



**TITLE: REQUEST FOR PERMISSION TO ADVERTISE
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2018-02**

SUMMARY: The proposed Ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications, as well as several specific amendments, as follows:

- Ordinance Title
- Exhibit A Art. 1 and 12 - Statute Reference and Definition of Project
- Exhibit B Art. 1, 3 and 4 - Special Permits
- Exhibit C Art. 1,3, 4 and 5, Temp Use – Real Estate Sales Model and Management
- Exhibit D Art. 2 and 3 - Resubmittal and Modifications by the DRO [Housing Type]
- Exhibit E Art. 2 and 5, Accessory Uses and Structures - Temp Structures
- Exhibit F Art. 2, 3 and 5, Mechanical Equipment and Legal Documents
- Exhibit G Art. 3 – Public Civic Landscape Buffer
- Exhibit H Art. 3, 4 and 7 - Green Market Community Vegetable Garden and Landscaping
- Exhibit I Art. 4, Use Regulations, Financial Inst., Vet Clinic, Homeless Res Ctr, Place of Worship and Adult Entertainment
- Exhibit J Art. 6, Parking
- Exhibit K Art 7, Landscaping
- Exhibit L Art. 16, Airport Regulations
- Exhibit M PO Deviations
- Exhibit N Congregate Living Residential (CLR) and Codification of ORD 2017-036
- Exhibit O Residential in MUPD

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of ULDC Amendment Round 2018-02 on January 8, 2019.

LDRAB/LDRC: Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: Recommended approval of the proposed amendments by multiple votes on July 25, 2018, August 22, 2018, September 26, 2018 and October 24, 2018. Sitting as the LDRC on September 26, 2018 and October 24, 2018, the proposed ULDC amendments were found to be consistent with the Comprehensive Plan. At time of publication the LDRAB and LDRC’s recommendation and determination of consistency is pending the November 14, 2018 Meeting. Staff will provide an update at the November 26, 2018 hearing.

MOTION: To approve the Request for Permission to Advertise for First Reading for ULDC Amendment Round 2018-02 on November 26, 2018: **ARTICLE 1 - GENERAL PROVISIONS:** CHAPTER A, AUTHORITY; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS & ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4 - USE REGULATIONS:** CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS:** CHAPTER A, GENERAL; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAM; **ARTICLE 6 - PARKING:** CHAPTER A, PARKING; CHAPTER B, LOADING STANDARDS; **ARTICLE 7 - LANDSCAPING:** CHAPTER B, APPLICABILITY AND APPROVAL PROCESS; CHAPTER C, LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS; CHAPTER D, LANDSCAPE STANDARDS; CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES; CHAPTER F, INSTALLATION AND MAINTENANCE; CHAPTER G, ENFORCEMENT; **ARTICLE 12 - TRAFFIC PERFORMANCE STANDARDS:** CHAPTER I, COASTAL RESIDENTIAL EXCEPTION; **ARTICLE 16 – AIRPORT REGULATIONS:** CHAPTER B, AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS; CHAPTER C, AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS:

ARTICLE 1 - GENERAL PROVISIONS: CHAPTER A, AUTHORITY; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS & ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4 - USE REGULATIONS:** CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS:** CHAPTER A, GENERAL; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAM; **ARTICLE 6 - PARKING:** CHAPTER A, PARKING; CHAPTER B, LOADING STANDARDS; **ARTICLE 7 - LANDSCAPING:** CHAPTER B, APPLICABILITY AND APPROVAL PROCESS; CHAPTER C, LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS; CHAPTER D, LANDSCAPE STANDARDS; CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES; CHAPTER F, INSTALLATION AND MAINTENANCE; CHAPTER G, ENFORCEMENT; **ARTICLE 12 - TRAFFIC PERFORMANCE STANDARDS:** CHAPTER I, COASTAL RESIDENTIAL EXCEPTION; **ARTICLE 16 - AIRPORT REGULATIONS:** CHAPTER B, AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS; CHAPTER C, AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Adoption

The amendments set forth in Exhibits listed below, attached hereto and made a part hereof, are hereby adopted.

1 **SUMMARY:** The proposed Ordinance will account for consistency with the Comprehensive Plan,
2 correction of glitches and clarifications, as well as several specific amendments, as follows:
3

- 4 ▪ Ordinance Title
- 5 ▪ Exhibit A Art. 1 and 12 - Statute Reference and Definition of Project
- 6 ▪ Exhibit B Art. 1, 3 and 4 - Special Permits
- 7 ▪ Exhibit C Art. 1,3, 4 and 5, Temp Use – Real Estate Sales Model and Management
- 8 ▪ Exhibit D Art. 2 and 3 - Resubmittal and Modifications by the DRO [Housing Type]
- 9 ▪ Exhibit E Art. 2 and 5, Accessory Uses and Structures - Temp Structures
- 10 ▪ Exhibit F Art. 2, 3 and 5, Mechanical Equipment and Legal Documents
- 11 ▪ Exhibit G Art. 3 – Public Civic Landscape Buffer
- 12 ▪ Exhibit H Art. 3, 4 and 7 - Green Market Community Vegetable Garden and Landscaping
- 13 ▪ Exhibit I Art. 4, Use Regulations, Financial Inst., Vet Clinic, Homeless Res Ctr, Place of
14 Worship and Adult Entertainment
- 15 ▪ Exhibit J Art. 6, Parking
- 16 ▪ Exhibit K Art 7, Landscaping
- 17 ▪ Exhibit L Art. 16, Airport Regulations
- 18 ▪ Exhibit M PO Deviations
- 19 ▪ Exhibit N Congregate Living Residential (CLR) and Codification of ORD 2017-036
- 20 ▪ Exhibit O Residential in MUPD

21
22 **Section 2. Interpretation of Captions**

23 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance
24 are intended for the convenience of usage only and have no effect on interpretation.

25
26 **Section 3. Repeal of Laws in Conflict**

27 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
28 repealed to the extent of such conflict.

29
30 **Section 4. Severability**

31 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item
32 contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative,
33 void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

34
35 **Section 5. Savings Clause**

36 All development orders, permits, enforcement orders, ongoing enforcement actions, and all
37 other actions of the Board of County Commissioners, the Zoning Commission, the Development
38 Review Officer, Enforcement Boards, all other County decision-making and advisory boards, Special
39 Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations and
40 procedures established prior to the effective date of this Ordinance shall remain in full force and
41 effect.

1 **Section 6. Inclusion in the Unified Land Development Code**

2 The provisions of this Ordinance shall be codified in the Unified Land Development Code and
3 may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

4

5 **Section 7. Providing for an Effective Date**

6 The provisions of this Ordinance shall become effective upon filing with the Department of
7 State.

8

9 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County,
10 Florida, on this the _____ day of _____, 20____.

11

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

12

13

14 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
15 _____, 20____.

EXHIBIT A

ARTICLE 1 GENERAL PROVISIONS AND
ARTICLE 12 TRAFFIC PERFORMANCE STANDARDS
[STATUTE REFERENCE AND DEFINITION-PROJECT]

CR-2016-016 and CR-2014-012
(Updated 10/25/2018)

Part 1. ULDC Art. 1.A.1.B, Authority (page 5 of 118, Supplement 24), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. Delete References to Florida Administrative Code Rules 9J-5 and 9J-24 that were repealed in 2011. The rules were adopted by the Department of Community Affairs (DCA) and provided details and specificity for local governments to create their comprehensive plan. The law contains specific provisions related to the contents and requirements of the Comprehensive Plan elements.

CHAPTER A AUTHORITY

Section 1 General

B. Authority

The Board of County Commissioners (BCC) has the authority to adopt this Code pursuant to Article VIII, Sec. 1(g), Fla. Const., the PBC Charter, F.S.§125.01, F.S. §163.3161, Rule 9J-5, F.A.C., Rule 9J-24, F.A.C., and such other authority and provisions that are established by statutory statute, administrative rule, or common law in the State of Florida.

Part 2. ULDC Art. 1.I.2, Definitions (page 46 of 118), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. See Part 1 for reason.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

C. Terms defined herein or referenced Article shall have the following meanings:

69. Concurrency Requirements of the Plan - the provisions in the Plan and the implementing land development regulations requiring that public facilities for traffic circulation, mass transit, sanitary sewer, potable water, recreation/open space, fire-rescue, solid waste, and drainage are available at the minimum LOS concurrent with the impact of the Development; and, as to the applicability of expanded or more stringent traffic performance standards pursuant to State of Florida mandates under F.S. Chapter 163, and Rule 9J-5, F.A.C. such requirements as set forth in the future traffic performance standards ordinance(s).

Part 3. ULDC Art. 1.I.2, Definitions (page 85 of 118), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. To delete redundant definition (81 c) related to Article 12 as it is already addressed (81 b).

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

81. Project -

- a. Land use or group of land uses involving the development of a particular parcel of land at a particular intensity or density which was granted a Development Order, or which substantially complies with applicable provisions of the PBC Subdivision Code as determined by the Director of the Land Development Division of the PBC Engineering Department. [Ord. 2010-022]
b. For the purposes of Art. 12, a land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a Development Order(s). All Public Civic Sites dedicated as part of a PUD or otherwise obtained by a governmental

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Notes:

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

EXHIBIT A

ARTICLE 1 GENERAL PROVISIONS AND
ARTICLE 12 TRAFFIC PERFORMANCE STANDARDS
[STATUTE REFERENCE AND DEFINITION-PROJECT]

CR-2016-016 and CR-2014-012
(Updated 10/25/2018)

1 agency for public use shall be considered a Project separate from the PUD for the purposes
2 of reviewing the traffic impacts of the Civic Sites under this Article.

3 ~~c. For the purposes of Art. 12, a land use or group of land uses, or land development activity~~
4 ~~or activities, or amendment thereto, which require the issuance of a Development Order.~~
5 [Ord. 2006-036]

6

7
8
9 Part 4. ULDC Art. 12.I.4, MUNICIPAL LEVELS OF SERVICE (page 33 of 59), is hereby amended
10 as follows:

Reason for amendments: [Zoning]
1. See part 1 for reason.

11 CHAPTER I COASTAL RESIDENTIAL EXCEPTION

12 ...

13 Section 4 Municipal Levels of Service

14 Nothing in this Article shall be construed as derogating the requirement under F. S. Chapter 163, ~~or Rule~~
15 ~~9J-5, F.A.C.~~ that Municipalities set the LOS on PBC and State roads consistent with the PBC and State
16 LOS to the maximum extent feasible.

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EXHIBIT B

ARTICLE 1 – DEFINITIONS
ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)
ARTICLE 4 SPECIAL PERMITS

CR 2018-042
(Updated 10/25/2018)

Part 1. ULDC Art. 1.1.2.R.11, General Provisions, Definitions & Acronyms, Definitions, Recreational Vehicle (page 88 of 118, Supplement 24), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. Clarify that the special permit reference is specific to F.S. §316.550 State Uniform Traffic Control.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

R. Terms defined herein or referenced Article shall have the following meanings:

11. Recreational Vehicle -

- a. For the purposes of Art. 6, a truck, bus, trailer, pickup camper, pop-up camper, fifth wheel or other vehicle with or without motor power which has been converted or equipped with living or sleeping quarters and is designed and constructed to travel on public thoroughfares without a special permit in accordance with the provisions of F.S. §316.550 of the Vehicle Code of the State of Florida.
b. For the purposes of Art. 18, a vehicle which is: [Ord. 2004-013] [Ord. 2017-026]
1) Built on a single chassis; [Ord. 2017-026]
2) 400 square feet or less when measured at the largest horizontal projection; [Ord. 2017-026]
3) Designed to be self-propelled or permanently towable by a Light-Duty Truck; and [Ord. 2017-026]
4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use (see F.S. 320.01, as amended or replaced). [Ord. 2017-026]
5) Not occupied for more than six months. [Ord. 2017-026]

Part 2. ULDC Art. 1.1.2.S.66, General Provisions, Definitions & Acronyms, Definitions, Sport vehicle (page 98 of 118, Supplement 24), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. See Part 1 for reason.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

- 66. Sports Vehicle - for the purposes of Art. 6, any wheeled or tracked motorized vehicle designed or adapted to travel on public thoroughfares, public waterways, on unpaved thoroughfares, etc. without a special permit in accordance with the provisions of F.S. §316.550 of the Vehicle Code of the State of Florida.

Part 3. ULDC Art. 3.B.2.B.2.a.4), Overlays & Zoning Districts, Overlays, AZO Airport Zoning Overlay, (page 20-21 of 212, Supplement 24), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. Revise the chart to reflect the Special Permit approval process for the Caretakers Quarters use has been modified to be consistent with the changes to Article 2 completed under Ordinance 2009-002. Article 2 requires approval by the DRO and through the ZAR process.

CHAPTER B OVERLAYS

Section 2 AZO, Airport Zoning Overlay

B. Applicability

- 2. Uses on Airport Properties
a. Use Regulations

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EXHIBIT B

**ARTICLE 1 – DEFINITIONS
ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDs)
ARTICLE 4 SPECIAL PERMITS**

CR 2018-042
(Updated 10/25/2018)

4) Specific Use Regulations

The following uses are permitted in the AZO on airport properties: [Ord. 2006-036]

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
Caretaker Quarter	<u>DS</u>	<u>DS</u>	CG or IG		All
Commercial Uses					
Auction, Indoor		D	CG	2	All
Auction, Outdoor		A	CG	2	All
Car Wash		D	CG or IL	4	All
Catering Service	P	D	CG or IL	5	All
Cocktail Lounge	P	A	CG	6	All
Convenience Store		D	CG	7	All
Dispatching Service	P	D	CG	8	All
Dog Daycare	P	D	CG	9	All
Financial Institution	P	P	CG	10	All
Financial Institution with Drive Thru Facilities	P	D	CG	11	All
Financial Institution Freestanding ATM	P	D	CG	12	All
....					
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007]					
Notes:					
(1) For purposes of determining the applicable property development regulations (PDR) for non-airport related uses, the Corresponding Zoning District's PDR identified in Table 3.D.1.A-5, Property Development Regulations shall apply to lot dimension, density, FAR, building coverage and setbacks. [Ord 2018-002]					
(2) Reference Art.4, Use Regulations for additional Supplementary Use Standards. [Ord. 2017-007]					
(3) Temporary Use through the ZAR Process. [Ord. 2018-002]					
Key					
P Permitted by right					
D Permitted subject to approval by the DRO					
B Permitted only if approved by the Zoning Commission (ZC)					
A Permitted only if approved by the Board of County Commission (BCC)					
1 Palm Beach International Airport (PBIA)					
2 PBC Glades Airport					
3 PBC Park Airport (aka Lantana Airport)					
4 North PBC General (Aviation Airport)					
PBIA, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), North PBC General Aviation Airport					

Part 4. ULDC Art. 4.B.11.C.3, Use Regulations, Use Classification, Temporary Uses, Definitions and Supplementary Use Standards for Specific Uses. Mobile Retail Sales (page 203 of 208, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete reference to Special Permit as the process was changed to DRO approval for Mobile Retail Sales, more particularly the Zoning Agency Review (ZAR) process.

CHAPTER B USE CLASSIFICATION

Section 11 Temporary Uses

C. Definitions and Supplementary Use Standards for Specific Uses

....

3. Mobile Retail Sales

a. Definition

General retail sales from a mobile vehicle or a portable trailer without a fixed or permanent location.

b. Exception

Transient sales vehicles that travel to several locations in one day, and spend less than two-hours in the same location, may be exempt from ~~Special Permit-ZAR~~ approval process and these requirements.

c. Location

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EXHIBIT C

ARTICLE 1 DEFINITIONS, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 4 USE REGULATIONS, AND ARTICLE 5 SUPPLEMENTARY STANDARDS (TEMPORARY USES- REAL ESTATE SALES MODEL/OFFICES)

CR-2018-002 and CR-2018-046
(Updated 10/26/18)

1 Part 1. ULDC Art. 1.I.2.T.19, General Provisions, Definitions & Acronyms, Definitions, Temporary
2 (page 104 of 118, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Reduce redundancy by deleting part of these definitions. Relocate definition of Temporary to Art. 4.A.7, Determining Approval Process, where that section of Article 4 specifically explains the different types of applications, which ranges from Permitted by Right, Conditional Use Approval, Prohibited Use.

3 **CHAPTER I DEFINITIONS & ACRONYMS**

4 ...

5 **Section 2 Definitions**

6 **T. Terms defined herein or referenced Article shall have the following meanings:**

7 ...

8 **19. Temporary**

9 ~~a. For the purposes of Art. 4, Temporary means uses not intended to be permanently fixed~~
10 ~~or permanent in nature, and are typically approved for a defined period of time. [Ord.~~
11 ~~2017-007]~~ [Partially relocated to Art. 4.A.7.C.5, Temporary Use as it related to Use
12 **Matrix]**

13 ~~b. For the purposes of Art. 8, Signage, a single period or an accumulation of periods not~~
14 ~~exceeding 90 days in any 365-day period unless further restricted. [Ord. 2017-007]~~

15 ~~ca.~~ For the purposes of Art. 15.A, as defined by Rule 64E-6, F.A.C.

16 ~~20. Temporary Uses~~ are generally compatible with the other uses permitted in a district, but
17 that require individual review of their location, design, configuration and intensity and density
18 of use, buildings and structures, and may require the imposition of conditions in order to
19 ensure the appropriateness of the use at a particular location. These uses are generally
20 provisional for a specified, fixed period of time. [Ord. 2018-002]

21[Renumber accordingly.]

22

23

24 **Part 2. ULDC Art. 3.E.1.G, Overlays & Zoning Districts, Planned Development Districts,**
25 **General, Sales Office and Models (page 143-144 of 212, Supplement 24), is hereby**
26 **amended as follows:**

Reason for amendments: [Zoning/Building]

1. Relocate Real Estate Sales Office, Planned Development in Temporary Pod or Project from Art.3.E.1.G to Art. 4.B.11.C.8 as this use is temporary in nature, and is only subject to a Zoning Agency Review and Building Permit Review. Art.4.B.11 addresses requirements for Temporary Uses.
2. Minor edits to the existing plan requirements to reflect the most current plan terminology.
3. Relocate definitions of Real Estate Sales Office that are temporary in nature to Art. 4.B.11, Temporary Use.
4. Clarify process for the gatehouse, entry features and utilities, that building permits for these features shall not be issued unless the plat is recorded or the Subdivision/Site Plan has been finalized by the Development Review Officer.

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

28 **Section 1 General**

29

30 **G. Sales Office and Models**

31 **1. General**

32 **a. Permits**

33 ~~Building permits for real estate sales offices, sales models, gatehouses, entry features,~~
34 ~~and utilities may be issued prior to recording a final plat, but not before approval of a site~~
35 ~~plan/final subdivision plan by the DRO.~~

36 **b. Permanent**

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EXHIBIT C

ARTICLE 1 DEFINITIONS, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 4 USE REGULATIONS, AND ARTICLE 5 SUPPLEMENTARY STANDARDS (TEMPORARY USES- REAL ESTATE SALES MODEL/OFFICES)

CR-2018-002 and CR-2018-046
(Updated 10/26/18)

1 A Real Estate Sales and Management Office is allowed as a Temporary Use in a PDD or
2 TDD pursuant to Art. 4.B.11.C.5, Real Estate Sales and Management Office, PDD or
3 TDD, and Art. 4.B.11.C.6, Real Estate Sales Model, PDD or TDD. A permanent R
4 Real
5 Estate S
6 ales O
7 ffice is permitted in a commercial pod only, except where allowed
8 otherwise within a Recreational Vehicle Park Development (RVPD). [Ord. 2014-025]

9 ~~c. Definitions — see Art. 1.I, Definitions & Acronyms~~

10 ~~1) Real Estate Sales Office, Planned Development~~

11 ~~An office for the sale and resale of new and existing residential units, [Partially~~
12 ~~relocated to Art. 4.B.11.C.5.a, Definition as it related to Real Estate Sales Office~~
13 ~~and Management Office, PDD or TDD] or Recreation Vehicle (RV) sites, in a~~
14 ~~planned development. [Ord. 2014-025]~~

15 ~~a) Temporary, Pod~~

16 ~~A temporary real estate sales office for the sale of new units only shall be~~
17 ~~permitted in a residential pod or other temporary location approved by the DRO.~~
18 ~~Sales shall be limited to only new units in the pod. [Partially relocated to Art.~~
19 ~~4.B.11.C.5.h.1), Pod as it related to Real Estate Sales and Management~~
20 ~~Office, PDD or TDD] A temporary sales office in a Mobile home shall be subject~~
21 ~~to Art. 5.B.1.B, Temporary Structures. Sanitary facilities shall be available in the~~
22 ~~office. A temporary real estate sales office shall be removed from the site prior to~~
23 ~~the issuance of the CO for the last remaining unit in the pod. Temporary access~~
24 ~~to the sales office may be permitted, subject to approval by the DRO. The~~
25 ~~temporary access shall be limited to one year, unless extended by the DRO.~~
26 ~~[Partially relocated to Art. 4.B.11.C.5.d, Access as it related to Real Estate~~
27 ~~Sale and Management Office, PDD or TDD]~~

28 ~~b) Temporary, Project~~

29 ~~A temporary real estate sales office for the sale and resale of units in the entire~~
30 ~~project, or phase of a project, shall be permitted in a residential pod, private civic~~
31 ~~pod, commercial pod, or recreation pod, subject to approval by the BCC. A~~
32 ~~temporary sales office in a Mobile home shall be subject to Art. 5.B.1.B,~~
33 ~~Temporary Structures. Sanitary facilities shall be available in the office. A~~
34 ~~temporary real estate sales office serving an entire project shall only be permitted~~
35 ~~within a planned development and/or phase approved for 300 or more units.~~
36 ~~Sales and resales shall be limited to only units within the planned development.~~
37 ~~A temporary real estate sales office shall be removed from the site prior to the~~
38 ~~issuance of the CO for the last remaining unit in the project or phase, as~~
39 ~~applicable. Temporary access to the sales office may be permitted, subject to~~
40 ~~approval by the BCC. [Partially relocated to Art. 4.B.11.C.5.h.2), Project as it~~
41 ~~related to Real Estate Sales and Management Office, PDD or TDD]~~

42 ~~c) RVPD~~

43 ~~A temporary real estate sales office for the sale of RV sites shall be permitted~~
44 ~~within an RVPD in accordance with the provisions above, and the following:~~
45 ~~[Ord. 2014-025]~~

46 ~~(1) Units shall mean RV sites; [Ord. 2014-025] [Relocated to Art.~~
47 ~~4.B.11.C.5.a, Definition as it related to Real Estate Sales and~~
48 ~~Management Office, PDD or TDD]~~

49 ~~(2) May be located within the Recreation Pod; [Ord. 2014-025] [Relocated to~~
50 ~~Art. 4.B.11.C.5.c, Location as it related to Real Estate Sales and~~
51 ~~Management Office, PDD or TDD]~~

52 ~~(3) The temporary RVPD real estate sales office shall be removed upon~~
53 ~~completion of the project, CO of a permanent RV site real estate sales office, or~~
54 ~~upon expiration of the maximum time to commence development for the last~~
55 ~~phase, in accordance with Table 2.E.3.B, Time Limitation of Development Order~~
56 ~~for Each Phase. The BCC may impose a Condition of Approval with a specific~~
57 ~~date for compliance. [Ord. 2014-025] [Partially relocated to Art.~~
58 ~~4.B.11.C.5.g.1, Removal as it related to Real Estate Sale and Management~~
59 ~~Office, PDD or TDD]~~

60 ~~2) Planned Development, Sales Model~~

61 ~~A residential unit used for the sale of only new units within a residential pod of a~~
62 ~~planned development. [Partially relocated to Art. 4.B.11.C.6.a, Definition as it~~
63 ~~related to Real Estate Sale Model, PDD or TDD]~~

64 ~~2. Sales Office~~

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EXHIBIT C

ARTICLE 1 DEFINITIONS, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 4 USE REGULATIONS, AND ARTICLE 5 SUPPLEMENTARY STANDARDS (TEMPORARY USES- REAL ESTATE SALES MODEL/OFFICES)

CR-2018-002 and CR-2018-046
(Updated 10/26/18)

a. Resale

~~Resale of existing units from a temporary real estate sales office for a project shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:~~

Table 3.E.1.G - Sales Office

No. Units in Project or Phase	Units Remaining w/out a CO
1000 or more	20
500-999	16
300-499	12

[Relocated to Art. 4.B.11.C.5.i, Resale as it related to Real Estate Sales and Management Office, PDD and TDD]

3. Sales Models

See Art. 4.B.11.C.6, Real Estate Sales Model.

a. General

~~A maximum of eight sales models per pod may be constructed prior to platting. [Relocated to Art. 4.B.11.6.d, Residential Pod as it related to Real Estate Sales Model, PDD and TDD] Subdivision approval of the sales model lots by the DRO shall be required prior to issuance of a building permit. Sales models shall comply with all applicable PDRs prior to issuance of a CO. [Partially relocated to Art. 4.B.11.C.6.b, Subdivision Process as it related to Real Estate Sales Model, PDD or TDD] A sales model may be used as a temporary real estate sales office. [Partially relocated to Art. 4.B.11.C.6.a, Definition as it related to Real Estate Sales Model, PDD or TDD]~~

1) Parking

~~A minimum of two parking spaces per model shall be provided. The parking area shall comply with Art. 6.A.1.D, Off-Street Parking. [Relocated to Art. 4.B.11.C.6.g, Parking as it related to Real Estate Sales Model, PDD or TDD]~~

2) Duration

~~The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod. [Relocated to Art. 4.B.11.C.6.c, Duration as it related to Real Estate Sales Model, PDD or TDD]~~

b. Residential Pod

~~A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models. [Relocated to Art. 4.B.11.C.6.d, Residential Pod as it related to Real Estate Sales Model, PDD or TDD]~~

c. Model Rows

~~Planned developments approved for a total of 300 or more units may construct a model row for the project. [Partially relocated to Art. 4.B.11.C.6.e, Model Rows as it related to Real Estate Sales Model, PDD or TDD]~~

1) Number

~~A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each. [Relocated to Art. 4.B.11.C.6.e.1, Number as it related to Real Estate Sales Model, PDD or TDD]~~

2) Location

~~A model row shall be located in a residential pod. The location of the model row shall be designated on the preliminary development plan at the time of BCC approval. Access to the model row shall be from a location approved by the BCC or allowed by this Code. [Partially relocated to Art. 4.B.11.C.6.e.2), Location as it related to Real Estate Sales Model, PDD or TDD]~~

3) Use

~~A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited. [Relocated to Art. 4.B.11.C.6.e, Model Rows as it related to Real Estate Sales Model, PDD or TDD]~~

Part 3. ULDC Art. 3.E.1.H, Overlays & Zoning Districts, Planned Development Districts, General, Accessory Structures (page 144 of 212, Supplement 24), is hereby amended as follows:

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CR-2018-002 and CR-2018-046
(Updated 10/26/18)

Reason for amendments: [Zoning/Building]
--

1. Amend to refer to new code location.

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2 Section 1 General

3

4 H. Accessory Structures

5 1. Standards

6 Building permits for gatehouses, entry features, and utilities may be issued prior to recording
7 a final plat, but not before approval of a Final Site or Subdivision Plan by the DRO. The
8 following accessory uses and structures in permanent or temporary structures shall comply
9 with the following standards:

10 a. Gatehouses

11 Gatehouses for security of the project may be permitted, subject to approval by the DRO.

12 b. Utilities

13 Public or private utilities, accessory buildings/structures, and related infrastructure shall
14 be permitted, subject to compliance with all applicable rules and regulations governing
15 such facilities.

