

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENT TO CHAPTER 915, PLANNED DEVELOPMENT (P.D.) PROCESS AND STANDARDS FOR DEVELOPMENT; BY AMENDING SECTION 915.20 MIXED USE STANDARDS; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTER 915, PLANNED DEVELOPMENT (P.D.) PROCESS AND STANDARDS FOR DEVELOPMENT, BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 915.20 Mixed use standards; as follows:**

Mixed use P.D.s may be located within residentially designated areas, subject to the criteria below.

Approval Process

- (1) Mixed use P.D.s shall be approved through the P.D. rezoning process.

Development Parameters

- (2) The maximum project area for a mixed use P.D. in a residentially designated area shall be forty (40) acres **unless the property is located within the SR 60/IRSC (Indian River State College) preferred location area. The SR 60/IRSC preferred location area is an area adjacent to the SR 60/58<sup>th</sup> Avenue Commercial/Industrial Node, the SR 60/66<sup>th</sup> Avenue intersection, and the Indian River State College campus. In the SR 60/IRSC preferred location area, the maximum mixed use PD project area shall be eighty (80) acres.** Mixed use projects **not located in the SR 60/IRSC preferred location area** exceeding forty (40) acres shall be designed as Traditional Neighborhood Design (TND) developments and shall comply with the requirements of section 915.21.
- (3) Mixed use P.D.s shall be limited to areas designated L-1, L-2, M-1, and M-2 and shall be located along SR 60, US 1, Indian River Blvd., 58th Avenue, CR 510 (west of the Indian River Lagoon), CR 512, or Oslo Road. Additionally, mixed use P.D.s in M-1 and M-2 designated areas may be located on sites that are adjacent to C/I nodes.

Mix of Uses

- (4) To ensure that mixed use P.D.s contain an appropriate mix of residential and commercial uses, commercial uses shall be allowed to constitute no more than twenty-five (25) percent **(up to fifty (50) percent in the SR 60/IRSC preferred location area, not to exceed a total of thirty (30) acres of commercial area)** of a project's land area, except as modified below in subsection (5), where uses are vertically mixed.
- (5) The vertical mixing of uses is allowed and strongly encourage office uses are designed and located above commercial uses,

**Attachment 2**

area may constitute up to thirty (30) percent **(up to sixty (60) percent in the SR 60/IRSC preferred location area, not to exceed a total of thirty (30) acres of commercial area)** of the project's land area.

- (6) For purposes of these mixed use regulations, commercial area shall include buildings, parking areas, and adjacent improvements that serve commercial uses. Open space areas and common areas/improvements that are shared with residential uses, however, shall not be treated as commercial area.
- (7) Commercial uses allowed in mixed-use P.D.s shall be limited to lodging, institutional, office, retail (excluding gas stations but including fuel sales), personal services, ~~and~~ restaurant uses, **and live/work/commercial flex space.**
- (8) Drive-up windows are permitted for banks and pharmacies or similar retail uses. Drive-up windows shall be designed to not impede pedestrian access to any buildings. Drive-thru and drive-up facilities for restaurants are allowed in mixed use P.D.s, subject to the following criteria:
  - a. Drive-through facilities shall be designed to not "wrap around" more than two (2) sides of the restaurant building and to not adversely impact safe and convenient pedestrian access from adjacent residential areas, public sidewalks, and parking areas that serve the restaurant.
  - b. Project designs shall provide conspicuous and well articulated pedestrian routes clearly signed and marked by decorative paving, textured or colored paving, or similar means.
  - c. Drive-through facilities shall not be located adjacent to an off-site property with an existing residential use, a residential zoning, or a residential land use designation.
  - d. Drive-through facilities shall be visually screened from adjacent public roads and major access driveways.
  - e. Order boards for the drive-through facilities shall be located to minimize noise impacts on adjacent residential uses within the mixed use PD and outside the PD.
  - f. Outdoor lighting shall be designed to minimize impacts on adjacent residential uses within the mixed use PD and outside the PD.
- (9) Within mixed use P.D.s, the Floor Area Ratio (FAR) for commercial uses shall be applied to the commercial area. For the commercial area, the maximum FAR shall be 0.35.
- (10) Within mixed use P.D.s, the maximum number of allowable residential units shall be derived by applying the applicable comprehensive plan land use designation maximum density to the entire area of the project and, in addition, may include any applicable density bonuses provided in other sections of the land development regulations.

