

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
 LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
 DECEMBER 16, 2020 MEETING

AMENDMENTS TO THE AGENDA
 (Updated 12/16/2020)

Amend – Exhibit C, Art. 3 and 5, Recreation Areas and Amenities, Part 2, page 13 of 31, line 1, Table 5.B.1.A, Setbacks, General [Reason: To clarify separations and setbacks for Recreation Pods, Tracts, or Areas].

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2) Residential Lot Recreation Equipment

Recreation equipment located on a residential lot with a Single Family, ZLL, Townhome, Cottage Home or Mobile Home Dwelling, which require issuance of a Building Permit shall comply with the setbacks in Table 5.B.1.A, Setbacks – General. [Ord. 2014-001]

Table 5.B.1.A – Setbacks, ~~General~~

Zoning	Setbacks (4)			
	Front	Side	Side Street	Rear
Residential Lot <u>with a Residential Use</u>	25'	7.5' (3)	15'	7.5' (3)
<u>Recreation Pod, Tract, or Area ≥ 1 ac.</u>	<u>25'</u>	<u>50' (R)</u> <u>15' (C)</u>	<u>25'</u>	<u>50' (R)</u> <u>15' (C)</u>
<u>Recreation Pod, Tract, or Area ≥ 7,500 sq. ft. < 1 ac.</u>	<u>25'</u>	<u>25' (R)</u> <u>15' (C)</u>	<u>25'</u>	<u>25' (R)</u> <u>15' (C)</u>
<u>Recreation Pod, Tract, or Area < 7,500 sq. ft.</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
[Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001]				
Notes:				
<u>C</u>	Indicates the setback if the lot is adjacent to a parcel with a non-residential zoning district, FLU, or pod, and does not support a residential use.			
<u>R</u>	Indicates the setback if the lot is adjacent to the residential use.			
1.	Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. [Ord. 2011-001]			
2.	Golf course greens, excluding driving ranges, shall be exempt from these setbacks.			
3.	Setbacks for recreational amenities and equipment may be reduced to five feet on a residential lot <u>with a Single Family, ZLL, Townhome, Cottage Home, or Mobile Home Dwelling</u> , excluding the AR Zoning d istrict. [Ord. 2014-001]			
4.	Recreation Amenities located within a Multifamily or Congregate Living Facility Development, shall provide a minimum separation of 50 feet between the amenity and the residential structure. The minimum separation between a Recreation Amenity to a Multifamily or CLF structure, or to the property line of an adjacent residential unit, shall correspond to the setback dimensions described above based on the size of the Recreation Pod, Tract, or Area.			

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Notes:

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PALM BEACH COUNTY

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

DECEMBER 16, 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)

Jim Knight (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**

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

**Maria Sachs
Commissioner, District 5**

**Mack Bernard
Commissioner, District 7**

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

**Melissa McKinlay
Commissioner, District 6**

**County Administrator
Verdenia C. Baker**



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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

WEDNESDAY, DECEMBER 16, 2020 AGENDA

KENNETH S. ROGERS HEARING ROOM (VC-1W-47)/COMMUNICATIONS MEDIA TECHNOLOGY
(CMT)

2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Introductions – Mr. Jim Knight as a New Board Member
4. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
5. Motion to Adopt Agenda
6. Adoption of Minutes – October 28, 2020 (Exhibit A)
7. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS – NEW

PAGES

- | | |
|--|---------|
| 1. Exhibit B Art. 1, 2, 7, and 14, Vegetation Preservation and Protection | 1 – 10 |
| 2. Exhibit C Art. 3 and 5, Recreation Areas and Amenities | 11 – 13 |
| 3. Exhibit D Art. 4, Commercial Communication Tower Collocation Procedures | 14 – 15 |
| 4. Exhibit E Art. 1 and 4, Minimum Frontage, Access, and Roads | 16 – 21 |

C. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determination for Exhibits B-E 22 – 22

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. STAFF COMMENTS

1. Update on LDRAB Subcommittees
 - a. Community Residential Housing (CRH)
 - b. Electric Vehicle Charging Stations (EVCSs)

F. BOARD MEMBER COMMENTS

G. ADJOURNMENT

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EXHIBIT A

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

(Updated 11/20/20)

Minutes of October 28, 2020 LDRAB/LDRC Meeting

On Wednesday, October 28, 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 2:01 p.m. Mr. Alexander Biray, Code Revision Site Planner I, called the roll.

Members Present: 15

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)*
Terrence Bailey (Florida Engineering Society)*
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)
Tommy B. Strowd (Alternate At-Large #1)*

Members Absent: 3

Daniel J. Walesky (Gold Coast Builders Association)
Myles Basore (District 6, Commissioner McKinlay)* ****
Abraham Wien (Alternate At-Large #2)

County Staff Present: 18

Ramsay J. Bulkeley, Planning, Zoning and Building Executive Director*
Jon MacGillis, Zoning Director*
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner
Adam Mendenhall, Senior Site Planner
Jerome Ottey, Site Planner II
Zubida Persaud, Site Planner II*
Alexander Biray, Site Planner I
Robert P. Banks, Chief Land Use County Attorney
Scott A. Stone, Assistant County Attorney I
Patricia Behn, Planning Director*
Bryan Davis, Principal Planner
Bruce O. Thomson, Principal Planner*
Carolina Valera, Senior Planner*
Michael R. Howe, Senior Planner*
Joanne Keller, Land Development Director*
Denise Pennell, Westgate Community Redevelopment Agency Senior Planner*
Mark Meyer, Environmental Resources Management Site Planner II*

Vacancies: 0

* Present via Webex Events.

** Mr. Drawdy arrived at 2:03 p.m.

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

**** Mr. Basore was present via Webex Events, but could not be heard and consequently was marked absent.

** Mr. Drawdy arrived at 2:03 p.m.

2. Additions, Substitutions, and Deletions

There were no additions, substitutions, and deletions. Ms. Hernández noted the attendance of fourteen members, but will be unable to count Mr. Basore unless he can be heard.

3. Motion to Adopt Agenda

Motion to adopt the Agenda, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed unanimous (14-0).

4. Adoption of September 23, 2020 Minutes (Exhibit A)

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

5. Public Comments

There were no public comments. Ms. Hernández reminded that Webex users will have the opportunity to speak using the "Raise Hand" function. She also noted no electronic Comment Cards submitted.

EXHIBIT A

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

(Updated 11/20/20)

Minutes of October 28, 2020 LDRAB/LDRC Meeting

B. ULDC AMENDMENTS – NEW

1. Exhibit B – Art. 2, Waiver Summary Tables Consolidation

Ms. Hernández explained the amendment adds clarification on Table Headings for Type 1 and Type 2 Waivers, and adds missing ones and their references that exist throughout the Code.

a. Discussion

Mr. Blackman noted the amendment is housekeeping.

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

2. Exhibit C – Art. 2, Removal of the Building Division from DRO Agency Review

Ms. Hernández explained the amendment removes, per the Building Division's request, them from DRO review because projects are already reviewed when submitted later for Building Permit review.

a. Discussion

Mr. Blackman noted the redundancy. Ms. Hernández responded that Building plans are not always submitted at DRO review.

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

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

3. Exhibit D – Art. 5, Westgate CRA Overlay Workforce Housing Program Exemption

Ms. Hernández explained the amendment references Density Bonus Pool requirements of the Westgate Community Redevelopment Area Overlay (WCRAO) amendment in Exhibit G for consistency.

a. Discussion

No discussion.

