



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)

Drew Martin (District 2)

Ari Tokar (District 3)

Glenn E. Gromann (District 4)

Myles Basore (District 6)

Robert J. Harvey (District 7)

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

Anna Yeskey (Palm Beach League of Cities)

Terrence Bailey (Florida Engineering Society)

Jaime M. Plana (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

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

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

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

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

Abraham Wien (Alternate At-Large #2)

Board of County Commissioners

**Dave Kerner
Mayor, District 3**

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

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

**Mary Lou Berger
Commissioner, District 5**

**Mack Bernard
Commissioner, District 7**

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

**Melissa McKinlay
Commissioner, District 6**

**County Administrator
Verdenia C. Baker**



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

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

**WEDNESDAY, AUGUST 26, 2020 AGENDA
2300 NORTH JOG ROAD
VIDEO CONFERENCE/ROOM VC-1E 47, VISTA CENTER
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
3. Motion to Adopt Agenda
4. Adoption of 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

PAGES

1. Exhibit B Initiation of Unified Land Development Code (ULDC) Amendment Round 2020-02 1 – 3

C. ULDC AMENDMENTS – NEW

1. Exhibit C Art. 2 and 3, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO 4 – 14
2. Exhibit D Art. 3 and 5, Unity of Control 15 – 21
3. Exhibit E Art. 3 and 4, Multiple Use Planned Development Freestanding Buildings 22 – 23
4. Exhibit F Art. 5, Workforce Housing Program Exchange Builder Option for Prior Approvals 24 – 25

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication
2. Consistency Determination for Exhibit F 26 – 26

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. COMMUNITY RESIDENTIAL HOUSING CONSULTANT STUDY

G. STAFF COMMENTS

H. BOARD MEMBER COMMENTS

I. ADJOURN

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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

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)
Ari Tokar (District 3, Commissioner Kerner)*
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. Walesky (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. Plana (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).

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

2. Exhibit C – Art. 3, PBAO 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 (PBAO) 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 PBAO. 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 into the record 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).

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

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 Glitch 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).

9. Exhibit J – Art. 3, Residential Uses Zero Lot Line

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 DROE, 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.

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

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 LDRC 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.

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

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



Department of Planning,
Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
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Executive Office 233-5228
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Palm Beach County
Board of County
Commissioners

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Hal R. Valeche
Gregg K. Weiss
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Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

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

FROM: Jon MacGillis, ASLA, Zoning Director *JPM*

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
Zoning Division Staff

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

**EXHIBIT B
INITIATION OF UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2020-02**

SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS	
Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) Meetings:	BCC Zoning Hearings:
<ul style="list-style-type: none"> • July 22, 2020 <i>Cancelled</i> • August 26, 2020 • September 23, 2020 • October 28, 2020 	<ul style="list-style-type: none"> • November 23, 2020: Request for Permission to Advertise • December 22, 2020: First Reading • January 28, 2021: Second Reading, Final Adoption

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ARTICLE 2, APPLICATION PROCESSES AND PROCEDURES		
Chapter C, Administrative Processes	Zoning	<ul style="list-style-type: none"> • 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. • Reinroduce phasing provisions inadvertently removed in Ordinance No. 2020-001. • Limit the number of phases per DO.
Chapter E, Monitoring of Development Orders (DOs) and Conditions of Approval	Planning	
ARTICLE 3, OVERLAYS AND ZONING DISTRICTS		
Section B.14, Westgate Community Redevelopment Area Overlay (WCRAO)	Westgate CRA	<ul style="list-style-type: none"> • Amend the Development Review Procedures to mirror timelines required by HB 7103. • Modify requirements for Special Events within the Overlay. • Modify the requirement for a letter from the WCRA for ZAR applications. • Amend requirements for commercial and industrial uses, including Office Warehouse and Work/live Space. • Amend property developments (PDRs) for commercial uses to allow modifications of minimum lot size and frontage requirements for Commercial General (CG) Zoning Districts. • 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 in Sub-areas to better function for smaller residential projects.
Chapter B, Overlays	Zoning/ Planning	<ul style="list-style-type: none"> • 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 Overlay to identify Rural Enclaves; • Add an exemption to the rezoning requirement for lots zoned Agricultural Residential (AR) with a residential FLU designation, in the U/S Tier, and are subdivided for a residential use, with a maximum one unit per acre. • Add a note that the Residential Estate (RE) Zoning District is consistent with RR-5, RR-10, and RR-20 FLU designations, when the properties were RE prior to the 1989 Plan.

