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

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

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

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

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

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

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

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

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. 2 HB 7103 Legislation to Modify Timeline for Review of DOs |
| 8 | Exhibit B Art. 2 ULDC Privately Initiated Amendment |
| 9 | Exhibit C Art. 2 Monitoring |
| 10 | Exhibit D Art. 2 Planning Process and Historic Resources Review |
| 11 | Exhibit E Art. 3 Westgate Redevelopment Area Overlay – Residential Uses |
| 12 | Exhibit F Art. 3 Residential Building Coverage |
| 13 | Exhibit G Art. 3 CRE Consistency and RR-10 FLU |
| 14 | Exhibit H Art. 3 PDD Setback Measurement |
| 15 | Exhibit I Art. 4 Caretaker Quarters |
| 16 | Exhibit J Art. 4 Industrial Uses in CH Land Use |
| 17 | Exhibit K Art. 3 and 5 Community and Neighborhood Park Recreation Standards |
| 18 | Exhibit L Art. 6 Parking |
| 19 | Exhibit M Art. 1, 2, and 7 Vegetation Violations and HB 1159 |
| 20 | Exhibit N Art. 7 Easement Overlaps of Landscape Buffers |
| 21 | Exhibit O Art. 11 Code Reference FLU versus Article 2 process |
| 22 | Exhibit P Art. 12 TPS Codification of Ord. 2017-023 and Ord. 2009-031 |

23 **Section 2. Interpretation of Captions**

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

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

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

29 **Section 4. Severability**

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

34 **Section 5. Savings Clause**

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

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

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

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

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

3 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
4 County, Florida, on this the 27th day of January, 2020.

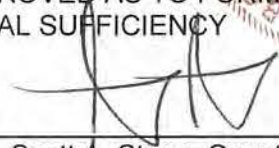
SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: 
Deputy Clerk

By: 
Dave Kerner, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
Scott A. Stone, County Attorney

5 **EFFECTIVE DATE:** Filed with the Department of State on the 28th day of
6 January, 2020.

EXHIBIT A

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

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

1 **CHAPTER A GENERAL**

2

3 **Section 3 Initiation of Applications**

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

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

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

25

26 **Section 7 Sufficiency Review**

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

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

35 **CHAPTER B PUBLIC HEARING PROCESSES**

36

37 **Section 2 Sufficiency Review**

38 **A. Sufficiency**

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

44 **B. Insufficiency**

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

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EXHIBIT A

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

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

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

23 **CHAPTER B PUBLIC HEARING PROCESSES**

24

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

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

30 **A. Exception for PO Deviations**

31 *PO Deviations shall be submitted to the Zoning Division on the Application Submittal Date. Sufficiency review is completed by the DRO to ensure the request complies with Art. 2.B.7.G, Public*
 32 *Ownership (PO) Deviations and PPM #ZO-O-063. The Zoning Division is only responsible for*
 33 *ensuring the correct allowable deviations are being requested and placing the application and staff*
 34 *summary on a BCC Zoning Agenda. PO Deviations, pursuant to Art. 11, Subdivision, Platting, and*
 35 *Required Improvements, shall be submitted directly to the County Engineer for review. [Ord. 2019-*
 36 *005] [Relocated from Table 2.B.4 Review, Resubmittal, and Certification]*
 37
 38

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

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

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EXHIBIT A

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

AB. Review

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

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

a. Additional requests to the application;

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

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

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

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

c. request withdrawal of the application.

BC. Non-Certification

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

1. Resubmittal Requirements

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

2. Time Extension

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

D. Certification

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

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

~~C. Non-Certification~~

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

~~**1. Resubmittal Requirements**~~

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

~~DE. Application Modification after Certification~~

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

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

1 it exceeds 30 percent or more change from the certified plan or application request. The DRO may
2 consider, but not limited to: intensity, density, land area, or vehicular use areas, to determine
3 whether the certified plans or documents exceed the 30 percent threshold. [Ord. 2005-002] [Ord.
4 2018-002]

5 ~~E. Continuation or Postponement~~

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

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

9 CHAPTER B PUBLIC HEARING PROCESSES

10

11 Section 6 Public Hearing Procedures

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

14 A. Scheduling

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

20 1. Number of Hearings

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

23 2. Exception for Official Zoning Map Amendment

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

27 3. Exception for PO Deviations

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

30

31 C. Board Action

32 1. Action by ZC

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

35 a. Recommendations by the ZC

36 The ZC shall consider the application where the BCC makes a final decision, including staff
37 report, relevant support materials, public testimony and public testimony given at the
38 hearing. After close of the public hearing, the ZC shall recommend to the BCC that the
39 application be approved, approved with Conditions, modified, ~~continued, postponed~~ or
40 denied based upon the applicable Standards in Art. 2.B.7, Types of Applications. [Ord.
41 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]

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

47 b. Final Decision by the ZC

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

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

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

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

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

9 **2. Action by BCC**

10 **a. Recommendations by the ZC**

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

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

15 The BCC shall consider the application, staff report, relevant support materials, DRO
16 certification, the ZC recommendation, public testimony submitted before and given at the
17 hearing. After close of the public hearing, the BCC shall by not less than a majority of a
18 quorum present approve, approve with conditions, modify, ~~postpone~~, or deny the
19 application. The actions shall be based upon the applicable and any Standards specific to
20 the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving,
21 approving with Conditions, or denying the proposed request. The resolution shall be filed
22 with the Clerk of the Circuit Court. For PO Deviations a Result Letter, in lieu of a resolution,
23 is prepared by the DRO, provided to the Applicant, and filed with the Zoning Division. [Ord.
24 2008-003] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005]

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

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

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

31 ~~If at any time during the public hearing, the BCC determines that the application is based~~
32 ~~upon incomplete, inaccurate information or misstatements of fact, the BCC may remand~~
33 ~~the application back to the ZC or DRO for further review and a revised staff report. [Ord.~~
34 ~~2018-002]~~

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

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

40

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

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

50 **1. Postponement by Right**

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

58 **EF. Finalization of Approved DOs**

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

62 **FG. Other Procedures**

63 Other procedures, which include: Postponement, Remand, Suspension of Development Review,
64 Withdrawal and Denial of Application; are referenced in Art. 2.A.10; Violation of Condition of DO in

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EXHIBIT A

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

1 Art. 2.A.11; Outstanding Liens or Fines in Art. 2.A.12; Misrepresentation in Art. 2.A.13; and, Appeal
2 in Art. 2.A.14. [Ord. 2018-002]

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

3 CHAPTER C ADMINISTRATIVE PROCESSES

4

5 Section 2 Sufficiency Review

6 A. Sufficiency

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

12 B. Insufficiency

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

17 1. No further action shall be taken on the application until the deficiencies are remedied. [Ord.
18 2018-002]

19 2. The Applicant shall address all insufficiencies no more than 30-calendar days after the
20 application was determined to be insufficient, and resubmit the application on the sSubmittal
21 date ~~of the next month pursuant to the Annual Zoning Calendar~~. [Ord. 2018-002]

22 3. If the application is amended and determined to be sufficient by the DRO, the application shall
23 be processed for review. [Ord. 2018-002]

24 4. If the deficiencies are not remedied ~~in the next Submittal as indicated on the Annual Zoning~~
25 ~~Calendar~~, the DRO shall issue a second written notification to the Applicant indicating the
26 application shall be considered withdrawn unless a written request for a time extension ~~request~~
27 has been submitted and approved by the Zoning Director, pursuant to Art. 2.C.2.C, Time
28 Extension. [Ord. 2018-002]

29 C. Time Extension

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

34 D. Administrative Withdrawal

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

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

37 CHAPTER C ADMINISTRATIVE PROCESSES

38

39 Section 4 Review, Resubmittal and Final Decision

40 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, ~~subject to the~~
41 ~~timeline specified in the Table below. The processing time may vary based upon the types of requests. The~~
42 ~~deadlines for Staff Comments, Resubmittal by the Applicant, and Certification or Final Decision shall be~~
43 ~~indicated on the Annual Zoning Calendar.~~
44

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EXHIBIT A

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

1

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

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

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A. Review

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

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

- a. Additional requests to the application; or
 - b. Modifications to the site layout or submitted document(s) that would require a new review of the document(s) or impact the timing of a final decision by the DRO.
2. If the DRO determines that the revised requests and documents are significantly modified from the original request that was determined to be sufficient, the DRO shall provide a written notification to the Applicant describing what changes significantly modified the application. The Applicant shall:
- a. revise the requests and modify plans to eliminate the significant modification;
 - b. submit a written request for a time extension to the Zoning Director to determine if the applications is still sufficient or if a new sufficiency review is required. Both parties may agree to a reasonable request for an extension of time; or,
 - c. request withdrawal of the application.

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

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

~~**1. Approved**~~

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

12. Not Approved

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

a. Re-submittal Requirements

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

Cb. Continuation or Postponement Time Extension

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

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EXHIBIT A

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c. Failure to address issues and comments

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

2. Approved

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

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

1. Not Certified

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

a. Re-submittal Requirements

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

b. Time Extension

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

2. Certification

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

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

3. Application Modification after Certification

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

D. Public Meeting Procedures for Type 1 Variance

1. Notification

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

2. Scheduling

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

a. Number of Meetings

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

3. Continuance or Postponement of the Meeting

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

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EXHIBIT A

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

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

3 1. Postponement by Right

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

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

10 **CHAPTER G DECISION MAKING BODIES**

11

12 **Section 4 Staff Officials**

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

14 **1. Establishment**

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

16 **2. Powers and Duties**

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

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

41 **3. Comments and Recommendations**

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

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EXHIBIT A

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

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

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EXHIBIT B

ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

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

1 **CHAPTER A GENERAL**

2

3 **Section 2 Zoning Applications**

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

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

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

11 **Section 1 Purpose and Intent**

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

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

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

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

34 **Section 2 Authority**

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

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

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

48 **A. Applicability**

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

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EXHIBIT B

ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

B. Purpose

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

C. PAA Requirements

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

D. Decision

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

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

CHAPTER D ULDC PRIVATELY INITIATED AMENDMENT (PIA)

....

Section 5 Application Procedures

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

A. General Overview

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

1. Phase 1

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

2. Phase 2

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

~~B. Application Fees~~

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

~~BC. Application Requirements~~

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

~~CD. Sufficiency Review~~

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

1. Sufficiency

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

2. Insufficiency

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

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EXHIBIT B

ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

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

3. Time Extension

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

4. Administrative Withdrawal

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

DE. Review, and Resubmittal Phase 1 and Phase 2

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

1. LDRAB Scheduling

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

2. Staff Report and Recommendation

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

E3. Application Modification After Certification Completion of Staff Review

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

F. Scheduling

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

1. Phase 1

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

2. Phase 2

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

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EXHIBIT B

ARTICLE 2.D ULDC PRIVATELY INITATED AMENDMENT

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

3 **a. Scheduling Options**

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

8 **Section 65 Notification**

9 **A. Applicability**

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

12 **B. Newspaper Publication**

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

14 **1. LDRC Meeting**

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

16 **2. BCC Public Hearings**

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

18 **C. Postponements**

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

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

22 **A. Advisory Board**

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

26 **1. Meeting**

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

29 **2. Recommendation**

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

34 **B. LDRC**

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

37 **Section 87 Action by the BCC**

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

42 **A. Public Hearing**

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

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

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

49 **C. Decision**

50 **1. Phase 1**

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

53 **2. Phase 2**

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

58 **D. Conduct at Hearing**

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

60 **Section 98 Appeals**

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

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EXHIBIT C

ARTICLE 2.E – MONITORING

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

1 CHAPTER I DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4

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

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

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

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

14 [Renumber accordingly]

15

16 Section 3 Abbreviations and Acronyms

....

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

....

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

17 CHAPTER E MONITORING

18 ~~Section 1—General~~

19 ~~A.—Purpose and Intent~~

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

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

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

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EXHIBIT C

ARTICLE 2.E – MONITORING

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

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

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

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

13 **B.—Applicability**

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

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

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

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

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

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

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

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

34 **Section 2—Procedures**

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

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

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

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

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

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

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EXHIBIT C

ARTICLE 2.E – MONITORING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 **a.—Development Order**

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

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

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

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EXHIBIT C

ARTICLE 2.E – MONITORING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 **C. Appeal**

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

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

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

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

65 **1. Scheduling of Status Reports**

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

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

12 ~~2. Status Report Review Criteria~~

13 The status report shall contain:

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

27 ~~3. Status Report – Additional Criteria~~

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

30 ~~4. Staff Recommendations~~

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

34 ~~5. Procedures~~

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

37 ~~a. Public Hearing~~

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

39 ~~b. Mail Notice~~

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

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

59 ~~c. Newspaper Publication~~

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

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

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

66 ~~a. Public Hearing~~

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

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~~b. Mail Notice~~

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

~~c. Newspaper Publication~~

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

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

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

~~a. Public Hearing~~

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

~~b. Mail Notice~~

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

~~c. Newspaper Publication~~

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

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

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

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

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

~~1) Grant a time extension:~~

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

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

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

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

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

~~H. Fees~~

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

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

~~A. Classes of Development Approvals~~

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

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

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

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

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

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

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

~~a. PDD or Conditional Use~~

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

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

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

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

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

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

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

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

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

Section 1 General

A. Purpose and Intent

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

B. Applicability

1. This Chapter shall apply to:

- All DOs with a time limitation for conditions of approval, or as a part of the development process as required by specific Articles of this Code;
- All DOs as required by the ULDC;
- All CDD ordinances with conditions of approval; and,
- All FLUA ordinances with conditions of approval.

2. Responsibilities

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

C. Exemptions

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

Section 2 Monitoring Elements

A. Commencement of Development

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

- For development with a single building, the first inspection approval for the foundation of the structure;
- For development with multiple buildings, the first inspection approval for the first component of the primary structure;

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EXHIBIT C

ARTICLE 2.E – MONITORING

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

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

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

5 1. Demolition of a structure;

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

8 3. Clearing of land.

9 **C. Time Limitations for Commencement**

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

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

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

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

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

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

19 **D. Time Limitations for Buildout**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 **Section 3 Procedures for Compliance**

50 **A. General**

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

54 **B. Administrative Extension of Time**

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

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

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

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

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

65 24 months, unless stated otherwise.

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

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EXHIBIT C

ARTICLE 2.E – MONITORING

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

2 **c. Buildout Conditions**

3 Extension will reflect the results of the traffic review.

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

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

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

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

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

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

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

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

16 b. No application or fee will be required.

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

18 **C. Status Reports**

19 **1. General**

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

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

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

26 **2. Scheduling**

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

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

31 **3. Staff Report and Recommendation**

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

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

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

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

42 2) a description of any Code violations;

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

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

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

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

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

50 **5. Procedures**

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

53 **a. Public Hearing**

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

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

57 **b. Mail Notice**

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

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

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EXHIBIT C

ARTICLE 2.E – MONITORING

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

a. Grant a time extension

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

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

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

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

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

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

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

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

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

D. Decision of the DRO

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

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

2. The DRO may take the following action:

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

b. Revoke the approval of DO;

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

d. Direct Code Enforcement staff to seek enforcement procedures.

E. Failure to Use Variance

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

Section 4 Noncompliance

A. General

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

B. Suspension of Development Orders

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

1. Expiration of Time Periods

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

2. Effect of Suspension

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

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

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EXHIBIT C

ARTICLE 2.E – MONITORING

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

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EXHIBIT D

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

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

1 CHAPTER G DECISION MAKING BODIES

2

3 Section 3 Appointed Bodies

4

5 H. Historic Resources Review Board

6

7 5. Meetings

8 a. General

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

13 b. Quorum

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

16

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

17 CHAPTER G DECISION MAKING BODIES

18

19 Section 3 Appointed Bodies

20

21 J. Planning Commission

22

23 5. Rules Applicable to Local Planning Agency

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

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

31 c. Quorum and Voting

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

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EXHIBIT E

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

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

1 **CHAPTER B OVERLAYS**

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

3

4 **B. General Development Standards**

5 **1. Nonconformities**

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

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

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

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

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

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

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

33 **2) Limitation**

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

39 **3) Certification of Improvements**

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

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

45 **E. Use Regulations**

46 **1. Mixed Use**

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

Table 3.B.14.E – WCRAO Mixed Use

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

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EXHIBIT E

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

Table 3.B.14.E – WCRAO Mixed Use

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

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a. ~~Mixed Use in NRM, NG, and NC Sub-areas~~

~~In the NRM and NG Sub-areas, non-residential uses shall only be permitted if all permitted residential density is utilized, but in no case shall it be less than one unit. Density shall be calculated meeting the requirements of FLUE Table 2.2.1-g.1, and other related Policies of the Plan. [Ord. 2006-004] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2019-005] [Relocated to Table 3.B.14.E, Notes 1 and 2]~~

b. ~~Vertical Integration~~

~~Projects that vertically integrate a minimum of 20 percent of a site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density. [Ord. 2006-004] [Relocated to Table 3.B.14.E, Notes 1 and 2]~~

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

2. Sub-area Use Regulations

a. Use Regulations

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

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

| Sub-areas | NR | NRM | NG | NC | UG | UH | UI | NOTE <u>Supplementary Use Standards # (2)</u> |
|--|----------|--------------|--------------|--------------|--------------|--------------|------------|---|
| Residential Uses | | | | | | | | |
| <u>Single Family</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>4.B.1.C.4</u> |
| <u>Cottage Home – Single Unit on a Single Lot</u> | <u>X</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>4.B.1.C.4</u> |
| <u>Cottage Home – Multiple Units on a Single Lot or Site</u> | <u>X</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>4.B.1.C.4</u> |
| <u>Zero Lot Line (ZLL)</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>4.B.1.C.6</u> |
| <u>Multi-Family (MF)</u> | X | <u>P (5)</u> | <u>P (5)</u> | <u>P (5)</u> | <u>P (5)</u> | <u>P (5)</u> | <u>- X</u> | <u>87 4.B.1.C.3</u> |
| <u>Townhouse</u> | X | <u>P (5)</u> | <u>P (5)</u> | <u>P (5)</u> | <u>P (5)</u> | <u>P (5)</u> | <u>- X</u> | <u>132 4.B1.C.5</u> |
| Commercial Uses | | | | | | | | |
| <u>Adult Entertainment (3)</u> | X | X | X | X | X | X | X | 4.B.2.C.1 |
| <u>Convenience Store</u> | X | X | X | X | - | - | - | 4.B.2.C.7 |
| <u>Electric Vehicle Charging Station Facility</u> | X | X | X | X | X | X | X | 4.B.2.C.10 |
| <u>Employment Agencies (5)(6)</u> | X | X | X | X | X | X | X | 4.B.2.C.26 |
| <u>Gas and Fuel Sales, Retail</u> | X | X | X | X | - | - | - | 4.B.2.C.16 |
| <u>Repair and Maintenance, Heavy</u> | X | X | X | X | - | - | - | 4.B.2.C.30 |