16 c. Temporary Structures

17 Temporary structures, such as construction trailers, shall be permitted in accordance with
18 Art. 5.B.1.~~BC~~, Temporary Structures.

19 d. Permits

20 Building Permits for temporary and accessory structures may be issued in accordance
21 with Art. 3.E.1.G.1.a, Permits.

22
23
24 Part 4. ULDC Art. 3.E.7.G, Planned Development Districts (PDDs), Recreational Vehicle
25 Planned Development, Supplemental Standards, Accessory Structures (page 175 of
26 212, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning/Building]
--

1. Amend to refer to new code location.

27 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)....

28

29 Section 7 Recreational Vehicle Planned Development District (RVPD)

30

31 G. Supplemental Standards

32

33 3. Temporary Structures

34 Temporary structures, such as construction trailers, RV site real estate sales office and
35 security quarters, may be allowed, subject to Art. 5.B.1.~~BC~~, Temporary Structures. A mobile
36 home may be used as a caretakers quarters, security quarters, watchman's trailer, or
37 temporary structure. [Ord. 2014-025]

38 4. Storage

39 The site plan shall contain an area for outdoor storage of boats, trailers, RV's, etc. if required
40 by the DRO.

41 5. Real Estate RV Site Sales

42 A permanent real estate sales office for RV sites may be collocated with an accessory
43 management office in a Recreational Pod. [Ord. 2014-025]

44

45

46

47

Part 5. ULDC Art. 4.A.7.C (page 10 of 208, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Relocate and redefine Temporary Use in Art. 4.A.7.C, Use Matrix since explanation of Temporary Use is missing under the current Code. Also correct current code language related to the five

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CR-2018-002 and CR-2018-046
(Updated 10/26/18)

Reason for amendments: [Zoning]
processes since Prohibited Use is not a process.
2. Clarify all Temporary use requests are subject to the Zoning Agency Review process.

1 CHAPTER A USER GUIDE AND GENERAL PROVISIONS

2

3 Section 7 Determining Approval Process

4

5 C. Use Matrix

6 ~~There are five processes to obtain a zoning approval for a use, as follows: Permitted by Right,~~
7 ~~DRO, Class B Conditional Use, or Class A Conditional Use.~~ Each Use Matrix identifies all zoning
8 districts, uses, and approval process, except as indicated otherwise. The Use Matrix
9 consolidates use indicates the approvals process for each Use Type in standard Zoning Districts,
10 PDDs, TDDs, URAO, and IRO, ~~PDDs and TDDs~~. A number in the column under the
11 "Supplementary Use Standard" ~~column~~ of the Use Matrix refers to the Definition and
12 Supplementary Use Standards applicable to the each use. [Ord. 2018-002]

13 1. Permitted by Right

14 Uses identified with a "P" are allowed in the zoning district, subject to the Supplementary Use
15 Standards and the other applicable requirements of this Code. Uses in this category that do
16 not require a Building Permit or Zoning Division site plan approval are still required to comply
17 with all applicable requirements of the ULDC.

18 2. Development Review Officer (DRO)

19 Uses identified with a "D" or exceeding the thresholds of Table 4.A.9.A, Thresholds for
20 Projects Requiring DRO Approval, are allowed subject to approval by the DRO in accordance
21 with Art. 2.C, Administrative Processes.

22 3. Class B Conditional Use

23 Uses identified with a "B" are allowed in the zoning districts only if approved by the ZC in
24 accordance with Art. 2.B, Public Hearing Processes.

25 4. Class A Conditional Use

26 Uses identified with an "A" are allowed in the zoning districts with a recommendation by the
27 Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing
28 Processes.

29 5. Temporary Use

30 Uses identified in Use Matrix 4.B.11 with a "D" are allowed in the zoning districts with an
31 approval by the Development Review Officer subject to the Zoning Agency Review process.
32 Temporary uses are not permanent in nature; not intended to be permanently fixed at a
33 location; and are typically approved for a defined period of time [Ord. 2017-007] [Partially
34 relocated from Art. 1.I.2.T.19, Temporary]

35 56. Prohibited Uses

36 Uses identified with a dash "-", in a zoning districts column of the Use Matrix, are prohibited in
37 that zoning district, unless otherwise expressly stated under the Supplementary Use
38 Standards for the use, or within any applicable Zoning Overlays.

41 Part 6. ULDC Art. 4.A.8, Use Regulations, User Guide and General Provisions, Use Functions, 42 Flex Space (page 11 of 208, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning/Building]
1. Amend to refer to new code location.

43 CHAPTER A USER GUIDE AND GENERAL PROVISIONS

44

45 Section 8 Use Functions

46

47 D. Flex Space

48 This option allows for limited office or retail opportunities where otherwise prohibited in industrial
49 Zoning Districts, or inversely allows for a limited type of industrial Uses in the commercial zoning

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CR-2018-002 and CR-2018-046
(Updated 10/26/18)

1 districts that are consistent with the CH FLU designation. Flex space is only permitted when
2 approved in accordance with Art. 5.B.1. ~~CD~~, Flex Space.
3

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**ARTICLE 1 DEFINITIONS, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS,
ARTICLE 4 USE REGULATIONS, AND
ARTICLE 5 SUPPLEMENTARY STANDARDS
(TEMPORARY USES- REAL ESTATE SALES MODEL/OFFICES)**

CR-2018-002 and CR-2018-046
(Updated 10/26/18)

1 **Part 7. ULDC Art. 4.B.11, Use Regulations, Use Classification, Temporary Uses, Temporary Use Matrix (page 199 of 208, Supplement 24), is hereby amended as follows:**
Reason for amendments: [Zoning]
 1. Edit the Use Matrix to add two temporary uses (Real Estates Sales and Management Office, PDD or TDD and Real Estate Sales Model). These 2 uses are being relocated from Art.3, PDD.

2 **CHAPTER B USE CLASSIFICATION**

3

4 **Section 11 Temporary Uses**

5 **A. Temporary Use Matrix**

TABLE 4.B.11.A, TEMPORARY USE MATRIX

STANDARD DISTRICTS										PLANNED DEVELOPMENT DISTRICTS (PDDs)										TRADITIONAL DEV. DISTRICTS (TDDs)									
AG/CON		RESIDENTIAL				COMMERCIAL				IND		INST		PUD		MUPD		MXPD		PIPD		M R V P		TMD		TIER		TIER	
P	A	A	R	R	R	R	R	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
A	R	R	R	R	R	R	R	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
G	P	U	E	T	S	M	N	L	C	H	G	R	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
R	S	S						O	O				1	2	3	1	2	L	L	H	H	O							
A	A																												

EXHIBIT C

ARTICLE 1 DEFINITIONS, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 4 USE REGULATIONS, AND ARTICLE 5 SUPPLEMENTARY STANDARDS (TEMPORARY USES- REAL ESTATE SALES MODEL/OFFICES)

CR-2018-002 and CR-2018-046
(Updated 10/26/18)

- 1 Part 8. ULDC Art. 4.B.11.C.4, Use Regulations, Use Classification, Temporary Uses, Real
2 Estate Sales Model, Non-PDD (page 203-204 of 208, Supplement 24), is hereby
3 amended as follows:

Reason for amendments: [Zoning]
1. Rename title of Real Estate Model, Non-PDD to include Sales and Management Office. Also clarify that in a Standard Residential Zoning District, a real estate sales office can be located in a temporary structure. However, a sales model must be in a residential unit.
2. Clarify that the location of a temporary sales model or sales office must be located on a property that has a valid Development Order (DO) approval for a residential use.
3. Defer temporary signs to Art.8.D, Temporary Signs so as not to create inconsistency between this Article, Art.4.B.11, Temporary Use and Article 8, Signage

4 CHAPTER B USE CLASSIFICATION

5 Section 11 Temporary Uses

6 7 C. Definitions and Supplementary Use Standards for Specific Uses

8 9 4. Real Estate Sales Model, and Management Office, Non-PDD

10 a. Definition

11 A residential unit used for real estate marketing and sales as a builder's office, and for
12 other services directly associated with the sale of residential units.

13 b. Duration

14 The DO shall be valid for five years from the date of issuance and may be renewed for an
15 additional five years. [Ord. 2018-002]

16 c. Location

17 Shall be located on the property with access directly from a paved street.

18 1. Exception

19 Sales Model or Office may be located off site for properties that are in Jupiter Farms,
20 The Acreage or Palm Beach Country Estates.

21 d. Parking

22 The driveway and required handicap spaces shall be the only paved parking areas.

23 e. Signage

24 Shall comply with Art. 8.D, Temporary Signs.

25 The following signs shall be permitted:

26 ~~1) Temporary~~

27 ~~One ground mounted sign not exceeding eight feet in height and 32 square feet of~~
28 ~~sign face area.~~

29 ~~2) Directional~~

30 ~~A maximum of two directional signs not exceeding four feet in height and two square~~
31 ~~feet in sign face area.~~

32 ~~3) Flags~~

33 ~~A maximum of three roadside flags shall be permitted per lot between the hours of~~
34 ~~9:00 a.m. and 6:00 p.m.~~

35 f. Storage

36 Outdoor storage of construction material, supplies, or equipment shall not be permitted.

37 g. Number

38 A builder may construct and operate a maximum of two manned and two unmanned
39 models in a platted residential subdivision which is not in a PUD, or in one of the
40 following residential areas:

- 41 1) Jupiter Farms.
- 42 2) The Acreage.
- 43 3) Palm Beach Country Estates.

44 h. Operation

- 45 1) A builder's office may be allowed provided it is limited to the garage area.
- 46 2) Unmanned models shall not have employee office space.
- 47 3) Sales shall be limited to new units built by the company operating the sales model.

48 i. Completion Agreement

49 All sales models, including those in existence prior to January 1, 1998, shall execute a
50 completion agreement in a manner and form acceptable to the County Attorney. The

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CR-2018-002 and CR-2018-046
(Updated 10/26/18)

1 completion agreement shall include any modification(s) necessary to convert the model
2 to a residential use.

1) Existing Models

4 All sales models existing on January 1, 1998 shall file a completion agreement with
5 PBC by July 1, 1998. This agreement shall specifically identify all improvements,
6 which are not consistent with the provisions of this Section, such as but not limited to
7 additional parking or location on unpaved roads. At the time of executing the
8 completion agreement, all signage shall comply with the requirements of this Section.

9 j. Modifications

10 Non-residential interior modifications shall be prohibited. The following improvements
11 may be permitted only within the garage of the model:

- 12 1) Room divider partitions;
- 13 2) Electrical improvements; and
- 14 3) A temporary facade in lieu of a garage door.

15 k. Removal

16 The temporary office shall be removed from the site no later than 30 days after the final
17 CO has been issued for the last residential unit.

20 **Part 9. ULDC Art. 4.B.11.C.5, Use Regulations, Use Classification, Temporary Uses, Real**
21 **Estate Sales and Management Office, PDD (page 204 of 212, Supplement 23), is hereby**
22 **amended as follows:**

Reason for amendments: [Zoning]

- | |
|---|
| 1. Relocate Real Estate Sales and Management Office from Art. 3.E, Planned Development Section to Art.4.B.11.C, Temporary Use since Art. 3.E is for permanent use, and those requirements are not the same. Consolidate the requirements from Art. 3.E.1.G, Real Estate Sales and Management Office and Art. 5.B.1 under the new Section Art. 4.B.11.C.5, Real Estate Sales and Management Office, PDD and TDD. |
| 2. Allow the Temporary Project Sales Office be approved administratively and not through the Public Hearing process, since this is a temporary use and should be subject to the DRO approval. |
| 3. Defer temporary signs to Art.8.D, Temporary Signs so as not to create inconsistency between Art.4.B.11, Temporary Use and Article 8, Signage. |

23 5. Real Estate Sales and Management Office, PDD or TDD

24 a. Definition

25 *An office for the sale and resale of new and existing residential units. [Partially*
26 *relocated from Art. 3.E.1.G.1.c.1) Definitions as it related to Real Estate Sales*
27 *Office, Planned Development] For RVPD, units shall mean RV sites. [Relocated from*
28 *Art. 3.E.1.G.1.C.1)c)(1), RVPD as it related to Real Estates Sales Office, Planned*
29 *Development]*

30 b. Submittal Requirement

31 *The Applicant shall submit a Regulating Plan showing the location of the sales office and*
32 *required parking. Partially relocated from Art. 5.B.1.3.C.4 Location as it related to*
33 *Real Estate Sales and Management Office] A notarized removal agreement shall be*
34 *executed and submitted concurrently with the application. [Partially relocated from Art.*
35 *5.B.1.B.3.c.9)b), Removal Agreement as it related to Sales Office and Models]*

36 c. Location

37 *The Sales Office may be allowed in residential, commercial, private civic or recreation*
38 *pod. Sales of RV Sites may be located within the Recreation Pod of the RVPD. [Ord.*
39 *2014-025] [Relocated from Art. 3.E.1.G.1.c.1)c)(2), RVPD as it related to Sales Office*
40 *and Models]. A sales office shall comply with the setback requirements in Table*
41 *3.D.1.A, Property Development Regulations, and shall be located so as not to interfere*
42 *with on site construction operations and access. [Relocated from Art. 5.B.1.B.3.c.4),*
43 *Location as it related to Real Estate Sales And Management Office]*

44 d. Access

45 *Temporary access to the Sales and Management Office may be approved by the DRO,*
46 *and shall be limited to one year. Extension may be approved by the DRO. [Partially*
47 *relocated from Art. .3.E.1.G.1.c.1)a), Temporary, Pod as it related to Sales Office*
48 *and Models]*

49 e. Parking

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(TEMPORARY USES- REAL ESTATE SALES MODEL/OFFICES)**

CR-2018-002 and CR-2018-046
(Updated 10/26/18)

A minimum of two parking spaces, plus one for each employee on the shift of greatest employment, shall be provided. All parking areas, with the exception of handicap spaces and access, shall be provided on a hard surface of pavement, asphalt, shell rock, or mulch, provided the sub-grade is compacted. Handicap spaces and access shall be provided in accordance with F.S. §316.1955, F.S. §316.1956, and F.S. §553.48. [Relocated from Art. 5.B.1.B.3.c.5), Parking as it related to Real Estate Sales And Management Office]

f. Signs

Refer to Art. 8.D, Temporary Signs.

g. Removal

The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. [Ord. 2008-037] [Partially relocated from Art. 5.B.1.B.3.c.8), Removal as it related to Real Estate and Management Office]

1) RVPD

The temporary use shall be removed upon completion of the project, CO of a permanent RV site real estate sales office, or upon expiration of the maximum time to commence development for the last phase. The BCC may impose a Condition of Approval with a specific date for compliance. [Ord. 2014-025] [Partially relocated from Art. 3.E.1.G.1.c.1)c)(3), RVPD as it related to Sales Office and Models]

h. Sale

1) Pod

A temporary real estate sales office for the sale of new units shall be permitted only in a residential pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. [Relocated from Art. 3.E.1.G.1.c.1)a), Temporary, Pod as it related to Real Estate Sales Office, Planned Development]

2) Project

A temporary real estate sales office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a residential pod, private civic pod, commercial pod, or recreation pod, subject to approval by the DRO. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. [Partially relocated from Art., 3.E.1.G.1.c.1)b), Temporary, Project as it related to Real Estate Sales Office, Planned Development]

i. Resale

Resale of existing units from a temporary real estate sales office shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

Table 4.B.11.C - Sales Office

No. Units in Project or Phase	Units Remaining w/out a CO
1000 or more	20
500-999	16
300-499	12

[Relocated from Art. 3.E.1.G.2, Resale related to Sales Office]

<p>Reason for amendments: [Zoning]</p> <p>4. Under the prior Code (pre-2003), sales models were limited to only 8 units per model row, or 8 models per pod. Staff had imposed limitations in allowing multiple pods with model rows to address access, parking and paving issues. The prior Planned Unit Developments (PUDs) were much larger in size and in the proposed number of units, and usually more than one builders were involved in the development of a PUD within the same timeframe. Developers used to build 8 models per pod and when the models of the pod are sold as permanent units, they will build new models in another pod.</p> <p>5. Relocate Real Estate Sales Model from Art. 3.E.1.G.3, Sales Model to Art.4.B.11.C.6 since the Sales Model is a Temporary Use and is subject to a lesser process such as Zoning Agency Review. Clarify that a residential unit can be utilized as a Sales Model subject to all the Property Development Regulations of a permanent dwelling unit.</p> <p>6. Add requirement to address when a Sales Model needs to be ceased as a temporary use, and</p>
--

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EXHIBIT C

ARTICLE 1 DEFINITIONS, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 4 USE REGULATIONS, AND ARTICLE 5 SUPPLEMENTARY STANDARDS (TEMPORARY USES- REAL ESTATE SALES MODEL/OFFICES)

CR-2018-002 and CR-2018-046
(Updated 10/26/18)

Reason for amendments: [Zoning]
revert the use to a permanent dwelling unit.
7. Defer temporary signs to Art.8.D, Temporary Signs so as not to create inconsistency between Art.4.B.11, Temporary Use and Article 8, Signage

6. Real Estate Sales Model, PDD or TDD

a. Definition

A residential unit for the sale of only new units within a residential pod of a PDD or TDD. [Partially relocated from Art. 3.E.1.G.1.c.2), Planned Development Sales Model] A Sales Model may be used as a temporary Real Estates Sales and Management Office. [Partially relocated from Art. 3.E.1.G.3.a, General as it related to Sales Model].

b. Approval Process

Subdivision approval of the Sales Model lots by the Land Development Division shall be required prior to the issuance of a Building Permit. The Land Development Division may approved the lots prior to final platting. Sales Models shall comply with all applicable PDRs prior to the issuance of a CO. [Partially relocated from Art. 3.E.1.G.3.a, General as it related to Sales Model].

c. Duration

The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod. [Relocated from Art. 3.E.1.G.3.a.2), Duration as it related to General, Sales Model]

d. Residential Pod

A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models. [Relocated from Art. 3.E.1.G.3.b, Residential Pod as it related to General, Sales Model] A maximum of eight sales models per pod may be constructed prior to platting. [Relocated from Art. 3.E.1.G.3.a, General as it related to Sales Model].

e. Model Row

Developments that are approved for a total of 300 or more units may construct a model row.[Partially relocated from Art. 3.E.1.G.3.c, Model Rows as it related to Sales Model] A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited. [Relocated from Art. 3.E.1.G.3.c.3), Use as it related to Model Rows of Sales Model]

1) Number

A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each. [Relocated from Art. 3.E.1.G.3.c.1), Number as it related to Model Rows]

2) Location

A model row shall be located in a Residential Pod. Access to the model row shall be from a location approved by the DRO or allowed by this Code. [Partially relocated from Art. 3.E.1.G.3.c.2), Location as it related to Real Estate Sales Model, PDD or TDD]

f. Access

Temporary access to the Sales Model(s) may be permitted by the DRO, and shall be limited to one year. Extension may be approved by the DRO.

g. Parking

A minimum of two parking spaces per model shall be provided. The parking area shall comply with Art.6.A.1.D, Off-Street Parking. [Relocated from Art. 3.E.1.G.3.a.1) Parking as it related to Sales Model]

h. Signs

Refer to Art. 8.D, Temporary Signs.

i. Removal

The Sales Model shall cease no later than 30 days after the final CO has been issued for the last remaining residential unit in the pod.

....[Renumber accordingly]

Part 10. ULDC Art. 4.B.3.C, Use Regulations, Use Classification, Recreation Uses, Outdoor Entertainment (page 67 of 208, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]

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CR-2018-002 and CR-2018-046
(Updated 10/26/18)

Reason for amendments: [Zoning]

1. Amend Code reference due to modifications in numbering described in Parts 7-9.

1 CHAPTER B USE CLASSIFICATION

2 ...

3 Section 3 Recreation Uses

4 ...

5 C. Definitions and Supplementary Use Standards for Specific Uses

6

7 4. Entertainment, Outdoor

8 c. Approval Process – PIPD Regional Recreation Pod Exception

9 An Outdoor Entertainment use that serves to promote economic benefits, such as
10 enhanced tourism, job creation, and an amenity for business recruitment, and which
11 provides for national recognition as a unique recreational facility, may be allowed within
12 the Regional Recreation Pod of a PIPD subject to Class A Conditional Use approval, and
13 the following: [Ord. 2017-032]

14 1) Notification to Business Development Board

15 The applicant shall include documentation confirming that the Business Development
16 Board (BDB) has been notified of the application for Class A Conditional Use
17 approval, including tentative BCC Public Hearing dates, prior to certification for Public
18 Hearing. [Ord. 2017-032]

19 2) Residential Separation

20 Shall be located a minimum of 1,000 feet from a residential use or vacant parcel with
21 a residential FLU designation. [Ord. 2017-032]

22 3) Collocated Special Event

23 A Special Event may be collocated with an Outdoor Entertainment use subject to
24 DRO approval, in accordance with the provisions of Art. 4.B.11.C.68, Special Event.
25 [Ord. 2017-032]

26
27
28 Part 11. ULDC Art. 4.B.6.C, Use Regulations, Use Classification, Agricultural Uses, Produce
29 Stand (page 106 of 208, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Amend Code reference due to modifications in numbering described in Parts 7-9.

30 CHAPTER B USE CLASSIFICATION

31 ...

32 Section 6 Agricultural Uses

33 ...

34 C. Definitions and Supplementary Use Standards for Specific Uses

35 ...

36 16. Produce Stand

37 ...

38 b. Permanent

39 ...

40 3) Sale of Products

41 a) General

42 Includes sales of agricultural food products such as jelly, jam, honey and juice.
43 No ZAR process shall be permitted in conjunction with the stand except for
44 seasonal sales. Seasonal sales that require additional storage area may be
45 permitted in accordance with Art. 4.B.11.C.810, Temporary Retail Sales. No
46 vending machines or other similar equipment shall be permitted on site. [Ord.
47 2018-002]

48

49

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EXHIBIT C

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CR-2018-002 and CR-2018-046
(Updated 10/26/18)

1
2 Part 12. ULDC Art. 5.B.1.B.3, Temporary Structures and Uses During Development Activity
3 (page 41 of 110, Supplement 23), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Relocate Real Estate Sales And Management Office from Art. 5.B.1.B to Art. 4.B.11, Temporary Use since this use is allowed in both Planned Unit Developments and Standard zoning districts, and are subject to Zoning Review, and Building Permit review.