**EXHIBIT B
INITIATION OF UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2020-02**

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
		<ul style="list-style-type: none"> 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. 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.
Chapter D, Property Development Regulations (PDRs)	Zoning	
Section E.2, Multiple Use Planned Development (MUPD)	Zoning	
ARTICLE 4, USE REGULATIONS		
Section B.1, Residential Uses	Zoning	<ul style="list-style-type: none"> 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.
Section B.2, Commercial Uses	Zoning	<ul style="list-style-type: none"> 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.
Chapter B, Use Classification	Zoning/ Planning/ Land Development	<ul style="list-style-type: none"> 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.
Chapter B, Use Classification	Planning	<ul style="list-style-type: none"> 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.
ARTICLE 5, SUPPLEMENTARY STANDARDS		
Section G.1, Workforce Housing Program (WHP)	Planning/ County Administration	<ul style="list-style-type: none"> 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.
ARTICLE 7, LANDSCAPING		
Irrigation Guidelines	Zoning	<ul style="list-style-type: none"> Implement South Florida Water Management District (SFWMD) irrigation model code, either in the ULDC or PBC Code of Laws and Ordinances with cross reference.
ARTICLE 14, ENVIRONMENTAL STANDARDS		
Chapter C, Vegetation Preserve and Protection	ERM	<ul style="list-style-type: none"> Clarify the approval process and requirements for the review of Development Orders that may impact existing native vegetation.
OTHER		
2020 Comprehensive Plan Text Amendments	Zoning/ Planning	<ul style="list-style-type: none"> 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.
2020 Florida Legislative Session	Zoning	<ul style="list-style-type: none"> Monitor amendments presented by Senate and House that impact the ULDC.
Privately Initiated Amendments	Zoning	<ul style="list-style-type: none"> As requests are made, Staff will process requests to the BCC.

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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)

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:

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

1 CHAPTER B OVERLAYS

2

3 Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

4

5 D. Development Review Procedures

6 1. WCRA Recommendation

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

9 a. Types of Applications

10 1) Non-Conforming Lots

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

13 2) Public Hearing Processes

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

19 3) DRO Approval

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

26 ab. Application Requirements

27 The form and application requirements for a WCRA recommendation shall be submitted
28 as specified by the WCRA; however, in no case shall supporting documents required by
29 the WCRA exceed the requirements of the Development Review Procedures listed above.
30 [Ord. 2006-004]

31[Re-letter accordingly]

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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PROPERTY DEVELOPMENT AND DENSITY BONUS REGULATIONS,
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**CR-2020-0013, 14, and 30
(Updated 08/14/20)**

Part 2. ULDC Art. 3.B.14.E.2, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Overlay, Use Regulations, Sub-area Use Regulations, Use Regulations (page 46 of 213, Supplement 27), is hereby amended as follows:

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

1 **CHAPTER B OVERLAYS**

2

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

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5 **E. Use Regulations**

6

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

8 **a. Use Regulations**

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

11

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
Residential Uses								
Single Family	P	P	X	X	X	X	X	4.B.1.C.5
Cottage Home – Single Unit on a Single Lot	X	P	X	X	X	X	X	4.B.1.C.2
Cottage Home – Multiple Units on a Single Lot or Site	X	P	P	X	X	X	X	4.B.1.C.2
Zero Lot Line (ZLL)	X	X	X	X	X	X	X	4.B.1.C.7
Multifamily (MF)	X	P (5)	X	4.B.1.C.4				
Townhouse	X	P (5)	X	4.B.1.C.6				
Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
<u>Car Wash</u>	X	X	X	X	-(7)	-	-	<u>4.B.2.C.4</u>
Convenience Store	X	X	X	X	X	-	-	4.B.2.C.7
Electric Vehicle Charging Station Facility	X	X-(8)	X-(8)	X-(8)	X-(8)	X-(8)	X-	4.B.2.C.10
Employment Agencies (6)	X	X	X	X	X	X-	X-	4.B.2.C.26
Gas and Fuel Sales, Retail	X	X	X	X	X	-	-	4.B.2.C.16
<u>Landscape Service</u>	X	X	X	X	X	X	-	<u>4.B.2.C.21</u>
<u>Parking, Commercial (9)</u>	X	X	X	X	X	X	X	<u>4.B.2.C.27</u>
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.30
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.31
Self-Service Storage, <u>Limited Access</u>	X	X	X	X	-	-	-	4.B.2.C.37
<u>Self-Service Storage, Multi-Access</u>	X	X	X	X	X	X	-	<u>4.B.2.C.37</u>
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.41

