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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 F, NONCONFORMITIES; CHAPTER H, LOT OF RECORD; **ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 – USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY USES AND STRUCTURES; CHAPTER E, PERFORMANCE STANDARDS; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING; **ARTICLE 7 – LANDSCAPING:** CHAPTER C, LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS; **ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS:** CHAPTER A, GENERAL REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; **ARTICLE 14 – ENVIRONMENTAL STANDARDS:** CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; APPENDIX 8, INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES; 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:

1 **Section 1. Adoption**

2 The amendments set forth Exhibits listed below, attached hereto and made a part hereof,
3 are hereby adopted.

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

6	Ordinance Title
7	Exhibit A Art. 1 and 11, General Provisions and Subdivision, Platting, and Required
8	Improvements – Legal Lot
9	Exhibit B Art. 2, Application Processes and Procedures – Public Hearing Processes,
10	Development Order Abandonment
11	Exhibit C Art. 2, Application Processes and Procedures – Reasonable Accommodation,
12	Change of Ownership
13	Exhibit D Art. 3, 4, and 6 – Overlays, Use Regulations, and Parking – Single Family
14	and Cottage Homes
15	Exhibit E Art. 4, Use Regulations – Home Occupation, Nuisances
16	Exhibit F Art. 4, Use Regulations – Adult Entertainment, Findings of Fact
17	Exhibit G Art. 4, Use Regulations – Agriculture, Bona Fide, Agritourism Activity
18	Exhibit H Art. 4 and 6, Use Regulations and Parking – Electric Vehicle Charging
19	Station, Accessory Use
20	Exhibit I Art. 5, Supplementary Standards – Fuel, Gas, or Chemical Storage Tanks
21	Exhibit J Art. 3 and 5, Overlays and Zoning Districts and Supplementary Standards –
22	Outdoor Lighting
23	Exhibit K Art. 6, Parking – Related to Off-Street and On-Street Parking
24	Exhibit L Art. 14, Environmental Standards

25 **Section 2. Interpretation of Captions**

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

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

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

31 **Section 4. Severability**

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

36 **Section 5. Savings Clause**

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

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

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

1 **Section 7. Providing for an Effective Date**

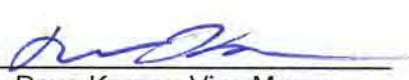
2 The provisions of this Ordinance shall become effective upon filing with the Department
3 of State.

4 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
5 County, Florida, on this the 22nd day of August, 2019.

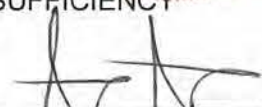
SHARON R. BOCK, CLERK &
COMPTROLLER

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

By:  _____
Deputy Clerk

By:  _____
Dave Kerner, Vice Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:  _____
Scott A. Stone, County Attorney

6 **EFFECTIVE DATE:** Filed with the Department of State on the 27th day of
7 August, 2019.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

Part 1. ULDC Art. 1.F.2.A, General Provisions, Nonconformities, Nonconforming Lot, Applicability (page 19-20 of 118, Supplement 25), is hereby amended as follows:

1 **CHAPTER F NONCONFORMITIES**

2 **Section 2 Nonconforming Lot**

3 **A. Applicability**

4 This section shall only apply to non-conforming lots that do not meet the minimum lot acreage and
5 dimensional criteria pursuant to Table 3.D.1.A, Property Development Regulations of this Code, if
6 all of the following conditions are met: **[Ord. 2008-037] [Ord. 2010-005]**

7 ~~1. Legal Access Requirements~~

8 ~~a. Development of a Single-family Dwelling Unit~~

9 ~~The lot has legal access in accordance with Art. 1.H.1.B.2, Legal Access. **[Ord. 2008-037]**~~
10 ~~**[Ord. 2010-005]**~~

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

12 ~~The lot has frontage on, and legal access to, a public R-O-W, or any other street that meets~~
13 ~~the requirements of Table 11.E.2.A, Chart of Access Hierarchy. **[Ord. 2008-037] [Ord.**~~
14 ~~**2010-005]**~~

15 ~~2. Legal Lot of Record~~

16 ~~The lot complies with one of the following: **[Ord. 2008-037] [Ord. 2010-005]**~~

17 ~~a. Is depicted on either a plat of record, affidavit of exemption, affidavit of waiver, plat waiver,~~
18 ~~or lot combination; or **[Ord. 2008-037] [Ord. 2010-005] [Ord. 2014-025]**~~

19 ~~b. Existed prior to February 5, 1973 in its current configuration as evidenced by a chain of~~
20 ~~title; or **[Ord. 2008-037] [Ord. 2010-005]**~~

21 ~~c. Art. 1.H.1.B.1.b, Option 2 — Creation on or Subsequent to February 5, 1973 and before~~
22 ~~June 16, 1992. **[Ord. 2008-037] [Ord. 2010-005]**~~

23 ~~31. FLU and Zoning Consistency~~

24 ~~The existing zoning or any rezoning is in compliance with the requirements of Art. 3.A.3, Zoning~~
25 ~~District Consistency with the Future Land Use Atlas (FLUA). **[Ord. 2008-037] [Ord. 2010-005]**~~

26 ~~42. Lot Recombination Requirements~~

27 ~~Where applicable, the lot or lots have complied with the lot recombination requirements of Plan~~
28 ~~FLUE Policy 2.2.1-f, and Art. 11, Subdivision, Platting and Required Improvements. **[Ord.**~~
29 ~~**2008-037] [Ord. 2010-005]**~~

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

31 Non-conforming lots may be combined with any other conforming or non-conforming lot without
32 obtaining variance relief for non-conforming lot dimensions, inclusive of frontage, width, depth and
33 size, if all of the following conditions are met: **[Ord. 2008-037] [Ord. 2010-005]**

34 1. The newly created lot complies with the lot dimensions of this Code, or reduces the non-
35 conformity; and, **[Ord. 2008-037] [Ord. 2010-005]**

36 2. Can comply with the requirements of Art. 11, Subdivision, Platting and Required Improvements.
37 **[Ord. 2008-037] [Ord. 2010-005]**

38 **C. Residential Development Regulations**

39 A nonconforming residential lot may utilize the following property development regulations for a
40 single-family dwelling unit only, or for related accessory structures in the AR district in accordance
41 with Art. 5.B.1.A.2.b, Nonconforming Lot Dimensions. **[Ord. 2010-005] [Ord. 2016-042]**

42 **1. Minimum Setback Requirements**

43 Minimum setback requirements may be in accordance with the percentages listed below, ~~but~~
44 ~~shall not be less than those for the RS district: **[Ord. 2010-005] [Ord. 2016-042]**~~

45 a. If the minimum depth dimension is nonconforming: **[Ord. 2010-005]**

46 Front: 30 percent of lot depth. **[Ord. 2010-005]**

47 Rear: 20 percent of lot depth. **[Ord. 2010-005]**

48 b. If the minimum width dimension is nonconforming: **[Ord. 2010-005]**

49 Side Interior: 15 percent of lot width. **[Ord. 2010-005]**

50 Side Street: 20 percent of lot width. **[Ord. 2010-005]**

51

Part 2. ULDC Art. 1.H.1, General Provisions, Lot of Record, Potentially Buildable Lot, (pages 29-
30 of 118, Supplement 25), is hereby amended as follows:

52 ~~CHAPTER H LOT OF RECORD~~

53 ~~Section 1 Potentially Buildable Lot~~

Notes:

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

1 ~~—A. Applicability~~

2 ~~The following provisions shall apply to a lot that is not depicted on either a plat of record, affidavit~~
3 ~~of exemption, or affidavit of plat waiver.~~

4 ~~—B. Standards~~

5 ~~A lot may be considered buildable for the purpose of constructing a single family dwelling and~~
6 ~~accessory uses or structures only if all of the following criteria are satisfied:~~

7 ~~1. Date of Creation~~

8 ~~The lot was created under one of the following two options: [Ord. 2007-001]~~

9 ~~a. Option 1 – Creation prior to February 5, 1973.~~

10 ~~The lot existed prior to February 5, 1973 in its current configuration as evidenced by a chain~~
11 ~~of title. [Ord. 2007-001]~~

12 ~~b. Option 2 – Creation on or subsequent to February 5, 1973 and before June 16, 1992.~~

13 ~~1) The lot was created on or subsequent to February 5, 1973 and existed prior to June~~
14 ~~16, 1992 in its current configuration as evidenced by a chain of title; and [Ord. 2007-~~
15 ~~001]~~

16 ~~2) The lot complied with the density requirements of the Plan in effect at the time the lot~~
17 ~~was created, and [Ord. 2007-001]~~

18 ~~3) The lot complies with one of the following:~~

19 ~~a) Art. 3.D, Property Development Regulations (PDRS), Table 3.D.1.A, Property~~
20 ~~Development Regulations, or~~

21 ~~b) Art. 11.A.4.B, Building Permits and Other Approvals; or~~

22 ~~c) The lot exists in its present configuration as shown in the 1989 PBC FLU Atlas~~
23 ~~adopted August 31, 1989. [Ord. 2007-001]~~

24 ~~2. Legal Access~~

25 ~~The lot has legal access that ultimately connects to a right of way currently identified on the~~
26 ~~PBC Thoroughfare R-O-W Identification Map, as follows: [Ord. 2007-001] [Ord. 2013-001]~~

27 ~~a. In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table~~
28 ~~11.E.2.A, Chart of Access Hierarchy; or [Ord. 2007-001] [Relocated to: ULDC Art.~~
29 ~~11.A.8.A, Subdivision, Platting, and Required Improvements, Exceptions to General~~
30 ~~Requirements]~~

31 ~~b. From a recorded easement exclusively for the purposes of ingress and egress access, a~~
32 ~~minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual~~
33 ~~right of useable access across all properties lying between said lot and a street, provided~~
34 ~~that the easement was in existence at the time the lot was legally created, and which~~
35 ~~remains in place. [Ord. 2007-001] [Ord. 2013-001] [Partially Relocated to: ULDC Art.~~
36 ~~11.A.8.A, Subdivision, Platting, and Required Improvements, Exceptions to General~~
37 ~~Requirements]~~
38

Part 3. ULDC Art. 11.A.6.A, Subdivision, Platting, and Required Improvements, General Requirements, Planned Developments (page 10-11 of 45, Supplement 24), is hereby amended as follows:

39 CHAPTER A GENERAL REQUIREMENTS

40 Section 6 Planned Developments

41 A. General

42 Any planned development which is to be subdivided shall comply with the requirements of this
43 Article after approval of a Final Subdivision Plan by the DRO pursuant to Art. 2.C, Administrative
44 Process. For the purpose of this Article, "Planned Development" shall mean any development
45 within a Planned Development district as defined by this Code and regulated pursuant to Art. 3.D,
46 Property Development Regulations (PDRs).

