



## **PALM BEACH COUNTY**

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

**OCTOBER 28, 2020**

#### **BOARD MEMBERS**

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

**Joanne Davis (District 1)**

**Drew Martin (District 2)**

**Ari Tokar (District 3)**

**Glenn E. Gromann (District 4)**

**Myles Basore (District 6)**

**Robert J. Harvey (District 7)**

**Daniel J. Walesky (Gold Coast Builders  
Association)**

**Anna Yeskey (Palm Beach League of Cities)**

**Terrence Bailey (Florida Engineering Society)**

**Jaime M. Plana (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**

**Hal R. Valeche  
Commissioner, District 1**

**Mary Lou Berger  
Commissioner, District 5**

**Mack Bernard  
Commissioner, District 7**

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

**Melissa McKinlay  
Commissioner, District 6**

**County Administrator  
Verdenia C. Baker**



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

**WEDNESDAY, OCTOBER 28, 2020 AGENDA  
2300 NORTH JOG ROAD  
VIDEO CONFERENCE/ROOM VC-1E 47, VISTA CENTER  
2:00 P.M.**

**A. CALL TO ORDER/CONVENE AS LDRAB**

1. Roll Call
2. Additions, Substitutions, and Deletions
  - a. Staff
  - b. Board Member
3. Motion to Adopt Agenda
4. Adoption of September 23, 2020 Minutes (Exhibit A)
5. 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. ULDC AMENDMENTS – NEW**

**PAGES**

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| 1. Exhibit B Art. 2, Waiver Summary Tables Consolidation                      | 1 – 3 |
| 2. Exhibit C Art. 2, Removal of the Building Division from DRO Agency Review  | 4 – 4 |
| 3. Exhibit D Art. 5, Westgate CRA Overlay Workforce Housing Program Exemption | 5 – 5 |

**C. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

- |   |         |
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| 1. Proof of Publication   |         |
| 2. Consistency Determination for Exhibit B-J  | 6 – 6   |
| 3. Exhibit E Art. 1 and 2, Release of Unity of Title  | 7 – 8   |
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| 2. Exhibit G Art. 1, 2, 3, and 4, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO | 10 – 21 |
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**D. ADJOURN AS LDRC AND RECONVENE AS LDRAB**

**E. STAFF COMMENTS**

**F. BOARD MEMBER COMMENTS**

**G. ADJOURN**

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## EXHIBIT A

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

(Updated 10/08/20)

#### Minutes of September 23, 2020 LDRAB Meeting

On Wednesday, September 23, 2020, 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 Zoning Technician, called the roll.

##### **Members Present: 14**

Joanne Davis (District 1, Commissioner Valeche)\*

Drew Martin (District 2, Commissioner Weiss)

Ari Tokar (District 3, Commissioner Kerner)\*

Glenn E. Gromann (District 4, Commissioner Weinroth)

Dr. Lori Vinikoor (District 5, Commissioner Berger)

Robert J. Harvey (District 7, Commissioner Bernard)\*

Daniel J. Walesky (Gold Coast Builders Association)\*

Anna Yeskey (League of Cities)\*

Jaime M. Plana (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 D. Drawdy (Assoc. General Contractors of America)\*

Wesley Blackman (PBC Planning Congress)

##### **Members Absent: 3**

Myles Basore (District 6, Commissioner McKinlay)

Terrence Bailey (Florida Engineering Society)\* \*\*

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

Abraham Wien (Alternate At-Large #2)

##### **County Staff Present: 12**

Jon MacGillis, Zoning Director\*

Wendy N. Hernández, Deputy Zoning Director

Adam Mendenhall, Principal Site Planner

Jerome Ottey, Site Planner II

Alexander Biray, Zoning Technician

Scott A. Stone, Assistant County Attorney I

Patricia Behn, Planning Director\*

Bryan Davis, Principal Planner

Bruce O. Thomson, Principal Planner\*

Carolina Valera, Senior Planner\*

Joanne Keller, Land Development Director\*

Jake Leech, Environmental Analyst\*

##### **Vacancies: 0**

\* Present via Webex Events.

\*\* Mr. Bailey was present to vote at less than three-fourths of the meeting.

##### 2. Additions, Substitutions, and Deletions

There were no additions, substitutions, and deletions.

##### 3. Motion to Adopt Agenda

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

##### 4. Adoption of August 26, 2020 Minutes (Exhibit A)

Mr. Martin recommended changing "contemplated" to "recommended" or "suggested" in his comment under the Round 2020-02 Initiation Discussion. Mrs. Yeskey recommended adding "and asked how this will be coordinated with municipalities to prevent further clustering" in her comment under the Community Residential Housing Consultant Study Discussion.

Motion to adopt the Minutes with the changes, by Dr. Vinikoor, seconded by Mr. Gromann. The Motion passed unanimous (14-0).

##### 5. Public Comments

There were no public comments.

Mr. Stone reminded the Board that Staff is monitoring CMT time extensions, and if the Governor does not extend, a physical quorum of nine Board members will have to be present for future meetings.

#### B. ULDC AMENDMENTS – NEW

##### 1. Exhibit B – Art. 1 and 2, Release of Unity of Title

Mrs. Hernández explained the amendment codifies a Policy and Procedures Memorandum (PPM) for an Administrative process to Release a Unity of Title (ROUT) if multiple lots are proposed to be split.

##### a. Discussion

Mr. Martin asked for clarification on whether anything new is being added. Mrs. Hernández responded that nothing is being changed beyond codifying existing policy.

Motion to approve, by Mr. Martin, seconded by Mr. Gromann. The Motion passed unanimous (14-0).

## EXHIBIT A

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

(Updated 10/08/20)

#### Minutes of September 23, 2020 LDRAB Meeting

##### 2. Exhibit C – Art. 2, Monitoring Development Phases

Mr. Davis explained the amendment is a cleanup and correction following a rewrite of the monitoring Chapter in the last Round of Amendments, by clarifying the simplified phasing processes and limitations. He also read into the record changes to eliminate redundancy, whereas lines 25, 26, and 27 repeat the same provision as lines 30 and 31, and removing line 42 and merging lines 40 and 41.

###### a. Discussion

Mr. Blackman asked about if the Table was removed before. Mr. Davis responded it was, and the new language is intended to be more concise.

Dr. Vinikoor noted a singular/plural discrepancy on line 25 for “DOs.” Mr. Gromann responded the “S” is stricken out and is correct.

Mr. Martin asked for clarification on whether anything new is being added. Mr. Davis responded it is putting language back in and has not affected any Development Orders (DOs).

Motion to approve as amended, removing lines 30, 31, and 42, merging lines 40 and 41, and resetting the numbering, by Mr. Gromann, seconded by Mr. Martin. The Motion passed unanimous (14-0).

##### 3. Exhibit D – Art. 4, Planning Determination for Infill Density Exemption

Mr. Davis explained the amendment removes a requirement for determination from the Planning Director for an Infill Density Exemption for older residential subdivisions wishing to utilize the Planned Unit Development (PUD) density allowance, which has become irrelevant after Plan amendments and density bonus programs, and overlooked in the Code Use Regulations Project (URP).

###### a. Discussion

Mr. Blackman and Mr. Martin confirmed the change wouldn't affect encouraging infill development. Mr. Davis responded the determination requirement is actually an impediment.

Mrs. Hernández noted the underlining on lines 25, 27, and 31 will be corrected to reflect correct strikeout for renumbering.

Motion to approve as amended, with the renumbering, by Dr. Vinikoor, seconded by Mr. Gromann. The Motion passed unanimous (14-0).

#### C. STAFF COMMENTS

##### 1. Attachment 1, Electric Vehicle Charging Station (EVCS)

Mrs. Hernández explained the EVCS Subcommittee was voted on last February, and following coordination with the Office of Resilience (OOR) and industry, the OOR presented to the Board of County Commissioners (BCC) their findings for moving forward with Code amendments to require infrastructure for Multifamily and Business or Professional Offices of level 2 category, and DC fast for Retail Gas and Fuel Sales. The BCC also asked Staff to consider Retail Sales and substantial renovations. Staff will reach out to industry for further discussion, and to Board members for possible Subcommittee meeting dates and times.

##### 2. Attachment 2, Community Residential Housing

Mrs. Hernández explained Staff is moving forward with Code amendments based on the consultant study presented to the Board last month, and following discussion with the BCC, may establish an LDRAB Subcommittee and BCC Workshop. She alluded to the Medical Use Subcommittee from 2018 for Reasonable Accommodation and same topic, and whether the Board wants to continue it, or establish a new one as previous members are no longer on the Board. Staff will reach out to industry for further discussion, and to Board members for possible Subcommittee meeting dates and times.

Motion to establish a Community Residential Housing Subcommittee by Dr. Vinikoor, seconded by Mr. Gromann. The Motion passed unanimous (14-0). Mr. Martin, Mr. Gromann, Dr. Vinikoor, Mr. Walesky, Mrs. Yeskey, Mr. Bailey, Mrs. Kennedy, Mr. Gulisano, and Mr. Blackman volunteered.

#### D. BOARD MEMBER COMMENTS

Mr. Martin noted current events regarding wildfires and hurricanes attributed to climate change, and hoped it will be an opportunity for codes to be enhanced for resiliency.

Mrs. Kennedy commended Staff for their efforts in conducting meetings with CMT.

#### E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:50 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.

# EXHIBIT B

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

CR-2020-0022  
(Updated 10/19/2020)

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

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

1 **CHAPTER B PUBLIC HEARING PROCESSES**

2 ....

3 **Section 7 Types of Applications**

4 ....

5 **D. Type 2 Waiver**

6 **1. Purpose**

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

13 **2. Applicability**

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

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

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

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**Notes:**

Underlined indicates **new** text.

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**EXHIBIT B**

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

**CR-2020-0022  
(Updated 10/19/2020)**

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

1  
2       ....

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

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

3 **CHAPTER C   ADMINISTRATIVE PROCESSES**

4       ....

5 **Section 5       Types of Applications**

6       ....

7 **F. Type 1 Waiver**

8 **1. Purpose**

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

9 **2. Applicability**

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

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

<b>Requests</b>	<b>ULDC Code Reference</b>
Glades Area Overlay (GAO) <u>Industrial Pod Development Standards</u>	Table 3.B.4.F, Type 1 Waivers for Industrial Pods
<u>NEO, Native Ecosystem Overlay (NEO)</u>	Art. 3.B.7.D, Property Development Regulations (PDRs)
Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines	Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines
Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers
Urban Redevelopment <u>Area</u> Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
Structural Setback – <del>Reduction not to exceed five percent less than the minimum requirement</del> [Partially relocated to: Note 1 below] (1)	Table. 3.D.1.A, Property Development Regulations (PDRs)
<u>RVPD Type 3 Incompatibility Buffer</u>	<u>Art. 3.E.7.F.2, Perimeter Buffer</u>
<u>Required Parking Proximity infor a</u> Type 1 Restaurant with Drive-Through	Art. 4.B.2.C.33.f.3)a)(2), Location Criteria–, Exceptions, Design Criteria
Commercial Greenhouse Loading	Art. 4.B.6.C.17.c.4)b), Loading
Solid Waste Transfer Station <u>Landscaping</u>	Art. 4.B.7.C.10.d, Buffer
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture
Parking for Community Vegetable Garden	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10
<u>Loading Space for a Type 3 CLF, or Nursing Home or Convalescent Facility with More Than 20 Beds</u>	<u>Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 12</u>
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver
Loading Spaces	Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length
Landscaping	Table 7.B.4.A, Type 1 Waivers for Landscaping

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**EXHIBIT B**

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

**CR-2020-0022  
(Updated 10/19/2020)**

<b>Billboard Location</b>	Art. 8.H.2.D.4., Replacement
<b>PUD Informational Signs</b>	Art. 8.G.3.B.5.b, Standards for Type 3 Electronic Message Signs
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]	
<b>Notes:</b>	
1.	This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application <u>or reductions exceeding five percent less than the minimum requirement.</u> <b>[Partially relocated from Structural Setback above]</b>

1  
2       ....

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# EXHIBIT C

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

CR-2020-0020  
(Updated 10/19/2020)

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

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

1 **CHAPTER G DECISION MAKING BODIES**

2 ....

3 **Section 4 Staff Officials**

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

5 ....

6 **3. Comments and Recommendations**

- 7 a. The DRO may seek comments and recommendations from the following PBC Departments  
8 and Divisions, as well as other Local Government and State Government agencies, as  
9 deemed appropriate by the DRO: **[Ord. 2008-037]**  
10 1) Zoning Division;  
11 ~~2) Building Division; [Ord. 2018-002]~~  
12 ~~3) Department of Airports; [Ord. 2018-002]~~  
13 ~~4) Department of Environmental Protection (DEP) for Type 3 Excavation; [Ord. 2018-~~  
14 ~~002]~~  
15 ~~5) Engineering Department; [Ord. 2018-002]~~  
16 ~~6) Environmental Resources Management Department; [Ord. 2018-002]~~  
17 ~~7) Fire-Rescue Department; [Ord. 2018-002]~~  
18 ~~8) Housing and Community Development (HCD); [Ord. 2018-002]~~  
19 ~~9) Lake Worth Drainage District; [Ord. 2018-002]~~  
20 ~~10) Parks and Recreation Department; [Ord. 2018-002]~~  
21 ~~11) PBC HD; [Ord. 2018-002]~~  
22 ~~12) PBC School Board; [Ord. 2018-002]~~  
23 ~~13) Planning Division; [Ord. 2018-002]~~  
24 ~~14) PREM; and, [Ord. 2018-002]~~  
25 ~~15) Water Utilities Department. [Ord. 2018-002]~~  
26 b. Recommendations and comments shall be forwarded to the DRO no less frequently than  
27 two times a month to dispose of matters properly and may be called for by the DRO.  
28 ....

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# EXHIBIT D

## ARTICLE 5 – SUPPLEMENTARY STANDARDS WESTGATE COMMUNITY REDEVELOPMENT AGENCY OVERLAY WORKFORCE HOUSING PROGRAM EXEMPTION

CR-2020-0016  
(Updated 10/19/20)

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

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

1 **CHAPTER G DENSITY BONUS PROGRAMS**

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

3 **A. General**

4 ....

5 **2. Applicability**

6 ....

7 **d. Location**

8 ....

9 **1) Urban/Suburban Tier**

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

12 **a) URA Priority Redevelopment Areas**

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

19 **b) WCRAO**

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

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**Notes:**

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**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  
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Board of County  
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**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:** October 19, 2020

**RE:** Comprehensive Plan Consistency Determination for Proposed  
ULDC Amendments

---

The Planning Division has determined the proposed ULDC amendment, Exhibits B-J, of the packet provided by the Zoning Division and scheduled for the October 28, 2020 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, ASLA, Zoning Director  
Kevin Fischer, AICP, Deputy Planning Director  
Wendy Hernandez, Deputy Zoning Director  
Carolina Valera, Senior Planner  
Alexander Biray, Site Planner I



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# EXHIBIT E

## ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES RELEASE OF UNITY OF TITLE

CR-2020-0016  
(Updated 10/19/2020)

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

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

1 CHAPTER H DEFINITIONS AND ACRONYMS

2 ....

3 Section 3 Abbreviations and Acronyms

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

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

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

4 CHAPTER C ADMINISTRATIVE PROCESSES

5 ....

6 Section 8 Applications Not Issuing a Development Order

7 ....

8 C. Reasonable Accommodation

9 1. Purpose

10 The purpose of this Section is to establish procedures for processing requests for reasonable  
11 accommodation from the County's Unified Land Development Code and related rules, policies,  
12 practices, and procedures, for persons with disabilities as provided by the Federal Fair Housing  
13 Amendments Act (42 U.S.C. 3601 et seq.) (FHA), or Title II of the Americans with Disabilities  
14 Act (42 U.S.C. 12131 et seq.) (ADA). Any person who is disabled, or qualifying entities, may  
15 request a reasonable accommodation, pursuant to the procedures set out in this Section. [Ord.  
16 2011-016] [Ord. 2018-002] [Ord. 2020-020]

17 ....

18 D. Release of Unity of Title (RUOT)

19 1. Purpose

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

21 2. Applicability

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

24 3. Authority

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

27 4. Application Procedures

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

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\10-Oct 28 2020\5- LDRAB-LDRC Packet\Exh. E - CR-2020-0016 Art. 1 and 2, Release of Unity of Title.docx

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## EXHIBIT E

### ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES RELEASE OF UNITY OF TITLE

CR-2020-0016  
(Updated 10/19/2020)

- 1            **a. Application Requirements**  
2            The Applicant must clearly demonstrate that the conditions that required the Unity of Title  
3            no longer exist. If it is determined that the need for a Unity of Title still exists, the RUOT  
4            shall not be approved.  
5            **b. Processing**  
6            Applicants requesting a RUOT shall submit the application to the DRO subject to the ZAR  
7            process. All applications are subject to sufficiency review pursuant to Art. 2.C.2, Sufficiency  
8            Review. If the original Unity of Title required approval by the BCC or ZC, Staff shall prepare  
9            a cover letter with a brief history of the site in addition to the Unity of Title documents.  
10           **c. Recording**  
11           Upon approval of the RUOT, the Applicant shall submit the RUOT to the Office of the Clerk  
12           and Comptroller to be recorded. A copy of the recorded RUOT shall be provided to the  
13           Zoning Division within 30 days of recording. No new DOs shall be issued until a copy is  
14           submitted to the Zoning Division.

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# EXHIBIT F

## ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES MONITORING DEVELOPMENT PHASES

CR-2020-0013  
(Updated 10/19/20)

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

Reason for amendments: [Planning]

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

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

5 ....

#### 6 Section 2 Monitoring Elements

##### 7 A. Commencement of Development

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

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

##### 17 B. Commencement of Development is Not

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

##### 22 C. Time Limitations for Commencement

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

##### 36 D. Phasing Limitations

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

43 ....[Re-letter accordingly]

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# EXHIBIT G

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

CR-2019-0013, 14, and 30  
(Updated 10/19/20)

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

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

1 **CHAPTER B OVERLAYS**

2 ....

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

4 ....

5 **D. Development Review Procedures**

6 **1. WCRA Recommendation**

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

9 **a. Types of Applications**

10 **1) Non-Conforming Lots**

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

13 **2) Public Hearing Processes**

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

19 **3) DRO Approval**

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

26 **ab. Application Requirements**

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

30 [Ord. 2006-004]

31 ....[Re-letter accordingly]

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# EXHIBIT G

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

CR-2019-0013, 14, and 30  
(Updated 10/19/20)

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

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

1 **CHAPTER B OVERLAYS**

2 ....

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

4 ....

5 **E. Use Regulations**

6 ....

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

8 **a. Use Regulations**

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

11

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

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

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# EXHIBIT G

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

**CR-2019-0013, 14, and 30  
(Updated 10/19/20)**

Self-Service Storage, <u>Limited Access</u>	X	X	X	X	-	-	-	4.B.2.C.37
Self-Service Storage, <u>Multi-Access</u>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>-</del>	<del>4.B.2.C.37</del>
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.41
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.40
Work/Live Space	X	P (4)	P (4)	P (4)	P (4)	P (4)	<del>P (4)</del> X	4.B.2.C.44
<b>Industrial Uses</b>								
Office Warehouse	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Contractor Storage Yard	-	-	-	-	<del>A</del> -	-	A	4.B.5.C.1
<u>Distribution Facility</u>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>A</del>	<del>D</del>	<del>4.B.5.C.3</del>
<u>Manufacturing and Processing</u>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>A</del>	<del>D</del>	<del>4.B.5.C.8</del>
<u>Warehouse</u>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>A</del>	<del>D</del>	<del>4.B.5.C.17</del>
<u>Wholesaling</u>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>A</del>	<del>D</del>	<del>4.B.5.C.18</del>
[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]								
<b>Notes:</b>								
1.	Limited to lots with a CH FLU designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2018-002]							
2.	A number in the Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. [Ord. 2006-004] [Ord. 2020-001]							
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. [Ord. 2007-013] [Ord. 2020-001]							
5.	Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E, WCRAO Mixed Use. [Ord. 2017-002] [Ord. 2020-001]							
6.	Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]							
<del>7.</del>	<del>Limited to lots which front Okeechobee Boulevard and consistent with Art. 11.E.2.A.4.b, Non-Residential Lots.</del>							
<del>8.</del>	<del>Permitted in the NRM, NG, NC, UG, and UH Sub-areas as an accessory use.</del>							
<del>9.</del>	<del>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.</del>							
<b>Key:</b>								
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]							
<del>D</del>	<del>Permitted by DRO approval</del>							
A	Class A Conditional Use [Ord. 2017-007]							

1  
2        ....

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

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

3 **CHAPTER B OVERLAYS**

4 ....

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

6 ....

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

8 **1. Sub-area PDRs**

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

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
<b>Lot Dimensions (2)</b>							
<b>Min. Frontage/Lot Width</b>	-	-	75' (4)	75' (4)	100'	100' (5)	-
<b>Min. Lot Depth</b>	-	-	-100'	-100'	-100'	-100'	-
<b>Max. Building Coverage</b>	N/A	40%	40%	40% (23)	40% (23)	40% (23)	45% (23)
<b>Build-to-Line/Setbacks</b>							
<b>Front or Side Street Build-to-Line (3)(810)</b>	N/A	Build-to-Line – 15'	Build-to-Line – 15'	Build-to-Line – 10'	Build-to-Line – C/MU: 10-25'	<del>Build-to-Line – 10-25'</del>	Build-to-Line – C/IND: 10-25'
<b>Min. Side</b>	N/A	10' (46)	10' (46)	10' (46)	15'	15'	15'
<b>Min. Rear</b>	-	25'	25'	25'	25'	25'	25'
<b>Min. Building Frontage</b>							
<b>Min. Frontage (810)</b>	-	60%	60%	80%	60%	-	C/IND: 60%
<b>Optional Plazas and Squares</b>							
<b>Build-to-Line Exception</b>	N/A	Max. 50% of building frontage, min. width of 20', and max. depth of 25'				-	-
<b>Max. Stories/Height (68)</b>							
<b>Max. Stories</b>	N/A	3	4	6	20	10	15
<b>Max. Height (68)</b>	N/A	36'	48'	72'	240'	120'	180'
<b>Other</b>							
<b>Max. Building Length (57)(79)</b>	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]							
<b>C</b>	For commercial uses.						
<b>MU</b>	For mixed uses.						
<b>Notes:</b>							
<b>1.</b>	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]						
<b>2.</b>	<del>Minimum lot size per Table 3.D.1.A, Property Development Regulations (PDRs) shall not apply.</del>						
<b>23.</b>	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]						
<b>3.</b>	<del>Additional setbacks may apply per Art. 3.B.14.F.3, Sky Exposure Planes. [Ord. 2006-004]</del>						
<b>4.</b>	<del>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.</del>						
<b>5.</b>	<del>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.</del>						
<b>46.</b>	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]						
<b>57.</b>	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]						
<b>68.</b>	Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4,a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions. [Ord. 2010-022]						
<b>79.</b>	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]						
<b>810.</b>	Minimum frontage shall only apply to the front build-to-line, and may be reduced in accordance with Art. 3.B.14.F.2.b.1)(a), Minimum Building Frontage Exception. [Ord. 2015-031] [Ord. 2017-025]						

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**3.—Sky Exposure Planes**

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

**Table 3.B.14.F – Sky Exposure Plane**

Sub-area	NC	UG and UH	UI
<b>s— Initial Setback Distance</b>	20'	20'	20'
<b>Narrow Street</b>	20'	20'	20'
<b>Wide Street</b>	15'	15'	15'

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h – Max. Height of Sky Exposure Plane at Build to Setback Line		48' or 4 stories, whichever is less	60' or 5 stories, whichever is less	72' or 6 stories, whichever is less
<b>On Narrow Street</b>	v – Vertical Distance 1	4	2.7	3.7
	a – Horizontal Distance 2	4	4	4
<b>On Wide Street</b>	v – Vertical Distance 1	4	5.6	7.6
	a – Horizontal Distance 2	4	4	4

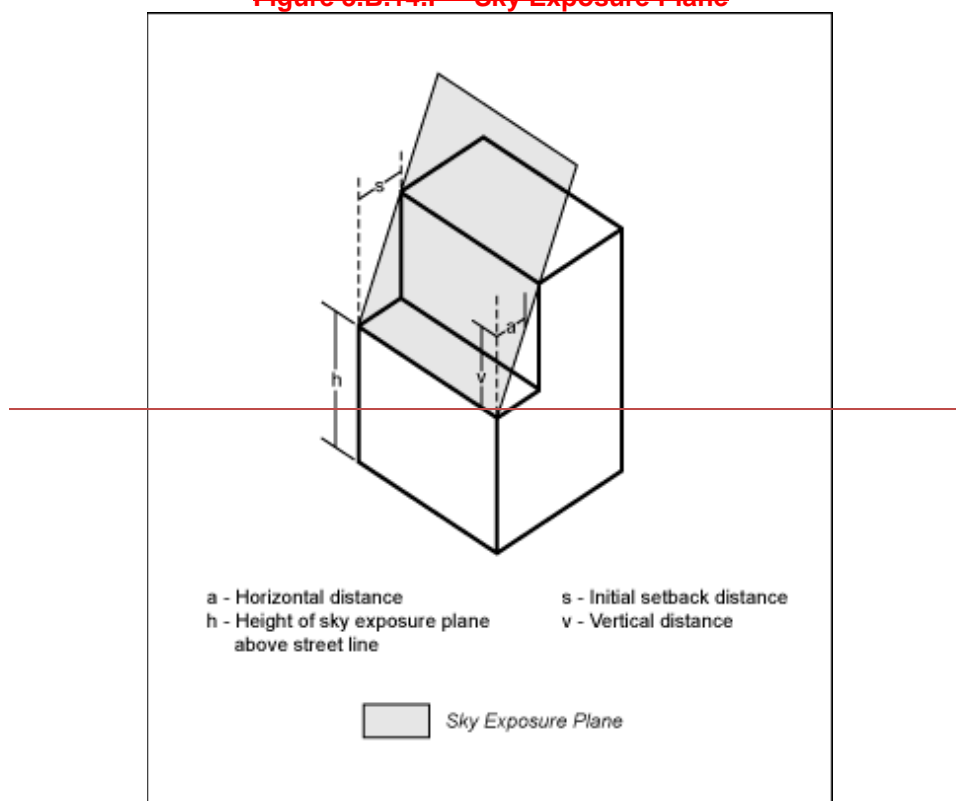
[Ord. 2006-004]

**Notes:**

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

1

**Figure 3.B.14.F – Sky Exposure Plane**



[Ord. 2006-004]

2  
3  
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**43. Base Building Line**

....

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

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

5 **CHAPTER H DEFINITIONS AND ACRONYMS**

6 ....

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

8 ....

9 ~~52. Sky Exposure Plane~~ – an imaginary inclined plane beginning at a specified height of a building  
10 ~~façade and rising over the building at a ratio of vertical distance to horizontal distance.~~ [Ord.  
11 ~~2006-004]~~

12 ....

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

<b>Reason for amendments:</b> [Westgate Community Redevelopment Agency]
1. Revise Density Bonus Program language to be consistent with the Workforce Housing Program (WHP) and address design, compliance, and enforcement provisions that have been refined and developed as a part of the County’s effort to update the functionality of the WHP. Revisions to the provisions of the Program will create a housing program for the WCRA which can be monitored consistent with the WHP. The new Program language provides incentives to use the WCRA’s density bonus pool furthering both affordable and workforce unit production, while promoting mixed-income housing and maintaining the County’s goal not to concentrate low-income housing in any single community.
2. Revise WCRA Recommendation criteria to allow for better access to the density bonus pool units from a wider range of development, including projects under ten units, commensurate with WHP applicability. Current criteria, heavily focused on achieving form and architecture, is too restrictive for smaller residential projects. Reiterate that a recommendation of approval is provided pursuant to the Plan FLUE WCRAO sub-objective and policies. Recommendation of approval from the WCRA must also be consistent with the intent of the Program; created to facilitate redevelopment of the area commensurate with the housing objectives of the WCRA Community Redevelopment Plan which focuses on preserving existing affordable housing and achieving new mixed-income housing stock for the workforce.

**CHAPTER B OVERLAYS**

....

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

....

**H. Density Bonus Programs**

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

**1. Density Bonus Pool**

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

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
<b>Max. WCRAO Density Bonus Per Acre</b>	N/A	20	30	50	150	150	N/A
<b>[Ord. 2006-004]</b>							
<b>Notes:</b>							
<b>1.</b>	Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by FLU designation and the Plan. <b>[Ord. 2006-004]</b>						

**a.—WCRA Recommendation**

~~Any proposed project that includes a request from the Density Bonus Pool shall obtain a recommendation from the WCRA in accordance with the standards of Art. 3.B.14.D.1.b, Timeframe for Response. A project shall receive a recommendation for approval from the WCRA that either meets three of the following six factors, for: (1) The UH Sub-area; (2) That portion of the NRM Sub-area located west of the LWDD L-2B Canal and between Suwanee Drive and the E-3½-8 Canal; or, (3) The UG Sub-area; or meets four of these six factors for: (1) That portion of the NRM Sub-area located between the LWDD L-2B Canal and Suwanee Drive; (2) The NG Sub-area; or, (3) The NC Sub-area. **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2011-001]**~~

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

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

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

- 34
- 35 **c.—Affordability Standards**
- 36 ~~Where required by Table 3.B.14.H, WCRAO Density Bonus Pool Approval, units required~~
- 37 ~~to be affordable shall comply with the following: [Ord. 2006-004] [Ord. 2007-013] [Ord.~~
- 38 ~~2008-037]~~
- 39 **1) Design Requirements**
- 40 ~~All density bonus units required to be affordable shall be designed to a compatible~~
- 41 ~~exterior standard as other units within the development or pod. These units may be~~
- 42 ~~clustered or dispersed throughout the project. [Ord. 2007-013]~~
- 43 **2) Sales and Rental Prices**
- 44 ~~Affordable units shall be offered for sale or rent to very low through middle-income~~
- 45 ~~households. The sale and rent prices may be updated annually by the County~~
- 46 ~~Administrator, or designee, based on the AMI, and household income limits for PBC~~

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

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

Table with 6 columns: Category, Very Low-Income, Low-Income, Moderate-Income, Middle-Income, Maintenance of Affordability (Years). Rows include New Bonus Density Pool Projects (1), Redevelopment of Existing Affordable Housing Project (1), and Notes 1-4.

38 2. Other Density Bonus Programs
39 The Applicant may request to modify or reduce the landscape requirements pursuant to Art. 7,
40 Landscaping subject to a Type 2 Waiver process. The request shall be consistent with the Plan
41 and a WCRA recommendation for approval. [Ord. 2006-004]
42

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**CR-2019-0013, 14, and 30  
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**a. WCRA Recommendation**

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

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

**b. Approval Process**

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

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

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

**c. Incentives for Density Bonus Pool Projects**

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

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# EXHIBIT G

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

**CR-2019-0013, 14, and 30  
(Updated 10/19/20)**

1 The request shall be consistent with the Plan and receive a WCRA recommendation  
2 for approval.

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

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

3 **CHAPTER B PUBLIC HEARING PROCESSES**

4 ....

5 **Section 7 Type of Applications**

6 ....

7 **D. Type 2 Waiver**

8 ....

9 **2. Applicability**

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

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

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

13 ....  
14

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

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

15 **CHAPTER C ADMINISTRATIVE PROCESSES**

16 ....

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# EXHIBIT G

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

CR-2019-0013, 14, and 30  
(Updated 10/19/20)

1    **Section 5      Type of Applications**

2            ....  
3            **E. Type 1 Waiver**

4            ....  
5            **2. Applicability**

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

8

**Table 2.C.5.E – Summary of Type 1 Waivers**

Requests	ULDC Reference
Glades Area Overlay (GAO)	Table 3.B.4.F, Type 1 Waivers for Industrial Pods
NEO, Native Ecosystem Overlay	Art. 3.B.7.D, Property Development Regulations (PDRs)
Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines	Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines
<b>WCRAO Density Bonus Programs</b> [Relocated from: Table 2.B.7.D, Summary of Type 2 Waivers]	<b>Art. 3.B.14.H.1, Incentives for Density Bonus Pool Projects, Landscaping</b> [Partially relocated from: Table 2.B.7.D, Summary of Type 2 Waivers]
Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers
Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1)	Table. 3.D.1.A, Property Development Regulations (PDRs)
Required Parking in Type 1 Restaurant with Drive-Through	Art. 4.B.2.C.33.f.3)a)(2), Location Criteria – Exceptions, Design Criteria
Commercial Greenhouse Loading	Art. 4.B.6.C.17.c.4)b), Loading
Solid Waste Transfer Station	Art. 4.B.7.C.10.d, Buffer
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture
Parking for Community Vegetable Garden	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver
Loading Spaces	Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length
Landscaping	Table 7.B.4.A, Type 1 Waivers for Landscaping
Billboard Location	Art. 8.H.2.D.4., Replacement
PUD Informational Signs	Art. 8.G.3.B.5.b, Standards for Type 3 Electronic Message Signs
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]	
<b>Notes:</b>	
1.	This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application.

9

10            ....

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

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

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

12            ....

13    **Section 9      Development Thresholds**

14            ....  
15            **C. Density Bonus**

16            Any amendment to an existing development, or new construction of projects, which includes an  
17            existing or proposed WHP, AHP, ~~or TDR~~, **or WCRAO Density Bonus Program** residential density

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EXHIBIT G

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

CR-2019-0013, 14, and 30  
(Updated 10/19/20)

1 bonus, shall require confirmation of any applicable thresholds for approval process in accordance  
2 with Art. 5.G, Density Bonus Programs, or Art. 3.B.14.H, WCRAO Density Bonus Program. [Ord.  
3 2017-025]  
4 ....

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EXHIBIT H

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

CR-2020-0010
(Updated 10/19/2020)

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

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

1 CHAPTER C ADMINISTRATIVE PROCESSES

2 ....

3 Section 6 Conditions of Approval

4 A. DRO Authority

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

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

21 ....

Part 2. ULDC Art. 3.B.9.G.1, Overlays and Zoning Districts, Overlays, PBJAO, Palm Beach International Airport Overlay, Supplemental Regulations, Unified Control (page 37 of 213, Supplement 29), is hereby amended as follows:

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

22 CHAPTER B OVERLAYS

23 Section 9 PBJAO, Palm Beach International Airport Overlay

24 ....

25 G. Supplemental Regulations

26 1. Unified Control

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

30 2. Enclosed Activities

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

34 3. Renovation and Expansion of Non-Residential Uses

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

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EXHIBIT H

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

CR-2020-0010  
(Updated 10/19/2020)

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

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

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2 Section 1 General

3 ....

4 I. Unified Control

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

12 1. ~~Exception~~

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

15 2. ~~Approval~~

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

19 3. ~~Control~~

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

22 4. ~~Architectural Guidelines~~

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

31 5. ~~Successive Owners~~

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

34 6. ~~Amendments~~

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

40 ....

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# EXHIBIT H

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

CR-2020-0010  
(Updated 10/19/2020)

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

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

### CHAPTER F LEGAL DOCUMENTS

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

#### Section 1 Maintenance and Use Documents

....

##### E. Documents Establishing Maintenance and Use

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

##### 1. Developments Including a Subdivision of Five or More Lots

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

##### 2. Subdivisions of a Maximum of Four Lots

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

##### ~~3. Rental Projects~~

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

##### F. Content Requirement Documents

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

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

CR-2020-0010  
(Updated 10/19/2020)

1           **1. Property Owners' Association (POA) Documents**

2           **a. Declaration of Covenants and Restrictions**

3           **1) Legal Description**

4           **a) For Master Property Owners' Associations**

5           Where applicable, all property included within the Master Plan for a Development  
6           Order, regardless of how many phases, shall be subjected to the terms of the  
7           declaration at the time the first plat of the development is recorded. Property shall  
8           not be withdrawn from the terms of the declaration unless it is also withdrawn from  
9           the Master Plan. This shall also apply to any affected portion of an AGE Allocation  
10          Plan with a Development Order for a Rezoning, Conditional Use, or related  
11          Development Order Amendment subject to the requirements of the AGEO. **[Ord.**  
12          **2010-022] [Ord. 2017-007]**

13          **b) For Sub-Associations**

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

17          **2) Definition**

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

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

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

40          **3) Association Structure and Responsibilities**

41          There shall be provisions for the following:

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

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# EXHIBIT H

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

CR-2020-0010  
(Updated 10/19/2020)

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

#### 4) Common Areas

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

#### 5) Easements

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

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

#### 6) Architectural Control

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

#### 7) General Provisions

There shall be provisions for the following:

##### a) Duration

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

##### b) Enforcement

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

##### c) Amendment

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

##### d) Dissolution

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

#### b. Articles of Incorporation

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

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EXHIBIT H

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

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c. By-Laws

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

....  
3. Unity of Control

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

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

**a. Subdivisions of a Maximum Four Lots**

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

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

**b. PDDs**

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

**1) Exception**

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

**2) The Unity of Control shall contain the following:**

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

**e) Architectural Guidelines**

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

**3) Successive Owners**

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

**4) Amendments**

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

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EXHIBIT H

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

CR-2020-0010  
(Updated 10/19/2020)

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4. Unity of Title

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

....

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EXHIBIT I

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

CR-2019-0026
(Updated 10/19/20)

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

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

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2 ....

3 Section 3 Multiple Use Planned Development (MUPD)

4 ....

5 B. Objectives and Standards

6 ....

7 2. Performance Standards

8 An MUPD shall comply with the following standards:

9 a. ~~Freestanding Buildings~~

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

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

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

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

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EXHIBIT I

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

CR-2019-0026
(Updated 10/19/20)

Table 3.E.3.B – Freestanding Buildings

Table with 9 columns: FLU Designations, CL, CH, CLO, CHO, IND, EDC, CR, INST. Row 1: Number of Buildings, 1, 3, 1, 3, 3, 3, 3, 3. Row 2: [Ord. 2014-025]

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ba. Non-Vehicular Circulation

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

1) Sidewalks

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

....[Re-letter accordingly]

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

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

9 CHAPTER B USE CLASSIFICATION

10 ....

11 Section 5 Industrial Uses

12 ....

13 C. Definitions and Supplementary Use Standards for Specific Uses

14 ....

15 17. Warehouse

16 ....

17 f. Freestanding Structures

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

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\10-Oct 28 2020\5- LDRAB-LDRC Packet\Exh. I - CR-2019-0026 Art. 3 and 4, Multiple Use Planned Development Freestanding Buildings.docx

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**EXHIBIT J**

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

**CR-2020-0014  
(Updated 10/19/20)**

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

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

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 1 Residential Uses**

3 ....  
4 **C. Definitions and Supplementary Use Standards for Specific Uses**

5 ....  
6 **4. Multifamily**

7 **a. Definition**

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

10 **b. Typical Uses**

11 Typical uses include apartments and residential condominiums.

12 **c. Overlay – WCRAO**

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

15 **d. Zoning District**

16 **1) TMD District**

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

19 **2) RM District**

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

21 **a) MR-5 FLU Designation**

22 ~~1) Planning Determination~~

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

25 **2(1) Existing RM Zoning**

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

27 ~~3(2) Approval Process~~

28 The approval process shall be as follows:

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

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

30  
31 ~~4(3) Development Order~~

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

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

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

38 **c) Limestone Creek**

39 Multifamily units in the RM Zoning District shall be prohibited in the area bounded  
40 on the north by 184th Place North, on the south by the C-18 Canal, on the east by

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## EXHIBIT J

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

CR-2020-0014  
(Updated 10/19/20)

1 Central Boulevard and the municipal limits of the Town of Jupiter, and on the west  
2 by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south  
3 of Church Street).

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