Palm Beach County

Land Development Regulation Advisory Board (LDRAB)
Land Development Regulation Commission (LDRC)

August 26, 2020

Board Members

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

Joanne Davis (District 1)           Jaime M. Plana (American Institute of Architects)
Drew Martin (District 2)           Susan A. Kennedy (Environmental Organization)
Ari Tokar (District 3)             Frank Gulisano (Realtors Association of the Palm Beaches)
Glenn E. Gromann (District 4)      Jim Sullivan (Florida Surveying and Mapping Society)
Myles Basore (District 6)          Charles Drawdy (Assoc. General Contractors of America)
Robert J. Harvey (District 7)      Tommy B. Stroud (Alternate At-Large #1)
Daniel J. Walesky (Gold Coast Builders Association) Abraham Wien (Alternate At-Large #2)
Anna Yeskey (Palm Beach League of Cities)
Terrence Bailey (Florida Engineering Society)

Board of County Commissioners

Dave Kerner
Mayor, District 3

Robert S. Weinroth
Vice Mayor, District 4

Hal R. Valeche
Commissioner, District 1

Gregg K. Weiss
Commissioner, District 2

Mary Lou Berger
Commissioner, District 5

Melissa McKinlay
Commissioner, District 6

Mack Bernard
Commissioner, District 7

County Administrator
Verdenia C. Baker

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

LDRAB/LDRC Meeting August 26, 2020
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 May 27, 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. ROUND 2020-02 INITIATION
   1. Exhibit B Initiation of Unified Land Development Code (ULDC) Amendment Round 2020-02

C. ULDC AMENDMENTS – NEW
   1. Exhibit C Art. 2 and 3, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO
   2. Exhibit D Art. 3 and 5, Unity of Control
   3. Exhibit E Art. 3 and 4, Multiple Use Planned Development Freestanding Buildings
   4. Exhibit F Art. 5, Workforce Housing Program Exchange Builder Option for Prior Approvals

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
   1. Proof of Publication
   2. Consistency Determination for Exhibit F

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. COMMUNITY RESIDENTIAL HOUSING CONSULTANT STUDY

G. STAFF COMMENTS

H. BOARD MEMBER COMMENTS

I. ADJOURN
Minutes of May 27, 2020 LDRAB/LDRC Meeting

On Wednesday, May 27, 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 2:09 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

Members Present: 17

Joanne Davis (District 1, Commissioner Valeche)*
Drew Martin (District 2, Commissioner Weiss)
Art Tokar (District 3, Commissioner Kerne)*
Glenn E. Gromann (District 4, Commissioner Weinroth)
Dr. Lori Vinikoor (District 5, Commissioner Berger)*
Myles Basore (District 6, Commissioner McKinlay)*
Robert J. Harvey (District 7, Commissioner Bernard)*
Daniel J. Walsky (Gold Coast Builders Association)*
Anna Yeskey (League of Cities)*
Terrence Bailey (Florida Engineering Society)* ****
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)*
Abraham Wien (Alternate At-Large #2) **

Members Absent: 1

Jaime M. Piana (American Institute of Architects)

County Staff Present: 7

Jon MacGillis, Zoning Director
Wendy N. Hernández, Principal Site Planner
Monica Cantor, Principal Site Planner
Jerome Ottey, Site Planner I
Alexander Biray, Zoning Technician
Scott A. Stone, Assistant County Attorney I
Bryan Davis, Principal Planner

Vacancies: 0

* Present via Webex Events.
* * Mr. Wien left at 3:55 p.m.
* * * Mr. Bailey left at 4:07 p.m.

2. Additions, Substitutions, and Deletions

Mrs. Hernández noted no additions, substitutions, and deletions beyond what is on the Add/Delete sheet. The Add/Delete modified Exhibit K – Art. 2, Administrative Modifications.

3. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Gulisano, seconded by Mr. Martin. The Motion passed unanimous (16-0).

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

Motion to adopt the Minutes, by Mr. Martin, seconded by Mr. Gromann. The Motion passed unanimous (16-0).

5. Public Comments

Mr. Blackman noted a public comment card from Mrs. Michele Burns for Landscape Service to be read into the record when the Exhibit is presented. Mrs. Hernández noted members of the public in the audience. There were no public comments for items not on the Agenda.

B. ULDC AMENDMENTS – NEW

1. Exhibit B – Art. 2, 3, and 4, Plan Requirements for PDDs

Mrs. Hernández explained the amendment reintroduces language that was inadvertently deleted rather than relocated to Article 2, to require a Final Site Plan or Final Subdivision Plan for Planned Development Districts with a Final Master Plan approved by the Board of County Commissioners (BCC).

a. Discussion

No discussion.

Motion to approve, by Mr. Martin, seconded by Mr. Gromann. The Motion passed unanimous (16-0).
2. Exhibit C – Art. 3, PBI AO Landscaping, Notification, and Noise
Mrs. Hernández explained the amendment adds language required by the Comprehensive Plan to be incorporated into the Code for developers of residential property to notify new Property Owners the development is within the Palm Beach International Airport Overlay (PBAIO) and may experience some noise, removes language for landscaping requirements to defer to Article 7 for more comprehensive regulations, and removes duplicative language for noise compatibility and abatement requirements added in Article 16 per Ordinance No. 2019-005.

   a. Discussion
   Mr. Blackman asked for clarification on how notification would be triggered. Mrs. Hernández responded that notification would be in sales brochures and contracts, with the Department of Airports notified on an annual basis.

   Mr. Martin asked if setbacks are being reduced. Mrs. Hernández responded there are no changes to setbacks. Mr. Martin also asked if the County discourages residential within the PBAIO. Mr. Davis responded the Plan generally does, but recognizes preexisting residential.

   Mr. Gromann suggested using similar language for fee-simple lots which may not belong to a Property Owners’ Association (POA) and rental property lease agreements, and mentioned smaller executive airports having similar requirements.

Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed unanimous (16-0).

3. Exhibit D – Art. 2, 4, and 11, Landscape Service in the AR/RSA Zoning District and Access Requirements
Mrs. Hernández noted the amendment had previously been advertised and presented to the Board, who recommended approval and determined it consistent with the Plan at the February 26, 2020 meeting. Following the State of Emergency issued in regard to the COVID-19 pandemic, she explained Staff has taken in consideration the subject of health, safety, and welfare, and is proposing an application filing time extension of 120 days from June 2, 2020 to September 30, 2020 with further extensions subject to approval by the Planning, Zoning and Building (PZB) Executive Director. She also noted one person from the public showed up to a training session of multiple scheduled, two applications were submitted, Landscape Service was deemed as an essential service by the Governor, and PZB has been operational during the duration of the pandemic.

   a. Public Comments
   Mrs. Hernández read a comment from Mrs. Michele Burns, 10301 Heritage Farms Road: “I oppose the extension of the application filing time for the DRO from June 2, 2020 to September 30, 2020. I believe they have still been able to file electronically and they have still been driving their trucks in and out every day, so they have not stopped working. This has been going on long enough. Heritage Farms community does support voting to adopt the change back from one and one-half acres to one acre for the Collocated Use and that they seek a Type 2 Waiver that requires a BCC decision. Thank you.”

   Mrs. Risa McCarahager opposed the time extension when PZB has remained open.

   Mr. Mark Perry asked for clarification on the submittal date and sufficiency.

   Mrs. Hernández read a Webex Q & A session into the record from Mr. Jim Knight: “I believe this is a reasonable request as all vendors do not prepare the items for DRO applications, are not essential services, and have not been able to make the use application deadline. I currently have a client that is making an application.”

   b. Discussion
   Mr. Martin and Dr. Vinikoor asked for clarification on the vote in relation to the current Exhibit with the changes and previous version from February. Mrs. Hernández responded the vote is for the language being modified in regard to extensions.