47 B. Subdivision of Commercial and Industrial Sites

48 A building site which constitutes all or a portion of a pod or lot designated for commercial or
49 industrial use within a planned development, and for which the detailed development configuration
50 and building permit issuance are subject to prior approval by the DRO of a final site plan, may be
51 exempted by the County Engineer from the subdivision recordation requirement of Art. 11.A.4.B.1,
52 and may be subdivided by fee title conveyance of individual internal lots. Such exemption may be
53 granted by the County Engineer provided that: [Ord. 2014-025]

54 1. Legal access to each interior lot is provided by a common parking lot in full compliance with all
55 requirements of Art. 11.E.2.A.2.c;

56 2. The layout, location, and construction limits of structures within the building site are regulated
57 by required separation distances between structures rather than by setbacks from interior lot
58 lines;

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

- 1 3. Individual interior lots are not subject to requirements for minimum area or dimensions under
2 the property development regulations of Art. 3.D, Property Development Regulations (PDRs),
3 applicable to the building site;
- 4 4. A statement of the developer's intent to subdivide the property pursuant to the platting
5 exemption of this Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites, and
6 proposed subdivision lines with bearings and distances are included on the approved final site
7 plan for the building site, in which case said site plan shall constitute the approved final
8 subdivision plan for purposes of compliance with this Article; **[Ord. 2011-001]**
- 9 5. All lands within the perimeter of the building site are subject to a common recorded unity of
10 control or other such maintenance and use covenants for access, parking, stormwater
11 management, and other required common areas or facilities, as approved by the County
12 Attorney pursuant to Art. 5.F, Legal Documents; and
- 13 6. The building site is delineated within on a single ~~boundary~~ ~~platted lot of record depicting all~~
14 ~~existing drainage and utility easements of record and all required limited access easements,~~
15 ~~water management tracts, and common area tracts, and including appropriate dedications or~~
16 ~~reservations for same.~~
- 17

Part 4. ULDC Art. 11.A.8.A, Subdivision, Platting, and Required Improvements, General Requirements, Exceptions to General Requirements (page 11-12 of 45, Supplement 24), is hereby amended as follows:

18 CHAPTER A GENERAL REQUIREMENTS

19 Section 8 Exceptions to General Requirements

20 A. Authority

21 The County Engineer is hereby empowered to make certain exceptions to the platting requirement
22 of Art. 11.A.3.A, Platting Requirement, and required improvements installation requirement of Art.
23 11.A.3.B, Required Improvements Installation Requirement, in accordance with the standards and
24 procedures set forth in this Section.

25 B. Legal Lots of Record

26 1. A lot that was created pursuant to one of the options below will be considered a legal lot of
27 record and shall not be subject to further subdivision approval:

- 28 a. The lot is depicted in its entirety on either a plat of record, affidavit of exemption, affidavit
29 of waiver, plat waiver, or lot combination; or
- 30 b. The lot existed prior to February 5, 1973 in its current configuration; or
- 31 c. The lot was created after February 5, 1973 and before June 16, 1992 by a subdivision of
32 a legal lot or lots into no more than two lots.

33 2. Legal Access

34 *The lot has legal access that ultimately connects to a right of way currently identified on the*
35 *PBC Thoroughfare R-O-W Identification Map, as follows: [Ord. 2007-001] [Ord. 2013-001]*

- 36 *a. In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table*
37 *11.E.2.A, Chart of Access Hierarchy; or [Ord. 2007-001]*
- 38 *b. For existing legal lots of record for a single family home ~~From a recorded easement~~*
39 *exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width,*
40 *granting the owner, its successors and assigns a perpetual right of useable access across*
41 *all properties lying between said lot and a street [Ord. 2007-001] [Ord. 2013-001]*
42 **[Partially Relocated from: ULDC Art. 1.H.1, Lot of Record]**

43 **BC.** Certified Abstracted Boundary Survey

44 When approved by the County Engineer, a certified abstracted boundary survey may constitute the
45 Subdivision Plan and when the subdivision is not encompassed by a Final Subdivision Plan
46 approved by the DRO. **[2014-025]**

47 **CD.** Plat Waiver with Certified Boundary Survey

48 If, after review of the preliminary subdivision plan, the County Engineer determines that the
49 proposed subdivision meets one of the conditions specified in Art. 11.A.8.C.1, Application for Plat
50 Waiver, the requirement to file a plat may be waived and an abstracted boundary survey shall be
51 recorded in lieu of a plat along with an affidavit documenting approval of said waiver and restrictive
52 covenants applicable to the subdivision, as prescribed by this Article. **[Ord. 2011-016] [Ord. 2014-**
53 **025]**

54 **[Renumber remaining accordingly]**

Part 5. ULDC Art. 11.E.2, Subdivision, Platting, and Required Improvements, Required Improvements, Access and Circulation Systems, Table 11.E.2.A-1 Chart of Access Hierarchy (page 35 of 45, Supplement 24), is hereby amended as follows:

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EXHIBIT A

**ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION,
PLATTING, AND REQUIRED IMPROVEMENTS
(Nonconforming Lot, Potentially Buildable Lot and Exceptions to
General Requirements)**

1 **CHAPTER E REQUIRED IMPROVEMENTS**
 2
 3 **Section 2 Access and Circulation Systems**
 4 **A. Vehicular Circulation Systems**
 5
 6

Table 11.E.2.A-1 - Chart of Access Hierarchy

MAJOR STREETS: Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
EXPRESSWAY
ARTERIAL
PLAN COLLECTOR
MINOR STREETS: Streets which constitute the internal circulation network of a development and which are not classified as a MAJOR STREET. Listed from highest to lowest category.
NON-PLAN COLLECTOR
FRONTAGE ROAD
LOCAL
RESIDENTIAL ACCESS (private streets only):
40 FOOT
32 FOOT
ALLEY (secondary access only)
[Ord. 2014-025]

Part 6. ULDC Art. 11.E.2, Subdivision, Platting, and Required Improvements, Required Improvements, Access and Circulation Systems, Table 11.E.2.A-2 Chart of Minor Streets (page 36 of 45, Supplement 24), is hereby amended as follows:

7 **CHAPTER E REQUIRED IMPROVEMENTS**
 8
 9 **Section 2 Access and Circulation Systems**
 10 **A. Vehicular Circulation Systems**
 11

Table 11.E.2.A-2 - Chart of Minor Streets

CLASSIFICATION	MINIMUM WIDTH (FT.)		MAXIMUM ALLOWABLE ADT	ALLOWED AS LEGAL ACCESS FOR (a)	
	STREET (b)	PAVEMENT (c)		COMMERCIAL	RESIDENTIAL
Non-Plan Collector	80	24	13,100	X	
Marginal Access	50	24	N/A	X	X
Local Residential (d)					
Gutters	50	20	1,500		X
Swales	60	20	1,500		X
Local Commercial	80	24	13,100	X	X
Residential Access (e)					
One Sidewalk	40	20	800		X
No Sidewalk (ef)	32	20	40		X
[Ord. 2014-025]					
Notes:					
(a) An 'x' under the commercial or residential column indicates the corresponding street classification is allowed as legal access.					
(b) Street width refers to standard R-O-W or private street tract width.					
(c) Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.					
(d) Allowed as legal access for any type of residential provided that the maximum allowable ADT is not exceeded. Also, Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. [Ord. 2018-018]					
(e) Use is restricted to private streets. [Ord. 2018-018]					
(ef) Use is restricted to private streets providing access to up to four lots. [Ord. 2014-025]					

12

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EXHIBIT B

ARTICLE 2 – PUBLIC HEARING PROCESSES
Development Order Abandonment

Part 1. ULDC Art. 2.B.5.A Application Processes and Procedures, Public Hearing Processes, Notification, Applicability Table 2.B.5.A Notification Applicability (pages 27 of 101, Supplement 25), is hereby amended as follows:

1 CHAPTER B PUBLIC HEARING PROCESSES

2

3 Section 5 Notification

4 A. Applicability

5 Applications subject to Public Hearing or Type 1 Variance processes, corrective resolutions, or
6 Administrative Inquiries, or any application that will result in the redevelopment of an existing
7 occupied mobile home park, shall require notification to the public, in accordance with the following
8 Table: [Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-025] [Ord. 2018-002]
9

Table 2.B.5.A – Notification Applicability

Table with 4 columns: Requests, Newspaper Publication, Courtesy Notice, Signs. Rows include ABN (1), Corrective Resolution, Type 1 Variance, Type 2 Variance, PO Deviations, Other Public Hearing, Administrative Inquiry (3), and Redevelopment of Mobile Home Parks. Includes notes at the bottom regarding applicability and requirements.

10

11 B. Newspaper Publication

12 Notice shall be published in a newspaper of general circulation in PBC in accordance with F.S. §
13 125.66. [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]

Part 2. ULDC Art. 2.B.7.B Application Processes and Procedures, Public Hearing Processes, Types of Applications, Conditional Uses and Official Zoning Map Amendment (Rezoning to a PDD or TDD) (page 34 of 101, Supplement 25), is hereby amended as follows:

14 CHAPTER B PUBLIC HEARING PROCESSES

15

16 Section 7 Types of Application

17

18 B. Conditional Uses and Official Zoning Map Amendment (Rezoning) to a PDD or TDD

19

20 3. Effect of an Issuance of a DO or a Map Amendment

21 a. General

22 Issuance of a DO for a Conditional Use or a rezoning to a PDD or TDD shall be deemed
23 to authorize only the particular site configuration, layout, and level of impacts which
24 were approved pursuant to this Code, unless the approval is abandoned. [Ord. 2018-
25 002]

Part 3. ULDC Art. 2.B.7.F Application Processes and Procedures, Public Hearing Processes, Types of Applications, Development Order Abandonment (pages 38-39 of 105, Supplement 24), is hereby amended as follows:

26 CHAPTER B PUBLIC HEARING PROCESSES

27 Section 7 Types of Application

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EXHIBIT B

ARTICLE 2 – PUBLIC HEARING PROCESSES Development Order Abandonment

....

F. Development Order Abandonment (ABN)

1. Purpose

A DO for a Conditional Use or similar DO granted under Ordinance 1957-003, Ordinance 1973-002, Ord. No. 1992-002 or Ord. No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art.2.B, Public Hearing Processes. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. [Ord. 2010-022] [Ord. 2018-002]

2. Authority

The same Authority that granted the original DO shall render a decision on a request for abandonment.

~~2. DOs Not Implemented~~

~~All DOs which were never implemented shall be either: [Ord. 2005-002] [Ord. 2018-002]~~

~~a. Public Hearing Abandonment~~

~~Abandoned simultaneously with issuance of a subsequent DO; or [Ord. 2018-002]~~

~~b. Revocation~~

~~Reviewed for revocation pursuant to Art. 2.E, Monitoring. [Ord. 2018-002]~~

3. Applicability

This Section shall apply to DOs granted by the BCC or ZC, and are requested to be abandoned by an Applicant. DOs granting approval for a rezoning may not be abandoned. A DO for a Rezoning with a Conditional Overlay Zone (COZ), may be processed for an abandonment of the COZ.

a. In determining the applicable process for an ABN application, the Applicant shall review the approved DO Resolution, including the Whereas Clauses, Conditions of Approval, and indicate in the application whether a new use will be requested concurrent with the abandonment. An application for an abandonment of a prior approval will be processed based on whether the DO has not been: partially or fully implemented, or has not been implemented.

b. Exception

DOs reviewed pursuant to the time requirements, or for failure to comply with Conditions of a DO shall be reviewed under the requirements of Art. 2.E, Monitoring.

4. Sequence of Submittal

An application for an Abandonment may be submitted as follows:

a. Concurrent Abandonment

A Concurrent Abandonment may be submitted with a separate application requesting a new DO or a DOA as follows:

1) Abandon previous resolution granting the entire DO and submit concurrently a new DO subject to a Public Hearing approval process;

2) Abandon previous resolution granting the entire DO and submit concurrently with a new DO subject to an Administrative or Building Permit approval process.