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**ARTICLES 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PROPERTY DEVELOPMENT AND DENSITY BONUS REGULATIONS,
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Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.40
Work/Live Space	X	P (4) X	4.B.2.C.44					
Industrial Uses								
Office Warehouse	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Contractor Storage Yard	-	-	-	-	A -	-	A	4.B.5.C.1
Distribution Facility	X	X	X	X	X	A	D	4.B.5.C.3
Manufacturing and Processing	X	X	X	X	X	A	D	4.B.5.C.8
Warehouse	X	X	X	X	X	A	D	4.B.5.C.17
Wholesaling	X	X	X	X	X	A	D	4.B.5.C.18
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001]								
Notes:								
1.	Limited to lots with a CH FLU designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2018-002]							
2.	A number in the Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. [Ord. 2006-004] [Ord. 2020-001]							
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. [Ord. 2007-013] [Ord. 2020-001]							
5.	Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use. [Ord. 2017-002] [Ord. 2020-001]							
6.	Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]							
7.	Limited to lots which front Okeechobee Boulevard and consistent with Art. 11.E.2.A.4.b, Non-Residential Lots.							
8.	Permitted in the NRM, NG, NC, UG, and UH Sub-areas as an accessory use.							
9.	Commercial Parking use on surface lots is prohibited in all Sub-areas. Commercial Parking use in structured parking garages is permitted in the UG, UH, and UI Sub-areas subject to Class A Conditional Use approval.							
Key:								
X	Prohibited in Sub-area							
-	Subject to Use Regulations of zoning district							
P	Permitted by Right in Sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]							
D	Permitted by DRO approval							
A	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.

- 1 **CHAPTER B OVERLAYS**
- 2
- 3 **Section 14 WCRAO, Westgate Community Redevelopment Area Overlay**
- 4
- 5 **F. Property Development Regulations (PDRs)**
- 6 **1. Sub-area PDRs**
- 7

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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)

1

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

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
Lot Dimensions (2)							
Min. Frontage/Lot Width	-	-	75' (4)	75' (4)	100'	100' (5)	-
Min. Lot Depth	-	-	-100'	-100'	-100'	-100'	-
Max. Building Coverage	N/A	40%	40%	40% (23)	40% (23)	40% (23)	45% (23)
Build-to-Line/Setbacks							
Front or Side Street Build-to-Line (3)(810)	N/A	Build-to-Line – 15'	Build-to-Line – 15'	Build-to-Line – 10'	Build-to-Line – C/MU: 10-25'	Build-to-Line – 10-25'	Build-to-Line – C/IND: 10-25'
Min. Side	N/A	10' (46)	10' (46)	10' (46)	15'	15'	15'
Min. Rear	-	25'	25'	25'	25'	25'	25'
Min. Building Frontage							
Min. Frontage (810)	-	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build-to-Line Exception	N/A	Max. 50% of building frontage, min. width of 20', and max. depth of 25'				-	-
Max. Stories/Height (68)							
Max. Stories	N/A	3	4	6	20	10	15
Max. Height (68)	N/A	36'	48'	72'	240'	120'	180'
Other							
Max. Building Length (57)(79)	N/A	300'	300'	300'	300'	-	-
[Ord. 2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]							
C	For commercial uses.						
MU	For mixed uses.						
Notes:							
1.	PDRs for Single Family dwellings in the NR Sub-area shall be in accordance with Table 3.B.14.F, WCRAO Residential Sub-area PDRs. [Ord. 2020-001]						
2.	Minimum lot size per Table 3.D.1.A, Property Development Regulations (PDRs) shall not apply.						
23.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2006-004] [Ord. 2020-001]						
3.	Additional setbacks may apply per Art. 3.B.14.F.3, Sky Exposure Planes. [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.						
5.	May be reduced to 75 feet for lots fronting Okeechobee Boulevard with vehicular access limited only to the rear or via cross access from the adjacent property.						
46.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction. [Ord. 2006-004]						
57.	Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]						
68.	Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4.a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions. [Ord. 2010-022]						
79.	Buildings shall be articulated so that the longest side faces the front build-to-line. Where a parcel is located at the intersection of two or more streets, at least one building shall be placed at a corner in accordance with Art. 3.B.14.F.2.b.2), R-O-W/Easement Exception, and comply with the build-to-line for both streets. [Ord. 2015-031]						
810.	Minimum frontage shall only apply to the front build-to-line, and may be reduced in accordance with Art. 3.B.14.F.2.b.1)(a), Minimum Building Frontage Exception. [Ord. 2015-031] [Ord. 2017-025]						