   Mr. Gromann asked if the Governor’s Emergency Order would have automatically extended the deadline. Mr. Stone responded there are no mechanisms in the Emergency Orders or Florida Statutes for time extensions in local government zoning codes, except certain Development Orders if notified by the developer.

   Mrs. Kennedy questioned the duration of the time extension proposed when the County has not been under a shutdown for that long. Mr. Gulisano and Mr. Blackman concurred, but said an extension was necessary when professionals on behalf of Landscape Service businesses are currently filling out applications and were not deemed an essential service.
EXHIBIT A

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
(Updated 08/13/20)

Minutes of May 27, 2020 LDRAB/LDRC Meeting

Mr. Martin commented that Landscape Service has been active the duration of the shutdown. Mr. MacGillis referenced Mr. Knight’s comment regarding professional offices being closed, and the proposed extension is to be proactive when brought forward to the BCC. A discussion ensued between the Board on what professionals working in planning and real estate fields have been active.

Motion to approve for 60 days (240 days of the effective date of the original Ordinance No. 2019-039), by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed (14-2). Mrs. Davis and Mr. Martin voted in opposition.

4. Exhibit E – Art. 4, Landscape Service in AGR-PUD Zoning District Preserve Areas

Mr. Davis explained the amendment came from BCC direction following multiple hearings, and based on analysis from the Planning Division as it relates to the ULDC, would offer Landscape Service in 28 Agricultural Reserve Planned United Development (AGR-PUD) Zoning District Preserve Areas and five straight AGR Zoning District properties, mechanisms for compliance using limited timeframes for DRO approval and rezoning respectively, demonstrating compact and contagious design, common ownership, correct use percentages, and circulation.

a. Discussion

Mr. Blackman asked if the amendment successfully captures all the properties under violation in Code Enforcement. Mr. Davis responded that it does, with the delineated properties coming from the cases.

Mr. Gromann asked how the County determines what is a Nursery versus virgin, undeveloped land. Mr. Davis responded that aspects of many Nurseries are temporary in nature, as plants are transported off site. Mr. Martin expressed concern over the appearance of properties from the road looking like a commercial rather than agricultural or natural use, and environmental impacts. Mrs. Hernández noted Applicants will be required to submit a Site Plan for approval indicating the use percentages and locations to minimize impacts. Mrs. Davis explained properties appearing natural from aerial views are tree farms.

Dr. Vinikoor asked if Staff has guidelines in determining what constitutes Open Space on Site Plans. Mr. Davis responded they do, also considering retention ponds and natural features, but may be difficult based on areas of a temporary, transient nature Nurseries may include.

b. Public Comment

Mr. Richard “Chip” Carlson, representing Carly Landco, Inc. asked for clarification regarding what use percentage driveways would be considered if they service both the Landscape Service and Nursery, proposing that it be added to the amendment. Mr. Carlson further proposed adding language that driveways which serve only Typical On-Site Activities or Common Operations Area shall not be allocated to the Wholesale Nursery area.

Mr. Mark Perry thanked Staff for their work on the amendment.

Motion to approve, by Mr. Gromann, seconded by Mr. Gulisano. The Motion passed unanimous (16-0).

5. Exhibit F – Art. 4, CRE Zoning District with RR FLU Designation

Mrs. Hernández explained the amendment is a follow-up to an amendment from the 2019-02 Round that removed Commercial Recreation (CRE) Zoning District and Rural Residential (RR) Future Land Use (FLU) consistency, and proposes to remove orphaned language inadvertently left in Article 4.

a. Discussion

No discussion.

Motion to approve, by Mrs. Kennedy, seconded by Mr. Martin. The Motion passed unanimous (16-0).

6. Exhibit G – Art. 4, Mobile Retail Sales

Mrs. Hernández explained the amendment clarifies Mobile Retail Sales, adds an exemption for properties separated by an 80-foot Local Commercial Street, and a special exemption for temporary parking areas and distances from residential FLUs. Mr. Blackman asked what the amendment was prompted by. Mrs. Hernández responded it is a clean-up and to address applications submitted to sell food.

a. Discussion

No discussion.

Motion to approve, by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimous (16-0).
Minutes of May 27, 2020 LDRAB/LDRC Meeting

7. Exhibit H – Art. 5, Workforce Housing Program Low-Income Category Rental Requests

Mr. Davis explained the amendment was requested by County Administration to allow Property Owners, based on market conditions in areas that do not support charging rents in even the lowest rent category permissible in the Workforce Housing Program (WHP), the ability to request approval to rent to households with incomes that fall below the Low-Income category at rents below the minimum in the Low-Income category

a. Discussion

Mr. Walesky asked for clarification on the requirements regarding for-sale income categories versus for-rent income categories.

Motion to approve, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimous (16-0).

8. Exhibit I – Art. 1, 3, 4, and 6, Parking Reference Gilch Corrections

Mrs. Hernández explained the amendment is a follow-up to an amendment from the 2019-02 Round following codification of the Article 6 rewrite in Ordinance No. 2020-001, updating terminology from “off-street” to “on-site,” cleaning up references and removing conflicting or duplicative old Code, and removing language in Article 6 inadvertently left in that was originally proposed to be stricken out regarding Multifamily and Cottage Home (Multiple Units on a Single Lot) parking space calculations.

a. Discussion

No discussion.

Motion to approve, by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimous (16-0).


Mrs. Hernández explained the amendment consolidates two separate Subsections pertaining to Zero Lot Line (ZLL) Property Development Regulations (PDRs), clarifies existing language, reintroduces Double ZLL PDRs which previously existed in the 1973 Code but were ambiguously combined with normal ZLL PDRs, codifies Policy and Procedure Manual (PPM) #ZO-O-024, and adds new graphics for new and existing language. She noted the amendment was drafted in collaboration with Building and consultation with industry, noting the Gold Coast Builders Association sent a letter of support.

a. Public Comment

Mr. Kevin Ratterree, representing the Gold Coast Builders Association, spoke in full support of the amendment.

b. Discussion

Mr. Martin asked about if landscaping is reduced in the amendment based on the reduced setback nature of ZLLs. Mrs. Hernández responded that landscaping requirements have not been modified.

Dr. Vinikoor asked for clarification on the vote if added language was included in any Motion. Mrs. Hernández and Mr. Stone responded it would.

Mr. Gromann asked about corner clips in relation to setbacks, and if there are provisions allowing height Variances for Single Family homes and ZLLs in the Code. Mrs. Hernández responded that Applicants may seek Variance relief from the maximum height of 35 feet. Mr. Gromann expanded by referring to trends to build above grade because concerns of flooding.

Mr. MacGillis noted collaboration with Building is in the process to address grade in Article 18.

Motion to approve as amended, by Mr. Gromann, seconded by Mr. Martin. The Motion passed unanimous (16-0).

** Mr. Wien left at 3:55 p.m.

10. Exhibit K – Art. 1 and 2, Administrative Modifications

Mrs. Cantor explained the amendment consolidates and expedites Administrative processes after Zoning Staff analysis and consultation with other County Agencies and industry. This includes exemption from sufficiency review for certain DRO, BCC, and ZC-approved applications, allowing Type 1 Waivers for PDRs in the Native Ecosystem Overlay (NEO), a five percent or less setback reduction of detached housing types to be processed through the ZAR instead of Full DRO, codification of DRO Abandonment provisions in PPM #ZO-O-047, and general clarification and relocation of language into a more clear format.

*** Mr Bailey left at 4:07 p.m.
Minutes of May 27, 2020 LDRAB/LDRC Meeting

a. Discussion
Mr. Martin asked about the ability to move open space. Mrs. Cantor responded that the ability is very limited and are beholden to Vegetation Disposition Charts, and most situations arise because easement issues in plat review.

Mr. Gromann noted a correction to capitalize “the” starting a sentence on page 71 line 23.

