



**TITLE: REQUEST FOR PERMISSION TO ADVERTISE
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2020-02**

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

- Ordinance Title
- Exhibit A Art. 2, Waiver Summary Tables Consolidation
- Exhibit B Art. 1 and 2, Release of Unity of Title
- Exhibit C Art. 2, Monitoring Development Phases
- Exhibit D Art. 2, Removal of the Building Division from DRO Agency Review
- Exhibit E Art. 1, 2, 3, and 4, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO
- Exhibit F Art. 2, 3 and 5, Unity of Control
- Exhibit G Art. 3 and 4, Multiple Use Planned Development Freestanding Buildings
- Exhibit H Art. 4, Planning Determination for Infill Density Exemption
- Exhibit I Art. 5, WCRAO Workforce Housing Program Exemption

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of the ULDC Amendment Round 2020-02 for December 22, 2020.

Land Development Regulation Advisory Board (LDRAB): On August 26, 2020, September 23, 2020, and October 28, 2020, the LDRAB recommended approval of the proposed amendments with multiple votes.

Land Development Regulation Commission (LDRC) Determination: On October 28, 2020, the LDRC found the proposed ULDC amendments to be consistent with the Comprehensive Plan with a vote of 15-0.

MOTION: To approve the Request for Permission to Advertise for First Reading of the ULDC Amendment Round 2020-02, for December 22, 2020: **ARTICLE 1 – GENERAL PROVISIONS:** CHAPTER H, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; CHAPTER E, MONITORING OF DEVELOPMENT ORDERS (DOs) AND CONDITIONS OF APPROVAL; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 – USE REGULATIONS:** CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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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 B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; CHAPTER E, MONITORING OF DEVELOPMENT ORDERS (DOs) AND CONDITIONS OF APPROVAL; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 – USE REGULATIONS:** CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section 1. Adoption

The Exhibits listed below, attached hereto and made a part hereof, are hereby adopted.

- Ordinance Title
- Exhibit A Art. 2, Waiver Summary Tables Consolidation
- Exhibit B Art. 1 and 2, Release of Unity of Title
- Exhibit C Art. 2, Monitoring Development Phases
- Exhibit D Art. 2, Removal of the Building Division from DRO Agency Review
- Exhibit E Art. 1, 2, 3, and 4, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO
- Exhibit F Art. 3 and 5, Unity of Control
- Exhibit G Art. 3 and 4, Multiple Use Planned Development Freestanding Buildings
- Exhibit H Art. 4, Planning Determination for Infill Density Exemption
- Exhibit I Art. 5, WCRAO Workforce Housing Program Exemption

Section 2. Interpretation of Captions

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

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

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

4 **Section 4. Severability**

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

8 **Section 5. Savings Clause**

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

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

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

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

19 The provisions of this Ordinance shall become effective upon filing with the Department of
20 State.

21 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County,
22 Florida, on this the _____ day of _____, 20____.

CLERK & COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Scott A. Stone, County Attorney

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

EXHIBIT A

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES WAIVER SUMMARY TABLES CONSOLIDATION

CR-2020-0022
(Updated 11/03/2020)

Part 1. ULDC Art. 2.B.7.D, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver (pages 35 and 36 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Change redundant terminology referencing the Unified Land Development Code (ULDC) within itself to “this Code” and be consistent with the amendment in Ordinance No. 2020-020, Exhibit A, Part 2.
2. Add Table Headings to be consistent with Table 2.C.5.F, Summary of Type 1 Waivers. The left column summarizes the “Request” for what the Type 2 Waiver process allows flexibility from, while “Code Reference” indicates where in the Code it is located and further standards, if applicable.
3. Clarify and correct existing Table requests, remove duplicative request covered by the Urban Redevelopment Overlay (URAO) and referenced Table, and add Waivers inadvertently omitted, including Waiver for a Multiple Use Planned Development (MUPD) alternative buffer in lieu of a Type 3 Incompatibility Buffer; increase in Traditional Marketplace Development (TMD) maximum building height in the Urban/Suburban (U/S) Tier; Medical Marijuana Dispensing Facility minimum distance from an Elementary or Secondary School; Type 3 Incompatibility Buffer landscape barrier wall substitute; and, electronic message signs.

1 **CHAPTER B PUBLIC HEARING PROCESSES**

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3 **Section 7 Types of Applications**

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5 **D. Type 2 Waiver**

6 **1. Purpose**

7 A Type 2 Waiver is to allow flexibility for mixed use or infill redevelopment projects, or
8 architectural design, site design or layout, where alternative solutions can be allowed, subject
9 to performance criteria or limitations. Type 2 Waivers are not intended to relieve specific
10 financial hardship nor circumvent the intent of this Code. A Type 2 Waiver may not be granted
11 if it conflicts with other Sections of this Code, or the Florida Building Code. **[Ord. 2011-016]**
12 **[Ord. 2012-027] [Ord. 2018-002]**

13 **2. Applicability**

14 Requests for Type 2 Waivers shall only be permitted where expressly stated within ~~the~~
15 ~~ULDC~~this Code or indicated in the following Table: **[Ord. 2011-016] [Ord. 2012-027] [Ord.**
16 **2018-002]**

Table 2.B.7.D – Summary of Type 2 Waivers

<u>Request</u>	<u>Code Reference</u>
Urban Redevelopment Overlay (URAO) [Relocated to: four rows below for Article chronology]	Table 3.B.16.G, Type 1 and 2 URAO Waivers [Relocated to: four rows below for Article chronology]
WCRAO Expansion of Existing Non-Conforming Parking Addition of Parking to a Non-Conforming Structure	Art. 3.B.14.B.1.a, Expansion of Existing Non-Conforming Parking
WCRAO Density Bonus Programs	Art. 3.B.14.H.2, Other Density Bonus Programs
IRO Minimum Residential Setbacks from Outdoor Uses	Art. 3.B.15.F.6.e.4a), Residential Setbacks
URA Minimum Residential Setbacks from Outdoor Uses	Art. 3.B.16.E.3.a, Residential Setbacks
Urban Redevelopment Area Overlay (URAO) [Relocated from: above]	Table 3.B.16.G, Type 1 and 2 URAO Waivers [Relocated from: above]
PDD Minimum Frontage	Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development
PDD Cul-de-sacs Maximum Percentage for Local Streets	Art. 3.E.1.C.2.a.5)b), Type 2 Waiver for additional percentage
MUPD Type 3 Incompatibility Buffer	Art. 3.E.3.B.2.c, Landscape Buffers
AGR Tier – Parking Structure	Art. 3.F.2.A.2.d.1)a), Type 2 Waiver for Parking Structures
TMD Maximum Building Height in the U/S Tier	Art. 3.F.4.C.3.a.1), U/S Tier
AGR-TMD – Block Structure	Art. 3.F.4.D.9.a, Type 2 Waiver for Block Structure
Medical Marijuana Dispensing Facility Minimum Distance from an Elementary or Secondary School	Art. 4.B.2.C.35.i.2), Location
Commercial Communication Towers Dimensional Criteria	Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria
Non-Emergency Government-Owned Tower Dimensional Criteria	Table 5.B.1.A, New, Modified, or Relocated Government Towers Not Subject to an Emergency
Review Process for a Unique Structure	Art. 5.C.1.E.2, Unique Structure
Hours of Operation	Art. 5.E.5.E, Type 2 Waiver
Large Scale Commercial Development – Parking	Art. 6.B.2.A.1.b.1)d), Type 2 Waiver
Type 3 Incompatibility Buffer Landscape Barrier Wall	Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements
Electronic Message Sign	Table 8.G.3.B, Type 2 Waivers for Electronic Message Signs
Minimum Legal Access for Collocated Landscape Service in the AR/RSA and AR/USA Zoning Districts	Table 11.E.2.A-2, Chart of Minor Streets

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Notes:

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EXHIBIT A

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
WAIVER SUMMARY TABLES CONSOLIDATION**

**CR-2020-0022
(Updated 11/03/2020)**

[Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2020-007]

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Part 2. ULDC Art. 2.B.7.D, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver (pages 54 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Add reference to the Table under the Applicability Subsection and be consistent with the amendment in Ordinance No. 2018-002, Exhibit B, Part 2.
2. Clarify Requests for what the Type 1 Waiver process allows flexibility from in the same manner as Part 1 with Type 2 Waivers, and add Waivers inadvertently omitted, including Waiver for Recreational Vehicle Park Planned Development (RVPD) ALP in lieu of a Type 3 Incompatibility Buffer and reduction in the number of required loading space for a Type 3 CLF, or Nursing Home or Convalescent Facility with more than 20 beds
3. Move the five-percent threshold provision for structural setbacks to the existing Note already clarifying restrictions for consolidation purposes.

CHAPTER C ADMINISTRATIVE PROCESSES

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Section 5 Types of Applications

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F. Type 1 Waiver

1. Purpose

To establish procedures and evaluation standards for a Type 1 Waiver. A Type 1 Waiver is to allow flexibility and minor adjustments to the property development regulations, site design, preservation, or incorporation of existing native vegetation; or for an improved site design where alternative solutions can be permitted subject to the criteria. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other Sections of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2016-042] [Ord. 2018-002]

2. Applicability

Requests for Type 1 Waivers shall only be permitted where expressly stated within this Code ~~or indicated in the following Table:~~ [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2020-020]

Table 2.C.5.F – Summary of Type 1 Waivers

Requests	ULDC Code Reference
Glades Area Overlay (GAO) Industrial Pod Development Standards	Table 3.B.4.F, Type 1 Waivers for Industrial Pods
NEO, Native Ecosystem Overlay (NEO)	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 Area 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 [Partially relocated to: Note 1 below] (1)	Table. 3.D.1.A, Property Development Regulations (PDRs)
RVPD Type 3 Incompatibility Buffer	Art. 3.E.7.F.2, Perimeter Buffer
Required Parking Proximity for a 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 Landscaping	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.B.1.B, Minimum Parking and Loading Requirements, Note 10
Loading Space for a Type 3 CLF, or Nursing Home or Convalescent Facility with More Than 20 Beds	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 12
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver
Loading Spaces	Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length
Landscaping	Table 7.B.4.A, Type 1 Waivers for Landscaping

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EXHIBIT A

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
WAIVER SUMMARY TABLES CONSOLIDATION**

**CR-2020-0022
(Updated 11/03/2020)**

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] [Ord. 2020-001]	
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 <u>or reductions exceeding five percent less than the minimum requirement.</u> [Partially relocated from Structural Setback above]

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EXHIBIT B

ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
RELEASE OF UNITY OF TITLE

CR-2020-0016
(Updated 11/03/2020)

Part 1. ULDC Art. 1.H.3, General Provisions, Definitions and Acronyms, Abbreviations and Acronyms (page 109 of 111, Supplement 28), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. To add the acronym for Release of Unity of Title as the Policies and Procedures Manual (PPM) outlining the process is now being codified.

1 CHAPTER H DEFINITIONS AND ACRONYMS

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3 Section 3 Abbreviations and Acronyms

- RSA Rural Service Area
RT Residential Transitional [Ord. 2005-002]
RTO Research and Technology Overlay
RUOT Release of Unity of Title
RV Recreational Vehicle [Ord. 2017-007]
RVPD Recreational Vehicle Planned Development (RVPD) [Ord. 2017-007]
SCGCFO Sugar Cane Growers Cooperative of Florida Protection Area Overlay [Ord. 2004-040]

Part 2. ULDC Art. 2.C.8.D, Application Processes and Procedures, Administrative Processes, Applications Not Issuing a Development Order, Release of Unity of Title (RUOT) (page 60 of 101, Supplement 28), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. To repeal and codify PPM #ZO-O-015, Release of Unity of Title that clarifies the procedures for a release of an existing Unity of Title. The Unity of Title process is no longer required as it has been replaced by the Platting and Subdivision requirements of Article 11. Existing Unity of Titles that are no longer applicable can be abandoned through the Release of Unity of Title process.

4 CHAPTER C ADMINISTRATIVE PROCESSES

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6 Section 8 Applications Not Issuing a Development Order

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8 C. Reasonable Accommodation

9 1. Purpose

The purpose of this Section is to establish procedures for processing requests for reasonable accommodation from the County's Unified Land Development Code and related rules, policies, practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601 et seq.) (FHA), or Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) (ADA). Any person who is disabled, or qualifying entities, may request a reasonable accommodation, pursuant to the procedures set out in this Section. [Ord. 2011-016] [Ord. 2018-002] [Ord. 2020-020]

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18 D. Release of Unity of Title (RUOT)

19 1. Purpose

To establish procedures for Applicants submitting requests to release an existing Unity of Title.

20 2. Applicability

An Applicant shall only submit an application for a RUOT if the original Unity of Title was required by PZB.

24 3. Authority

The Unity of Title shall only be released by the BCC, ZC, or the PZB Executive Director or Zoning Director that signed the original Unity of Title document.

27 4. Application Procedures

The RUOT Application shall be submitted using the forms and supporting documents established by the Zoning Division, and pursuant to the Zoning Technical Manual.

U:\Zoning\CODEREV\Code Amendments\2020\09- BCC Hearing\2020-02\01 - 2020-02 Round\01 - RPA\Final Exhibits\Exh. B - CR-2020-0016 Art. 1 and 2, Release of Unity of Title.docx

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EXHIBIT B

ARTICLE 1 – GENERAL PROVISIONS ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES RELEASE OF UNITY OF TITLE

CR-2020-0016
(Updated 11/03/2020)

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a. Application Requirements

The Applicant must clearly demonstrate that the conditions that required the Unity of Title no longer exist. If it is determined that the need for a Unity of Title still exists, the RUOT shall not be approved.

b. Processing

Applicants requesting a RUOT shall submit the application to the DRO subject to the ZAR process. All applications are subject to sufficiency review pursuant to Art. 2.C.2, Sufficiency Review. If the original Unity of Title required approval by the BCC or ZC, Staff shall prepare a cover letter with a brief history of the site in addition to the Unity of Title documents.

c. Recording

Upon approval of the RUOT, the Applicant shall submit the RUOT to the Office of the Clerk and Comptroller to be recorded. A copy of the recorded RUOT shall be provided to the Zoning Division within 30 days of recording. No new DOs shall be issued until a copy is submitted to the Zoning Division.

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EXHIBIT C

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES MONITORING DEVELOPMENT PHASES

CR-2020-0013
(Updated 11/03/20)

1 Part 1. ULDC Art. 2.E.2.C, Application Processes and Procedures, Monitoring of Development
2 Orders (DOs) and Conditions of Approval, Time Limitations for Commencement (page
3 66 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Planning]

1 The Phasing Limitations paragraph is to reinstate and simplify the maximum number of phases a development may have. This material is primarily relocated from the former Table 2.E.3.B, Time Limitation of Development Order for Each Phase removed and consolidated in the Chapter rewrite per Ordinance No. 2020-001.

4 CHAPTER E MONITORING OF DEVELOPMENT ORDERS (DOs) AND CONDITIONS OF APPROVAL

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6 Section 2 Monitoring Elements

7 A. Commencement of Development

8 Approved DOs shall be monitored for commencement of development. Commencement of
9 development shall consist of the following requirements: [Ord. 2020-001]

- 10 1. For development with a single building, the first inspection approval for the foundation of the
11 structure; [Ord. 2020-001]
- 12 2. For development with multiple buildings, the first inspection approval for the first component of
13 the primary structure; [Ord. 2020-001]
- 14 3. For residential development, the subdivision of land into parcels through the recordation of a
15 plat; [Ord. 2020-001]
- 16 4. For Type 3 Excavation sites, extraction of minerals for commercial purposes. [Ord. 2020-001]

17 B. Commencement of Development is Not

- 18 1. Demolition of a structure; [Ord. 2020-001]
- 19 2. Deposit of refuse, solid, or liquid waste; or fill on the parcel, unless the DO is exclusively and
20 specifically for such a use; or, [Ord. 2020-001]
- 21 3. Clearing of land. [Ord. 2020-001]

22 C. Time Limitations for Commencement

- 23 1. All DOs shall comply with a time limitation requirement for commencement as follows: [Ord.
24 2020-001]
 - 25 a. The first phase of a DOs shall commence within four years of the adoption date. Each
26 subsequent phase shall commence within four years of commencement of the preceding
27 phase. [Ord. 2020-001]
 - 28 b. Standalone Variances shall be utilized within one year, unless stated otherwise by the
29 Resolution or Result Letter. [Ord. 2020-001]
 - 30 ~~c. Each additional phase of a phased development shall commence within four years of~~
31 ~~commencement of the previous phase. [Ord. 2020-001]~~
 - 32 ~~d. Each phase of a Type 3 Excavation shall be established by a Condition of Approval. [Ord.~~
33 ~~2020-001]~~
- 34 2. Projects not meeting the time limitations for commencement shall be subject to the provisions
35 set forth in Art. 2.E.3, Procedures for Compliance. [Ord. 2020-001]

36 D. Phasing Limitations

- 37 1. The maximum number of development phases is four unless otherwise indicated below:
 - 38 a. PUDs, TNDs, PIPDs in the GAO Overlay, residential uses in other PDDs, or other Standard
39 Districts have no maximum number of phases.
 - 40 b. TMDs in the AGR, Exurban, and Rural Tiers shall have a maximum of two phases.
 - 41 c. The maximum number of phases and duration of each phase for a Type 3 Excavation shall
42 be established by a Condition of Approval.

43[Re-letter accordingly]

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2020-0013 Art. 2, Monitoring Development Phases.docx

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EXHIBIT D

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
REMOVAL OF THE BUILDING DIVISION FROM DRO AGENCY REVIEW

CR-2020-0020
(Updated 11/03/2020)

Part 1. ULDC Art. 2.G.4.G.3.b., Application Processes and Procedures, Decision Making Bodies, Staff Officials, Development Review Officer (DRO), Comments and Recommendations (page 93 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. At the behest of the Building Official, the Building Division has requested to be removed from the DRO list of Agencies reviewing applications and providing comments. The Building Division will do their review of the proposed development once approved by the DRO. The Building Division encourages all Property Owners to meet with Building Staff to discuss their project and get input on Florida Building Code (FBC) requirements prior to submitting an application to the Zoning Division. The Applicant is required to submit Form # 130, Building Code/Life Safety Code Requirements Acknowledgement Form to with the Zoning application to confirm the application has had a preliminary meeting with Building Staff.

1 CHAPTER G DECISION MAKING BODIES

2

3 Section 4 Staff Officials

4 G. Development Review Officer (DRO)

5

6 3. Comments and Recommendations

- a. The DRO may seek comments and recommendations from the following PBC Departments and Divisions, as well as other Local Government and State Government agencies, as deemed appropriate by the DRO: [Ord. 2008-037]
1) Zoning Division;
2) Building Division; [Ord. 2018-002]
3) Department of Airports; [Ord. 2018-002]
4) Department of Environmental Protection (DEP) for Type 3 Excavation; [Ord. 2018-002]
5) Engineering Department; [Ord. 2018-002]
6) Environmental Resources Management Department; [Ord. 2018-002]
7) Fire-Rescue Department; [Ord. 2018-002]
8) Housing and Community Development (HCD); [Ord. 2018-002]
9) Lake Worth Drainage District; [Ord. 2018-002]
10) Parks and Recreation Department; [Ord. 2018-002]
11) PBC HD; [Ord. 2018-002]
12) PBC School Board; [Ord. 2018-002]
13) Planning Division; [Ord. 2018-002]
14) PREM; and, [Ord. 2018-002]
15) Water Utilities Department. [Ord. 2018-002]
b. Recommendations and comments shall be forwarded to the DRO no less frequently than two times a month to dispose of matters properly and may be called for by the DRO.

28

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CR-2019-0013, 14, and 30
(Updated 11/03/20)

Part 1. ULDC Art. 3.B.14.D.1, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Overlay, Development Review Procedures, WCRA Recommendation (page 44 of 213, Supplement 28), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]
1. Restructure to simplify purpose and intent for Art. 2, Application Processes and Procedures zoning approval processes that require Westgate Community Redevelopment Agency (WCRA) review and recommendation. Clarifying WCRA recommendation is required when a Development Order (DO) is abandoned to ensure trips allocated from the WCRA Transportation Concurrency Exception Areas (TCEA) for the project are returned to the pool, as well as specifying the types of Variances and Waivers requiring recommendation. Further clarifying that certain Art. 2 Administrative Approval processes, specifically Full DRO, Abandonments, and Zoning Agency Reviews for new uses and square footage modifications require WCRA administrative review and recommendation.

1 **CHAPTER B OVERLAYS**

2

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

4

5 **D. Development Review Procedures**

6 **1. WCRA Recommendation**

7 Applicants must obtain and provide evidence of recommendation from the WCRA, ~~prior to with~~
8 the ~~any~~ submittal of applications pursuant to the following:

9 **a. Types of Applications**

10 **1) Non-Conforming Lots**

11 ~~for~~ The development of Single Family or duplex residential structures on a non-
12 conforming lot.

13 **2) Public Hearing Processes**

14 ~~or a~~ Applications outlined under Art. 2, Application Processes and Procedures Art. 2.B,
15 Pubic Hearing Processes, for the following: Official Zoning Map Amendments,
16 Conditional Uses, Development Order Amendments, Development Order
17 Abandonments, Plan Amendments, Density Bonuses, Type 2 Variances, and Type 2
18 Waivers.

19 **3) DRO Approval**

20 ~~and projects requiring DRO approval. An application for a WCRA recommendation~~
21 ~~must be made in accordance with the following:~~ Applications outlined under Art. 2.C,
22 Administrative Processes, for the following: Full DRO Approval, Development Order
23 Abandonments, Type 1 Variances and Waivers, and Zoning Agency Review (ZAR)
24 limited to a new use(s) and modifications to the square footage of an approved use.
25 [Ord. 2006-004] [Ord. 2007-013] [Ord. 2018-002]

26 **ab. Application Requirements**

27 The form and application requirements for a WCRA recommendation shall be submitted
28 as specified by the WCRA; however, in no case shall supporting documents required by
29 the WCRA exceed the requirements of the Development Review Procedures listed above.
30 [Ord. 2006-004]

31[Re-letter accordingly]

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CR-2019-0013, 14, and 30
(Updated 11/03/20)

Part 2. ULDC Art. 3.B.14.E.2, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Overlay, Use Regulations, Sub-area Use Regulations, Use Regulations (page 46 of 213, Supplement 28), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]	
1.	Prohibit or restrict certain commercial uses where not compatible with the intent of the Sub-area or the WCRA Community Redevelopment Plan: limit Car Washes in the UG Sub-area to those lots fronting Okeechobee Boulevard; prohibit Convenience Stores in the UG Sub-area where currently several Retail Gas and Fuel Sales and standalone Convenience Stores already exist; allow Electric Vehicle Charging Stations to operate as an accessory use only in the NRM, NG, UG, and UH Sub-areas and allow as a principal use in the UI Sub-area subject to standards of zoning district; allow Employment Agencies in the UH and UI Sub-areas subject to the Code; prohibit Retail Gas and Fuel Sales in the UG Sub-area; prohibit Landscape Service in all Sub-areas except the UI Sub-area; and, prohibit surface Commercial Parking in all Sub-areas, but allow structured parking in the UG, UH, and UI Sub-areas subject to Class A Conditional Use approval. Update Self-Service Storage to reflect Code changes separating the use into Limited and Multi-Access, and prohibit Multi-Access Storage in all Sub-areas except the UI Sub-area.
2.	Prohibit or restrict certain industrial uses where not compatible with the intent of the Sub-area or the WCRA Community Redevelopment Plan: update Contractor Storage Yard to revert to standard Code in the UG Sub-area; and consistent with the objectives of the WCRA Community Redevelopment Plan to monitor Comprehensive Plan policy to ensure appropriate implementation in the redevelopment area, to prohibit or restrict certain light industrial uses now allowed to operate in CG Zoning Districts with a CH FLU: Distribution Facility, Manufacturing and Processing, Warehouse, and Wholesaling are prohibited in the NRM, NG, NC, and UG Sub-areas, allowed by Class A Conditional Use approval in the UH Sub-area, and by DRO approval in the UI Sub-area.

1 **CHAPTER B OVERLAYS**

2

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

4

5 **E. Use Regulations**

6

7 **2. Sub-area Use Regulations**

8 **a. Use Regulations**

9 In addition to the requirements of Art. 4.B, Use Classification, the following uses shall be
10 prohibited or permitted in the WCRAO Sub-areas: **[Ord. 2006-004]**

11

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
Residential Uses								
Single Family	P	P	X	X	X	X	X	4.B.1.C.5
Cottage Home – Single Unit on a Single Lot	X	P	X	X	X	X	X	4.B.1.C.2
Cottage Home – Multiple Units on a Single Lot or Site	X	P	P	X	X	X	X	4.B.1.C.2
Zero Lot Line (ZLL)	X	X	X	X	X	X	X	4.B.1.C.7
Multifamily (MF)	X	P (5)	X	4.B.1.C.4				
Townhouse	X	P (5)	X	4.B.1.C.6				
Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Car Wash	X	X	X	X	-(7)	-	-	4.B.2.C.4
Convenience Store	X	X	X	X	X	-	-	4.B.2.C.7
Electric Vehicle Charging Station Facility	X	-(8)	-(8)	-(8)	-(8)	-(8)	-(8)	4.B.2.C.10
Employment Agencies (6)	X	X	X	X	X	-(8)	-(8)	4.B.2.C.26
Gas and Fuel Sales, Retail	X	X	X	X	X	-	-	4.B.2.C.16
Landscape Service	X	X	X	X	X	X	-	4.B.2.C.21
Parking, Commercial (9)	X	X	X	X	X	X	X	4.B.2.C.27
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.30
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.31

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 ARTICLE 4 – USE REGULATIONS
 PROPERTY DEVELOPMENT AND DENSITY BONUS REGULATIONS,
 AND REVIEW PROCEDURES FOR THE WCRAO**

**CR-2019-0013, 14, and 30
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Self-Service Storage, Limited Access	X	X	X	X	-	-	-	4.B.2.C.37
Self-Service Storage, Multi-Access	X	X	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
Work/Live Space	X	P (4) X	4.B.2.C.44					
Industrial Uses								
Office Warehouse	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Contractor Storage Yard	-	-	-	-	A -	-	A	4.B.5.C.1
Distribution Facility	X	X	X	X	X	A	D	4.B.5.C.3
Manufacturing and Processing	X	X	X	X	X	A	D	4.B.5.C.8
Warehouse	X	X	X	X	X	A	D	4.B.5.C.17
Wholesaling	X	X	X	X	X	A	D	4.B.5.C.18
[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] [Ord. 2020-001]								
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 Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. [Ord. 2006-004] [Ord. 2020-001]							
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. [Ord. 2007-013] [Ord. 2020-001]							
5.	Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use. [Ord. 2017-002] [Ord. 2020-001]							
6.	Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]							
7.	Limited to lots which front Okeechobee Boulevard and consistent with Art. 11.E.2.A.4.b, Non-Residential Lots.							
8.	Permitted in the NRM, NG, NC, UG, and UH Sub-areas as an accessory use.							
9.	Commercial Parking use on surface lots is prohibited in all Sub-areas. Commercial Parking use in structured parking garages is permitted in the UG, UH, and UI Sub-areas subject to Class A Conditional Use approval.							
Key:								
X	Prohibited in Sub-area							
-	Subject to Use Regulations of zoning district							
P	Permitted by Right in Sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]							
D	Permitted by DRO approval							
A	Class A Conditional Use [Ord. 2017-007]							

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Part 3. ULDC Art. 3.B.14.F.1, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Overlay, Property Development Regulations (PDRs), Sub-area PDRs and Sky Exposure Planes (page 48 and 51 of 213, Supplement 28), are hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]
1. Revise lot dimension PDRs for non-residential and mixed use projects in the NG, NC, UG, and UH Sub-areas to address smaller lot sizes that are unable to meet current CG Zoning District PDRs for lot size, width, and depth.
2. Reduce the current 50-foot front setback requirement for CG Zoning Districts to address smaller lot sizes in the NC and UH Sub-areas, non-conforming lots in the UH Sub-area, and historical building placement primarily along Okeechobee Boulevard.
3. Eliminate Sky Exposure Planes and default to Sub-area height standards contained in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs and Table 3.B.14.F, WCRAO Residential PDRs, as applicable.

3 **CHAPTER B OVERLAYS**

4

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

6

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

8 **1. Sub-area PDRs**

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**CR-2019-0013, 14, and 30
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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 (2)							
Min. Frontage/Lot Width	-	-	<u>75' (4)</u>	<u>75' (4)</u>	<u>100'</u>	<u>100' (5)</u>	-
Min. Lot Depth	-	-	<u>-100'</u>	<u>-100'</u>	<u>-100'</u>	<u>-100'</u>	-
Max. Building Coverage	<u>N/A</u>	40%	40%	40% (23)	40% (23)	40% (23)	45% (23)
Build-to-Line/Setbacks							
Front or Side Street Build-to-Line (3)(810)	<u>N/A</u>	Build-to-Line – 15'	Build-to-Line – 15'	Build-to-Line – 10'	Build-to-Line – C/MU: 10-25'	<u>-Build-to-Line – 10-25'</u>	Build-to-Line – C/IND: 10-25'
Min. Side	<u>N/A</u>	10' (46)	10' (46)	10' (46)	15'	15'	15'
Min. Rear	<u>N/A</u>	25'	25'	25'	25'	25'	25'
Min. Building Frontage							
Min. Frontage (810)	-	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build-to-Line Exception	<u>N/A</u>	Max. 50% of building frontage, min. width of 20', and max. depth of 25'				-	-
Max. Stories/Height (68)							
Max. Stories	<u>N/A</u>	3	4	6	20	10	15
Max. Height (68)	<u>N/A</u>	36'	48'	72'	240'	120'	180'
Other							
Max. Building Length (57)(79)	<u>N/A</u>	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] [Ord. 2020-001]							
C	For commercial uses.						
MU	For mixed uses.						
Notes:							
1.	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. [Ord. 2020-001]						
2.	<u>Minimum lot size per Table 3.D.1.A, Property Development Regulations (PDRs) shall not apply.</u>						
23.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2006-004] [Ord. 2020-001]						
3.	<u>Additional setbacks may apply per Art. 3.B.14.F.3, Sky Exposure Planes. [Ord. 2006-004]</u>						
4.	<u>May be reduced to 50 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first.</u>						
5.	<u>May be reduced to 75 feet for lots fronting Okeechobee Boulevard with vehicular access limited only to the rear or via cross access from the adjacent property.</u>						
46.	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]						
57.	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]						
68.	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, General Provisions. [Ord. 2010-022]						
79.	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), R-O-W/Easement Exception, and comply with the build-to-line for both streets. [Ord. 2015-031]						
810.	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), Minimum Building Frontage Exception. [Ord. 2015-031] [Ord. 2017-025]						

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...
3.—Sky Exposure Planes

In the NC, UG, and UI Sub-areas, the maximum height of a structure at the build-to-line shall be in accordance with Table 3.B.14.F, Sky Exposure Plane, and Figure 3.B.14.F, Sky Exposure Plane. [Ord. 2006-004] [Ord. 2008-003]

Table 3.B.14.F – Sky Exposure Plane

Sub-area	NC	UG and UH	UI
s—Initial Setback Distance	Narrow Street	20'	20'
	Wide Street	45'	45'

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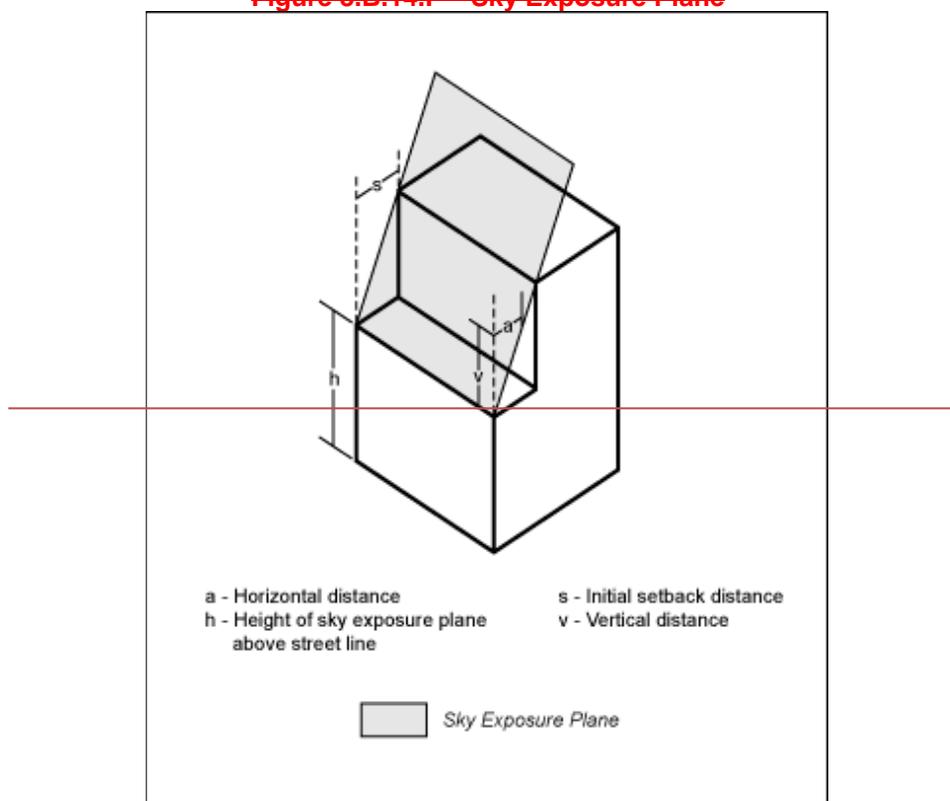
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h—Max. Height of Sky Exposure Plane at Build-to-Setback Line		48' or 4 stories, whichever is less	60' or 5 stories, whichever is less	72' or 6 stories, whichever is less
On Narrow Street	v—Vertical Distance 1	4	2.7	3.7
	a—Horizontal Distance 2	4	4	4
On Wide Street	v—Vertical Distance 1	4	6.6	7.6
	a—Horizontal Distance 2	4	4	4

[Ord. 2006-004]
Notes:
 1. Slope is expressed as a ratio of vertical distance to horizontal distance. **[Ord. 2006-004]**
 2. A narrow street has a R-O-W of 60 feet or less, and a wide street has a R-O-W of 60 feet or greater. **[Ord. 2006-004]**

Figure 3.B.14.F – Sky Exposure Plane



[Ord. 2006-004]

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43. Base Building Line

Part 4. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms, Definitions (page 91 of 111, Supplement 28), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]
1. Remove the definition for “Sky Exposure Plane” as it related to Part 3 above.

CHAPTER H DEFINITIONS AND ACRONYMS

6

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

8

52. Sky Exposure Plane—an imaginary inclined plane beginning at a specified height of a building façade and rising over the building at a ratio of vertical distance to horizontal distance. **[Ord. 2006-004]**

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1[Renumber accordingly]

Part 5. ULDC Art. 3.B.14.H, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Overlay, Density Bonus Programs (page 55-57 of 213, Supplement 28), is hereby amended as follows:

Table with 2 rows and 1 column. Row 1: Reason for amendments: [Westgate Community Redevelopment Agency]. Row 2: 1. Revise Density Bonus Program language to be consistent with the Workforce Housing Program (WHP) and address design, compliance, and enforcement provisions that have been refined and developed as a part of the County's effort to update the functionality of the WHP. Revisions to the provisions of the Program will create a housing program for the WCRA which can be monitored consistent with the WHP. The new Program language provides incentives to use the WCRA's density bonus pool furthering both affordable and workforce unit production, while promoting mixed-income housing and maintaining the County's goal not to concentrate low-income housing in any single community.

2 CHAPTER B OVERLAYS

3

4 Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

5

6 H. Density Bonus Programs

7 The provisions of Art. 5.G.1, Workforce Housing Program (WHP) apply when WCRAO Density
8 Bonus Program units are not utilized. The following provisions apply when additional density is
9 utilized through the WCRAO Density Bonus Program.

10 1. Density Bonus Pool

11 Notwithstanding the provisions of Art. 5.G, Density Bonus Programs in accordance with
12 WCRAO Plan Policy 1.2.3-b, an additional 1,300 residential units, that may be utilized for rental
13 and for-sale projects, are available in the WCRAO in accordance with Plan Policy 1.2.3-b,
14 and pursuant to the following: [Ord. 2006-004]

15 Table 3.B.14.H – WCRAO Density Bonus Pool Limits

Table with 8 columns: Sub-areas, NR, NRM, NG, NC, UG, UH, UI. Row 1: Max. WCRAO Density Bonus Per Acre. Row 2: [Ord. 2006-004]. Row 3: Notes: 1. Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by FLU designation and the Plan. [Ord. 2006-004]

16 a. WCRA Recommendation

17 Any proposed project that includes a request from the Density Bonus Pool shall obtain a
18 recommendation from the WCRA in accordance with the standards of Art. 3.B.14.D.1.b,
19 Timeframe for Response. A project shall receive a recommendation for approval from the
20 WCRA that either meets three of the following six factors, for: (1) The UH Sub-area; (2)
21 That portion of the NRM Sub-area located west of the LWDD L-2B Canal and between
22 Suwanee Drive and the E 3½-8 Canal; or, (3) The UG Sub-area; or meets four of these six
23 factors for: (1) That portion of the NRM Sub-area located between the LWDD L-2B Canal
24

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EXHIBIT E

**ARTICLE 1 – GENERAL PROVISIONS
 ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
 ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
 ARTICLE 4 – USE REGULATIONS
 PROPERTY DEVELOPMENT AND DENSITY BONUS REGULATIONS,
 AND REVIEW PROCEDURES FOR THE WCRAO**

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- 1 and Suwanee Drive; (2) The NG Sub-area; or, (3) The NC Sub-area: ~~[Ord. 2006-004] [Ord. 2007-013] [Ord. 2011-001]~~
- 2
- 3 1) ~~The proposed project meets the minimum building frontage requirements of Table~~
- 4 ~~3.B.14.F, WCRAO Sub-area PDRs. [Ord. 2006-004]~~
- 5 2) ~~The proposed project has a rear lot line abutting a R-O-W to ensure that vehicular~~
- 6 ~~access to parking is limited to the rear of the lot, in accordance with Art. 3.B.14.I.1.a.1).~~
- 7 ~~[Ord. 2006-004] [Ord. 2011-001]~~
- 8 3) ~~Where permitted, the proposed project includes mixed use with a minimum of ten~~
- 9 ~~percent and a maximum of 50 percent of the GFA dedicated to non-residential uses.~~
- 10 ~~[Ord. 2006-004]~~
- 11 4) ~~A minimum of five percent of the gross lot area is set aside for open space with a public~~
- 12 ~~amenity or a public plaza, with a minimum size of 800 square feet and 25 feet in width,~~
- 13 ~~including but not limited to public art (not depicting any advertising); fountains of at~~
- 14 ~~least eight feet in height and 16 feet in diameter; pergolas; bell or clock tower; and~~
- 15 ~~public seating areas (not in conjunction with any restaurant seating). [Ord. 2006-004]~~
- 16 5) ~~A minimum of 40 percent of the projects allowed density is reserved for affordable~~
- 17 ~~housing meeting the requirements of Art. 3.B.14.H.1.c, Affordability Standards. [Ord.~~
- 18 ~~2006-004]~~
- 19 6) ~~Preferred uses: [Ord. 2006-004]~~
- 20 a) ~~NRM Sub-area: business or professional office, medical or dental office, personal~~
- 21 ~~services, and Townhouses. [Ord. 2006-004]~~
- 22 b) ~~NG Sub-area: business or professional office, medical or dental office, personal~~
- 23 ~~services, printing and copying services, Type 1 Restaurants that meet the~~
- 24 ~~requirements of Art. 4.B.2.C.33.b.2), Permitted by Right, and Type 2 Restaurants.~~
- 25 ~~[Ord. 2006-004] [Ord. 2007-013]~~
- 26 c) ~~NC, UG and UH Sub-areas: business or professional office, personal services,~~
- 27 ~~printing and copying services, Type 1 Restaurants that meet the requirements of~~
- 28 ~~Art. 4.B.2.C.33.b.2), Permitted By Right, and Type 2 Restaurants. [Ord. 2006-004]~~
- 29 **b.—Approval Process**
- 30 ~~The review process for a WCRAO Density Bonus Pool approval is based on the density~~
- 31 ~~bonus requested in accordance with Table 3.B.14.H, WCRAO Density Bonus Pool~~
- 32 ~~Approval. Notice of all proposed projects shall be forwarded to the BCC administratively~~
- 33 ~~by the Division responsible for reviewing the application. [Ord. 2006-004] [Ord. 2007-013]~~
- 34 ~~[Ord. 2010-022]~~
- 35

Table 3.B.14.H – WCRAO Density Bonus Pool Approval

Approval Process Required (1)	Range of Bonus Units per Acre	Min. Percentage of Density Bonus Units Required to be Affordable (3)
Permitted by Right	0.1-4 (2)	40%
DRO Approval	4.01-22	
BCC Approval	≥ 22.01	
[Ord. 2006-004] [Ord. 2007-013]		
Notes:		
1.	The transfer of density to a PDD or TDD requires approval as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2018-002]	
2.	Up to one unit may be Permitted by Right for projects less than one acre in size. [Ord. 2006-004]	
3.	Affordable units shall consist of WHP units pending the adoption of the WCRA Inclusionary Housing Policy, as mandated by the Plan, to include very low through middle-income households. [Ord. 2006-004] [Ord. 2008-003]	

- 36
- 37 **c.—Affordability Standards**
- 38 ~~Where required by Table 3.B.14.H, WCRAO Density Bonus Pool Approval, units required~~
- 39 ~~to be affordable shall comply with the following: [Ord. 2006-004] [Ord. 2007-013] [Ord.~~
- 40 ~~2008-037]~~

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- 1 ~~1) **Design Requirements**~~
- 2 ~~All density bonus units required to be affordable shall be designed to a compatible~~
- 3 ~~exterior standard as other units within the development or pod. These units may be~~
- 4 ~~clustered or dispersed throughout the project. **[Ord. 2007-013]**~~
- 5 ~~2) **Sales and Rental Prices**~~
- 6 ~~Affordable units shall be offered for sale or rent to very low through middle-income~~
- 7 ~~households. The sale and rent prices may be updated annually by the County~~
- 8 ~~Administrator, or designee, based on the AMI, and household income limits for PBC~~
- 9 ~~(West Palm Beach/Boca Raton metropolitan statistical area) as published annually by~~
- 10 ~~HUD. **[Ord. 2007-013]** **[Ord. 2008-037]**~~
- 11 ~~3) **Master Covenant**~~
- 12 ~~Prior to Final DRO approval, the Applicant shall record in the public records of Palm~~
- 13 ~~Beach County a Covenant binding the entire project, in a form provided by the County,~~
- 14 ~~which identifies each required affordable unit. In the event the project is not subject to~~
- 15 ~~Final DRO approval, the Applicant must submit a recorded copy of the Covenant to the~~
- 16 ~~Building Division prior to issuance of the first Building Permit. The Covenant shall~~
- 17 ~~include but not be limited to restrictions requiring: that all identified affordable units~~
- 18 ~~shall be sold, resold, or rented only to very low through middle-income qualified~~
- 19 ~~households at an attainable housing cost for each of the targeted income ranges; that~~
- 20 ~~these restrictions remain in effect for a minimum of ten years for units sold to eligible~~
- 21 ~~households, and a minimum of 20 years for rental units, from the date of each unit is~~
- 22 ~~first purchased or designated as a rental unit; and that in the event a unit is resold~~
- 23 ~~before the ten or 20-year periods conclude, a new ten or 20-year period shall take~~
- 24 ~~effect on the date of resale. The Covenant shall further provide monitoring and~~
- 25 ~~compliance requirements including but not limited to those set forth below to ensure~~
- 26 ~~compliance with Plan TE Policy 1-2-r. Every deed for sale of an affordable housing unit~~
- 27 ~~shall incorporate by reference the controlling Covenant. **[Ord. 2007-013]** **[Ord. 2008-**~~
- 28 ~~**037]**~~
- 29 ~~4) **Monitoring and Compliance**~~
- 30 ~~Shall be in accordance with the monitoring and compliance requirements of the~~
- 31 ~~applicable Sections of Art. 5.G.1, Workforce Housing Program, or Art. 5.G.2,~~
- 32 ~~Affordable Housing Program. **[Ord. 2007-013]** **[Ord. 2011-001]**~~
- 33 ~~5) **Enforcement**~~
- 34 ~~Shall be in accordance with the enforcement requirements of the applicable Sections~~
- 35 ~~of Art. 5.G.1, Workforce Housing Program, or Art. 5.G.2, Affordable Housing Program.~~
- 36 ~~**[Ord. 2007-013]** **[Ord. 2011-001]**~~
- 37 ~~6) **Limitations on Restrictions**~~
- 38 ~~Shall be in accordance with the limitations and restriction requirements of Art. 5.G.2,~~
- 39 ~~Affordable Housing Program. **[Ord. 2007-013]** **[Ord. 2011-001]**~~
- 40 ~~7) **Affordability Ranges**~~
- 41 ~~Required affordable WCRAO Density Bonus units shall be distributed in accordance~~
- 42 ~~with Table 3.B.14.H, WCRAO Affordability Ranges. Multifamily or Townhouse~~
- 43 ~~developments less than ten dwelling units may be excluded from this requirement.~~
- 44 ~~**[Ord. 2008-037]** **[Ord. 2011-001]**~~
- 45

Table 3.B.14.H – WCRAO Affordability Ranges

	Very-Low-Income	Low-Income	Moderate-Income	Middle-Income	Maintenance of Affordability (Years)
New Bonus Density Pool Projects (1)	40%-(2)				10 (for sale) 20 (rental)
Redevelopment of Existing Affordable Housing Project (1)	40% max.-(3)		30% min.-(4)		10 (for sale) 20 (rental)
[Ord. 2008-037]					
Notes:					
1-	Requirements are applicable to for-sale and rental units.				
2-	Percentage is a combination of very low, low, moderate, and middle-income requirements. However, a single project shall be limited to a maximum of 40 percent low or 40 percent very low-income units.				
3-	Percentage is a combination of very low and low-income requirements.				

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4.	Percentage is a combination of moderate and middle-income requirements.
----	---

2. ~~Other Density Bonus Programs~~

~~The Applicant may request to modify or reduce the landscape requirements pursuant to Art. 7, Landscaping subject to a Type 2 Waiver process. The request shall be consistent with the Plan and a WCRA recommendation for approval. [Ord. 2006-004]~~

a. WCRA Recommendation

~~In accordance with Plan FLUE Sub-Objective 1.2.3 and Policy 1.2.3-b, a~~Any proposed project that includes a request from the Density Bonus Pool ~~shall~~**must** obtain a recommendation ~~of approval~~ from the WCRA in accordance with the standards of Art. 3.B.14.D.1.b, ~~Timeframe for Response~~**Development Review Procedures. A project shall receive a recommendation for approval from the WCRA consistent with the provisions below:**

- ~~1) Facilitates the development of diverse, quality housing stock that addresses a mix of income levels pursuant to WCRA Community Redevelopment Plan Housing Policy Goal 3.1 and Objective 3.2;~~
- ~~2) Meets the requirements of Table 3.B.14.E, WCRAO Sub-area Use Regulations, Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs, and Table 3.B.14.F, WCRAO Residential PDRs, as applicable;~~
- ~~3) Provides a minimum of five percent of the project residential square footage as outdoor space for resident use, which may include but not be limited to: individual unit porches, patios, and/or balconies; usable open space for on-site common outdoor amenities such as grilling areas and tot lots; or, neighborhood amenities such as pedestrian streetscapes with furnishings, landscaping, or hardscape elements; and,~~
- ~~4) For projects with ten or more units, provides a minimum of twenty percent of the total units in the project as on-site affordable and workforce housing units such that:~~
 - ~~a) A minimum of ten percent, with no more than forty percent of the total project units qualify at or below the Workforce Housing Program Low-Income Category; and a minimum of ten percent of the total project units qualify as Workforce Housing Moderate 1 Income Category, as defined in Art. 5 G.1.A.3.b, Income Categories;~~
 - ~~b) These units meet Art. 5.G.1.A.1.3.h, Workforce Housing Program Design Standards; and,~~
 - ~~c) These units meet the provisions of Art. 5.G.1.D., Delivery of WHP Units and Art. 5.G.1.E., Enforcement.~~

b. Approval Process

The review process for a WCRAO Density Bonus Pool approval is based on the density bonus requested in accordance with Table 3.B.14.H, WCRAO Density Bonus Pool Approval. Notice of all proposed projects shall be forwarded to the ~~BCC administratively~~**County Administrator or designee** by the Division responsible for reviewing the application. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-022]

Table 3.B.14.H – WCRAO Density Bonus Pool Approval

Approval Process Required (1)	Range of Bonus Units per Acre (3)	Min. Percentage of Density Bonus Units Required to be Affordable (3)
Permitted by Right (2) [Relocated from: Range of Bonus Units per Acre]	0.1-4 (2) [Relocated to: Row Heading]	40%
DRO Approval	4.01-22	
BCC Approval	≥ 22.01	
[Ord. 2006-004] [Ord. 2007-013]		
Notes:		
1.	The transfer of density to a PDD or TDD requires approval as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2018-002]	
2.	Up to one unit may be Permitted by Right for projects less than one acre in size. [Ord. 2006-004]	
3.	Affordable units shall consist of WHP units pending the adoption of the WCRA Inclusionary Housing Policy, as mandated by the Plan, to include very low through middle income households. [Ord. 2006-004] [Ord. 2008-003] Additional units may be acquired through the County's TDR program.	

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- 1 **c. Incentives for Density Bonus Pool Projects**
 2 1) The Applicant may request to modify or reduce the landscape requirements pursuant
 3 to Art. 7, Landscaping subject to a Type 21 Waiver process. The request shall be
 4 consistent with the Plan and receive a WCRA recommendation for approval. **[Ord.**
 5 **2006-004]**
 6 2) The Applicant may request to utilize WHP incentives available under the Full Incentive
 7 Option pursuant to Art. 5.G.1.B.2.f, Incentives Available under Full Incentive Option.
 8 The request shall be consistent with the Plan and receive a WCRA recommendation
 9 for approval.

Part 6. ULDC Art. 2.B.7.D.2, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver, Applicability (page 36 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]
1. Amend the provision allowing relief from Art. 7, Landscaping requirements for Density Bonus Pool projects from being subject to a Type 2 Waiver process requiring BCC approval allowing to a Type 1 Waiver process which may be approved by the DRO. A Type 2 Waiver process is unduly burdensome for projects with additional density from the WCRAO Density Bonus Program of 4.01 to 22 units per acre which can be approved by the DRO.

10 **CHAPTER B PUBLIC HEARING PROCESSES**

11

12 **Section 7 Type of Applications**

13

14 **D. Type 2 Waiver**

15
 16 **2. Applicability**

17 Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC
 18 or indicated in the following Table. **[Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]**
 19

Table 2.B.7.D – Summary of Type 2 Waivers

Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
WCRAO Expansion of Existing Non-Conforming Parking	Art. 3.B.14.B.1.a, Expansion of Existing Non-Conforming Parking
WCRAO Density Bonus Programs [Relocated to: Table 2.C.5.E, Summary of Type 1 Waivers]	Art. 3.B.14.H.2, Other Density Bonus Programs [Partially relocated to: Table 2.C.5.E, Summary of Type 1 Waivers]
IRO Residential Setbacks	Art. 3.B.15.F.6.e.4)a), Residential Setbacks
URA Residential Setbacks	Art. 3.B.16.E.3.a, Residential Setbacks
PDD Minimum Frontage	Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development
PDD Cul-de-sacs	Art. 3.E.1.C.2.a.5)b), Type 2 Waiver for additional percentage
AGR Tier – Parking Structure	Art. 3.F.2.A.2.d.1)a), Type 2 Waiver for Parking Structures
AGR-TMD – Block Structure	Art. 3.F.4.D.9.a, Type 2 Waiver for Block Structure
Commercial Communication Towers	Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria
Unique Structure	Art. 5.C.1.E.2, Unique Structure
Hours of Operation	Art. 5.E.5.E, Type 2 Waiver
Large Scale Commercial Development – Parking	Art. 6.B.2.A.1.b.1)d), Type 2 Waiver
Minimum Legal Access for Collocated Landscape Service in the AR/RSA and AR/USA Zoning Districts	Table 11.E.2.A-2, Chart of Minor Streets
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2020-007]	

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Part 7. ULDC Art. 2.C.5.E.2, Application Processes and Procedures, Administrative Processes, Types of Applications, Type 1 Waiver, Applicability (page 54 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]
1. Amend the provision allowing relief from Art. 7, Landscaping requirements for Density Bonus Pool projects from being subject to a Type 2 Waiver process requiring BCC approval allowing to a Type 1 Waiver process which may be approved by the DRO.

1 **CHAPTER C ADMINISTRATIVE PROCESSES**

2

3 **Section 5 Type of Applications**

4

5 **E. Type 1 Waiver**

6

7 **2. Applicability**

8 Requests for Type 1 Waivers shall only be permitted where expressly stated within this Code.
 9 [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002] [Ord. 2020-020]

10

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
WCRAO Density Bonus Programs [Relocated from: Table 2.B.7.D, Summary of Type 2 Waivers]	Art. 3.B.14.H.1, Incentives for Density Bonus Pool Projects, Landscaping [Partially relocated from: Table 2.B.7.D, Summary of Type 2 Waivers]
Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers
Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1)	Table. 3.D.1.A, Property Development Regulations (PDRs)
Required Parking in Type 1 Restaurant with Drive-Through	Art. 4.B.2.C.33.f.3)a)(2), Location Criteria – Exceptions, Design Criteria
Commercial Greenhouse Loading	Art. 4.B.6.C.17.c.4)b), Loading
Solid Waste Transfer Station	Art. 4.B.7.C.10.d, Buffer
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture
Parking for Community Vegetable Garden	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver
Loading Spaces	Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6.E.4.A.1.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] [Ord. 2020-001]	
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.

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(Updated 11/03/20)

Part 8. ULDC Art. 4.A.9.C, Use Regulations, User Guide and General Provisions, Development Thresholds, Density Bonus (page 12 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]
1. To clarify that an amendment to an existing development or a new proposed residential development that seeks additional residential density under the WCRAO Density Bonus Pool is subject to WCRAO approval thresholds and WCRA recommendation.

1 **CHAPTER A USER GUIDE AND GENERAL PROVISIONS**

2

3 **Section 9 Development Thresholds**

4

5 **C. Density Bonus**

6 Any amendment to an existing development, or new construction of projects, which includes an
7 existing or proposed WHP, AHP, ~~or TDR~~, or WCRAO Density Bonus Program residential density
8 bonus, shall require confirmation of any applicable thresholds for approval process in accordance
9 with Art. 5.G, Density Bonus Programs, or Art. 3.B.14.H, WCRAO Density Bonus Program. **[Ord.**
10 **2017-025]**

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EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 5 – SUPPLEMENTARY STANDARDS UNITY OF CONTROL

CR-2020-0010
(Updated 11/03/2020)

Part 1. ULDC Art. 2.C.6.A, Application Processes and Procedures, Administrative Processes, Conditions of Approval, DRO Authority (page 56 of 101, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Unity of Title provisions are being struck as they have been replaced by the Subdivision and Platting requirements of Article 11.

1 CHAPTER C ADMINISTRATIVE PROCESSES

2

3 Section 6 Conditions of Approval

4 A. DRO Authority

5 The DRO shall have the authority to impose Conditions of Approval for administrative DOs.
6 Conditions of Approval may be imposed to: [Ord. 2009-040] [Ord. 2018-002] [Ord. 2020-020]

- 7 1. Ensure compliance with Code requirements; [Ord. 2009-040]
- 8 2. Ensure compatibility of the proposed development or use with surrounding land uses, address
9 the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-
10 site safety; [Ord. 2009-040]
- 11 3. Require the execution of a ~~unity of title~~, ~~u~~Unity of ~~e~~Control, shared parking, and other legal
12 documentation necessary to satisfy requirements of this Code; [Ord. 2009-040]
- 13 4. Require road construction necessary to mitigate project impacts including but not limited to
14 drainage, turn lanes, sidewalks, and signalization; [Ord. 2009-040]
- 15 5. Reduce negative impacts from agricultural uses in the urban services area on surrounding
16 properties including but not limited to: controlling objectionable odors, fencing, sound
17 limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of
18 operation; and, [Ord. 2009-040]
- 19 6. Allow specific requirements of the Code to be waived, provided the proposed development
20 meets the specific requirements for a Type 1 Waiver. [Ord. 2009-040] [Ord. 2012-027]

21

Part 2. ULDC Art. 3.B.9.G.1, Overlays and Zoning Districts, Overlays, PBAIO, Palm Beach International Airport Overlay, Supplemental Regulations, Unified Control (page 37 of 213, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To revise reference to be changed to Art 5.F.1.F.3, Unity of Control where the language for Unity of Control will be relocated.

22 CHAPTER B OVERLAYS

23 Section 9 PBAIO, Palm Beach International Airport Overlay

24

25 G. Supplemental Regulations

26 1. Unified Control

27 Any development within PBAIO district shall be developed under common ownership or Unity
28 of Control as provided in Art. ~~3.E, Planned Development Districts (PDDs)~~5.F.1.F.3.b, PDDs.
29 [Ord. 2004-051] [Ord. 2020-020]

30 2. Enclosed Activities

31 In addition to standards in Art. 5.B.1.A.3, Outdoor Storage and Activities, all activities except
32 storage and sales of landscape material, shall be operated within enclosed buildings. [Ord.
33 2004-051]

34 3. Renovation and Expansion of Non-Residential Uses

35 When a structure used for industrial or commercial uses, lying in a residential district or
36 adjacent to a residential district, is renovated or expanded by more than 20 percent of GFA, in
37 any one or more expansions or the cumulative total of previous expansions, the PDRs of the
38 PBAIO district shall apply. [Ord. 2004-051]

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Notes:

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EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 5 – SUPPLEMENTARY STANDARDS
UNITY OF CONTROL

CR-2020-0010
(Updated 11/03/2020)

Part 3. ULDC Art. 3.E.1.I, Overlays and Zoning Districts, Planned Development Districts (PDDs), General, Unified Control (page 143 and 160 of 213, Supplement 28), is hereby amended as follows:

<p>Reason for amendments: [Zoning]</p> <p>1. To delete the Unity of Control language from Art. 3.E.1.I, Unified Control as it is relocated to Art. 5.F.1.F.4, Unity of Control under the provisions for Maintenance and Use documents. It was determined that the Unity of Control language would better serve the Code in Article 5 rather than in Article 3 as it would allow for the consolidation of documents related to maintenance and use. Language has also been added to clarify that Unified Control may be demonstrated through a Unity of Control or a Property Owners' Association (POA). The Unified Control provisions being relocated to Article 5 outline the requirements for a Unity of Control for Planned Development Districts (PDDs). Article 5 also outlines the POA process for subdivisions with five or more lots, which could also include PDDs. The language added in Article 3 below will make it clear that Applicants may choose to do either process to demonstrate that the subdivided parcels are unified.</p>

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2 Section 1 General

3

4 I. Unified Control

5 ~~All land in a PDD shall be contiguous, unless otherwise stated, and owned or under the control of~~
6 ~~the Applicant or subject to Unified Control. Unified Control shall be in a form acceptable to the~~
7 ~~County Attorney and shall provide for the perpetual operation and maintenance of all~~
8 ~~shared/common facilities and improvements, which are not provided, operated, or maintained at~~
9 ~~the public's expense. [Ord. 2019-005] [Partially Relocated to: Art. 5.F.1.F.3, Unity of Control]~~
10 The Unified Control shall be demonstrated by the provision of a Unity of Control or a Property
11 Owners' Association pursuant to Art. 5.F.1.F, Content Requirement for Documents.

12 ~~1. Exception~~

13 ~~Public civic uses and AGR Preservation Areas shall not be subject to Unified Control, unless~~
14 ~~required by a Condition of Approval. [Relocated to: Art. 5.F.1.F.3.b.1), Exception]~~

15 ~~2. Approval~~

16 ~~Unified Control shall be approved by the County Attorney and recorded by the Applicant prior~~
17 ~~to approval by the DRO of the initial Master Plan, Site Plan, or subdivision, whichever occurs~~
18 ~~first.~~

19 ~~3. Control~~

20 ~~Unified Control for a PDD shall be approved by the County Attorney and recorded by the~~
21 ~~Applicant prior to approval of the first plat.~~

22 ~~4. Architectural Guidelines~~

23 ~~All buildings and signage shall maintain architectural consistency between all building, signage~~
24 ~~and project identification. Consistency shall include, a minimum, an overall unified image and~~
25 ~~character created by the use of common elements such as building and roofing materials,~~
26 ~~rooflines, muted colors, fenestration, architectural features, and architectural elements.~~
27 ~~Infrastructure, such as Minor Utility, Water and Wastewater Treatment Plants which are~~
28 ~~approved for construction in a PDD prior to the approval of other buildings will not be used to~~
29 ~~set the architectural standards for a PDD. [Ord. 2007-013] [Ord. 2017-007] [Partially~~
30 ~~relocated to: Art. 5.F.1.F.3.b.2)e), Architectural Guidelines]~~

31 ~~5. Successive Owners~~

32 ~~The Unified Control shall run with the land and shall be binding on all successors in interest to~~
33 ~~the property. [Relocated to: Art. 5.F.1.F.3.b.3), Successive Owners]~~

34 ~~6. Amendments~~

35 ~~Prior to approval of a modification to a Master Plan, Site Plan, or subdivision by the DRO, the~~
36 ~~Unified Control shall be amended to include/exclude all land added to/deleted from the PDD,~~
37 ~~and incorporate any revisions modified by the new Development Order that may be in conflict~~
38 ~~with the original Unified Control. [Ord. 2019-005] [Relocated to: Art. 5.F.1.F.3.b.4),~~
39 ~~Amendments]~~

40

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EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 5 – SUPPLEMENTARY STANDARDS UNITY OF CONTROL

CR-2020-0010
(Updated 11/03/2020)

Part 4. ULDC Art. 5.F.1, Supplementary Standards, Legal Documents, Maintenance and Use Documents (page 67-70 of 106, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To delete language referring to the County Attorney making the determination of a requirement of a POA as in reality, the County Attorney does not make this determination.
2. To delete language for rental projects requiring a Unity of Title as the Unity of Title process has been replaced by the Platting and Subdivision processes pursuant to Article 11. The current provision of rental properties is also no longer relevant.
3. To revise and relocate the Unity of Control language from Art. 3.E.1.I, Unified Control to Art. 5.F.1.F.3, Unity of Control under the provisions for legal documents. Staff determined that the Unity of Control language would better serve the Code in Article 5 rather than in Article 3 as it would allow for the consolidation of documents related to maintenance and use. The previous process was also premature as Applicants were required to provide the documents for a Unity of Control prior to BCC or DRO approval. The relocation allows for the documents to be required prior to the platting process or Building Permit approval. Language stating that the County Attorney approves a Unity of Control has been struck as the County Attorney's Office does not approve or determine the requirement of Unity of Control. Additionally, based on the number of units proposed, a Unity of Control or POA may be required subject to the requirements of Art. 5.F, Legal Documents.
4. To delete the Unity of Title provisions as they are no longer applicable. The Unity of Title process has been replaced by the Platting and Subdivision processes in Article 11. Research of prior Code has also shown that there has been a gradual reduction in the types of developments requiring a Unity of Title. Reference has also been added to PPM #ZO-O-015, Release of Unity of Title for the processing of the release of existing Unity of Titles.

CHAPTER F LEGAL DOCUMENTS

Any legal documents requiring PBC approval shall be reviewed prior to submission by a licensed attorney. This shall include documents required by Code or as a condition of any land use approval. For the purposes of the provisions, "legal documents" shall include, but not be limited to, the following types of documents: restrictive covenants, easements, agreements, access agreements, removal agreements, unity of control, and unity of title. Any document that follows exactly the language of a PBC-approved form is exempt from this requirement.

Section 1 Maintenance and Use Documents

.... E. Documents Establishing Maintenance and Use

The type of document required to establish use rights and responsibility for maintenance of the common areas and private preserve areas of a development depends upon the nature of the development.

1. Developments Including a Subdivision of Five or More Lots

A POA shall be required. Developer shall submit a Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws. If there are to be party walls within the development, the Declaration of Covenants and Restrictions shall include a Declaration of Party Wall. This requirement applies to both residential and non-residential developments.

2. Subdivisions of a Maximum of Four Lots

A POA may or may not be required depending upon the individual subdivision. ~~The determination shall be made by the County Attorney's Office. If a POA is required, then the submittal requirement shall be as listed above. If a POA is not required, then the developer shall submit a Unity of Control.~~ Prior to the approval of the Final Subdivision Plan or Plat, if the DO includes common areas, the Applicant shall be required to establish a POA or a Unity of Control pursuant to the requirements below. If there are to be party walls within the development, a Declaration of Party Wall shall be included in the submission.

~~3. Rental Projects~~

~~A Unity of Title shall be submitted for a development that will be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on a Lot or Parcel.~~

F. Content Requirement Documents

The following shall be the minimal content requirements for documents. Provisions which do not conflict with any PBC requirements may also be included.

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EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 5 – SUPPLEMENTARY STANDARDS UNITY OF CONTROL

CR-2020-0010
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1. Property Owners' Association (POA) Documents

a. Declaration of Covenants and Restrictions

1) Legal Description

a) For Master Property Owners' Associations

Where applicable, all property included within the Master Plan for a Development Order, regardless of how many phases, shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan. This shall also apply to any affected portion of an AGE Allocation Plan with a Development Order for a Rezoning, Conditional Use, or related Development Order Amendment subject to the requirements of the AGEO. **[Ord. 2010-022] [Ord. 2017-007]**

b) For Sub-Associations

All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the declaration for that sub-association at the time the plat is recorded.

2) Definition

There shall be a declaration in which, minimally, the following terms (or similar terms) are defined: association, common areas, member, properties, declarant/developer, unit/lot/parcel. The definition of association shall include the name of the POA responsible for maintaining the common areas of the development. The association named here must be the same association that accepts the dedications/reservations on any plat of the development. The association shall be a State of Florida corporation not for profit. The definition of common areas shall include the phrase "any area dedicated to or reserved for the association on any recorded plat or replat of the Properties."

The definition of member shall reflect the requirement that all persons or entities holding title to any portion of the properties shall be voting members of the association. In the case of a master association, this may be accomplished either by direct membership by all owners or by the owners' sub-association membership with the sub-association(s) being the voting member(s) of the master association. The definition must specifically allow direct membership for any owner who is not a member of a represented sub-association.

The definition of properties shall include all the property subject to the terms of the declaration including any added by amendment to the declaration. The definition of declarant/developer shall include successors and assigns. The definition of unit/lot/parcel shall identify the division of property by which membership in the association is defined and shall be consistent with the terms used to define member in the declaration.

3) Association Structure and Responsibilities

There shall be provisions for the following:

- a) All persons or entities owning any portion of the development shall automatically become members of the association;
- b) All members of the association shall be entitled to vote on association matters;
- c) The association shall have the authority to assess all members for association expenses including, but not limited to, the cost of maintaining the common areas;
- d) All members of the association, except any governmental entity, which may own property in the development, shall be subject to assessments by the association. The developer shall either pay assessments or fund the deficit in the association's operating budget until he has turned over control of the association. After he has turned over control of the association, he shall pay assessments for any lot(s) he may still own;
- e) The association shall have the authority to place a lien on a member's property for any unpaid assessment;
- f) The developer may control the association while development is ongoing. He must, however, establish in the declaration a definite time by which he will turn over control of the association to the owners; and,
- g) The declaration shall provide that the association shall be responsible for the maintenance of the common areas and private preserve areas. Maintenance responsibility may be delegated to a sub-association or to an individual lot owner

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ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 5 – SUPPLEMENTARY STANDARDS UNITY OF CONTROL

CR-2020-0010
(Updated 11/03/2020)

1 (in the case of certain limited use areas), but the delegating association shall be
2 responsible in the event the sub-association or the lot owner fails to maintain any
3 portion of the common area or other required areas.

4) Common Areas

5 The common areas shall be defined to include any area dedicated to or reserved for
6 the association on any recorded plat of the properties. The developer shall state at
7 what point he will deed the common areas to the association.

5) Easements

8 The following easements shall be granted or confirmed if already established by
9 recorded plat or grant of easement:

- 10 a) Ingress/egress easements for members, their guests, and licensees;
11 b) Utility easements for installation, maintenance, and repair by any utility company,
12 including cable, servicing the development;
13 c) Drainage easements;
14 d) Maintenance easements for maintenance of the common areas. If the association
15 will need access to an owner's property to fulfill its maintenance obligation, the
16 easement should be granted here;
17 e) Encroachment easements for accidental encroachment onto the common area;
18 f) Common area easement for use by all members of the association and their
19 guests;
20 g) Developer's easement to allow developer access as needed to complete
21 construction of development;
22 h) Public service for police protection, fire protection, emergency services, postal
23 service, and meter reading;
24 i) Zero Lot Line (ZLL) easement, if applicable. An easement with a minimum of two
25 feet in width, and contiguous to the ZLL boundary shall be established for the
26 purpose of incidental encroachment, access and maintenance; or, [Ord. 2013-
27 001]
28 j) All easements, with the exception of the developer's easement, shall be perpetual.

6) Architectural Control

29 Any provisions included in the declaration regarding architectural control should be
30 consistent with PBC regulations. It should be noted in the declaration that nothing in
31 the declaration should be interpreted as an exemption from compliance with PBC
32 regulations.

7) General Provisions

33 There shall be provisions for the following:

a) Duration

34 The declaration shall run with the land for a minimum of 20 years with provision for
35 automatic renewal;

b) Enforcement

36 The association, the individual members, and the developer shall all have the
37 ability to enforce the terms of the declaration;

c) Amendment

38 The method by which the declaration may be amended shall be established. If the
39 developer is given a separate right for amending the declaration, his right shall not
40 survive the turnover of control. No amendment that withdraws property from the
41 terms of the declaration shall be recorded unless approved in writing by the County
42 Attorney's office. No amendment inconsistent with the requirements of this Chapter
43 shall be recorded unless approved in writing by the County Attorney's office.
44 Nothing contained herein shall create an obligation on the part of the County
45 Attorney's office to approve any amendment.

d) Dissolution

46 Any owner may petition the Circuit Court for the appointment of a receiver to
47 manage the affairs of the association in the event of dissolution of the association.

b. Articles of Incorporation

- 48 1) All terms shall be consistent with the terms of the Declaration and By-Laws.
49 2) The POA shall be a State of Florida corporation not-for-profit with, minimally, the
50 authority to maintain common areas or other required areas, assess members for
51 operating costs, place liens on members' property for failure to pay assessments, and
52 enter into agreements with governmental entities.
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EXHIBIT F

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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 5 – SUPPLEMENTARY STANDARDS
UNITY OF CONTROL

CR-2020-0010
(Updated 11/03/2020)

c. By-Laws

All terms shall be consistent with the terms of the declaration and articles of incorporation.

....
3. Unity of Control

All PDDs and projects in Standard Zoning Districts with multiple uses, shall be contiguous, unless otherwise stated, and owned or under the control of the Applicant or subject to a Unity of Control. The Unity of Control shall be in a form acceptable to the County Attorney and shall provide for the perpetual operation and maintenance of all shared/common facilities and improvements, which are not provided, operated, or maintained at the public's expense.

[Partially relocated from: Art. 3.E.1.I, Unified Control] ~~A unity of control shall be recorded against a subdivision of a maximum of four lots~~The Unity of Control shall be recorded and tied to all properties within the Development Order, unless stated otherwise below ~~if the County Attorney's Office has exempted the subdivision from the requirements for a POA.~~ The Unity of Control shall contain the following:

a. Subdivisions of a Maximum Four Lots

The Unity of Control shall be recorded prior to approval of a plat or issuance of a Building Permit, whichever occurs first, and shall contain the following:

- ~~a.~~1) Legal description of the property subject to the terms of the ~~u~~Unity of ~~e~~Control. This shall include all property included in the Master Plan for the development;
- ~~b.~~2) Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development;
- ~~c.~~3) Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and,
- ~~d.~~4) Establishment of these provisions as covenants running with the land.

b. PDDs

For a PDD with a subdivision of a maximum four lots, a Unity of Control shall be recorded prior to approval of a plat or issuance of a Building Permit, whichever occurs first.

1) Exception

Public civic uses and AGR Preservation Areas shall not be subject to Unified Control, unless required by a Condition of Approval. [Relocated from: Art. 3.E.1.I.1, Exception]

2) The Unity of Control shall contain the following:

- a) Legal description of the property subject to the terms of the Unity of Control. This shall include all property included in the Master Plan for the development;
- b) Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development;
- c) Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and,
- d) Establishment of these provisions as covenants running with the land.

e) Architectural Guidelines

All buildings and signage shall maintain architectural consistency between all building, signage and project identification. Consistency shall include, a minimum, an overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, consistent colors, fenestration, architectural features, and architectural elements. Infrastructure, such as Minor Utilities and Water or Wastewater Treatment Plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD. [Ord. 2007-013] [Ord. 2017-007] [Partially relocated from: Art. 3.E.1.I.4, Architectural Guidelines]

3) Successive Owners

The Unified Control shall run with the land and shall be binding on all successors in interest to the property. [Relocated from: Art. 3.E.1.I.5, Successive Owners]

4) Amendments

Prior to approval of a modification to a Master Plan, Site Plan, or subdivision by the DRO, the Unified Control shall be amended to include/exclude all land added to/deleted from the PDD, and incorporate any revisions modified by the new Development Order that may be in conflict with the original Unified Control. [Relocated from: Art. 3.E.1.I.6, Amendments]

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EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 5 – SUPPLEMENTARY STANDARDS
UNITY OF CONTROL

CR-2020-0010
(Updated 11/03/2020)

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4. Unity of Title

~~The owner of a rental project shall record against his property a unity of title. The unity of title, which shall be a covenant running with the land, shall provide that the property shall be considered one plot and parcel and that no portion of the property may be conveyed to another owner. The County Attorney's office, after consulting with the Zoning and Land Development Divisions, may agree to release the unity of title provided that covenants establishing maintenance and use are recorded in its place. The cost of recording the unity of title and/or a release shall be the responsibility of the owner.~~
The Unity of Title process has been replaced with subdivision and platting requirements pursuant to Art. 11, Subdivision, Platting, and Required Improvements. A Release of Unity of Title shall be pursuant to PPM #ZO-O-015, Release of Unity of Title (ROU).

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EXHIBIT G

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
MULTIPLE USE PLANNED DEVELOPMENT
FREESTANDING BUILDINGS

CR-2019-0026
(Updated 11/03/20)

Part 1. ULDC Art. 3.E.3.B.2.a, Overlays and Zoning Districts, Planned Development Districts (PDDs), Multiple Use Planned Development (MUPD), Objectives and Standards, Performance Standards, Freestanding Buildings (page 161 of 213, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To remove a Subsection limiting the number of freestanding buildings within the Multiple Use Planned Development (MUPD) Zoning District. These provisions were introduced in the 1992 Unified Land Development Code (ULDC) for MUPDs and Mixed Use Planned Developments (MXPDs), per Board of County Commissioners (BCC) direction, with the intention of ensuring visibility of a development's primary main inline stores was not obstructed with too many outparcels, and to differentiate Future Land Use (FLU) designation intensity by allowing one freestanding building for low-density commercial as opposed to three for higher-density designations. The 2003 ULDC rewrite did not carry forward the provisions for MXPDs, and since then for MUPDs, Ordinance. No. 2014-025 set a three-building cap for the Economic Development Center (EDC) FLU designation matching other high-density designations, Ordinance No. 2017-007 elaborated on what constitutes a freestanding building, and Ordinance No. 2019-005 codified Planning Ordinance No. 2017-004 to allow residential uses within MUPDs, which are exempt from the cap. Outparcels tend of be high trip generators and often have their own ingress/egress to their parcel. By limiting the total number of outparcels permitted to three or four this would reduce curb cuts and require the outparcel trips to channel through the main entrance of the shopping center, typically via a control signal light.
The intent of these provisions have been generally ineffective in achieving the goal to ensure visibility of the main inline center. Freestanding buildings in MUPDs are classified as having "continuous vehicular circulation on all four sides" which does not include outparcels fronting streets, having "one-way drive-through lanes," "dedicated bypass lanes," or "access ways providing ingress/egress to other uses or tenants within a development." Deletion of this requirement will have minimal effect on the application of the Code because of the other requirements and standards for review that are captured under the other Articles of the Code. For example, the Vehicular Circulation Patterns are reviewed by the Zoning Division with input from County Traffic and Land Development Divisions review development for motor vehicle circulation patterns, and the Building and Zoning Divisions for compliance with applicable Planned Development District (PDD) or Traditional Development District (TDD) pedestrian and other non-motor vehicle circulation requirements. Additionally, regulations in Art. 7, Landscaping require sidewalks between buildings and parking spaces, and Art. 8, Signage mitigates issues concerning primary tenant visibility. Thus, these safety and design-related standards exceed the original intent of the BCC's direction.

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2

3 Section 3 Multiple Use Planned Development (MUPD)

4

5 B. Objectives and Standards

6

7 2. Performance Standards

8 An MUPD shall comply with the following standards:

9 a. Freestanding Buildings

10 The maximum number of freestanding buildings in an MUPD with continuous vehicular
11 circulation on all four sides is indicated in Table 3.E.3.B, Freestanding Buildings.

12 1) This Section shall not apply to mixed use or residential structures. [Ord. 2019-005]

13 2) For the purpose of this Section, circulation shall mean any portion of a driveway, drive
14 aisle, or other means of vehicular access located within 50 feet of a building, excluding
15 one-way drive-through lanes, dedicated bypass lanes, and one primary building.

16 3) For the purpose of this Section, circulation shall not include vehicular access ways for
17 uses including but not limited to Self-Service Storage facility, Data and Information
18 Processing, Manufacturing and Processing, or Warehouses, when limited to access to
19 individual storage units or warehouse bays, or facilities not open to the public and
20 under the control of one business. This exception shall not apply to other vehicular
21 circulation, or access ways providing ingress/egress to other uses or tenants within a
22 development. [Ord. 2017-007]

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Notes:

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EXHIBIT G

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 4 – USE REGULATIONS MULTIPLE USE PLANNED DEVELOPMENT FREESTANDING BUILDINGS

CR-2019-0026
(Updated 11/03/20)

Table 3.E.3.B – Freestanding Buildings

FLU Designations	CL	CH	CLO	CHO	IND	EDC	CR	INST
Number of Buildings	4	3	4	3	3	3	3	3
[Ord. 2014-025]								

1
2
3 **ba. Non-Vehicular Circulation**
4 An MUPD shall be designed to provide for a pedestrian and bicycle-oriented circulation
5 system throughout the development.

6 **1) Sidewalks**
7 Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick,
8 decorative concrete, or similar pavement treatment.

....[Re-letter accordingly]

Part 2 ULDC Art. 4.B.5.C.17.f, Use Regulations, Use Classification, Industrial Uses, Definitions
and Supplementary Use Standards for Specific Uses, Warehouse, Freestanding
Structures (page 89 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To remove a Subsection referencing an exemption from the deleted language in Part 1.

9 **CHAPTER B USE CLASSIFICATION**

10

11 **Section 5 Industrial Uses**

12

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

14

15 **17. Warehouse**

16

17 **f. Freestanding Structures**

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

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EXHIBIT H

**ARTICLE 4 – USE REGULATIONS
PLANNING DETERMINATION FOR INFILL DENSITY EXEMPTION**

**CR-2020-0014
(Updated 11/03/20)**

Part 1. ULDC Art. 4.B.1.C.4.d.2)a)(1), Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses, Multifamily, Zoning District, RM District, MR-5 FLU Designation, Planning Determination (page 17 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Planning]	
1	To remove the requirement for a written Planning Determination in the Medium Residential, 5 unit per acre (MR-5) Future Land Use (FLU) Designation to determine if a property meets the criteria for an Infill Density Exemption in the Comprehensive Plan. This determination impacted the density potential of smaller parcels, and was changed in 2015.
2.	The Multifamily Planning Determination amendment is the result of the Use Regulations Project (Ordinance No. 2017-007), which identified that a written Planning Determination was not appropriate, as the Comprehensive Plan does not regulate housing type and the infill letter relates to density only.

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

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

....
4. Multifamily

a. Definition

The use of a structure designed for two or more dwelling units which are attached or the use of a lot for two or more dwelling units.

b. Typical Uses

Typical uses include apartments and residential condominiums.

c. Overlay – WCRAO

Multifamily is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

d. Zoning District

1) TMD District

AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC.

2) RM District

Multifamily units may be allowed in the RM Zoning District as follows: **[Ord. 2017-025]**

a) MR-5 FLU Designation

~~1) Planning Determination~~

~~A written determination from the Planning Director that the property meets the criteria for an Infill Density Exemption in the Plan; and~~

2(1) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan.

~~3(2) Approval Process~~

The approval process shall be as follows:

**Table 4.B.1.C – Approval Process
RM District with MR-5 FLU Designation**

Process	Units
Class A Conditional Use	> 24
Class B Conditional Use	9-24
DRO	5-8
Permitted by Right	1-4

~~4(3) Development Order~~

~~Prior approvals for Multifamily units in the RM Zoning District with MR-5 FLU designation shall be considered legal conforming uses.~~

b) HR-8, HR-12, or HR-18 FLU Designation

Multifamily units on parcels with an HR-8, HR-12, or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9 are triggered. **[Ord. 2017-025]**

c) Limestone Creek

Multifamily units in the RM Zoning District shall be prohibited in the area bounded on the north by 184th Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west

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EXHIBIT H

ARTICLE 4 – USE REGULATIONS PLANNING DETERMINATION FOR INFILL DENSITY EXEMPTION

CR-2020-0014
(Updated 11/03/20)

1 by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south
2 of Church Street).

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2020-0014 Art. 4, Planning Determination for Infill Density Exemption.docx

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EXHIBIT I

ARTICLE 5 – SUPPLEMENTARY STANDARDS WCRAO WORKFORCE HOUSING PROGRAM EXEMPTION

CR-2020-0016
(Updated 11/03/20)

Part 1. ULDC Art. 5.G.1.A.2.d.1)b), Supplementary Standards, Density Bonus Programs, Workforce Housing Program (WHP), General, Applicability, Location, Urban/Suburban Tier, WCRA (page 73 of 106, Supplement 28), is hereby amended as follows:

Reason for amendments: [Planning]
1 To be consistent with the Property Development and Density Bonus Regulations, and Review Procedures for the Westgate Community Redevelopment Agency Overlay (WCRAO) amendment this Round regarding the applicability of the Workforce Housing Program (WHP) in the WCRAO.

1 **CHAPTER G DENSITY BONUS PROGRAMS**

2 **Section 1 Workforce Housing Program (WHP)**

3 **A. General**

4

5 **2. Applicability**

6

7 **d. Location**

8

9 **1) Urban/Suburban Tier**

10 The WHP applies for all new developments with a residential component in the
11 Urban/Suburban Tier, except as follows: **[Ord. 2019-033]**

12 **a) URA Priority Redevelopment Areas**

13 The WHP obligation for developments with a UC or UI FLU shall be met through
14 the provision of a minimum of 15 percent of all new units, pursuant to Policy 1.2.2.-
15 b of the Future Land Use Element of the Comprehensive Plan. The Limited
16 Incentive Option shall not be available to these developments, nor any incentives
17 offered through the WHP. All other applicable provisions of the WHP shall apply.
18 **[Ord. 2019-033]**

19 **b) WCRAO**

20 Developments of ten or more units in the WCRAO shall not be subject to the WHP
21 ~~for standard and maximum densities, and subject to the affordable and workforce~~
22 ~~provisions of the WCRAO for density obtained from the WCRAO Density Pool. All~~
23 ~~restricted units resulting from the WHP and WCRA shall be identified in the~~
24 ~~Restrictive Covenant, including timeframes and income categories if Density Bonus~~
25 ~~Pool Units are used pursuant to Art. 3.B.14.H.1, Density Bonus Pool. **[Ord. 2019-**~~
26 ~~**033]**~~

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