3) Abandon a DO that was approved with multiple requests, and may include Rezoning and Conditional Uses in the same resolution.

a) The ABN application and the resolution shall clearly identify those Use(s) that are subject to the abandonment;

b) The DOA application shall delete those conditions that are tied to the abandoned Use(s); and,

c) If the multiple requests included a Rezoning and were approved under the same resolution, then the resolution shall remain in effect for the Zoning District of the subject property unless the Applicant is requesting a Rezoning of the property to a different Zoning district.

b. Standalone Abandonment

Reviewed for abandonment with no proposed use. Any future use would be subject to the requirements of the Code at time of approval.

~~3. Implemented DOs~~

~~Certain implemented DOs, pursuant to Art. 2.C, Administrative Processes, qualify for administrative abandonment. Other implemented DOs require Public Hearing abandonment by the Board (BCC or ZC) that approved the DO. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2018-002]~~

~~a. Public Hearing Abandonment~~

~~A DO, which was used, implemented or benefited from, may be abandoned simultaneously with the issuance of a subsequent development order by the BCC or ZC, as applicable. The property owner also has the option to request the BCC or the ZC to abandon the DO through expedited application review process, pursuant to Art. 2.B.7.C.3, Expedited Application Consideration (EAC). [Ord. 2009-040] [Ord. 2018-002]~~

~~b. Unpaid Status Fees~~

~~A DO shall not be abandoned, either administratively or by approval of a subsequent DO, until all unpaid status report fees imposed by action pursuant to Art. 2.E, Monitoring, have been paid. [Ord. 2018-002]~~

Notes:

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EXHIBIT B

ARTICLE 2 – PUBLIC HEARING PROCESSES Development Order Abandonment

~~4. Additional Criteria~~

~~In determining whether a DO was used, implemented or benefited from, consideration shall be given to either one or both of the criteria: **[Ord. 2018-002]**~~

~~a. Whether any construction or additional construction authorized in the DO has commenced or **[Ord. 2018-002]**~~

~~b. Whether a physical or economic use of the DO has occurred, including physical or economic expansion. **[Ord. 2018-002]**~~

5. Application Requirements

In addition to the Submittal Requirements pursuant to Art.2.A.6,A Zoning Application Requirements, the Applicant shall provide the following:

a. Consent of all property owners of the subject property, if applicable; and,

b. Status of all Conditions of Approval, whether the Conditions are no longer applicable, implemented or pending implementation. The Applicant must confirm that there are no reliance of other interested parties on additional performance or activities related to the proposed ABN.

6. Standards

When considering an ABN application, the BCC and ZC shall consider the standards indicated below.

a. Consistency with the Plan

The proposed abandonment is consistent with the Plan.

b. Consistency with the Code

The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities

c. Adequate Public Facilities

The proposed abandonment of the DO shall not impact the approved requirements of Art.2.F, Concurrency. When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency.

d. Changed Conditions or Circumstances

There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

7. Scheduling of a Hearing

Once an ABN application has been certified by the DRO, the DRO shall schedule a public hearing in accordance with the dates established in the Annual Zoning Calendar. The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied.

a. An application for abandonment processed under Art. 2.B.7.F.4.a.2) Concurrent Abandonment or Art. 2.B.7.F.4.b, Standalone Abandonment only need to be reviewed by the Board making the final decision, and a Staff report would not need to be prepared. The Findings of Fact for compliance with the Standards will be contained within the Abandonment DO.

b. An application for abandonment processed under Art. 2.B.7.F.4.a.3) Concurrent Abandonment, may be processed as an EAC, provided it meets the criteria pursuant to 2.B.7.C.3.a, Criteria.

Part 4. ULDC Art. 2.C.5.G. Application Processes and Procedures, Administrative Processes, Types of Applications, Development Order Abandonment (pages 38-39 of 105, Supplement 24), is hereby amended as follows:

CHAPTER C ADMINISTRATIVE PROCESSES

....

Section 5. Types of Application

....

G. Development Order Abandonment (ABN)

1. General

An Administrative DO granted under a prior Ordinance, may be abandoned according to the procedures in this Chapter. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. **[Ord. 2018-002]**

2. Authority

Notes:

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EXHIBIT B

ARTICLE 2 – PUBLIC HEARING PROCESSES Development Order Abandonment

The same Authority that granted the original DO shall render a decision on a request for abandonment.

~~2. DOs Not Implemented~~

~~All DOs which were never implemented shall be either: [Ord. 2005-002] [Ord. 2018-002]~~

~~a. Administrative Abandonment~~

~~Administratively abandoned upon demonstration to the DRO that the DO was not implemented; or [Ord. 2018-002]~~

~~b. Revocation~~

~~Reviewed for revocation pursuant to Art. 2.E, Monitoring. [Ord. 2018-002]~~

3. Applicability

This Section shall apply to all DO for Uses approved by the DRO, or similar DO granted by the DRO, and requested by the Applicant. DOs reviewed pursuant to Art. 2.E Monitoring for time requirements identified in Table 2.E.3.B, Time Limitations of Development Order for each phase, or for failure to comply with Conditions of a DO shall be reviewed under the requirements of Art. 2.E, Monitoring.

4. Sequence of Submittal

An application for an Abandonment may be submitted as follows:

a. Concurrent Abandonment

A Concurrent Abandonment may be submitted with a separate application requesting a new DO as follows:

1) Abandon previous DO approved by the DRO, for the entire DO and submit concurrently with a new DO through an Administrative approval process; or,

2) Abandon previous DO approved by the DRO, for the entire DO and submit concurrently with a new DO through a Building Permit approval process.

b. Standalone Abandonment

Reviewed for abandonment with no proposed use. Any future use would be subject to the requirements of the Code at time of approval

~~3. Implemented DOs~~

~~Certain implemented DOs, pursuant to Art. 2.C, Administrative Processes, qualify for administrative abandonment. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2018-002]~~

~~a. Administrative Abandonment~~

~~A DO, which was used, implemented or benefited from, may be administratively abandoned by filing an application with the DRO demonstrating that the following criteria are met; [Ord. 2018-002]~~

~~1) All Conditions of Approval have been met; [Ord. 2018-002]~~

~~2) There is no reliance by other parties on additional performance; and, [Ord. 2018-002]~~

~~3) Consent of all property owners has been received. [Ord. 2018-002]~~

~~b. Unpaid Status Fees~~

~~A DO shall not be abandoned, either administratively or by approval of a subsequent DO, until all unpaid status report fees imposed by action pursuant to Art. 2.E, Monitoring, have been paid. [Ord. 2018-002]~~

~~4. Additional Criteria~~

~~In determining whether a DO was used, implemented or benefited from, consideration shall be given to either one or both of the criteria: [Ord. 2018-002]~~

~~a. Whether any construction or additional construction authorized in the DO has commenced; or [Ord. 2018-002]~~

~~b. Whether a physical or economic use of the DO has occurred, including physical or economic expansion. [Ord. 2018-002] [Relocated to Article 2.C.7.G.5]~~

5. Application Requirements

When considering an ABN application, DRO shall utilize the standards indicated below. A request for an ABN which fails to meet any of these Standards shall be deemed adverse to the public and shall not be approved. An application for a DO abandonment to a Temporary Use shall demonstrate compliance with only Art. 2.C.5.G.5.d, Changed Conditions or Circumstances.

a. Consistency with the Plan

The proposed abandonment is consistent with the Plan.

b. Consistency with the Code

The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities

c. Adequate Public Facilities

The proposed abandonment of the DO shall not impact the approved requirements of Art.2.F, Concurrency. When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency.

d. Changed Conditions or Circumstances

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EXHIBIT B

ARTICLE 2 – PUBLIC HEARING PROCESSES Development Order Abandonment

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There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

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EXHIBIT C

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES REASONABLE ACCOMMODATION

Part 1. ULDC Art. 2.C.5.F.4, Reasonable Accommodation (page 54 of 101, Supplement 25), is hereby amended as follows:

1 CHAPTER C ADMINISTRATIVE PROCESSES

2

3 Section 5 Types of Application

4

5 F. Reasonable Accommodation

6

7 4. Application Procedures

8 The application forms and requirements for submitting a request for Reasonable
9 Accommodation shall be on forms specified by the County Administrator or designee. **[Ord.**
10 **2011-016] [Ord. 2018-002]**

11

12 **k. Change of Owner/Operator**

13 When a facility that has received a Reasonable Accommodation Approval changes
14 ownership, the new owner/operator must apply for a new reasonable accommodation. The
15 County will review the request and make a new case-by-case determination based on an
16 individualized assessment.

17

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EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 3.B.4, Overlays & Zoning Districts, Overlays, GAO, Glades Area Overlay (page 25-26 of 212, Supplement 25), is hereby amended as follows:

1 **CHAPTER B OVERLAYS**

2

3 **Section 4 GAO, Glades Area Overlay**

4 **A. Purpose and Intent**

5 The GAO is established to promote economic diversification in the Glades Area and facilitate
6 development or redevelopment opportunities emanating from the U.S. Department of Housing and
7 Urban Development Community Challenge Planning Grant Glades Region Master Plan (GRMP).
8 The GAO provides flexibility or streamlined procedures for obtaining development approvals, critical
9 to ensuring a timely response to development or redevelopment opportunities that may increase job
10 opportunities and improve the economic vitality of the area. In addition, the GAO may include
11 regulations that recognize the character of the area. [Ord. 2014-025] [Ord. 2016-016]
12

13 **D. Approval Process**

14 **1. DRO and BCC Thresholds**

15 The density, intensity and acreage thresholds of Table 4.A.9.A, Thresholds for Projects Requiring
16 DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring BCC Approval, shall be
17 multiplied by two within the GAO. [Ord. 2016-016] [Ord. 2018-002]

18 **2. Administrative Approvals**

19 **a. General**

20 Uses shown in a Use Matrix as Permitted by Right (P), or Development Review Officer (DRO)
21 shall remain subject to the same approval process shown in the Use Matrix. [Ord. 2014-
22 025]

23 **b. Conditional Uses**

24 Uses allowed as Conditional Uses in a non-residential Zoning district **and Cottage Homes**
25 may be approved by the DRO after compliance with Art. 2.B.7.B.2, Standards. [Ord. 2016-
26 016] [Ord. 2018-002]

Part 2. ULDC Art. 3.D.1.B, Overlays & Zoning Districts, Property Development Regulations (PDRs), PDRs for Standard Zoning Districts, General Exceptions, Single Family Housing Type in Multifamily Districts (page 120 of 212, Supplement 25), is hereby amended as follows:

27 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)**

28 **Section 1 PDRs for Standard Zoning Districts**

29 **A. PDRs**

30 The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building
31 coverage, and minimum setbacks in each standard zoning district are indicated in Table 3.D.1.A,
32 Property Development Regulations unless otherwise stated. Front, side, side street and rear
33 setbacks shall be applied in accordance with the lot orientation as defined by lot frontage. [Ord. 2005-
34 041]

35

36 **B. General Exceptions**

37 **1. Single Family Housing Type in **Multifamily RM** Districts**

38 The property development regulations for single family housing **type** in the RM district shall be in
39 accordance with the RS district PDRs in Table 3.D.1.A, Property Development Regulations.