Notes:

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EXHIBIT E

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

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

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

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

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

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

8 **1. Sub-area PDRs**

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

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

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

23

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

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

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

Notes:

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EXHIBIT E

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

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

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

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

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

Notes:

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EXHIBIT E

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

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

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2. Build to Line and Frontages

b. Minimum Building Frontage

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

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

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

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

| Sub-area | Maximum Height, Number of Floors, and Uses by Floor | PDRs – Setbacks, Building Area, and a Maximum Building Coverage |
|---|---|---|
| NR | | ZD for all |
| NRM | | |
| NG | | |
| NC | | |
| <p>[Ord. 2006-004] [Ord. 2018-002]</p> <p>KEY for allowable usage by floor:* R= Residential O= Office C= Commercial I= Industrial Cv= Civic Rc= Recreational All= R, O, C, I, Cv, Rc</p> <p>Key for setbacks: f= front setback ss= side setback s= side setback r= rear setback ZD= Regulations of Applicable Zoning District</p> <p>*Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-1, WCRAO Mixed Use.</p> | | |

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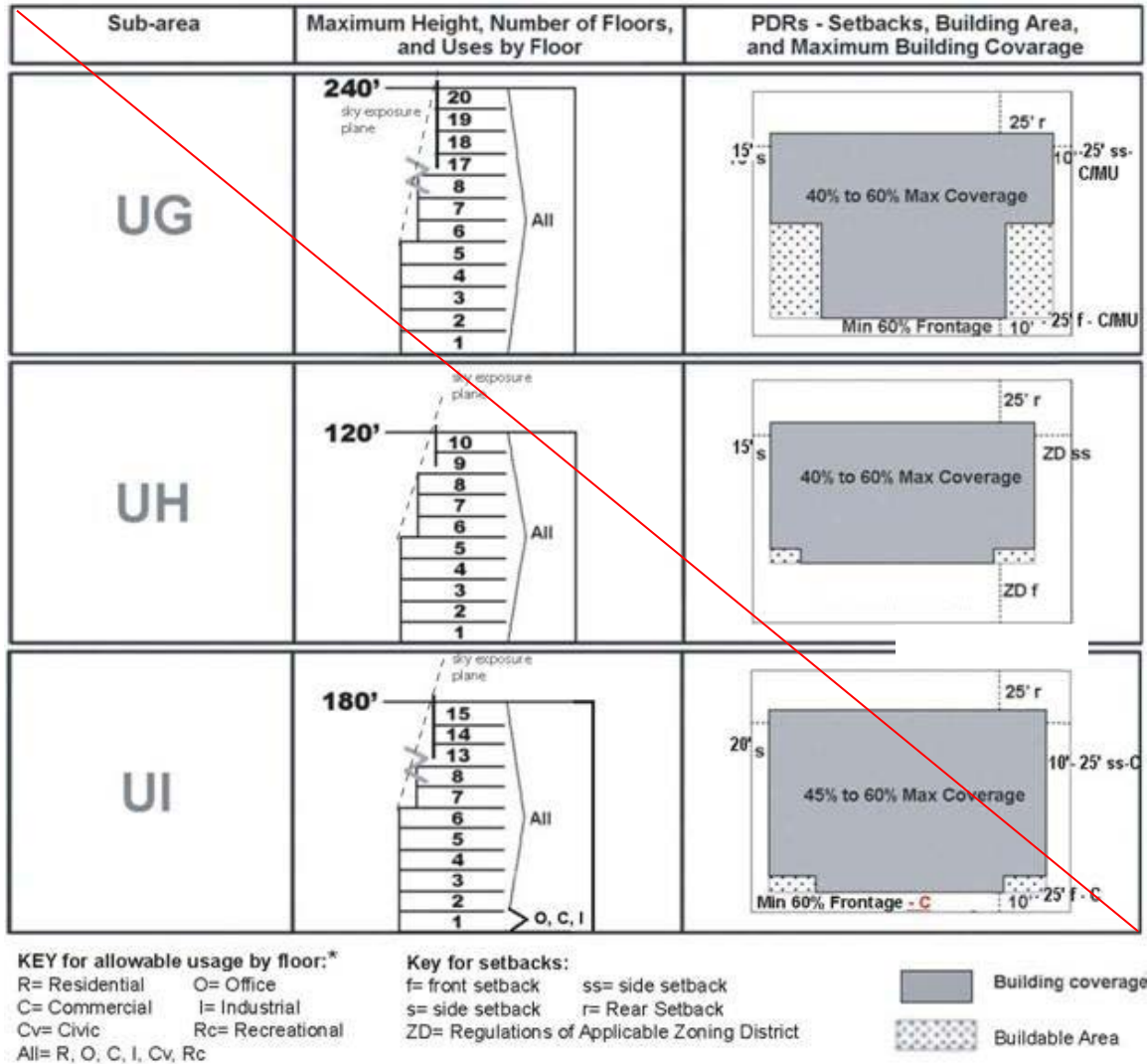
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT E

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

1

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



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

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

2

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

3

....

G. Supplementary Standards

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

4

5

6

7

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

| Sub-areas | NR | NRM | NG | NC | UG | UH | UI |
|--------------------------------------|---|------------|----------|-----------------------------------|-----|----|-----|
| Minimum Enclosed Living Area | | | | | | | |
| Single Family Dwelling Unit | 1,000 s.f. | 1,000 s.f. | - | - | - | - | - |
| Accessory Quarters | 300 s.f. | 300 s.f. | 300 s.f. | - | - | - | - |
| Fences and Walls | | | | | | | |
| Prohibited Materials (7)(6) | Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels | | | | | | |
| Architectural Features | | | | | | | |
| Arcades and Galleries (1) | - | - | - | Required – Westgate Avenue (1+10) | - | - | - |
| Minimum Building Depth | - | 20' | 20' | 20' | 30' | - | 30' |
| Minimum 1 st Floor Height | - | - | - | 12' | - | - | - |

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EXHIBIT E

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

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

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

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

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

Notes:
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EXHIBIT E

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

1
2
3

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

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EXHIBIT F

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

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

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

2

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

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

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

8 **1. Setbacks**

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

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

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

13

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EXHIBIT G

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS CRE CONSISTENCY

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

1 **CHAPTER A GENERAL**

2

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

4 **A. Purpose and Intent**

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

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

15 **B. Standard Districts**

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

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

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

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EXHIBIT G

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS CRE CONSISTENCY

1. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

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

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EXHIBIT H

ARTICLE 3 – PDD SETBACK MEASUREMENT

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

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

2

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

4

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

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

7 **1. Setbacks**

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

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

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

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

Notes:

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EXHIBIT H

ARTICLE 3 – PDD SETBACK MEASUREMENT

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

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

2

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

4

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

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

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

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

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

Notes:

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

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

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

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

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

11

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

13

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

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

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

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

Notes:

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

17

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EXHIBIT H

ARTICLE 3 – PDD SETBACK MEASUREMENT

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

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2 Section 1 General

3

4 J. Phasing and Platting

5 1. Phasing

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

11 2. Platting

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

14 a. Exemptions

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

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

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

21 b. Timing

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

26 c. Dedications

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

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EXHIBIT I

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

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

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 1 Residential Uses**

3

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

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

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

8

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

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

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Notes:

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EXHIBIT J
ARTICLE 4 – APPLICATION PROCESSES AND PROCEDURES

Part 1. ULDC Art 4.B.5 – Industrial Use (pages 81-89 of 198, Supplement 25), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

1

2

Section 5 Industrial Uses

A. Industrial Use Matrix

3

TABLE 4.B.5.A – INDUSTRIAL USE MATRIX

| STANDARD DISTRICTS | | | | | | | | | | | | | PLANNED DEVELOPMENT DISTRICTS (PDDs) | | | | | | | | | | | | TRADITIONAL DEV. DISTRICTS (TDDs) | | | | | | | | | | | | | | |
|--------------------|-------------|----|----|------|------------|------|------|----|------|----------|---------------------------------|-------------|--------------------------------------|---------|----|-------------|----|---------|----|-------------|----|---------|----|--------------|-----------------------------------|---------|----|----------------|----|---------|----|-------------|----|---------|----|-------------|----|--|--|
| AG/ CON | RESIDENTIAL | | | | COMMERCIAL | | | | INST | Use Type | Supplementary Standards # | PUD PODS | | | | MUPD FLU | | | | MXPD FLU | | | | PIPD PODS | | | | M R H V P P | | | | TND TIER | | | | TMD TIER | | | |
| | AR | | RR | | URAO | | IRO | | | | | C C C C | | U U U U | | C C C C | | C C C C | | C C C C | | C C C C | | C C C C | | C C C C | | C C C C | | C C C C | | C C C C | | C C C C | | C C C C | | | |
| | RR | RR | RR | RR | UR | UR | UR | UR | | | | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | UR | | |
| P A A | AR | RR | RR | URAO | URAO | URAO | URAO | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | | | | |
| C G P | RR | RR | RR | URAO | URAO | URAO | URAO | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | | | |
| R S S | RR | RR | RR | URAO | URAO | URAO | URAO | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | | | |
| A A | RR | RR | RR | URAO | URAO | URAO | URAO | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | IR | | | |
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[Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002]

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 change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.B.16.E.1. Right to Continue or Change Use.

TABLE 4.B.5.A – INDUSTRIAL USE MATRIX

Notes:
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EXHIBIT J

ARTICLE 4 – APPLICATION PROCESSES AND PROCEDURES

B. General Industrial Standards

Reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

....

3. Distribution Facility

a. Definition

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

b. Typical Uses

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

c. Zoning Districts with a CH FLU Designation

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

1) Outdoor Storage and activities shall be prohibited.

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

....

8. Manufacturing and Processing

a. Definition

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

b. Typical Uses

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

c. Zoning Districts with a CH FLU Designation

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

1) Outdoor Storage and activities shall be prohibited.

....

17. Warehouse

a. Definition

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

b. Typical Uses

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

c. Overlay – WCRAO

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

d. Zoning Districts with a CH FLU Designation

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

1) Outdoor Storage and activities shall be prohibited.

e. Accessory Use

1) Office

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

2) General Retail

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

f. Freestanding Structures

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

18. Wholesaling

a. Definition

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

b. Zoning Districts with a CH FLU Designation

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

1) Outdoor Storage and activities shall be prohibited.

Notes:

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EXHIBIT K

ARTICLE 5 – SUPPLEMENTARY STANDARDS COMMUNITY AND NEIGHBORHOOD PARK RECREATION STANDARDS

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

1 CHAPTER D PARKS AND RECREATION – RULES AND RECREATION STANDARDS

2

3 Section 2 Types of Parks

4

5 B. Community and Neighborhood Park Recreation Standards

6

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

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

9 ~~a. Minimum Parcel Size~~

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

13 ~~b. Minimum Parcel Width~~

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

16 ~~c. Minimum Parcel Depth~~

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

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

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

26 ~~e. Underground Easements~~

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

31 ~~f. Exceptions~~

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

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

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

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EXHIBIT K

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

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

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

1

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

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

3

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

5

6 **C. Thresholds**

7

8 **2. Land Use Mix**

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

Table 3.E.2.C – PUD Land Use Mix

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

11

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

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

16 **1. Setbacks**

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

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EXHIBIT K

ARTICLE 5 – SUPPLEMENTARY STANDARDS COMMUNITY AND NEIGHBORHOOD PARK RECREATION STANDARDS

1

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

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

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E. Pods

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3. Recreation Pod

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

4. Civic Pod

....

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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

1 **CHAPTER A GENERAL**

2 **Section 1 General**

3 **A. Purpose and Intent**

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

7 **B. Applicability**

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

14 **1. Prohibitions**

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

16 **a. Landscape Buffers; and**

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

20 **2. Exemptions**

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

22 **a. Commercial Vehicle**

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

25 *1) vehicle is registered or licensed;*

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

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

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

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

30 **b. Construction Vehicles**

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

35 **c. Delivery and Service Vehicles**

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

38 **d. Emergency Repairs**

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

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

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

47 **C. Prior Approvals and Nonconformities**

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

49 **D. Definitions**

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

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

51 **CHAPTER B PARKING AND LOADING**

52 **Section 1 Calculation**

53 **A. Computing Parking Standards**

54 **1. Multiple Uses**

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

59 **2. Fractions**

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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

3. Floor Area

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

4. Occupants

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

5. Bench Seating

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

6. Gross Lot Area

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

7. Unlisted Land Uses

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

8. Government Services and Government Facilities

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

9. Landscaping

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

10. Reduction

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

B. Minimum Parking Requirements

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

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

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

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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

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

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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

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| Use Classification: Industrial | | Loading (+) |
|--------------------------------------|--|-------------|
| Contractor Storage Yard | 1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area | <u>AB</u> |
| Data and Information processing | 1 space per 250 sq. ft. | A |
| Distribution Facility | 1 space per 250 sq. ft. of office space | N/A |
| Equestrian Waste Management Facility | 1 space per 250 sq. ft. of office space; plus 1 space per employee | <u>EA</u> |
| Gas and Fuel, Wholesale | 1 space per 250 sq. ft. | N/A |
| Heavy industry | 2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft. | <u>AB</u> |
| Machine or welding shop | 1 space per 200 sq. ft. | <u>GB</u> |
| Manufacturing and processing | 2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft. | <u>AB</u> |
| Medical or dental laboratory | 1 space per 250 sq. ft. | <u>GA</u> |
| Multimedia Production | 2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft. | A |
| Recycling Center | 1 space per 250 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft. | N/A |
| Recycling Plant | 1 space per 250 sq. ft. of office space; plus 1 space per employee | N/A |
| Research and Development | 2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft. | A |
| Salvage and Junk Yard | 1 space per 250 sq. ft. of office space; plus 1 space per employee | <u>AB</u> |
| Towing Service and Storage | 1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area | <u>AB</u> |
| Truck s Stop | 1 truck space per 80 sq. ft. | N/A |
| Warehouse | 1 space per 4 2,000 sq. ft.; plus 1 space per 250 sq. ft. of office space | <u>AB</u> |
| Wholesaling | 1 space per 1,000 sq. ft. | <u>AB</u> |

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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

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

2

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

3

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

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

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

| Use Classification: Temporary | | Loading (+) |
|---|--|-------------|
| Communication Cell Site on Wheels (COW) | Exempt from parking regulations | N/A |
| Day Camp | < 100 licensed capacity: One space per five persons; plus one drop off stall per 20 persons. | EA |
| | > 100 licensed capacity: One space per ten persons; plus one drop off stall per 20 persons. | |
| Mobile Retail Sales | N/A | N/A |
| Real Estate Sales Model and Management Office, Non-PDD, Real Estate Sales Model and Management Office, PDD and TDD and Real Estate Sales Model, PDD and TDD | 2 spaces per sales model. | N/A |
| Recycling Drop-Off Bin | 1 space per bin. | N/A |
| Special Event | N/A (1) | N/A |
| Temporary Green Market | N/A | N/A |
| Temporary Retail Sales | N/A | N/A |
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| Loading Key: | |
|--------------|---|
| Standard "A" | One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA. Refer to Art. 6. E.2.B.1. For Minimum Loading Requirements |
| Standard "B" | One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA. Refer to Art. 6. E.2.B.2. For Minimum Loading Requirements |
| Standard "C" | One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA. |
| Standard "D" | One space for each 50 beds for all facilities containing 20 or more beds. |
| Standard "E" | One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading. |
| (1) | A Special Event shall provide on-site parking unless off-site parking is approved. |
| Notes: | |
| 1. | In addition to the parking requirements of Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide 1 space per company vehicle. |
| 2. | Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.B.1.A.1.h, Government Services and Government Facilities. [Ord. 2019-005] |
| 3. | Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shell rock or other similar materials subject to, or grassed subject to Art. 6.B.3.B.2, Grass Parking , except for the required handicapped parking space(s). |
| 4. | Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.B.3.B.1.a), Shell Rock, or grassed subject to Art. 6.B.3.B.2, Grass Parking . [Ord. 2007-001] |
| 5. | Nonprofit Assembly Institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee. |
| 6. | Limited access Self Service Storage facilities must provide a minimum of two off-street loading spaces at each entry into the building, excluding office access not utilized by customers for accessing storage units. [Ord. 2005-041] [Ord. 2017-007] |
| 7. | Parking shall not be required for recreation pods or facilities that are located on less than one acre. Golf cart parking may be used pursuant to Art. 6.C.2.A.1.b, Golf Cart Parking [Ord. 2007-001] [Ord. 2013-001] |
| 8. | The loading zone may be waived for a Type 2 or 3 Commercial Kennel operated as an accessory use to general retail sales. [Ord. 2006-036] |
| 9. | Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. [Ord. 2013-021] |
| 10. | Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type 1 Waiver. [Ord. 2015-031] |
| 11. | Freestanding Unmanned Retail Structures shall require a minimum of one (1) parking space for persons with disabilities. |
| 12. | A Type 3 CLF with more than 20 beds or a Nursing Home or Convalescent Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver. [Ord. 2017-025] Loading is not required for a CLF, Type 1 and Type 2. |
| 13. | A maximum of 20 percent of the required queuing spaces, pursuant to Table 6.B.3.A, Minimum Queuing Standards, may count toward the parking requirements pursuant to Table 6.B.1.B, Minimum Parking and Loading Requirements. |
| 14. | Parking for that portion of the park where there are proposed use(s), which may include but are not limited to: structures, activities of that use shall be calculated based on that use. Acreage associated with each use(s) shall be deducted from the overall park acreage. Parking calculation of the remainder of the park shall be based on the net acreage. |

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C. Parking Spaces for Persons Who Have Disabilities

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

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

7

CHAPTER B PARKING AND LOADING

8

Section 2 Location

9

A. On-Site Parking

10

1. Required Parking

11

All required parking, shall be provided on the same lot or project as the principal use(s), or as allowed pursuant to Art. 6.B.2.C, Off-Site Parking. The location of required parking spaces shall

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

not interfere with normal traffic flow or with the operation of queuing and backup areas. Loading areas shall not obstruct pedestrian pathways.