Mr. Martin expressed concern about expediting applications that may limit public input. Mr. MacGillis and Mr. Blackman noted the amended DRO processes are already administrative approvals.

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

C. Privately Initiated Amendments
1. Exhibit L – Art. 3, Faith Farm Ministries
Mr. Kevin Ratterree, GL Homes Vice President, presented a history of Faith Farm Ministries, it predates the Agricultural Reserve, and GL Homes is in contract to purchase TDRs from Preserve Areas. The amendment will allow split zoning on the property between the IPF Zoning District and AGR-PUD Zoning District Preserve Area, with no buffer required as it is the same property owner and use. He also noted a concurrent Plan Text amendment is in process.

a. Discussion
Mr. Blackman asked as a concurrent Text amendment is subject to Planning Commission approval, if the Board would be seeing the item again. Mrs. Hernández responded they would not.

Mr. Gromann asked for confirmation if Staff supports the proposed changes. Mrs. Hernández responded yes.

Mr. Martin expressed concern about more dwelling units built in the Agricultural Reserve and said he would vote against it.

Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed (14-1). Mr. Martin voted in opposition.

D. Convene as Land Development Regulation Commission (LDRC)
The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 4:30 p.m.

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

2. Consistency Determination for Exhibits B-M
Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments letter from Planning stating the proposed amendments Exhibits B through L and previously-presented amendment Exhibit M are consistent with the Comprehensive Plan.

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

E. Adjourn as LDRAB and Reconvene as LDRAB
The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 4:33 p.m.

G. Staff Comments
1. Follow-up to Mrs. Kennedy’s question on medical uses consultant’s timeframe.
Mrs. Hernández informed the Board Zoning has entered into an extension modifying the contact to September and Staff is reviewing the draft report. Following the report, Staff will be working on draft Code language.

2. Follow-up to Mr. Bailey’s question on Accessory Uses and Structures Subcommittee feasibility.
Mr. Bailey had left the meeting, but Mrs. Hernández informed the board Staff is still analyzing research and back-up information.

3. Recognition of Maryann Kwok, Deputy Zoning Director retirement.
Mr. MacGillis noted Mrs. Kwok retired Friday, after over 20 years of service in the Zoning Division and to wish her well. Mr. Blackman concurred and noted she sits on the PBC Planning Congress.
Minutes of May 27, 2020 LDRAB/LDRC Meeting

H BOARD MEMBER COMMENTS

1. Mr. Martin asked if Staff conducted a tree canopy study. Mrs. Hernández responded that Zoning does not have a canopy study, but noted recent amendments to Article 7. Dr. Vinikoor noted the Office of Resilience would better fulfill that responsibility.

2. Dr. Vinikoor asked if the next Zoning Commission meeting will have the same procedures for public participation. Mrs. Hernández responded yes. Mr. Martin asked about the BCC hearing. Mrs. Hernández responded that BCC hearings do not use CMT, and the public would have to attend in person.

I. ADJOURN
The Land Development Regulation Advisory Board meeting adjourned at 4:34 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
INITIATION OF UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2020-02

MEMORANDUM

TO: Dave Kerner, Mayor, and
Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA, Zoning Director

DATE: August 5, 2020

RE: Initiation of Unified Land Development Code (ULDC) Amendment Round 2020-02

This memo serves to solicit feedback from the Board of County Commissioners (BCC) on the scheduling of ULDC amendments that have been prioritized for inclusion in Round 2020-02.

This memo will be presented at the August 27, 2020 BCC Zoning Hearing for discussion under “ULDC Amendments.” In addition, Staff has scheduled briefings with each Commissioner in advance of the Hearing to discuss the proposed amendments.

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

JM/wh

Attachment 1 - Initiation of ULDC Amendment Round 2020-02

C: Digital Copy:
- Amendment Round 2020-02

Email Copy:
- Patrick W. Rutter, Assistant County Administrator
- Ramsay J. Bulkeley, PZ&B Executive Director
- Wesley Blackman, Chair and Members of the LDRAB
- Robert P. Banks, Chief Land Use Assistant County Attorney
- Scott A. Stone, Assistant County Attorney
- Patricia Behn, Planning Director
- Wendy N. Hernández, Deputy Director, Zoning Division Staff

E:\ULDC Round 2020-02 Initiate Memo_Final.docx

“An Equal Opportunity
Affirmative Action Employer”
## SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 22, 2020</td>
<td>Canceled</td>
</tr>
<tr>
<td>August 26, 2020</td>
<td></td>
</tr>
<tr>
<td>September 23, 2020</td>
<td></td>
</tr>
<tr>
<td>October 28, 2020</td>
<td></td>
</tr>
<tr>
<td>November 23, 2020</td>
<td>Request for Permission to Advertise</td>
</tr>
<tr>
<td>December 22, 2020</td>
<td>First Reading</td>
</tr>
<tr>
<td>January 28, 2021</td>
<td>Second Reading, Final Adoption</td>
</tr>
</tbody>
</table>

## AMENDMENT / TASK LEAD AGENCY SUMMARY OF TASK REQUIREMENTS

### ARTICLE 2, APPLICATION PROCESSES AND PROCEDURES

- Codify PPM #ZO-O-015, Release of Unity of Title (ROU).
- Clarify and consolidate unity of control language in the PDDs Chapter of Article 3 to the Legal Documents Chapter of Article 5.
- Remove language requiring a unity of title that is seldom practiced.

### ARTICLE 3, OVERLAYS AND ZONING DISTRICTS

#### Section 3.1, Westgate Community Redevelopment Area (WCRA)

- Amend the Development Review Procedures to mirror timelines required by HB 7103.
- Modify requirements for Special Events within the Overlay.
- Amend property development regulations (PDRs) for commercial uses, including Office, Warehouse and Workforce Space, and those for commercial and residential uses, including Office, Warehouse and Workforce Space.
- Amend and modify the requirements for sky exposure plane Tables and Figures.
- Amend Supplementary Standards relating to architectural features, landscaping, pervious area, and open spaces.
- Amend WCRA Density Bonus Programs recommendation and criteria for bonus units and bonus zones.