4 5 CHAPTER B ACCESSORY USES AND STRUCTURES

6 Section 1 Supplementary Regulations

7 8 ~~3. Temporary Structures and Uses During Development Activity~~

9 ~~Temporary structures and uses may be allowed as follows: [Ord. 2008-003]~~

10

11 ~~c. Real Estate Sales And Management Office~~

12 ~~1) Use~~

13 ~~A temporary structure for real estate sales and sales management offices may be~~
14 ~~allowed on the site of an active construction project which has been authorized by a~~
15 ~~building permit. Use of the structure shall be limited to on-site real estate sales and~~
16 ~~related activities only. A temporary structure used for real estate sales may not be~~
17 ~~used as a dwelling, as defined in Article 3.E.1.G, Sales Office and Models.~~

18 ~~2) PDD~~

19 ~~Real estate sales offices in PDDs shall be in accordance with Article 3.E.1.G, Sales~~
20 ~~Office and Models.~~

21 ~~3) Number~~

22 ~~A maximum of one sales office per construction project shall be allowed.~~

23 ~~4) Location~~

24 ~~The sales office, and required parking, shall be shown on the master plan, site plan,~~
25 ~~or subdivision plan approved by the DRO. [Partially relocated to Art. 4.B.11.C.5.b,~~
26 ~~Submittal Requirement as it related to Real Estate Sales and Management~~
27 ~~Office, PDD or TDD] ~~A sales office shall comply with the setback requirements in~~
28 ~~Table 3.D.1.A, Property Development Regulations, and shall be located so as not to~~
29 ~~interfere with on-site construction operations and access. [Relocated to Art.~~
30 ~~4.B.11.C.5.c, Location as it related to Real Estate Sales and Management Office,~~
31 ~~PDD or TDD]~~~~

32 ~~5) Parking~~

33 ~~A minimum of six parking spaces, plus one for each employee on the shift of greatest~~
34 ~~employment, shall be provided. All parking areas, with the exception of handicap~~
35 ~~spaces and access, shall be provided on a hard surface of pavement, asphalt, shell~~
36 ~~rock, or mulch, provided the sub-grade is compacted. Handicap spaces and access~~
37 ~~shall be provided in accordance with F.S. §316.1955, F.S. §316.1956, and F.S.~~
38 ~~§553.48. [Relocated to Art. 4.B.11.C.5.e, Parking as it related to Real Estate~~
39 ~~Sales and Management Office, PDD or TDD]~~

40 ~~6) Banners, Streamers, and Pennants~~

41 ~~A maximum of two of any one of the following: banners, streamers or pennants may~~
42 ~~be permitted for every 200 feet of frontage along a public R-O-W. They shall be~~
43 ~~setback a minimum of five feet from the property line, not to exceed eight feet in~~
44 ~~height and 20 square feet in size, and may be clustered or dispersed along the R-O-~~
45 ~~W. [Ord. 2008-037]~~

46 ~~7) Duration~~

47 ~~A sales office shall remain on-site only for the length of time necessary to construct a~~
48 ~~building or structure which has been issued a permit.~~

49 ~~8) Removal~~

50 ~~A sales office, and all accessory signs, banners, streamers and pennants shall be~~
51 ~~removed from the site no later than 30 days after the final CO has been issued for the~~
52 ~~last residential unit. The office shall be removed if construction ceases for more than~~
53 ~~180 days. An abandoned office shall be considered an unsafe structure and abated~~
54 ~~pursuant to the Building Code Enforcement Administrative Code of PBC. [Ord.~~

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EXHIBIT C

ARTICLE 1 DEFINITIONS, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 4 USE REGULATIONS, AND ARTICLE 5 SUPPLEMENTARY STANDARDS (TEMPORARY USES- REAL ESTATE SALES MODEL/OFFICES)

CR-2018-002 and CR-2018-046
(Updated 10/26/18)

1 ~~2008-0377~~ [Partially relocated to Art. 4.B.11.C.5.g, Removal as it related to Real
2 Estate Sales and Management Office, PDD or TDD]
3 ~~9) Mobile Home~~
4 ~~A mobile home used as a sales office shall be subject to the following additional~~
5 ~~requirements:~~
6 ~~a) Special Permit~~
7 ~~A special permit shall be required. The special permit shall be renewed annually,~~
8 ~~for a maximum of two years; and~~
9 ~~b) Removal Agreement~~
10 ~~A notarized removal agreement shall be executed and submitted with the~~
11 ~~application for a special permit.~~ [Partially relocated to Art. 4.B.11.C.5.b,
12 Submittal Requirement as it related to Real Estate Sales and Management
13 Office, PDD or TDD]

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EXHIBIT D
ARTICLE 2 ADMINISTRATIVE PROCESSES
ARTICLE 3 OVERLAYS & ZONING DISTRICTS
[RESUBMITTAL AND HOUSING TYPES]

CR 2018-024 and CR-2018-053
(Updated 10/25/18)

1 Part 1. ULDC Art. 2.C.4, Review, Submittal and Final Decision [Related to Administrative
2 Process] (page 43 of 105, Supplement 24), is hereby amended as follows:
3

Reason for amendments: [Zoning]
1. Amend to indicate Administrative Processes are allowed to provide new documentation at resubmittal date which is twice a month instead of just once a month that corresponds to submittal date.

4 **CHAPTER C ADMINISTRATIVE PROCESSES**

5 **Section 4 Review, Resubmittal and Final Decision**

6 A Review of an application shall be initiated by the DRO on the date it is deemed sufficient, subject to the
7 timeline specified in the Table below. The processing time may vary based upon the types of requests.
8 **[Ord. 2018-002]**
9

Table 2.C.4 - Review, Resubmittal and Final Decision

Processes	Full DRO	ZAR	Type 1 Variance
Application Submittal by Applicant	Refer to Annual Zoning Calendar.		
Sufficiency Review by Staff	10 days from the date of Application Submittal.		
Insufficiency to be addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.	The Applicant may resubmit on the Submittal date of the following week. Refer to Annual Zoning Calendar.	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency		
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next Submittal <u>resubmittal</u> date. Refer to the Annual Zoning Calendar.		
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar		
Certification or Approval [Ord. 2018-002]	Refer to Annual Zoning Calendar		

10
11
12 Part 2. ULDC Table 2.C.5.B - Administrative Modifications to Prior DOs, (page 45-47 of 105), is
13 hereby amended as follows:
14

Reason for amendments: [Zoning]
1. Art. 3.E.1.E allows a change in housing type, a transfer in density or a density decrease from one Residential pod to another within the same Planned development, however this allowance is being cross referenced in Art. 2 under the processes and procedures. This amendment is to establish criteria for staff to evaluate whether the Applicant's request could be supported.

15 **CHAPTER C ADMINISTRATIVE PROCESSES**

16

17 **Section 5 Types of Application**

18

19 **B. Administrative Modifications to Prior DOs**

20

21 **2. Standards**

22 When considering a DO request for Administrative Modifications, the DRO shall utilize the
23 same Standards a through c pursuant to the Administrative Approval of a new use, the DRO
24 shall also consider the limitations and criteria stated in the following Table: **[Ord. 2018-002]**
25
26

Table 2.C.5.B - Administrative Modifications to Prior DOs

Request	Allowable Modification	Criteria
Full DRO		
....		
ZAR		
....		
<u>Change in Housing Classification for PDD or TDD</u>	<u>Refer to Table 3.E.1.E – Housing Classification Type</u>	<ul style="list-style-type: none"> • <u>No height increase from the original BCC DO, and,</u> • <u>If there is a density transfer along with this request, comply with criteria listed below.</u>

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EXHIBIT D
ARTICLE 2 ADMINISTRATIVE PROCESSES
ARTICLE 3 OVERLAYS & ZONING DISTRICTS
[RESUBMITTAL AND HOUSING TYPES]

CR 2018-024 and CR-2018-053
(Updated 10/25/18)

Table 2.C.5.B - Administrative Modifications to Prior DOs

<i>Density Transfer</i> [Relocated from Art. 3.E.1.E.1.h, Density Transfer]	<i>A maximum of 30 percent</i> [Relocated from Art. 3.E.1.E.1.h, Density Transfer]	<ul style="list-style-type: none"> • <i>Units must be from one Residential pod to another Residential pod in the same PDD; and</i> [Relocated from Art. 3.E.1.E.1.h, Density Transfer] • <i>The maximum number of units transferred to a Residential pod or TDD Neighborhood shall not exceed 30 percent above the number of units approved by the BCC for that pod or TDD Neighborhood.</i> [Relocated from Art. 3.E.1.E.1.h, Density Transfer]
<i>Density Decrease</i> [Relocated from Art. 3.E.1.E.1.i, Density Decrease]	<i>Allow reduction in the number of units</i>	<ul style="list-style-type: none"> • <i>The reduction in the number of units shall not negatively impact the layout and design of the approved plan; and</i> • <i>Amendment to the approved Adequate Public Facilities to indicate a reduction in the number of units.</i>
Notes:		
(1) This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not Subject to Concurrency Review.		
(2) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]		
(3) Applicable to the Project Boundary instead of the individual property lines.		
(4) Except for Freestanding ATMs or Unmanned Retail Structures, and accessory structures.		
[Ord. 2018-002]		

Part 3. ULDC Art. 3.E.1.E.1, Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan, (page 140-141 of 212), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that an Applicant may request to change housing classification from one residential pod to another residential pod subject to limitations. The allowable change criteria through the Administrative Review process is consolidated in Art. 2 under Table 2.C.5.B - Administrative Modifications to Prior DOs.
2. Clarified housing classifications for detached housing as SF, Cottage and ZLL and attached as Townhouse and Multifamily.
3. Relocate and consolidate density transfer and density decrease provisions reference next to the provisions that pertain to change of housing type between pods. The actual standards have been relocated as criteria in Table 2.C.5.B - Administrative Modifications to Prior Development Orders that are allowed through the Zoning Agency Review process.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

E. Modifications

Modifications to a planned development with a valid development order shall comply with Art. 2.A.6.B, Plan Requirements and Art. 2.C.5.B, Administrative Modifications Prior DOs. [Ord. 2009-040]

1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan

The DRO shall have the authority to approve modifications to a master plan, subdivision plan, site plan or regulating plan approved by the BCC or ZC, subject to the following limitations. In case of a conflict with Art. 2.A.6.B, Plan Requirements and, Art. 2.C.5.B, Administrative Modifications to Prior DOs the following standards shall apply. Modifications which do not comply with these procedures and requirements ~~or of~~ this Section shall require approval by the BCC. [Ord. 2009-040]

a. Consistency

Modifications shall be consistent with the representations regarding the original approval, the conditions of approval, and the development order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a corresponding decrease in density, or reduce the amount of land allocated to the preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

b. Pods

The re-designation of a pod from one pod type to another shall require approval by the BCC. The reconfiguration of pods may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

c. Housing Classification ~~and Type~~

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EXHIBIT D
ARTICLE 2 ADMINISTRATIVE PROCESSES
ARTICLE 3 OVERLAYS & ZONING DISTRICTS
[RESUBMITTAL AND HOUSING TYPES]

CR 2018-024 and CR-2018-053
 (Updated 10/25/18)

The ~~H~~housing type classification(s) approved by the BCC for each Residential pod may only be changed through the ZAR process pursuant to Table 2.C.5.B, Administrative Modifications to Prior DOs or Full DRO, whichever is applicable, and subject to the limitations listed below as follows: [Ord. 2018-002]

Table 3.E.1.E - Housing ClassificationType (1-2) (3)

From	To
<u>AttachedMF</u>	<u>Attached (1) Townhouse, Zero Lot Line, or Single Family</u>
<u>AttachedTownhouse</u>	<u>Detached MF with Maximum height of 35 feet, Zero Lot Line or Single Family</u>
<u>DetachedZLL</u>	<u>DetachedSingle Family</u>
Notes:	
1. Provided there is no height increase from the originally approve housing type.	
2. <u>Housing Classification Attached are Multifamily or Townhouse Housing Types</u>	
3. <u>Housing Classification Detached are Cottage Home, Zero Lot Line, or Single Family Housing Types</u>	
[Ord. 2018-002]	

d. Density Transfer

The Applicant may request a density transfer or a density decrease pursuant to the Criteria listed in Table 2.C.5.B, Administrative Modifications to Prior DOs. A density transfer may be processed in conjunction with a change in housing classification.

de. Recreation

The amount of recreation and useable open space shown on a plan approved by the BCC shall not be reduced. Alternative locations may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

ef. Traffic

There shall be no substantial increase in traffic impact above that approved by the BCC, as determined by the County Engineer.

fg. Access

Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod and the addition of emergency access ways as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. Access to roads external to a residential pod, but internal to the project, may be added in accordance with Art. 11, Subdivision, Platting, and Required Improvements. **[Ord. 2015-006]**

gh. Non-Vehicular Circulation

Pathways, sidewalks and bike lanes may be relocated, however, the resulting design shall maintain a continuous non-vehicular circulation system within the project.

~~**h. Density Transfer**~~

~~The DRO may transfer a maximum of 30 percent of the un-built units from one pod to another pod in the same PDD. The maximum number of units transferred to a pod shall not exceed 30 percent above the number of units approved by the BCC for that pod. **[Partially Relocated to Table 2.C.5.B - Administrative Modifications to Prior DOs]**~~

~~**i. Density Decrease**~~

~~The DRO may decrease the number of un-built units in a PDD, provided the resulting gross density of the project is consistent with the Plan.~~

....

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EXHIBIT E

ARTICLE 2 APPLICATION PROCESS AND PROCEEDURES ARTICLE 5 SUPPLEMENTARY STANDARDS ACCESSORY USES AND STRUCTURES- TEMPORARY STRUCTURES

CR-2018-002 and CR-2018-014
(Updated 10/26/18)

1 Part 1. ULDC Art. 5.B.1.B, Emergency or Temporary Government or Utility Structures (page 40
2 of 110), is hereby amended as follows:
3

Reason for amendments: [Zoning/Building]
1. Split Emergency/Temporary Government/Utilities Structures and Construction Staging Areas from Temporary Structures since the nature of these temporary structures or activities is different. Clarify the new Section Art.5.B.1.C, Temporary Structures are usually for those non-emergency related uses.
2. Add authority to be transferred from Executive Director to his or her designee, e.g. Building Official or Zoning Director.

4 5 CHAPTER B ACCESSORY USES AND STRUCTURES

6 Section 1 Supplementary Regulations

7

8 B. Government or Utility Emergency or Temporary ~~Government or Utility~~ Structures

9 This Section is intended to facilitate the placement or construction of structures or facilities that are
10 temporary. These structures or facilities are utilized to ensure the health, safety and welfare of the
11 public from natural or pending disasters; or construction staging activities for infrastructure
12 improvements. Typical uses may include: fire stations, hurricane shelters, utility facilities; or
13 construction staging areas. [Ord. 2011-001] [Ord. 2018-002]

14 1. Review and Approval Process

15 Emergency or temporary structures shall be subject to the approval by the DRO through a ZAR
16 process. The ZAR process may be waived by the Executive Director of PZB or designee as
17 stated below: [Ord. 2018-002]

18 a. Emergency Structures

19 The Executive Director of PZB may waive the ZAR process, and authorize the issuance of
20 a building permit for ~~a the~~ temporary structure upon determination that a public emergency,
21 pending natural disaster, or actual natural disaster, exists. [Ord. 2011-001] [Ord. 2018-
22 002]

23 b. Temporary Structures

24 The Zoning Director may require a PAC with the DRO in order to seek input from the
25 various County Agencies on the temporary structure or staging area, or may seek direction
26 from the BCC through an AI pursuant to Art. 2.C.5.J, Administrative Inquiry. The Zoning
27 Director shall consider documentation from the Applicant and any other input from County
28 Agencies before issuance of a DO. [Ord. 2011-001] [Ord. 2011-016] [Ord. 2017-007]
29 [Ord. 2018-002]

30 1) Duration

31 The DO shall be valid for up to a period of six months from date of issuance, with one
32 three month extension by the Zoning Director. The BCC may extend the timeframe
33 through an AI by the Zoning Director. [Ord. 2011-001] [Ord. 2018-002]

34 2) Construction Staging Areas for Right of Ways (R-O-W)

35 In addition to the requirements listed above, the following shall apply to those
36 construction staging areas located on or adjacent to residentially zoned parcels. [Ord.
37 2008-003] [Ord. 2018-002]

38 a) Hours of Operation

39 Activity on the site shall not commence prior to 7:00 a.m. and must be completed
40 prior to 10:00 p.m. A Type 1 Variance may be applied for to request modification
41 from this provision. [Ord. 2008-003] [Ord. 2018-002]

42 b) Setbacks or Separations

43 Stored materials shall not be located within the required minimum district setback.
44 [Ord. 2008-003] [Ord. 2018-002]

45 c) Screening

46 Temporary screening material, a minimum of five feet in height and 85 percent
47 opacity shall be provided around the perimeter of the staging area, adjacent to
48 residential uses, to mitigate visual impact. [Ord. 2008-003] [Ord. 2018-002]

49 d) Dust Control

50 Appropriate measures shall be taken, pursuant to Health Department
51 requirements, to control dust or other airborne particulate matter. [Ord. 2008-003]
52 [Ord. 2018-002]

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CR-2018-002 and CR-2018-014
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e) Exceptions

Projects with a duration of 30 days or less shall be exempt from the requirements of this section. [Ord. 2008-003] [Ord. 2018-002]

Part 2. ULDC Art. 5.B.1.B.2, 3, 4, and 5 Tents, Temporary Structures and Uses During Development Activity, Portable Storage Container, and Shipping Containers (page 40 - 44 of 110), is hereby amended as follows:

Reason for amendments: [Zoning/Building]

1. Delete requirements under tents since they are considered as temporary structures, and can be associated either with a Temporary Use pursuant to Art. 4.B.11, or used to facilitate the development of a permanent structure(s). If associated with anyone of those Temporary Uses as identified in Art. 4.B.11, regulations such as setback, location, duration, parking, signs and other limitations shall apply, and subject to the Zoning Agency Review (ZAR) process. However, structures that do not require Zoning review, may be subject to the Building Division's approval.

2. Tents

A tent may be used as a temporary structure subject to approval as a special permit and the standards of this Section. Tents used for retail purposes are also subject to Article 4.B.1.A.115, Retail Sales, Mobile or Temporary.

a. Frequency

Three times per lot per year.

b. Maximum Duration

The tent may be used for a maximum period of 90 days, provided that an additional 30-day administrative extension may be approved subject to a finding by the Zoning Division that the tent and use continue to meet all the applicable requirements of this Code and the Building Code.

c. Setbacks

All principal use setback requirements of the underlying district shall be met.

d. Location

The tent shall be located on the lot so as not to adversely interfere with on-site circulation and shall not be located in any required parking space.

e. Access

Access shall be from an arterial street.

f. Lighting

Lighting shall be extinguished no later than 12:00 midnight.

g. Parking

Parking shall be provided in accordance with Article 6, PARKING.

Reason for amendments: [Zoning/Building]

1. Clarify temporary structures under the new Section 5.B.1.C is created to address those temporary structures which are only subject to Building Permit review, and are generally being utilized to facilitate construction activities. Delete definitions since these structures remain on a site for a limited period time, and Building Division Staff will determine which types of permits are required based on whether the structure is used for daytime activities or for overnight (residential) type of use.

2. Some of the requirements such as frequency, setbacks, location, etc. are proposed to be consolidated in the new Section 5.B.1.C.

3. Temporary Structures and Uses During Development Activity

Temporary structures and uses may be allowed as follows: [Ord. 2008-003]

a. Construction Trailer

1) Use

A construction trailer shall be limited to an office used by the businesses of professions actively involved in the construction of a building or structure authorized by a valid building permit issued for the site on which the trailers are located. Use of the trailer shall be limited to on-site activities only. A construction trailer shall not be used as a dwelling.

2) Number

A maximum of one trailer per construction business or profession shall be allowed.

3) Duration

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CR-2018-002 and CR-2018-014

(Updated 10/26/18)

~~The construction trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit. [Partially relocated to Art. 5.B.1.C.3.b, Duration]~~

~~4) Location~~

~~The construction trailer and related parking shall be located on site so as not to interfere with access to developed areas or areas under construction. [Partially relocated to Art. 5.B.1.C.3.c, Location]~~

~~5) Removal~~

~~A construction trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC. [Partially relocated to Art. 5.B.1.C.3.g, Removal]~~

~~b. Watchman Trailer~~

~~1) Use~~

~~A watchman trailer may be allowed on the site of an active construction project which has been authorized by a building permit. Use of the trailer shall be limited to on-site security purposes only. A watchman trailer may be used as a dwelling.~~

~~2) Number~~

~~A maximum of one watchman trailer per construction project shall be allowed.~~

~~3) Location~~

~~A watchman trailer, and required parking, shall be located in areas under construction only. [Partially relocated to Art. 5.B.1.C.3.c, Location]~~

~~4) Parking~~

~~A minimum of two parking spaces shall be provided.~~

~~5) Duration~~

~~A watchman trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit.~~

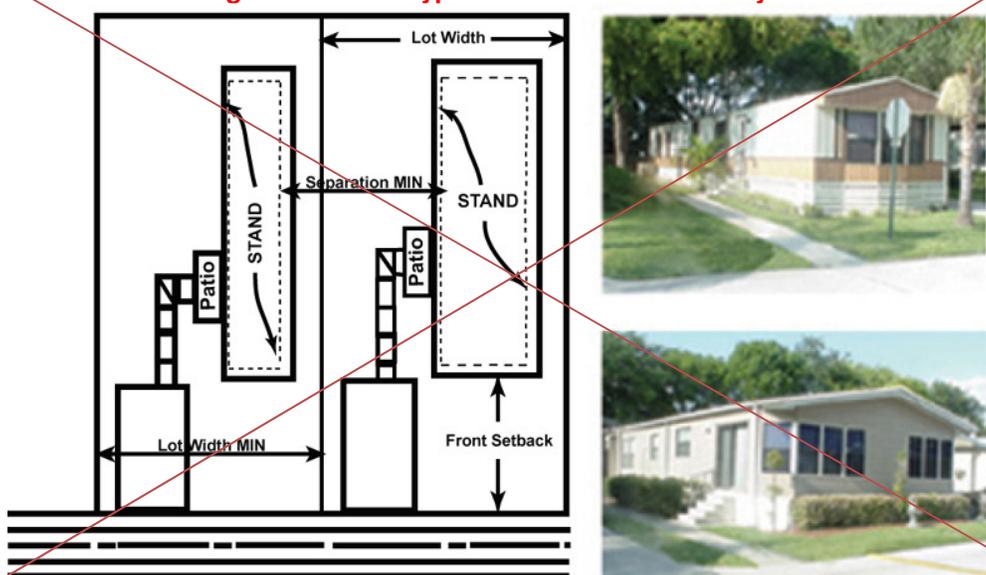
~~6) Removal~~

~~A watchman trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.~~

~~7) Mobile Home~~

~~A Mobile home used as a watchman quarters shall be subject to the following additional requirements:~~

Figure 5.B.1.B – Typical Mobile Home Lot Layout



~~a) Special Permit~~

~~A special permit shall be required. The special permit shall be renewed annually, for a maximum of two years; and~~

~~b) Removal Agreement~~

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A notarized removal agreement shall be executed and submitted with the application for a special permit.

Table with 1 column: Reason for amendments: [Zoning/Building]. Rows include: 1. Consolidate Mobile Home While Constructing a Single Family Dwelling unit... 2. Relocate language for Portable Storage Container... 3. Delete Shipping Container, definition and the clarification...

d. Mobile Home While Constructing Single Family Dwelling

1) Definition

A Mobile home used as a temporary residence during the construction of a Single Family structure. [Ord. 2017-007]

2) Zoning District - AR (RSA)

A temporary Mobile home may be allowed only in the AR Zoning District of the Rural Service Area (RSA). [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.1.a, Residential as it related to Types of Temporary Structures]

3) Agency Approval

Sanitary sewage facilities and potable water well shall be approved by all governmental agencies having appropriate jurisdiction, permits, and inspections for the installation which must be obtained from the PZB Department and Health Department; [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.2.c, Agency Approval as it related to Approval Process]

4) Building Permit

a) A valid building permit for a Single Family dwelling unit on the land shall have been issued by the Building Division prior or concurrent to issuance of the tie down permit for the Mobile home; [Ord. 2017-007]

b) The approval for the Mobile home shall be valid for two years or up to 30 days after the issuance of the Certificate of Occupancy for the Single Family dwelling, whichever occurs first. A removal agreement shall be notarized and executed between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. No time extensions shall be granted. No more than one MH approval shall be granted per Property Control Number. [Ord. 2007-001] [Ord. 2017-007]

5) Additions

No additions shall be allowed to the Mobile home, except awnings and demountable screen panels, stairs, decks and trellises. [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.1.a, Residential as it related to Types of Temporary Structures]

6) Proof of Ownership

A current recorded warranty deed for the subject property shall be submitted.

e. Modular and Manufactured Structures

1) Use

A modular or manufactured structure may be temporarily utilized for non-residential uses with an approved DRO site plan during the construction of the permanent facility. [Ord. 2008-003]

2) Approval Process

The approved site plan shall be administratively amended to indicate the location and square footage of the structure. The tie down permit shall be applied for in conjunction with the building permit for the permanent structure. The structure shall comply with all applicable sections of the ULDC and existing conditions of approval. [Ord. 2008-003]

3) Time Limitations

The temporary structure shall be removed prior to issuance of the CO for the permanent facility if it is located in required parking spaces or impacts the circulation or function of the site as originally approved. If the temporary structure is not located in required parking spaces and does not impact the circulation or function of the site the temporary structure shall be removed within fourteen working days of the issuance of the CO. [Ord. 2008-003]

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CR-2018-002 and CR-2018-014
(Updated 10/26/18)

4. Portable Storage Container

Portable storage containers are weather resistant receptacles used for the temporary storage of goods for residential uses which may be Permitted by Right as follows: [Ord. 2017-025]

[Relocated to Art. 5.B.1.C.4, Portable Storage Containers]

a) A maximum of one container 16 feet in length, 8 feet in width and 8 feet in height may be allowed, for no more than 2 times a year for a maximum of 15 days each time. [Ord. 2017-025] [Relocated to Art. 5.B.1.C.4, Portable Storage Containers]

b) Shall be located on driveways not to overlap easements, sidewalks or R-O-W. [Ord. 2017-025] [Relocated to Art. 5.B.1.C.4, Portable Storage Containers]

c) Shall be setback a minimum of 7.5 feet from the side property lines, except where no other driveway areas are available, the setback may be reduced subject to the dimensions in Art. 6.C.1.A.1.a, Local or Residential Access Streets. [Ord. 2017-025] [Relocated to Art. 5.B.1.C.4, Portable Storage Containers]

d) Container location shall not result of required parking to be placed on areas not designed to park vehicles. [Ord. 2017-025]

5. Shipping Containers

a) Shipping containers used as temporary storage on a construction site shall be permitted by right subject to the Building Division requirements. [Ord. 2017-025]

b) A repurposed Shipping Container that complies with the Florida Building Code shall not be considered a Shipping Container. [Ord. 2017-025]

Part 3. ULDC Art. 5.B.1.C Temporary Structures (page 44 of 110), is hereby amended as follows:

Table with 4 rows detailing reasons for amendments: 1. Clarify temporary structures are subject to Building Division review... 2. Clarify trailer, shipping container, tents... 3. Clarify approval process of the Building Division... 4. Identify requirements of each type of temporary structure...