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3.—Sky Exposure Planes

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

Table 3.B.14.F – Sky Exposure Plane

Sub-area		NC	UG and UH	UI
s—Initial Setback Distance	Narrow Street	20'	20'	20'
	Wide Street	15'	15'	15'
h—Max. Height of Sky Exposure Plane at Build to Setback Line		48' or 4 stories, whichever is less	60' or 5 stories, whichever is less	72' or 6 stories, whichever is less
On Narrow Street	v—Vertical Distance 1	4	2-7	3-7
	a—Horizontal Distance 2	4	4	4
On Wide Street	v—Vertical Distance 1	4	6-6	7-6

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Max. WCRAO Density Bonus Per Acre	N/A	20	30	50	150	150	N/A
[Ord. 2006-004]							
Notes:							
4-	Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by FLU 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 WCRA in accordance with the standards of Art. 3.B.14.D.1.b, Timeframe for Response. A project shall receive a recommendation for approval from the WCRA that either meets three of the following six factors, for: (1) The UH Sub-area; (2) That portion of the NRM Sub-area located west of the LWDD L-2B Canal and between Suwanee Drive and the E-3½-8 Canal; or, (3) The UG Sub-area; or meets four of these six factors for: (1) That portion of the NRM Sub-area located between the LWDD L-2B Canal and Suwanee Drive; (2) The NG Sub-area; or, (3) The NC Sub-area. **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2011-001]**~~

- ~~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 of at least eight feet in height and 16 feet in diameter; 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, medical or dental office, personal services, and Townhouses. **[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 UH 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~~

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

by the Division responsible for reviewing the application. ~~[Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-022]~~

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

Approval Process Required (1)	Range of Bonus Units per Acre	Min. Percentage of Density Bonus Units Required to be Affordable (3)
Permitted by Right	0-4 (2)	40%
DRO Approval	4-01-22	
BCC Approval	≥ 22.01	
[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]	

~~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 statistical 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 periods conclude, 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-r. Every deed for sale of an affordable housing unit shall incorporate by reference the controlling Covenant. [Ord. 2007-013] [Ord. 2008-037]~~

~~4) – Monitoring and Compliance~~

~~Shall be in accordance with the monitoring and compliance requirements of the applicable Sections of Art. 5.G.1, Workforce Housing Program, or Art. 5.G.2, Affordable Housing Program. [Ord. 2007-013] [Ord. 2011-001]~~

~~5) – Enforcement~~

~~Shall be in accordance with the enforcement requirements of the applicable Sections of Art. 5.G.1, Workforce Housing Program, or Art. 5.G.2, Affordable Housing Program. [Ord. 2007-013] [Ord. 2011-001]~~

~~6) – Limitations on Restrictions~~

~~Shall be in accordance with the limitations and restriction requirements of Art. 5.G.2, Affordable Housing Program. [Ord. 2007-013] [Ord. 2011-001]~~

~~7) – Affordability Ranges~~

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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)**

~~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. [Ord. 2008-037] [Ord. 2011-001]~~

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

	Very-Low-Income	Low-Income	Moderate-Income	Middle-Income	Maintenance of Affordability (Years)
New Bonus Density Pool Projects (1)	40% (2)				10 (for sale) 20 (rental)
Redevelopment of Existing Affordable Housing Project (1)	40% max. (3)		30% min. (4)		10 (for sale) 20 (rental)
[Ord. 2008-037]					
Notes:					
1-	Requirements are applicable to for-sale and rental units.				
2-	Percentage is a combination of very low, low, moderate, and middle-income requirements. However, a single project shall be limited to a maximum of 40 percent low or 40 percent very low income units.				
3-	Percentage is a combination of very low and low-income requirements.				
4-	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, a~~ Any proposed project that includes a request from the Density Bonus Pool ~~shall~~**must** obtain a recommendation of approval from the WCRA in accordance with the standards of Art. 3.B.14.D.1.b, ~~Timeframe for Response~~Development Review Procedures. ~~A project shall receive a recommendation for approval from the WCRA consistent with the provisions below:~~

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

b. Approval Process

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

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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 – WCRAO Density Bonus Pool Approval

Approval Process Required (1)	Range of Bonus Units per Acre (3)	Min. Percentage of Density Bonus Units Required to be Affordable (3)
Permitted by Right (2)	0.1-4 (2)	40%
DRO Approval	4.01-22	
BCC Approval	≥ 22.01	
[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.	