#### Chapter B, Overlays Zoning/Planning

- Codification of Planning Ordinance No. 2018-031.
- Add language to establish rural residential enclave communities and homes within the Urban/Suburban (U/S) Tier, that have a Low Residential Future Land Use (FLU) designation.
- Add an exemption to the rezoning requirement for lots zoned Agricultural Residential (AR) with a residential FLU designation, in the U/S Tier, if the property was a residential use, with a maximum one unit per acre.
- Amend the Residential Estate (RE) Zoning Districts to be consistent with RR-5, RR-10, and RR-20 FLU designations, consistent with the Residential Estate (RE) Zoning Districts in the 1989 Plan.
<table>
<thead>
<tr>
<th>AMENDMENT / TASK</th>
<th>LEAD AGENCY</th>
<th>SUMMARY OF TASK REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter D, Property Development Regulations (PDRs)</td>
<td>Zoning</td>
<td>Add language that allows home-based sustainable agriculture on residential properties within any Tier. Allow horses, poultry, and livestock, in residential FLU designations, in any Tier, subject to regulations based on parcels attributes. Add/clarify that non-residential uses may be allowed in residential zoning districts along Major Thoroughfares and Roadways, but not Residential Streets.</td>
</tr>
<tr>
<td>Section E.2, Multiple Use Planned Development (MUPD)</td>
<td>Zoning</td>
<td>Modify PDRs for parcels with RR-2.5 FLU and AR zoning designation. Remove freestanding building limitations in MUPDs, and default to applicable PZB and DEPW review standards.</td>
</tr>
<tr>
<td>Section B.1, Residential Uses</td>
<td>Zoning</td>
<td>Medical use contract to rewrite Congregate Living Facility (CLF) provisions generally located in Articles 1, 2, and 5 (separate ordinance), to address Community Residential Homes and separate uses that won’t qualify as a Community Residential Home.</td>
</tr>
<tr>
<td>Section B.2, Commercial Uses</td>
<td>Zoning</td>
<td>Modify Supplementary Standards for Retail Gas and Fuel Sales and other possible uses as researched to require a percentage of EVCS spaces rather than it be voluntary. Modify other additional sections to allow for incentives and include standards when an existing project has substantial renovations.</td>
</tr>
<tr>
<td>Chapter B, Use Classification</td>
<td>Planning/ Land Development</td>
<td>Review the requirements for uses to be located on Arterial or Collector roadways. Determine if the requirement can be removed from Article 4 and follow requirements of Article 11, or allow for variances or waivers, or revise language to clarify purpose and intent for the use to front and access a specific street type.</td>
</tr>
<tr>
<td>Chapter B, Use Classification</td>
<td>Planning</td>
<td>Revise language in Article 4 related to Future Land Use and zoning consistency in the Glades Tier in order to implement text amendments to the Plan.</td>
</tr>
<tr>
<td>Article 5, Supplementary Standards</td>
<td></td>
<td>Expedited change in order to expand the number of projects that are eligible to use the Exchange Builder Option in the Workforce Housing Program, facilitating the delivery of additional Workforce Housing units through this option.</td>
</tr>
<tr>
<td>Article 7, Landscaping</td>
<td>Zoning</td>
<td>Implement South Florida Water Management District (SFWMD) irrigation model code, either in the ULDC or PBC Code of Laws and Ordinances with cross reference.</td>
</tr>
<tr>
<td>Article 14, Environmental Standards</td>
<td>ERM</td>
<td>Clarify the approval process and requirements for the review of Development Orders that may impact existing native vegetation.</td>
</tr>
<tr>
<td>OTHER</td>
<td></td>
<td>Proposed 2020 Comprehensive Plan amendments the may need the ULDC to be amended to address policies oriented to promote urban agriculture in the County where feasible.</td>
</tr>
<tr>
<td></td>
<td>Zoning</td>
<td>Monitor amendments presented by Senate and House that impact the ULDC.</td>
</tr>
<tr>
<td>Privately Initiated Amendments</td>
<td>Zoning</td>
<td>As requests are made, Staff will process requests to the BCC.</td>
</tr>
</tbody>
</table>
EXHIBIT C

ARTICLES 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PROPERTY DEVELOPMENT AND DESIETY BONUS REGULATIONS,
AND REVIEW PROCEDURES FOR THE WCRAO
CR-2020-0013, 14, and 30
(Updated 08/14/20)

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 27), is hereby amended as follows:

<table>
<thead>
<tr>
<th>Reason for amendments:</th>
<th>[Westgate Community Redevelopment Agency]</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

D. Development Review Procedures
1. WCRA Recommendation

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

a. Types of Applications

1) Non-Conforming Lots

[Relocated from: 

2) Public Hearing Processes


b. Application Requirements

The form and application requirements for a WCRA recommendation must be made in accordance with the following Applications outlined under Art. 2.C, Administrative Processes, for the following: Full DRO Approval, Development Order Abandonments, Type 1 Variances and Waivers, and Zoning Agency Review (ZAR) limited to a new use(s) and modifications to the square footage of an approved use.

[Ord. 2006-004] [Relocated to: ]

[DRO Approval...]

b. Application Requirements

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

[Ord. 2006-004]

[Re-letter accordingly]
### Chapter B – Overlays

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

#### E. Use Regulations

2. Sub-area Use Regulations

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

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

<table>
<thead>
<tr>
<th>Sub-areas</th>
<th>NR</th>
<th>NRM</th>
<th>NG</th>
<th>NC</th>
<th>UG</th>
<th>UH</th>
<th>UI</th>
<th>Supplementary Use Standards # (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.1.C.5</td>
</tr>
<tr>
<td>Cottage Home – Multiple Units on a Single Lot or Site</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.1.C.5</td>
</tr>
<tr>
<td>Zero Lot Line (ZLL)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.1.C.7</td>
</tr>
<tr>
<td>Adult Entertainment (3)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.1</td>
</tr>
<tr>
<td>Car Wash</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4.B.2.C.2</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.7</td>
</tr>
<tr>
<td>Electric Vehicle Charging Station Facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4.B.2.C.10</td>
</tr>
<tr>
<td>Employment Agencies (6)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.26</td>
</tr>
<tr>
<td>Gas and Fuel Sales, Retail</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.16</td>
</tr>
<tr>
<td>Landscape Service</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.21</td>
</tr>
<tr>
<td>Parking, Commercial (9)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.27</td>
</tr>
<tr>
<td>Repair and Maintenance, Heavy</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.30</td>
</tr>
<tr>
<td>Repair and Maintenance, Light</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4.B.2.C.31</td>
</tr>
<tr>
<td>Self-Service Storage, Limited Access</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4.B.2.C.37</td>
</tr>
<tr>
<td>Self-Service Storage, Multi-Access</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.37</td>
</tr>
<tr>
<td>Vehicle Sales and Rental, Light</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>4.B.2.C.41</td>
</tr>
</tbody>
</table>

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

U:\Zoning\CODEREV\Code Amendments\2020-02- LDRAB\08-Aug 26 2020\5- LDRAB-LDRC Packet\Exh. C - CR-2020-0013, 14, and 30 Art. 2 and 3, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO.docx

### Notes:

1. Limited to lots with a CH FLU designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2016-022]
2. Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. [Ord. 2007-013]
3. 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 Ul. [Ord. 2007-013] [Ord. 2010-001]
4. 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. 2010-001]
5. 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 Ul Sub-areas subject to Class A Conditional Use approval.
6. Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]
8. Permitted in the NRM, NG, NC, UD, and UH Sub-areas as an accessory use.

#### Key:

- X Prohibited in Sub-area
- P Subject to Use Regulations of zoning district
- A Permitted by Right in Sub-area
- B Permitted by DRO approval
- C Class A Conditional Use [Ord. 2017-007]

### 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 27), 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.

### CHAPTER B OVERLAYS

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

- F. Property Development Regulations (PDRs)
- 1. Sub-area PDRs

---

Notes:

- Underlined indicates new text.
- Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated.
- If being relocated destination is noted in bolded brackets [Relocated to: ].
- Italized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].
## ARTICLES 2 – APPLICATION PROCESSES AND PROCEDURES

### ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

PROPERTY DEVELOPMENT AND DESITY BONUS REGULATIONS, AND REVIEW PROCEDURES FOR THE WCRAO

CR-2020-0013, 14, and 30
(Updated 08/14/20)

---

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

<table>
<thead>
<tr>
<th>Sub-areas</th>
<th>NR (1)</th>
<th>NRM</th>
<th>NG</th>
<th>NC</th>
<th>UG</th>
<th>UH</th>
<th>UI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimensions (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Frontage/Lot Width</td>
<td>-</td>
<td>-</td>
<td>75’ (4)</td>
<td>75’ (4)</td>
<td>100’</td>
<td>100’ (5)</td>
<td>-</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>-</td>
<td>-</td>
<td>200’</td>
<td>200’</td>
<td>100’</td>
<td>100’</td>
<td>-</td>
</tr>
<tr>
<td>Max. Building Coverage</td>
<td>N/A</td>
<td>40%</td>
<td>40%</td>
<td>40% (2)</td>
<td>40% (2)</td>
<td>40% (2)</td>
<td>45% (2)</td>
</tr>
</tbody>
</table>

**Build-Line/Setbacks**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Side</td>
<td>N/A</td>
<td>10’ (46)</td>
<td>10’ (46)</td>
<td>10’ (46)</td>
<td>15’</td>
</tr>
<tr>
<td>Min. Rear</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

**Build-to-Line Exception**

<table>
<thead>
<tr>
<th>- Min. Building Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>- Max. Stories/Height (6)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>- Other</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. PDRs for Single Family dwellings in the NR Sub-area shall be in accordance with Table 3.B.14.F, WCRAO Residential Sub-area PDRs. [Ord. 2020-001]
3. Building coverage may be increased to 60 percent if all parking is provided outsite or in a parking structure. [Ord. 2006-004]
4. May be reduced to 50 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first. [Ord. 2006-004]
5. May be reduced to 75 feet for lots fronting Okiechobee Boulevard with vehicular access limited only to the rear or via access from the adjacent property. [Ord. 2006-004]
6. May be reduced to 30 feet in width and in height 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]
7. May be reduced to 60 feet for lots fronting Okiechobee Boulevard with vehicular access limited only to the rear or via access from the adjacent property. [Ord. 2006-004]
8. May be reduced to 75 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first. [Ord. 2006-004]
9. May be reduced to 75 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first. [Ord. 2006-004]
10. May be reduced to 75 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first. [Ord. 2006-004]
11. 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).