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

....

C. Temporary Structures

The purpose of this Section is to supplement regulations for temporary structures pursuant to the latest edition of the Florida Building Code, Section 108, Temporary Structures and Use, and Section 3103, Temporary Structures. If there is a conflict between this Section and the provisions of the Florida Building Code, as amended, the latter shall apply. Temporary structures may be temporarily located on a property to facilitate the construction or development of an approved project, or for a temporary use.

1. Types of Temporary Structures

Temporary structures may include, but are not limited to the following: trailer, shipping container or construction fence. Temporary structures may be utilized for Residential and Non-Residential related activities, except for tents. Tents may be utilized for non-residential activities only. All temporary structures shall be subject to the following, except stated otherwise:

a. Residential

Temporary structures may be utilized for on-site security, or as a temporary dwelling while a single family residence is under construction, and may be allowed only in the AR Zoning District of the Rural Service Area (AR/RSA). [Partially relocated from Art. 5.B.1.B.3.d.1), Definition as it related to Mobile Home While Constructing Single Family Dwelling] No additions shall be allowed to except for awnings and demountable screen panels, stairs, decks and trellises. [Ord. 2017-007] [Partially relocated from Art. 5.B.1.B.3.d.5),

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CR-2018-002 and CR-2018-014

(Updated 10/26/18)

1 Additions related to Mobile Home While Constructing Single Family Dwelling]
2 Construction fence shall be exempt from the above limitations.

3 **b. Non-Residential**

4 Temporary structures may be utilized as an office for professions who are actively involved
5 on the construction site; or for the storage of goods or equipment, or to accommodate
6 employees and business operation during the construction or renovation of a permanent
7 structure.

8 **2. Approval Process**

9 All temporary structures or construction fence that are listed in this Section maybe subject to
10 Building Permit approval process or applicable State Law. The Building Division shall
11 determine which permits would apply at the application submittal. The application may be
12 submitted concurrently with other permit applications for permanent or temporary structures.
13 The applications may be forwarded to the Zoning Division or other County Agencies for review.

14 **a. Concurrent Applications**

15 A permit for the temporary structure shall be submitted concurrent with the permit
16 application for the permanent structure.

17 **b. Plans or Survey**

18 The Applicant may utilize a plan or the most current Survey of the property to indicate the
19 location of the proposed temporary structures to demonstrate compliance of the
20 requirements in this Chapter or any other applicable codes or Conditions of Approval.

21 **c. Agency Approval**

22 Sanitary sewage facilities and potable water well may be required for certain temporary
23 structures by the governmental agencies having appropriate jurisdiction, permits, and
24 inspections for the installation, if applicable, the approval must be obtained from the PZB
25 Department and Health Department. [Ord. 2017-007] [Partially relocated from Art.
26 5.B.1.B.3.d, Agency Approval as it related to Mobile Home While Constructing Single
27 Family Dwelling]

28 **3. Additional Requirements for Temporary Structures**

29 Temporary structures shall be subject to the following additional requirements, where
30 applicable:

31 **a. Placement or Erection of Temporary Structure**

32 Temporary structure may only be placed or erected on the site after or concurrent with the
33 issuance of a demolition permit or a building permit for land development activities, subject
34 to the approval of the Building Division.

35 **b. Duration**

36 The temporary structure shall remain on the property only for the length of time necessary
37 to construct a permanent structure. [Partially relocated from Art. 5.B.1.B.3.a.3) Duration
38 as it related to Construction Trailer]

39 **c. Location**

40 The structure and related parking shall be located on the site so as not to interfere with
41 access to developed areas or areas under construction. [Partially relocated from Art.
42 5.B.1.B.3.a.4), Location – Construction Trailer] A Watchman Trailer and required
43 parking shall be allowed to be located in areas under construction. [Partially relocated
44 from Art. 5.B.1.B.3.b.3), Location – Watchman Trailer]

45 **d. Setbacks**

46 Setbacks shall be in accordance with Table 3.D.1.A, Property Development Regulations,
47 and the applicable zoning district in which the property is located.

48 **e. Construction Fence**

49 All construction sites shall be enclosed and secured by a continuous fence at least six feet
50 in height and shall be installed in accordance with the Florida Building Code. All fences
51 installed pursuant to this Section shall be subject to the visibility at intersections
52 requirements of Article 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at
53 Intersection of this Code.

54 **f. Parking**

55 Parking to serve the temporary structure shall be within the construction site.

56 **g. Removal**

57 The temporary structure shall be removed from the site after issuance of the Final
58 Certificate of Occupancy (CO) or a Certificate of Completion (CC) of the permanent
59 structure, unless a time extension is granted by the Building Official. Construction fences
60 may be required to remain or be installed for safety purposes after the construction ceases.
61 [Partially relocated from Art. 5.B.1.B.3.a.5) Removal – Construction Trailer]

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CR-2018-002 and CR-2018-014
(Updated 10/26/18)

Part 4. ULDC Art. 5.B.1.C.4, Portable Storage Container (page 44 of 110), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. Clarify that the portable storage containers (PODs) are not subject to Building Permit review, the regulations are established to ensure the container is located within the driveway of the property, and adhere to the required setbacks to address impact issues.

4. Portable Storage Container

Portable storage containers may be used for the temporary storage of goods for residential uses subject to the following requirements, and shall be exempt from the Zoning Division and Building Permit review: [Ord. 2017-025] [Relocated from Art. 5.B.1.B.4, Portable Storage Containers]

- a) A maximum of one container 16 feet in length, 8 feet in width and 8 feet in height may be allowed, for no more than 2 times a year for a maximum of 15 days each time; [Ord. 2017-025] [Relocated from Art. 5.B.1.B.4, Portable Storage Containers]
b) Shall be located on driveways not to overlap easements, sidewalks or R-O-W; [Ord. 2017-025] [Relocated from Art. 5.B.1.B.4, Portable Storage Containers]
c) Shall be setback a minimum of 7.5 feet from the side property lines, except where no other driveway areas are available, the setback may be reduced subject to the dimensions in Art. 6.C.1.A.1.a, Local or Residential Access Streets; and, [Ord. 2017-025] [Relocated from Art. 5.B.1.B.4, Portable Storage Containers]
d) Code Enforcement Division shall utilize the above requirements for any citation of violations.

Part 5. ULDC Art. 5.B.1.C, Flex Space (page 44-45 of 110), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. Reorder Flex Space from Art. 5.B.1.C to Art.5.B.1.D.

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

C. D. Flex Space

3. Uses Allowed

The uses indicated in the table below, may utilize flex space provisions pursuant to the applicable approval process indicated in Review Process above. [Ord. 2017-007]

Table 5.B.1.CD - Uses Allowed as Flex Space Component

Table with 2 columns: Commercial Use, Industrial Uses. Commercial Use includes Retail Sales (1). Industrial Uses include Contractor Storage Yard (2), Manufacturing and Processing (2), Warehouse (2), Wholesaling (2). Includes notes for Ord. 2017-007 regarding flex space use in IND or EDC FLU and CH FLU designations.

Part 6. ULDC Art. 2.G.4.A, Building Official (page 93 of 99), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning]
1. Clarify interpretation of Art. 5.B.1.C, Temporary Structure is subject to the Building Official.

CHAPTER G DECISION MAKING BODIES

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CR-2018-002 and CR-2018-014
(Updated 10/26/18)

1 Section 4 STAFF OFFICIALS

2 A. Building Official

3 1. Creation and Appointment

4 The Building Director of PZB shall be the division head of the Building Division of PZB, and
5 shall be appointed and serve at the pleasure of the Executive Director of PZB, subject to the
6 provisions of Chapter 1 (Administration) of The Florida Building Code with PBC Amendments.

7 2. Jurisdiction, Authority and Duties

8 In addition to the jurisdiction, authority and duties which may be conferred upon the Building
9 Official of PZB by other provisions of PBC Code, the Building Official of PZB shall have the
10 following jurisdictions, authority and duties under this Code: **[Ord. 2011-016]**

11 a. to interpret Art. 18, Flood Damage Prevention when the Building Official is also the Flood
12 Damage Prevention Administrator; **[Ord. 2011-016]**

13 b. to interpret Art. 5.B.1.C, Temporary Structures;

14 ~~b.c.~~ to review and approve, approve with conditions, or deny applications for development
15 permits for building permits; and,

16 ~~e.d.~~ to review and approve, approve with conditions, or deny applications for development
17 permits for certificates of occupancy or completion.

18

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EXHIBIT F

ARTICLE 2 PROCESSES AND PROCURES, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 5 SUPPLEMENTARY STANDARDS (MECHANICAL EQUIPMENT AND LEGAL DOCUMENTS/EASEMENTS)

CR – 2018-044 and CR-2016-013
(Updated 10/26/2018)

1 Part 1. ULDC Art. 2.C.5.E. Application Process and Procedures, Administrative Process, Types
2 of Application, Type I Waiver, Table 2.C5.E Summary of Type 1 Waivers (page 51 of 105,
3 Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Remove reference for Mechanical Equipment to obtain a Type I Waiver. Requirement of Article 5 will be for an Applicant to provide a Line of Site Analysis.

4 CHAPTER C ADMINISTRATIVE PROCESSES

5

6 Section 5. Types of Application

7

8 E. Type 1 Waiver

9 1. Purpose

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

17 2. Applicability

18 Requests for Type 1 Waivers shall only be permitted where expressly stated within the ULDC:
19 [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

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 (PDR)
Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines	Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines
Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers
Urban Redevelopment 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
Required Parking in Type I 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
Mechanical Equipment	Art. 5.B.1.A.20.a.2), — Screening Requirements for Roof Mounted Mechanical Equipment
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture
Parking for Community Vegetable Garden	Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, Note 10.
Loading Spaces	Art. 6.B.1.D.2, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6.B.1.H.7, Type 1 Waiver – Reduction of Loading Space Width or Length
Landscaping	Table 7.B.4.A, Type 1 Waiver 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]	
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.	

22
23
24 Part 2. ULDC Art. 3.B.4.F.2 Overlays and Zoning Districts, Overlays, Glades Area Overlay,
25 Planned Industrial Park Development Type I Waiver for Industrial Development (page 27-
26 29 of 212, Supplement 24), is hereby amended as follows:
27

Reason for amendments: [Zoning]
1. Remove reference for Mechanical Equipment to obtain a Type I Waiver. Requirement of Article 5 will be for an Applicant to provide a Line of Site Analysis.

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Notes:

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EXHIBIT F

ARTICLE 2 PROCESSES AND PROCURES, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 5 SUPPLEMENTARY STANDARDS (MECHANICAL EQUIPMENT AND LEGAL DOCUMENTS/EASEMENTS)

CR – 2018-044 and CR-2016-013
(Updated 10/26/2018)

1 **CHAPTER B OVERLAYS**

2

3 **Section 4 GAO, Glades Area Overlay**

4

5 **F. Planned Industrial Park Development (PIPD)**

6

7 **2. Type 1 Waivers for Industrial Pods**

8 An applicant may apply for waivers for development standards within an Industrial Pod in
9 accordance with Art. 2.C.5.E, Type 1 Waiver. Applications for Type 1 Waivers shall be
10 expressly limited to the requirements listed below: **[Ord. 2014-025]**

11

Table 3.B.4.F - Type 1 Waivers for Industrial Pods (continued)

Article/Table Reference and Title	Maximum Waiver	Criteria
Art. 5.B.1.A.2.e, Dangerous Materials	Barbed wire on the top of fences or walls may be allowed.	<ul style="list-style-type: none"> ▪ When the applicant demonstrates that an increased level of security is necessary. ▪ The applicant shall provide written justification and support documentation to support the need for barbed wire.
Art. 5.B.1.A.3.b Outdoor Storage - Location	Outdoor storage may be allowed within required building setbacks.	<ul style="list-style-type: none"> ▪ When all parcels adjacent to the outdoor storage are within an Industrial pod of the PIPD.
Art. 5.B.1.A.19 Permanent Generators	Permanent generators may be allowed within required side or rear building setbacks.	<ul style="list-style-type: none"> ▪ When all parcels adjacent to the generator location are within an Industrial pod of the PIPD.
Art. 5.B.1.A.20.a.2)a) Screening Requirements	Screening for ground mounted mechanical equipment is not required.	<ul style="list-style-type: none"> ▪ If the equipment cannot be viewed from a ROW or any Commercial, Civic, Recreation or Residential parcels.
Art. 5.B.1.A.20.a.2)b), Type 1 Waiver - Roof Mounted Mechanical Equipment	Screening for roof mounted mechanical equipment is not required.	▪ If all adjacent parcels having a view of the equipment are within the Industrial pods of the PIPD.
Table 5.E.4.D, Illumination Levels	Increased illumination levels in outdoor work areas of up to 25 percent may be allowed when all adjacent parcels are within an Industrial pod, as follows:	<ul style="list-style-type: none"> ▪ Demonstration in writing and with supporting documentation that increased illumination levels will not adversely impact other uses within or abutting the PIPD; ▪ Demonstration that the need for additional lighting is for employee safety or site security; ▪ provided the illumination level complies with the Table at the perimeter property line adjacent to a public ROW or to residentially zoned property.
Table 5.E.4.D, Maximum Permitted Luminaire Height	Luminaire heights may be increased by 25 percent.	<ul style="list-style-type: none"> ▪ When all adjacent parcels are within an Industrial pod.
Art. 6.A.1.D.14.b.2), Pedestrian Circulation	Canopy trees, benches and accented walkways are not required.	<ul style="list-style-type: none"> ▪ Demonstration that these amenities conflict with site security; ▪ Demonstration in writing and supporting documentation that either manned or electronic security access is provided for employees; and, ▪ That a minimum of 25 percent of the required amenities or equivalent improvements are utilized at the public or employee entrances to the facility or in outdoor break areas, if applicable.
Table 8.G.2.A, Freestanding Sign Standards	Maximum sign area for freestanding signs may be increased by 25 percent to accommodate additional address information for multiple tenant buildings.	<ul style="list-style-type: none"> ▪ With uses that generate heavy truck traffic, as documented within the traffic study for the project.
Table 8.G.2.B, Outparcel Identification Signs	Maximum sign area for freestanding outparcel identifications signs may be increased by up to 50 percent to accommodate additional address information for multiple tenant buildings.	<ul style="list-style-type: none"> ▪ With uses that generate heavy truck traffic, as documented within the traffic study for the project.

[Ord. 2014-025]

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EXHIBIT F

ARTICLE 2 PROCESSES AND PROCURES, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 5 SUPPLEMENTARY STANDARDS (MECHANICAL EQUIPMENT AND LEGAL DOCUMENTS/EASEMENTS)

CR – 2018-044 and CR-2016-013
(Updated 10/26/2018)

1 Part 3. ULDC Art. 5.B.1.A.20, Supplementary Standards, Accessory Uses and Structures,
2 Mechanical Equipment (page 37 of 110, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]

1. To clarify that for Industrial Uses with an Industrial FLU that may be visible from an adjacent R-O-W, the applicant must demonstrate that the roof mounted mechanical equipment will not be seen from an adjacent R-O-W through the use of a Line of site Analysis and remove the requirement for a Type I Waiver.

3 CHAPTER B ACCESSORY USES AND STRUCTURES

4 Section 1 Supplementary Regulations

5 A. Accessory Uses and Structures

6

7 20. Mechanical Equipment

8 a. Applicability

9 This section shall apply to the installation of improvements associated with mechanical
10 equipment.

11

12 2) Screening Requirements

13 a) New and replacement equipment, shall be screened on all sides by an opaque
14 barrier constructed of materials, and color compatible with the building or structure,
15 or equivalent landscaping for ground mounted equipment, to a minimum height
16 equal to the highest point of the equipment. [Ord. 2006-004] [Ord. 2008-037]
17 [Ord. 2011-016]

18 b) ~~Type 1 Waiver – Roof Mounted Mechanical Equipment Exemption~~

19 (1) Screening shall not be required ~~for roof mounted mechanical equipment for~~
20 ~~the following:~~ [Ord. 2006-004] [Ord. 2011-016]

21 (a) if the equipment is less than one foot in height, measured from the roof
22 deck, and is painted to match the color of the structure it is attached to or
23 servicing; [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]

24 (b) for any industrial use with an industrial FLU designation if adjacent to a
25 parcel with an industrial use and industrial FLU designation; [Ord. 2011-
26 016]

27 (c) if an existing roof cannot structurally support additional weight associated
28 with required screening materials. A certified letter, from a structural
29 engineer or architect registered in the State of Florida, shall be submitted
30 with the applicable permit substantiating that the roof cannot support the
31 additional weight; ~~or~~ [Ord. 2008-037] [Ord. 2011-016]

32 ~~(2) (d) Subject to approval of a Type 1 Waiver, the screening may not be required~~
33 ~~for any industrial use with an industrial FLU designation if the equipment~~
34 ~~cannot be viewed from an adjacent R-O-W. A line of sight plan prepared~~
35 ~~in accordance with Art. 5.C.1.G.2, Line of Sight Analysis, shall be~~
36 ~~submitted with the applicable permit demonstrating that equipment cannot~~
37 ~~be viewed from the adjacent R-O-W. In addition to the standards~~
38 ~~applicable to Type 1 Waiver, a line of sight drawing may be required by~~
39 ~~the DRC to ensure compliance with screening of equipment.~~ [Ord. 2011-
40 016] [Ord. 2012-027]

41

42 Part 4. ULDC Art. 5.F.2.A.2, Major Encroachments (page 74 of 110, Supplement 24), is hereby
43 amended as follows:

Reason for amendments: [Zoning]

1. To clarify that major encroachments of buildings and structures designed for human occupancy, into easements, are prohibited, and therefore no variances are allowed. Issue was raised during May 30, 2014 Interpretation Meeting.

44 CHAPTER F LEGAL DOCUMENTS

45 Section 2 Easements

46 A. Easement Encroachment

47 1. Minor Encroachments

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EXHIBIT F

ARTICLE 2 PROCESSES AND PROCURES, ARTICLE 3 OVERLAYS AND ZONING DISTRICTS, ARTICLE 5 SUPPLEMENTARY STANDARDS (MECHANICAL EQUIPMENT AND LEGAL DOCUMENTS/EASEMENTS)

CR – 2018-044 and CR-2016-013
(Updated 10/26/2018)

- 1 Minor encroachments of buildings and structures may be allowed within an easement in
2 accordance with this Chapter.
- 3 **2. Major Encroachments**
- 4 Buildings or structures designed for human occupancy, screen enclosures, pools, or spas shall
5 ~~not be permitted~~ prohibited within any easement ~~unless otherwise provided for in this Section.~~
6 **[Ord. 2010-005]**
- 7 **3. Incompatible Uses**
- 8 No construction shall be permitted within any easement where such construction is
9 incompatible with the use for which the easement was established. If the terms of the
10 easement, statute, law, ordinance, rule, regulation, or approval pursuant to which the easement
11 was established prohibits or excludes the use, such use shall be considered incompatible. The
12 burden shall be on the applicant to demonstrate that the proposed construction is or will not
13 become incompatible with the purpose for which the easement was established, or impair the
14 rights of the easement holders and beneficiaries. The determination of whether a use is
15 incompatible with the purpose for which an easement was established shall be made by the
16 appropriate regulating agency(s) in accordance with this Chapter.
- 17 **4. Application Process**
- 18 Buildings and structures, which are not prohibited pursuant to Art. 5.F.2.A.2, Major
19 Encroachments, shall be subject to the following:
- 20 a. If an application for a building permit includes construction in an easement, the application
21 shall include consent from all easement holders and beneficiaries. The consent shall be
22 specific to the proposed construction and in a form acceptable to PZB; and
- 23 b. Prior to the issuance of the building permit, the applicant shall record an executed removal
24 and indemnification declaration. The removal and indemnification declaration shall inure to
25 the benefit of the easement holders and beneficiaries.
- 26 **5. All Other Approvals Required**
- 27 a. All other government permits, approvals, or consents necessary for the construction shall
28 be obtained prior to commencement of the construction.
- 29 b. Compliance with this Chapter shall not be construed to relieve the applicant from obtaining
30 any required approvals, if applicable, for encroaching into the affected easement.
- 31 c. Nothing herein shall be construed as affecting any right to construct except to the limited
32 and strict extent of any approval granted hereunder. An approval granted in accordance
33 with this Chapter is for the limited purpose of complying with this Chapter only.
- 34

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EXHIBIT G

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS (PUBLIC CIVIC LANDSCAPE BUFFER)

CR – 2018-045
(Updated 09/28/2018)

1 Part 1. ULDC Art. 3.E.2.E.4.c.1), Overlays & Zoning Districts, Planned Development Districts
2 (PDDs), Planned Unit Development (page 150-151 of 212, Supplement 24), is hereby
3 amended as follows:

Reason for amendments: [Zoning]

1. To clarify that in the event of co-location with property outside the boundary of the PUD, the required landscape buffer along the common boundary of the public civic pod and abutting public land may be reduced or eliminated.

4 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

5 Section 2 Planned Unit Development (PUD)

6 E. Pods

7

8 4. Civic Pod

9 A civic pod is intended to promote a coordinated land planning approach for providing and
10 encouraging publicly and privately owned civic, institutional, educational, and additional
11 recreational uses for the community.

12 a. Applicability

13 1) Public Civic

14 Where two percent of a PUD is less than 1.5 acres, public civic pods may not be
15 required subject to FD&O approval. [Ord. 2011-001]

16 2) Private Civic

17 If a public civic pod is not required in a CCRT area, a private civic pod shall be provided
18 unless waived by the BCC. For any other PUD, private civic pods shall be optional.
19 [Ord. 2011-001]

20 b. AGR PUD Calculation

21 A PUD in AGR-FLU areas shall use two percent of the developable portion of the PUD.
22 [Ord. 2011-001]

23 c. Public and Private Civic

24 All civic pods so designated shall be identified as public or private. PBC may require all or
25 a portion of a civic pod to be dedicated to PBC for public purposes. [Ord. 2011-001] [Ord.
26 2011-001]

27 1) Public Civic

28 a) Public civic pods shall be located adjacent to publicly owned, or anticipated to be
29 owned, lands. ~~In the event of co-location with property outside the boundary of the
30 PUD, the required landscape buffer along the common boundary may be waived
31 by the DRO. A minimum 5-foot setback shall be required for all permanent
32 structures, measured from the common interior boundary. The remaining setbacks
33 shall be applied pursuant to Table 3.E.2.D-PUD Property Development
34 Regulations.~~ [Partially relocated below to E.4.c.1.a.1] The location of, and
35 access to, a public civic pod shall be acceptable to FDO prior to certification of the
36 master plan by the DRO.

37 (1) ~~Where a public civic pod is located adjacent to publicly owned, or anticipated~~
38 ~~to be owned, lands outside the boundary of the PUD, the required landscape~~
39 ~~buffer along the common boundary may be reduced or eliminated on both~~
40 ~~properties subject to the following:~~

41 (a) ~~A minimum 5-foot setback shall be required for all permanent structures,~~
42 ~~measured from the common interior boundary, and,~~

43 (b) ~~The remaining setbacks for the public civic pod shall be applied pursuant~~
44 ~~to Table 3.E.2.D – PUD Property Development Regulations. [Ord. 2005 –~~
45 ~~002] [Ord. 2008-037]~~

46 [Renumber Accordingly]

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EXHIBIT H

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS, ARTICLE 4 – USE REGULATIONS AND ARTICLE 7 – LANDSCAPING (Greenmarkets/Community Vegetable Gardens)

CR-2018-043
(Updated 10/26/18)

1 Part 1. ULDC Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay (pages
2 47, 48, and 53 of 212), is hereby amended as follows:
3

Reason for amendments: [Westgate CRA]
1. Correct scrivener's errors to Figure 3.B.14.F.3., where F.3 does not exist, and in Table 3.B.14.F. – WCRAO Sub-area PDRs, footnote #9, which has been properly reordered to #8.
2. Clarify that all accessory structures within the Sub-areas of the WCRAO shall be subject to Article 5 unless stated otherwise in Art. 3.B.14.G.
3. Establish an exemption from WCRAO supplementary standards for prohibited materials for fences and walls. To allow a vinyl-coated chain link fence as a landscape barrier, when an accessory Green Market use is permitted pursuant to Art.4.B.6.C.16.d and the parcel or site abuts a parcel with a residential use or FLU.
4. Exempt permitted accessory structures from the form based code building location and massing requirements of the WCRAO sub-areas including build to line/setbacks and minimum building frontage. These structures would default to the property development regulations of the parcel or site's zoning district and applicable supplementary standards in Art.5. allowing greater flexibility in site configuration, and building placement and size.