Part 3. ULDC Art. 3.D.1.D.2, Overlays & Zoning Districts, Property Development Regulations (PDRs), PDRs for Standard Zoning Districts, Setbacks, Multifamily Separation related to Setbacks (page 123 of 212, Supplement 25), is hereby amended as follows:

40 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)**

41 **Section 1 PDRs for Standard Zoning Districts**

42

43 **D. Setbacks**

44

45 **2. Multifamily Separations**

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EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS

The minimum separation for multifamily and Cottage Home structures in the RM district shall correspond to the setback regulations in Table 3.D.1.A, Property Development Regulations, and Table 3.D.2.E, Property Development Regulations for Cottage Homes respectively.

a. Cottage Homes

The minimum separation for Cottage Homes ~~that are located in a MF Pod of a PUD~~ may be reduced from 15 feet to ten feet subject to the approval by the Fire Department and the Building Division. [Ord. 2018-018]

Part 4. ULDC Table 3.D.2.E – Overlays & Zoning Districts, Property Development Regulations (PDRs), PDRs for Specific Housing Types, Cottage Homes (page 135 of 211, Supplement 25), is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 2 PDRs for Specific Housing Types

E. Cottage Homes

Cottage Homes are detached housing types that may be developed with one unit or multiple units in a single lot.

Cottage Homes shall comply with the following PDRs:

Table 3.D.2.E – Cottage Home Property Development Regulations (1)(2)

Lot Dimensions			Height	Building Coverage	Setbacks			
Size	Width and Frontage	Depth			Front	Side (3)	Side Street	Rear
<u>Single Unit in a Single Lot (2)</u>								
1,000 sf to 2,500 sf (max)	20 ft. to 30 ft. – (max) 30 ft. – side street home (max).	50 ft.	35 ft. (max)	40% (max)	20 ft.	5 ft.	10 ft.	5 ft.
<u>Multiple Units in a Single Lot (Shared)</u>								
<u>(3)</u>	<u>65 ft.</u>	<u>75 ft.</u>	<u>35 ft. (max)</u>	<u>NA</u>	<u>25 ft. (4)</u>	<u>15 ft. (4)</u>	<u>25 ft. (4)</u>	<u>15 ft. (4)</u>
[Ord. 2018-018]								
Notes:								
1. Minimum Property Development Regulations except where it stated as maximum.								
2. <u>For Cottage Homes that are located in a MF pod, apply the RM PDRs pursuant to Table 3.D.1.A, Property Development Regulations. Apply to a Cottage Home that is located in a single lot. This may apply to either a subdivided lot of a Pod in a PDD or in a Standard Zoning district.</u>								
3. <u>The minimum lot size of the Zoning district of which multiple Cottage Homes are located shall apply.</u>								
4. <u>Setbacks shall be measured from the lot. The front setback shall be measured from the property line or base building line, whichever is applicable, where the lot frontage is located.</u>								

Part 5. ULDC Table 3.E.2.D, Overlays & Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations (PDRs) (page 147 of 211, Supplement 25), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

D. Property Development Regulations (PDRs)

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.

1. Setbacks

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

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EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS

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

POD	Lot Dimensions			Density		FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			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. [PARTIALLY RELOCATED TO Table 3.E.2.D PUD Property Development Regulations]										
<i>Cottage Home</i>	<i>Refer to Art. 3.D.2.E, Cottage Home Property Development Regulations.</i> [PARTIALLY RELOCATED FROM Table 3.E.2.D PUD Property Development Regulations]										
ZLL	Refer to Art. 3.D.2.B, 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]											

Part 6. ULDC Art. 4.B.1.C.4, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses related to Single Family (page 17 of 198, Supplement 25), is hereby amended as follows:

Notes:

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**EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS**

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

A. Residential Use Matrix

1. Residential related accessory uses are identified in Table 4.B.1.D, Corresponding Accessory Use to a Principal Use.

TABLE 4.B.1.A – RESIDENTIAL USE MATRIX

STANDARD DISTRICTS														Use Type	Supplementary Standards #	PLANNED DEVELOPMENT DISTRICTS (PDDs)											TRADITIONAL DEV. DISTRICTS (TDDs)														
AG/ CON		RESIDENTIAL				COMMERCIAL						IND	INST			PUD (2) PODS		MUPD (3) FLU					MXPD FLU	PIPD PODS	M	R	TND TIER			TMD TIER											
P	A	A	AR	R	R	R	R	C	C	C	C	C	C			U	U	U	U	U	I	I	I	I	I	P	P	I	I	P	P	T	T	U	E	AGR					
C	G	P	R	U	E	T	S	M	N	L	C	H	G			R	U	U	U	U	C	L	G	O	P	I	P	I	R	H	V	U	S	EX/ RURAL	R	D	P				
-	P	-	P	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	D	D	D	D	-	-	-	P	-	-	P	-	-	P	P	P	-						
-	-	-	A	A	-	-	A	P	B	-	B	-	-	-	D	D	D	D	D	D	D	D	-	-	-	B	-	-	A	-	-	P	A	A	-						
-	-	-	-	-	-	-	-	A	A	-	A	-	-	-	D	D	D	D	D	A	A	D	D	-	-	-	A	A	-	A	A	-	A	-	-	-					
-	-	-	-	-	-	-	-	A	P	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-					
-	-	-	-	-	-	-	-	A	D	-	-	-	-	-	D	D	D	D	D	D	D	D	-	-	-	D	D	-	D	D	-	P	-	-	A	-	-	P	P	P	-
-	-	-	-	-	-	-	-	A	D	-	-	-	-	-	D	D	D	D	D	-	-	-	-	-	-	D	D	-	D	D	-	P	-	-	A	-	-	-	-	-	
[Ord. 2017-004] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002] [Ord. 2019-005]																																									
Use approval process key:																																									
P Permitted by Right												D Subject to DRO Approval												A Subject to BCC Approval (Class A Conditional Use)																	
												B Subject to Zoning Commission Approval (Class B Conditional Use)												- Prohibited use, unless stated otherwise within Supplementary Use Standards																	
(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standard column.																																									
(2) The only residential use allowed in the RM or the PUD Zoning Districts, that have a CLR FLU Designation, is a Type 3 Congregate Living Facility (CLF). [Ord. 2019-005]																																									
(3) Residential uses within a MUPD may only be permitted when density is available through an underlying Residential or Agricultural Reserve Future Land Use designation. [Ord. 2019-005]																																									

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EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS

Part 7. ULDC Art. 4.B.1.C.4, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses related to Multifamily (page 17 of 198, Supplement 25) is hereby amended as follows:

1 CHAPTER B USE CLASSIFICATION

2 Section 1 Residential Uses

3 C. Definitions and Supplementary Use Standards for Specific Uses

4 3. Multifamily

5 d. Zoning District

6

7 ~~3) Cottage Homes in MF Pod~~

8 ~~A maximum of 1,000 square feet per unit. [Ord. 2018-018]~~

9

Part 8. ULDC Art. 4.B.1.C.7, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses related to Cottage Home (page 17 of 198, Supplement 25) is hereby amended as follows:

10 CHAPTER B USE CLASSIFICATION

11 Section 1 Residential Uses

12

13 C. Definitions and Supplementary Use Standards for Specific Uses

14

15 4. Single Family ~~and Cottage Homes~~

16 a. Definition for Single Family [Ord. 2018-018]

17 The use of a lot or a structure for one detached dwelling unit.

18 ~~b. Definition for Cottage Home~~

19 ~~The use of a lot or a structure for one detached dwelling unit with reduced property~~
20 ~~development regulations than a typical Single Family lot and unit. [Ord. 2018-018]~~

21 [Relocated to Art.4.B.1.C.7.a, Cottage Home as it related to Definition]

22 ~~c. Cottage Homes in SF Pod~~

23 ~~A maximum of 1,000 square feet per unit. [Relocated to Art.4.B.1.C.7, Cottage Home]~~

24

Part 9. ULDC Art. 4.B.1.C.7, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses related to Cottage Home (page 17 of 198, Supplement 25) is hereby amended as follows:

25 CHAPTER B USE CLASSIFICATION

26 Section 1 Residential Uses

27 ...

28 7. Cottage Home

29 a. Definition for Cottage Home

30 *The use of a lot or a structure for one detached dwelling unit with reduced property*
31 *development regulations. [Ord. 2018-018]* [Relocated from Art.4.B.1.C.4.b, Single

32 Family]

33 b. Cottage Home Size

34 *A maximum of 1,000 square feet per unit. [Relocated from Art.4.B.1.C.4.c, Cottage*

35 *Home as it related to Cottage Homes in SF Pod]*

36 c. Cottage Homes in RS Zoning District

37 *May be allowed in the RS Zoning district with an MR-5 or higher FLU designation, subject*
38 *to Full DRO approval.*

39 d. Cottage Homes in MF Pod or Lot

40 *If Cottage Homes are developed in a MF Pod or Lot, they shall be developed in a cluster*
41 *with open space that are commonly shared by the individual tenants or owners, subject to*
42 *the following:*

43 1. Rear Garage

44 *May have garage and driveways located in the rear of each unit.*

45 2. Open Space

46 *The units shall front on a commonly owned open space with a minimum width of 75*
47 *feet, measuring from the front façade of each unit or front porch, whichever is*
48 *applicable.*

Notes:
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EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS

~~3. Access Driveways~~

~~Access driveway shall provide primary access to residential garages or individual driveway to the Cottage Home. A continuous network of alleys may serve as the primary means of vehicular access to individual parcels. Alleys shall conform to the design standards in Table 3.F.2.A – TDD Alley Design Standards.~~

Part 10. ULDC Table 5.B.1.A Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Table 5.B.1.A - Pool/Spa Setbacks (page 23 of 106, Supplement 25) is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

Table 5.B.1.A - Pool/Spa Setbacks

Setbacks	Front	Side	Side Street	Rear
Single Family	28 feet	10.5 feet	18 feet	10.5 feet
Cottage Home (1)	20 feet	5 feet	12 feet	5 feet
ZLL	13 feet	ZLL: 3 feet Non-ZLL: 5 feet	13 feet	5 feet
Townhouse	Parking Tract: 13 feet Street: 28 feet	3 feet	18 feet	5 feet
Multi-Family	28 feet	18 feet	28 feet	15 feet
Neighborhood Recreation Facility less than 1 acre	25 foot setback or separation to the nearest residential lot line			
Neighborhood Recreation Facility 1 acre or more	50 foot setback or separation to the nearest residential lot line			
[Ord. 2013-001]				
Note:				
1.	Shall apply only to a Cottage Home that is in a single lot.			

Part 11. ULDC Table 5.B.1.A – Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Table 5.B.1.A-Screen Enclosure Setbacks (page 26 of 106 Supplement 25) is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

...

11. Screen Enclosures

a. General

Screen enclosures may be covered with a screened or solid roof, as follows:

....

b. Setbacks for Screen Enclosures with Screened Roofs

Setbacks for screen enclosures with screen roofs shall be measured as specified in the table below:

Table 5.B.1.A - Screen Enclosure Setbacks

Setback	Front	Side Interior	Side Street	Rear
Single family	25 feet	7.5 feet	15 feet	7.5 feet
Cottage Home (1)	20 feet	2 feet	10 feet	2 feet
Multi-family	25 feet	15 feet	25 feet	12 feet
ZLL				
Interior lot	Parking Tract: 10 feet R-O-W: 25 feet	Non-ZLL: 2 feet ZLL: 0 feet	N/A	2 feet
Corner lot		0 feet	10 feet	
Side street home		2 feet	10 feet	
Townhouse	Front (Setback)	Side (Setback/ Separation)	Side Street (Setback)	Rear (Setback/Separation)
Property line	Parking Tract: 10 feet	0 feet	Property line: 3 feet Street - 15 feet	0 feet
From Inside edge of landscape buffer	R-O-W: 25 feet	15 feet	15 feet	15 feet

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EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS

or PUD-or tract boundary				
Separation between groups	25 feet	15 feet	N/A	15 feet
Recreation Parcels	Front	Side	Side Street	Rear
Property Line	25 feet	20 feet	20 feet	20 feet
[Ord. 2013-001] [Ord. 2018-018]				
Note:				
1	Shall apply only to a Cottage Home that is in a single lot.			

