



**TITLE: FINAL ADOPTION
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2019-02**

SUMMARY: The proposed Ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications, as well as several specific amendments, as follows:

- Ordinance Title
- Exhibit A Art. 2 HB 7103 Legislation to Modify Timeline for Review of DOs
- Exhibit B Art. 2 ULDC Privately Initiated Amendment
- Exhibit C Art. 2 Monitoring
- Exhibit D Art. 2 Planning Process and Historic Resources Review
- Exhibit E Art. 3 Westgate Redevelopment Area Overlay – Residential Uses
- Exhibit F Art. 3 Residential Building Coverage
- Exhibit G Art. 3 CRE Consistency and RR-10 FLU
- Exhibit H Art. 3 PDD Setback Measurement
- Exhibit I Art. 4 Caretaker Quarters
- Exhibit J Art. 4 Industrial Uses in CH Land Use
- Exhibit K Art. 3 and 5 Community and Neighborhood Park Recreation Standards
- Exhibit L Art. 6 Parking
- Exhibit M Art. 1, 2, and 7 Vegetation Violations and HB 1159
- Exhibit N Art. 7 Easement Overlaps of Landscape Buffers
- Exhibit O Art. 11 Code Reference FLU versus Article 2 process
- Exhibit P Art. 12 TPS Codification of Ord. 2017-023 and Ord. 2009-031

Staff Recommendation: Staff recommends adoption of an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067, as amended.

Land Development Regulation Advisory Board (LDRAB): On August 28, 2019, September 25, 2019, and November 13, 2019 the LDRAB recommended approval of the proposed amendments with multiple votes.

Land Development Regulation Commission (LDRC) Determination: On November 13, 2019, the LDRC found the proposed ULDC amendments to be consistent with the Comprehensive Plan with a vote of 14-0.

BCC Public Hearing: On November 25, 2019, the BCC approved the Request for Permission to Advertise for First Reading on December 19, 2019 with a vote of 7-0. On December 19, 2019 the BCC approved the First Reading and Advertisement for Adoption Hearing for January 27, 2020 with a vote of 7-0.

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE UNIFIED LAND DEVELOPMENT CODE ORDINANCE 2003-067, AS AMENDED AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS:** CHAPTER H, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER A, GENERAL, CHAPTER B, PUBLIC HEARING PROCESS, CHAPTER C, ADMINISTRATIVE PROCESSES, CHAPTER D, ULDC PRIVATELY INITIATED AMENDMENT (PIA), CHAPTER E, MONITORING, CHAPTER G, DECISION MAKING BODIES, AND CHAPTER H, FLU PLAN AMENDMENTS; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL, CHAPTER B, OVERLAYS, CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs), AND CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 – USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY USES AND STRUCTURES AND CHAPTER D, PARKS AND RECREATION – RULES AND RECREATION STANDARDS; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING, CHAPTER B, LOADING STANDARDS, AND CHAPTER C, DRIVEWAYS AND ACCESS; **ARTICLE 7 – LANDSCAPING:** CHAPTER B, APPLICABILITY AND APPROVAL PROCESS, CHAPTER C, LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS, CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES, CHAPTER F, INSTALLATION AND MAINTENANCE, AND CHAPTER G, ENFORCEMENT; **ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS:** CHAPTER A, GENERAL REQUIREMENTS; **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS:** CHAPTER B, STANDARD AND CHAPTER R, CORRIDOR MASTER PLANS; 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.

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**EXHIBIT A – ARTICLE 2, APPLICATION PROCESSES AND PROCEDURES – HB 7103
LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS**

Part	Article	Reasons
1.	ULDC Art. 2.A Application Processes and Procedures, General	<p>[Zoning]</p> <ol style="list-style-type: none"> 1. This Amendment is to respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. 2. Amend 2.A.3 to relocate resubmittals with submittals and to add sufficiency and insufficiency determinations, as they are dates that are on the Zoning Annual Calendar. 3. Amend Art. 2.A.7, as the F.S. were amended to require the County to review an application for completion within 30-days of submittal, and allows the applicant to respond to those deficiencies no more than 30-days of notification of the deficiency. The proposed change deletes the previous ten-day limitation. The reference for deadlines will be reflected on the Annual Zoning Calendar, in order to adjust for holidays and differences in days of the month. 4. Delete redundant language in Art. 2.A.7.
2.	ULDC Art. 2.B.2 Application Processes and Procedures, Public Hearing Processes, Sufficiency Review; and, 2.B.4 – Application Processes and Procedures, Public Hearing Processes, Review, Resubmittal and Certification	<p>[Zoning]</p> <ol style="list-style-type: none"> 1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. These amendments requires amendments to Zoning application review procedures. 2. Include reference to the Zoning Technical Manual, for requirements of Sufficiency/Insufficiency of an application. 3. Amended Sufficiency Review to include a written notification to the Applicant consistent with F.S. 125.022 4. Delete reference to the name of the document "Reason for Insufficiencies list", and only refer the Zoning Technical Manual where the list has been incorporated. 5. Modify reference to for Staff's written notification for insufficiency from a maximum of 10-calendar days and replace limitation of no more than 30-calendar days after an application is sufficient to be consistent with F.S. 6. Modify the requirements for an Applicant to address the list of insufficiencies to be no more than 30-calendar days after notification of the insufficiency pursuant to F.S. 125.022. 7. Delete reference to the submittal as indicated on the calendar as it is redundant language, and include reference the time extension be approved by the Zoning Director pursuant to Time Extension. 8. Modify to clarify the written request is for a time extension in order to address deficiencies of the application.
3.	ULDC Art.2.B.4 – Application Processes and Procedures, Public Hearing Processes, Review, Resubmittal and Certification	<p>[Zoning]</p> <ol style="list-style-type: none"> 1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. These amendments requires amendments to Zoning application review procedures. 2. Delete table for deadlines and refer to the dates described on the Annual Zoning Calendar due to changes in the F.S. Relocate language for PO Deviations from the proposed deleted table. 3. Modify the order of the Review, Non-certification and Certification to add the 120 limitation for certification, allowance for time extensions as described in the F.S. 4. Add language to address revisions to the application after it was determined to sufficient, providing an Applicant procedures to revise, withdraw or request time extensions. 5. Modify the Continuance and Postponement to Time Extension and include language and include reference to the maximum time frame for certification from the date of sufficiency and include the allowance extensions as described in the F.S. 6. Add language regarding certification of a project that fails to address Staff's comments in the situation an agreed upon extension is not obtained and a decision is required to be rendered to comply with F.S. 7. Modify language relating to Applications that are modified after certification to include references to the required timeframes of the F.S. or an allowance for a time extension.

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4.	ULDC Art. 2.B.6, Application Processes and Procedures, Public Hearing Processes, Public Hearing Procedures	<p>[Zoning]</p> <ol style="list-style-type: none"> 1. Amend the scheduling section to include reference to the F.S. that requires a decision to be made within 180 days from the date of sufficiency. 2. Modify action by the ZC and BCC related to postponements, continuance and remands, as required by F.S. and include requirement a recommendation or decision to postpone must be agreed upon by County and the Applicant, or a decision must be rendered to meet the 180 calendar day limitation.
5.	ULDC Art. 2.C.2 Application Processes and Administrative Processes, Sufficiency Review	<p>[Zoning]</p> <ol style="list-style-type: none"> 1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. These amendments requires amendments to Zoning application review procedures. 2. Include reference to the Zoning Technical Manual, for requirements of Sufficiency/Insufficiency of an application. 3. Amended Sufficiency Review to include a written notification to the Applicant consistent with F.S. 125.022 4. Delete reference to the name of the document "Reason for Insufficiencies list", and only refer the Zoning Technical Manual where the list has been incorporated. 5. Modify reference to for Staff's written notification for insufficiency from a maximum of 10-calendar days and replace limitation of no more than 30-calendar days after an application is sufficient to be consistent with F.S. 6. Modify the requirements for an Applicant to address the list of insufficiencies to be no more than 30-calendar days after notification of the insufficiency pursuant to F.S. 125.022. 7. Delete reference to the submittal as indicated on the calendar as it is redundant language, and include reference the time extension be approved by the Zoning Director pursuant to Time Extension. 8. Modify to clarify the written request is for a time extension in order to address deficiencies of the application.
6.	ULDC Art. 2.C.4 Application Processes and Administrative Processes, Review, Resubmittal and Final Decision	<p>[Zoning]</p> <ol style="list-style-type: none"> 1. To respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders. These amendments requires amendments to Zoning application review procedures. 2. Delete table for deadlines and refer to the dates described on the Annual Zoning Calendar due to changes in the F.S. 3. Modify the order of the Review, Non-Approval and Approval to add the 120 limitation for a final decision, allowance for time extensions as described in the F.S. Add similar Review, Non-certification and Certification for Type 1 Variances, where the process differs because there is a Public Meeting. Add similar requirement as public hearing requirements, which have limitations on modification after a project has been certified by the DRO. 4. Add language to address revisions to the application after it was determined to sufficient, providing an Applicant procedures to revise, withdraw or request time extensions. 5. Modify the Continuance and Postponement to Time Extension and include language and include reference to the maximum time frame for a decision from the date of sufficiency and include the allowance extensions as described in the F.S. For the Type 1 Variance add a maximum time frame for certification in order to comply with the time limitation for a decision pursuant to the F.S. 6. Add language regarding certification of a project that fails to address Staff's comments in the situation an agreed upon extension is not obtained and a decision is required to be rendered to comply with F.S. 7. Add language relating to Applications that are modified after certification to be consistent with language existing and modified language in Art. 2.B for the Administrative Type 1 Variance application. 8. Add language relating to Continuance or Postponement of a Public Meeting to be consistent with existing and proposed modifications to Article 2.B for Continuance or Public Hearing. This language incorporates the allowance for time extensions pursuant to F.S. and the timeframe for a decision.
7.	ULDC Art. 2.G Application Processes and Procedures	<p>[Zoning]</p> <ol style="list-style-type: none"> 1. Modify the action by the DRO Procedures to refer to the procedures described in Art 2.A, 2.B and 2.C. 2. Modify the powers and duties of the Zoning Director to include time extension review and decision as it is currently required in Articles 2.A, 2.B and 2.C.

EXHIBIT B – ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

Part	Article	Reasons
1.		[Zoning]

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Part	Article	Reasons
	ULDC Art. 2.A.2., Application Processes and Procedures, General, Zoning Applications	1. Include reference to Chapter D for the PIA as there are references to the PIA process in Chapter A.
2.	ULDC Art. 2.D, Application Processes and Procedures, ULDC Privately Initiated Amendment (PIA)	[Zoning] 1. Minor modifications to purpose and intent. Include reference that the BCC may request a Subcommittee be established for some PIA Applications. 2. Amend and correct the reference of "PZB" to "Zoning Director" relating to who the applicant has confirmed consultation of an application. 3. Modify the Decision of the Pre-application appointment result letter in that staff will affirm when it supports, does not support, or requires more follow up, rather than stating we are approving or not approving the request.
3.	ULDC Art. 2.D,5 Application Processes and Procedures, ULDC Privately Initiated Amendment (PIA)	[Zoning] 1. Modify the application procedures to be consistent with the changes to the PAA letter. The PIA process is discretionary and the PBC Official confirms if the PIA can be processed. 2. Clarify the Overview of the Phase 2 PIA application. 3. Delete Application Fees as all Zoning Fees are described under Article 2.A Processes and Procedures General. 4. Modify the application requirements to defer to the application and then clarify on the application forms what needs to be submitted. Language will be consistent with other zoning applications and what is described in Article 2.A 5. Modify the timing of the Sufficiency Review to be consistent with the timeframe of other Zoning applications. Clarify that Sufficiency Review is not necessary for the Phase 2, since the application is already submitted. 6. Modify the procedures for Insufficiency determination, Time Extensions and Administrative Withdrawals to be consistent with other Zoning Applications described in Art 2.B and 2.C. 7. Clarify the review and resubmittal procedures for both Phase 1 and Phase 2. Describing Staff's requirement to provide comments to an applicant and the applicant's responsibility to respond and address the Standards for a PIA. Delete reference to the timing of the LDRAB/LDRC as the application will be scheduled to the next applicable meeting that meets required advertising requirements. 8. Modify terminology from certified to completed, as a PIA is not certified for a public hearing. 9. Clarify that once staff has completed the review of the application is scheduled to the next appropriate hearing or a hearing date agreed to by the applicant. 10. Modify the BCC decision for a PIA, as the code cannot be approved with conditions, it is approved, approved with modifications or denied.

EXHIBIT C – ARTICLE 2.E – MONITORING

Part	Article	Reasons
1.	ULDC Art. 2.E, Application Processes and Procedures, Monitoring	[Planning] 1. Add reference to definition of Community Development District as described in the Florida Statutes Section 190.003. 2. Add Acronym for Community Development District as CDD.
2.	ULDC Art. 2.E, Application Processes and Procedures, Monitoring	[Planning] 1. Delete existing language in Article 2.E, and replace with new language.
3.	ULDC Art. 2.E, Application Processes and Procedures, Monitoring	[Planning] 1. Update the Purpose and Intent to reflect the current Monitoring functions. New Article 2.E, Monitoring of Development Orders and conditions of approval, replaces existing Art. 2.E, Monitoring in its entirety. 2. Clarify and detail the exact processes that the Monitoring Section undertakes relative to BCC approvals and other ULDC requirements; to ensure BCC policy relating to the timeliness of development orders are met. This in part implements the County Directive in the Comprehensive Plan for Growth Management to control the timing and phasing of development, and is a critical component of the Managed Growth Tier System of the Plan. Specifically, in Future Land Use Element (FLUE) Objective 1.1-8., "Provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner." Finally, the Plan directs that PZB "along with appropriate operating departments, shall monitor existing and projected levels of service through the Concurrency Management System," per FLUE Policy 3.5-e. 3. Add clarification that Chapter E (Monitoring) functions do not apply to a non-PDD rezoning that is not accompanied by a use approval and/or site plan.

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Part	Article	Reasons
		Without a specific use or site plan approval, any straight zoned parcel would automatically be consistent with Future Land Use designation, and therefore not be subject to revocation (thus, not under the purview of the Monitoring Section). However, this is not expressly stated in current Code language.
		4. Added CDDs and FLUA Amendments with conditions of approval for clarification.

**EXHIBIT D – ARTICLE 2, APPLICATION PROCESSES AND PROCEDURES – PLANNING
PROCESS AND HISTORIC RESOURCE REVIEW**

Part	Article	Reasons
1.	ULDC 2.G.3.H.5, Historic Resources Review Board Meetings	[Planning] 1. The Historic Resources Review Board (HRRB) is a nine-member advisory board that provides special expertise to the BCC on how best to identify, preserve, promote, and protect the archaeological and historic resources of Palm Beach County. The HRRB is required to meet quarterly. As part of compliance with the Florida Certified Local Government (CLG) Guidelines, five members must have professional experience in the disciplines of history, architecture, archaeology, architectural history, and historic architecture. The BCC also requires a sixth member to reside in the Glades communities (or west of Twenty Mile Bend). At present there are eight appointed members of the HRRB, with membership fluctuating between six to eight appointees at any given time. Currently quorum consists of at least five members being present, regardless of the number of members appointed to the HRRB. 2. The Maximum Sound Levels table lists the maximum sound levels for residential, nonresidential and commercial uses. Objectionable nature referenced in the Home Occupation is subjective and difficult for the Code Enforcement staff to enforce or defend. 3. An additional change is proposed to clarify that the HRRB is to meet at least four times per year, rather than “quarterly.” Such a change would yield the same number of meetings per year, but allow meetings to be scheduled at times when cultural resource concerns arise and better reflects the availability of the HRRB members for the purposes of scheduling meetings.
2.	ULDC Art. 2.G.3.J.5, Rules Applicable to Local Planning Agency	[Planning] 1. This amendment is proposed in order to establish rules consistent for quorum with Resolution R-2013-0193 which established that a quorum was based on the number of ‘appointed’ members of the advisory board. The language proposed is identical to the language in ULDC Art. 2.G.2.E.1., Rules of Procedure, with the addition of the word ‘appointed’ in the first sentence. Resolution R-2013-0193 states: Resolution R-2013-0193, Section 18. Conduct of Meeting <i>A quorum must be present for the conduct of all board meetings. A majority of the members appointed shall constitute a quorum. All meetings shall be governed by Robert’s Rules of Order.</i> ULDC Art. 2.G.2.E.1. Rules of Procedure 1. Quorum and Voting. <i>The presence of a majority of the members of the board shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.</i>

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EXHIBIT E – ARTICLE 3, OVERLAYS AND ZONING DISTRICTS – WCRAO GENERAL DEVELOPMENT STANDARDS, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS

Part	Article	Reasons
1.	ULDC Art. 3.B.14.B.1.b. and 1), WCRAO, Westgate Community Redevelopment Area Overlay, General Development Standards, Nonconformities	<p>[Westgate CRA]</p> <p>1. Extend the existing non-conformities provisions for permitted uses and uses subject to DRO approval within a non-conforming structure to single family dwellings in the NG Sub-area. Part 3 of this amendment seeks to prohibit new single family dwellings in the UI, UH, UG, NC and NG Sub-areas in accordance with the CRA's Community Redevelopment Plan which encourages higher intensity commercial in the UI, UH and UG Sub-areas, and increased residential density and mixed use in the NC and NG Sub-areas. The Redevelopment Plan promotes and incentivizes redevelopment but also looks to protect and enhance existing housing stock. Sub-area use regulations and PDRs foster a specific character and desired development pattern, but the primary focus of the CRA is on reinvestment and community revitalization, so permitted uses or uses subject to DRO approval in non-conforming structures are afforded added flexibility to improve. In Sub-areas that are earmarked for more intense and dense redevelopment such as the UH, UG, and NC, or that are in a transitional zone between Okeechobee Blvd. and Westgate Avenue, such as the NG Sub-area, single family as a typical use, is anticipated to phase out over time. However, it is recognized that single family homes do, with the exception of the UH, currently exist in those Sub-areas, so by providing a mechanism that allows renovations, maintenance or repair beyond the thresholds of Art. 1.F., to those existing single family dwellings in those Sub-areas, homes can be maintained or improved until such a time that redevelopment may occur.</p> <p>2. Modify the existing minimum percentage requirements for exterior building and site elements. Of the 25% that is currently required, a minimum of 10% must be dedicated to façade improvements and a minimum of 10% dedicated to landscape improvements with the remaining 5% to be applied to exterior site improvements generally. Smaller non-conforming sites often cannot accommodate enough landscaping to achieve 10% of total improvement costs particularly when total improvement or renovation costs are high. A site may also be too small, irregular, or otherwise constrained by utilities placement to accommodate additional landscape material. In addition, planned or potential CRA infrastructure efforts that address streetscape improvements incorporating landscaping and hardscaping, that can be further be complimented by private property improvements in a way that cannot be captured by existing percentages. By removing the current 10% façade-10% landscape standard, flexibility to comply with code while remaining consistent with the intent of the provision to enhance and beautify building exteriors and improve site aesthetics is provided and the urban context of small lots and infill conditions in the redevelopment area is recognized. The Westgate CRA Executive Director may authorize how the required 25% is disbursed across façade, exterior site, and landscaping or hardscape improvements to meet the requirement and address the site specific character of a subject site.</p>
2.	ULDC Art. 3.B.14.E.1. WCRAO, Westgate Community Redevelopment Area Overlay, Use Regulations	<p>[Westgate CRA]</p> <p>1. Clarify WCRAO minimum and maximum permitted residential and commercial uses in the NC Sub-area in Table 3.B.14.E.</p> <p>2. Relocate language from Art. 3.B.14.E.1.a. and b. in to Table 3.B.14.E, WCRAO Mixed Use for ease of use and to eliminate confusion and redundancy. Percentages and notes in the table are re-assigned to be consistent with relocated information. A row is added to the table for clarity in application of residential and non-residential uses across Sub-areas.</p> <p>3. Add language to restrict residential only developments in the NC, UG and UH Sub-areas to projects with 4 or more dwelling units commensurate with the intent of the CRA's Community Redevelopment Plan and WCRAO for those Sub-area areas where mixed-use development is envisioned and encouraged in the NC; intense commercial is envisioned in the UH; and higher density residential development is envisioned in the UG.</p>

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3.	ULDC Art.3.B.14.E.2. and Table 3.B.14.E, WCRAO, Westgate Community Redevelopment Area Overlay, Use Regulations	<p>[Westgate CRA]</p> <ol style="list-style-type: none"> 1. Modify Table 3.B.14.E, WCRAO Sub-area Use Regulations, to include where single family, cottage homes, and zero lot line homes are permitted or prohibited within Sub-areas commensurate with the intent of the CRA's Community Redevelopment Plan and to address an increased interest in small-scale infill housing interest development across the NRM, NC and NG Sub-areas. WCRAO Sub-area use regulations are currently silent on where single family dwellings, zero lot line homes, and the newly codified cottage home housing type, may be permitted by Sub-area. Single family residential and cottage homes (single unit on a single lot) are prohibited in the UI and UH Sub-areas, the UG, Urban General which is envisioned as a "redevelopment area allowing for mixed use development with more intense commercial and residential uses, including multi-story towers where feasible"; in the NG, Neighborhood General Sub-area where the intent is to "encourage mixed use development, including more intense commercial uses, and townhouse and multi-family dwelling units"; as well as, in the NC, Neighborhood Commercial, which is "intended to be the key focal point of the redevelopment area, with provisions to encourage and incentivize mixed use development". Cottage homes (multiple units on a single lot or site) are also prohibited in the UG and NC Sub-areas. All cottage homes are prohibited in the NR, Neighborhood Residential Sub-area which is intended to preserve the existing single family character of those neighborhoods. Zero Lot Line homes are prohibited across WCRAO Sub-areas since provisions to accommodate a zero lot line building form is already addressed by Art.3.B.14.F.a. and allowed in the NRM, NG, and NC Sub-areas. 2. Remove the word NOTE column of Table 3.B.14.E, WCRAO Sub-area Use Regulations and replace with Supplementary Standards # mirror same column in ULDC use matrices. Add new references from Art. 4.B.1.A Residential Use Matrix. Remove footnote reference to location of use classifications for Employment Agencies in Article 4; already referenced in Supplementary Standards #. Relocate Office Warehouse use from Commercial Uses to Industrial Uses.
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4.	ULDC Art. 3.B.14.F.1. and Table 3.B.14.F., and Art. 3.B.14.F.1) and 2), WCRAO, Westgate Community Redevelopment Area Overlay, Property Development Regulations (PDRs)	<p>[Westgate CRA]</p> <p>1. Create a new Table 3.B.14.F, WCRAO Residential Sub-area PDRs, in order to differentiate residential PDRs from Non-Residential and Mixed Use Development. The Residential Sub-area PDR table addresses a range of residential use types, particularly single family, cottage and middle housing types, that were not effectively captured in the Sub-area PDR table originally created in 2006 which applied Form Based Code (FBSDC) to building configuration and placement throughout Sub-areas without consideration for applicability to specific uses. This amendment recognizes that a one size fits all approach to FBSDC redevelopment in the WCRAO, given the unique character of the area and increasing interest in small-scale residential infill development, has been difficult to implement. New residential PDRs and complementary amendments to Supplementary Standards seek to remain true to the fundamental principles of New Urbanist zoning: improved predictability, ease of use, and the creation of a walkable public realm by continuing to utilize minimal front and side setbacks and building frontage requirements to create building presence and massing; through requirements for rear access and parking, and through engaging building design and orientation that requires a front-facing entrance, porches and balconies.</p> <p>The urban infill character of the Westgate redevelopment area is distinctly different from County-wide standard residential zoning districts. The residential Sub-area PDR table recognizes the historical platting of 25 ft. lots in the NRM and NG sub-areas where lot dimensions are typical of older first tier sub-urban areas; provisions for the cottage home housing type are modified to reflect typical conditions: width and frontage is best applied in increments of 25 ft rather than 20 ft. or 30 ft. A distinction is made between PDRs for townhome groups and individual townhome lots, where groups are required to conform to WCRAO standards for setbacks and individual lots may utilize provisions for individual townhome lots in Art. 3.D.2.A. Townhouse Groups refer to individual townhouse lots that are arranged in groups fronting a street. PDRs for multifamily projects of 4 units or less address a marked increase in small-scale residential interest and construction in the WCRAO particularly in duplex development where existing WCRAO Sub-area PDRs inadequately represent these middle housing types. For example, multifamily projects of 4 units or less are proposed to meet a minimum lot width of 75 ft. (an increment of 25 ft.) since the minimum RS and RM standard zoning district lot width is 65 ft. This allows for a front facing building orientation further reinforced by a 60% frontage requirement. Side setbacks are reduced to 5' for all residential building types except multifamily projects of 5 or more units to create better massing and presence. Side setbacks are reduced to 2.5 ft. for single family cottage homes to allow for a less narrow building width. Lot size, minimum frontage, setbacks and accessory structure provisions have been created that are specific to the WCRAO but consistent with the overall intent of the ULDC.</p> <p>2. Eliminate Figure 3.B.14.F, WCRAO Sub-area Building Configurations and Lot Placements. Originally created to provide a visual tool to assist with implementing FBSDC property development regulations and related supplementary standards such as build to lines, lot coverage, frontage, height, and uses by floor, the figure could not easily be re-imagined to include the variety of residential PDRs now proposed. All references to Figure 3.B.14.F. throughout Art.B.14. are struck out.</p> <p>3. Revise existing PDR table to amend footnote 1 in the NR Sub-area column since single family dwelling PDRs are now addressed in new residential PDR table. The NR Sub-area column will remain for consistency and continuity in presentation of Sub-areas. Re-order footnotes.</p> <p>4. To clarify an existing provision from Section 3.14.F.2.b.2). that the minimum lot frontage of a single family dwelling may be 50 ft. on a public ROW. This language is now further codified as a minimum lot frontage/lot width for Single Family in Table 3.B.14.F, WCRAO Residential Sub-area PDRs.</p>
5.	ULDC Table 3.B.14.G., and Art. 3.B.14.G.3.b., WCRAO, Westgate Community Redevelopment Area Overlay, Supplementary Standards	<p>[Westgate CRA]</p> <p>1. To modify supplemental standards related to residential use types provided for in Table 3.14.F. WCRAO Residential Sub-area PDRs. Existing architectural standards meant to complement form based code such as window glazing requirements for the ground floor intended for mixed use retail storefronts do not function for small scale Multi-Family development or cottage homes with multiple units on a single lot or site where allowed in the NRM and NG Sub-areas. Supplemental standards related to entryways, private and common areas are introduced to incorporate architectural interest and open space within Multi-Family development.</p> <p>2. Notes re-ordered as necessary. Delete sub-column referring to location and setbacks; delete attached. Reformat to one row referencing required location for detached accessory quarters and garages.</p> <p>3. Eliminate exemption of smaller sites to comply with front entrance orientation to be consistent with the intent of the new Residential PDR table.</p>

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EXHIBIT F – ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

Part	Article	Reasons
1.	ULDC Art. 3.E.2.D. PUD Property Development Regulations (PDRs)	[Zoning] 1. After discussion with industry and multiple variances that had been approved by the Zoning Commission, the proposed amendment incorporates an allowance to increase the building coverage for SF and ZLL home by 10% provided they are one story.

EXHIBIT G – ARTICLE 3, OVERLAYS AND ZONING DISTRICTS – CRE CONSISTENCY

Part	Article	Reasons
1.	ULDC Art. 3.A.3.B. Overlays and Zoning Districts, General, Zoning District Consistency with the Future Land Use Atlas (FLUA), Standard Districts, Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts	[Zoning] 1. Commercial Recreation (CRE) was depicted in the table, along with the footnote, consistent with the Rural Residential 10 units/acre (RR-10) Future Land Use (FLU) to address existing parcels in the County that had RR-10 FLU and CRE Zoning. These existing parcels have been annexed into municipalities or rezoned. Removal of CRE in the table will be consistent with the Plan, as no new parcels can rezone to CRE with the FLU is RR-10.

EXHIBIT H – ARTICLE 3, PDD SETBACK MEASUREMENT

Part	Article	Reasons
1.	ULDC Art. 3.E.2.D.1, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations (PDRs), Table 3.E.2.D – PUD Property Development Regulations	[Zoning] 1. To modify the existing code language on how to measure setbacks for Multi-family residential a Type 3 CLF developments within a PUD. The measurement shall be taken from the property line, and not from the inside edge of the perimeter landscape buffer. The measurement from the inside edge of the buffer, is a requirement more applicable to developments with fee-simple ownership of land, ie Single Family, Zero Lot Line, single unit Cottage homes, and Townhouse, when previous approvals had perimeter landscape buffers as easements, dedicated to the HOA, located within the fee-simple lots. This measurement was to ensure no structures would encroach into the perimeter buffers. The ULDC requires these perimeter buffers to be located in separate tracts, rather than easements now.
2.	ULDC Art. 3.E.6.D.1, Overlays and Zoning Districts, Planned Development Districts (PDDs), Mobile Home Planned Development District (MHPD), Property Development Regulations, Table 3.E.6.D MHPD Property Development Regulations	[Zoning] 1. Delete reference to flexible regulations that was inadvertently added into the Code under ORD 2005-002, when the flexible regulations were deleted under ORD 2003-067.
3.	ULDC Art. 3.E.7.E, Overlays and Zoning Districts, Planned Development Districts (PDDs), Recreational Vehicle Planned Development District (RVPD), Property Development Regulations, Table 3.E.7.E RVPD Property Development Regulations	[Zoning] 1. .Modify setback measurements to be consistent with proposed language under PUD's.
4.	ULDC Art. 3.E.1.J, Overlays and Zoning Districts, Planned Development Districts (PDDs), General, Phasing and Platting	[Zoning] 1. Modify the requirements for platting and dedication of buffer tracts shall only apply to SF, ZLL, or Townhouse developments within a PDD, as they are fee simple subdivisions of Land. For Multi-family and CLF developments, these areas shall be dedicated as easements. Areas outside of the buildings will be dedicated to the common ownership or HOA for the overall development.

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EXHIBIT I – ARTICLE 4.B.1, RESIDENTIAL USES – [RELATED TO CARETAKER QUARTERS]

Part	Article	Reasons
1.	ULDC Art. 4.B.1, Use Regulations, Use Classification, Residential Uses	<p>[Zoning]</p> <p>1. Ord. 2018-002 removed the Special Permit (SP) review process from the Code and substituted it for the Development Review Officer (DRO) process. Prior to Ord. 2018-002, Caretaker Quarter was one of the uses approved through Special Permit (SP) process when a Mobile Home structure was utilized. If other type of structure was used, a Caretaker Quarter was Permitted by Right.</p> <p>This amendment changes the approval process for accessory Caretaker Quarters from DRO to Permitted by Right in order to make it consistent with similar accessory residential uses, and eliminate the need for Site Plan approval, which is excessive for an accessory use.</p>

EXHIBIT J – ARTICLE 4, APPLICATION PROCESSES AND PROCEDURES

Part	Article	Reasons
1.	ULDC Art 4.B.5 – Industrial Uses	<p>[Zoning]</p> <p>1. Update ULDC to be consistent with the recently adopted Planning ORD 2015-017, and ensure consistency with Comprehensive Plan Policy 2.2.4-b.</p> <p>2. To Allow Offices of an Industrial Nature (as defined by the Introduction and Administration Element) within all Commercial future land use designations.</p> <p>3. To allow within the Commercial High (CH) future land use designation uses that demonstrate Light Industrial characteristics including, but not limited to Manufacturing and Processing, Warehouse, and Flex Space.</p>

EXHIBIT K – ARTICLE 5, SUPPLEMENTARY STANDARDS – COMMUNITY AND NEIGHBORHOOD PARK RECREATION STANDARDS

Part	Article	Reasons
1.	ULDC Art. 5.D.2.B.9, Other Credits	<p>[Parks and Recreation]</p> <p>1. The purpose of this amendment is to reduce the minimum recreation parcel's site dimensions for those projects with 20 and fewer dwelling units (usually infill projects), in order to provide flexibility and reduced standards for smaller size parcels of land.</p>
2.	ULDC Art. 3.E.2.D Overlay and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations (PDRs), Setbacks, Table 3.E.2.D PUD Property Development Regulations	<p>[Parks and Recreation/Zoning]</p> <p>1. The purpose of this amendment is to reduce the minimum recreation parcel's site dimensions for those projects with 20 and fewer dwelling units (usually infill projects), in order to provide flexibility and reduced standards for smaller size parcels of land.</p> <p>2. Modify the Recreation Pod Lot dimensions to refer to the Footnotes and references to Article 5.D.</p> <p>3. Clarify existing language adopted under ORD 2016-042 allowing for exemptions for the frontage of Recreation Pods for MF, CLF or similar uses, that frontage of the Pod may be reduced or eliminated when the recreation is internal to the buildings, surrounded by structures or located on a shared driveway. Strike similar use and replace with Cottage Homes that are in the MF Pod or Lot. Clarify the requirement for the pedestrian circulation.</p>

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EXHIBIT L – ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Part	Article	Reasons
1.	ULDC Art. 6, Parking	[Zoning]
		1. Rename Article from Parking to Parking, Loading and Circulation
		2. Reorganize the Parking Article according to specific types of parking and requirements. Create additional sections such as Calculation, Location, Design and Parking Storage.
		3. Rewrite the Applicability section to reduce redundancy and include prohibitions, exemptions for Residential Zoning Districts.
		4. Remove Off-Street parking requirements from the Applicability section and relocate to the Off-Street Parking section.
		5. Relocate the Minimum Off-Street Parking and Loading Requirements Table to a newly created Calculation – Parking & Loading section. Rename table to Minimum Parking and Loading Requirements.
		6. Create an Exemption section.
		7. Create a Prior Approval and Nonconformities section.
		8. Delete Off-Street and replace with on-site or reference as parking, where applicable.
2.	ULDC Art. 6, Parking	[Zoning]
		1. The last comprehensive amendment to Art. 6, Parking was in 1992. During the Use Regulations Project and subsequent research, staff has identified and recommends the following: <ul style="list-style-type: none"> • to review and adjust parking requirements in order to address industry trends, • the need to consider more recent studies (Parking Generation, 4th Edition by the Institute of Transportation Engineers (ITE) and Urban Land Institute (ULI), • the need to consider and address input from industry on identified uses that currently do not reflect the parking spaces or loading demands needed, and • the need to correct glitches and issues (Variances for Parking and Loading).
		2. Create a new Chapter B Parking and Loading
		3. Correct the spelling of drive-thru to drive-through.
		4. Delete Kennel, Type 1 as this is an accessory residential use and is parked accordingly.
		5. Add or delete uses based on the Use Regulations Project.
		6. Delete off-street and replace with on-site or reference as parking, where applicable.
		7. Consolidate similar uses and delete duplicative uses, such as Theater or Performance Venue. Delete Swimming Pool, as the parking will be pursuant to either Clubhouse or Fitness Center. Delete Tennis and Basketball Courts, as the parking will be pursuant to a Clubhouse or an Outdoor Recreation Amenity use. Relocate existing language from Art. 5.B.1.A.9.b.2) to provide a parking exemption for recreation pods or facilities on less than one acre. Relocate the bicycle-parking requirement to Art. 5.B.1.A.18, Bike Racks.
		8. Rename the Minimum Off-Street Parking and Loading Requirements table to Minimum Parking and Loading Requirements and combine all tables, rather than separate them by each use classification.
		9. Revise loading key in the Minimum Parking and Loading Requirements Table to reduce requirements or add flexibility based on users needs. Allow a smaller loading space to be used with certain uses.
		10. Reduce parking requirements for warehouse use consistent with ITE, from 1 per 1,000 square feet to 1 per 2,000 square feet.
		11. Make reference to Notes consistent in the table.
		12. Relocate the Parking Spaces for Persons Who Have Disabilities to the newly created Section 2 Calculation – Parking and Loading, correct reference to the Florida Statute and delete the table.
		13. Clarify the application of parking requirements for Park use when another principal use is proposed in a Park to prevent duplication.
3.	ULDC Art. 6.A.1.D.Parking	[Zoning]
		1. To create a new Section 2. Location for existing language that identifies certain parking location requirements.
		2. Change the term Off-Street parking to On-Site Parking.
		3. Reorganize existing Off-Site parking language that was referenced as Off-Street parking.
		4. Distinguish between Off-Site parking that is used in conjunction with a permanent use as opposed to a temporary use.
		5. Clarify the location of Front, Side and Rear Parking graphic.
		6. Add provisions to Parking Structure/Garage for Parking Lift.
		7. Delete foundation planting graphic.

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4.	ULDC Art. 6.A.1.D.Parking	[Zoning]
		1. Create a new Section 3 Design and Materials.
		2. Create a new Dimensions and Layout section and reorganize accordingly.
		3. Codify PPM ZO-O-053 related to dual drive-through and provide graphic.
		4. Create a new Materials section.
		5. Edit the Drainage review to be pursuant to Art. 11, Subdivision, Platting and Required Improvements, rather than reviewed and approved by the County Engineer.
		6. Increase the golf cart allowance to 30 percent.
		7. Remove the County Engineer from the approval process for the use of Shell Rock.
		8. Provide a minimum dimension in the Motorcycle Parking diagram.
		9. Establish acceptable instances to allow shell rock parking for Government Facilities and Parks.
		10. Relocate Chapter C Driveways and Access to Section 3 Design and Layout.
5.	ULDC Art. 6, Parking	[Zoning]
		1. Create a new Chapter C, Alternate Design Options.
		2. Create a new Type 1 Waiver for Parking Reduction of no more than 15 percent.
		3. Clarify that the amount of required parking for uses that share parking may be reduced subject to a Type 1 Waiver.
		4. Include Type 2 Variance Applicability.
6.	ULDC Art. 6, Parking	[Zoning]
		1. Create new Chapter D, Residential Parking Storage.
		2. Reorganize the Applicability section.
7.	ULDC Art. 6, Parking	[Zoning]
		1. Create a new Chapter E, Loading Standards.
		2. Correct references based on the parking section being reorganized.
		3. Delete the Purpose and Intent, Applicability, Restrictions and Loading Space Ratios section.
		4. Reorganize the Prohibitions section.
		5. Create a new Section 2, Calculation, Section 3, Location and Section 4, Design and Construction Standards.
		6. Relocate Screening to Section 4, A, Dimensions, Layout, and Screening.
		7. Add provision for Government Services and Government Facilities to request alternative loading calculation for similar uses or reliable traffic engineering and planning information.
8. Delete unnecessary graphics.		
8.	ULDC Art. 2.C.5.E.2, Type 1 Waiver	[Zoning]
		1. Add a Parking Space reduction.
9.	ULDC Art. 5.B.1.A.1.e, Accessory Uses	[Zoning]
		1. In 2019, Ord. 2019-005 amended Table 6.A.1.B., Minimum Off-Street Parking and Loading Requirements, to reduce minimum office parking from 1 space per 200 square feet to 1 space per 250 square feet. In addition, Ord. 2019-005 did not specifically change the Accessory parking, it rather changed the parking requirement for the office use (as a Principal use) that should have also translated to the Accessory office parking requirement referenced in Art. 5, Supplementary Regulations, so they would be consistent. This amendment corrects the parking for an accessory office consistent with the accessory office parking requirements referenced in Article 6.
10.	ULDC Art. 5.B.1.A.9, Neighborhood Recreation Facility	[Zoning]
		10. Delete the minimum of two parking spaces required for recreation pods or facilities on less than one acre and refer to Art. 6, Table 6.B.1.B, Minimum Parking and Loading Requirements Parking for Recreational Pod or Neighborhood Recreation Facility Use, which will now include a Clubhouse use.
11.	ULDC Art. 5.B.1.A.18, Bike Racks	[Zoning]
		1. Relocate the bicycle parking requirement from Art. 6, Table 6.B.1.B – Minimum Parking and Loading Requirements to Art. 5.B.1.A.18, Bike Racks.

EXHIBIT M – ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

Part	Article	Reasons
1.	ULDC Art. 1.1.2.1.33, General Provisions, Definitions and Acronyms, Irreparable or Irreversible Harm	[Zoning]
		1. For the purpose of Article 7.G, Enforcement, the proposed amendment is to clarify the terms, reparable and irreparable or irreversible damage relating to the action of illegal removal and damage of vegetation.
		2. Codify PPM ZO-O-018 Pruning Enforcement.
2.	ULDC Table 2.A.6.B Application Processes and Procedures, General, Zoning	[Zoning]
		1. Amend the notes in Table 2.A.6.B – Landscape Related Plans, to add clarify plans are to be designed by a Florida Licensed Professional Landscape Architect.

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	Application Procedures, Landscape Related Plans	2. Amend the notes in Table 2.A.6.B – Landscape Related Plans, to replace the term tree Disposition Chart to Vegetation Disposition Chart as the term Vegetation includes trees, palms and pines.
3.	ULDC Art. 7.B.3.D, Landscaping, Applicability and Approval Process, Approval Process for Landscape Plans, Landscape Inspections	[Zoning] 1. Modify Monitoring Inspection to define it as an inspection that is used to respond to complaints and address violations the Code or Development Order, and Code Enforcement issues.
4.	ULDC Art. 7.B.4.C, Landscaping, Applicability and Approval Process, Type 1 Waiver for Landscaping, Landscape Plans	[Zoning] 1. Amend existing Type 1 Waiver process to clarify the proposed plan that is submitted with this request should be an Alternative Landscape Plan (ALP), since ALPs are the required plans for all types of waiver and variance requests.
5.	ULDC Art. 7.B.5, Landscaping, Applicability and Approval Process, Tree Removal and Replacement	[Zoning] 1. Add reference to F.S relating to the removal and replacement of trees, as a result of changes during the 2019 Florida House/Senate Session, and resulted with the amendments found in HB 2019-1159 (F.S. 163.045). The bill/FS allows for exemptions in the replacement of trees in residential properties or properties with a residential use. 2. Replace the term tree Disposition Chart to Vegetation Disposition Chart as the term Vegetation includes trees, palms and pines. 3. Add Exception to permitting as described in F.S. 163.045 and add an exception for SFR permitting where a site does not meet F.S. 163.045, provided that the property owner cannot go below minimum vegetation or could result in a CE NOV. 4. Add cross reference to 7.G, Enforcement as it related to the timing of removal and replacement on the permit
6.	ULDC Art. 7.E.3, Landscaping, Existing Native Vegetation, Prohibited, And Controlled Plant Species, Credit and Replacement	[Zoning] 1. Amend heading from Vegetation Survey to Vegetation Credit as it is describing the process for permitting vegetation credit. Clarify that the vegetation credit application is reviewed with a decision to be made by both ERM and Zoning Division Staff. 2. Relocate existing Replacement heading and requirements from Art. 7.F.3 Maintenance Section to this Section, Art. 7.E.3, because it focuses on Credit and Replacement regulations rather than maintenance. 3. Modify Footnote 1 relating to rounding to be consistent with the definition described in Article 1.C. where numbers results in less than or greater than 0.5. Add Footnote 4 to Table 7.E.3.C – Vegetation Credit and Replacement to cross reference new table relating to violations and corrective actions in Art 7.G.3.C Corrective Actions. 4. Amend and clarify the allowance vegetation replacement that is damaged due to Natural Disaster may have an alternative replacement requirements pursuant to the requirements of Art. 7.G.2 Temporary Suspension of Landscaping Standards, or as exempt by F.S. 163.045. 5. Relocation of the Illegal Tree and Pine Removal to Art 7.G Enforcement, as this section is describing the procedures when vegetation is removed illegally.
7.	ULDC Art. 7.F, Landscaping, Installation and Maintenance, Maintenance	[Zoning] 1. Relocate Replacement of all types of vegetation and other landscape materials from the Maintenance Section to Art. 7.E.3 as this Section focuses on Credit and Replacement regulations. 2. Delete reference to ERM publication as it is no longer used, and refer to American National Standards Institute, (ANSI) A300 for maintenance 3. Use terminology of Vegetation rather than tree as other species need to be pruned. 4. Add a pruning exemption per a Florida Statue.
8.	ULDC Art. 7.F, Installation and Maintenance	[Zoning] 1. Relocate natural disaster replacement from Art. 7.C.3, Vegetation Credit and Replacement, and to provide enforcement procedures for those vegetation that were illegally removed. 2. Modify to include vegetation that has had irreparable/irreversible harm and vegetation that is repairable. 3. To allow the Zoning Director to provide recommendations for corrective actions to Code Enforcement of illegal vegetation removal.

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EXHIBIT N – ARTICLE 7, LANDSCAPING – EASEMENT OVERLAPS OF LANDSCAPE BUFFERS

Part	Article	Reasons
1.	ULDC Art. 7.C.5, Landscaping, Landscape Buffer and Interior Landscaping Requirements, Easements in Landscape Buffers and Off- Street Parking Areas	<p>[Zoning and Land Development]</p> <p>1. Policy Memo History Policy Memo PPM ZO-O-016, Landscaping was originally issued on May 20, 2005 to clarify the review and approval process for extenuating circumstances to allow detention area overlap in a portion of landscape buffers. The prior code allows detention/retention areas, drainage easements, lake maintenance easements, and sloped directional swales greater than one foot below finished grade, shall not be located in or overlap required landscape buffers <u>unless otherwise approved in writing by the Land Development Division</u>. The underlined provision was added to the January 2004 ULDC Amendments due to an additional right of way oversight resulting in a corrective action to resolve the building permit for a specific project. If a similar situation occurs after a Final approval by the Development Review Officer, due to unforeseen roadway design changes like expanded intersection, turn lane, right of way conveyance, etc. a property owner may request Land Development to allow partial overlap of detention area into a portion of the perimeter landscape buffer. The review procedures will be coordinated between Land Development and Zoning Divisions.</p> <p>In the PPM, there were six criteria to allow both the Zoning Division and Land Development Division to make a decision on the overlap of easements or other drainage areas.</p> <ol style="list-style-type: none"> 1. These provisions shall not be available to projects with BCC Condition(s) that do not allow width reductions or easement encroachments. 2. Granting of provision is not to be considered an alternative to seeking relief from the Board of Adjustment and compliance with seven (7) criteria for hardship landscape buffer. 3. If required berms are included in landscape buffers, modifications do not reduce the plateau heights or cause 3:1 slope to become too steep due to proposed detention overlap. 4. Detention area may be allowed for maximum 25% overlap on interior side of landscape buffer width if buffer dimension is greater than 25' but less than 50'. 5. Detention area may be allowed for maximum 50% overlap on interior side of landscape buffer width if buffer dimension is greater than 50'. 6. If detention area overlap is requested into landscape buffers, additional plant materials (including water tolerant species or wetland plants) may be requested to maintain opaque screening requirements. <p>2. Amendments to Article 7 under Ordinance 2006-004, which was to codify this PPM, did not include criteria 4-6, because a maximum code required buffer width is only 20 feet; and it is through a Condition of Approval that a buffer width may be required to be increased to over 20 feet. Therefore, it was decided that criteria 4-5 are no longer needed under the Code, but could be imposed as a Condition of Approval on as needed basis. As for criteria 6, the water tolerant plants should also be recommended as a Condition of Approval or imposed as a staff comment during the review of an application.</p> <p>3. Clarify that an overall maximum of 5 feet of easements or drainage areas may overlap a landscape buffer provided sufficient growing area remains. Example: If the site has a 2.5 feet of overlap by an overhead FPL easement, and another 5 feet overlap by a retention area, the overlap shall be reduced since the total overlap of that Landscape Buffer shall be only be a maximum of 5 feet.</p> <p>4. Clarify that overlap is only allowed for a R-O-W and an Incompatibility buffer since the Compatibility buffer is only 8 feet in width.</p>
2.	ULDC Art. 7.C.5, Landscaping, Landscape Buffer and Interior Landscaping Requirements, Easements in Landscape Buffers and Off- Street Parking Areas	<p>[Zoning and Land Development]</p> <ol style="list-style-type: none"> 1. Add above ground utilities such as lift stations, and clarify that they are not allowed to overlap a landscape buffer. In the prior supplements, Article 7 never addresses this type of utility structures. 2. Replace “sloped directional swales that are greater than one foot” with “swales” per Land Development Division, so that any swale less than one foot shall be subject to the same regulations. Land Development Division will determine the depth of swale on a case by case basis. 3. Clarify that overlap of easement or drainage areas shall only be allowed if Zoning Division and Land Development Division agree that planting shall not interfere the function of the drainage area, e.g. percolation rate and storage capacity, etc. 4. Clarify the Type 1 Waiver for Landscaping is located in Art. 7.B.4, which specifically

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EXHIBIT O – ARTICLE 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, GENERAL REQUIREMENTS, APPLICATION OF ORDINANCE

Part	Article	Reasons
1.	ULDC Art. 11.A.4.A, General Requirements, Application of Ordinance, General Application	[Zoning/Land Development] 1. To delete an incorrect reference to Art. 2 Chapter H and correct with a general reference to Art. 2..