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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 21 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.

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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)**

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.

CHAPTER B PUBLIC HEARING PROCESSES

....

Section 7 Type of Applications

....

D. Type 2 Waiver

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2. Applicability

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

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

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

....

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: [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

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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 2.C.5.E – Summary of Type 1 Waivers

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

1

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 WCRA recommendation.

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

3

4 **Section 9 Development Thresholds**

5

6 **C. Density Bonus**

7 Any amendment to an existing development, or new construction of projects, which includes an
8 existing or proposed WHP, AHP, ~~or TDR~~, **or WCRAO Density Bonus Program** residential density
9 bonus, shall require confirmation of any applicable thresholds for approval process in accordance
10 with Art. 5.G, Density Bonus Programs, **or Art. 3.B.14.H, WCRAO Density Bonus Program.** [Ord.
11 **2017-025]**
12

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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:

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

1 CHAPTER C ADMINISTRATIVE PROCESSES

2

3 H.Section 6 Conditions of Approval

4 1A. DRO Authority

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

7 a1. Ensure compliance with Code requirements; [Ord. 2009-040]

8 b2. Ensure compatibility of the proposed development or use with surrounding land uses, address
9 the location of uses on the site to minimize potential adverse off-site impacts, and ensure on-
10 site safety; [Ord. 2009-040]

11 c3. Require the execution of a-unity-of-title, unity of control, shared parking and other legal
12 documentation necessary to satisfy requirements of this Code; [Ord. 2009-040]

13 d4. Require road construction necessary to mitigate project impacts including but not limited to
14 drainage, turn lanes, sidewalks, and signalization; [Ord. 2009-040]

15 e5. Reduce negative impacts from agricultural uses in the urban services area on surrounding
16 properties including but not limited to: controlling objectionable odors, fencing, sound
17 limitations; inspections, reporting or monitoring preservation areas, mitigation, and/or limits of
18 operation; and, [Ord. 2009-040]

19 f6. Allow specific requirements of the Code to be waived, provided the proposed development
20 meets the specific requirements for a Type 1 Waiver. [Ord. 2009-040] [Ord. 2012-027]

21

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

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

22 CHAPTER B OVERLAYS

23 Section 9 PBAIO, Palm Beach International Airport Overlay

24

25 G. Supplemental Regulations

26 1. Noise Compatibility and Abatement Requirements

27 a. Noise Abatement

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

31 b. Speakers

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

33 2. Unified Control

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

36 3. Enclosed Activities

37 In addition to standards in Art. 5.B.1.A.3, Outdoor Storage and Activities, all activities except
38 storage and sales of landscape material, shall be operated within enclosed buildings. [Ord.
39 2004-051]

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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 5 – SUPPLEMENTARY STANDARDS
UNITY OF CONTROL

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

- 1 **4. Renovation and Expansion of Non-Residential Uses**
- 2 When a structure used for industrial or commercial uses, lying in a residential district or
- 3 adjacent to a residential district, is renovated or expanded by more than 20 percent of GFA, in
- 4 any one or more expansions or the cumulative total of previous expansions, the PDRs of the
- 5 PBAIO 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 or a Property Owners’ Association (POA). The Unified Control provisions being relocated to Article 5 outline the requirements for a Unity of Control for Planned Development Districts (PDDs). Article 5 also outlines the POA process for subdivisions with five or more lots, which could also include PDDs. The language added in Article 3 below will make it clear that Applicants may choose to do either process to demonstrate that the subdivided parcels are unified.
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.J, Phasing and Platting, as the Heading letter has been changed from “J” to “I” with the relocation of the Unified Control provision.