Part 12. ULDC Table 6.A.1.B –Parking, Parking, General, Off-Street Parking, Table 6.A.1.B- Minimum Off-Street Parking and Loading Requirements (page 3 of 40, Supplement 25) is hereby amended as follows:

- 1 CHAPTER A PARKING
- 2 Section 1 General
- 3 B. Applicability
- 4

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

	Parking	Loading (1)
Use Classification: Residential		
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	(12)
Multifamily	1 space per efficiency unit; 2 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, Zero Lot Line Home, Townhouse, Farm Residence, or Mobile Home Dwelling	2 spaces per unit <u>plus 1 guest parking space per 4 units with common parking areas for Cottage Homes.</u>	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
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-018] [Ord. 2019-005]		
Loading Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA	
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.	
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.	

Part 13. ULDC Art. 7.C.2.B.2 Landscaping, Landscape Buffer and Interior Landscaping Requirements, Types of Landscape Buffer, Compatibility Buffer, Exemptions related to Compatibility Buffer (page 15 of 54, Supplement 25) is hereby amended as follows:

- 5 CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS
- 6
- 7 Section 2 Types of Landscape Buffer
- 8
- 9 B. Compatibility Buffer
- 10 A Compatibility Buffer shall consist of Canopy trees and rows of shrubs. Palms or pines may be
- 11 used as a substitute for Canopy trees. [Ord. 2018-002]
- 12
- 13 2. Exemption
- 14 Compatibility Buffers shall not be required for the following: [Ord. 2018-002]
- 15 a. Single Family residential subdivisions or pods adjacent to Single Family residential
- 16 subdivisions or pods. Cottage Home pods adjacent to Cottage Home pods; [Ord. 2018-
- 17 002]
- 18

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EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS

Part 14. ULDC Art. 7.C.2.A Landscaping, Landscape Buffer and Interior Landscaping Requirements, Types of Landscape Buffer, R-O-W Buffer and Incompatibility Buffer, Types of Landscape Buffer (page 17-18 of 54, Supplement 25) is hereby amended as follows:

CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS

Section 2 Types of Landscape Buffer

There are three types of landscape buffers: Right-of-Way (R-O-W), Compatibility and Incompatibility Buffers. Landscape requirements for each type of buffer shall be provided in accordance with the following standards, unless stated otherwise herein. **[Ord. 2018-002]**

....

A. R-O-W Buffer

A R-O-W Buffer shall consist of Canopy trees; palms or pines; rows of shrubs, and groundcover. Palms or pines may be used as a substitute for Canopy trees. Clustering of plant materials and opening of tree planting are allowed to provide visibility for a wall sign or an architectural feature of the building; or to accommodate a walkway or an amenity. **[Ord. 2018-002]**

1. Applicability

R-O-W Buffers shall be provided along all public street R-O-W. This shall apply to those lots that are separated by a canal, lake, open space or a combination thereof. **[Ord. 2016-042]** **[Ord. 2018-002]**

2. Exemptions

R-O-W Buffers are not required for the following: **[Ord. 2018-002]**

a. Where the R-O-W is an alley; **[Ord. 2018-002]**

b. A lot with a Single Family, ZLL or townhouse unit; ~~and~~ **[Ord. 2018-002]**

c. A single lot with a single Cottage Home; and,

~~e.d.~~ Private streets internal to a PDD, TDD, a subdivision or a lot. If trees are installed within the street R-O-W, installation of the trees shall be subject to the approval by the Engineering Department. **[Ord. 2018-002]**

....

C. Incompatibility Buffer

An Incompatibility Buffer shall consist of Canopy trees, palms or pines, and rows of shrubs. Palms or pines may be used as a substitute for trees. In addition, an Incompatibility Buffer shall consist of a continuous, opaque Landscape Barrier. **[Ord. 2009-040]** **[Ord. 2016-016]** **[Ord. 2018-002]**

1. Applicability

Incompatibility Buffers shall be provided between all incompatible uses or incompatible pods in a PDD. **[Ord. 2018-002]**

a. Type 1 Waiver for Landscaping

An Incompatibility Buffer may not be required for residential pods of a PDD; or tracts within a residential subdivision subject to a Type 1 Waiver for Landscaping. **[Ord. 2018-002]**

2. Types and Width of Incompatibility Buffers

There are three types of Incompatibility Buffers, Types 1, 2 and 3, and shall be applied in accordance with Table 7.C.2.C, Incompatibility Buffer Types. The type of Incompatibility Buffer required shall be the most restrictive buffer type based on the use difference between adjacent uses. Where required between pods in a PDD, only one Incompatibility Buffer shall be required. **[Ord. 2016-016]** **[Ord. 2018-002]**

Table 7.C.2.C - Incompatibility Buffer Types

Difference Between Adjacent Uses (1)			
Use Classification	Abutting	Use Classification	Required Buffer Type
Residential, Single Family and ZLL	↔	Residential, Cottage Homes	Type 1
Residential, Detached	↔	Residential, Attached (3)	Type 1
Residential, Detached	↔	Type 3 CLF	Type 2
Residential	↔	Commercial	Type 2
Residential	↔	Recreational	Type 2
Residential	↔	Institutional, Public and Civic	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3

[Ord. 2008-003] **[Ord. 2016-016]** **[Ord. 2018-002]**

Notes:

1. Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation. **[Ord. 2018-002]**

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EXHIBIT D
ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES
SUMMARY OF AMENDMENTS

Table 7.C.2.C - Incompatibility Buffer Types

2.	Buffer for Minor Utilities or Electric Distribution Substation shall be determined by the DRO. [Ord. 2017-007] [Ord. 2018-002]
3.	Shall also apply to a Type 2 CLF.
[Ord. 2018-002]	

1

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 4.B.1.E.10.I, Use Regulations, Use Classification, Residential Uses, Home Occupation, Nuisances [Related to Home Occupation] (page 22 of 198 Supplement 25), is hereby amended as follows:

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 1 Residential Uses**

3

4 **E. Accessory Residential Use Standards**

5 **10. Home Occupation**

6

7 **I. Nuisances**

8 No Home Occupation shall involve the use of any mechanical, electrical or other
9 equipment, materials or items, which produce noise, electrical or magnetic interference,
10 vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building.

11 There shall be no storage of hazardous or noxious materials on the site of the home
12 occupation. ~~There shall be no noise of an objectionable nature from the Home Occupation
13 audible at adjoining property lines.~~

14

15

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EXHIBIT F

ARTICLE 4 – ADULT ENTERTAINMENT FINDINGS OF FACT

Part 1. ULDC Art. 4.B.2.C.1.i, Use Regulations, Use Classification, Commercial Uses, Adult Entertainment, Findings of Fact (page 32-33 of 198, Supplement 25), is hereby amended as follows:

1 **CHAPTER B USE CLASSIFICATION**

2

3 **Section 2 Commercial Uses**

4

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

6 **1. Adult Entertainment**

7

8 **i. Findings of Fact**

9 Based on the evidence and testimony presented at the October 5, 2004 preliminary reading
10 and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and
11 the August 27, 2009 preliminary reading and the September 24, 2009 and October 22,
12 2009 Public Hearings before the BCC, and on the findings incorporated in: the “Final
13 Report to the City of Garden Grove: The Relationship Between Crime and Adult Business
14 Operations on Garden Grove Boulevard,” October 1991; “Adult Entertainment Businesses
15 in Indianapolis: An Analysis” conducted by the Department of Metropolitan Development,
16 Division of Planning, February, 1984; the “Study of the Effects of Concentration of Adult
17 Entertainment Establishments in the City of Los Angeles” conducted by the Los Angeles
18 City Planning Department for the Los Angeles City Council, June 1977; the study
19 conducted by the City of Austin Texas; the “Presentation to the Orange County
20 Commission” by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit
21 (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly,
22 Ph.D, FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; “Analysis of
23 Availability of Sites for Adult Entertainment in Palm Beach County” prepared for Palm
24 Beach County by Duncan Associates, November 2003; [Adult Entertainment Analysis for
25 Palm Beach County, Florida, Final Report, by Cooper Planning Consultants, January 2019;](#)
26 the “Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the
27 County Attorney, Palm Beach County, Florida” prepared by Valerie Jenness, Ph.D.,
28 Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the “Survey of
29 Florida Appraisers – Effects of Land Uses on Surrounding Property Values” prepared for
30 Palm Beach County by Duncan Associates, December 2007 (Report 2008); and
31 information from Tampa, Florida detailing the effects of Adult Entertainment establishments
32 in the Tampa area; the BCC hereby finds the following:
33

....

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EXHIBIT G

ARTICLE 4 – BONA FIDE AGRICULTURE AGRITOURISM

Part 1. ULDC Art. 4.B.6.C.1, Use Classification, Definitions and Supplementary Use Standards for Specific Uses, Agriculture, Bona Fide (page 93-96 of 198, Supplement 25), is hereby amended as follows:

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 6 Agricultural Uses**

3

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

5 **1. Agriculture, Bona Fide**

6 **a. Definition**

7 Any plot of land where the principal use consists of the growing, cultivating and harvesting
8 of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock;
9 the production of animal products such as eggs, honey or dairy products; or the raising of
10 plant material. The following standards shall apply to a Bona-Fide Agriculture use, except
11 where pre-empted by State law.

12

13 **g. Livestock Raising**

14 The breeding, raising and caring for domestic animals including horses.

15 **1) Urban Service Area (USA)**

16 In the Urban Service Area, livestock raising shall comply with the following standards:

17 **a) Lot Size**

18 A minimum of five acres.

19 **b) Setback**

20 All accessory uses and structure, such as troughs, feed mechanisms and storage,
21 shall be setback a minimum of 100 feet.

22

23 **h. Agritourism – Refer to F.S. Chapter 570.85-570.87 for applicability.**

24 **ih. Accessory Agricultural Uses**

25 These uses include “U-Pick-Em” operations; sale of on-site produced products; corrals;
26 pens; training facilities; dipping vats; processing of raw material; storage sheds; repair,
27 fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk
28 storage of petroleum products; shipping containers used for temporary storage; washing,
29 cutting, and packing of farm products, and canning, dehydration, and basic preparation of
30 raw food products prior to shipment, and outdoor storage of equipment.

31 **ij. Agriculture Marketplace**

32 A use that is accessory, incidental and subordinate, to a Bona-Fide Agriculture use in the
33 AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities
34 for visitors, which generates income for the owner or operator of the Bona-Fide Agriculture
35 use, adding economic viability to farming operations.

36 **1) Approval Process**

37 Class A Conditional Use.

38 **2) Location Criteria**

39

40 **[Renumber remaining accordingly]**

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EXHIBIT H

ARTICLE 4, USE REGULATIONS, ELECTRIC VEHICLE CHARGING STATION, ACCESSORY USE AND ARTICLE 6, PARKING

Part 1. ULDC Art. 4.B.2.C.10.d Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Electric Vehicle Charging Station, Accessory Use (page 38-39 of 198, Supplement 25), is hereby amended as follows:

1 CHAPTER B USE CLASSIFICATION

2 Section 2 Commercial Uses

3 C. Definitions and Supplementary Use Standards for Specific Uses

4 ...