Motion to approve, by Mr. Gulisano, seconded by Mr. Martin. The Motion passed unanimous (15-0).

C. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 2:10 p.m.

1. Proof of Publication

Motion to accept Proof of Publication by Mr. Gromann, seconded by Mr. Martin. The Motion passed unanimous (15-0).

2. Consistency Determination for Exhibits B-J

Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments memo from Mr. Bryan Davis, Principal Planner of the Planning Division, stating the proposed amendments Exhibits B through J are consistent with the Comprehensive Plan.

Ms. Hernández explained Exhibits E and I have no changes, Exhibit F incorporates the LDRAB Motion, Exhibit G corrects typographical spelling errors in addition to the removal of the sky exposure plane definition in Article 1 as the pertinent Section of Article 3 is stricken out, Exhibit H incorporates the LDRAB Motion and corrects grammatical errors, and Exhibit J incorporates the LDRAB Motion.

Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed unanimous (15-0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 2:13 p.m.

E. STAFF COMMENTS

Ms. Hernández introduced Mr. Jeff Gagnon as the new Principal Site Planner of the Code Revision Section, filling her previous position after being promoted to Deputy Zoning Director in May. Several Board members congratulated Staff. She also noted the scheduled November LDRAB meeting is canceled and to anticipate meeting in December.

Mr. Stone noted the Governor's Executive Order (EO) not requiring a physical quorum is due to expire November 1st at midnight, and strongly advised not to expect another extension. He noted if a physical quorum is present, other Board members may use CMT following a vote of "extraordinary circumstances".

Mr. Blackman clarified for LDRAB meetings that nine members would have to be present for a quorum.

Dr. Vinikoor asked for clarification on the vote. Mr. Stone responded that it would follow the expiration of

EXHIBIT A

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

(Updated 11/20/20)

Minutes of October 28, 2020 LDRAB/LDRC Meeting

the EO at the beginning of each meeting. He also noted several Attorney General Opinions have argued in favor of allowing attendance remotely under normal circumstances if there are construed “extraordinary circumstances.”

F. BOARD MEMBER COMMENTS

Mr. Gulisano asked when the next LDRAB meeting is in December. Ms. Hernández responded that it is on December 16th.

Mr. Blackman asked Dr. Vinikoor for an update on the Community Residential Housing Subcommittee. Dr. Vinikoor responded that the kick-off meeting on October 13th set up goals and dates for the future meetings. She was elected the Chair and Mr. Blackman the Vice Chair, with the first meeting to take place following.

Mr. Martin commented that environmental groups may challenge the County’s interpretation of tree and landscaping ordinances where an arborist may allow a tree to be removed without permit or replacement based on something being wrong with the tree, and the County should hold back on interpretation. He further expressed concern about Homeowners’ Associations removing trees on a mass scale, and not replacing with a 50-percent native requirement. He noted a recent news article from The Palm Beach Post and pending lawsuit against Tivoli Lakes.

Mr. Blackman noted through the PBC Cooperative Extension service, the Native Canopy Plant Giveaway Program offered by the County, and the only requirement is to be a resident, both incorporated and unincorporated. Mr. Gulisano asked for the link. Mr. Blackman responded that he will provide it Staff to distribute to Board members.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:21 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.

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EXHIBIT B

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

**CR-2019-0022 and 29
(Updated 12/01/20)**

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms (pages 71 and 109 of 111, Supplement 28), is hereby amended as follows:

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

1 **CHAPTER H DEFINITIONS AND ACRONYMS**

2

3 **Section 2 Definitions**

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

5

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

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

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

14 **[Renumber accordingly]**

15

16 **Section 3 Abbreviations and Acronyms**

17

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

19 **PNV** Protection of Native Vegetation

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

21

Part 2. ULDC Art. 2.A.5, Application Processes and Procedures, General, Pre-Application Conference (PAC) and Pre-Application Appointment (PAA) (page 16 of 101, Supplement 28), is hereby amended as follows:

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

22 **CHAPTER A GENERAL**

23

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

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

Table 2.A.5 – PAC and PAA

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

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EXHIBIT B

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

CR-2019-0022 and 29
(Updated 12/01/20)

1

Part 3. ULDC Art. 7.E, Landscaping, Existing Native Vegetation, Prohibited, and Controlled Plant Species (pages 47 and 48 of 58, Supplement 28), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning/ERM]. Contains two numbered items describing the reasons for the amendments.

2 CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT
3 SPECIES

4 Section 1 Purpose

5 To establish standards and requirements for the preservation of existing native vegetation, removal of
6 prohibited species, and reduction of controlled species. For the purpose of this Article 7, existing native
7 vegetation includes native trees, palms, and pines and are required to shall be incorporated in the site for
8 any application with the vegetation required pursuant to this Article for any application that is subject to a
9 DO. Existing native vegetation may satisfy the landscape requirements in this Article, in total or in part. In
10 determining whether native vegetation satisfies the requirements of this Article and the goals of Art. 14.C,
11 Vegetation Preservation and Protection, either one or both of the following shall be considered: [Ord. 2018-
12 002]

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

16 Section 2 Authority and Review Procedures

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

20 A. Pre-application Appointment (PAA)
21 The Applicant shall meet with the Zoning Division and the Department of Environmental Resources
22 Management (ERM) prior to the submittal of the application. Staff shall coordinate with the
23 Applicant and ERM to address the preservation of native vegetation in the early stage of
24 development review, and to resolve design issues to the greatest extent, without impacting the
25 timeline for certification or approval of the application. Staff may shall request conduct a site visit
26 with the Applicant to determine whether the existing vegetation is worthy of preservation and whose
27 authority the vegetation falls under, and inform the Applicant of the necessary application
28 requirements, including a Vegetation Survey to be submitted as part of the Zoning application.
29 Vegetation that has been determined to be under the authority of ERM, shall be subject to the
30 requirements of Art. 14.C, Vegetation Preservation and Protection. [Ord. 2018-002]

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

36

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

Table with 1 column: Reason for amendments: [Zoning/ERM]. Contains one numbered item describing the reason for the amendments.

37 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

38

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Art. 1, 2, 7, and 14, Vegetation Preservation and Protection.docx

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EXHIBIT B

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

CR-2019-0022 and 29
(Updated 12/01/20)

Section 4 Applicability

- A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland vegetation, and the establishment and maintenance of upland preserve areas.
C. Terms specific to this Chapter are defined in Art. 1.H, Definitions and Acronyms. Terms not defined in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled, "Basis of Review" (BOR), as amended, for Applications within the South Florida Water Management District, dated November 1996, and Art. 1.H, Definitions and Acronyms, of this Code, as may be amended from time to time. In the event that a term is defined in Chapter 62, F.A.C., or the BOR, the BOR shall prevail. [Ord. 2008-040]
D. Vegetation subject to the authority of this Article is defined as native plant species that are located on the site through natural recruitment, specimen native trees, or naturalized vegetation. Trees planted as a result of the requirements of Art. 7, Landscaping are not subject to this Article.

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

A. General

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

AB. Single Family Dwellings

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

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

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

Part 5. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 33 and 34 of 51, Supplement 26), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning/ERM]
1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection.