### 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**

<table>
<thead>
<tr>
<th>Sub-area</th>
<th>NC</th>
<th>UG and UH</th>
<th>UI</th>
</tr>
</thead>
<tbody>
<tr>
<td>– Initial Setback Distance</td>
<td>25’</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>– Max. Height of Sky Exposure Plane at Build to Setback 1</td>
<td>60’ or 5 stories, whichever is less</td>
<td>60’ or 5 stories, whichever is less</td>
<td>72’ or 6 stories, whichever is less</td>
</tr>
<tr>
<td>On Narrow Street</td>
<td>– Vertical Distance 1</td>
<td>27’</td>
<td>27’</td>
</tr>
<tr>
<td>– Vertical Distance 2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>On Wide Street</td>
<td>– Vertical Distance 1</td>
<td>5’</td>
<td>5’</td>
</tr>
</tbody>
</table>

Notes:

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

---

LDRAB/LDRC Meeting
August 26, 2020
Page 7
EXHIBIT C

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

CR-2020-0013, 14, and 30
(Updated 08/14/20)

<table>
<thead>
<tr>
<th>a - Horizontal Distance</th>
<th>b</th>
<th>c</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Figure 3.B.14.F – Sky Exposure Plane

---

Part 4. 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 27), is hereby amended as follows:

Reason for amendments: [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

3. ....
ARTICLES 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PROPERTY DEVELOPMENT AND DESEITY BONUS REGULATIONS,
AND REVIEW PROCEDURES FOR THE WCRAO

CR-2020-0013, 14, and 30
(Updated 08/14/20)

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 in 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>
<thead>
<tr>
<th>Sub-areas</th>
<th>Max. WCRAO Density Bonus Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>NR</td>
<td>N/A</td>
</tr>
<tr>
<td>NRM</td>
<td>20</td>
</tr>
<tr>
<td>NG</td>
<td>30</td>
</tr>
<tr>
<td>NC</td>
<td>50</td>
</tr>
<tr>
<td>UG</td>
<td>150</td>
</tr>
<tr>
<td>UN</td>
<td>150</td>
</tr>
<tr>
<td>UI</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Notes:

1. Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by RGO designation and the Plan. [Ord. 2006-004]

a. WCRA Recommendation

Any proposed project that includes a request from the Density Bonus Pool shall obtain a recommendation from the WCR 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 UM 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-3/5 B 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 NG Sub-area. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2011-001]

1) The proposed project meets the minimum building frontage requirements of Table 3.B.14.F, WCRAO Sub-area PDRs. [Ord. 2006-004]

2) The proposed project has a rear lot line abutting a R-O-W to ensure that vehicular access to parking is limited to the rear of the lot, in accordance with Art. 3.B.14.I.1.a.1). [Ord. 2006-004] [Ord. 2011-001]

3) Where permitted, the proposed project includes mixed use with a minimum of ten percent and a maximum of 50 percent of the GFA dedicated to non-residential uses. [Ord. 2006-004]

4) A minimum of five percent of the gross lot area is set aside for open space with a public amenity or a public plaza, with a minimum size of 800 square feet and 25 feet in width, including but not limited to public art (not depicting any advertising); fountains; pergolas; bell or clock tower; and public seating areas (not in conjunction with any restaurant seating). [Ord. 2006-004]

5) A minimum of 40 percent of the projects allowed density is reserved for affordable housing meeting the requirements of Art. 3.B.14.H.1.c. Affordability Standards. [Ord. 2006-004]

6) Preferred uses: [Ord. 2006-004]

a) NRM Sub-area: business or professional office, personal services, and Townhomes. [Ord. 2006-004]

b) NG Sub-area: business or professional office, medical or dental office, personal services, printing and copying services, Type 1 Restaurants that meet the requirements of Art. 4.B.2.C.33.b.2), Permitted By Right, and Type 2 Restaurants. [Ord. 2006-004] [Ord. 2007-013]

c) NC, UG and UN Sub-areas: business or professional office, personal services, printing and copying services, Type 1 Restaurants that meet the requirements of Art. 4.B.2.C.33.b.2), Permitted By Right, and Type 2 Restaurants. [Ord. 2006-004]

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.

Notes:

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

Where required by Table 3.B.14.H, WCRAO Density Bonus Pool Approval, units required to be affordable shall comply with the following: [Ord. 2006-004] [Ord. 2007-013] [Ord. 2008-037]

1) Design Requirements

All density bonus units required to be affordable shall be designed to a compatible exterior standard as other units within the development or pod. These units may be clustered or dispersed throughout the project. [Ord. 2007-013]

2) Sales and Rental Prices

Affordable units shall be offered for sale or rent to very low through middle-income households. The sale and rent prices may be updated annually by the County Administrator, or designee, based on the AMI, and household income limits for PBC (West Palm Beach/Boca Raton metropolitan area) as published annually by HUD. [Ord. 2007-013] [Ord. 2008-037]

3) Master Covenant

Prior to Final DRO approval, the Applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided by the County, which identifies each required affordable unit. In the event the project is not subject to Final DRO approval, the Applicant must submit a recorded copy of the Covenant to the Building Division prior to issuance of the first Building Permit. The Covenant shall include but not be limited to restrictions requiring: that all identified affordable units shall be sold, resold, or rented only to very low through middle-income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a minimum of ten years for units sold to eligible households, and a minimum of 20 years for rental units, from the date of each unit is first purchased or designated as a rental unit; and that in the event a unit is resold before the ten or 20-year-period concludes, a new ten or 20-year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with Plan TE Policy 1.2.4. Every deed for sale of an affordable housing unit shall incorporate by reference the controlling Covenant. [Ord. 2007-013] [Ord. 2008-037]

Notes:

- Underlined indicates new text.
- Strikethrough indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to: ].
- Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ]
- A series of four bolded ellipses indicates language omitted to save space.
Required affordable WCRAO Density Bonus units shall be distributed in accordance with Table 3.B.14.H - WCRAO Affordability Ranges. Multifamily or Townhouse developments less than ten dwelling units may be excluded from this requirement.

Exhibit C

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Very Low-Income</th>
<th>Low-Income</th>
<th>Moderate-Income</th>
<th>Middle-Income</th>
<th>Maintenance of Affordability (Years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Bonus Density Pool Projects</td>
<td>40% (20)</td>
<td>20% (3)</td>
<td>20% (4)</td>
<td></td>
<td>20 (for sale, 30 (rental))</td>
</tr>
<tr>
<td>Redevelopment of Existing Affordable Housing Project</td>
<td>10% (max. 2)</td>
<td>20% (min. 4)</td>
<td></td>
<td></td>
<td>20 (for sale, 30 (rental))</td>
</tr>
</tbody>
</table>

Notes:
- a. Requirements are applicable to for-sale and rental units.
- b. Percentage is a combination of very low, low, moderate and middle-income requirements. However, a single project shall be limited to a maximum of 10 percent low or 10 percent very-low-income units.
- c. Percentage is a combination of very low and low-income requirements.
- d. Percentage is a combination of moderate and middle-income requirements.