4 **CHAPTER B OVERLAYS**

5

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

7

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

9 **1. Sub-area PDRs**

10 In order to implement the form based code build to lines outlined in the WCRA Plan, additional
11 PDRs are established for the seven Sub-areas. Development in the WCRAO shall be in
12 compliance with all standard, PDD or TDD PDRs, unless specified otherwise in Table 3.B.14.F,
13 WCRAO Sub-area PDRs, and Figure 3.B.14.F-3, WCRAO Sub-area Building Configuration
14 and Lot Placement. Single-family dwellings shall only be required to comply with the Minimum
15 Lot Depth and Accessory Quarters requirements of Sub-area PDRs. Accessory Structures
16 shall comply with the requirements of Art. 3.B.14.G, Supplementary Standards and Art. 5.B,
17 Accessory uses and Structures. [Ord. 2006-004] [Ord. 2008-003] [Ord. 2017-007]
18

....

Table 3.B.14.F - WCRAO Sub-area PDRs

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Lot Dimensions:							
Minimum Lot Depth	90'	-	-	-	-	-	-
Maximum Building Coverage	-	40%	40%	40% (2)	40% (2)	40% (2)	45% (2)
Build to Line/Setbacks:							
Front or Side Street Build to Line (1,3) (8)	-	Build to Line: - 15'	Build to Line: -15'	Build to Line: -10'	Build to Line - C/MU: 10-25'	-	Build to Line - C/IND:10' - 25'
Minimum Side (1)	-	10' (4)	10' (4)	10' (4)	15'	15'	15'
Minimum Rear (1,4)	-	25'	25'	25'	25'	25'	25'
Minimum Building Frontage							
Minimum Frontage (1) (98)	-	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build to Line Exception (1)	-	Maximum 50% of Building Frontage, minimum width: 20' and maximum depth of 25'				-	-
Maximum Height (7)							
Maximum Stories (1)	-	3	4	6	20	10	15
Maximum Height (1, 7)	-	36'	48'	72'	240'	120'	180'
Accessory Quarters Max. Height/Stories	2 stories and 25'			-	-	-	-
Other							
Maximum Building Length (1, 6)	-	300'	300'	300'	300'	-	-
[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025]							
Key							
- PDRs not specified in this table shall be subject to the PDRs of the lot's zoning district.							
C For Commercial Uses							
MU For Mixed Uses							
Notes:							
1. Single-family dwellings shall not be required to comply with identified Sub-area PDRs. [Ord. 2006-004]							
2. Building coverage may be increased to 60% if all parking is provided offsite or in a parking structure. [Ord. 2006-004]							
3. Additional setbacks may apply per Art. 3.B.14.F.3, Sky Exposure Plane. [Ord. 2006-004]							

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EXHIBIT H

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS, ARTICLE 4 – USE REGULATIONS AND ARTICLE 7 – LANDSCAPING (Greenmarkets/Community Vegetable Gardens)

CR-2018-043
(Updated 10/26/18)

Table 3.B.14.F - WCRAO Sub-area PDRs

4. 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]
5. 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]
6. 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, and as defined by Art.1. [Ord. 2010-022]
7. 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), and comply with the build to line for both streets. [Ord. 2015-031]
8. 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) Exception. [Ord. 2015-031] [Ord. 2017-025]

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G. Supplementary Standards

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

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
Single Family Dwelling Unit	1,000 s.f.	1,000 s.f.	-	-	-	-	-
Accessory Quarters	300 s.f.	300 s.f.	300 s.f.	-	-	-	-
Fences and Walls:							
Prohibited Materials (7)	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features:							
Arcades and Galleries (1)	-	-	-	Required - Westgate Avenue (11)	-	-	-
Minimum Building Depth	-	20'	20'	20'	30'	-	30'
Minimum 1 st Floor Height	-	-	-	12'	-	-	-
Minimum Number of Floors	-	-	-	2 (2)	-	-	-
Windows and Doors:							
Minimum Glazing of Frontage (3)	-	(3)	(3)	(3)	-	-	-
Porches, Balconies and Entryways (9)							
Front Setback Maximum Encroachment (8)	8'	6'	6'	-	-	-	-
Min/Max Porch Depth (4)	6'/10'			-	-	-	-
Min/Max Porch Length (4)	8'/50% of building facade			-	-	-	-
Min/Max Balcony Depth	3'/3'			-	-	-	-
Min/Max Balcony Length	6'/50% total of building facade			-	-	-	-
Parking:							
Location of Surface Parking (10)	-	Rear	Rear	Rear	-	-	-
Driveways (5) (10)	-	Rear	Rear	Rear	-	-	-
Location of Accessory Quarters and Garages:							
Detached	Location	Back of rear facade of primary structures.		-	-	-	-
	Setbacks	5' side or rear (6)		-	-	-	-
Attached	Location	Setback a min. of 20' from front facade		-	-	-	-
Landscaping:							
See Art. 3.b14.J, WCRAO Landscaping Modifications allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface	-	20%	20%	20%	-	-	-
Key							
- Subject to the supplementary standards of the lot's zoning district							
[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002]							
Notes:							
1. See Art. 3.B.14.G.3.d, Arcades and Galleries, Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. [Ord. 2006-004]							
2. Required second floor shall meet minimum frontage and depth requirements. [Ord. 2006-004]							
3. See Art. 3.B.14.G.3.c, Fenestration Details – Windows and Doors. [Ord. 2006-004]							
4. Excludes stoops. [Ord. 2006-004]							
5. Access from the front or side may be permitted for lots with no rear street frontage. [Ord. 2006-004]							
6. Minimum 20 foot setback shall be required for garages fronting on a street or alley. [Ord. 2006-004]							
7. Chain link fences may be installed for the following: [Ord. 2009-040]							
a. Single-family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W. [Ord. 2009-040]							
b. Nonresidential uses within the UI sub-area if the chain link fence is black or green vinyl coated. <u>or</u> [Ord. 2009-040]							
c. <u>When a landscape barrier is required pursuant to Art. 4.B.6.C.16.d. Accessory Uses - Green Market.</u>							
8. The maximum encroachment for porches, balconies, and entryways located in NC sub-area shall only apply to permitted residential or hotel uses. These ground floor improvements shall not conflict with the placement of street trees. [Ord. 2011-001]							

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EXHIBIT H

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS, ARTICLE 4 – USE REGULATIONS AND ARTICLE 7 – LANDSCAPING (Greenmarkets/Community Vegetable Gardens)

CR-2018-043
(Updated 10/26/18)

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

9. Single-family dwellings are not required to provide porches, balconies and entryways, but may elect to utilize setback exceptions provided encroachment complies with other applicable maximum dimensions. [Ord. 2015-031]
10. Shall not apply to single-family dwellings. [Ord. 2015-031]
11. Lots with 100 feet or less of frontage may be exempt from this requirement. [Ord. 2017-002]

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1. Accessory and Prohibited Uses

a. Accessory Structures

- 1) Except as otherwise stated within Art. 3.B.14, accessory structures shall meet the setbacks of the underlying zoning district and Supplementary Regulations as stated within Art. 5.B.1.A.1, General.
- 2) Accessory structures shall be architecturally compatible with the principal building, with exception to accessory structures such as small sheds associated with single-family residences (excluding garages), when less than 150 square feet in size and ten feet in height, and completely screened from all public right-of-ways. [Ord. 2006-004] [Ord. 2009-040]
- 3) Accessory structures permitted pursuant to Art. 4.B.6.C.10.c, Community Vegetable Garden and Art. 4.B.6.C.16.d, Accessory Uses - Green Market shall comply with the PDR's of the zoning district in which the parcel is located and supplementary standards in Art.5, and shall not be subject to Table 3.B.14.F, Build to Line/Setbacks and Minimum Building Frontage requirements or Figure 3.B.14.F, Building Configuration and Lot Placement.

b. Accessory Quarters and Garages

Accessory Quarters and garages shall meet the requirements of Table 3.B.14.G, WCRAO Supplementary Standards by Sub-Area and Figure 3.F.3.E, TND Garages. [Ord. 2006-004] [Ord. 2017-007]

c. Prohibited Uses in Front Yards

In the NR, NRM, NG Sub-areas, the following uses are prohibited in front yards or building facades: [Ord. 2006-004]

- 1) Parking on unpaved surfaces. [Ord. 2006-004]
- 2) Clotheslines and other clothes drying apparatus. [Ord. 2006-004]
- 3) Electrical meters. [Ord. 2006-004]
- 4) Air conditioning equipment, including window units on the building facade. [Ord. 2006-004]
- 5) Antennas and satellite dishes. [Ord. 2006-004]

Part 2. ULDC Art. 4.B.2, Commercial Uses (page 26 of 204), is hereby amended as follows:

Reason for amendments: [Westgate CRA]
1. Delete restrictive hours of operation for a Green Market when permitted as an accessory use to a Community Vegetable Garden. Allows local residents the ability to purchase fresh produce outside of weekend and holiday hours thereby reducing potential for fresh food waste and fulfilling the intent of a Green Market as a functioning accessory use to a Community Vegetable Garden. Flexibility in hours is particularly important when crops are abundant at the peak of growing season and produce is harvested early and daily by the garden managers and community workers.
2. Staff recommended the entire eliminate of the restriction on the hours of operation for the Accessory Green Market to allow it to default to Code. If the Commercial use is within 250 feet of residential the hours are limited to 6am to 11pm, 7 days a week. At the October 24, 2018 LDRAB/LDRC meeting the Board voted to modify that language to keep the limitations on the hours from 7 am to 7pm, but delete the language for weekends and holidays, allowing 7 days a week.
3. Clarify the size limitation for accessory uses and structures. The current method of calculation in Art. 5 determine the maximum size for an accessory structure to be no ore than 30% of the principal use and structure. The Community Vegetable Garden does not have a structure, and therefore revision for this accessory use is necessary to determine measurement based on growing area. An accessory Green Market structure provides shade and shelter in inclement weather, storage for fresh produce harvested by resident vendors and garden managers, and an alternative space for Green Market operations.
4. To include a standard for screening where an accessory Green Market use is permitted, and the Community Garden, as the principal use, is adjacent to a parcel with a residential FLU designation or use. To also include a provision when a Green Market is proposed as an accessory to an existing, previously approved Community Garden adjacent to a parcel with a residential FLU or use, and that

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EXHIBIT H

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS, ARTICLE 4 – USE REGULATIONS AND ARTICLE 7 – LANDSCAPING (Greenmarkets/Community Vegetable Gardens)

CR-2018-043 (Updated 10/26/18)

Reason for amendments: [Westgate CRA] has complied with the incompatibility buffer requirements of Article 7, the accessory Green Market would not be required to provide additional screening.

CHAPTER B USE CLASSIFICATION

Section 2 Commercial Uses

C. Definitions and Supplementary Use Standards for Specific Uses

16. Green Market

d. Accessory Uses - Green Market

A Green Market may be allowed as an accessory use to a Community Vegetable Garden in the WCRAO and CCRT areas subject to DRO approval and the following:

- 1) The use shall be located in CCRT areas or the WCRAO;
2) The use shall be operated by a CCRT neighborhood organization or the Westgate CRA;
3) Items for sale shall be limited to those grown, or prepared by neighborhood residents.
3) The accessory use and structure shall be limited to 30% of the total growing area for the Community Vegetable Garden.
4) Shall be limited to weekends and holidays between the hours of 7:00 a.m. and 7:00 p.m.
5) A Community Vegetable Garden that complies with the above accessory use standards for Green Market, may be considered a Public and Civic Use for the purposes of determining compliance with Art. 7.C, Landscape Buffer and Interior Landscape Requirements. Where a Green Market is allowed as an accessory use to a Community Vegetable Garden, a six-foot high landscape barrier, which includes but not limited to: a hedge, a vinyl-coated chain link fence with hedge, or an opaque fence shall be provided along any property line that abuts a parcel with a residential FLU designation or residential use. An accessory Green Market to an existing Community Garden, approved prior to the effective date of this amendment, that has complied with the buffer requirements of Article 7, is not required to provide a six-foot high landscape barrier.

Part 3. ULDC Art. 4.B.6, Agricultural Uses (page 93 of 204), is hereby amended as follows:

Reason for amendments: [Zoning/Westgate CRA]
1. To reorganize Art.4.B.6.C.10.b and c to clarify that accessory community garden structures are subject to the PDR's of the parcel's zoning district.
2. Added for consistency with and to cross-reference amendments to Article 7 exemption language.

CHAPTER B USE CLASSIFICATION

Section 6 Agricultural Uses

C. Definitions and Supplementary Use Standards for Specific Uses

10. Community Vegetable Garden

a. Definition

A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

b. Setbacks

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential zoning districts. Accessory structures shall meet the setbacks of the district.

c. Accessory Structures

- 1) Accessory structures shall be limited to 400 square feet.
2) Accessory structures shall meet the setbacks of the zoning district in which the parcel is located.

d. Parking

Overnight parking shall be prohibited.

e. Loading

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EXHIBIT H

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS, ARTICLE 4 – USE REGULATIONS AND ARTICLE 7 – LANDSCAPING (Greenmarkets/Community Vegetable Gardens)

CR-2018-043
(Updated 10/26/18)

1 All loading and unloading activities shall be restricted to the site and shall not encroach into
2 any setbacks.

3 **f. Landscaping**

4 ~~Shall be exempt from Article 7, Landscaping, when located in the WCRAO or CCRT Areas.~~

5 **g. Storage**

6 Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall
7 be contained within an accessory structure.

8 **h. Spraying**

9 Aerial application of fertilizer or pesticides shall be prohibited.

10

11 **Part 4. ULDC Art. 7.B.1, Applicability (page 9 of 53), is hereby amended as follows:**

12 **Reason for amendments:** [Westgate CRA]

1. To exempt the Community Garden use when located in the WCRAO or CCRT Areas from the requirements of Article 7, unless otherwise stated in Article 4.B.6.C.

The Community Garden use, by definition, is interactive and engaging to the community. Community gardens are located in various settings, but they consistently engage the public from the outside by allowing views from the street into the garden. Scattered throughout communities across Palm Beach County and the United States, community gardens can range from a small 'pocket park' type garden in an intense urban setting (see Village Greens in the Old Northwood historic district of West Palm Beach <http://www.northwoodgreenlifefl.org/village-greens-community-garden.html>), to larger gardens that act as a community gathering place in the heart of a residential neighborhood (see Riviera Beach Heights Community Garden in the Riviera Beach CRA redevelopment area <http://rivierabeachcommunitygardens.org/>) to acres of cultivated land in a rural countryside setting. The cultivated land is inherently green and maintained in appearance due to the local residents, community groups, and garden staff consistently working the land to grow fruits, vegetables, and herbs. Small orchards, raised planter beds, rows of crops, and a plant nursery are all common elements to community gardens.

The intensity of the use of the land in a Community Garden is greatly decreased compared to traditional development and the relationship of the garden to the adjacent uses is an important factor to consider. Typically, when considering the relationship of land uses and "incompatibility" and "compatibility," landscape buffers are mandated to mitigate for the intensity of proposed use, and the inherent disturbance to the surrounding properties. Due to the low intensity of the use, the inherently "green" nature of the site, and the desire to engage the surrounding community, the need for additional mandated landscape material to be planted in structured buffers is redundant.

A Community Garden, and by natural extension, the Green Market is a valued amenity to the local community. Satisfying many of the goals and objectives outlined in the Westgate CRA's Community Redevelopment Plan, and supported by the County's OCR, the idea of a collaborative, green, public space directly addresses persistent issues of slum and blight in the community, while introducing healthy fruits and vegetables to an area once deemed a "food desert" by the USDA. To achieve this, the garden must be engaged visually and visitors should feel welcomed to enter the site.

Traditional landscape buffering would be detrimental to the public nature of a Community Garden as it would inhibit views into the site. The requirements of Article 7 would mandate a large number of shrubs planted in multiple tiers to be placed along the perimeter of all property lines of a community garden, thus eliminating area vital to the local residents for food production. Tiers of shrubs must be maintained at heights required per Article 7, which would require them to be hedged on a regular basis. As these spaces are typically maintained by local residents focused on production of a food source, the maintenance of these traditional landscape shrubs would be the responsibility of garden staff or an outside landscape maintenance company. Additionally, the requirement for trees planted at consistent, tight intervals along the perimeter and within the interior of the site would create consistent shade patterns on the interior further limiting the viable space for the actual function of the community garden. Article 7's intent to establish tree canopy to help mitigate the heat-island affect that typical impervious development creates does not relate to the use of a Community Garden, which by nature is vegetated and pervious.

13 **CHAPTER B APPLICABILITY AND APPROVAL PROCESS**

14 **Section 1 Applicability**

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EXHIBIT H

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS, ARTICLE 4 – USE REGULATIONS AND ARTICLE 7 – LANDSCAPING (Greenmarkets/Community Vegetable Gardens)

CR-2018-043
(Updated 10/26/18)

1 The provisions of this Article shall be considered minimum standards and shall apply to all new development
2 unless stated otherwise herein. **[Ord. 2018-002]**

3
4 **A. Relation to Art. 14.C, Vegetation Preservation and Protection**

5 Landscape requirements shall also be consistent with the standards of Art. 14.C, Vegetation
6 Preservation and Protection, nothing in this Article shall be applied to contradict these
7 requirements. **[Ord. 2018-002]**

8 **B. Exemptions**

9 The following developments are exempt from the standards and requirements of this Article:

- 10 1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-
11 family structure on a single lot.
- 12 2. Parking areas located within an enclosed parking structure.
- 13 3. Bona fide agriculture uses, unless stated otherwise in Art. 4.B.6, Agricultural Uses. Where the
14 property has a use that is classified as Agriculture, bona fide, with agricultural activities or
15 accessory agricultural uses, the property owner shall provide a six-foot high hedge along the
16 frontage of the property where it is abuts a public street R-O-W. **[Ord. 2018-002]**
- 17 4. Uses such as airports, major utilities, and stockades which have planting requirements
18 regulated by Federal or State law. Off-site planting of required landscaping may be approved
19 in areas where there is a direct public benefit, such as in schools, parks, libraries, streets, and
20 medians.
- 21 5. Projects in the Glades Area Economic Development Overlay (GAO) that have provided in-lieu
22 funds to the Glades Thoroughfare Beautification Fund.
- 23 6. Community Vegetable Gardens located in the WCRAO or CCRT Areas, unless stated
24 otherwise in Article 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses.

25

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EXHIBIT I
ARTICLE 4- USE REGULATIONS
(FINANCIAL INSTITUTION, VETERINARY CLINIC, HOMELESS
RESOURCE CENTER, ADULT ENTERTAINMENT, AND PLACE OF
WORSHIP)

CR-2018-050, CR-2018-011, CR-2018-052
(Updated 10/26/2018)

Reason for amendments: [Zoning]
3. Re-introduce provisions allowing for a Financial Institution to be Permitted by Right in a Multiple Use Planned Development (MUPD) with a Commercial Low (CL) Future Land Use (FLU) designation, when less than 5,000 square feet with no drive throughs. The CL FLU was inadvertently omitted and should have been carried forward with the similar provision for the Commercial Low Office (CLO) provision.

C. Definitions and Supplementary Use Standards for Specific Uses

11. Financial Institution

a. Definition

An establishment engaged in deposit banking.

b. Typical Uses

A Financial Institution may include but is not limited to commercial banks, savings institutions, and credit unions.

c. Approval Process - CC District, ~~CLO~~ PDD with CL or CLO FLU, and Commercial Pod of PUD

A Financial Institution 5,000 square feet or less in the CC Zoning District, ~~CLO~~ PDD with CL or CLO FLU designation, or Commercial Pod of a PUD, may be Permitted by Right.

d. Zoning Districts – CN and CLO Districts, and Neighborhood Center of TND

A Financial Institution in the CN and CLO Zoning Districts, and Neighborhood Center of a TND, shall be limited to a maximum of 5,000 square feet.

Reason for amendments: [Zoning]
4. Re-introduce provisions allowing for a Financial Institution with Drive Through Facilities to be allowed subject to Development Review Officer (DRO) approval when located in a Multiple Use Planned Development (MUPD) with a Commercial Low (CL) Future Land Use (FLU) designation, when less than 5,000 square feet with no drive throughs. The CL FLU was inadvertently omitted and should have been carried forward with the similar provision for the Commercial Low Office (CLO) provision.
5. Re-introduce provisions allowing for a Financial Institution with Drive Through Facilities in Zoning districts with a Commercial High (CH) or Commercial High Office (CHO) FLU designation to be Permitted by Right when less than 5,000 square feet in size with 3 drive throughs or less. This provision was inadvertently omitted when an initial staff recommendation to allow any variation of this use in the aforementioned FLU designations to be Permitted by Right was revised throughout the Use Regulations Process to require DRO approval to ensure that any interior traffic circulation issues were appropriately evaluated prior to development.

12. Financial Institution with Drive ~~Through Thru~~ Facilities

a. Definition

A Financial Institution ~~that which~~ includes drive ~~through thru~~ teller facilities.

b. Approval Process

1) CC District, Commercial Pod of PUD, ~~CLO~~ PDD with CL and CLO FLU, and TMD

A Financial Institution 5,000 square feet or less, and with three drive ~~through thru~~ lanes or less, may be allowed subject to DRO Approval, in the following zoning districts:

- a) CC;
- b) PDD with CL or CLO future land use FLU designation; and,
- c) TMD in the Rural Tier, Exurban Tier and the development area of the AGR Tiers.

2) CG Zoning District, PDD with CH and CHO FLU, Commercial Pod of PIPD and TDD

A Financial Institution 5,000 square feet or less in size with three or less drive through lanes, may be Permitted by Right, in the following Zoning districts:

- a) CG district;
- b) PDD with CH or CHO FLU designation;
- c) Commercial Pod of a PIPD; and,
- d) the development area of an AGR TMD.

3) Single Drive ~~Through Thru~~ ATM Exception

A maximum of one drive ~~through thru~~ ATM lane shall not be considered a drive ~~through thru~~ lane for purposes of determining the threshold above.

....

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ARTICLE 4- USE REGULATIONS
(FINANCIAL INSTITUTION, VETERINARY CLINIC, HOMELESS
RESOURCE CENTER, ADULT ENTERTAINMENT, AND PLACE OF
WORSHIP)

CR-2018-050, CR-2018-011, CR-2018-052
(Updated 10/26/2018)

1 **Part 2. ULDC Art. 4.B.2.C. Use Regulations, Use Classification, Commercial Uses, Veterinary**
2 **(page 60-61 of 208, Supplement 24), is hereby amended as follows:**

Reason for amendments: [Zoning]

1. To allow a Veterinary Clinic within the AGR Zoning District to have outdoor runs without requiring BCC approval. A Veterinary Clinic is allowed in the AGR district subject to a Class A Conditional Use approval. However, the current Code also allows a Clinic with outdoor runs with a lesser approval process in certain Agricultural and Commercial Districts to be Permitted by Right if the Veterinary Clinic is limited in size. In addition, Veterinary Clinics in the AGR district must have a lot size of 5 acres or more, therefore, Staff has determined that allowing the outdoor run with setback requirements will not result in a negative impact to the neighboring properties.

3 **CHAPTER B USE CLASSIFICATION**

4

5 **Section 2 Commercial Uses**

6

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

8

9 **42. Veterinary Clinic**

10 **a. Definition**

11 An establishment engaged in providing medical care, treatment and temporary boarding
12 for animals.

13 **b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU**
14 **Designation**

15 1) A Veterinary Clinic may be Permitted by Right in ~~the AGR~~, AR, CLO Zoning Districts
16 and MUPD with CL ~~or~~, CLO FLU designation, subject to the following limitations:

17 ~~a.1)~~GFA shall not exceed 5,000 square feet; and,

18 ~~b.2)~~ Shall not include outdoor runs.

19 2) A Veterinary Clinic may be Permitted by Right in the AGR Zoning District. The GFA
20 shall not exceed 5,000 square feet.

21 **c. Lot Size – AR and AGR Districts**

22 Shall be located on a minimum of five acres.

23 **d. Zoning District**

24 A Veterinary Clinic shall not have outdoor runs and limited to the following:

25 **1) CC and CN Zoning Districts**

26 Shall not occupy more than 3,000 square feet of GFA.

27 **2) MUPD with CL FLU Designation and TDD Districts**

28 Shall not occupy more than 5,000 square feet of GFA.

29 **3) Infill Redevelopment Overlay**

30 Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel.

31 **e. Outdoor Runs**

32 A Veterinary Clinic with outdoor runs shall comply with the following standards:

33 **1) Lot Size**

34 A minimum of one acre.

35 **2) Setbacks**

36 Outdoor runs shall not be located within 50 feet of any property line adjacent to a parcel
37 of land with a residential FLU designation or use; or 25 feet from any property line
38 adjacent to a non-residential zoning district, use, or FLU.

39 **3) WCRAO**

40 Outdoor runs shall not be located within 25 feet of any property line.

41 **4) Standards**

42 A six-foot high fence shall be required around the runs. If the fence is not opaque or
43 screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a
44 minimum of four feet at installation, shall be provided around the run.

45 **5) Waste Disposal**

46 A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to
47 all applicable rules and regulations of the FDEP, PBCHD and SWA.

48 **f. Facility without Outdoor Runs**

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EXHIBIT I
ARTICLE 4- USE REGULATIONS
(FINANCIAL INSTITUTION, VETERINARY CLINIC, HOMELESS
RESOURCE CENTER, ADULT ENTERTAINMENT, AND PLACE OF
WORSHIP)

CR-2018-050, CR-2018-011, CR-2018-052
(Updated 10/26/2018)

A Veterinary Clinic without outdoor runs shall be required to make accommodations to ensure animal waste is properly disposed of within the facility.

g. Collocated Use

- 1) A Veterinary Clinic may be Permitted by Right in the IG, PO, IPF Zoning District or MUPD with an INST FLU designation when collocated to an Animal Shelter. **[Ord. 2018-018]**
- 2) Veterinary Clinics operated by a licensed veterinarian for the care of the animals kept in the shelter facility may also offer veterinary services to the public. **[Ord. 2018-018]**

....

Part 3. ULDC Art. 4.B.4.C Use Regulations, Use Classification, Institutional, Public and Civic Uses, Definitions and Supplementary Use Standards for Specific Uses, Homeless Resource Center (page 77 of 208, Supplement 24), is hereby amended as follows:

Reason for amendments: [FDO]
1.PPM was updated and given a revised number, FDO-S-004.

CHAPTER B USE CLASSIFICATION

Section 4 Institutional, Public and Civic Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

10. Homeless Resource Center

....

c. Approval Process

A Homeless Resource Center owned or operated by a governmental entity may be allowed where Government Services uses are allowed by Table 4.B.4.A., Institutional, Public and Civic Use Matrix, subject to Class A Conditional Use Approval; or, may be Permitted by Right where Government Services uses are allowed in non-residential districts, provided that prior to development, or any modification to a previously approved development, program or operation, an eligible government entity complies with the following:

- 1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
- 2) Prepare a report documenting compliance with Palm Beach County Facilities, Development and Operations, FDO PPM ~~FDO-S-004-074~~, Public Outreach and Community Involvement for Homeless Resource Centers;
- 3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting placement on a BCC Public Meeting agenda, to include the aforementioned report;
- 4) The BCC shall make a finding that the governmental entity has complied with FDO PPM ~~FDO-S-004-074~~, which may include Conditions of Approval; and,
- 5) A BCC finding of compliance, or compliance subject to conditions, may remain valid for three years, or as otherwise provided by Condition of Approval.

....

Part 4. ULDC Art. 4.B.2.C.1.e, Review and Approval Process [Related to Adult Entertainment] (page 31 of 208, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. In 2017 the BCC made comprehensive Code amendments to change the approval process for an Adult Entertainment from Special Permit to DRO. At the time, the County Attorney's office recommended amending the Code to address 1 st amendment issues and remove thresholds that could make this use subject to Board of County Commissioners (BCC) approval.
This amendment deletes any possible need for this use to be subject to the BCC approval as there are sections in the Code that require uses that exceed a maximum square footage in certain zoning districts to be subject to BCC approval.

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EXHIBIT I
ARTICLE 4- USE REGULATIONS
(FINANCIAL INSTITUTION, VETERINARY CLINIC, HOMELESS
RESOURCE CENTER, ADULT ENTERTAINMENT, AND PLACE OF
WORSHIP)

CR-2018-050, CR-2018-011, CR-2018-052
(Updated 10/26/2018)

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 2 Commercial Uses**

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

4 **1. Adult Entertainment**

5 **a. Establishment**

6 Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult
7 dancing establishment; or any establishment or business operated for commercial gain
8 where any employee, operator or owner exposes his/her specified anatomical area for
9 viewing by patrons, including but not limited to: massage establishments whether or not
10 licensed pursuant to F.S. 480, tanning salon, modeling studio, or lingerie studio. The
11 following definitions and Supplementary Use Standards shall apply to all Adult
12 Entertainment establishments:

13 **b. Definitions**

14

15 **c. Exclusions**

16 Excluded from this definition are any educational institutions where the exposure of the
17 specified anatomical area is associated with a curriculum or program.

18 **d. License per Palm Beach County Adult Entertainment Code**

- 19 1) An establishment that possesses an Adult Entertainment license as indicated in Art.
20 4.B.2.C.1.n.1).c), is presumed to be an Adult Entertainment establishment.
21 2) An Adult Entertainment use approved by the DRO, after March 2, 2017, shall hold a
22 valid Adult Entertainment License pursuant to the "Adult Entertainment Code", Chapter
23 17, Article V of the Palm Beach County Code, as may be amended, prior to issuance
24 of a Business Tax Receipt.

25 **e. Review and Approval Process**

- 26 1) Applications for new Adult Entertainment establishment or legal nonconforming
27 establishments exceeding the thresholds in Art. 1.F, Nonconformities, shall be subject
28 to DRO approval.
29 2) An Adult Entertainment establishment shall be exempt from the requirements under
30 Development Thresholds in Art. 4, Use Regulations or any thresholds in this Code that
31 require the use to be subject to a Conditional Use approval.
32 3) The Zoning Director shall determine what DRO agencies shall review the application,
33 including but not limited to the Building Division, Fire Department and Zoning Division.
34 DRO shall approve, approve with conditions, or deny the application within 21 days of
35 a determination of application sufficiency as contained in Art. 2.B.2, Sufficiency
36 Review.

37 **f. Conditions**

38 The Zoning Director shall take into consideration DRO Agency recommended conditions
39 that clearly implement their specific Agency Code provisions.

40 **g. Relief from a Decision**

41 A Person seeking a DRO approval or a Person holding a previously approved Special
42 Permit or an Adult Entertainment Establishment License, has the right to immediately seek
43 relief from a denial of application sufficiency for a DRO, denial of a DRO application, or
44 revocation or suspension of a Special Permit or DRO approval, as applicable, to the Circuit
45 Court in the Fifteenth Judicial Circuit of the State of Florida.

46

47
48
49 **Part 5. ULDC Art. 4.B.4.C.13.d, Development Thresholds, [Related to Place of Worship] (page**
50 **79 of 208, Supplement 24), is hereby amended as follows:**

Reason for amendments: [Zoning]

1. Place of Worship use approval was amended through Ord. 2017-007 for consistency with the Religious Land Use and Institutionalized Persons Act (RLUIPA). Such provisions do not allow implementing land use regulations that treat religious assembly less than equal to non-religious assembly or institution. As a result, the County Attorney's office recommended amending the Code to address 1st amendment issues concerning existing Code public hearing review process and the approval of the use was changed from Conditional use to DRO.

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EXHIBIT I
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CR-2018-050, CR-2018-011, CR-2018-052
(Updated 10/26/2018)

Reason for amendments: [Zoning]
--

Currently the Code only exempts the use from Art. 4.A.9, Development Thresholds. This amendment expands the exemptions for Place of Worship from becoming subject to Conditional Use approval from provisions contained in other sections of the Code.
--

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 4 Institutional, Public and Civic Uses**

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

4 **13. Place of Worship**

5 **a. Definition**

6 An establishment which may include a retreat, convent or other similar use, owned or
7 operated by a tax-exempt religious group that is used periodically, primarily or exclusively
8 for religious worship, activities or related services.

9 **b. Existing Approvals**

10 Applicants may seek abandonment of the existing Place of Worship approval and apply for
11 DRO Approval at any time. Prior approvals may be continued to be utilized or modified
12 subject to the limitations in Art. 2.C.5.B, Administrative Modifications to Prior DOs. A DO
13 exceeding the above thresholds shall be subject to a Development Order Abandonment
14 (ABN) and a concurrent request for a DRO Approval.

15 **c. Location**

16 A Place of Worship shall be prohibited unless in compliance with one of the following:

- 17 1) A Place of Worship greater than or equal to 15,000 square feet, including accessory
18 uses, shall have frontage on and access from an Arterial or Collector Street.
- 19 2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000
20 square feet, including accessory uses, shall have frontage on and access from an
21 Arterial, Collector or Local Commercial Street.
- 22 3) A Place of Worship less than 5,000 square feet, including accessory uses, may have
23 frontage on and access from a Local Residential Street.

24 **d. Development Thresholds**

25 A Place of Worship shall be exempt from the requirements under Development Thresholds
26 in Art. 4, Use Regulations or any thresholds in this Code that require the use to be subject
27 to a Conditional Use approval.

28 **e. Limited Temporary Sales**

29 Temporary sales, such as rummage, or bake sales, shall be Permitted by Right as an
30 accessory use to a Place of Worship for a period of up to three consecutive days, limited
31 to four times a year.

32

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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)
ARTICLE 6 – PARKING

CR 2018-020
(Updated 10/22/18)

1 Part 1. ULDC Art. 3.E, Planned Development Districts (page 139 of 212 of Supplement 24), is
2 hereby amended as follows:
3

Reason for amendments: [Zoning]
1. To clarify that the parking requirements for PDD nonresidential uses can either be calculated by applying the parking standards in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards or a combination of both.

4

5 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

6 Section 1 General

7

8 C. Objectives and Standards

9

10 2. Performance Standards

11 Planned developments shall comply with the following standards:

12

13 h. Parking

14 1) Residential Uses

15 Parking for residential uses shall comply with Art. 6, Parking. The DRO may require a
16 covenant to be recorded limiting the affected area to a specific use or uses.

17 2) Nonresidential Uses

18 Nonresidential uses located within a PDD may apply the parking standards indicated
19 in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, based on
20 the use or the minimum/maximum parking standards below or a combination of both.
21 The site plan shall clearly indicate which parking standards are being utilized for the
22 entire site. [Ord. 2009-040]

23 a) Minimum/Maximum Parking Standards

24 (1) Minimum: one space per 250 square feet of GFA (4/1000).

25 (2) Maximum: one space per 166.66 square feet of GFA (6/1000)

26 b) Exceptions MLU/EDC

27 Parking for large scale and regional facilities in excess of 500,000 gross square
28 feet may be reduced to one space per 333.33 square feet of GFA (3/1000).

29
30
31
32

33 Part 2. ULDC Art. 6, Parking (pages 4-12 of 40 of Supplement 24), is hereby amended as follows:
34

Reason for amendments: [Zoning]
The last comprehensive amendment to Art. 6, Parking was in 1992. During the Use Regulations Project and subsequent research, staff has identified and recommends the following:
<ul style="list-style-type: none"> to review and adjust parking requirements in order to address industry trends, the need to consider more recent studies (Parking Generation, 4th Edition by the Institute of Transportation Engineers (ITE) and Urban Land Institute (ULI), the need to consider and address input from industry on identified uses that currently do not reflect the parking spaces or loading demands needed, the need to make parking for similar uses consistent, and
the need to correct glitches and issues (Variances for Parking and Loading).
Reflect the reduced parking requirements for CLF based on recent studies.
Require all office space parking to be consistent.
To add or delete uses based on the Use Regulations Project.
Consolidate similar uses and delete duplicative uses.
Clarify in Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, that Government Services also includes Government Facilities.

35 CHAPTER A PARKING

36 Section 1 General

37
38

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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)

ARTICLE 6 – PARKING

CR 2018-020
(Updated 10/22/18)

1

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Classification: Residential	Parking	Loading (1)
Use Classification: Residential		
Congregate Living Facility, Type 1, Type 2, Type 3	4 0.6 spaces per unit or .25 per resident/bed whichever is greater plus 1 space per 200 250 sq. ft. of office space	(12)
Multifamily	1 space per efficiency unit; 2 spaces per unit (one bedroom or more); plus 1 guest parking space per 4 units with common parking areas.	N/A
Single Family, Cottage Home, Zero Lot Line Home, Townhouse, Farm Residence , or Mobile Home Dwelling	2 spaces per unit	N/A
Accessory Quarters, Caretaker Quarters, Grooms Quarters, Guest Cottage	1 space per unit	N/A
Caretaker Quarters	1 space per unit	N/A
Farm Residence	2 spaces per unit	N/A
Farm Worker Quarters	1 space per 4 units or	N/A
Garage Sale	N/A	N/A
Grooms Quarters	1 space per unit	N/A
Guest Cottage	1 space per cottage	N/A
Home Occupation	N/A	N/A
Kennel, Type 1	1 space per 500 sq. ft. of cage or kennel area.	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

2

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Use Classification: Commercial	Parking	Loading (1)
Use Classification: Commercial		
Adult Entertainment	1 space per 200 sq. ft.	N/A
Auction, Indoor	1 space per 200 sq. ft.	C
Auction, Outdoor	1 space per 250 sq. ft. of enclosed or indoor space	N/A
Bed and Breakfast	1 additional space for each guest room	N/A
Car Wash Automatic self service	1 space per 200 sq. ft. of office, retail, or indoor seating area	N/A
Catering Service	1 space per 200 sq. ft.	E
Cocktail Lounge	1 space per 3 seats	C
Convenience Store	1 space per 200 sq. ft.	C
Dispatching Service	1 space per 250 sq. ft.	N/A
Dog Daycare	3 - 12' x 20' transient spaces for 50 dogs; 1 space per 500 sq. ft. of cage and retail area	E
Financial institution	1 space per 200 250 sq. ft.	E
Financial Institution with Drive Thru Facilities		
Financial Institution Freestanding ATM	2 spaces (9)	N/A
Flea Market, Indoor	2 spaces per 200 sq. ft.	C
Flea Market, Outdoor	1 space per 250 sq. ft. of affected land area	N/A
Gas and Fuel Sales, Retail and Electric Vehicle Charging Station (EVCS)	1 space per 250 sq. ft.- Number of parking spaces to be based on associated Principal Use structure (i.e. Convenience Store, etc.)	N/A
Green Market Permanent	1 space per 250 sq. ft.	A
Hotel or Motel	1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)	C

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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)

ARTICLE 6 – PARKING

CR 2018-020
(Updated 10/22/18)

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Kennel, Type 2 (Commercial) or Kennel, Type 3 (Commercial Enclosed)	1 space per employee; and, 1 space per 500 sq. ft. of cage and retail area for each 200 sq. ft. of sale, grooming or office area.	E (8)
Landscape Service	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

1
2

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Use Classification: Commercial	Parking	Loading (1)
<i>Use Classification: Commercial</i>		
Laundry Services	1 space per 200 sq. ft.	C
Marina	1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips	A
Medical or Dental Office	1 space per 200 sq. ft.	C
Microbrewery	Taproom: 1 space per 3 seats Manufacturing and Processing: 2 spaces per 1,000 sq. ft.	C
Office, Business or Professional	1 space per 200 <u>250</u> sq. ft.	C
Pawn Shop	1 space per 200 sq. ft.	C
Personal Services	1 space per 200 sq. ft.	N/A
Repair and Maintenance, Heavy	1 space per 250 sq. ft.	B
Repair and Maintenance, Light	1 space per 250 sq. ft.	B
Repair Services, Limited	1 space per 250 sq. ft.	N/A
Restaurant, Type 1	1 space per 3 seats including outdoor seating area	C
Restaurant, Type 2		C
Retail Sales	1 space per 200 sq. ft.	C
Rooming and Boarding House	1 space for each guest room	C
Self -Service Storage, Limited Access	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	(6)
Self -Service Storage, Multi- Access	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	N/A
Shopping Centers	5 spaces per 1,000 sq. ft. GFA (centers up to 500,000 sq. ft.); 5 spaces per 1,000 sq. ft. of GLA (centers over 500,000 sq. ft.)	B
Single Room Occupancy (SRO)	1.25 spaces per room	C
Theater or Performance Venue in-line	1 space per 3 seats; plus 1 space per employee	B
Theater or Performance Venue Stand alone	1 space per 4 seats; plus 1 space per employee	B
Unmanned Retail Structure	2 spaces (11)	N/A
Vehicle Equipment Sales and Rental, Heavy	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area	A
Vehicle Sales and Rental, Light	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area	A
Veterinary Clinic	1 space per 200 <u>250</u> sq. ft., excluding animal exercise areas	N/A
Vocational School	1 space per classroom; plus 1 space per 4 students; plus 1 space per 200 <u>250</u> sq. ft. of administration, and assembly areas	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		

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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS) ARTICLE 6 – PARKING

CR 2018-020
(Updated 10/22/18)

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Standard "B"	One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.
Standard "C"	One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

1

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Use Classification: Recreation	Parking	Loading (1)
<i>Use Classification: Recreation</i>		
Arena or Stadium or Amphitheater	1 space per 3 seats	B
Bowling alley	3 spaces per lane	N/A
Campground	1 space per campsite	N/A
Clubhouse (Recreational Pod) (7)	1 space per 300 sq. ft. of air conditioned area (includes all interior uses): and 1 bicycle parking rack shall be provided	N/A
Entertainment, Indoor (except bowling alley)	1 space per 200 sq. ft. or 1/3 seats, whichever is greater	N/A
Entertainment, Outdoor	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
Fitness Center	1 space per 200 sq. ft.	N/A
Golf Course (7)	4 spaces per hole; plus 1 space per 250 sq. ft. of clubhouse	N/A
Park, Passive <u>and</u> Park, Public	2 spaces for the first acre; plus 1 space for each additional 2 acres; additional parking shall be provided for each additional facility or land use constructed in the park as herein provided	N/A
Shooting Range, Indoor and Shooting Range, Outdoor	1 space per target area	N/A
Swimming pool (7)	1 space per 200 sq. ft. of pool area; and 1 bicycle parking rack shall be provided	N/A
Tennis Courts (6)(7) and Basketball Courts (7)	1.5 spaces per court; and 1 bicycle parking rack shall be provided	N/A
Zoo	1 space per 2,000 sq. ft. of land area	N/A
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2012-007] [Ord. 2014-025] [Ord. 2017-007] [Ord. 2017-025]		
Loading Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.	
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.	
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.	

2

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Use Classification: Institutional, Public and Civic	Parking	Loading (1)
<i>Use Classification: Institutional, Public and Civic</i>		
<u>Animal Shelter</u>	<u>1 space per 500 sq. ft. of cage and retail area</u>	<u>E</u>
Assembly Institutional Nonprofit or Assembly Membership Nonprofit (5)	1 space per 3 seats or 200 sq. ft. for the principal place of assembly, whichever is greater.	A
	1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses.	
	Collocated uses classified with the definition of a use listed in Art. 4.B, Use Classification, calculated separately.	
Cemetery	1 space per 200 <u>250</u> sq. ft. of office space; plus 1 space per 500 sq. ft. of maintenance area; plus a minimum of 5 public spaces.	N/A
College or University	1 space per 2 students; plus 1 space per 4 seats in gymnasiums and auditoriums; plus 1 space per 200 <u>250</u> sq. ft. of administrative and educational office space	C

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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)

ARTICLE 6 – PARKING

CR 2018-020
(Updated 10/22/18)

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Day Care, General	<100 licensed capacity 1 space per 5 persons; plus 1 drop off stall per 20 persons >100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons	E
Day Care, Limited	1 space per 250 sq. ft.; plus drop off stall	E
Funeral Home	1 space per 4 seats	C
Government Services (2)	1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater	N/A
Homeless Resource Center	1 space per 200 sq. ft. of accessory service delivery areas	E
Hospital	1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area	D
Nursing Home or Convalescent Facility	1 space per 3 beds; plus 1 space per 200 250 sq. ft. of office space	(12)
Place of Worship	1 space per 3 seats or 200 sq. ft. for the principal place of worship, whichever is greater.	A
	1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses.	
	Collocated uses classified with the definition of a use listed in Art. 4.B.1, Uses, calculated separately.	
	Uses such as retreats, rectories, convents or seminaries shall use CLF parking and loading.	
Prison, Jail or Correctional Facility	1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater	N/A
School, Private	1 space per employee, 1 visitor space for every 50 students, 1 space for every 5.5 students in 11th and 12th grade; Auditorium or stadium- 1/3 seats	C
School, Public and Charter	1 space per faculty and staff, high school 1 space for every 10 students in 11 and 12 grade, and 1 visitor space for every 50 students.	C
Towing Service and Storage	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040] [Ord. 2017-007] [Ord. 2017-025]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

1

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Use Classification: Industrial	Parking	Loading Standard (1)
Use Classification: Industrial		
Contractor Storage Yard	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
Data and Information processing	1 space per 400 250 sq. ft.	A
Distribution Facility	1 space per 200 250 sq. ft. of office space	N/A
Equestrian Waste Management Facility	1 space per 200 250 sq. ft. of office space; plus 1 space per employee	E
Gas and Fuel, Wholesale	1 space per 250 sq. ft.	N/A
Heavy industry	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Machine or welding shop	1 space per 200 sq. ft.	C
Manufacturing and processing	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Medical or dental laboratory	1 space per 200 250 sq. ft.	C
Multimedia Production	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A
Recycling Center	1 space per 200 250 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.	N/A
Recycling Plant	1 space per 200 250 sq. ft. of office space; plus 1 space per employee	N/A
Research and Development	2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.	A

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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)

ARTICLE 6 – PARKING

CR 2018-020
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Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Salvage and Junk Yard	1 space per 200 <u>250</u> sq. ft. of office space; plus 1 space per employee	A
Towing Service and Storage	1 space per 500 sq.ft; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
Truck stop	1 truck space per 80 sq. ft.	N/A
Warehouse	1 space per 1,000 sq. ft.; plus 1 space per 200 <u>250</u> sq. ft. of office space	A
Wholesaling, general	1 space per 1,000 sq. ft.	A
[Ord. 2017-007] [Ord. 2017-025]		
Loading Standard Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Use Classification: Agricultural	Parking	Loading (1)
Use Classification: Agricultural		
Agriculture, bona fide	1 space per 1,000 sq. ft.	B
Accessory Agricultural Uses (U-Pick Em Operations)		
Agriculture Marketplace	1 space per 200 sq. ft. including outdoor display area	A
Agriculture, light manufacturing	1 space per 1,000 sq. ft.	B
<u>Agriculture, Packing Plant</u>	<u>1 space per 2,000 sq. ft.</u>	<u>A</u>
Agriculture, Renewable Fuels Production	1 space per 1,000 sq. ft.	B
Agriculture, research/development	1 space per 1,000 sq. ft.	B
Agriculture, sales and service	1 space per 250 sq. ft.	A
Agriculture, storage	1 space per 1,000 sq. ft.	A
Agriculture use, accessory	5 spaces or 1 space per employee, whichever is greater	N/A
Agriculture, transshipment	1 space per 2,000 sq. ft.	A
Aviculture	1 space per 200 sq. ft.	E
Community vegetable garden	4 spaces per garden (10)	N/A
Equestrian arena, commercial	1 space per 3 seats	N/A
<u>Farmers Market</u>	<u>1 space per 250 sq. ft.</u>	<u>E</u>
Nursery, retail	1 space per 500 sq. ft. of indoor or covered retail and office areas plus 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres.	B
Nursery, wholesale	1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres.(3) (4)	B
Packing plant	1 space per 2,000 sq. ft.	A
Potting soil manufacturing	2 spaces per acre; minimum of 5 spaces	A
<u>Produce Stand</u>	<u>1 spaces per 250 sq. ft. including outdoor display area</u>	<u>N/A</u>
Produce stand, permanent	1 space per 200 sq. ft. including outdoor sales display area	N/A
Produce stand, temporary	2 spaces per 200 sq. ft. including outdoor sales display area	N/A
Shadehouse	N/A	N/A
Commercial Greenhouse	1 space per acre of greenhouse	C
Stable, commercial or private	1 space per 500 sq. ft.; plus 1 space per 4 animal stalls	N/A
Sugar mill or refinery	1 space per 2,000 sq. ft.; plus 1 space per 200 sq. ft. of office space	N/A
[Ord. 2006-004] [Ord. 2006-036] [Ord. 2012-027] [Ord. 2015-031] [Ord. 2017-007] [Ord. 2017-025]		
Loading Key:		

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EXHIBIT J

**ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)
ARTICLE 6 – PARKING**

CR 2018-020
(Updated 10/22/18)

Standard "A"	One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.
Standard "B"	One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.
Standard "C"	One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.

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Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd

Use Classification: Utilities	Parking	Loading (1)
Use Classification: Utilities		
Air-curtain incinerator	2 spaces per acre; minimum of 5 spaces	N/A
Chipping and mulching	2 spaces per acre; minimum of 5 spaces	N/A
Composting facility	2 spaces per acre; minimum of 5 spaces	N/A
Electric Distribution Substation	1 space	N/A
Electric Power Plant	1 space per 200 250 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Incinerator	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Minor Utility	1 space per Minor Utility	N/A
Renewable Energy Solar Facility	1 space per site; and 1 space per 200 250 sq. ft. of office space	N/A
Renewable Energy Wind Facility	Exempt from parking requirements for unmanned Wind Turbines or MET Towers, unless otherwise required by the Zoning Director	N/A
Landfill or Incinerator	1 space per 200 250 sq. ft. of office space; plus 1 space per employee	N/A
Solid waste transfer station	1 space per 1,000 sq. ft.	N/A
Water or Wastewater Treatment Plant	1 space per 200 250 sq. ft. of office space; plus 1 space per employee	N/A
Use Classification: Transportation Uses	Parking	Loading (1)
Use Classification: Transportation Uses		
Airport, Heliport or Landing Strip	1 space per tie-down and hangar space, minimum of 5 spaces	C
Seaplane Facility	1 space per tie-down and hangar space, minimum of 5 spaces	C
Transportation Facility	1 space per 200 250 sq. ft. of office space	N/A
Use Classification: Commercial Communication Towers	Parking	Loading (1)
Use Classification: Commercial Communication Towers		
Commercial Communication Towers and Government Owned Towers	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
Panel Antennas	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
Use Classification: Excavation	Parking	Loading (1)
Use Classification: Excavation		
Excavation	N/A	N/A
[Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2017-025]		
Loading Standard Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.	
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.	
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.	

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Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Classification: Temporary	Parking	Loading (1)
Use Classification: Temporary		

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EXHIBIT J

**ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)
ARTICLE 6 – PARKING**

CR 2018-020
(Updated 10/22/18)

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Communication Cell Site on Wheels (COW)	Exempt from parking regulations unless otherwise required by Zoning Director.	N/A
Day Camp	<100 licensed capacity: One space per five persons; plus one drop off stall per 20 persons. >100 licensed capacity: One space per ten persons; plus one drop off stall per 20 persons.	E
Mobile Retail Sales	N/A	N/A
Real Estate Sales Model <u>and Management Office</u> , Non-PDD, <u>Real Estate Sales Model and Management Office, PDD and TDD and Real Estate Sales Model, PDD and TDD</u>	2 spaces per sales model.	N/A
Recycling Drop-Off Bin	1 space per bin.	N/A
Special Event	N/A (1)	N/A
Temporary Green Market	N/A	N/A
Temporary Retail Sales	N/A	N/A
Temporary Vehicle Sales	N/A	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025]		
Loading Standard Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		
(1) A Special Event shall provide on-site parking unless off-site parking is approved.		
Notes:		
1. In addition to the parking requirements of Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide 1 space per company vehicle.		
2. Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.D.1.h, <u>Government Services and Government Facilities</u> .		
3. Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).		
4. Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking. [2007-010]		
5. Nonprofit Assembly Institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.		
6. Limited access Self Service Storage facilities must provide a minimum of two off-street loading spaces at each entry into the building, excluding office access not utilized by customers for accessing storage units. [Ord. 2005-041] [Ord. 2017- 007]		
7. Golf cart parking may be used pursuant to Art. 6.A.1.D.7, Golf Cart Parking [Ord. 2007-001] [Ord. 2013-001]		
8. The loading zone may be waived for a Type 2 or 3 Commercial Kennel operated as an accessory use to general retail sales. [Ord. 2006-036]		
9. Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. [Ord. 2013-021]		
10. Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type 1 Waiver. [Ord. 2015-031]		
11. Freestanding Unmanned Retail Structures shall require a minimum of one (1) parking space for persons with disabilities.		
12. A Type 3 CLF with more than 20 beds or a Nursing Home or Convalescent Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver. [Ord. 2017-025]		

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Part 3. ULDC Art. 6, Parking (page 13 of 40 of Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that Government Services also includes Government Facilities.

CHAPTER A PARKING

Section 1 General

....

D. Off-Street Parking

1. Computing Parking Standards

....

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EXHIBIT J

**ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)
ARTICLE 6 – PARKING**

CR 2018-020
(Updated 10/22/18)

- 1 h. **Government Services and Government Facilities**
2 Government services may request alternative calculations based on evidence of actual
3 parking demand for similar uses or reliable traffic engineering and planning information.
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7 **Part 4. ULDC Art. 6.A.1.D.Parking (page 23-29 of 40 of Supplement 24), is hereby amended as**
8 **follows:**
9

Reason for amendments: [Zoning]
1. To clarify parking requirements versus queuing in response to industry feedback.
2. Add a footnote to clarify the minimum aisle widths required for a Retail Gas and Sales use specific to the fueling positions located under the canopy.
3. Provide a Retail Gas and Fuel Canopy diagram to illustrate footnote number 4.

10 **CHAPTER A PARKING**

11 **Section 1 General**

12
13 **D. Off-Street Parking**

14
15 **14. Design and Construction Standards**

16 **a. Dimensions**

17 The dimensions and geometrics of off-street parking areas shall conform to the following
18 minimum standards.

19 **1) Residential**

20 **a) Individual Parking Space**

21 Each parking space for dwelling units that do not share a common parking lot shall
22 be a minimum of eight feet wide and 20 feet long. Parking spaces may be side to
23 side, end to end or not contiguous to each other.

24 **b) Common Parking Lots**

25 For dwelling units that share a common parking lot, parking spaces and aisles shall
26 be subject to Table 6.A.1.D, Minimum Parking Dimensions.

27 **2) Nonresidential**

28 All nonresidential uses and residential uses with shared parking lots shall provide
29 parking spaces that comply with Table 6.A.1.D, Minimum Parking Dimensions for
30 Nonresidential Uses and Residential Uses with Shared Parking Lots, and Figure
31 6.A.1.D, Typical Example of General Parking Schematic. Parking angles that are not
32 illustrated in Table 6.A.1.D, Minimum Parking Dimensions, or Figure 6.A.1.D, Typical
33 Example of General Parking Schematic shall be interpolated from the tables and
34 approved by the DRO. For the purpose of applying the "Use" column in Table 6.A.1.D,
35 Minimum Parking Dimensions, the following rules shall apply:

36 **a) General**

37 The term "general" applies to parking spaces designated to serve non-residential
38 uses and residential uses with shared parking lots. **[Ord. 2016-042]**

39 **b) Accessible**

40 Spaces reserved for use by disabled persons shall be governed by the rows
41 labeled "accessible"; **[Ord. 2016-042]**
42
43

**Table 6.A.1.D - Minimum Parking Dimensions
For Nonresidential Uses and Residential Uses
with Shared Parking Lots**

A Angle	Use (1)	B Space Width (feet)	C Space Depth (feet)	D (3)(4) Aisle Width (feet)	E Curb Length (feet)	F Module Width (feet)
45	General	9.0	17.5	12.0	12.5	47.0
	Accessible *	12.0	17.5	12.0	17.0	47.0
60	General	9.0	19.0	16.0	10.5	54.0
		9.5	19.0	15.0	10.5	53.0
	Accessible *	12.0	19.0	14.0	14.0	52.0
70	General	9.0	19.5	19.0	9.5	58.0

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EXHIBIT J

**ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)
ARTICLE 6 – PARKING**

CR 2018-020
(Updated 10/22/18)

**Table 6.A.1.D - Minimum Parking Dimensions
For Nonresidential Uses and Residential Uses
with Shared Parking Lots**

		9.5	19.5	18.0	9.5	57.0
	Accessible *	12.0	19.5	17.0	12.5	56.0
75	General	9.0	19.5	23.0	9.5	62.0
		9.5	19.5	22.0	9.5	61.0
	Accessible *	12.0	19.5	21.0	12.5	60.0
80	General	9.0	19.5	24.0	9.0	63.0
		9.5	19.5	23.0	9.0	62.0
	Accessible *	12.0	19.5	22.0	12.0	61.0
90	General	9.0	18.5	26.0	9.0	63.0
		9.5	18.5	25.0	9.0	62.0
	Accessible *	12.0	18.5	24.0	12.0	61.0
90	Low Speed Electric Vehicle (LSEV)	Min. 6.0 Max. 7.0	Min. 12.0 Max. 13.0	Min. 15.0 Max. 17.0 (2)	Min. 6.0 Max. 7.0	Min. 39.0 Max. 43.0 (2)

[Ord. 2005-002] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-002]

Notes:

* Accessible applies to parking for persons who have disabilities.

1. Use – See Art. 6.A.1.D.14, Design and Construction Standards.

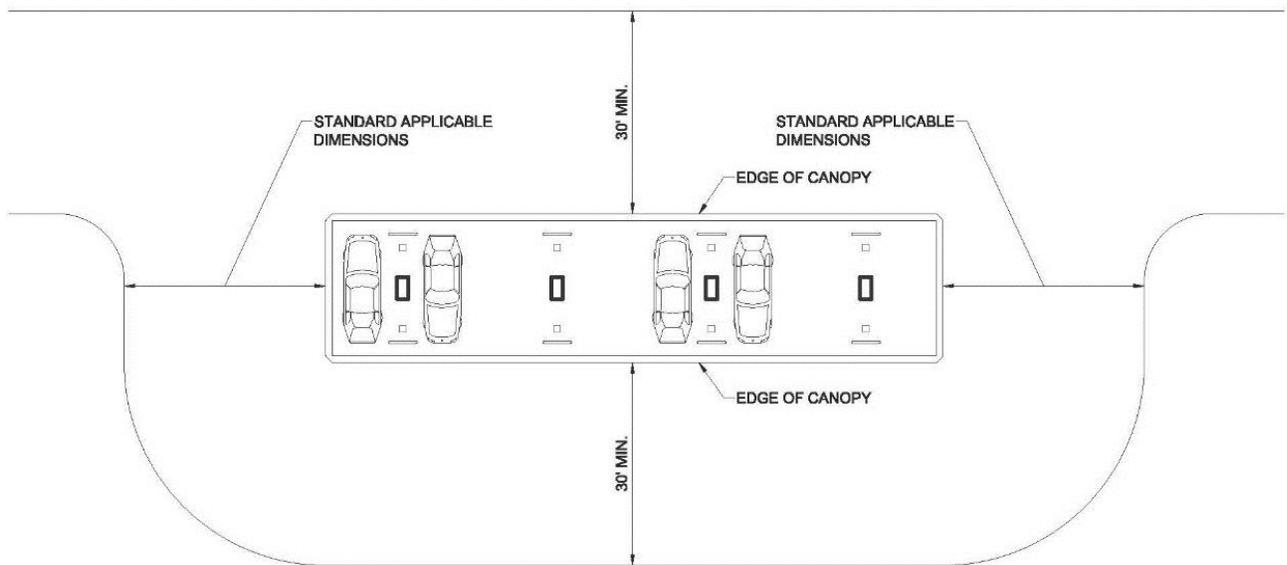
2. Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.

3. Angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90 degree parking stalls, or unless stated otherwise herein. [Ord. 2012-027]

4. For a Retail Gas and Fuel Sales use, the drive aisles perpendicular to the fueling positions under the canopy shall have a minimum aisle width of 30 feet (see Figure 6.A.1.D-Gas Canopy).

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Figure 6.A.1.D – Retail Gas and Fuel Canopy



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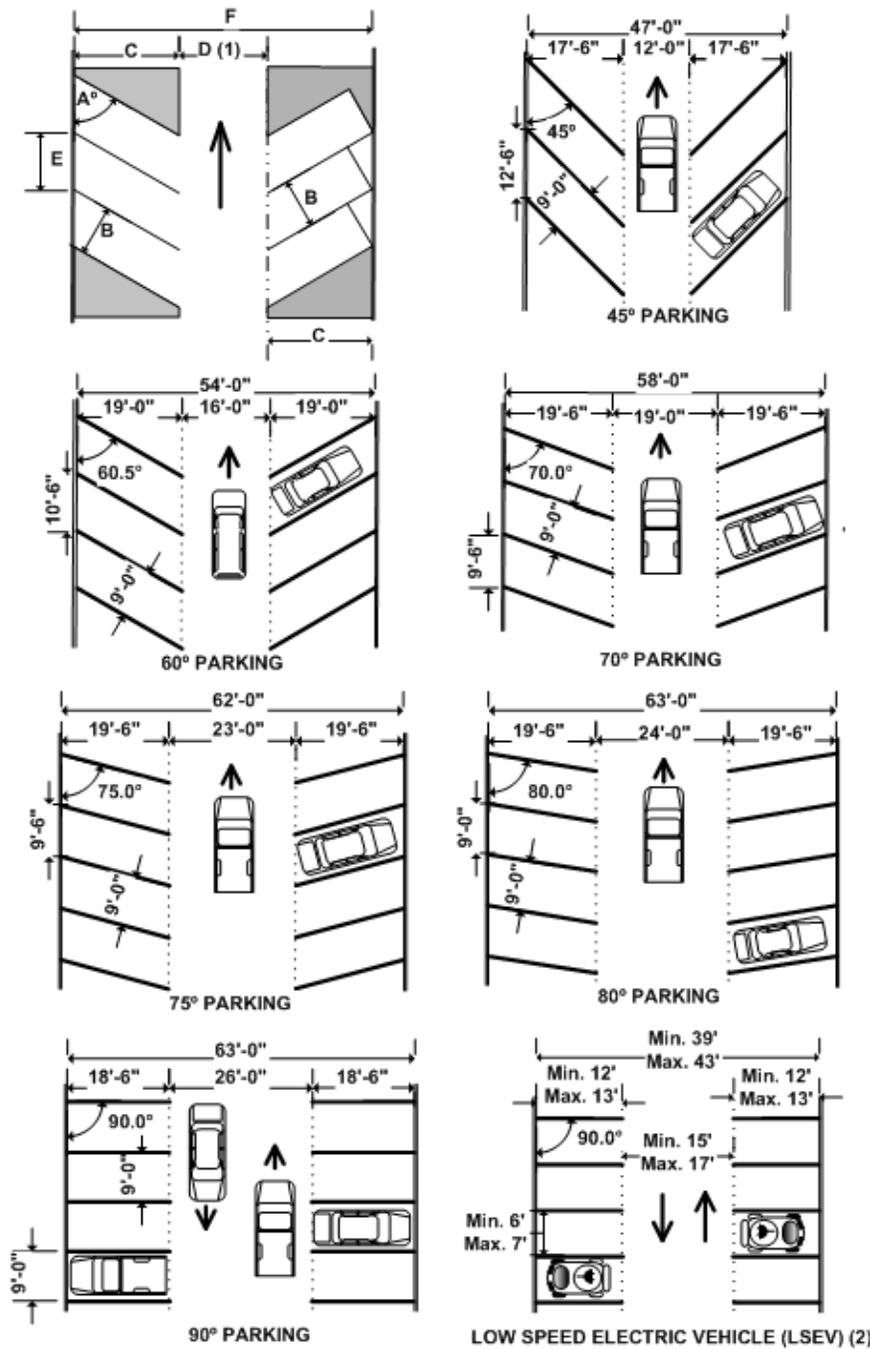
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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDs)
ARTICLE 6 – PARKING

CR 2018-020
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1

[Ord. 2012 -027]		
Key:		
A	Parking Angle	C Space Depth
B	Space Width	D Aisle Width (1)
		E Curb Length
		F Wall to Wall Width
Notes:		
1. All angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90 degree parking spaces, or unless stated otherwise herein.		
2. Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.		

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Part 5.
ULDC Art. 6.A.1.D.Parking (page 29 of 40 of Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To distinguish between Point of Service space and Queuing and By-Pass Standards.
2. To delete a portion of the Queuing and By-Pass Standards shown in Figure 6.A.1.D-12 as it is now detailed above in Figure 6.A.1.D-12 Retail Gas and Fuel Canopy in response to industry feedback.

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CHAPTER A PARKING

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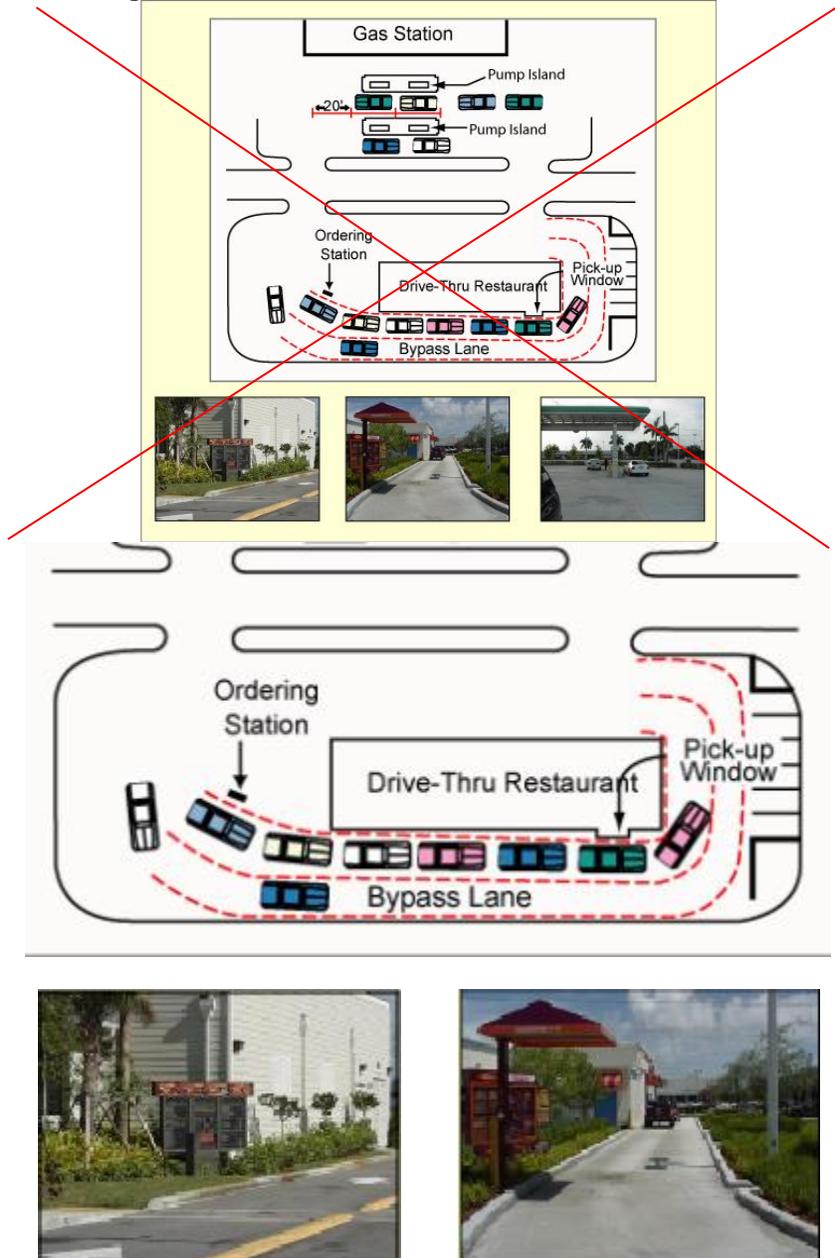
ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS) ARTICLE 6 – PARKING

CR 2018-020
(Updated 10/22/18)

16. Point of Service and Queuing Standards

In addition to meeting the minimum off-street parking and loading standards of this Article, all drive thru establishments shall meet the following standards.

Figure 6.A.1.D-12 - Queuing and By-Pass Standards



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- a. A point of service space shall be provided for all drive-thru establishments. The dimensions for the point of service space shall be a minimum of nine by 20 feet.
 - b. Queuing shall be provided for all drive-thru establishments described in Table 6.A.1.D – Minimum Queuing Standards. Each queuing space shall be a minimum of ten feet by 20 feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. The dimensions for the point of service space may be reduced to nine by 20 feet. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One additional queuing space shall also be provided after the point of service for all uses. **[Ord. 2005-041]**
 - b.c. A by pass lane a minimum of ten feet wide shall be provided before or around the point of service. Subject to the Zoning Director's approval, a by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area.

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EXHIBIT J

**ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS)
ARTICLE 6 – PARKING**

CR 2018-020
(Updated 10/22/18)

Table 6.A.1.D - Minimum Queuing Standards

Use	Number of Spaces	Required By-pass (1)
Drive-Thru Financial Institution Teller Lanes Automatic Teller Lanes	5 3	Y N
Drive-Thru Restaurant Minimum before Menu Board	7 4	Y
Drive-Thru Car Wash Automatic Self-Service	5 3	N Y
Drive-Thru Oil Change	4	Y
Gasoline Pump Island	20 feet of queuing at each end of pump island	N
Drive-Thru Dry Cleaning or Laundry	3	Y
Drive-Thru General Retail	4	Y
Commercial Parking Lot	3	N
Notes:		
1. All Uses: a by-pass lane shall be required if more than 5 queuing spaces are provided.		

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ed. A maximum of 20 percent of the required queuing spaces, pursuant to Table 6.A.1.D – Minimum Queuing Standards, may count toward the off-street parking requirements pursuant to Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements. This provision shall only apply to uses that require a minimum of 25 parking spaces. **[Ord. 2010-005]**

....

Part 6. ULDC Art. 6.A.1.D, Parking (page 32-33 of 40 of Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To delete the standard that limits the number of parked vehicles on residential parcels. Determined by Code Enforcement Director, Zoning Director, and County Attorney that the limitation is no longer needed, no code enforcement issues to warrant limitation.
2. To eliminate the reduction related to CRALLS to as the State law limits traffic concurrency regulations to Proportionate Share payments. As a result, parking reduction is no longer a viable CRALLS strategy.

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19. Parking of Equipment, Vehicles, ~~Boats~~ or Marine Vessels and Trailers in Residential Districts

The following standards shall apply to the parking of equipment, (including construction equipment), vehicles, recreational vehicles, sports vehicles, ~~boats~~ or marine vessels and trailers on residential parcels or adjacent streets in residential districts. For the purposes of this Section, legally established, nonresidential uses in the AR district in lands designated Rural Residential in the Plan shall not be considered a residential district. **[Ord. 2007-013]**

a. General Prohibition

1) On-Street

No person shall park, store, or keep equipment a commercial vehicle, recreational vehicle, ~~boat~~, marine vessel, trailer, sports vehicle such as dune buggy, jet skis, racing vehicle, off-road vehicle, air boat, canoe or paddleboat, on any public street, or other thoroughfare or any R-O-W within a residential district for a period exceeding one hour in any 24 hour period, each such period commencing at the time of first stopping or parking. **[Ord. 2007-013]**

2) Off-Street

It shall be unlawful for any owner of land in any residential district to park on, cause to be parked on, or allow to be parked on residentially zoned land any unlicensed or unregistered vehicle, or equipment commercial vehicle, sports vehicle, recreational vehicle, ~~boat~~ marine vessel or trailer for a period exceeding one hour in any 24 hour period, each such period commencing at the time of first stopping or parking. **[Ord. 2007-013]**

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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS) ARTICLE 6 – PARKING

CR 2018-020
(Updated 10/22/18)

1 **3) Vacant Lot Prohibitions**

2 Parking shall be prohibited on all vacant properties in residential districts. [Ord. 2007-
3 **013]**

4 **b. Exemptions**

5 The following exemptions shall apply to parcels in residential districts, unless the parcel is
6 vacant. [Ord. 2007-013]

7 **1) Commercial Vehicle**

8 One commercial vehicle of not over one ton rated capacity may be parked per dwelling
9 unit, providing all of the following conditions are met: vehicle is registered or licensed;
10 used by a resident of the premises; gross vehicle weight rating (gvwr) does not exceed
11 12,500 pounds; height does not exceed nine feet, including any load, bed, or box; and
12 total vehicle length does not exceed 26 feet. [Ord. 2005-041]

13 **2) Construction Vehicles**

14 The general prohibitions above shall not apply to the temporary parking of construction
15 vehicles or equipment engaged in work on private land in residential districts where
16 construction is underway, for which a current and valid building permit has been issued
17 by the Building Director and the building permit is displayed on the premises. [Ord.
18 **2007-013]**

19 **3) Delivery and Service Vehicles**

20 The general prohibitions above shall not apply to routine deliveries by tradesmen, or
21 the use of trucks in making service calls, provided that time in excess of one hour is
22 due to business deliveries or servicing. [Ord. 2007-013]

23 **4) Emergency Repairs**

24 The general prohibitions above shall not apply to a situation where a motor vehicle
25 becomes disabled and, as a result of such emergency, is required to be parked in a
26 residential district longer than two hours. Any prohibited motor vehicle shall be
27 removed from the residential district within 24 hours, regardless of the nature of the
28 emergency.

29 **5) Outdoor Storage**

30 A maximum of one recreational vehicle and any two of the following, or a maximum of
31 three of any of the following, may be parked outdoors on a residential parcel with a
32 residential unit:

33 sports vehicle, ~~boat~~ or marine vessel with accompanying trailers, and trailers may be
34 parked outdoors in a residential district provided that the vehicles are: [Ord. 2007-
35 **013]**

36 a) owned and used by a resident of the premises;

37 b) not parked in a required front setback or other area between the structure and the
38 street, or on street except for the purpose of loading or unloading during a period
39 not to exceed two hours in any 24 hour period; [Ord. 2007-013]

40 c) located in the side or rear yard and are screened from surrounding property and
41 streets with an opaque wall, fence or hedge a minimum of six feet in height;

42 d) not used for living, sleeping or housekeeping purposes; and

43 e) operative and currently registered or licensed, as required by state or federal law.

44 f) vehicles, ~~boats~~ or marine vessels on navigable waterways are exempt; and [Ord.
45 **2007-013]**

46 g) one vehicle which does not meet the requirements above may be approved
47 through ZAR process upon demonstration that: [Ord. 2018-002]

48 (1) The property owner, family member or legal tenant has a physical disability
49 which requires a vehicle which cannot meet these requirements.

