



Department of Planning,
Zoning & Building

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300

Zoning Division 233-5200

Building Division 233-5100

Code Enforcement 233-5500

Contractors Certification 233-5525

Administration Office 233-5005

Executive Office 233-5228

www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor

Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
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July 18, 2018

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: July 25, 2018 LDRAB Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB Meeting on Wednesday, July 25, 2018.

The meeting will commence at **2:00 p.m.** in the Vista Center, 1st Floor Kenneth S. Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact Wendy Hernandez, Zoning Manager at (561) 233-5218, or via email at wnehernan@pbcgov.org.

Sincerely,

Jon MacGillis, ASLA
Zoning Director

JM/wh

Attachments: July 25, 2018 LDRAB Agenda

- c: Patrick Rutter, Assistant County Administrator
- Ramsay Bulkeley Deputy Executive Director, PZB
- Lorenzo Aghemo, Planning Director,
- Scott Rodriguez, Senior Planner, Planning
- Joanne Keller, Land Development Director,
- Leonard W. Berger, Chief Assistant County Attorney
- Robert P. Banks, Chief Land Use County Attorney
- Maryann Kwok, Deputy Zoning Director
- Wendy Hernández, Zoning Manager
- Jan Rodriguez, Senior Site Planner, Zoning,

PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

JULY 25, 2018

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

Dr. Lori Vinikoor, Vice-Chair (District 5)

Joanne Davis (District 1)

Drew Martin, (District 2)

Philip L. Barlage (District 3)

James Knight (District 4)

Myles Basore (District 6)

Robert J. Harvey (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Anna Yeskey (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Xavier Salas (American Institute of Architects)

Vacant (Environmental Organization)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Derek Zeman (Fl. Surveying and Mapping Society)

Charles Drawdy (Association Gen. Cont. of America)

Abraham Wein (Member at Large/Alternate)

Winifred Park Said (Member at Large/Alternate)

Board of County Commissioners

Melissa McKinlay
Mayor, District 6

Mack Bernard
Vice Mayor, District 7

Hal R. Valeche
Commissioner, District 1

Paulette Burdick
Commissioner, District 2

David Kerner
Commissioner, District 3

Steven L. Abrams,
Commissioner, District 4

Mary Lou Berger
Commissioner, District 5

Verdenia C. Baker
County Administrator



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, JULY 25, 2018 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of May 23, 2018 Minutes (Exhibit A)
5. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the meeting secretary prior to the item being discussed.

B. ULDC AMENDMENTS

1. Exhibit B - Article 1.I, Definitions & Acronyms
2. Exhibit C - Article 1, General Provisions
3. Exhibit D - Article 5.F, Legal Documents
4. Exhibit E – PIA-2018-01188- Revisions to Articles 3 and 4

C. STAFF COMMENTS

1. Initiation of Round 2018-02
2. Subcommittees
 - a. Medical Uses
 - b. Landscaping

D. BOARD MEMBER COMMENTS

E. ADJOURN

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 5/24/18)

Minutes of May 23, 2018 LDRAB Meeting

On Wednesday, May 23, 2018, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair, Wesley Blackman called the meeting to order at 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 11

Wesley Blackman (PBC Planning Congress)
Joanne Davis (District 1)
Drew Martin (District 2)
Philip Barlage (District 3)
Lori Vinikoor (District 5)
Robert J. Harvey District 7)
Derek Zeman (Fl. Surveying & Mapping)
Daniel Walesky (Gold Coast Bld. Assoc.)
Charles Drawdy (Assoc. Gral Contractors of America)
Xavier Salas, (AIA)*
Winifred Park Said(Member at Large, Alt. 2)

Members Absent: 5

James Knight (District 4)
Terrence Bailey (Florida Eng. Society)
Anna Yeskey (PBC League of Cities)
Abraham Wien (Member at Large, Alt. 1)
Frank Gulisano, Realtor's Assoc. of the Palm Beaches

Vacancies: 2

District 6
Environmental Organization

County Staff Present:

Leonard Berger, Chief Assistant County Attorney
Jon MacGillis, Zoning Director
Maryann Kwok, Deputy Zoning Director
Monica Cantor, Principal Planner, Zoning
William Cross, Principal Planner, Zoning
Quazi Bari, Engineer, Engineering and Public Works
Kenny Wilson, Health Department
Bryan Davis, Principal Planner, Planning. Div.
Scott Rodriguez, Site Planner 2
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet, and requested a motion to incorporate it into the agenda. He also noted a request from staff to re-order the agenda.

Motion to approve by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (10-0).

3. Motion to Adopt Agenda

Motion to adopt the agenda, including the add/delete sheet, by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (10-0).

4. Adoption of April 25, 28, 2017 Minutes (Exhibit A)

Motion to adopt the Minutes by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (10-0).

B. ULDC AMENDMENTS

1. Exhibit B - Modifications by the DRO [Related to Housing Type]

This amendment allows the DRO to make minor modifications to BCC approved plans regarding relocation of housing type between pods.

Motion to approve by Mr. Martin, seconded by Dr. Vinikoor. Motion passed (10-0).

2. Exhibit C - Art. 2, Application Processes and Procedures and Art. 3, Overlays and Zoning Districts Minor Amendments

Ms. Cantor explained the amendments make minor corrections when the administrative processes and procedures were revised in Articles 2, Applications Processes and Procedures and Art. 3, Overlays and Zoning Districts.

Motion to approve by Dr. Vinikoor, seconded by Mr. Barlage. Motion passed (10-0).

3. Exhibit D - Art. 4.B.1.C.1, Congregate Living Facility (CLF) [Related to PUD Bonus Density]

Ms. Cantor explained this amendment relates to a provision under CLF that establishes the density in PDDs. The standard is being deleted as it is in conflict with the Plan.

Mr. Barlage posed the question where would the line be drawn between Residential and a facility that has the regular services of a CLF. Ms. Cantor explained that CLF is considered a residential use and it is allowed in residential which includes Planned Unit Development (PUD).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 5/24/18)

Minutes of May 23, 2018 LDRAB Meeting

Mr. MacGillis clarified that in the new Future Land Use designation Congregate Living Residential (CLR) the use will be allowed to use density and intensity and the amount of beds are based on total acreage. In response to Mr. Martin's question on allowing an increase in the number of persons for new and existing facilities, Mr. MacGillis explained that such applications have to be approved by either the BCC or through the DRO process, depending on how the prior approval was obtained. Parking and additional site requirements also have to be met.

Motion to approve by Dr. Vinikoor, seconded by Mr. Waleski. Motion passed (11 – 0)*.

(*) Mr. Salas arrived at 2:15 p.m.

4. Exhibit E - Art. 4.B.2.C.23, Medical or Dental Office [Related to Ambulatory Surgical Center]

Ms. Cantor informed the Board that the amendment proposes deletion of standards applicable exclusively to Ambulatory Surgical Center. The use has similar characteristics to a Medical or Dental office, and is not allowed by the regulations of the Agency for Health Care Administration, the licensing entity, to be a part of a hospital or an emergency treatment facility. Ms. Cantor confirmed Dr. Vinikoor's observation that the amendment will remove the limitation of 10,000 sq. ft.

Motion to approve by Mr. Martin, seconded by Mr. Drawdy. Motion passed (11 – 0)*.

5. Exhibit F - Landscape Service and Contractor Storage Yard*

Ms. Cantor explained that the amendment is to clarify the requirements for some of the uses that operate as accessory use to a Single Family use in the Agricultural Residential (AR) Zoning District in the Rural Service Area (RSA). The application process is still administrative by the Development Review Officer (DRO) but this is an added layer to enforce regulations. She also clarified that the number of parking spaces is linked to the number of employees and is in addition to the spaces required for a Single Family use.

Mr. Walesky requested clarification if the previous requirement of three acres lot size limitation was previously requested or not and if a Landscape Service on one acre lot is not allowed to park a landscape trailer in that parcel. Mr. MacGillis indicated this amendment is to address the approval process, specifically associated to Home Occupation permits issued for this use getting business tax receipts and the Zoning Division never had any way to keep track of these uses operating in the AR/RSA. He also answer Mr. Martin question regarding enforcement of the number of employees by indicating that it will be through complains to Code Enforcement that we will found out if the site is in compliance with the number of employees established by these provisions.

Mr. MacGillis suggested that the discussion continue later when Mr. Bill Cross who was more involved in the preparation of the exhibit would be available to answer questions coming from Mr. Walesky related to changes on the acreage.

Motion by Mr. Martin to continue the discussion after the last exhibit on the agenda, seconded by Dr. Vinikoor. The Chair agreed and suggested that a member of the public who wished to speak, be allowed to do so at that point, instead of later, as ordered in the agenda.

A resident of Heritage Farms, asked for clarity on why changes are being made to allow Contractor Storage Yard and Landscape Service to residential neighborhoods when they are Industrial uses. Large trucks, trailers, etc., are coming in at different times of the day and she understands that they are allowed to operate from 6:00 a.m. to 8:00 p.m. The residents are opposed to having these uses in their neighborhood, as it is supposed to be residential.

The Chair said that there would be further discussion later on the agenda, and suggested that the representative wait for the discussion.

6. Exhibit G – Art. 12, Traffic Performance Standards [Related to Proportionate Share Program]

Mr. Quazi Bari of the Traffic Division explained that the amendments are not creating new regulations, but are being done as is required to maintain consistency with amendments to the Florida Statutes, and to show how proportionate share is calculated. In response to Ms. Davis' question, Mr. Berger explained that if the money allotted for the Proportionate Share Program does not go to that project, it is constrained by law to be allocated in a way that improves mobility or benefits that project in some way, within the radius of influence. Mr. Bari confirmed that this is so.

Motion to approve by Ms. Davis, seconded by Dr. Vinikoor. Motion passed (11-0)*.

7. Exhibit H – Art. 15, Health Regulations [Related to Application Data for an OSTDS]:

Mr. Wilson of the Health Department, explained that this amendment was already presented to the

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 5/24/18)

Minutes of May 23, 2018 LDRAB Meeting

LDRAB and a subcommittee was convened for further review. The result is amendments to allow soil profiles to be performed by a contractor licensed under the applicable Florida Status for repairs or additions, as the system would have been already designed, and require that such tests be performed by a Surveyor or Engineer in the case of new construction.

Motion to approve by Mr. Zeman, seconded by Ms. Davis. (Motion passed (10-1). Mr. Martin voted nay.

Ms. Cantor referred to the Amendments to the Agenda and noted the new Exhibit, "Z", correspond to ULDC Amendments, Art. 1.I.2.A.19, Definition for the word "Addition". Exhibit Z reinstates text inadvertently deleted by Ordinance 2017-023, and is essential in the building permit review process to ensure that interpretation is not left open for staff or the public.

Motion to approve Exh. Z by Dr. Vinikoor, seconded by Ms. Joanne Davis, Motion passed (11-0)*.

Exhibit F –Landscape Service and Contractor Storage Yard (Continuation of Review)

The Chair reopened the discussion on the proposed amendments related to Landscape Service in Single Family in the AR/RSA area. Mr. Walesky said he was unclear whether the change is meant to add a new requirement limiting the size for a Home Occupancy use for landscape services to three acres or more.

Mr. Cross explained the DRO requirement is a refinement of the process, intended to create a Code enforcement mechanism, the provision is optional and does not change the original intent, and no rights are being taken away. The requirement is still three or more acres to be eligible for additional employees and additional trailer, if screening requirements are met. An applicant with less acreage is still allowed to obtain a Business Tax Receipt (BTR) for just Landscape Services, but additional employees and an additional trailer would not be allowed. The Chair commented that this new layer should help to address public concern and Ms. Cantor confirmed that this will be a more restrictive process.

Mr. MacGillis suggested the language on page 16, line 53, be stricken and lines 4 to 6, page 17 be reinstated for clarity, as the use is allowed for Landscape Services only and the stricken text implies the three acre requirement is for anyone applying for a BTR. Additional uses require at least three acres, a more rigorous DRO process and a site plan showing how operations will be carried out.

Mr. Martin expressed a desire to see that the concerns expressed earlier by the Heritage Farm resident are being met. He was also concerned about the lack of vegetation to block the facilities from neighbors' view and suggested that more native plant hedging is needed. Mr. Blackman opined that it is always difficult to get a unanimous opinion on anything and suggested that the additional layer of regulation should help to address the problem and give the County more control.

Mr. MacGillis said he understands that the concern is the addition of a commercial use to a residential zoning district and he explained that approximately four years ago, neighbors in the Acreage and Heritage Farms complained about contractors and there were no site plans available to take further action. Most contractors had BTRs and the BCC directed staff to come up with a process. In order to allow Mom and Pop operations, trying to survive, to stay on their property a little longer, they were given recognition as a Contractor Storage Yard under very limited conditions, or Landscape Services, until they reached a point where they had to re-locate to a commercial or industrial zoning district. This provided the avenue for Code Enforcement to enforce the number of vehicles and staff, outdoor storage, screens, etc. Mr. MacGillis noted that these problems are still being addressed and a task force meeting is planned in the fall, which will likely result in more regulations to deal with this use. The amendment is just to clarify the current process.

Motion to approve by Mr. Waleski, seconded by Ms. Davis. The motion passed (10 – 1)*. Mr. Martin voted nay.

C. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication

The Chair acknowledged the Proof of Publication and requested a motion.

Motion to accept Proof of Publication by Ms. Vinikoor, seconded by Ms. Joanne Davis. Motion passed (11 – 0)*.

The Chair also acknowledged receipt of Consistency Determination from the Planning Division that confirms that the amendments to the Exhibits approved at previous meetings are consistent with the Comprehensive Plan.

Ms. Cantor asked the Chair to allow a brief explanation of the changes shown in the Amendments to the Agenda made to some of the exhibits presented at previous LDRAB meetings, as follows:

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 5/24/18)

Minutes of May 23, 2018 LDRAB Meeting

- Exhibit M, Single Family & Cottage Home, part 5 is the deletion of a duplicated section already address in addressed in Exhibit B, Modifications by the DRO, and the correction of a scrivener's error.
- Exhibit R, Equestrian Waste Management Facility, text was added for further clarification of the standards regarding prohibition of composting, storage or disposal of equestrian waste and other animal waste and bio solids to exclude accessory to Bonafide Agriculture or Composting Facilities already existing in the Agricultural Reserve Tier by the time these provisions are effective.
- Exh. W, related to Art. 11 to make a minor clarification related to local residential road classification.
- Additional amendments in Exhibit U were explained by Ms. Kwok and read into the record:
 - Page 53, Lines 31 – 33 related to Underground Utilities,
 - Page 53, Lines 45 – 46 related to Existing Utilities

Motion to approve by Dr. Vinikoor, seconded by Ms. Joanne Davis, Motion passed (11-0)*

The following Exhibits approved at previous meetings were also discussed:

Exhibit V, Archeological and Historic Preservation: Mr. Martin expressed his opinion that in reality nothing is preserved but is supposedly understood to be so. Mr. Brian Davis explained that there is a map of known archeological sites and that is what the County Archeologist looks at to see if there is a likelihood of archeological presence on a site. The amendment is just a way of monitoring County's archeological resources. In reply to Mr. Martin's question on how it is determined if something is being disturbed, Mr. Davis explained that the County Archeologist reviews the permit request and based on his professional experience, makes a judgment on whether archeological testing for further operation is necessary.

Exhibit R, Equestrian Waste Management Facility – Mr. MacGillis noted the importance for the Board to be aware that the amendment in this exhibit was taken to the subcommittee to delete the pilot program. The subcommittee, with the input of industry, recommended expanding the prohibition into the Agricultural Reserve as there were concerns that the Reserve has crops that could also be contaminated with equestrian waste. Planning staff had some concerns about this recommendation.

2. Consistency Determination

The Chair acknowledged receipt of Consistency Determination from the Planning Division. Mr. Scott Rodriguez stated that the proposed amendments in Agenda items, B through Q are consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Martin, seconded by Mr. Zeman. The motion passed (11- 0)*.

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

There were no additional public comments.

F. STAFF COMMENTS

Ms. Cantor advised that the Round of Amendments would be going to the BCC for Request for Permission to Advertise on June 25, for First Reading on July 26, and Adoption on August 23. Mr. MacGillis apprised Board members of staff changes scheduled to take place in the following months. He announced that Ms. Cantor is transferred to head the Administrative Review section, and he introduced Ms. Wendy Hernandez who will head the Code Revision Section, and Ms. Jan Rodriguez who will assume the duties of the Senior Planner.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:35 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by:

Zona Case, Zoning Technician

Date

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EXHIBIT B

ARTICLE 1.I, DEFINITIONS & ACRONYMS
SUMMARY OF AMENDMENTS

CR-2014-012

(Updated 07/13/2018)

1 Part 1. ULDC Art. 1.I.2, Definitions (page 140 of 194), is hereby amended as follows:
2

Reason for amendments: [Zoning] To delete redundant definition (81 c) related to Article 12 as it is already addressed (81 b).

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

5

6 P. Terms defined herein or referenced Article shall have the following meanings:

7

8 81. Project -

9 a. Land use or group of land uses involving the development of a particular parcel of land at
10 a particular intensity or density which was granted a Development Order, or which
11 substantially complies with applicable provisions of the PBC Subdivision Code as
12 determined by the Director of the Land Development Division of the PBC Engineering
13 Department. **[Ord. 2010-022]**

14 b. For the purposes of Art. 12, a land use or group of land uses, or land development activity
15 or activities, or amendment thereto, which require the issuance of a Development Order(s).
16 All Public Civic Sites dedicated as part of a PUD or otherwise obtained by a governmental
17 agency for public use shall be considered a Project separate from the PUD for the purposes
18 of reviewing the traffic impacts of the Civic Sites under this Article.

19 ~~c. For the purposes of Art. 12, a land use or group of land uses, or land development activity~~
20 ~~or activities, or amendment thereto, which require the issuance of a Development Order.~~
21 **[Ord. 2006-036]**

22

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Notes:
Underlined indicates **new** text.
~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets **[Relocated to:]**.
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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS

CR-2016-016

(Updated 07/13/2018)

1 Part 1. ULDC Art. 1.A.1.B, Authority (page 7 of 194), is hereby amended as follows:
2

Reason for amendments: [Zoning]

1. Delete References to Florida Administrative Code Rules 9J-5 and 9J-24 that were repealed in 2011. The rules were adopted by the Department of Community Affairs (DCA) and provided details and specificity for local governments to create their comprehensive plan. The law contains specific provisions related to the contents and requirements of the Comprehensive Plan elements.

3 CHAPTER A AUTHORITY

4 Section 1 General

5
6 **B. Authority**

7 The Board of County Commissioners (BCC) has the authority to adopt this Code pursuant to Article
8 VIII, Sec. 1(g), Fla. Const., the PBC Charter, F.S.§125.01, F.S. §163.3161, ~~Rule 9J-5, F.A.C., Rule~~
9 ~~9J-24, F.A.C.~~, and such other authority and provisions that are established by statutory statute,
10 administrative rule, or common law in the State of Florida.

11
12 **Part 2. ULDC Art. 1.I.2, Definitions (page 78 & 140 of 194), is hereby amended as follows:**
13
14

Reason for amendments: [Zoning]

1. See part 1 for reason.

15 CHAPTER I DEFINITIONS & ACRONYMS

16

17 Section 2 Definitions

18
19 **C. Terms defined herein or referenced Article shall have the following meanings:**

20
21 **69. Concurrency Requirements of the Plan** - the provisions in the Plan and the implementing
22 land development regulations requiring that public facilities for traffic circulation, mass transit,
23 sanitary sewer, potable water, recreation/open space, fire-rescue, solid waste, and drainage
24 are available at the minimum LOS concurrent with the impact of the Development; and, as to
25 the applicability of expanded or more stringent traffic performance standards pursuant to State
26 of Florida mandates under F.S. Chapter 163, ~~and Rule 9J-5, F.A.C.~~ such requirements as set
27 forth in the future traffic performance standards ordinance(s).
28

29 **Part 3. ULDC Art. 12.I.4, MUNICIPAL LEVELS OF SERVICE (page 33), is hereby amended as**
30 **follows:**
31

Reason for amendments: [Zoning]

1. See part 1 for reason.

32 CHAPTER I COASTAL RESIDENTIAL EXCEPTION

33 ...

34 Section 4 Municipal Levels of Service

35 Nothing in this Article shall be construed as derogating the requirement under F. S. Chapter 163, ~~or Rule~~
36 ~~9J-5, F.A.C.~~ that Municipalities set the LOS on PBC and State roads consistent with the PBC and State
37 LOS to the maximum extent feasible.
38
39

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EXHIBIT D

ARTICLE 5.F, LEGAL DOCUMENTS
SUMMARY OF AMENDMENTS

CR-2016-013

(Updated 07/13/2018)

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Part 1. ULDC Art. 5.F.2.A.2, Major Encroachments (page 74 of 110), is hereby amended as follows:

Reason for amendments: [Zoning] To clarify that major encroachments of buildings and structures designed for human occupancy, into easements, are prohibited, and therefore no variances are allowed. Issue was raised during May 30, 2014 Interpretation Meeting.

CHAPTER F LEGAL DOCUMENTS

Section 2 Easements

A. Easement Encroachment

1. Minor Encroachments

Minor encroachments of buildings and structures may be allowed within an easement in accordance with this Chapter.

2. Major Encroachments

Buildings or structures designed for human occupancy, screen enclosures, pools, or spas shall ~~not be permitted~~ prohibited within any easement ~~unless otherwise provided for in this Section.~~ [Ord. 2010-005]

3. Incompatible Uses

No construction shall be permitted within any easement where such construction is incompatible with the use for which the easement was established. If the terms of the easement, statute, law, ordinance, rule, regulation, or approval pursuant to which the easement was established prohibits or excludes the use, such use shall be considered incompatible. The burden shall be on the applicant to demonstrate that the proposed construction is or will not become incompatible with the purpose for which the easement was established, or impair the rights of the easement holders and beneficiaries. The determination of whether a use is incompatible with the purpose for which an easement was established shall be made by the appropriate regulating agency(s) in accordance with this Chapter.

4. Application Process

Buildings and structures, which are not prohibited pursuant to Art. 5.F.2.A.2, Major Encroachments, shall be subject to the following:

- a. If an application for a building permit includes construction in an easement, the application shall include consent from all easement holders and beneficiaries. The consent shall be specific to the proposed construction and in a form acceptable to PZB; and
- b. Prior to the issuance of the building permit, the applicant shall record an executed removal and indemnification declaration. The removal and indemnification declaration shall inure to the benefit of the easement holders and beneficiaries.

5. All Other Approvals Required

- a. All other government permits, approvals, or consents necessary for the construction shall be obtained prior to commencement of the construction.
- b. Compliance with this Chapter shall not be construed to relieve the applicant from obtaining any required approvals, if applicable, for encroaching into the affected easement.
- c. Nothing herein shall be construed as affecting any right to construct except to the limited and strict extent of any approval granted hereunder. An approval granted in accordance with this Chapter is for the limited purpose of complying with this Chapter only.

....

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EXHIBIT E
PIA-2018-01188- REVISIONS TO ARTICLES 3 AND 4
SUMMARY OF AMENDMENTS

CR-2016-013
(Updated 07/13/2018)

Application No.: PIA 2018-01188
Application Name: Residential Uses within Multiple Use Planned Development District
Applicant: Spilan Parcel, LLC
Agent: Brian Terry, Insite Studio, Inc.
 Scott Backman, Dunay, Miskel and Backman, LLP
Telephone No.: (561) 365-5131, (561) 405-3300
Project Manager: Wendy Hernández, Zoning Manager

Title: Phase 1, Initiation of Code Amendment. **Request:** to amend the Unified Land Development Code (ULDC) to allow Residential Uses within the Multiple Use Planned Development District (MUPD).

APPLICATION SUMMARY: The Applicant is requesting to amend the ULDC to accommodate Residential Uses within the MUPD Zoning District, and requests that the Board of County Commissioners (BCC) approve a request to initiate amendments to the ULDC. **(Attachments A-C)**

ULDC ARTICLE	TITLE OF ARTICLE	PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT
Article 3	Overlays & Zoning Districts	3.E.1.B.2 FAR, Density, and Use Standards; 3.E.1.E.1.c Modifications, Housing Classification Type; 3.E.3.B.2 Multiple Use Planned Development, Objectives and Standards; 3.E.3.D Multiple Use Planned Development, Property Development Regulations; and, 3.E.4 Mixed Use Planned Development.
Article 4	Use Regulations	4.B.1.A Use Classification, Residential Use Matrix; and, 4.B.2.B Use Classification, Commercial, General Commercial Standards, Bay Doors.

BACKGROUND AND SUMMARY:

In 2016, the Planning Division initiated amendments to the Comprehensive Plan for Mixed Use and Multiple Use Planned Development Districts, in order to eliminate limitations to these districts, including but not limited to, the requirement for vertical integration for maximum density and intensity, reducing the requirements for internal trip capture, and to establish consistency between these districts by reducing redundancy. On September 9 and October 21, 2016, the Palm Beach County Local Planning Agency (LPA) conducted its public hearings to review proposed amendments to the Comprehensive Plan with a recommendation of support, with minimum discussion and no public comment. The BCC transmitted the modifications to the Comprehensive Plan on October 26, 2016, with no modifications identified by the State Land Planning Agency. The BCC adopted modifications to the Comprehensive Plan on January 30, 2017 for the Mixed & Multiple Use Planned Development Districts within the Future Land Use Element, various Objectives and Policies with limited discussion and two public speakers. **(Attachment D)**

When the modifications to the Comprehensive Plan were proposed, Zoning Staff provided comments and identified areas of the MUPD and MXPD regulations that would need be considered when adding Residential to the MUPD zoning district, this includes, but is not limited to:

- vertical integration;
- open space and buffering from residential that is not vertically integrated;
- orientation and massing abutting the two uses;
- location of the residential for compatibility;
- existing MUPD's versus new MUPD's and the application and addition of Residential uses;
- parking modifications; and,
- Unity of Control for the entire project.

Because the amendments to Comprehensive Plan were adopted, the Applicant is seeking this PIA to have the Code modified to that they may add residential uses to a specific project, but have identified the need for residential in other existing MUPD projects. In discussion with the Applicant, Staff suggested that we would initiate this amendment as part of the 2018-02 Round of amendments since the Comp Plan amendment was County initiated. However, the Applicant stated they are on a relatively constrained timeline and have no issue with submitting the PIA and fees to ensure the amendment is processed in this Round.

Staff support the amendment since it will ensure consistency with the Comprehensive Plan by establishing development regulations to allow residential in a MUPD. This PIA will be scheduled for the August 23, 2018 BCC Hearing for final recommendation and direction to staff.

STAFF RECOMMENDATION:

1. To deny modifications to the Unified Land Development Code.
2. To approve the PIA Phase 1 and start PIA Phase 2, on its own schedule.

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3. To approve the PIA Phase 1, and move the proposed request into the 2018-02 Round of ULDC Code Amendments.

Staff is in support of Option 3.

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Attachment A- General Application Form 117 provided by Applicant/Agent-

PALM BEACH COUNTY - ZONING DIVISION

FORM # 117



Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
Phone: (561) 233-5200
Fax: (561) 233-5165

PRE-APPLICATION APPOINTMENT (PAA) - PIA

Pursuant to the Unified Land Development Code (ULDC) Article 2.D, ULDC Privately Initiated Amendment (PIA), a PIA application may be submitted upon completion of the mandatory Pre-application Appointment (PAA) and favorable decision by the responsible PBC Official. Refer to the Article 2.D for all applicable standards and requirements.

Complete this form and submit it to Zoning Division Code Revision Staff at least 3 days prior to the PAA, email to PZBCodeRevision@pbcgov.org. A Justification Statement must be attached to provide detailed and specific information relevant to the PIA request.

Description of PIA: (enter a brief description of the PIA request, a separate sheet may be used)

Application to amend the ULDC to accommodate residential uses within the MUPD zoning district.

Applicant or Agent Name: Brian Terry / Scott Backman

Name of Firm/Company: Insite Studio, Inc. / DMBB

Representing: Spilan Parcel LLC

Phone: 561-365-5131

Email: brianterry@insitestudio.com

The proposed amendment is:

Countywide or;

Area Specific Tier _____ Overlay _____ Zoning District _____ FLU * _____

A. Control No (if applicable): 81-0186 **Control Name (if applicable):** Lee Square

B. Application Name: _____

C. Property Control Number (PCN): (List additional PCNs on separate sheet and attach to application)

PCN: 00-42-44-34-38-001-0010

*May require a companion Text Amendment of the Comprehensive Plan.

PIA INITIAL EVALUATION

1. Have alternatives of Code Amendments already been evaluated? Explain:

The applicant considered the possibility of rezoning the property to MXPD which would allow for the residential uses, however, due to the fact that the owner does not control the entire property within the MUPD this option is not viable.

2. Is the PIA request the result of:

a. BCC direction/ recommendation at a hearing on n/a;

b. Direction from County Staff Jon MacGillis (enter staff's name) at a meeting on 05/23/2018 or through written communication (attach document).

3. Explain why the amendment is requested in lieu of the alternatives noted above?

MXPD rezoning would require consent from all owners within a MUPD. As older shopping centers age there is going to be more pressure to re-purpose these sites to accommodate residential uses. Making code revisions to allow residential uses within existing MUPD's is a proactive step to address future residential demands.

4. a. Will a Comprehensive Plan Amendment be required: Yes No

b. The amendment will be Stand Alone Ordinance; or developed with a round of amendments.

5. Is the proposed amendment consistent with the Comprehensive Plan? Yes No

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PALM BEACH COUNTY - ZONING DIVISION

FORM # 117

6. Does the proposed amendment contradicts or violate any Federal, State or local laws and regulations? If yes, explain:

no

7. Is this request a new industry trend? Explain Yes, please refer to the response to #3.

8. Have other jurisdictions established similar regulations? Yes No (Provide examples)

9. Identify all Articles in the ULDC that may be impacted by the proposed amendment (use a separate sheet if more space is needed).

ULDC Article #	Title of Article	Page Nos.	Current Language
Article 3	Overlays & Zoning Districts	135,136,140, 162,163,165	See attached
Article 4	Use Regulations	13,30	See attached

STAFF NOTES AND COMMENTS

Articles to be amended:

Article 1:

Article 2:

Article 3:

Article 4:

Article 5:

Article 6:

Article 7:

Article 8:

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Attachment B- Article 3 modifications provided by Applicant/Agent-

2. Applicability

In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all PDDs, modifications to previously approved PDDs, and modifications to previously approved special exceptions for planned developments, unless otherwise stated.

a. Previous Approvals

Previously approved planned developments with a Development Order that does not conform to provisions in this Code shall be considered conforming in accordance with Art. 1.E. Prior Approvals, where in compliance with the requirements of Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA). [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016]

1) Development Order Amendment

Shall be in compliance with Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA). [Ord. 2009-040] [Ord. 2011-016]

2) Additional Requested Uses

Previously approved "Additional Conditional Uses" shall remain conforming uses, and may be modified or expanded, subject to a DOA Approval. [Ord. 2005-002] [Ord. 2009-040] [Ord. 2018-002]

b. Government Facilities

A parcel of land in any FLU category that supports government facilities shall be exempt from the POD threshold provisions. [Ord. 2007-013] [Ord. 2009-040]

3. Conflicts

If a conflict exists between this Chapter and other Articles in this Code, the provisions of this Chapter shall apply to the extent of the conflict.

B. FAR, Density, and Use Standards

1. PDDs split by FLU Designations

Uses allowed, PDRs, density and intensity shall be determined by the land use designation on the affected area. In the UIS Tier, density may be transferred from one portion of the project to another based on the gross acreage of the project. [Ord. 2009-040]

2. Density

a. Computation

Density shall be based on the gross acreage of the planned development. Fractions shall be rounded down to the nearest whole number.

b. Minimum Density

The minimum density which may be imposed by the BCC in a PUD is indicated in Table 3.E.1.B, PUD Density. An applicant may voluntarily agree to a lesser density. The Planning Director may waive the minimum density requirement in the HR FLU designations by up to 25 percent, per the FLUE minimum density exemption Section of the Plan. [Ord. 2009-040]

c. Maximum Density

The maximum density shall only be awarded to a PUD or MUPD meeting the goals, policies and objectives in the Plan. The maximum density allowed in a PUD is indicated in Table 3.E.1.B, PUD Density. The actual density granted by the BCC to a planned development may be less than the maximum density allowed.

1) Density Bonus Programs

A PDD may qualify for additional units over the maximum density pursuant to Art 5. ⁹ 1. Workforce Housing Program (WHP), Art. 5.G.3, Transfer of Development Rights TDRs Special Density Program, or other density bonus program allowed by the Plan. [Ord. 2005 -002]

Table 3.E.1.B - PUD Density

	AGR	RR	AGE	LR1	LR2	LR3	MR5	HRB	HR12	HR18
MIN	0.5 du/ac		(3)	0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)		1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	12 du/ac	18 du/ac
[Ord. 2006-004] [Ord. 2010-022] [Ord. 2014-031]										
Notes:										
1. The minimum density in the RR FLU designation for a PUD are as follows: RR20 - 0.5 unit/20 acres; RR10 - 0.5 unit/10 acres; RR5 - 0.5 unit/5 acres; RR2.5 - 0.5 unit/2.5 acres.										
2. The maximum density in the RR FLU designations for a PUD are as follows: RR20 - 1 unit/20 acres; RR10 - 1 unit/10 acres; RR5 - 1 unit/5 acres; RR2.5 - 1 unit/2.5 acres.										
3. Minimum and maximum density shall be in accordance with the AGE FLUA Conceptual Plan. [Ord. 2014-031]										

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d. MXP/PIPD

Density in a MXP, MUPD or PIPD shall be determined by the underlying residential FLU designation and correspond to Table 3.E.1.B, PUD Density. Land with a commercial or industrial land use designation without an underlying residential land use designation shall be assigned a compatible residential density by the Planning Director in accordance with the Plan. [Ord. 2009-040]

e. MLU

Density in a MLU land use designation shall be determined by the underlying residential FLU designation(s) and correspond to Table 3.E.1.B, PUD Density. Land without an underlying residential land use designation(s) shall be assigned a compatible residential density by the Planning Director in accordance with FLUE Policy 4.412-b of the Plan. [Ord. 2009-040]

3. Uses Allowed

Uses allowed in a PDD shall be pursuant to Art 4, Use Regulations. Previously approved planned developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code. Previously approved additional Conditional uses shall be considered conforming uses, and any expansion, relocation or increase in intensity shall be subject to BCC approval. [Ord. 2005-041] [Ord. 2017-007] [Ord. 2018-002]

4. Use Regulations

Uses permitted in a PDD shall be according to the pod designation on the master plan approved by the DRO, or the land use designation of the PDD, whichever is applicable. uses may be further limited by the development order, concurrency reservation, or other applicable requirement. [Ord. 2009-040]

a. Conditional Use

Conditional Uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown All prior approvals for a Requested Use shall correspond to a Conditional Use. [Ord. 2017-007]

C. Objectives and Standards

1. Design Objectives

Planned developments shall comply with the following objectives:

- a. Contain sufficient depth, width, and frontage on a public street or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;
- b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;
- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;
- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;
- e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;
- f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties; and
- g. Minimize parking through shared parking and mix of uses.
- h. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA, excluding residential uses, or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to: [Ord. 2009-0401]
 - 1) public art; [Ord. 2009-040]
 - 2) clock tower; [Ord. 2009-040]
 - 3) water feature/fountain; [Ord. 2009-040]
 - 4) outdoor patio, courtyard or plaza; and [Ord. 2009-040]
 - 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture. [Ord. 2009-040]

2. Performance Standards

Planned developments shall comply with the following standards:

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- b. Pods
 - All land within the boundaries of a Master Plan shall be designated as one of the Pod types indicated for the applicable PDD, or the FLU designation, whichever is applicable [Ord. 2009. 040] [Ord. 2017-007]
 - 1) Exceptions
 - Perimeter landscape buffers, water management tracts not located in pods, canals, primary streets, open space, and similar areas allowed by the DRO.
- c. Tabular Data
 - Each pod shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire project shall be provided in a form acceptable to the DRO.
- d. Density
 - The number of units shown on a site plan or subdivision plan shall correspond to the master plan.
- e. Intensity
 - The intensity (e.g. square feet, beds, seats, no. of children/occupants/rooms, etc.) shown on a site plan or subdivision plan shall correspond to the master plan.

E. Modifications

Modifications to a planned development with a valid development order shall comply with Art. 2.A.6.B. Plan Requirements and Art. 2.C.5.B, Administrative Modifications Prior DOS. [Ord. 2009-040]

- 1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan. The DRO shall have the authority to approve modifications to a master plan, subdivision plan site plan or regulating plan approved by the BCC or ZC, subject to the following limitations. In case of a conflict with Art. 2.A.6.B, Plan Requirements and, Art. 2.C.5.B, Administrative Modifications Prior DOS the following standards shall apply. Modifications which do not comply with these procedures and requirements or this Section shall require approval by the BCC. [Ord. 2009-040]

a. Consistency

Modifications shall be consistent with the representations regarding the original approval, the conditions of approval, and the development order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a corresponding decrease in density, or reduce the amount of land allocated to the preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

b. Pods

The re-designation of a pod from one type to another shall require approval by the BCC. The reconfiguration of pods may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

c. Housing Classification and Type

Housing type may only be changed as follows: [Ord. 2018-002]

Table 3.E.1.E – Housing Type (1)

From	To
Commercial	Multi-Family or Townhouse
MF	Townhouse, Zero Lot Line, or Single Family
Townhouse	MF with Maximum height of 35 feet, Zero Lot Line or Single Family
ZLL	Single Family
Notes:	
1. Provided there is no height increase from the originally approved housing type.	
[Ord. 2018-002]	

d. Recreation

The amount of recreation and useable open space shown on a plan approved by the BCC shall not be reduced. Alternative locations may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

e. Traffic

There shall be no substantial increase in traffic impact above that approved by the BCC, as determined by the County Engineer.

f. Access

Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod and the addition of emergency access ways as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The

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1. Plat Requirements

All land within the PI-JD, including golf courses, shall be platted. All golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential commercial or civic site plat.

Section 3 Multiple Use Planned Development (MUPD)

A. General

1. Purpose and Intent

The purpose of an MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development. The intent of an MUPD is to provide opportunities for enlightened and imaginative approaches to community planning and site design by: [Ord. 2014-025]

- a. allowing flexibility from standard PDRs;
- b. applying PDRs to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping; and
- c. encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses.

2. Applicability

The requirements of this Section shall apply to all MUPDs, modifications to previously approved MUPDs, and modifications to previous approvals specified in Art 3.E, Planned Development Districts unless otherwise stated. [Ord. 2009-040] [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

B. Objectives and Standards 1. Design Objectives

A MUPD shall comply with the following objectives:

- a. Designed as a predominantly ~~Residential~~ [Modify Predominantly] non-residential district;
- b. Provide innovative building location and orientation;
- c. Protect adjacent residential uses from potential adverse impacts;
- d. Provide interconnection between uses in and adjacent to the project;
- e. Allow for landscape design that enhances the appearance of the project; and, [Ord. 2014-025]
- f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution and storage of products. [Ord. 2014-025]

2. Performance Standards

A MUPD shall comply with the following standards:

a. Freestanding Buildings

- 1) For the purpose of this Section, circulation shall mean any portion of a driveway, drive aisle, or other means of vehicular access located within 50 feet of a building, excluding one-way drive through lanes, dedicated bypass lanes, and one primary building.
- 2) For the purpose of this Section, circulation shall not include vehicular access ways for uses including but not limited to Residential uses, Self Service Storage Facility, Data and Information Processing, Manufacturing and Processing, or Warehouses, when limited to access to individual storage units or warehouse bays, or facilities not open to the public and under the control of one business. This exception shall not apply to other vehicular circulation, or access ways providing ingress/egress to other uses or tenants within a Development. [Ord. 2017-007]

Table 3.E.3.B – Freestanding Buildings

FLU Designations	CL	CH	CLO	CHO	IND	EDC	CR	INST
Number of buildings	1	3	1	3	3	3	3	3
[Ord. 2014-02]								

b. Non-vehicular Circulation

A MUPD shall be designed to provide for pedestrian and bicycle oriented circulation system throughout the development.

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

c. Landscape Buffers
A Type 3 Incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation, unless the residential use is within the boundaries of the MUPD. The applicant may request for an alternative buffer subject to a Type 2 Waiver process. [Ord. 2018-002]

d. Cross Access
Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between a MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

e. Parking
Off street parking areas shall comply with Art. 6, Parking, Art. 7, Landscaping, and the following:

1) Parking Areas

- a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all landscape islands and divider medians. [Ord. 2018-002]
- b) Where pedestrian access ways cross landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment. cord. 2018-0021

2) Loading Area Screening
Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

f. Residential Uses
An MUPD with residential uses shall be designed to create a transition between non-residential and residential land uses within the project and between less intensive residential housing located outside the MUPD. These transitional areas may vary in width based on the adjacent housing type or residential land use designations.

1) Detached Housing
Buildings within an MUPD adjacent to existing detached housing types, or property with a FLU designation of MR-5 or less, shall not exceed three stories or 35 feet in height within 40 feet of the common boundary.

3. Civic Dedication
The BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel. [Ord. 2006-004]

4. EDC FLU - Use Limitations
All permitted Commercial, Public and Civic, Agricultural, Utility or Industrial uses shall comply with the following: [Ord. 2014-025]

- a. Shall be clustered within the overall project so as to minimize any adverse impacts, including heavy truck traffic, on office and research portions of the project; and, [Ord. 2014-025]
- b. Outdoor storage or activity areas shall be buffered and screened from view of office or research areas, or operate completely in enclosed buildings. [Ord. 2014-025]

C. Thresholds
Projects that meet or exceed the requirements of Table 3.E.3.D, MUPD Property Development Regulations, in addition to all other minimum MUPD requirements, may be submitted and reviewed as a MUPD. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2015-031]

1. Underlying Land Use
A MUPD with an underlying nonresidential FLU designation may utilize either land use, or a combination of land uses, to satisfy the requirements of Table 3.E.3.D, MUPD Property Development Regulations. [Ord. 2017-007]

D. Property Development Regulations
The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in the MUPD district are indicated in Table 3.E.3.D, MUPD Property Development Regulations, unless otherwise stated.
Residential uses shall follow the RM regulations as outlined in Table 3.D.1.A

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2) Residential Mixed Use
Residential uses shall be permitted in accordance with the standards for residential uses in an AGR-TMD. [Ord. 2017-002]

Section 4 Mixed Use Planned Development (MXPD) ~~(MXPD would be eliminated)~~

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A. General

1. Purpose and Intent

The purpose and intent of the MXPD district is to provide for the compatible development and integration of residential and non-residential uses into a unified development with enlightened and imaginative approaches to community planning, including: [Ord. 2007-001]

- a. the use of vertical or horizontal integration with residential and non-residential uses;
- b. the selection of land uses which allows for compatibility with residential uses; [Ord. 2017-025]
- c. the design of a site plan which provides for the integration of residential and non-residential uses;
- d. the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles; and
- e. the utilization of multiple family homes to provide a transition area between non-residential uses and adjacent residential development.

2. Applicability

The requirements of this Section shall apply to all MXPDs, whether new or amended.

3. Conflict

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict.

B. Objectives and Standards

1. Design Objectives

An MXPD shall comply with the following objectives:

- a. Provide vertical or horizontal integration of residential and non-residential uses; [Ord. 2017-025]
- b. Provide a continuous non-vehicular circulation system for pedestrians;
- c. Allow for innovative building design and orientation;
- d. Provide for interconnection between all uses in and adjacent to the project and; [Ord. 2017-025]
- e. Provide recreational opportunities for the residential population of the MXPD. [Ord. 2017-025]

2. Performance Standards

An MXPD shall comply with the following standards:

- a. Proximity of Uses
All dwelling units shall be located within 1,320 linear feet of a non-residential and/or recreation use
- b. Non-vehicular Circulation
 - 1) Sidewalks
Internal sidewalks shall connect to sidewalks located along adjacent streets. Where sidewalks pass over vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar paving treatment.
- c. Compatibility
An MXPD shall be designed to create a transition between non-residential and residential land uses within the project and between less intensive residential housing located outside the MXPD. These transitional areas may vary in width based on the adjacent housing type or residential land use designations.
 - 1) Detached Housing
Buildings within an MXPD adjacent to existing detached housing types, or property with a FLU designation of MRS or less, shall not exceed three stories or 33 feet in height within 40 feet of the common boundary.
- d. Landscape Buffers
 - 1) Interior Open Space
A minimum ten foot wide compatible buffer is required between land uses within the interior of the MXPD
- e. Neighborhood Parks
In addition to the requirements of Art. 3.D, Parks and Recreation Rules and Recreation Standards, an

MXPD may provide neighborhood parks which are passive in nature. [Ord. 2017-025]

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Use approval process key:		
P Permitted by Right	D Subject to DRO Approval B Subject to Zoning Commission Approval (Class B Conditional Use)	A Subject to BCC Approval (Class A Conditional Use) - Prohibited use, unless stated otherwise within Supplementary Use Standards
(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standard column.		

*Add Multifamily and Townhouse as Class A Conditional Uses within a MUPD with CL and CH land use.

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B. General Commercial Standards 1. Bay Doors

Unless stated otherwise in Art. 4, Use Regulations or Art. 6.B, Loading Standards, service bay doors shall not face any residential use, or vacant parcel of land with a residential FLU designation, except as follows:

- a. When separated by an Arterial or Collector Street a minimum of 80 feet in width.
- b. When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded to include a minimum six-foot high hedge.
- c. When separated by a parcel with a non-residential use such as utilities, canal R-O-W, easements, FDOT or County drainage, a minimum of 80 feet in width, subject to the provision of a Type 3 Incompatibility Buffer with a continuous two-foot high berm. The required wall shall be placed on the top of the berm. Canopy Trees shall be one and one half times the required tree quantity.
- ~~d.~~ Requests for Type 2 Variance from Bay Doors regulations may be allowed in accordance with Art. 2, Application Processes and Procedures,
- ~~e.~~ e. When residential uses are within the same MUPD and separated by a 10' landscape open space.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Adult Entertainment

a. Establishment

Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. 5480, tanning salon, modeling studio, or lingerie studio. The following definitions and Supplementary use Standards shall apply to all Adult Entertainment establishments:

b. Definitions

The following definitions apply for the purposes of the Adult Entertainment Establishment provisions of this Code. 1) Adult Arcade

Any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater,"

2) Adult Bookstore/Adult Video Store

An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria:

- (a) More than 30 percent of the gross public floor area is devoted to adult material; or,
- (b) More than 30 percent of the stock in trade consists of adult material. 3) Adult Booth

A small enclosed or partitioned area inside an Adult Entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.

4) Adult Dancing Establishment

An establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing.

5) Adult Entertainment

a) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment, or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon, modeling studio, or lingerie studio.

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Attachment D- Ordinance 2017-004

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ORDINANCE NO. 2017 - 004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ELEMENT (TO REVISE THE POLICIES AND REGULATIONS FOR **MIXED AND MULTIPLE USE FUTURE LAND USE DESIGNATIONS AND ZONING DISTRICTS**; TO DELETE THE ECONOMIC DEVELOPMENT OVERLAY; AND TO CLARIFY LANGUAGE REGARDING THE RESIDENTIAL HIGH ZONING DISTRICT); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3184(2)(a), Florida Statutes, provides that comprehensive plan amendments shall follow the expedited state review process except as set forth in Section 163.3184(2)(b) and (c), Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the proposed amendments meet the requirements of Section 163.3184(3)(a), Florida Statutes, to be processed through the expedited state review process, and are being processed through the expedited state review process; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearing on September 9 and October 21, 2016 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on October 26, 2016 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the state land planning agency and review agencies pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received a letter from the state land planning agency dated December 1, 2016 stating that the agency had identified no comments related to important state resources and facilities within the Agency's authorized scope of review

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1 that will be adversely impacted by the amendment contained in this ordinance if adopted;
2 and

3 **WHEREAS**, on January 30, 2017 the Palm Beach County Board of County
4 Commissioners held a public hearing to consider adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has
6 determined that the amendments comply with the requirements of the Community Planning
7 Act.

8 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
9 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

10 **Part I. Amendments to the 1989 Comprehensive Plan**

11 Amendments to the 1989 Comprehensive Plan are hereby adopted and attached to
12 this Ordinance is Exhibit 1:

- 13 **A. Future Land Use Element**, to revise mixed and multiple use policies;
- 14 **B. Future Land Use Element**, revise provisions related to residential uses within
15 commercial and multiple use future land use designations, and to clarify the
16 Residential High zoning district;
- 17 **C. Future Land Use Element**, to delete the Economic Development Overlay since the
18 land area was annexed by the Village of Royal Palm Beach.

19 **Part II. Repeal of Laws in Conflict**

20 All local laws and ordinances applying to the unincorporated area of Palm Beach
21 County in conflict with any provision of this ordinance are hereby repealed to the extent of
22 such conflict.

23 **Part III. Severability**

24 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
25 any reason held by the Court to be unconstitutional, inoperative or void, such holding shall
26 not affect the remainder of this Ordinance.

27 **Part IV. Inclusion in the 1989 Comprehensive Plan**

28 The provision of this Ordinance shall become and be made a part of the 1989 Palm
29 Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or
30 re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"
31 "article," or any other appropriate word.

32 **Part V. Effective Date**

33 The effective date of this plan amendment, if the amendment is not timely
34 challenged, shall be 31 days after the state land planning agency notifies the County that
35 the plan amendment package is complete. If timely challenged, this amendment shall

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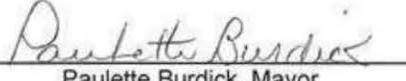
1 become effective on the date the state land planning agency or the Administration
2 Commission enters a final order determining this adopted amendment to be in compliance.
3 No development orders, development permits, or land uses dependent on this amendment
4 may be issued or commence before it has become effective. If a final order of
5 noncompliance is issued by the Administration Commission, this amendment may
6 nevertheless be made effective by adoption of a resolution affirming its effective status, a
7 copy of which resolution shall be sent to the state land planning agency.

8 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
9 Beach County, on the 30th day of January, 2017.

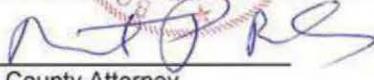
10 ATTEST:
11 SHARON R. BOCK, CLERK
12 & COMPTROLLER

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

13 By 
14 Deputy Clerk

By 
Paulette Burdick, Mayor

15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

16 By 
17 County Attorney

18 Filed with the Department of State on the 7th day of February, 2017.

19 T:\Planning\AMEND\17-Admin\Ordinances\Ord 2-MixedUse.docx

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EXHIBIT 1

A. Future Land Use Element, Mixed & Multiple Uses, Multiple Use Planned Development

REVISIONS: To revise mixed and multiple use policies. The added text is underlined, and the deleted text ~~struck-out~~.

A.1. REVISE OBJECTIVE 4.4 Mixed-Use and Multiple Use Development

Palm Beach County shall encourage the development of a variety of innovative types of mixed-use and multiple use projects.

A.2. REVISE Policy 4.4-a: The County shall encourage and promote sustainable development by establishing mixed-use and multiple use future land use designations and planned development districts.

A.3. REVISE Policy 4.4-b: All proposed mixed-use and multiple use projects shall demonstrate that the land uses included on site are functionally integrated ~~and meet all level of service standards and all relevant land development criteria as stated in the Unified Land Development Code.~~ Mixed use and multiple use projects with a residential component shall demonstrate functional integration through the use of connected open spaces, pedestrian systems, and street network in order to foster a sense of community by creating a stronger pedestrian orientation through design, placement and organization of buildings connected to a common public space or spaces.

A.4. REVISE 4.4.4 Traditional Marketplace Development (TMD)

A.5. REVISE Policy 4.4.4-a: ~~The Traditional Marketplace Development (TMD) shall provide the community with an alternative commercial development that promotes concentrated, mixed-use areas for shopping, entertainment, business, cultural and housing opportunities. This shall be accomplished by allowing for a mix of uses in a manner that creates a stronger pedestrian orientation through design, placement and organization of buildings and common public space while dispersing parking. This~~ The Traditional Marketplace Development (TMD) is an alternative form of development that provides a more efficient pattern of development, and more cost effective delivery of service while increasing the sense of community. The County shall provide for a Traditional Marketplace Planned Development allowed in the Commercial High and Commercial Low future land use designations in the Urban/Suburban Tier, and in the Commercial Low future land use designation in the Exurban, Agricultural Reserve, and Rural Tiers and shall ensure that it is designed to be compatible with the Tier of development. The basic principles are described below shall be used as a guide to create standards to implement this alternative Commercial development.

A.6. REVISE Policy 4.4.4-b: Traditional Marketplace Development shall ~~include a concentrated area for shopping, entertainment, business, services, cultural, and housing opportunities. This shall be accomplished by allowing for a mix of uses in a manner that creates a stronger pedestrian and transit orientation through design, placement and organization of buildings, and common public space, while dispersing parking and respecting and maintaining the character of the surrounding area.~~ The non-residential uses within the Traditional Marketplace Development (TMD) shall be comprised of community scaled serving uses. These uses may include, but are not will not be limited to, shops and services, retail, office, restaurant, and civic uses such as schools, places of worship, and government services. The compact design, low intensity land use does not permit the siting of "freestanding", or "big box" commercial. A minimum of 51% of the commercial square footage within a TMD must be designed as a "Traditional Main Street". The floors above the shops and offices have the potential to provide either housing or residential/business as live/work spaces.

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- A.7. REVISE Policy 4.4.4-c:** ~~The County may allow a Traditional Marketplace Development (TMD) which shall provide an alternative commercial development in the form of a "Traditional Main Street" and shall contain a minimum of 51% commercial land uses. The TMD shall contain low intensity commercial uses, vertically integrated with residential uses, and shall include a concentrated area for shopping, entertainment, business, services, cultural and housing components. This concentration shall be accomplished by allowing for a mix of uses in a manner that creates a stronger pedestrian orientation through design, placement and organization of buildings, and common public space while dispersing parking and respecting and maintaining the character of the surrounding area.~~

The ULDC shall be amended to establish development standards for the Traditional Marketplace Development (TMD) that. Such standards shall incorporate the following design guidelines:

1. Compatible building heights to fit with the character of the community;
2. Build-to lines which place buildings close together, fronting on a sidewalk, to create a sense of place and provide spatial definition along streets;
3. Building design standards, including, but not limited to; massing, scale, pattern, and consistent architectural style. Fronts of buildings, within the same block, shall have doors and windows reflecting similar architectural style, doors and display windows shall be placed to maximize visual interest and accessibility to the pedestrian.
4. Public space amenities, including, but not limited to; wide sidewalks, lighting, seating, signage, gathering space, water features, and landscaping;
5. Community open space shall be provided and shall be used to preserve and incorporate natural features into the site design to enhance identity;
6. Strong pedestrian systems that link building and community open space and encourage pedestrians to walk between land uses. A pedestrian system shall also include significant landscape treatment, including trees, plants and hardscape to delineate the pedestrian system;
7. Street design standards that promote pedestrian usage. These standards shall address but are not limited to, pavement and right-of-way width, turning radii, on-street parking, tree planting and protection, and sidewalk location and widths, including the ability to provide outdoor dining and merchant displays on the sidewalk; and,
8. Crime Prevention Through Environmental Design (CPTED) principles.

- A.8. REVISE & RELOCATE ~~Policy 2.2.2-c: Policy 4.4.4-d: Lifestyle Commercial Center (LCC).~~ Lifestyle Commercial Center (LCC) Lifestyle Commercial Center is a type of Traditional Marketplace Development (TMD) that allows an individual tenant to occupy up to 100,000 sq. feet. The LCC is only allowed in the in the Urban Suburban Tier and only on the sites assigned a commercial future land use designation and condition of approval requiring the use of the LCC by Ordinance 2008-048 and 2009-028. Lifestyle Commercial Center is only allowed in the in the Urban Suburban Tier in the Commercial Low and Commercial High future land use designations. It shall include a concentrated area for shopping, entertainment, business, services, cultural, and housing opportunities similar to a TMD. The LCC shall function as a TMD; therefore, large single tenant buildings are required to have exterior treatments to appear as multi-tenant buildings and parking shall be treated to promote the pedestrian environment. Individual tenants shall not exceed 100,000 sq. feet and shall not be a big box. The LCC requires that properties are greater than 10 acres, are located on an arterial roadway, provide a functional pedestrian and vehicular connection to adjacent parcel/s on two or more sides of the subject property, and provide a master plan and/or design guidelines as part of the adopting ordinance that includes a mix of uses including live/work or residential, public open space, vertical and horizontal integration of uses and a pedestrian oriented design with a main street and internal street network.**

- A.9. 4.4.6 Mixed-use Planned Development (MXPDP)**

- A.10. Policy 4.4.6-a:** ~~A The Mixed-use Planned Development (MXPDP) provides for shall include an integrated mix of uses including residential uses, open space, high-intensity commercial uses, and institutional uses. At a minimum, 51% of the development shall be comprised of residential uses. Uses may be integrated vertically or horizontally. Horizontal integration shall be planned in such a way that a variety of uses front onto and share common areas designed to provide an amenity to all uses within the development. The MXPDP is allowed within the Urban Suburban Tier in the Commercial High and Multiple Land Use future land use designations. The Multiple Land Use future~~

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land use designation is exempt from the ULDC's MXPDP internal trip capture requirements, and the ULDC shall be revised to reduce or eliminate internal trip capture requirements for all MXPDPs. These uses may be allowed in the areas designated:

- ~~1. Commercial High or Commercial High Office; or~~
- ~~2. High Residential 12 or High Residential 18, if located at an intersection or adjacent to a Commercial High future land use designation.~~

A.11. Policy 4.4.6-c: The Mixed-use Planned Development (MXPDP) shall provide a model for compatible, balanced, integrated land uses. The MXPDP development standards shall allow a variety of uses including will include residential, commercial, office and civic uses to create opportunities for living, working and entertainment in a pedestrian oriented community. In an MXPDP, multi-purpose buildings that permit a mixture of compatible uses are required. Land use The MXPDP development standards shall clearly require integration of uses within buildings or among buildings, which will be accomplished as follows:

1. Use of vertical integration such as residential uses over office or retail uses, office uses over retail uses, or other compatible combinations of uses may be allowed;
2. Use of horizontal integration may be permitted if building are placed and oriented to front on well designed, useable public spaces; and/or
3. Use of shared space creating live-work space within a single unit in a building.

A.12. 4.4.6 Multiple Use Planned Development

A.13. Policy 4.4.6-a: The purpose of an Multiple Use Planned Development (MUPDP) is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development in order to provide opportunities for enlightened and imaginative approaches to community planning and site design. Buffering between the different uses within an MUPDP may be reduced or eliminated to foster interconnectivity between the uses.

A.14. Policy 4.4.6-b: MUPDP Design Objectives – The Multiple Use Planned Development (MUPDP) shall be subject to the following design objectives:

1. Provide innovative building location and orientation;
2. Protect adjacent residential uses from potential adverse impacts;
3. Provide interconnection between uses in and adjacent to the project; and
4. Allows for both residential and non-residential uses within a single project designed in a manner that fosters compatibility within the project and with adjacent properties.

B. Future Land Use Element, Mixed & Multiple Uses, Residential Density

REVISIONS: To revise provisions related to residential uses within commercial future land use designations. The added text is underlined, and the deleted text ~~struck-out~~.

4.4.2 Multiple Land Use

B.1. REVISE Policy 4.4.2-b: The following minimum standards shall apply to proposed MLU designations during the amendment review process and will be affixed to the approved MLU project in the adopting ordinance:

1. Underlying Land Use Designations: The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The project shall have minimum and maximum intensities/densities for each land use. The following criteria shall apply towards the land use designations:
 - a) Residential Density: The maximum number of units for the parcel shall be calculated by multiplying the total acreage of the parcel by the density permitted through the residential designation. Additional density may be allowed, through the Transfer of Development Rights program, the Workforce Housing Program, or the Affordable Housing Program following an approval of an MLU project.

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- b) ~~Non-residential Intensity: The maximum intensity for each proposed non-residential use shall be calculated by assigning all non-residential uses a percentage of the total site area, not to exceed 100% for vertically integrated projects; 50% for non-vertically integrated projects. The maximum intensity for each of the projects non-residential land use designations may be reduced by the County, during the review process considering the extent of integration of uses within the project.~~
Unaltered text omitted for brevity

5. ~~Minimum Acreage: The minimum acreage for an MLU project is 10 acres.~~
Unaltered text omitted for brevity

FLUA Regulation Section, Commercial Uses

B.2 REVISE General. The uses listed below are allowable within the Commercial future land use designation, where permitted by the Unified Land Development Code.

1. Parks and Recreation;
2. Conservation;
3. Institutional and Public Facilities;
4. Transportation and Utility Facilities;
5. Communication Facilities;
6. Non-residential agricultural uses as provided by the Unified Land Development Code;
7. Mining and excavation, subject to the limitations;
8. ~~Residential uses will be permitted only as described below; utilizing the underlying residential future land use designation to calculate the maximum number of dwelling units.~~
 - a) ~~Congregate living facilities, provided these areas are of an intensity compatible with the density of any adjacent residential neighborhoods and subject to other locational and density requirements of the Unified Land Development Code. The overall residential density will not exceed that of the underlying use;~~
 - b) ~~Dwelling units as expressed by the underlying alternative land uses where the Board of County Commissioners approves a rezoning to a residential district consistent with the underlying residential land use;~~
 - c) ~~Mixed commercial/residential planned developments within the Urban/Suburban Tier. The overall number of units will not exceed that calculated by the underlying residential category;~~
 - d) ~~Caretakers' quarters.~~
9. Mixed or multiple use planned developments may utilize up to 100% of the underlying residential density and the commercial intensity the subject to the requirements of this Element or the following:
 - a) Multiple use projects may be allowed to utilize up to 100% of the combination of a site's residential density and its commercial intensity equivalent. (Additional density or intensity is equivalent to the corresponding amount of non-utilized existing density or intensity.) (A=percent of additional density or intensity, U=percent of utilized density or intensity. A=100 - U);
10. Caretaker's quarters; and
11. Uses and structures accessory to permitted uses.

~~**Residential Uses.** Residential uses may be permitted in areas with a Commercial Future land use designation (using the underlying Residential Future land use designation to calculate density) as follows:~~

- ~~1. A congregate living facility which is multi-family in character; or~~
- ~~2. A part of a planned development; or~~
- ~~3. A caretakers quarters; or~~
- ~~4. An alternative use, if the Board of County Commissioners deems a residential use to be more appropriate and denies a proposed Commercial rezoning for a property; or~~
- ~~5. The BCC approves a rezoning to a residential district consistent with the underlying residential future land use category; or~~

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6. ~~Multiple use projects: These may be allowed to utilize up to 100% of the combination of a site's residential density and its commercial intensity equivalent. (Additional density or intensity is equivalent to the corresponding amount of non-utilized existing density or intensity.) (A=percent of additional density or intensity, U=percent of utilized density or intensity. A=100-U)~~
7. ~~Mixed use projects: (Projects which vertically integrate at least 20% of their allowed residential units with non-residential uses.) These may be allowed to utilize up to 100% of both a site's residential density and commercial intensity.~~

B.3 REVISE Policy 2.2.1-j: Table 2.2.1-j.1 establishes the consistent residential zoning and planned development district for the Residential Future Land Use Designations. In addition, within the Urban/Suburban Tier of the Glades Tier, the Agricultural Residential and Agricultural Production zoning districts are consistent with all residential future land use designations.

Table 2.2.1-j.1
Residential Future Land Use - Zoning Consistency¹

Future Land Use Designation	Consistent Zoning	
	Zoning District	Planned Development
Agricultural Reserve	AGR	AGR-PUD
Rural Residential	AR, RE	RR-PUD, MHPD, RVPD
Low Residential	RE, RT, RTS, RS	PUD, TND, MHPD
Medium Residential	RE, RT, RS, RTU, RM/RH ²	PUD, TND, MHPD
High Residential	RE, RT, RS, RM, RH	PUD, TND, MHPD

Note:

1. The RTS, RTU, and RH zoning districts and the Special Exception for a PUD have been discontinued. Properties with these districts shall not be required to rezone and shall utilize the property development regulations of their equivalent districts which are as follows: RTS equals RT; RTU equals RS; RH equals RM, Special Exception for a PUD equals a PUD.
2. The RM District is consistent with the MR-5 designation only for those areas zoned RM or RH prior to the Plan's August 31, 1989 adoption.

C. Future Land Use Element, Mixed & Multiple Uses, Economic Development Overlay

REVISIONS: To delete the Economic Development Overlay since this land area has been annexed into the Village of Royal Palm Beach. The deleted text is shown struck out.

OBJECTIVE 1.10 — SR-7 Economic Development Overlay (EDO)

~~The purpose of the SR-7 Economic Development Overlay is to allow existing uses to remain, and to provide a framework for the development of projects consistent with the EDC and other land use designations.~~

~~It is expected that land use amendments within this overlay will result in enterprises that provide high-paying jobs to area residents, potentially reducing east-west daily traffic commuting patterns, provide land for the establishment of skilled-trades companies, and provide for economic activities that diversify those already found in their vicinity. Land uses within Economic Development Overlays will include: office, warehousing, light industrial, flex-space, trades contractor facilities, showrooms, public and civic facilities, education campuses and the like. The EDO general area is also intended to serve as a major transit connection as transit routes are modified and new/expanded routes and modes of transit are designed and established.~~

~~The SR-7/Southern Blvd. EDO is hereby established. Generally located southwest of the intersection of State Road 7 (SR-7) and Southern Blvd. (SR-80) as depicted on Map LU 3.1, Special Planning Areas. Projects within this overlay shall meet the general provisions of the EDO and the following policies.~~

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~~Policy 1.10-a:~~ SR-7 EDO projects shall contain a minimum size of 40 gross acres of land, unless a project is in immediate proximity to an already developed EDO project and internally connects with said project for access to an existing road. Each EDO project shall present a master plan at the time of Zoning review that identifies, at a minimum, the following: access, interconnectivity with adjacent EDO projects, planned interconnectivity with adjacent parcels (stubs), land use pods, the location of stormwater areas, and the general placement of buildings.

~~Policy 1.10-b:~~ Land uses within the SR-7 EDO shall be developed based on the general provisions, standards and criteria established in the following policies. Future Land Use designations consistent with the EDO shall include:

- ~~• Commercial Low Intensity Office Only~~
- ~~• Commercial High Intensity Office Only~~
- ~~• Light Industrial~~
- ~~• Economic Development Center~~
- ~~• Parks and Recreation~~
- ~~• Institutional and Public Facilities~~
- ~~• Residential~~

~~Policy 1.10-c:~~ Future land use designations and zoning districts within the SR-7 EDO shall include the Planned Industrial Park Development (PIPD) with no commercial uses and the Economic Development Center (EDC), and shall include the provision of Workforce Housing or Affordable Housing or Affordable Housing as described in Housing Element Objectives 1.1, 1.5 and within the ULDC. Commercial and retail land uses and districts are not permissible within the EDO.

~~Policy 1.10-d:~~ Palm Beach County encourages the creation of work/live space within the EDO. Work/live units shall not be counted towards density calculations for Future Land Use Amendments within the EDO.

~~Policy 1.10-e:~~ Land uses within the SR-7 EDO shall be according to the Future Land Use designation, and may include: light industrial, office, banking and financial institutions without drive-through lanes, membership organizations, personal services, health clubs, flex space, showrooms, vocational schools, research and development, civic uses, workforce housing or affordable, and government services. Other than the limited commercial and restaurant uses identified in Policy 1.10-i, these types of uses are prohibited within this Overlay. Light industrial uses shall be those that do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, or light beyond the boundaries of the lot where the use is being conducted. Specific industrial uses allowable within the SR-7 EDO include: manufacturing, assembly of products, research and development, and wholesale distribution/storage of non-toxic products.

~~Policy 1.10-f:~~ For land designated as EDC within the State Road 7 Economic Development Overlay, the land uses implemented in the overlay shall control in the event of a conflict between those uses specified in the Overlay and the EDC classification.

~~Policy 1.10-g:~~ Self-storage and/or the rental of storage spaces is prohibited. The following storage uses shall be allowed according to the following:

- ~~• Storage of raw materials is only allowed when the raw materials are to be transformed on-site;~~
- ~~• Storage of materials or goods is only allowed when the materials or goods are to be sold through a showroom on the premises;~~
- ~~• Storage of product finished on the premises, when the product is to be distributed from the premises;~~
- ~~• For trades contractors, storage of tools, equipment and materials is allowed provided it takes place only in completely enclosed buildings;~~

~~Policy 1.10-h:~~ Civic and public spaces and services shall be allowed in the State Road 7 Economic Development Overlay. Civic and public uses include: government buildings, parks, plazas, day care facilities, schools, libraries, places of worship, and similar uses. The EDO encourages the creation of vocational schools that continue the training of the EDO workforce.

~~Policy 1.10-i:~~ Land Use Amendments that are clearly consistent with this objective shall be allowed to include commercial and dining areas that are clearly an accessory use to the project and are clearly intended to serve primarily the residents and workers within the project and the SR-7 EDO. Restaurant uses shall be limited to a maximum of 15,000 SF of rentable space. Drive-through uses are prohibited within the SR-7 EDO.

EXHIBIT E
PIA-2018-01188- REVISIONS TO ARTICLES 3 AND 4
SUMMARY OF AMENDMENTS

CR-2016-013
(Updated 07/13/2018)

~~**Policy 1.10-j:** Existing residential densities of two (2) dwelling units per acre shall remain on the SR-7 EDO parcels for future use.~~

~~**Policy 1.10-k:** Additional residential densities for projects within the SR-7 EDO may be approved based on Transfer of Development Rights, Workforce Housing Program or Affordable Housing Program Provisions, and other mechanisms available to Palm Beach County.~~

~~**Policy 1.10-l:** Projects within the SR-7 EDO shall contain a housing component including workforce housing or affordable housing. The housing component for each project shall be calculated by multiplying 20% of the LR-2 underlying residential density (0.4) by the total gross acreage of each project. Workforce housing or affordable housing shall be then calculated based on this number of market rate housing units. Vertical integration is encouraged between workforce housing or affordable housing and other compatible uses.~~

~~**Policy 1.10-m:** Palm Beach County's Planning, Zoning & Building Department shall coordinate with Palm Tran staff to determine the feasibility of the creation of a transfer station within the SR-7 EDO. The SR-7 EDO may serve as a transit hub for routes served by bus, BRT (bus rapid transit) and other emergent transit systems, including Park and Ride lots where appropriate.~~

~~**Policy 1.10.n:** Connections between adjacent non-residential parcels within the SR-7 EDO shall be conveniently located and designed to accommodate both vehicles and pedestrians. Pedestrian connections between adjacent parcels or between building clusters within a single parcel shall be provided at a minimum of every 500 feet of building frontage or property line, and should be designed and located to maximize access to roadway corridors, transit stops, and parking areas. Such connections shall not result in a walking distance to an existing transit stop exceeding the maximum of 0.25 mile. Connections shall be weather-protected by landscaping or other canopy as shown on the Project's site plan. Cross-access easements shall be platted or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur.~~

~~**Policy 1.10-o:** The Folke Peterson Center for Animal Welfare, and other legally conforming uses existing on the effective date of this SR-7 EDO shall be allowed to continue their operations, to expand, and to continue as legally conforming uses.~~

~~**Policy 1.10-p:** Projects within this SR-7 EDO shall be accessed through Public Rights-of-Way that are platted to Palm Beach County standards and permanently deeded for the use of the general public. Land use amendment proposals within the SR-7 EDO shall specify the location and dimension of said ROW, and shall include sidewalks on both sides, and, where necessary, landscape buffers and screening to protect existing abutting residential uses.~~

~~**Policy 1.10-q:** Notwithstanding the provisions within 3.5-d, projects within the SR-7 EDO shall meet the requirements of and mitigate impacts to SIS (Strategic Intermodal Transportation System) facilities affected by the project.~~

~~**Policy 1.10-r:** Land Use Amendments requesting approval of SR-7 EDO approved uses shall demonstrate street connectivity with other existing or planned roads within the SR-7 EDO and adjacent areas. Truck traffic shall not utilize roads that service residential properties within the SR-7 EDO.~~

~~**DELETE from Policy 3.5-d:** This policy shall not be applicable to the area designated as SR-7 Economic Development Overlay (EDO). (unaltered policy language omitted for brevity)~~



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

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Mack Bernard, Vice Mayor

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Paulette Burdick

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Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

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MEMORANDUM

TO: Melissa McKinlay, Mayor, and
Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA, Zoning Director 

DATE: June 15, 2018

RE: **Initiation of Unified Land Development Code (ULDC) Amendment
Round 2018-02**

This memo serves to solicit feedback from the Board of County Commissioners (BCC) on the scheduling of ULDC amendments that have been prioritized for inclusion in Round 2018-02.

This memo will be presented at the June 25, 2018 BCC Zoning Hearing for discussion under "ULDC Amendments". In addition, staff has scheduled briefings with each Commissioner in advance of the Hearing to discuss the proposed amendments.

If you should have any questions or require additional information, please contact me at (561) 233-5234.

JM/mc/wh

Attachment 1 - Initiation of ULDC Amendment Round 2018-02

C: Digital Copy:
Amendment Round 02

Email Copy:
Verdenia C. Baker, County Administrator
Patrick W. Rutter, Assistant County Administrator
Ramsay Bulkeley, PZ&B Deputy Director
Wes Blackman, Chair and Members of the LDRAB
Robert Banks, Chief Land Use Assistant County Attorney
Leonard W. Berger, Chief Assistant County Attorney
Lorenzo Aghemo, Planning Director
Maryann Kwok, AICP, Deputy Director, Zoning
Wendy Hernandez, Zoning Manager
William Cross, AICP, Principal Site Planner
Jan Rodriguez, Senior Site Planner, Zoning
Zoning Division Staff

ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2018-02
 (Updated 06/08/18)

SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS	
Land Development Regulation Advisory Board (LDRAB) Meetings:	BCC Zoning Hearings:
<ul style="list-style-type: none"> • July 25, 2018 • August 22, 2018 • September 26, 2018 • October 24, 2018 [Land Development Regulation Commission (LDRC)] 	<ul style="list-style-type: none"> • November 29, 2018: Request for Permission to Advertise • January 3, 2019: 1st Reading • January 24, 2019: 2nd Reading/Adoption

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ARTICLE 1, GENERAL PROVISIONS		
1.E, Nonconformities	Zoning	<ul style="list-style-type: none"> • Definitions- Duplicate term "Project" • Identify a minimum percentage that allows existing non-conforming non-residential properties/structures to deviate from property development regulations and remain conforming; • Modify updates to State Status references.
ARTICLE 2, APPLICATION PROCESSES AND PROCEDURES		
2.B, Public Hearing	Zoning/ Facilities	<ul style="list-style-type: none"> • Codify PPM ZO-O-063 pertaining to processing Public Ownership (PO) Zoning District deviations application.
2.D.7, Reasonable Accommodation	County Attorney	<ul style="list-style-type: none"> • Concurrent with modifications to Article 4 for Congregate Living Facilities, Nursing/Convalescent, Facilities and Medical Offices, modify to address allowance of Reasonable Accommodation process and procedures.
ARTICLE 3, OVERLAYS AND ZONING DISTRICTS		
3.A General; 3.B Overlays; 3.E Planned Development Districts	Zoning/ Planning	<ul style="list-style-type: none"> • Modify to comply with Ord. 2017-036 that amended the Plan to introduce the Congregate Living Residential (CLR) designation. Additional Articles in the Code may be affected.
3.B Overlays	Zoning	<ul style="list-style-type: none"> • Delete references to Special Permit to be consistent with recent amendments to Art. 2.
3.B.15 Overlays-Urban Redevelopment Area Overlay (URAO)	Zoning/ Planning	<ul style="list-style-type: none"> • Identify and modify requirements of the URAO to facilitate development in the Overlay.
3.D Property Development Regulations	Zoning/ Planning	<ul style="list-style-type: none"> • Identify and modify requirements for parcels within the RR-2.5 Future Land Use (FLU) and the Agricultural Residential (AR) Zoning District, where legal lots exists less than the 2.5 acres. Additional Articles in the Code may be affected • Identify and modify requirements for Multi-family housing as it relates to property development regulations for Land Lease housing.
3.D.2 Property Development Regulations - PDRs for Specific Housing Types	Zoning	<ul style="list-style-type: none"> • Identify and modify requirements for Zero Lot Line housing Design Standards including graphics and provisions for porches, balconies and other open areas located along the zero-lot-line side of a ZLL home, whether on the first or upper floors, to respond to industry trends. Additional Articles in the Code, PPM-ZO-O-056, and PPM ZO-O-024 ZLL may be affected.

ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2018-02
 (Updated 06/08/18)

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
3.E, Planned Development Districts (PDDs)	Zoning/ Building	<ul style="list-style-type: none"> • Identify and modify the standards PDD's, such as limits on freestanding sign height, circulation around buildings, and parking for industrial uses and identify areas where they are inconsistent or more restrictive than standard zoning districts; • Identify and modify the requirements for rezoning AGR Preserve Parcels, versus only using the restrictive covenant. • Identify and modify Concurrency process and procedures for AGR Preserve Parcels to ensure compliance with adequate public facilities (i.e. water, sewer drainage, parks, solid waste, etc.) through the Building Permit process. • Identify and modify the DRO authority to modify housing types and the percentage to transfer density from one Residential Pod to another within the same PDD or the same Pod. Additional Articles in the Code may be affected
ARTICLE 4, USE REGULATIONS		
4.B Use Classification	Zoning/ Planning/ Land Development	<ul style="list-style-type: none"> • Identify and modify Use Regulations standards for multiple uses that are required to be located on an arterial or collector road classification, and compare those requirements to those established Article 11, Subdivision, and/or Article 12 Traffic Performance Standards.
4.B.2 Use Classification-Residential and Institutional, Public and Civic Uses -Congregate Living Facilities (CLF) and Nursing/Convalescent Facilities	Zoning/ Planning/ County Attorney	<ul style="list-style-type: none"> • Modify to comply with Ord. 2017-036 that amended the Plan to introduce the Congregate Living Residential (CLR) designation within the Urban Suburban Tier. Additional Articles in the Code may be affected • Concurrent with modifications to Article for Reasonable Accommodation, identify and modify the Use Regulations for continuum of care for the rehabilitation industry, and distinguish differences in the regulations for Congregate Living Facilities and Nursing/Convalescent, Facilities. • Clarify that 24-hour nursing is not allowed in a CLF as it conflicts with the definition of the use. • Revise the definition of nursing home to categorize residential treatment pursuant to Chapter 397 as included in the nursing home use. • Allow a Veterinary Clinic to be collocated with an Animal Shelter is allowed subject to the Use Regulations.
4.B.2 Use Classification- Commercial Veterinary Clinic	Zoning	<ul style="list-style-type: none"> • Identify and modify Use Regulations for Landscape Services. Staff and Industry have been meeting on a regular basis in 2017 to ascertain how best to accommodate the Landscape Service use that is integrated with the nursery industry. After three subcommittee meetings in April, May and November, the subcommittee motion was to seek direction from the BCC to: <ul style="list-style-type: none"> • Take into account more than 30 percent of the land area for accessory Landscape Service use, as that is the maximum percentage allowed for accessory uses, or; • Consider a Comprehensive Plan amendment to address this Commercial use in residential or agricultural zoning districts.
4.B.2 Use Classification- Commercial Landscape Service:	Zoning/ Planning/	<ul style="list-style-type: none"> • Identify and modify Use Regulations for Landscape Services. Staff and Industry have been meeting on a regular basis in 2017 to ascertain how best to accommodate the Landscape Service use that is integrated with the nursery industry. After three subcommittee meetings in April, May and November, the subcommittee motion was to seek direction from the BCC to: <ul style="list-style-type: none"> • Take into account more than 30 percent of the land area for accessory Landscape Service use, as that is the maximum percentage allowed for accessory uses, or; • Consider a Comprehensive Plan amendment to address this Commercial use in residential or agricultural zoning districts.

ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2018-02
 (Updated 06/08/18)

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ARTICLE 5, SUPPLEMENTARY STANDARDS		
5.B.1.A Accessory Uses and Structures-	Zoning/ Building/ Fire	<ul style="list-style-type: none"> Modify language to clarify that accessory structure can exceed the principal use floor area when located in any other tier other than Urban /Suburban. Modify use approval process to be permitted by right for accessory solar units in all zoning districts Identify and modify language to ensure Outdoor storage area are consistent with regulations of PBC Fire Rescue, i.e. heights, size, access roads, water source, etc..
5.B.1.B Accessory Uses and Structures-Emergency or Temporary Government or Utility Structures	Zoning/ Building	<ul style="list-style-type: none"> Reorganize zoning regulations related to temporary structures and accessory structures primarily reviewed through the Building Division permit review process. Establish regulations to address Temporary Construction Fencing required during construction Standards will include approval process, fencing material, signage and removal timeframes.
5.F Legal Documents	Zoning/ Building	<ul style="list-style-type: none"> Modify language to ensure that encroachments of buildings, screen enclosures, pools or spaces are prohibited
ARTICLE 6, PARKING AND LOADING		
6.A Parking; 6.B Loading Standards	Zoning/ Land Development / Code Enforcement	<ul style="list-style-type: none"> Identify and Modify parking requirements for uses to respond to industry trends and current engineering studies; as well as the process and procedures to reduce parking through a Parking Demand Study and Shared Parking Agreement; Identify and modify the regulations for commercial vehicles located within Residential Zoning Districts for Residential uses.
ARTICLE 7, LANDSCAPING		
7.G Enforcement	Zoning/ Cty Attorney/ Code Enforcement	<ul style="list-style-type: none"> Codify PPM ZO-O-061 that addresses illegal removal of trees and penalties and process of trees being illegally removed.
ARTICLE 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS		
11.A General	Zoning/ Land Development	<ul style="list-style-type: none"> Identify and Modify process and procedures for the review of legal lots. Additional Articles in the Code may be affected.
ARTICLE 16, AIRPORT REGULATIONS		
16 Airport Regulations	Department of Airports	<ul style="list-style-type: none"> Identify and modify regulations to be consistent with Ordinance 2017-025. Address issues from the Florida Department of Transportation and Department of Aviation and Spaceports for consistency with the Florida Statutes. Additional Articles in the Code may be affected
PRIVATELY INITIATED AMENDMENTS (PIA) (MAY BE PROCESSED OUT OF ROUND)*		
Pioneer Road Overlay	Zoning	<ul style="list-style-type: none"> Phase 1 – Pioneer Road Property Owner’s Association- Establish a new Zoning Overlay for an area of approximately 508 acres covered by the Pioneer Road Neighborhood Plan which is West of Jog Road along the South side of Southern Boulevard. The Overlay will establish minimum property development regulations such as minimum lot size that preserve the rural character of the area and protect rural and estate home uses.

ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2018-02
 (Updated 06/08/18)

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
Lee Square	Zoning/ Planning	<ul style="list-style-type: none"> Phase 1 – Identify and modify Articles 3 and 4 to allow residential uses within the Multiple Use Planned Development District (MUPD).
OTHER		
2018 Comprehensive Plan Text Amendments	Zoning/ Planning	Proposed 2018 Comprehensive Plan amendments, may need the ULDC to be amended to: Address policies oriented to promote urban agriculture in the County where feasible.

Scheduled LDRAB/LDRC Meeting Dates

July 25, 2018 LDRAB
 August 22, 2018 LDRAB
 September 26, 2018 LDRAB
 October 24, 2018 LDRAB/LDRC

ULDC Amendment Tracking Schedule

Round 2018-02

Updated **7/13/2018**

Scheduled BCC Zoning Hearing Dates

November 29, 2018 (Request Permission to Advertise)
 January 3, 2019 (First Reading)
 January 24, 2019 (Adoption)

Article	Amendment Summary	Case Number	LDRAB Meeting LDRC Meeting	Subco Status	PM
1	Duplicated definition of the term "Project" contained in two parts of Article 1; under Chapter C, Rules of Construction and Measurement and Chapter I, Definitions and Acronyms.	CR-2014-012	7/25/2018	N Open	Jan Rodriguez
1	Non-conforming Setbacks and Percentage for Renovations: identify a minimum percentage that allows mostly non-residential properties to deviate from property development regulations without becoming non-conforming.	CR-2015-024	10/24/2018	Open	To be determined
1	Delete References to Florida Administrative Code Rule 9J-5 repeated in 2011. The rule was adopted by the Department of Community Affairs (DCA) and provided details and specificity for local governments to create their comprehensive plan. The law contains specific provisions related to the contents and requirements of the Comprehensive Plan elements.	CR-2016-016	7/25/2018	Open	Jan Rodriguez
2	PO Zoning District Deviations: Codify PPM ZO-O-063 pertaining to processing Public Ownership (PO) Zoning District deviations application.	CR-2018-026	8/22/2018	Open	Wendy Hernandez
3	AGR Preserve PUD Concurrency for Parcel Uses: Related to uses permitted by right and compliance with concurrency at building permit.	CR-2016-014	8/22/2018	Open	To be determined
3	PBC Community Land Trust - PDRs for Land Lease Homes:	CR-2016-033	8/22/2018	Open	To be determined
3	Art. 3.E, Planned Development Districts - General Updates: Delete any standards that creates disincentives for PDDs over standard districts (e.g. limits on freestanding sign height, circulation around buildings, and parking for industrial uses, etc.). See also Central Park Commerce Center.	CR-2016-034	10/24/2016	Open	To be determined

Article	Amendment Summary	Case Number	LDRAB Meeting LDRC Meeting	Subco Status	PM
3	Cottages (FKA Tiny Homes): Create PDR's and standards on style and how to process zoning/permit review. See additional history in CR-2016-032.	CR-2017-026	9/26/2018	Open	Maryann Kwok
3	Consolidate with CR-2018-024 Art. 3.D.2.C. ZLL Design Standards: Incorporate revised graphics and updated provisions for porches, balconies and other open areas located along the zero-lot-line side of a ZLL home, whether on the first or upper floors, to respond to industry trends. PPM ZO-O-024 ZLL (Revised Graphics). May also include additional ZLL	CR-2017-029	9/26/2018	N Open	To be determined
3	PDRs for parcels with RR-2.5 FLU and AR zoning 2.5 AC or less: Comprehensive review of specific provisions that apply to AR Zoning District to address an abundance of lots that are in the RR-2.5 (mainly in the Acreage) with lots sizes smaller than the minimum PDRs applicable and lack of consistent exemption. Amendments may include Art. 1 related to non-	CR-2018-004	8/22/2018	Open	To be determined
3	DRO Authority to Modify Housing Type: Art. 3.E.1.E allows a change in housing type, a transfer in density or a density decrease from one Residential pod to another within the same Planned development.	CR-2018-024	9/26/2018	N Open	Wendy Hernandez
3	URAO Updates to streamline the approval process: General analysis of the URAO provisions to identify possible standards that can be relaxed to facilitate development of the Overlay.	CR-2018-029	10/24/2018	N Open	To be determined
3	Consolidate with CR-2018-024 Zero Lot Line: Comprehensive review of ZLL to address new design options such as balconies projections.	CR-2018-033	9/26/2018	N Open	To be determined
3	Implement CLR FLU designation: Update the ULDC to comply with Ord. 2017-036 that amended the Plan to introduce the Congregate Living Residential (CLR) Future Land Use (FLU) designation.	CR-2018-039	9/26/2018	N Open	To be determined
3	AGR PUD Preserve Parcels: Clarification needed to determine when a parcel is subject to rezoning or not when a covenant is recorded.	CR-2018-040	9/26/2018	N Open	To be determined
3	Residential Uses in MXP and MUPD: Implement Plan policies in Ord. 2017-004 that promotes mixed uses by allowing 100 percent of the underline residential density in Multiple Use Planned Development and Mixed Use Planned Development Districts and exempt MXP from internal trip capture.	CR-2018-041	10/24/2018	N Open	Wendy Hernandez

Article	Amendment Summary	Case Number	LDRAB Meeting LDRC Meeting	Subco mmitte	Status	PM
3	Special Permit References: House keeping item to delete references to Special Permit in the Airport Zoning Overlay, Glades Area Overlay, Losto Overlay, and Sugar Cane Growers Cooperative of Florida Protection Area Overlay as the approval is transitioning to Development Review Officer (DRO) process. Recent amendments to Art. 2, Processes and	CR-2018-042	8/22/2018	N	Open	Jan Rodriguez
4	Sober Home Industry: Ensure that existing uses accommodate full Continuum of Care for the Rehabilitation Industry, including but not limited to: Housing, Treatment, Emergency Treatment, etc, consistent with State Statutes.	CR-2016-040	10/24/2018		Open	To be determined
4	Art. 4.B.2.C.20, Landscape Service: Reflect BCC direction from January 25, 2018 Zoning Hearing to review the Comprehensive Plan and ULDC to allow the use accessory to a valid nursery.	CR-2017-007	8/22/2018		Open	Wendy Hernandez
4	Consolidate with CR-2016-040 Congregate Living Facilities (CLF) and Nursing Homes - Planning ordinance 2017-036 requires ULDC regulations further distinguish between residential CLF uses and non-residential medical or treatment facilities including nursing and convalescent facilities including those located in Institutional INST Future Land Use (FLU)	CR-2017-027	10/24/2018		Open	To be determined
4	Veterinary Clinic in the AGR Zoning District to allow outdoor runs through Cond. Use Approval.	CR-2018-011	8/22/2018		Open	Jan Rodriguez
4	Location requirement on Arterial and Collector in uses: Ensure frontage, access or location standard in uses as contained in Art. 4 are necessary otherwise make them subject to Art. 11.	CR-2018-021	9/26/2018	N	Open	To be determined
5	Art. 5.F.2.A.2, Major Encroachments - Clarify Prohibition: Edit language related to encroachment of buildings, screens enclosures, pools or spas into easement from "shall not be permitted" to "shall be prohibited" in order to avoid variance request.	CR-2016-013	7/25/2018		Open	Wendy Hernandez
5	Art. 5.B.1.B Temporary Structures: Tentative reorganization of zoning regulations related to temporary structures and structures mainly under the Building Division.	CR-2018-002	8/22/2018		Open	Maryann Kwok
5	Temporary Construction Fence: Incorporate regulations to address screening, removal, signage and approval.	CR-2018-014	8/22/2018		Open	Maryann Kwok

Article	Amendment Summary	Case Number	LDRAB Meeting LDRC Meeting	Subco mmitte	Status	PM
<u>5</u>	Art. 5.B.1.A Solar units as an accessory use: Request to be permitted by right accessory in all major zoning districts. Implement an ordinance that improves solar-friendliness.	CR-2018-016	8/22/2018		Open	Wendy Hernandez
<u>5</u>	Accessory Structures Area in Residential Zoning Districts by Tier: Language in Art. 5.B.1.A.1.c.2) needs clarification to state that an accessory use or structure can exceed the principal use floor area when located in any tier other than U/S.	CR-2018-022	8/22/2018	N	Open	Wendy Hernandez
<u>5</u>	Outdoor Storage - Forester Products/ Mulching Facilities: Update outdoor storage provisions for consistency with PBC Fire Rescue related to pile size, access roads, distance between piles, and water source.	CR-2018-038	8/22/2018	N	Open	Jan Rodriguez
<u>6</u>	Art 6, Parking by Use Classification: Reorganize standards for consistency with project review, update parking and loading requirements by use classification to respond to industry trends, codify PPM-ZO-O-053 pertaining to queing standards for dual drive-thru lanes with menu boards, streamline share parking requirements where possible, explore possible	CR-2018-020	9/26/2018		Open	Wendy Hernandez
<u>6</u>	Consolidate with Case 2018-020. Commercial Vehicles in AR/RSA Zoning District: Correct 1992 language that considers AR Zoning District a non-residential zoning district for purpose of parking commercial vehicles to update the maximum number of commercial vehicles to be allowed in residential zoning districts tentatively to be based on site acreage.	CR-2018-025	9/26/2018		Open	Wendy Hernandez
<u>7</u>	Tree Removal: Codify PPM ZO-O-061 which addresses legal removal of trees and penalties and process of trees being illegally removed.	CR-2018-030	8/22/2018	N	Open	Maryann Kwok
<u>8</u>	Billboard: Introduce regulations for electronic billboards and minor amendments to PDRs.	CR-2018-037	10/24/2018	N	Open	To be determined
<u>11</u>	Legal Lot of Record: Review of legal lot of record process and how a lot is determined to be legal.	CR-2018-032	10/24/2018	N	Open	To be determined
<u>16</u>	Address Issues in Art. 16 Amendments Contained in Ord. 2017-025: Address comments from the Florida Department of Transportation/Aviation and Spaceports Office and changes to the State Statutes related to siting educational and child care facilities within airport zones. Includes amendments to Art. 1, 2, 4 and 16.	CR-2018-031	7/25/2018	N	Open	Wendy Hernandez