5 10. Electric Vehicle Charging Station Facility

6 a. Definitions

7 A facility that provides infrastructure that supplies electric energy for the charging of electric
8 vehicles for a fee. Electric vehicles shall include, but not limited to: Battery-powered electric
9 vehicles, Plug-in hybrid electric vehicles, Electric motorcycles, and Fuel cell vehicles. The
10 service is provided to the public and the facility can be manned or unmanned. **[Ord. 2018-018]**

11 b. Location Criteria for Principal Use

- 12 1) An EVCS facility shall comply with Art. 5.E.2, Location Criteria. **[Ord. 2018-018]**
13 2) An EVCS facility with a CL FLU designation shall comply with Art. 5.E.1, Major
14 Intersection Criteria. **[Ord. 2018-018]**

15 3) I-95 or Turnpike Interchanges

16 A parcel with a Commercial High (CH) future land use designation within 0.50 miles of
17 an I-95 or Turnpike interchange shall be exempt from the location criteria listed above.
18 **[Ord. 2018-018]**

19 c. Design and Construction Standards for Stations for Principal or Accessory Use

- 20 1) The location of the EVCS (charger and/or charging space(s)) shall not be located in the
21 following areas: **[Ord. 2018-018]**

22 a) required loading areas; **[Ord. 2018-018]**

23 b) required landscape buffers, islands, or medians; and, **[Ord. 2018-018]**

24 c) Any other areas that will impede vehicular or pedestrian traffic circulation or
25 visibility. **[Ord. 2018-018]**

26 2) All EV parking spaces shall be a minimum of nine feet in width by 18.5 feet in length.
27 The charging unit may be installed in front of the space or on the side. An optional
28 pedestrian access aisle (between 18 inches to 2 feet) may be provided between the
29 unit and the vehicle. Two adjacent EVCS spaces may utilize the same access aisle;
30 **[Ord. 2018-018]**

31 3) EV spaces shall be painted green, or shall be marked by green painted lines or curbs;
32 **[Ord. 2018-018]**

33 4) A canopy, if provided, shall not exceed 15 feet in height over the charging unit; **[Ord.**
34 **2018-018]**

35 5) Each EV space shall be marked by a sign designating the parking space as an electric
36 vehicle parking space, in accordance with Art. 8.B.2, Small Signs and the Manual on
37 Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each
38 sign shall include the following information **[Ord. 2018-018]**

39 a) Voltage and amperage levels; **[Ord. 2018-018]**

40 b) Any applicable usage fees; **[Ord. 2018-018]**

41 c) Safety information; and **[Ord. 2018-018]**

42 d) Contact information for the owner of the charging station, to allow a consumer to
43 report issues relating to the charging station. **[Ord. 2018-018]**

44 6) A generator, if provided, shall comply with Art. 5.B.1.A.19, Permanent Generators.
45 **[Ord. 2018-018]**

46 d. Accessory Use

47 EVCS shall be permitted as an accessory use to ~~residential or~~ nonresidential uses when a
48 parking space(s), equipped with EVCS infrastructure, is provided within the parking lot or
49 vehicular service area of a principal use for public or private use. An accessory EVCS may
50 be Permitted by Right when located in any Zoning Deistrict subject to ~~DRO approval~~ the
51 following: **[Ord. 2018-018]**

52 1) Accessory to Nonresidential Uses

53 Shall not exceed a maximum of 20 spaces or ten percent of the total required parking
54 spaces for the use or, whichever is less. **[Ord. 2018-018]**

55 ~~2) Accessory Residential~~

56 ~~a) EVCS that is accessory to a home (SF, ZLL or TH) is permitted and exempt from~~
57 ~~the regulations in this Section. **[Ord. 2018-018]**~~

58 ~~b) An EVCS located within a common parking area shall comply with the provisions~~
59 ~~for Accessory to Non-Residential uses listed above. **[Ord. 2018-018]**~~

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EXHIBIT H

ARTICLE 4, USE REGULATIONS, ELECTRIC VEHICLE CHARGING STATION, ACCESSORY USE AND ARTICLE 6, PARKING

Part 2. ULDC Art. 6.A.1.D Parking, Parking, General, Off-Street Parking (page 38-39 of 198, Supplement 25), is hereby amended as follows:

1 CHAPTER A PARKING

2 Section 1 General

3

4 D. Off-Street Parking

5 1. Computing Parking Standards

6

7 **20. Electric Vehicle Charging Parking Space (EVCPS)**

8 A parking space that provides infrastructure that supplies electric energy for the charging of
9 electric vehicles, without a fee, is associated with the principal use, and is part of the required
10 number of parking spaces, shall be considered an EVCPS.

11 **a. Nonresidential Uses**

12 Shall not exceed a maximum of 20 spaces or ten percent of the total required parking
13 spaces for the use or uses in the development, whichever is less.

14 **b. Residential Uses**

15 An EVCPS is permitted by right.

16 **c. Design and Construction Standards**

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

23 2) EV spaces shall be painted green, or shall be marked by green painted lines or curbs.

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EXHIBIT I
ARTICLE 5 – SUPPLEMENTARY STANDARDS
FUEL, GAS, OR CHEMICAL STORAGE TANKS

Part 1. ULDC Art. 5.B.1.A.7, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Fuel, Gas or Chemical Storage Tanks (page 21 of 106, Supplement 25), is hereby amended as follows:

1 **CHAPTER B ACCESSORY USES AND STRUCTURES**

2 **Section 1 Supplementary Regulations**

3 **A. Accessory Uses and Structures**

4

5 **7. Fuel, Gas, or Chemical Storage Tanks**

6 Above ground accessory fuel, gas, or chemical storage tanks, 3 feet or greater in height shall
7 be subject to the zoning district setbacks or the minimum setbacks required by the Florida
8 Building and Fire Prevention codes, whichever is greater, and screening. New and
9 replacement storage tanks of 20 feet and shall be ~~completely~~-screened from view if adjacent
10 to a residential use or FLU designation and visible from an adjacent R-O-W. The screening
11 shall consist of by a continuous solid an opaque barrier or equivalent landscaping a hedge a
12 minimum of four feet in height equal to the highest point of the storage tanks around the
13 perimeter of the tank enclosure.

14

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EXHIBIT J

ARTICLE 5 – SUPPLEMENTARY STANDARDS, OUTDOOR LIGHTING

Part 1. ULDC Art. 3.B.4.F .E.4.E, Overlays and Zoning Districts, Overlays, GAO, Glades Area Overlay Table 3.B.4.F- Type 1 Waivers for Industrial Pods (pages 63-64 of 106, Supplement 25), is hereby amended as follows:

1 **CHAPTER B OVERLAYS**

2

3 **Section 4 GAO, Glades Area Overlay**

4

5 **F. Planned Industrial Park Development (PIPD)**

6

7 **2. Type 1 Waivers for Industrial Pods**

8 An applicant may apply for waivers for development standards within an Industrial Pod in
 9 accordance with Art. 2.C.5.E, Type 1 Waiver. Applications for Type 1 Waivers shall be
 10 expressly limited to the requirements listed below: **[Ord. 2014-025]**
 11

Table 3.B.4.F. – Type 1 Waivers for Industrial Pods

Article/Table Reference and Title	Maximum Waiver	Criteria
....		▪
Table 5.E.4.DE, Illumination Levels	Increased illumination levels in outdoor work areas of up to 25 percent may be allowed when all adjacent parcels are within an Industrial pod, as follows:	<ul style="list-style-type: none"> ▪ Demonstration in writing and with supporting documentation that increased illumination levels will not adversely impact other uses within or abutting the PIPD; ▪ Demonstration that the need for additional lighting is for employee safety or site security; ▪ Provided the illumination level complies with the Table at the perimeter property line adjacent to a public ROW or to residentially zoned property.
Table 5.E.4.DE, Maximum Permitted Luminaire Height	Luminaire heights may be increased by 25 percent.	▪ When all adjacent parcels are within an Industrial pod.

Part 2. ULDC Art. 5.E.4.E, Supplementary Standards, Performance Standards, Nuisances, Outdoor Lighting (pages 62-63 of 106, Supplement 25), is hereby amended as follows:

12 **CHAPTER E PERFORMANCE STANDARDS**

13

14 **Section 4 Nuisances**

15

16 **E. Outdoor Lighting**

17 **1. Purpose and Intent**

18 It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use and
 19 enjoyment of any and all property through the use of appropriate lighting practices and systems.
 20 Such individual fixtures, luminaries and lighting systems are designed, constructed, and
 21 installed to: control glare and light trespass, minimize obtrusive light, eliminate the increase of
 22 lighting levels on competing sites, provide safe roadways for motorist, cyclists and pedestrians,
 23 conserve energy and resources while maintaining safety, security and productivity, and curtail
 24 the degradation of the nighttime visual environment. **[Ord. 2005-041]**

25 **2. Applicability**

26 All outdoor lighting shall be subject to the requirements of Table 5.E.4.~~DE-15~~, Illumination
 27 Levels, and Table 5.E.4.~~DE-16~~, Maximum Permitted Luminaire Height, unless exempted or
 28 permitted to deviate as described herein. Lighting not specifically listed may be classified by
 29 the Executive Director of PZB pursuant to Art. 1.B, Interpretation of the Code. In Addition to the
 30 standards in this Section, outdoor lighting shall be consistent with Art. 14, Environmental
 31 Standards. **[Ord. 2005-041] [Ord. 2011-016]**

32 **a. Conflict**

33 In the case of a conflict between this Section other provisions of this Code, or other
 34 applicable codes, the more strict regulation shall apply. **[Ord. 2005-041]**

35 **b. Non-conforming Lighting**

36 All luminaries that do not comply with the standards of this Section shall be subject to the
 37 limitations on expansion, maintenance, relocation, damage repair and renovations
 38 pursuant to Art. 1.F, Non-conformities. **[Ord. 2005-041]**

39 **c. Exemptions**

40 The following ~~uses~~ shall be exempt to the extent listed below: **[Ord. 2005-041]**

41 **1) Residential**

42 Single-family, townhouses; and, multifamily ~~dwellings up to~~ with a maximum of two
 43 units shall not be subject to the requirements of ~~this Section Art. 5.E.4.E.3, Submittal~~

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EXHIBIT J

ARTICLE 5 – SUPPLEMENTARY STANDARDS, OUTDOOR LIGHTING

Requirements and Art. E.4.E.4. Standards. All permitted outdoor lighting shall be oriented and directed away from adjacent residential uses or adjacent streets that are internal or external to the subject property. [Ord. 2005-041]

- 2) **Street Lights**
Street lights in any public ROW that meet the requirements of the appropriate public utility. **[Ord. 2005-041]**
- 3) **Temporary Lighting**
The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. **[Ord. 2005-041]**
- 4) **Landscape and Accent Lighting**
Landscape and Accent Lighting fixtures that comply with the Florida Building Code, Chapter 13 Section 13-415.1ABC.2.1 efficacy requirements shall be exempt. All exempt Landscape and Accent Lighting fixtures must have a locking mechanism and a glare shield so that light is aimed, and remains aimed at the surface intended. **[Ord. 2008-037]**
- 5) **Public Park and Recreation Facilities**
Government owned or operated public parks and recreation facilities that are only open between dawn and dusk, shall not be subject to the requirements of this Section. **[Ord. 2018-018]**

6) Temporary Uses pursuant to Art. 4.B.11

d. Prohibited Outdoor Lighting

The following types of outdoor lighting are prohibited in unincorporated PBC: **[Ord. 2005-041]**

- 1) Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard; **[Ord. 2005-041]**
- 2) Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director or Traffic Director; **[Ord. 2005-041]**
- 3) Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law; **[Ord. 2005-041]**
- 4) Any drop lens fixture or fixture that does not meet the IESNA Full-Cutoff classification of 0% of lumens above 90 degrees from nadir. This includes, but is not limited to, parking lot fixtures, building façade fixtures, and other non-landscape lighting fixtures. **[Ord. 2008-037]**
- 5) Animated lighting, unless authorized under Art.8, Signage. **[Ord. 2005-041]**
The maximum illumination at the property line of an adjoining residential parcel or public ROW is 0.33 horizontal and vertical foot-candles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level. **[Ord. 2005-041]**

....