- (11) Within mixed use P.D.s, commercial areas may be situated internal to the project or may be located along a project's boundary, where such boundary abuts C/I-designated property or a road designated in the comprehensive plan as a collector or arterial roadway. Where commercial uses are situated adjacent to residential uses located outside the project, buffering and compatibility improvements shall be provided in accordance with subsection 915.16(2). In addition, the design of nonresidential buildings adjacent to residential uses located outside the project shall comply with the requirements of paragraph (16) below.
- (12) On-street parking along internal streets shall be allowed within mixed use projects.
- (13) All mixed use P.D.s shall be designed to include at least one (1) transit stop within the project.

#### Building Design and Setbacks

- (14) Within mixed use P.D.s, common architectural themes, common hardscape and signage themes, and multiple pedestrian connections shall be provided to integrate nonresidential uses with residential uses. Common architectural themes shall apply to both commercial and residential areas of the project.
- (15) Within mixed use P.D.s, no individual commercial building shall exceed twenty-five thousand (25,000) square feet **(up to sixty thousand (60,000) sq. ft. in the SR 60/IRSC preferred location area)** in commercial floor area. Lodging uses are exempt from ~~this~~ **these** limitations.
- (16) Where a nonresidential building in a mixed use P.D. is situated adjacent to residential buildings located outside the project, the nonresidential buildings shall be designed to be compatible with nearby residential buildings. The scale of such nonresidential buildings may be minimized by articulating the building's mass, using sloped roofs instead flat roofs, and/or by planting canopy trees around the building's perimeter. Perimeter buffers may be waived where residential uses within a mixed use P.D. are situated adjacent to similar residential uses located outside the project.

#### Street Network

- (17) Each mixed use P.D. shall offer alternative routes and connections between destinations within the project, and to appropriate uses on adjacent sites, by designing and constructing a street network that consists of a grid or modified grid pattern and stub-outs or connections to adjacent sites.
- (18) The project shall contain a network of interconnected streets, sidewalks, and pathways. Streets shall be designed to balance pedestrian and automobile needs, to discourage high automobile speeds, to effectively and efficiently accommodate transit systems, and to distribute and diffuse traffic rather than concentrate it. Sidewalks shall be provided on both sides of project streets.

- (19) Street trees shall be provided so as to shade sidewalk areas and buffer sidewalk areas from automobile traffic.
- (20) **For a mixed use project located in the SR 60/IRSC preferred location area, the project shall provide the following:**
- a. **SR60 access to the IRSC campus in coordination with Indian River State College and County Public Works.**
  - b. **Access from the IRSC campus to 66<sup>th</sup> Avenue at 18<sup>th</sup> Street, including a bridge over the Lateral A Canal, and including 66<sup>th</sup> Avenue/18<sup>th</sup> Street signalization, in coordination with Indian River State College and County Public Works.**

Timing of Construction

- ~~(201)~~ In each mixed use P.D., ~~construction of~~ **not located in the SR 60/IRSC preferred location area**, no more than three (3) acres or fifty (50) percent of the total commercial area allowed, whichever is greater, shall be constructed until at least twenty-five (25) percent of the proposed residential development (units or lots) has been constructed, and no certificate of occupancy shall be issued for commercial area exceeding three (3) acres or fifty (50) percent of the total commercial area allowed, whichever is greater, unless at least twenty-five (25) percent of the total residential development has received certificates of occupancy or certificate of completion.
- (22) For a mixed use PD project located in the SR 60/IRSC preferred location area, no more than fifteen (15) acres not to exceed fifty (50) percent of the total commercial area allowed shall be constructed until:**
- a. **the infrastructure items in Section twenty (20) above have been constructed or designed and committed to via an enforceable developer's agreement, and**
  - b. **a conceptual or final development plan for the residential development has been approved, and**
  - c. **the infrastructure that serves the residential portion of the project has been constructed or designed and committed to via an enforceable developer's agreement.**

**SECTION #2: SEVERABILITY**

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

**SECTION #3: REPEAL OF CONFLICTING ORDINANCES**

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**SECTION #4: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

**SECTION #5: EFFECTIVE DATE**

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the \_\_\_\_ day of \_\_\_\_\_, 2017, for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2017, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph E. Flescher	_____
Vice Chairman Peter D. O'Bryan	_____
Commissioner Bob Solari	_____
Commissioner Tim Zorc	_____
Commissioner Susan Adams	_____

**BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY**

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BY: \_\_\_\_\_  
Joseph E. Flescher, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

ORDINANCE 2017-\_\_\_\_\_

This ordinance was filed with the Department of State on the following date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Stan Boling, AICP; Community Development Director