a. Distance from Building or Use

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

b. Location of Front, Side, and Rear Parking

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

1) Large Scale Commercial Development

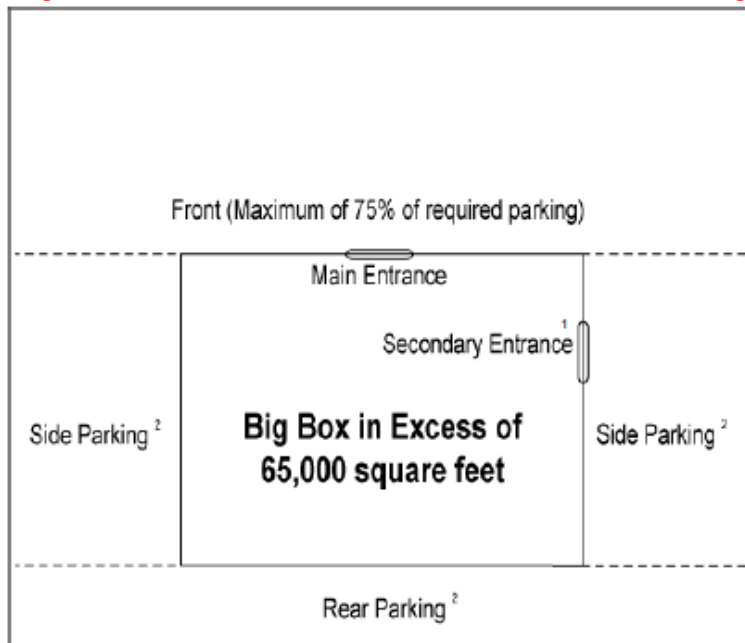
Developments with single tenants occupying 65,000 gross square feet or more shall locate parking in accordance with Figure 6.B.2.A, Location of Front, Side, and Rear Parking, as follows:

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

d) Type 2 Waiver

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

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



[Ord. 2005-002]

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

c. Garages and Carports

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

d. Parking Fees

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

2. Guest Parking

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

4 **B. On-Street Parking**

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

6 **1. Residential**

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

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

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

20 **C. Off-Site Parking**

21 **1. Permanent**

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

25 **a. Necessity**

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

28 **b. Ineligible Activities**

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

32 **c. Location**

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

36 **d. Zoning**

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

39 **e. Signs**

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

43 **f. Agreement for Off-Site Parking**

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

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

63 **2. Temporary**

64 *The Zoning Director may consider a ZAR process for temporary off-site parking. [Ord. 2017-*
65 *007] [Ord. 2018-002]*

- 66 a. *Off-site parking shall not be located more than 600 feet from the Temporary Use site,*
67 *measured from access point to access point. The Zoning Director may approve a distance*
68 *greater than 600 feet when the applicant either demonstrates that the attendees or*

Notes:

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

D. Commercial Parking Lot

1. General

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

2. Design Standards

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

3. Access

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

E. Parking Structures

1. General

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

a. Parking Garage

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

1) Design Layout

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

a) Floor Width

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

Table 6.B.2.E – Minimum Floor Width

| Angle | Parking on Both Sides of Aisle | Parking on One Side of Aisle |
|--------------|---------------------------------------|-------------------------------------|
| 90 | 60 feet one-or two-way aisle | 43 feet one-or two way aisle |

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EXHIBIT L

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Table 6.B.2.E – Minimum Floor Width

| | | |
|---------------|---|------------------------------|
| 75 | 59 feet one-way aisle (1) | 40 feet one-way aisle |
| 60 | 53 feet one-way aisle (1) | 34 feet one-way aisle |
| Notes: | | |
| 1. | <i>Requests for reductions of unobstructed distances will be considered if aisle and sight parking dimensions are met, and the columns are not located at the rear of the parking spaces, or interfere with the opening of doors.</i> | |

b) Minimum Space Width

The minimum parking space width shall be nine feet.

2) Parking Lifts

- a) May be used to stack two or three vehicles vertically in each parking space and shall be located within a parking garage or structure for the use they serve.
- b) Shall not be subject to the minimum parking length and width dimensions.
- c) Queuing is prohibited within any R-O-W.
- d) Maximum sound levels shall not exceed applicable thresholds as stipulated in Article 5.E.4.B – Maximum Sound Levels.
- e) Details of the interior traffic circulation, parking space and aisle dimensions shall be shown on the Site Plan.

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

CHAPTER B PARKING AND LOADING

Section 3 Design and Materials

A. Dimensions and Layout

1. Dimensions

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

a. Residential

1) Individual Parking Space

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

2) Common Parking Lots

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

b. Nonresidential

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

1) General

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

2) Queuing Distance

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

3) Exception for Low Speed Electric Vehicles (LSEV)

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

Figure 6.B.3.A – Queuing Distance

Notes:

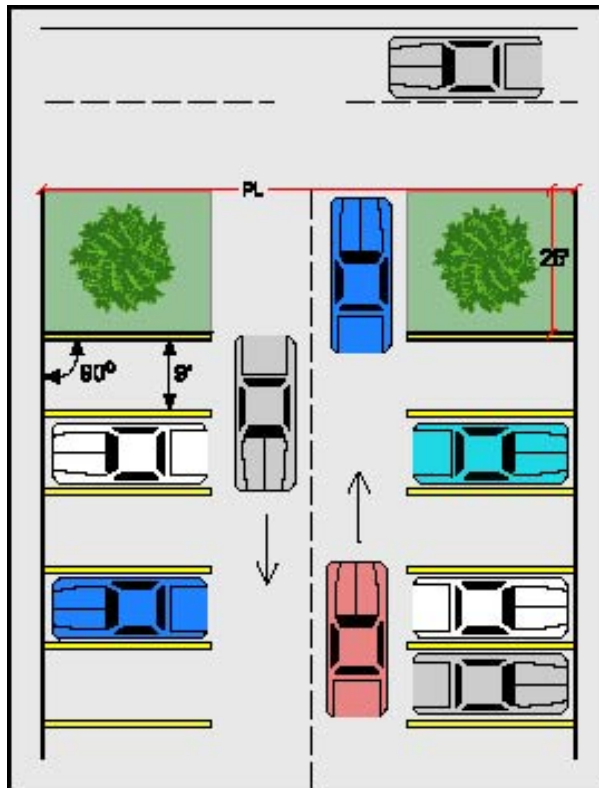
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EXHIBIT L
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[Ord. 2005-002]

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

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

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

Notes:

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

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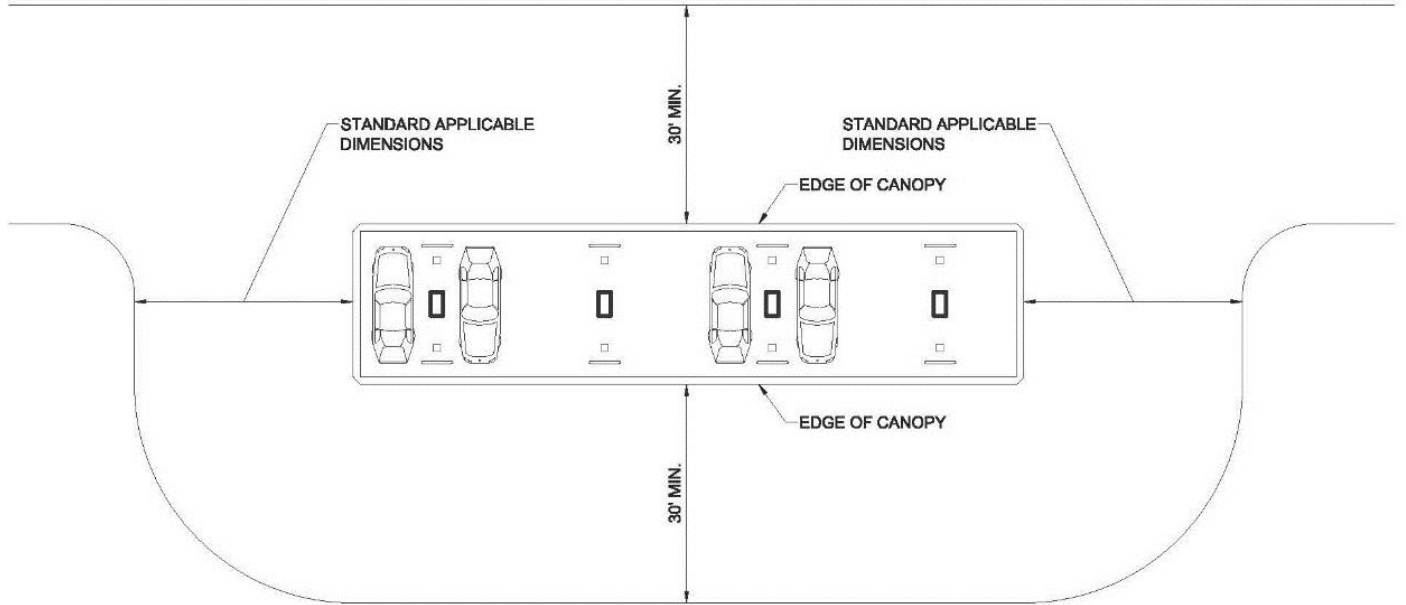
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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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



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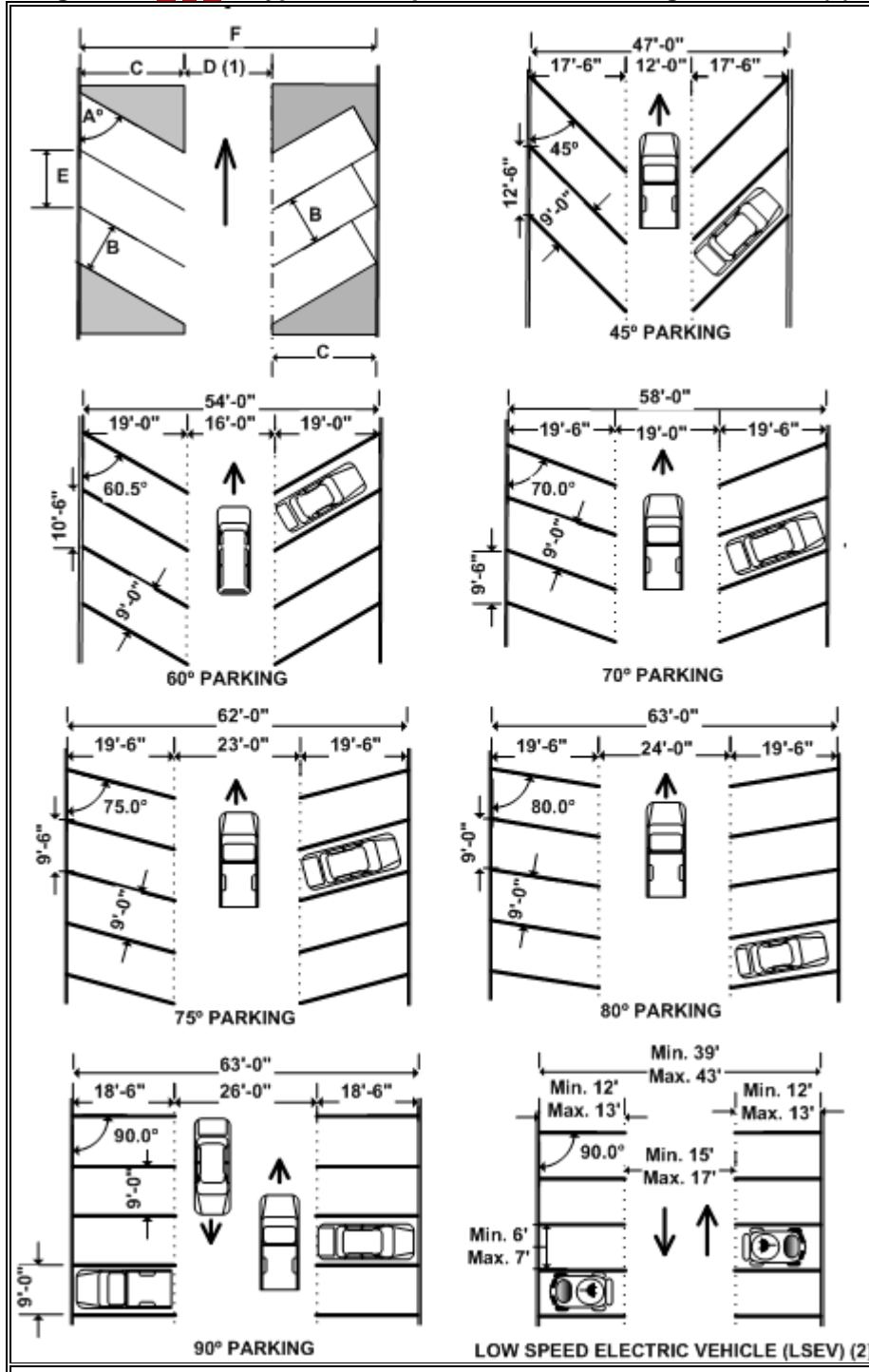
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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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



[Ord. 2012-027]

Key:

| | | | | | |
|----------|---------------|----------|-----------------|----------|--------------------|
| A | Parking Angle | C | Space Depth | E | Curb Length |
| B | Space Width | D | Aisle Width (1) | F | Wall to Wall Width |

Notes:

- All angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90-degree parking spaces, or unless stated otherwise herein.
- Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.

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c. Parallel Parking

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

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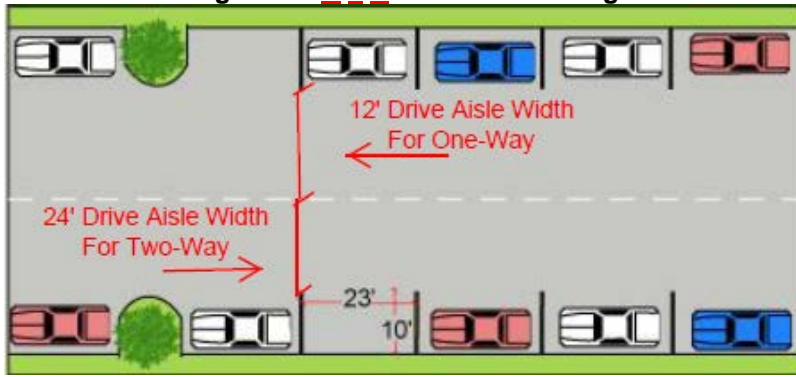
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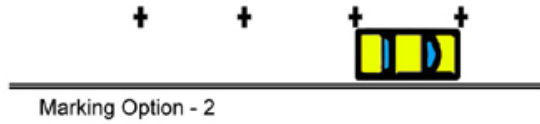
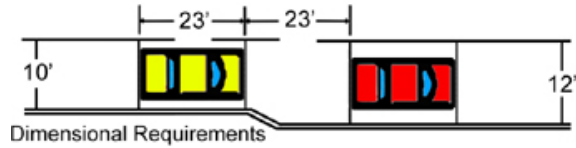
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Figure 6.AB.3.A – Parallel Parking



1

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



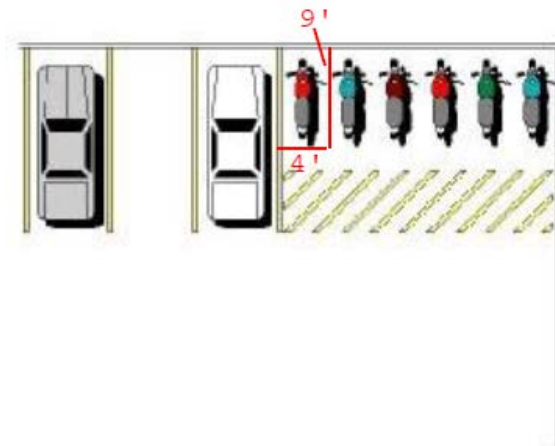
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a. Alternative Vehicle Parking

1) Motorcycle Parking

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

Figure 6.C.2.A – Motorcycle Parking



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ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

2) Golf Cart Parking

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

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

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

3) Valet Parking

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

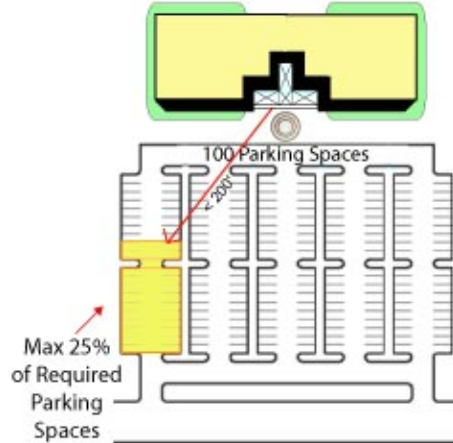
a) Maximum Number

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

b) Location

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

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



4) Electric Vehicle Charging Parking Space (EVCPS)

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

a) Nonresidential Uses

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

b) Residential Uses

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

c) Design and Construction Standards

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

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

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

2. Layout

a. Access

1) Ingress and Egress

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

[Ord. 2007-001]

2) Dimensions

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

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

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

3) Driveways and Access

a) Access Connections

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

(1) Spacing

(a) Local or Residential Access Streets

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

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

(b) Arterial and Collector Streets

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

(2) Construction

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

(3) Number of Access Connections

(a) Local or Residential Access Streets

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

(b) Arterial and Collector Streets

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

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

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ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

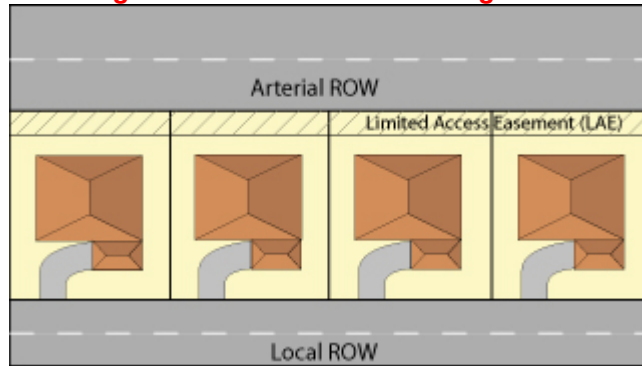
- 6) *Access connections on contiguous land or land on the opposite side of the street; [Ord. 2007-013]*
- 7) *Median opening locations; and, [Ord. 2007-013]*
- 8) *Safe sight distance. [Ord. 2007-013]*

b) Double Frontage Lots and Corner Lots

(1) Double Frontage Lots

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

Figure 6.C.1.B – Double Frontage Lots



(2) Corner Lots

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

(c) Exceptions

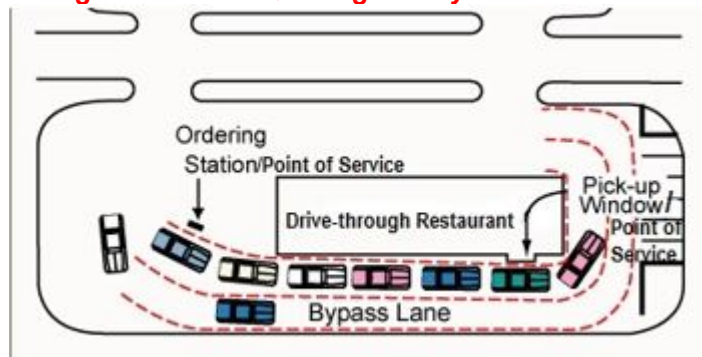
The County Engineer shall have the authority to grant a permit for driveway and access plans with lesser or greater dimensions than designated in this Section, giving consideration to the following factors:

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

b. Point of Service and Queuing Standards

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

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



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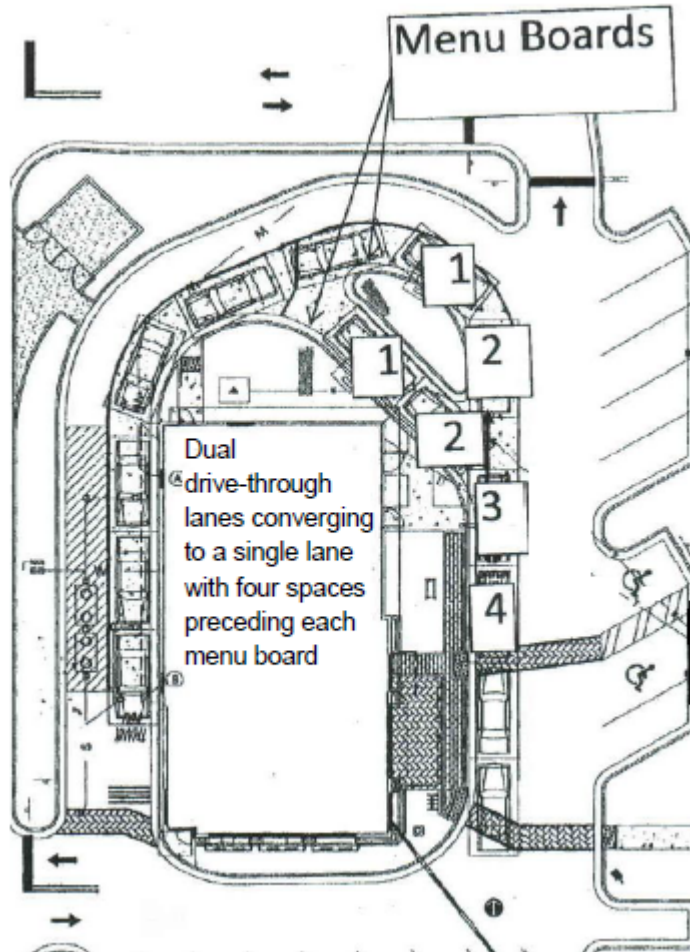
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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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



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



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

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

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

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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

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

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

c. Circulation Standards

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

d. Pedestrian Circulation

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

e. Drainage

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

f. Maintenance

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

g. Striping Width Standards

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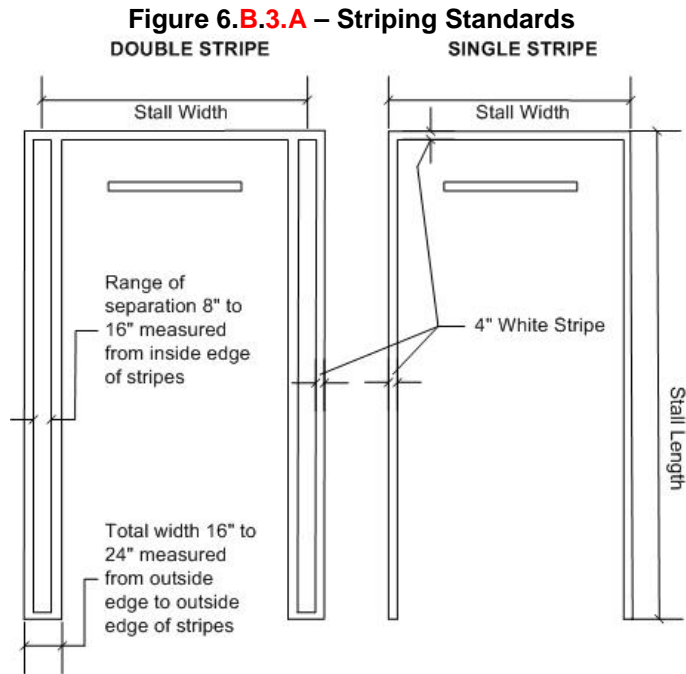
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EXHIBIT L

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

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



[Ord. 2011-016]

h. Signs

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

i. Landscaping

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

a.) Exception

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

B. Materials

1. Paved

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

a. Shell Rock

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

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

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

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EXHIBIT L
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- 5) *Driveways in the RSA serving residential uses on unpaved roads.*
- 6) *Uses in the C-51 Catch Basin when approved by the DRO.*
- 7) *Government Facilities when limited to spaces that are not accessible to the general public.*
- 8) *Parks when provided to serve as overflow parking for event and/or peak parking.*

b. Wheelstops and Curbing

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

2. Grass

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

a. Application

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

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

b. Standards

The following standards shall apply to grass parking:

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

c. Permit

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

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

CHAPTER C ALTERNATE DESIGN OPTIONS

Section 1 Requirements to Reduce or Increase Parking

A. Type 1 Waiver

1. Applicability

a. Reduce Required Parking

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

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

b. PDD Parking Increase

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

1) Supplemental Application Requirements

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

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

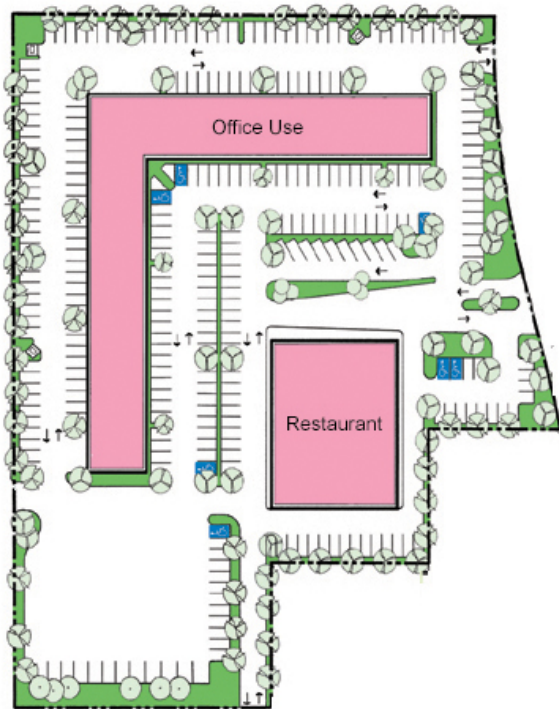
2) Maximum Increase

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

B. Shared Parking

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

Figure 6.C.1.A – Shared Parking



1) Application

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

2) Location

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

3) Shared Parking Study

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

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

4) Reserved Space

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

5) Shared Parking Agreement

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

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EXHIBIT L
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Proof of recordation of the agreement shall be submitted prior to approval by the DRO. The agreement shall:

- a) list the names and ownership interest of all parties to the agreement and contain the signatures of those parties;*
- b) provide a legal description of the land;*
- c) include a site plan showing the parking area and reserved area which would provide for future parking; [Ord. 2011-001]*
- d) describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;*
- e) agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;*
- f) assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;*
- g) describe the obligations of each party, including the maintenance responsibility to retain and develop reserved areas for additional parking spaces if the need arises; [Ord. 2011-001]*
- h) incorporate the shared parking study by reference;*
- i) be made part of the Site Plan/Final Subdivision Plan; and*
- j) describe the method by which the covenant shall, if necessary, be revised.*

6) Change in Use

Should any of the uses in the shared parking study change, or should the Zoning Director or County Engineer find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner of record shall have the option of submitting a revised shared parking study in accordance with the standards of this Section or of providing the number of spaces required for each use as if computed separately.

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

CHAPTER D RESIDENTIAL PARKING STORAGE

Section 1 Storage

A. Applicability

1. Outdoor Storage

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

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

2. Unregistered or Unlicensed Vehicles

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

3. Indoor Storage

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

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

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

a. General Prohibition

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

1 **1) On-Street**

2 *No person shall park, store, or keep equipment, a commercial vehicle, recreational*
3 *vehicle, marine vessel, trailer, sports vehicle such as dune buggy, jet skis, racing*
4 *vehicle, off-road vehicle, air boat, canoe or paddleboat, on any public street, or other*
5 *thoroughfare or any R-O-W within a residential district for a period exceeding one hour*
6 *in any 24 hour period, each such period commencing at the time of first stopping or*
7 *parking. [Ord. 2007-013] [Ord. 2019-034]*

8 **2) On-Site**

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

16 **3) Vacant Lot Prohibitions**

17 *Parking shall be prohibited on all vacant properties in residential districts. [Ord. 2007-*
18 *013]*

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

19 **CHAPTER BE LOADING STANDARDS**

20 **Section 1 Loading General**

21 **A. Prohibitions**

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

26 **4. Repair Activities**

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

29 ~~**A. Purpose and Intent**~~

30 ~~Refer to Art. 6.A.1.A, Purpose and Intent.~~

31 ~~**B. Applicability**~~

32 ~~Refer to Art. 6.A.1.B, Applicability.~~

33 ~~**C. Restrictions**~~

34 ~~All required off-street loading spaces and accompanying aisles and driveways shall be deemed to~~
35 ~~be required space and shall not be encroached upon or reduced in any manner unless expressly~~
36 ~~permitted otherwise. **[Ord. 2016-042]**~~

37 ~~**D. Loading Space Ratios**~~

38 ~~Off-street loading spaces shall be provided in accordance with Table 6.AB.1.B, Minimum Off-~~
39 ~~Street Parking and Loading Requirements.~~

Figure 6.B.1.B – Standard Loading



Loading Bays

41 **Section 2 Calculation**

42 **A1. Standards for Computing Loading Standards**

43 **1a. Multiple Uses**

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EXHIBIT L
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On lots containing more than one use, the total floor area shall be used to determine the number of spaces which are required. [Ord. 2016-042]

2b. Fractions

When calculation of the number of required off-street loading spaces results in a fractional number, a fraction of less than one-half shall be disregarded and a fraction of one-half or more shall be rounded to the next highest full number. [Ord. 2016-042]

3e. Floor Area

Loading standards that are based on square footage shall be computed using GFA. [Ord. 2016-042]

4d. Unlisted Land Uses

In the event that loading requirements for a particular use are not listed in this Article, the requirements for the most similar use shall be applied, in making the determination, any evidence of actual parking demand for similar uses shall be considered as well as other reliable traffic engineering and planning information that is available. [Ord. 2016-042]

5. Government Services and Government Facilities

May request alternative calculations based on evidence of actual loading demand for similar uses or reliable traffic engineering and planning information.

B. Minimum Loading Requirements

1. Standard “A”

a. One space for GFA that is 10,000 square feet or greater, plus one space for each additional 40,000 square feet of GFA.

2. Standard “B”

a. One space for GFA that is 10,000 square feet or greater, plus one space for each additional 50,000 square feet of GFA.

3. Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces

An Applicant may apply for a Type 1 Waiver subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information. [Ord. 2007-001] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-025]

Figure 6.B.1.B – Standard “E” Loading



Section 3 Location

A. On-site E.—Location

Loading spaces shall be located adjacent to the building which it serves, and where required by Table 6.A.1.B, Minimum Off Street Parking and Loading Requirements, unless approved pursuant to Art. 6.E.3.C, Alternative Design Options. Loading spaces shall be proportionately distributed throughout the site. [Ord. 2008-037]

B. Off-site or On-Street

Loading spaces shall be prohibited from being located off-site or on-street.

C. Alternative Design Options

Parking spaces and the drive aisle may be used in lieu of providing a designated loading space during non-business hours and shall be prohibited during the hours of operations.

F.—Screening

1.—Bay Doors

Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view.

2.—Loading Area Screening

Loading areas, which may include loading spaces, docks and associated maneuvering areas, that are within 100 feet of a parcel with a residential FLU designation, or use; or visible from a street R-O-W, shall be screened from view by buildings a minimum of 12 feet in height, or a wall in combination with landscape material, as follows: [Ord. 2008-037] [Ord. 2015-031]

a.—Options by Location

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

~~1) **In-between Loading Area and Property Line**~~

~~Unless located within a perimeter landscape buffer, the following shall be required: a 12-foot high wall combined with foundation planting along the exterior side of the wall, in accordance with the facade standards of Table 7.C.3.B, Foundation Planting and Dimensional Requirements. [Ord. 2008-037] [Ord. 2015-031]~~

~~2) **Perimeter Buffers**~~

~~If located within a perimeter landscape buffer, minimum required wall or additional landscaping, shall be as follows: [Ord. 2015-031]~~

~~a) Within a compatibility or incompatibility buffer: 12-foot wall; or [Ord. 2015-031]~~

~~b) Within a R-O-W buffer: six foot wall combined with an eight foot high hedge located on the exterior side of the wall. [Ord. 2015-031]~~

~~c) Minimum wall height required within perimeter buffers may be reduced when used in combination with a berm, provided that the total height does not exceed 12-foot. [Ord. 2015-031]~~

~~b. **Architectural Compatibility**~~

~~Walls shall be architecturally compatible with the adjacent structure. [Ord. 2015-031]~~

~~c. **Conflict with Other Applicable Regulations**~~

~~If a conflict exists between Loading Area Screening and other articles in this Code, the provisions above shall prevail except where superseded by state or federal law. [Ord. 2015-031]~~

~~d. **Exemptions**~~

~~Loading area screening is not required if any of the following standards are satisfied: [Ord. 2015-031]~~

~~1) the loading area is obstructed from view by an existing landscape buffer; a preserve or a structure; [Ord. 2008-037]~~

~~2) a structure or tenant consisting of 10,000 square feet or less; [Ord. 2008-037]~~

~~3) a single loading space; or [Ord. 2008-037]~~

~~4) the WCRAO Executive Director may exempt a loading space from screening requirements for parcels located in the WCRAO, pursuant to Art. 3.B.14.1.2, Redevelopment Loading Option. [Ord. 2008-037]] [Relocated to Art 6.E.4.A.3 Screening]~~

~~G. **Prohibitions**~~

~~1. A street or driveway shall not be used for loading or unloading.~~

~~2. A loading space shall not be used to satisfy off-street parking requirements,~~

~~3. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking lot. [Relocate 6.B.1.G Prohibitions to 6.E.1 General]~~

Figure 6.B.1.B – Off-Street Loading Buffering



Landscaping Between Loading and R-O-W

Section 4 H. Dimensional Design and Construction Standards and Design Requirements

Required loading spaces shall be subject to the following minimum standards:

A. Dimensions, Layout, and Screening

1. Dimensions

a. Loading Space

Table 6.E.4.A – Dimensions

| <u>Standard A</u> <u>(12' wide x 18'.5" long)</u> | <u>Square Footage of</u> <u>Gross Floor Area</u> | <u>Number of Required</u> <u>Loading Spaces</u> |
|--|---|--|
| | <u>0 to 10,000 square feet</u> | <u>0</u> |
| | <u>10,001 square feet to 40,000 square feet</u> | <u>1</u> |
| | <u>Each additional 40,000 square feet</u> | <u>1</u> |

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Table 6.E.4.A – Dimensions

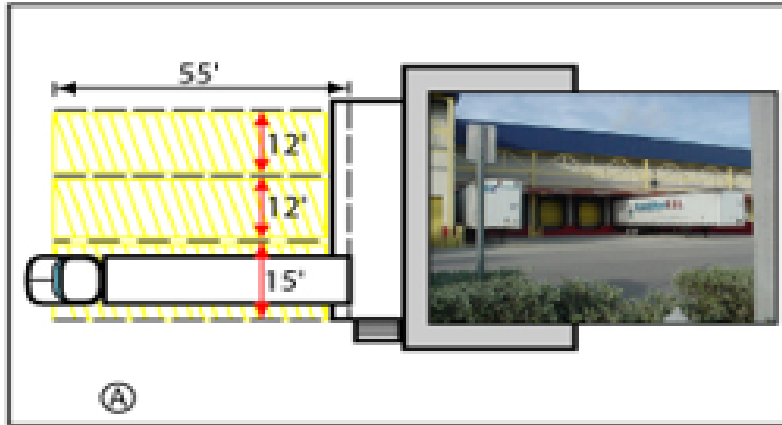
| Standard B (15' wide x 55' long) | Square Footage of Gross Floor Area | Number of Required Loading Spaces |
|---|---|--|
| | 0 to 10,000 square feet | 0 |
| | 10,001 square feet to 50,000 square feet | 1 |
| | Each additional 50,000 square feet | 1 |

Notes:

- The use of parking spaces and the drive aisle can be used in lieu of providing a designated loading space during off business hours.
- Additional loading spaces adjacent to, and not separated from the first loading space may be reduced to a minimum of 12 feet in width.

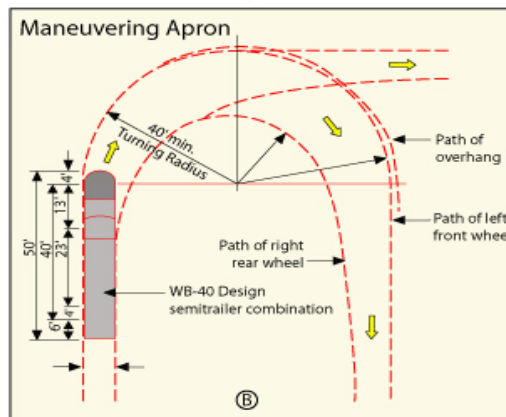
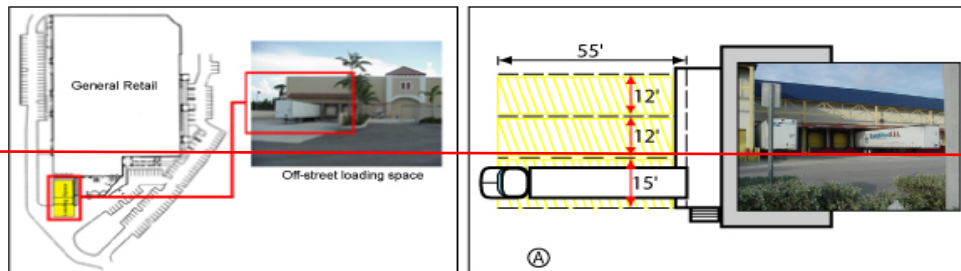
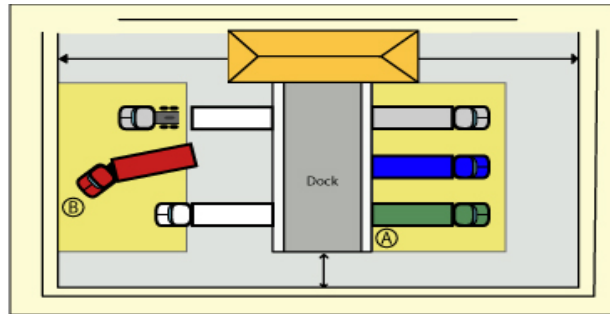
1

Table 6.E.4.A – Dimensions for Width and Length



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Figure 6.BE.14.EA – Dimensional Standards Maneuvering Area



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b. Maneuver Area

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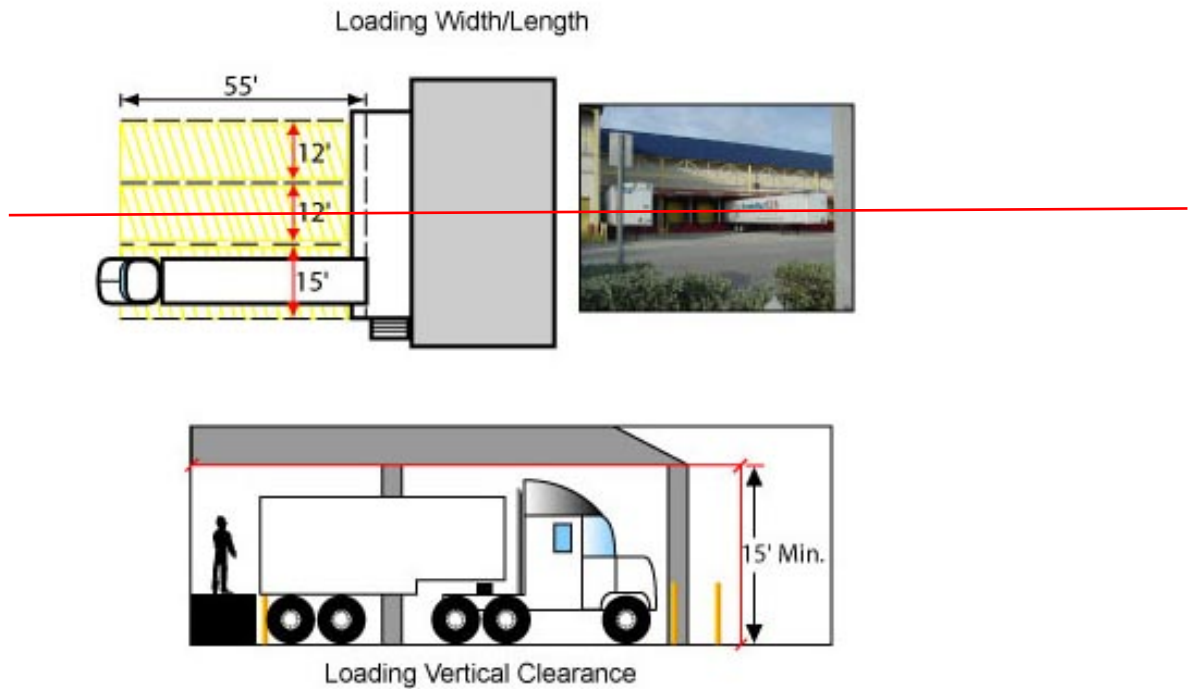
EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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An area equal to the width and length of the berth shall be provided for vehicle maneuvering directly behind the loading space it is intended to serve.

Figure 6.B.1.E – Vertical Clearance



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c. Vertical Clearance

A vertical clearance of at least 15 feet shall be provided over the space and maneuvering apron, unless reduced by the DRO.

d. Waiver – Reduction of Loading Space Width or Length

The minimum required width and length may be reduced for uses that require limited loading, to not less than 12 feet and 18.5 feet, respectively, subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information. **[Ord. 2007-001] [Ord. 2016-042] [Relocated from 6.B.1.H.7 Type I Wavier]**

2. Layout

a5. Distance from Intersection

1)a. Distance

No loading space shall be located within forty feet of the nearest point of the edge of pavement or curb of any two intersecting streets.

2)b. Setback

Loading spaces shall be setback at least 20 feet from all front or side street property lines. When located at the rear of a building, a minimum five foot setback from the property line shall be required.

b6. Access Marking

Each ~~off-street~~ loading space shall be provided with safe and convenient access to a street, without it being necessary to cross or enter any other required loading space. If any loading space is located contiguous to a street, ingress and egress to the street side shall be provided only through driveway openings. The dimension, location and construction of these driveways shall be designed in accordance with this Article. In addition, ~~off-street~~ loading spaces which have three or more berths shall have individual spaces marked, and spaces shall be so arranged that maneuvering to and from a loading space shall be on the same lot unless approved by the DRO. Maneuvering shall be permitted in an alley upon the approval of the DRO if surrounding uses are compatible with the subject use.

7. Type 1 Waiver – Reduction of Loading Space Width or Length

~~The minimum required width and length may be reduced for uses that require limited loading, to not less than 12 feet and 18.5 feet, respectively, subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as~~

Notes:

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

~~other available technical data, traffic engineering and planning information. [Ord. 2007-001]
[Ord. 2016-042] [Relocated to 6.E.4.A Dimensions and Layout]~~

~~**8. Repair Activities**~~

~~Only emergency repair service shall be permitted in a loading space.~~

3. Screening

a. Bay Doors

Bay doors shall be located and oriented away from residential property lines or setback a minimum of 50 feet and screened from view.

b. Loading Area Screening

Loading areas, which may include loading spaces, docks and associated maneuvering areas, that are within 100 feet of a parcel with a residential FLU designation, or use; or visible from a street R-O-W, shall be screened from view by buildings a minimum of 12 feet in height, or a wall in combination with landscape material, as follows: [Ord. 2008-037] [Ord. 2015-031]

1) Options by Location

a) In-between Loading Area and Property Line

Unless located within a perimeter landscape buffer, the following shall be required: a 12 foot high wall combined with foundation planting along the exterior side of the wall, in accordance with the facade standards of Table 7.C.3.B, Foundation Planting and Dimensional Requirements. [Ord. 2008-037] [Ord. 2015-031]

b) Perimeter Buffers

If located within a perimeter landscape buffer, minimum required wall or additional landscaping, shall be as follows: [Ord. 2015-031]

(1) Within a compatibility or incompatibility buffer: 12 foot wall; or [Ord. 2015-031]

(2) Within a R-O-W buffer: six foot wall combined with an eight foot high hedge located on the exterior side of the wall. [Ord. 2015-031]

(3) Minimum wall height required within perimeter buffers may be reduced when used in combination with a berm, provided that the total height does not exceed 12 foot. [Ord. 2015-031]

c. Architectural Compatibility

Walls shall be architecturally compatible with the adjacent structure. [Ord. 2015-031]

d. Conflict with Other Applicable Regulations

If a conflict exists between Loading Area Screening and other articles in this Code, the provisions above shall prevail except where superseded by state or federal law. [Ord. 2015-031]

e. Exemptions

Loading area screening is not required if any of the following standards are satisfied: [Ord. 2015-031]

1) the loading area is obstructed from view by an existing landscape buffer; a preserve or a structure; [Ord. 2008-037]

2) a structure or tenant consisting of 10,000 square feet or less; [Ord. 2008-037]

3) a single loading space; or [Ord. 2008-037]

4) the WCRAO Executive Director may exempt a loading space from screening requirements for parcels located in the WCRAO, pursuant to Art. 3.B.14.1.2, Redevelopment Loading Option. [Ord. 2008-037] [Relocated from Art 6.B.1.F Screening]

B. Materials

All Loading spaces and maneuvering areas shall comply with Article 6.B.3.B.1, Paved.

Part 8 ULDC Art. 2.C.5.E.2, Type 1 Waiver (page 51 of 102, Supplement 26), is hereby amended as follows:

CHAPTER C ADMINISTRATIVE PROCESS

Section 5 Types of Applications

....

E. Type 1 Waiver

1. Purpose

To establish procedures and evaluation standards for a Type 1 Waiver. A Type 1 Waiver is to allow flexibility and minor adjustments to the property development regulations, site design, preservation, or incorporation of existing native vegetation; or for an improved site design where alternative solutions can be permitted subject to the criteria. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2016-042] [Ord. 2018-002]

2. Applicability

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EXHIBIT L

ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Requests for Type 1 Waivers shall only be permitted where expressly stated within the ULDC:
 [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

Table 2.C.5.E – Summary of Type 1 Waivers

| Requests | ULDC Reference |
|---|--|
| Glades Area Overlay (GAO) | Table 3.B.4.F, Type 1 Waivers for Industrial Pods |
| NEO, Native Ecosystem Overlay | Art. 3.B.7.D, Property Development Regulations (PDRs) |
| Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines | Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines |
| Infill Redevelopment Overlay (IRO) | Table 3.B.15.G, Type 1 Waivers |
| Urban Redevelopment Overlay (URAO) | Table 3.B.16.G, Type 1 and 2 URAO Waivers |
| Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1) | Table. 3.D.1.A, Property Development Regulations (PDRs) |
| Required Parking in Type 1 Restaurant with Drive Through | Art. 4.B.2.C.33.f.3)a)(2), Location Criteria – Exceptions, Design Criteria |
| Commercial Greenhouse Loading | Art. 4.B.6.C.17.c.4)b), Loading |
| Solid Waste Transfer Station | Art. 4.B.7.C.10.d, Buffer |
| Green Architecture | Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture |
| Parking for Community Vegetable Garden | Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, Note 10 |
| <u>Parking Spaces</u> | <u>Art. 6.C.1.A, Type 1 Waiver</u> |
| Loading Spaces | Art. 6. BE.12.DB.23 , Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces |
| Loading Space Width or Length | Art. 6. BE.14.HA.71.d , Type 1 Waiver – Reduction of Loading Space Width or Length |
| Landscaping | Table 7.B.4.A, Type 1 Waivers for Landscaping |
| Billboard Location | Art. 8.H.2.D.4, Replacement |
| PUD Informational Signs | Art. 8.G.3.B.5.b, Standards for Type 3 Electronic Message Signs |
| [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] | |
| Notes: | |
| 1. | This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application. |

Part 9. ULDC Art. 5.B.1.A.1.e, Specific Accessory Uses (page 12 of 112, Supplement 25), is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

The following provisions in this Section shall apply to all development in Standard, PDD, or TDD Zoning Districts, unless otherwise stated. [Ord. 2007-001] [Ord. 2017-007]

a. Standards

e. Specific Accessory Uses

1) Office

- a) Areas of a building dedicated to the administrative operation and incidental to a principal use or uses listed in the Use Matrix may be Permitted by Right. [Ord. 2017-007]
- b) One parking space shall be provided for every 2050 square feet of accessory office. [Ord. 2017-007]

Part 10. ULDC Art. 5.B.1.A.9, Neighborhood Recreation Facility (page 22 of 112, Supplement 25), is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

9. Neighborhood Recreation Facility

A non-profit facility designed and intended for recreational use by occupants of a residential development or subdivision owned and operated by a POA or equivalent. Recreation facilities shall be subject to the following standards: [Ord. 2011-001] [Ord. 2013-001]

a. Property Development Regulations (PDRs)

- 1) PDRs shall be in accordance with the standards for a recreation pod in Table 3.E.2.D, PUD Property Development Regulations. [Ord. 2011-001]

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EXHIBIT L
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

1 2) PDRs for outdoor recreation amenities shall be in accordance with Art. 5.B.1.A.10,
2 Outdoor Recreation Amenities. **[Ord. 2013-001]**

3 **b. Parking**

4 Parking shall be in accordance with Art. 6, Parking, Loading, and Circulation, ~~and the~~
5 ~~following: [Ord. 2011-001]~~

6 ~~1) Clubhouses in a standard district shall apply the requirements for a recreation pod~~
7 ~~clubhouse. [Ord. 2011-001]~~

8 ~~2) Parking shall not be required for recreation pods or facilities on less than one acre;~~
9 ~~however, a minimum of two spaces shall be required to accommodate maintenance~~
10 ~~services for pools or clubhouses. [Ord. 2011-001]~~ **[Relocated to: Art. 6, Table**
11 **6.B.1.B, Minimum Parking and Loading Requirements]**

Part 11. **ULDC Art. 5.B.1.A.18, Bike Racks (page 33 of 112, Supplement 26), is hereby amended**
 as follows:

12 **CHAPTER B ACCESSORY USES AND STRUCTURES**

13 **Section 1 Supplementary Regulations**

14 **A. Accessory Uses and Structures**

15

16 **18. Bike Racks**

17 **a. Number of Bikes**

18 Each bike rack shall accommodate a minimum of five bikes.

19 **b. Multi-Family Uses**

20 Multi-Family projects with more than 100 units shall provide one bike rack per 50 units.

21 **c. Commercial Uses**

22 All commercial projects subject to site plan approval by the DRO shall provide one bike
23 rack per 200 parking spaces.

24 **d. Recreation Pod or Neighborhood Recreation Facility**

25 Shall provide a minimum of one bike rack.

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EXHIBIT M

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

Part 1. ULDC Art. 1.1.2.1.33, General Provisions, Definitions and Acronyms, Irreparable or Irreversible Harm (page 62-63 of 111, Supplement 25), is hereby amended as follows:

1 CHAPTER I DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4 I. Terms defined herein or referenced in this Article shall have the following meanings:

5
6
7

8 33. Irreparable or Irreversible Harm –

9 **a.** A substantial injury that is beyond the possibility of repair; the injury suffered cannot be
10 undone; damage or destruction of a natural resource that is so substantial and permanent
11 that it is beyond the possibility of being repaired or restored to its previous condition. A
12 natural resource shall be deemed irreparably harmed when an activity taken or caused by
13 a person or persons alters the natural resource to such a degree that it cannot reasonably
14 be restored or returned to the condition existing immediately prior to such alteration. A non-
15 renewable natural resource shall be deemed irreparably harmed when the resource has
16 been permanently removed or consumed. There shall be a rebuttable presumption that a
17 natural resource has been irreparably harmed when the nature resource. A natural
18 resource shall not be deemed irreparably harmed when the alteration of the natural
19 resource is authorized by County law. **[Ord. 2006-036]**

20 **b.** For the purpose of Article 7, Landscaping, Irreparable or Irreversible harm to existing
21 vegetation shall include the improper pruning or hatracking that has caused significant
22 damage to vegetation to an extent that precludes the regrowth of a natural canopy, or
23 reduced the size of vegetation down to a stump. Reparable harm to existing vegetation
24 shall include the improper pruning or hatracking that has caused damage to vegetation to
25 an extent that can be corrected or repaired through standards of additional pruning and
26 care.

....

Part 2. ULDC Table 2.A.6.B Application Processes and Procedures, General, Zoning Application Procedures, Landscape Related Plans (page 20 of 101, Supplement 25), is hereby amended as follows:

27 CHAPTER A GENERAL

28

29 Section 6 Zoning Application Procedures

30

31 B. Plan Requirements

32

33 7. Landscape Related Plans

34 Art. 7, Landscaping, identifies different types of landscape related plans that are reviewed by
35 the DRO for a final decision: Planting Plan, Landscape Plan, and Alternative Landscape Plan
36 (ALP). All Plans shall be prepared consistent with the approved Master, Site or Subdivision
37 Plan. Application requirements, labeling of Plans, and approval procedures for the Landscape
38 related Plans shall be consistent, where applicable, with Art. 2.A.6.B, Plan Requirements and
39 the Zoning Technical Manual, and Art. 7, Landscaping. All types of Landscape Plans shall be
40 submitted at Building Permit, unless it is required to be submitted at Final Approval by the DRO
41 through a Condition of Approval. The following Table summarizes the different types of Plans,
42 applicability, and approval authority. **[Ord. 2009-040] [Ord. 2016-042] [Ord. 2018-002]**

43

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EXHIBIT M

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

1

Table 2.A.6.B – Landscape Related Plans

| Types of Landscape Plan | Additional Plan Requirements | Applicability | Approval of Plan(s) | Authority |
|-------------------------|---|---|---------------------|-----------|
| Planting Plan (6) | Identify number, location, height, and species of required trees, palms or pines, and shrubs (4) | Single-Family | (1) | DRO |
| | | Two-unit Townhouse | | |
| | | A lot with two MF units | | |
| | | Vacant lots within 120 days of demolition | | |
| Landscape Plan | Identify number, location, height and species of required trees, palms or pines, and shrubs. (4) | Nonresidential developments | (1)(3) | DRO |
| | | A lot with more than two MF units | (1)(3) | DRO |
| | | Common areas of PUD | (1)(3) | DRO |
| | | Variance | (1)(3) | ZC |
| | | Type 2 Waiver | (1)(3) | BCC |
| | | Type 1 Waiver | (1)(3) | DRO |
| ALP | Identify number, location, height, and species of required trees, palms or pines, and shrubs. (4) | (2)(5) | (1)(3) | DRO |

[Ord. 2016-042] [Ord. 2018-002]

Notes:

- Approval of Plan(s) must be completed prior to the issuance of a Building Permit, unless it is required to be approved at Final DRO by a Condition of Approval.
- Applicant may submit the ALP concurrent with the DO application to garner support of the Waiver request(s). The ALP may be required as a Condition of Approval by the ZC, BCC or DRO..
- Landscape Plan(s) and ALP (except Planting Plan) shall be signed and sealed by a Florida Licensed Professional Landscape Architect prior to the approval of a Building Permit.
- A Free Vegetation Disposition Chart may apply to all of the Landscape related Plans, where a Site has existing native vegetation, even if no Waivers or Variances are being requested. Refer to the Technical Manual, Title 3, Landscape for the Vegetation Disposition Chart.
- An ALP may be submitted by the Applicant concurrently with a Waiver request to modify Landscape standards. The DRO may determine that the Waiver for Landscape requirements pursuant to Art. 7, Landscaping could be shown on a Site, Subdivision or Regulating Plan in lieu of an ALP.
- May be approved by the Building Division. The amount of required plant material shall be indicated on the applicable Building Division submittal form and installed prior to issuance of CO.

Part 3. ULDC Art. 7.B.3.D, Landscaping, Applicability and Approval Process, Approval Process for Landscape Plans, Landscape Inspections (page 10 of 54, Supplement 25), is hereby amended as follows:

2 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

3

4 Section 3 Approval Process for Landscape Plans

5 Approval process for Landscape Plans shall be subject to the requirements pursuant to Art. 2, Application
6 Processes and Procedures. **[Ord. 2016-042]**

7
8 An Applicant may request review for compliance with this Article concurrent with an application that requires
9 approval by the BCC, ZC or DRO by submitting Preliminary or Final Landscape Plans. Final Landscape
10 Plans shall be part of the Building Permit application unless a Condition of Approval requires Landscape
11 Plans to be submitted at Final Approval by the DRO. An application for a Landscape Plan Review shall be
12 submitted directly to the Zoning Division, and shall comply with the following requirements: **[Ord. 2018-002]**

13 A. Submittal Requirements

14

15 D. Landscape Inspections

16 Unless otherwise stated in this Article, all developments subject to this Article may be inspected by
17 PZB prior to and after installation of required landscaping. Required landscaping shall be approved
18 by PZB prior to the issuance of a CO, or Certificate of Completion, whichever occurs first. Various
19 types of Landscape Inspection shall be conducted at different stages of the development, as
20 follows: **[Ord. 2018-002]**

21 1. Types of Landscape Inspection

- 22 a. Preliminary Inspection – required to verify existing grades, vegetation and necessary site
23 preparation has been completed prior to any plant material being installed on the site to
24 comply with the Landscape Permit; **[Ord. 2009-040] [Ord. 2018-002]**
- 25 b. Final Inspection – required as part of the typical building permit process to ensure
26 landscape material, irrigation and conditions of approval on a development order are in

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EXHIBIT M

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

- 1 compliance prior to final sign off that the landscape is completed and installed in
2 accordance to the Landscape Permit. [Ord. 2009-040] [Ord. 2018-002]
- 3 c. Annual Inspection – scheduled on the one-year anniversary date from the date of the Final
4 Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all
5 landscape and irrigation continually complies with the Landscape Permit. If material or
6 irrigation is missing, dead or damaged the property owner shall be provided with a Notice
7 to Correct, pursuant to Art. 10, Enforcement. [Ord. 2009-040] [Ord. 2018-002]
- 8 d. Monitoring Inspection – performed ~~to-in response~~ ~~respond~~ to a complaint or Code
9 Enforcement case as it relates to vegetation violations (e.g. of missing or damaged plant
10 material or changes to the landscape not previously approved in accordance with the
11 Landscape Permit). [Ord. 2009-040] [Ord. 2018-002]

Part 4. ULDC Art. 7.B.4.C, Landscaping, Applicability and Approval Process, Type 1 Waiver for Landscaping, Landscape Plans page 11-13 of 54, Supplement 25), is hereby amended as follows:

12 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

13

14 Section 4 Type 1 Waiver for Landscaping

15 An Applicant may seek minor modifications to the requirements of this Article that are identified in Table
16 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to be
17 modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures.
18 The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art.
19 2.C.5.E.3, Standards for a Type 1 Waiver, and the applicable Criteria in the following Table have been met.
20 [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]

21 A. Applicability

22 Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same
23 requirements. [Ord. 2018-002]

24

25 B. Pre-Application Appointment (PAA) for a Type 1 Waiver

26 The applicant shall be required to schedule and attend a PAA with the Zoning Division staff to
27 review and discuss preservation of existing vegetation, possible design alternatives, and any
28 Waivers that may be requested as part of the application. [Ord. 2007-001] [Ord. 2016-042] [Ord.
29 2018-002]

30 C. Alternative Landscape Plan (ALP)

31 The Applicant shall submit an ALP Landscape Plan(s) to the DRO to ~~demonstrate~~ graphically depict
32 the proposed Type 1 Waiver request(s). The DRO may allow the alternative designs or waiver
33 requests be incorporated on a Site or Subdivision Plan or any other types of Zoning Plan in lieu of
34 the ~~Landscape Plan-ALP~~. Upon the approval of the Type 1 Waiver(s), the Applicant shall finalize
35 the ~~Landscape Plans ALP~~ as Final Landscape Plans, and shall include it as part of the for Building
36 Permit Review, if applicable. [Ord. 2018-002]

Part 5. ULDC Art. 7.B.5, Landscaping, Applicability and Approval Process, Tree Removal and Replacement page 13-14 of 54, Supplement 25), is hereby amended as follows:

37 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

38

39 Section 5 Free Vegetation Removal and Replacement

40 ~~For the purpose of this Section, the term vegetation shall include trees, palm(s) and pine(s). Trees, palms~~
41 ~~or pines~~ Vegetation that ~~are~~ is required to be planted on a property per Code requirements or through a
42 Condition(s) of Approval shall not be removed without first applying for and being issued a Free Vegetation
43 Removal and Replacement Permit. Removal of ~~trees, palms or pines~~ vegetation without a valid permit shall
44 be considered a violation of the Code or the DO, unless otherwise exempted by F.S. ~~For the purpose of~~
45 ~~this Section, the term tree(s) shall include trees, palm(s) or pine(s)~~. [Ord. 2019-005]

46 A. Exception

47 The following exceptions shall apply to parcels with residential uses:

- 48 1. No permit is required for a Single Family residence as long as the minimum required vegetation
49 is maintained in accordance with standards set forth in Table 7.C.3.A, Interior Landscape
50 Requirements.

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EXHIBIT M

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1 2. Residential properties may be exempt from permitting requirement in accordance with F.S.
2 163.045. Residential properties are properties that are developed with a residential use and
3 may be located within either a residential or non-residential Zoning District.

4 **AB. Approval Process**

5 An Applicant may request the removal of existing ~~trees~~ vegetation by submitting an application to
6 the Zoning Division, and subject to the following procedures: **[Ord. 2019-005]**

7 **1. Pre-Application Site Meeting**

8 Prior to the submittal of an application, the Applicant shall schedule an on-site meeting with
9 staff of the Permit/Landscape Review Section of the Zoning Division to discuss and inspect the
10 ~~trees~~ vegetation that ~~is~~ are proposed to be removed. Staff shall determine whether the ~~trees~~
11 ~~are~~ vegetation is eligible for removal based on the standards listed below. If the ~~trees~~ vegetation
12 is eligible for removal, ~~the Applicant shall be provided by~~ Staff shall provide the Applicant a
13 Tree Vegetation Removal and Replacement Application to be completed for submittal. **[Ord.**
14 **2019-005]**

15 **2. Application Submittal Requirements**

16 The Applicant shall submit the application to the Permit/Landscape Review Section. The
17 application shall include a Justification Statement providing the reason for the proposed
18 removal of the vegetation. The Applicant shall also submit either a Final Site, Subdivision or
19 Regulating Plan or a Survey of the subject property. The Applicant shall identify the following:
20 species, size and location of the ~~trees~~ vegetation to be removed, and the required replacement
21 of the ~~trees~~ vegetation and their proposed species, size and location. **[Ord. 2019-005]**

22 **3. Application Review and Final Decision**

23 Staff shall review the application utilizing the Standards for Removal, that are listed below to
24 consider whether to approve or deny the request. A Tree Vegetation Removal and
25 Replacement Permit shall be issued upon the approval of the application. The DRO may
26 approve, approve with a Condition of Approval, or deny the request. **[Ord. 2019-005]**

27 **4. Standards for Removal and Replacement**

28 In reviewing an application for Tree Vegetation Removal and Replacement, staff shall consider
29 the following standards to determine whether the removal permit is granted: **[Ord. 2019-005]**

- 30 a. The Applicant's justification for the removal; **[Ord. 2019-005]**
- 31 b. The site condition of the area where the existing tree is located, and whether the location
32 has easement overlap or proximity of the ~~tree~~ vegetation to the overhead electric utilities;
33 **[Ord. 2019-005]**
- 34 c. The health condition of the ~~tree~~ vegetation; or, **[Ord. 2019-005]**
- 35 d. Any valid safety concerns that may arise if the removal of the ~~tree~~ vegetation is not allowed.
36 **[Ord. 2019-005]**

37 **BC. Replacement**

38 All replacement of ~~trees~~ vegetation, shrubs, landscape barrier and ground treatment shall be in
39 compliance with Art. 7.E.3, Credit and Replacement, unless stated otherwise in Art. 7.B.1,
40 Exemption. **[Ord. 2019-005]**

41 **CD. Timeline**

42 Staff shall indicate the timeline of removal and replacement of the tree on the Permit to ensure the
43 replacement of the tree is done in accordance with the approval. The Permit is valid for six months
44 from the date of issuance. Failure to comply with the Permit requirements, which include the
45 established dates or any imposed Conditions of Approval, shall result in enforcement action,
46 pursuant to Art. 7.G, Enforcement by PZB. **[Ord. 2019-005]**

47 **DE. Inspection**

48 The Applicant shall contact staff when the trees are removed, and staff shall schedule a site
49 inspection to confirm that the trees have been removed, and that any required replacement of trees
50 have been installed in conformance with the Permit. **[Ord. 2019-005]**

Part 6. **ULDC Art. 7.E.3, Landscaping, Existing Native Vegetation, Prohibited, And Controlled Plant Species, Credit and Replacement (page 47-48 of 54, Supplement 25), is hereby amended as follows:**

51 **CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT** 52 **SPECIES**

53

54 **Section 3 Credit and Replacement**

55 This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and
56 Interior Landscaping Requirements and Art. 7.D, Landscape Standards. In addition, this Section also
57 establishes requirements for quantity and size for replacement. Replacement of vegetation may be
58 required due to injury, damage or removal, which includes: improper pruning, hatracking, or other actions

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that render existing vegetation unable to achieve its natural and intended form. The quantity and the size of the replaced vegetation is based on the size of the individual vegetation at the time when the vegetation was injured, damaged or removed. For the purpose of this Section, the term Vegetation shall include trees, palms or pines. [Ord. 2018-002] [Ord. 2019-005]

A. ~~Vegetation Survey Credit~~

Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D, Landscape Standards shall be granted for on-site preservation of existing vegetation when accompanied by an approved Vegetation survey with a Vegetation Disposition Chart, and indicated on the Final Landscape Plan or Final ALP. [Ord. 2018-002] [Ord. 2019-005]

1. Approval

The credited vegetation shall be approved by both the Department of ERM and the Zoning Division. The Vegetation survey, Vegetation Disposition Chart, and Final Landscape or Final ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this Article.

~~B2. Excluded from Credit~~

Credits shall not be permitted for vegetation: [Ord. 2018-002]

- ~~1-a)~~ Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located in required preservation areas, heritage or champion trees); [Ord. 2018-002]
- ~~2.b)~~ Irreparably damaged during the construction process; [Ord. 2018-002] [Ord. 2019-005]
- ~~3-c)~~ Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation Preservation and Protection; [Ord. 2018-002]
- ~~4-d)~~ Dead, dying, diseased, or infested with harmful insects; or [Ord. 2018-002]
- ~~5-e)~~ Located on a subarea of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent open space parcel. [Ord. 2018-002]

B. Replacement

Required vegetation, landscape barrier or ground treatment that become damaged, diseased, removed or are dead shall be immediately replaced, and where specified, are subject to the Vegetation Removal and Replacement Permit process. Replacement shall comply with the following: [Ord. 2005-002] [Ord. 2018-002] [Ord. 2019-005]

- 1. Trees shall be in accordance with Table 7.E.3.C, Vegetation Credit and Replacement, and subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5. [Ord. 2019-005]*
- 2. Shrubs shall be in accordance with the original size as required under each type of Buffer consistent with Art.7 Landscaping or Conditions of Approval. [Ord. 2019-005]*
- 3. A wall or fence shall be in accordance with the original height and the same construction material as required under each type of Buffer consistent with Art.7, Landscaping or Conditions of Approval, and subject to a Permit approval process. [Ord. 2019-005]*
- 4. A hedge shall be in accordance with the original height as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, where applicable. [Ord. 2019-005]*
- 5. Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of Approval, where applicable. [Ord. 2019-005] [Relocated from Art. 7.F.3.B, Replacement as it related to Installation and Maintenance]*

C. Vegetation Credit and Replacement Formula

Existing vegetation that is given credit towards required vegetation, or for the purpose of a replacement shall be subject to the following Table. In addition, the size of the credited or replaced vegetation shall be in compliance with the size requirements pursuant to Art. 7.D.2, Trees, Palms and Pines. [Ord. 2019-005]

Table 7.E.3.C – Vegetation Credit and Replacement

| Tree or Pine Diameter at 4.5 Feet Above Grade (1)(2)(3) | = | Quantity for Credits or for Replacements (4) |
|---|---|--|
| Less than 2 in. | = | 0 |
| 2-6 in. | = | 1 |
| 7-11 in. | = | 2 |
| 12-16 in. | = | 3 |
| 17-21 in. | = | 4 |
| 22-26 in. | = | 5 |
| 27-31 in. | = | 6 |
| 32-36 in. | = | 7 |
| 37 in. or greater | = | 8 |
| [Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] | | |
| Notes: | | |
| 1. | Fractional measurements shall be rounded <u>down in accordance with Art. 1.C.1.A.2 Interpretation and Application.</u> In [Ord. 2018-002] | |

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Table 7.E.3.C – Vegetation Credit and Replacement

| | |
|----|---|
| 2. | Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement. [Ord. 2019-005] |
| 3. | Quantity: replacement of palms shall be one for one. [Ord. 2019-005] |
| 4. | Replacement of Vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 7.G.3.C, Corrective Actions |

1. Natural Disaster Replacement

The replacement standards of vegetation damaged by natural disaster, as determined by the Executive PZB Director, pursuant to Art.7.G.2, Temporary Suspension of Landscape Standards, shall be subject to the following, unless otherwise exempt by F.S. Section 163.045.

a. Each tree, palm or pine that has been damaged by natural disaster, and impacts the life of the vegetation, shall be replaced by a similar tree, palm, or pine subject to the following: **[Ord. 2019-005]**

1a) Quantity – one for one; ~~and~~ **[Ord. 2019-005]**

2b) Size – pursuant to Art. 7.D.2, Trees, Palms and Pines, or a size specified pursuant to DO Conditions of Approval. **[Ord. 2019-005]**

3) Timing – Replacement shall be completed in accordance with the dates established by the Executive Director of PZB, pursuant to Art. 7.G.2, Temporary Suspension of Landscape Standards; and,

4) Documentation shall be provided by an Applicant when utilizing these reduced standards, or if there are any modifications from the previously approved Final Landscape Plan or Final ALP, and shall be indicated on a revised Planting or Landscape Plan, whichever is applicable.

~~2. Illegal Tree or Pine Removal~~

~~If a tree or pine is removed with only the stump remaining, the following formula shall be utilized to determine the size of the removed tree or pine. **[Ord. 2019-005]**~~

~~a) measure the diameter of the tree or pine stump and reduce the measurement by 25 percent; and, **[Ord. 2019-005]**~~

~~b) replacement of the quantity of the tree or pine shall be based on the reduced diameter measurement, and subject to, the requirements of Table 7.E.3.C, Vegetation Credit and Replacement for estimating the number of trees or pines to be replaced **[Ord. 2019-005]**~~

[Relocated to Art.7.G, Enforcement]

Part 7. ULDC Art. 7.F, Landscaping, Installation and Maintenance, Maintenance (page 50-52 of 54, Supplement 25), is hereby amended as follows:

CHAPTER F INSTALLATION AND MAINTENANCE

....

Section 3 Maintenance

A. General

PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, which includes vegetation required to be installed under a DO, or existing preserved vegetation, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the requirements of this Section. Maintenance of the Premises shall also be subject to the Palm Beach County Code, Chapter 14, Article 1, Property Maintenance Code. **[Ord. 2018-002]**

1. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.

2. Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.

3. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.

4. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. **[Ord. 2018-002]**

5. Landscape areas, which are required to be created or preserved by this Article, shall not be used for temporary parking or the storage/display of materials or sale of products or services.

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~~B.~~ **Replacement**

~~Required trees, palms, pines, shrubs, landscape barrier or ground treatment that become damaged, diseased, removed or are dead shall be immediately replaced, and where specified, are subject to the Tree Removal and Replacement Permit process. Replacement of vegetation shall comply with the following: [Ord. 2005-002] [Ord. 2018-002] [Ord. 2019-005]~~

~~1. Trees shall be in accordance with Table 7.E.3.C, Vegetation Credit and Replacement, and subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5. [Ord. 2019-005]~~

~~2. Shrubs shall be in accordance with the original size as required under each type of Buffer consistent with Art. 7 Landscaping or Conditions of Approval. [Ord. 2019-005]~~

~~3. A wall or fence shall be in accordance with the original height, and the same construction material as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, and subject to a Permit approval process. [Ord. 2019-005]~~

~~4. A hedge shall be in accordance with the original height as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, where applicable. [Ord. 2019-005]~~

~~5. Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of Approval, where applicable. [Ord. 2019-005] [Relocated to Art. 7.E.3.B, Replacement as it relates to Credit and Replacement]~~

~~C.B.~~ **Maintenance of Vacant Lots**

Vacant Lots and Vacant Residential Parcels shall be maintained by the property owner, and shall be subject to the requirements as listed below. [Ord. 2018-002]

....

Section 4 Pruning After Installation

Pruning is permitted after installation to allow for healthy growth, to promote safety considerations, and enhance the aesthetic value of plant material. Trees that conflict with views, signage, or lighting shall not be pruned more than the maximum allowed. Trees shall not be pruned in a manner that reduces the canopy spread to less than 20 feet. Pruning practices shall comply with the guidelines in ~~Tree Care Tips—A Guide to Proper Pruning Techniques, published by the Department of Environmental Resources Management (ERM) American National Standards Institute, (ANSI) A300~~, and the provisions of this Chapter. The Zoning Director may suspend the provisions of this Chapter upon recommendation from County Landscape Staff additional pruning is necessary for plant growth, safety, or aesthetics. [Ord. 2018-002]

A. General Pruning Requirements

1. A maximum of one-fourth of the tree canopy may be removed from a tree within a one-year period, provided that the removal conforms to the standards of crown reduction, crown cleaning, crown thinning, crown raising, vista pruning, and crown restoration pruning techniques. All pruning shall comply with the most recent published version of the American National Standards Institute, ANSI A300 provisions related to tree, shrub and other woody plant maintenance, as amended. The crown of a tree required by this Code or condition of approval shall not be reduced below the minimum spread or height requirements of Art. 7.D.2.A, Trees, or specific conditions of approval. A tree which is pruned in excess of these requirements shall be replaced with a tree that meets the minimum requirements of Art. 7.D.2.A, Trees, and Table ~~7.D.2.E.3.E.3.C, Tree Vegetation~~ Credit and Replacement. [Ord. 2014-025]
2. If other than the mature height and spread is desired for any required tree, the size and shape shall be indicated on an approved site plan, planting plan, landscape plan. Shaping of a tree shall be permitted if the tree is to be used as an accent, focal point, or as part of an overall landscape design. A maintenance program shall be clearly outlined on the approved landscape plan to explain the care and upkeep of a shaped tree.
3. When cutting back trees, care shall be taken to promote the shape and form typical of the tree's species in similar settings in PBC.
4. Tree topping (hatracking) is prohibited.
5. No large or medium canopy trees shall be pruned before it has reached a minimum 20 foot canopy height and spread.

B. Palm Pruning Requirements

1. No more than one-third of fronds shall be removed.
2. No pruning above the horizon line, except for dead or diseased fronds.

C. Pruning Exemptions

The following ~~trees and species~~ are exempt from these pruning standards:

1. Trees Vegetation affected by FAA and airport safety regulations, to the extent required to comply with these regulations.
2. Trees Vegetation that interfere with corner clips, utility lines, or utility structures, to the extent required to comply with regulations for these areas or structures.
3. Trees Vegetation that have insect or disease damage, crown dieback, or decay greater than one third of the tree canopy.
4. Trees Vegetation that have suffered damage due to natural or accidental causes.

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- 1 5. ~~Trees Vegetation~~ on single-family lots unless pruned by a commercial tree service business,
- 2 landscape company, lawn service business, or other related businesses.
- 3 6. ~~Trees Vegetation~~ in botanical gardens, or botanical research centers.
- 4 7. ~~Trees Vegetation~~ under DOT, DEPW, and FP&L management.
- 5 8. ~~Vegetation pruned in accordance with Section 163.045, Florida Statutes.~~

Part 8. ULDC Art. 7.F, Installation and Maintenance (page 53 of 54, Supplement 25), is hereby amended as follows:

6 CHAPTER G ENFORCEMENT

7 Section 1 Purpose

8 This Chapter establishes enforcement procedures to ensure compliance with the ULDC and applicable
9 DOs. [Ord. 2019-005]

10 Section 2 Temporary Suspension of Landscape Standards

11 The Executive Director of PZB may temporarily suspend the standards of this Article and establish
12 timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental
13 PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a
14 period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar
15 event. [Ord. 2005-041]

16 A. Performance Surety

17 If the landscape standards of this Article are suspended pursuant to this Article, the property owner
18 may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of
19 Completion provided the property owner includes as part of this agreement adequate guarantee or
20 surety that the terms of this Article will be met after the suspension period has been lifted. The
21 guarantee shall consist of a performance bond or other surety agreement approved by the County
22 Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other
23 costs incidental to the installation of the required landscaping completion agreement. Performance
24 bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary
25 and specify the time-frame for the completion of the landscape standards of this Article. [Ord. 2005-
26 041]

27 B. Application Requirements

28 An application for a temporary suspension of landscape standards shall be accompanied by a
29 landscape plan identifying the plantings that have been postponed, the proposed planting schedule,
30 and the costs of the suspended planting. Planting cost estimates may be independently verified by
31 PBC.

32 Section 3 Enforcement

33 Failure to install or maintain landscape requirements, or when vegetation ~~has been illegally removed, or~~
34 has ~~been~~ irreparable ~~or irreversible harm~~ damaged, shall constitute a violation of the Code or a DO. PZB
35 may issue a Cease and Desist Order or withhold a CO or Certification of Completion until the provisions of
36 this Article have been met. In the alternative, PZB may refer any violation of this Article to Code Enforcement
37 for corrective action or penalties set forth in Art. 10, Enforcement. [Ord. 2019-005]

38 A. Violations

39 The following deficiencies shall be considered a separate and continuing violation of this Article or
40 a DO: [Ord. 2019-005]

- 41 1. Each required tree, palm, pine, or other vegetation not properly installed or maintained shall be
42 considered a separate and continuing violation of the ULDC or applicable DO. Each row of
43 shrubs and ground treatment shall be considered as a separate and continuing violation. Each
44 wall or fence not properly installed or maintained shall be considered a separate and continuing
45 violation. [Ord. 2019-005]
- 46 2. ~~Each required tree, palm, pine or other vegetation that has irreparable or irreversibe harm.~~
- 47 3. Each day in which ~~required vegetation landscaping~~ is not properly installed or properly
48 maintained on site as required by this Section or by the order of the Special Master. [Ord.
49 2018-002] [Ord. 2019-005]

50 B. Determining Extent of the Violation

- 51 1. ~~Code Enforcement Staff receives a complaint of non-compliance of the Code or DO;~~
- 52 2. ~~Zoning Division Staff shall conduct a site inspection with the Code Enforcement Staff to assess~~
53 ~~if there is a violation of the Code or any DO, which may include Conditions of Approval that~~
54 ~~requires vegetation to be installed at a larger size, or a previously approved Landscape Plan~~
55 ~~or ALP. The assessment will confirm if the violation is reparable or if there is irreparable or~~
56 ~~irreversible harm pursuant to the definition of Art. 1.1.2.A.33.a, Definitions; and,~~

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3. If it is determined by Staff that there is a violation, then the Zoning Staff shall provide a recommendation for compliance and Code Enforcement Staff shall issue a Notice of Violation (NOV) to the Property Owner to correct the violation.

B.C. Corrective Actions

PBC shall determine appropriate corrective actions, including, but not limited to Code Enforcement proceedings, the requirement to obtain an after-the-fact permit(s), the replacement of landscape material, and the requirement to amend the applicable Landscape Plan or DO pertaining to the property. [Ord. 2019-005]

1. Replacement

- a. ~~Replacement of vegetation shall comply with the size and quantity pursuant to Art. 7.E.3, Credit and Replacement or the Conditions of Approval of the DO. [Ord. 2019-005]~~
- b. ~~Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape Standards. [Ord. 2018-002]~~

1. Repairable

For improper pruning or hatracking violations that is deemed repairable, the corrective action shall be based upon staff inspection of site and assessment of the violation and damage. The violation shall be corrected by implementing proper pruning practices in accordance to ANSI A300 standards. One or more monitoring site inspection may be required to confirm the damaged vegetation is being properly pruned over time to ensure proper balance in re-growth of the canopy or form. Repeated violations shall be processed pursuant to Article 10.B, Enforcement by the Code Enforcement Special Masters.

2. Irreparable/Irreversible Harm

For a violation that is deemed irreparable/irreversible damage to the vegetation, the violation shall be corrected by the removal of the damaged vegetation and stump, and replacement of the vegetation utilizing one or a combination of the following two options:

a. Additional Quantity Option

Utilize Table 7.G.3.C – Violation of Vegetation Replacement to establish the quantity and the individual replacement size pursuant to Art. 7.D.2, Trees, Palms and Pines. This option may require planting additional trees, palms or pines.

- 1) If the property has a prior approved Landscape Plan, ALP or a DO that depicts the location of the vegetation, the approval shall be revised to show the new location of the additional vegetation.
- 2) If the property is subject to Conditions of Approval requiring larger size trees, palms or pines, the size of the replacement vegetation shall be in compliance with the Conditions, and the vegetation shall be installed in the same or approximate location where the original vegetation was shown on the approved Landscape Plan or ALP. If additional vegetation is required to be planted on the property as a result of this option, then additional sanctions will be placed.
- 3) If a tree or pine is removed with only the stump remaining, the following formula shall be utilized to determine the size of the removed tree or pine. [Ord. 2019-005]
 - a) measure the diameter of the tree or pine stump and reduce the measurement by 25 percent; and, [Ord. 2019-005]
 - b) replacement of the quantity of the tree or pine shall be based on the reduced diameter measurement, and subject to, the requirements of Table 7.G.3.C, Vegetation Credit and Replacement Violation of Vegetation Replacement for estimating the number of trees or pines to be replaced [Ord. 2019-005]

[Relocated from Art. 7.E.3.C.2, Illegal Tree or Pine Removal]

Table 7.G.3.C – Violation of Vegetation Replacement

| <u>Tree or Pine Diameter at 4.5 Feet Above Grade (1)(2)(3)</u> | <u>=</u> | <u>Quantity for Credits or for Replacements</u> |
|--|---|---|
| <u>Less than 2 in.</u> | <u>=</u> | <u>2</u> |
| <u>2-6 in.</u> | <u>=</u> | <u>3</u> |
| <u>7-11 in.</u> | <u>=</u> | <u>4</u> |
| <u>12-16 in.</u> | <u>=</u> | <u>5</u> |
| <u>17-21 in.</u> | <u>=</u> | <u>6</u> |
| <u>22-26 in.</u> | <u>=</u> | <u>7</u> |
| <u>27-31 in.</u> | <u>=</u> | <u>8</u> |
| <u>32-36 in.</u> | <u>=</u> | <u>9</u> |
| <u>37 in. or greater</u> | <u>=</u> | <u>10</u> |
| <u>Notes:</u> | | |
| <u>1.</u> | <u>Fractional measurements shall be rounded in accordance with Article 1.C.1.A.2 Interpretation and Application..</u> | |
| <u>2.</u> | <u>Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement.</u> | |
| <u>3.</u> | <u>Quantity: replacement of palms shall be one for one.</u> | |

b. Same Quantity and Larger Size Option

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EXHIBIT M

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

This option allows the property owner to install larger size vegetation to replace Irreparable or Irreversible vegetation. The replacement quantity may be one for one only if the size of each replacement tree, palm or pine exceeds the minimum size by 20 percent of the size indicated in Art. 7.D.2, Trees, Palms and Pines. If there are prior Conditions of Approval requiring larger size vegetation, then the replacement vegetation shall comply with the Conditions.

CD. Additional Sanctions

PBC may take any appropriate legal action, including, but not limited to requiring replacement of landscape material which has been hatracked, damaged and rendered unable to achieve its natural and intended form, administrative action, requests for temporary and permanent injunctions, and other sanctions to enforce the provisions of this Section. [Ord. 2005-002]

E. Follow-up Compliance

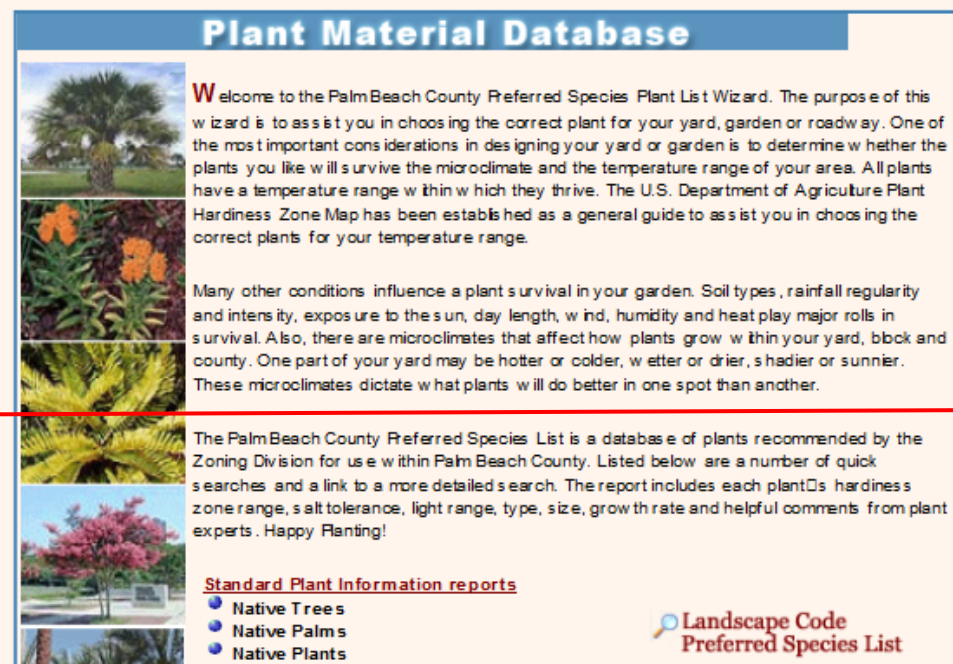
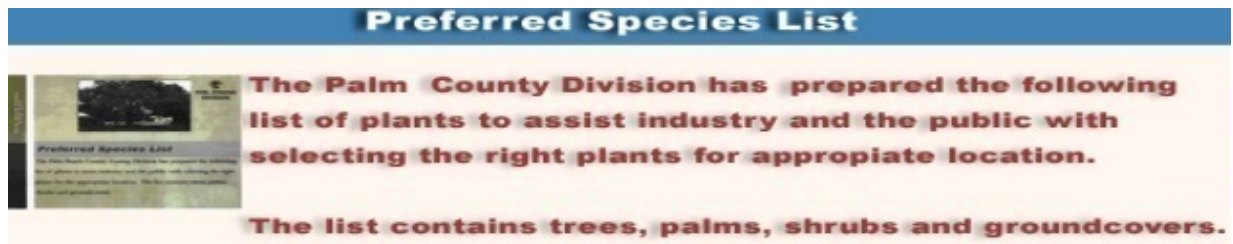
A follow-up compliance Monitoring Inspection from Landscape staff may be required to confirm the vegetation violation has been satisfied.

APPENDIX A – PBC’S PREFERRED SPECIES LIST - PLANT MATERIAL DATABASE, AS AMENDED

PBCs Preferred Species List available at PZB Zoning Division or on-line at PBC PZB Web Page at:

http://www.pbcgov.com/epzbccommon/asp_html/epzbgateway.aspx?ReferrerID=ezinfo&FROM=EZ&TargetMenuitem=Plant%20Material%20Database

https://www.pbcgov.org/ePZB.Admin.WebSPA/#/Container/Plant_Material_Database



23

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EXHIBIT M

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

Palm Beach County Preferred Species












Welcome to the Palm Beach County Preferred Species Plant List Wizard. The purpose of this wizard is to assist you in choosing the correct plant for your yard, garden or roadway. One of the most important considerations in designing your yard or garden is to determine whether the plants you like will survive the microclimate and the temperature range of your area. All plants have a temperature range within which they thrive. The U.S. Department of Agriculture Plant Hardiness Zone Map has been established as a general guide to assist you in choosing the correct plants for your temperature range.

Many other conditions influence a plant survival in your garden. Soil types, rainfall regularity and intensity, exposure to the sun, day length, wind, humidity and heat play major rolls in survival. Also, there are microclimates that affect how plants grow within your yard, block and county. One part of your yard may be hotter or colder, wetter or drier, shadier or sunnier. These microclimates dictate what plants will do better in one spot than another.

The Palm Beach County Preferred Species List is a database of plants recommended by the Zoning Division for use within Palm Beach County. Listed below are a number of quick searches and a link to a more detailed search. The report includes each plant's hardiness zone range, salt tolerance, light range, type, size, growth rate and helpful comments from plant experts. Happy Planting!

Standard Plant Information reports

[Landscape Code - Preferred Species List](#)

| | | | |
|---|---|---|--|
|  Native Trees |  Native Palms |  Preferred Plants |  Native Shrubs |
|  Flowering Plants |  Flowering Shrubs |  Preferred Street Trees |  All Drought Tolerant Plants |
|  All Plants | | | |

1

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EXHIBIT N

ARTICLE 7 – LANDSCAPING EASEMENT OVERLAPS OF LANDSCAPE BUFFERS

Part 1. ULDC Art. 7.C.5, Landscaping, Landscape Buffer and Interior Landscaping Requirements, Easements in Landscape Buffers and Off- Street Parking Areas (page 32 – 33 of 54, Supplement 25), is hereby amended as follows:

1 CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS

2

3 Section 5. **Easements Overlap** in Landscape Buffers and Off-Street Parking Areas

4 Underground, above ground, or overhead utility easements, private utilities without an easement, and
5 drainage areas may overlap a landscape buffer provided the required planting has sufficient area for healthy
6 plant growth, and the required quantity is not reduced. For the purpose of this Section, drainage areas may
7 include: drainage easements, retention or detention areas and swales, as determined by the Land
8 Development Division.

9 A. **Easements Overlap in a R-O-W and Incompatibility Landscape Buffers**

10 An easement, private utilities without an easement, drainage area, or a combination thereof may
11 be permitted to overlap by a maximum of five feet, provided there are no Conditions of Approval
12 that prohibit width reduction or easement encroachment into the landscape buffer.

13 1. **Underground Utilities**

14 ~~Easements may overlap a required landscape buffer by a maximum of five feet, provided there~~
15 ~~remains a minimum of five clear feet for planting.~~ If a wall with a continuous footer is ~~used~~
16 ~~proposed~~, a minimum of ten feet of clear ~~feet for planting is required.~~ planting area is required
17 from the footer, and the buffer width shall be increased to accommodate the wall and the
18 required planting. The landscape buffer may be traversed by easements or access ways as
19 necessary to comply with the standards of this Article, and Art. 11, Subdivision, Platting, and
20 Required Improvements, and other PBC codes. Easements shall be identified on the Zoning
21 Plans prior to the application for Building Permit. **[Ord. 2018-002] [Ord. 2018-018]**

22 2. **Overhead Utilities**

23 Vegetation that is planted within or abutting any easement with overhead utilities shall comply
24 with the planting and maintenance requirements in FP&L's publication "Right Tree, Right
25 Place," available from the Zoning Division. The Applicant shall take into consideration the
26 mature height and spread of the species beneath or adjacent to overhead utilities. For the
27 purpose of this Section, the term vegetation shall include, trees, palm or pines. Where overhead
28 utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet
29 from overhead lines. **[Ord. 2019-005]**

30 a. **Planting near Overhead Electric Utilities**

31 The setbacks shall be measured from the centerline of the trunk to the outer edge of the
32 overhead utility lines. The following minimum setbacks shall apply: **[Ord. 2019-005]**

- 33 1) Vegetation that at a mature height may grow to 50 feet or greater shall be planted at
34 least 50 feet away from overhead electric utility lines; **[Ord. 2019-005]**
- 35 2) Vegetation that at a mature height may grow to between 14 to 49 feet shall be planted
36 at least 30 feet away from overhead electric utility lines; **[Ord. 2019-005]**
- 37 3) Palms shall be planted at least 20 feet plus the maximum palm frond length away from
38 overhead electric utility lines; and, **[Ord. 2019-005]**
- 39 4) Only Vegetation that at a mature height grow to less than 14 feet shall be permitted to
40 be planted underneath or adjacent to overhead electric utility line. **[Ord. 2019-005]**

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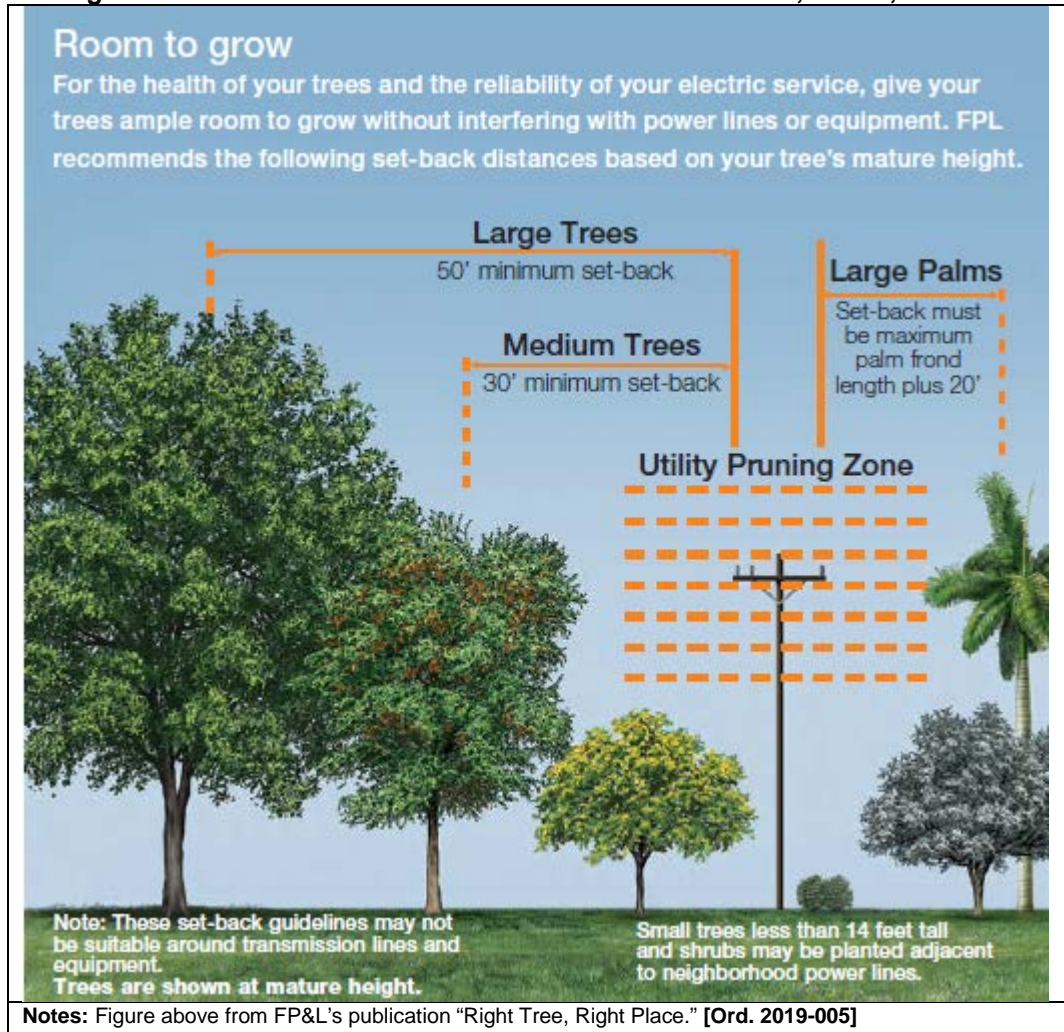
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EXHIBIT N

ARTICLE 7 – LANDSCAPING
EASEMENT OVERLAPS OF LANDSCAPE BUFFERS

Figure 7.C.5.A – Overhead Utilities and setbacks for Trees, Palms, or Pines



b. Transformer Cabinet in the Overhead Electric Utilities Easement

Planting around transformer cabinet shall be setback from the cabinet a minimum of eight feet on the front and three feet on the sides and rear. [Ord. 2019-005]

Part 2. ULDC Art. 7.C.5, Landscaping, Landscape Buffer and Interior Landscaping Requirements, Easements in Landscape Buffers and Off- Street Parking Areas (page 32 – 33 of 54, Supplement 25), is hereby amended as follows:

~~3. Type 1 Waiver for Landscaping~~

~~Plants required in the easement area may be planted elsewhere on the same site subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002] [Ord. 2018-018] [Partially relocated to. Art. 7.C.5.C.5, Type 1 Waiver for Landscaping]~~

3. Detention or Retention Areas, Swales, and Drainage Easements

Detention or retention areas, drainage easements, and swales, may overlap required landscape buffers. The required planting for the landscape buffer may be installed in the detention or retention areas, swales or drainage easements subject to the mutual agreement and approval of the Directors of Zoning and Land Development Divisions, and any applicable Agencies or easement holders. [Ord. 2006-004] [Ord. 2016-042] [Ord. 2018-002] [Partially relocated from Art. 7.C.5.C, Detention or Retention Areas, Swales, and Drainage Easements]

4. Type 1 Waiver for Landscaping

Required plants, which are overlapped by an easement, may be planted elsewhere on the same site subject to Art. 7.B.4, Type 1 Waiver for Landscaping. [Ord. 2018-002] [Ord. 2018-018] [Partially relocated from Art.7.C.5.A.3, Type 1 Waiver for Landscaping]

B. Easements in Off-Street Parking Areas

1. Underground Utilities

Utility easements may encroach landscape islands provided there is a sufficient area for the growth of the required tree within the same island. The width and length of the island may be increased by the minimum amount necessary to meet the separation requirements of the utility providers, indicated below. [Ord. 2018-018]

a. PBC Water Utilities Separation

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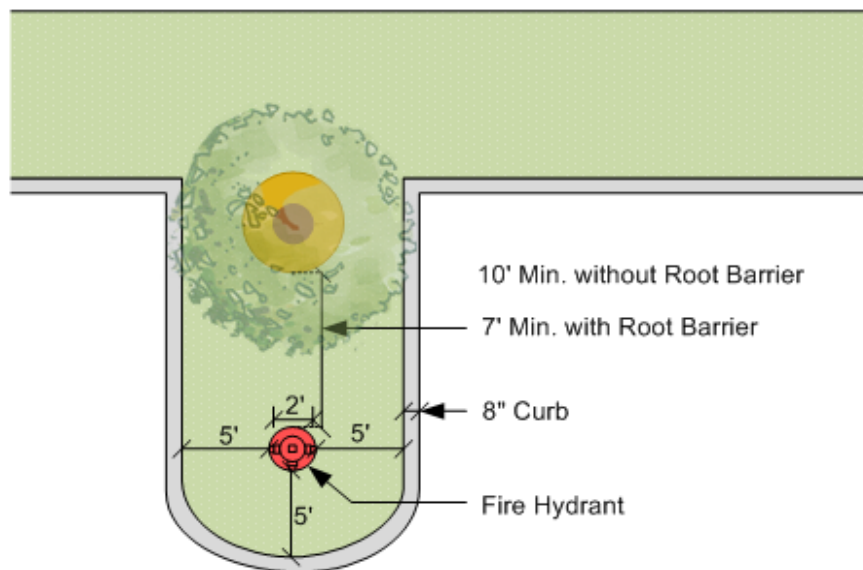
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EXHIBIT N

ARTICLE 7 – LANDSCAPING EASEMENT OVERLAPS OF LANDSCAPE BUFFERS

- 1 A minimum of ten feet shall be provided, by measuring from the outer edge of the pipes to
2 the edge of the pit where the tree is to be planted. The Department of Water Utilities (WUD)
3 may allow the separation distance be reduced to seven feet if tree root barriers are
4 installed. [Ord. 2018-018]
- 5 **b. Fire Rescue Utility Separation**
6 A minimum of five feet shall be provided, measuring from the outer edge of the fire hydrant
7 to the pit where the tree is to be planted. [Ord. 2018-018]
- 8 **c. Existing Utilities**
9 For sites where existing underground utilities are encroaching into landscape islands, and
10 there is not a sufficient area for the growth of the required tree within the same island, the
11 relocation of the required tree may be requested subject to a Type 1 Waiver for
12 Landscaping. [Ord. 2018-018]
- 13 **d. Other Utility Authorities – Root Barrier and Separation Requirement**
14 Proposed landscaping near non-PBC Utilities shall be subject to that Utility's separation
15 requirements. [Ord. 2018-018]
16

Figure 7.C.5.B – Easements in Off-Street Parking Areas



[Ord. 2018-018]

- 17 **C. ~~Detention or Retention Areas, Swales, and Drainage Easements~~**
18 ~~Detention or retention areas, drainage easements, and sloped, directional swales greater than one~~
19 ~~foot below finished grade, may overlap required landscape buffers provided a minimum of five feet~~
20 ~~remains for planting. [Ord. 2006-004] [Ord. 2016-042] [Ord. 2018-002] [Partially relocated to~~
21 ~~Art. 7.C.5.A.3, Detention or Retention Areas, Swales and Drainage Easements]~~
22

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EXHIBIT O

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

Part 1. ULDC Art. 11.A.4.A, General Requirements, Application of Ordinance, General Application (page 9 of 45, Supplement 24), is hereby amended as follows:

1 **CHAPTER A GENERAL REQUIREMENTS**

2

3 **Section 4 Application of Ordinance**

4 **A. General Application**

5 No person shall create a subdivision or develop any lot within a subdivision in unincorporated PBC
6 except in conformity with this Article. No Final Plat or certified boundary survey of any subdivision
7 shall be recorded unless such subdivision meets all applicable provisions of this Article, the
8 provisions of other applicable PBC ordinances, and the applicable laws of the State of Florida.
9 However, the subdivision of contiguous lands shall not be subject to compliance with the provisions
10 of this Article where the lands are under single ownership with none of the resulting lots being less
11 than 40 acres or where the remaining land is part of a development being platted in phases in
12 accordance with a Master Plan approved by the DRO, unless such compliance is required as a
13 specific condition of a development order for a conditional use or special use approved pursuant to
14 Art. 2.H, FLU Plan Amendments, Application Processes and Procedures.

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EXHIBIT P

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

Part 1. ULDC Art. 12.B.2.D.4, Traffic Performance Standards, Standard, Project Buildout/Five Year Standard, Radius of Development Influence/Project Significance (page 18 of 57, Supplement 25), is hereby amended as follows:

1 CHAPTER B STANDARD

2

3 Section 2 Project Buildout/Five Year Standard

4

5 D. Radius of Development Influence/Project Significance

6

- 7 ~~4. Transportation Element Policy 1.2.f.41, of the Palm Beach County Comprehensive Plan~~
8 ~~establishes a temporary CRALLS on certain roadway links for the exclusive use of Projects~~
9 ~~with insignificant impact on the identified links. In order to meet this Policy, all Projects seeking~~
10 ~~to use this temporary CRALLS must implement one of the mitigation requirements set forth~~
11 ~~below: [Ord. 2008-003]~~
12 ~~a. Prior to issuance of the first building permit, Developer shall pay a one-time mitigation fee~~
13 ~~of \$ 36 per net Project peak hour trip on the affected temporary General CRALLS link or~~
14 ~~links. If more than one temporary General CRALLS link is impacted by Project traffic, then~~
15 ~~the cumulative number of Project peak hour trips on all affected links shall be used to~~
16 ~~calculate the mitigation fee. The mitigation fee rate per net Project peak hour trip is~~
17 ~~calculated as follows (assuming that the majority of peak hour trips on the roadway are~~
18 ~~commuter trips to and from work): [Ord. 2008-003]~~
19 ~~1) Annual cost of traffic congestion in South Florida (from 2007 Annual Urban Mobility~~
20 ~~Report, Texas Transportation Institute) = \$900 per motorist per year. [Ord. 2008-003]~~
21 ~~2) Estimated average length of temporary General CRALLS roadway link = One mile~~
22 ~~(based upon 2006 year General CRALLS list). [Ord. 2008-003]~~
23 ~~3) Estimated average length of Palm Beach County work trip = 12.5 miles (based upon~~
24 ~~U.S. Census Journey to Work average time of approximately 25 minutes for Palm~~
25 ~~Beach County and an average peak hour speed from 2001 National Household Travel~~
26 ~~Survey of approximately 30 MPH). [Ord. 2008-003]~~
27 ~~4) Project trip length on the affected temporary General CRALLS link is approximately~~
28 ~~one mile/12.5 miles = 0.08 of the total work trip length. [Ord. 2008-003]~~
29 ~~5) Annual congestion cost of Project peak hour trips on affected temporary General~~
30 ~~CRALLS link (since these links are identified once every year) = 0.08 x \$900 / year =~~
31 ~~\$72/ year. [Ord. 2008-003]~~
32 ~~6) Annual congestion cost of Project peak hour trips attributable to each trip end (either~~
33 ~~production or attraction) = \$72 / year / two = \$36/ year [Ord. 2008-003]~~
34 ~~These fees shall be deposited in a separate Fee Account for the roadway Link and shall~~
35 ~~be used to improve mobility on the affected temporary General CRALLS roadway Link. If~~
36 ~~Palm Tran or Tri-Rail mass transit service is available within 0.25 mile walking distance of~~
37 ~~the main on-site building entrance (for non-residential developments) or within an average~~
38 ~~0.25 mile walking distance of all housing units (for residential developments), then these~~
39 ~~fees shall be dispersed to either Palm Tran or Tri-Rail for free transit passes for Project~~
40 ~~employees or residents. If no mass transit service is available within the 0.25 mile walking~~
41 ~~distance, then the fees shall be dispersed to South Florida Commuter Services to fund an~~
42 ~~ongoing on-site ridesharing program (for non-residential projects) or other affected General~~
43 ~~CRALLS link-related transportation demand management improvements (for residential~~
44 ~~projects), subject to the approval of the County Engineer. [Ord. 2008-003]~~
45 ~~b. Develop at a density or intensity which is fifty percent or less of the allowable maximum~~
46 ~~under the future land use designation. [Ord. 2008-003]~~
47 ~~c. Develop a low generation traffic sensitive Project, which will generate fifty percent or less~~
48 ~~of the 2-way PM peak hour traffic expected under the general land use category permitted~~
49 ~~by right for the applicable zoning district (assuming the maximum FAR for non-residential~~
50 ~~land uses or maximum density for residential land uses). [Ord. 2008-003]~~
51 ~~d. Prepay fair share road impact fees in full within six months of the approval of the Project's~~
52 ~~initial development order or prior to the issuance of the first building permit, whichever shall~~
53 ~~first occur. [Ord. 2008-003]~~
54 ~~e. Provide inter-connectivity between complementary neighboring land uses for both~~
55 ~~vehicular and pedestrian cross-access. Such interconnectivity shall consist of an access~~
56 ~~easement on the parcel's plat, or recorded as a restrictive covenant, to ensure the access~~
57 ~~will remain should redevelopment of the site occur. Prior to final master or site plan~~
58 ~~approval, the Developer shall obtain a reciprocal access easement or restrictive covenant~~
59 ~~from the adjacent property owner to complete the inter-connectivity. The development~~

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EXHIBIT P

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

~~orders of the properties involved shall require the construction of the cross-access. [Ord. 2008-003]~~

~~These mitigation measures for the General CRALLS shall no longer be available for use by new developments approved after December 31, 2012. [Ord. 2008-003]~~

~~Table 12.B.2.D-9-3C, identifies the thresholds for the purposes of defining project significance for Test 1. The LOS D thresholds shall mean those peak-hour peak direction volumes listed in Table 12.B.2.C-1-1A. Table 12.B.2.D-10-3D, identifies the Significance thresholds for Test 2. The LOS E thresholds shall be those Peak Hour peak direction volumes listed in Table 12.B.2.C-4-2A, [Ord. 2006-043] [Ord. 2010-022]~~

Part 2. ULDC Art. 12.R, Traffic Performance Standards, Corridor Master Plans (page 56 and 57 of 57, Supplement 25), is hereby amended as follows:

~~CHAPTER R – CORRIDOR MASTER PLANS~~

~~Section 1 – General~~

~~The County and affected municipalities shall develop individual corridor master plans to address each projected corridor failure in corridors identified in the Comprehensive Plan Transportation Element Policy 1.1n, where the adopted Level of Service may not be achieved pursuant to the 2025 Transportation System for Palm Beach County, Highway Component, prepared by the Metropolitan Planning Organization (hereinafter referred to as the “MPO Model”). Once a Corridor Master Plan (hereinafter referred to as “CMP”) has been adopted by the County and any affected municipality for a particular corridor, no project which is Significant on that corridor shall be approved for development by the County or affected municipality unless the project meets the requirements of that Corridor Master Plan. [Ord. 2007-013]~~

~~A. Corridor Identification~~

~~A corridor subject to CMP shall consist of a series of continuous Major Thoroughfare Links, two or more of which exceed a volume to capacity ratio of 1.0 as projected by the MPO model. All corridors subject to this section are identified in the Comprehensive Plan. [Ord. 2007-013]~~

~~B. Development and Implementation~~

~~Corridor Master Plans shall initially be prepared by designated representatives of the County and any affected municipalities. Corridor Master Plans shall be based generally upon the following Outline: [Ord. 2007-013]~~

~~1. Overview of the Study Process~~

- ~~a. Study Purpose and objectives [Ord. 2007-013]~~
- ~~b. Identification of study area [Ord. 2007-013]~~
- ~~c. Corridor History [Ord. 2007-013]~~
- ~~d. Agency Coordination [Ord. 2007-013]~~
- ~~e. Public notice and participation of affected property owners [Ord. 2007-013]~~
- ~~f. Decision chronology [Ord. 2007-013]~~

~~2. Corridor problems and needs [Ord. 2007-013]~~

~~3. Evaluation Criteria and Methodology [Ord. 2007-013]~~

~~4. Development and Analysis of Detailed Alternatives [Ord. 2007-013]~~

~~5. Financial Analysis to determine the Preferred Alternative [Ord. 2007-013]~~

~~6. Action Plan [Ord. 2007-013]~~

~~C. Adoption by the County and Affected Municipalities~~

~~1. The Corridor Master Plan must be adopted and implemented by the County and any affected municipalities in order for the terms of the Plan to be enforceable within their respective jurisdictions. If there are outstanding issues that the County and municipal representatives not agree to in the initial draft of the CMP, these issues shall be documented by setting forth the areas of disagreement, the positions of the representatives participating, and any alternatives and compromises offered. [Ord. 2007-013]~~

~~2. The draft Corridor Master Plan will be presented to the governing body of the County and each affected municipality for review and comment. If there are also outstanding issues identified by the staffs, the areas of disagreement will also be presented to the respective elected Boards/Commissions for input on how the disagreement should be resolved. If there are remaining unresolved issues identified pursuant to sections C.1., C.2., or C.5, the elected officials shall appoint a negotiator to speak for that local government. [Ord. 2007-013]~~

~~3. The designated negotiators shall meet in an attempt to resolve those issues. If agreement is reached, the Corridor Master Plan shall be finalized and presented to the local governments for adoption pursuant to section C.5. [Ord. 2007-013]~~

~~4. If outstanding issues remain after the negotiators meet, the parties will schedule a joint mediation meeting of the elected bodies to attempt to resolve those issues. A facilitator/mediator shall chair the meeting. If the parties cannot agree to a facilitator/mediator, the parties will request that the Treasure Coast Regional Planning Council either assist them in selecting a facilitator/mediator or actually select the facilitator/mediator. [Ord. 2007-013]~~

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EXHIBIT P

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

- 1 ~~5. The Corridor Master Plan shall be finalized to include all the items agreed upon by the parties.~~
2 ~~The Corridor Master Plan shall be presented to the County and each affected municipality for~~
3 ~~adoption. If any additional areas of disagreement are identified in the adoption process, the~~
4 ~~local government raising the issue shall present a written report to the other jurisdictions~~
5 ~~detailing the area of disagreement and reasons for the disagreement. If this occurs, the report~~
6 ~~will be presented to the other parties. If all of the other parties do not agree to the requested~~
7 ~~change to the Corridor Master Plan, each local government shall appoint a negotiator as set~~
8 ~~forth in section C.3. to resolve the issue. **[Ord. 2007-013]**~~
9 ~~6. The Corridor Master Plans shall become effective upon adoption by all of the appropriate local~~
10 ~~governments. **[Ord. 2007-013]**~~

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 28, 2020

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. 2020-001, which was filed in this office on January 28, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb