

**EXHIBIT 1**  
**COMPREHENSIVE PLAN**  
**LAND USE ELEMENT POLICY 1.3.25. MIXED USE (MU)**

Policy 1.3.25. Mixed Use (MU) -- The Mixed Use (MU) designation is designed for new development or redevelopment of existing sites which and is characterized by a variety of integrated land use types. The intent of the district is to provide for a mixture of uses ~~on single parcels within a single project~~ in order to develop or redevelop sites which are sensitive to the surrounding uses, obtain the desired character of the community, and ensure the availability of capacity of public facilities to serve proposed developments. This designation is also intended to foster infill development, to deter urban sprawl and to lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project, The minimum criteria established below are to be used for development of sites designated ~~Mixed Use~~ MU.

**(1)** ~~Mixed use development projects shall include a minimum of two of the following land uses described in this element in accordance with Table 1.3.25.1. The types of land uses within a mixed use development are the following:~~

- a. ~~Residential.~~** The residential land use category shall include any combination of the following dwelling types: assisted living facility; ~~community residential home,~~ /congregate living facility (Type 1 and 2), dormitory, duplex, loft or residences above ground floor, multifamily, ~~nursing home or convalescent facility~~ or townhouse.
- b. ~~Commercial.~~** The commercial land use category means those establishments providing a variety of uses, including the following: entertainment, hotel or motel or bed and breakfast inn, offices, personal services, restaurants, retail sales and rental, and similar types of activities.
- c. ~~Office.~~** The office land use category means a building or buildings used primarily for conducting the affairs of or the administration of a business, organization, profession, service, industry or similar activity.
- d. ~~Industrial.~~** The industrial land use category means those establishments engaged in a variety of light industrial uses, including assembly of computers or electronics and similar types of equipment, biomedical and medical research facilities, laboratories, manufacture of products not involving raw or processed food or hazardous materials, or similar types of objectionable materials, medical laboratories, and research and development activities and offices related to such uses.
- e. ~~Institutional and Public Facilities.~~** The institutional and public facilities land use category means land utilized for a public purpose, without regard to ownership, including colleges and universities, cultural facilities such as museums and art galleries, governmental offices and facilities, places of worship, public or private schools, ~~and technical or vocational schools, congregate residential facilities including assisted living facility, community residential home, /congregate living facility (Type 3 and 4), day care center (General),~~ dormitory, nursing home, or convalescent facility.
- f. ~~Parks.~~** The parks land use category means land owned or operated by a governmental entity offering the general public an opportunity to participate in a variety of active, equestrian, passive or similar recreational activities.

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- g. ~~Conservation.~~** The conservation land use category shall mean land permanently dedicated for preservation of environmental, conservation, and natural resources, including public or private lands protecting such resources.
- h. ~~Open Space.~~** The open space land use category shall mean land permanently dedicated as common open space within a mixed use development, including recreation and water management tracts.
- (2)** A mixed use development project shall contain ~~not less than~~ the minimum number of land uses indicated in Table 1.3.25.1.

**Table 1.3.25.1**  
**Minimum Number of Land Uses in a ~~Mixed Use Development~~**

NUMBER OF ACRES	MINIMUM NUMBER OF LAND USES
5 - 10	2
More than 10 – 30	3
More than 30 – <u>60</u>	4
<u>More than 60</u>	<u>5</u>

- (3)** A single mixed use shall not occupy more than 60% of site area proposed for a mixed use development, and land allocation shall comply with the minimum and maximum requirements established in Table 1.3.25.2.

**Table 1.3.25.2**  
**Minimum and Maximum Number of Land Uses Allocation in a ~~Mixed Use Development~~**

LAND USE	LAND USE ALLOCATION PER MIXED USE TYPE									
	TYPE I		TYPE II AND TYPE IIA		TYPE III		TYPE IV		TYPE V	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
Residential	10%	60%	10%	60%	10%	60%	0%	0%	0%	0%
Commercial	10%	60%	10%	60%	10%	60%	10%	60%	10%	60%
Industrial	0%	60%	0%	60%	0%	60%	0%	60%	0%	60%
Institutional & Public Facilities	0%	60%	0%	60%	0%	60%	0%	60%	0%	60%
Office	10%	60%	10%	60%	10%	60%	10%	60%	10%	60%
Parks	0%	60%	0%	60%	0%	60%	0%	60%	0%	60%
Conservation	0%	60%	0%	60%	0%	60%	0%	60%	0%	60%

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Open Space	0%	60%	0%	60%	0%	60%	0%	60%	0%	60%
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**(4)** For the purposes of providing more clearly defined types of projects which integrate a variety of uses, the following types of mixed uses ~~development~~ are established. Each application for a Comprehensive Plan Amendment shall specify the type of Mixed Use development that is requested.

- a. Mixed Use Type I means a project that may utilize the complete range of uses permitted by the Mixed Use Future Land Use Map designation, including the use of 100 percent of project area for determining maximum residential density.
- b. Mixed Use Type II means a project that may utilize the complete range of uses permitted by the Mixed Use Future Land Use Map designation but with a somewhat reduced maximum residential density, and the use of 100 percent of residential project area and 100 percent of area for designated for parks, open space and conservation for determining maximum residential density.
- c. Mixed Use Type IIA means a project that may utilize the complete range of uses permitted by the Mixed Future Land Use Map designation but with a more reduced maximum residential density, and the use of 100 percent of residential project area and 100 percent of area for designated for parks, open space and conservation for determining maximum residential density.
- d. Mixed Use Type III means a project that may utilize the complete range of uses permitted by the Mixed Use Future Land Use Map designation but with a reduced maximum residential density and the use of 100 percent of residential project area determining maximum residential density.
- e. Mixed Use Type IV means a project that excludes multifamily residential use but allows other uses permitted by the Mixed Use Future Land Use Map designation, and the use of 100 percent of residential project area for determining maximum residential density for such uses as assisted living facilities, ~~community residential homes,~~ congregate living facilities, dormitories, hotel/motel establishments, and nursing and convalescent facilities.
- f. Mixed Use Type V means a project that excludes residential uses but allows other uses permitted by the Mixed Use Future Land Use Map designation.

**(5)** The minimum land area for a mixed use development shall be 5 acres ~~and the maximum land area shall be 60 acres.~~

**(6)** The minimum and maximum percent of land allocation indicated in Table 1.3.25.2 shall be based upon the total site area.

**(7)** Within a Type III Mixed Use development least 25 percent of all residential dwellings or residential units shall be integrated into the structures associated with a commercial, industrial, or office land use parcels, including such dwellings as loft apartments associated with nonresidential uses, above ground floor units associated with nonresidential uses, or residential or transient units integrated into the ground floor of

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predominantly nonresidential structures. The density of such units shall be determined as provided in Table 1.3.25.3.

- (8) The following are additional standards affecting land allocations for the Mixed Use designation:
- a. When required by the specific type of mixed use development, a residential land use not required for parcels less than five acres.
  - b. ~~Either Commercial or Office land use is required as an element of all mixed use projects development, but not both.~~
  - c. Projects more than 30 acres:
    1. Both Commercial and Office land use shall be required.
    2. A minimum allocation of 10% of the overall project is required to be designated as both Commercial and Office.
    3. A minimum building square footage allocation of 25% for Commercial and 25% for Office shall be required for the Commercial and Office land use.
- (9) The maximum residential density within a mixed use development shall be consistent with Table 1.3.25.3.

**Table 1.3.25.3**  
**Maximum Residential Density**

MIXED USE CATEGORY		MAXIMUM RESIDENTIAL DENSITY		
		5 – 10 Acres	<u>More than 10 – 30 Acres</u>	<u>More than 30 – 60 Acres</u>
Type I	MF	8 Units/Acres	10 Units/Acre	12 Units/Acre
	ALF	16 Residents/Acre	16 Residents/Acre	16 Residents/Acre
	<del>CRH</del>	<del>16 Residents/Acre</del>	<del>16 Residents/Acre</del>	<del>16 Residents/Acre</del>
	CLF	16 Residents/Acre	16 Residents/Acre	16 Residents/Acre
	Dormitory	16 Residents/Acre	16 Residents/Acre	16 Residents/Acre
	N/CLF	16 Residents/Acre	16 Residents/Acre	16 Residents/Acre
Type II	MF	6 Units/Acres	8 Units/Acre	10 Units/Acre
	ALF	12 Residents/Acre	12 Residents/Acre	12 Residents/Acre
	<del>CRH</del>	<del>12 Residents/Acre</del>	<del>12 Residents/Acre</del>	<del>12 Residents/Acre</del>
	CLF	12 Residents/Acre	12 Residents/Acre	12 Residents/Acre
	Dormitory	12 Residents/Acre	12 Residents/Acre	12 Residents/Acre
	N/CLF	12 Residents/Acre	12 Residents/Acre	12 Residents/Acre
Type IIA	MF	4 Residents/Acre	6 Residents/Acre	8 Residents/Acre
	ALF	8 Residents/Acre	10 Residents/Acre	12 Residents/Acre
	<del>CRH</del>	<del>8 Residents/Acre</del>	<del>10 Residents/Acre</del>	<del>12 Residents/Acre</del>
	CLF	8 Residents/Acre	10 Residents/Acre	12 Residents/Acre
	Dormitory	8 Residents/Acre	10 Residents/Acre	12 Residents/Acre
	N/CLF	8 Residents/Acre	10 Residents/Acre	12 Residents/Acre
Type III	MF	2 Units/Acre	2 Units/Acre	2 Units/Acre
	ALF	3 Residents/Acre	3 Residents/Acre	3 Residents/Acre

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<b>MIXED USE CATEGORY</b>		<b>MAXIMUM RESIDENTIAL DENSITY</b>		
		<b>5 – 10 Acres</b>	<b>More than 10 – 30 Acres</b>	<b>More than 30 – 60 Acres</b>
	CRH	<del>3 Residents/Acre</del>	<del>3 Residents/Acre</del>	<del>3 Residents/Acre</del>
	CLF	3 Residents/Acre	3 Residents/Acre	3 Residents/Acre
	Dormitory	3 Residents/Acre	3 Residents/Acre	3 Residents/Acre
	N/CLF	3 Residents/Acre	3 Residents/Acre	3 Residents/Acre
<b>Type IV</b>	MF	Multifamily Dwelling Units Not Permitted		
	ALF	16 Residents/Acre	16 Residents/Acre	16 Residents/Acre
	<del>CRH</del>	<del>16 Residents/Acre</del>	<del>16 Residents/Acre</del>	<del>16 Residents/Acre</del>
	CLF	16 Residents/Acre	16 Residents/Acre	16 Residents/Acre
	Dormitory	16 Residents/Acre	16 Residents/Acre	16 Residents/Acre
	N/CLF	16 Residents/Acre	16 Residents/Acre	16 Residents/Acre
<b>Type V</b>	Residential and Congregate Uses Not Permitted			

MF means Multifamily.  
ALF means Assisted Living Facility.  
~~CRH means Community Residential Home.~~  
CLF means Congregate Living Facility.  
N/CLF means Nursing/Convalescent Facility.

- (10) The percentage of property that can be utilized for calculating residential density is indicated in Table 1.3.25.4.

**Table 1.3.25.4**  
**Land Area Used for Calculation of Residential Density**

<b>NUMBER OF ACRES OR TYPE OF USE</b>	<b>AREA USED FOR CALCULATION OF DENSITY PER MIXED USE TYPE</b>				
	<b>TYPE I</b>	<b>TYPE II AND TYPE IIA</b>	<b>TYPE III</b>	<b>TYPE IV</b>	<b>TYPE V</b>
5 – 10 acres	100% of Parcel Size	<ul style="list-style-type: none"> <li>100% of area for residential use</li> <li>100% of area for Parks, Open Space &amp; Conservation Use</li> </ul>	<ul style="list-style-type: none"> <li>100% of area for residential use</li> <li>Not less than 25% of total site area with integrated residential and nonresidential uses</li> </ul>	None: Multifamily Housing Not Permitted	
More than 10 -30 acres	100% of Parcel Size	Same as 5 – 10 Acre Category	Same as 5 – 10 Acre Category		
More than 30 acres	100% of Parcel Size	Same as 5 – 10 Acre Category	Same as 5 – 10 Acre Category		
Assisted Living Facility	100% of Parcel Size	Same as 5 – 10 Acre Category	Same as 5 – 10 Acre Category	100% of area for residential use	None: Not Permitted
<del>Community Residential</del>	<del>100% of Parcel Size</del>	<del>Same as 5 – 10 Acre Category</del>	<del>Same as 5 – 10 Acre Category</del>	<del>100% of area for</del>	<del>None: Not</del>

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Home				residential use	Permitted
Congregate Living	100% of Parcel Size	Same as 5 – 10 Acre Category	Same as 5 – 10 Acre Category	100% of area for residential use	None: Not Permitted
Dormitory	100% of Parcel Size	Same as 5 – 10 Acre Category	Same as 5 – 10 Acre Category	100% of area for residential use	None: Not Permitted
Hotel/Motel	100% of Parcel Size	Same as 5 – 10 Acre Category	Same as 5 – 10 Acre Category	100% of area for transient residential use	100% of area for transient residential use
Nursing or Convalescent Facility	100% of Parcel Size	Same as 5 – 10 Acre Category	Same as 5 – 10 Acre Category	100% of area for residential use	None: Not Permitted

- (11) The maximum building coverage shall be 35%.
- (12) The maximum floor area ratio shall be 0.50, except the maximum floor area ratio for the parks and conservation land use categories shall be 0.05.
- (13) The individual uses, buildings or parcels within mixed use developments shall include interconnecting pedestrian ways and plazas.
- (14) The individual uses, buildings or pods within mixed use developments shall, if applicable, include site planning, design and compatibility features which minimize adverse impacts on adjacent uses, such as the following:
- Locate parks, conservation areas or preserves adjacent to abutting residential zoning districts;
  - Locate open spaces, including water management features, adjacent to abutting residential zoning districts;
  - Limit the height of nonresidential buildings to not more than two floors when adjacent to residential zoning districts;
  - Locate all freestanding residential uses or development adjacent to all residential zoning districts;
  - Locate dumpsters, recycling and similar facilities away from adjacent residential zoning districts;
  - Require permanent structural or nonstructural screening adjacent to all residential zoning districts; and
  - Ensure site and security lighting does not spillover into adjacent residential zoning districts.

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- (15) Each application for a Mixed Use Future Land Use Map designation shall include and specify the maximum development threshold proposed for a particular site. For the purposes of the Mixed Use category, the term “maximum development threshold” means the total potential development that can be established within a mixed use development, including all residential and nonresidential uses. Each application shall be subject to each of the policies listed below.
- a. On the Future Land Use Map each parcel with a Mixed Use designation parcel shall include reference to site specific Future Land Use Element policies applicable to that parcel.
  - b. In the text of the Future Land Use Element site specific policies, limitations and restrictions applicable to each mixed use parcel shall be adopted as part of an amendment to the Future Land Use Map.
  - c. Each application for the Mixed Use designation shall be submitted as a regular Comprehensive Plan and Future Land Use Map amendment, subject to review by the State Land Planning Agency, even if the application could be considered by Wellington as a Small Scale Comprehensive Plan amendment.
  - d. Each application for the Mixed Use designation shall include a conceptual master plan to specify maximum development threshold, specifying types of uses, density, intensity and impacts of development proposed for a particular site.
  - e. A maximum development threshold for each property with a Mixed Use designation shall be established within the site specific policies, limitations and restrictions. The maximum development threshold shall include the following measures of density or intensity:
    1. Identification of each type of mixed use land use category (e.g. residential, commercial, industrial, institutional, etc.);
    2. Identification of the maximum number of square feet, or other applicable type of measurement such as number of students, for each nonresidential use to be established;
    3. Establishment of a maximum number of dwellings to be constructed;
    4. Establishment of number of residents permitted;
    5. Establishment of number of units permitted;
    6. Identification of dwelling unit types to be constructed; and
    7. Identification of other specific development limitations such as building height, building location, building design, natural resources protection, etc.
  - f. Substantive change to specific policies, limitations and restrictions applicable to each parcel with the Mixed Use Future Land Use Map designation are considered a regular Comprehensive Plan amendment, subject to review by the State Land Planning Agency. A substantial change shall be defined as:
    1. An addition or reduction of land area in excess of one acre, except for governmental purposes;

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2. An increase in the maximum development threshold;
3. Elimination of a land use category;
4. Addition of a land use category, except for governmental purposes such as a school or public park; or
5. Change in the distribution of land use categories that exceeds 5% of the maximum development threshold assigned to a category, and
6. Measurement of the percentage of change shall be based upon the approved development threshold, including the number of residents permitted, the number of dwelling units permitted, the number of gross square feet of nonresidential use, or other similar measurement.