Part 3. ULDC Art. 5.E.4.E, Supplementary Standards, Performance Standards, Nuisances, Outdoor Lighting (pages 65 of 106, Supplement 25), is hereby amended as follows:

CHAPTER E PERFORMANCE STANDARDS

....

Section 4 Nuisances

....

E. Outdoor Lighting

4. Standards

....

Table 5.E.4.E - Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
Buildings and Accessory Structures				
a. Pathway Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-thru and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
a. Multi-family Residential	3.0	0.3	10:1	-
b. All Others <u>Uses</u>	12.0	1.0	12:1	3:1
Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-

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EXHIBIT J

ARTICLE 5 – SUPPLEMENTARY STANDARDS, OUTDOOR LIGHTING

Table 5.E.4.E - Illumination Levels

e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	-	10.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for vehicle sales and rental.	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas.	20	1.0	15:1	4:1
c. Outdoor Work Areas	20	1.0	15:1	4:1
[Ord. 2005-041] [Ord. 2008-037] [Ord. 2010-005]				
Notes:				
1. Measured in foot-candles.				
2. Building or accessory mounted luminaires used to light parking lots shall comply with Parking Lot illumination levels.				
3. May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100' from a ROW.				
4. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.				
5. Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot-candles.				

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e. Luminaire Heights

Table 5.E.4.E, Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure mounted luminaires.

Table 5.E.4.E - Maximum Permitted Luminaire Height

Location	Maximum Height	
	U/S Tier	Rural, Exurban, <u>Glades</u> , and AGR Tiers
Buildings and Accessory Structures		
a. Buildings	25 feet or eave overhang, whichever is lower (unless required by the Florida Building Code)	
b. Accessory Structures	10 feet	8 feet
Parking Lot		
a. Residential	20 feet	15 feet
b. Industrial	40 feet	-
c. Commercial, Civic and Institutional	30 feet, or equal to the height of the building up to a maximum of 40 feet	25 feet
Parking Structures		
a. Luminaires on top parking level.	20 feet or 25 feet (4)	15 feet
Property Boundary		
a. Luminaires within 100 feet of residential (2)	20 feet	15 feet
Specialty Lighting (3)		
a. Golf Courses	Per IESNA Lighting Handbook	
b. Outdoor Entertainment		
c. Parks		
[Ord. 2005-041]		
Notes:		
1. For the purposes of this table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation.		
2. The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential.		
3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.		
4. Minimum setback shall be 45 feet from exterior edge of wall for all luminaires, except luminaires mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall.		

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f. Measurement

- 1) Illumination levels shall be measured in foot-candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level. **[Ord. 2005-041]**
- 2) For the purpose of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level. **[Ord. 2005-041]**

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EXHIBIT K
ARTICLE 6, PARKING [RELATED TO OFF-STREET AND ON-STREET PARKING]

Part 1. ULDC Art. 6.A.1.D.19.a.2), Parking, Parking, General, Off-Street Parking, Parking of Equipment, Vehicles, or Marine Vessels and Trailers in Residential Districts (page 32-33 of 40, Supplement 25), is hereby amended as follows:

1 **CHAPTER A PARKING**

2 **Section 1 General**

3 **D. Off-Street Parking**

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

6 The following standards shall apply to the parking of equipment, (including construction
7 equipment), vehicles, recreational vehicles, sports vehicles, or marine vessels and trailers on
8 residential parcels or adjacent streets in residential districts. For the purposes of this Section,
9 legally established, nonresidential uses in the AR district in lands designated Rural Residential
10 in the Plan shall not be considered a residential district. **[Ord. 2007-013] [Ord. 2019-005]**

11 **a. General Prohibition**

12 **1) On-Street**

13 No person shall park, store, or keep any equipment, ~~a~~ commercial vehicle, recreational
14 vehicle, marine vessel, trailer, ~~or~~ sports vehicle such as a dune buggy, jet skis, racing
15 vehicle, off-road vehicle, air boat, canoe or paddleboat, on any public street, or other
16 thoroughfare or any R-O-W within a residential district for a period exceeding one hour
17 in any 24-hour period, each such period commencing at the time of first stopping or
18 parking. **[Ord. 2007-013] [Ord. 2019-005]**

19 **2) Off-Street**

20 **a)** It shall be unlawful for any owner of land in any residential district to park on, cause
21 to be parked on, or allow to be parked on residentially zoned land any unlicensed
22 or unregistered vehicle, or equipment, commercial vehicle, sports vehicle,
23 recreational vehicle, marine vessel or trailer for a period exceeding one hour in any
24 24-hour period, each such period commencing at the time of first stopping or
25 parking. **[Ord. 2007-013] [Ord. 2019-005]**

26 **b) Vehicles shall only be parked on an improved surface in the Urban Suburban Tier.**

27

Part 2. ULDC Art. 6.A.1.D. Parking, Parking, General, On-Street Parking (page 33 of 40, Supplement 25), is hereby amended as follows:

28 **Section 1 General**

29 **D. Off-Street Parking**

30

31 **E. On-Street Parking**

32 On-street parking is prohibited unless stated below.

33 **1. Residential**

34 On-street parking may be allowed as determined by Land Development in subdivisions located
35 in standard residential zoning districts or residential pods of a PDD when the following
36 requirements are met:

37 a. parking spaces are located on an internal private street;

38 b. approved by the County Engineer per Art. 11.B.6.C;

39 c. parking spaces shall not reduce the minimum fire department access width of 20 feet,
40 pursuant to the Florida Fire Prevention Code NFPA 1;

41 d. shall not be used to satisfy required parking; and

42 e. not required to be shown on an approved Zoning Site Plan.

43 **2. Developments located in the WCRAO, IRO, URAO or TDD Zoning Districts in accordance with**
44 **the specific provisions in Art. 3 that allow on-street parking.**

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EXHIBIT L

ARTICLE 14 – ENVIRONMENTAL STANDARDS

Part 1. ULDC Art. 4.B.10.B.7.c.5), Use Regulations, Use Classification, Excavation Uses, Common Provisions and General Standards, Technical Standards, Reclamation Standards, Area of Record (page 171 of 198, Supplement 25), is hereby amended as follows:

1 CHAPTER B USE CLASSIFICATION

2

3 Section 10 Excavation Uses

4

5 B. Common Provisions and General Standards

6

7 7. Technical Standards

8

9 c. Reclamation Standards

10

11 5) Area of Record

12 All reclaimed littoral and upland planting areas shall be identified graphically and in
13 writing on a separate restrictive covenant. The graphic shall be signed and sealed by
14 a certified engineer or surveyor as applicable, recognized and approved by the FDPR.
15 If a plat is required, pursuant to Art. 11, Subdivisions, Platting and Required
16 Improvements, all planted littoral zones and upland reclamation planting areas shall
17 be identified by reference to the restrictive covenant. The plat and restrictive covenant
18 shall be reviewed and approved by the Zoning Division, ERM, and the County
19 Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded
20 restrictive covenant shall be provided to ERM and PZB, prior to issuance of written
21 approval of the Notice of Intent to Construct. Within 30 days following plat recordation,
22 a copy of the recorded plat shall be provided to ERM and Zoning Division. An applicant
23 may submit a written request to ERM to approve the termination of a recorded
24 restrictive covenant agreement provided the DO has been rescinded and no excavation
25 of any water management tract has occurred. A copy of the termination of the
26 restrictive covenant shall be provided to ERM. A restrictive covenant may be amended
27 upon written request by an applicant and approval by ERM. The littoral area and
28 reclaimed upland planting area shall be specifically and separately reserved to the
29 owner, or if applicable, to the property owners' association as its perpetual
30 maintenance responsibility, without recourse to PBC or any other governmental entity
31 or agency. The plat, if applicable, restrictive covenant and property owners' association
32 documents, shall contain the following statement:

33 It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and
34 approvals to alter the approved slopes, contours, or cross sections or to chemically,
35 mechanically, or manually remove, damage or destroy any plants in the reclaimed
36 areas and planted littoral zone except upon the written approval from the Director of
37 ERM or Zoning, as applicable. It is the responsibility of the owner or property owners
38 association, its successors or assigns, to maintain the required survivorship and
39 coverage of the reclaimed upland and planted littoral areas and to ensure on-going
40 removal of prohibited and invasive non-native plant species from these areas.

Part 2. ULDC Art. 4.B.10.B.7.d.3), Use Regulations, Use Classification, Excavation Uses, Common Provisions and General Standards, Technical Standards, Performance Guarantee Requirements, Execution (page 171 of 198, Supplement 25), is hereby amended as follows:

41 CHAPTER B USE CLASSIFICATION

42

43 Section 10 Excavation Uses

44

45 B. Common Provisions and General Standards

46

47 7. Technical Standards

48

49 d. Performance Guarantee Requirements

50

51 3) Execution

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EXHIBIT L

ARTICLE 14 – ENVIRONMENTAL STANDARDS

1 The performance guarantee shall be executed by a person or entity who owns a
2 property in part or in whole or has legal interest in the property ~~with a legal or financial~~
3 ~~interest in the property~~. Transfer of title to the subject property shall not relieve the
4 need for the performance guarantee. The seller shall maintain, in full force and effect,
5 the original performance guarantee until it is replaced by the purchaser.

Part 3. **ULDC Art. 14.C.7.B.3, Environmental Standards, Vegetation Preservation and Protection, Application, Process, and General Standards, Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agricultural Operations 10 Acres in Size or Greater, Establishing Upland Preserves (pages 35-37 of 52, Supplement 24), is hereby amended as follows:**

6 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

7

8 **Section 7 Application, Process, and General Standards**

9

10 **B. Approval of Development for Commercial Projects, Government Projects, Schools, New** 11 **Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and** 12 **Agricultural Operations 10 Acres in Size or Greater**

13

14 **3. Establishing Native Upland Preserves**

15 All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the
16 establishment of a native upland preserve. Parcels that have significant or unique areas of
17 native upland vegetation, regardless of parcel size shall be required to designate a native
18 upland preserve equivalent to at least 25 percent of the total native upland vegetation on site
19 or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than
20 one half acre in size. New public park facilities constructed on parcels 20 acres in size or less
21 shall be exempt from the preserve requirements of this Chapter.