EXHIBIT P – ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS – CODIFICATION OF ORD. 2017-023 AND ORD. 2009-030

Part	Article	Reasons
1.	ULDC Art. 12.B.2.D.4, Traffic Performance Standards, Standard, Project Buildout/Five Year Standard, Radius of Development Influence/Project Significance	[Planning] 1. The enabling CRALLS TE Policy 1.2.f.41 was deleted in Planning Amendment Round 17-C, as the CRALLS had expired in 2012, through Ordinance 2017-023. Policy 1.2-f (41) was a <i>de minimis</i> CRALLS policy for those developments with minimal impact on the designated roadways.
2.	ULDC Art. 12.R, Traffic Performance Standards, Corridor Master Plans	[Planning] 1. The enabling Corridor Master Plans TE Policy 1.1.n was deleted in Planning Amendment Round 09-1 through Ordinance 2009-030 due to budgetary constraints and complexity involved in resolving intergovernmental differences. Some of the reasons for the deletion included County’s past experience which proved that it was time and resource consuming to resolve all intergovernmental differences in order to have a Corridor Master Plan (CMP) adopted by all municipalities involved. Any local government involved in a CMP could veto the whole process. It was further determined that existing planning tools available at the time of policy deletion could be utilized to achieve planning goals or objectives without the need for a CMP.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067 AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS:** CHAPTER H, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER A, GENERAL, CHAPTER B, PUBLIC HEARING PROCESS, CHAPTER C, ADMINISTRATIVE PROCESSES, CHAPTER D, ULDC PRIVATELY INITIATED AMENDMENT (PIA), CHAPTER E, MONITORING, CHAPTER G, DECISION MAKING BODIES, AND CHAPTER H, FLU PLAN AMENDMENTS; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL, CHAPTER B, OVERLAYS, CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs), AND CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 – USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY USES AND STRUCTURES AND CHAPTER D, PARKS AND RECREATION – RULES AND RECREATION STANDARDS; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING, CHAPTER B, LOADING STANDARDS, AND CHAPTER C, DRIVEWAYS AND ACCESS; **ARTICLE 7 – LANDSCAPING:** CHAPTER B, APPLICABILITY AND APPROVAL PROCESS, CHAPTER C, LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS, CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES, CHAPTER F, INSTALLATION AND MAINTENANCE, AND CHAPTER G, ENFORCEMENT; **ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS:** CHAPTER A, GENERAL REQUIREMENTS; **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS:** CHAPTER B, STANDARD AND CHAPTER R, CORRIDOR MASTER PLANS; **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 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 listed below, attached hereto and made a part hereof, are hereby adopted.

1 **SUMMARY:** The proposed Ordinance will account for consistency with the Comprehensive Plan,
2 correction of glitches and clarifications, as well as several specific amendments, as follows:

- 3 ▪ Ordinance Title
- 4 ▪ Exhibit A Art. 2 HB 7103 Legislation to Modify Timeline for Review of DOs
- 5 ▪ Exhibit B Art. 2 ULDC Privately Initiated Amendment
- 6 ▪ Exhibit C Art. 2 Monitoring
- 7 ▪ Exhibit D Art. 2 Planning Process and Historic Resources Review
- 8 ▪ Exhibit E Art. 3 Westgate Redevelopment Area Overlay – Residential Uses
- 9 ▪ Exhibit F Art. 3 Residential Building Coverage
- 10 ▪ Exhibit G Art. 3 CRE Consistency and RR-10 FLU
- 11 ▪ Exhibit H Art. 3 PDD Setback Measurement
- 12 ▪ Exhibit I Art. 4 Caretaker Quarters
- 13 ▪ Exhibit J Art. 4 Industrial Uses in CH Land Use
- 14 ▪ Exhibit K Art. 3 and 5 Community and Neighborhood Park Recreation Standards
- 15 ▪ Exhibit L Art. 6 Parking
- 16 ▪ Exhibit M Art. 1, 2, and 7 Vegetation Violations and HB 1159
- 17 ▪ Exhibit N Art. 7 Easement Overlaps of Landscape Buffers
- 18 ▪ Exhibit O Art. 11 Code Reference FLU versus Article 2 process
- 19 ▪ Exhibit P Art. 12 TPS Codification of Ord. 2017-023 and Ord. 2009-031

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21 **Section 2. Interpretation of Captions**

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

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25 **Section 3. Repeal of Laws in Conflict**

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

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29 **Section 4. Severability**

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

34

35 **Section 5. Savings Clause**

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

1 **Section 6. Inclusion in the Unified Land Development Code**

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

4
5 **Section 7. Providing for an Effective Date**

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

8
9
10 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County,
11 Florida, on this the _____ day of _____, 20____.

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Dave Kerner, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Scott A. Stone, County Attorney

12 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
13 _____, 20____.

EXHIBIT A

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

Part 1. ULDC Art. 2.A Application Processes and Procedures, General, (pages 15 and 21 of 101, Supplement 25), is hereby amended as follows:

1 **CHAPTER A GENERAL**

2

3 **Section 3 Initiation of Applications**

4 Applications may be submitted to the Zoning Division by the following authority: PBC official, owner, agent
5 who is authorized in writing to act on the owner's behalf, or person having a written contractual interest in
6 the land for which the amendment or development permit is proposed. Applications shall be submitted in
7 accordance with the dates and fees established by the Zoning Division. **[Ord. 2018-002]**

8 **A. Established Dates and Fees for Zoning Division Applications**

- 9 1. The Zoning Director shall publish an Annual Zoning Calendar, as may be amended, providing
10 dates and deadlines for the following: **[Ord. 2018-002]**
11 a. Submittals and Resubmittals of an application by the Applicant; **[Ord. 2018-002]**
12 b. ~~Resubmittal by the Applicant~~Sufficiency and Insufficiency determination by the DRO; **[Ord.**
13 **2018-002]**
14 c. Issues and Comments identified by Staff;
15 d. Certification of an application for Public Hearings; and **[Ord. 2018-002]**
16 e. Hearing dates. **[Ord. 2018-002]**
17 2. All other dates and deadlines for the application processes shall be specified in the Code. If
18 there is a conflict in the dates between the Code and the Calendar, the Code shall prevail.
19 **[Ord. 2018-002]**
20 3. Applications that are submitted to the Zoning Division shall be accompanied by a fee
21 established by the BCC. All fees shall be paid at the time of the submittal of the applications.
22 4. Any request for a refund of fees shall be in writing, based on the current PZB Refund Policy,
23 and subject to approval by the Executive Director of Planning, Zoning and Building or designee
24 Zoning Director. **[Ord. 2018-002]**

25

26 **Section 7 Sufficiency Review**

27 The DRO shall determine whether ~~or not~~ the application is sufficient or insufficient ~~ten days from the date~~
28 ~~of submittal~~ by reviewing the required information provided in the application, and any additional data
29 necessary to evaluate the application. Sufficiency review procedures specified in other Articles applicable
30 to particular County Agencies may supersede these provisions, unless stated otherwise. Applications
31 ~~subject to the Public Hearing Processes~~ shall be subject to the requirements of Art. 2.B.2, Sufficiency
32 Review for Public Hearing Processes and Art. 2.C.2, Sufficiency Review for Administrative Processes.
33 **[Ord. 2005-041] [Ord. 2011-016] [Ord. 2018-002]**
34

Part 2. ULDC Art. 2.B.2 Application Processes and Procedures, Public Hearing Processes, Sufficiency Review; and, 2.B.4 – Application Processes and Procedures, Public Hearing Processes, Review, Resubmittal and Certification (page 25-26 of 101, Supplement 25), is hereby amended as follows:

35 **CHAPTER B PUBLIC HEARING PROCESSES**

36

37 **Section 2 Sufficiency Review**

38 **A. Sufficiency**

39 The DRO shall ensure the applications meet all Submittal requirements and the requests are
40 consistent with Art. 2.A, General and the Zoning Technical Manual. If the application is determined
41 to be sufficient by the DRO, ~~the DRO shall provide written notification to the Applicant and the~~
42 application # shall be distributed to the applicable County Agencies for review pursuant to the
43 procedures and standards of this Article. **[Ord. 2005-041] [Ord. 2018-002]**

44 **B. Insufficiency**

45 If an application is determined to be insufficient pursuant to the ~~Reasons for Insufficiencies listed~~
46 ~~in the~~ Zoning Technical Manual, the DRO shall provide written notification to the Applicant

Notes:

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EXHIBIT A

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF
DEVELOPMENT ORDERS**

- 1 specifying the deficiencies. The notification shall be forwarded to the Applicant within ~~ten~~ 30-
 2 calendar days ~~from of~~ the date of the aApplication's sSubmittal date. [Ord. 2018-002]
 3 1. No further action shall be taken on the application until the deficiencies are remedied. [Ord.
 4 **2018-002]**
 5 2. The Applicant shall address all insufficiencies no more than 30-calendar days after the
 6 application was determined to be insufficient, and resubmit the application on the sSubmittal
 7 date ~~of the next month pursuant to the Annual Zoning Calendar~~. [Ord. 2018-002]
 8 3. If the application is amended and determined to be sufficient by the DRO, the application shall
 9 be processed for review. [Ord. 2018-002]
 10 4. If the deficiencies are not remedied ~~in the next Submittal as indicated on the Annual Zoning~~
 11 ~~Calendar~~, the DRO shall issue a second written notification to the Applicant indicating the
 12 application shall be considered withdrawn unless a written request for a time extension request
 13 has been submitted and approved by the Zoning Director, pursuant to Art. 2.B.2.C, Time
 14 Extension. [Ord. 2018-002]
 15 **C. Time Extension**
 16 The Applicant may submit a written request for an extension of time to the Zoning Director should
 17 additional time be required to address ~~unresolved issues~~ deficiencies of the application. Such
 18 request shall be submitted to the Zoning Director no later than 5 days after the issuance of the
 19 second Insufficiency notification. [Ord. 2018-002]
 20 **D. Administrative Withdrawal**
 21 If the Applicant fails to address the insufficiencies or request and receive a time extension, it may
 22 result in an Administrative withdrawal of the application. [Ord. 2018-002]

Part 3. **ULDC Art.2.B.4 – Application Processes and Procedures, Public Hearing Processes, Review, Resubmittal and Certification (page 25-26 of 101, Supplement 25), is hereby amended as follows:**

23 **CHAPTER B PUBLIC HEARING PROCESSES**

24

25 **Section 4 Review, Resubmittal, and Certification**

26 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, ~~subject to the~~
 27 ~~timeline specified in the Table below. The processing time may vary based upon the types of requests. The~~
 28 ~~deadlines for Staff comments, Resubmittal by the Applicant, and Certification shall be indicated on the~~
 29 Annual Zoning Calendar. [Ord. 2018-002]

30 **A. Exception for PO Deviations**

31 *PO Deviations shall be submitted to the Zoning Division on the Application Submittal Date. Sufficiency review is completed by the DRO to ensure the request complies with Art. 2.B.7.G, Public Ownership (PO) Deviations and PPM #ZO-O-063. The Zoning Division is only responsible for ensuring the correct allowable deviations are being requested and placing the application and staff summary on a BCC Zoning Agenda. PO Deviations, pursuant to Art. 11, Subdivision, Platting, and Required Improvements, shall be submitted directly to the County Engineer for review. [Ord. 2019-005] [Relocated from Table 2.B.4 Review, Resubmittal, and Certification]*

Table 2.B.4 – Review, Resubmittal, and Certification

Processes	DRO
Application Submittal by Applicant	Refer to Annual Zoning Calendar. (1)
Sufficiency Review by Staff	10 days from the date of Application Submittal. (1)
Insufficiency to be Addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency.
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next resubmittal date. Refer to Annual Zoning Calendar.
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar.
Certification for Public Hearings	Refer to Annual Zoning Calendar.
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]	
Notes:	
4.	<i>PO Deviations shall be submitted to the Zoning Division on the Application Submittal Date. Sufficiency review is completed by the DRO to ensure the request complies with Art. 2.B.7.G, Public Ownership (PO) Deviations and PPM #ZO-O-063. The Zoning Division is only responsible for ensuring the correct allowable deviations are being requested and placing the application and staff summary on a BCC Zoning Agenda. PO Deviations, pursuant to Art. 11, Subdivision, Platting, and Required Improvements, shall be submitted directly to the County Engineer for review. [Ord. 2019-005] [Relocated to 2.B.4.A PO Deviations]</i>

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EXHIBIT A

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

1 **AB. Review**

2 Staff review shall be based on applications that are deemed sufficient, and any subsequent
3 resubmittals. The DRO shall prepare a list of issues and comments and make it available to the
4 Applicant. The Applicant shall provide a written response and revised document(s), if applicable,
5 addressing all outstanding issues and comments by-on the next ResSubmittal date indicated on
6 the Annual Zoning Calendar. The written responses and revised document(s) shall address the
7 issues and comments prepared by Staff and shall not significantly modify the application that was
8 determined to be sufficient. [Ord. 2018-002]

9 1. Significant modifications shall include, but not limited to the following:

10 a. Additional requests to the application;

11 b. Modifications to the site layout or resubmitted document(s) that would require a new review
12 of the document(s) or impact the timing of a final decision by the ZC or BCC.

13 2. If the DRO determines that the revised requests and documents are significantly modified from
14 the original request that was determined to be sufficient, the DRO shall provide a written
15 notification to the Applicant describing what changes significantly modified the application. The
16 Applicant shall:

17 a. revise the requests and modify plans to eliminate the significant modification;

18 b. submit a written request for a time extension to the Zoning Director to determine if the
19 application is still sufficient or if a new sufficiency review is required. Both parties may
20 agree to a reasonable request for an extension of time; or,

21 c. request withdrawal of the application.

22 **BC. Non-Certification**

23 If the revised document(s) fail to address all listed outstanding issues and comments, the DRO
24 shall issue a Result List indicating that the application is not certified. [Ord. 2018-002] [Partially
25 Relocated from 2.B.4.C Non Certification]

26 1. **Resubmittal Requirements**

27 The Applicant shall provide a written response addressing all outstanding issues and
28 comments for those applications that are not certified, in a manner and form acceptable to the
29 DRO. The revised document(s) shall be submitted on the Resubmittal date as established on
30 the Annual Zoning Calendar. [Ord. 2005-041] [Ord. 2008-003] [Ord. 2018-002] [Relocated
31 from 2.B.4.C Non Certification]

32 2. **Time Extension**

33 Applicant's who have applications for a DO that are not certified within 120 calendar days of
34 Sufficiency determination by the DRO, must submit a written request and receive approval for
35 an extension of time the Zoning Director within the 120-day calendar deadline. Both parties
36 may agree to a reasonable request for an extension of time. [Partially relocated from 2.B.4.E
37 Continuance or Postponement]

38 **D. Certification**

39 1. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of
40 outstanding issues and comments, the DRO shall issue a Result Letter indicating the
41 certification of the application. [Ord. 2018-002]

42 2. If the Applicant fails to address the listed outstanding issues and comments within the 120
43 calendar day deadline, and fails to request and receive approval for a reasonable request for
44 an extension of time, from the Zoning Director within the 120 calendar day deadline, the
45 application shall be scheduled to proceed to a public hearing to comply with the timeframes
46 enumerated in the F.S. An applicant may receive a recommendation of denial from Staff for
47 failure to comply with the Standards pursuant to Art. 2.B.7 Types of Applications, including the
48 outstanding issues and comments provided by Staff.

49 ~~C. Non-Certification~~

50 ~~If the resubmitted documents fail to address all listed outstanding issues and comments, the DRO~~
51 ~~shall issue a Result List indicating that the application is not certified. [Ord. 2018-002] [Partially~~
52 ~~Relocated to 2.B.4.B Non Certification]~~

53 ~~1. Resubmittal Requirements~~

54 ~~The Applicant shall provide a written response, addressing all outstanding issues and~~
55 ~~comments for those applications that are not certified, in a manner and form acceptable to the~~
56 ~~DRO. The revised documents shall be resubmitted on the Submittal date as established on the~~
57 ~~Annual Zoning Calendar. [Ord. 2005-041] [Ord. 2008-003] [Ord. 2018-002] [Relocated to~~
58 ~~2.B.4.B.1 Resubmittal Requirements]~~

59 **DE. Application Modification after Certification**

60 Applications shall not be significantly modified after certification, unless requested or agreed to by
61 the DRO. Significant modifications to the certified plan(s) and application(s) within ten days of a
62 scheduled public hearing date shall result in a postponement, when a decision can be rendered
63 within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an
64 extension of time. For the purposes of this Article, a modification shall be considered significant if
65 it exceeds 30 percent or more change from the certified plan or application request. The DRO may

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EXHIBIT A

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

1 consider, but not limited to: intensity, density, land area, or vehicular use areas, to determine
2 whether the certified plans or documents exceed the 30 percent threshold. [Ord. 2005-002] [Ord.
3 2018-002]

4 ~~E. Continuance or Postponement~~

5 ~~Applications for a DO that are continued or postponed for more than six months by the DRO must~~
6 ~~obtain approval from the Zoning Director. [Partially Relocated to 2.B.4.B. Time Extension] All~~
7 ~~applications, that have been continued or postponed for more than six months without approval.~~

Part 4. ULDC Art. 2.B.6, Application Processes and Procedures, Public Hearing Processes,
Public Hearing Procedures (page 29 of 101, Supplement 25), is hereby amended as
follows:

8 CHAPTER B PUBLIC HEARING PROCESSES

9

10 Section 6 Public Hearing Procedures

11 All decision-making persons and bodies shall act in accordance with the time limits established in this Code,
12 unless stated otherwise. [Ord. 2018-002]

13 A. Scheduling

14 Once an application has been certified by the DRO, the DRO shall schedule a public hearing in
15 accordance with the dates established in the Annual Zoning Calendar and pursuant to F.S.
16 125.022, or such time as is mutually agreed upon between the Applicant and the DRO. The
17 scheduling of the application for public hearing shall ensure the public notice requirements are
18 satisfied. [Ord. 2018-002]

19 1. Number of Hearings

20 Both the ZC and the BCC shall hold at least one public hearing on applications that are subject
21 to the Public Hearing processes, unless otherwise stated herein. [Ord. 2018-002]

22 2. Exception for Official Zoning Map Amendment

23 The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a
24 proposed amendment to the boundaries of the Official Zoning Map for PBC initiated
25 applications consisting of ten or more contiguous acres of land. [Ord. 2018-002]

26 3. Exception for PO Deviations

27 The application for public hearing shall be placed on the next available BCC Zoning Hearing
28 for which the public notice requirements can be satisfied. [Ord. 2019-005]

29

30 C. Board Action

31 1. Action by ZC

32 The ZC shall conduct a public hearing on the application, subject to the following procedures:
33 [Ord. 2018-002]

34 a. Recommendations by the ZC

35 The ZC shall consider the application where the BCC makes a final decision, including staff
36 report, relevant support materials, public testimony and public testimony given at the
37 hearing. After close of the public hearing, the ZC shall recommend to the BCC that the
38 application be approved, approved with Conditions, modified, ~~continued, postponed~~ or
39 denied based upon the applicable Standards in Art. 2.B.7, Types of Applications. [Ord.
40 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]

41 1) The ZC may consider an application be: remanded, continued or postponed when a
42 decision can be rendered within the timeframe enumerated in the F.S., or if both parties
43 agree to a reasonable request for an extension of time. If there is no mutual agreement
44 for a time extension, the application shall move forward with a recommendation by the
45 ZC.

46 b. Final Decision by the ZC

47 The ZC shall consider the application where the ZC makes a final decision, including, staff
48 report, relevant support materials, DRO certification, public testimony, and public testimony
49 given at the hearing. After close of the public hearing, the ZC shall by not less than a
50 majority of a quorum present approve, approve with conditions, modify, ~~postpone~~, or deny
51 the application. The actions shall be based upon the applicable and any Standards specific
52 to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution
53 approving, approving with Conditions, or denying the proposed request. The resolution
54 shall be filed with the Zoning Division. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]

55 1) The ZC may consider an application be remanded, continued, or postponed when a
56 decision can be rendered within the timeframe enumerated in the F.S., or if both parties

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EXHIBIT A

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

1 ~~agree to a reasonable request for an extension of time. If there is no mutual agreement~~
2 ~~for a time extension, the application shall move forward with a final decision by the ZC.~~

3 ~~**c. Remand by the ZC**~~

4 ~~If at any time during the public hearing, the ZC determines that the application is based~~
5 ~~upon incomplete, inaccurate information or misstatements of fact, it may remand the~~
6 ~~application back to the DRO for further review and a revised staff report. [Ord. 2018-002]~~

7 **2. Action by BCC**

8 **a. Recommendations by the ZC**

9 The BCC shall consider the application, staff report, relevant support materials, the
10 recommendation of the ZC, and the public testimony submitted before and given at the
11 hearing. [Ord. 2018-002]

12 **b. Final Decision by the BCC**

13 The BCC shall consider the application, staff report, relevant support materials, DRO
14 certification, the ZC recommendation, public testimony submitted before and given at the
15 hearing. After close of the public hearing, the BCC shall by not less than a majority of a
16 quorum present approve, approve with conditions, modify, ~~postpone~~, or deny the
17 application. The actions shall be based upon the applicable and any Standards specific to
18 the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving,
19 approving with Conditions, or denying the proposed request. The resolution shall be filed
20 with the Clerk of the Circuit Court. For PO Deviations a Result Letter, in lieu of a resolution,
21 is prepared by the DRO, provided to the Applicant, and filed with the Zoning Division. [Ord.
22 **2008-003**] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005]

23 shall be filed with the Zoning Division. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]

24 1) The BCC may consider an application be remanded, continued, or postponed when a
25 decision can be rendered within the timeframe enumerated in the F.S., or if both parties
26 agree to a reasonable request for an extension of time. If there is no mutual
27 agreement, the application shall move forward with a final decision by the BCC.

28 ~~**c. Remand by the BCC**~~

29 ~~If at any time during the public hearing, the BCC determines that the application is based~~
30 ~~upon incomplete, inaccurate information or misstatements of fact, the BCC may remand~~
31 ~~the application back to the ZC or DRO for further review and a revised staff report. [Ord.~~
32 ~~**2018-002**~~

33 **3. Action by the Hearing Officer**

34 At the public hearing(s), the Hearing Officer shall consider the application, all relevant support
35 materials, staff report, testimony given, and evidence introduced into the record at the public
36 hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify
37 or withdraw the request. [Ord. 2006-036] [Ord. 2018-002]

38

39 **E. Continuance or Postponement of Hearings**

40 The BCC or ZC conducting the public hearing, may, on its own motion or at the request of an
41 Applicant, ~~continue the public hearing to a fixed date, time and place~~ consider an application be
42 continued or postponed when a decision can be rendered within the timeframe enumerated in the
43 F.S., or if both parties agree to a reasonable request for an extension of time. The BCC or ZC shall
44 determine if an application shall be postponed when an Applicant fails to submit a written request
45 for postponement five days prior to the hearing. All subsequent request for continuance or
46 postponement shall be granted at the discretion of the decision making body. [Ord. 2005-041]
47 [Ord. 2006-036] [Ord. 2018-002]

48 **1. Postponement by Right**

49 An Applicant ~~shall be granted a postponement by right to the next regularly scheduled hearing~~
50 may submit a written request to the Zoning Director, no less than five days prior to the hearing,
51 for an application be postponed when a decision can be rendered within the timeframe
52 enumerated in the F.S., or if both parties agree to a reasonable request for an extension of
53 time, if requested in writing five days prior to the hearing. If the postponement is requested
54 less than five days prior to the date of the scheduled hearing, the request for postponement
55 shall be presented at the hearing and at the discretion of the ZC or BCC. [Ord. 2018-002]

56 **EF. Finalization of Approved DOs**

57 The Applicant shall submit an application to the DRO for finalization of the BCC or ZC approved
58 DOs in accordance with the procedures in Art. 2.C.3.A, Finalization of BCC or ZC DOs, as
59 applicable. [Ord. 2018-002] [Ord. 2019-005]

60 **FG. Other Procedures**

61 Other procedures, which include: Postponement, Remand, Suspension of Development Review,
62 Withdrawal and Denial of Application; are referenced in Art. 2.A.10; Violation of Condition of DO in
63 Art. 2.A.11; Outstanding Liens or Fines in Art. 2.A.12; Misrepresentation in Art. 2.A.13; and, Appeal
64 in Art. 2.A.14. [Ord. 2018-002]

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EXHIBIT A

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

Part 5. ULDC Art. 2.C.2 Application Processes and Procedures, Administrative Processes, Sufficiency Review (pages 41-42 of 101, Supplement 25), is hereby amended as follows:

1 **CHAPTER C ADMINISTRATIVE PROCESSES**

2

3 **Section 2 Sufficiency Review**

4 **A. Sufficiency**

5 The DRO shall ensure the applications meet all Submittal requirements and the requests are
6 consistent with Art. 2.A, General and the Zoning Technical Manual. If the application is determined
7 to be sufficient by the DRO, the DRO shall provide written notification to the Applicant and the
8 application ~~it~~ shall be distributed to the applicable County Agencies for review pursuant to the
9 procedures and standards of this Article. [Ord. 2018-002]

10 **B. Insufficiency**

11 If an application is determined to be insufficient pursuant to the Reasons for Insufficiencies listed
12 in the Zoning Technical Manual, the DRO shall provide written notification to the Applicant
13 specifying the deficiencies. The notification shall be forwarded to the Applicant within ~~ten 30-~~
14 calendar days from of the date of the Application's submittal date. [Ord. 2018-002]

- 15 1. No further action shall be taken on the application until the deficiencies are remedied. [Ord.
16 2018-002]
- 17 2. The Applicant shall address all insufficiencies no more than 30-calendar days after the
18 application was determined to be insufficient, and resubmit the application on the submittal
19 date of the next month pursuant to the Annual Zoning Calendar. [Ord. 2018-002]
- 20 3. If the application is amended and determined to be sufficient by the DRO, the application shall
21 be processed for review. [Ord. 2018-002]
- 22 4. If the deficiencies are not remedied in the next Submittal as indicated on the Annual Zoning
23 Calendar, the DRO shall issue a second written notification to the Applicant indicating the
24 application shall be considered withdrawn unless a written request for a time extension request
25 has been submitted and approved by the Zoning Director, pursuant to Art. 2.C.2.C, Time
26 Extension. [Ord. 2018-002]

27 **C. Time Extension**

28 The Applicant may submit a written request for an extension of time to the Zoning Director should
29 additional time be required to address unresolved issues deficiencies of the application. Such
30 request shall be submitted to the Zoning Director no later than 5 days after the issuance of the
31 second Insufficiency notification. [Ord. 2018-002]

32 **D. Administrative Withdrawal**

33 If the Applicant fails to address the insufficiencies or request and receive a time extension, it may
34 result in an Administrative withdrawal of the application. [Ord. 2018-002]

Part 6. ULDC Art. 2.C.4 Application Processes and Procedures, Administrative Processes, Review, Resubmittal and Final Decision (pages 43-44 of 101, Supplement 25), is hereby amended as follows:

35 **CHAPTER C ADMINISTRATIVE PROCESSES**

36

37 **Section 4 Review, Resubmittal and Final Decision**

38 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, ~~subject to the~~
39 timeline specified in the Table below. The processing time may vary based upon the types of requests. The
40 deadlines for Staff Comments, Resubmittal by the Applicant, and Certification or Final Decision shall be
41 indicated on the Annual Zoning Calendar.
42

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ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

1

Table 2.C.4 – Review, Resubmittal and Final Decision

Processes	Full DRO	ZAR	Type 1 Variance
Application Submittal by Applicant	Refer to Annual Zoning Calendar.		
Sufficiency Review by Staff	10 days from the date of Application Submittal.		
Insufficiency to be addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.	The Applicant may resubmit on the Submittal date of the following week. Refer to Annual Zoning Calendar.	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency.		
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next resubmittal date. Refer to the Annual Zoning Calendar.		
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar.		
Certification or Approval	Refer to Annual Zoning Calendar.		
[Ord. 2018-002] [Ord. 2019-005]			

2

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A. Review

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Staff review shall be based on applications that are deemed sufficient, and any subsequent resubmittals. The DRO shall prepare a list of issues and comments and make it available to the Applicant. The Applicant shall provide a written response and revised document(s), if applicable, addressing all outstanding issues and comments and revised document(s) by on the ~~next~~ ResSubmittal date indicated on the Annual Zoning Calendar. The written responses and revised document(s) shall address the issues and comments prepared by Staff and shall not significantly modify the application that was determined to be sufficient. **[Ord. 2018-002]**

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1. Significant modifications shall include, but not limited to the following:

- a. Additional requests to the application; or
- b. Modifications to the site layout or submitted document(s) that would require a new review of the document(s) or impact the timing of a final decision by the DRO.

2. If the DRO determines that the revised requests and documents are significantly modified from the original request that was determined to be sufficient, the DRO shall provide a written notification to the Applicant describing what changes significantly modified the application. The Applicant shall:

- a. revise the requests and modify plans to eliminate the significant modification;
- b. submit a written request for a time extension to the Zoning Director to determine if the applications is still sufficient or if a new sufficiency review is required. Both parties may agree to a reasonable request for an extension of time; or,
- c. request withdrawal of the application.

B. Action by the DRO for DO Administrative Applications, except Type 1 Variance

~~The DRO shall either approve, approve with conditions, deny, withdraw or postpone each application after reviewing the recommendations and comments provided by the Agencies. The DRO shall not approve an application until it meets all applicable Code requirements, standards, policies, and if applicable, conditions of approval. **[Ord. 2008-003] [Ord. 2009-040] [Ord. 2018-002]**~~

1. Approved

~~If the resubmitted documents satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a Result Letter indicating the approval of the application. **[Ord. 2018-002] [Relocated to Art 2.C.4.C Approved]**~~

12. Not Approved

If the ~~resubmitted~~ revised document(s) fail to address all listed outstanding issues and comments, the DRO shall issue a Result List indicating that the application is not approved. **[Ord. 2018-002]**

a. Re-submittal Requirements

The Applicant shall provide a written response addressing all outstanding issues and comments for those applications that were not approved in a manner and form acceptable to the DRO. The revised document(s) shall be ~~resubmitted~~ resubmitted on the ~~ResSubmittal~~ ResSubmittal date as established on the Annual Zoning Calendar. **[Ord. 2008-003] [Ord. 2018-002]**

Cb. Continuance or Postponement Time Extension

~~Applicant's who have applications for a DO that are not approved within 120 calendar days of Sufficiency determination continued or postponed for more than six months by the DRO, must submit a written request and receive approval for an extension of time obtain approval from the Zoning Director within the 120-day calendar deadline. Both parties may agree to a reasonable request for an extension of time. All applications that have been continued or postponed for more than six months without approval from the Zoning Director shall be administratively withdrawn. **[Ord. 2005-002] [Ord. 2018-002] [Ord. 2018-018]**~~

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EXHIBIT A

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c. Failure to address issues and comments

If the Applicant fails to address the listed outstanding issues and comments within the 120 calendar day deadline, and fails to request and receive approval for a reasonable request for an extension of time from the Zoning Director, within the 120 calendar day deadline, the application shall receive a decision of denial from the DRO for failure to comply with the Standards pursuant to Art. 2.C.5, Types of Applications, including the outstanding issues and comments provided by Staff.

2. Approved

If the resubmitted document(s) satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a Result Letter indicating the approval of the application. **[Ord. 2018-002] [Relocated from Art 2.C.4.B.1 Approved]**

C. Action by the DRO for Type 1 Variance DO Application

1. Not Certified

If the revised document(s) fail to address all listed outstanding issues and comments, the DRO shall issue a Result List indicating that the application is not certified.

a. Re-submittal Requirements

The Applicant shall provide a written response addressing all outstanding issues and comments for those applications that were not certified in a manner and form acceptable to the DRO. The revised document(s) shall be submitted on the Resubmittal date as established on the Annual Zoning Calendar.

b. Time Extension

Applicant's who have applications for a DO that are not certified within 90 calendar days of Sufficiency determination by the DRO, must submit a written request and receive approval for an extension of time the Zoning Director. Both parties may agree to a reasonable request for an extension of time.

2. Certification

a. If the resubmitted document(s) satisfy Code requirements and address the DRO's list of outstanding issues and comments, the DRO shall issue a Result Letter indicating the certification of the application.

b. If the Applicant fails to address the listed outstanding issues and comments within the 90-calendar day deadline, and fails to request and receive approval for a reasonable request for an extension of time from from the Zoning Director within the 90-calendar day deadline, the application shall be scheduled to proceed to a public meeting to comply with the timeframes enumerated in the F.S. An applicant shall receive a recommendation of denial from Staff for failure to comply with the Standards pursuant to Art. 2.B.5.D Type 1 Variance, including the outstanding issues and comments provided by Staff.

3. Application Modification after Certification

Applications shall not be significantly modified after certification, unless requested or agreed to by the DRO. Significant modifications to the certified plan(s) and application(s) within ten days of a scheduled public meeting date shall result in a postponement when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the certified plan or application request. The DRO may consider, but not limited to: intensity, density, land area, or vehicular use areas, to determine whether the certified plans or document(s) exceed the 30 percent threshold.

D. Public Meeting Procedures for Type 1 Variance

1. Notification

Refer to Art. 2.B.5, Notification. **[Ord. 2018-018]**

2. Scheduling

Once an application has been certified by the DRO, the DRO shall schedule a public meeting in accordance with the dates established in the Annual Zoning Calendar and pursuant to the F.S., or such a time as is mutually agreed upon between the Applicant and the DRO. The scheduling of the application for public meeting shall ensure the public notice requirements are satisfied and a decision is rendered pursuant to F.S. **[Ord. 2018-018]**

a. Number of Meetings

The DRO shall hold at least one public meeting on applications that are subject to the Type 1 Variance process. **[Ord. 2018-018]**

3. Continuance or Postponement of the Meeting

The DRO conducting the public meeting, may on its own motion or at the request of an Applicant, consider an application be continued or postponed, when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. The DRO shall determine if an application shall be postponed when an Applicant fails to submit a written request for postponement five days prior to the

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1 meeting. All subsequent request for continuance or postponement shall be granted at the
2 discretion of the DRO.

3 1. Postponement by Right

4 An Applicant may submit a written request to the Zoning Director, no less than five days
5 prior to the public meeting, for an application be postponed when a decision can be
6 rendered within the timeframe enumerated in the F.S., or if both parties agree to a
7 reasonable request for an extension of time. If the postponement is requested less than
8 five days prior to the date of the scheduled meeting, the request for postponement shall be
9 presented at the hearing and at the discretion of the DRO.

Part 7. ULDC Art. 2.G Application Processes and Procedures (pages 93-94 and 96 of 101, Supplement 25), is hereby amended as follows:

10 **CHAPTER G DECISION MAKING BODIES**

11

12 **Section 4 Staff Officials**

13 **G. Development Review Officer (DRO)**

14 **1. Establishment**

15 There is hereby established a Development Review Officer (DRO).

16 **2. Powers and Duties**

17 The DRO shall have the following powers and duties under the provisions of this Code:

- 18 a. to coordinate all PAC and PAA; **[Ord. 2018-002]**
19 b. to accept, review, approve, and update all applicable application requirements; **[Ord. 2018-**
20 **002]**
21 c. to accept and determine sufficiency of applications for review, certify and prepare staff
22 reports recommending approval, approval with conditions, or denial of applications for re-
23 zonings, Class A and Class B Conditional Uses, Type 2 Waivers, and Type 2 Variances;
24 **[Ord. 2017-007] [Ord. 2018-002]**
25 d. to accept applications for review and approve, approve with conditions, or deny
26 applications for applications subject to Administrative processes pursuant to Table 2.C.3,
27 DRO, Administrative Processes; **[Ord. 2018-002]**
28 e. to request other PBC officials and other agencies to provide factual information on
29 applications for development permits as is deemed appropriate; **[Ord. 2011-016] [Ord.**
30 **2018-002]**
31 f. to review, consider and finalize Zoning Plans that were approved by the BCC or ZC; **[Ord.**
32 **2018-002]**
33 g. to hear, review, consider and approve, approve with conditions, or deny applications for
34 development orders for Final Subdivision or Site Plans; **[Ord. 2018-002]**
35 h. to hear, review, consider and approve, approve with conditions, or deny applications for
36 TDR's for subdivisions requesting a two unit per acre or less density increase pursuant to
37 Art. 5.G.3, Transfer of Development of Rights (TDRs) – Special Density Program; and,
38 **[Ord. 2018-002]**
39 i. to recommend to the BCC additional or amended rules of procedure not inconsistent with
40 his Section to govern the DRO. **[Ord. 2011-016] [Ord. 2018-002]**

41 **3. Comments and Recommendations**

- 42 a. The DRO may seek comments and recommendations from the following PBC departments
43 and divisions, as well as other local government and state government agencies, as
44 deemed appropriate by the DRO: **[Ord. 2008-037]**
45 1) Zoning Division;
46 2) Building Division; **[Ord. 2018-002]**
47 3) Department of Airports; **[Ord. 2018-002]**
48 4) Department of Environmental Protection (DEP) for Type 3 Excavation; **[Ord. 2018-**
49 **002]**
50 5) Engineering Department; **[Ord. 2018-002]**
51 6) Environmental Resources Management Department; **[Ord. 2018-002]**
52 7) Fire Rescue Department; **[Ord. 2018-002]**
53 8) Housing and Community Development (HCD); **[Ord. 2018-002]**
54 9) Lake Worth Drainage District; **[Ord. 2018-002]**
55 10) Parks and Recreation Department; **[Ord. 2018-002]**
56 11) PBC HD; **[Ord. 2018-002]**
57 12) PBC School Board; **[Ord. 2018-002]**

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ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES HB 7103 LEGISLATION TO MODIFY TIMELINE FOR REVIEW OF DEVELOPMENT ORDERS

- 1 13) Planning Division; [Ord. 2018-002]
2 14) PREM; and, [Ord. 2018-002]
3 15) Water Utilities Department. [Ord. 2018-002]
4 b. Recommendations and comments shall be forwarded to the DRO no less frequently than
5 two times a month to dispose of matters properly and may be called for by the DRO.
6
7 **4. Procedures**
8 **a. DRO**
9 The Executive Director of PZB shall designate a DRO for overseeing different types of
10 Zoning applications and processes. [Ord. 2018-002]
11 **b. Secretary**
12 The DRO shall designate a Secretary. The Secretary shall maintain all records of the DRO.
13 The records shall be stored with the agency serving as Secretary herein, and shall be
14 available for inspection by the public, upon reasonable request, during normal business
15 hours.
16 **c. Staff**
17 The Zoning Division of PZB shall be the professional staff for the DRO.
18 **d. Certification for Public Hearing Processes**
19 All actions ~~shall require certification~~ by the DRO shall be in accordance with the procedures
20 established in Article 2.A, General and 2.B, Public Hearing Processes. The DRO shall only
21 withhold approval when an application fails to meet a Code standard based upon a
22 recommendation from an affected agency. [Ord. 2018-002]
23 **e. Approval for Administrative Processes**
24 All actions ~~shall require approval~~ by the DRO shall be in accordance with the procedures
25 established in Article 2.A, General and 2.C Administrative Processes. The DRO shall only
26 withhold approval when an application fails to meet a Code standard based upon a
27 recommendation from an affected agency. [Ord. 2018-002]
28 **f. Record of DRO**
29 Upon request, the DRO may provide, at cost, copies of recommendations upon which a
30 decision is based.
31 **g. Appeal**
32 Appeal of any decision of the DRO shall be made to the DRAB based on the requirements
33 in Art. 2.A.14.C.2.b, Administrative DO, unless stated otherwise. [Ord. 2011-016]
34
35
36 **N. Zoning Director**
37 **1. Creation and Appointment**
38 The Zoning Director of PZB shall be the division head of the Zoning Division of PZB, and shall
39 be appointed and serve at the pleasure of the Executive Director of PZB.
40 **2. Jurisdiction, Authority and Duties**
41 In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning
42 Director by other provisions of PBC Code, the Zoning Director shall have the following
43 jurisdictions, authority and duties under this Code:
44 a. to set the Annual Zoning Calendar, as required by Art. 2.A, General;
45 b. to recommend annually any necessary amendments to this Code;
46 c. to submit AI to the BCC pursuant to Art. 2.C.5.J, Administrative Inquiry (AI). [Ord. 2011-
47 **016**] [Ord. 2018-002]
48 d. to review and approve or deny applications for Adequate Public Facilities (Concurrency);
49 [Ord. 2016-016]
50 e. to revoke or suspend, if necessary, any development order or permit which was issued in
51 violation of this Code; and, [Ord. 2016-016] [Ord. 2018-002]
52 f. to oversee the preservation and maintenance of vegetation not covered under the
53 provisions of Art. 14, Environmental Standards, through design review, conditions of
54 approval and inspections. [Ord. 2016-016]
55 g. review and approve or deny requests for time extensions described under Art 2.A, General,
56 Art 2.B Public Hearing Processes; Art. 2.C Administrative Processes, and Art. 2.D ULDC
Privately Initiated Amendment.

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EXHIBIT B

ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

Part 1. ULDC Art. 2.A.2., Application Processes and Procedures, General, Zoning Applications (pages 13 of 101, Supplement 25), is hereby amended as follows:

1 **CHAPTER A GENERAL**

2

3 **Section 2 Zoning Applications**

4 Chapters A through ~~ED~~ address application processes of the Zoning Division. These processes are
5 generally classified as legislative, quasi-judicial and administrative, and are reviewed by various County
6 agencies and presented to the applicable decision making bodies or person for consideration. Both
7 legislative and quasi-judicial processes are subject to the public hearing procedures. For the purpose of
8 this Article, the term "public hearing" refers to the legislative and quasi-judicial processes. [Ord. 2018-002]
9

Part 2. ULDC Art. 2.D, Application Processes and Procedures, ULDC PRIVATELY INITIATED AMENDMENT (PIA) (pages 56-61 of 101, Supplement 25), is hereby amended as follows:

10 **CHAPTER D ULDC PRIVATELY INITIATED AMENDMENT (PIA)**

11 **Section 1 Purpose and Intent**

12 The PIA is a discretionary process based on BCC authority to initiate, hear, consider, approve or deny
13 amendments to the ULDC. The BCC or responsible PBC Official, as specified in Art. 1.B.1.A, Authority,
14 initiate ULDC amendments, which typically includes input or requests from other governmental entities,
15 industry or the public. [Ord. 2018-002]
16

17 The PIA is established to provide for a transparent application process to allow ~~for~~ non-government entities
18 to make a formal request to the BCC to initiate amendments to the ULDC, in scenarios where the
19 responsible PBC Official does not support initiating the amendment, or recommends staff address the
20 request in a future scheduled ULDC Amendment Round. [Ord. 2018-002]
21

22 The PIA process is comprised of two phases, the first of which serves to minimize both applicant and staff
23 resources, by allowing for an abbreviated application for initial staff and LDRAB review, and presentation
24 to the BCC to confirm or deny a request to ~~simply~~ initiate the amendment process. If initiated, the second
25 phase ~~typically~~ requires additional specificity and supporting information from the applicant, coordination
26 with staff and any interested parties to refine and calibrate the amendment, but otherwise follows the
27 standard procedure for the processing of ULDC amendments. The BCC may request a Subcommittee be
28 established by the LDRAB to provide expertise and additional time to review and consider the final language
29 before presenting it for a final decision to the BCC. [Ord. 2018-002]
30

31 Under no circumstance will a PIA be processed that is in violation of State, Federal or other applicable local
32 government laws, or where inconsistent with the Comprehensive Plan, except where submitted with a
33 concurrent amendment to the Plan. [Ord. 2018-002]

34 **Section 2 Authority**

35 Acceptance of a PIA application to amend the ULDC shall be at the discretion of the responsible PBC
36 Official as specified in Art. 1.B.1.A, Authority, in consultation with the Zoning Director. Any private
37 application to amend the Comprehensive Plan that will require a concurrent or subsequent amendment to
38 the ULDC, shall comply with the following: [Ord. 2018-002]

- 39 A. The applicant shall include documentation confirming that the responsible PBC Official and ~~PZB~~
40 ~~the Zoning Director has have~~ been consulted prior to submittal of an amendment to the
41 Comprehensive Plan; and, [Ord. 2018-002]
42 B. Submittal of a concurrent PIA application to amend the ULDC, unless the responsible PBC Official
43 specifies an alternative submittal deadline. The responsible PBC Official, in consultation with the
44 Zoning Director, shall have the discretion to waive the Phase 1 PIA requirement, provided that this
45 is specified in the initiation requests to the Planning Commission and BCC. [Ord. 2018-002]
46

47 **Section 4 Mandatory Pre-Application Appointment (PAA)**

48 **A. Applicability**

49 A PAA is mandatory for any request for a PIA, or for any proposed Plan amendment that will require
50 an amendment to the ULDC. [Ord. 2018-002]

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EXHIBIT B

ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

B. Purpose

The purpose of the PAA is to confirm that a potential applicant has coordinated with staff to evaluate or exhaust all other potential options and has performed sufficient due diligence to ascertain the viability of the request. [Ord. 2018-002]

C. PAA Requirements

The applicant shall provide a Justification Statement and any necessary supporting documentation outlining the rationale for the proposed amendment, to include a preliminary evaluation of the Standards cited above. [Ord. 2018-002]

D. Decision

The applicable responsible PBC Official shall provide a written response within seven working days affirming if a PIA will be ~~accepted, denied~~ supported, not supported, or if additional follow up is required by the applicant. Other options may be applicable, including where the applicant and responsible PBC Official may agree to a staff initiated amendment based on currently two Round of amendments each year or a standalone ordinance based on BCC direction when the amendment is requested to be expedited. [Ord. 2018-002]

Part 3. **ULDC Art. 2.D,5 Application Processes and Procedures, ULDC Privately Initiated Amendment (PIA) (pages 56-61 of 101, Supplement 25), is hereby amended as follows:**

CHAPTER D ULDC PRIVATELY INITIATED AMENDMENT (PIA)

....