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EXHIBIT B

ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION CR-2019-0022 and 29 (Updated 12/01/20)

1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2

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

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

9 1. Applicability

10 The following uses and construction shall comply with this Subsection, unless exempted by
11 State Law for Building Permits:

12 a. MF residential over two units;

13 b. Commercial or industrial projects;

14 c. Construction of utilities, road right-of-way, and canals;

15 d. Schools;

16 e. Government projects;

17 f. Agricultural uses ten acres in size or greater; and,

18 g. Other construction, unless exempted by Art. 14.C.8, Exemptions.

19 2. Pre-Application Appointment

20 a. PZB Development Permit

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

26 b. Any Other Application Requiring ERM Review of Vegetation

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

28 **13. Requirements and Process**

29 a. ~~Projects involving the development of commercial projects, government projects, schools,~~
30 ~~new construction of a utility, road right-of-way projects, projects requiring DRO review, and~~
31 ~~agricultural operations of ten acres or greater shall apply to ERM for approval of said project~~
32 ~~on forms provided by ERM. The provisions of the Art. 14.C.7, Application, Process, and~~
33 ~~General Standards shall not apply on lands classified as Bona Fide Agriculture when the~~
34 ~~regulatory activity is preempted by State law. The Applicant shall submit an application to~~
35 ~~ERM for a PNV approval if native vegetation will be impacted by site development,~~
36 ~~concurrently with a Zoning Public Hearing or Administrative Review application. The~~
37 ~~Applicant shall meet with ERM Staff prior to the submittal of the PNV application pursuant~~
38 ~~to the requirements of this Chapter. Projects that are exempt from the DRO not subject to~~
39 ~~the Public Hearing or Administrative Review application processes, must make submit an~~
40 ~~application for approval to remove native vegetation to ERM within 30 days of~~
41 ~~making concurrently with an~~ application for an initial Building Permit for the project. **[Ord.**
42 **2008-040] [Ord. 2009-040] [Ord. 2014-001]**

43 b. An application shall not be deemed complete until the application fee and all information
44 necessary to fully understand the extent, nature, and potential impacts of a proposed
45 project are received by ERM and approved by ERM prior to ~~the scheduled DRO meeting~~
46 ~~approval of a Zoning application or Building Permit application.~~ Any additional information
47 for an application deemed insufficient at DRO meeting will not be approved until the next
48 scheduled DRO meeting. Such information may include, but is not limited to: **[Ord. 2008-**
49 **040]**

50 1) A completed application form with the notarized signature of the parcel owner or
51 authorized agent of the parcel owner; **[Ord. 2008-040]**

52 2) A written explanation of the need and intent of the project and a description of
53 construction or alteration methodologies; **[Ord. 2008-040]**

54 3) ~~A certified site~~ plan or survey stamped with a certification by a currently registered
55 Landscape Architect or an Arborist certified by the International Society of
56 Arboriculture, where applicable, showing all easements and estimated preliminary
57 finished grades for any areas where native vegetation is proposed for preservation.
58 Both plan view and cross sectional view sketches may be required; **[Ord. 2008-040]**

59 4) Parcel information including a location map, a recent aerial photograph with the parcel
60 clearly delineated, and representative color photographs; **[Ord. 2008-040]**

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EXHIBIT B

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ARTICLE 14 – ENVIRONMENTAL STANDARDS
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- 5) Identification of the type and location of native vegetation...
6) An Incorporated Vegetation Plan which graphically depicts the location and field tag number...
7) A numbered tabular list Vegetation Disposition Chart of all native trees/palms surveyed...
8) An overlay of the Vegetation Survey onto the proposed plan as an exhibit for the review...
89) A completed Vegetation Surplus Form which identifies surplus native vegetation...
910) Methods of stormwater pollution prevention if construction of the project may result in...
g. A pre-clearing meeting between ERM, the general contractor, and land clearing sub-contractor...

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

Table with 1 row: Reason for amendments: [Zoning/ERM]
1. The purpose of this amendment is to reference an ERM PPM for the determination of donations to natural areas and to add specific language to regulate specimen sized native trees.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

....

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

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

24. Standards of Approval

- No approval shall be issued unless the application demonstrates that the project: [Ord. 2008-040]
a. Will not result in a net loss of wetland functions and values; [Ord. 2008-040]
b. Complies with water quality rules and standards set forth in Chapter 62-302, F.A.C.; [Ord. 2008-040]
c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats; [Ord. 2008-040]
d. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat; [Ord. 2008-040]

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- 1 e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to
2 native vegetation. Existing native vegetation shall be incorporated into the site plan and
3 protected during construction. Parcel improvement features shall be configured to minimize
4 removal of existing native vegetation and maximize the use of areas dominated by
5 prohibited and invasive non-native vegetation. Existing native vegetation that cannot be
6 preserved in place shall be relocated to appropriate buffer and open space areas on the
7 parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be
8 considered surplus. There is no requirement to provide vegetation for surplus. Non-
9 relocatable native vegetation with trunk diameters equal to or greater than six inches that
10 cannot be maintained on the parcel shall be mitigated in accordance with ~~Table 7.E.3.C,~~
11 ~~Vegetation Credit and Replacement~~ Table 14.C.7.B, Native Vegetation Mitigation or
12 through planting equivalent native vegetation, accepted by ERM prior to the receipt of the
13 Certificate of Occupancy for ~~sSingle-unit Family~~ projects or 75 percent completion of
14 construction of ~~mMulti-unitfamily~~ projects, based on either total square footage or number
15 of units to be constructed. Native palms with gray wood equal to or greater than eight feet
16 that cannot be relocated must be replaced with native palms of like size. A planting plan
17 that clearly delineates proposed mitigation plantings from any required landscape plantings
18 must be approved by ERM prior to the issuance of the first Building Permit for the project.
19 **[Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040] [Ord. 2018-018]**
- 20 f. ERM shall also consider: **[Ord. 2005-002] [Ord. 2008-003]**
- 21 1) Alternative designs to limit the removal of native vegetation to the minimum necessary
22 while still allowing the Applicant to accomplish the purpose of the site plan; **[Ord. 2008-**
23 **040]**
- 24 2) Preserving listed species in place or relocating to buffers, open space, or unimproved
25 portions of the parcel; **[Ord. 2008-040]**
- 26 3) The likelihood of success for relocated native vegetation; **[Ord. 2008-040]**
- 27 4) Mitigation or compensation for the loss of native vegetation; **[Ord. 2008-040]**
- 28 5) Creation of a tree preservation area; **[Ord. 2008-040]**
- 29 6) In lieu of replacement planting, when on-site mitigation has been exhausted or is
30 unavailable, a donation may be made to PBC for the Natural Areas Fund unless an
31 alternative plan that meets the purpose and intent of this Chapter has been approved
32 by the Director of ERM. The donation amount shall be based on the ~~average~~ cost ~~of~~
33 ~~the~~ schedule provided in ERM PPM #EV-O-308 for the multiplied average cost for
34 purchase, installation, and maintenance for one year of an equivalent number of
35 replacement trees; ~~and~~, **[Ord. 2006-036] [Ord. 2008-037] [Ord. 2012-027]**
- 36 7) Sabal palms may be allowed as replacement plantings for Canopy trees if approved
37 by ERM and planted at three-to-one (palms-to-required replacement trees) based on
38 ~~Table 7.E.3.C, Vegetation Credit and Replacement~~ Table 14.C.7.B, Native Vegetation
39 Mitigation, on ten-foot centers, plus or minus one foot, and grouped as shown on a
40 planting plan table approved by ERM. **[Ord. 2006-036] [Ord. 2008-040]**
- 41 g. Complies with any applicable Federal, State, or local designated preserve, conservation,
42 or mitigation area. **[Ord. 2008-040]**
- 43 h. Removes or eradicates prohibited invasive non-native vegetation, as identified in Appendix
44 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
45 Vegetation, shall be completed for the entire parcel or parcels of the Development Order
46 prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5,
47 Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
48 Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited
49 vegetation. No additional permit for such maintenance of vegetation shall be required.
50 **[Ord. 2005-002] [Ord. 2006-004] [Ord. 2008-040]**
- 51 **i. Specimen Tree Removal**
- 52 Removal of any specimen tree (defined in Art. 1.H.2, Definitions) from non-exempt parcels
53 identified in Appendix 7, Specimen Tree List, is prohibited, unless the following criteria are
54 met:
- 55 1) The Applicant shall depict on the Site or Subdivision Plan any specimen tree in its
56 original location to the greatest extent possible;
- 57 a) If there is no reasonable alternative that allows incorporation of the tree into the
58 parcel design, a specimen tree shall be relocated in a manner to ensure
59 survivability. The applicant shall provide appropriate documentation (e.g. an
60 Arborist Report), prepared by an Arborist, certified by the International Society of
61 Arboriculture, to ERM for review.

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EXHIBIT B

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- b) If a specimen tree cannot be relocated, the parcel owner shall install mitigation plantings consisting of native vegetation pursuant to Table 14.C.7.B, Native Vegetation Mitigation Table. This requirement is in addition to the requirements outlined in Art. 7, Landscaping, and any other Conditions of Approval.
2) Dahoon Holly (Ilex cassine) trees shall be replaced like size for like size for mitigation.

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

Table with 1 row: Reason for amendments: [ERM]
1. This amendment is to correct a spelling error.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

....

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

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

....

35. Establishing Native Upland Preserves

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

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

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

....[Re-number accordingly]

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

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

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1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2

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

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

5
6
7
8
9

10 9. Performance Guarantee Required for Tree Mitigation or Restoration

11 a. Process

12 A performance guarantee in an amount equal to 110 percent of the replacement value of
13 the trees listed on the approved Vegetation Disposition Chart pursuant to ERM PPM #EV-
14 O-308.

15 b. Purpose and Intent

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

18 c. Execution

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

21 d. Form of Guarantee

22 The guarantee shall be:

- 23 1) A cash deposit or certificate of deposit assigned to PBC; or
- 24 2) A performance bond issued by a State of Florida registered guarantee company which
25 shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of
26 Government Financial Operations in accordance with the performance bond PPM; or
- 27 3) A clean, irrevocable letter of credit in accordance with the letter of credit PPM.

28 e. Term of Bond Duration

- 29 1) The performance guarantee shall be kept in full force until all obligations there under
30 are satisfied.
- 31 2) Performance guarantee shall remain in effect until:
 - 32 a) such time that all conditions listed in the PNV are satisfied; or
 - 33 b) a replacement performance guarantee for transfer of ownership of the project in
34 conjunction with the transfer of the PNV approval issued for the project to another
35 owner is reviewed and approved on forms provided by ERM.

36 f. Use of Guarantee

37 In the event the PNV expires in advance of the completion of the conditions specified in
38 the approval, and no written request is approved by ERM for reinstatement within 30
39 calendar days of expiration, the Property Owner of the parcel shall be found in violation of
40 Art. 14.C, Vegetation Preservation and Protection, and a claim against the guarantee shall
41 be initiated.

42 g. Exemptions

43 Palm Beach County projects are exempt from the performance guarantee for tree
44 mitigation or restoration.

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

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

45 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

46

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

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EXHIBIT B

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

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

....
710. Mitigation or Restoration

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

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

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

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

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

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 8 Exemptions

....
E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of native and non-native vegetation installed as landscape, provided the activity complies with the requirements of Art. 7, Landscaping, as

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1 amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or
2 jurisdictional wetlands.
3

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

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

4 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

5

6 Section 12 Violations

7 A. Violations

8 A violation shall be:

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

14

15 B. Enforcement

16 4.—To enforce compliance with this Chapter, the County may issue a cease and desist order or
17 require that a Building Permit or CO be withheld. A violation of this Chapter shall be punishable by
18 one or more of the following: [Ord. 2008-040]

19 1. Violations involving activities conducted without a valid PNV approval that may otherwise have
20 been permitted will require the submittal of a PNV application, the appropriate application fee
21 and remedies outlined in Art. 10, Enforcement of the Code, or other remedies pursuant to this
22 Article;

23 2. Activities conducted with a valid PNV approval that are inconsistent with the stated approval
24 conditions and result in a need to modify the existing approval will require an application to
25 modify the PNV, the appropriate application fee and remedies outlined in Article 10,
26 Enforcement of the Code or other remedies pursuant to this Article;

27 a3. Remedies outlined in Art. 10, Enforcement, of the Code; [Ord. 2008-003] [Ord. 2008-040]

28 b4. Any applicable remedies under F.S. ch. 125 and F.S. ch. 162, as amended; [Ord. 2008-003]

29 e5. PBC may take any other appropriate legal action, including but not limited to, administrative
30 action, and requests for temporary and permanent injunctions to enforce the provisions of this
31 Chapter; and, [Ord. 2008-003] [Ord. 2008-040]

32 d6. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective
33 date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement
34 provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior
35 to, and with obligations beyond, the effective date of this Chapter, except that violations of
36 Single Family dock permits issued pursuant to the agreement between PBC and the USACOE
37 (adopted as Resolution No. R-89-120 and dated January 24, 1989), shall be referred to the
38 USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the
39 event the DEP directs ERM to enforce a violation of a permit issued under the mangrove
40 delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement
41 provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 5 – SUPPLEMENTARY USE STANDARDS RECREATION AREAS AND AMENITIES

CR-2020-0018
(Updated 12/08/2020)

Part 1. ULDC Art. 3.E.2.D, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations (PDRs) (page 147 of 213, Supplement 28) is hereby amended as follows:

Reason for amendments: [Zoning]
1. This amendment proposes a reference being added to the footnotes of Table 3.E.2.D, PUD Property Development Regulations to Art 5.B.1.A.10.b, Setbacks, where the PDRs for Recreation Amenities are located.

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

2

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

4

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

6 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum
7 setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations,
8 unless otherwise stated. [Ord. 2019-005]

9 **1. Setbacks**

10 For residential development, except MF and Type 3 CLF, building setbacks shall be measured
11 from the inside edge of the perimeter landscape buffers. For MF, Type 3 CLF, and non-
12 residential development, building setbacks shall be measured from the property line, provided
13 the structures do not encroach the landscape buffer. Rear or side setbacks may be reduced
14 pursuant to Art. 3.D.1.D,4, Setback Reductions. [Ord. 2020-001]

15

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

Pod	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF (4)	Apply the RS district regulations in Table 3.D.1.A, Property Development Regulations (PDRs).									
Cottage Home	Refer to Art. 3.D.2.E, Cottage Home Property Development Regulations. [Ord. 2018-018]									
ZLL (4)	Refer to Art. 3.D.2.C, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM district regulations in Table 3.D.1.A, Property Development Regulations (PDRs).									
Civic										
Private	0.5 ac.	100'	100'	-	-	30%	25'	20'	25'	20'
Public	1.5 ac.	100'	200'	-	-	30%	25'	20'	25'	20'
Commercial										
Commercial	Apply the CC district regulations in Table 3.D.1.A, Property Development Regulations (PDRs).									
Recreation										
Recreation Pod (5)	(3)	(3)	(3)	-	-	30%	25'	15'	25'	15'
Neighborhood Park	0.1 ac.	45'	75'	-	-	15%	15'	15'	15'	15'
Preservation (1)										
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations (PDRs).									
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001]										
Notes:										
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.									
2.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]									
3.	Recreation Pods required for Multifamily units, CLFs, or Cottage Homes in an MF Pod or lot may be exempt from the following: [Ord. 2020-001] a. Minimum lot frontage may be reduced or eliminated where the pod does not front on a street, and is located within the MF, CLF structures, surrounded by the MF, CLF, or Cottage Homes, or located on a shared driveway. A sidewalk shall be provided from the Recreation Tract to the internal pedestrian network; and [Ord. 2016-042] [Ord. 2020-001] b. Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards, Table 5.D.2.B, Property Development Regulations. [Ord. 2016-042] [Ord. 2020-001]									
4.	SF and ZLL residential units may be allowed to increase building coverage by ten percent subject to the following: [Ord. 2020-001] a. Maximum one story; and [Ord. 2020-001] b. Increase in building coverage cannot be in conjunction with other reductions, Waivers, or Variances for building coverage. [Ord. 2020-001]									
5.	<u>Setbacks for Outdoor Recreation Amenities shall be in accordance with Art. 5.B.1.A.10.b, Setbacks.</u>									

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 5 – SUPPLEMENTARY USE STANDARDS RECREATION AREAS AND AMENITIES

CR-2020-0018
(Updated 12/08/2020)

- 1 E. Pods
2 1. Residential Pod
3 A Residential Pod shall be designated on the Master Plan as follows:
4 a. Range of Housing
5 A PUD in excess of 100 acres and 300 dwelling units shall provide a minimum of two
6 residential use types. A minimum of ten percent of the residential dwellings in a PUD in
7 excess of this threshold shall be of a second use type.
8 b. Side Loading Garage
9 A side loading garage is permitted in a SF Pod, subject to a minimum front setback of 15
10 feet.
11

Part 2. ULDC Art. 5.B.1.A.10, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Outdoor Recreation Amenities (pages 23 and 24 of 106, Supplement 28) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Amendments to Table 5.B.1.A have been proposed in a format consistent with Multiple Use Planned Development (MUPD) Property Development Regulations (PDRs). There is a direct correlation between the setback proposed for a recreation amenity and surrounding uses. Reduced setbacks have been proposed for lots less than 7,500 square feet, and those between 7,500 square feet and one acre in order to increase usability and flexibility of design while still protecting adjacent residential uses.
2. This amendment also clarifies that for Multifamily Developments, Separation applies for the dimensions shown in Table 5.B.1.A, as these developments do not have residential property lines where setbacks can be taken from.

12 CHAPTER B ACCESSORY USES AND STRUCTURES

13 Section 1 Supplementary Regulations

14 A. Accessory Uses and Structures

15

16 10. Outdoor Recreation Amenities

17 An open-air amenity designed and intended to support recreation activities including but not
18 limited to: basketball courts, tennis courts, playgrounds, and tot lots, excluding those uses
19 regulated elsewhere such as Outdoor Entertainment. [Ord. 2013-001]

20 a. Principal and Accessory Use

21 1) Principal Use

22 Any outdoor recreation amenities owned and operated as a commercial enterprise or
23 in combination with ~~other~~ commercial recreation uses on the same property shall be
24 considered a principal use subject to the PDRs of the applicable district. [Ord. 2011-
25 001] [Ord. 2013-001]

26 2) Accessory Use

27 Any outdoor recreation amenities operated by a non-profit assembly, social, civic
28 organization, Property Owners' Association (POA), or resident of a dwelling unit shall
29 be considered an accessory use. The accessory use shall be located on the same lot
30 as the principal use except if operated by a residential POA. If operated by a POA, the
31 accessory use shall be located within the boundaries of the development, or a
32 Neighborhood Recreation Facility. [Ord. 2011-001] [Ord. 2013-001]

33 b. Setbacks—General

34 The following setbacks shall apply to outdoor recreation amenities and equipment,
35 excluding swimming pools and spas, and shall be measured to the edge of the court
36 surface or fence, whichever is more restrictive: [Ord. 2006-004] [Ord. 2011-001] [Ord.
37 2013-001] [Ord. 2014-001]

38 1) Common Recreation Amenities

39 Outdoor recreation amenities operated by a non-profit assembly, social, civic
40 organization, or Property Owners' Association (POA) on a community recreation pod,
41 tract, or designated area, shall ~~be set back a minimum of 50 feet from any residential~~
42 ~~property line, unless stated otherwise herein comply with the setbacks or separations~~
43 ~~pursuant to Table 5.B.1.A, Setbacks.~~ [Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-
44 001]

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 5 – SUPPLEMENTARY USE STANDARDS RECREATION AREAS AND AMENITIES

CR-2020-0018
(Updated 12/08/2020)

2) Residential Lot Recreation Equipment

Recreation equipment located on a residential lot with a Single Family, ZLL, Townhome, Cottage Home or Mobile Home Dwelling, which require issuance of a Building Permit shall comply with the setbacks in Table 5.B.1.A, Setbacks – General. **[Ord. 2014-001]**

Table 5.B.1.A – Setbacks, ~~General~~

Zoning	Setbacks (4)			
	Front	Side	Side Street	Rear
Residential Lot <u>with a Residential Use</u>	25'	7.5' (3)	15'	7.5' (3)
Recreation ≥ 1 ac.	<u>25'</u>	<u>50' (R)</u> <u>15' (C)</u>	<u>25'</u>	<u>50' (R)</u> <u>15' (C)</u>
Recreation ≥ 7,500 sq. ft. < 1 ac.	<u>25'</u>	<u>25' (R)</u> <u>15' (C)</u>	<u>25'</u>	<u>25' (R)</u> <u>15' (C)</u>
Recreation < 7,500 sq. ft.	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
[Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001]				
Notes:				
1.	Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. [Ord. 2011-001]			
2.	Golf course greens, excluding driving ranges, shall be exempt from these setbacks.			
3.	Setbacks for recreational amenities and equipment may be reduced to five feet on a residential lot <u>with a Single Family, ZLL, Townhome, Cottage Home, or Mobile Home Dwelling</u> , excluding the AR Zoning district. [Ord. 2014-001]			
4.	<u>Recreation Amenities located within a Multifamily or Congregate Living Facility Development, shall provide a minimum separation of 50 feet between the amenity and the residential structure.</u>			
Key:				
<u>C</u>	Indicates the setback if the lot is adjacent to a parcel with a non-residential zoning district, FLU, or POD, and does not support a residential use.			
<u>R</u>	Indicates the setback if the lot is adjacent to the residential use.			

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
COMMERCIAL COMMUNICATION TOWER COLLOCATION
PROCEDURES

CR-2020-0021
(Updated 12/02/2020)

Part 1. ULDC Art. 4.B.9.F, Use Regulations, Use Classification, Commercial Communication Towers (page 151 and 152 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify language related to the collocation procedures which are established for the owner/Applicant and shall occur prior to the submittal of the zoning application for a new tower. Clarify that the Applicant is responsible for providing the notices and any Collocation Application forms to potential users. The completed Collocation Application forms shall be included in the zoning application for a new tower.
2. Add new requirements under Subsection F.1, Notification within a list of the information required to be included in the Applicant's Notice to proposed tower users.

1 CHAPTER B USE CLASSIFICATION

2

3 Section 9 Commercial Communication Towers

4

5 F. ~~Review Procedures Shared Use Application Requirements~~ Collocation Procedures for New
6 Towers Prior to Submitting a Tower Application

7 Prior to submittal of an application for approval of a proposed tower for Conditional Use,
8 Development Order Amendment, DRO, or Building Permit Review, all Applicants ~~for~~
9 ~~communication towers~~ shall comply with the procedures indicated below. ~~An application for the~~
10 ~~appropriate review process must be submitted within one year of the notice mailing date.~~

11 1. Notification

12 All communication tower Applicants shall provide ~~a~~ a Notice by certified mail to all users on the
13 Communication Tower Users List. ~~The notice shall invite potential communication tower users~~
14 ~~to apply, to the Applicant, for space on the proposed tower to encourage collocation. A copy of~~
15 ~~the notice shall be mailed to the Electronic Services and Security and the Zoning Divisions.~~
16 **[Partially relocated from: below]** ~~The notice mailing date shall be within one year prior to~~
17 ~~submitting the zoning application.~~ The following information shall be included in the notice:

- 18 a. description of the proposed tower;
- 19 b. general location;
- 20 c. longitude and latitude;
- 21 d. identify any pre-reserved space on the tower and upon the land area itself;
- 22 e. provide any lease provisions being made available: such as equipment shelter space,
23 space for third party equipment shelter, and provisions of back-up power;
- 24 f. general rate structure for leasing space, which shall be based on reasonable local charges;
- 25 g. proposed tower height;
- 26 h. a phone number to locate the Applicant or ~~a~~ Agent for the communication tower; and,
27 i. an ~~shared use form~~ Applicant's Collocation Application. ~~A copy of the notice shall be mailed~~
28 ~~to the Communications Division and the Zoning Division. The notices shall invite potential~~
29 ~~communication tower users to apply for space on the proposed tower to encourage~~
30 ~~collocation.~~ **[Partially relocated to: above]**

31 2. Shared Use Applicant's Collocation Application

32 Potential communication tower users shall respond to the Applicant's ~~a~~ a Notice within 20 days
33 of receipt of certified mailing. Response shall be submitted utilizing ~~a shared use form~~ the
34 Applicant's A collocation Application. A completed ~~shared use form~~ Collocation Application shall
35 be sent to the owner of the proposed communication tower or authorized ~~a~~ Agent. The tower
36 Applicant shall not be responsible for a lack of response or responses received after the 20-
37 day period. The ~~Zoning Division Applicant~~ shall provide the ~~shared use form~~ responses to the
38 Collocation Application as part of the zoning application request for the new tower.

39 3. Feasibility

40 The feasibility of each ~~shared collocation~~ use request shall be evaluated by the Applicant. The
41 evaluation shall document the feasibility of ~~shared use between~~ collocation on the proposed
42 communication tower owner and a potential lessee or sharer. Factors to be considered when
43 evaluating the feasibility of ~~shared use~~ collocation include but are not limited to: structural
44 capacity; RF interference; geographic service area requirements; mechanical or electrical
45 incompatibilities; inability or ability to locate equipment on approved and unbuilt communication
46 towers; cost (if fees and costs for sharing would exceed the cost of the new communication
47 tower amortized over a 25-year period); FCC limitations that would preclude shared use; and,
48 other applicable Code requirements.

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS COMMERCIAL COMMUNICATION TOWER COLLOCATION PROCEDURES

CR-2020-0021
(Updated 12/02/2020)

- 1 **4. Rejection or Dispute**
2 If the Applicant rejects one or more request(s) for ~~shared-use~~collocation and if potential tower
3 lessees dispute the rejection(s) for ~~shared-use~~collocation, the following procedure shall occur
4 within ten working days after the ~~shared-use~~collocation response deadline.
5 **a. Submittal**
6 The Applicant shall submit two copies of the following to the Zoning Division: the
7 Collocation Applications submitted by potential users, a brief evaluation of each rejected
8 response; all design data for the proposed communication tower; and, an explanation
9 indicating the structural improvements necessary to facilitate the requests that are rejected
10 due to structural limitations, paid for by the tower space lessee.
11 **b. Consultant**
12 The Zoning Division shall forward copies of all applications for ~~shared-use~~collocation and
13 the Applicant's evaluation of each rejected request to a qualified communications
14 consultant. The consultant shall be selected by and retained at the discretion of the Zoning
15 Division and paid by Applicant who is refusing to allow collocation from an interested
16 service provider.
17 **c. Evaluation**
18 Within ten working days of receiving the ~~shared-use~~collocation responses that were
19 rejected by the Applicant and disputed by the potential tower space lessee, the consultant
20 shall review and prepare an evaluation. Two copies of the consultant's evaluations shall
21 be sent to the Zoning Division. One copy of the evaluation shall be made an official part of
22 the communication tower application and one copy of the evaluation shall be forwarded to
23 the Applicant by the Zoning Division. The consultant's report shall be advisory, and made
24 part of the staff report, and considered in reviewing the communication tower application.
25 **5. Acceptance with No Dispute**
26 If the Applicant did not reject any requests ~~for shared-use~~collocation or if rejected requests for
27 tower space are not disputed by any potential tower lessee(s), consultant review is not
28 necessary.
29

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EXHIBIT E

ARTICLE 1 – GENERAL PROVISIONS ARTICLE 4 – USE REGULATIONS MINIMUM FRONTAGE, ACCESS, AND ROADS

CR-2018-0021
(Updated 12/08/20)

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms, Definitions (pages 93 and 94 of 111, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/Land Development]
The proposed amendment is Phase 1 of a larger project in which Staff are reviewing and analyzing the Supplementary Use Standards, related to frontage and access, for specific uses and their location requirements. The Zoning, Planning, and Land Development Divisions have worked together to review these requirements and their history against the policies of the Comprehensive Plan, the specific use impacts on surrounding areas, and the improvement requirements for roadways.
1. Modifying definitions of streets to remove reference for the purposes of Art. 11, Subdivision, Platting, and Required Improvements, as street references apply to more than just Article 11. Removal of a specific Article reference will allow the other Articles to utilize this definition.

1 CHAPTER H DEFINITIONS AND ACRONYMS

2

3 Section 2 Definitions

4

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

6

- 7 87. **Street, Arterial** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
8 ~~Improvements~~, a major street of higher classification than a Plan Collector Street, used
9 primarily for traffic traveling considerable distance within or through an area not served by an
10 expressway, of considerable continuity, and used primarily as a main traffic artery.
- 11 88. **Street, Collector** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
12 ~~Improvements~~, a street which carries traffic from Local Streets to Arterial Streets. Collector
13 Streets have more continuity, carry higher traffic volumes and may provide less access than
14 Local Streets.
- 15 89. **Street, Collector, Non-Plan** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
16 ~~Improvements~~, a Collector Street which is not included on the Thoroughfare Plan and which is
17 the highest classification of minor street.
- 18 90. **Street, Collector, Plan** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
19 ~~Improvements~~, a Collector Street which is part of the Thoroughfare Plan, and which is the
20 lowest classification of major street.
- 21 91. **Street, Cul-de-sac** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
22 ~~Improvements~~, a dead end street terminating in a circular vehicular turn-around.
- 23 92. **Street, Dead End** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
24 ~~Improvements~~, a street with only one outlet.
- 25 93. **Street Frontage** – see Lot, Frontage.
- 26 94. **Street Layout Plan** – For the purposes of Art. 3.E.2, Planned Unit Development (PUD), this
27 plan shall provide a method to calculate cul-de-sacs in a PUD. The plan shall show the general
28 layout of all streets and clearly identify the streets that are to be included when calculating the
29 cul-de-sacs. **[Ord. 2008-037]**
- 30 95. **Street, Limited Access** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
31 ~~Improvements~~, a street to which access from abutting property is under the control and
32 jurisdiction of the County pursuant to a limited access easement or other regulatory access
33 restriction.
- 34 96. **Street, Local Commercial** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
35 ~~Improvements~~, a street designed and maintained primarily to provide legal and vehicular
36 access to abutting commercial or industrial lots. A Local Commercial Street is of limited
37 continuity, is not for through traffic, and is the middle order street of minor streets.
- 38 97. **Street, Local Residential** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
39 ~~Improvements~~, a street designed and maintained primarily to provide legal and vehicular
40 access to abutting residential lots. A Local Residential Street is of limited continuity, is not for
41 through traffic, and is the middle order street of minor streets, being of a higher classification
42 than a residential access street.
- 43 98. **Street, Major** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required Improvements,~~
44 a street depicted on the adopted Thoroughfare Plan; a Thoroughfare Plan road. Major streets
45 are further classified as Collector Street, Arterial Street, and expressway.
- 46 99. **Street, Marginal Access** – ~~for the purposes of Art. 11, Subdivision, Platting, and Required~~
47 ~~Improvements~~, a special purpose Local Street which is parallel and adjacent to a Plan Collector

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EXHIBIT E

ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 4 – USE REGULATIONS
MINIMUM FRONTAGE, ACCESS, AND ROADS

CR-2018-0021
(Updated 12/08/20)

- 1 Street, expressway, Arterial Street or other limited access street and which has its principal
2 purpose of relieving such streets from local service of abutting property by providing access to
3 abutting property and separation from through traffic. A marginal access street may also be
4 called a "frontage street."
5 100. Street, Minor – for the purposes of Art. 11, Subdivision, Platting, and Required Improvements,
6 not classified as a major street, and includes streets providing traffic circulation within the
7 development.
8 101. Street, Private – for the purposes of Art. 11, Subdivision, Platting, and Required
9 Improvements,
10 a. Has not been dedicated for public use;
11 b. Is reserved to a Property Owners' Association pursuant to recorded restrictions and
12 covenants or a plat of record; or,
13 c. Is dedicated for public use but has not been accepted for maintenance by PBC, another
14 local governmental entity, the State of Florida or a special district.
15 102. Street, Residential Access – for the purposes of Art. 11, Subdivision, Platting, and Required
16 Improvements, the lowest order of minor street which is intended to carry the least amount of
17 traffic at the lowest speed.
18

Part 2. ULDC Art. 4.B.2.C, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 40, 42, 47, 49, and 57 of 199, Supplement 28), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning/Planning/Land Development]. Rows 1-5 detailing reasons for amendments regarding street frontage, Green Market, Type 2 Kennel, Commercial Parking, and Vehicles Sales and Rental.

19 CHAPTER B USE CLASSIFICATION

20

21 Section 2 Commercial Uses

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EXHIBIT E

ARTICLE 1 – GENERAL PROVISIONS ARTICLE 4 – USE REGULATIONS MINIMUM FRONTAGE, ACCESS, AND ROADS

CR-2018-0021
(Updated 12/08/20)

- 1
2 C. Definitions and Supplementary Use Standards for Specific Uses
3
4
5 17. Green Market
6
7 ~~c. Location~~
8 ~~Vehicular access shall be from Arterial, Collector or Local Commercial Streets.~~
9[Re-letter accordingly]
10
11 19. Kennel, Type 2 (Commercial)
12
13 ~~d. Frontage~~
14 ~~A minimum of 100-foot fronting on and access from a Collector or Arterial Street.~~
15[Re-letter accordingly]
16
17 27. Parking, Commercial
18
19 c. Access
20 Access from a Local Residential ~~or Residential Access~~ Streets shall be prohibited.
21
22 41. Vehicle Sales and Rental, Light
23
24 c. Approval Process
25 1) Indoor Vehicle Showroom
26 An indoor Vehicle Sales and Rental facility located in the CG or MUPD districts shall
27 be exempt from the minimum three-acre lot size requirement, and may be
28 ~~permitted~~allowed subject to DRO approval and the following criteria.
29 a) Floor Area
30 A maximum of 30,000 square feet and 15 display vehicles.
31 b) Test Drives
32 Test drives shall not be permitted from the Indoor Vehicle Showroom or on site.
33 c) Vehicle Operations
34 Display vehicles shall not operate engines during store hours. Engines shall only
35 be permitted to operate during the transport of vehicle into or out of the showroom.
36 d) Parking
37 Vehicles for sale or lease shall not be parked or displayed outside of the
38 showroom.
39 e) Stand Alone Exception
40 ~~A Stand Alone facility with lot frontage on an Arterial Street or Planned Collector~~
41 ~~Street~~, may be exempt from the limitations of a) through c) above, provided that all
42 vehicle display, storage, detailing, or other collocated uses or activities occur
43 indoors.
44 2) Neighborhood Vehicle Rental Facility
45 A Neighborhood Vehicle Rental Facility may be ~~permitted~~allowed in the CN, CC, and
46 CG Zoning Districts; the Commercial Pod of a PUD; PDDs with a CH or CL FLU
47 designation; or, the Neighborhood Center (NC) of a TDD, subject to DRO approval and
48 the following:
49
50 e. Zoning Districts
51
52 4) IL District – Automobile Rental
53 ~~An Automobile Rental~~ may be ~~permitted~~allowed in the IL ~~Zoning~~ district ~~when located~~
54 ~~on an Arterial where the front or side street property line is adjacent to a Major~~ Street,
55 subject to a Class A Conditional Use approval.

Part 3. ULDC Art. 4.B.4.C, Use Regulations, Use Classification, Recreation Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 63 and 65 of 199, Supplement 28), is hereby amended as follows:

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EXHIBIT E

ARTICLE 1 – GENERAL PROVISIONS ARTICLE 4 – USE REGULATIONS MINIMUM FRONTAGE, ACCESS, AND ROADS

CR-2018-0021
(Updated 12/08/20)

Reason for amendments: [Zoning/Planning/Land Development]
1. Arena or Stadium or Amphitheater: This use has required access from an Arterial Roadway or Major Street since the 1973 Code. During the 2017 Use Regulations Project, Collector Street was added to the Supplementary Use Standards, however without clarification why it was added. The current provisions would allow the use to have access from a non-planned Collector Street, which could have potential conflicts due to their proximity to residential neighborhoods. While the CG, MUPD, and MXPD Zoning Districts have frontage and access requirements to be located on Arterial and Collector type roadways, the PO, IPF, CRE and Commercial Pod of PUD Zoning Districts do not. Because the use has higher traffic volumes, the proposed modification is to clarify the minimum lot frontage and access is to be from a Major Street, which would be identified on the Thoroughfare Map. These roadways are planned and carry higher volumes of traffic.
2. Entertainment, Outdoor: This use is allowed in the CC (A); CG (A); CRE (D); URAO Overlay (D); IRO CL and CH (D); PUD Commercial Pod (A); MUPD CL (A), CH(A), and CR (P); MXPD CH (A); and, PIPD Commercial Pod (P) Zoning Districts. The proposal is to delete the access requirement, as the CG, CC, and PDD Zoning Districts require access and frontage from Arterial/Collector Roadways. The proposed modification to restrict access to a Residential type street is to prevent impacts on residential neighborhoods, and ensure the roadway is constructed at commercial standards pursuant to Article 11.

1 **CHAPTER B USE CLASSIFICATION**

2

3 **Section 2 Recreation Uses**

4

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

6

7 **1. Arena or Stadium or Amphitheater**

8

9 **c. Location**

10 There shall be a minimum of 200 feet of lot frontage ~~on a Collector or Arterial~~ along a
11 Major Street from which primary point of vehicular access shall be provided.

12

13 **4. Entertainment, Outdoor**

14

15 **d. Location**

16 Access to an Outdoor Entertainment use shall be prohibited from ~~a Collector or~~
17 Arterial Local Residential or Residential Access Streets.

18

Part 4. ULDC Art. 4.B.4.C, Use Regulations, Use Classification, Institutional, Public, and Civic Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 71 and 72 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/Planning/Land Development]
1. Animal Shelter: Animal Shelter (previously known as Type IV Kennel) was introduced into the ULDC pursuant to Ordinance 2008-037 with the limitation on Frontage for 100 feet and access from a Collector or Arterial Street. Animal Shelter is allowed in the CC and CG (A); URAO Overlay and the IR CL and CH (A); IL (A) IG (D); PO and IPF (A); MUPD CL, CH, INST (A); MXPD CH (A); and TMD (A). Although some of the zoning districts have requirements to have frontage and access, others do not. Collector in this limitation is not defined as non-planned or planned. Because it is a non-residential use, the requirements of Article 11 would require it to have access from a Commercial Roadway. To proposal is to modify to prohibit access from a Residential Access or Local Residential Street to prevent impacts on the residential neighborhoods.
2. Cemetery: Since the 1992 Code, this use has required frontage and access to a Collector or Arterial Street. Staff is modifying the language to prohibit access to a Residential type roadway, and modifying the language proposed for other uses to require a property line to be adjacent a Collector or Arterial.
3. College or University: Supplementary Use Standards for an administrative approval were added to the Code during the Use Regulations Project in 2017. The proposed amendment is to reduce impacts on residential neighborhoods and ensure location criteria for placement of this use. The language is to ensure placement on Major Roads, and to restrict access on Residential type streets.

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\12-Dec 16 2020\5- LDRAB-LDRC Packet\Exh. E - CR-2018-0021 Art. 1 and 4, Minimum Frontage, Access, and Roads.docx

Notes:

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EXHIBIT E
ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 4 – USE REGULATIONS
MINIMUM FRONTAGE, ACCESS, AND ROADS
CR-2018-0021
(Updated 12/08/20)

1 **CHAPTER B USE CLASSIFICATION**
2
3 **Section 2 Institutional, Public, and Civic Uses**
4
5 **C. Definitions and Supplementary Use Standards for Specific Uses**
6
7 **1. Animal Shelter**
8
9 **d. FrontageAccess**
10 ~~Facilities that are open to the public shall have a minimum of 100 feet of frontage on and~~
11 ~~access from a Collector or Arterial Street.~~Access from either Local Residential or
12 Residential Access Streets shall be prohibited.
13
14 **4. Cemetery**
15
16 **c. FrontageLocation**
17 Where permitted in a residential zoning district, a Cemetery shall have ~~frontage on and~~
18 ~~access from the front or side street property line adjacent to~~ an Arterial or a Collector Street.
19 Access from either Local Residential or Residential Access Streets shall be prohibited.
20
21 **5. College or University**
22
23 **b. Approval Process**
24 A College or University may be approved by the DRO, subject to the following:
25 1) The property is separated from parcels of land with a residential FLU designation or
26 use by a minimum of 150 feet;
27 2) A maximum of 30,000 square feet of GFA; and,
28 3) ~~The use has frontage on and access from~~Where permitted in a residential zoning
29 district, a College or University shall have the front or side street property line adjacent
30 to an Arterial, Collector, or Local Commercial Street. Access from either Local
31 Residential or Residential Access Streets shall be prohibited.
32

Part 5. ULDC Art. 4.B.5.C, Use Regulations, Use Classification, Industrial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 84, 87, and 88 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/Planning/Land Development]
1. Equestrian Waste Management Facility: This use was added to the Code during the Use Regulations Project, pursuant to Ordinance 2017-007. The proposal is to modify the language to be consistent with other Supplementary Use Standards to require the front or side street to be adjacent an Arterial/Collector Roadway due to the intensity of the use. To modify the access requirement to prohibit access for the site from a Residential type street. The access requirements would then have to comply with the higher classified type roadway pursuant to Article 11.
2. Recycling Center: Access requirements were introduced pursuant to Ordinance 2013-001 to prohibit access to Residential Streets or Local Commercial Streets that serve residential uses. It was modified again in 2017 through the Use Regulations Project to require access only from an Arterial, Collector, or Local Commercial type street, that do not serve residences. The reason was to create location criteria for the use large non-residential developments and/or at intersections. The proposed modifications modifies the Heading to location, to requiring that the front or side street lot to be adjacent to a Commercial type roadway, and that access be prohibited from a Residential type street.
3. Recycling Plant: Recycling Plant was introduced to the ULDC under Ordinance 92-20, in which it prohibited access from a Residential Street. The language is proposed for modification to clarify the type of Residential Streets and format consistent with other modifications contained herein.
4. Truck Stop: Modify the access requirements for similarly modified language to ensure the location of this use abutting an Arterial Roadway.

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EXHIBIT E
ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 4 – USE REGULATIONS
MINIMUM FRONTAGE, ACCESS, AND ROADS
CR-2018-0021
(Updated 12/08/20)

- 1 CHAPTER B USE CLASSIFICATION
- 2
- 3 Section 5 Industrial Uses
- 4
- 5 C. Definitions and Supplementary Use Standards for Specific Uses
- 6
- 7 4. Equestrian Waste Management Facility
- 8
- 9 c. Location
- 10 Shall have ~~frontage on and access from~~the front or side street property line adjacent to an
- 11 Arterial or Collector Street. Access from ~~residential streets shall be prohibited~~either Local
- 12 Residential or Residential Access Streets shall be prohibited.
- 13
- 14 11. Recycling Center
- 15
- 16 c. AccessLocation
- 17 ~~Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not~~
- 18 ~~serve residential lots.~~Shall have the front or side street property line adjacent to an Arterial
- 19 or Collector Street. Access from either Local Residential or Residential Access Streets
- 20 shall be prohibited.
- 21
- 22 12. Recycling Plant
- 23
- 24 c. Access
- 25 Access from aLocal Residential or Residential Access Streets shall be prohibited.
- 26 Entrances shall be gated to prevent access from unauthorized persons.
- 27
- 28 16. Truck Stop
- 29
- 30 b. Location
- 31 ~~Truck Stops s~~Shall have a minimum of 200 linear feet of frontage on the front or side street
- 32 property line adjacent to an Arterial Street.
- 33

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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: December 9, 2020

RE: Comprehensive Plan Consistency Determination for Proposed
ULDC Amendments

The Planning Division has determined the proposed ULDC amendment, Exhibits A-E, of the packet provided by the Zoning Division and scheduled for the December 16, 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
Jeff Gagnon, Principal Site Planner
Carolina Valera, Senior Planner
Alexander Biray, Site Planner I