6 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDD)**

7 **Section 1 General**

8

9 **I. Unified Control**

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

17 **1. Exception**

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

20 **2. Approval**

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

24 **3. Control**

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

27 **4. Architectural Guidelines**

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

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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 5 – SUPPLEMENTARY STANDARDS
UNITY OF CONTROL

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

1 5.—Successive Owners
2 The Unified Control shall run with the land and shall be binding on all successors in interest to
3 the property. [Relocated to: Art. 5.F.1.F.3.b.3), Successive Owners]
4 6.—Amendments
5 Prior to approval of a modification to a Master Plan, Site Plan, or subdivision by the DRO, the
6 Unified Control shall be amended to include/exclude all land added to/deleted from the PDD,
7 and incorporate any revisions modified by the new Development Order that may be in conflict
8 with the original Unified Control. [Ord. 2019-005] [Relocated to: Art. 5.F.1.F.3.b.4),
9 Amendments]

10 J. Phasing and Platting
11

12 Section 2 Planned Unit Development (PUD)

13
14 J. Phasing and Platting
15 A PUD shall be subject to the time limitation and review requirements of Art. 2.E, Monitoring of
16 Development Orders (DOs) and Conditions of Approval and Art. 3.E.1.J, Phasing and Platting, and
17 shall proceed in a reasonably continuous and timely manner complying with these phasing
18 requirements and the requirements listed below.
19 1. Plat Requirements
20 All land within the PUD, including golf courses, shall be platted. All golf courses and open space
21 areas (including but not limited to recreation and water retention) shall be platted prior to
22 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:

Table with 1 column: Reason for amendments: [Zoning]. Rows 1-4 describe reasons for amendments related to POA, rental projects, and Unity of Control/Title provisions.

23 CHAPTER F LEGAL DOCUMENTS
24

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

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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)

1 Section 1 Maintenance and Use Documents

2

3 E. Documents Establishing Maintenance and Use

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

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

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

12 2. Subdivisions of a Maximum of Four Lots

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

20 ~~3. Rental Projects~~

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

23 F. Content Requirement Documents

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

26 1. Property Owners' Association (POA) Documents

27 a. Declaration of Covenants and Restrictions

28 1) Legal Description

29 a) For Master Property Owners' Associations

30 Where applicable, all property included within the Master Plan for a Development
31 Order, regardless of how many phases, shall be subjected to the terms of the
32 declaration at the time the first plat of the development is recorded. Property shall
33 not be withdrawn from the terms of the declaration unless it is also withdrawn from
34 the Master Plan. This shall also apply to any affected portion of an AGE Allocation
35 Plan with a Development Order for a Rezoning, Conditional Use, or related
36 Development Order Amendment subject to the requirements of the AGE. [Ord.
37 2010-022] [Ord. 2017-007]

38 b) For Sub-Associations

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

42 2) Definition

43 There shall be a declaration in which, minimally, the following terms (or similar terms)
44 are defined: association, common areas, member, properties, declarant/developer,
45 unit/lot/parcel. The definition of association shall include the name of the POA
46 responsible for maintaining the common areas of the development. The association
47 named here must be the same association that accepts the dedications/reservations
48 on any plat of the development. The association shall be a State of Florida corporation
49 not for profit. The definition of common areas shall include the phrase "any area
50 dedicated to or reserved for the association on any recorded plat or replat of the
51 Properties."

52
53 The definition of member shall reflect the requirement that all persons or entities
54 holding title to any portion of the properties shall be voting members of the association.
55 In the case of a master association, this may be accomplished either by direct
56 membership by all owners or by the owners' sub-association membership with the sub-
57 association(s) being the voting member(s) of the master association. The definition
58 must specifically allow direct membership for any owner who is not a member of a
59 represented sub-association.

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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)

1
2 The definition of properties shall include all the property subject to the terms of the
3 declaration including any added by amendment to the declaration. The definition of
4 declarant/developer shall include successors and assigns. The definition of
5 unit/lot/parcel shall identify the division of property by which membership in the
6 association is defined and shall be consistent with the terms used to define member in
7 the declaration.

3) Association Structure and Responsibilities

8 There shall be provisions for the following:

- 9
10 a) All persons or entities owning any portion of the development shall automatically
11 become members of the association;
12 b) All members of the association shall be entitled to vote on association matters;
13 c) The association shall have the authority to assess all members for association
14 expenses including, but not limited to, the cost of maintaining the common areas;
15 d) All members of the association, except any governmental entity, which may own
16 property in the development, shall be subject to assessments by the association.
17 The developer shall either pay assessments or fund the deficit in the association's
18 operating budget until he has turned over control of the association. After he has
19 turned over control of the association, he shall pay assessments for any lot(s) he
20 may still own;
21 e) The association shall have the authority to place a lien on a member's property for
22 any unpaid assessment;
23 f) The developer may control the association while development is ongoing. He must,
24 however, establish in the declaration a definite time by which he will turn over
25 control of the association to the owners; and,
26 g) The declaration shall provide that the association shall be responsible for the
27 maintenance of the common areas and private preserve areas. Maintenance
28 responsibility may be delegated to a sub-association or to an individual lot owner
29 (in the case of certain limited use areas), but the delegating association shall be
30 responsible in the event the sub-association or the lot owner fails to maintain any
31 portion of the common area or other required areas.

4) Common Areas

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

5) Easements

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

- 37 a) Ingress/egress easements for members, their guests, and licensees;
38 b) Utility easements for installation, maintenance, and repair by any utility company,
39 including cable, servicing the development;
40 c) Drainage easements;
41 d) Maintenance easements for maintenance of the common areas. If the association
42 will need access to an owner's property to fulfill its maintenance obligation, the
43 easement should be granted here;
44 e) Encroachment easements for accidental encroachment onto the common area;
45 f) Common area easement for use by all members of the association and their
46 guests;
47 g) Developer's easement to allow developer access as needed to complete
48 construction of development;
49 h) Public service for police protection, fire protection, emergency services, postal
50 service, and meter reading;
51 i) Zero Lot Line (ZLL) easement, if applicable. An easement with a minimum of two
52 feet in width, and contiguous to the ZLL boundary shall be established for the
53 purpose of incidental encroachment, access and maintenance; or, **[Ord. 2013-**
54 **001]**
55 j) All easements, with the exception of the developer's easement, shall be perpetual.

6) Architectural Control

56 Any provisions included in the declaration regarding architectural control should be
57 consistent with PBC regulations. It should be noted in the declaration that nothing in
58
59
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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)

- 1 the declaration should be interpreted as an exemption from compliance with PBC
- 2 regulations.
- 3 **7) General Provisions**
- 4 There shall be provisions for the following:
- 5 **a) Duration**
- 6 The declaration shall run with the land for a minimum of 20 years with provision for
- 7 automatic renewal;
- 8 **b) Enforcement**
- 9 The association, the individual members, and the developer shall all have the
- 10 ability to enforce the terms of the declaration;
- 11 **c) Amendment**
- 12 The method by which the declaration may be amended shall be established. If the
- 13 developer is given a separate right for amending the declaration, his right shall not
- 14 survive the turnover of control. No amendment that withdraws property from the
- 15 terms of the declaration shall be recorded unless approved in writing by the County
- 16 Attorney's office. No amendment inconsistent with the requirements of this Chapter
- 17 shall be recorded unless approved in writing by the County Attorney's office.
- 18 Nothing contained herein shall create an obligation on the part of the County
- 19 Attorney's office to approve any amendment.
- 20 **d) Dissolution**
- 21 Any owner may petition the Circuit Court for the appointment of a receiver to
- 22 manage the affairs of the association in the event of dissolution of the association.
- 23 **b. Articles of Incorporation**
- 24 1) All terms shall be consistent with the terms of the Declaration and By-Laws.
- 25 2) The POA shall be a State of Florida corporation not-for-profit with, minimally, the
- 26 authority to maintain common areas or other required areas, assess members for
- 27 operating costs, place liens on members' property for failure to pay assessments, and
- 28 enter into agreements with governmental entities.
- 29 **c. By-Laws**
- 30 All terms shall be consistent with the terms of the declaration and articles of incorporation.

- 31
- 32 **3. Unity of Control**
- 33 *All PDDs and projects in Standard Zoning Districts with multiple uses, shall be contiguous,*
- 34 *unless otherwise stated, and owned or under the control of the Applicant or subject to a Unity*
- 35 *of Control. The Unity of Control shall be in a form acceptable to the County Attorney and shall*
- 36 *provide for the perpetual operation and maintenance of all shared/common facilities and*
- 37 *improvements, which are not provided, operated, or maintained at the public's expense.*
- 38 **[Partially relocated from: Art. 3.E.1.I, Unified Control]** *A unity of control shall be recorded*
- 39 *against a subdivision of a maximum of four lots. The Unity of Control shall be recorded and tied*
- 40 *to all properties within the Development Order, unless stated otherwise below: if the County*
- 41 *Attorney's Office has exempted the subdivision from the requirements for a POA. The Unity of*
- 42 *Control shall contain the following:*
- 43 **a. Subdivisions of a Maximum Four Lots**
- 44 *The Unity of Control shall be recorded prior to approval of a plat or issuance of a Building*
- 45 *Permit, whichever occurs first, and shall contain the following:*
- 46 **a-1)** *Legal description of the property subject to the terms of the unity of control. This shall*
- 47 *include all property included in the Master Plan for the development;*
- 48 **b-2)** *Creation of perpetual cross-access, parking, drainage, and utility easements for the*
- 49 *benefit of all owners of the development;*
- 50 **c-3)** *Maintenance responsibilities for all common areas of the development and method by*
- 51 *which maintenance costs shall be shared; and,*
- 52 **d-4)** *Establishment of these provisions as covenants running with the land.*
- 53 **b. PDDs**
- 54 *For a PDD with a subdivision of a maximum four lots, a Unity of Control shall be recorded*
- 55 *prior to approval of a plat or issuance of a Building Permit, whichever occurs first.*
- 56 **1) Exception**
- 57 *Public civic uses and AGR Preservation Areas shall not be subject to Unified Control,*
- 58 *unless required by a Condition of Approval. [Relocated from: Art. 3.E.1.I.1,*
- 59 **Exception]**

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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)

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- 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.

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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:

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

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2

3 Section 3 Multiple Use Planned Development (MUPD)

4

5 B. Objectives and Standards

6

7 2. Performance Standards

8 An MUPD shall comply with the following standards:

9 a. Freestanding Buildings

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

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

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

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

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EXHIBIT 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

FLU Designations	CL	CH	CLO	CHO	IND	EDC	CR	INST
Number of Buildings	4	3	4	3	3	3	3	3
[Ord. 2014-025]								

1
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ba. Non-Vehicular Circulation

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

1) Sidewalks

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

....[Re-letter accordingly]

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

9 CHAPTER B USE CLASSIFICATION

10

11 Section 5 Industrial Uses

12

13 C. Definitions and Supplementary Use Standards for Specific Uses

14

15 17. Warehouse

16

17 **f. Freestanding Structures**

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

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EXHIBIT F

ARTICLE 5 – SUPPLEMENTARY STANDARDS WORKFORCE HOUSING PROGRAM EXCHANGE BUILDER OPTION FOR PRIOR APPROVALS

CR-2020-0012
(Updated 08/13/2020)

Part 1. ULDC Art. 5.G.1.C.4.b.2), 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:

Reason for amendments: [County Administration/Planning]
1. To expand the number of projects that are eligible to use the Exchange Builder Option in the Workforce Housing Program (WHP), facilitating the delivery of additional WHP units through this option.

1 **CHAPTER G DENSITY BONUS PROGRAMS**

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

3
4 **C. Disposition of WHP Obligation**

5 **1. Declaration of Method to Meet WHP Obligation**

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

10
11 **4. Methods Available**

12 Several alternative methods are available for the disposition of a subject development's WHP
13 obligation: **[Ord. 2019-033]**

14
15 **b. WHP Off-Site Options**

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

35 **1) Off-Site Option 1 – Off-Site Construction/Same Developer**

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

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Notes:

Underlined indicates **new** text.

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EXHIBIT F

ARTICLE 5 – SUPPLEMENTARY STANDARDS WORKFORCE HOUSING PROGRAM EXCHANGE BUILDER OPTION FOR PRIOR APPROVALS

CR-2020-0012
(Updated 08/13/2020)

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

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

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

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

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

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

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

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

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

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

29 (1) Demonstrate engagement of an Exchange Builder, who shall provide: **[Ord.**
30 **2019-033]**

31 (a) Evidence of receipt of payment of the required exchange price; **[Ord.**
32 **2019-033]**

33 (b) A detailed description of the proposed exchange project, including site
34 location; the site's land use designation, zoning, and density bonus
35 determination if applicable; the total number of proposed units by type,
36 size, and income category; proposed exchange project layout including
37 the number and type of buildings; proposed exchange project schedule;
38 status of any development approvals; pro forma financial statements
39 demonstrating the exchange project's financial viability; and,
40 documentation evidencing availability of all sources of funding required for
41 the exchange project development budget, including documentation from
42 the financing source(s) providing a firm or a conditional commitment to
43 financing and identifying all financing terms and conditions. **[Ord. 2019-**
44 **033]**

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

49 (d) A recorded Restrictive Covenant for the exchange project site; and, **[Ord.**
50 **2019-033]**

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

55

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**Department of Planning,
Zoning & Building**

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Building Division 233-5100
Code Enforcement 233-5500
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**Palm Beach County
Board of County
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Mary Lou Berger

Melissa McKinlay

Mack Bernard

County Administrator

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

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

FROM:  Bryan 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