Section 5 Application Procedures

As the PIA is a discretionary process, acceptance of an application is typically determined through a higher level of collaboration between the applicant and applicable PBC Official, or designee. Upon completion of the mandatory PAA and ~~favorable decision affirmation~~ by the responsible PBC Official, that the a-PIA may be processed, the application may shall be submitted in accordance with the following Application Procedures. [Ord. 2018-002]

A. General Overview

The PIA is comprised of two phases as outlined under Purpose and Intent above. [Ord. 2018-002]

1. Phase 1

The Phase 1 PIA allows an applicant to submit a preliminary request for staff evaluation and recommendation, presentation to the LDRAB for recommendation, and final presentation to the BCC to deny the request, or direct the responsible PBC Official to accept a request for a Phase 2 PIA, or other direction including scheduling, limitations or other similar. [Ord. 2018-002]

2. Phase 2

The Phase 2 PIA requires the applicant to coordinate with staff and any interested parties, and may requires a more detailed analysis and with supporting documentation to substantiate the request. Once ~~the application is deemed sufficient the review and analysis of the proposed amendment is completed,~~ it shall be scheduled for presentation to the LDRAB and LDRC for ~~The intent of this hearing is to obtain~~ a final recommendation and determination of consistency with the Comprehensive Plan. The request will be scheduled for a BCC hearing prior to being scheduled for a presentation to the BCC for and Request for Permission to Advertise. Pursuant to approval of the request to advertise, one or more duly noticed Public Hearings are required, in accordance with F.S. § 125.66. [Ord. 2018-002]

~~B. Application Fees~~

~~Fees shall be established in accordance with the official PZB Fee Schedule. Additional public notice costs may be assessed to the applicant seeking to process a PIA amendment outside of the two yearly scheduled ULDC Amendment Rounds. [Ord. 2018-002]~~

~~BC. Application Requirements~~

~~Applications shall be in a form established by the responsible PBC Official, in consultation with the Zoning Director, but at a minimum shall include an updated Justification Statement, in accordance with the standards specified for a Phase 1 PIA. [Ord. 2018-002]~~

~~CD. Sufficiency Review~~

~~The applicant shall be Notification notified whether or not the application is of sufficient or insufficient shall be forwarded to the applicant within ten days no more than thirty calendar days from the date of receipt of a Phase 1 or 2 PIA application. Sufficiency review is not required for Phase 2. [Ord. 2018-002]~~

1. Sufficiency

If the application is determined to be sufficient by the applicable PBC Official, it shall be reviewed and evaluated pursuant to the procedures and standards of this Chapter. [Ord. 2018-002]

2. Insufficiency

In an application is determined to be insufficient, ~~s~~Staff shall provide written notification to the applicant summarizing the deficiencies. [Ord. 2018-002]

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EXHIBIT B

ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

- a. No further action may be taken on the application until the deficiencies are remedied. ~~If the deficiencies are not remedied within 20 days from the date of the insufficiency notification, the application shall be administratively withdrawn.~~ [Ord. 2018-002]
- b. ~~The Applicant shall address all insufficiencies and resubmit the application to the Zoning Division within 30 calendar days after the application was determined to be insufficient. Revised applications shall be subject to the above timeframe to determine sufficiency or insufficiency.~~ [Ord. 2018-002]
- c. If ~~the application is~~ amended and determined to be sufficient, the application may be processed ~~for review.~~ [Ord. 2018-002]
- d. ~~If the deficiencies are not remedied in the revised submittal, or fails to submit revised documents within 30 calendar days, a second written notification shall be sent to the Applicant. The letter shall indicate that the application is considered withdrawn unless a written request for a time extension has been submitted and approved by the Zoning Director pursuant to 2.D.5.C.3 Time Extension.~~

3. Time Extension

~~The Applicant may submit a written request for an extension of time to the Zoning Director if an additional 30 calendar days is needed to address unresolved issues. Such request shall be submitted to the Zoning Director no later than five days after the issuance of the second written notification.~~

4. Administrative Withdrawal

~~If the Applicant fails to address the insufficiencies or request and receive a time extension, it shall result in an Administrative withdrawal of the application.~~

DE. Review, and Resubmittal Phase 1 and Phase 2

~~Staff review shall be based on the application deemed sufficient and the subsequent resubmittals. Staff shall prepare a list of issues and comments and make it available to the Applicant. The Applicant shall provide written responses and revised documents, if applicable, addressing the outstanding issues and comments. The applicant shall demonstrate that the application has met the Standards cited above in Art. 2.D.3, in addition to responding to input provided by the LDRAB, BCC, LDRAB Subcommittee when applicable, and staff comments, or other issues identified through the amendment process. When all of the issues and comments have been addressed, the PIA may be scheduled for the LDRAB and LDRC Hearing, as applicable.~~ [Ord. 2018-002]

1. LDRAB Scheduling

~~Applications may be placed on an agenda by the responsible PBC Official, in consultation with the Zoning Director, a minimum of 15 days prior to the next available LDRAB meeting, or a subsequent meeting as mutually agreed upon by the applicant and responsible PBC Official.~~ [Ord. 2018-002]

2. Staff Report and Recommendation

The responsible PBC Official reviewing the application shall prepare a report for both Phase 1 and 2 PIA applications, an analysis of the Standards cited above, confirmation of consistency with the Plan, and evaluation of any other issues identified through the amendment process, and make a recommendation of approval, denial, or an alternative amendment. In the case of a Phase 1 PIA, the recommendation for approval may be limited to indicating that the request merits consideration. The report shall be made available to the public at least five days prior to the hearing date. [Ord. 2018-002]

E3. Application Modification After Certification Completion of Staff Review

Applications shall not be modified after ~~certification completion of Staff review~~, unless requested or agreed to by the responsible PBC Official, the latter of which may be subject to postponement of any scheduled meetings or Hearings. Modifications after presentation to the LDRAB/LDRC may not be permitted where substantially different from what the LDRAB reviewed, or where such may alter the original LDRC consistency determination. [Ord. 2018-002]

F. Scheduling

~~Once Staff has completed the review of the application it shall be scheduled for the appropriate public hearings established on the Annual Zoning Calendar, or such time as mutually agreed upon between the Applicant and the Applications for a Phase 1 or 2 PIA shall be submitted a minimum of 5 weeks prior to presentation to the LDRAB, or other time as may be determined by the responsible PBC Official, in consultation with the Zoning Director. Additional time may be required by the responsible PBC Official, where an LDRAB Subcommittee has been convened, additional public meetings are scheduled, or where there is a concurrent Plan PIA, among others. Once an application has been certified, the responsible PBC Official shall schedule advisory board meetings and BCC Public Hearings, in consultation with the Zoning Director, as follows:~~ [Ord. 2018-002]

1. Phase 1

A Phase 1 PIA shall be scheduled for presentation to the LDRAB to obtain a preliminary recommendation, and to the BCC at a Public Hearing for direction on initiating the amendment. [Ord. 2018-002]

2. Phase 2

A Phase 2 PIA shall be scheduled for presentation to the LDRAB to obtain a recommendation, the LDRC for a consistency determination with the Plan, and the BCC for Request for

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EXHIBIT B

ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

1 Permission to Advertise, and one or more Public Hearings, in accordance with F.S. § 125.66.
2 **[Ord. 2018-002]**

3 **a. Scheduling Options**

4 Applicants are encouraged to process a PIA within the timeframes for Amendment Rounds
5 established annually by the Zoning Division. Applicants may opt to request that a PIA be
6 scheduled for the first available LDRAB, LDRC or BCC Zoning Hearings, but this may result
7 in additional fees to cover required notifications. **[Ord. 2018-002]**

8 **Section 65 Notification**

9 **A. Applicability**

10 Public notification is required for LDRC meetings and BCC Public Hearings, excluding Requests
11 for Permission to Advertise for Public Hearings. **[Ord. 2018-002]**

12 **B. Newspaper Publication**

13 Notice shall be posted in a newspaper of general circulation in PBC, as follows: **[Ord. 2018-002]**

14 **1. LDRC Meeting**

15 In accordance with PBC PPM #CW-L-038. **[Ord. 2018-002]**

16 **2. BCC Public Hearings**

17 In accordance with F.S. § 125.66. **[Ord. 2018-002]**

18 **C. Postponements**

19 All applications postponed for three or more consecutive LDRC meetings or Public Hearings, shall
20 require that the newspaper notification be republished. **[Ord. 2018-002]**

21 **Section 76 Action by LDRAB and LDRC**

22 **A. Advisory Board**

23 The LDRAB is the designated advisory board for the majority of the ULDC; however, there may be
24 other entities tasked with reviewing specific ULDC provisions. All ULDC amendments are subject
25 to LDRC review. **[Ord. 2018-002]**

26 **1. Meeting**

27 The advisory board shall consider the application, staff report, relevant support materials, and
28 public testimony given at the meeting. **[Ord. 2018-002]**

29 **2. Recommendation**

30 In concluding that portion of the meeting designated on the agenda for a PIA, the advisory
31 board shall recommend to the BCC that the application be approved, approved with
32 modifications, or denied, based on the standards for a PIA, unless the applicant and
33 responsible PBC Official agrees to a continuance or postponement. **[Ord. 2018-002]**

34 **B. LDRC**

35 A Phase 2 PIA shall be presented to the LDRC, which shall make a determination of consistency
36 with the Plan. **[Ord. 2018-002]**

37 **Section 87 Action by the BCC**

38 After review and recommendation by the LDRAB, including LDRC consistency determination for a Phase
39 2 PIA, the application shall be considered at the next available regularly scheduled Public Hearing by the
40 BCC, or such time as is mutually agreed upon between the applicant and responsible PBC Official. **[Ord.
41 2018-002]**

42 **A. Public Hearing**

43 At the public hearing(s), the BCC shall consider the application, staff report, relevant support
44 materials, the recommendation of the LDRAB, the testimony given and the evidence introduced
45 into the record at the public hearing(s). **[Ord. 2018-002]**

46 **B. Postponements, Continuance or Remand**

47 The BCC shall have the discretion to postpone or continue any PIA application at any time, or
48 remand the application back to the LDRAB. **[Ord. 2018-002]**

49 **C. Decision**

50 **1. Phase 1**

51 At the conclusion of the hearing, the BCC may elect to initiate the amendment, initiate with
52 additional modifications or stipulations, or deny the request. **[Ord. 2018-002]**

53 **2. Phase 2**

54 A Phase 2 PIA shall require a Public Hearing to Request for Permission to Advertise required
55 Public Hearings, and one or more Public Hearings in compliance with F.S. § 125.66. At the
56 conclusion of the final Public Hearing, the BCC may approve, approved with ~~conditions~~
57 ~~modification, modify,~~ or deny the PIA application. **[Ord. 2018-002]**

58 **D. Conduct at Hearing**

59 Shall be in accordance with Art. 2.B.6.D, Conduct of Hearing. **[Ord. 2018-002]**

60 **Section 98 Appeals**

61 The PIA process is discretionary and not subject to appeals. **[Ord. 2018-002]**

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EXHIBIT C

ARTICLE 2.E – MONITORING

Part 1. ULDC Art. 1 ULDC Art. 2.E, Application Processes and Procedures, Monitoring (page 44 of 111, Supplement 25), is hereby amended as follows:

1 CHAPTER I DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4

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

6 45. **Communication Tower Users List** – an official list of commercial communication tower
7 service providers, maintained by the Development Review Officer, to assist new users to locate
8 existing sites to encourage collocation, pursuant to Art. 4.B.9.E, Eligible Facilities Request for
9 Modification. [Ord. 2009-040] [Ord. 2017-007]

10 46. **Community Development District** – Refer to F.S. ch. 190 for applicability.

11 47. **Community Water System** – for the purposes of Art. 15.B, PBC Environmental Control Rule
12 II – Drinking Water Supply Systems, a public water system which serves at least 15 service
13 connections used by year round residents or which serves at least 25 year round residents.

14 [Renumber accordingly]

15

16 Section 3 Abbreviations and Acronyms

....

CAH	Commission on Affordable Housing
CC	Community Commercial [Ord. 2005-002]
CCRT	Countywide Community Revitalization Team
<u>CDD</u>	<u>Community Development District</u>
CES	Cooperative Extension Service [Ord. 2013-021]

....

Part 2. ULDC Art. 2.E, Application Processes and Procedures, Monitoring (pages 61-71 of 101, Supplement 25), is hereby amended as follows:

17 CHAPTER E MONITORING

18 ~~Section 1—General~~

19 ~~A.—Purpose and Intent~~

20 ~~1. It is the intent of the BCC to provide for the public health, safety and welfare by establishing~~
21 ~~procedures for mandatory review of certain development orders. F.S. ch. 163, pt. II, entitled~~
22 ~~“Local Government Comprehensive Planning and Land Development Regulations Act”~~
23 ~~provides that all development regulations shall be consistent with the adopted Plan. F.S. ch.~~
24 ~~163 further provides that public facilities and services shall be available concurrent with the~~
25 ~~impacts of development. Pursuant to F.S. ch. 163, the Plan requires that the applicant for all~~
26 ~~development orders or permits must demonstrate that the necessary public facilities and~~
27 ~~services are available. To ensure the availability of facilities and services to proposed~~
28 ~~developments, it is necessary that developments that have reserved capacity proceed in the~~
29 ~~prescribed time. Systematic monitoring and subsequent review of approved development~~
30 ~~orders will help implement the goals within the Plan by:~~

- 31 ~~a. Preserving the availability of public facilities and services for proposed development by~~
32 ~~removing capacity reserved for inactive development;~~
33 ~~b. Minimizing the creation of an artificially inflated inventory of residential, commercial, and~~
34 ~~industrial development;~~
35 ~~c. Enhancing the value and use of land in unincorporated PBC by identifying and providing a~~
36 ~~system to eliminate obsolete approvals which distort the official land use inventory;~~
37 ~~d. Requiring compliance with improved performance and site design standards by providing~~
38 ~~a system whereby approved, but unbuilt, developments are subject to periodic review;~~
39 ~~e. Ensuring that development orders are timely performed and complied with at all times; and~~
40 ~~f. Ensuring that outstanding debts due to the PBC are paid in a timely manner.~~

41 ~~2. To protect the public welfare, it is the intent of the BCC to ensure compliance with the conditions~~
42 ~~of development orders and with specific time requirements for the completion of activities~~
43 ~~associated with said approvals or with this Code. The BCC recognizes that unforeseen factors~~
44 ~~may interfere with the established schedule. This Article creates an administrative program to~~
45 ~~monitor and provide extensions for activities which must be completed within a certain time~~

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1 ~~period pursuant to a development order or pursuant to this Code, and to ensure that conditions~~
2 ~~are met and not violated.~~

3 ~~3.—The BCC recognizes that development is a complicated process. Despite efforts on the part of~~
4 ~~developers to proceed according to plans, unforeseen factors may interfere with the schedule~~
5 ~~of development and compliance with conditions of approval. The review procedure created in~~
6 ~~this Article establishes a system for administrative review and approval of time extensions.~~

7 ~~4.—To meet the intent of this Article, the BCC may review development orders issued prior to the~~
8 ~~adoption of this Code for compliance with the time requirements of this Code and for~~
9 ~~compliance with conditions of approval.~~

10 ~~5.—When the BCC or any provision of this Code has imposed a condition of development approval~~
11 ~~or time limit for the completion or duration of a specific activity or phase of development, the~~
12 ~~property owner shall be responsible for compliance.~~

13 **B.—Applicability**

14 ~~1.—This Article shall apply to:~~

15 ~~a.—All development orders with a time requirement for completing one or more actions as~~
16 ~~identified in Table 2.E.3.B, Time Limitation of Development Order for Each Phase, or in the~~
17 ~~development process as required by specific Articles of this Code; and~~

18 ~~b.—All development orders identified in Table 2.E.3.B, Time Limitation of Development Order~~
19 ~~for Each Phase, with conditions of approval.~~

20 ~~2.—The following are exempt from this Article:~~

21 ~~a.—Any development order in whole or in part, that applies to lands that are owned by a unit~~
22 ~~of local, state, and/or federal government, provided that the development order is utilized~~
23 ~~for buildings or facilities that are owned by a government entity and support customary~~
24 ~~government operations and/or delivery of public services; **[Ord. 2005-002] [Ord. 2007-**~~
25 ~~**013]**~~

26 ~~b.—Any development order initiated by staff at the direction of the BCC after a review pursuant~~
27 ~~to this Article; and~~

28 ~~c.—Any development order for a rezoning of a single lot to a residential zoning district that~~
29 ~~corresponds to the minimum density permitted in the Plan Future Land Use designation for~~
30 ~~that lot, provided there is no concurrency reservation or concurrency exemption for the~~
31 ~~property.~~

32 ~~3.—For development orders which are subject to the requirements of this Article, the time limitations~~
33 ~~shall apply to those approved prior to or subsequent to the effective date of this amendment.~~

34 **Section 2—Procedures**

35 **A.—Suspension of Development Orders**

36 ~~1.—Upon expiration of any time period established by this Code or for any failure to comply with,~~
37 ~~or continued violation of a condition of development approval, except for a condition imposed~~
38 ~~by the DRO, or a condition for which a complete administrative time extension application has~~
39 ~~been submitted, or a variance, no new development orders affecting the property shall be~~
40 ~~issued by PBC, and no action which might tend to vest the development order shall be~~
41 ~~permitted, except as permitted by Art. 2.E.2.D.5, Procedures for Rezoning, until a final~~
42 ~~determination is made by the Executive Director, or BCC or ZC pursuant to Art. 2.E.2.B,~~
43 ~~Administrative Extension of Time, and Art. 2.E.2.D, Failure to Comply with Conditions or Time~~
44 ~~Requirements other than for a DRO Imposed Condition of Approval, herein. This suspension~~
45 ~~of development rights shall not preclude the property owner from filing a new petition for the~~
46 ~~subject property to amend or supersede an existing development order, or the BCC or ZC from~~
47 ~~approving this petition. This suspension of development orders shall also apply to any failure~~
48 ~~to comply with, or continued violation of, a condition of development approval, if a status report~~
49 ~~public hearing is scheduled pursuant to Art. 2.E.2.D, Failure to Comply with Conditions or Time~~
50 ~~Requirements other than for a DRO Imposed Condition of Approval. **[Ord. 2007-001]**~~

51 ~~2.—This suspension of development rights shall have the following effect on new petitions and~~
52 ~~code enforcement actions:~~

53 ~~a.—If the property owner files a new petition, no new development orders shall be issued until~~
54 ~~the completion of the zoning process except the development order which approves the~~
55 ~~petition.~~

56 ~~b.—If the BCC or ZC directs staff to cite the property owner for violating the provisions of the~~
57 ~~development order, no new development orders shall be issued until the alleged violation~~
58 ~~has been ruled upon by the Code Enforcement Special Masters, and any enforcement~~
59 ~~action is completed, or penalty is satisfied. This shall not, however, preclude compliance~~
60 ~~with the specific condition cited in the status report after the BCC or ZC has directed the~~
61 ~~Code Enforcement Division to cite the property owner for noncompliance with that~~
62 ~~condition.~~

63 ~~3.—Upon the expiration of any time period except for a time period to comply with a condition of~~
64 ~~approval imposed by the DRO, or when a complete administrative time extension application~~
65 ~~for a time certain condition of approval has been submitted, upon reasonable cause to believe~~
66 ~~that a property owner has not complied with a condition or a condition of development approval~~

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EXHIBIT C

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1 has been violated, or a variance has not been utilized, a document shall be filed with the clerk
2 of the circuit court to be placed with the records governing title to the affected property except
3 as provided in Art. 2.E.2.A, Suspension of Development Orders, herein. This document may
4 apply only to that portion of the property related to the expired time period, or any condition
5 violated. The document shall give record notice that: ~~[Ord. 2005-002] [Ord. 2007-001]~~

6 a. ~~A condition of development has been violated or a time certain activity has not proceeded
7 as required;~~

8 b. ~~A review of the project will be conducted pursuant to terms of this Section;~~

9 c. ~~Until the review is completed, no new development orders shall be issued by PBC; and no
10 action which might tend to vest the development order shall be permitted; and~~

11 d. ~~Such other information as may be reasonable and necessary to afford adequate record
12 notice of the effect of this Section on the rights of property owners.~~

13 4. ~~If the BCC, ZC, or the Executive Director of PZB approves further development pursuant to Art.
14 2.E.2.B, Administrative Extension of Time, and Art. 2.E.2.D, Failure to Comply with Conditions
15 or Time Requirements other than for a DRO Imposed Condition of Approval, herein, a second
16 document shall be filed with the clerk of the circuit court to be placed with the records governing
17 title to the property indicating:~~

18 a. ~~That the rights to develop have been restored;~~

19 b. ~~Such other information as may be reasonable and necessary to afford adequate record
20 notice of the effect of this Section on the rights of property owners; and~~

21 c. ~~This document shall only be recorded upon 1) payment of all status report fees as
22 established from time to time by the BCC; 2) payment of any outstanding liens or debts
23 owed on the subject property to PBC (not required for administrative time extensions for
24 time certain conditions of approval); and 3) reinstatement of an expired standard
25 development agreement if required to comply with adequate public facility standards. **[Ord.
26 2005-002]**~~

27 ~~The status report fee may be waived if:~~

28 1) ~~the property owner is a government agency;~~

29 2) ~~the property owner is prevented from complying by a government-caused delay or by
30 litigation that would prevent action by the property owner to bring the approval into
31 compliance.~~

32 a) ~~In the event litigation contesting the validity of lien or fine is initiated or pending
33 prior to the time this payment is due, the document shall be recorded and payment
34 of the lien or fine, if upheld by the court, shall be deferred until 35 days after Final
35 Order. If the lien or fine is upheld by the court but the fine is not paid on or before
36 the 35th day, a new notice of intent to withhold development permits shall be filed.~~

37 5. ~~There will be no suspension of development rights if the only recommendation in the status
38 report to the BCC or ZC is to delete a condition of approval.~~

39 **B.—Administrative Extension of Time**

40 1. ~~The owner of record, the current agent, or mortgagor demonstrating a secured interest in the
41 property which is not being protected by the owner may file an application with the Executive
42 Director of PZB for an administrative extension of time. The application shall be made upon
43 such forms and in such a manner, including payment of fees, as prescribed by the PZB.~~

44 2. ~~Upon the filing of an application for an administrative extension of time, the Executive Director,
45 or other person designated by this Code, may grant an extension of time to comply with a
46 requirement. A time extension shall commence upon the expiration of the date to comply with
47 the time requirement, or the expiration of the last extension, whichever is applicable. Conditions
48 of approval with a time certain project buildout date may be provided an additional 90 days if a
49 complete building permit application has been submitted to the Building Division prior to this
50 deadline. The maximum duration of an administrative time extension is as follows: **[Ord. 2007-
51 001]**~~

52 **a.—Development Order**

53 ~~Table 2.E.3.B, Time Limitations of Development Order for Each Phase, provides the
54 maximum length of each administrative time extension for each development order
55 governed by this Code except when there is a government caused delay. When such a
56 delay is documented, the Executive Director of PZB shall grant such extensions as
57 necessary to offset government caused delays, not necessarily equal to the time of the
58 delay, and each extension shall be based only on a delay that has already occurred. It is
59 the responsibility of the property owner to notify staff in writing of the delay, and document
60 the cause of the delay, however, no application or fee will be required.~~

61 **b.—Conditions of Approval not Requiring the Posting of Performance Security Pursuant 62 to Art. 12.C.2, Conditions**

63 ~~An administrative extension shall not exceed 12 months, with the exception of time certain
64 project buildout date condition(s) as mandated by the Traffic Performance Standards. An
65 administrative extension for a project buildout date condition may be granted up to the
66 Buildout Period assumed in the Traffic Study submitted with the application, provided that
67 it has been reviewed and approved by the County Engineer and that no additional
68 conditions of approval are necessary to comply with the Traffic Performance Standards. If~~

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EXHIBIT C

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1 additional conditions of approval are required, the request for time extension through the
2 new project buildout year shall be submitted in the form of a Development Order
3 Amendment to the BCC or ZC, as appropriate, for approval. Subsequent applications may
4 be filed, however, the total administrative extensions approved shall not exceed 24 months
5 except 1) for project buildout date conditions and 2) when government-caused delays can
6 be documented as the reason for failure to meet required deadlines. The Executive Director
7 of PZB shall grant such extensions as necessary to offset government-caused delays, not
8 necessarily equal to the time of delay, and each extension shall be based only on a delay
9 that has already occurred. It is the responsibility of the property owner to notify staff in
10 writing of the delay, and document the cause of the delay, however, no application or fee
11 will be required. If the BCC has previously approved a time extension, any administrative
12 extensions of time shall not extend more than 24 months from the original date for
13 compliance except 1) for project buildout date conditions and 2) when there have been
14 government-caused delays. If government-caused delay has prevented compliance with a
15 condition of approval which is due prior to the issuance of a building permit or certificate of
16 completion, the compliance deadline may be extended to a specific date. The condition will
17 then be subject to the review requirements of this Section for time certain conditions of
18 approval. ~~[Ord. 2007-001]~~

~~a. Conditions of Approval Requiring the Posting of Performance Security pursuant to Art. 12.C.2, Conditions~~

21 A one-time administrative time extension not to exceed six months shall be the maximum.
22 ~~[Ord. 2005-002] [Ord. 2007-001]~~

23 3. ~~In reviewing applications for administrative time extensions for requirements other than~~
24 ~~conditions of approval and variances, the Executive Director of PZB shall approve a time~~
25 ~~extension provided there are no current Code violations or outstanding liens or fines and the~~
26 ~~development order; [Ord. 2007-001]~~

27 a. ~~Is consistent with the Plan;~~

28 b. ~~Is consistent with the Code; and~~

29 4. ~~In reviewing applications for administrative time extensions for compliance with conditions of~~
30 ~~approval, the Executive Director of PZB shall consider the following:~~

31 a. ~~Attempts by the applicant to complete the unfulfilled condition;~~

32 b. ~~The reliance by other parties on the timely performance of activity;~~

33 c. ~~Any changed circumstances, which may have interfered with the ability of the property~~
34 ~~owner to meet the time certain requirement;~~

35 d. ~~Actions of other parties that may have precluded compliance;~~

36 e. ~~The existence of extraordinary mitigating factors; and~~

37 f. ~~Compliance with the review criteria in Art. 2.F.3.D.6.b, Performance Security Required and~~
38 ~~Art. 2.E.2.B, Administrative Extension of Time, for posting of performance security for a~~
39 ~~concurrency reservation.~~

40 5. ~~In reviewing applications for administrative extensions for variances, the criteria listed in Art.~~
41 ~~2.E.2.B.4.a-f shall apply. [Ord. 2007-001]~~

42 6. ~~When the extension of time is for the payment of fees, the amount due shall increase by an~~
43 ~~interest payment equal to the rate established by F.S. § 55.03. The interest rate established at~~
44 ~~the time an extension is approved shall remain the same until the fee is paid. If the extension~~
45 ~~covers a period less than a year, then the interest shall be prorated. [Ord. 2007-001]~~

46 7. ~~When the Executive Director of PZB approves an extension of time for completion of a time~~
47 ~~certain requirement, he/she may require the property owner to guarantee the completion by~~
48 ~~furnishing a cash deposit, letter of credit, or surety bond. [Ord. 2007-001]~~

~~C. Appeal~~

50 An appeal of a denial of an administrative time extension may be made to the BCC for development
51 orders approved by the BCC or ZC, and to the DRAB for conditions imposed by the DRO and to
52 the hearing officer for variances. An appeal shall be made upon forms prescribed by the department
53 within 30 days of the mailing of the notice that the request for an administrative extension has been
54 denied. ~~[Ord. 2007-001]~~

55 1. ~~The appeal shall be set on the BCC agenda within 60 days of receipt by the department. The~~
56 ~~BCC shall either affirm the decision of the department or grant an extension of time. This~~
57 ~~decision shall be made within 65 days of the date the appeal first appears on an agenda of the~~
58 ~~BCC unless a longer postponement is requested by the property owner. An extension of time~~
59 ~~may be granted only upon a finding by the BCC that the requirements of Art. 2.E.2.B,~~
60 ~~Administrative Extension of Time.~~

61 2. ~~An appeal to the DRAB shall be made pursuant to Art. 2.A.14.C.2.b, Administrative DO. [Ord.~~
62 ~~2010-022]~~

~~D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval~~

~~1. Scheduling of Status Reports~~

66 If a property owner fails to comply with a time requirement and has not received a time
67 extension, staff shall advertise a status report public hearing for the Board (BCC or ZC) that
68 approved the Development Order. If a property owner violates a condition of approval, staff

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1 ~~may advertise a status report public hearing for the Board (BCC or ZC) that approved the~~
2 ~~Development Order. The hearing shall be held within 90 days of the filing of the notice required~~
3 ~~by Art. 2.E.2.A, Suspension of Development Orders. Staff may delay the scheduling of the~~
4 ~~status report public hearing if, prior to the most recent deadline for compliance, the property~~
5 ~~owner files for an amended or new Development Order which may affect the time requirement~~
6 ~~or any condition being violated. If the new application is approved and the time requirement~~
7 ~~has not been affected, or if the application is denied, staff will place the status report on a BCC~~
8 ~~or ZC agenda within 65 days of the approval of the new application. Staff will not delay~~
9 ~~scheduling of the status report when the property owner fails to comply with a Development~~
10 ~~Order Condition of Approval that is required for compliance with Traffic Performance~~
11 ~~Standards. [Ord. 2010-022]~~

2. ~~Status Report Review Criteria~~

The status report shall contain:

- 14 a. ~~a description of the development order;~~
- 15 b. ~~a summary of the background and current status of the development including any~~
16 ~~documentation provided to staff of efforts to comply with the requirement, or circumstances~~
17 ~~beyond the control and cause of the property owner, other than economic conditions, which~~
18 ~~have prevented compliance;~~
- 19 c. ~~a description of any Code violations;~~
- 20 d. ~~a description of any uncompleted conditions or time certain requirements;~~
- 21 e. ~~a review of criteria set forth in Art. 2.E.2.B, Administrative Extension of Time, for status~~
22 ~~reports prepared for failure to comply with a condition of approval;~~
- 23 f. ~~a description of any violation of a condition of approval and circumstances related to the~~
24 ~~violation; and~~
- 25 g. ~~a determination of whether the development order is consistent with the Plan and is~~
26 ~~consistent with the Code.~~

3. ~~Status Report – Additional Criteria~~

28 ~~After the expiration of time extensions totaling four or more years approved by the BCC or ZC,~~
29 ~~the BCC or ZC may consider changed circumstances and compatibility issues.~~

4. ~~Staff Recommendations~~

31 ~~Based on the factors identified in Art. 2.E.2.D.2, Status Report Review Criteria, and Art.~~
32 ~~2.E.2.D.3, Status Report – Additional Criteria, staff shall make a recommendation for one or~~
33 ~~more of the actions identified in Art. 2.E.2.D.8.b. [Ord. 2005-002]~~

5. ~~Procedures~~

35 ~~Consideration of all actions permitted by Art. 2.E.2.D.8.b, except a rezoning shall occur in the~~
36 ~~following manner: [Ord. 2005-002]~~

a. ~~Public Hearing~~

38 ~~At least one public hearing shall be held by the ZC or by the BCC, as applicable.~~

b. ~~Mail Notice~~

40 ~~The owner of record shall be notified in writing of the Executive Director's status report and~~
41 ~~recommendation to the BCC or ZC. Written notice shall consist of a letter sent at least 14~~
42 ~~calendar days prior to the hearing by certified mail, return receipt requested, to the last~~
43 ~~known address of the owner of record as it appears in the official records of the PBC~~
44 ~~Property Appraiser's Office. Proof of the receipt shall be presented at the hearing. In the~~
45 ~~event that the owner fails to acknowledge receipt of mail notice or the notice is returned~~
46 ~~unopened, newspaper publication, as set forth below, shall be deemed sufficient notice.~~
47 ~~Written notice shall include:~~

- 48 1) ~~A statement that the time period has expired or that a condition of approval has been~~
49 ~~violated and that the development shall be subject to review;~~
- 50 2) ~~The Executive Director's recommendation to the BCC or ZC;~~
- 51 3) ~~A statement that review may result in one or more of the actions identified in Art.~~
52 ~~2.E.2.D.8.b. [Ord. 2005-002]~~
- 53 4) ~~Notice of the date, time, and place of the hearing before the BCC or ZC, during which~~
54 ~~the report and recommendation of the Executive Director of PZB will be heard;~~
- 55 5) ~~A statement of the owner's right to appear and to present relevant information to rebut~~
56 ~~or to supplement the report of the Executive Director of PZB; and~~
- 57 6) ~~Such other information as may be necessary and appropriate to accomplish the goals~~
58 ~~of this Section.~~

c. ~~Newspaper Publication~~

60 ~~Notice of the hearing shall be published in a newspaper of general circulation in~~
61 ~~accordance with F.S. § 125.66(2)(a). Notice shall be published at least ten days prior to~~
62 ~~the hearing.~~

6. ~~Procedures for Rezoning Less than Ten Acres~~

64 ~~Consideration of all rezonings on properties less than ten contiguous acres, by the BCC, shall~~
65 ~~occur in the following manner: [Ord. 2005-002]~~

a. ~~Public Hearing~~

67 ~~The BCC shall hold at least one public hearing on a proposed amendment to the~~
68 ~~boundaries of the Official Zoning Map.~~

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EXHIBIT C

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~~b.—Mail Notice~~

~~The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC and shall be notified in accordance with F.S. § 125.66(4)(b)3. Written notice shall consist of a letter sent at least 30 calendar days prior to both the first and second hearings by certified mail, return receipt requested to the last known address of the owner of record as it appears in the official records of the PBC Property Appraisers Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include the items as stated in Art. 2.E.2.D.5.b.1)-6).~~

~~c.—Newspaper Publication~~

~~In addition to the notice mailed to the owner of record, notice of the hearing shall be published in a newspaper of general circulation in accordance with F.S. § 125.66(2). Notice shall be published at least ten days prior to the hearing.~~

~~7.—Procedure for Rezoning Ten or More Acres~~

~~Prior to consideration of all rezonings on properties of ten or more contiguous acres by the BCC, notice to the owner of record and advertisement of the proceedings shall occur in the following manner: **[Ord. 2005-002]**~~

~~a.—Public Hearing~~

~~The BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map when the amendment would affect ten or more contiguous acres of total unincorporated land area. The second public hearing shall be held at least ten calendar days after the first public hearing in accordance with F.S. § 125.66(4)(b)1.~~

~~b.—Mail Notice~~

~~The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC and shall be notified in accordance with F.S. § 125.66(4)(b)3. Written notice shall consist of a letter sent at least 30 calendar days prior to both the first and second hearing by certified mail, return receipt requested, to the last known address of the owner of record as it appears in the official records of the PBC Property Appraisers Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. Written notice shall include the items as stated in Art. 2.E.2.D.5.b.1)-6) above.~~

~~c.—Newspaper Publication~~

~~In addition to the notice mailed to the owner of record, notice shall be published in a newspaper of general circulation in the PBC. Notice shall be published once for each hearing; the first publication shall be at least seven calendar days prior to the date of the first hearing and the second publication shall be least five calendar days prior to the second hearing. The notice shall state the date, time, and place of the hearing; the proposed action; and the place within the PBC where the status report and recommendation may be inspected by the public. The notice shall advise that interested parties may appear at the hearing and be heard with respect to the report and recommendation. A copy of such notice shall be kept available for public inspection at the PZB during regular business hours.~~

~~8.—Decision of the BCC or ZC for Failure to Comply with the Following:~~

~~Time requirements to commence development, utilize a Conditional Use or record a plat; or Non-performance security conditions (required by Art. 12.C.2, Conditions). **[Ord. 2005-002]** **[Ord. 2007-001]** **[Ord. 2017-007]**~~

~~a.—The BCC or ZC shall consider the factors enumerated in Art. 2.E.2.D.2, Status Report Review Criteria above, and the recommendation of PZB. **[Ord. 2005-002]**~~

~~b.—After deliberation, the BCC or ZC shall take one or more of the following actions:~~

~~1) Grant a time extension:~~

~~a) To commence development, utilize a Conditional Use, or record a plat for a period not to exceed 36 months. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. A time extension shall only be granted if the development order is consistent with the Plan and the Code. Options, which may be used to cause the Development Order to be consistent, include revocation of Concurrency and the amendment of Conditions of Approval. **[Ord. 2005-002]** **[Ord. 2008-003]** **[Ord. 2017-007]**~~

~~b) To comply with a condition of approval for a period not to exceed 24 months with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. A project buildout date condition may receive approval of a time extension up the Buildout Period assumed in the Traffic Study. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. When the BCC or ZC approves an extension of time for the payment of fees, the amount due shall increase by an interest payment equal to the rate established by F.S. § 55.03. The interest rate established at the time an extension~~

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EXHIBIT C

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- 1 is approved shall remain the same until the fee is paid. If the extension covers a
2 period less than a year, the interest shall be prorated. **[Ord. 2007-001]**
- 3 2) Adopt a resolution which will rezone the property to an appropriate zoning district;
- 4 3) Adopt a resolution which will revoke or amend the approval for all or a portion of the
5 Conditional Use, special exception or development order amendment; **[Ord. 2017-007]**
- 6 4) Adopt a resolution, which will impose additional or modified conditions, voluntary
7 commitments, or permit the property owner to initiate a petition to add or modify
8 conditions or voluntary commitments, as directed by the BCC or ZC. New or modified
9 conditions or voluntary commitments, shall include bringing the development into
10 conformity with current Codes and regulations;
- 11 5) Direct staff to cite the property owner for violating the provisions of this Code;
- 12 6) Adopt a resolution to amend or revoke the development order or map amendment for
13 the undeveloped or unplatted portion of the project;
- 14 7) Exempt from further review of any development order which rezoned property to a
15 district which does not exceed the density or intensity permitted by the Plan Future
16 Land Use designation, provided there is no concurrency reservation or exemption for
17 the property. This exemption may be applied to any advertised status report after
18 adoption of this amendment; and/or
- 19 8) Deny or revoke a building permit; issue a stop work order; deny or revoke a CO on any
20 building or structure; revoke any concurrency; deny or revoke any permit, license or
21 approval for any developer, owner, lessee, or user of the subject property.
- 22 c. If the BCC or ZC fails to act on staff recommendations within the prescribed time period,
23 or if the Executive Director of PZB grants an administrative time extension, the issuance of
24 new development orders shall immediately resume.
- 25 d. The decision of the BCC or ZC shall be rendered within 65 days of the originally advertised
26 public hearing, provided that the property owner has not requested a postponement of the
27 matter. A postponement approved at the request of the property owner may not exceed 12
28 months from the due date for compliance.
- 29 e. If a developer's agreement for the commitment of utility services has expired prior to the
30 expiration of any deadline to commence development or record a plat, the notice required
31 by Art. 2.E.2.A, Suspension of Development Orders, shall not be recorded until a new
32 developer's agreement has been executed.
- 33 **9. Decision of the BCC or ZC for Failure to Comply with a Condition of Approval Which**
34 **Requires the Posting of Performance Security Pursuant to Art. 12.C.2, Conditions.**
35 The BCC or ZC shall take one or more of the following actions: **[Ord. 2005-002]**
- 36 a. Approve a time extension not to exceed six months based on the criteria of Art. 2.F.3.D.6,
37 Receipt of a Concurrency Reservation with Conditions, and Art. 2.E.2.B, Administrative
38 Extension of Time, if an administrative time extension was not approved. The term of the
39 time extension shall commence upon the expiration of the date to post performance
40 security. In no case shall the total time to post performance security exceed 12 months
41 from the date of the development order, which imposed the condition to post performance
42 security;
- 43 b. Adopt a resolution to revoke any special exception or conditional use;
- 44 c. Adopt a resolution to rezone the property to the lowest zoning district consistent with the
45 property's FLU designation if the concurrency reservation applied to a development order
46 which rezoned the property; and/or
- 47 d. Adopt a resolution to amend the condition in compliance with Art. 12.C.2, Conditions.
- 48 **E. Failure to Comply with Conditions of Approval Imposed by the DRO**
- 49 1. If a property owner has not received an administrative time extension prior to the deadline to
50 comply with a condition, or has exhausted all administrative time extensions, a time extension
51 application may be submitted to the DRO. The application must be received by the DRO prior
52 to the compliance deadline. The DRO shall consider the criteria set forth in Art. 2.E.2.B,
53 Administrative Extension of Time, based on these criteria, the DRO shall:
- 54 a. Revoke the certification of the site plan or subdivision plan;
- 55 b. Amend or delete the condition; or
- 56 c. Direct staff of the Code Enforcement Division to cite the property owner for failure to comply
57 with the condition.
- 58 2. If a property owner fails to submit an application pursuant to Art. 2.E.2.E, Failure to Comply
59 with Conditions of Approval Imposed by the DRO, shall direct staff of the Code Enforcement
60 Division to cite the property owner for failure to comply with the condition.
- 61 3. Decisions of the DRO made pursuant to this Section may be appealed to DRAB pursuant to
62 Art. 2.G.3, Appointed Bodies.
- 63 **F. Failure to Use Variance**
- 64 If a property owner fails to utilize a variance within the timeframes as provided in Table 2.E.3.B,
65 Time Limitation of Development Order for Each Phase, the variance shall become null and void.
66 **[Ord. 2007-001]**

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~~G. Expiration of Time Extensions Granted by the BCC~~

~~In the event that the property owner has not complied with the condition of development approval or time certain activity at the expiration of a time extension, the development order shall be subject to the requirements of Art. 2.E.2.B, Administrative Extension of Time, Art. 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval, or Art. 2.E.2.E, Failure to Comply with Conditions of Approval Imposed by the DRO, herein, as appropriate. [Ord. 2005-002] [Ord. 2007-01]~~

~~H. Fees~~

~~Fees to implement this Section shall be established by the BCC.~~

~~Section 3 – Supplementary Regulations for Classes of Development Orders~~

~~A. Classes of Development Approvals~~

~~Unless otherwise established in the development order, the time frames provided in Table 2.E.3.B, Time Limitation of Development Order for Each Phase, apply. Permitted time frames do not change with successive owners.~~

~~B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a Required Action~~

~~1. Residential District (Non-PDD or TDD) PUD and TND Districts~~

~~The development order and master plan or final subdivision plan for the Residential District (Non-PDD or TDD) PUD, or TND Districts, may provide for phasing. Table 2.E.3.B, Time Limitation of Development Order for Each Phase, provides time requirements for recording plats.~~

~~2. Conditional Use, PDDs other than PUDs, TTDs and TMDs~~

~~The Final site plan/Final Subdivision plan for Conditional Use, PDDs other than PUDs, TTDs, or TMDs, may provide for phasing. Table 2.E.3.B, Time Limitation of Development Order for Each Phase, provides the maximum number of phases permitted for each type of development order. If there are multiple phases, the first phase shall contain a minimum of 20 percent of the land area and the first and second phases shall contain a combined minimum of 40 percent of the land area unless otherwise approved in the development order approved by the BCC or ZC. A TMD in the U/S Tier shall include a minimum of 25 percent residential/non-residential of the total project. Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan, also provides time requirements for commencement of development. [Ord. 2006-004] [Ord. 2007-001] [Ord. 2017-007]~~

~~3. Effect of Modification to a Development Order on the Time Requirements of this Section~~

~~a. PDD or Conditional Use~~

- ~~1) Administrative modification of site plan does not alter original time certain requirement.~~
- ~~2) BCC or ZC modification to development orders may include a condition of approval which provides a new time for commencement of development or to record a plat (up to the maximum time permitted for a new development order) if the modification and all undeveloped areas of the project are determined to meet all requirements for approval of a development order for a new project.~~

~~b. Final Site Plan or Final Subdivision Plan~~

~~A modification to a site plan or subdivision plan shall only establish a new time to commence development or record a plat as provided in Table 2.E.3.B, Time Limitation of Development Order for Each Phase, if the site plan or subdivision plan is certified based on a determination of compliance with all current Code requirements, including concurrency.~~

~~Table 2.E.3.B – Time Limitation of Development Order for Each Phase~~

Type of Development Order	Maximum Number of Phases	Next Required Action or Development Order	Maximum Time to Receive Development Permit or Commence Development	Maximum Length of Administrative Time Extension (4)	Action upon Failure to Comply with Time Requirement without an Approved Time Extension
Rezoning from Residential to Non-Planned Development District (PDD) or Traditional Development District (TDD) (Including any associated variance(s))	2	Record plat or affidavit of plat waiver, or commence development (1)	Three years (2)(7)	Twelve months (9)	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
Rezoning from Non-Residential to Standard Zoning District (Including any associated variance(s))	2	Commence development (1)	Three years (2)(7)	Twenty-four months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein

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Conditional Uses (Including any associated variance(s))		2(5)	Commence development or utilize Conditional Use if no construction is required (1)	Three years (2)(7)	Twenty-four months	Pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein: Class A—BCC review; Class B—Zoning Commission review
Non-Residential PDD		4	Commence development (1)	Three years (2)(7)	Twenty-four months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
PDD; PUD; TDD; TND (Including any associated variance(s))		No maximum	Record plat (6)(8)	Three years (2)(7)	Twelve months (9)	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
TDD (Including any associated variance(s))	TMD in the AGR Tier	2(10)	Commence development (1)	Three years, (2)(7) or for a TTD as may be recommended by DRI or local government conditions of approval	Twenty-four months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
	TMD in the U/S Tier	4				
	TMD in all other Tiers and TDD	No maximum				
Development Orders which at the time of DRO Review and Approval are not associated with any development order that is subject to the requirements of Art. 2.E, Monitoring (those listed above)	Site Plan	2	Commence development (1)	Four years (3)(7)	No extensions permitted	Plan null and void for the undeveloped phases of a site plan, and unplatted phases of a subdivision plan
	Final Subdivision Plan: Non-Residential	2	Commence development (1)	Four years (3)(7)		
	Final Subdivision Plan: Residential	No maximum	Record plat	Three years (3)(7)		
	Non Concurrent Variances	N/A	Commence development	One year		
PDD; GAO PIPD (including any associated waivers)		No maximum	Record plat	Three years (2)(7)	Twenty-four months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-01] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2014-025] [Ord. 2017-007]						
Notes:						
1. Commencement of development shall consist of:						
	a.	Receipt of a building permit and first inspection approval of first component of the primary structure(s) for 1) the entire development, as defined by the certified site plan or certificate of concurrency for those development orders which do not require the certification of a site plan or 2) all of the next phase if phasing is provided by the development order and final Master Plan pursuant to Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan herein; or				
	b.	The installation of significant site improvements such that the improvements would only permit the development of the approved project, and any other pattern of development would require extensive changes to the installed improvements.				
Commencement of development shall not consist of:						
	a.	The dividing of land into parcels, unless the determination of commencement is to be made for property in a residential zoning district which is not a PDD and for which there is no conditional use/special exception and this division is accomplished through the recordation of a plat or plat waiver;				
	b.	Demolition of a structure;				
	c.	Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively and specifically for such; or,				
	d.	Clearing of land.				
2. From resolution adoption date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases. The maximum time to commence development for each phase of a Type 3 excavation shall be established by a condition of approval. [Ord. 2017-007]						
3. From plan certification date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases.						
4. All administrative time extensions listed in this table are to be approved or denied by the Executive Director of PZB. Time extensions for Type IA and IB administrative variances, and Type II non-concurrent variances are to be approved by the Zoning Director. [Ord. 2007-011]						
5. The maximum number of phases and duration of each phase for a Type 3 excavation shall be established by a condition of approval. [Ord. 2017-007]						

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6.	The recordation of a plat for the preservation area of an AGR-PUD shall not qualify as meeting this requirement.
7.	An additional 90 days will be provided if prior to the expiration of any time period established by this Code, staff is notified by the property owner that either a complete building permit application has been submitted, or technical compliance for a plat has been received, as appropriate, and development will commence, or the plat will be recorded, within 90 days of the deadline. If the required action does not occur within the 90 days, the requirements of Art. 2.E.2, Procedures, shall apply. This provision shall not be utilized when there has been a failure to comply with concurrency reservation or development order conditions which are required for the Development Order to comply with Art. 12.C.2, Conditions. [Ord. 2005-002]
8.	For projects with less than 1,500 residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 10 percent of the total number of residential units. [Ord. 2008-003] For projects of 1,500 or more residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 150 residential units. This requirement shall apply to all complete applications for plat approval filed on or after (the date to be added being six months after the adoption date of the ULDC amendment). [Ord. 2008-003] Plat applications filed prior to July 24, 2008 shall 1) result in the plat(s) being recorded by August 24, 2008, or comply with this footnote; and 2) provide for residential dwelling units. [Ord. 2008-003]
9.	No traffic study shall be required if the existing development order has a project buildout date condition for a date later than the twelve-month administrative time extension. [Ord. 2008-037]
10.	All Certificates of Occupancy for the second phase shall be issued no later than five years from the date of issuance of the first CO for the first phase. [Ord. 2009-040]

Part 3. **ULDC Art. 2.E, Application Processes and Procedures, Monitoring (page 61 of 101, Supplement 25), is hereby amended as follows:**

1 **CHAPTER E MONITORING OF DEVELOPMENT ORDERS (DO) AND CONDITIONS OF APPROVAL**

2 **Section 1 General**

3 **A. Purpose and Intent**

4 The purpose of this Chapter is to establish procedures to ensure compliance with Development
5 Orders (DOs) and conditions of approval in a timely manner, through a mandatory review process.
6 The procedures create a system that ensures compliance with conditions of approval, timely
7 commencement and completion of development; and revocation or modification of development
8 approvals. The intent of monitoring DOs and conditions of approval (including buildout) is to
9 preserve the availability of public facilities and services for proposed future development, require
10 compliance with improved performance and site design standards, and ensure that DOs are
11 implemented in a timely manner. The intent of monitoring Community Development District (CDD)
12 and FLUA ordinance conditions is to ensure that conditions imposed by the BCC are met in a timely
13 manner and to provide a mechanism to address the violation.