2. Other Density Bonus Programs

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

a. WCRA Recommendation

In accordance with Plan FLUE Sub-Objective 1.2.3 and Policy 1.2.3-b, 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 Process. 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.G, 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.3.c, 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]
EXHIBIT C

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

CR-2020-0013, 14, and 30
(Updated 08/14/20)

Table 3.B.14.H – W CRAO Density Bonus Pool Approval

<table>
<thead>
<tr>
<th>Approval Process Required (1)</th>
<th>Range of Bonus Units per Acre (3)</th>
<th>Min. Percentage of Density-Bonus Units Required to be Affordable (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted by Right (2)</td>
<td>0.1-4 (2)</td>
<td>40%</td>
</tr>
<tr>
<td>DRO Approval</td>
<td>4.01-22</td>
<td></td>
</tr>
<tr>
<td>BCC Approval</td>
<td>≥ 22.01</td>
<td></td>
</tr>
</tbody>
</table>

[Ord. 2006-004] [Ord. 2007-013]

Notes:

1. The transfer of density to a PDD or TDD requires approval as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2018-002]
2. Up to one unit may be Permitted by Right for projects less than one acre in size. [Ord. 2006-004]
3. Affordable units shall consist of WHP units pending the adoption of the WCRA Inclusionary Housing Policy, as mandated by the Plan, to include very low through middle income households. [Ord. 2006-004] [Ord. 2008-003]; Additional units may be acquired through the County’s TDR program.

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 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. The request shall be consistent with the Plan and receive a WCRA recommendation for approval.
Part 5. ULDC Art. 2.B.7.D.2, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver, Applicability (page 35 and 36 of 101, Supplement 27), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]

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

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

<table>
<thead>
<tr>
<th>Urban Redevelopment Overlay (URAO)</th>
<th>Table 3.B.16.G, Type 1 and 2 URAO Waivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCRAO Expansion of Existing Non-Conforming Parking</td>
<td>Art. 3.B.14.B.1.a, Expansion of Existing Non-Conforming Parking</td>
</tr>
<tr>
<td>WCRAO Density Bonus Programs</td>
<td>[Relocated to: Table 2.C.5.E, Summary of Type 1 Waivers]</td>
</tr>
<tr>
<td>[Partially relocated to: Table 2.C.5.E, Summary of Type 1 Waivers]</td>
<td></td>
</tr>
<tr>
<td>2.C.5.E, Summary of Type 1 Waivers</td>
<td></td>
</tr>
<tr>
<td>RID Residential Setbacks</td>
<td>Art. 3.B.15.F.6.e-4)(a), Residential Setbacks</td>
</tr>
<tr>
<td>DRAA Residential Setbacks</td>
<td>Art. 3.B.16.E.3.a, Residential Setbacks</td>
</tr>
<tr>
<td>PDD Minimum Frontage</td>
<td>Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development</td>
</tr>
<tr>
<td>PDD Cull-de-sacs</td>
<td>Art. 3.E.1.C.2.a.5)b), Type 2 Waiver for additional percentage</td>
</tr>
<tr>
<td>AGR Tier – Parking Structure</td>
<td>Art. 3.F.2.A.2.d.1)a), Type 2 Waiver for Parking Structures</td>
</tr>
<tr>
<td>AGR-TMD – Block Structure</td>
<td>Art. 3.F.2.A.2.d.9.a, Type 2 Waiver for Block Structure</td>
</tr>
<tr>
<td>Commercial Communication Towers</td>
<td>Art. 4.B.9.H.(b), Type 2 Waiver from Required Dimensional Criteria</td>
</tr>
<tr>
<td>Unique Structure</td>
<td>Art. 5.C.1.E.2, Unique Structure</td>
</tr>
<tr>
<td>Hours of Operation</td>
<td>Art. 5.E.E.E, Type 2 Waiver</td>
</tr>
<tr>
<td>Large Scale Commercial Development – Parking</td>
<td>Art. 6.B.2.A.1.b.1)(d), Type 2 Waiver</td>
</tr>
</tbody>
</table>


Part 6. 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 27), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]

1. Amend the provision allowing relief from Art. 7, Landscaping requirements for Density Bonus Pool projects from being subject to a Type 2 Waiver process requiring BCC approval allowing to a Type 1 Waiver process which may be approved by the DRO.

CHAPTER C ADMINISTRATIVE PROCESSES

Section 5 Type of Applications

E. Type 1 Waiver

2. Applicability

Requests for Type 1 Waivers shall only be permitted where expressly stated within the ULDC.

Notes:
- Underlined indicates new text.
- Strikethrough indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated.
- If being relocated destination is noted in bolded brackets [Relocated to: ].
- Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].

A series of four bolded ellipses indicates language omitted to save space.
EXHIBIT C
ARTICLES 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PROPERTY DEVELOPMENT AND DESIITY BONUS REGULATIONS,
AND REVIEW PROCEDURES FOR THE WCRAO
CR-2020-0013, 14, and 30
(Updated 08/14/20)

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

<table>
<thead>
<tr>
<th>Requests</th>
<th>ULDC Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blades Area Overlay (GAO)</td>
<td>Table 2.B.4.F, Type 1 Waivers for Industrial Pods</td>
</tr>
<tr>
<td>NEO, Native Ecosystem Overlay</td>
<td>Art. 3.B.7.D, Property Development Regulations (PDRs)</td>
</tr>
<tr>
<td>Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines</td>
<td>Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines</td>
</tr>
<tr>
<td>Infill Redevelopment Overlay (IRO)</td>
<td>Table 3.B.15.G, Type 1 Waivers</td>
</tr>
<tr>
<td>Urban Redevelopment Overlay (URAO)</td>
<td>Table 3.B.16.G, Type 1 and 2 URAO Waivers</td>
</tr>
<tr>
<td>Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1)</td>
<td>Table 3.D.1.A, Property Development Regulations (PODs)</td>
</tr>
<tr>
<td>Required Parking in Type 1 Restaurant with Drive-Through</td>
<td>Art. 4.B.2.C.33.I.3(a)(d), Location Criteria – Exceptions, Design Criteria</td>
</tr>
<tr>
<td>Commercial Greenhouse Loading</td>
<td>Art. 4.B.6.C.17.c.4(b), Loading</td>
</tr>
<tr>
<td>Solid Waste Transfer Station</td>
<td>Art. 4.B.7.C.10.d, Buffer</td>
</tr>
<tr>
<td>Green Architecture</td>
<td>Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture</td>
</tr>
<tr>
<td>Parking for Community Vegetable Garden</td>
<td>Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10</td>
</tr>
<tr>
<td>Loading Spaces</td>
<td>Art. 6.C.1.A, Type 1 Waiver</td>
</tr>
<tr>
<td>Loading Space Width or Length</td>
<td>Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Table 7.B.4.A, Type 1 Waivers for Landscaping</td>
</tr>
<tr>
<td>Parking and Loading Requirements</td>
<td>Art. 8.H.2.D.4., Replacement of Required Loading Spaces</td>
</tr>
</tbody>
</table>

Notes:

1. This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. "blanket" application.

Part 7. ULDC Art. 4.A.9.C, Use Regulations, User Guide and General Provisions, Development Thresholds, Density Bonus (page 12 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Westgate Community Redevelopment Agency]

1. To clarify that an amendment to an existing development or a new proposed residential development that seeks additional residential density under the WCRAO Density Bonus Pool is subject to WCRAO approval thresholds and WCRAO recommendation.

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 9 Development Thresholds

C. Density Bonus

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

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

ARTICLE 5 – SUPPLEMENTARY STANDARDS

UNITY OF CONTROL

CR-2020-0010

(Updated 08/14/2020)

Part 1. ULDC Art. 2.C.6.A. Application Processes and Procedures, Administrative Processes, Conditions of Approval, DRO Authority (page 60 of 101, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Unity of Title provisions are being struck as they have been replaced by the Subdivision and Platting requirements of Article 11.

CHAPTER C ADMINISTRATIVE PROCESSES

Section 6 Conditions of Approval

1A. DRO Authority

The DRO shall have the authority to impose Conditions of Approval for administrative DOs.

1. Conditions of approval may be imposed to: [Ord. 2009-040] [Ord. 2018-002]

a. Ensure compliance with Code requirements: [Ord. 2009-040]

b. Ensure compatibility of the proposed development or use with surrounding land uses, address the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-site safety: [Ord. 2009-040]

c. Require the execution of a unity of title, unity of control, shared parking and other legal documentation necessary to satisfy requirements of this Code; [Ord. 2009-040]

d. Require road construction necessary to mitigate project impacts including but not limited to drainage, turn lanes, sidewalks, and signalization; [Ord. 2009-040]

e. Reduce negative impacts from agricultural uses in the urban services area on surrounding properties including but not limited to: controlling objectionable odors, fencing, sound limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of operation; and, [Ord. 2009-040]

f. Allow specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for a Type 1 Waiver. [Ord. 2009-040] [Ord. 2012-027]

Part 2. ULDC Art. 3.B.9.G.2, Overlays and Zoning Districts, Overlays, PBIAO, Palm Beach International Airport Overlay, Supplemental Regulations, Unified Control (page 37 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Zoning]

1. To revise reference to be changed to Art 5.F.1.F.3, Unity of Control where the language for Unity of Control will be relocated.

CHAPTER B OVERLAYS

Section 9 PBIAO, Palm Beach International Airport Overlay

G. Supplemental Regulations

1. Noise Compatibility and Abatement Requirements

a. Noise Abatement

For any commercial or industrial use, noise abatement measures incorporated into the design and construction of the structure must be used to achieve Noise Level Reduction (NLR) demonstrable to 25 Ldn, for reception, lounge, and office areas. [Ord. 2004-051]

b. Speakers

No outdoor speakers shall be allowed that are audible at the property line. [Ord. 2004-051]

2. Unified Control

Any development within PBIAO district shall be developed under common ownership or unity of control as provided in Art. 3.E. Unified Development Districts (PDDs)5.F.1.F.3.b. PDDs.

3. Enclosed Activities

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

Notes:

Underlined indicates new text.

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

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

…. A series of four bolded ellipses indicates language omitted to save space.
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

ARTICLE 5 – SUPPLEMENTARY STANDARDS

UNITY OF CONTROL

CR-2020-0010
(Updated 08/14/2020)

4. Renovation and Expansion of Non-Residential Uses

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

Part 3. ULDC Art. 3.E.1.I, Overlays and Zoning Districts, Planned Development Districts, General, Unified Control (page 143-144 of 213, Supplement 27), 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 by 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.

2. Revise Heading lettering to “I” for Phasing and Platting as the Unified Control provision is being relocated.

3. Revise reference under Art. 3.E.2.I, Phasing and Platting, as the Heading letter has been changed from “J” to “I” with the relocation of the Unified Control provision.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDD)

Section 1 General

I. Unified Control

All land in a PDD shall be contiguous, unless otherwise stated, and owned or under the control of the Applicant or subject to Unified Control. Unified 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. [Ord. 2019-006] [Partially Relocated to: Art. 5.F.1.F.3, Unity of Control]

The Unified Control shall be demonstrated by the provision of a Unity of Control or a Property Owners’ Association pursuant to Art. 5.F.1.F. Content Requirement for Documents.

1. Exception

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

2. Approval

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

3. Control

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

4. 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, muted colors, fenestration, architectural features, and architectural elements. Infrastructure, such as Minor Utility, Water and 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] [Relocated to: Art. 5.F.1.F.3.b.2(e), Architectural Guidelines]
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 5 – SUPPLEMENTARY STANDARDS
UNITY OF CONTROL
CR-2020-0010
(Updated 08/14/2020)

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

6. 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. [Ord. 2019-005] [Relocated to: Art. 5.F.1.F.3.b.4], Amendments

J. Phasing and Platting

Section 2 Planned Unit Development (PUD)

J. Phasing and Platting
A PUD shall be subject to the time limitation and review requirements of Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval and Art. 3.E.1.d), Phasing and Platting, and shall proceed in a reasonably continuous and timely manner complying with these phasing requirements and the requirements listed below.

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

Part 4. ULDC Art. 5.F.1, Supplementary Standards, Legal Documents, Maintenance and Use Documents (page 67 to 70 of 106, Supplement 27), 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.f.1, 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.

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

LDRAB/LDRC Meeting August 26, 2020 Page 17
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 Development 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.

1. Property Owners' Association (POA) Documents
   a. Declaration of Covenants and Restrictions
      1) Legal Description
         a) For Master Property Owners' Associations
            Where applicable, all property included within the Master Plan for a Development Order, regardless of how many phases, shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan. This shall also apply to any affected portion of an AGE Allocation Plan with a Development Order for a Rezoning, Conditional Use, or related development Order Amendment subject to the requirements of the AGE. [Ord. 2010-022] [Ord. 2017-007]
         b) For Sub-Associations
            All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the declaration for that sub-association at the time the plat is recorded.

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

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

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

UNITY OF CONTROL

CR-2020-0010

(Updated 08/14/2020)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

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

3) Association Structure and Responsibilities

There shall be provisions for the following:

a) All persons or entities owning any portion of the development shall automatically become members of the association;

b) All members of the association shall be entitled to vote on association matters;

c) The association shall have the authority to assess all members for association expenses including, but not limited to, the cost of maintaining the common areas;

d) All members of the association, except any governmental entity, which may own property in the development, shall be subject to assessments by the association.

The developer shall either pay assessments or fund the deficit in the association's operating budget until he has turned over control of the association. After he has turned over control of the association, he shall pay assessments for any lot(s) he may still own;

e) The association shall have the authority to place a lien on a member's property for any unpaid assessment;

f) The developer may control the association while development is ongoing. He must, however, establish in the declaration a definite time by which he will turn over control of the association to the owners; and,

g) The declaration shall provide that the association shall be responsible for the maintenance of the common areas and private preserve areas. Maintenance responsibility may be delegated to a sub-association or to an individual lot owner (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. 2015-001]

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

Notes:

Underlined indicates new text.

Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated.

If being relocated destination is noted in bolded brackets [Relocated to: ].

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

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

LDRAB/LDRC Meeting
August 26, 2020
Page 19

U:\Zoning\CODEREV\Code Amendments\2020/02 - LDRAB\08-Aug 26 2020\5 - LDRAB-LDRC Packet\Exh. D - CR-2020-0010 Art. 2, 3, and 5, Unity of Control.docx
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.

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 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 unity of control. This shall include all property included in the Master Plan for the development;

a.2) Creation of perpetual cross-access, parking, drainage, and utility easements for the benefit of all owners of the development;

a.3) Maintenance responsibilities for all common areas of the development and method by which maintenance costs shall be shared; and,

a.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.

7) 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, Exception]
EXHIBIT D

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

ARTICLE 5 – SUPPLEMENTARY STANDARDS

UNITY OF CONTROL

CR-2020-0010
(Updated 08/14/2020)

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, muted colors, fenestration,
      architectural features, and architectural elements. Infrastructure, such as Minor
      Utility, Water and 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]

   [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]

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.

Notes:

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

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS

MULTIPLE USE PLANNED DEVELOPMENT
FREESTANDING BUILDINGS
CR-2019-0026
(Updated 08/13/20)

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 27), 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.

CHAPTER E
PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 3 Multiple Use Planned Development (MUPD)

B. Objectives and Standards

2. Performance Standards

a. Freestanding Buildings

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

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

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

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

Notes:

Underlined indicates new text.

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

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

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

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

ARTICLE 4 – USE REGULATIONS

MULTIPLE USE PLANNED DEVELOPMENT

FREESTANDING BUILDINGS

CR-2019-0026
(Updated 08/13/20)

Table 3.E.3.B – Freestanding Buildings

<table>
<thead>
<tr>
<th>FLU Designations</th>
<th>CC</th>
<th>CH</th>
<th>CLO</th>
<th>CHO</th>
<th>IND</th>
<th>EDC</th>
<th>CR</th>
<th>INST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Buildings</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

1. 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 27), is hereby amended as follows:

Reason for amendments: [Zoning]

1. To remove a Subsection referencing an exemption from the deleted language in Part 1.

CHAPTER B USE CLASSIFICATION

Section 5 Industrial Uses

C. Definitions and Supplementary Use Standards for Specific Uses

17. Warehouse

f. Freestanding Structures

Freestanding structures for Warehouse developments located in an MUPD with an IND FLU designation shall not be subject to the provisions of Table 3.E.3.B, Freestanding Buildings. [Ord. 2019-005]
Part 1. ULDC Art. 5.G.1.C.4.b.2) (Updated 08/13/2020)
Supplementary Standards, Density Bonus Programs, Workforce Housing Program (WHP), Disposition of WHP Obligation, Methods Available, Off-Site Option 2 – Off-Site Construction/Exchange Builder (page 80 of 106, Supplement 27), is hereby amended as follows:

**CHAPTER G DENSITY BONUS PROGRAMS**

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

1. **C. Disposition of WHP Obligation**
   
   **1. Declaration of Method to Meet WHP Obligation**
   
   The developer is required to declare the selected method to meet the WHP requirement prior to certification for public hearing approval of the proposed subject development, or at DRO if the subject development is not subject to public hearing. The declared method shall be included as a Condition of Approval. [Ord. 2019-033]

   **4. Methods Available**
   
   Several alternative methods are available for the disposition of a subject development’s WHP obligation: [Ord. 2019-033]

   **b. WHP Off-Site Options**
   
   WHP units may be located off site using the options listed below. For-sale subject developments that opt to provide the required WHP units as off-site rental units through off-site construction, through the Purchase of Market Rate Units, or through an Exchange Builder, shall have a WHP obligation one and one-half times the number of WHP units required if developed on site not including the on-site reduction. Off-site options may be accommodated in municipalities located within Palm Beach County. When the obligation is to be met in a municipality, the developer shall provide written confirmation to the Planning Director or designee that the administrator or manager of the municipality has been notified that the WHP unit obligation is to be met in the municipality, prior to the issuance off the first WHP Building Permit; or prior to the recordation of a deed restriction or deed transfer to the County for a market rate unit pursuant to Art. 5.G.1.C.4.b.3), Off-Site Option 3 – Purchase of Market Rate Units. The enforcement of any requirements of Art. 5.G.1. Workforce Housing Program (WHP) for units provided in municipalities shall be the responsibility of Palm Beach County. For subject developments outside the Westgate Community Redevelopment Area Overlay that opt to locate WHP units in the WCRAO, no more than ten percent of the development’s WHP units to be located in the WCRAO shall be in the Low-Income category. The developer shall provide written confirmation to the Planning Director or designee that the WCRAC has been notified that WHP units will be provided in the WCRAO. [Ord. 2019-033]

   **1) Off-Site Option 1 – Off-Site Construction/Same Developer**
   
   Prior to issuance of the first residential Building Permit or Final DRO approval for the subject development, whichever comes first, all contracts or related agreements for any off-site option evidencing site control and necessary approvals shall be approved by the County Administrator, or designee. Certificates of Occupancy shall be issued for a minimum of 50 percent of the required WHP units to be constructed off-site prior to the issuance of no more than 50 percent of the Building Permits in the subject development. All off-site WHP units must receive Certificates of Occupancy prior to issuance of no more than 85 percent of the Building Permits in the subject development. The site plan, the Master Covenant, or other appropriate document shall be amended to reflect the number of WHP units, including the number in each applicable WHP income category, to be located on the receiving site(s). The Planning Director or designee shall determine the appropriate document and the timeframe for the modification, which shall be no later than the 85-percent threshold identified in this paragraph. [Ord. 2019-033]
EXHIBIT F

ARTICLE 5 – SUPPLEMENTARY STANDARDS

WORKFORCE HOUSING PROGRAM EXCHANGE BUILDER OPTION

FOR PRIOR APPROVALS

CR-2020-0012

(Updated 08/13/2020)

2) Off-Site Option 2 – Off-Site Construction/Exchange Builder

The Off-Site Construction/Exchange Builder Option shall be evaluated and a report provided to the Board of County Commissioners no later than three years from the effective date of this Ordinance. Provision of required WHP units may be arranged by the developer of the subject development through an Exchange Builder who will provide them off site, subject to the following: [Ord. 2019-033]

a) The exchange price shall be set by the County at 80 percent of the in-lieu fee associated with the subject development. [Ord. 2019-033]

b) A subject development which received a Development Order prior to the effective date of Ordinance No. 2019-033 may select the Exchange Builder Option as the subject development’s disposition option, provided that:

(1) No residential Building Permits have been issued for the subject development;

(2) The Development Order for the subject development shall be revised through the Zoning Agency Review process to reflect the change in disposition, and shall include any necessary notes, condition changes, and amendments to previously-approved plans;

(3) The exchange price shall be 80 percent of the applicable in-lieu fee in effect at the time of the Development Order for subject development; and,

(4) All other provisions of Art. 5.G.1.C.4.b, WHP, Off-Site Options and Art. 5.G.1.C.4.b.2, Off-Site Option 2 – Off-Site Construction/Exchange Builder shall apply.

b) All exchange projects that propose to utilize other programs in addition to WHP exchange payments that will result in income restrictions on WHP units will require the approval of the Board of County Commissioners. This approval is required prior to the earlier of Final DRO or first Building Permit. [Ord. 2019-033]

c) Prior to issuance of the first residential Building Permit for the subject development, the developer of the subject development shall select one of the following two options: [Ord. 2019-033]

(1) Demonstrate engagement of an Exchange Builder, who shall provide: [Ord. 2019-033]

(a) Evidence of receipt of payment of the required exchange price; [Ord. 2019-033]

(b) A detailed description of the proposed exchange project, including site location; the site’s land use designation, zoning, and density bonus determination if applicable; the total number of proposed units by type, size, and income category; proposed exchange project layout including the number and type of buildings; proposed exchange project schedule; status of any development approvals; pro forma financial statements demonstrating the exchange project’s financial viability; and, documentation evidencing availability of all sources of funding required for the exchange project development budget, including documentation from the financing source(s) providing a firm or a conditional commitment to financing and identifying all financing terms and conditions. [Ord. 2019-033]

(c) Evidence of control of the proposed exchange project site, through a recorded deed or title, or an executed purchase agreement or purchase option, approved by the County Attorney for legal sufficiency and by the County Administrator or designee; [Ord. 2019-033]

(d) A recorded Restrictive Covenant for the exchange project site; and, [Ord. 2019-033]

(e) Guarantee acceptable to Palm Beach County and approved by the County Attorney’s Office for an amount equal to 80 percent of the full in-lieu fee. The guarantee shall be for a term not to exceed 39 months, and of a type described in Art. 11.B.2.A.6, Guarantees. [Ord. 2019-033]

....
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 M. Davis, Principal Planner
Planning Division

DATE: August 17, 2020

RE: Comprehensive Plan Consistency Determination for Proposed
ULDC Amendments

The Planning Division has determined the proposed ULDC
amendment, Exhibit F, of the packet provided by the Zoning Division
and scheduled for the August 26, 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
Melissa Michael, Senior Planner
Alexander Biray, Zoning Technician