in the WHP Trust Fund maintained by the PBC
 4 Department of HCD at the time of issuance of the first residential unit building permit for the
 5 subject development deposited in a WHP Trust Fund maintained by the PBC Department of
 6 HCD.

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

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

10 **1. Sector Analysis**

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

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

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

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 30 **G.I. Affordability Requirements**

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

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

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

46 **2. Master Covenant**

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

52 **a. For Sale Units**

53 The Covenant shall include but not be limited to restrictions requiring: that all identified
 54 WHP units shall be sold, resold or rented only to low, moderate 1, moderate 2, or middle-
 55 income qualified households at an attainable housing cost for each of the targeted
 56 income ranges; that these restrictions remain in effect for 25 15 years recurring from the
 57 date of the certificate of occupancy for each unit is first purchased or designated as WHP
 58 rental unit; and that in the event a unit is resold before the 25 15 year period concludes, a
 59

Notes:

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EXHIBIT L

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

new 25 15 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited those set forth below to ensure compliance with the WHP. Every deed for sale of a WHP housing unit shall incorporate by reference the controlling Covenant. [Ord. 2006-055]

b. Rental Units

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

3. Monitoring and Compliance

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

4. Enforcement

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

5. Limitation on Restrictions

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

~~**6-5. Compatibility**~~

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

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

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

a. For Sale Units

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

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

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EXHIBIT L

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

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

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

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

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

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

7. Event of Default of for sale WHP unit following execution of binding contract:

In the event of default by the purchaser of a for sale WHP unit after execution of a binding contract and prior to closing, the developer shall be permitted to provide the In-Lieu cash payment (in the amount as determined using for formula outlined in Section 5.G.1.I.6. above) and shall be permitted to be released from the WHP obligations for the defaulted unit, inclusive of the release from the Covenant, upon the later of either of the two events having occurred:

- a. the first inspection of the WHP unit subject to the default occurred not less than one hundred and eighty (180) days prior to the request to provide the In-Lieu cash payment; or
- b. the WHP unit subject to the default is located within a development pod/phase in which not less than 80% of the for sale market rate units (i.e. non WHP units) have binding purchase contracts. The Developer shall provide written notice upon the event of default on a required WHP unit to the Palm Beach County Department of Planning, Zoning and Building, the Department of Housing and Community Development and to the list of interested parties indicating that:

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EXHIBIT L

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

- 1) a default occurred on a required WHP unit;
- 2) the specifics of the defaulted lot (WHP income category, location of the project, PCN for the WHP unit, WHP price of the unit, square footage of the unit, and floor plan of the unit); and,
- 3) that the unit remains available for purchase to an eligible WHP household until such time as an In-Lieu cash payment is made pursuant to the later of the two timing mechanism having been met.

HJ. Annual Report

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

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

CHAPTER G AFFORDABLE HOUSING

Section 6 Workforce Housing and Affordable Housing

A. Workforce Housing Program (WHP)

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

B. Affordable Housing Program (AHP)

TE Policy 1.2-b of the Plan allows special methodologies to be applied for AHP projects. The project's net trips associated with the units attributable to the standard density and all non residential land uses shall be subject to the 1% of adopted level-of-service significance level. The project's net trips associated with the entire project (including any bonus density units) shall be subject to the 5% adopted level-of-service significance level in determining compliance with the Traffic Performance Standards. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on January 28, 2010
dated at West Palm Beach, FL on 2/8/10
By: Diane Brown
Deputy Clerk



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