22 ~~Factors that will determine if a parcel has significant or unique areas of native vegetation~~
23 ~~include, but are not limited to the quality of the native ecosystem, overall quality of its biological~~
24 ~~diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation,~~
25 ~~and the compactness of the preserve and its proximity to other natural preserve areas and~~
26 ~~corridors.—The applicant shall provide an environmental assessment prepared by an~~
27 ~~environmental professional for parcels with significant or unique areas of native vegetation at~~
28 ~~time of initial application to determine the native upland preserve location, size and~~
29 ~~configuration for evaluation by ERM. The applicant is encouraged to meet with ERM to~~
30 ~~determine the extent of the assessment. The assessment shall include the following with photo~~
31 ~~documentation, at a minimum: Florida Land Use and Cover Classification System (FLUCCS)~~
32 ~~map, a list of native species, quality of the native ecosystem, overall identification and quality~~
33 ~~of the native species, presence of listed species, ecosystem type, uniqueness of wildlife habitat,~~
34 ~~quality and quality of native vegetation (canopy, understory and groundcover), compactness of~~
35 ~~the preserve and the proximity to other natural preserve areas and corridors.~~

36 a. The preserve boundaries shall be designated in a certified survey submitted to ERM for
37 approval. No easements may be located within the boundaries of the preserve. Prior to
38 and during parcel alteration, the preserve boundaries shall be clearly marked and
39 appropriately barricaded. Permanent preserve boundary markers shall be installed and
40 proper documentation submitted to ERM prior to issuance of technical compliance or
41 monitoring release, if applicable, and shall be maintained by the parcel owner ~~in perpetuity~~
42 ~~in compliance with the approved Preserve Management Plan. The County may release~~
43 ~~the preserve if the applicant offers to relocate the preserve to an area that meets the criteria~~
44 ~~in Art. 14.C.7.B.4, Surplus Native Vegetation.~~

45 b. The parcel owner shall develop a Preserve Management Plan to provide long-term
46 protection and maintenance of the values and functions of the preserve. Activities that
47 cause degradation of the preserve are prohibited. The Preserve Management Plan shall
48 be accepted by ERM prior to a DRO certification. ERM may provide Preserve Management
49 Plan Guidelines. The parcel owner shall maintain the preserve in accordance with the
50 Preserve Management Plan. Preserve Management Plan will include the requirement to
51 maintain annual reports detailing species presences, control practices for prohibited and
52 invasive non-native species, activity corrections to maintain compliance with the Plan, and
53 photographs demonstrating the state of the preserve. Said annual reports shall be
54 delivered to ERM within 90 days upon written request, unless extended by ERM in writing.

55

56 g. A preserve may be purchased in accordance with the following: **[Ord. 2008-040]**

57 1) Parcels with existing and approved preserve areas or that support endangered,
58 threatened, rare, and species of special concern will not be considered for a cash

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EXHIBIT L

ARTICLE 14 – ENVIRONMENTAL STANDARDS

1 payment in lieu of dedicating a preserve set aside. A parcel owner may submit a cash
2 payment in lieu of setting aside a native upland preserve provided the following criteria
3 are met:

- 4 a) A written request shall be submitted to ERM prior to DRO, certification for public
5 hearing, site plan certification, or issuance of a building construction permit,
6 whichever occurs first; **[Ord. 2008-040]**
7 b) The cash payment shall be equivalent to the per acre value of the ~~per~~ parcel, at
8 the time of permit application, multiplied by the number of acres required to be
9 preserved; and,
10 c) The cash payment shall be made payable to the PBC Natural Areas Fund and
11 shall be submitted prior to issuance of the permit or site plan certification,
12 whichever occurs first; and **[Ord. 2008-040]**
13 ~~d) If listed species are determined to be on the parcel, the applicant must~~
14 ~~demonstrate that the proposed action will not preclude the continued survival and~~
15 ~~viability of the listed species, or a plan must be approved by all applicable agencies~~
16 ~~for relocating those species. [Ord. 2008-040]~~
17

....

Part 4. **ULDC Art. 14.C.7.B.4, Environmental Standards, Vegetation Preservation and Protection, Application, Process, and General Standards, Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agricultural Operations 10 Acres in Size or Greater, Preserves Previously Dedicated (page 37 of 52, Supplement 24), is hereby amended as follows:**

18 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

19

20 Section 7 Application, Process and General Standards

21 **B. Approval of Development for Commercial Projects, Government Projects, Schools, New**
22 **Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and**
23 **Agricultural Operations 10 Acres in Size or Greater**

24 25 **4. Preserves under Dedication**

- 26 a. An applicant may propose to relocate a preserve under dedication to an alternate on-site
27 or off-site parcel provided the proposed parcel relocation does not create multiple
28 preserves that are smaller in size than the original preserve unless ERM determines the
29 proposed smaller preserve(s) meets or exceeds the quality and meets or exceeds the
30 quantity of the habitat or vegetation of the existing preserve parcel at the time the
31 dedication was approved by ERM and relocation does not create fragmentation with any
32 other natural system. The applicant shall demonstrate compliance with the approved
33 Preserve Management Plan for the preserve under dedication and provide an
34 environmental assessment per Article 14.C.7.B.3. for the proposed parcel for evaluation
35 by ERM. If the original preserve is contiguous to another natural system then the request
36 will not be considered unless a more favorable habitat is offered.
37 b. A preserve under dedication that has endangered, threatened, rare, and species of special
38 concern, other than gopher tortoises or any other species being relocated under a Florida
39 Fish and Wildlife Conservation Commission permit, shall not be considered for relocation.
40 c. A preserve under dedication resulting from a violation or enforcement action shall not be
41 considered for relocation unless Section 14.C.7.B.4.a. and b. are satisfied.

42 **5. Transferring of a Preserve under Dedication**

43 A municipality may request that a preserve under dedication be transferred to their jurisdiction
44 provided: annexation has occurred, the County approved site plan development has not
45 occurred and the preserve under dedication is not a result of an enforcement action or violation.

46 **64. Surplus Native Vegetation**

47

48 **75. Mitigation or Restoration**

49

- 50 c. All vegetation planted to meet mitigation requirements shall be installed using best industry
51 standards and provided with mulch, irrigation and required maintenance to ~~insure~~ ensure
52 survival ~~in perpetuity~~.

53

54
55 Part 5. **ULDC Art. 14.C.8.D., Environmental Standards, Vegetation Preservation and Protection, Exemptions, Improved Parcels (page 39 of 52, Supplement 24), is hereby amended as follows:**

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EXHIBIT L

ARTICLE 14 – ENVIRONMENTAL STANDARDS

1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2

3 Section 8 Exemptions

4

5 D. ~~Improval~~ Improved Parcels

6

Part 6. ULDC Art. 14.C.12.D), Environmental Standards, Vegetation Preservation and Protection, Violations, Restoration (page 41 of 52, Supplement 24), is hereby amended as follows:

7 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

8

9 Section 12 Violations

10

11 D. Restoration

12 a. Properties cleared after 1986 without an approval will be required to restore 9 trees per
13 violation. The restoration may be accomplished through on-site planting of native trees or
14 equivalent native vegetation approved by ERM, a contribution to the Palm Beach County
15 Natural Areas Fund that is equivalent to nine trees per violation, or the dedication of equivalent
16 upland quality land cleared. [Ord. 2008-040] [Ord. 2012-027]

17 b. If a preserve under dedication has degraded due to neglect or lack of compliance with the
18 approved Preserve Management Plan, the property owner shall provide a restoration plan to
19 ERM per Article 14.C.12.D.a. Restoration of the preserve may occur in phases as approved by
20 ERM.

Part 7. ULDC Art. 14, Environmental Standards, Appendix 8 Invasive Non-Native Vegetation within Preserves (page 50 of 52, Supplement 24), is hereby amended as follows:

APPENDIX 8: INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES

Common Name	Scientific Name	Type
Arrowhead vine	<i>Syngonium podophyllum</i>	Vine
Asparagus fern	<i>Asparagus densiflorus</i>	Ground cover
Banyan	<i>Ficus bengalensis</i>	Tree
Beach naupaka	<i>Scaevola sericea</i>	Shrub
Bishop-wood	<i>Bischofia javanica</i>	Tree
Caesar weed	<i>Urena lobata</i>	Shrub
Cat's claw	<i>Mimosa pigra</i>	Shrub
Cat's claw vine	<i>Macfadyena unguis-cati</i>	Vine
Castor bean	<i>Ricinus communis</i>	Herb
<u>Chinese privit</u>	<u><i>Ligustrum sinense</i></u>	<u>Shrub</u>
Chinese tallow tree	<i>Sapium sebiferum</i>	Vine
<u>Cogon grass</u>	<u><i>Imperata cylindrica</i></u>	<u>grass</u>
<u>Coral ardisia</u>	<u><i>Ardisia crenata</i></u>	<u>Shrub</u>
<u>Dodder vine</u>	<u><i>Cuscuta exaltata</i></u>	<u>Vine</u>
Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Gold Coast Jasmine	<i>Jasminum dichotomum</i>	Shrub
Guava	<i>Psidium guajava</i>	Tree
<u>Guinea grass</u>	<u><i>Panicum maximum</i></u>	<u>Grass</u>
<u>Japanese climbing fern</u>	<u><i>Lygodium japonicum</i></u>	<u>Vine</u>
Java plum	<i>Syzygium cumini</i>	Tree
<u>Lantana</u>	<u><i>Lantana camara</i></u>	<u>Shrub</u>
Lather leaf	<i>Colubrina asiatica</i>	Vine
Laurel fig	<i>Ficus microcarpa</i>	Tree
Lead tree	<i>Leucaena leucocephala</i>	Tree
Lofty fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Mother-in-law tongue	<i>Sansevieria hyacinthoides</i>	Ground cover
<u>Natal grass</u>	<u><i>Melinis repens</i></u>	<u>Grass</u>
<u>Oyster plant</u>	<u><i>Tradescantia spathacea</i></u>	<u>Shrub</u>
Pothos	<i>Epipremnum pinnatum</i>	Vine
Portia tree or Seaside mahoe	<i>Thespesia populnea</i>	Tree
Rosary pea	<i>Abrus precatorius</i>	Vine
<u>Sewer vine</u>	<u><i>Paederia cruddasiana</i></u>	<u>Vine</u>
Shoebutton ardisia	<i>Ardisia solanaceae</i>	Shrub
<u>Skunk vine</u>	<u><i>Paederia foetida</i></u>	<u>Vine</u>

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:**].

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT L

ARTICLE 14 – ENVIRONMENTAL STANDARDS

Common Name	Scientific Name	Type
St. Augustine	<i>Stenotaphrum secundatum</i>	Grass
Strawberry Guava	<i>Psidium cattleianum</i>	Tree
Stinking passion vine	<i>Passiflora foetida</i>	Vine
Surinam cherry	<i>Eugenia uniflora</i>	Shrub
<u>Torpedo grass</u>	<u><i>Panicum repens</i></u>	<u>Grass</u>
Tuberous sword fern	<i>Nephrolepis cordifolia</i>	Ground cover
<u>Turkey berry</u>	<u><i>Solanum torvum</i></u>	<u>Shrub</u>
Two leaf nightshade	<i>Solanum diphyllum</i>	Shrub
Wedelia	<i>Wedelia trilobata</i>	Vine
Wild balsam apple	<i>Momordica charantia</i>	Vine
Woman's tongue	<i>Albizia lebbek</i>	Tree
Winged Yam	<i>Dioscorea alata</i>	Vine
[Ord. 2005 – 002]		

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 27, 2019

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2019-034, which was filed in this office on August 27, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb