



**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**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Maria G. Marino
Gregg K. Weiss
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
PLANNING DIVISION**

TO: Wesley Blackman, AICP, Chairman, and Members of the
Land Development Regulation Advisory Board (LDRAB)
wesblackman@gmail.com

FROM:  Bryan Davis, Principal Planner
Planning Division

DATE: May 26, 2021

RE: Comprehensive Plan Consistency Determination for proposed
Unified Land Development Code (ULDC) amendments

The Planning Division has determined that the proposed ULDC amendments, Exhibits C, and E-I of the packet provided by the Zoning Division, and scheduled for the May 26, 2021 LDRAB/LDRRC meeting, is generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Patricia Behn, Planning Director
Jon MacGillis, Zoning Director
Kevin Fischer, Deputy Planning Director
Wendy Hernandez, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner
Carolina Valera, Senior Planner

T:\Planning\CURRENT\ULDC\Code Revisions\LDRAB-LDRRC\2021\05 - May\5-26-21 LDRRC Consistency Memo.docx



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

MAY 26, 2021

BOARD MEMBERS

**Wesley Blackman, AICP, Chair (PBC Planning Congress)
Dr. Lori Vinikoor, Vice-Chair (District 5)**

Charles Millar (District 1)

Ned Kerr (District 2)

Ari Tokar (District 3)

Jim Knight (District 4)

Ben Morris (District 6)

Robert J. Harvey (District 7)

**Donald R. Barnes (Gold Coast Builders
Association)**

Anna Yeskey (Palm Beach League of Cities)

Terrence Bailey (Florida Engineering Society)

Lucille Hinnars (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

**Frank Gulisano (Realtors Association of the Palm
Beaches)**

**Jim Sullivan (Florida Surveying and Mapping
Society)**

**Charles Drawdy (Assoc. General Contractors of
America)**

Tommy B. Strowd (Alternate At-Large #1)

Abraham Wien (Alternate At-Large #2)

Board of County Commissioners

**Dave Kerner
Mayor, District 3**

**Robert S. Weinroth
Vice Mayor, District 4**

**Maria G. Marino
Commissioner, District 1**

**Maria Sachs
Commissioner, District 5**

**Mack Bernard
Commissioner, District 7**

**Gregg K. Weiss
Commissioner, District 2**

**Melissa McKinlay
Commissioner, District 6**

County Administrator

Verdenia C. Baker



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411-2711 (561) 233-5200

This page left blank intentionally



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

WEDNESDAY, MAY 26, 2021 AGENDA

**KENNETH S. ROGERS HEARING ROOM (VC-1W-47)/COMMUNICATIONS MEDIA TECHNOLOGY
(CMT)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Introductions – Charles Millar as New Board Member
4. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
5. Motion to Adopt Agenda
6. Adoption of Minutes – April 28, 2021 (Exhibit A)
7. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

PAGES

- | | |
|---|---------|
| 1. Exhibit B Art. 2, 7, 10, and 14, South Florida Water Management District Irrigation Guidelines | 1 – 5 |
| 2. Exhibit C Art. 1-5, Non-Residential | 6 – 48 |
| 3. Exhibit D Art. 7, Landscape Buffer/Walls | 49 – 51 |

C. CONVENE AS LDRC

- | | |
|---|---------|
| 1. Proof of Publication | |
| 2. Consistency Determination for Exhibits B-I | 52 – 52 |
| 3. Exhibit E Art. 1, 2, 7, and 14, Vegetation Preservation and Protection | 53 – 63 |
| 4. Exhibit F Art. 2, Administrative Development Order Appeals to Hearing Officers | 64 – 65 |
| 5. Exhibit G Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards | 66 – 73 |
| 6. Exhibit H Art. 5, Dumpster Setbacks | 74 – 75 |
| 7. Exhibit I Art. 5, Release of Unity of Title Reference | 76 – 76 |

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. STAFF COMMENTS

F. BOARD MEMBER COMMENTS

G. ADJOURNMENT

This page left blank intentionally

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

(Updated 05/13/21)

Minutes of April 28, 2021 LDRAB Meeting

On Wednesday, April 28, 2021, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:00 p.m. Mr. Alexander Biray, Code Revision Site Planner I, called the roll.

Members Present: 15

Joanne Davis (District 1, Commissioner Marino)
Ned Kerr (District 2, Commissioner Weiss)
Ari Tokar (District 3, Commissioner Kerner)* ***
Jim Knight (District 4, Commissioner Weinroth)
Dr. Lori Vinikoor (District 5, Commissioner Sachs)
Ben Morris (District 6, Commissioner McKinlay)* ****
Donald R. Barnes (Gold Coast Builders Association)
Anna Yeskey (League of Cities)
Terrence Bailey (Florida Engineering Society)
Lucille Hinnens (American Institute of Architects)
Susan A. Kennedy (Environmental Organization)
Frank Gulisano (Realtors Association of the Palm Beaches)
Jim Sullivan, Florida Surveying and Mapping Society
Wesley Blackman (PBC Planning Congress)
Tommy B. Strowd (Alternate At-Large #1)

Members Absent: 3

Robert J. Harvey (District 7, Commissioner Bernard)
Charles D. Drawdy (Assoc. General Contractors of America)
Abraham Wien (Alternate At-Large #2)

County Staff Present: 26

Whitney Carroll, Deputy Planning, Zoning and Building Executive Director*
Jon MacGillis, Zoning Director*
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner, Zoning
Monica Cantor, Principal Site Planner, Zoning*
Barbara Pinkston, Principal Site Planner, Zoning*
Adam Mendenhall, Senior Site Planner, Zoning
Imene Haddad, Senior Site Planner, Zoning*
Timothy Haynes, Senior Site Planner, Zoning*
Rafik Ibrahim, Senior Site Planner, Zoning/Building*
Albert Jacob, Senior Site Planner, Zoning*
Joyce Lawrence, Senior Site Planner, Zoning*
Carlos Torres, Senior Site Planner, Zoning*
Ryan Vandenburg, Interim Principal Site Planner, Zoning*
Jerome Ottey, Site Planner II, Zoning
Alexander Biray, Site Planner I, Zoning
Dorine Kelley, Customer Relations Manager, Zoning**
Elizee Michel, Westgate Community Redevelopment Agency Executive Director
Denise Pennell, Senior Planner, Westgate Community Redevelopment Agency**
Scott A. Stone, Assistant County Attorney I
Bryan Davis, Principal Planner, Planning
Carolina Valera, Senior Planner, Planning*
Nora G. Acord, Planning Technician, Planning*
Roberta Dusky, Environmental Program Supervisor, ERM*
Mark Meyer, Site Planner II, ERM*
Lorinda J. Goldsmith, Senior Network Administrator*

Vacancies: 0

* Present via Webex Events.

** County Staff in audience.

*** Mr. Tokar arrived at 2:08 p.m.

**** Mr. Morris could not be heard until Exhibit B.

2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Mr. Morris, by Dr. Vinikoor, seconded by Mr. Knight. The Motion passed unanimously (13-0).

3. Additions, Substitutions, and Deletions

None.

4. Motion to Adopt Agenda

Motion to adopt the Agenda, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (13-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 05/13/21)

Minutes of April 28, 2021 LDRAB Meeting

5. Adoption of Minutes – March 24, 2021 (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Knight. The Motion passed unanimously (13-0).

6. Public Comments

None.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

1. Exhibit B – Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards

Ms. Pennell introduced Mr. Josh Nichols, consultant for the WCRA, and Mr. Michel present, and explained the amendment renames Tables, relocates text, and corrects scrivener's errors for clarification and consistency, and introduces a new Single Family housing type based on lot configuration in the NRM Sub-area.

*** Mr. Tokar arrived at 2:08 p.m.

a. Discussion

Ms. Pennell and other Staff answered questions from the Board regarding the acronyms used, workforce housing, density, and property development regulations.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (15-0).

2. Exhibit C – Art. 5, Release of Unity of Title Reference

Mr. Gagnon explained the amendment is to correct a repealed Policies and Procedures Memorandum (PPM) reference to the applicable ULDC Section where it was codified.

a. Discussion

None.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Knight. The Motion passed unanimously (15-0).

C. PRIVATELY INITIATED AMENDMENTS – INITIATION (PHASE 1)

1. Exhibit D – PIA-2020-02168, Dog Friendly Dining

Mr. Gagnon explained the PIA process to the Board. Mr. Jared Taylor, Agent for the Applicant Lazy Dog Restaurants, LLC, explained the business model of allowing customers to dine with their dogs outdoors, and compliance with the Florida Statutes for Local Governments to establish an official process for all outdoor dog-friendly dining establishments.

a. Discussion

Mr. Taylor and Staff answered questions from the Board regarding the establishment layout and access without entering indoors, pets allowed beyond dogs, approval/permitting process, food service and sanitation, controlling dangerous dogs, existing related County regulations, creating non-conformities, municipal jurisdiction applicability, and allowance for additional regulations the County may require beyond State law. Mr. Gagnon also noted the Applicant met the six standards for initiation.

Motion to recommend approval of Phase 1 and initiate Phase 2 as a standalone Ordinance with an independent review schedule and with no Subcommittee (LDRAB Option 2), by Ms. Kennedy, seconded by Mr. Gulisano. The Motion passed unanimously (15-0).

D. STAFF COMMENTS

1. Follow-Up on LDRAB Rules of Procedure Amendments as Required or Desired by the Board

Mr. Gagnon explained the item is a follow-up on any modifications to the Rules of Procedure required by an Ordinance adopted by the Board of County Commissioners (BCC) allowing an in-person quorum of 25 percent of appointed members, or as requested by the Board. Mr. Stone added the Ordinance only changes the in-person requirement and supersedes anything in conflict. He recommended changing Article IV, Meetings, subparagraph B.1 from "That the quorum necessary to take action and transact business is physically present at the meeting..." to "25 percent of the appointed members are physically present at the meeting..." and subparagraph B.2 from "...by a majority vote of the quorum present..." to "...by a majority vote of the members physically present..."

a. Discussion

Ms. Yeskey asked if the rule could change and how it relates to State law. Mr. Stone responded the Ordinance was the result of quorum issues with the Planning Commission, applicable to all County-created boards, and not addressed by the State.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**
(Updated 05/13/21)

Minutes of April 28, 2021 LDRAB Meeting

Motion to approve, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (15-0).

E. BOARD MEMBER COMMENTS

Dr. Vinikoor asked for clarification about an email invitation received from Mr. Biray for a Community Residential Housing meeting on Tuesday, May 4th from 6:00-7:30 p.m. Mr. Gagnon responded, per request from the Board of County Commissioners during the Request for Permission to Advertise hearing for the amendment, it is a virtual informational meeting open to the public for discussion before the First Reading.

Ms. Davis informed the Board it is her last meeting as the District Commissioner intends to appoint someone else, and thanked Staff and the Board.

F. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 2:47 p.m.

Recordings of all LDRAB meetings 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) 233-5243.

This page left blank intentionally

EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES CR-2020-0015 (Updated 05/12/21)

Part 1. ULDC Art. 2.G.3.F.2, Application Processes and Procedures, Decision Making Bodies, Appointed Bodies, Groundwater and Natural Resources Protection Board, Powers and Duties (page 83 of 101, Supplement 29), is hereby amended as follows:

<p>Reason for amendments: [Zoning/County Administration/Environmental Resources Management]</p> <p>1. Ordinance No. 2006-004, Part 11 added references to Art. 17, Decision Making Bodies, before being relocated to this Article by Ordinance No. 2011-016, the following non-Unified Land Development Code (ULDC) Ordinances as codified in the Code of Laws and Ordinances Relating to Palm Beach County Government (PBC Code): “Palm Beach County Petroleum Storage Systems Ordinance” (Ordinance No. 2003-020); “Palm Beach County Petroleum Contamination Cleanup Criteria Ordinance” (Ordinance No. 2003-021); “Palm Beach County Stormwater Pollution and Prevention Ordinance” (Ordinance No. 2004-050); and, “Palm Beach County Water and Irrigation Conservation ordinance” (Ordinance No. 93-3). Ordinance No. 2010-022, Part 2 added reference to the “Palm Beach County Natural Areas Ordinance” (Ordinance No. 94-13). Ordinance No. 2017-007 changed the reference to Art. 4.D, Excavation Standards to Art. 4.B.10, Excavation Uses per the Use Regulations Project (URP). Ordinance No. 2006-004, Part 7 also added the Ordinance references in Article 17 to Art. 10, Enforcement, but inadvertently was never codified, and doesn’t include the addition in Article 17 by Ordinance No. 2010-022.</p> <p>To correct the error of Ordinance No. 2006-004 never being fully codified and Ordinance No. 2010-022 also applicable to Article 10, and as part of a parallel update repealing and replacing the “Palm Beach County Water and Irrigation Conservation ordinance” (Ordinance No. 93-3) and Ordinance No. 85-11 per the South Florida Water Management District’s (SFWMD) “Model Ordinance and Model Code Language for the District’s Mandatory Year-Round Landscape Irrigation Conservation Measures,” this amendment proposes to update the Ordinance references to the “Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance” and “Palm Beach County Water Shortage Ordinance,” Ordinance Nos. 2003-020 and 2003-021 which are superseded by Ordinance Nos. 2015-008 and 2009-018 respectively, and refer to Art. 10.C, Groundwater and Natural Resources Protection Resources Board.</p>

1 **CHAPTER G DECISION MAKING BODIES**

2

3 **Section 3 Appointed Bodies**

4

5 **F. Groundwater and Natural Resources Protection Board**

6 **1. Establishment**

7 There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

8 **2. Powers and Duties**

9 The GNRPB shall have the following powers and duties:

- 10 a. to hold hearings as necessary to enforce Art. 14, Environmental Standards pursuant to Art.
11 10.C, Groundwater and Natural Resources Protection Board. ERM may refer to the
12 GNRPB alleged violations of Art. 14, Environmental Standards, and applicable Art. 4.B.10,
13 Excavation Uses, ~~Ord. No. 2003-020, Petroleum Storage Systems, Ord. No. 2003-021,~~
14 ~~Petroleum Contamination Cleanup Criteria, Ord. No. 2004-050, Stormwater Pollution~~
15 ~~Prevention, Ord. No. 94-13, Natural Areas, and Ord. No. 93-3, Water and Irrigation~~
16 ~~Conservation as amended to the GNRPB~~ as well as the “Palm Beach County Natural Areas
17 Ordinance” (Ordinance No. 94-13), “Palm Beach County Stormwater Pollution Prevention
18 Ordinance” (Ordinance No. 2004-050), “Palm Beach County Petroleum Contamination
19 Cleanup Criteria Ordinance” (Ordinance No. 2009-018), “Palm Beach County Pollutant
20 Storage Tank System Compliance Ordinance” (Ordinance No. 2015-008), “Palm Beach
21 County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance”
22 (Ordinance No. 2021-), and “Palm Beach County Water Shortage Ordinance” (Ordinance
23 No. 2021-), as amended or replaced, if there has been a failure to correct a violation
24 within the time specified by the Code Inspector, if ~~thea~~ violation has been repeated, or is
25 of such a nature that it cannot be corrected; **[Ord. 2006-004] [Ord. 2010-022] [Ord. 2017-**
26 **007]**
- 27 b. to adopt rules of procedure for the conduct of hearings;

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2020-015 - Art. 2, 7, 10, and 14 SFWMD Irrigation Guidelines.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT B

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 7 – LANDSCAPING
ARTICLE 10 – ENFORCEMENT
ARTICLE 14 – ENVIRONMENTAL STANDARDS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES
CR-2020-0015
(Updated 05/12/21)**

- 1 c. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas
- 2 may be served by the PBC Sheriff's Department, or other authorized persons consistent
- 3 with Florida Law;
- 4 d. to issue subpoenas compelling the provision of evidence at GNRPB hearings;
- 5 e. to take testimony under oath;
- 6 f. to issue orders having the force of law commanding whatever steps are necessary to
- 7 achieve compliance with the violation of Art. 14, Environmental Standards;
- 8 g. to lien property; and,
- 9 h. to assess administrative fines and costs pursuant to Art. 14, Environmental Standards.
- 10

Part 2. ULDC Art. 2.G.3.G.2, Application Processes and Procedures, Decision Making Bodies, Appointed Bodies, Hearing Officers, Duties (page 84 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]
1. Clarify that Hearing Officers cannot administer oaths unless they are notaries.

11 **CHAPTER G DECISION MAKING BODIES**

12

13 **Section 3 Appointed Bodies**

14

15 **G. Hearing Officers**

16 **1. Creation and Appointment**

17 The County Administrator may, from a pool selected by the BCC, appoint one or more hearing
18 officers to hear and consider such matters as may be required under any provision of this Code
19 or under any provision of any other Palm Beach County Ordinance as may be determined to
20 be appropriate by the BCC from time to time. Such hearing officers shall be selected pursuant
21 to the procedures and minimum qualifications provided for in Art. 2.G.3.B, Code Enforcement
22 Special Master, and shall serve at the pleasure of the BCC for such period as is determined by
23 the Board. Code Enforcement Special Masters may serve ex officio as Hearing Officers as set
24 forth in this Section. **[Ord. 2010-022] [Ord. 2015-006]**

25 **2. Duties**

26 A hearing officer shall have the following duties:

- 27 a. to conduct hearings and issue administrative orders on such matters as may be requested
- 28 by the BCC;
- 29 b. to issue subpoenas to compel the attendance of witnesses and production of documents,
- 30 and to administer oaths to witnesses appearing at the hearing as provided by law; and,
- 31 c. to perform such other tasks and duties as the BCC may assign.

32

Part 3. ULDC Art. 7.F.5, Landscaping, Installation and Maintenance, Irrigation (page 51 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]
1. Reorder Section paragraph sentences to flow better into listing Zoning irrigation standards.
2. Add the Property Owner may be responsible for installing the irrigation system as the owner-builder, and may be responsible for maintaining it after it is installed whether by themselves or a professional.
3. Add reference to the proposed "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" and "Palm Beach County Water Shortage Ordinance."

33 **CHAPTER F INSTALLATION AND MAINTENANCE**

34

35 **Section 5 Irrigation**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2020-015 - Art. 2, 7, 10, and 14 SFWMD Irrigation Guidelines.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ARTICLE 7 – LANDSCAPING

ARTICLE 10 – ENFORCEMENT

ARTICLE 14 – ENVIRONMENTAL STANDARDS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES

CR-2020-0015
(Updated 05/12/21)

- 1 ~~The licensed professional or irrigation contractor responsible for the installation of irrigation shall~~
 2 ~~demonstrate compliance with the irrigation standards.~~ Landscaped areas shall be irrigated to maintain
 3 required plant materials in good and healthy condition. ~~The licensed professional, irrigation contractor, or~~
 4 ~~Property Owner responsible for the installation and maintenance of irrigation systems shall comply with the~~
 5 ~~“Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance”~~
 6 ~~(Ordinance No. 2021-), “Palm Beach County Water Shortage Ordinance” (Ordinance No. 2021-), and-~~
 7 ~~Irrigation systems shall comply with~~ the following standards:
 8 A. All landscaped areas requiring irrigation shall be provided with an automated irrigation system that
 9 provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip
 10 irrigation.
 11 B. Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent
 12 schedule than lawn areas. A rain-sensor switch shall be installed on systems with automatic
 13 controllers.
 14 C. Irrigation systems shall be designed as not to overspray water impervious areas. All irrigation
 15 systems shall be continuously maintained in working order.
 16 D. Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public
 17 street which causes water from the system to spray onto the roadway or strike passing pedestrian
 18 or vehicular traffic.
 19 E. The use of irrigation quality or re-used water is encouraged for parks and recreation facilities:
 20 1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
 21 2. Where irrigation quality or re-used water is available and where such reuse is approved by the
 22 regulatory agencies.
 23 F. Permanent irrigation systems are not required for areas set aside on approved site development
 24 plans for preservation of existing native vegetation.
 25 G. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to
 26 meet the standards of this Section, upon approval of the Zoning Division.

Part 4. ULDC Art. 10.B, Enforcement, Enforcement by Code Enforcement Special Masters (pages 3 and 5 of 12, Supplement 21), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]
1. Add that Code Enforcement Special Masters has the jurisdiction and authority to hold hearings for violations of the proposed irrigation Ordinances, and clarify a broader scope of cases Special Masters hear.

27 CHAPTER B ENFORCEMENT BY CODE ENFORCEMENT SPECIAL MASTERS
28

The Code Enforcement Special Master, (herein after also referred to as Special Masters) shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by PBC including, but not limited to the following codes: building, electrical, fire, gas, landscape, plumbing, sign, zoning, irrigation, and any other ~~similar type~~ codes which may be passed by PBC in the future ~~which regulate aesthetics, construction, safety, or location of any structure on real property in PBC~~ that afford the Special Master jurisdiction and authority to hear and make decisions concerning the alleged violation(s). Further, any violation(s) of this Code may be prosecuted pursuant to the following standards and procedures.

29

30 Section 2 Hearings

31

32 G. Powers

- 33 Special Master shall have the power to:
- 34 1. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a
 - 35 Sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil
 - 36 Procedure upon request by the Special Master.
 - 37 2. Subpoena records, surveys, plats, and other documentary materials.
 - 38 3. Take testimony under oath.
 - 39 4. Issue orders having the full force and effect of law to command whatever steps are necessary
 - 40 to bring a violation into compliance.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2020-015 - Art. 2, 7, 10, and 14 SFWMD Irrigation Guidelines.docx

Notes:

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

EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES CR-2020-0015 (Updated 05/12/21)

- 1 5. Assess fines, Lien Property and assessment costs pursuant to Art. 10.B.3, Administrative
2 Fines, Costs, Liens; Costs; Liens of this Article, including costs relating to the prosecution of
3 cases before the Special Master in those cases where the governing body prevails.

Part 5. ULDC Art. 10.C, Enforcement, Groundwater and Natural Resources Protection Resources Board (page 7 of 12, Supplement 21), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]
1. Ordinance No. 2006-004, Part 7 added language consistent with Part 11 to Article 17, now Article 2, but was inadvertently never codified in this Article. Ordinance No. 2010-022, Part 2 also added reference to non-ULDC “Palm Beach County Natural Areas Ordinance” (Ordinance No. 94-13) to Article 17 regarding the Groundwater and Natural Resources Protection Board (GNRPB), and should have been reflected in this Article. This amendment proposes to fix these errors by adding and updating the Ordinance references consistent with Part 1.

4 **CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD**

5
6 ERM may refer alleged violations of Art. 14, Environmental Standards, or Art. 4.B.10, Excavation Uses, of
7 this Code; or the “Palm Beach County Natural Areas Ordinance” (Ordinance No. 94-13), “Palm Beach
8 County Stormwater Pollution Prevention Ordinance” (Ordinance No. 2004-050), “Palm Beach County
9 Petroleum Contamination Cleanup Criteria Ordinance” (Ordinance No. 2009-018), “Palm Beach County
10 Pollutant Storage Tank System Compliance Ordinance” (Ordinance No. 2015-008), “Palm Beach County
11 Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance” (Ordinance No. 2021-
12), or “Palm Beach County Water Shortage Ordinance” (Ordinance No. 2021-), as amended or replaced,
13 to the Groundwater and Natural Resources Protection Board (GNRPB) for prosecution pursuant to the
14 following standards and procedures in this Chapter. [Ord. 2006-004] [Ord. 2017-007]

15

Part 6. ULDC Art. 14.C.7.B.7, Environmental Standards, Vegetation Preservation and Protection, Application, Process, and General Standards, Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater (pages 38 and 40 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]
1. Add reference to the proposed “Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance” and “Palm Beach County Water Shortage Ordinance” concerning landscape irrigation.

16 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

17

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

19

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

23

24 **7. Mitigation or Restoration**

25

- 26 c. All vegetation planted to meet mitigation requirements shall be installed using best industry
27 standards and provided with mulch, irrigation in accordance with the “Palm Beach County
28 Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance”
29 (Ordinance No. 2021-) and “Palm Beach County Water Shortage Ordinance” (Ordinance
30 No. 2021-), and required maintenance to ensure survival. **[Ord. 2009-040] [Ord. 2019-**
31 **034]**

32

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2020-015 - Art. 2,
7, 10, and 14 SFWMD Irrigation Guidelines.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 7 – LANDSCAPING
ARTICLE 10 – ENFORCEMENT
ARTICLE 14 – ENVIRONMENTAL STANDARDS
SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES
CR-2020-0015
(Updated 05/12/21)

1 **Section 8 Exemptions**

2 The following activities do not require an approval under this Chapter: **[Ord. 2008-040]**

3

4 **O. Minor Vegetation Relocation**

5 Relocation of up to ten native palm trees, providing that the trees are relocated using best industry
6 standards and provided with mulch, irrigation in accordance with the “Palm Beach County
7 Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance” (Ordinance No.
8 2021-) and “Palm Beach County Water Shortage Ordinance” (Ordinance No. 2021-), and
9 required maintenance to ensure survival. The planting location must be depicted on a ~~s~~Site pPlan,
10 survey, or other document format acceptable to ERM. **[Ord. 2012-027]**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2020-015 - Art. 2,
7, 10, and 14 SFWMD Irrigation Guidelines.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~*Stricken and italicized*~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

This page left blank intentionally

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Part 1. ULDC Art. 1.H.2.P, General Provisions, Definitions and Acronyms, Definitions (pages 75 and 77 of 111, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Art. 1.H.2.P.9, Park, Neighborhood and Art. 1.H.2.P.42, Planned Development, District (PDD) – Remove Mixed Use Planned Development (MXPDP) reference from the language as the Policy that governs MXPDP in the Comprehensive Plan (“the Plan”) was deleted July 2020 pursuant to Planning Ordinance No. 2020-011. Now that Multiple Use Planned Development (MUPD) allows residential uses, therefore it is not necessary to maintain the MXPDP provisions in the Unified Land Development Code (“the Code”). The MXPDP encouraged mixed-use developments that had a trip capture requirement that often could not be met by the developer so the zoning district was not used.

1 CHAPTER H DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4

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

6

7 9. **Park, Neighborhood** – for the purposes of Art. 5, Supplementary Standards, facilities
8 generally less than five acres in size. Neighborhood parks include passive and active
9 recreational facilities, are generally few in number due to size constraints, and are developed
10 according to the demands and character of the specific neighborhoods that they serve. In
11 addition to the above-mentioned characteristics, for the purposes of Art. 3.E.3, Multiple Use
12 Planned Development (MUPD), ~~Art. 3.E.4, Mixed Use Planned Development (MXPDP)~~, and Art.
13 3.F.3, Traditional Neighborhood Development (TND), neighborhood parks shall consist of
14 usable open space within walking distance of housing.

15

16 42. **Planned Development, District (PDD)** – a zoning district which is approved pursuant to the
17 policies and procedures of Art. 3.E, Planned Development Districts (PDDs) of this Code
18 including: PUD, Residential Planned Unit Development District; ~~MXPDP, Mixed Use Planned~~
19 ~~Development District~~; MUPD, Multiple Use Planned Development District; PIPD, Planned
20 Industrial Park Development District; MHPD, Mobile Home Park Planned Development District;
21 and, RVPD, Recreational Vehicle Park Planned Development District. [Ord. 2010-005] [Ord.
22 2017-025]

23

Part 2. ULDC Art. 2.A.6.B, Application Processes and Procedures, General, Zoning Application Procedures, Plan Requirements (pages 18 and 19 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Art. 2.A.6.B.3.a, Preliminary Master Plan (PMP) for Public Hearing Approval and Art. 2.A.6.B.4.a, Preliminary Site Plan (PSP) – Remove MXPDP reference from the language as the Policy that governs MXPDP in the Plan was deleted July 2020 pursuant to Planning Ordinance No. 2020-011. Now that MUPD allows residential uses, it is not necessary to maintain the MXPDP provisions in the Code.

24 CHAPTER A GENERAL

25

26 Section 6 Zoning Application Procedures

27

28 B. Plan Requirements

29

30 3. Master Plan

31 a. Preliminary Master Plan (PMP) for Public Hearing Approval

32 The BCC shall approve a PMP for the following PDDs: PUD; PIPD; MHPD; RVPD; PDDs
33 with an MLU or EDC Future Land Use designation; and, a PUD within the Lion Country
34 Safari (LCS) where the transfer of density from other PDDs within the LCS is proposed.
35 The BCC may approve a PMP for an MUPD ~~and MXPDP~~ that utilizes more than one FLU

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

1 designation in order to define location of uses and property development regulations. [Ord.
2 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002] [Ord. 2019-005]

3

4. Site Plan

5 The Site Plan shall be the controlling plan for Conditional Uses or PDDs listed below. All
6 development site elements including, but not limited to: ingress and egress; density; and
7 intensity in the proposed application, shall be consistent with the Site Plan. All plats shall be
8 consistent with the Site Plan. In cases of conflict between plans, the most recently approved
9 BCC Preliminary Plan(s) for those DOs that have no Final Plan(s) shall prevail. [Ord. 2009-
10 040] [Ord. 2017-007] [Ord. 2018-002]

a. Preliminary Site Plan (PSP)

11 The BCC shall approve a PSP for the following applications: Class A Conditional Use;
12 ~~MXPD~~, MUPD and equivalent previously approved planned developments. The ZC shall
13 approve a PSP for a Class B Conditional Use request. [Ord. 2009-040] [Ord. 2017-007]
14 [Ord. 2018-002]
15
16

....

Part 3. ULDC Art. 3.A.1.B.3, Overlays and Zoning Districts, General, Districts, Overlays and
Zoning Districts, Planned Development Districts; and
ULDC Art. 3.A.3, Overlays and Zoning Districts, General, Zoning District Consistency
with Future Land Use Atlas (FLUA) (pages 16-19 of 213, Supplement 29), are hereby
amended as follows:

Reason for amendments: [Zoning]
1. Art. 3.A.1.B.3, Planned Development Districts – Remove MXPDP reference from the list of Planned Development Districts (PDD) in the language as the Policy that governs MXPDP in the Plan was deleted July 2020 pursuant to Planning Ordinance No. 2020-011. Now that MUPD allows residential uses, it is not necessary to maintain the MXPDP provisions in the Code.
2. Art. 3.A.3.B, Standard Districts – Update Standard Zoning District Future Land Use (FLU) Table to show Agricultural (AR) and Public Ownership (PO) Zoning Districts as compatible with all FLU designations, except Conservation (CON).
3. Art. 3.A.3.B.1, Standard District Exceptions and Limitations – Relocate all exceptions and limitations to Notes 2-13 of Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts so they could be numbered. The numbers are included with the corresponding zoning district or FLU designation within the Table to clarify when each provision should be applied. <ul style="list-style-type: none">• Add the word “Zoning” in front of “district” in several notes to make the note clearer when reading since some FLU designations and zoning districts use the same acronym.• Add Note 3 per Planning Ordinance No. 2020-011 that states the Agricultural Production (AP) and AR Zoning Districts are compatible with all FLU designations in the Glades Tier.• Add Note 4 per Planning Ordinance No. 2020-011 that states the AR Zoning District is compatible with all non-residential FLU designations.• Add Note 9 per Planning Ordinance No. 2020-011 that allows existing Commercial Low (CL) FLU designations to be compatible with existing Commercial General (CG) Zoning Districts. Per direction from the Zoning Director, the approval process for these sites to be established based on lot sizes.
4. Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts – Add Note 5 to the Table that identifies that MUPDs are consistent with residential FLU designations when a portion of the MUPD is non-residential. This was added per Planning Ordinance No. 2020-011. <ul style="list-style-type: none">• Remove the original Note 4 from the Table as MXPDP Policy in the Plan was deleted pursuant to Planning Ordinance No. 2020-011.• Clarify Note 5 identifies uses within the Congregate Living Residential (CLR) FLU designation are allowed utilizing the approval process identified within the associated districts. This means that if the use was a Class A approval in the Residential Multifamily (RM) Zoning District or a Development Review Officer (DRO) approval in the CG Zoning District, those would be the associated approval processes with those districts.• Remove Multiple Land Use (MLU) as a FLU designation as it is not a FLU; it only represents the allowance of multiple FLU designations of which are the designations that determine consistency with specified zoning districts or uses allowed.
5. Table 3.A.3.D, TDD Corresponding Land Use – Remove MLU as a FLU designation as it is not a FLU; it only represents the allowance of multiple FLU designations of which are the designations that determine consistency with specified zoning districts or uses allowed.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Reason for amendments: [Zoning] 6. Art. 3.A.3.E, Exemptions/Applicability for Prior Approvals – Add new language to subparagraph b. to identify existing MXPDP districts are now to be considered MUPDP districts as MXPDP Policies were deleted from the Plan pursuant to Planning Ordinance No 2020-011.
--

1 **CHAPTER A GENERAL**

2 **Section 1 Districts**

3
4 **B. Overlays and Zoning Districts**

- 5
6 **3. Planned Development Districts (PDDs)**
7 MHPD, Mobile Home Planned Development
8 MUPDP, Multiple Use Planned Development
9 ~~MXPDP, Mixed Use Planned Development~~
10 PIPD, Planned Industrial Park Development
11 PUD, Planned Unit Development
12 RVPD, Recreational Vehicle Planned Development
13 **4. Traditional Development Districts (TDDs)**

14

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

- 16
17 **B. Standard Zoning Districts**
18 Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation
19 indicated in the Table below.
20

Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts
(1)(2)(3)(4)(6)

FLU Designation	Zoning District								
Agriculture/Conservation									
AP	AP	AR	PO						
AGR	AGR	AR	PO	AP					
CON	PC (12)	PO							
SA	AR	AGR (7)	PO	AP					
Residential									
RR-20	AR	PO	AP						
RR-10	AR	PO	AP						
RR-5	AR	PO	AP						
RR-2.5	AR	RE	PO	AP					
LR-1	AR (2)	RE	RT	RS	PO	AP			
LR-2	AR (2)	RE	RT	RS	PO	AP			
LR-3	AR (2)	RE	RT	RS	PO	AP			
MR-5	AR (2)	RE	RT	RS	RM (5)	PO	AP		
HR-8	AR (2)	RE	RT	RS	RM	PO	AP		
HR-12	AR (2)	RE	RT	RS	RM	PO	AP		
HR-18	AR (2)	RE	RT	RS	RM	PO	AP		
CLR					RM	PO	AP		
WCR	AR (14)	PO	AP						
Commercial									
CL-O	CLO	IR	AR	PO	AP				
CL	CN	CC	CLO	IRCG (9)	IR	AR	PO	AP	
CH-O	CLO	CHO	IR	AR	AP				
CH	CN	CC	CLO	CHO	CG	IR	AR	PO	AP
CR	CRE	AR	PO	AP					
UI	UI (11)								
UC	UC (11)								
Industrial									
IND	IL	IG	CRE	AR	PO	AP			
Institutional/Public and Civic									
INST (8)	IPF	AR	RE	RT	RS	RM	PO	AP	
PARK	IPF	AR	PO	AP					
U/T	PO	IPF (10)	AR	PO	AP				

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]	
Key:	
	<i>Typical example of a "shaded district."</i> [Relocated from: below]
Notes:	
1.	Unless exempted otherwise all applications for a Development Order shall require the subject site be rezoned to a shaded district. <u>A district that is not shaded is consistent with the FLU designation pursuant to the limitations as listed in the Notes below.</u>
2.	Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with the exceptions listed below.
3.	See Art. 3.A.3.B.1, Standard District Exceptions and Limitations below, for additional notes. [Ord. 2016-042]
	<i>Typical example of a "shaded district."</i> [Relocated to: above]
2.	A rezoning shall not be required for an existing Legal Lot of Record for the development of a SFD with accessory uses, provided the existing zoning is identified in this Table. [Ord. 2011-016] [Relocated from: Art. 3.A.3.B.1.a]
3.	The AP and AR Zoning Districts are consistent with all FLU designations within the Glades Tier, excluding CON. [Ord. 2011-016] [Ord. 2016-042] [Relocated from: Art. 3.A.3.B.1.f]
4.	The AR Zoning District is consistent with all non-residential FLU designations, excluding CON. [Ord. 2011-016] [Partially relocated from: Art. 3.A.3.B.1.c]
5.	The RM Zoning District is consistent with the MR-5 FLU designation only for those properties that were zoned RM prior to the Plan's August 31, 1989 adoption. [Ord. 2011-016] [Ord. 2017-025] [Partially relocated from: Art. 3.A.3.B.1.g]
6.	The PO Zoning District is consistent with all FLU designations. [Relocated from: Art. 3.A.3.B.1.d]
7.	The AGR Zoning District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2011-016] [Relocated from: Art. 3.A.3.B.1.e]
8.	Existing institutional or civic uses in the RE, RT, RS, or RM Zoning Districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority. [Ord. 2011-016] [Partially relocated from: Art. 3.A.3.B.1.j]
9.	The CG Zoning District is consistent with the CL FLU designation on sites located within the U/S Tier which have existing CG zoning with a CL FLU designation prior to the adoption of Ordinance No. 2020-011 on July 6, 2020. Any lot greater than one acre in size shall utilize the CC Zoning District approval process; any lot one acre or less shall utilize the CN Zoning District approval process.
10.	The IPF Zoning District shall only be consistent with the U/T FLU designation for the purposes of accommodating privately-owned or operated utility uses, including those considered publically-held utilities that are not owned or operated by the State of Florida or local PBC governmental entity. [Ord. 2017-007] [Relocated from: Art. 3.A.3.B.1.n]
11.	The UC or UI Zoning Districts may be permitted to utilize the FLU designation and zoning district in place prior to the adoption of the Urban Redevelopment Area Overlay (URAO), in accordance with Art. 3.B.16.B.5.b, Alternative Future Land Use and Zoning. [Ord. 2017-002] [Relocated from: Art. 3.A.3.B.1.m]
12.	A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC Zoning District. [Ord. 2011-016] [Relocated from: Art. 3.A.3.B.1.k]
13.	A rezoning shall not be required for the installation or replacement of a SFWMD telemetry tower in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in the Glades Tier. [Ord. 2014-025] [Relocated from: Art. 3.A.3.B.1.l]
14.	The zoning district is consistent as described in the Plan. [Ord. 2019-005]

1. ~~Standard District Exceptions and Limitations~~

The following list of exceptions shall be permitted:

- a. ~~A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. [Ord. 2011-016] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 2]~~
- b. ~~The AR district is consistent with the SA FLU designation in the Rural and Exurban Tiers only.~~
- c. ~~The AR district may be considered consistent with all FLU designations in the U/S Tier for existing agricultural uses or the purpose of permitting new agricultural uses, where in accordance with Art. 3.C.1.C.1.c, Agricultural Uses in the U/S Tier. [Ord. 2011-016] [Partially relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 4]~~
- d. ~~The PO district is consistent with all FLU designations. [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 6]~~
- e. ~~The AGR district is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2011-016] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 7]~~
- f. ~~Within the Glades Tier, the AP district is consistent with all FLU designations, excluding Conservation. [Ord. 2011-016] [Ord. 2016-042] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 3]~~
- g. ~~The RM district is consistent with the MR-5 designation only for those areas already zoned RM or RH, prior to the Plan's August 31, 1989 adoption. [Ord. 2011-016] [Ord. 2017-025] [Partially relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 5]~~

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

- 1 ~~h. The RS district is consistent with the LR-1 designation only for those areas already zoned~~
 2 ~~RS, RTU, RM, or RH on the Plan's August 31, 1989 adoption. [Ord. 2016-042]~~
 3 ~~i. Certain uses in the CRE district over three acres require rezoning to IL. See Supplementary~~
 4 ~~Use Standards. [Ord. 2011-016]~~
 5 ~~j. Existing institutional or civic uses in the AR, RE, RT, RS, or RM districts with an INST FLU~~
 6 ~~designation shall not be considered non-conforming. However, a rezoning shall be required~~
 7 ~~for any action exceeding DRO Authority. [Ord. 2011-016] [Partially relocated to: Table~~
 8 ~~3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning~~
 9 ~~Districts, Note 8]~~
 10 ~~k. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU~~
 11 ~~designation provided that any subdivision or development is consistent with all~~
 12 ~~development standards and use regulations for the PC district. [Ord. 2011-016]~~
 13 ~~[Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding~~
 14 ~~Standard Zoning Districts, Note 12]~~
 15 ~~l. A rezoning shall not be required for the installation or replacement of a SFWMD telemetry~~
 16 ~~tower in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in~~
 17 ~~the Glades Tier. [Ord. 2014-025] [Relocated to: Table 3.A.3.B, Future Land Use (FLU)~~
 18 ~~Designation and Corresponding Standard Zoning Districts, Note 13]~~
 19 ~~m. The UC or UI Zoning Districts may be permitted to utilize the FLU designation and zoning~~
 20 ~~district in place prior to the adoption of the Urban Redevelopment Area Overlay (URAO),~~
 21 ~~in accordance with Art. 3.B.16.B.5.b, Alternative Future Land Use and Zoning. [Ord. 2017-~~
 22 ~~002] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and~~
 23 ~~Corresponding Standard Zoning Districts, Note 11]~~
 24 ~~n. The IPF district shall only be consistent with the U/T FLU designation for the purposes of~~
 25 ~~accommodating privately owned or operated utility uses, including those considered~~
 26 ~~publically held utilities that are not owned or operated by the State of Florida or local PBC~~
 27 ~~governmental entity. [Ord. 2017-007] [Relocated to: Table 3.A.3.B, Future Land Use~~
 28 ~~(FLU) Designation and Corresponding Standard Zoning Districts, Note 10]~~

C. Planned Development Districts (PDDs)

Any application for a rezoning to a PDD shall correspond to a FLU designation indicated in the Table below. [Ord. 2011-016]

Table 3.A.3.C – FLU Designation and Corresponding Planned Development Districts (15)

	<u>AGR</u> (21)	RR	WCR	AGE	LR_1	LR_2	LR_3	MR_5	HR_8	HR_12	HR_18	MLU	CLR
PUD	✓	✓	✓	(32)	✓	✓	✓	✓	✓	✓	✓	✗	✓
MHPD		✓			✓	✓	✓	✓	✓	✓	✓		
	AGR (1)	RR	AGE	CL	CH	CL-O	CH-O	IND	INST	CRE	MLU	EDC	CLR(5)
MUPD (4)			(32)	✓	✓	✓	✓	✓	✓	✓	✗	✓(6)	✓(3)
MXPD					✗		✗				(4)		✗
PIPD								✓			✗	✓	
RVPD		✓								✓			

[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2014-025] [Ord. 2017-025] [Ord. 2019-005]

Key:
 ✓ Indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037] [Relocated from: below]

Notes:
 1. Check (✓) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037] [Relocated to: above]
 21. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]
 32. A PUD or MUPD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.C, Traditional Town Development Land Use Allocations. [Ord. 2014-031]
 4. An MXPD is consistent with the MLU FLU designation in the Urban/Suburban Tier only. [Ord. 2017-025]
 53. The CLR designation MUPD Zoning District is consistent with MUPD the CLR FLU designation and MXPD when applied as an underlying designation for a mixed or multiple use project. The uses allowed in the CLR FLU designation, as associated approval processes, are the same as the uses allowed in RM or PUD Zoning Districts with the limitation that any residential uses are limited to CLFs. [Ord. 2019-005]
 4. An MUPD Zoning District is only consistent with residential FLU designations within the U/S Tier for sites that have a non-residential FLU designation on at least a portion of the MUPD.
 5. For Multiple Land Use (MLU), the consistent zoning districts are those that are consistent with the FLU designations affixed in the MLU's adopting Ordinance.
 6. See Art. 3.E.3.B.4, EDC FLU – Use Limitations.

33

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:].

Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

D. Traditional Development Districts (TDDs)

Any application for a rezoning to a TDD shall correspond to a FLU designation indicated in the Table below. **[Ord. 2011-016]**

Table 3.A.3.D – TDD Corresponding Land Use

	AGE	AGR	RR	LR_1	LR_2	LR_3	MR_5	HR_8	HR_12	HR_18	MLU	EDC
TND	(1)			✓	✓	✓	✓	✓	✓	✓	✓	...
TTD	✓			✓	✓	✓	✓	✓	✓	✓	✓	...
	AGE	AGR	RR	CL	CH	CL_O	CH_O	IND	INST	CRE	MLU	EDC
TMD	(1)			✓	✓					✓	✓	...
[Ord. 2010-022] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2017-025]												
Key:												
✓	Legend: Check (✓) indicates the TDD corresponds to the FLU category. Any application for a rezoning to a TDD shall be to a TDD that corresponds to a FLU designation. [Ord. 2008-037]											
Notes:												
1.	A TND or TMD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.C, Traditional Town Development Land Use Allocations.											

....
E. Exemptions/Applicability for Prior Approvals

....
2. Planned Development Districts

The following previous approvals shall correspond to the current districts indicated: **[Ord. 2011-016]**

- a. Special Exceptions for PUDs shall correspond to a PUD. **[Ord. 2011-016]**
- b. Special Exceptions for Large Scale Community or Regional Shopping Centers (30,000 square feet or 50,000 square feet of total floor area or more), Planned Commercial Developments (PCDs), Planned Neighborhood Commercial Developments (PNCDs), Planned General Commercial Developments (PGCDs), **Mixed Use Planned Developments (MXPDs)**, and Planned Office Business Parks (POBPs) shall correspond to an MUPD. **[Ord. 2011-016] [Ord. 2018-018]**
- c. Special Exceptions for Planned Industrial Developments (PIDs) shall correspond to IL or IG Zoning District of the subdivision. **[Ord. 2018-018]**
- d. Special Exceptions for PIPDs shall correspond to a PIPD. **[Ord. 2011-016]**
- e. Special Exceptions for MHPDs shall correspond to an MHPD. **[Ord. 2011-016]**
- f. Special Exceptions for RVPDs shall correspond to an RVPD. **[Ord. 2011-016]**
- g. Any of the above where approved as a Conditional Use approval as opposed to a Special Exception. **[Ord. 2011-016]**

Part 4. ULDC Art. 3.E, Overlays and Zoning Districts, Planned Development Districts (PDDs) (pages 136, 147, 148, and 161-163 of 213, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Art. 3.E.1.B.2.b. – Update reference to FLU Element (FLUE) Floor Area Ratio (FAR) Table in the Plan Policy pursuant to Planning Ordinance No. 2020-011.
2. Art. 3.E.2.E.2.d.2), Mixed Use – Remove language that referenced MXPD and renumbered list as residential uses are now permitted in MUPDs. The MXPD Policy was deleted from the Plan in accordance with Planning Ordinance No. 2020-011.
3. Art. 3.E.3.A.d-f. – Relocate purpose and intent language from MXPD provisions to the existing MUPD purpose and intent. This was done to address the missing residential element that is now allowed within MUPD developments and provide direction on how this element should be incorporated into MUPDs.
4. Art. 3.E.3.B.1.a. – Modify language under objectives to clarify when an industrial MUPD is proposed that a residential element is not required to be integrated into the development.
5. Art. 3.E.3.B.2.b.1), Mixed Use – Add new language to landscaping requirement between residential and non-residential uses within the same development. The intent of the MUPD is to create a development that seamlessly integrates a mix of uses. The previous provisions were segregating the non-residential and residential uses and created a disconnect between them, ultimately forcing the development to appear to function as separate entities.
6. Art. 3.E.3.B.2.d.1)c-d) – Add language to clarify how location criteria percentage for parking would be applied if a parking structure was used. Also add language, per interpretation meeting that identified <i>public entrance</i> only applied to non-residential, that identifies how distance criteria should be applied to residential development within an MUPD.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Reason for amendments: [Zoning]
7. Art. 3.E.3.B.2.e.3), Compatibility – Modify some language to clarify residential compatibility within an MUPD. Since MXPDP is being combined with MUPD, greater consideration is needed to be given to how the residential element will function within a development.
8. Art. 3.E.3.B.2.e.3)a), Architectural – Add new language to connect the dots between Article 3 and Article 5 for architectural requirements of mixed-use projects.
9. Art. 3.E.3.B.2.e.4), Usable Open Space – Modify language for usable open space to increase flexibility for existing MXPDPs and MUPDPs that want to provide infill with residential elements.
10. Table 3.E.3.D, MUPD Property Development Regulations – Relocate maximum lot coverage for Commercial High (CH), and Commercial High Office (CHO) FLU designations from Table 3.E.4.D, MXPDP Property Development Regulations to be consistent with MXPDP. With the deletion of the MXPDP Policy language from the Plan, this district is now considered an MUPD. To maintain consistency with existing MXPDP developments, the increased lot coverage allowances was transferred to the MUPD standards. Add Note 3 to allow 60 percent lot coverage for MUPDPs that utilize both non-residential and residential elements. This will allow additional infill opportunities to existing MUPDPs that want to provide residential elements. Add Note 4 to clarify when two FLU designations are used in a split or MLU orientation which minimum acreage requirement would take precedent.
11. Art. 3.E.3.D.1, Setbacks, Commercial Districts – Relocate language from MXPDP provisions specific to setback allowances to maintain consistency with existing MXPDPs and increase flexibility for new and existing MUPDPs; this will provide greater infill opportunities to the development.
12. Art. 3.E.3.E.2, Integration – Relocate language from MXPDP provisions to clarify integration of how to apply vertical residential land uses.

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

2 **Section 1 General**

3

4 **B. FAR, Density, and Use Standards**

5

6 **2. PDDs with Underlying FLU Designations**

- 7 a. PDDs that have a non-residential FLU designation and an underlying residential FLU
8 designation may utilize density and/or intensity for either or both FLU designations. **[Ord.**
9 **2019-005]**
- 10 b. PDDs that have two non-residential FLU designations may utilize either or both FLU
11 designations. If the Development Order utilizes both FLU designations, a Preliminary
12 Master Plan shall be approved by the BCC depicting the locations of each FLU **designation**
13 as a pod. Each pod will be limited to the allowable uses, for the applicable FLU designation,
14 pursuant to Art. 4.B, Use Classification and the property development regulations pursuant
15 to Table 3.E.3.D, MUPD Property Development Regulations. The FAR shall be in
16 accordance with FLUE Table ~~III.C-22.2-e.1~~ for each pod and the applicable FLU
17 designation. Double counting of intensity is prohibited. **[Ord. 2019-005]**

18

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

20

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

22

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

Pod	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF (4)	Apply the RS <u>Zoning d</u> District regulations in Table 3.D.1.A, Property Development Regulations.									
Cottage Home	Refer to Table 3.D.2.D, Cottage Home Property Development Regulations. [Ord. 2018-018]									
ZLL (4)	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM <u>Zoning d</u> District regulations in Table 3.D.1.A, Property Development Regulations.									
Civic										
Private	0.5 ac.	100'	100'	-	-	30%	25'	20'	25'	20'
Public	1.5 ac.	100'	200'	-	-	-	-	-	-	-

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Commercial											
Commercial	Apply the CC <u>Zoning d</u> District regulations in Table 3.D.1.A, Property Development Regulations.										
Recreation											
Recreation Pod (5)	(3)	(3)	(3)	-	-	30%	25'	15'	25'	15'	
Neighborhood Park	0.1 ac.	45'	75'	-	-	15%	15'	15'	15'	15'	
Preservation (1)											
Preservation	Apply the AGR <u>Zoning d</u> District regulations in Table 3.D.1.A, Property Development Regulations.										
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001] [Ord. 2021-006]											
Notes:											
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.										
2.	The maximum FAR shall be in accordance with FLUE Table ###C.22.2-e.1 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]										
3.	Recreation Pods required for Multifamily units, CLFs, or Cottage Homes in an MF Pod or lot may be exempt from the following: [Ord. 2020-001] a. Minimum lot frontage may be reduced or eliminated where the pod does not front on a street, and is located within the MF or CLF structures, surrounded by the MF, CLF, or Cottage Homes, or located on a shared driveway. A sidewalk shall be provided from the Recreation Tract to the internal pedestrian network; and [Ord. 2016-042] [Ord. 2020-001] b. Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards, Table 5.D.2.B, Property Development Regulations. [Ord. 2016-042] [Ord. 2020-001]										
4.	SF and ZLL residential units may be allowed to increase building coverage by ten percent subject to the following: [Ord. 2020-001] a. Maximum one story; and [Ord. 2020-001] b. Increase in building coverage cannot be in conjunction with other reductions, Waivers, or Variances for building coverage. [Ord. 2020-001]										
5.	Setbacks for Outdoor Recreation Amenities shall be in accordance with Art. 5.B.1.A.10.b, Setbacks. [Ord. 2021-006]										

E. Pods

....

2. Commercial Pod

....

d. Property Development Regulations (PDRs)

The PDRs for a Commercial Pod are in Table 3.E.2.D, PUD Property Development Regulations.

1) Multiple Uses

A Commercial Pod meeting the requirements for an MUPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.3.D, MUPD Property Development Regulations.

~~**2) Mixed Use**~~

~~A Commercial Pod meeting the requirements for an MXPDP with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.4.D, MXPDP Property Development Regulations.~~

~~**3) Market Place**~~

~~A Commercial Pod meeting the requirements for TMD or a TMD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.D.1.A, Property Development Regulations.~~

....

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; ~~i.~~
- ~~d. allowing the use of vertical or horizontal integration with residential and non-residential uses; [Relocated from: Art. 3.E.4.A.1.a]~~
- ~~e. promoting the design of a Site Plan which provides for the integration of residential and non-residential uses; and, [Relocated from: Art. 3.E.3.4.1.c]~~

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

- 1 f. promoting the design of safe and efficient circulation systems for pedestrians, bicycles, and
2 automobiles. **[Relocated from: Art. 3.E.4.A.1.d]**
- 3 **2. Applicability**
4 The requirements of this Section shall apply to all MUPDs, modifications to previously approved
5 MUPDs, and modifications to previous approvals specified in Art. 3.E, Planned Development
6 Districts (PDDs) unless otherwise stated. **[Ord. 2009-040] [Ord. 2011-016]**
- 7 **3. Conflicts**
8 If a conflict exists between this Section and other Sections of this Code, the provisions of this
9 Section shall apply to the extent of the conflict.
- 10 **B. Objectives and Standards**
- 11 **1. Design Objectives**
12 An MUPD shall comply with the following objectives:
13 a. Allow for both residential and non-residential uses within a project, that is designed ~~in a~~
14 manner to incorporate vertical or horizontal integration of residential uses, to foster
15 compatibility within and adjacent to the project; **[Ord. 2019-005]**
16 b. Provide innovative building location and orientation;
17 c. Protect adjacent residential uses from potential adverse impacts;
18 d. Provide ~~interconnection between uses in and adjacent to the project a~~ continuous, non-
19 vehicular and pedestrian circulation system which connect uses, public entrances to
20 buildings, recreation areas, amenities, usable open space, and other land improvements
21 within and adjacent to the MUPD;
22 e. Allow for landscape design that enhances the appearance of the project; and, **[Ord. 2014-**
23 **025]**
24 f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research
25 parks, which may also include manufacturing and processing, research and development,
26 wholesale distribution, and storage of products. **[Ord. 2014-025]**
- 27 **2. Performance Standards**
28 An MUPD shall comply with the following standards:
29 **a. Non-Vehicular Circulation**
30 An MUPD shall be designed to provide for a pedestrian and bicycle-oriented circulation
31 system throughout the development. **[Ord. 2021-006]**
32 **1) Sidewalks**
33 Internal sidewalks shall connect to sidewalks located along adjacent streets. Where
34 sidewalks cross vehicular use areas, they shall be constructed of pavers, brick,
35 decorative concrete, or similar pavement treatment.
- 36 **b. Landscape Buffers**
37 A Type 3 Incompatibility Buffer shall be provided along the property lines of an MUPD,
38 where mixed use and non-residential uses are adjacent to a residential use type or
39 undeveloped land with a residential FLU designation. The Applicant may request for an
40 alternative buffer subject to a Type 2 Waiver process, unless exempted below. **[Ord. 2018-**
41 **002] [Ord. 2019-005]**
42 **1) Mixed Use**
43 No buffer shall be required between residential and non-residential uses within a mixed
44 use development. Internal vegetation shall be planted to promote integration of uses
45 within the development.
46 **2) Vertical Integration**
47 A Type 2 perimeter buffer shall be permitted between a structure with vertical
48 integration of residential and non-residential uses and adjacent properties with
49 residential structures greater than 35 feet in height.
- 50 **c. Cross Access**
51 Parking lots and vehicular circulation areas shall be designed to facilitate cross access
52 directly to adjacent parcels. Cross access shall be provided between an MUPD and
53 adjacent land with a non-residential FLU designation, if required by the DRO. The cross
54 access shall be in a location and manner acceptable to the DRO.
- 55 **d. Parking**
56 On-site parking areas shall comply with Art. 6, Parking, Loading, and Circulation, Art. 7,
57 Landscaping, and the following:
58 **1) Parking Areas**
59 a) Groundcover or small shrubs 18 to 24 inches in height at installation, and
60 maintained to achieve a maximum of 30 inches in height shall be planted in all
61 landscape islands and divider medians. **[Ord. 2018-002]**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

- 1 b) Where pedestrian access ways cross landscape islands or are provided within
2 divider medians, they shall consist of brick, decorative concrete, or similar paving
3 treatment. **[Ord. 2018-002]**
- 4 c) *20 percent of the required parking shall be located at the side or rear of non-*
5 *residential uses, unless all spaces are provided within a parking structure per Art.*
6 *6.B.2.E, Parking Structures. **[Relocated from: Art. 3.E.4.D.4.a]***
- 7 d) *All required on-site parking shall be located within 400 feet of a public entrance to*
8 *any non-residential or individual access points of a residential building within the*
9 *development. **[Relocated from: Art. 3.E.4.D.4.b]***
- 10 2) **Loading Area Screening**
11 Internally oriented loading areas, or loading areas between a building and an adjacent
12 residential use, shall provide an opaque wall of a height necessary to screen vehicles
13 from view. Foundation planting shall be provided on the exterior side of the wall.
- 14 e. **Residential**
15 An MUPD with residential uses shall comply with the following additional performance
16 standards: **[Ord. 2019-005]**
- 17 1) **Proximity of Uses**
18 All dwelling units shall be located within 1,320 linear feet of a recreation use or usable
19 open space. **[Ord. 2019-005]**
- 20 2) **Pedestrian Circulation**
21 Internal sidewalks shall connect residential to both the non-residential use(s), and the
22 usable open space(s). Elements of human scale shall be incorporated along these
23 systems including but not limited to light fixtures, seating, gathering spaces, water
24 features, statuary, and landscaping. **[Ord. 2019-005]**
- 25 3) **Compatibility**
26 The MUPD shall be designed to create ~~a transition between an integration of~~ non-
27 residential and residential land uses within the project ~~and between.~~ The uses within
28 the MUPD shall be designed to transition to less intensive residential housing located
29 on abutting property to the MUPD. These transitional areas may vary in width based
30 on the adjacent housing type or residential land use designations. The elements of
31 transition between the use types may include but is not limited to changes in housing
32 types, variations in buildings heights, increases in building setbacks and separations,
33 orientation of buildings, and placement of open spaces. **[Ord. 2019-005]**
- 34 a) **Architectural**
35 Within an MUPD, buildings that face a residential use(s), within or adjacent to the
36 development, shall comply with Art 5.C.1.B.2, Mixed Use.
- 37 4) **Usable Open Space**
38 In addition to the requirements of Art. 5.D, Parks and Recreation – Rules and
39 Recreation Standards for the residential use, a minimum of five percent of the total
40 Development Area shall be usable, open space. This open space is encouraged to be
41 located between, or in the common area of, the non-residential and residential uses as
42 a central gathering area in order to integrate the two uses. Trees shall be installed
43 within this area at one tree for each 1,000 square feet of usable open space. **[Ord.**
44 **2019-005]**
- 45 3. **Civic Dedication**
46 The BCC may require that a portion of the gross acreage of the development be dedicated to
47 PBC for public purposes, when insufficient facilities are available to allow for the provision of
48 government services required for the proposed development. The dedication of such property
49 shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall
50 apply to the civic parcel. **[Ord. 2006-004]**
- 51 4. **EDC FLU – Use Limitations**
52 All permitted commercial, public and civic, agricultural, utility, or industrial uses shall comply
53 with the following: **[Ord. 2014-025]**
- 54 a. Shall be clustered within the overall project so as to minimize any adverse impacts,
55 including heavy truck traffic, on office and research portions of the project; and **[Ord. 2014-**
56 **025]**
- 57 b. Outdoor storage or activity areas shall be buffered and screened from view of office or
58 research areas, or operate completely in enclosed buildings. **[Ord. 2014-025]**
- 59 C. **Thresholds**
60 Projects that meet or exceed the requirements of Table 3.E.3.D, MUPD Property Development
61 Regulations, in addition to all other minimum MUPD requirements, may be submitted and reviewed
62 as an MUPD. **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2015-031] [Ord. 2019-005]**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

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.

Table 3.E.3.D – MUPD Property Development Regulations

FLU Designations	Min. Lot Dimensions			Max. FAR (2)	Max. Building Coverage	Min. Setbacks (1)			
	Size (4)	Width and Frontage	Depth			Front	Side	Side Street	Rear
CL	3 ac.	200'	200'	-	25%	25'	C – 15' R – 30'	25'	C – 20' R – 30'
CH	5 ac.	300'	300'	-	30 40% (3)	30'	C – 15' R – 30'	30'	C – 20' R – 30'
CLO	3 ac.	200'	250'	-	25%	25'	C – 15' R – 30'	25'	C – 20' R – 30'
CHO	5 ac.	200'	200'	-	25 40% (3)	30'	C – 15' R – 30'	30'	C – 20' R – 30'
IND	5 ac.	300'	300'	-	45%	30'	C – 15' R – 40'	30'	C – 20' R – 40'
EDC	5 ac.	300'	300'	-	45%	30'	C – 15' R – 40'	30'	C – 20' R – 40'
CR	5 ac.	300'	300'	-	30%	30'	C – 15' R – 40'	30'	C – 20' R – 40'
INST	5 ac.	300'	300'	-	30%	30'	C – 15' R – 30'	30'	C – 20' R – 30'
Residential Uses and Recreation									
ZLL	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).								
TH	Refer to Art. 3.D.2.A, Townhouse.								
MF	Apply the RM Zoning e District regulations in Table 3.D.1.A, Property Development Regulations.								
Recreation Pod	Apply PUD Recreation Pod regulations.								
Neighborhood Park	Apply PUD neighborhood park regulations. [Relocated from: Table 3.E.4.D, MXPD Property Development Regulations]								
[Ord. 2007-001] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2019-005]									
Notes:									
C	Indicates the building setback if the lot abuts a parcel with a non-residential zoning district or FLU designation, that does not support a residential use. [Ord. 2015-031]								
R	Indicates the setback from an adjacent parcel with residential zoning. [Ord. 2015-031]								
1.	Setbacks are measured in linear feet from the boundary of the MUPD.								
2.	The maximum FAR shall be in accordance with FLUE Table III.C.22.2-e.1 of the Plan, and other related provisions, unless otherwise noted, and shall include all residential and non-residential buildings. [Ord. 2019-005]								
3.	The maximum building coverage for CH and CHO FLU designations may be increased to 60 percent for developments with both residential and non-residential uses.								
4.	An MUPD with split or multiple FLU designations shall apply the minimum acreage of the more restrictive FLU designation.								

1. Setbacks, Commercial Districts

The front and side street setbacks in Table 3.E.3.D, MUPD Property Development Regulations, may be reduced to zero in a mixed use development which provides vertically integrated live/work or residential uses in the structure. At least 50 percent of the square feet in the structure shall be provided on the second or higher floors as live/work or Multifamily dwelling units. The required landscape buffer may be relocated subject to approval of an ALP in accordance with Art. 7.B.4, Type 1 Waiver for Landscaping. [Relocated from: Art. 3.E.4.D.1.a, Commercial Districts]

2. Integration

Vertically and horizontally integrated residential uses shall comply with Table 3.E.3.D, MUPD Property Development Regulations, for the applicable non-residential designation, Art. 4, Use Regulations and Art. 3.B, Overlays, or as otherwise allowed within this Code. [Partially relocated from: Art. 3.E.4.D.3, Integration]

Part 5. ULDC 3.E, Overlays and Zoning Districts, Planned Development Districts (PDDs) (page 164-169 of 213, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Art. 3.E.4, Mixed Use Planned Development (MXPD) – Planning Ordinance No. 2020-011 approved in July 2020 deleted supporting language for MXPD (Policy 4.4.6). MXPD and MUPD are being combined to maintain consistency with the Plan and reduce confusion with what zoning district to apply when proposing development with both residential and non-residential uses. In 2016, the County added language to the Plan to allow residential uses in MUPD zoning.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Reason for amendments: [Zoning]
2. Table 3.E.5.D, PIPD Property Development Regulations and Art. 3.E.5.E.2.b.2), Development Regulations – Change MXPDP references to MUPD; MXPDP Policy has been deleted from the Plan and is now being removed from the Code since MUPD now allows residential uses.
3. Art. 3.E.5, Planned Industrial Park Development District (PIPD), Art. 3.E.6, Mobile Home Planned Development District (MHPD), and Art. 3.E.7. Recreational Vehicle Planned Development District (RVPD) – Renumbering Section 5, 6, and 7 with the deletion of MXPDP pursuant to Planning Ordinance No. 2020-011.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

....

~~Section 4 – Mixed Use Planned Development (MXPDP)~~

~~A. General~~

~~1. Purpose and Intent~~

~~The purpose and intent of the MXPDP 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; [Relocated to: Art. 3.E.3.B.1.d]~~

~~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; [Relocated to: Art. 3.E.3.B.1.e]~~

~~d. the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles; and, [Relocated to: Art. 3.E.3.B.1.f]~~

~~e. the utilization of Multifamily 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 MXPDPs, 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 MXPDP 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 MXPDP. [Ord. 2017-025]~~

~~2. Performance Standards~~

~~An MXPDP 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 MXPDP 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 MXPDP. These transitional areas may vary in width based on the adjacent housing type or residential land use designations.~~

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5
NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

~~1) Detached Housing~~

~~Buildings within an MXPDP 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.~~

~~d. Landscape Buffers~~

~~1) Interior Open Space~~

~~A minimum ten-foot wide Compatibility Buffer is required between land uses within the interior of the MXPDP.~~

~~e. Neighborhood Parks~~

~~In addition to the requirements of Art. 5.D, Parks and Recreation—Rules and Recreation Standards, an MXPDP may provide neighborhood parks which are passive in nature. [Ord. 2017-025]~~

~~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]~~

~~C. Thresholds~~

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

~~1. Land Use Mix~~

~~Table 3.E.4.C, MXPDP Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in an MXPDP.~~

Table 3.E.4.C – MXPDP Land Use Mix

Use Type	Min.	Max.
Residential	50%	75%
Non-Residential	25%	50%
Notes:		
1.	Minimum and maximum land use percentages for residential and commercial uses are calculated by dividing the total GFA of the specific land use type (either residential or non-residential) by the total GFA (residential and non-residential) of the MXPDP.	

~~2. Density~~

~~The maximum density for an MXPDP shall be as indicated by the FLU in the Plan. In cases where an underlying residential density is not indicated, the Planning Director shall assign a density based on the residential densities surrounding the proposed MXPDP.~~

~~D. Property Development Regulations (PDRs)~~

~~The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in an MXPDP are indicated in Table 3.E.4.D, MXPDP Property Development Regulations, unless otherwise stated.~~

Table 3.E.4.D – MXPDP Property Development Regulations

FLU	Min. Lot Dimensions			Max. FAR (1)	Max. Building Coverage	Min. Setbacks			
	Acres	Width	Depth			Front	Side	Side Street	Rear
CL	3	200'	200'		30%	25'	C—15' R—40'	25'	C—20' R—40'
CH	5	300'	300'		40%	25'	C—15' R—40'	25'	C—20' R—40'
CLO	3	200'	200'		30%	25'	C—15' R—40'	25'	C—20' R—40'
CHO	5	300'	300'		40%	25'	C—15' R—40'	25'	C—20' R—40'
Residential	Apply RM district regulations.								
Recreation Pod	Apply PUD Recreation Pod regulations.								
Neighborhood Park	Apply PUD neighborhood park regulations. [Relocated to: Table 3.E.3.D, MUPD Property Development Regulations]								
[Ord. 2007-001] [Ord. 2015-031]									
Notes:									
<u>C</u>	Indicates the setback from an adjacent parcel with a non-residential zoning district or FLU designation that does not support a residential use. [Ord. 2015-031]								
<u>R</u>	Indicates the setback from an adjacent parcel with residential zoning. [Ord. 2015-031]								

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C
ARTICLES 1-5
NON-RESIDENTIAL
CR-2020-0024
(Updated 05/17/2021)

1.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]
----	--

1. Setbacks

Setbacks shall be measured in linear feet from the inside of the perimeter buffer.

a. Commercial Districts

~~The front and side street setbacks in Table 3.E.4.D, MXPDP Property Development Regulations, may be reduced to zero in a mixed use development which provides vertically integrated live/work or residential uses in the structure. At least 50 percent of the square feet in the structure shall be provided on the second or higher floors as live/work or Multifamily dwelling units. The required landscape buffer may be relocated subject to approval of an ALP in accordance with Art. 7.B.4, Type 1 Waiver for Landscaping.~~

[Relocated to: Art. 3.E.3.D.1, Setbacks, Commercial Districts]

2. FAR

~~Maximum FAR shall include the GFA of all residential and commercial buildings within the MXPDP.~~

3. Integration

~~Horizontally integrated residential land uses shall comply with Table 3.D.1.A, Property Development Regulations, for the RM – Residential Multifamily District, Art. 4, Use Regulations, Art. 3.B, Overlays, and Art. 1.H, Definitions and Acronyms, for the applicable housing type.~~

[Partially relocated to: Art. 3.E.3.D.2, Integration]

4. Parking

~~Within an MXPDP, parking shall meet the following:~~

~~a. 20 percent of the required parking shall be located on the side or rear of non-residential uses; and **[Relocated to: Art. 3.E.3.B.2.d.1)c]**~~

~~b. All required parking shall be located within 400 feet of a public entrance to a non-residential building. **[Relocated to: Art. 3.E.3.B.2.d.1)d]**~~

E. Use Regulations

1. Residential Use

~~Residential uses in an MXPDP shall be regulated by maximum density and maximum residential GFA.~~

2. Commercial Uses

a. Open Storage

~~No open storage or placement of any material, refuse equipment, or debris shall be permitted in the rear of any structure. **[Ord. 2017-007]**~~

b. Outdoor Speakers

~~No outdoor loudspeaker systems shall be permitted.~~

d. Rooftop Screening

~~All rooftop-mounted mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six inches above the height of the object intended for screening.~~

Section 54 Planned Industrial Park Development (PIPD)

....
D. Property Development Regulations

Table 3.E.54.D – PIPD Property Development Regulations

Pods	Lot Dimensions			Max. FAR (1)	Max. Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side (2)	Street	Rear (2)
Light Industrial	1 ac.	100'	200'	(1)	45%	25'	C – 15' R – 40'	25'	C – 15' R – 40'
General Industrial	2 ac.	200'	200'	(1)	45%	25'	C – 20' R – 40'	25'	C – 20' R – 40'
Commercial	Apply MUPD, MXPDP, or TMD regulations.								
Residential	Apply PUD regulations.								
Neighborhood Recreation	Apply PUD Recreation Pod and neighborhood park regulations.								
Regional Recreation	1 ac.	100'	200'	(1)	30%	25'	C – 20' R – 40'	25'	C – 20' R – 40'
Civic	Apply PUD civic regulations.								

[Ord. 2004-040] [Ord. 2014-001] [Ord. 2017-032]

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C
ARTICLES 1-5
NON-RESIDENTIAL
CR-2020-0024
(Updated 05/17/2021)

Notes:	
C	Indicates the required building setback for land uses abutting a non-residential zoning district, a Civic, Mixed Use Commercial, or Industrial Pod, or a recreation area.
R	Indicates the required building setback for land uses abutting a residential zoning district or a Residential Pod.
1.	The maximum FAR shall be in accordance with FLUE Table III.C.22.2-e.1 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]
2.	Land uses, which abut open space 40 feet in width or greater, may substitute a 20-foot side or rear setback if a 40-foot setback is required. [Ord. 2004-040] [Ord. 2017-032]

- 1
- 2
- 3
- 4 **E. Pods**
- 5
- 6 **2. Commercial Pod**
- 7
- 8 **b. Mixed Use**
- 9 Mixed use development is intended to provide residential and commercial land uses
- 10 integrated vertically into one building or horizontally into groups of buildings. A PIPD with
- 11 a BCC approval for a Commercial Pod may apply to the DRO to re-designate the pod as a
- 12 Mixed Use Pod on the Master Plan. A mixed use development in a PIPD shall comply with
- 13 the following:
- 14 **1) Thresholds**
- 15 A mixed use development shall have a minimum land area equal to or larger than five
- 16 acres or a minimum GFA of 50,000 square feet.
- 17 **2) Development Regulations**
- 18 A Mixed Use Pod shall comply with the requirements for an ~~MXP~~UPD or TMD.
- 19
- 20 **Section ~~65~~ Mobile Home Planned Development District (MHPD)**
- 21
- 22 **Section ~~76~~ Recreational Vehicle Planned Development District (RVPD)**
- 23

Part 6. ULDC Art. 4.B.1.A, Use Regulations, Use Classification, Residential Uses, Residential Use Matrix (page 13 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Table 4.B.1.A, Residential Use Matrix – In compliance with Planning Ordinance No. 2020-011, MXPDP is being deleted from the Code. Update Note 3 to specifically identify the residential uses that are permitted within an MUPD to provide clarity as to when those uses can be applied to an MUPD development. The uses listed in MXPDP that are being removed are consistent with existing MUPDP allowed uses.

- 22 **CHAPTER B USE CLASSIFICATION**
- 23 **Section 1 Residential Uses**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

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

EXHIBIT C
ARTICLES 1-5
NON-RESIDENTIAL
CR-2020-0024
(Updated 05/17/2021)

- 1
2 **C. Definitions and Supplementary Use Standards for Specific Uses**
3
4 **21. Landscape Service**
5
6 **h. Collocated Use**
7 Shall be allowed only in conjunction with a Retail or Wholesale Nursery, and both uses
8 shall be operated under the same ownership, subject to the following: **[Ord. 2019-039]**
9
10 **5) AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, ~~CH-MXPD~~, NC-TND, and TMD within**
11 **the U/S, Rural, or Exurban Tiers**
12 a) Shall be on a minimum of three acres; and **[Ord. 2019-039]**
13 **b) Approval Process – Class A Conditional Use**
14 (1) The area(s) designated for Landscape Service (On-Site Activities) shall be a
15 maximum of 30 percent of the Growing Area or one acre, whichever is less.
16 **[Ord. 2019-039]**
17

Part 8. ULDC Art. 4.B.3, Use Regulations, Use Classification, Recreation Uses (page 61 and 65 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Table 4.B.3.A, Recreation Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.
2. Art. 4.B.3.C.3.c, Approval Process – CC, CG, MUPD, MXPD and PIPD Zoning Districts – Remove reference to MXPD as it was deleted from the Plan pursuant to Planning Ordinance No. 2020-011.

- 18 **CHAPTER B USE CLASSIFICATION**
19
20 **Section 3 Recreation Uses**
21 **A. Recreation Use Matrix**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C
ARTICLES 1-5
NON-RESIDENTIAL
CR-2020-0024
(Updated 05/17/2021)

- 1
2 **C. Definitions and Supplementary Use Standards for Specific Uses**
3
4 **3. Entertainment, Indoor**
5 **a. Definition**
6 An establishment offering recreational opportunities or games of skill to the general public
7 for a fee in a wholly enclosed building.
8 **b. Typical Uses**
9 Indoor Entertainment may include, but not be limited to: bowling alleys, bingo parlors, pool
10 halls, billiard parlors, banquet and reception facilities, and video game arcades.
11 **c. Approval Process – CC, CG, MUPD, ~~MXPD~~ and PIPD Zoning Districts**
12 An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may
13 be Permitted by Right.
14

Part 9. ULDC Art. 4.B.4.A, Use Regulations, Use Classification, Institutional, Public, and Civic Uses, Institutional, Public, and Civic Use Matrix (pages 69 and 70 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Table 4.B.4.A, Institutional, Public, and Civic Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.

- 15 **CHAPTER B USE CLASSIFICATION**
16
17 **Section 4 Institutional, Public, and Civic Uses**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~*Stricken and italicized*~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Part 10. ULDC Art. 4.B.5, Use Regulations, Use Classification, Industrial Uses (page 81, 82, 84, 86, and 89 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Table 4.B.5.A, Industrial Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPDP Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPDP district. All reference to the MXPDP is being removed.
2. Table 4.B.5.A, Industrial Use Matrix – In compliance with the adopted Planning Ordinance No. 2020-011, the Use Matrix is updated to show a Class A approval for Data and Information Processing, Medical or Dental Laboratory, and Multi-Media Production. These uses were identified as uses that could be allowed within the CLO and Community Commercial (CC) Zooming Districts and FLU designations of MUPD.
3. Art. 4.B.5.C.3.c., Art. 4.B.5.C.8.c., Art. 4.B.5.C.17.d., and Art. 4.B.5.C.18.b, Zoning Districts with a CH FLU Designation – Remove MXPDP reference as it was deleted pursuant to Planning Ordinance No. 2020-011. MUPD is currently identified for existing MXPDPs.

- 1 **CHAPTER B USE CLASSIFICATION**
- 2
- 3 **Section 5 Industrial Uses**
- 4 **A. Industrial Use Matrix**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~*Stricken and italicized*~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C
ARTICLES 1-5
NON-RESIDENTIAL
CR-2020-0024
(Updated 05/17/2021)

- 1
2 **C. Definitions and Supplementary Use Standards for Specific Uses**
3
4 **3. Distribution Facility**
5
6 **c. Zoning Districts with a CH FLU Designation**
7 A facility located in these zoning districts: CG, IRO, MUPD, ~~MXPD~~, or Commercial Pod of
8 a PIPD shall comply with the following additional requirements: **[Ord. 2020-001]**
9 1) Outdoor Storage and activities shall be prohibited. **[Ord. 2020-001]**
10 2) When this use is proposed to replace a previously approved use, the Net Trips and
11 Net Peak Hour Trips must be equal to or less than the approved use. **[Ord. 2020-001]**
12
13 **8. Manufacturing and Processing**
14
15 **c. Zoning Districts with a CH FLU Designation**
16 A facility located in these zoning districts: CG, IRO, MUPD, ~~MXPD~~, or Commercial Pod of
17 a PIPD shall comply with the following additional requirements: **[Ord. 2020-001]**
18 1) Outdoor Storage and activities shall be prohibited. **[Ord. 2020-001]**
19
20 **17. Warehouse**
21
22 **d. Zoning Districts with a CH FLU Designation**
23 A facility located in these zoning districts: CG, IRO, MUPD, ~~MXPD~~, or Commercial Pod of
24 a PIPD shall comply with the following additional requirements: **[Ord. 2020-001]**
25 1) Outdoor Storage and activities shall be prohibited. **[Ord. 2020-001]**
26
27 **18. Wholesaling**
28
29 **b. Zoning Districts with a CH FLU Designation**
30 A facility located in these zoning districts: CG, IRO, MUPD, ~~MXPD~~, or Commercial Pod of
31 a PIPD shall comply with the following additional requirements: **[Ord. 2020-001]**
32 1) Outdoor Storage and activities shall be prohibited. **[Ord. 2020-001]**
33

Part 11. ULDC Art. 4.B.6, Use Regulations, Use Classification, Agricultural Uses (page 91, 92, and 106 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Table 4.B.6.A, Agricultural Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.
2. Art. 4.B.6.C.17.c.1), DRO Approval – Update reference to FLU Element (FLUE) Floor Area Ratio (FAR) Table in the Plan Policy pursuant to Planning Ordinance No. 2020-011.

- 34 **CHAPTER B USE CLASSIFICATION**
35
36 **Section 6 Agricultural Uses**
37 **A. Agricultural Use Matrix**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C
ARTICLES 1-5
NON-RESIDENTIAL
CR-2020-0024
(Updated 05/17/2021)

1
2 **C. Definitions and Supplementary Use Standards for Specific Uses**

3
4 **17. Shade House**

5
6 **c. Commercial Greenhouse**

7 Commercial greenhouses having roofs and walls made of rolled plastic or other similar
8 materials, used for the indoor cultivation of plants, including hydroponic farming using water
9 containing dissolved inorganic nutrients, may be permitted in the AGR Zoning Districts,
10 subject to the following:

11 **1) DRO Approval**

12 Commercial greenhouses that exceed the FAR limitations of ~~FLU-Element~~ Table
13 ~~III-C.22.2-e.1~~ of the Plan, or with five or more acres of building coverage must be
14 approved by the DRO.
15

Part 12. ULDC Art. 4.B.7.A, Use Regulations, Use Classification, Utility Uses, Utility Use Matrix (page 109 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
--

1. Table 4.B.7.A, Utility Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPDP Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPDP district. All reference to the MXPDP is being removed.
--

16 **CHAPTER B USE CLASSIFICATION**

17

18 **Section 7 Utility Uses**

19 **A. Utility Use Matrix**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C
ARTICLES 1-5
NON-RESIDENTIAL
CR-2020-0024
(Updated 05/17/2021)

1
2
3
4
5
6

B. General Standards

....

2. Separation and Setbacks

....

b. Towers Located in Non-Residential Zoning Districts

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

Tower Type	Adjacent to	PC	AP	CN	CL O	CC	CHO	CG	CR E	UC	UI	IR O	IL	IG	IPF	PO	MUP D	MXPD	PIP D
Stealth Towers 200' Max.	Residential Existing (1)	150% of tower height for separation, and 100% of tower height for setback from property line																	
	Residential Vacant (2)	100% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Camouflage Towers 150' Max. (1)	Residential Existing (1)	150% of tower height for separation, and 100% of tower height for setback from property line																	
	Residential Vacant (2)	100% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Monopole Tower (2)	Residential Existing (1)	600% of tower height for separation, and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Self-Support/Lattice Tower (2)	Residential Existing (1)	600% of tower height for separation, and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																	
Guyed Tower (2)	Residential Existing (1)	Lesser of 600% of tower height or 1,500' separation, and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																	
FDOT	Residential	150' setback from abutting residential property line																	
	Non-Residential	75' setback from abutting non-residential property line																	
[Ord. 2017-016]																			
Notes:																			
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																		
2.	Applicable to any tower height.																		
%	Separation or setback as a percentage of tower height.																		

7

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, Cont'd.

Tower Type	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IR	IL	IG	IPF	PO	MUP D	MXPD	PIPD	LC C
Electrical Transmission Lines and Substations																				
Stealth (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line																		
	Non-Residential	20% of tower height or zoning district setback whichever is greater																		
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line																		
	Non-Residential	20% of tower height or zoning district setback whichever is greater																		
Full Array Urban ≤ 80' < 150' (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 100% of tower height for setback from property line																		
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater																		
Full Array Rural (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 150% of tower height for setback from property line																		
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater																		
[Ord. 2017-016]																				
Notes:																				
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																			
2.	Applicable to any tower height.																			
3.	Exceptions to minimum setbacks or separations may be allowed in accordance with Art. 4.B.9.D.1.f, Exceptions to Separations and Setback Requirements.																			
%	Separation or setback as a percentage of tower height.																			

1
2
3
4
5

....
4. Distance between Towers

Towers shall be subject to the following minimum distances between towers:

Table 4.B.9.B – Distance between Towers

Tower Type	Zoning District							
	AGR, PC, and parcels < 10 ac. in AR	CC, CHO, CLO, CN, RE, RM, RS, RT, and TND – NC	PUD: COM and REC Pods, UC, UI, CG, RE, MUPD: CL and CH FLU, MXPD, and TND OSREC	Parcels < 10 ac. in: AP, IG, IL, and PIPD	Parcels ≥ 10 ac. in: AP, AR, IG, IL, and PIPD	PO	PUD: CIV Pod, MUPD: INST FLU, and IPF	Electrical Transmission Lines and Substations, and FDOT R-O-Ws
Stealth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Camouflage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monopole								
≤ 60' in height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
> 60' ≤ 100' in height	500'	660'	500'	N/A	N/A	N/A	300'	N/A
> 100' ≤ 150' in height	660'	660'	660'	N/A	N/A	N/A	600'	N/A
> 150' ≤ 200' in height	1,320'	1,320'	1,320'	1,320'	660'	660'	660'	660'
> 200' ≤ 250' in height	2,640'	2,640'	2,640'	2,640'	1,320'	1,320'	1,320'	1,320'
> 250' in height	3,960'	5,280'	5,280'	2,640'	1,320'	2,640'	2,640'	2,640'
Self-Support/Lattice	5,280'	Not permitted	5,280'	1,320'	N/A	N/A	5,280'	5,280'
Guyed	5,280'	Not permitted	5,280'	2,640'	N/A	N/A	5,280'	5,280'
[Ord. 2017-016]								

6

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Part 16. ULDC Art. 4.B.11.A, Use Regulations, Use Classification, Temporary Uses, Temporary Use Matrix (page 189 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Table 4.B.11.A, Temporary Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPDP Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPDP district. All reference to the MXPDP is being removed.

- 1 CHAPTER B USE CLASSIFICATION
- 2
- 3 Section 11 Temporary Uses
- 4 A. Temporary Use Matrix

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~*Stricken and italicized*~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT C

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024
(Updated 05/17/2021)

Part 17. ULDC Art. 5.E.5.A, Supplementary Standards, Performance Standards, Hours of Operation, Proximity to Residential (page 66 of 113, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Art. 5.E.5.A, Proximity to Residential – Planning Ordinance No. 2020-011 deleted the MXPDP Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPDP district. All reference to the MXPDP is being removed.

1 **CHAPTER E PERFORMANCE STANDARDS**

2

3 **Section 5 Hours of Operation**

4 Hours of operation relate to the time during which the use is open to the public for business. For uses not
5 open to the public, hours of operation shall be the time in which the use has employees working. **[Ord.**
6 **2017-007]**

7 **A. Proximity to Residential**

8 Any non-residential use shall be subject to the hours of operations indicated in Table 5.E.5.A, Hours
9 of Operation, when located within 250 feet of a parcel of land with a residential FLU designation or
10 use, unless stated otherwise. Mixed uses located in the following zoning districts shall not be
11 considered residential uses for the purposes of hours of operation: Neighborhood General (NG),
12 Neighborhood Commercial (NC), and Urban General (UG) Sub-areas of the WCRAO and UC, UI,
13 ~~MXPDP~~, and TMD. **[Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-018]**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. C - CR 2020-0024 Art. 1-5, Non-Residential.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

This page left blank intentionally

EXHIBIT D

**ARTICLE 7 – LANDSCAPING
LANDSCAPE BUFFERS/WALLS**

**CR-2020-0027
(Updated 05/18/21)**

Part 1. ULDC Art. 7.C.2.B, Landscaping, Landscape Buffer and Interior Landscape Requirements, Types of Landscape Buffer, Compatibility Buffer (pages 19 and 20 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Change instances of "lineal" to "linear" feet for consistency in Table 7.C.2.B, Compatibility Buffer Landscape Requirements, format Table contents to Code style, and correct a glitch in Note 5 changing "R-O-W" to "Compatibility" Buffer.
2. Clarify the minimum requirements for Type 1 and Type 2 Incompatibility Buffer landscape barriers and minimum height requirements, as a six-foot hedge only in Table 7.C.2.C, Incompatibility Buffer Landscape Requirements. If a fence is introduced, then then the requirements would follow Note 7 for its placement under Table 7.D.4.D, Requirements for a Wall or Fence in a Landscape Buffer.
3. Clarify the Type 2 Incompatibility Buffer landscape barrier and minimum height requirement that a fence or hedge be opaque for consistency with Type 1 and 3 Incompatibility Buffers.

CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS

....

Section 2 Types of Landscape Buffers

....

B. Compatibility Buffer

4. Landscape Requirements

Planting for a Compatibility Buffer shall be pursuant to Table 7.C.2.B, Compatibility Buffer Landscape Requirements, as follows: **[Ord. 2018-002]**

Table 7.C.2.B – Compatibility Buffer Landscape Requirements (4)

Minimum ₂ Width	Quantity of Canopy Trees <u>per Linear Foot</u> (1)(2)(3)	Quantity of Shrubs <u>per Linear Foot</u> (1)(2)	Landscape Barrier and Minimum ₂ Height (5)
8 feet	1 Canopy tree per 25 lineal feet	1 row of medium shrubs at 1 per 4 lineal feet	No
[Ord. 2018-002]			
Notes:			
1.	Linear feet is based on the property line where the landscape buffer is located. [Ord. 2018-002]		
2.	Width of pedestrian walkway and access points shall be deducted from the length of the property line when calculating the quantity of plant materials. [Ord. 2018-002]		
3.	Palms or pines may substitute a Canopy tree pursuant to Art. 7.D.2.B.1 or Art. 7.D.2.C.1, Canopy Tree Substitute. [Ord. 2018-002]		
4.	Any areas of the buffer not planted with trees and shrubs shall be landscaped with ground treatment pursuant to Art. 7.D.7, Ground Treatment. [Ord. 2018-002]		
5.	If walls or fences are provided in the R-O-W Compatibility Buffer, the requirements shall be pursuant to Art. 7.D.4, Landscape Barriers. [Ord. 2018-002]		

C. Incompatibility Buffer

3. Landscape Requirements

Landscaping for an Incompatibility Buffer shall be pursuant to Table 7.C.2.C-3, Incompatibility Buffer Landscape Requirements, as follows: **[Ord. 2018-002]**

Table 7.C.2.C-3 – Incompatibility Buffer Landscape Requirements (6)

Buffer Type	Minimum ₂ Width	Quantity of Canopy Trees <u>per Linear Foot</u> (1)(2)(3)	Quantity of Palms or Pines <u>per Linear Foot</u> (1)(2)	Quantity of Shrubs <u>per Linear Foot</u> (1)(2)	Landscape Barrier and Minimum ₂ Height
Type 1 Incompatibility	10 feet	1 Canopy tree per 20 lineal feet	-	1 row of each: Small shrubs – 1 per 2 lineal feet	6 feet high opaque fence or hedge (7)
Type 2 Incompatibility	15 feet	1 Canopy tree per 20 lineal feet	1 palm or pine per 30 lineal feet	1 row of each: Small shrubs – 1 per 2 lineal feet ; and Medium shrubs – 1 per 4 lineal feet	6 feet high opaque fence or hedge (7)

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. D - CR-2020-0027 Art. 7, Landscape Buffers-Walls.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT D

**ARTICLE 7 – LANDSCAPING
LANDSCAPE BUFFERS/WALLS**

**CR-2020-0027
(Updated 05/18/21)**

CHAPTER D LANDSCAPE STANDARDS

....

Section 4 Landscape Barriers

D. Location of Wall or Fence in a Landscape Buffer

Walls or fences that are utilized in a landscape buffer should have sufficient area with minimum easement encumbrances for planting on both sides of the wall or fence. **[Ord. 2018-002] [Ord. 2019-005]**

1. Exception

Electrified fencing in accordance with Art. 5.B.1.A.2.e.2), Electrified Fences – Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to. **[Ord. 2013-018] [Ord. 2018-002]**

Table 7.D.4.D – Requirements for a Wall or Fence in a Landscape Buffer

Minimum Requirements	R-O-W	Incompatibility	Compatibility
Setback for the Wall or Fence	A wall or fence is not required; however, if constructed, shall be 10 feet from the edge of the ultimate R-O-W or base building line, whichever is applicable. (1)	A wall or fence is not required for a Type 1 or Type 2 Incompatibility Buffer; however, if constructed, shall be 10 feet from the edge of the property line. (5)	No setback required. Allow to A wall or fence is not required; however, if constructed, shall be located along the property line or inner edge of the buffer.
Planting Width	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used on one side if the wall has a continuous footer (2)(3)	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2)(3)	7.5 feet on one side of the fence. If a wall is installed, 10 feet on one side of the wall. A wall or fence is not required; however, if constructed, shall have 7.5' on one side with no continuous footer or 10' on one side if the wall has a continuous footer (2)(3)
Berm	If a continuous berm is proposed, the wall may be located on top of the berm.	If a continuous berm is proposed, the wall may be located on top of the berm.	No requirement.
Canopy Tree Planting	75 percent % of required trees shall be located along the exterior side of the wall or fence. (4)	75 percent % of required trees shall be located along the exterior side of the wall or fence. (4)(5)	No percentage requirement.
Shrub Planting	Shrubs shall be planted on both sides of the wall or fence.	Shrubs shall be planted on both sides of the wall or fence. (5)	No percentage requirement.
[Ord. 2018-002] [Ord. 2019-005]			
Notes:			
1.	Unless waived or reduced by the County Engineer, provided there remains a minimum of seven and one-half feet clear for planting. [Ord. 2018-002]		
2.	No easement encumbrances. [Ord. 2018-002]		
3.	If a wall or fence is installed/constructed, the minimum width of the landscape buffer shall be increased to have sufficient area for the required planting. <u>The planting width shall be measured to the centerline of the wall or fence.</u> [Ord. 2018-002]		
4.	Percentage of required trees to be located on the exterior side of the wall or fence may be reduced subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002]		
5.	<u>If 100 percent of required Canopy trees are planted on the exterior side of a wall or fence located within a landscape buffer, then the interior side landscape buffer width may be reduced to a minimum of five feet as long as the following conditions are met: the use is non-residential, shrub planting is upgraded to large shrubs, and one palm is planted every 30 linear feet.</u>		

....

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. D - CR-2020-0027 Art. 7, Landscape Buffers-Walls.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

This page left blank intentionally



**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**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
PLANNING DIVISION**

TO: Wesley Blackman, AICP, Chairman, and Members of the
Land Development Regulation Advisory Board (LDRAB)
wesblackman@gmail.com


FROM: Bryan Davis, Principal Planner
Planning Division

DATE: May 26, 2021

RE: Comprehensive Plan Consistency Determination for proposed
Unified Land Development Code (ULDC) amendments

The Planning Division has determined that the proposed ULDC amendments, Exhibits B-I of the packet provided by the Zoning Division, and scheduled for the May 26, 2021 LDRAB/ LDRC meeting, is generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Patricia Behn, Planning Director
Jon MacGillis, Zoning Director
Kevin Fischer, Deputy Planning Director
Wendy Hernandez, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner
Carolina Valera, Senior Planner

This page left blank intentionally

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms (pages 52, 71, and 109 of 111, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]
1. To add a definition for Naturalized Tree.
2. To add a definition for Environmental Professional.
3. To add an acronym for Protection of Native Vegetation (PNV).

1 **CHAPTER H DEFINITIONS AND ACRONYMS**

2

3 **Section 2 Definitions**

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

5

6 26. **Environmental Control Officer (ECO)** – is the person appointed by the ECB under Chapter
7 77-616, Special Acts, Laws of Florida, as amended.

8 27. **Environmental Professional** – for the purposes of Art. 14.C, Vegetation Preservation and
9 Protection, a person who has extensive knowledge of South Florida’s native vegetation (i.e.
10 has the ability to identify species of native vegetation, and evaluate the health and condition of
11 native vegetation), and who holds one or more of the following professional credentials:
12 Certified Arborist, certified by the International Society of Arboriculture; Certified Environmental
13 Professional, certified by the Academy of Board Certified Environmental Professionals;
14 Certified Ecologist, certified by the Ecological Society of America; Registered Consulting
15 Arborist with the American Society of Consulting Arborists; Registered Landscape Architect.

16 **278. Environmentally Sensitive Lands** – ecological sites (ecosites), other than wetlands, that are
17 designated in the Inventory of Native Ecosystems in Palm Beach County and on its
18 accompanying aerial photographs as “A” quality, representing high-quality native Florida
19 upland ecosystems. These sites are indicated on the aerial photographs (received on May 30,
20 1989) that are on file at ERM and are incorporated herein by reference. Inventory of Native
21 Ecosystems in Palm Beach County is a report and annotated aeriels produced during the study
22 with this title, which was conducted by consultants under contract to PBC.

23[Renumber accordingly]

24
25 N. Terms defined herein or referenced in this Article shall have the following meanings:

26

27 9. **Natural Disaster Damage** – loss in structural integrity due to an act of nature such as
28 hurricane, tornado, wildfire, or flood. This does not include fire, termites, and other damages
29 not related to those listed herein. [Ord. 2010-005]

30 10. **Naturalized Vegetation** – native plant species of an undetermined origin that are established
31 on site.

32 101. **Nautical Mile** – for the purposes of Art. 16, Airport Regulations, a unit of length used in air
33 navigation, based on the length of one minute of arc of a great circle, and equivalent to U.S.
34 unit equal to 1,852 meters, or 6,076 feet.

35[Renumber accordingly]

36 **Section 3 Abbreviations and Acronyms**

37

38 **PMSP** Preliminary Master Sign Plan [Ord. 2009-040]

39 **PNV** Protection of Native Vegetation

40 **PO** Public Ownership [Ord. 2005-002]

41

Part 2. ULDC Art. 2.A.5, Application Processes and Procedures, General, Pre-Application Conference (PAC) and Pre-Application Appointment (PAA) (page 16 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]
1. Applicants are required to meet with Zoning or ERM Staff prior to submitting an application for the preservation, relocation, mitigation, etc. of existing vegetation on a parcel. This requirement is being added to Table 2.A.5, PAC and PAA.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

1 **CHAPTER A GENERAL**

2

3 **Section 5 Pre-Application Conference (PAC) and Pre-Application Appointment (PAA)**

4 It is mandatory for the Applicants to meet with Staff prior to the official submittal of applications that are
5 listed in Table 2.A.5, PAC and PAA to identify issues related to the proposed request(s), and ensure the
6 requests are in compliance with the applicable Comprehensive Plan or Codes. **[Ord. 2018-002]**
7

Table 2.A.5 – PAC and PAA

PAC	PAA
-	PO Deviations (3)
-	<u>Existing Native Vegetation (4)</u>
[Ord. 2018-002] [Ord. 2019-005]	
Notes:	
....	
3.	The Zoning Director in consultation with the Applicant may determine a formal PAA is not required based on general discussions on this request. [Ord. 2019-005]
4.	<u>Pursuant to Art 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species, an Applicant shall meet with the Zoning Division and the Department of ERM prior to the submittal of an Application for a Development Permit to address the preservation of native vegetation on the affected site.</u>

8
9

Part 3. ULDC Art. 7.E, Landscaping, Existing Native Vegetation, Prohibited, and Controlled Plant Species (page 47 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]
1. To modify the Pre-Application Appointment to clarify that the this appointment will also determine if the existing vegetation is subject to the requirements of Article 7 or Article 14, and thus the Division/Department Zoning or ERM whom enforces the Code provision.
2. Some references to ERM are also being removed so as to mainly restrict provisions in Art. 7, Landscaping to vegetation controlled by Zoning and restrict the ERM provisions to Art 14, Environmental Standards.

10 **CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES**

11
12 **Section 1 Purpose**

13 To establish standards and requirements for the preservation of existing native vegetation, removal of
14 prohibited species, and reduction of controlled species. For the purpose of this Article-7, existing native
15 vegetation includes native trees, palms, and pines and ~~are required to~~ shall be incorporated ~~in the site for~~
16 ~~any application with the vegetation required pursuant to this Article for any application~~ that is subject to a
17 DO. Existing native vegetation may satisfy the landscape requirements in this Article, in total or in part. In
18 determining whether native vegetation satisfies the requirements of this Article and the goals of Art. 14.C,
19 Vegetation Preservation and Protection, either one or both of the following shall be considered: **[Ord. 2018-002]**
20

- 21 A. The effectiveness of utilizing the existing vegetation as visual screening and re-establish a natural
22 habitat for the existing vegetation; or **[Ord. 2018-002]**
- 23 B. The quality and species of the vegetation being preserved. **[Ord. 2018-002]**

24 **Section 2 Authority and Review Procedures**

25 The Zoning Director shall have the authority to require the preservation of vegetation on-site that is not
26 covered under Art. 14.C, Vegetation Preservation and Protection, subject to the following: **[Ord. 2016-016]**
27 **[Ord. 2018-002]**

- 28 **A. Pre-aApplication Appointment (PAA)**
- 29 The Applicant shall meet with the Zoning Division and the Department of Environmental Resources
30 Management (ERM) prior to the submittal of the application. Staff shall coordinate with the
31 Applicant and ERM to address the preservation of native vegetation ~~in the early stage of~~

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

1 ~~development review~~, and to resolve design issues to the greatest extent, without impacting the
2 timeline for certification or approval of the application. Staff ~~may shall request~~ conduct a site visit
3 with the Applicant to determine whether the existing vegetation is worthy of preservation, whether
4 the vegetation falls under Zoning or ERM authority, and inform the Applicant of the necessary
5 application requirements, including a Vegetation Survey to be submitted as part of the Zoning
6 application. Vegetation that has been determined to be under the authority of ERM, shall be subject
7 to the requirements of Art. 14.C, Vegetation Preservation and Protection. [Ord. 2018-002]

8 B. Review and Permit Procedures

9 The Zoning Division ~~and ERM~~ shall ~~collaborate on the~~ review ~~of~~ all applications that require
10 preservation of existing vegetation through: PAA; site visits; site design to maximize preservation;
11 and when appropriate, Conditions of Approval shall be imposed to ensure the requirements are
12 being monitored at Land Development review and Building Permit stages. [Ord. 2018-002]

13

14 Section 3 Credit and Replacement

15 This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and
16 Interior Landscaping Requirements and Art. 7.D, Landscape Standards. In addition, this Section also
17 establishes requirements for quantity and size for replacement. Replacement of vegetation may be required
18 due to injury, damage, or removal, which includes: improper pruning; hatracking; or, other actions that
19 render existing vegetation unable to achieve its natural and intended form. The quantity and the size of the
20 replaced vegetation is based on the size of the individual vegetation at the time when the vegetation was
21 injured, damaged, or removed. For the purpose of this Section, the term Vegetation shall include trees,
22 palms, or pines. [Ord. 2018-002] [Ord. 2019-005]

23 A. Vegetation Credit

24 Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D,
25 Landscape Standards shall be granted for on-site preservation of existing vegetation when
26 accompanied by an approved Vegetation Survey with a Vegetation Disposition Chart, and indicated
27 on the Final Landscape Plan or Final ALP. [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]

28 1. Approval

29 The credited vegetation shall be approved by both the Department of ERM and the Zoning
30 Division. The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final
31 ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this
32 Article. [Ord. 2020-001]

33 2. Excluded from Credit

34 Credits shall not be permitted for vegetation: [Ord. 2018-002] [Ord. 2019-005]

- 35 a. Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located
36 in required Preservation Areas, heritage, or champion trees);
- 37 b. Irreparably damaged during the construction process; [Ord. 2018-002]
- 38 c. Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation
39 Preservation and Protection; [Ord. 2018-002]
- 40 d. Dead, dying, diseased, or infested with harmful insects; or, [Ord. 2018-002]
- 41 e. Located in a sub-area of a planned development that is not intended to be developed for
42 residential, commercial, or industrial use, such as a Golf Course on an adjacent open
43 space parcel. [Ord. 2018-002]

Part 4. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (pages 33 and 34 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]
--

- | |
|---|
| 1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection. |
|---|

44 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

45

46 Section 4 Applicability

- 47 A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
- 48 B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland
49 vegetation, and the establishment and maintenance of upland preserve areas.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29
Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

1 C. Terms specific to this Chapter are defined in Art. 1.H, Definitions and Acronyms. Terms not defined
2 in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled, "Basis of
3 Review" (BOR), as amended, for Applications within the South Florida Water Management District,
4 dated November 1996, and Art. 1.H, Definitions and Acronyms, of this Code, as may be amended
5 from time to time. In the event that a term is defined in Chapter 62, F.A.C., or the BOR, the BOR
6 shall prevail. [Ord. 2008-040]

7 D. Vegetation subject to the authority of this Article is defined as native plant species that are located
8 on the site through natural recruitment, specimen native trees, or naturalized vegetation. Trees
9 planted as a result of the requirements of Art. 7, Landscaping are not subject to this Article.

10
11 **Section 7 Protection of Native Vegetation Approval – Application, Process, and General**
12 **Standards**

13 **A. General**

14 The application process and procedure set herein apply to the requirements for a Protection of
15 Native Vegetation (PNV) approval. The applications shall be submitted to ERM and in a manner
16 and forms established by ERM, unless otherwise stated herein. ERM shall review all applications
17 that require preservation of existing vegetation.

18 **AB. Single Family Dwellings**

19 All newly constructed Single Family ~~d~~Dwellings (SFDs) in a residential subdivision ~~will~~shall
20 automatically receive a Building Division Residential 1 & 2 Family Checklist with standard native
21 and non-native vegetation removal conditions as part of the Building Permit process. For the
22 purposes of this Chapter, a Single Family (SF) residential parcel ~~also~~ includes: SFD; Zero Lot Line;
23 and, Townhouse or Multifamilysingle two-unit (duplex) residences and associated accessory
24 structures, and shall comply with the following standards: [Ord. 2008-040] [Ord. 2012-027] [Ord.
25 2018-018]

- 26 1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the
27 purpose of the site plan. The Building Division Checklist shall include requirements that ensure
28 the intent of this provision is implemented. [Ord. 2008-040] [Ord. 2018-018]
- 29 2. ~~Complete r~~Removal or eradication of prohibited invasive non-native vegetation, as identified in
30 Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
31 Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior
32 to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited
33 Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is
34 prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No
35 additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord.
36 2006-004]

37
38 Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for
39 ~~Single Family residences, single two-unit (duplex) residences, and accessory structures~~
40 ~~associated with Single Family residential parcels~~ SF residential parcels in existence as of the
41 date of the adoption of this Chapter are void and of no effect, and all pending enforcement
42 actions related thereto are dismissed. ~~Single Family~~SF residential ~~Property~~parcel Owners are
43 encouraged to maintain preserved native vegetation after site development is completed and
44 to minimize the removal of native vegetation damaged by an extreme weather event such as a
45 storm, hurricane, or other natural disaster. [Ord. 2008-040] [Ord. 2014-001]

46
Part 5. **ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection**
(page 34 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]

- | |
|---|
| 1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection. |
|---|

47 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

48

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29
Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

1 Section 7 Protection of Native Vegetation Approval – Application, Process, and General
2 Standards

3 ~~BC. Approval of Development for Commercial Projects, Government Projects, Schools, New~~
4 ~~Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and~~
5 ~~Agricultural Operations Ten Acres in Size or Greater~~ Development of Other Uses and
6 Improvements

7 1. Applicability

8 The following uses and construction shall comply with this Subsection, unless exempted by
9 State law for Building Permits:

- 10 a. MF residential over two units;
11 b. Commercial or industrial projects;
12 c. Construction of utilities, road right-of-way, and canals;
13 d. Schools;
14 e. Government projects;
15 f. Agricultural uses ten acres in size or greater; and,
16 g. Other construction, unless exempted by Art. 14.C.8, Exemptions.

17 2. Pre-Application Appointment

18 a. PZB Development Permit

19 The Applicant may meet with ERM or Zoning Staff, pursuant to the requirements of Art.
20 7.E.2.A, Pre-Application Appointment (PAA). Staff will determine whether ERM or Zoning
21 is the appropriate regulatory authority for the existing native vegetation on the subject
22 parcel. The regulatory authority for the trees shall be established prior to the sufficiency
23 determination on the Tree Disposition approved by ERM and the Zoning Division.

24 b. Any Other Application Requiring ERM Review of Vegetation

25 These applications shall follow the requirements and standards of the provisions below:

26 43. Requirements and Process

- 27 a. ~~Projects involving the development of commercial projects, government projects, schools,~~
28 ~~new construction of a utility, road right-of-way projects, projects requiring DRO review, and~~
29 ~~agricultural operations of ten acres or greater shall apply to ERM for approval of said project~~
30 ~~on forms provided by ERM. The provisions of the Art. 14.C.7, Application, Process, and~~
31 ~~General Standards shall not apply on lands classified as Bona Fide Agriculture when the~~
32 ~~regulatory activity is preempted by State law. The Applicant shall submit an application to~~
33 ~~ERM for a PNV approval if native vegetation will be impacted by site development,~~
34 ~~concurrently with a Final Site Plan or Administrative Review application. The Applicant shall~~
35 ~~meet with ERM Staff prior to the submittal of the PNV application pursuant to the~~
36 ~~requirements of this Chapter. Projects that are exempt from the DRO not subject to the~~
37 ~~Final Site Plan or Administrative Review application processes, must make submit an~~
38 ~~application for approval to remove native vegetation to ERM within 30 days of~~
39 ~~making concurrently with an application for an initial Building Permit for the project. [Ord.~~
40 ~~2008-040] [Ord. 2009-040] [Ord. 2014-001]~~
41 b. An application shall not be deemed complete until the application fee and all information
42 necessary to fully understand the extent, nature, and potential impacts of a proposed
43 project are received by ERM and approved by ERM prior to ~~the scheduled DRO~~
44 ~~meeting approval of a Zoning application or Building Permit application.~~ Any additional
45 information for an application deemed insufficient at DRO meeting will not be approved
46 until the next scheduled DRO meeting. Such information may include, but is not limited to:
47 **[Ord. 2008-040]**

48

- 49 6) An ~~incorporated~~ Vegetation Plan which graphically depicts the location and field tag
50 number for each native ~~tree and palm~~ vegetation to remain undisturbed on the parcel
51 during construction and the natural life of the vegetation. The ~~incorporated~~
52 ~~Vegetation Plan may also be required to be incorporated as a feature of the site
53 plan; **[Ord. 2008-040]**
54 7) A ~~numbered tabular list~~ Vegetation Disposition Chart of all native vegetation surveyed,
55 indicating the species of vegetation, the DBH or height of clear trunk if palm, and
56 whether the parcel owner proposes to keep the vegetation in place, relocate it, offer it
57 for surplus, remove it, or mitigate for its removal. The Vegetation Disposition Chart
58 shall list all native Canopy trees with the DBH equal to or greater than six inches, with
59 the exception of Dahoon Holly (*Ilex cassine*) that shall be measured at DBH equal to
60 or greater than four inches, and native palms with trunk heights equal to or greater
61 than eight feet; [Ord. 2008-040]~~

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29
Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

1 8) A recent certified survey overlaid with existing easements, the proposed
2 improvements, and the native vegetation, which has been identified and certified by an
3 Environmental Professional.

4 ...[Renumber accordingly]

5
6 g. A pre-clearing meeting between ERM, the general contractor, and land clearing
7 subcontractor to review the conditions within the PNV and Best Management Practices
8 shall be required at least two business days prior to the commencement of land clearing
9 activities unless ERM has waived the requirement in writing.

Part 6. **ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection**
 (page 35 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]

1. The purpose of this amendment is to reference an ERM PPM for the determination of donations to natural areas and to add specific language to regulate specimen sized native trees.

10 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

11

12 **Section 7 Protection of Native Vegetation Approval – Application, Process, and General**
13 **Standards**

14 ~~**BC. Approval of Development for Commercial Projects, Government Projects, Schools, New**~~
15 ~~**Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and**~~
16 ~~**Agricultural Operations Ten Acres in Size or Greater**~~
17 ~~**Development of Other Uses and**~~
18 ~~**Improvements**~~

19 **24. Standards of Approval**

20 No approval shall be issued unless the application demonstrates that the project: **[Ord. 2008-**
21 **040]**

- 22 a. Will not result in a net loss of wetland functions and values; **[Ord. 2008-040]**
23 b. Complies with water quality rules and standards set forth in Chapter 62-302, F.A.C.; **[Ord.**
24 **2008-040]**
25 c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely
26 affect recreational fisheries or their habitats; **[Ord. 2008-040]**
27 d. Will not adversely impact endangered or threatened species, and species of special
28 concern, or their habitat; **[Ord. 2008-040]**
29 e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to
30 native vegetation. Existing native vegetation shall be incorporated into the site plan and
31 protected during construction. Parcel improvement features shall be configured to minimize
32 removal of existing native vegetation and maximize the use of areas dominated by
33 prohibited and invasive non-native vegetation. Existing native vegetation that cannot be
34 preserved in place shall be relocated to appropriate buffer and open space areas on the
35 parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be
36 considered surplus. There is no requirement to provide vegetation for surplus. Non-
37 relocatable native vegetation with trunk diameters equal to or greater than six inches that
38 cannot be maintained on the parcel shall be mitigated in accordance with Table ~~7.E.3.C,~~
39 ~~Vegetation Credit and Replacement~~ 14.C.7.B, Native Vegetation Mitigation or through
40 planting equivalent native vegetation, accepted by ERM prior to the receipt of the
41 Certificate of Occupancy for ~~s~~Single-unit Family projects or 75 percent completion of
42 construction of ~~m~~Multi-unit family projects, based on either total square footage or number
43 of units to be constructed. Native palms with gray wood equal to or greater than eight feet
44 that cannot be relocated must be replaced with native palms of like size. A planting plan
45 that clearly delineates proposed mitigation plantings from any required landscape plantings
46 must be approved by ERM prior to the issuance of the first Building Permit for the project.
47 **[Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040] [Ord. 2018-018]**
48 f. ERM shall also consider: **[Ord. 2005-002] [Ord. 2008-003]**
49 1) Alternative designs to limit the removal of native vegetation to the minimum necessary
50 while still allowing the Applicant to accomplish the purpose of the site plan; **[Ord. 2008-**
51 **040]**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29
Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

- 1 2) Preserving listed species in place or relocating to buffers, open space, or unimproved
2 portions of the parcel; [Ord. 2008-040]
3 3) The likelihood of success for relocated native vegetation; [Ord. 2008-040]
4 4) Mitigation or compensation for the loss of native vegetation; [Ord. 2008-040]
5 5) Creation of a tree preservation area; [Ord. 2008-040]
6 6) In lieu of replacement planting, when on-site mitigation has been exhausted or is
7 unavailable, a donation may be made to PBC for the Natural Areas Fund unless an
8 alternative plan that meets the purpose and intent of this Chapter has been approved
9 by the Director of ERM. The donation amount shall be based on the ~~average cost of~~
10 ~~the purchase, installation, and maintenance for one year of an equivalent number of~~
11 ~~replacement trees~~ schedule provided in ERM PPM #EV-O-308; ~~and~~, [Ord. 2006-036]
12 [Ord. 2008-037] [Ord. 2012-027]
13 7) Sabal palms may be allowed as replacement plantings for Canopy trees if approved
14 by ERM and planted at three-to-one (palms-to-required replacement trees) based on
15 Table ~~7.E.3.C, Vegetation Credit and Replacement~~ 14.C.7.B, Native Vegetation
16 Mitigation, on ten-foot centers, plus or minus one foot, and grouped as shown on a
17 planting plan table approved by ERM. [Ord. 2006-036] [Ord. 2008-040]
18 g. Complies with any applicable Federal, State, or local designated preserve, conservation,
19 or mitigation area. [Ord. 2008-040]
20 h. Removes or eradicates prohibited invasive non-native vegetation, as identified in Appendix
21 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
22 Vegetation, shall be completed for the entire parcel or parcels of the Development Order
23 prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5,
24 Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
25 Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited
26 vegetation. No additional permit for such maintenance of vegetation shall be required.
27 [Ord. 2005-002] [Ord. 2006-004] [Ord. 2008-040]
28 i. Specimen Tree Removal
29 Removal of any specimen tree (defined in Art. 1.H.2, Definitions) from non-exempt parcels
30 identified in Appendix 7, Specimen Tree List, is prohibited, unless the following criteria are
31 met:
32 1) The Applicant shall depict on the Site or Subdivision Plan any specimen tree in its
33 original location to the greatest extent possible;
34 a) If there is no reasonable alternative that allows incorporation of the tree into the
35 parcel design, a specimen tree shall be relocated in a manner to ensure
36 survivability. The applicant shall provide appropriate documentation (e.g. an
37 Arborist Report), prepared by an Arborist, certified by the International Society of
38 Arboriculture, to ERM for review.
39 b) If a specimen tree cannot be relocated, the parcel owner shall install mitigation
40 plantings consisting of native vegetation pursuant to Table 14.C.7.B, Native
41 Vegetation Mitigation Table. This requirement is in addition to the requirements
42 outlined in Art. 7, Landscaping, and any other Conditions of Approval.
43 2) Dahoon Holly (*Ilex cassine*) trees shall be replaced like size for like size for mitigation.

Part 7. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 36 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]
1. This amendment is to correct a spelling error.

44 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

45

46 Section 7 Protection of Native Vegetation Approval – Application, Process, and General 47 Standards

48 ~~BC. Approval of Development for Commercial Projects, Government Projects, Schools, New~~
49 ~~Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and~~
50 ~~Agricultural Operations Ten Acres in Size or Greater~~ Development of Other Uses and
51 Improvements

52

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

35. Establishing Native Upland Preserves

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

The Applicant shall provide an environmental assessment prepared by an environmental professional for parcels with significant or unique areas of native vegetation at time of initial application to determine the native upland preserve location, size, and configuration for evaluation by ERM. The Applicant is encouraged to meet with ERM to determine the extent of the assessment. The assessment shall include the following with photo documentation, at a minimum: Florida Land Use and Cover Classification System (FLUCCS) map, a list of native species, quality of the native ecosystem, overall identification and quality of the native species, presence of listed species, ecosystem type, uniqueness of wildlife habitat, quality and quantity of native vegetation (canopy, understory, and groundcover), compactness of the preserve, and the proximity to other natural preserve areas and corridors. [Ord. 2019-034]

a. The preserve boundaries shall be designated in a certified survey submitted to ERM for approval. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed and proper documentation submitted to ERM prior to issuance of technical compliance or monitoring release, if applicable, and shall be maintained by the parcel owner in compliance with the approved Preserve Management Plan. The County may release the preserve if the applicant offers to relocate the preserve to an area that meets the criteria in Art. 14.C.7.B.6, Surplus Native Vegetation. [Ord. 2008-040] [Ord. 2019-034]

....[Renumber accordingly]

Part 8. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 38 of 51, Supplement 26), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Environmental Resources Management]
1. The purpose of this amendment is to add a bond requirement to restore native plant communities that have been destroyed during construction or if the project is abandoned.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

....

Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

~~BC. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater~~ Development of Other Uses and Improvements

9. Performance Guarantee Required for Tree Mitigation or Restoration

a. Process

A performance guarantee in an amount equal to 125 percent of the replacement value of the trees listed on the approved Vegetation Disposition Chart pursuant to ERM PPM #EV-O-308.

b. Purpose and Intent

The purpose of the performance guarantee is to ensure that the obligations under the PNV are satisfied.

c. Execution

The performance guarantee shall be executed by a person with a legal interest in the parcel.

d. Form of Performance Guarantee

The performance guarantee shall be:

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates new text.

Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:].

Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

- 1) A cash deposit or certificate of deposit assigned to PBC; or
2) A performance bond issued by a State of Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations in accordance with the performance bond PPM; or
3) A clean, irrevocable letter of credit in accordance with the letter of credit PPM.
e. Term of the Performance Guarantee Duration
1) The performance guarantee shall be kept in full force until all obligations there under are satisfied.
2) The performance guarantee shall remain in effect until:
a) such time that all conditions listed in the PNV are satisfied; or
b) a replacement performance guarantee for transfer of ownership of the project in conjunction with the transfer of the PNV approval issued for the project to another owner is reviewed and approved on forms provided by ERM.
f. Use of Performance Guarantee
In the event the PNV expires in advance of the completion of the conditions specified in the PNV approval, and no written request is approved by ERM for reinstatement within 30 calendar days of expiration, the Property Owner of the parcel shall be found in violation of Art. 14.C, Vegetation Preservation and Protection, and a claim against the guarantee shall be initiated consistent with the requirements outlined in ERM PPM #EV-O-308.
g. Exemptions
1) PBC projects are exempt from the performance guarantee for tree mitigation or restoration.
2) Projects whose total performance guarantee value would be less than 1,000 dollars, are exempt from the performance guarantee for tree mitigation and restoration.

Part 9. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 38 of 51, Supplement 26), is hereby amended as follows:

Table with 2 columns: Reason for amendments, [Environmental Resources Management]
1. The purpose of this amendment is to codify a Native Vegetation Table for ERM vegetation depicted on the tree disposition chart.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

....

Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

~~BC. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater~~ Development of Other Uses and Improvements

- 710. Mitigation or Restoration
a. For replacement vegetation which dies other than through a natural occurrence, the replacement value shall be that in Table 14.C.7.B, Native Vegetation Mitigation. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. When native trees are removed or damaged contrary to written approval by ERM or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be replaced mitigated at double the rate shown in the Table 7.E.3.C, Vegetation Credit and Replacement 14.C.7.B, Native Vegetation Mitigation. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 7.E.3.C, Vegetation Credit and Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this Article. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in Table 7.E.3.C, Vegetation Credit and Replacement 14.C.7.B, Native Vegetation Mitigation. [Ord. 2008-040] [Ord. 2009-040] [Ord. 2012-027]

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

**CR-2019-0022 and 29
(Updated 05/17/2021)**

Table 14.C.7.B – Native Vegetation Mitigation

<u>Tree or Pine Diameter at 4.5 Above Grade (1)(2)(3)</u>	=	<u>Quantity for Mitigation (4)</u>
< 6"	=	0
6-8"	=	2
9-11"	=	3
12-14"	=	4
15-17"	=	5
18-20"	=	6
21-23"	=	7
24-26"	=	8
≥ 27"	=	9
Notes:		
<u>1.</u>	<u>Fractional measurements shall be rounded in accordance with Art. 1.C.1.A.2, Interpretation and Application.</u>	
<u>2.</u>	<u>Dahoon Holly (<i>Ilex cassine</i>) trees shall be replaced like size for like size for mitigation as pursuant to Art. 14.C.7.B.4.i, Specimen Tree Removal.</u>	
<u>3.</u>	<u>Palms mitigation shall be one for one and equivalent trunk height and subject to Art. 14.C.7.B.1.b.7) and Art 14.C.7.B.4.e.</u>	
<u>4.</u>	<u>Replacement of vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 14.C.12, Violations.</u>	

1

Part 10. ULDC Art. 14.C.8.E, Environmental Standards, Vegetation Preservation and Protection, Exemptions, Landscape Plant Removal (page 39 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]
1. The purpose of this amendment is to add native to the landscape reference indication regulated landscape material.

2 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

3

4 **Section 8 Exemptions**

5

6 **E. Landscape Plant Removal**

7 Removal or alteration, from an improved parcel, of native and non-native vegetation installed as
8 landscape, provided the activity complies with the requirements of Art. 7, Landscaping, as
9 amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or
10 jurisdictional wetlands.

11

Part 11. ULDC Art. 14.C.12, Environmental Standards, Vegetation Preservation and Protection, Violations (pages 41 and 42 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]
1. The purpose of this amendment is to reference specimen tree violations and to address removal of native vegetation without a PNV approval.

12 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

13

14 **Section 12 Violations**

15 **A. Violations**

16 A violation shall be:

- 17 1. The alteration or removal of one specimen tree, or the alteration or removal of up to 1,500
18 square feet of native vegetation without an approval from ERM, unless expressly exempt under
19 this Chapter. Alteration or removal of each additional specimen tree and alteration of each
20 additional 1,500 square feet of native vegetation or portion thereof in violation of this Chapter
21 shall constitute a separate and additional violation. **[Ord. 2008-040] [Ord. 2009-040]**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29 Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT E

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29
(Updated 05/17/2021)

- 1
2
3 **B. Enforcement**
4 ~~1.~~—To enforce compliance with this Chapter, the County may issue a cease and desist order or
5 require that a Building Permit or CO be withheld. A violation of this Chapter shall be punishable by
6 one or more of the following: **[Ord. 2008-040]**
7 1. Violations involving activities conducted without a valid PNV approval that may otherwise have
8 been permitted will require the submittal of a PNV application, the appropriate application fee,
9 and be subject to the remedies outlined in Art. 10, Enforcement of the Code or other remedies
10 pursuant to this Article;
11 2. Activities conducted with a valid PNV approval that are inconsistent with the stated approval
12 conditions and result in a need to modify the existing approval will require an application to
13 modify the PNV, the appropriate application fee, and be subject to the remedies outlined in Art.
14 10, Enforcement of the Code or other remedies pursuant to this Article;
15 ~~a3.~~ Remedies outlined in Art. 10, Enforcement, of the Code; **[Ord. 2008-003] [Ord. 2008-040]**
16 ~~b4.~~ Any applicable remedies under F.S. ch. 125 and F.S. ch. 162, as amended; **[Ord. 2008-003]**
17 ~~c5.~~ PBC may take any other appropriate legal action, including but not limited to, administrative
18 action, and requests for temporary and permanent injunctions to enforce the provisions of this
19 Chapter; and, **[Ord. 2008-003] [Ord. 2008-040]**
20 ~~d6.~~ ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective
21 date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement
22 provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior
23 to, and with obligations beyond, the effective date of this Chapter, except that violations of
24 Single Family dock permits issued pursuant to the agreement between PBC and the USACOE
25 (adopted as Resolution No. R-89-120 and dated January 24, 1989), shall be referred to the
26 USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the
27 event the DEP directs ERM to enforce a violation of a permit issued under the mangrove
28 delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement
provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. E - CR-2019-0022 and 29
Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

This page left blank intentionally

EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE DEVELOPMENT ORDER APPEALS TO HEARING OFFICERS

CR-2020-0025
(Updated 05/17/21)

Part 1. ULDC Art. 2.A.14.C.2.b, Application Processes and Procedures, General, Appeal, Non-Judicial Relief, Processes, Administrative DO (pages 23 and 24 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify any Development Review Officer (DRO) Conditions of Approval in addition to decision, may also be subject to appeal, and change terminology of “the ULDC” to “this Code” when referencing in itself.

1 **CHAPTER A GENERAL**

2

3 **Section 14 Appeal**

4

5 **C. Non-Judicial Relief**

6

7 **2. Processes**

8

9 **b. Administrative DO**

10 Any Person seeking a DO approval from the DRO, except for Type 1 Waivers, may appeal
11 that decision, including any Conditions of Approval, to the Hearing Officer according to the
12 following: [Ord. 2005-002] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

- 13 1) The Hearing Officer shall consider the appeal petition within 60 days of its filing or a
14 date agreed upon by the Applicant and the DRO. The Zoning Division shall coordinate
15 and establish the date for the ~~DRAB~~ hearing. [Ord. 2011-016]
16 2) The Hearing Officer may reverse or affirm or modify the decision, including any
17 Conditions of Approval, of the DRO. [Ord. 2011-016] [Ord. 2018-002]
18 3) At the hearing, the Hearing Officer shall only consider testimony and argument relating
19 to the application, supporting documentation, and any ~~sStaff r~~Report or documentation
20 presented at the time of the DRO decision, including any Conditions of Approval. [Ord.
21 **2011-016**] [Ord. 2018-002]
22 4) The decision, including any Conditions of Approval, of the DRO shall be presumed
23 correct and the Person seeking the appeal shall have the burden of demonstrating
24 error. The Hearing Officer shall defer to the discretion of the DRO in interpreting ~~the~~
25 ~~ULDC~~this Code and shall not modify or reject the interpretation if it is supported by
26 substantial competent evidence, unless the interpretation is found to be contrary to the
27 Plan, this Code, or the Official Zoning Map. [Ord. 2011-016] [Ord. 2018-002]

28

Part 2. ULDC Art. 2.G.3.G.2, Application Processes and Procedures, Decision Making Bodies, Appointed Bodies (pages 82 and 84 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Exhibit B, Part 10 of Ordinance No. 2018-002 removed under the Powers and Duties subject of the Development Review Appeals Board (DRAB) "to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit" as this had been diverted to Hearing Officers, but was not carried forward to the appropriate Subsection. Furthermore, this subparagraph was not removed during codification of Supplement 23, instead inadvertently removing the preceding subparagraph enumerating "to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP." This amendment corrects these glitches accordingly.

29 **CHAPTER G DECISION MAKING BODIES**

30

31 **Section 3 Appointed Bodies**

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. F - CR-2020-0025 Art. 2, Administrative Development Order Appeals to Hearing Officers.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE DEVELOPMENT ORDER APPEALS TO HEARING OFFICERS

CR-2020-0025
(Updated 05/17/21)

- 1
2 **C. Development Review Appeals Board**
3 **1. Establishment**
4 There is hereby established a Development Review Appeals Board (DRAB).
5 **2. Powers and Duties**
6 The DRAB shall have the following powers and duties under the provisions of this Code:
7 a. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for
8 Certificates of Concurrency Reservation and Concurrency Exemption Extension; and
9 ~~b. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with~~
10 ~~regard to action taken on an application for a final Development Permit.~~
11 b. to hear, consider, and decide appeals from decisions of the Planning Director on
12 applications for Entitlement Density and WHP. [Ord. 2007-013] [Ord. 2018-002]
13
14 **G. Hearing Officers**
15 **1. Creation and Appointment**
16 The County Administrator may, from a pool selected by the BCC, appoint one or more ~~h~~Hearing
17 ~~e~~Officers to hear and consider such matters as may be required under any provision of this
18 Code or under any provision of any other ~~Palm Beach County PBC~~ Ordinance as may be
19 determined to be appropriate by the BCC from time to time. Such ~~h~~Hearing ~~e~~Officers shall be
20 selected pursuant to the procedures and minimum qualifications provided for in Art. 2.G.3.B,
21 Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period
22 as is determined by the Board. Code Enforcement Special Masters may serve ex officio as
23 Hearing Officers as set forth in this Section. [Ord. 2010-022] [Ord. 2015-006]
24 **2. Powers and Duties**
25 A ~~h~~Hearing ~~e~~Officer shall have the following powers and duties under the provisions of this
26 Code:
27 a. to conduct hearings and issue administrative orders on such matters as may be requested
28 by the BCC;
29 b. to issue subpoenas to compel the attendance of witnesses and production of documents,
30 and to administer oaths to witnesses appearing at the hearing; ~~and,~~
31 c. to perform such other tasks and duties as the BCC may assign; ~~and,~~
32 d. to hear and decide appeals of any DRO decision, including Conditions of Approval, unless
33 stated otherwise.
34

Part 3. ULDC Application Processes and Procedures, Art. 2.G.4.G.4.g, Decision Making Bodies, Staff Official, Development Review Officer (DRO), Procedures, Appeal (page 93 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Correct that appeals to decisions, and clarify including Conditions of Approval, by the DRO are subject to the Hearing Officer since Ordinance No. 2018-002.

35 **CHAPTER G DECISION MAKING BODIES**

36

37 **Section 4 Staff Officials**

38

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

40

41 **4. Procedures**

42

43 **g. Appeal**

44 Appeal of any decision, including Conditions of Approval, of the DRO shall be ~~made~~
45 ~~rescheduled before~~ the ~~DRAB~~Hearing Officer based on the requirements in Art.
46 2.A.14.C.2.b, Administrative DO, unless stated otherwise. [Ord. 2011-016]
47

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. F - CR-2020-0025 Art. 2, Administrative Development Order Appeals to Hearing Officers.docx

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT G

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

CR-2021-0026
(Updated 05/17/2021)

Part 1. ULDC Art 3.B.14.E, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Use Regulations (pages 45 and 46 of 213, Supplement 29), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]
1. Rename and update references of Table 3.B.14.E, WCRAO Mixed Use to Table 3.B.14.E, Minimum/Maximum Residential and Non-Residential Uses, to clarify that the function of the Table is to determine, specific to Sub-areas, where mixed use is generally permitted or prohibited. The current name of the Table is somewhat misleading since it does serve a broader purpose, which is also to make clear where and by required percentage of gross floor area, residential-only and/or non-residential projects are allowed across WCRAO Sub-areas.
2. Relocate Note 4 in Table 3.B.14.E, WCRAO Mixed Use to Table 3.B.14.E, WCRAO Sub-area Use Regulations. Language specific to where Multifamily and Townhome housing types are permitted by number of units by Sub-area is better suited to be located within the Sub-area use regulations table rather than Table 3.B.14.E, Mixed Use.
3. Amend Table 3.B.14.E, WCRAO Sub-area Use Regulations to introduce an alternative Single Family housing type which allows smaller Single Family dwellings to be built on lots with a 25-foot width or frontage. This alternative Single Family model will only be allowed in the NRM Sub-area which encompasses South Westgate Estates; an area of the Overlay that historically platted on 25-foot-wide by 115-foot-deep lots. The NRM Sub-area is intended to encourage low intensity neighborhood mixed use, Single Family, Townhouse, and low density Multifamily. By allowing Single Family dwellings on 25-foot-wide lots, workforce housing unit production is anticipated to increase by providing developers with a viable “for-sale” alternative, while also stabilizing the community through home ownership, and de-incentivizing the proliferation of duplex and triplex rental development.
4. Amend Table 3.B.14.E, WCRAO Sub-area Use Regulations to clarify that the Gas and Fuel Sales, Retail use in the UI Sub-area is subject to the use regulations of the zoning district, correcting a scrivener’s error as the corresponding cell is currently left blank, therefore forcing the Code to remain silent.

1 **CHAPTER B OVERLAYS**

2

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

4

5 **E. Use Regulations**

6 **1. Mixed Use**

7 In the WCRAO, mixed use means the combination of residential and one or more non-
8 residential uses that are functionally integrated. Mixed use may be required or permitted in
9 commercial districts that have a commercial with underlying residential FLU designation, as
10 indicated in Table 3.B.14.E, WCRAO ~~Mixed Use~~Minimum/Maximum Residential and Non-
11 Residential Uses. [Ord. 2006-004]

12

Table 3.B.14.E – WCRAO ~~Mixed Use~~Minimum/Maximum Residential and Non-Residential Uses

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use (2)	Prohibited	Permitted (1)(3)	Permitted (1)(3)	Permitted (3)(4)	Permitted(4)	Permitted(4)	Prohibited
Min. Residential Use	N/A	50%	50%	0%	0%	0%	N/A
Max. Residential Use	N/A	100%	100%	100%	100%	100%	N/A
Min. Non-Residential Use	N/A	0%	0%	0%	0%	0%	N/A
Max. Non-Residential Use	N/A	50%	50%	100%	100%	100%	N/A
[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001]							
Notes:							
1.	Non-residential uses on parcels that have a commercial FLU with underlying residential designation, approved as part of Plan Amendment Round 2005-01, Ordinance No. 2005-032, shall be permitted in the NRM and NG Sub-areas. Non-residential uses shall only be permitted if all permitted residential density is utilized, but in no case shall it be less than one unit. Density shall be calculated meeting the requirements of FLUE Table 2.2.1-g.1, and other related Policies of the Plan. [Ord. 2006-004] [Ord. 2015-031] [Ord. 2018- 002] [Ord. 2019-005] [Ord. 2020-001]						

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. G - CR-2021-0026 Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT G

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

CR-2021-0026
(Updated 05/17/2021)

2.	Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). Projects that vertically integrate a minimum of 20 percent of the site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density. [Ord. 2006-004] [Ord. 2020-001]
3.	Residential-only developments are permitted within the NC, NRM, and NG Sub-areas. [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001]
4.	Within the NC, UG, and UH Sub-areas, residential-only Multifamily and Townhouse developments with five dwelling units or more shall be permitted. Residential-only developments with under five units shall not be permitted. [Ord. 2020-001] [Relocated to: Table 3.B.14.E, WCRAO Sub-area Use Regulations]

1
2
3
4
5
6

2. Sub-area Use Regulations

a. Use Regulations

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

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
Residential Uses								
Single Family	P	P	X	X	X	X	X	4.B.1.C.5
South Westgate Estates Single Family Alternative	X	P	X	X	X	X	X	4.B.1.C.5
Cottage Home – Single Unit on a Single Lot	X	P	X	X	X	X	X	4.B.1.C.2
Cottage Home – Multiple Units on a Single Lot or Site	X	P	P	X	X	X	X	4.B.1.C.2
Zero Lot Line (ZLL)	X	X	X	X	X	X	X	4.B.1.C.7
Multifamily (MF)	X	P (5)	X	4.B.1.C.4				
Townhouse	X	P (5)	X	4.B.1.C.6				
Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Car Wash	X	X	X	X	- (7)	-	-	4.B.2.C.4
Convenience Store	X	X	X	X	X	-	-	4.B.2.C.7
Electric Vehicle Charging Station Facility	X	- (8)	- (8)	- (8)	- (8)	- (8)	-	4.B.2.C.10
Employment Agencies (6)	X	X	X	X	X	-	-	4.B.2.C.26
Gas and Fuel Sales, Retail	X	X	X	X	X	-	-	4.B.2.C.16
Landscape Service	X	X	X	X	X	X	-	4.B.2.C.21
Parking, Commercial (9)	X	X	X	X	X	X	X	4.B.2.C.27
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.30
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.31
Self-Service Storage, Limited Access	X	X	X	X	-	-	-	4.B.2.C.37
Self-Service Storage, Multi-Access	X	X	X	X	X	X	-	4.B.2.C.37
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.41
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.40
Work/Live Space	X	(4)	(4)	(4)	(4)	(4)	X	4.B.2.C.44
Industrial Uses								
Office Warehouse	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Contractor Storage Yard	-	-	-	-	-	-	A	4.B.5.C.1
Distribution Facility	X	X	X	X	X	A	D	4.B.5.C.3
Manufacturing and Processing	X	X	X	X	X	A	D	4.B.5.C.8
Warehouse	X	X	X	X	X	A	D	4.B.5.C.17
Wholesaling	X	X	X	X	X	A	D	4.B.5.C.18
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001] [Ord. 2021-006]								
Key:								
X	Prohibited in Sub-area							
-	Subject to use regulations of zoning district							
P	Permitted by Right in Sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]							
D	Permitted by DRO approval [Ord. 2021-006]							
A	Class A Conditional Use [Ord. 2017-007]							
Notes:								
1.	Limited to lots with a CH FLU designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2018-002]							
2.	A number in the Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. [Ord. 2006-004] [Ord. 2020-001]							
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. [Ord. 2007-013] [Ord. 2020-001]							

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. G - CR-2021-0026 Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT G

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

CR-2021-0026
(Updated 05/17/2021)

5.	Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use Minimum/Maximum Residential and Non-Residential Uses. Within the NC, UG, and UH Sub-areas, residential-only Multifamily and Townhouse developments with five dwelling units or more shall be permitted; residential-only developments with under five units shall not be permitted. [Relocated from: Table 3.B.14.E, WCRAO Mixed Use] [Ord. 2017-002] [Ord. 2020-001]
6.	Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]
7.	Limited to lots which front Okeechobee Boulevard and consistent with Art. 11.E.2.A.4.b, Non-Residential Lots. [Ord. 2021-006]
8.	Permitted in the NRM, NG, NC, UG, and UH Sub-areas as an accessory use. [Ord. 2021-006]
9.	Commercial Parking use on surface lots is prohibited in all Sub-areas. Commercial Parking use in structured parking garages is permitted in the UG, UH, and UI Sub-areas subject to Class A Conditional Use approval. [Ord. 2021-006]

1
2

....

Part 2. Art 3.B.14.F, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Property Development Regulations (PDRs) (pages 47-55 of 213, Supplement 29), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]	
1.	Restate the intent and applicability of Art. 3.B.14.F, Property Development Regulations (PDRs), where development in the WCRAO shall be in compliance with the Standard Zoning District, unless otherwise stated in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs which applies to all non-residential uses and mixed use developments according Sub-area, and/or Table 3.B.14.F, WCRAO Residential Sub-area PDRs which applies to residential-only uses across Sub-areas, as permitted.
2.	Clarify in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs that PDRs for Single Family development in the NR Sub-area do not apply in this Table, rather to reiterate Note 1, PDRs for Single Family in the NR Sub-area are located in and must comply with Table 3.B.14.F, WCRAO Residential Sub-area PDRs.
3.	Amend Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs by striking out “Build-to-Line” in the row Header for front setbacks/build-to-line for internal consistency since not all Sub-areas require a front or side street build-to-line.
4.	Amend Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs for the UG Sub-area for front or side street build-to-line standards by striking out applicability to only commercial and mixed use projects. The provision is intended to be applied to all development in the UG Sub-area including residential or industrial, where allowed.
5.	Amend Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs for the UH Sub-area front or side street build-to-line. ULDC Amendment Round 2020-02 introduced a 10 to 25-foot front/side street build-to-line in the UH Sub-area where previously the cell contents defaulted by way of a “-” to standard Code for the zoning district. The provision was meant to alleviate non-conformities on sub-standard shallow sites along Okeechobee Boulevard between Suwanee Drive and Indian Road that back on to Shawnee Avenue, and to allow those sites to redevelop without the need for multiple Variances. The unintended consequence is that the provision now creates non-conformities on sites that were developed to CG Zoning District PDRs with a minimum 50-foot front setback. This amendment deletes “Build-to-Line” and includes “Min. 10” to allow better front and side street setback flexibility for those sub-standard Okeechobee Blvd. sites, while ensuring existing larger scale development in the Sub-area remains conforming.
6.	Clarify in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs that minimum frontage/lot width, minimum lot depth, minimum rear setback, and minimum building frontage for the NR Sub-area are not applicable, as this Table is to be utilized for non-residential and mixed use development. PDRs for Single Family dwellings are found in Table 3.B.14.F, WCRAO Residential Sub-area PDRs.
7.	Amend Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs to add an applicability and clarification Note to maximum allowable stories/height. Provisions allowing for added height were adopted into the WCRAO in 2006, along with other form-based code standards, with the intent of encouraging an urban built form, building presence and massing where the building footprint remains on the front build-to-line, as well as on side and rear setback lines. Building heights are permitted to reach up to 240 feet in the UG Sub-area, and up to 120 feet in the UH Sub-area. Functionally and practically, most sites in the WCRAO could not accommodate utilizing the ULDC over 35 feet one foot to one foot height standard due to a typical lot size that is smaller, especially if applied alongside provisions allowing greater intensities and densities. The utilization of this height standard would conflict with and confound applicability of WCRAO requirements for front and side street build lines and frontage.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. G - CR-2021-0026 Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT G

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

CR-2021-0026
(Updated 05/17/2021)

Reason for amendments: [Westgate Community Redevelopment Agency]
8. Rename and update references of Table 3.B.14.F, WCRAO Residential Sub-area PDRs to Table 3.B.14.F, WCRAO Residential PDRs, removing “Sub-area” from the Title, since the former is confusing and implicates residential PDRs are by Sub-area when in fact they are by residential use type.
9. Amend Table 3.B.14.F, WCRAO Residential Sub-area PDRs by adding “Build-to-Line” to the Table Sub-Heading and within the Table cells where a build-to-line applies to Townhouse, MF less than five units, and MF more than five units, for consistency with Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs.
10. Amend Table 3.B.14.F, WCRAO Residential Sub-area PDRs to add property development regulations for the South Westgate Estates Single Family Alternative housing type. The intent is to allow a smaller Single Family Home to be built on 25-foot-wide lots in the NRM Sub-area of the WCRAO which otherwise could not be achieved utilizing the minimum lot width standard for Single Family in the WCRAO or the provisions for Cottage Homes – Single Unit on a Single Lot since the Cottage Home use type is restricted to a dwelling size of 1,000 square feet. PDRs closely mirror those for Cottage Homes – Single Unit on a Single Lot by providing for reduced front, side street, and side setbacks, but differ in minimum lot depth and a larger building coverage maximum.
11. Amend Table 3.B.14.F, WCRAO Residential Sub-area PDRs Cottage Home – Single Unit on a Single Lot residential use type PDRs for maximum building coverage, minimum side, and rear setbacks to better conform to the intent of cottage homes defined by the Article 4 use type. Add a Table Note to reiterate that Cottage Homes must conform to the maximum size limitation of 1,000 square feet per Art. 4.B.1.C.2, Cottage Home.
12. Clarify in Table 3.B.14.F, WCRAO Residential Sub-area PDRs that accessory structures are not permitted to exceed two stories in height by adding “Max.,” not be two stories in height.
13. Amend Table 3.B.14.F, WCRAO Residential Sub-area PDRs for South Westgate Estates Single Family Alternative to add a Note allowing maximum building coverage to increase up to 10 percent for the construction of covered or solid roof porches and patios consistent with other provisions in the Planned Development District (PDD) Code allowing a 10 percent increase in building coverage for SF and ZLL homes, and, to allow single car attached garages to be constructed within the maximum building coverage, not to exceed 15 percent of the maximum.

1 **CHAPTER B OVERLAYS**

2

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

4

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

6 **1. Sub-area PDRs**

7 In order to implement the form based code outlined in the WCRA Plan, additional PDRs are
8 established for the seven Sub-areas. Development in the WCRAO shall be in compliance with
9 all Standard Zoning District, PDD, or TDD PDRs, unless specified otherwise in Table 3.B.14.F,
10 WCRAO Non-Residential and Mixed Use Sub-area PDRs ~~and~~ Residential-only development
11 in the WCRAO shall comply with Table 3.B.14.F, WCRAO Residential ~~Sub-area~~ PDRs for the
12 applicable residential use type. Accessory uses and structures shall be in accordance with Art.
13 5.B.1, Accessory Uses and Structures, unless stated otherwise. **[Ord. 2006-004] [Ord. 2008-**
14 **003] [Ord. 2017-007] [Ord. 2019-005] [Ord. 2020-001]**

15

16

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

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
Lot Dimensions (2)							
Min. Frontage/Lot Width	-	-	75' (4)	75' (4)	100'	100' (5)	-
Min. Lot Depth	-	-	100'	100'	100'	100'	-
Max. Building Coverage	N/A	40%	40%	40% (3)	40% (3)	40% (3)	45% (3)
Build-to-Line/Setbacks							
Front or Side Street Build-to-Line (10)	N/A	Build-to-Line – 15'	Build-to-Line – 15'	Build-to-Line – 10'	Build-to-Line – C/MU 10-25'	Build-to-Line –Min. 10-25'	Build-to-Line – C/IND: 10-25'
Min. Side	N/A	10' (6)	10' (6)	10' (6)	15'	15'	15'
Min. Rear		25'	25'	25'	25'	25'	25'

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. G - CR-2021-0026 Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT G

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

CR-2021-0026
(Updated 05/17/2021)

Min. Building Frontage							
Min. Frontage (10)	N/A	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build-to-Line Exception	N/A	Max. 50% of Building Frontage, min. width of 20', and max. depth of 25'				-	-
Max. Stories/Height (8)							
Max. Stories	N/A	3	4	6	20	10	15
Max. Height (8)	N/A	36'	48'	72'	240'	120'	180'
Other							
Max. Building Length (7)(9)	N/A	300'	300'	300'	300'	-	-
[Ord. 2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-006]							
Key:							
-	PDRs not specified in this Table shall be subject to the PDRs of the lot's zoning district						
C	For commercial uses						
MU	For mixed uses						
Notes:							
1.	PDRs for Single Family dwellings in the NR Sub-area shall be in accordance with Table 3.B.14.F, WCRAO Residential- Sub-area PDRs. [Ord. 2020-001]						
2.	Minimum lot size per Table 3.D.1.A, Property Development Regulations shall not apply. [Ord. 2021-006]						
3.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2006-004] [Ord. 2020-001] [Ord. 2021-006]						
4.	May be reduced to 50 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first. [Ord. 2021-006]						
5.	May be reduced to 75 feet for lots fronting Okeechobee Boulevard with vehicular access limited only to the rear or via cross access from the adjacent property. [Ord. 2021-006]						
6.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction. [Ord. 2006-004]						
7.	Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]						
8.	Minor increases in <u>the</u> maximum height <u>allowed by this Table</u> may be permitted subject to all of the standards of Art. 5.C.1.E.4.a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions. <u>Buildings over 35 feet shall not be subject to the requirements of Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs.</u> [Ord. 2010-022]						
9.	Buildings shall be articulated so that the longest side faces the front build-to-line. Where a parcel is located at the intersection of two or more streets, at least one building shall be placed at a corner in accordance with Art. 3.B.14.F.2.b.2), R-O-W/Easement Exception, and comply with the build-to-line for both streets. [Ord. 2015-031]						
10.	Minimum frontage shall only apply to the front build-to-line, and may be reduced in accordance with Art. 3.B.14.F.2.b.1)(a), Minimum Building Frontage Exception. [Ord. 2015-031] [Ord. 2017-025]						

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

Residential Use Type	Single Family	<u>South Westgate Estates Single Family Alternative</u>	Cottage Homes – Single Unit on a Single Lot (8)	Cottage Homes – Multiple Units on a Single Lot or Site (8)	Townhouse (1)	Multifamily (≤ 4 Units)	Multifamily (≥ 5 Units)
Lot Dimensions							
Min. Frontage/Lot Width	50'	<u>25'</u>	25'	75'	16'	75'	100'
Min. Lot Depth	90'	<u>90'</u>	70'	100'	50'	100'	100'
Max. Building Coverage	50%	<u>45% (9)</u>	50 40%	80%	80%	40% (2)	40% (2)
Build-to-Line/Setbacks							
Front/Build-to-Line	25' min.	<u>20' min.</u>	20' min.	10' min.	<u>Build-to-Line – 10-25'</u>	<u>Build-to-Line – 10-25'</u>	<u>Build-to-Line – 10-25'</u>
Min. Side (3)	5'	<u>3'</u>	2-5 3'	5'	5' – End unit; 0' – Interior unit	5'	10'
Min. Side Street	7.5'	<u>7.5'</u>	7.5'	7.5'	10' – End unit	10'	10'
Min. Rear	10'	<u>10'</u>	5 10'	15'	7.5'	10'	25'
Height/Stories							
Max. Stories	2	<u>2</u>	2	2	3	3	2 min. (6)
Max. Height (4)	N/A	<u>N/A</u>	N/A	N/A	36'	36'	(5)
Accessory Structures	<u>Max. 2 stories</u>						
Building Frontage							

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. G - CR-2021-0026 Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT G

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

CR-2021-0026
(Updated 05/17/2021)

Min. Building Frontage	N/A	N/A	N/A	N/A	60% (7)	60% (7)	60% (7)
[Ord. 2020-001]							
Notes:							
1.	Unless provided for herein, Townhouse developments shall comply with Table. 3.D.2.A, Townhouse Property Development Regulations. [Ord. 2020-001]						
2.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2020-001]						
3.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F. 1.a, NRM, NG, and NC Side Setback Reduction. [Ord. 2020-001]						
4.	Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4.a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions. [Ord. 2020-001]						
5.	Maximum height of Multifamily projects of five units or more shall be in accordance with Maximum Stories and Height by Sub-area in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Development Sub-area PDRs. [Ord. 2020-001]						
6.	Multifamily developments with five units or more shall be required to be a minimum of two stories in the NC, UG, and UH Sub-areas. [Ord. 2020-001]						
7.	Minimum building frontage of 80 percent is required for all Townhome and all Multifamily developments in the NC Sub-area. [Ord. 2020-001]						
8.	Per Art. 4.B.1.C.2, Cottage Home, the maximum size for Cottage Homes is limited to 1,000 square feet per dwelling unit.						
9.	Maximum building coverage may be allowed to increase by up to ten percent to accommodate solid roof porches and/or patios. Attached garages shall not exceed 15 percent of the maximum building coverage.						

2. Build-to-Line and Frontages

b. Minimum Building Frontage

- 1) The minimum building frontage shall be in accordance with the requirements of Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs or Table 3.B.14.F, WCRAO Residential ~~Sub-area~~ PDRs. The portion of the structure required to meet the building frontage shall be located on the build-to-line unless otherwise stated. **[Ord. 2006-004] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2017-025] [Ord. 2020-001]**

H. Density Bonus Programs

1. Density Bonus Pool

a. WCRA Recommendation

In accordance with Plan FLUE Sub-Objective 1.2.3 and Policy 1.2.3-b, any proposed project that includes a request from the Density Bonus Pool must obtain a recommendation of approval from the WCRA in accordance with the standards of Art. 3.B.14.D, Development Review Procedures consistent with the provisions below: **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2011-011] [Ord. 2021-006]**

- 2) Meets the requirements of Table 3.B.14.E, WCRAO Minimum/Maximum Residential and Non-Residential Uses, Table 3.B.14.E, WCRAO Sub-area Use Regulations, Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs, and Table 3.B.14.F, WCRAO Residential ~~Sub-area~~ PDRs, as applicable; **[Ord. 2021-006]**

Part 3. ULDC Art 3.B.14.G, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Supplementary Standards (page 52 of 213, Supplement 29), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]
1. Correct scrivener's error to revert back to standard Code for minimum 1st floor height in the NR Sub-area as the corresponding cells are currently left blank, therefore forcing the Code to remain silent.
2. Correct scrivener's error to revert back to standard Code for minimum number of floors in the NR, NRM, and NG Sub-areas as the corresponding cells are currently left blank, therefore forcing the Code to remain silent.
3. Correct scrivener's error to include the same minimum/maximum balcony depth and length dimensions in the UG and UH Sub-areas as is required in the NR, NRM, NG, and NC Sub-areas, as the corresponding cells are currently left blank, therefore forcing the Code to remain silent. Correct a typographical error: "Mini" should read "Min."

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. G - CR-2021-0026 Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT G

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

CR-2021-0026
(Updated 05/17/2021)

Reason for amendments: [Westgate Community Redevelopment Agency]
4. Amend reference to Note 10 in Porches, Balconies, and Entryways Row to be Note 9. Note 10 references applicability of required Arcades and Galleries in the NC Sub-area when a lot is 100 feet in width or less. Note 9 appropriately and accurately references applicability of Porches, Balconies, and Entryways standards to residential development with five units or more.

1 **CHAPTER B OVERLAYS**

2

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

4

5 **G. Supplementary Standards**

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

8

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
Single Family Dwelling Unit	1,000 sq. ft.	1,000 sq. ft.	-	-	-	-	-
Accessory Quarters	300 sq. ft.	300 sq. ft.	300 sq. ft.	-	-	-	-
Fences and Walls							
Prohibited Materials (6)	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features							
Arcades and Galleries (1)	-	-	-	Required – Westgate Avenue (10)	-	-	-
Min. Building Depth	-	20'	20'	20'	30'	-	30'
Min. 1st Floor Height	-	-	-	12'	-	-	-
Min. Number of Floors	-	-	-	2 (2)	-	-	-
Windows and Doors							
Min. Glazing of Frontage (3)	-	(3)	(3)	(3)	-	-	-
Porches, Balconies, and Entryways (8)(409)							
Front Setback Max. Encroachment (7)	8'	6'	6'	-	-	-	-
Min./Max. Porch Depth (4)	6'/10'			-	-	-	-
Min./Max. Porch Length (4)	8'/50% of building façade			-	-	-	-
Min./Max. Balcony Depth (4)	3'/3'			-	-	-	-
Min./Max. Balcony Length (4)	6'/50% total of building façade			-	-	-	-
Parking:							
Location of Surface Parking (9)	-	Rear	Rear	Rear	-	-	-
Driveways (5)(9)	-	Rear	Rear	Rear	-	-	-
Location of Accessory Quarters and Garages:							
Detached	Back of rear façade of primary structures			-	-	-	-
Landscaping							
See Art. 3.B.14.J, WCRAO Landscape Modifications allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface	-	20%	20%	20%	-	-	-
Key:							
-	Subject to the supplementary standards of the lot's zoning district						
[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2020-001]							
Notes:							
1.	See Art. 3.B.14.G.3.d, Arcades and Galleries, Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. [Ord. 2006-004]						
2.	Required second floor shall meet minimum frontage and depth requirements. [Ord. 2006-004]						
3.	See Art. 3.B.14.G.3.c, Fenestration Details – Windows and Doors. Residential- <u>only</u> development in the NG and NRM Sub-areas shall be exempt from Art. 3.b.14.G.3.c, Fenestration Details – Windows and Doors. [Ord. 2006-004] [Ord. 2020-001]						
4.	Excludes stoops. [Ord. 2006-004]						
5.	Access from the front or side may be permitted for lots with no rear street frontage. [Ord. 2006-004]						
6.	Chain link fences may be installed for the following: [Ord. 2009-040] Single Family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl-coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W; [Ord. 2009-040] b. Non-residential uses within the UI Sub-area if the chain link fence is black or green vinyl coated; or, c. When a landscape barrier is required pursuant to Art. 4.B.2.C.17.c, Accessory Uses – Green Market. [Ord. 2019-005]						

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\15- LDRAB-LDRC Packet\Exh. G - CR-2021-0026 Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT G

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

CR-2021-0026
(Updated 05/17/2021)

7.	The maximum encroachment for porches, balconies, and entryways located in NC Sub-area shall only apply to permitted residential or hotel uses. These ground floor improvements shall not conflict with the placement of street trees. [Ord. 2011-001]
8.	Single Family dwellings and Cottage Homes – Single Unit on a Single Lot are not required to provide porches, balconies, and entryways, but may elect to utilize setback exceptions provided encroachment complies with other applicable maximum dimensions. [Ord. 2015-031] [Ord. 2020-001]
9.	Shall not apply to residential uses, except Multifamily developments with five units or more. [Ord. 2015-031] [Ord. 2020-001]
10.	Lots with 100 feet or less of frontage and residential development may be exempt from this requirement . [Ord. 2017-002] [Ord. 2020-001]

1
2

....

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. G - CR-2021-0026 Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~*Stricken and italicized*~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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

EXHIBIT H

ARTICLE 5 – SUPPLEMENTARY STANDARDS DUMPSTER SETBACKS

CR-2020-0019
(Updated 05/17/21)

Part 1. ULDC Art. 5.B.1.A.8, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Dumpsters (pages 21 and 22 of 113, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Industry believes that the current dumpster setback requirement of 25 feet from all property lines and zoning districts is too restrictive, as it causes dumpsters to be located towards the interior of new developments, causing site design conflicts especially for new residential uses. Most recently, Ordinance No. 2018-002 amended this Subsection causing dumpsters to be set back a minimum of 25 feet from property lines in all zoning districts. Previously, Ordinance No. 91-15 (of the 1973 Zoning Code) required a 25-foot setback only from adjacent residential districts and uses. Staff research has determined that the 2018 amendment was contrary to previous Code interpretations (see the Interpretation Meeting Minutes of August 10, 2012 and June 23, 2017), where it was determined no underlying setbacks should be applied to dumpsters, however, must be setback 25 feet from residential, not encroach into landscape buffers or easements, and not interfere with site circulation. This amendment would revert back to requiring a 25-foot setback only from residential zoning districts and uses, and also clarify required landscape screening and buffer design for dumpster enclosures.
2. Clarify that the setback requirement shall be measured from required storage areas, as outdoor receptacles such as dumpsters are not in a fixed, static location when picked up and dropped off by garbage trucks. Instances of “container,” “refuse containers,” and “dumpsters” have been removed to avoid redundancy and confusion, or changed to “outdoor receptacles” as verbiage consistent with the Subsection paragraph to clarify all containers, for the “storage and disposal of refuse, vegetation, and recyclable material” shall follow these requirements.
3. Clarify that if the required storage area enclosure abuts a landscape buffer, the more restrictive landscaping requirement, whether in this Subsection or Art. 7, Landscaping, shall apply along the extent of the enclosure.

1 **CHAPTER B ACCESSORY USES AND STRUCTURES**

2 **Section 1 Supplementary Regulations**

3 **A. Accessory Uses and Structures**

4

5 **8. Dumpsters**

6 Each use shall provide a method for the removal of refuse when individual collection, from a
7 licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal
8 of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and
9 recycling containers, shall meet the following standards:

10 **a. Storage Area**

11 A minimum of one refuse container and one recycling container shall be provided for each
12 non-residential project and ~~per~~ Multifamily projects with 16 units or more. All ~~refuse~~
13 ~~containers~~outdoor receptacles shall be stored in a storage area. Storage areas shall have
14 a minimum dimension of ten feet by ten feet. [Ord. 2018-002]

15 **b. Location**

16 ~~Containers s~~shall be located to minimize turning and back-up movements by pick-up and
17 removal vehicles, ~~and Dumpster~~ shall not encroach into easements ~~or~~ landscape buffers,
18 ~~or parking spaces~~. [Ord. 2018-002]

19 **c. Setback**

- 20 1) ~~Dumpsters located in a Commercial Pod of a PUD s~~shall comply with Art. 3.E.2.E.2.b,
21 Design when located in a Commercial Pod of a PUD. [Ord. 2018-002]
22 2) ~~In all other zoning districts, dumpsters s~~shall be set back a minimum of 25 feet from
23 all property lines adjacent to residential zoning districts and uses. If adjacent to a non-
24 residential zoning district or use, the landscape buffer width shall serve as the setback.
25 [Ord. 2018-002]

26 **d. Screening**

27 ~~Containers s~~shall be screened from view by a solid opaque enclosure. The open end of
28 the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance
29 when open for service. All exposed exterior sides of the enclosure, other than the open
30 end, shall be landscaped with one 36-inch-high shrub planted 24 inches on center. If
31 improvements are proposed for previously approved ~~containers~~storage areas, screening
32 shall be provided to the greatest extent possible. Enclosure vegetation planting shall not
33 be required in any location where the planting overlaps a buffer. [Ord. 2018-002]

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. H - CR-2020-0019 Art. 5, Dumpster Setbacks.docx

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:].

Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].

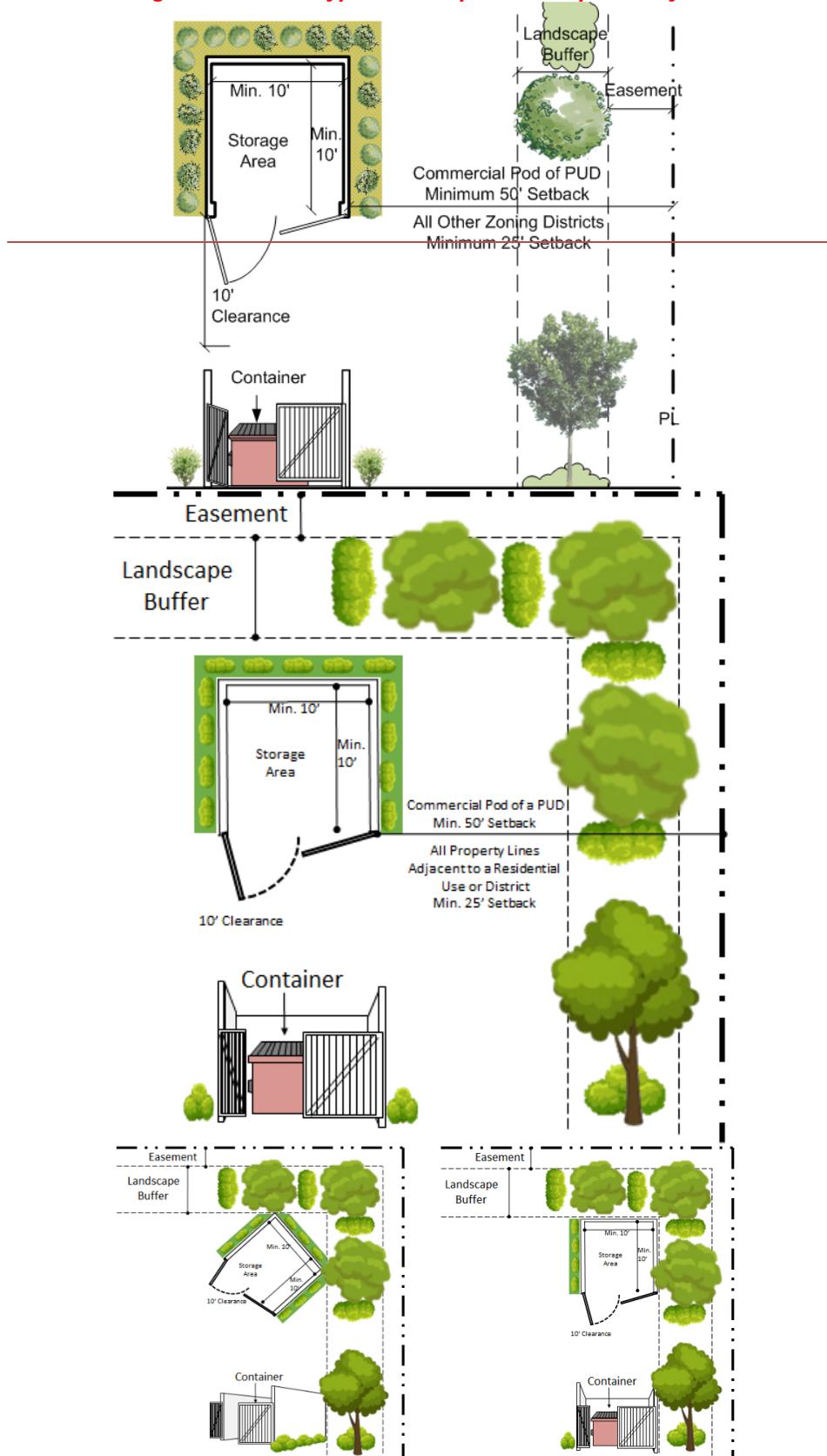
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT H

ARTICLE 5 – SUPPLEMENTARY STANDARDS
DUMPSTER SETBACKS

CR-2020-0019
(Updated 05/17/21)

Figure 5.B.1.A – Typical Example of Dumpster Layout



[Ord. 2018-002] [Relocated from Art. 5.B.1.A.8.e, Retrofitting of Existing Developments below]

1
2
3
4
5
6

e. **Retrofitting of Existing Developments**

The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

....

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. H - CR-2020-0019 Art. 5, Dumpster Setbacks.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT I

ARTICLE 5 – SUPPLEMENTARY STANDARDS
RELEASE OF UNITY OF TITLE REFERENCE UPDATE

CR-2020-0010
(Updated 05/17/2021)

Part 1. ULDC Art. 5.F.1.F.4., Supplementary Standards, Legal Documents, Maintenance and Use Documents, Content Requirement for Documents, Unity of Title (page 71 of 114, Supplement 29), is hereby amended as follows:

<p>Reason for amendments: [Zoning]</p> <p>1. Policies and Procedures Memorandum (PPM) #ZO-O-015, Release of Unity of Title (ROU) has been codified in Article 2 by Ordinance No. 2021-006. This amendment proposes to strike the reference to the PPM in Article 5 and replace it with the codified reference.</p>

1 **CHAPTER F LEGAL DOCUMENTS**

2
3 Any legal documents requiring PBC approval shall be reviewed prior to submission by a licensed attorney.
4 This shall include documents required by Code or as a condition of any land use approval. For the purposes
5 of the provisions, "legal documents" shall include, but not be limited to, the following types of documents:
6 restrictive covenants, easements, agreements, access agreements, removal agreements, Unity of Control,
7 and Unity of Title. Any document that follows exactly the language of a PBC-approved form is exempt from
8 this requirement.

9 **Section 1 Maintenance and Use Documents**

10

11 **F. Content Requirement for Documents**

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

14

15 **4. Unity of Title**

16 The Unity of Title process has been replaced with subdivision and platting requirements
17 pursuant to Art. 11, Subdivision, Platting, and Required Improvements. A Release of Unity of
18 Title shall be pursuant to ~~PPM #ZO-O-015~~**Art. 2.C.8.D**, Release of Unity of Title (ROU). **[Ord.**
19 **2021-006]**

20

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\05-May 26 2021\5- LDRAB-LDRC Packet\Exh. I - CR-2020-0010 Art. 5, Release of Unity of Title Reference.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~*Stricken and italicized*~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

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