14 **B. Applicability**

15 **1. This Chapter shall apply to:**

- 16 a. All DOs with a time limitation for conditions of approval, or as a part of the development
17 process as required by specific Articles of this Code;
18 b. All DOs as required by the ULDC;
19 c. All CDD ordinances with conditions of approval; and,
20 d. All FLUA ordinances with conditions of approval.

21 **2. Responsibilities**

- 22 a. The Applicant or owner shall communicate with the responsible agency, and demonstrate
23 completion of the applicable conditions of approval.
24 b. Upon completion of the conditions of approval, PZB will allow issuance of the building
25 permit or relevant event to occur.
26 c. Projects not meeting conditions of approval due dates or event action shall be subject to
27 the provisions set forth in Art. 2.E,3, Procedures for Compliance.

28 **C. Exemptions**

- 29 1. Any DOs in whole or in part, that apply to lands that are owned by a unit of local, state, and/or
30 federal government, provided that the DO is utilized for buildings or facilities that are owned by
31 a government entity and support customary government operations and/or delivery of public
32 services;
33 2. Any DOs for a rezoning of a single lot to a Residential Zoning District for a Single Family
34 residential use; and,
35 3. A rezoning to a standard Zoning District, unless it has a COZ.

36 **Section 2 Monitoring Elements**

37 **A. Commencement of Development**

38 Approved DOs shall be monitored for commencement of development. Commencement of
39 development shall consist of the following requirements:

- 40 1. For development with a single building, the first inspection approval for the foundation of the
41 structure;
42 2. For development with multiple buildings, the first inspection approval for the first component of
43 the primary structure;

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1 3. For residential development, the subdivision of land into parcels through the recordation of a
2 plat;

3 4. For Type 3 Excavation sites, extraction of minerals for commercial purposes.

4 **B. Commencement of Development is not:**

5 1. Demolition of a structure;

6 2. Deposit of refuse, solid or liquid waste; or fill on the parcel, unless the DO is exclusively and
7 specifically for such a use; or,

8 3. Clearing of land.

9 **C. Time Limitations for Commencement**

10 1. All DOs shall comply with a time limitation requirement for commencement, as follows:

11 a. DOs shall commence within four years of adoption date.

12 b. Standalone Variances shall be utilized within one year, unless stated otherwise by the
13 Resolution or Result letter.

14 c. Each additional phase of a phased development shall commence within four years of
15 commencement of the previous phase.

16 d. Each phase of a Type 3 Excavation shall be established by a condition of approval.

17 2. Projects not meeting the time limitations for commencement shall be subject to the provisions
18 set forth in Art. 2.E.3, Procedures for Compliance.

19 **D. Time Limitations for Buildout**

20 The buildout period shall be determined by Art. 12.C.1.B.3, Projected Buildout Period, and
21 monitored for compliance. However, conditions of approval with a time-certain project buildout date
22 may be provided an additional 90 days if a complete building permit application has been submitted
23 to the Building Division prior to this deadline.

24 **E. DOs with Conditions of Approval**

25 1. All DOs with conditions of approval that must be completed prior to a date, event, or action
26 shall be monitored for compliance.

27 2. All Monitoring DOs shall comply with the provisions of Section 2.E.3 Procedures for
28 Compliance.

29 **F. Community Development District Ordinances with Conditions of Approval**

30 1. All Community Development District (CDD) ordinances with conditions of approval that must
31 be satisfied prior to a date or action shall be monitored for compliance.

32 2. No administrative time extensions may be applied to CDD ordinances.

33 3. In the event of a failure to comply with a CDD ordinance condition of approval, the Planning
34 Director or designee, shall:

35 a) Notify Applicant of potential violation and enforcement procedures as established in Art.
36 10, Enforcement; or,

37 b) Prepare a Status Report per Art. 2.E.3.C, Status Reports.

38 **G. FLUA Ordinances with Conditions of Approval**

39 1. All FLUA ordinances with conditions of approval that must be satisfied prior to a date or action
40 shall be monitored for compliance.

41 2. No administrative time extensions may be applied to FLUA ordinances.

42 3. Failure to comply with a FLUA ordinance condition of approval shall require the Planning
43 Director, or designee, to bring the item before the BCC at the next regularly scheduled Planning
44 or Zoning Public Hearing for consideration of non-compliance.

45 **H. Notification Prior to a Due Date**

46 No later than 30 days prior to a due date for any of the above items, a letter shall be issued to the
47 address of the owner of record as it appears in the official records of the PBC Property Appraisers
48 Office.

49 **Section 3 Procedures for Compliance**

50 **A. General**

51 An Applicant, not in compliance with Art. 2.E, may utilize and exhaust all procedures established
52 in this Chapter in order to comply with the conditions of approval and commencement of
53 development that must be satisfied prior to a date or action.

54 **B. Administrative Extension of Time**

55 1. The Applicant may file for an Administrative Time Extension to the Executive Director, or
56 designee. The Executive Director, or designee, may grant an extension of time to comply with
57 a requirement and shall consider changed circumstances or mitigating factors that prevent
58 compliance.

59 2. An Administrative Time Extension may be applied to an expiring buildout condition due date.
60 The application must be accompanied by a traffic study.

61 3. A time extension shall commence upon the expiration of the date to comply with the time
62 limitation.

63 4. The maximum duration of an administrative time extension is as follows:

64 **a. Commencement of Development Public Hearing DO**

65 24 months, unless stated otherwise.

66 **b. Commencement of Development Administrative DO**

Notes:

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EXHIBIT C

ARTICLE 2.E – MONITORING

1 Each separate administrative time extension shall not exceed 12 months.

2 **c. Buildout Conditions**

3 Extension will reflect the results of the traffic review.

4 **d. Conditions of Approval not Requiring the Posting of Performance Security**

5 1) Twelve months unless stated otherwise in the condition of approval

6 2) Subsequent applications may be filed; however, the total administrative extensions
7 approved shall not exceed 24 months for the current DO;

8 **e. Conditions of Approval Requiring the Posting of Performance Security**

9 A one-time administrative time extension not to exceed six months shall be the maximum.

10 5. When the Executive Director of PZB, or designee, approves an extension of time for completion
11 of a time certain requirement, the Property Owner may be required to guarantee the completion
12 by furnishing a cash deposit, letter of credit, or surety bond.

13 6. A time extension for a government caused delay shall not exceed 24 months.

14 a. It is the responsibility of the Property Owner to notify staff in writing of the reason and cause
15 of the delay.

16 b. No application or fee will be required.

17 c. If the delay prevents compliance with Art. 2.E, an additional extension may be granted.

18 **C. Status Reports**

19 **1. General**

20 An application for a Status Report may be requested by the Property Owner, or initiated by the
21 Executive Director of PZB or designee, if one of the following occurs:

22 a. A Property Owner fails to comply with a time limitation and has not requested a time
23 extension.

24 b. The project received a public hearing approval and has exhausted all available
25 administrative extensions.

26 **2. Scheduling**

27 a. PZB shall advertise a Status Report public hearing for the Decision Making Bodies that
28 approved the DO.

29 b. A Status Report may be requested by an Property Owner, but a request for a time
30 extension may not be made prior to six months before commencement due date.

31 **3. Staff Report and Recommendation**

32 The PZB Director or designee shall prepare a Status Report for each application. The report
33 shall incorporate the analysis and conditions of approval in question and a recommendation of
34 approval, approval with conditions, or denial based on the applicable standards for the BCC to
35 consider.

36 **4. Status Report Submittal and Review Criteria**

37 a. The Property Owner/Applicant shall submit to the Monitoring Section the following:

38 1) summary of the background and current status of the development including any
39 documentation provided to staff of efforts to comply with the requirement, or
40 circumstances beyond the control and cause of the Property Owner, other than
41 economic conditions, which have prevented compliance;

42 2) a description of any Code violations;

43 3) a description of any uncompleted conditions or time certain requirements;

44 b. Summary of items to be reviewed by staff:

45 1) a review of previous extensions of time (for a Status Report prepared for non-
46 compliance with a time certain requirement);

47 2) evaluate and consider any changed circumstances and mitigating factors; and,

48 3) a determination of whether the development order is consistent with the Plan and is
49 consistent with the Code.

50 **5. Procedures**

51 Consideration of all actions permitted by Art. 2.E.3.B., except a rezoning, shall occur in the
52 following manner:

53 **a. Public Hearing**

54 1.) At least one public hearing shall be held by the ZC or by the BCC, as applicable.

55 2.) If the project involves a rezoning for ten acres or more, two public hearings shall be
56 held by the BCC.

57 **b. Mail Notice**

58 The owner of record shall be notified in writing of the Status Report and recommendation
59 to the BCC or ZC. Written notice shall consist of a letter sent at least 14 calendar days prior
60 to the hearing by certified mail; 30 calendar days for a rezoning, return receipt requested,
61 to the last known address of the owner of record as it appears in the records of the PBC
62 Property Appraiser's Office. In the event that the owner fails to acknowledge receipt of mail
63 notice or the notice is returned unopened, newspaper publication in accordance with F.S.
64 125.66(2)(a) shall be deemed sufficient notice, published at least ten days prior to the
65 hearing.

66 **6. Decision of the BCC or ZC:**

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EXHIBIT C

ARTICLE 2.E – MONITORING

The BCC or ZC shall consider the factors enumerated in Art. 2.E.3.C.4, Status Report Submittal and Review Criteria above and the recommendation of staff. After deliberation, the BCC or ZC shall take one or more of the following actions:

a. Grant a time extension

1) To commence development, utilize a Conditional Use, or record a plat for a period not to exceed 36 months from the date of BCC or ZC approval.

2) To comply with a condition of approval for a period not to exceed 24 months from the date of BCC or ZC approval with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. A project buildout date condition may receive approval of a time extension up to the Buildout Period assumed in the Traffic Study.

b. Adopt a resolution which will rezone the property to an appropriate zoning district;

c. Adopt a resolution which will revoke or amend the approval for all or a portion of the Conditional Use, special exception or development order amendment;

d. Adopt a resolution, which will impose additional or modified conditions, voluntary commitments, or permit the Property Owner to initiate an application to add or modify conditions or voluntary commitments, as directed by the BCC or ZC. New or modified conditions or voluntary commitments shall include bringing the development into conformity with current Codes and regulations;

e. Direct staff to cite the Property Owner for violating the provisions of this Code;

f. Adopt a resolution to amend or revoke the development order or map amendment for the undeveloped or unplatted portion of the project;

g. Exempt from further review of any DO which rezoned property to a district which does not exceed the density or intensity permitted by the Future Land Use designation, provided there is no concurrency reservation or exemption for the property. This exemption may be applied to any advertised Status Report after adoption of this amendment; and/or,

h. Deny or revoke a building permit; issue a stop work order; deny or revoke a Certificate of Occupancy (CO) on any building or structure; revoke any concurrency; deny or revoke any permit, license, or approval for any developer, owner, lessee, or user of the subject property.

D. Decision of the DRO

A Property Owner may submit an application for a time extension to the DRO for any condition of approval imposed by the DRO. The DRO must receive the application prior to the compliance deadline stated in the condition of approval.

1. The DRO shall consider changed circumstances or mitigating factors.

2. The DRO may take the following action:

a. Grant a time extension not to exceed 12 months;

b. Revoke the approval of DO;

c. Amend or delete the condition of approval; or,

d. Direct Code Enforcement staff to seek enforcement procedures.

E. Failure to Use Variance

If a Property Owner fails to utilize a variance within the timeframes as provided, the variance shall become invalid.

Section 4 Noncompliance

A. General

If the procedures for compliance are exhausted and a Property Owner continues to violate a condition of approval, suspension of all development activity authorized by a DO shall occur. Once the matter is compliant, development activity may resume.

B. Suspension of Development Orders

Suspension of DOs may occur upon failure to comply with one or more time limitations or failure to comply with a condition of approval.

1. Expiration of Time Periods

Upon expiration of any time period established by this Chapter or failure to comply with, or continued violation of a condition of approval, no new DOs affecting the property shall be issued by PBC, and no action to vest the DO shall be permitted, until a final determination is made by the Executive Director, or BCC or ZC pursuant to Art. 2.E.3, Procedures for Compliance. This suspension of development rights shall not preclude the Property Owner from filing a new application for the subject property to amend or supersede an existing development order, or the BCC or ZC from approving this application.

2. Effect of Suspension

The suspension of development rights shall have the following effect on new applications and code enforcement actions:

a. If the Property Owner files a new application, no new DOs shall be issued until the completion of the zoning process to resolve the noncompliance, except the DO which approves the application.

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EXHIBIT C

ARTICLE 2.E – MONITORING

1 b. If the Property Owner is referred to Code Enforcement for violating the provisions of the
2 DO, no new DOs shall be issued until the alleged violation has been ruled upon by the
3 Code Enforcement Special Master, and any enforcement action is completed, or penalty
4 is satisfied. This shall not, however, preclude compliance with the specific condition cited
5 in the Status Report after the BCC or ZC has directed the Code Enforcement Division to
6 cite the Property Owner for noncompliance with that condition.

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EXHIBIT D

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES PLANNING PROCESS AND HISTORIC RESOURCE REVIEW

Part 1. ULDC 2.G.3.H.5, Historic Resources Review Board Meetings (page 85 and 86 of 101, Supplement 25), is hereby amended as follows:

1 CHAPTER G DECISION MAKING BODIES

2

3 Section 3 Appointed Bodies

4

5 H. Historic Resources Review Board

6

7 5. Meetings

8 a. General

9 General meetings of the HRRB shall be held at least ~~quarterly~~ four times per year. Special
10 meetings may be called by the Chair of the HRRB, or in writing by a majority of the
11 members of the Board. Staff shall provide 24-hour written notice to each Board member
12 prior to a special meeting.

13 b. Quorum

14 The presence of a majority of the appointed members of the HRRB shall constitute a
15 quorum necessary to take action and transact business.

16

Part 2. ULDC Art. 2.G.3.J.5, Rules Applicable to Local Planning Agency (page 88 of 101, Supplement 25), is hereby amended as follows:

17 CHAPTER G DECISION MAKING BODIES

18

19 Section 3 Appointed Bodies

20

21 J. Planning Commission

22

23 5. Rules Applicable to Local Planning Agency

24 a. The agenda of the PLC sitting as the LPA shall be as prepared and presented by the PBC
25 Planning Division and such agenda shall not be deviated from without a two-thirds vote of
26 a quorum of the LPA. **[Ord. 2008-003]**

27 b. Failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior
28 to the final transmittal hearing of the amendments shall constitute the item being sent to
29 the BCC with an LPA recommendation of denial pursuant to F.S.§ 163.3174, as may be
30 amended from time to time.

31 c. Quorum and Voting

32 The presence of a majority of the appointed members of the board shall constitute a
33 quorum necessary to take action and transact business. All actions shall require a simple
34 majority of the quorum present and voting at the meeting. In the event of a tie vote, the
35 motion shall fail. No member shall abstain from voting unless the member has a voting
36 conflict pursuant to State of Florida law.

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EXHIBIT E

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO GENERAL DEVELOPMENT STANDARDS, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS

Part 1. ULDC Art. 3.B.14.B.1.b. and 1), WCRAO, Westgate Community Redevelopment Area Overlay, General Development Standards, Nonconformities (pages 41-42 of 211, Supplement 25), is hereby amended as follows:

1 **CHAPTER B OVERLAYS**

2 **Section 14 WCRAO, Westgate Community Redevelopment Area Overlay**

3

4 **B. General Development Standards**

5 **1. Nonconformities**

6 Nonconforming uses, structures and lots shall be allowed to continue subject to the provisions
7 of Art. 1.F, Nonconformities and the following: **[Ord. 2006-004] [Ord. 2010-022]**

8 **a. Expansion of Existing Non-conforming Parking**

9 The addition of parking to a non-conforming structure that does not meet the location
10 requirements of this Section, shall be permitted subject to a Type 2 Waiver approval. **[Ord.**
11 **2006-004] [Ord. 2018-002]**

12 **b. Permitted Uses, ~~and~~ Uses Subject to DRO Approval within Nonconforming**
13 **Structures, ~~and Non-conforming Single Family Dwellings~~**

14 The WCRA Plan encourages rehabilitation of existing commercial and residential
15 properties to prevent and eliminate slums and urban blight, to promote physical and
16 economic revitalization of the neighborhoods and commercial areas, and to improve the
17 visual appearance of existing structures and the overall experience of the area. Uses
18 permitted by right ~~and~~, uses subject to DRO approval, ~~and non-conforming Single Family~~
19 ~~dwellings~~ therefore may exceed the allowable percentages of Table 1.F.1.G,
20 Nonconformities – Percentage (1) and Approval Process for Maintenance, Renovation and
21 Natural Disaster Damage Repair, provided all the standards below are met: **[Ord. 2010-**
22 **022]**

23 **1) Exterior Building and Site Elements Improvements**

24 A minimum 25 percent of the total maintenance, renovation, or natural disaster damage
25 repair improvement value shall be dedicated to ~~exterior building, façade improvements~~
26 ~~abutting the R-O-W per Art. 1, General Provisions, landscaping, pedestrian amenities,~~
27 ~~and other site elements. Of that percentage 25 percent, a minimum of ten percent~~
28 ~~percentage shall be dedicated to façade improvements abutting the ROW and a~~
29 ~~minimum ten percent percentage shall be dedicated to landscape improvements. as~~
30 ~~determined by the Westgate CRA Executive Director to address specific site~~
31 ~~constraints that include, but are not limited to, lot size, lot configuration, and/or adjacent~~
32 ~~redevelopment efforts; [Ord. 2010-022]~~

33 **2) Limitation**

34 The total maintenance, renovation, or natural disaster damage repair improvements
35 for the proposed use(s) may be allowed only if the proposed improvements will not
36 cause an increase in building square footage or generate additional parking unless the
37 additional parking requirements or design is required to bring the site into compliance
38 with the ULDC to the greatest extent possible; and, **[Ord. 2010-022]**

39 **3) Certification of Improvements**

40 The detailed justification statement of compliance to the above standards and
41 calculations of the improvements, including the total improvement value for the project,
42 shall be signed and sealed by the architect of record for the project, and shall be
43 reviewed and certified by the Westgate CRA for compliance with this section prior to
44 submittal to the Building Division. **[Ord. 2010-022]**

Part 2. ULDC Art. 3.B.14.E.1. WCRAO, Westgate Community Redevelopment Area Overlay, Use Regulations (pages 45 of 211, Supplement 25), is hereby amended as follows:

45 **E. Use Regulations**

46 **1. Mixed Use**

47 In the WCRAO, mixed use means the combination of residential and one or more non-
48 residential uses that are functionally integrated. Mixed use may be required or permitted in
49 commercial districts that have a commercial with underlying residential FLU designation, as
50 indicated in Table 3.B.14.E, WCRAO Mixed Use. **[Ord. 2006-004]**

Table 3.B.14.E – WCRAO Mixed Use

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use (2)	Prohibited	Permitted (1)(3)	Permitted (1)(3)	Permitted (3) (4)	Permitted (4)	Permitted (4)	Prohibited

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EXHIBIT E

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO GENERAL DEVELOPMENT STANDARDS, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS

Table 3.B.14.E – WCRAO Mixed Use

Percentage of Allowed Residential and Nonresidential Use							
Minimum Residential Use (2)	N/A	50%	50%	N/A 0%	N/A 0%	N/A 0%	N/A
Maximum Residential Use	N/A	100% (3)	100% (3)	N/A 100%	N/A 100%	N/A 100%	N/A
Minimum Non-residential Use	N/A	0%	0%	N/A 0%	N/A 0%	N/A 0%	N/A
Maximum Non-residential Use (2)	N/A	50%	50%	N/A 100%	N/A 100%	N/A 100%	N/A
[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2018-002]							
Notes:							
1.	Non-residential uses on parcels <u>that have with</u> a commercial <u>FLU</u> with underlying residential <u>FLU</u> designation, approved as part of Plan Amendment Round 2005-01, Ordinance No. 2005-032, shall <u>only</u> be permitted <u>in accordance with Art.3.B.14.E.1.a, Mixed Use in NRM, NG and NC Sub-areas. [Ord. 2006-004] [Ord. 2015-031] [Ord. 2019-005] in the NRM and NG Sub-areas. Non-residential uses shall only be permitted if all permitted residential density is utilized, but in no case shall it be less than one unit. Density shall be calculated meeting the requirements of FLUE Table 2.2.1-g.1, and other related Policies of the Plan. [Ord. 2006-004] [Ord. 2015-031] [2018-002] [Ord.2019-005] [Relocated from Art. 3.B.14.E.1.a. and b., Use Regulations]</u>						
2.	Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). <u>Projects that vertically integrate a minimum of 20 percent of the site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density [Ord. 2006-004] [Ord.2006-004] [Relocated from Art. 3.B.14.E.1.a. and b., Use Regulations]</u>						
3.	<u>Stand-alone Residential-only</u> developments are permitted within the NC, NRM, and NG Sub-areas. [Ord. 2015-031] [Ord. 2018-002]						
4.	<u>Within the NC, UG and UH Sub-areas, residential-only Multi-family and Townhouse developments with five dwelling units or more shall be permitted. Residential-only developments with under five units shall not be permitted.</u>						

- 1
- 2 **a. ~~Mixed Use in NRM, NG, and NC Sub-areas~~**
- 3 ~~In the NRM and NG Sub-areas, non-residential uses shall only be permitted if all permitted~~
- 4 ~~residential density is utilized, but in no case shall it be less than one unit. Density shall be~~
- 5 ~~calculated meeting the requirements of FLUE Table 2.2.1-g.1, and other related Policies~~
- 6 ~~of the Plan. [Ord. 2006-004] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2019-005]~~
- 7 ~~[Relocated to Table 3.B.14.E, Notes 1 and 2]~~
- 8 **b. ~~Vertical Integration~~**
- 9 ~~Projects that vertically integrate a minimum of 20 percent of a site's approved (includes~~
- 10 ~~allowed density and any density bonus units) residential density with commercial uses may~~
- 11 ~~be allowed to utilize up to 100 percent of both the site's commercial intensity and residential~~
- 12 ~~density. [Ord. 2006-004] [Relocated to Table 3.B.14.E, Notes 1 and 2]~~

Part 3. ULDC Art.3.B.14.E.2. and Table 3.B.14.E, WCRAO, Westgate Community Redevelopment Area Overlay, Use Regulations (pages 45-47 of 211, Supplement 25), is hereby amended as follows:

2. **Sub-area Use Regulations**

a. **Use Regulations**

In addition to the requirements of Table 3.E.1.B, Table 3.F.I.F, and Table 4.A.3.A, the following uses shall be prohibited or permitted in the WCRAO Sub-areas: [Ord. 2006-004]

Table 3.B.14.E – WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE Supplementary Use Standards # (2)
Residential Uses								
<u>Single Family</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>4.B.1.C.4</u>
<u>Cottage Home – Single Unit on a Single Lot</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>4.B.1.C.4</u>
<u>Cottage Home – Multiple Units on a Single Lot or Site</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>4.B.1.C.4</u>
<u>Zero Lot Line (ZLL)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>4.B.1.C.6</u>
<u>Multi-Family (MF)</u>	X	<u>P (5)</u>	<u>P (5)</u>	<u>P (5)</u>	<u>P (5)</u>	<u>P (5)</u>	<u>- X</u>	<u>87 4.B.1.C.3</u>
<u>Townhouse</u>	X	<u>P (5)</u>	<u>P (5)</u>	<u>P (5)</u>	<u>P (5)</u>	<u>P (5)</u>	<u>- X</u>	<u>132 4.B.1.C.5</u>
Commercial Uses								
<u>Adult Entertainment (3)</u>	X	X	X	X	X	X	X	4.B.2.C.1
<u>Convenience Store</u>	X	X	X	X	-	-	-	4.B.2.C.7
<u>Electric Vehicle Charging Station Facility</u>	X	X	X	X	X	X	X	4.B.2.C.10
<u>Employment Agencies (5)(6)</u>	X	X	X	X	X	X	X	4.B.2.C.26
<u>Gas and Fuel Sales, Retail</u>	X	X	X	X	-	-	-	4.B.2.C.16
<u>Repair and Maintenance, Heavy</u>	X	X	X	X	-	-	-	4.B.2.C.30

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EXHIBIT E

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO GENERAL DEVELOPMENT STANDARDS, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS

Table 3.B.14.E – WCRAO Sub-area Use Regulations

Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.31
Self-Service Storage	X	X	X	X	-	-	-	4.B.2.C.37
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.41
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.40
Office Warehouse [Relocated to Industrial Uses]	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Work/Live Space	X	P (4)	P (4)	P (4)	P (4)	P (4)	P (4) X	4.B.2.C.44
Industrial Uses								
Office Warehouse [Relocated from Commercial Uses]	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Contractor Storage Yard	-	-	-	-	A	-	A	4.B.5.C.1
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018]								
Notes:								
1.	Limited to lots with a CH FLU Designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2018-002]							
2.	A number in the NOTE Supplementary Use Standards # column refers to Art 4.B., Use Classifications, which are applicable to the use. [Ord. 2006-004]							
3.	Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU Designation and corresponding zoning district, Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. [Ord. 2007-013]							
5.	Multi Family and Townhouse units may be Permitted by Right in non-residential districts where Mixed Use is required or permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use. [Ord. 2017-002]							
6.	Employment Agencies as contained in Art. 4 under Office, Business or Professional. [Ord. 2017-007]							
Key:								
X	Prohibited in Sub-area.							
-	Subject to Use Regulations of zoning district.							
P	Permitted by Right in Sub-area. [Ord. 2007-013] [Ord. 2009-040]							
A	Class A Conditional Use [Ord. 2017-007]							

- 1
2 **b. Table for Allowable Uses by Floor**
3 Where permitted by the existing zoning district, uses shall be further regulated by floor, as
4 indicated in Table 3.B.14.E, WCRAO Sub-area Uses Permitted by Floor, ~~and Figure~~
5 ~~3.B.14.F, WCRAO Sub-area Building Configurations and Lot Placements.~~ [Ord. 2006-004]

Part 4. ULDC Art. 3.B.14.F.1. and Table 3.B.14.F., and Art. 3.B.14.F.1) and 2), WCRAO, Westgate Community Redevelopment Area Overlay, Property Development Regulations (PDRs) (pages 47-50 of 211, Supplement 25), is hereby amended as follows:

6
7 **F. Property Development Regulations (PDRs)**

8 **1. Sub-area PDRs**

9 In order to implement the form based code ~~build-to-lines~~ outlined in the WCRA Plan, additional
10 PDRs are established for the seven Sub-areas. Development in the WCRAO shall be in
11 compliance with all standard ~~Zoning Districts~~, PDD or TDD PDRs, unless specified otherwise
12 in Table 3.B.14.F, WCRAO ~~Non-Residential and Mixed Use~~ Sub-area PDRs, and ~~Figure~~
13 ~~3.B.14.F, WCRAO Sub-area Building Configurations and Lot Placements~~ ~~Table 3.B.14.F,~~
14 ~~WCRAO Residential Sub-area PDRs. Accessory Uses and Structures shall be in accordance~~
15 ~~with Art. 5.B.1, Accessory Uses and Structures, unless stated otherwise. Single-family~~
16 ~~dwellings shall only be required to comply with the Minimum Lot Depth and Accessory Quarters~~
17 ~~requirements of Sub-area PDRs. Accessory Structures shall comply with the requirements of~~
18 ~~Art. 3.B.14.G, Supplementary Standards and Art. 5.B, Accessory Uses and Structures.~~ [Ord.
19 2006-004] [Ord. 2008-003] [Ord. 2017-007] [Ord. 2019-005]

20 **a. NRM, NG and NC Side Setback Reduction**

21 A building in the NRM, NG and NC sub-areas may be built along the interior side property
22 line with a zero setback, subject to the following: [Ord. 2006-004] [Ord. 2015-031]

23

- 24 4) Height shall be limited to a maximum of ~~356~~ feet for properties in the NRM and NG
25 sub-areas abutting existing single-family uses. [Ord. 2006-004] [Ord. 2010-022] [Ord.
26 2015-031]

27
Table 3.B.14.F – WCRAO ~~Non-Residential and Mixed Use~~ Sub-area PDRs

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
Lot Dimensions:							
Minimum Lot Depth	90' -	-	-	-	-	-	-
Maximum Building Coverage	-	40%	40%	40% (2)	40% (2)	40% (2)	45% (2)

Notes:

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EXHIBIT E

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO GENERAL DEVELOPMENT STANDARDS, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS

Table 3.B.14.F – WCRAO Non-Residential and Mixed Use Sub-area PDRs

Build to Line/Setbacks:							
Front or Side Street Build to Line (+) (3)(8)	-	Build to Line: - 15'	Build to Line: -15'	Build to Line: -10'	Build to Line – C/MU: 10-25'	-	Build to Line – C/IND: 10' - 25'
Minimum Side (+)	-	10' (4)	10' (4)	10' (4)	15'	15'	15'
Minimum Rear (+) (4)	-	25'	25'	25'	25'	25'	25'
Minimum Building Frontage							
Minimum Frontage (+) (8)	-	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build to Line Exception (+)	-	Maximum 50% of Building Frontage, minimum width: 20' and maximum depth of 25'				-	-
Maximum <u>Stories/Height</u> (7) (6)							
Maximum Stories (+)	-	3	4	6	20	10	15
Maximum Height (+) (7)(6)	-	36'	48'	72'	240'	120'	180'
Accessory Quarters Max. Height/Stories	2 stories and 25'						
Other							
Maximum Building Length (+) (6)(5)(7)	-	300'	300'	300'	300'	-	-
[Ord. 2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]							
Key:							
-	PDRs not specified in this table shall be subject to the PDRs of the lot's zoning district.						
C	For Commercial Uses						
MU	For Mixed Uses						
Notes:							
1.	Single family dwellings shall not be required to comply with identified Sub-area PDRs. [Ord. 2006-004] PDRs for Single Family dwellings in the NR Sub-area shall be in accordance with Table 3.B.14.F. WCRAO Residential Sub-area PDRs.						
2.	Building coverage may be increased to 60% if all parking is provided <u>offsite curbside</u> or in a parking structure. [Ord. 2006-004]						
3.	Additional setbacks may apply per Art. 3.B.14.F.3, Sky Exposure Planes. [Ord. 2006-004]						
4.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG and NC Side Setback Reduction. [Ord. 2006-004]						
5.	Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]						
6.	Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4.a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1. [Ord. 2010-022]						
7.	Buildings shall be articulated so that the longest side faces the front build to line. Where a parcel is located at the intersection of two or more streets, at least one building shall be placed at a corner in accordance with Art. 3.B.14.F.2.b.2), and comply with the build to line for both streets. [Ord. 2015-031]						
8.	Minimum frontage shall only apply to the front build to line, and may be reduced in accordance with Art 3.B.14.F.2.b.1)(a), General Exceptions. [Ord. 2015-031] [Ord. 2017-025]						

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Table 3.B.14.F – WCRAO Residential Sub-area PDRs

Residential Use Type	Single Family	Cottage Homes – Single Unit on a Single Lot	Cottage Homes – Multiple Units on a Single Lot or Site	Townhouse (1)	Multi-Family (4 Units or Less)	Multi-Family (5 Units or More)
Lot Dimensions						
Minimum Frontage/Lot Width	50'	25'	75'	16'	75'	100'
Minimum Lot Depth	90'	70'	100'	50'	100'	100'
Maximum Building Coverage	50%	50%	80%	80%	40% (2)	40% (2)
Setbacks						
Front/Build-to-Line	25' min.	20' min.	10' min.	10-25'	10-25'	10-25'
Minimum Side (3)	5'	2.5'	5'	5' – End Unit 0' – Interior Unit	5'	10'
Minimum Side Street	7.5'	7.5'	7.5'	10' – End Unit	10'	10'
Minimum Rear	10'	5'	15'	7.5'	10'	25'
Height/Stories						
Maximum Stories	2	2	2	3	3	2 min. (6)
Maximum Height (4)	N/A	N/A	N/A	36 feet	36 feet	(5)
Accessory Structures	2 stories					
Building Frontage						
Minimum Building Frontage	N/A	N/A	N/A	60% (7)	60%	60% (7)
Notes:						
1.	Unless provided for herein, Townhouse developments shall comply with Table 3.D.2.A, Townhouse Property Development Regulations.					
2.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure.					
3.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG and NC Side Setback Reduction.					
4.	Minor increases in maximum height may be permitted subject to the standards of Art. 5.C.1.E.4.a-c, as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions.					
5.	Maximum height of Multi Family projects of five units or more shall be in accordance with Maximum Stories and Height by Sub-area in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Development Sub-area PDRs.					

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EXHIBIT E

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
WCRAO GENERAL DEVELOPMENT STANDARDS, USE
REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS**

<u>6.</u>	<u>Multi-Family developments with five units or more shall be required to be a minimum of two stories in the NC, UG, and UH Sub-areas.</u>
<u>7.</u>	<u>Minimum building frontage of 80 percent is required for all Townhome and all Multi-Family developments in the NC Sub-area.</u>

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2. Build to Line and Frontages

b. Minimum Building Frontage

1) The minimum building frontage shall be in accordance with the requirements of Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs or Table 3.B.14.F, WCRAO Residential Sub-area PDRs for each Sub-area and Figure 3.B.14.F WCRAO Sub-Area Building Configurations and Lot Placement. The portion of the structure required to meet the building frontage shall be located on the build to line unless otherwise stated. **[Ord. 2006-004] [Ord.2011-001] [Ord.2015-031] [Ord 2017-025]**

~~**c. Minimum Lot Frontage**~~

~~Parcels accommodating single family dwellings shall have a minimum lot frontage of 50 feet on a public R-O-W. **[Ord. 2008-003] [Ord. 2015-031]**~~

~~**Figure 3.B.14.F – WCRAO Sub-area Building Configurations and Lot Placements**~~

Sub-area	Maximum Height, Number of Floors, and Uses by Floor	PDRs – Setbacks, Building Area, and a Maximum Building Coverage
NR		
NRM		
NG		
NC		

~~**[Ord. 2006-004] [Ord. 2018-002]**~~

KEY for allowable usage by floor:* R= Residential O= Office C= Commercial I= Industrial Cv= Civic Rc= Recreational All= R, O, C, I, Cv, Rc	Key for setbacks: f= front setback ss= side setback s= side setback r= rear setback ZD= Regulations of Applicable Zoning District	
--	--	--

*Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-1, WCRAO Mixed Use.

Notes:

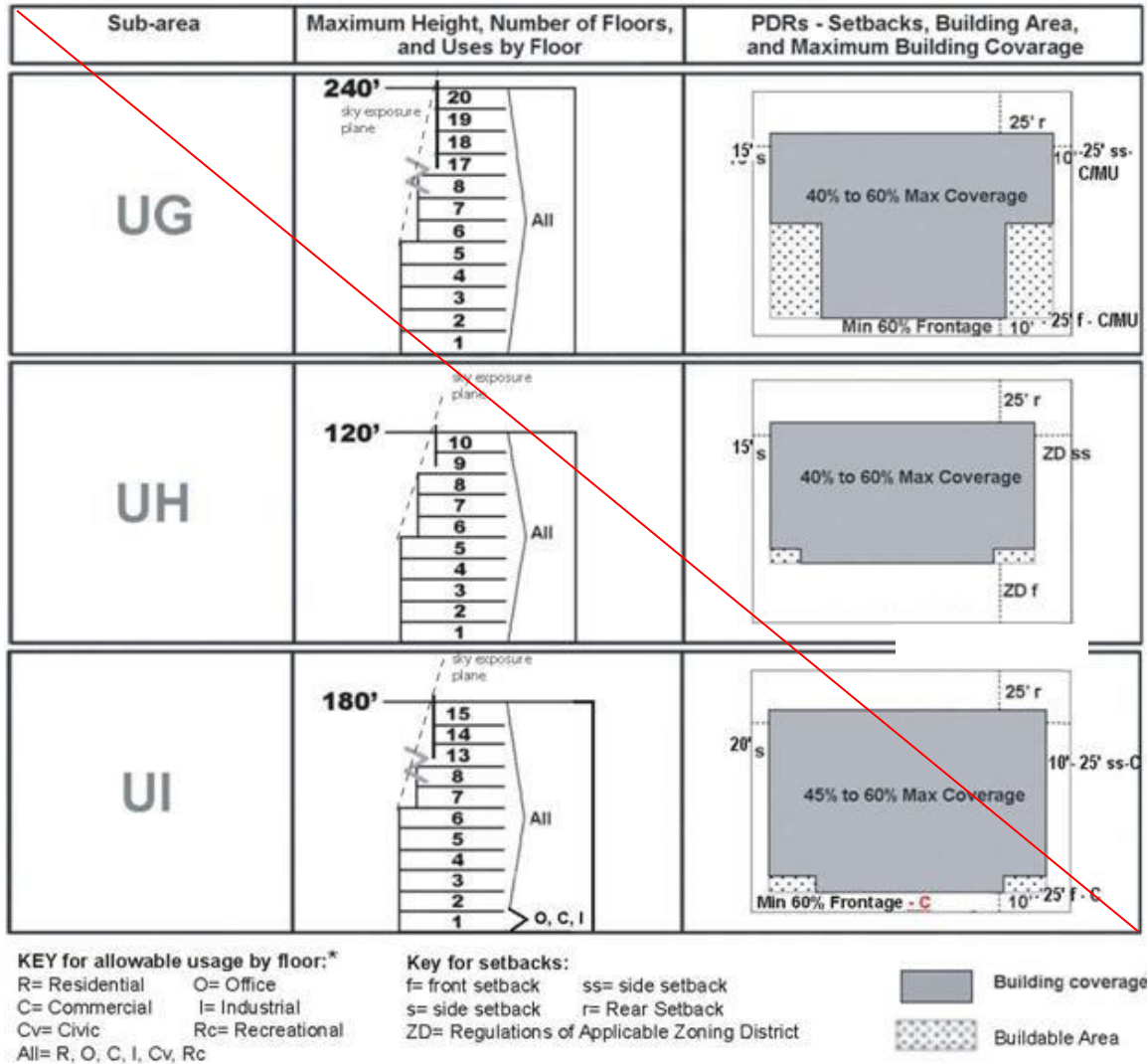
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EXHIBIT E

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
 WCRAO GENERAL DEVELOPMENT STANDARDS, USE
 REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS

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~~Figure 3.B.14.F – WCRAO Sub-area Building Configurations and Lot Placements
 (Continued)~~



* Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-5, WCRAO Mixed Use.

~~[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031]~~

2

Part 5. ULDC Table 3.B.14.G., and Art. 3.B.14.G.3.b., WCRAO, Westgate Community Redevelopment Area Overlay, Supplementary Standards (pages 53-55 of 211, Supplement 25), is hereby amended as follows:

3

G. Supplementary Standards

In addition to the requirements of Art. 5, Supplementary Standards, and Table 3.B.14.G, WCRAO Supplementary Standards by Sub-Area, the following shall apply: **[Ord. 2006-004]**

4

Table 3.B.14.G – WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
Single Family Dwelling Unit	1,000 s.f.	1,000 s.f.	-	-	-	-	-
Accessory Quarters	300 s.f.	300 s.f.	300 s.f.	-	-	-	-
Fences and Walls							
Prohibited Materials (7)(6)	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features							
Arcades and Galleries (1)	-	-	-	Required – Westgate Avenue (14)	-	-	-
Minimum Building Depth	-	20'	20'	20'	30'	-	30'
Minimum 1 st Floor Height	-	-	-	12'	-	-	-

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EXHIBIT E

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO GENERAL DEVELOPMENT STANDARDS, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS

Table 3.B.14.G – WCRAO Supplementary Standards by Sub-Area

Minimum Number of Floors				2 (2)	-	-	-
Windows and Doors							
Minimum Glazing of Frontage (3)		-	(3)	(3)	(3)	-	-
Porches, Balconies and Entryways (9)(11)(8)(10)							
Front Setback Maximum Encroachment (8)(7)		8'	6'	6'	-	-	-
Min/Max Porch Depth (4)		6'/10'			-	-	-
Min/Max Porch Length (4)		8'/50% of building façade			-	-	-
Min/Max Balcony Depth (4)		3'/3'			-	-	-
Min/Max Balcony Length (4)		6'/50% total of building façade			-	-	-
Parking:							
Location of Surface Parking (10) (9)		-	Rear	Rear	Rear	-	-
Driveways (5) (10) (9)		-	Rear	Rear	Rear	-	-
Location of Accessory Quarters and Garages							
Detached	Location	Back of rear façade of primary structures.			-	-	-
	Setbacks	5'-side or rear (6)			-	-	-
Attached	Location	Setback a min. of 20' from front façade			-	-	-
Landscaping							
See Art. 3.B.14.J, WCRAO Landscape Modifications allowing for reduction in Perimeter and foundation planting requirements.							
Minimum Pervious Surface		-	20%	20%	20%	-	-
Key:							
- Subject to the supplementary standards of the lot's zoning district							
[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002]							
Notes:							
1.	See Art. 3.B.14.G.3.d, Arcades and Galleries, Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. [Ord. 2006-004]						
2.	Required second floor shall meet minimum frontage and depth requirements. [Ord. 2006-004]						
3.	See Art. 3.B.14.G.3.c, Fenestration Details – Windows and Doors. <u>Residential development in the NG and NRM Sub-areas shall be exempt from Art. 3.b.14.G.3.c, Fenestration Details – Windows and Doors.</u> [Ord. 2006-004]						
4.	Excludes stoops. [Ord. 2006-004]						
5.	Access from the front or side may be permitted for lots with no rear street frontage. [Ord. 2006-004]						
6.	Minimum 20 foot setback shall be required for garages fronting on a street or alley. [Ord. 2006-004]						
7. 6.	Chain link fences may be installed for the following: [Ord. 2009-040] a. Single-family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W; [Ord. 2009-040] b. Nonresidential uses within the UI sub-area if the chain link fence is black or green vinyl coated; or c. When a landscape barrier is required pursuant to Art. 4.B.6.C.16.d, Accessory Uses – Green Market. [Ord. 2019-005]						
8. 7.	The maximum encroachment for porches, balconies, and entryways located in NC sub-area shall only apply to permitted residential or hotel uses. These ground floor improvements shall not conflict with the placement of street trees. [Ord. 2011-001]						
9. 8.	Single-family dwellings <u>and Cottage Homes – Single Unit on a Single Lot</u> are not required to provide porches, balconies, and entryways, but may elect to utilize setback exceptions provided encroachment complies with other applicable maximum dimensions. [Ord. 2015-031]						
10. 9.	Shall not apply to <u>single-family dwellings residential uses, except Multi-Family developments with five units or more.</u> [Ord. 2015-031]						
11. 10.	Lots with 100 feet or less of frontage <u>and residential development</u> may be exempt from this requirement. [Ord. 2017-002]						

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1. **Accessory and Prohibited Uses**
 - a. **Accessory Structures**
 - 1) Except as otherwise stated within Art. 3.B.14, accessory structures shall meet the setbacks of the underlying zoning district and Supplementary Regulations as stated within Art. 5.B.1.A.1, General. [Ord. 2019-005]
 -
 - 3) Accessory structures permitted pursuant to Art. 4.B.6.C.10.c, Community Vegetable Garden and Art. 4.B.2.C.17.d, Accessory Uses – Green Market shall comply with the PDR's of the zoning district in which the parcel is located and supplementary standards in Art. 5, and shall not be subject to Table 3.B.14.F, Build to Line/Setbacks and Minimum Building Frontage requirements or Figure 3.B.14.F, WCRAO Sub-area Building Configurations and Lot Placements. [Ord. 2019-005]
 -
 3. **Architectural Guidelines**
 - b. **Building Entrance Orientation**

All uses in the NRM, NG, NC and UG Sub areas shall have a principal entrance on the first floor oriented towards the street used as the primary frontage for the building. Buildings less than 100 feet in length or frontage or sites less than one acre in size may be exempted from this requirement. Cottage Home – Multiple Units on a Single Lot may also be oriented

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EXHIBIT E

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO GENERAL DEVELOPMENT STANDARDS, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS

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to a common entryway or open space courtyard which is oriented towards the street used as the primary frontage. [Ord. 2006-004] [Ord. 2010-022]

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EXHIBIT F

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

Part 1. ULDC Art. 3.E.2.D. PUD Property Development Regulations (PDRs) (page 147 of 211, Supplement 25), is hereby amended as follows:

1 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

2

3 **Section 2 Planned Unit Development (PUD)**

4 **D. Property Development Regulations (PDRs)**

5 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum setbacks
6 in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless
7 otherwise stated.

8 **1. Setbacks**

9 For residential development, building setbacks shall be measured from the inside edge of the
10 perimeter landscape buffers. For non-residential development, building setbacks shall be
11 measured from the property line. Rear or side setbacks may be reduced pursuant to Art.
12 3.D.1.D,4, Setback Reductions.

Table 3.E.2.D – PUD Property Development Regulations

POD	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF (4)	Apply the RS district regulations in Table 3.D.1.A, Property Development Regulations.									
Cottage Homes	Refer to Art, 3.D.2.E, Cottage Home Property Development Regulations. [Ord. 2018-018][ORD2019-034]									
ZLL (4)	Refer to Art. 3.D.2.C, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM district regulations in Table 3.D.1.A, Property Development Regulations.									
....										
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018]										
Notes:										
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.									
2	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]									
3.	Recreation pods required for multi-family units, CLFs, or other similar uses may be exempt from the following: a) Minimum frontage requirement, where internal street frontages are not available in the area required for recreation amenities, upon demonstration that access is provided by frontage on internal access ways, the pedestrian network other as may be approved by Parks and Recreation; and, [Ord. 2016-042] b) Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D.2.B.9, Exceptions. [Ord. 2016-042]									
4.	<u>SF and ZLL residential units may be allowed to increase Building Coverage by ten percent subject to the following:</u> a) <u>Maximum one story; and,</u> b) <u>Increase in Building Coverage cannot be in conjunction with other reductions, waivers, or variances for building coverage.</u>									

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EXHIBIT G

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS CRE CONSISTENCY

Part 1. ULDC Art. 3.A.3.B. Overlays and Zoning Districts, General, Zoning District Consistency with the Future Land Use Atlas (FLUA), Standard Districts, Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (pages 16-17 of 211, Supplement 25), is hereby amended as follows:

1 **CHAPTER A GENERAL**

2

3 **Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)**

4 **A. Purpose and Intent**

5 A parcel's Zoning District shall be consistent with its Future Land Use (FLU) designation. Any
6 request for a Development Order shall be reviewed to determine consistency with the requirements
7 of this Section. Unless exempted otherwise, all applications for a Development Order shall be in a
8 zoning district corresponding to the FLU designations indicated in the following tables: **[Ord. 2011-**
9 **016]**

- 10 1. Standard Districts: Table 3.A.3.B, Future Land Use Designations and Corresponding Standard
11 Zoning Districts; or
12 2. Planned Development Districts: Table 3.A.3.C, FLU Designation and Corresponding Planned
13 Development Districts; or
14 3. Traditional Development Districts: Table 3.A.3.D, TDD Corresponding Land Use.

15 **B. Standard Districts**

16 Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation
17 indicated in the table below.
18

**Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts
(1)(3)**

FLU Designation	Zoning District					
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR	AGR				
Residential						
RR-20	AR					
RR-10	AR	CRE				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR (2)	RE	RT	RS		
LR-2	AR (2)	RE	RT	RS		
LR-3	AR (2)	RE	RT	RS		
MR-5	AR (2)	RE	RT	RS	RM	
HR-8	AR (2)	RE	RT	RS	RM	
HR-12	AR (2)	RE	RT	RS	RM	
HR-18	AR (2)	RE	RT	RS	RM	
CLR					RM	
WCR	AR (4)					
Commercial						
CL-O	CLO	IR				
CL	CN	CC	CLO	IR		
CH-O	CLO	CHO	IR			
CH	CN	CC	CLO	CHO	CG	IR
CR	CRE					
UI	UI					
UC	UC					
Industrial						
IND	IL	IG	CRE			
Institutional/Public and Civic						
INST	IPF					
PARK	IPF					
U/T	PO	IPF				
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]						
Notes:						
1.	Unless exempted otherwise all applications for a Development Order shall require the subject site be rezoned to a shaded district.					
2.	Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with the exceptions listed below.					
3.	See Art. 3.A.3.B.1, Standard District Exceptions and Limitations below, for additional notes. [Ord. 2016-042]					
4.	The Zoning District is consistent as described in the Plan. [Ord. 2019-005]					
	Typical Example of a "shaded district."					

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EXHIBIT G

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS CRE CONSISTENCY

1. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

- a. A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.A.3.B, Future Land Use Designation and Corresponding Standard Zoning Districts. **[Ord. 2011-016]**
- b. The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.
- c. The AR Zoning District may be considered consistent with all FLU designations in the U/S Tier for existing agricultural uses or the purpose of permitting new agricultural uses, where in accordance with Art. 3.C.1.C.1.c, Agricultural Uses in the U/S Tier. **[Ord. 2011-016]**
- d. The PO District is consistent with all FLU designations.
- e. The AGR District is consistent with the SA FLU designation in the AGR Tier only. **[Ord. 2011-016]**
- ~~f. The CRE District is consistent with the RR-10 designation only for those uses identified in FLUE Section III.C.3 of the Plan. **[Ord. 2011-016]**~~
- fg. Within the Glades Tier, the AP District is consistent with all FLU designations, excluding Conservation. **[Ord. 2011-016] [Ord. 2016-042]**
- gh. The RM District is consistent with the MR-5 designation only for those areas already zoned RM or RH, prior to the Plan's August 31, 1989 adoption. **[Ord. 2011-016] [Ord. 2017-025]**
- hi. The RS district is consistent with the LR-1 designation only for those areas already zoned RS, RTU, RM, or RH on the Plan's August 31, 1989 adoption. **[Ord. 2016-042]**
- ij. Certain uses in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards. **[Ord. 2011-016]**
- jk. Existing institutional or civic uses in the AR, RE, RT, RS or RM districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority. **[Ord. 2011-016]**
- kl. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC district. **[Ord. 2011-016]**
- ~~lm. A rezoning shall not be required for the installation or replacement of a SFWMD telemetry tower in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in the Glades Tier. **[Ord. 2014-025]**~~
- mn. The UC or UI Zoning Districts may be permitted to utilize the FLU designation and zoning district in place prior to the adoption of the Urban Redevelopment Area Overlay (URAO), in accordance with Art. 3.B.16.B.5.b, Alternative Future Land Use and Zoning. **[Ord. 2017-002]**
- ne. The IPF District shall only be consistent with the U/T FLU Designation for the purposes of accommodating privately owned or operated utility uses, including those considered publically held utilities that are not owned or operated by the State of Florida or local PBC governmental entity. **[Ord. 2017-007]**

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EXHIBIT H

ARTICLE 3 – PDD SETBACK MEASUREMENT

Part 1. ULDC Art. 3.E.2.D.1, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations (PDRs), Table 3.E.2.D – PUD Property Development Regulations (page 144-147 of 211, Supplement 25), is hereby amended as follows:

1 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

2

3 **Section 2 Planned Unit Development (PUD)**

4

5 **D. Property Development Regulations (PDRs)**

6 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless otherwise stated.

7 **1. Setbacks**

8 For residential development, except MF and Type 3 CLF, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For MF, Type 3 CLF, and non-residential development, building setbacks shall be measured from the property line, provided the structures do not encroach the landscape buffer. Rear or side setbacks may be reduced pursuant to Art. 3.D.1.D,4, Setback Reductions.

Table 3.E.2.D – PUD Property Development Regulations

POD	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF and Cottage Homes	Apply the RS district regulations in Table 3.D.1.A, Property Development Regulations. Refer to Art. 3.D.2.E, Cottage Home Property Development Regulations. [Ord. 2018-018]									
ZLL	Refer to Art. 3.D.2.C, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM district regulations in Table 3.D.1.A, Property Development Regulations.									
Civic										
Private	0.5 ac	100	100	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-	30 percent	25	20	25	20
Commercial										
Commercial	Apply CC district regulations in Table 3.D.1.A, Property Development Regulations									
Recreation										
Recreation Pod (3)	-	65	75	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	15 percent	15	15	15	15
Preservation (1)										
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations									
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018]										
Notes:										
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.									
2.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]									
3.	Recreation pods required for multi-family units, CLFs, or other similar uses may be exempt from the following: a) Minimum frontage requirement, where internal street frontages are not available in the area required for recreation amenities, upon demonstration that access is provided by frontage on internal access ways, the pedestrian network other as may be approved by Parks and Recreation; and, [Ord. 2016-042] b) Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D.2.B.9, Exceptions. [Ord. 2016-042]									

Part 2. ULDC Art. 3.E.6.D.1, Overlays and Zoning Districts, Planned Development Districts (PDDs), Mobile Home Planned Development District (MHPD), Property Development

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EXHIBIT H

ARTICLE 3 – PDD SETBACK MEASUREMENT

Regulations, Table 3.E.6.D MHPD Property Development Regulations (page 170-172 of 211, Supplement 25), is hereby amended as follows:

1 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

2

3 **Section 6 Mobile Home Planned Development District (MHPD)**

4

5 **D. Property Development Regulations (PDRs)**

6 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.6.D, MHPD Property Development Regulations, unless otherwise stated.

Table 3.E.6.D – MHPD Property Development Regulations

Pods	Minimum Lot, Lease Lot or Condo Unit Dimensions				FAR	Maximum Building Coverage	Minimum Building Setbacks or Separations			
	Size	Width and Frontage	Depth	Corner			Front	Side Street	Side*	Rear* (1)
Mobile Home	4,200	40'	70'	55'	-	50%	20'	20'	5'	10'
Recreational	-	65'	75'	-	.35	30%	25'	25'	20' C 40' R	20' C 40' R
Private Civic	0.5 ac.	100'	100'	-	35	30%	25'	25'	20' C 40' R	20' C 40' R
Public Civic	1 ac.		200'							
Commercial	1 ac.	100'	200'	25'	.25	20%	25'	25'	20' C 40' R	20' C 40' R

[Ord. 2005-002] [Ord. 2007-013]

Notes:

C Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod. [Ord. 2005-002]

R Indicates the required setback for land uses abutting a residential zoning district or a residential pod.

* ~~(1)~~ *Indicates that the regulation is flexible and may be modified by complying with Art. 6.8.A.4, Regulating Plan. Land uses Pods that abut a lake, canal, or preserve area which that is greater than or equal to 40 feet in width along the boundary of the land use, may substitute a 20-foot side interior or rear setback if a 40-foot setback is required reduce the required 40 foot setback by 50 percent.* Setbacks shall be measured from the inside edge of perimeter landscape areas buffer and internal road R-O-Ws for recreation, civic and commercial uses. Setbacks shall be measured from individual lot lines, rental lines and from condominium lines. [Ord. 2005-002]

Part 3. ULDC Art. 3.E.7.E, Overlays and Zoning Districts, Planned Development Districts (PDDs), Recreational Vehicle Planned Development District (RVPD), Property Development Regulations, Table 3.E.7.E RVPD Property Development Regulations (page 173-174 of 211, Supplement 25), is hereby amended as follows:

10 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

11

12 **Section 7 Recreational Vehicle Planned Development District (RVPD)**

13

14 **E. Property Development Regulations (PDR's)**

15 The PDR's for a RVPD are indicated in Table 3.E.7.E, RVPD Property Development Regulations.

Table 3.E.7.E – RVPD Property Development Regulations

POD	Minimum Lot Dimensions			Maximum FAR	Max Height	Minimum Setbacks			
	Size	Width And Frontage	Depth			Front	Side	Side Street	Rear
Recreation RV space	1000 sf	20	40	-	25	25			
Recreation All Other	-	100	100	.35	35	50			
Commercial	1 acre max	100	100	.25	35	100			

Notes:

- Setbacks shall be measured from the inside edge of the required landscape buffers.
- All other recreation buildings include the clubhouse and accessory structures.
- Lot dimensions are the minimum, except where noted.

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EXHIBIT H

ARTICLE 3 – PDD SETBACK MEASUREMENT

Part 4. ULDC Art. 3.E.1.J, Overlays and Zoning Districts, Planned Development Districts (PDDs), General, Phasing and Platting (page 144 of 211, Supplement 25), is hereby amended as follows:

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2 Section 1 General

3

4 J. Phasing and Platting

5 1. Phasing

6 PDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E,
7 Monitoring, any conditions of approval, and shall proceed in a reasonably continuous and
8 timely manner. If a PDD other than a PUD has multiple phases, each of the first two phases
9 shall contain a minimum of 20 percent of the land area unless otherwise approved in the
10 Development Order approved by the BCC. [Ord. 2005-002] [Ord. 2012-003]

11 2. Platting

12 All land in a PDD shall be platted in accordance with Art. 11, Subdivision, Platting And Required
13 Improvements. [Ord. 2005-002] [Ord. 2011-001] [Ord. 2012-003]

14 a. Exemptions

15 The following shall be exempt from platting requirements: [Ord. 2012-003]

16 1) Right of way dedicated to a government agency when approved by the County
17 Engineer; or, [Ord. 2012-003]

18 2) A DOA to a prior approval which includes a rezoning to a current PDD, where the
19 proposed amendments do not involve any subdivision or other modifications which
20 would require platting or a re-plat. [Ord. 2012-003]

21 b. Timing

22 All land within the PDD, including private civic tracts, golf courses and open space areas
23 (including but not limited to recreation and water retention) shall be platted prior to
24 Technical Compliance for the last residential, commercial, or industrial tract. [Ord. 2012-
25 027]

26 c. Dedications

27 Required landscape buffers within or around residential pods, for the development of
28 Single Family, Zero Lot Line, Townhouse, or Cottage Homes (when designed as a single
29 unit on a lot), ~~of within a~~ Planned Developments, shall be platted and dedicated as separate
30 tracts of land. [Ord. 2018-002]

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EXHIBIT I

**ARTICLE 4.B.1 – RESIDENTIAL USES
[RELATED TO CARETAKER QUARTERS]**

Part 1. ULDC Art. 4.B.1, Use Regulations, Use Classification, Residential Uses [Related to Caretaker Quarters] (page 18 and 19 of 200 Supplement 25), is hereby amended as follows:

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 1 Residential Uses**

3

4 **D. General Standards for Accessory Uses**

5 Accessory uses shall comply with the specific Supplementary Use Standards contained in this
6 section.

7 **1. Corresponding Accessory Use to a Principal Use**

8

9

Table 4.B.1.D – Corresponding Accessory Use to a Principal Use

Accessory Use	Principal Use													
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable Commercial/ Stable Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional, Public and Civic Uses	Recreation Uses	Utilities and Excavation Uses	Transportation Uses
Accessory Quarters	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Caretaker Quarters (4)	-	-	-	-	-	DP	DP	DP	DP	DP	DP	DP	DP	DP
Estate Kitchen	-	-	P	-	P	-	-	-	-	-	-	-	-	-
Family Day Care Home	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Farm Residence (2)	-	-	-	-	-	P (1)	-	-	-	-	-	-	-	-
Farm Workers Quarters	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Garage Sale	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Grooms Quarters	-	-	-	-	-	-	A	-	-	-	-	-	-	-
Guest Cottage	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Home Occupation	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Kennel, Type 1	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Limited Pet Boarding	-	-	A (3)	-	-	-	-	-	-	-	-	-	-	-
[Ord. 2018-002] [Ord. 2018-018]														
Notes:														
-	Accessory use not allowed													
P	Permitted by Right													
A	Accessory use subject to Class A Conditional Use unless stated otherwise – See principal use and accessory use supplementary standards.													
D	DRO Approval through the ZAR process [Ord. 2018-018]													
1.	Farm Residence may only be accessory to Bona Fide Agriculture in the AGR and AP Zoning District.													
2.	Accessory uses to Single Family are Permitted by Right to a Farm Residence.													
3.	Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only.													
4.	Permitted by Right when accessory to Government Facilities [Ord. 2018-018]													

10

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EXHIBIT J

ARTICLE 4 – APPLICATION PROCESSES AND PROCEDURES

1 **B. General Industrial Standards**

2 Reserved for future use.

3 **C. Definitions and Supplementary Use Standards for Specific Uses**

4

5 **3. Distribution Facility**

6 **a. Definition**

7 An establishment for the loading, unloading, and interchange of freight or package express
8 between modes of transportation.

9 **b. Typical Uses**

10 Typical uses include truck terminals, railroad depots and yards (including temporary
11 storage), and major mail-processing centers.

12 **c. Zoning Districts with a CH FLU Designation**

13 A facility located in these Zoning Districts: CG, IRO, MUPD, MXPD or Commercial Pod of
14 a PIPD shall comply with the following additional requirements:

15 1) Outdoor Storage and activities shall be prohibited.

16 2) When this use is proposed to replace a previously approved use, the Net Trips and
17 Net Peak Hour Trips must be each to or less than the approved use.

18

19 **8. Manufacturing and Processing**

20 **a. Definition**

21 An establishment engaged in the manufacture, predominantly from previously prepared
22 materials, of finished products or parts, including processing, fabrication, assembly,
23 treatment and packaging of such products. This use also includes incidental storage, sales
24 and distribution of such products, but excludes heavy industrial processing.

25 **b. Typical Uses**

26 Typical uses include factories, large-scale production, wholesale distribution, publishing,
27 and food processing.

28 **c. Zoning Districts with a CH FLU Designation**

29 A facility located in these Zoning Districts: CG, IRO, MUPD, MXPD or Commercial Pod of
30 a PIPD shall comply with the following additional requirements:

31 1) Outdoor Storage and activities shall be prohibited.

32

33 **17. Warehouse**

34 **a. Definition**

35 An establishment used for the storage of raw materials, equipment, or products.

36 **b. Typical Uses**

37 Typical uses include moving companies, cold storage, and dead storage facilities, but
38 excludes self-service storage facilities.

39 **c. Overlay – WCRAO**

40 Office/warehouse uses shall be allowed as specified in Table 3.B.14.E, WCRAO Sub-area
41 Use Regulations. The office/warehouse development shall have a minimum of 25 percent
42 office 2space per gross floor area for each bay.

43 **d. Zoning Districts with a CH FLU Designation**

44 A facility located in these Zoning Districts: CG, IRO, MUPD, MXPD or Commercial Pod of
45 a PIPD shall comply with the following additional requirements:

46 1) Outdoor Storage and activities shall be prohibited.

47 **e. Accessory Use**

48 **1) Office**

49 Unless approved as a Class A Conditional Use, or as specified in the Overlay –
50 WCRAO standard, office space in each warehouse bay shall be a maximum of 30
51 percent of the GFA of that bay.

52 **2) General Retail**

53 Sales shall be prohibited, except where allowed in conjunction with Flex Space.

54 **f. Freestanding Structures**

55 Freestanding structures for Warehouse developments located in an MUPD with an IND
56 FLU designation shall not be subject to the provisions of Table 3.E.3.B.2.a.3), Freestanding
57 Buildings. **[Ord. 2019-005]**

58 **18. Wholesaling**

59 **a. Definition**

60 An establishment engaged in: the maintenance and display of inventories of goods for
61 distribution and sale of goods to other firms for resale; or, the supplying of goods to various
62 trades such as landscapers, construction contractors, wholesale building supplies,
63 institutions, industries, or professional businesses. These establishments also sort and
64 grade goods from large to small lots, and engage in delivery. This use excludes vehicle
65 sales, and the wholesaling of nursery supplies, and gas and fuel.

66 **b. Zoning Districts with a CH FLU Designation**

67 A facility located in these Zoning Districts: CG, IRO, MUPD, MXPD or Commercial Pod of
68 a PIPD shall comply with the following additional requirements:

69 1) Outdoor Storage and activities shall be prohibited.

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EXHIBIT K

ARTICLE 5 – SUPPLEMENTARY STANDARDS COMMUNITY AND NEIGHBORHOOD PARK RECREATION STANDARDS

Part 1. ULDC Art. 5.D.2.B.9, Other Credits (page 55-56 of 106, Supplement 25), is hereby amended as follows:

1 CHAPTER D PARKS AND RECREATION – RULES AND RECREATION STANDARDS

2

3 Section 2 Types of Parks

4

5 B. Community and Neighborhood Park Recreation Standards

6

7 9. ~~Other Credits Property Development Regulations~~

8 Any parcel of land used to satisfy Parks and Recreation Standards shall meet the following requirements: [Ord. 2006-004]

9 ~~a. Minimum Parcel Size~~

10 ~~Minimum parcel size shall be 7,500 square feet exclusive of above ground easements and~~
11 ~~landscape buffers. [Ord. 2006-004] [Ord. 2016-042] [Partially relocated to new Table~~
12 ~~5.D.2.B.9 – Property Development Regulations.]~~

13 ~~b. Minimum Parcel Width~~

14 ~~Minimum parcel width shall average 75 feet with no dimension less than 50 feet. [Ord.~~
15 ~~2006-004]~~

16 ~~c. Minimum Parcel Depth~~

17 ~~Minimum parcel depth shall average 100 feet with no dimension less than 75 feet. [Ord.~~
18 ~~2006-004] [Partially relocated to new Table 5.D.2.B.9 – Property Development~~
19 ~~Regulations.]~~

20 ~~d. Waiver of Minimum Parcel Dimensions~~

21 ~~The Parks and Recreation Department may reduce the minimum recreation parcel~~
22 ~~dimensions by not more than ten percent when considering location, abutting land uses,~~
23 ~~accessibility, recreation facilities to be offered and the parcels function in the overall~~
24 ~~recreation and open space network of the development. [Ord. 2006-004] [Relocated to~~
25 ~~new Table 5.D.2.B.9 – Property Development Regulations.]~~

26 ~~e. Underground Easements~~

27 ~~Underground easements are permitted in the recreation parcel with prior approval by the~~
28 ~~Director of the Parks and Recreation Department, and as long as the utility of the recreation~~
29 ~~parcel is not adversely impacted. [Ord. 2016-042] [Relocated to new Table 5.D.2.B.9 –~~
30 ~~Property Development Regulations.]~~

31 ~~f. Exceptions~~

- 32 1. ~~CLFs may be exempt from the minimum parcel size and minimum dimensions, with~~
33 ~~prior approval by the Director of the Parks & Recreation Department. [Ord. 2016-042]~~
34 2. ~~CLF recreational requirements may be satisfied using a combination of interior and~~
35 ~~exterior recreation areas, with prior approval by the Director of the Parks and~~
36 ~~Recreation Department. [Ord. 2016-042]~~

37 **Table 5.D.2.B.9 – Property Development Regulations (1)**

<u>Number of Units</u>	<u>Min. Lot Size (2)(3)(4)(5)</u>	<u>Min. Lot Width (4)(5)</u>	<u>Min. Lot Depth (4)(5)</u>
<u><=10 units (6)</u>	2,500 sq. ft.	50 feet	50 feet
<u>>10 <=20 units</u>	4,200 sq. ft.	60 feet	70 feet
<u>>20 units</u>	7,500 sq. ft. [Partially relocated from Art. 5.D.2.B.9.a Minimum Parcel Size]	Average 75 feet, but not less than 50 feet at any given point [Partially relocated from Art. 5.D.2.B.9.b Minimum Parcel width]	Average 100 feet, but not less than 75 feet at any given point [Partially relocated from Art. 5.D.2.B.9.c Minimum Parcel Depth]
Notes:			
(1) The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcels function in the overall recreation and open space network of the development. [Ord. 2006-004] [Relocated from Art. 5.D.2.B.9.d Waiver of Minimum Parcel Dimensions]			
(2) Exclusive of above ground easements and landscape buffers, underground easements are permitted in the recreation parcel with prior approval by the Director of the Parks and Recreation Department, and as long as the utility of the recreation parcel is not adversely impacted. [Ord. 2016-042] [Relocated from Art. 5.D.2.B.9.e Underground Easements]			
(3) Projects providing recreation sites with less than 7,500 square feet in size may not include the parking within the minimum size for a recreation parcel.			
(4) CLFs may be exempt from the minimum parcel size and minimum dimensions, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042] [Relocated from Art. 5.D.2.B.9.f Exceptions]			

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EXHIBIT K

**ARTICLE 5 – SUPPLEMENTARY STANDARDS
COMMUNITY AND NEIGHBORHOOD PARK RECREATION
STANDARDS**

Table 5.D.2.B.9 – Property Development Regulations (1)

<p>(5) CLF recreational requirements may be satisfied using a combination of interior and exterior recreation areas, with prior approval by the Director of the Parks and Recreation Department. [Ord. 2016-042] [Relocated from Art. 5.D.2.B.9.f Exceptions]</p>
<p>(6) Projects with 4 or fewer dwelling units, may use Art. 5.D.2.B.5, Cash-Out Option for compliance with their minimum Recreation site.</p>

1

Part 2. ULDC Art. 3.E.2.D Overlay and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations(PDRs),Setbacks, Table 3.E.2.D PUD Property Development Regulations (page 147-149 of 211, Supplement 25), is hereby amended as follows:

2 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

3

4 **Section 2 Planned Unit Development (PUD)**

5

6 **C. Thresholds**

7

8 **2. Land Use Mix**

9 Table 3.E.2.C, PUD Land Use Mix, indicates the minimum and maximum percentage of each
10 land use allowed in a PUD.

Table 3.E.2.C – PUD Land Use Mix

	Res.	Civic (1)	Comm.	Rec. (2)	OS (3)	Preserve Area	Dev. Area
MIN	60%	2% (1)	-	.006 acre per du	40%	80/20 AGR – 80% 60//40 AGR – 60%	-
MAX	-	65%	1%	-	-	-	80/20 AGR – 25% (4) 60/40 AGR – 40%
[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001] [Ord. 2016-042]							
Notes:							
1. Minimum civic pod requirement may be waived, subject to the following: [Ord. 2011-001] a. Public civic may not be required where two percent of the gross acreage of a PDD is less than 1.5 acres in size, subject to FD&O approval; and, [Ord. 2011-001] b. If located in a CCRT area, shall be labeled as private civic unless waived by the BCC. [Ord. 2011-001]							
2. Minimum recreation area required for a CLF may be reduced in accordance with <u>Art. 5.D.2.B.9.f, Exceptions. Art. 5.D. Parks and Recreation-Rules and Recreation Standards Table 5.D.2.B.9. Property Development Regulations.</u> [Ord. 2016-042]							
3. Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]							
4. See 80/20 option exception.							

11

12 **D. Property Development Regulations (PDRs)**

13 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum
14 setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations,
15 unless otherwise stated.

16 **1. Setbacks**

17 For residential development, building setbacks shall be measured from the inside edge of the
18 perimeter landscape buffers. For non-residential development, building setbacks shall be
19 measured from the property line. Rear or side setbacks may be reduced pursuant to Art.
20 3.D.1.D,4, Setback Reductions.
21

Notes:

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EXHIBIT K

ARTICLE 5 – SUPPLEMENTARY STANDARDS COMMUNITY AND NEIGHBORHOOD PARK RECREATION STANDARDS

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Table 3.E.2.D – PUD Property Development Regulations

POD	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF and Cottage Homes	Apply the RS district regulations in Table 3.D.1.A, Property Development Regulations. Refer to Art. 3.D.2.E, Cottage Home Property Development Regulations. [Ord. 2018-018]									
ZLL	Refer to Art. 3.D.2.C, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM district regulations in Table 3.D.1.A, Property Development Regulations.									
Civic										
Private	0.5 ac	100	100	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-	30 percent	25	20	25	20
Commercial										
Commercial	Apply CC district regulations in Table 3.D.1.A, Property Development Regulations									
Recreation										
Recreation Pod (3)	-(3)	65(3)	75(3)	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	15 percent	15	15	15	15
Preservation (1)										
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations									
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018]										
Notes:										
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.									
2.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]									
3.	Recreation P pods required for M multi-family units, CLFs, or other similar uses <u>Cottage Homes in a MF Pod or Lot</u> may be exempt from the following: a) Minimum <u>lot</u> frontage requirement may be reduced or eliminated , where <u>the Pod does not front on a internal street, and is located within the MF or CLF structures, surrounded by the MF, CLF or Cottage Homes, or located on a shared driveway. frontages are not available in the area required for recreation amenities, upon demonstration that access is provided by frontage on A sidewalk shall be provided from the Recreation Tract to the internal access ways, the pedestrian network other as may be approved by Parks and Recreation;</u> and, [Ord. 2016-042] b) Minimum PDRs may be reduced proportionate to or in accordance with <u>Art. 5.D.2.B.9, Exceptions Parks and Recreation- Rules and Recreation Standards Table 5.D.2.B.9, Property Development Regulations</u> . [Ord. 2016-042]									

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E. Pods

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3. Recreation Pod

Recreation areas shall be designated on the Master Plan as recreation pods, ~~except where in conflict with Art. 5.D.2.B.9.f, Exceptions,~~ and shall comply with ~~Art. 5.B.1.A.9, Neighborhood Recreation Facility;~~ and, Art. 5.D, Parks and Recreation – Rules and Recreation Standards, in addition to the requirements of this section. **[Ord. 2011-001] [Ord. 2013-001] [Ord. 2016-042]**

4. Civic Pod

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Part 1. ULDC Art. 6, Parking (pages 1-40 of Supplement 26), is hereby amended as follows:

1 **CHAPTER A GENERAL**

2 **Section 1 General**

3 **A. Purpose and Intent**

4 *The purpose and intent of this Article is to ensure the design and function, provisions of parking,*
5 *loading, queuing, vehicular and pedestrian circulation, driveways, and access are in proportion to*
6 *the demand created by each use and are efficient and safe.*

7 **B. Applicability**

8 *The standards of this Article shall apply to all development in unincorporated PBC, or existing*
9 *development that is modified to the extent that it includes uses or site design features that were not*
10 *specifically shown on previously approved plans. All parking areas established by this Section shall*
11 *be continuously maintained in accordance with this Article. Parking and loading spaces shall be*
12 *provided in accordance with Table 6.B.1.B, Minimum Parking and Loading Requirements, unless*
13 *stated otherwise below.*

14 **1. Prohibitions**

15 *Parking and loading spaces are prohibited in the following:*

16 **a. Landscape Buffers; and**

17 **b. Drainage District R-O-W or Easements, except additional parking in excess of the minimum**
18 *required may be located in these areas with an agreement with the applicable district and*
19 *subject to approval by the Zoning Director. **[Ord. 2011-001]***

20 **2. Exemptions**

21 *The following exemptions shall apply, unless the parcel is vacant. **[Ord. 2007-013]***

22 **a. Commercial Vehicle**

23 *One commercial vehicle of not over one ton rated capacity may be parked per dwelling*
24 *unit, providing all of the following conditions are met:*

25 **1) vehicle is registered or licensed;**

26 **2) used by a resident of the premises;**

27 **3) gross vehicle weight rating (gvwr) does not exceed 12,500 pounds;**

28 **4) height does not exceed nine feet, including any load, bed, or box; and,**

29 **5) total vehicle length does not exceed 26 feet. **[Ord. 2005-041]****

30 **b. Construction Vehicles**

31 *Temporary parking of construction vehicles or equipment engaged in work on private land*
32 *where construction is underway, for which a current and valid building permit has been*
33 *issued by the Building Director and the building permit is displayed on the premises. **[Ord.***
34 ***2007-013]***

35 **c. Delivery and Service Vehicles**

36 *The routine deliveries by tradesmen, or the use of trucks in making service calls. **[Ord.***
37 ***2007-013]***

38 **d. Emergency Repairs**

39 *A situation where a motor vehicle becomes disabled and, as a result of such emergency,*
40 *is required to be parked longer than two hours. Any prohibited motor vehicle shall be*
41 *removed within 24 hours, regardless of the nature of the emergency.*

42 **3. Deviations for the PO Zoning District**

43 *Deviation(s) from the provisions of this Article may be permitted for development supporting*
44 *government facilities within the PO Zoning District, subject to Art. 2 Application Processes and*
45 *Procedures and PPM ZO-O-063, as applicable and as amended. **[Ord. 2007-013] [Ord. 2019-***
46 ***005]***

47 **C. Prior Approvals and Nonconformities**

48 *See Art. 1.E. Prior Approvals and Art. 1.F. Nonconformities.*

49 **D. Definitions**

50 *See Art. 1.H, Definitions and Acronyms.*

Part 2. ULDC Art. 6, Parking (pages 1-40 of Supplement 26), is hereby amended as follows:

51 **CHAPTER B PARKING AND LOADING**

52 **Section 1 Calculation**

53 **A. Computing Parking Standards**

54 **1. Multiple Uses**

55 *On lots containing more than one use, the total number of required parking spaces shall be*
56 *equal to the sum of the required parking for each use as if provided separately, unless shared*
57 *parking is approved pursuant to Art. 6.C.1.A, Shared Parking or as allowed pursuant to Art.*
58 *3.B, Overlays and Zoning Districts.*

59 **2. Fractions**

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

When calculation of the number of required parking spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest whole number.

3. Floor Area

Parking requirements that are based on square footage shall be computed using gross floor area (GFA), unless another measurement is specifically called for in this Section.

4. Occupants

When the calculation of required parking spaces is based on the number of occupants, the calculation shall be based on the maximum number of persons legally residing on the premises at any one time.

5. Bench Seating

When the calculation of required parking spaces is based on the number of seats, each 22 linear inches of bench, pew, or similar bench seating facility shall be considered one seat.

6. Gross Lot Area

When the calculation of required parking spaces is based on gross lot area (GLA), the amount of lot area dedicated to parking shall not be included in the calculation.

7. Unlisted Land Uses

In the event that parking requirements for a particular use are not listed in this Section, the requirements for the most similar use shall be applied. In making the determination, any evidence of actual parking demand for similar uses shall be considered as well as other reliable traffic engineering and planning information that is available.

8. Government Services and Government Facilities

May be allowed alternative calculations based on evidence of actual parking demand for similar uses or reliable traffic engineering and planning information. **[Ord. 2019-005]**

9. Landscaping

The landscape requirements for parking and interior vehicular use areas shall be calculated in accordance with Art. 7, Landscaping.

10. Reduction

Refer to Art. 6.C.1, Requirements to Reduce or Increase Parking.

B. Minimum Parking Requirements

Table 6.B.1.B – Minimum Parking and Loading Requirements

Use Classification: Residential		Loading (+)
Congregate Living Facility, Type 1, Type 2, Type 3	0.6 spaces per unit or .25 per resident/bed whichever is greater; plus 1 space per 250 sq. ft. of office space	<u>A</u> (12)
Multifamily <u>and Cottage Home (Multiple Units on a Single Lot)</u>	1 space per efficiency unit; 2 1.75 spaces per unit (one bedroom or more); plus 1 guest parking space per 4 units with common parking areas.	N/A
Single Family, Cottage Home (<u>Single Unit on a Single Lot</u>), Zero Lot Line Home, Townhouse, Farm Residence, or Mobile Home Dwelling	2 spaces per unit; <i>plus 1 guest parking space per 4 units with common parking areas for Cottage Homes</i>	N/A
Accessory Quarters, Caretaker Quarters, Grooms Quarters, Guest Cottage	1 space per unit	N/A
Farm Worker Quarters	1 space per 4 units	N/A
Kennel, Type 1	1 space per 500 sq. ft. of cage or kennel area.	N/A

Use Classification: Commercial		Loading (+)
Adult Entertainment	1 space per 200 sq. ft.	N/A
Auction, Indoor	1 space per 200 sq. ft.	C <u>A</u>
Auction, Outdoor	1 space per 250 sq. ft. of enclosed or indoor space	N/A
Bed and Breakfast	1 additional space for each guest room	N/A
Car Wash		
Automatic self-service (13)	1 space per 200 sq. ft. of office, retail, or indoor seating area	N/A
Catering Service	1 space per 200 sq. ft.	E <u>A</u>
Cocktail Lounge	1 space per 3 seats	C <u>A</u>
Convenience Store	1 space per 200 sq. ft.	C <u>A</u>
Dispatching Service	1 space per 250 sq. ft.	N/A
Dog Daycare	3-12' x 20' transient spaces for 50 dogs; 1 space per 500 sq. ft. of cage and retail area	E <u>A</u>
Financial institution	1 space per 250 sq. ft.	E <u>A</u>
Financial Institution with Drive-through Facilities (13)	1 space per 250 sq. ft.	
Financial Institution Freestanding ATM (9)	2 spaces (9)	N/A
Flea Market, Indoor	2 spaces per 200 sq. ft.	C <u>A</u>
Flea Market, Outdoor	1 space per 250 sq. ft. of affected land area	N/A
Gas and Fuel Sales, Retail and Electric Vehicle Charging Station (EVCS)	Number of parking spaces to be based on associated Principal Use structure (i.e. Convenience Store, etc.)	N/A
Green Market Permanent	1 space per 250 sq. ft.	A

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Use Classification: Commercial		Loading (4)
Hotel or Motel	1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)	<u>CA</u>
Kennel, Type 2 (Commercial) or Kennel , Type 3 (Commercial Enclosed)	1 space per 500 sq. ft. of cage and retail area	<u>EA</u> (8)
Landscape Service	1 space per 250 sq. ft.; plus 1 space per 1,000 sq. ft. of outdoor storage area for employee parking	<u>AB</u>
Laundry Services (13)	1 space per 200 sq. ft.	<u>CA</u>
Marina	1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips	A
Medical or Dental Office	1 space per 200 sq. ft.	<u>CA</u>
Microbrewery	Taproom: 1 space per 3 seats Manufacturing and Processing: 2 spaces per 1,000 sq. ft.	<u>CA</u>
Office, Business or Professional	1 space per 250 sq. ft.	<u>CA</u>
Pawn Shop	1 space per 200 sq. ft.	<u>CA</u>
Personal Services	1 space per 200 sq. ft.	N/A
Repair and Maintenance, Heavy	1 space per 250 sq. ft.	B
Repair and Maintenance, Light	1 space per 250 sq. ft.	<u>BA</u>
Repair Services, Limited	1 space per 250 sq. ft.	N/A
Restaurant, Type 1 (13)	1 space per 3 seats including outdoor seating area	<u>CA</u>
Restaurant, Type 2 (13)		<u>CA</u>
Retail Sales (13)	1 space per 200 sq. ft.	<u>CA</u>
Rooming and Boarding House	1 space for each guest room	<u>C N/A</u>
Self-Service Storage, Limited Access	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	<u>A</u> (6)
Self-Service Storage, Multi- Access	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	N/A
Single Room Occupancy (SRO)	1.25 spaces per room	<u>CA</u>
Theater or Performance Venue <u>in-line</u>	1 space per 3 seats; plus 1 space per employee	<u>BA</u>
Theater or Performance Venue Stand alone	1 space per 4 seats; plus 1 space per employee	B
Unmanned Retail Structure (11)	2 spaces (11)	N/A
Vehicle Equipment Sales and Rental, Heavy	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area	<u>AB</u>
Vehicle Sales and Rental, Light	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area	<u>AB</u>
Veterinary Clinic	1 space per 250 sq. ft., excluding animal exercise areas	N/A
Vocational School	1 space per classroom; plus 1 space per 4 students; plus 1 space per 250 sq. ft. of administration, and assembly areas	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]		

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Use Classification: Recreation		Loading (4)
Arena or Stadium or Amphitheater	1 space per 3 seats	<u>BA</u>
Bowling alley	3 spaces per lane	N/A
Campground	1 space per campsite	N/A
Clubhouse (Recreational Pod) or Neighborhood Recreation Facility (7)	1 space per 300 sq. ft. of air conditioned area (includes all interior uses) and Outdoor Recreation Amenities, such as: 1 space per 300 sq. ft. of pool area; 1.5 spaces per court (basketball, tennis, etc.); or 1 space per 2 acres up to 10 acres plus 1 space for each 5 acres over 10 (fields, tracks, tot lots, etc.) 4 bicycle parking rack shall be provided	N/A
Entertainment, Indoor (except bowling alley) Bowling alley	1 space per 200 sq. ft. or 1/3 seats, whichever is greater 3 spaces per lane for Bowling alley	N/A
Entertainment, Outdoor	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
Fitness Center	1 space per 200 sq. ft.	N/A
Golf Course (7)	4 spaces per hole; plus 1 space per 250 sq. ft. of clubhouse	N/A
Park, Passive and Park, Public (14)	2 spaces for the first acre; plus 1 space for each additional 2 acres; additional parking shall be provided for each additional facility or land use constructed in the park as herein provided	N/A
Shooting Range, Indoor and Shooting Range, Outdoor	1 space per target area	N/A
Swimming pool (7)	1 space per 200 sq. ft. of pool area; and 1 bicycle parking rack shall be provided	N/A
Tennis Courts (6)(7) and Basketball Courts (7)	1.5 spaces per court; and 1 bicycle parking rack shall be provided	N/A
Zoo	1 space per 2,000 sq. ft. of land area	N/A
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2012-007] [Ord. 2014-025] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]		

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Use Classification: Institutional, Public and Civic		Loading (+)
Animal Shelter	1 space per 500 sq. ft. of cage and retail area	<u>EA</u>
Assembly Institutional Nonprofit or Assembly Membership Nonprofit (5)	1 space per 3 seats or 200 sq. ft. for the principal place of assembly, whichever is greater.	A
	1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses.	
	Collocated uses classified with the definition of a use listed in Art. 4.B. Use Classification, calculated separately.	
Cemetery	1 space per 250 sq. ft. of office space; plus 1 space per 500 sq. ft. of maintenance area; plus a minimum of 5 public spaces.	N/A
College or University	1 space per 2 students; plus 1 space per 4 seats in gymnasiums and auditoriums; plus 1 space per 250 sq. ft. of administrative and educational office space	<u>CA</u>
Day Care, General	< 100 licensed capacity 1 space per 5 persons; plus 1 drop off stall per 20 persons	<u>EA</u>
	> 100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons	
Day Care, Limited	1 space per 250 sq. ft.; plus drop off stall	<u>EA</u>
Funeral Home	1 space per 4 seats	<u>CA</u>
Government Services (2)	1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater	N/A
Homeless Resource Center	1 space per 200 sq. ft. of accessory service delivery areas	<u>EA</u>
Hospital	1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area	<u>DA</u>
Nursing Home or Convalescent Facility	1 space per 3 beds; plus 1 space per 250 sq. ft. of office space	<u>A</u> (12)
Place of Worship	1 space per 3 seats or 200 sq. ft. for the principal place of worship, whichever is greater.	A
	1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses.	
	Collocated uses classified with the definition of a use listed in Art. 4.B. Use Classification, calculated separately.	
	Uses such as retreats, rectories, convents or seminaries shall use CLF parking and loading.	
Prison, Jail or Correctional Facility	1 space per 500 sq. ft.	N/A
School, Private	1 space per employee, 1 visitor space for every 50 students, 1 space for every 5.5 students in 11th and 12th grade; Auditorium or stadium – 1/3 seats	<u>CA</u>
School, Public and Charter	1 space per faculty and staff, high school 1 space for every 10 students in 11th and 12th grade, and 1 visitor space for every 50 students.	<u>CA</u>
[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]		

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Use Classification: Industrial		Loading (+)
Contractor Storage Yard	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	<u>AB</u>
Data and Information processing	1 space per 250 sq. ft.	A
Distribution Facility	1 space per 250 sq. ft. of office space	N/A
Equestrian Waste Management Facility	1 space per 250 sq. ft. of office space; plus 1 space per employee	<u>EA</u>
Gas and Fuel, Wholesale	1 space per 250 sq. ft.	N/A
Heavy industry	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	<u>AB</u>
Machine or welding shop	1 space per 200 sq. ft.	<u>CB</u>
Manufacturing and processing	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	<u>AB</u>
Medical or dental laboratory	1 space per 250 sq. ft.	<u>CA</u>
Multimedia Production	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Recycling Center	1 space per 250 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.	N/A
Recycling Plant	1 space per 250 sq. ft. of office space; plus 1 space per employee	N/A
Research and Development	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Salvage and Junk Yard	1 space per 250 sq. ft. of office space; plus 1 space per employee	<u>AB</u>
Towing Service and Storage	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	<u>AB</u>
Truck s Stop	1 truck space per 80 sq. ft.	N/A
Warehouse	1 space per 42 ,000 sq. ft.; plus 1 space per 250 sq. ft. of office space	<u>AB</u>
Wholesaling	1 space per 1,000 sq. ft.	<u>AB</u>

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Use Classification: Agricultural		Loading (+)
Agriculture, bona fide	1 space per 1,000 sq. ft.	B
Accessory Agricultural Uses (U-Pick Em Operations)		
Agriculture Marketplace	1 space per 200 sq. ft. including outdoor display area	AB
Agriculture, light manufacturing	1 space per 1,000 sq. ft.	B
Agriculture, Packing Plant	1 space per 2,000 sq. ft.	AB
Agriculture, Renewable Fuels Production	1 space per 1,000 sq. ft.	B
Agriculture, research/development	1 space per 1,000 sq. ft.	B
Agriculture, sales and service	1 space per 250 sq. ft.	AB
Agriculture, storage	1 space per 1,000 sq. ft.	AB
Agriculture, transshipment	1 space per 2,000 sq. ft.	AB
Aviculture	1 space per 200 sq. ft.	EA
Community vegetable garden (10)	4 spaces per garden (10)	N/A
Equestrian arena, commercial	1 space per 3 seats	N/A
Farmers Market	1 space per 250 sq. ft.	EA
Nursery, retail	1 space per 500 sq. ft. of indoor or covered retail and office areas plus 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres.	B
Nursery, wholesale (3)(4)	1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres. (3)(4)	B
Potting soil manufacturing	2 spaces per acre; minimum of 5 spaces	AB
Produce Stand	1 space per 250 sq. ft. including outdoor display area	N/A
Shade Hhouse	N/A	N/A
Commercial Greenhouse	1 space per acre of greenhouse	CB
Stable, commercial or private	1 space per 500 sq. ft.; plus 1 space per 4 animal stalls	N/A
Sugar mill or refinery	1 space per 2,000 sq. ft.; plus 1 space per 200 sq. ft. of office space	N/A

1

Use Classification: Utilities		Loading (+)
Chipping and mulching	2 spaces per acre; minimum of 5 spaces	N/A
Composting facility	2 spaces per acre; minimum of 5 spaces	N/A
Electric Distribution Substation	1 space	N/A
Electric Power Plant	1 space per 250 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Minor Utility	1 space per Minor Utility	N/A
Renewable Energy Solar Facility	1 space per site; and 1 space per 250 sq. ft. of office space	N/A
Renewable Energy Wind Facility	Exempt from parking requirements for unmanned Wind Turbines or MET Towers, unless otherwise required by the Zoning Director	N/A
Landfill or Incinerator	1 space per 250 sq. ft. of office space; plus 1 space per employee	N/A
Solid waste transfer station	1 space per 1,000 sq. ft.	N/A
Water or Wastewater Treatment Plant	1 space per 250 sq. ft. of office space; plus 1 space per employee	N/A

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Use Classification: Transportation Uses		Loading (+)
Airport, Heliport or Landing Strip	1 space per tie-down and hangar space, minimum of 5 spaces	CA
Seaplane Facility	1 space per tie-down and hangar space, minimum of 5 spaces	CA
Transportation Facility	1 space per 250 sq. ft. of office space	N/A

3

Use Classification: Commercial Communication Towers		Loading (+)
Commercial Communication Towers and Government Owned Towers	Exempt from parking regulations	N/A

4

Use Classification: Excavation		Loading (+)
Excavation	N/A	N/A

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Use Classification: Temporary		Loading (+)
Communication Cell Site on Wheels (COW)	Exempt from parking regulations	N/A
Day Camp	< 100 licensed capacity: One space per five persons; plus one drop off stall per 20 persons.	EA
	> 100 licensed capacity: One space per ten persons; plus one drop off stall per 20 persons.	
Mobile Retail Sales	N/A	N/A
Real Estate Sales Model and Management Office, Non-PDD, Real Estate Sales Model and Management Office, PDD and TDD and Real Estate Sales Model, PDD and TDD	2 spaces per sales model.	N/A
Recycling Drop-Off Bin	1 space per bin.	N/A
Special Event	N/A (1)	N/A
Temporary Green Market	N/A	N/A
Temporary Retail Sales	N/A	N/A

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Loading Key:	
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA. Refer to Art. 6. E.2.B.1. For Minimum Loading Requirements
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA. Refer to Art. 6. E.2.B.2. For Minimum Loading Requirements
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space 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.
(1)	A Special Event shall provide on-site parking unless off-site parking is approved.
Notes:	
1.	In addition to the parking requirements of Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide 1 space per company vehicle.
2.	Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.B.1.A.1.h, Government Services and Government Facilities. [Ord. 2019-005]
3.	Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shell rock or other similar materials subject to, or grassed subject to Art. 6.B.3.B.2, Grass Parking , except for the required handicapped parking space(s).
4.	Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.B.3.B.1.a), Shell Rock, or grassed subject to Art. 6.B.3.B.2, Grass Parking . [Ord. 2007-001]
5.	Nonprofit Assembly Institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.
6.	Limited access Self Service Storage facilities must provide a minimum of two off-street loading spaces at each entry into the building, excluding office access not utilized by customers for accessing storage units. [Ord. 2005-041] [Ord. 2017-007]
7.	Parking shall not be required for recreation pods or facilities that are located on less than one acre. Golf cart parking may be used pursuant to Art. 6.C.2.A.1.b, Golf Cart Parking [Ord. 2007-001] [Ord. 2013-001]
8.	The loading zone may be waived for a Type 2 or 3 Commercial Kennel operated as an accessory use to general retail sales. [Ord. 2006-036]
9.	Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. [Ord. 2013-021]
10.	Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type 1 Waiver. [Ord. 2015-031]
11.	Freestanding Unmanned Retail Structures shall require a minimum of one (1) parking space for persons with disabilities.
12.	A Type 3 CLF with more than 20 beds or a Nursing Home or Convalescent Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver. [Ord. 2017-025] Loading is not required for a CLF, Type 1 and Type 2.
13.	A maximum of 20 percent of the required queuing spaces, pursuant to Table 6.B.3.A, Minimum Queuing Standards, may count toward the parking requirements pursuant to Table 6.B.1.B, Minimum Parking and Loading Requirements.
14.	Parking for that portion of the park where there are proposed use(s), which may include but are not limited to: structures, activities of that use shall be calculated based on that use. Acreage associated with each use(s) shall be deducted from the overall park acreage. Parking calculation of the remainder of the park shall be based on the net acreage.

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C. Parking Spaces for Persons Who Have Disabilities

Pursuant to FS § 553.513, the provision of parking spaces and passenger loading areas for persons who have disabilities is governed by F.S. § 553.511, 553.5041, and the current effective version of the Florida Building Code, Accessibility. [Ord. 2005-002] [Ord. 2011-016]

Part 3. ULDC Art. 6.A.1.D.Parking (page 1-40 of Supplement 26), is hereby amended as follows:

CHAPTER B PARKING AND LOADING

Section 2 Location

A. On-Site Parking

1. Required Parking

All required parking, shall be provided on the same lot or project as the principal use(s), or as allowed pursuant to Art. 6.B.2.C, Off-Site Parking. The location of required parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. Loading areas shall not obstruct pedestrian pathways.

Notes:

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

a. Distance from Building or Use

Unless otherwise provided in this Section, all required parking spaces shall not be located more than 600 linear feet from the nearest building or use it is intended to serve. This standard shall not apply to parking spaces provided for auditoriums, stadiums, assembly halls, gymnasiums, and other places of assembly, nor shall it apply to hospitals, large-scale retail, wholesale, and consumer services uses over 500,000 square feet or industrial, wholesaling or manufacturing establishments.

b. Location of Front, Side, and Rear Parking

A minimum of ten percent of the required parking spaces shall be located at the side or rear of each building it is intended to serve; however, development requiring 50 or less parking spaces shall be exempt. A public pedestrian walk shall connect the parking areas to a store entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lighted and unobstructed. **[Ord. 2005-041]**

1) Large Scale Commercial Development

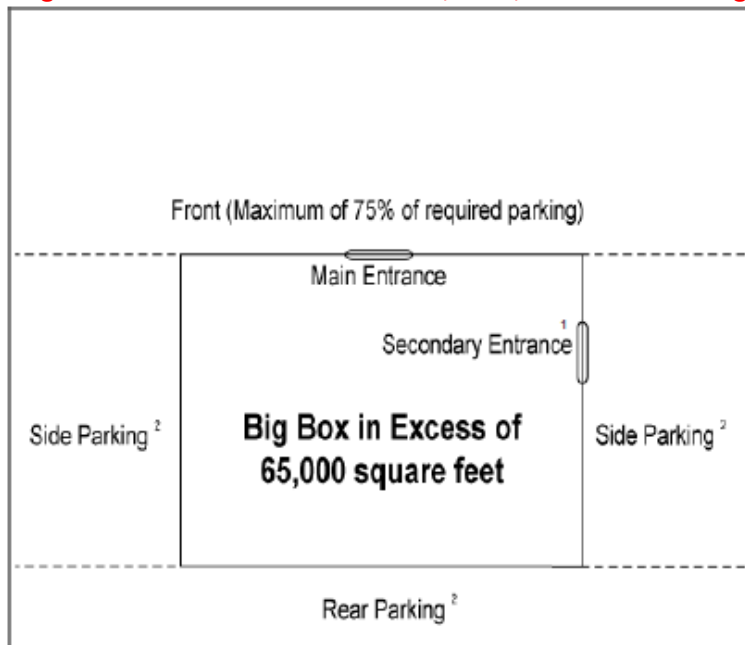
Developments with single tenants occupying 65,000 gross square feet or more shall locate parking in accordance with Figure 6.B.2.A, Location of Front, Side, and Rear Parking, as follows:

- a) A maximum of 75 percent of required parking shall be located at the front.
- b) A minimum of 15 percent of required parking shall be located immediately fronting a side or secondary entrance.
- c) A minimum of 25 percent of the required parking spaces at the side or rear, as indicated in Figure 6.B.2.A, Location of Front, Side and Rear Parking.

d) Type 2 Waiver

The BCC may waive these requirements as a Type 2 Waiver if the applicant demonstrates there is an unusual site configuration or unique circumstances, and the alternative site design clearly meets the intent of this provision, by increasing the proximity of parking spaces to public entrances, reducing the visual blight of large expanses of surface parking areas, and improving pedestrian connectivity. **[Ord. 2005-002] [Ord. 2012-027]**

Figure 6.B.2.A – Location of Front, Side, and Rear Parking



[Ord. 2005-002]

- 1. A minimum of 15 percent of required parking shall be located immediately fronting a side or secondary entrance.
- 2. A minimum of 25 percent of required parking shall be located on the side or rear. **[Ord. 2005-002]**

c. Garages and Carports

Space within a carport or garage may be used to satisfy residential parking requirements, provided that no building permit shall be issued to convert a carport or garage to a living area without a provision to provide the required parking spaces in the driveway or in a common parking lot.

d. Parking Fees

Except as provided in Art. 6.C.2.A.1.c, Valet Parking, a fee or other form of compensation shall not be charged for the use of required parking spaces. Fees may be charged for the use of parking spaces that have been provided in excess of minimum standards.

2. Guest Parking

Guest parking spaces shall be located within 300 feet of the use they are intended to serve. Guest parking may be grassed, as provided in Art. 6.B.3.B.2, Grass. All guest parking shall be prominently identified with an above-grade sign or marking on the wheelstop or curb.

Notes:

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

B. On-Street Parking

On-street parking is prohibited unless stated below. [Ord. 2019-034]

1. Residential

On-street parking may be allowed as determined by the Land Development Division in subdivisions located in standard residential zoning districts or residential pods of a PDD when the following requirements are met: [Ord. 2019-034]

- a. parking spaces are located on an internal private street; [Ord. 2019-034]*
- b. approved by the County Engineer per Art. 11.B.6.C, Alternate Design, Construction Standards, and Types of Materials; [Ord. 2019-034]*
- c. parking spaces shall not reduce the minimum fire department access width of 20 feet, pursuant to the Florida Fire Prevention Code, NFPA 1; [Ord. 2019-034]*
- d. shall not be used to satisfy required parking; and, [Ord. 2019-034]*
- e. not required to be shown on an approved zoning site plan. [Ord. 2019-034]*

- 2. Developments location in the WCRAO, IRO, URAO, or TDD Zoning Districts in accordance with the specific provisions in Art. 3, Overlays and Zoning Districts that allow on-street parking. [Ord. 2019-034]**

C. Off-Site Parking

1. Permanent

The DRO may permit all or a portion of the required parking spaces to be located on a lot separate from the lot on which the principal use is located. Off-site parking shall be subject to the following standards:

a. Necessity

The applicant shall demonstrate that it is not feasible to locate all of the required parking on the same lot as the principal use.

b. Ineligible Activities

Off-site parking shall not be used to satisfy the minimum parking requirements for restaurants, lounges, convenience stores and other high turnover-oriented uses. Required handicap parking spaces shall not be located off-site.

c. Location

Off-site parking shall not be located more than 600 linear feet from the building or use it is intended to serve. Off-site parking shall not be separated from the principal use by a street with a width of more than 80 feet. [Ord. 2005-002]

d. Zoning

Off-site parking areas shall require the same or a more intensive zoning classification than that required for the building or use served.

e. Signs

One sign shall be located at the off-site parking lot indicating the use that it serves, and one sign shall be located on the site of the use served, indicating the location of the off-site parking lot.

f. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement or unity of control shall be required. Copy of the agreement among the owners of record shall be submitted to the DRO and review and approved by the County Attorney. The agreement shall be filed in the deed records of PBC by the owner of record. Proof of recordation of the agreement shall be presented to the DRO prior to approval. The agreement shall:

- 1) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;*
- 2) provide a legal description of the land;*
- 3) include a site plan showing the area of the use and parking parcel;*
- 4) expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;*
- 5) assure the continued availability of the spaces and provide assurance that all spaces will be usable without charge;*
- 6) describe the obligations of each party, including the maintenance responsibility;*
- 7) require that the Zoning Director be notified prior to the expiration or termination of an off-site parking area lease agreement;*
- 8) be made part of the Site Plan/Final Subdivision Plan; and*
- 9) describe the method by which the covenant shall, if necessary, be revised.*

2. Temporary

The Zoning Director may consider a ZAR process for temporary off-site parking. [Ord. 2017-007] [Ord. 2018-002]

- a.** *Off-site parking shall not be located more than 600 feet from the Temporary Use site, measured from access point to access point. The Zoning Director may approve a distance greater than 600 feet when the applicant either demonstrates that the attendees or temporary use participants are transported to the site by other means or has contracted with Law Enforcement for traffic management and pedestrian crossing; [Ord. 2017-007]*
- b.** *Parcels used for off-site parking shall include access for vehicles to enter and exit the site in a forward motion; and, [Ord. 2017-007]*

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

- c. *Off-site parking shall not be separated by a street with a width of more than 80 feet, unless traffic assistance is provided to guide pedestrians or measures are in place to assist pedestrian safety. [Ord. 2017-007]*
- d. *Required accessible parking spaces shall not be located off-site. [Ord. 2017-007]*
- e. *Pedestrian sidewalks shall be provided from the off-site parking to the Temporary Use site. [Ord. 2017-007]*
- f. *The duration and dates of the temporary off-site parking shall be the same as the time allowed for the Temporary Use it is intended to serve. [Ord. 2017-007]*
- g. *In the event an off-site parking area is not under the same ownership as the site of the Temporary Use site, a written agreement between the applicant and all owners of record of the parking area shall be required prior to permit approval. A copy of the agreement shall be subject to review and approval of the Zoning Division, and at a minimum shall contain the following: [Ord. 2017-007] [Ord. 2018-002]*
 - 1) *A list of names and ownership interest of all owners of the subject property; [Ord. 2017-007]*
 - 2) *A legal description of the land to be used for off-site parking; [Ord. 2017-007]*
 - 3) *Assurance by the owners of the subject property that all required off-site spaces will be available to the applicant for the uses described in the Temporary Use application; [Ord. 2017-007]*
 - 4) *A statement of maintenance obligations of each party for the duration of the permit; and, [Ord. 2017-007]*
 - 5) *A requirement that the Zoning Director receive notification in the event the off-site parking agreement is terminated prior to the termination of the Temporary Use permit. [Ord. 2017-007]*
- h. *Refer to Art. 6.B.3.B, Materials for parking surface types allowed.*

D. Commercial Parking Lot

1. General

A commercial parking lot shall not be contiguous to lands used or zoned for residential purposes. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods. Review of parking lots and structures shall consider the proposed operation of the lot. The standards of this Article, including signage, maneuvering, and backup distances may be varied, based on the proposed operation.

2. Design Standards

The site plans for a commercial parking lot shall depict the layout of the street connection and access ways, drainage provisions, signs, surfacing, curbs or barriers, street connections and access ways of lands located contiguous and directly across the street, and the location and type of landscaping.

3. Access

Ingress and egress shall be located to present the least interference with traffic and the least nuisance on any adjacent street. The location, size and number of entrances and exits shall be subject to approval by the DRO.

E. Parking Structures

1. General

A parking structure may be constructed as a garage with or without a parking lift, and may be used to meet parking requirements for any use or combination of uses. Such structures shall be considered accessory to the principal use and shall be designed to meet or exceed the following standards.

a. Parking Garage

Shall comply with the standards for surface parking lots with regard to marking, signage striping and minimum number of spaces to be provided.

1) Design Layout

The Applicant shall submit a Site Plan that shows interior traffic circulation, access use of ramps, parking space and aisle dimensions, traffic control signs and pavement marking, safe and efficient vehicular and pedestrian operation, location of entrances and exits, sight distances at entrances and exits, and screening of the cars located in or on the parking structure from adjoining lands and public streets.

a) Floor Width

The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as indicated in Table 6.B.2.E, Minimum Floor Width.

Table 6.B.2.E – Minimum Floor Width

Angle	Parking on Both Sides of Aisle	Parking on One Side of Aisle
90	60 feet one-or two-way aisle	43 feet one-or two way aisle
75	59 feet one-way aisle (1)	40 feet one-way aisle
60	53 feet one-way aisle (1)	34 feet one-way aisle

Notes:

1. Requests for reductions of unobstructed distances will be considered if aisle and sight parking dimensions are met, and the columns are not located at the rear of the parking spaces, or interfere with the opening of doors.

Notes:

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

b) Minimum Space Width

The minimum parking space width shall be nine feet.

2) Parking Lifts

a) May be used to stack two or three vehicles vertically in each parking space and shall be located within a parking garage or structure for the use they serve.

b) Shall not be subject to the minimum parking length and width dimensions.

c) Queuing is prohibited within any R-O-W.

d) Maximum sound levels shall not exceed applicable thresholds as stipulated in Article 5.E.4.B – Maximum Sound Levels.

e) Details of the interior traffic circulation, parking space and aisle dimensions shall be shown on the Site Plan.

Part 4. ULDC Art. 6.A.1.D.Parking (page 1-40 of Supplement 26), is hereby amended as follows:

CHAPTER B PARKING AND LOADING

Section 3 Design and Materials

A. Dimensions and Layout

1. Dimensions

The dimensions and geometrics of parking areas shall conform to the following minimum standards.

a. Residential

1) Individual Parking Space

Each parking space for dwelling units that do not share a common parking lot shall be a minimum of eight feet wide and 20 feet long. Parking spaces may be side to side, end to end, or not contiguous to each other.

2) Common Parking Lots

For dwelling units that share a common parking lot, parking spaces and aisles shall be subject to Table 6.B.3.A, Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots.

b. Nonresidential

All nonresidential uses and residential uses with shared parking lots shall provide parking spaces that comply with Table 6.B.3.A, Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots, and Figure 6.B.3.A, Typical Example of General Parking Schematic. Parking angles that are not illustrated in Table 6.B.3.A, Minimum Parking Dimensions, or Figure 6.B.3.A, Typical Example of General Parking Schematic shall be interpolated from the Tables and approved by the DRO. For the purpose of applying the "Use" column in Table 6.B.3.A, Minimum Parking Dimensions, the following rules shall apply:

1) General

The term "general" applies to parking spaces designated to serve nonresidential uses and residential uses with shared parking lots. [Ord. 2016-042]

2) Queuing Distance

In a parking lot a minimum queuing distance of 25 feet is required between the property line and the first parking space.

3) Exception for Low Speed Electric Vehicles (LSEV)

Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles. [Ord. 2005-002]

Figure 6.B.3.A – Queuing Distance

Notes:

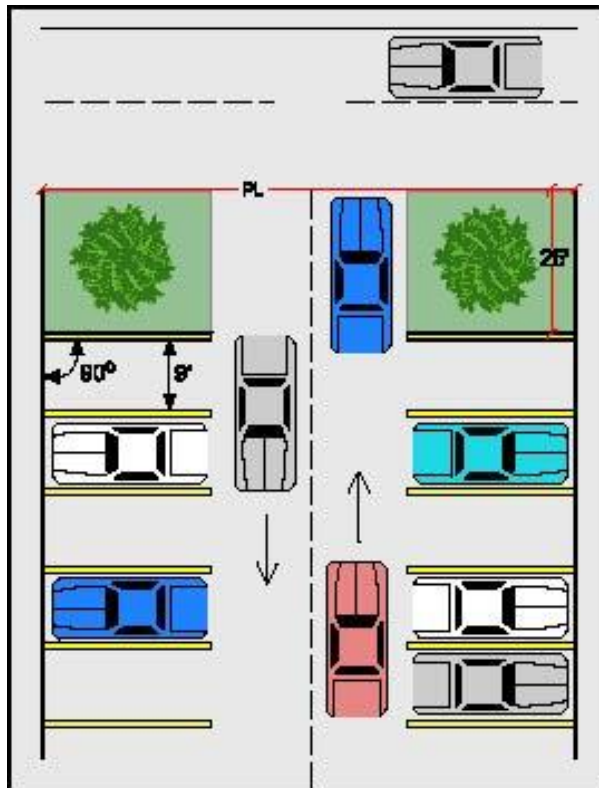
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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION



[Ord. 2005-002]

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Table 6.B.3.A – Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots

A Angle	Use (1)	B Space Width (Feet)	C Space Depth (Feet)	D (3)(4) Aisle Width (Feet)	E Curb Length (Feet)	F Module Width (Feet)
45	General	9.0	17.5	12.0	12.5	47.0
60	General	9.0	19.0	16.0	10.5	54.0
		9.5	19.0	15.0	10.5	53.0
70	General	9.0	19.5	19.0	9.5	58.0
		9.5	19.5	18.0	9.5	57.0
75	General	9.0	19.5	23.0	9.5	62.0
		9.5	19.5	22.0	9.5	61.0
80	General	9.0	19.5	24.0	9.0	63.0
		9.5	19.5	23.0	9.0	62.0
90	General	9.0	18.5	26.0	9.0	63.0
		9.5	18.5	25.0	9.0	62.0
90	Low Speed Electric Vehicle (LSEV)	Minimum – 6.0 Maximum – 7.0	Minimum – 12.0 Maximum – 13.0	Minimum – 15.0 Maximum – 17.0 (2)	Minimum – 6.0 Maximum – 7.0	Minimum – 39.0 Maximum – 43.0 (2)

[Ord. 2005-002] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-002] [Ord. 2019-005]

Notes:

1. Use – See Art. 6.B.3.A, Design and Construction Standards.
2. Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.
3. Angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90-degree parking stalls, or unless stated otherwise herein. [Ord. 2012-027]
4. For a Retail Gas and Fuel Sales use, the drive aisles perpendicular to the fueling positions under the canopy shall have a minimum aisle width of 30 feet (see Figure 6.B.3.A, Retail Gas and Fuel Canopy). [Ord. 2019-005]

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Notes:

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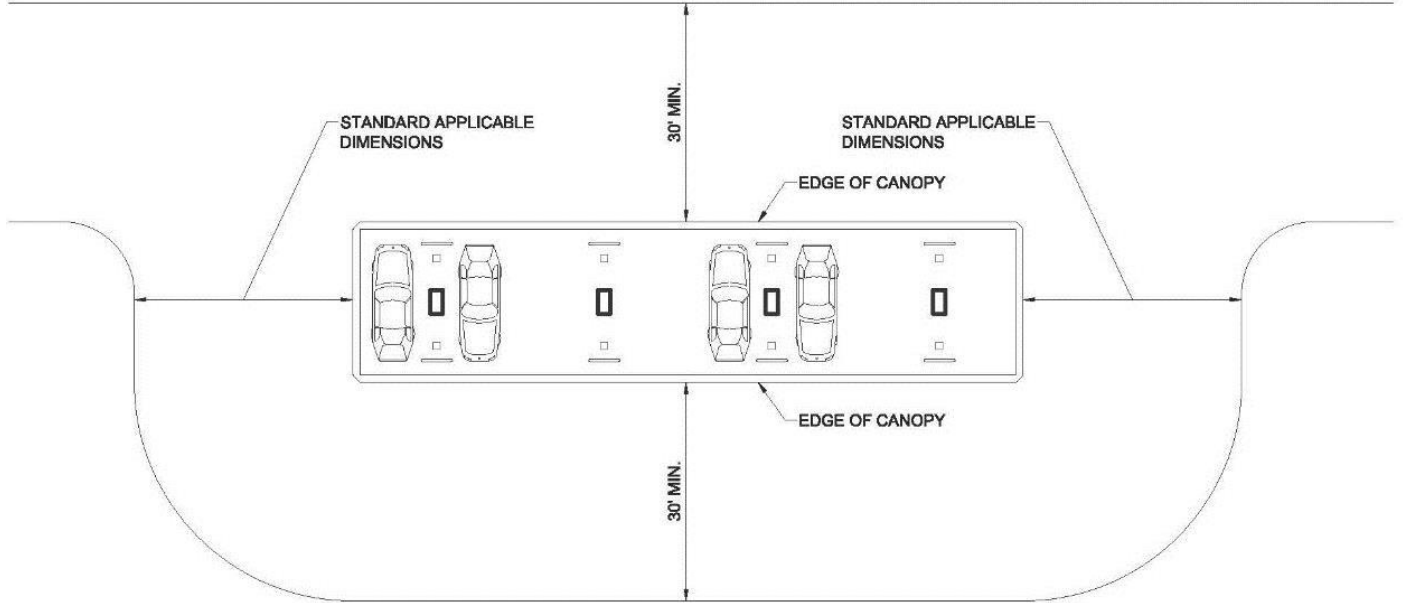
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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

1 Figure 6.~~AB.3.A~~ – Retail Gas and Fuel Canopy



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Notes:

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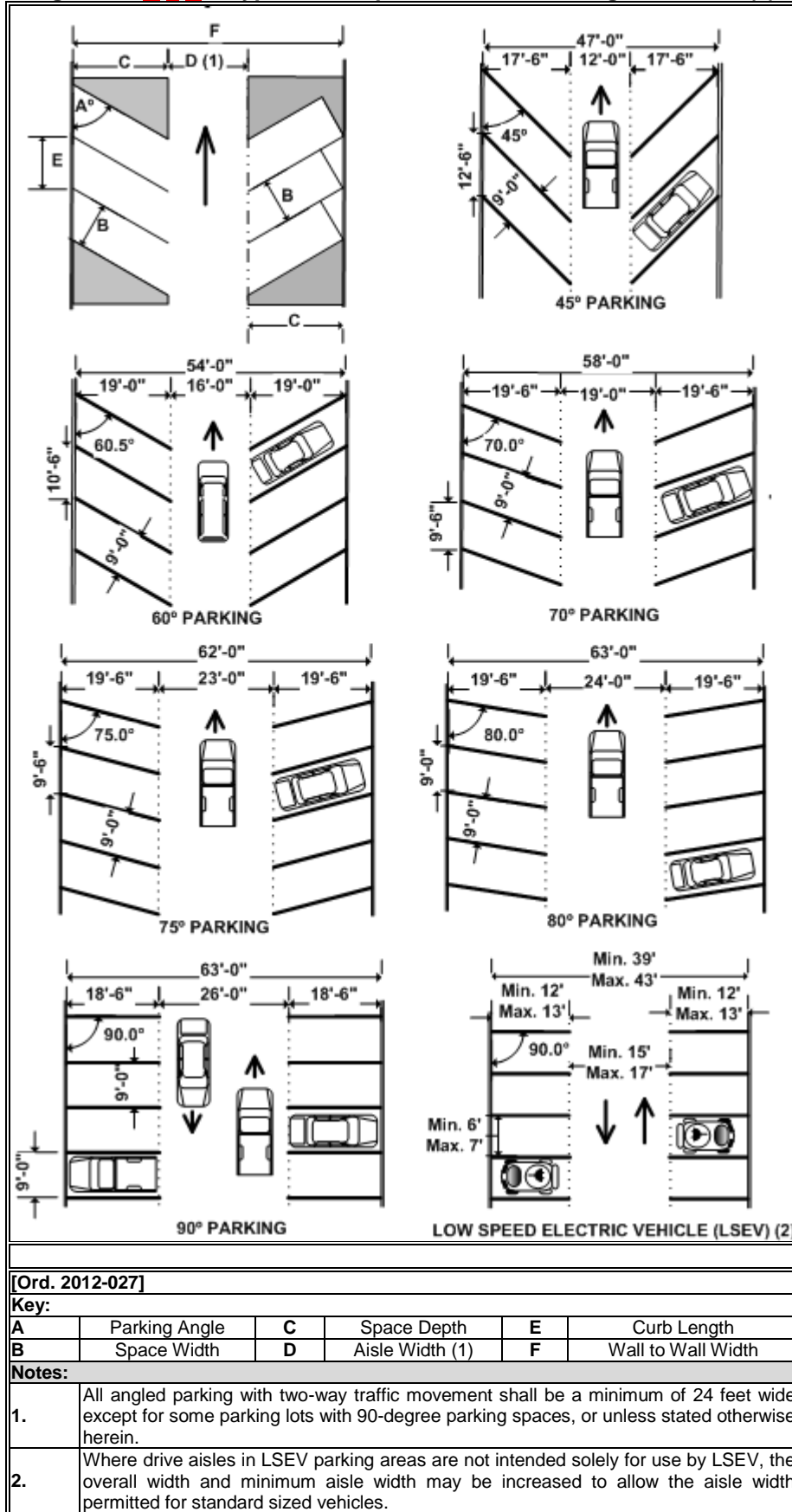
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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Figure 6.AB.3.A – Typical Example of General Parking Schematic (1)



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c. Parallel Parking

Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of ten feet.

Notes:

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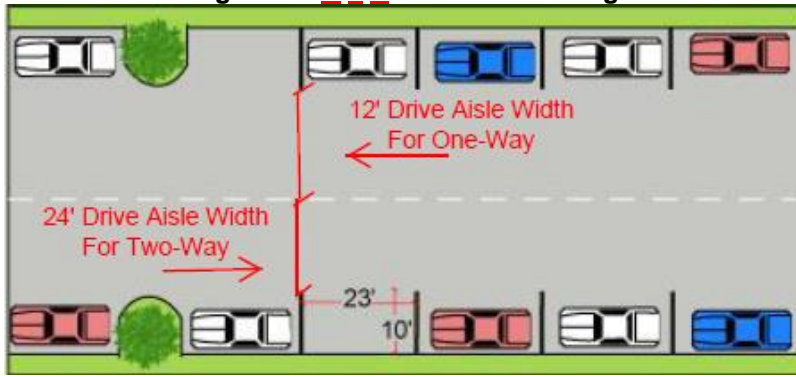
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EXHIBIT L

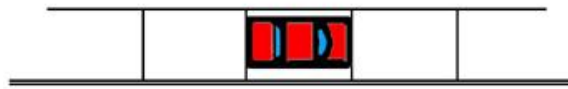
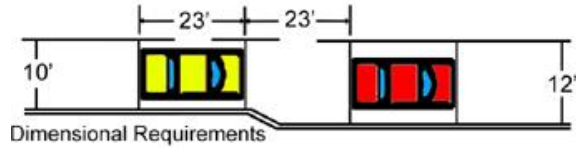
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Figure 6.**AB.3.A** – Parallel Parking



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Figure 6.**B.3.A** – Parallel Parking Dimensional Standard



Marking Option - 1



Marking Option - 2

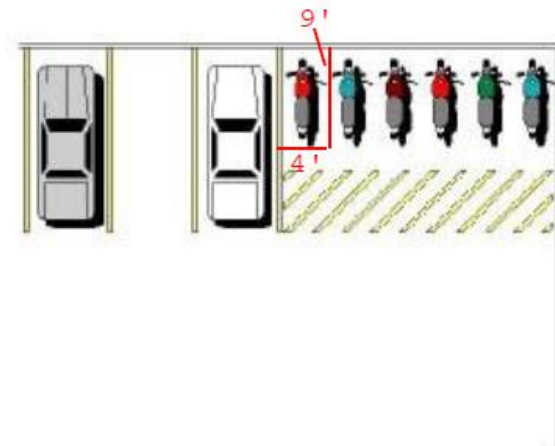
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a. Alternative Vehicle Parking

1) Motorcycle Parking

For any nonresidential use providing 50 or more spaces, a maximum of three required on-site parking spaces per 50 spaces, may be reduced in size and redesigned to a minimum 4 feet wide by 9 feet long to accommodate parking of motorcycles. When provided, these parking spaces shall be identified by a sign.

Figure 6.C.2.A – Motorcycle Parking



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Notes:

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

2) Golf Cart Parking

Residential developments with recreation areas such as recreation pods, golf courses, or recreational facilities designed and intended for use by occupants of residential developments or subdivisions, owned and operated by a POA, may accommodate golf carts or LSEVs subject to the following: [Ord. 2013-001]

a) Utilize a maximum of ~~25~~ 30 percent of recreational uses required parking spaces. [Ord. 2013-001]

b) Parking dimension may be reduced consistent with Low Speed Electric Vehicle (LSEV) minimum dimensions as indicated in Table 6.B.3.A, Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots. [Ord. 2013-001]

3) Valet Parking

The DRO may approve the use of valet parking to satisfy required parking. Valet parking shall not cause customers or patrons who do not use the valet service to park off site or in the R-O-W, or cause queuing in a street, driveway, or drive aisle. The following additional standards shall apply to valet parking:

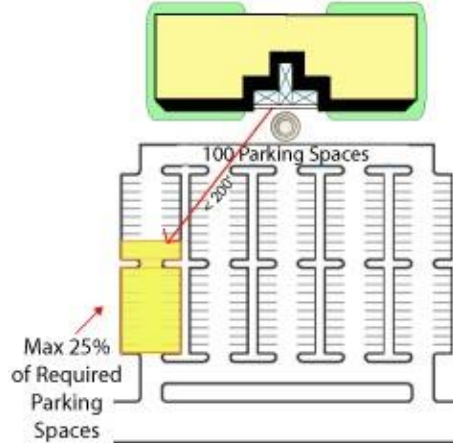
a) Maximum Number

The maximum number of spaces for valet parking shall not exceed 25 percent of the minimum number of required parking spaces for commercial uses over 20,000 square feet and 50 percent for all other uses.

b) Location

Valet parking for commercial uses shall not be located within 200 feet of a public entrance to a building. Areas designated for valet parking shall not interfere with vehicular circulation or emergency access.

Figure 6.C.1.C – Valet Parking Illustration



4) Electric Vehicle Charging Parking Space (EVCPS)

A parking space that provides infrastructure that supplies electric energy for the charging of electric vehicles, without a fee, is associated with the principal use, and is part of the required number of parking spaces, shall be considered an EVCPS. Any parking space that requires a fee is subject to Art. 4.B.2.C.10, Electric Vehicle Charging Station Facility. [Ord. 2019-034]

a) Nonresidential Uses

Shall not exceed a maximum of 20 spaces or ten (10) percent of the total required parking spaces for the use or uses in the development, whichever is less. [Ord. 2019-034]

b) Residential Uses

An EVCPS is permitted by right. [Ord. 2019-034]

c) Design and Construction Standards

(1) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the information pursuant to Art. 4.B.2.C.10.c.5)a), c), and d). Vehicles that are not capable of using the Electrical Vehicle Charging Station are prohibited from parking in this space; and [Ord. 2019-034]

(2) EV spaces shall be painted green or shall be marked by green painted lines or curbs. [Ord. 2019-034]

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

2. Layout

a. Access

1) Ingress and Egress

Each parking space shall have appropriate access to a street or alley. Legally platted lots that accommodate one (1) or two (2) units shall be allowed backward egress from a driveway onto a street. In all other cases, maneuvering and access aisle area shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion.

[Ord. 2007-001]

2) Dimensions

Access ways, except those associated with a single-family residential use, shall be subject to the following dimensional standards.

Table 6.B.3.A – Dimensions of Access Ways

Minimum Width at Street	Feet (1)
One-Way	15
Two-Way	25
Two-way with median	40 (2)
Two-way without median	35
Right Turn Radius (3)	
Minimum	25
Maximum	30
Notes:	
1.	Widths exceeding these standards may be approved by the Zoning Director, or the County Engineer, depending on the use or Fire Rescue official, as necessary.
2.	Width excludes median. 20-foot unobstructed pavement required on both sides of median, excluding guard houses and landscape islands.
3.	Measured on side of driveway exposed to entry or exit by right-turning vehicles.

3) Driveways and Access

a) Access Connections

For the purposes of this Section, an access connection means the point or points at which a proposed development's traffic meets the existing right-of-way system. Access connections shall be subject to the following standards: **[Ord. 2007-013]**

(1) Spacing

(a) Local or Residential Access Streets

Access connections for lots located on local or residential access streets shall maintain a minimum setback from a side or rear lot line as follows: **[Ord. 2007-013]**

- 1) Single Family or Multi-Family: 2 feet
- 2) Zero Lot Line: 1 foot
- 3) Townhouse: 1 foot

(b) Arterial and Collector Streets

Access connection locations and spacing shall be in accordance with the PBC Access Management Standards. Provided, however, that access connections to any street which is part of the State Highway System, as defined in F.S. § 334.03, shall meet the permit requirements of FDOT for street connections, pursuant to F.S. ch. 335. **[Ord. 2007-013]**

(2) Construction

Access connections to streets under the jurisdiction of PBC shall be constructed in accordance with the standards established by the DEPW. **[Ord. 2007-013]**

(3) Number of Access Connections

(a) Local or Residential Access Streets

Lots located on local or residential access streets shall have a maximum of two access connections. **[Ord. 2007-013]**

(b) Arterial and Collector Streets

The number of access connections to serve a site shall be kept to a minimum. The County Engineer may restrict the number of access points or require construction of an additional access point(s) based upon the following criteria: **[Ord. 2007-013]**

- 1) Proposed development frontage on roadways shown on the Thoroughfare Right of Way Identification Map; **[Ord. 2007-013]**
- 2) The projected daily and peak hour traffic impacts of the development; **[Ord. 2007-013]**
- 3) Proposed land use; **[Ord. 2007-013]**
- 4) Traffic operations and safety on the major roadway network; **[Ord. 2007-013]**
- 5) Existing or anticipated traffic volume along adjoining R-O-W; **[Ord. 2007-013]**

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EXHIBIT L
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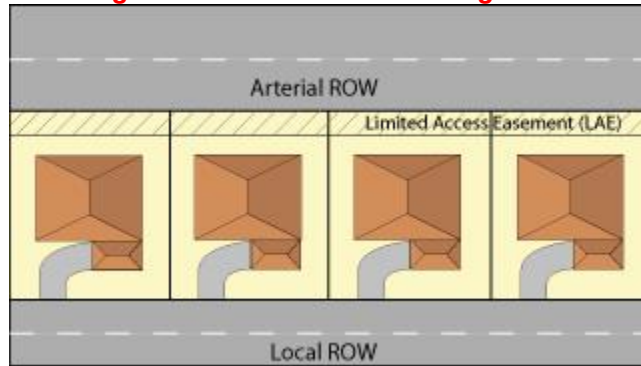
- 6) Access connections on contiguous land or land on the opposite side of the street; **[Ord. 2007-013]**
- 7) Median opening locations; and, **[Ord. 2007-013]**
- 8) Safe sight distance. **[Ord. 2007-013]**

b) Double Frontage Lots and Corner Lots

(1) Double Frontage Lots

The ~~number of access connections serving~~ Access to a double frontage lot shall be governed by provisions of Art. 11.E.2.A.4, Double Frontage Lots and Corner Lots and the number of access connections shall be governed by the following. When a double frontage residential lot is located adjacent to a collector or an arterial road, it shall also be required to front and have access on a local or residential access street. A limited access easement shall be placed along the property line that abuts either the collector or arterial road. **[Ord. 2007-013]**

Figure 6.C.1.B – Double Frontage Lots



(2) Corner Lots

The number of access connections serving a corner lot shall be governed by the provisions of this Article, provided the regulations of and Section 300 of the Land Development Design Standards Manual are met. **[Ord. 2007-013]**

(c) Exceptions

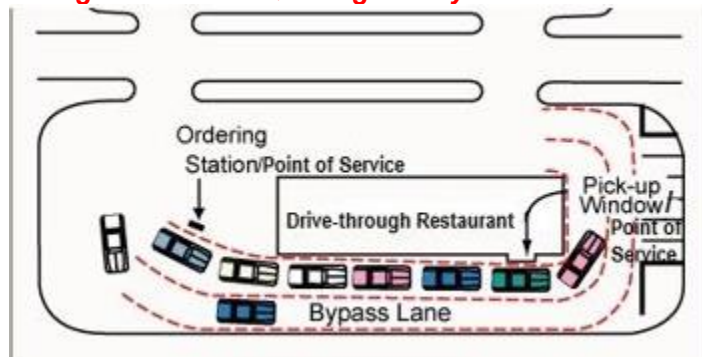
The County Engineer shall have the authority to grant a permit for driveway and access plans with lesser or greater dimensions than designated in this Section, giving consideration to the following factors:

- (1) Lot size;
- (2) Lot configurations;
- (3) Proposed land use;
- (4) Traffic generation or anticipated traffic volume along adjoining R-O-W;
- (5) Driveway locations on contiguous land or land on the opposite side of the street;
- (6) Median opening locations; and,
- (7) Safe sight distance.

b. Point of Service and Queuing Standards

In addition to meeting the minimum parking and loading standards of this Article, all drive-through establishments shall meet the following standards. **[Ord. 2019-005]**

Figure 6.B.3.A – Queuing and By-Pass Standards



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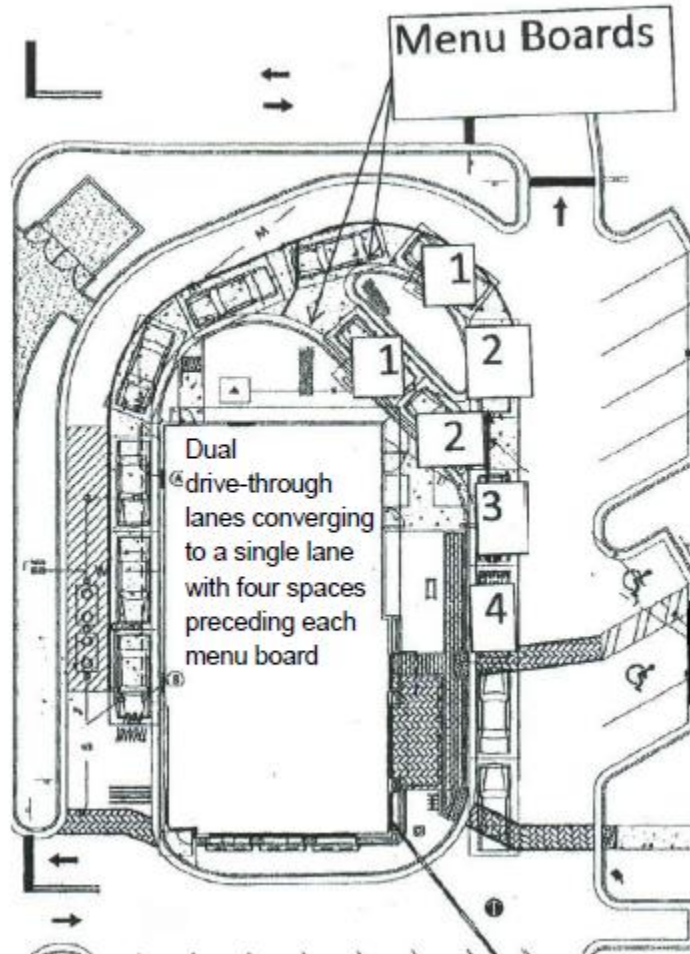
EXHIBIT L

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Figure 6.B.3.A – Queuing and By-Pass Standards



Figure 6.B.3.A – Queuing and By-Pass Standards for Dual Drive-Through



- 1) A point of service space shall be provided for all drive-through establishments. The dimensions for the point of service space shall be a minimum of nine (9) by 20 feet. **[Ord. 2019-005]**
- 2) Queuing shall be provided for drive-through establishments described in Table 6.B.3.A, Minimum Queuing Standards. Each queuing space shall be a minimum of ten (10) feet by 20 feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One (1) additional queuing space shall also be provided after the point of service for all uses. **[Ord. 2005-041] [Ord. 2019-005]**
- 3) A by-pass lane a minimum of ten (10) feet wide shall be provided before or around the point of service. Subject to the Zoning Director's approval, a by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area.

Table 6.B.3.A – Minimum Queuing Standards

Use	Number of Spaces	Required By-Pass (1)
<i>Drive-Through Financial Institution</i>		
<i>Teller Lanes</i>	5	Y
<i>Automatic Teller Lanes</i>	3	N
<i>Drive-Through Restaurant</i>	7	Y

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Table 6.B.3.A – Minimum Queuing Standards

Minimum before Menu Board	4	
Drive-Through Car Wash		
Automatic	5	N
Self-Service	3	Y
Drive-Through Oil Change	4	Y
Drive-Through Dry Cleaning or Laundry	3	Y
Drive-Through General Retail	4	Y
Commercial Parking Lot	3	N
Notes:		
1.	All Uses: a by-pass lane shall be required if more than five queuing spaces are provided.	

4) The allowance for dual drive-through lanes converging to a single lane with four spaces preceding each menu board is consistent with the ULDC queuing requirements.

c. Circulation Standards

- 1) There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and parking and loading spaces within parking areas.
- 2) Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design which shall be properly related to existing and proposed buildings, adjacent uses, and landscaped areas.
- 3) Parking lots shall be maintained in accordance with the paving and drainage permit issued authorizing construction.

d. Pedestrian Circulation

- 1) Structures, vehicular circulation lanes, parking spaces, driveways, and open spaces shall be designed to provide logical, impediment free pedestrian movement. The site shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- 2) Paved, landscaped, or comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings.
- 3) Where parking spaces directly face a structure, and are not separated by an access aisle from the structure, a paved pedestrian walkway shall be provided between the front of the parking space and the structure. The walkway shall be a minimum of four feet wide, exclusive of vehicle overhang, and shall be separated from the parking space by concrete wheel stops or continuous curbing. Single-family residential uses are exempt from this requirement.
- 4) For Non-residential developments, subject to the requirements of Art. 5.C Aa continuous internal pedestrian walkway shall be provided from each adjacent perimeter public sidewalk to all customer entrances. The design of the walkway shall include all of the following: **[Ord. 2009-040]**
 - a) one native canopy tree for each 25 linear feet with a maximum spacing of 50 feet between trees; **[Ord. 2009-040]**
 - b) one bench every 200 feet between the public sidewalk and building; and, **[Ord. 2009-040]**
 - c) walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment. **[Ord. 2009-040]**

e. Drainage

- 1) **Review**
The drainage design for all parking areas shall be reviewed and approved pursuant to Art. 11, Subdivision, Platting, and Required Improvements, prior to the issue of a development permit.
- 2) **Impervious Surface**
All surface parking areas, grassed or otherwise, shall be considered an impervious paved surface for the purpose of determining tertiary drainage system flow capacity and secondary stormwater management system runoff treatment/control requirements.
- 3) **Runoff**
Runoff from vehicular use areas shall be controlled and treated in accordance with all applicable agency standards in effect at the time an application is submitted.

f. Maintenance

All parking lots shall be maintained in good condition to prevent any hazards, such as cracked asphalt or potholes.

g. Striping Width Standards

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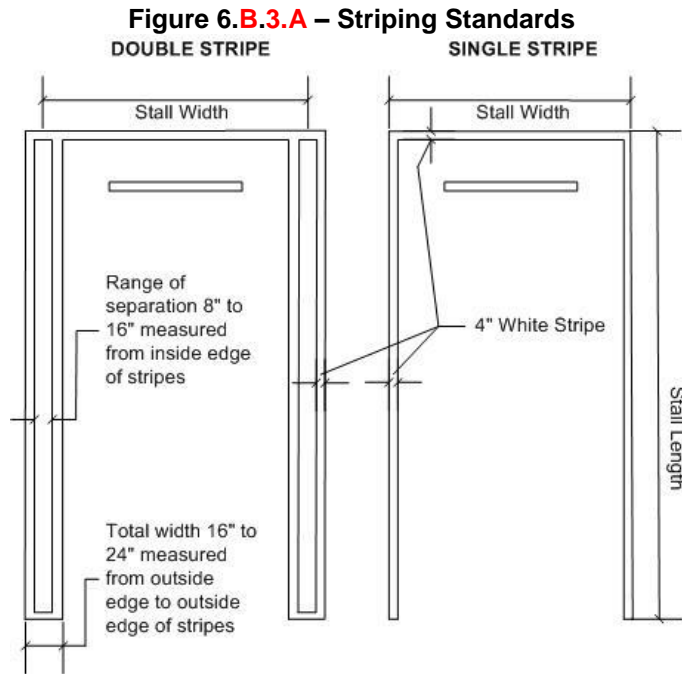
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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Except for parallel parking spaces, parking lots containing spaces for three or more vehicles shall delineate each space by single or double stripes on each side of the space. All stripes shall be painted in white paint except for handicapped spaces which shall have blue stripes. The width of the painted stripe shall be four inches.

- 1) Single Striping parking space width shall be measured from the centerline of the stripe.
- 2) Double striping separation from inside edge of stripe to inside edge of stripe shall be no less than eight inches and no more than 16 inches. The effective width of the double stripes shall range from 16 inches to 24 inches, measured from outside edge of stripe to outside edge of stripe. Parking space width shall be measured from the centerline of the set of stripes.



[Ord. 2011-016]

h. Signs

Traffic control signs and other pavement markings shall be installed and maintained as necessary to insure safe and efficient traffic operation in all vehicular use areas. Such signage and markings shall conform with the Manual on Uniform Traffic Control Devices, Federal Highway Administration, U.S. Department of Transportation, as adopted by the FDOT.

i. Landscaping

- 1) All new parking lots shall be landscaped in accordance with Art. 7, Landscaping.
- 2) Renovations to existing parking lots shall be landscaped in accordance with Art. 7, Landscaping.

a.) Exception

Normal maintenance and repair, such as resurfacing, restriping, or the addition of curbing and wheel stops, to existing parking lots shall require landscaping in accordance with the original permit.

B. Materials

1. Paved

Unless otherwise provided in this Article, all parking lots shall be improved with either: (a) a minimum of a six (6) inch shell rock or lime rock base with a one (1) inch hot plant mix asphaltic concrete surface; or (b) a base and surface material of equivalent durability, as certified by an engineer.

a. Shell Rock

The uses listed below may construct surface parking lots with shell rock or similar material approved by the DRO, except for the required handicapped parking space(s). Parking areas connected to a public street, shall be paved. [Ord. 2019-034]

- 1) Agricultural uses requiring less than 20 spaces.
- 2) Communication towers.
- 3) Accessory uses to a bona fide agricultural use, such as farm workers quarters.
- 4) Wholesale Nursery, Retail Nursery, or Landscape Service Collocated with a Nursery requiring less than 20 parking spaces, and the Outdoor storage area of vehicles for the operation of the business. [Ord. 2019-034]

a.) Wholesale Nursery, Retail Nursery, or Landscape Service Collocated with a Nursey requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shell rock or other similar materials subject to Art. 6.B.3.B.1.a, Shell Rock, or grassed subject to Art. 6.B.3.B.2, Grass. [Ord 2007-010] [Ord. 2019-034]

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EXHIBIT L
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- 1 5) *Driveways in the RSA serving residential uses on unpaved roads.*
2 6) *Uses in the C-51 Catch Basin when approved by the DRO.*
3 7) *Government Facilities when limited to spaces that are not accessible to the general*
4 *public.*

5 8) *Parks when provided to serve as overflow parking for event and/or peak parking.*

6 **b. Wheelstops and Curbing**

7 *Wheel stops or continuous curbing shall be placed two and one-half (2.5) feet back from*
8 *walls, poles, structures, pedestrian walkways, and landscaped areas.*

9 **2. Grass**

10 *Grass parking is permitted, subject to approval by the DRO, pursuant to the following*
11 *procedures and standards:*

12 **a. Application**

13 *In addition to the application requirements for a site plan/final subdivision plan, the*
14 *applicant shall submit the following:*

- 15 1) *a site plan showing the area proposed for grass parking; [Ord. 2007-013]*
16 2) *the proposed method of traffic control to direct vehicular flow and parking;*
17 3) *description of the method to ensure that the grass parking surface will be maintained*
18 *in its entirety with a viable turf cover; [Ord. 2007-013]*
19 4) *a conceptual drainage plan for the entire parking area; and, [Ord. 2007-013]*
20 5) *a written statement that the area proposed for grass parking shall be used for parking*
21 *on an average of no more than (3) days or nights each week. [Ord. 2007-013]*

22 **b. Standards**

23 *The following standards shall apply to grass parking:*

- 24 1) *only parking spaces provided for peak demand may be allowed as grass parking. [Ord.*
25 *2007-013]*
26 2) *paved parking shall be provided for average daily traffic, including weekday employees*
27 *and visitors;*
28 3) *a grass parking area shall not include any existing or proposed landscaped area,*
29 *surface water management area or easement, other than a utility easement;*
30 4) *handicap parking shall not be located in a grass parking area;*
31 5) *grass parking areas shall meet the landscape requirements in Art. 7, Landscaping.*
32 *Grass parking areas shall not be counted toward meeting minimum landscape or open*
33 *space standards; and, [Ord. 2007-013]*
34 6) *all access aisles or lanes shall either: [Ord. 2007-013]*
35 a) *be paved and meet the same substructural and surface standards required for*
36 *paved parking surfaces; or*
37 b) *be surfaced with paver block or other semi-pervious coverage approved by the*
38 *DRO and County Engineer; or [Ord. 2007-013]*
39 c) *be stabilized with sub-base underlayment subject to approval by Land*
40 *Development. [Ord. 2007-013]*
41 7) *Grass parking shall be located a minimum of 100 feet from the overland flow prior to*
42 *entering into a body of water or water systems. [Ord. 2007-013]*
43 8) *Materials utilized in the construction of grass parking shall be drought tolerant and*
44 *subject to approval by Land Development. [Ord. 2007-013]*

45 **c. Permit**

46 *If at any time it is determined that a grass parking area does not meet the standards*
47 *established in this Section, the Zoning Director shall require the restoration of the grass*
48 *surface or the paving of the grass for parking.*

Part 5. **ULDC Art. 6, Parking (page 1-40 of Supplement 26), is hereby amended as follows:**

49 **CHAPTER C ALTERNATE DESIGN OPTIONS**

50 **Section 1 Requirements to Reduce or Increase Parking**

51 **A. Type 1 Waiver**

52 **1. Applicability**

53 **a. Reduce Required Parking**

54 *A Type 1 Waiver may be requested to reduce the required parking no more than 15*
55 *percent, subject to the Standards as outlined in Art. 2.C.5.E, Type 1 Waiver and the*
56 *following:*

- 57 1) *limited to uses that require 20 or more spaces;*
58 2) *submittal of a Parking Demand Statement that identifies the use or uses;*
59 3) *the Parking Demand Statement confirms the parking will not be negatively impacted if*
60 *the Type 1 Waiver is granted.*

61 **b. PDD Parking Increase**

62 *The Development Review Officer (DRO) may authorize an increase in the maximum*
63 *allowed number of parking spaces in a PDD subject to a Type 1 Waiver.*

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

1) Supplemental Application Requirements

The applicant shall submit a parking study and any additional documentation justifying the need for additional parking. The parking study shall include, the following:

- a. the location of the use(s) on the site requiring the additional parking;
- b. the size and type of use(s) and/or activity(s) requiring the additional parking; and
- c. the rate of turnover and the anticipated peak parking demands.

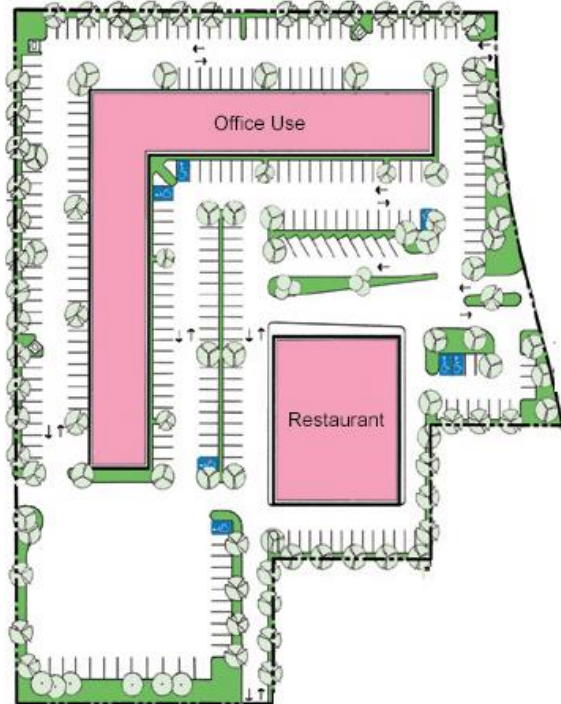
2) Maximum Increase

- a. Lots Less than ten acres in size may apply for a 20 percent increase.
- b. Lots ten acres or greater in size may apply for a ten percent increase.

B. Shared Parking

The DRO may authorize a reduction in the number of required parking spaces for multiple and mixed-use projects and for uses that are in close proximity to one another that have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

Figure 6.C.1.A – Shared Parking



1) Application

A shared parking study shall be submitted in a form established by the Zoning Director.

2) Location

All uses which participate in a shared parking plan shall be located on the same lot or on contiguous lots. The shared parking lot shall have access as though the uses were a single project.

3) Shared Parking Study

The shared parking study, shall clearly establish the uses that will use the shared spaces at different times of the day, week, month or year. The study shall:

- a) be based on the Urban Land Institute's (ULI) methodology for determining shared parking, or other generally accepted methodology;
- b) address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic demands;
- c) provide for no reduction in the number of required handicapped spaces;
- d) provide a plan to convert reserved space to required parking spaces; and
- e) be approved by the County Engineer based on the feasibility of the uses to share parking due to their particular peak parking and trip generation characteristics.

4) Reserved Space

The applicant shall account for 100 percent of the reduction granted through one of the following alternatives: reserved area; future parking garage; future rooftop parking; off-site parking; limitation of uses to adhere to parking regulations; or shared parking. **[Ord. 2011-001]**

5) Shared Parking Agreement

A shared parking plan shall be enforced through written agreement or through a unity of control. A copy of the agreement between the property owner and PBC shall be submitted to the DRO and reviewed and approved by the County Attorney. The agreement shall be recorded with the Clerk of the Circuit Courts of PBC by the owner prior to issuance of a certificate of occupancy. Proof of recordation of the agreement shall be submitted prior to approval by the DRO. The agreement shall:

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EXHIBIT L
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- a) *list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;*
 - b) *provide a legal description of the land;*
 - c) *include a site plan showing the parking area and reserved area which would provide for future parking; [Ord. 2011-001]*
 - d) *describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;*
 - e) *agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;*
 - f) *assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;*
 - g) *describe the obligations of each party, including the maintenance responsibility to retain and develop reserved areas for additional parking spaces if the need arises; [Ord. 2011-001]*
 - h) *incorporate the shared parking study by reference;*
 - i) *be made part of the Site Plan/Final Subdivision Plan; and*
 - j) *describe the method by which the covenant shall, if necessary, be revised.*
- 6) Change in Use**
Should any of the uses in the shared parking study change, or should the Zoning Director or County Engineer find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner of record shall have the option of submitting a revised shared parking study in accordance with the standards of this Section or of providing the number of spaces required for each use as if computed separately.

Part 6. **ULDC Art. 6, Parking (page 1-40 of Supplement 26), is hereby amended as follows:**

CHAPTER D RESIDENTIAL PARKING STORAGE

Section 1 Storage

A. Applicability

1. Outdoor Storage

A maximum of one recreational vehicle and any two or a maximum of three of the following, may be parked outdoors on a residential parcel with a residential unit: sports vehicle or marine vessel with accompanying trailers, and trailers may be parked outdoors in a residential district provided that the vehicles are: [Ord. 2007-013] [Ord. 2019-005]

- a. *owned and used by a resident of the premises;*
- b. *not parked in a required front setback or other area between the structure and the street, or on street except for the purpose of loading or unloading during a period not to exceed two hours in any 24 hour period; [Ord. 2007-013]*
- c. *located in the side or rear yard and are screened from surrounding property and streets with an opaque wall, fence or hedge a minimum of six feet in height;*
- d. *not used for living, sleeping or housekeeping purposes; and*
- e. *operative and currently registered or licensed, as required by state or federal law.*
- f. *vehicles or marine vessels on navigable waterways are exempt; and [Ord. 2007-013] [Ord. 2019-005]*
- g. *one vehicle which does not meet the requirements above may be approved through ZAR process upon demonstration that: [Ord. 2018-002]*
 - 1) *The property owner, family member or legal tenant has a physical disability which requires a vehicle which cannot meet these requirements.*

2. Unregistered or Unlicensed Vehicles

One vehicle may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots. [Ord. 2007-013]

3. Indoor Storage

Vehicles, marine vessels and related trailers used for non-commercial purposes, whether licensed and operational or not, located in a fully enclosed garage or permitted roofed structure. [Ord. 2007-013] [Ord. 2019-005]

4. Parking of Equipment, Vehicles, or Marine Vessels and Trailers in Residential Districts

The following standards shall apply to the parking of equipment, (including construction equipment), vehicles, recreational vehicles, sports vehicles, or marine vessels and trailers on residential parcels or adjacent streets in residential districts. For the purposes of this Section, legally established, nonresidential uses in the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district and is subject to Art.5.B.1.A.3, Outdoor Storage and Activities, where allowed. [Ord. 2007-013] [Ord. 2019-034]

a. General Prohibition

1) On-Street

No person shall park, store, or keep equipment, a commercial vehicle, recreational vehicle, marine vessel, trailer, sports vehicle such as dune buggy, jet skis, racing

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

1 *vehicle, off-road vehicle, air boat, canoe or paddleboat, on any public street, or other*
2 *thoroughfare or any R-O-W within a residential district for a period exceeding one hour*
3 *in any 24 hour period, each such period commencing at the time of first stopping or*
4 *parking. [Ord. 2007-013] [Ord. 2019-034]*

5 **2) On-Site**

6 *It shall be unlawful for any owner of land in any residential district to park on, cause to*
7 *be parked on, or allow to be parked on residentially zoned land any unlicensed or*
8 *unregistered vehicle, or equipment commercial vehicle, sports vehicle, recreational*
9 *vehicle, marine vessel or trailer for a period exceeding one hour in any 24 hour period,*
10 *each such period commencing at the time of first stopping or parking, unless in*
11 *compliance with Art. 6.D.1.A.2, Unregistered or Unlicensed Vehicles. [Ord. 2007-013]*
12 *[Ord. 2019-034]*

13 **3) Vacant Lot Prohibitions**

14 *Parking shall be prohibited on all vacant properties in residential districts. [Ord. 2007-*
15 *013]*

Part 7. ULDC Art. 6, Parking (page 1-40 of Supplement 26), is hereby amended as follows:

16 **CHAPTER ~~BE~~ LOADING STANDARDS**

17 **Section 1 Loading-General**

18 **A. Prohibitions**

- 19 1. *A street or driveway shall not be used for loading or unloading.*
20 2. *A loading space shall not be used to satisfy ~~off-street~~ parking requirements,*
21 3. *The location of the loading area shall not interfere with the free circulation of vehicles in the ~~off-~~*
22 *street parking lot. [Relocated from 6.B.1.G, Prohibitions]*

23 **4. Repair Activities**

24 *Only emergency repair service shall be permitted in a loading space. [Relocated from*
25 *6.B.1.H.8]*

26 ~~**A. Purpose and Intent**~~

27 ~~Refer to Art. 6.A.1.A, Purpose and Intent.~~

28 ~~**B. Applicability**~~

29 ~~Refer to Art. 6.A.1.B, Applicability.~~

30 ~~**C. Restrictions**~~

31 ~~All required off-street loading spaces and accompanying aisles and driveways shall be deemed to~~
32 ~~be required space and shall not be encroached upon or reduced in any manner unless expressly~~
33 ~~permitted otherwise. [Ord. 2016-042]~~

34 ~~**D. Loading Space Ratios**~~

35 ~~Off-street ~~loading~~ spaces shall be provided in accordance with Table 6.AB.1.B, Minimum Off-~~
36 ~~Street Parking and Loading Requirements.~~

37 **Figure 6.B.1.B – Standard Loading**



Loading Bays

38 **Section 2 Calculation**

39 ~~**A1. Standards for Computing Loading Standards**~~

40 ~~**1a. Multiple Uses**~~

41 ~~On lots containing more than one use, the total floor area shall be used to determine the~~
42 ~~number of spaces which are required. [Ord. 2016-042]~~

43 ~~**2b. Fractions**~~

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

When calculation of the number of required off-street loading spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest full number. **[Ord. 2016-042]**

3e. Floor Area

Loading standards that are based on square footage shall be computed using GFA. **[Ord. 2016-042]**

4d. Unlisted Land Uses

In the event that loading requirements for a particular use are not listed in this Article, the requirements for the most similar use shall be applied, in making the determination, any evidence of actual parking demand for similar uses shall be considered as well as other reliable traffic engineering and planning information that is available. **[Ord. 2016-042]**

5. Government Services and Government Facilities

May request alternative calculations based on evidence of actual loading demand for similar uses or reliable traffic engineering and planning information.

B. Minimum Loading Requirements

1. Standard "A"

a. One space for GFA that is 10,000 square feet or greater, plus one space for each additional 40,000 square feet of GFA.

2. Standard "B"

a. One space for GFA that is 10,000 square feet or greater, plus one space for each additional 50,000 square feet of GFA.

3. Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces

An Applicant may apply for a Type 1 Waiver subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information. **[Ord. 2007-001] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-025]**

Figure 6.B.1.B – Standard "E" Loading



Section 3 Location

A. On-site E. Location

Loading spaces shall be located adjacent to the building which it serves, and where required by Table 6.A.1.B, Minimum Off Street Parking and Loading Requirements, unless approved pursuant to Art. 6.E.3.C, Alternative Design Options. Loading spaces shall be proportionately distributed throughout the site. **[Ord. 2008-037]**

B. Off-site or On-Street

Loading spaces shall be prohibited from being located off-site or on-street.

C. Alternative Design Options

Parking spaces and the drive aisle may be used in lieu of providing a designated loading space during non-business hours and shall be prohibited during the hours of operations.

F. Screening

1. Bay Doors

~~Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view.~~

2. Loading Area Screening

~~Loading areas, which may include loading spaces, docks and associated maneuvering areas, that are within 100 feet of a parcel with a residential FLU designation, or use; or visible from a street R-O-W, shall be screened from view by buildings a minimum of 12 feet in height, or a wall in combination with landscape material, as follows: **[Ord. 2008-037] [Ord. 2015-031]**~~

a. Options by Location

1) In-between Loading Area and Property Line

~~Unless located within a perimeter landscape buffer, the following shall be required: a 12-foot high wall combined with foundation planting along the exterior side of the wall,~~

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

~~in accordance with the facade standards of Table 7.C.3.B, Foundation Planting and Dimensional Requirements. [Ord. 2008-037] [Ord. 2015-031]~~

~~**2) Perimeter Buffers**~~

~~If located within a perimeter landscape buffer, minimum required wall or additional landscaping, shall be as follows: [Ord. 2015-031]~~

~~a) Within a compatibility or incompatibility buffer: 12 foot wall; or [Ord. 2015-031]~~

~~b) Within a R-O-W buffer: six foot wall combined with an eight foot high hedge located on the exterior side of the wall. [Ord. 2015-031]~~

~~c) Minimum wall height required within perimeter buffers may be reduced when used in combination with a berm, provided that the total height does not exceed 12 foot. [Ord. 2015-031]~~

~~**b. Architectural Compatibility**~~

~~Walls shall be architecturally compatible with the adjacent structure. [Ord. 2015-031]~~

~~**c. Conflict with Other Applicable Regulations**~~

~~If a conflict exists between Loading Area Screening and other articles in this Code, the provisions above shall prevail except where superseded by state or federal law. [Ord. 2015-031]~~

~~**d. Exemptions**~~

~~Loading area screening is not required if any of the following standards are satisfied: [Ord. 2015-031]~~

~~1) the loading area is obstructed from view by an existing landscape buffer; a preserve or a structure; [Ord. 2008-037]~~

~~2) a structure or tenant consisting of 10,000 square feet or less; [Ord. 2008-037]~~

~~3) a single loading space; or [Ord. 2008-037]~~

~~4) the WCRAO Executive Director may exempt a loading space from screening requirements for parcels located in the WCRAO, pursuant to Art. 3.B.14.1.2, Redevelopment Loading Option. [Ord. 2008-037]] [Relocated to Art 6.E.4.A.3 Screening]~~

~~**G. Prohibitions**~~

~~1. A street or driveway shall not be used for loading or unloading.~~

~~2. A loading space shall not be used to satisfy off-street parking requirements,~~

~~3. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking lot. [Relocate 6.B.1.G Prohibitions to 6.E.1 General]~~

Figure 6.B.1.B – Off-Street Loading Buffering



Landscaping Between Loading and R-O-W

Section 4 H. Dimensional Design and Construction Standards and Design Requirements

Required loading spaces shall be subject to the following minimum standards:

A. Dimensions, Layout, and Screening

1. Dimensions

a. Loading Space

Table 6.E.4.A – Dimensions

Standard A (12' wide x 18'.5" long)	Square Footage of Gross Floor Area	Number of Required Loading Spaces
	0 to 10,000 square feet	0
	10,001 square feet to 40,000 square feet	1
	Each additional 40,000 square feet	1
Standard B (15' wide x 55' long)	Square Footage of Gross Floor Area	Number of Required Loading Spaces
	0 to 10,000 square feet	0

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EXHIBIT L

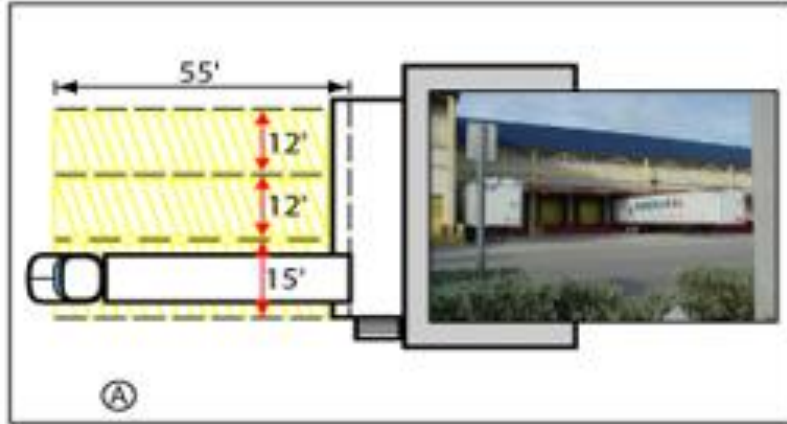
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Table 6.E.4.A – Dimensions

	<u>10,001 square feet to 50,000 square feet</u>	1
	<u>Each additional 50,000 square feet</u>	1
Notes:		
1.	<u>The use of parking spaces and the drive aisle can be used in lieu of providing a designated loading space during off business hours.</u>	
2.	<u>Additional loading spaces adjacent to, and not separated from the first loading space may be reduced to a minimum of 12 feet in width.</u>	

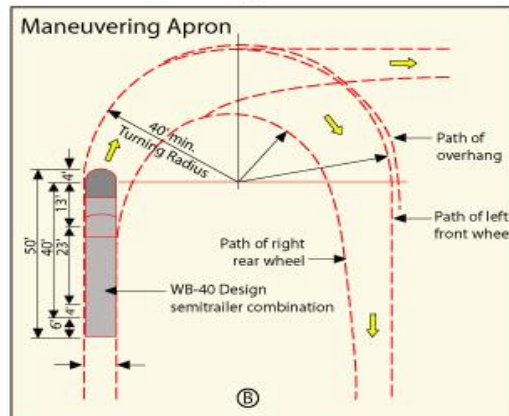
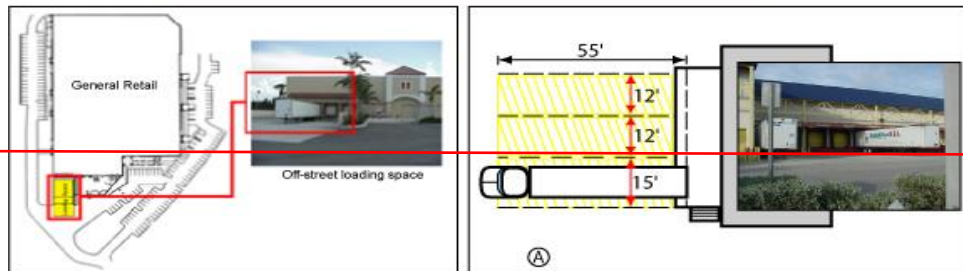
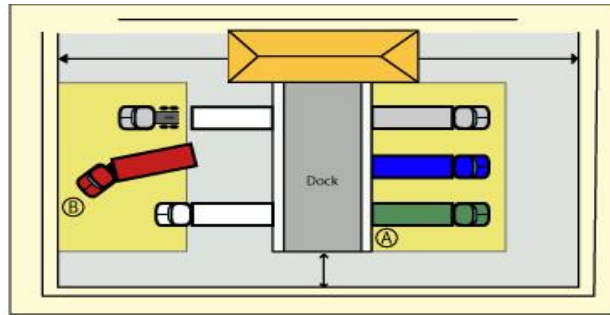
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Table 6.E.4.A – Dimensions for Width and Length



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Figure 6.BE.14.EA – Dimensional Standards Maneuvering Area



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b. Maneuver Area

An area equal to the width and length of the berth shall be provided for vehicle maneuvering directly behind the loading space it is intended to serve.

Notes:

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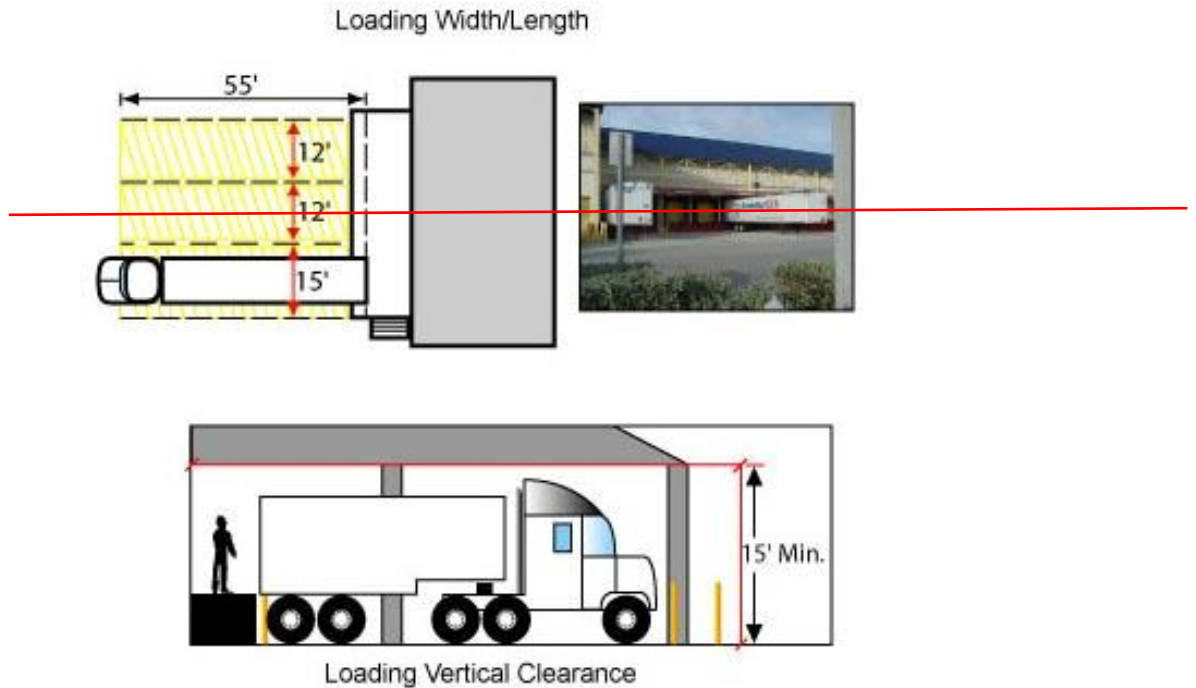
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Figure 6.B.1.E – Vertical Clearance



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c. Vertical Clearance

A vertical clearance of at least 15 feet shall be provided over the space and maneuvering apron, unless reduced by the DRO.

d. Waiver – Reduction of Loading Space Width or Length

The minimum required width and length may be reduced for uses that require limited loading, to not less than 12 feet and 18.5 feet, respectively, subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information. **[Ord. 2007-001] [Ord. 2016-042] [Relocated from 6.B.1.H.7 Type I Wavier]**

2. Layout

a5. Distance from Intersection

1)a. Distance

No loading space shall be located within forty feet of the nearest point of the edge of pavement or curb of any two intersecting streets.

2)b. Setback

Loading spaces shall be setback at least 20 feet from all front or side street property lines. When located at the rear of a building, a minimum five foot setback from the property line shall be required.

b6. Access Marking

Each ~~off-street~~ loading space shall be provided with safe and convenient access to a street, without it being necessary to cross or enter any other required loading space. If any loading space is located contiguous to a street, ingress and egress to the street side shall be provided only through driveway openings. The dimension, location and construction of these driveways shall be designed in accordance with this Article. In addition, ~~off-street~~ loading spaces which have three or more berths shall have individual spaces marked, and spaces shall be so arranged that maneuvering to and from a loading space shall be on the same lot unless approved by the DRO. Maneuvering shall be permitted in an alley upon the approval of the DRO if surrounding uses are compatible with the subject use.

7. Type 1 Waiver – Reduction of Loading Space Width or Length

~~The minimum required width and length may be reduced for uses that require limited loading, to not less than 12 feet and 18.5 feet, respectively, subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information. **[Ord. 2007-001] [Ord. 2016-042] [Relocated to 6.E.4.A Dimensions and Layout]**~~

8. Repair Activities

~~Only emergency repair service shall be permitted in a loading space.~~

3. Screening

a. Bay Doors

Notes:

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EXHIBIT L
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Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view.

b. Loading Area Screening

Loading areas, which may include loading spaces, docks and associated maneuvering areas, that are within 100 feet of a parcel with a residential FLU designation, or use; or visible from a street R-O-W, shall be screened from view by buildings a minimum of 12 feet in height, or a wall in combination with landscape material, as follows: [Ord. 2008-037] [Ord. 2015-031]

1) Options by Location

a) In-between Loading Area and Property Line

Unless located within a perimeter landscape buffer, the following shall be required: a 12 foot high wall combined with foundation planting along the exterior side of the wall, in accordance with the facade standards of Table 7.C.3.B, Foundation Planting and Dimensional Requirements. [Ord. 2008-037] [Ord. 2015-031]

b) Perimeter Buffers

If located within a perimeter landscape buffer, minimum required wall or additional landscaping, shall be as follows: [Ord. 2015-031]

(1) Within a compatibility or incompatibility buffer: 12 foot wall; or [Ord. 2015-031]

(2) Within a R-O-W buffer: six foot wall combined with an eight foot high hedge located on the exterior side of the wall. [Ord. 2015-031]

(3) Minimum wall height required within perimeter buffers may be reduced when used in combination with a berm, provided that the total height does not exceed 12 foot. [Ord. 2015-031]

c. Architectural Compatibility

Walls shall be architecturally compatible with the adjacent structure. [Ord. 2015-031]

d. Conflict with Other Applicable Regulations

If a conflict exists between Loading Area Screening and other articles in this Code, the provisions above shall prevail except where superseded by state or federal law. [Ord. 2015-031]

e. Exemptions

Loading area screening is not required if any of the following standards are satisfied: [Ord. 2015-031]

1) the loading area is obstructed from view by an existing landscape buffer; a preserve or a structure; [Ord. 2008-037]

2) a structure or tenant consisting of 10,000 square feet or less; [Ord. 2008-037]

3) a single loading space; or [Ord. 2008-037]

4) the WCRAO Executive Director may exempt a loading space from screening requirements for parcels located in the WCRAO, pursuant to Art. 3.B.14.1.2, Redevelopment Loading Option. [Ord. 2008-037] [Relocated from Art 6.B.1.F Screening]

B. Materials

All Loading spaces and maneuvering areas shall comply with Article 6.B.3.B.1, Paved.

Part 8 ULDC Art. 2.C.5.E.2, Type 1 Waiver (page 51 of 102, Supplement 26), is hereby amended as follows:

CHAPTER C ADMINISTRATIVE PROCESS

Section 5 Types of Applications

....

E. Type 1 Waiver

1. Purpose

To establish procedures and evaluation standards for a Type 1 Waiver. A Type 1 Waiver is to allow flexibility and minor adjustments to the property development regulations, site design, preservation, or incorporation of existing native vegetation; or for an improved site design where alternative solutions can be permitted subject to the criteria. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2016-042] [Ord. 2018-002]

2. Applicability

Requests for Type 1 Waivers shall only be permitted where expressly stated within the ULDC: [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

Table 2.C.5.E – Summary of Type 1 Waivers

Requests	ULDC Reference
Glades Area Overlay (GAO)	Table 3.B.4.F, Type 1 Waivers for Industrial Pods
NEO, Native Ecosystem Overlay	Art. 3.B.7.D, Property Development Regulations (PDRs)
Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines	Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines

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ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Table 2.C.5.E – Summary of Type 1 Waivers

Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers
Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1)	Table. 3.D.1.A, Property Development Regulations (PDRs)
Required Parking in Type 1 Restaurant with Drive Through	Art. 4.B.2.C.33.f.3)a)(2), Location Criteria – Exceptions, Design Criteria
Commercial Greenhouse Loading	Art. 4.B.6.C.17.c.4)b), Loading
Solid Waste Transfer Station	Art. 4.B.7.C.10.d, Buffer
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture
Parking for Community Vegetable Garden	Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, Note 10
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver
Loading Spaces	Art. 6. BE.12.DB.23 , Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6. BE.14.HA.71.d , Type 1 Waiver – Reduction of Loading Space Width or Length
Landscaping	Table 7.B.4.A, Type 1 Waivers for Landscaping
Billboard Location	Art. 8.H.2.D.4, Replacement
PUD Informational Signs	Art. 8.G.3.B.5.b, Standards for Type 3 Electronic Message Signs
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005]	
Notes:	
1.	This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application.

1

Part 9. ULDC Art. 5.B.1.A.1.e, Specific Accessory Uses (page 12 of 112, Supplement 25), is hereby amended as follows:

2 **CHAPTER B ACCESSORY USES AND STRUCTURES**

3 **Section 1 Supplementary Regulations**

4 **A. Accessory Uses and Structures**

5 **1. General**

6 The following provisions in this Section shall apply to all development in Standard, PDD, or
7 TDD Zoning Districts, unless otherwise stated. **[Ord. 2007-001] [Ord. 2017-007]**

8 **a. Standards**

9

10 **e. Specific Accessory Uses**

11 **1) Office**

12 a) Areas of a building dedicated to the administrative operation and incidental to a
13 principal use or uses listed in the Use Matrix may be Permitted by Right. **[Ord.**
14 **2017-007]**

15 b) One parking space shall be provided for every ~~2050~~ square feet of accessory
16 office. **[Ord. 2017-007]**

Part 10. ULDC Art. 5.B.1.A.9, Neighborhood Recreation Facility (page 22 of 112, Supplement 25), is hereby amended as follows:

17 **CHAPTER B ACCESSORY USES AND STRUCTURES**

18 **Section 1 Supplementary Regulations**

19 **A. Accessory Uses and Structures**

20

21
22 **9. Neighborhood Recreation Facility**

23 A non-profit facility designed and intended for recreational use by occupants of a residential
24 development or subdivision owned and operated by a POA or equivalent. Recreation facilities
25 shall be subject to the following standards: **[Ord. 2011-001] [Ord. 2013-001]**

26 **a. Property Development Regulations (PDRs)**

27 1) PDRs shall be in accordance with the standards for a recreation pod in Table 3.E.2.D,
28 PUD Property Development Regulations. **[Ord. 2011-001]**

29 2) PDRs for outdoor recreation amenities shall be in accordance with Art. 5.B.1.A.10,
30 Outdoor Recreation Amenities. **[Ord. 2013-001]**

31 **b. Parking**

32 Parking shall be in accordance with Art. 6, Parking, Loading, and Circulation, ~~and the~~
33 ~~following:~~ **[Ord. 2011-001]**

34 ~~1) Clubhouses in a standard district shall apply the requirements for a recreation pod~~
35 ~~clubhouse.~~ **[Ord. 2011-001]**

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

1 ~~2) Parking shall not be required for recreation pods or facilities on less than one acre;~~
2 ~~however, a minimum of two spaces shall be required to accommodate maintenance~~
3 ~~services for pools or clubhouses. [Ord. 2011-001] [Relocated to: Art. 6, Table~~
4 ~~6.B.1.B, Minimum Parking and Loading Requirements]~~

Part 11. ULDC Art. 5.B.1.A.18, Bike Racks (page 33 of 112, Supplement 26), is hereby amended as follows:

5 **CHAPTER B ACCESSORY USES AND STRUCTURES**

6 **Section 1 Supplementary Regulations**

7 **A. Accessory Uses and Structures**

8

9 **18. Bike Racks**

10 **a. Number of Bikes**

11 Each bike rack shall accommodate a minimum of five bikes.

12 **b. Multi-Family Uses**

13 Multi-Family projects with more than 100 units shall provide one bike rack per 50 units.

14 **c. Commercial Uses**

15 All commercial projects subject to site plan approval by the DRO shall provide one bike
16 rack per 200 parking spaces.

17 **d. Recreation Pod or Neighborhood Recreation Facility**

18 Shall provide a minimum of one bike rack.

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EXHIBIT M

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

Part 1. ULDC Art. 1.1.2.1.33, General Provisions, Definitions and Acronyms, Irreparable or Irreversible Harm (page 62-63 of 111, Supplement 25), is hereby amended as follows:

1 CHAPTER I DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4 I. Terms defined herein or referenced in this Article shall have the following meanings:

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8 33. Irreparable or Irreversible Harm –

9 **a.** A substantial injury that is beyond the possibility of repair; the injury suffered cannot be
10 undone; damage or destruction of a natural resource that is so substantial and permanent
11 that it is beyond the possibility of being repaired or restored to its previous condition. A
12 natural resource shall be deemed irreparably harmed when an activity taken or caused by
13 a person or persons alters the natural resource to such a degree that it cannot reasonably
14 be restored or returned to the condition existing immediately prior to such alteration. A non-
15 renewable natural resource shall be deemed irreparably harmed when the resource has
16 been permanently removed or consumed. There shall be a rebuttable presumption that a
17 natural resource has been irreparably harmed when the nature resource. A natural
18 resource shall not be deemed irreparably harmed when the alteration of the natural
19 resource is authorized by County law. **[Ord. 2006-036]**

20 **b.** For the purpose of Article 7, Landscaping, Irreparable or Irreversible harm to existing
21 vegetation shall include the improper pruning or hatracking that has caused significant
22 damage to vegetation to an extent that precludes the regrowth of a natural canopy, or
23 reduced the size of vegetation down to a stump. Reparable harm to existing vegetation
24 shall include the improper pruning or hatracking that has caused damage to vegetation to
25 an extent that can be corrected or repaired through standards of additional pruning and
26 care.

....

Part 2. ULDC Table 2.A.6.B Application Processes and Procedures, General, Zoning Application Procedures, Landscape Related Plans (page 20 of 101, Supplement 25), is hereby amended as follows:

27 CHAPTER A GENERAL

28

29 Section 6 Zoning Application Procedures

30

31 B. Plan Requirements

32
33 7. Landscape Related Plans

34 Art. 7, Landscaping, identifies different types of landscape related plans that are reviewed by
35 the DRO for a final decision: Planting Plan, Landscape Plan, and Alternative Landscape Plan
36 (ALP). All Plans shall be prepared consistent with the approved Master, Site or Subdivision
37 Plan. Application requirements, labeling of Plans, and approval procedures for the Landscape
38 related Plans shall be consistent, where applicable, with Art. 2.A.6.B, Plan Requirements and
39 the Zoning Technical Manual, and Art. 7, Landscaping. All types of Landscape Plans shall be
40 submitted at Building Permit, unless it is required to be submitted at Final Approval by the DRO
41 through a Condition of Approval. The following Table summarizes the different types of Plans,
42 applicability, and approval authority. **[Ord. 2009-040] [Ord. 2016-042] [Ord. 2018-002]**
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EXHIBIT M

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

1

Table 2.A.6.B – Landscape Related Plans

Types of Landscape Plan	Additional Plan Requirements	Applicability	Approval of Plan(s)	Authority
Planting Plan (6)	Identify number, location, height, and species of required trees, palms or pines, and shrubs (4)	Single-Family	(1)	DRO
		Two-unit Townhouse		
		A lot with two MF units		
		Vacant lots within 120 days of demolition		
Landscape Plan	Identify number, location, height and species of required trees, palms or pines, and shrubs. (4)	Nonresidential developments	(1)(3)	DRO
		A lot with more than two MF units	(1)(3)	DRO
		Common areas of PUD	(1)(3)	DRO
		Variance	(1)(3)	ZC
		Type 2 Waiver	(1)(3)	BCC
		Type 1 Waiver	(1)(3)	DRO
ALP	Identify number, location, height, and species of required trees, palms or pines, and shrubs. (4)	(2)(5)	(1)(3)	DRO

[Ord. 2016-042] [Ord. 2018-002]

Notes:

- Approval of Plan(s) must be completed prior to the issuance of a Building Permit, unless it is required to be approved at Final DRO by a Condition of Approval.
- Applicant may submit the ALP concurrent with the DO application to garner support of the Waiver request(s). The ALP may be required as a Condition of Approval by the ZC, BCC or DRO..
- Landscape Plan(s) and ALP (except Planting Plan) shall be signed and sealed by a Florida Licensed Professional Landscape Architect prior to the approval of a Building Permit.
- A Free Vegetation Disposition Chart may apply to all of the Landscape related Plans, where a Site has existing native vegetation, even if no Waivers or Variances are being requested. Refer to the Technical Manual, Title 3, Landscape for the Vegetation Disposition Chart.
- An ALP may be submitted by the Applicant concurrently with a Waiver request to modify Landscape standards. The DRO may determine that the Waiver for Landscape requirements pursuant to Art. 7, Landscaping could be shown on a Site, Subdivision or Regulating Plan in lieu of an ALP.
- May be approved by the Building Division. The amount of required plant material shall be indicated on the applicable Building Division submittal form and installed prior to issuance of CO.

Part 3. ULDC Art. 7.B.3.D, Landscaping, Applicability and Approval Process, Approval Process for Landscape Plans, Landscape Inspections (page 10 of 54, Supplement 25), is hereby amended as follows:

2 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

3

4 Section 3 Approval Process for Landscape Plans

5 Approval process for Landscape Plans shall be subject to the requirements pursuant to Art. 2, Application
6 Processes and Procedures. **[Ord. 2016-042]**

7
8 An Applicant may request review for compliance with this Article concurrent with an application that requires
9 approval by the BCC, ZC or DRO by submitting Preliminary or Final Landscape Plans. Final Landscape
10 Plans shall be part of the Building Permit application unless a Condition of Approval requires Landscape
11 Plans to be submitted at Final Approval by the DRO. An application for a Landscape Plan Review shall be
12 submitted directly to the Zoning Division, and shall comply with the following requirements: **[Ord. 2018-002]**

13 **A. Submittal Requirements**

14
15 **D. Landscape Inspections**

16 Unless otherwise stated in this Article, all developments subject to this Article may be inspected by
17 PZB prior to and after installation of required landscaping. Required landscaping shall be approved
18 by PZB prior to the issuance of a CO, or Certificate of Completion, whichever occurs first. Various
19 types of Landscape Inspection shall be conducted at different stages of the development, as
20 follows: **[Ord. 2018-002]**

21 **1. Types of Landscape Inspection**

- 22 a. Preliminary Inspection – required to verify existing grades, vegetation and necessary site
23 preparation has been completed prior to any plant material being installed on the site to
24 comply with the Landscape Permit; **[Ord. 2009-040] [Ord. 2018-002]**
- 25 b. Final Inspection – required as part of the typical building permit process to ensure
26 landscape material, irrigation and conditions of approval on a development order are in

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EXHIBIT M

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

- 1 compliance prior to final sign off that the landscape is completed and installed in
2 accordance to the Landscape Permit. [Ord. 2009-040] [Ord. 2018-002]
- 3 c. Annual Inspection – scheduled on the one-year anniversary date from the date of the Final
4 Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all
5 landscape and irrigation continually complies with the Landscape Permit. If material or
6 irrigation is missing, dead or damaged the property owner shall be provided with a Notice
7 to Correct, pursuant to Art. 10, Enforcement. [Ord. 2009-040] [Ord. 2018-002]
- 8 d. Monitoring Inspection – performed ~~to-in response~~ ~~respond~~ to a complaint or Code
9 Enforcement case as it relates to vegetation violations (e.g. of missing or damaged plant
10 material or changes to the landscape not previously approved in accordance with the
11 Landscape Permit). [Ord. 2009-040] [Ord. 2018-002]

Part 4. ULDC Art. 7.B.4.C, Landscaping, Applicability and Approval Process, Type 1 Waiver for Landscaping, Landscape Plans page 11-13 of 54, Supplement 25), is hereby amended as follows:

12 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

13

14 Section 4 Type 1 Waiver for Landscaping

15 An Applicant may seek minor modifications to the requirements of this Article that are identified in Table
16 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to be
17 modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures.
18 The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art.
19 2.C.5.E.3, Standards for a Type 1 Waiver, and the applicable Criteria in the following Table have been met.
20 [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]

21 A. Applicability

22 Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same
23 requirements. [Ord. 2018-002]

24

25 B. Pre-Application Appointment (PAA) for a Type 1 Waiver

26 The applicant shall be required to schedule and attend a PAA with the Zoning Division staff to
27 review and discuss preservation of existing vegetation, possible design alternatives, and any
28 Waivers that may be requested as part of the application. [Ord. 2007-001] [Ord. 2016-042] [Ord.
29 2018-002]

30 C. Alternative Landscape Plan (ALP)

31 The Applicant shall submit an ALP Landscape Plan(s) to the DRO to demonstrate graphically depict
32 the proposed Type 1 Waiver request(s). The DRO may allow the alternative designs or waiver
33 requests be incorporated on a Site or Subdivision Plan or any other types of Zoning Plan in lieu of
34 the Landscape Plan-ALP. Upon the approval of the Type 1 Waiver(s), the Applicant shall finalize
35 the Landscape Plans ALP as Final Landscape Plans, and shall include it as part of the for Building
36 Permit Review, if applicable. [Ord. 2018-002]

Part 5. ULDC Art. 7.B.5, Landscaping, Applicability and Approval Process, Tree Removal and Replacement page 13-14 of 54, Supplement 25), is hereby amended as follows:

37 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

38

39 Section 5 Free Vegetation Removal and Replacement

40 For the purpose of this Section, the term vegetation shall include trees, palm(s) and pine(s). ~~Trees, palms~~
41 ~~or pines~~ Vegetation that are is required to be planted on a property per Code requirements or through a
42 Condition(s) of Approval shall not be removed without first applying for and being issued a Free Vegetation
43 Removal and Replacement Permit. Removal of trees, palms or pines vegetation without a valid permit shall
44 be considered a violation of the Code or the DO, unless otherwise exempted by F.S. ~~For the purpose of~~
45 ~~this Section, the term tree(s) shall include trees, palm(s) or pine(s)~~. [Ord. 2019-005]

46 A. Exception

47 The following exceptions shall apply to parcels with residential uses:

- 48 1. No permit is required for a Single Family residence as long as the minimum required vegetation
49 is maintained in accordance with standards set forth in Table 7.C.3.A, Interior Landscape
50 Requirements.

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2. Residential properties may be exempt from permitting requirement in accordance with F.S. 163.045. Residential properties are properties that are developed with a residential use and may be located within either a residential or non-residential Zoning District.

AB. Approval Process

An Applicant may request the removal of existing ~~trees~~ vegetation by submitting an application to the Zoning Division, and subject to the following procedures: **[Ord. 2019-005]**

1. Pre-Application Site Meeting

Prior to the submittal of an application, the Applicant shall schedule an on-site meeting with staff of the Permit/Landscape Review Section of the Zoning Division to discuss and inspect the ~~trees~~ vegetation that ~~is~~ are proposed to be removed. Staff shall determine whether the ~~trees~~ are vegetation is eligible for removal based on the standards listed below. If the ~~trees~~ vegetation is eligible for removal, ~~the Applicant shall be provided by~~ Staff shall provide the Applicant a Tree Vegetation Removal and Replacement Application to be completed for submittal. **[Ord. 2019-005]**

2. Application Submittal Requirements

The Applicant shall submit the application to the Permit/Landscape Review Section. The application shall include a Justification Statement providing the reason for the proposed removal of the vegetation. The Applicant shall also submit either a Final Site, Subdivision or Regulating Plan or a Survey of the subject property. The Applicant shall identify the following: species, size and location of the ~~trees~~ vegetation to be removed, and the required replacement of the ~~trees~~ vegetation and their proposed species, size and location. **[Ord. 2019-005]**

3. Application Review and Final Decision

Staff shall review the application utilizing the Standards for Removal, that are listed below to consider whether to approve or deny the request. A Tree Vegetation Removal and Replacement Permit shall be issued upon the approval of the application. The DRO may approve, approve with a Condition of Approval, or deny the request. **[Ord. 2019-005]**

4. Standards for Removal and Replacement

In reviewing an application for Tree Vegetation Removal and Replacement, staff shall consider the following standards to determine whether the removal permit is granted: **[Ord. 2019-005]**

- a. The Applicant's justification for the removal; **[Ord. 2019-005]**
- b. The site condition of the area where the existing tree is located, and whether the location has easement overlap or proximity of the ~~tree~~ vegetation to the overhead electric utilities; **[Ord. 2019-005]**
- c. The health condition of the ~~tree~~ vegetation; or, **[Ord. 2019-005]**
- d. Any valid safety concerns that may arise if the removal of the ~~tree~~ vegetation is not allowed. **[Ord. 2019-005]**

BC. Replacement

All replacement of ~~trees~~ vegetation, shrubs, landscape barrier and ground treatment shall be in compliance with Art. 7.E.3, Credit and Replacement, unless stated otherwise in Art. 7.B.1, Exemption. **[Ord. 2019-005]**

CD. Timeline

Staff shall indicate the timeline of removal and replacement of the tree on the Permit to ensure the replacement of the tree is done in accordance with the approval. The Permit is valid for six months from the date of issuance. Failure to comply with the Permit requirements, which include the established dates or any imposed Conditions of Approval, shall result in enforcement action, pursuant to Art. 7.G, Enforcement by PZB. **[Ord. 2019-005]**

DE. Inspection

The Applicant shall contact staff when the trees are removed, and staff shall schedule a site inspection to confirm that the trees have been removed, and that any required replacement of trees have been installed in conformance with the Permit. **[Ord. 2019-005]**

Part 6. **ULDC Art. 7.E.3, Landscaping, Existing Native Vegetation, Prohibited, And Controlled Plant Species, Credit and Replacement (page 47-48 of 54, Supplement 25), is hereby amended as follows:**

CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES

....

Section 3 Credit and Replacement

This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements and Art. 7.D, Landscape Standards. In addition, this Section also establishes requirements for quantity and size for replacement. Replacement of vegetation may be required due to injury, damage or removal, which includes: improper pruning, hatracking, or other actions

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1 that render existing vegetation unable to achieve its natural and intended form. The quantity and the size
 2 of the replaced vegetation is based on the size of the individual vegetation at the time when the vegetation
 3 was injured, damaged or removed. For the purpose of this Section, the term Vegetation shall include trees,
 4 palms or pines. **[Ord. 2018-002] [Ord. 2019-005]**

5 **A. ~~Vegetation Survey Credit~~**

6 Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D,
 7 Landscape Standards shall be granted for on-site preservation of existing vegetation when
 8 accompanied by an approved Vegetation survey with a **Vegetation Disposition Chart, and indicated**
 9 **on the Final Landscape Plan or Final ALP.** **[Ord. 2018-002]**
 10 **[Ord. 2019-005]**

11 **1. Approval**

12 The credited vegetation shall be approved by both the Department of ERM and the Zoning
 13 Division. The Vegetation survey, Vegetation Disposition Chart, and Final Landscape or Final
 14 ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this
 15 Article.

16 **~~B2. Excluded from Credit~~**

17 Credits shall not be permitted for vegetation: **[Ord. 2018-002]**

- 18 ~~1.a)~~ Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located
 19 in required preservation areas, heritage or champion trees); **[Ord. 2018-002]**
- 20 ~~2.b)~~ Irreparably damaged during the construction process; **[Ord. 2018-002] [Ord. 2019-005]**
- 21 ~~3.c)~~ Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation
 22 Preservation and Protection; **[Ord. 2018-002]**
- 23 ~~4.d)~~ Dead, dying, diseased, or infested with harmful insects; or **[Ord. 2018-002]**
- 24 ~~5.e)~~ Located on a subarea of a planned development that is not intended to be developed for
 25 residential, commercial, or industrial use, such as a golf course on an adjacent open space
 26 parcel. **[Ord. 2018-002]**

27 **B. Replacement**

28 *Required vegetation, landscape barrier or ground treatment that become damaged, diseased,*
 29 *removed or are dead shall be immediately replaced, and where specified, are subject to the*
 30 *Vegetation Removal and Replacement Permit process. Replacement shall comply with the*
 31 *following: **[Ord. 2005-002] [Ord. 2018-002] [Ord. 2019-005]***

- 32 1. *Trees shall be in accordance with Table 7.E.3.C, Vegetation Credit and Replacement, and*
 33 *subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5. **[Ord. 2019-005]***
- 34 2. *Shrubs shall be in accordance with the original size as required under each type of Buffer*
 35 *consistent with Art.7 Landscaping or Conditions of Approval. **[Ord. 2019-005]***
- 36 3. *A wall or fence shall be in accordance with the original height and the same construction*
 37 *material as required under each type of Buffer consistent with Art.7, Landscaping or Conditions*
 38 *of Approval, and subject to a Permit approval process. **[Ord. 2019-005]***
- 39 4. *A hedge shall be in accordance with the original height as required under each type of Buffer*
 40 *consistent with Art. 7, Landscaping or Conditions of Approval, where applicable. **[Ord. 2019-***
 41 ***005]***
- 42 5. *Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of*
 43 *Approval, where applicable. **[Ord. 2019-005]** **[Relocated from Art. 7.F.3.B, Replacement as***
 44 ***it related to Installation and Maintenance]***

45 **C. Vegetation Credit and Replacement Formula**

46 Existing vegetation that is given credit towards required vegetation, or for the purpose of a
 47 replacement shall be subject to the following Table. In addition, the size of the credited or replaced
 48 vegetation shall be in compliance with the size requirements pursuant to Art. 7.D.2, Trees, Palms
 49 and Pines. **[Ord. 2019-005]**

Table 7.E.3.C – Vegetation Credit and Replacement

Tree or Pine Diameter at 4.5 Feet Above Grade (1)(2)(3)	=	Quantity for Credits or for Replacements (4)
Less than 2 in.	=	0
2-6 in.	=	1
7-11 in.	=	2
12-16 in.	=	3
17-21 in.	=	4
22-26 in.	=	5
27-31 in.	=	6
32-36 in.	=	7
37 in. or greater	=	8
[Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005]		
Notes:		
1.	Fractional measurements shall be rounded <u>down in accordance with Art. 1.C.1.A.2</u> <u>Interpretation and Application.</u> In [Ord. 2018-002]	

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EXHIBIT M

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Table 7.E.3.C – Vegetation Credit and Replacement

2.	Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement. [Ord. 2019-005]
3.	Quantity: replacement of palms shall be one for one. [Ord. 2019-005]
4.	Replacement of Vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 7.G.3.C, Corrective Actions

1. Natural Disaster Replacement

The replacement standards of vegetation damaged by natural disaster, as determined by the Executive PZB Director, pursuant to Art.7.G.2, Temporary Suspension of Landscape Standards, shall be subject to the following, unless otherwise exempt by F.S. Section 163.045.

a. Each tree, palm or pine that has been damaged by natural disaster, and impacts the life of the vegetation, shall be replaced by a similar tree, palm, or pine subject to the following: **[Ord. 2019-005]**

1a) Quantity – one for one; ~~and~~ **[Ord. 2019-005]**

2b) Size – pursuant to Art. 7.D.2, Trees, Palms and Pines, or a size specified pursuant to DO Conditions of Approval. **[Ord. 2019-005]**

3) Timing – Replacement shall be completed in accordance with the dates established by the Executive Director of PZB, pursuant to Art. 7.G.2, Temporary Suspension of Landscape Standards; and,

4) Documentation shall be provided by an Applicant when utilizing these reduced standards, or if there are any modifications from the previously approved Final Landscape Plan or Final ALP, and shall be indicated on a revised Planting or Landscape Plan, whichever is applicable.

~~2. Illegal Tree or Pine Removal~~

~~If a tree or pine is removed with only the stump remaining, the following formula shall be utilized to determine the size of the removed tree or pine. **[Ord. 2019-005]**~~

~~a) measure the diameter of the tree or pine stump and reduce the measurement by 25 percent; and, **[Ord. 2019-005]**~~

~~b) replacement of the quantity of the tree or pine shall be based on the reduced diameter measurement, and subject to, the requirements of Table 7.E.3.C, Vegetation Credit and Replacement for estimating the number of trees or pines to be replaced **[Ord. 2019-005]**~~

[Relocated to Art.7.G, Enforcement]

Part 7. ULDC Art. 7.F, Landscaping, Installation and Maintenance, Maintenance (page 50-52 of 54, Supplement 25), is hereby amended as follows:

CHAPTER F INSTALLATION AND MAINTENANCE

....

Section 3 Maintenance

A. General

PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, which includes vegetation required to be installed under a DO, or existing preserved vegetation, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the requirements of this Section. Maintenance of the Premises shall also be subject to the Palm Beach County Code, Chapter 14, Article 1, Property Maintenance Code. **[Ord. 2018-002]**

1. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.
2. Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.
3. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.
4. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. **[Ord. 2018-002]**
5. Landscape areas, which are required to be created or preserved by this Article, shall not be used for temporary parking or the storage/display of materials or sale of products or services.

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~~B.~~ **Replacement**

~~Required trees, palms, pines, shrubs, landscape barrier or ground treatment that become damaged, diseased, removed or are dead shall be immediately replaced, and where specified, are subject to the Tree Removal and Replacement Permit process. Replacement of vegetation shall comply with the following: [Ord. 2005-002] [Ord. 2018-002] [Ord. 2019-005]~~

~~1. Trees shall be in accordance with Table 7.E.3.C, Vegetation Credit and Replacement, and subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5. [Ord. 2019-005]~~

~~2. Shrubs shall be in accordance with the original size as required under each type of Buffer consistent with Art. 7 Landscaping or Conditions of Approval. [Ord. 2019-005]~~

~~3. A wall or fence shall be in accordance with the original height, and the same construction material as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, and subject to a Permit approval process. [Ord. 2019-005]~~

~~4. A hedge shall be in accordance with the original height as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, where applicable. [Ord. 2019-005]~~

~~5. Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of Approval, where applicable. [Ord. 2019-005] [Relocated to Art. 7.E.3.B, Replacement as it relates to Credit and Replacement]~~

~~C.B.~~ **Maintenance of Vacant Lots**

Vacant Lots and Vacant Residential Parcels shall be maintained by the property owner, and shall be subject to the requirements as listed below. [Ord. 2018-002]

....

Section 4 Pruning After Installation

Pruning is permitted after installation to allow for healthy growth, to promote safety considerations, and enhance the aesthetic value of plant material. Trees that conflict with views, signage, or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned in a manner that reduces the canopy spread to less than 20 feet. Pruning practices shall comply with the guidelines in ~~Tree Care Tips—A Guide to Proper Pruning Techniques, published by the Department of Environmental Resources Management (ERM) American National Standards Institute, (ANSI) A300~~, and the provisions of this Chapter. The Zoning Director may suspend the provisions of this Chapter upon recommendation from County Landscape Staff additional pruning is necessary for plant growth, safety, or aesthetics. [Ord. 2018-002]

A. General Pruning Requirements

1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the most recent published version of the American National Standards Institute, ANSI A300 provisions related to tree, shrub and other woody plant maintenance, as amended. The crown of a tree required by this Code or condition of approval shall not be reduced below the minimum spread or height requirements of Art. 7.D.2.A, Trees, or specific conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Art. 7.D.2.A, Trees, and Table ~~7.D.2.E.3.E.3.C, Tree Vegetation~~ Credit and Replacement. [Ord. 2014-025]
2. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved site plan, planting plan, landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree's species in similar settings in PBC.
4. Tree topping (hatracking) is prohibited.
5. No large or medium canopy trees shall be pruned before it has reached a minimum 20 foot canopy height and spread.

B. Palm Pruning Requirements

1. No more than one-third of fronds shall be removed.
2. No pruning above the horizon line, except for dead or diseased fronds.

C. Pruning Exemptions

The following ~~trees and species~~ are exempt from these pruning standards:

1. Trees Vegetation affected by FAA and airport safety regulations, to the extent required to comply with these regulations.
2. Trees Vegetation that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures.
3. Trees Vegetation that have insect or disease damage, crown dieback, or decay greater than one third of the tree canopy.
4. Trees Vegetation that have suffered damage due to natural or accidental causes.

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- 1 5. ~~Trees Vegetation~~ on single-family lots unless pruned by a commercial tree service business,
- 2 landscape company, lawn service business, or other related businesses.
- 3 6. ~~Trees Vegetation~~ in botanical gardens, or botanical research centers.
- 4 7. ~~Trees Vegetation~~ under DOT, DEPW, and FP&L management.
- 5 8. ~~Vegetation pruned in accordance with Section 163.045, Florida Statutes.~~

Part 8. ULDC Art. 7.F, Installation and Maintenance (page 53 of 54, Supplement 25), is hereby amended as follows:

6 CHAPTER G ENFORCEMENT

7 Section 1 Purpose

8 This Chapter establishes enforcement procedures to ensure compliance with the ULDC and applicable
9 DOs. [Ord. 2019-005]

10 Section 2 Temporary Suspension of Landscape Standards

11 The Executive Director of PZB may temporarily suspend the standards of this Article and establish
12 timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental
13 PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a
14 period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar
15 event. [Ord. 2005-041]

16 A. Performance Surety

17 If the landscape standards of this Article are suspended pursuant to this Article, the property owner
18 may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of
19 Completion provided the property owner includes as part of this agreement adequate guarantee or
20 surety that the terms of this Article will be met after the suspension period has been lifted. The
21 guarantee shall consist of a performance bond or other surety agreement approved by the County
22 Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other
23 costs incidental to the installation of the required landscaping completion agreement. Performance
24 bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary
25 and specify the time-frame for the completion of the landscape standards of this Article. [Ord. 2005-
26 041]

27 B. Application Requirements

28 An application for a temporary suspension of landscape standards shall be accompanied by a
29 landscape plan identifying the plantings that have been postponed, the proposed planting schedule,
30 and the costs of the suspended planting. Planting cost estimates may be independently verified by
31 PBC.

32 Section 3 Enforcement

33 Failure to install or maintain landscape requirements, or when vegetation ~~has been illegally removed, or~~
34 has ~~been~~ irreparable ~~or irreversible harm damaged~~, shall constitute a violation of the Code or a DO. PZB
35 may issue a Cease and Desist Order or withhold a CO or Certification of Completion until the provisions of
36 this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement
37 for corrective action or penalties set forth in Art. 10, Enforcement. [Ord. 2019-005]

38 A. Violations

39 The following deficiencies shall be considered a separate and continuing violation of this Article or
40 a DO: [Ord. 2019-005]

- 41 1. Each required tree, palm, pine, or other vegetation not properly installed or maintained shall be
42 considered a separate and continuing violation of the ULDC or applicable DO. Each row of
43 shrubs and ground treatment shall be considered as a separate and continuing violation. Each
44 wall or fence not properly installed or maintained shall be considered a separate and continuing
45 violation. [Ord. 2019-005]
- 46 2. ~~Each required tree, palm, pine or other vegetation that has irreparable or irreversibe harm.~~
- 47 3. Each day in which ~~required vegetation landscaping~~ is not properly installed or properly
48 maintained on site as required by this Section or by the order of the Special Master. [Ord.
49 2018-002] [Ord. 2019-005]

50 B. Determining Extent of the Violation

- 51 1. ~~Code Enforcement Staff receives a complaint of non-compliance of the Code or DO;~~
- 52 2. ~~Zoning Division Staff shall conduct a site inspection with the Code Enforcement Staff to assess~~
53 ~~if there is a violation of the Code or any DO, which may include Conditions of Approval that~~
54 ~~requires vegetation to be installed at a larger size, or a previously approved Landscape Plan~~
55 ~~or ALP. The assessment will confirm if the violation is reparable or if there is irreparable or~~
56 ~~irreversible harm pursuant to the definition of Art. 1.1.2.A.33.a, Definitions; and,~~

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EXHIBIT M

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

3. If it is determined by Staff that there is a violation, then the Zoning Staff shall provide a recommendation for compliance and Code Enforcement Staff shall issue a Notice of Violation (NOV) to the Property Owner to correct the violation.

B.C. Corrective Actions

PBC shall determine appropriate corrective actions, including, but not limited to Code Enforcement proceedings, the requirement to obtain an after-the-fact permit(s), the replacement of landscape material, and the requirement to amend the applicable Landscape Plan or DO pertaining to the property. [Ord. 2019-005]

1. Replacement

- a. ~~Replacement of vegetation shall comply with the size and quantity pursuant to Art. 7.E.3, Credit and Replacement or the Conditions of Approval of the DO. [Ord. 2019-005]~~
- b. ~~Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape Standards. [Ord. 2018-002]~~

1. Repairable

For improper pruning or hatracking violations that is deemed repairable, the corrective action shall be based upon staff inspection of site and assessment of the violation and damage. The violation shall be corrected by implementing proper pruning practices in accordance to ANSI A300 standards. One or more monitoring site inspection may be required to confirm the damaged vegetation is being properly pruned over time to ensure proper balance in re-growth of the canopy or form. Repeated violations shall be processed pursuant to Article 10.B, Enforcement by the Code Enforcement Special Masters.

2. Irreparable/Irreversible Harm

For a violation that is deemed irreparable/irreversible damage to the vegetation, the violation shall be corrected by the removal of the damaged vegetation and stump, and replacement of the vegetation utilizing one or a combination of the following two options:

a. Additional Quantity Option

Utilize Table 7.G.3.C – Violation of Vegetation Replacement to establish the quantity and the individual replacement size pursuant to Art. 7.D.2, Trees, Palms and Pines. This option may require planting additional trees, palms or pines.

- 1) If the property has a prior approved Landscape Plan, ALP or a DO that depicts the location of the vegetation, the approval shall be revised to show the new location of the additional vegetation.
- 2) If the property is subject to Conditions of Approval requiring larger size trees, palms or pines, the size of the replacement vegetation shall be in compliance with the Conditions, and the vegetation shall be installed in the same or approximate location where the original vegetation was shown on the approved Landscape Plan or ALP. If additional vegetation is required to be planted on the property as a result of this option, then additional sanctions will be placed.
- 3) If a tree or pine is removed with only the stump remaining, the following formula shall be utilized to determine the size of the removed tree or pine. [Ord. 2019-005]
 - a) measure the diameter of the tree or pine stump and reduce the measurement by 25 percent; and, [Ord. 2019-005]
 - b) replacement of the quantity of the tree or pine shall be based on the reduced diameter measurement, and subject to, the requirements of Table 7.G.3.C, ~~Vegetation Credit and Replacement~~ Violation of Vegetation Replacement for estimating the number of trees or pines to be replaced [Ord. 2019-005]

[Relocated from Art. 7.E.3.C.2, Illegal Tree or Pine Removal]

Table 7.G.3.C – Violation of Vegetation Replacement

<u>Tree or Pine Diameter at 4.5 Feet Above Grade (1)(2)(3)</u>	<u>=</u>	<u>Quantity for Credits or for Replacements</u>
<u>Less than 2 in.</u>	<u>=</u>	<u>2</u>
<u>2-6 in.</u>	<u>=</u>	<u>3</u>
<u>7-11 in.</u>	<u>=</u>	<u>4</u>
<u>12-16 in.</u>	<u>=</u>	<u>5</u>
<u>17-21 in.</u>	<u>=</u>	<u>6</u>
<u>22-26 in.</u>	<u>=</u>	<u>7</u>
<u>27-31 in.</u>	<u>=</u>	<u>8</u>
<u>32-36 in.</u>	<u>=</u>	<u>9</u>
<u>37 in. or greater</u>	<u>=</u>	<u>10</u>
<u>Notes:</u>		
<u>1.</u>	<u>Fractional measurements shall be rounded in accordance with Article 1.C.1.A.2 Interpretation and Application..</u>	
<u>2.</u>	<u>Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement.</u>	
<u>3.</u>	<u>Quantity: replacement of palms shall be one for one.</u>	

b. Same Quantity and Larger Size Option

This option allows the property owner to install larger size vegetation to replace Irreparable or Irreversible vegetation. The replacement quantity may be one for one only if the size of

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EXHIBIT M

ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

1 each replacement tree, palm or pine exceeds the minimum size by 20 percent of the size
2 indicated in Art. 7.D.2, Trees, Palms and Pines. If there are prior Conditions of Approval
3 requiring larger size vegetation, then the replacement vegetation shall comply with the
4 Conditions.

5 GD. Additional Sanctions

6 PBC may take any appropriate legal action, including, but not limited to requiring replacement of
7 landscape material which has been hatracked, damaged and rendered unable to achieve its natural
8 and intended form, administrative action, requests for temporary and permanent injunctions, and
9 other sanctions to enforce the provisions of this Section. [Ord. 2005-002]

10 E. Follow-up Compliance

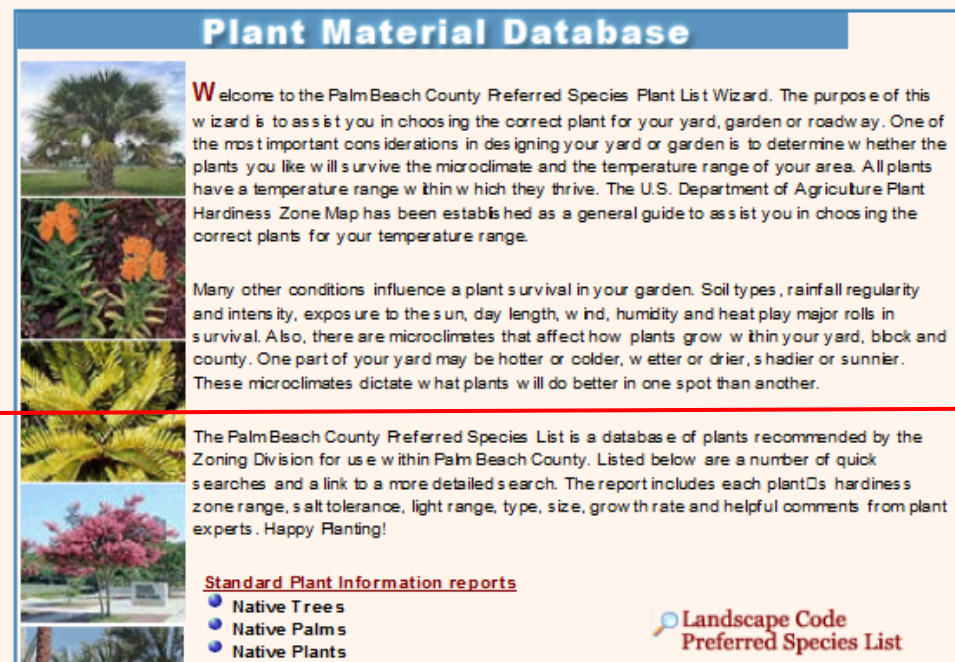
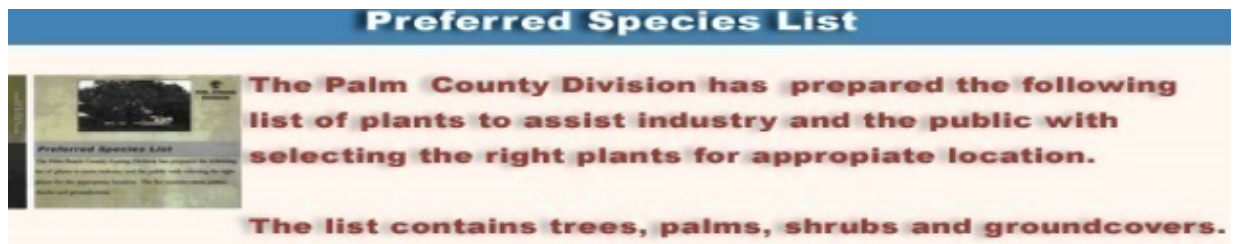
11 A follow-up compliance Monitoring Inspection from Landscape staff may be required to confirm the
12 vegetation violation has been satisfied.
13

14 APPENDIX A – PBC’S PREFERRED SPECIES LIST - PLANT MATERIAL DATABASE, AS AMENDED

15 PBCs Preferred Species List available at PZB Zoning Division or on-line at PBC PZB Web Page at:

16 http://www.pbcgov.com/epzbccommon/asp_html/epzbgateway.aspx?ReferrerID=einfo&FROM=EZ&TargetMenuitem=Plant%20Material%20Database

17 https://www.pbcgov.org/ePZB.Admin.WebSPA/#/Container/Plant_Material_Database
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ARTICLE 1 GENERAL PROVISIONS, ARTICLE 2 PROCESSES AND PROCEDURES AND ARTICLE 7 – LANDSCAPE

 Plant Material Database

Palm Beach County Preferred Species












Welcome to the Palm Beach County Preferred Species Plant List Wizard. The purpose of this wizard is to assist you in choosing the correct plant for your yard, garden or roadway. One of the most important considerations in designing your yard or garden is to determine whether the plants you like will survive the microclimate and the temperature range of your area. All plants have a temperature range within which they thrive. The U.S. Department of Agriculture Plant Hardiness Zone Map has been established as a general guide to assist you in choosing the correct plants for your temperature range.

Many other conditions influence a plant survival in your garden. Soil types, rainfall regularity and intensity, exposure to the sun, day length, wind, humidity and heat play major rolls in survival. Also, there are microclimates that affect how plants grow within your yard, block and county. One part of your yard may be hotter or colder, wetter or drier, shadier or sunnier. These microclimates dictate what plants will do better in one spot than another.

The Palm Beach County Preferred Species List is a database of plants recommended by the Zoning Division for use within Palm Beach County. Listed below are a number of quick searches and a link to a more detailed search. The report includes each plant's hardiness zone range, salt tolerance, light range, type, size, growth rate and helpful comments from plant experts. Happy Planting!

Standard Plant Information reports [Landscape Code - Preferred Species List](#)

 Native Trees	 Native Palms	 Preferred Plants	 Native Shrubs
 Flowering Plants	 Flowering Shrubs	 Preferred Street Trees	 All Drought Tolerant Plants
 All Plants			

1

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EXHIBIT N

ARTICLE 7 – LANDSCAPING EASEMENT OVERLAPS OF LANDSCAPE BUFFERS

Part 1. ULDC Art. 7.C.5, Landscaping, Landscape Buffer and Interior Landscaping Requirements, Easements in Landscape Buffers and Off- Street Parking Areas (page 32 – 33 of 54, Supplement 25), is hereby amended as follows:

1 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS**

2

3 **Section 5. Easements Overlap in Landscape Buffers and Off-Street Parking Areas**

4 Underground, above ground, or overhead utility easements, private utilities without an easement, and
5 drainage areas may overlap a landscape buffer provided the required planting has sufficient area for healthy
6 plant growth, and the required quantity is not reduced. For the purpose of this Section, drainage areas may
7 include: drainage easements, retention or detention areas and swales, as determined by the Land
8 Development Division.

9 **A. Easements Overlap in a R-O-W and Incompatibility Landscape Buffers**

10 An easement, private utilities without an easement, drainage area, or a combination thereof may
11 be permitted to overlap by a maximum of five feet, provided there are no Conditions of Approval
12 that prohibit width reduction or easement encroachment into the landscape buffer.

13 **1. Underground Utilities**

14 Easements may overlap a required landscape buffer by a maximum of five feet, provided there
15 remains a minimum of five clear feet for planting. If a wall with a continuous footer is used
16 proposed, a minimum of ten feet of clear ~~feet for planting is required.~~ planting area is required
17 from the footer, and the buffer width shall be increased to accommodate the wall and the
18 required planting. The landscape buffer may be traversed by easements or access ways as
19 necessary to comply with the standards of this Article, and Art. 11, Subdivision, Platting, and
20 Required Improvements, and other PBC codes. Easements shall be identified on the Zoning
21 Plans prior to the application for Building Permit. **[Ord. 2018-002] [Ord. 2018-018]**

22 **2. Overhead Utilities**

23 Vegetation that is planted within or abutting any easement with overhead utilities shall comply
24 with the planting and maintenance requirements in FP&L's publication "Right Tree, Right
25 Place," available from the Zoning Division. The Applicant shall take into consideration the
26 mature height and spread of the species beneath or adjacent to overhead utilities. For the
27 purpose of this Section, the term vegetation shall include, trees, palm or pines. Where overhead
28 utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet
29 from overhead lines. **[Ord. 2019-005]**

30 **a. Planting near Overhead Electric Utilities**

31 The setbacks shall be measured from the centerline of the trunk to the outer edge of the
32 overhead utility lines. The following minimum setbacks shall apply: **[Ord. 2019-005]**
33 1) Vegetation that at a mature height may grow to 50 feet or greater shall be planted at
34 least 50 feet away from overhead electric utility lines; **[Ord. 2019-005]**
35 2) Vegetation that at a mature height may grow to between 14 to 49 feet shall be planted
36 at least 30 feet away from overhead electric utility lines; **[Ord. 2019-005]**
37 3) Palms shall be planted at least 20 feet plus the maximum palm frond length away from
38 overhead electric utility lines; and, **[Ord. 2019-005]**
39 4) Only Vegetation that at a mature height grow to less than 14 feet shall be permitted to
40 be planted underneath or adjacent to overhead electric utility line. **[Ord. 2019-005]**
41

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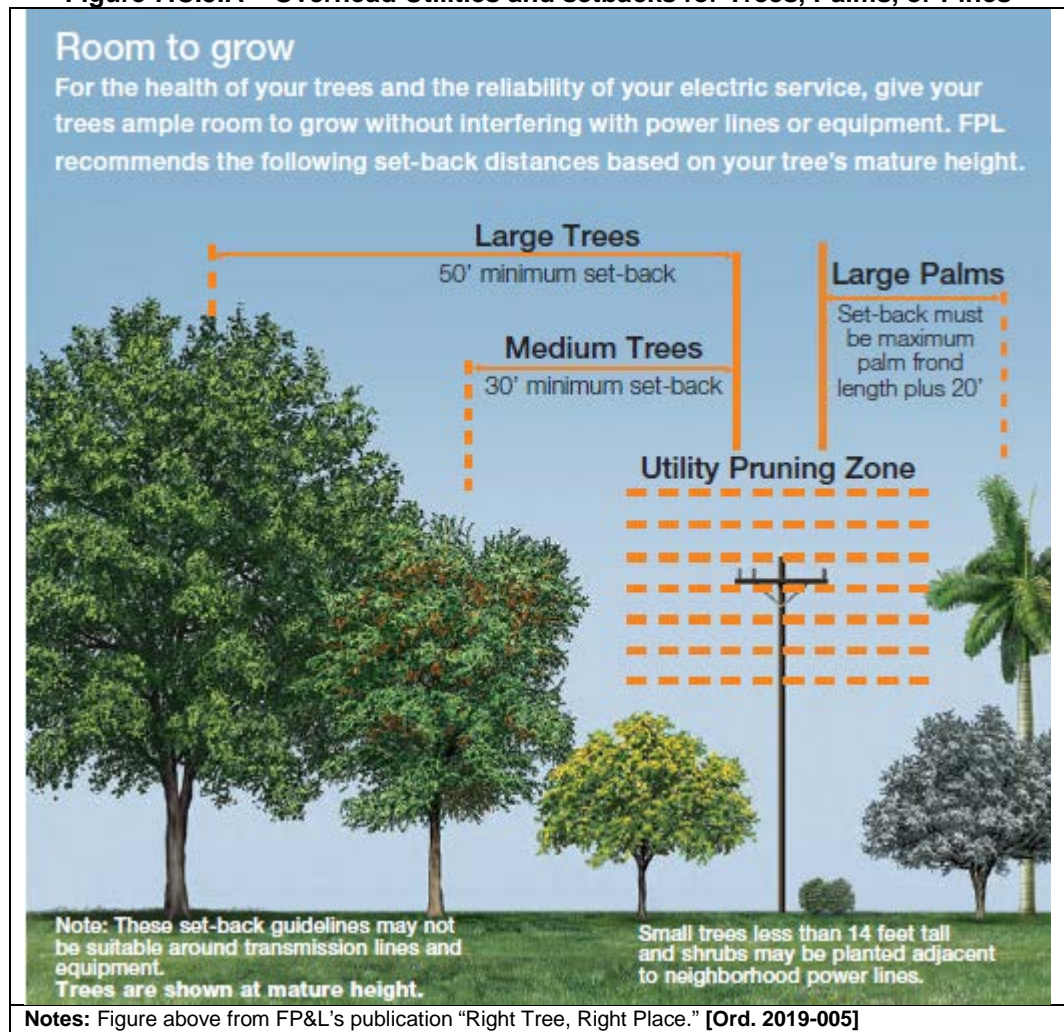
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EXHIBIT N

ARTICLE 7 – LANDSCAPING EASEMENT OVERLAPS OF LANDSCAPE BUFFERS

Figure 7.C.5.A – Overhead Utilities and setbacks for Trees, Palms, or Pines



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b. **Transformer Cabinet in the Overhead Electric Utilities Easement**

Planting around transformer cabinet shall be setback from the cabinet a minimum of eight feet on the front and three feet on the sides and rear. [Ord. 2019-005]

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Part 2. **ULDC Art. 7.C.5, Landscaping, Landscape Buffer and Interior Landscaping Requirements, Easements in Landscape Buffers and Off- Street Parking Areas (page 32 – 33 of 54, Supplement 25), is hereby amended as follows:**

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~~3. **Type 1 Waiver for Landscaping**~~

~~Plants required in the easement area may be planted elsewhere on the same site subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002] [Ord. 2018-018] [Partially relocated to. Art. 7.C.5.C.5, Type 1 Waiver for Landscaping]~~

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24

3. Detention or Retention Areas, Swales, and Drainage Easements

Detention or retention areas, drainage easements, and swales, may overlap required landscape buffers. The required planting for the landscape buffer may be installed in the detention or retention areas, swales or drainage easements subject to the mutual agreement and approval of the Directors of Zoning and Land Development Divisions, and any applicable Agencies or easement holders. [Ord. 2006-004] [Ord. 2016-042] [Ord. 2018-002] [Partially relocated from Art. 7.C.5.C, Detention or Retention Areas, Swales, and Drainage Easements]

25
26
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4. Type 1 Waiver for Landscaping

Required plants, which are overlapped by an easement, may be planted elsewhere on the same site subject to Art. 7.B.4, Type 1 Waiver for Landscaping. [Ord. 2018-002] [Ord. 2018-018] [Partially relocated from Art.7.C.5.A.3, Type 1 Waiver for Landscaping]

B. Easements in Off-Street Parking Areas

1. Underground Utilities

Utility easements may encroach landscape islands provided there is a sufficient area for the growth of the required tree within the same island. The width and length of the island may be increased by the minimum amount necessary to meet the separation requirements of the utility providers, indicated below. [Ord. 2018-018]

a. PBC Water Utilities Separation

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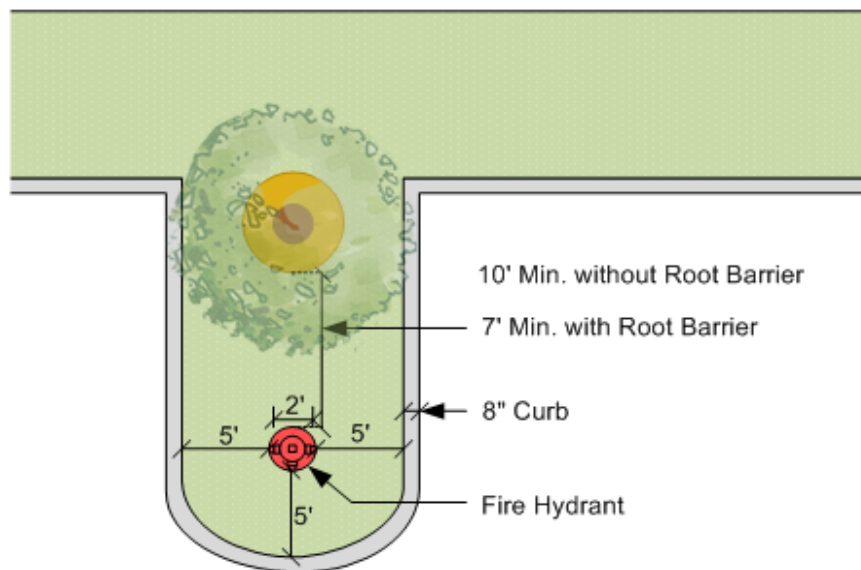
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EXHIBIT N

ARTICLE 7 – LANDSCAPING EASEMENT OVERLAPS OF LANDSCAPE BUFFERS

- 1 A minimum of ten feet shall be provided, by measuring from the outer edge of the pipes to
2 the edge of the pit where the tree is to be planted. The Department of Water Utilities (WUD)
3 may allow the separation distance be reduced to seven feet if tree root barriers are
4 installed. **[Ord. 2018-018]**
- 5 **b. Fire Rescue Utility Separation**
6 A minimum of five feet shall be provided, measuring from the outer edge of the fire hydrant
7 to the pit where the tree is to be planted. **[Ord. 2018-018]**
- 8 **c. Existing Utilities**
9 For sites where existing underground utilities are encroaching into landscape islands, and
10 there is not a sufficient area for the growth of the required tree within the same island, the
11 relocation of the required tree may be requested subject to a Type 1 Waiver for
12 Landscaping. **[Ord. 2018-018]**
- 13 **d. Other Utility Authorities – Root Barrier and Separation Requirement**
14 Proposed landscaping near non-PBC Utilities shall be subject to that Utility's separation
15 requirements. **[Ord. 2018-018]**
16

Figure 7.C.5.B – Easements in Off-Street Parking Areas



[Ord. 2018-018]

- 17 **C. ~~Detention or Retention Areas, Swales, and Drainage Easements~~**
18 ~~Detention or retention areas, drainage easements, and sloped, directional swales greater than one~~
19 ~~foot below finished grade, may overlap required landscape buffers provided a minimum of five feet~~
20 ~~remains for planting. **[Ord. 2006-004] [Ord. 2016-042] [Ord. 2018-002]** [Partially relocated to~~
21 ~~Art. 7.C.5.A.3, Detention or Retention Areas, Swales and Drainage Easements]~~
22

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EXHIBIT O

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, GENERAL REQUIREMENTS, APPLICATION OF ORDINANCE

Part 1. ULDC Art. 11.A.4.A, General Requirements, Application of Ordinance, General Application (page 9 of 45, Supplement 24), is hereby amended as follows:

1 **CHAPTER A GENERAL REQUIREMENTS**

2

3 **Section 4 Application of Ordinance**

4 **A. General Application**

5 No person shall create a subdivision or develop any lot within a subdivision in unincorporated PBC
6 except in conformity with this Article. No Final Plat or certified boundary survey of any subdivision
7 shall be recorded unless such subdivision meets all applicable provisions of this Article, the
8 provisions of other applicable PBC ordinances, and the applicable laws of the State of Florida.
9 However, the subdivision of contiguous lands shall not be subject to compliance with the provisions
10 of this Article where the lands are under single ownership with none of the resulting lots being less
11 than 40 acres or where the remaining land is part of a development being platted in phases in
12 accordance with a Master Plan approved by the DRO, unless such compliance is required as a
13 specific condition of a development order for a conditional use or special use approved pursuant to
14 Art. 2.H, ~~FLU Plan Amendments, Application Processes and Procedures.~~

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EXHIBIT P

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS CODIFICATION OF ORD. 2017-023 AND ORD. 2009-030

Part 1. ULDC Art. 12.B.2.D.4, Traffic Performance Standards, Standard, Project Buildout/Five Year Standard, Radius of Development Influence/Project Significance (page 18 of 57, Supplement 25), is hereby amended as follows:

1 CHAPTER B STANDARD

2

3 Section 2 Project Buildout/Five Year Standard

4

5 D. Radius of Development Influence/Project Significance

6

- 7 ~~4. Transportation Element Policy 1.2.f.41, of the Palm Beach County Comprehensive Plan~~
8 ~~establishes a temporary CRALLS on certain roadway links for the exclusive use of Projects~~
9 ~~with insignificant impact on the identified links. In order to meet this Policy, all Projects seeking~~
10 ~~to use this temporary CRALLS must implement one of the mitigation requirements set forth~~
11 ~~below: [Ord. 2008-003]~~
12 ~~a. Prior to issuance of the first building permit, Developer shall pay a one-time mitigation fee~~
13 ~~of \$ 36 per net Project peak hour trip on the affected temporary General CRALLS link or~~
14 ~~links. If more than one temporary General CRALLS link is impacted by Project traffic, then~~
15 ~~the cumulative number of Project peak hour trips on all affected links shall be used to~~
16 ~~calculate the mitigation fee. The mitigation fee rate per net Project peak hour trip is~~
17 ~~calculated as follows (assuming that the majority of peak hour trips on the roadway are~~
18 ~~commuter trips to and from work): [Ord. 2008-003]~~
19 ~~1) Annual cost of traffic congestion in South Florida (from 2007 Annual Urban Mobility~~
20 ~~Report, Texas Transportation Institute) = \$900 per motorist per year. [Ord. 2008-003]~~
21 ~~2) Estimated average length of temporary General CRALLS roadway link = One mile~~
22 ~~(based upon 2006 year General CRALLS list). [Ord. 2008-003]~~
23 ~~3) Estimated average length of Palm Beach County work trip = 12.5 miles (based upon~~
24 ~~U.S. Census Journey to Work average time of approximately 25 minutes for Palm~~
25 ~~Beach County and an average peak hour speed from 2001 National Household Travel~~
26 ~~Survey of approximately 30 MPH). [Ord. 2008-003]~~
27 ~~4) Project trip length on the affected temporary General CRALLS link is approximately~~
28 ~~one mile/12.5 miles = 0.08 of the total work trip length. [Ord. 2008-003]~~
29 ~~5) Annual congestion cost of Project peak hour trips on affected temporary General~~
30 ~~CRALLS link (since these links are identified once every year) = 0.08 x \$900 / year =~~
31 ~~\$72/ year. [Ord. 2008-003]~~
32 ~~6) Annual congestion cost of Project peak hour trips attributable to each trip end (either~~
33 ~~production or attraction) = \$72 / year / two = \$36/ year [Ord. 2008-003]~~
34 ~~These fees shall be deposited in a separate Fee Account for the roadway Link and shall~~
35 ~~be used to improve mobility on the affected temporary General CRALLS roadway Link. If~~
36 ~~Palm Tran or Tri-Rail mass transit service is available within 0.25 mile walking distance of~~
37 ~~the main on-site building entrance (for non-residential developments) or within an average~~
38 ~~0.25 mile walking distance of all housing units (for residential developments), then these~~
39 ~~fees shall be dispersed to either Palm Tran or Tri-Rail for free transit passes for Project~~
40 ~~employees or residents. If no mass transit service is available within the 0.25 mile walking~~
41 ~~distance, then the fees shall be dispersed to South Florida Commuter Services to fund an~~
42 ~~ongoing on-site ridesharing program (for non-residential projects) or other affected General~~
43 ~~CRALLS link related transportation demand management improvements (for residential~~
44 ~~projects), subject to the approval of the County Engineer. [Ord. 2008-003]~~
45 ~~b. Develop at a density or intensity which is fifty percent or less of the allowable maximum~~
46 ~~under the future land use designation. [Ord. 2008-003]~~
47 ~~c. Develop a low generation traffic sensitive Project, which will generate fifty percent or less~~
48 ~~of the 2-way PM peak hour traffic expected under the general land use category permitted~~
49 ~~by right for the applicable zoning district (assuming the maximum FAR for non-residential~~
50 ~~land uses or maximum density for residential land uses). [Ord. 2008-003]~~
51 ~~d. Prepay fair share road impact fees in full within six months of the approval of the Project's~~
52 ~~initial development order or prior to the issuance of the first building permit, whichever shall~~
53 ~~first occur. [Ord. 2008-003]~~
54 ~~e. Provide inter-connectivity between complementary neighboring land uses for both~~
55 ~~vehicular and pedestrian cross-access. Such interconnectivity shall consist of an access~~
56 ~~easement on the parcel's plat, or recorded as a restrictive covenant, to ensure the access~~
57 ~~will remain should redevelopment of the site occur. Prior to final master or site plan~~
58 ~~approval, the Developer shall obtain a reciprocal access easement or restrictive covenant~~
59 ~~from the adjacent property owner to complete the inter-connectivity. The development~~

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EXHIBIT P

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS CODIFICATION OF ORD. 2017-023 AND ORD. 2009-030

~~orders of the properties involved shall require the construction of the cross-access. [Ord. 2008-003]~~

~~These mitigation measures for the General CRALLS shall no longer be available for use by new developments approved after December 31, 2012. [Ord. 2008-003]~~

~~Table 12.B.2.D-9-3C, identifies the thresholds for the purposes of defining project significance for Test 1. The LOS D thresholds shall mean those peak-hour peak direction volumes listed in Table 12.B.2.C-1-1A. Table 12.B.2.D-10-3D, identifies the Significance thresholds for Test 2. The LOS E thresholds shall be those Peak Hour peak direction volumes listed in Table 12.B.2.C-4-2A, [Ord. 2006-043] [Ord. 2010-022]~~

Part 2. ULDC Art. 12.R, Traffic Performance Standards, Corridor Master Plans (page 56 and 57 of 57, Supplement 25), is hereby amended as follows:

~~CHAPTER R – CORRIDOR MASTER PLANS~~

~~Section 1 – General~~

~~The County and affected municipalities shall develop individual corridor master plans to address each projected corridor failure in corridors identified in the Comprehensive Plan Transportation Element Policy 1.1n, where the adopted Level of Service may not be achieved pursuant to the 2025 Transportation System for Palm Beach County, Highway Component, prepared by the Metropolitan Planning Organization (hereinafter referred to as the “MPO Model”). Once a Corridor Master Plan (hereinafter referred to as “CMP”) has been adopted by the County and any affected municipality for a particular corridor, no project which is Significant on that corridor shall be approved for development by the County or affected municipality unless the project meets the requirements of that Corridor Master Plan. [Ord. 2007-013]~~

~~A. Corridor Identification~~

~~A corridor subject to CMP shall consist of a series of continuous Major Thoroughfare Links, two or more of which exceed a volume to capacity ratio of 1.0 as projected by the MPO model. All corridors subject to this section are identified in the Comprehensive Plan. [Ord. 2007-013]~~

~~B. Development and Implementation~~

~~Corridor Master Plans shall initially be prepared by designated representatives of the County and any affected municipalities. Corridor Master Plans shall be based generally upon the following Outline: [Ord. 2007-013]~~

~~1. Overview of the Study Process~~

~~a. Study Purpose and objectives [Ord. 2007-013]~~

~~b. Identification of study area [Ord. 2007-013]~~

~~c. Corridor History [Ord. 2007-013]~~

~~d. Agency Coordination [Ord. 2007-013]~~

~~e. Public notice and participation of affected property owners [Ord. 2007-013]~~

~~f. Decision chronology [Ord. 2007-013]~~

~~2. Corridor problems and needs [Ord. 2007-013]~~

~~3. Evaluation Criteria and Methodology [Ord. 2007-013]~~

~~4. Development and Analysis of Detailed Alternatives [Ord. 2007-013]~~

~~5. Financial Analysis to determine the Preferred Alternative [Ord. 2007-013]~~

~~6. Action Plan [Ord. 2007-013]~~

~~C. Adoption by the County and Affected Municipalities~~

~~1. The Corridor Master Plan must be adopted and implemented by the County and any affected municipalities in order for the terms of the Plan to be enforceable within their respective jurisdictions. If there are outstanding issues that the County and municipal representatives not agree to in the initial draft of the CMP, these issues shall be documented by setting forth the areas of disagreement, the positions of the representatives participating, and any alternatives and compromises offered. [Ord. 2007-013]~~

~~2. The draft Corridor Master Plan will be presented to the governing body of the County and each affected municipality for review and comment. If there are also outstanding issues identified by the staffs, the areas of disagreement will also be presented to the respective elected Boards/Commissions for input on how the disagreement should be resolved. If there are remaining unresolved issues identified pursuant to sections C.1., C.2., or C.5, the elected officials shall appoint a negotiator to speak for that local government. [Ord. 2007-013]~~

~~3. The designated negotiators shall meet in an attempt to resolve those issues. If agreement is reached, the Corridor Master Plan shall be finalized and presented to the local governments for adoption pursuant to section C.5. [Ord. 2007-013]~~

~~4. If outstanding issues remain after the negotiators meet, the parties will schedule a joint mediation meeting of the elected bodies to attempt to resolve those issues. A facilitator/mediator shall chair the meeting. If the parties cannot agree to a facilitator/mediator, the parties will request that the Treasure Coast Regional Planning Council either assist them in selecting a facilitator/mediator or actually select the facilitator/mediator. [Ord. 2007-013]~~

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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EXHIBIT P

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS CODIFICATION OF ORD. 2017-023 AND ORD. 2009-030

- 1 ~~5. The Corridor Master Plan shall be finalized to include all the items agreed upon by the parties.~~
2 ~~The Corridor Master Plan shall be presented to the County and each affected municipality for~~
3 ~~adoption. If any additional areas of disagreement are identified in the adoption process, the~~
4 ~~local government raising the issue shall present a written report to the other jurisdictions~~
5 ~~detailing the area of disagreement and reasons for the disagreement. If this occurs, the report~~
6 ~~will be presented to the other parties. If all of the other parties do not agree to the requested~~
7 ~~change to the Corridor Master Plan, each local government shall appoint a negotiator as set~~
8 ~~forth in section C.3. to resolve the issue. **[Ord. 2007-013]**~~
9 ~~6. The Corridor Master Plans shall become effective upon adoption by all of the appropriate local~~
10 ~~governments. **[Ord. 2007-013]**~~

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