50 **6) Indoor Storage**

51 Vehicles, ~~boats~~, marine vessels and related trailers used for non-commercial
52 purposes, whether licensed and operational or not, located in a fully enclosed garage
53 or permitted roofed structure. [Ord. 2007-013]

54 **7) Unregistered or Unlicensed Vehicles**

55 In addition to the indoor storage exception above, one vehicle which is unregistered or
56 unlicensed may be kept on site provided the vehicle is completely screened from view
57 from adjacent roads and lots. [Ord. 2007-013]

58 ~~**20. Parking Limitations for Residential Lots**~~

59 ~~The provisions of this section shall apply retroactively. The following standards shall apply to~~
60 ~~the parking of vehicles on residential parcels. For the purposes of this section, the term vehicle~~
61 ~~shall include: cars, commercial vehicles, sports utility vehicles and trucks. In addition, for the~~
62 ~~purposes of this section, the AR district shall be considered a residential district. [Ord. 2008-~~
63 ~~**037]**~~

64 ~~**a. Parking for Seven Vehicles**~~

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EXHIBIT J

ARTICLE 3 – PLANNED DEVELOPMENT DISTRICTS (PDDS) ARTICLE 6 – PARKING

CR 2018-020
(Updated 10/22/18)

1 A maximum of seven vehicles may be parked outdoors on a lot supporting a single-family
2 residential use. ~~[Ord. 2008-037]~~
3 **21. CRALLS Reductions**
4 A ten percent reduction in the minimum number of required parking spaces may be approved
5 by the DRO if required to comply with Art. 12.P.4.D, Strategy 4 Parking Management. The
6 reduction may only be implemented if the mitigation strategy is approved by the County
7 Engineer. ~~[Ord. 2006-036]~~
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EXHIBIT K

ARTICLE 7, LANDSCAPING CR-2018-030, CR-2018-047, CR-2018-035 (Updated 11/08/18)

1 Part 1. ULDC Art. 7.B.4, Landscaping, Applicability and Approval Process, Type I Waiver for
2 Landscaping (pages 12-13 of 53, Supplement 24), is hereby amended as follows:
3

Reason for amendments: [Zoning]
1. The purpose of this amendment is to remove overhead power lines from the Type 1 Waiver table as the Code is being modified to allow changes to the minimum sizes of trees, palms and pines within proximity of overhead power lines, as described in FP&L's publication "Right Tree, Right Place," as amended, to be done administratively by right.

4 **CHAPTER B APPLICABILITY AND APPROVAL PROCESS**

5

6 **Section 4 Type 1 Waiver for Landscaping**

7 An Applicant may seek minor modifications to the requirements of this Article that are identified in Table
8 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to
9 be modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures.
10 The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art.
11 2.C.5.E.3, Standards for Type 1 Waiver, and the applicable Criteria in the following Table have been met.
12 **[Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]**

13 **A. Applicability**

14 Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same
15 requirements. **[Ord. 2018-002]**
16

Table 7.B.4.A –Type 1 Waivers for Landscaping - Continued

Article/Table Reference and Title	Maximum Waiver	Criteria
.....		
Landscape Islands and Parking Structures - Continued		
Art. 7.C.4.F, Parking Structures	Allow perimeter planter requirement be altered if the planters are in conflict with the architectural design of the parking structure.	<ul style="list-style-type: none"> • The Applicant is required to submit architectural elevations of the parking structure for Staff review and evaluation. • The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located.
Art. 7.C.5.A.1, Underground or Overhead Easement - Relocation of Trees [Ord. 2018-018]	Allow required trees to be relocated on the same site. [Ord. 2018-018]	<ul style="list-style-type: none"> • There is no reduction in the total quantity of the required trees; [Ord. 2018-018] • A maximum of ten percent of the required trees within the same buffer may be relocated; and, [Ord. 2018-018] • The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]
Art. 7.C.5.B, Easements in Off-Street Parking - Existing Utilities [Ord. 2018-018]	Allow existing easements to overlap the landscape islands [Ord. 2018-018]	<ul style="list-style-type: none"> • The Applicant shall provide documentation from the Utility easement holder that the easement(s) are recorded, and are not subject to a change in the location; [Ord. 2018-018] • The Applicant may utilize a small tree or a palm to satisfy the canopy tree requirement. If the minimum separation between the tree and the utilities cannot be met, the required tree in the island may be relocated within the same site; [Ord. 2018-018] • The minimum percentage of Canopy tree pursuant to Table 7.C.4.A, may be reduced to 50 percent and palms may be increased up to 50 percent, and, [Ord. 2018-018] • The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]
[Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [2016-016] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018]		

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EXHIBIT K

ARTICLE 7, LANDSCAPING

CR-2018-030, CR-2018-047, CR-2018-035
(Updated 11/08/18)

1 Part 2. ULDC Art. 7.B.5, Landscaping, Applicability and Approval Process, Tree Removal and
2 Replacement (pages 13 of 53, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify certain parts of the PPM ZO-O-061, Violation for Illegal Tree related to the existing processes for the legal and illegal tree removal. There are 2 parts in this PPM, the first part establishes the Tree Removal Approval Process providing both Staff and Applicant the application submittal requirements, and the process procedures. Part 2 of the PPM refers to how to process violations and application of fines for any illegal tree removal. Staff creates a new section (Section 5) to address the Tree Removal and Replacement process.
2. Clarify the word "Tree" will include trees, palms or pines. Also clarify that these trees, palms or pines are required to be planted on a subject property per Article 7, Landscaping or per Condition(s) of Approval through a Development Order (DO). Therefore, illegal removal of these trees, palms or pines are a violation to either the Code or the DO.

3 4 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

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6 **Section 5 Tree Removal and Replacement**

7 Trees, palms or pines that are required to be planted on a property per Code requirements or through a
8 Condition(s) of Approval shall not be removed without first applying for and being issued a Tree Removal
9 and Replacement Permit. Removal of trees, palms or pines without a valid permit shall be considered a
10 violation of the Code or the DO. For the purpose of this Section, the term tree(s) shall include trees, palm(s)
11 or pine(s).

12 **A. Approval Process**

13 An Applicant may request the removal of existing trees by submitting an application to the Zoning
14 Division, and subject to the following procedures:

15 **1. Pre-Application Site Meeting**

16 Prior to the submittal of an application, the Applicant shall schedule an on-site meeting with
17 staff of the Permit/Landscape Review Section of the Zoning Division to discuss and inspect the
18 trees that are proposed to be removed. Staff shall determine whether the trees are eligible for
19 removal based on the standards listed below. If the trees are eligible for removal, the Applicant
20 shall be provided by Staff a Tree Removal and Replacement Application to be completed for
21 submittal.

22 **2. Application Submittal Requirements**

23 The Applicant shall submit the application to the Permit/Landscape Review Section. The
24 application shall include a Justification Statement providing the reason for the proposed
25 removal of the vegetation. The Applicant shall also submit either a Final Site, Subdivision or
26 Regulating Plan or a Survey of the subject property. The Applicant shall identify the following:
27 specie, size and location of the trees to be removed, and the required replacement of the trees
28 and their proposed specie, size and location.

29 **3. Application Review and Final Decision**

30 Staff shall review the application utilizing the Standards for Removal, that are listed below to
31 consider whether to approve or deny the request. A Tree Removal and Replacement Permit
32 shall be issued upon the approval of the application. The DRO may approve, approve with a
33 Condition of Approval, or deny the request.

34 **4. Standards for Removal and Replacement**

35 In reviewing an application for Tree Removal and Replacement, staff shall consider the
36 following standards to determine whether the removal permit is granted:.

- 37 a. The Applicant's justification for the removal;
- 38 b. The site condition of the area where the existing tree is located, and whether the location
39 has easement overlap or proximity of the tree to the overhead electric utilities;
- 40 c. The health condition of the tree; or,
- 41 d. Any valid safety concerns that may arise if the removal of the tree is not allowed.

42 **B. Replacement**

43 All replacement of trees, shrubs, landscape barrier and ground treatment shall be in compliance
44 with Art. 7.E.3.B, Replacement.

45 **C. Timeline**

46 Staff shall indicate the timeline of removal and replacement of the tree on the Permit to ensure the
47 replacement of the tree is done in accordance with the approval. The Permit is valid for six months
48 from the date of issuance. Failure to comply with the Permit requirements which include the
49 established dates or any imposed Conditions of Approval shall result in enforcement action by PZB.

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EXHIBIT K

ARTICLE 7, LANDSCAPING

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(Updated 11/08/18)

D. Inspection

The Applicant shall contact staff when the trees are removed, and staff shall schedule a site inspection to confirm that the trees have been removed, and that any required replacement of trees have been installed in conformance with the Permit.

Part 3. ULDC Art. 7.C.5, Landscaping, Landscape Buffer and Interior Landscaping Requirements, Easements in Landscape Buffers and Off-Street Parking Areas (page 31 of 53, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To modify the language relating to vegetation within or abutting easements with overhead utilities. Although the Code has references on the FP&L's publication "Right Tree, Right Place," as amended, however, the proposed addition of the Code requirements will further clarify minimum setbacks for vegetation that is planted adjacent to overhead utility lines.
2. Remove the reference to the Figure as the figure is pointed to a general situation showing a fire hydrant separation from the tree pit.

CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS

....

Section 5. Easements in Landscape Buffers and Off-Street Parking Areas

A. Easements in Landscape Buffers

1. Underground Utilities

Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Art. 11, Subdivision, Platting, and Required Improvements, and other PBC codes. Easements shall be identified on the Zoning Plans prior to the application for Building Permit.. [Ord. 2018-002] [Ord. 2018-018]

2. Overhead Utilities

~~Trees-Vegetation that is planted~~ within or abutting any easement with overhead utilities shall comply with the placement-planting and maintenance requirements in ~~the latest edition of~~ FP&L's publication "Plant the Right Tree, in the Right Place," as amended, available from the Zoning Division, ~~and~~ The Applicant shall take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. For the purpose of this Section, the term vegetation shall include, trees, palm or pines. If there is conflict between this Code and FP&L's publication "Right Tree, Right Place," as amended, the latter shall apply. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines.

a. Planting near Overhead Electric Utilities

The setbacks shall be measured from the centerline of the trunk to the outer edge of the overhead utility lines. The following minimum setbacks shall apply:

- 1) Vegetation that at a mature height may grow to 50 feet or greater shall be planted at least 50 feet away from overhead electric utility lines;
- 2) Vegetation that at a mature height may grow to between 14 to 49 feet shall be planted at least 30 feet away from overhead electric utility lines;
- 3) Palms shall be planted at least 20 feet plus the maximum palm frond length away from overhead electric utility lines;
- 4) Only Vegetation that at a mature height grow to less than 14 feet shall be permitted to be planted underneath or adjacent to overhead electric utility line; and,
- 5) Vegetation shall not be planted within eight feet of the front and three feet of the sides of a transformer cabinet.

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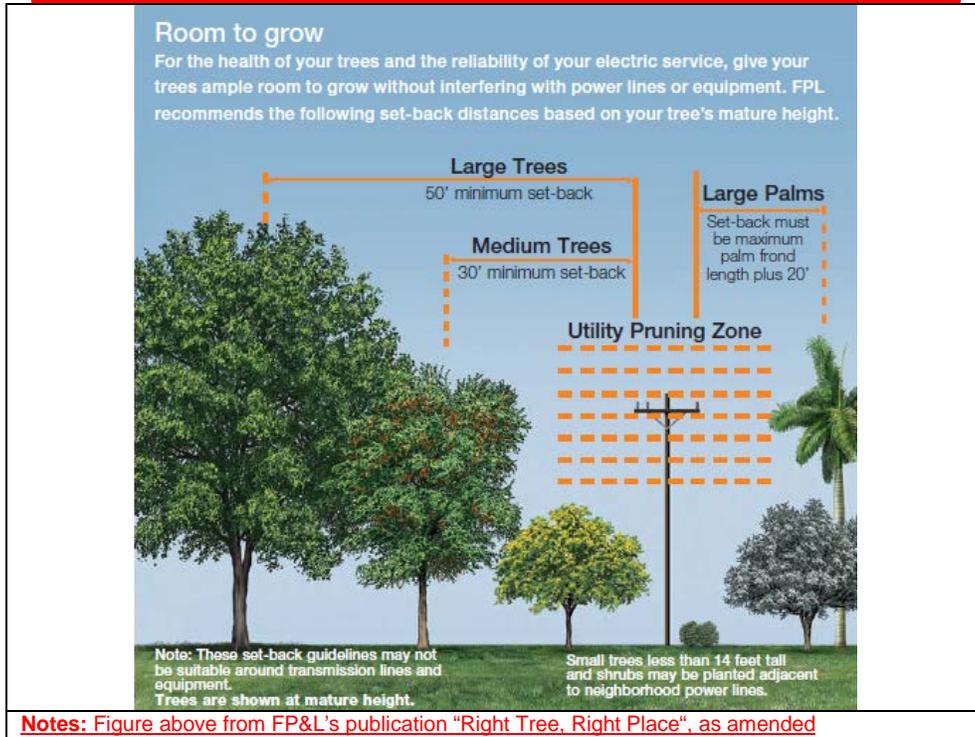
EXHIBIT K

ARTICLE 7, LANDSCAPING

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Figure 7.C.5.A- Overhead Utilities and setbacks for Trees, Palms, or Pines



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b. Transformer Cabinet in the Overhead Electric Utilities Easement

Planting around transformer cabinet shall be setback from the cabinet a minimum of eight feet on the front and three feet on the sides and rear.

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c. Maintenance of Vegetation that is adjacent to Overhead Electric Utilities

Where overhead electric utilities exist, vegetation shall be maintained so that all limbs and branches are a minimum of ten feet from the overhead utility lines.

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3 Type 1 Waiver for Landscaping

Plants required in the easement area may be planted elsewhere on the same site subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002] [Ord. 2018-018]

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B. Easements in Off-Street Parking Areas

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1. Underground Utilities

Utility easements may encroach landscape islands provided there is a sufficient area for the growth of the required tree within the same island. The width and length of the island may be increased by the minimum amount necessary to meet the separation requirements of the utility providers, indicated below. [Ord. 2018-018]

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a. PBC Water Utilities Separation

A minimum of ten feet shall be provided, by measuring from the outer edge of the pipes to the edge of the pit where the tree is to be planted. The Department of Water Utilities (WUD) may allow the separation distance to be reduced to seven feet if tree root barriers are installed. ~~See Figure 7.C.5, Water Utility Separation.~~ [Ord. 2018-018]

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b. Fire Rescue Utility Separation

A minimum of five feet shall be provided, measuring from the outer edge of the fire hydrant to the pit where the tree is to be planted. [Ord. 2018-018]

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Part 4. ULDC Art. 7.D.4.D, Landscaping, Landscape Standards, Trees, Palms and Pines (pages 35-36 of 53, Supplement 24); and, Landscaping, Landscape Standards, Trees, Landscape Barrier (pages 39-40 of 53, Supplement 24), is hereby amended as follows:

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Reason for amendments: [Zoning]
1. To modify the standards for Minimum Trees, Palms and Pines when they are in proximity to easements with overhead utilities, consistent with FP&L's publication "Right Tree, Right Place," as amended.
2. Remove the additional language of the location of the wall or fence to avoid confusion with the setback requirements per Table 7.D.4.D. Walls are only required for a Type 3 Incompatibility buffer, and if an applicant desires to install a fence or wall in other types of buffers such as: R-O-W buffers which ranges from 10 feet to 20 feet in width; Compatibility - 8 feet in width; Type 1 and 2 Incompatibility Buffers which ranges from 10 feet to 15 feet. The Code requires a setback of the wall

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EXHIBIT K

ARTICLE 7, LANDSCAPING CR-2018-030, CR-2018-047, CR-2018-035 (Updated 11/08/18)

Reason for amendments: [Zoning]

or fence from the property line, and sufficient area for the accommodation of the required plantings on both side of the fence or wall.

CHAPTER D LANDSCAPE STANDARDS

Section 2 Trees, Palms and Pines

A. Trees

The size of a Canopy tree shall include the height and caliper pursuant to the Shade Trees, Types One through Five Matrices of the Grades and Standards for Nursery Plant. The minimum size of a Canopy tree shall be 12 feet in height with a two and one half inch caliper at installation, unless stated otherwise below. [Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002]

1. Average Height

Required Canopy tree size may be achieved by utilizing the average height calculation .

- a. Average height of total quantity of trees shall have a minimum of 12 feet. A maximum of 25 percent of the required trees shall be at a minimum height of eight feet. [Ord. 2018-002]

2. Overhead Utilities with or without an easement

May be exempt from the Average Height, and shall comply with FP&L's publication "Right Tree, Right Place," as amended

B. Palms

The size of a palm shall be measured by the height of the clear trunk or the grey wood pursuant to Figure 7.D.2.B - Palm Measurement Standards. The minimum overall height of a palm shall be 12 feet, and the minimum height for different species of palms shall be in accordance with Table 7.D.2.B – Palm Height Standards.

Table 7.D.2.B - Palm Height Standards (1)

Minimum Height	8 foot clear trunk for Sabals and similar species 6 foot grey wood for Royals and similar species 4 foot grey wood for Phoenixes, Canary, Bismarck and similar species
[Ord. 2016-042] [Ord. 2018-002]	
1. <u>May be exempt from the minimum overall height, where there is an adjacent Overhead Utilities with or without an easement, and shall comply with FP&L's publication "Right Tree, Right Place," as amended.</u>	

1. Canopy Tree Substitute

Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in each buffer, subject to the Standards in Table 7.D.2.B, Palm Height Standards. In the case of palm species, Paurotis or similar palm species, that characteristically grow in clumps, each clump may be counted as one canopy tree. [Ord. 2018-002]

a. Exception

Royal, Bismarck, Phoenix, Canary, Date or similar palm species determined to be acceptable by the Zoning Director may be counted as one required canopy tree. These palms shall be spaced a maximum of 20 feet on center, and the clear trunk or grey wood shall be increased by 40 percent of the minimum requirements. [Ord. 2018-002]

C. Pines

The size of a pine shall include the height and the caliper of the pine. The minimum size of a pine shall be 12 foot in height with a two and one half inch caliper at installation. May be exempt from the minimum height, where there is an adjacent Overhead Utilities with or without an easement, and shall comply with FP&L's publication "Right Tree, Right Place," as amended. [Ord. 2014-025] [Ord. 2016-042]

1. Canopy Tree Substitute

- a. Three pines may substitute for one required canopy tree, provided the overall accumulated height of the three pines is 24 feet or more; or [Ord. 2016-042]
- b. One pine with a minimum height of 14 feet. [Ord. 2016-042]

Pines may not be used in excess of 25 percent of the total number of required canopy trees. When using pines in a perimeter buffer, refer to Art. 7.D.2.C, Pines. [Ord. 2014-025]

D. Tree Species Mix

When more than 15 trees are required to be planted to meet the standards of this Article, a mix of species is required. The number of species to be planted shall vary according to the overall number of trees that are required to be planted pursuant to Table 7.D.2.D, Tree Species Mix. Vegetation

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EXHIBIT K

ARTICLE 7, LANDSCAPING

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preserved in accordance with Art. 14.C, Vegetation Preservation and Protection, is exempt from the tree species mix requirement.

Table 7.D.2.D - Tree Species Mix

Required Number of Trees	Minimum Number of Species
16-30	2
31-45	3
46-60	4
61-75	5
76-90	6
91 +	7

....

Section 4 Landscape Barriers

Landscape barriers consist of hedges, walls, or fences. They are utilized to provide continuous opaque screening, and are required for an Incompatibility buffer. Landscape barriers may be installed in other types of landscape buffers; the requirement may be modified based on the site situations. [Ord. 2018-002]

D. Location of Wall or Fence in a Landscape Buffer

Walls or fences that are utilized in a Landscape Buffer should have be located in the center of the buffer, and run parallel to the length of the buffer. Sufficient area with minimum easement encumbrances shall be provided to allow for planting on both sides of the wall or fence. [Ord. 2018-002]

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

Minimum Requirements	R-O-W	Incompatibility	Compatibility
Setback for the Wall or Fence	10 feet from the edge of the ultimate R-O-W or Base Building Line, whichever is applicable. (1)	10 feet from the edge of the property line.	No setback required. Allow to be located along the property line <u>or inner edge of the Buffer.</u>
Planting Width	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3)	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3)	7.5 feet on one side of the fence. If a wall is installed, 10 feet on one side of the wall. (2) (3)
Berm	If a continuous berm is proposed, the wall may be located on top of the berm.	If a continuous berm is proposed, the wall may be located on top of the berm.	No requirement.
Canopy Tree Planting	75 percent of required trees shall be located along the exterior side of the wall or fence. (4)	75 percent of required trees shall be located along the exterior side of the wall or fence. (4)	No percentage requirement.
Shrub Planting	Shrubs shall be planted on both sides of the wall or fence.	Shrubs shall be planted on both sides of the wall or fence.	No percentage requirement.
[Ord. 2018-002]			
Notes:			
(1) Unless waived or reduced by the County Engineer, provided there remains a minimum of seven and one half clear feet for planting. [Ord. 2018-002]			
(2) No easement encumbrances. [Ord. 2018-002]			
(3) If a wall is installed, the minimum width of the landscape buffer shall be increased to have sufficient area for the required planting. [Ord. 2018-002]			
(4) Percentage of required trees to be located on the exterior side of the wall or fence may be reduced subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002]			

Part 5. ULDC Art. 7.E.3, Landscaping, Existing Native Vegetation, Prohibited and Controlled Plant Species, Tree Credit and Replacement (pages 45-46 of 53, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify PPM ZO-O-061 related to the existing processes for the legal and illegal tree removal. There are 2 parts in this PPM, the first part establishes the Tree Removal Approval Process providing both staff and applicant the application submittal requirements, and the process procedures. Part 2 of the PPM refers to how to process violations and application of fines for any illegal tree removal.
2. Clarify that vegetation includes trees, palms or pines for the purpose of calculation for replacement. Provide relief for replacement of trees that are damaged by natural disaster, the replacement shall be based on one in one, and not subject to the Vegetation Credit and Replacement Formula, which

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EXHIBIT K

ARTICLE 7, LANDSCAPING

CR-2018-030, CR-2018-047, CR-2018-035
(Updated 11/08/18)

<p>Reason for amendments: [Zoning]</p> <p>is based on the size of the original tree, palm or pine. The size of the replacement tree, palm or pine shall be deferred to Art.7.D, where the specific requirements are located.</p>
<p>3. Provide clarification of the intent of this Section, Tree Credit and Replacement. There are two scenarios where the Tree Credit and Replacement Table is being utilized. 1) In a situation where the Department of Environmental Resources Management and Zoning Division have determined that the size and quality of existing vegetation can be counted as credits to satisfy landscape requirements under a development order approval. 2) In a situation where existing vegetation, which was damaged or infected to a state beyond it can continue to live, and the vegetation must be replaced. For calculation of credit or replacement of vegetation, it is based on the original size (diameter) of the existing vegetation to establish the quantity of the replacement. The size of the replacement vegetation shall be in accordance with the height for trees and pines, and clear trunk or grey wood for palms.</p>

1
2 **CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES**

3

4 **Section 3 Tree Credit and Replacement**

5 This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and
6 Interior Landscaping Requirements and Art. 7, Landscape Standards. In addition, this Section also
7 establishes requirements for quantity and size for replacement. Replacement of vegetation may be required
8 due to injury, damage or removed, which includes: improper pruning, hatracking, or other actions that
9 render existing vegetation unable to achieve its natural and intended form. The quantity and the size of the
10 replaced vegetation is based on the size of the individual vegetation at the time when the vegetation was
11 injured, damaged or removed. For the purpose of this Section, the term Vegetation shall include trees,
12 palms or pines. A preserved upland or drought-tolerant tree or palm meeting the standards in this Article
13 may be substituted for required trees, subject to the following: [Ord. 2018-002]

14 **A. Vegetation Survey**
15 Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D,
16 Landscape Standards shall be granted for on-site preservation of existing vegetation when
17 accompanied by an approved tree-Vegetation survey. [Ord. 2018-002]

18 **B. Trees Excluded from Credit**
19 Credits shall not be permitted for vegetation ~~that are:~~ [Ord. 2018-002]
20 1. Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located in
21 required preservation areas, heritage or champion trees); [Ord. 2018-002]
22 2. ~~Not properly protected from Irreparably damaged~~ during the construction process, ~~as required~~
23 ~~in Art. 7, Art. 14.C, Vegetation Preservation and Protection;~~ [Ord. 2018-002]
24 3. Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation
25 Preservation and Protection; [Ord. 2018-002]
26 4. Dead, dying, diseased, or infested with harmful insects; or [Ord. 2018-002]
27 5. Located on a subarea of a planned development that is not intended to be developed for
28 residential, commercial, or industrial use, such as a golf course on an adjacent open space
29 parcel. [Ord. 2018-002]

30 **C. Vegetation Tree Credit and Replacement Formula**
31 ~~All existing vegetation that are to be preserved, mitigated on or off site, replaced on or off site shall~~
32 ~~be credited pursuant to Table 7.E.3, Tree Credit and Replacement. Pines with a caliper of two-inch~~
33 ~~or more shall be subject to preservation, mitigation or replacement.~~
34 [Ord. 2016-042] [Ord. 2018-002] [Partially relocated to Table 7.E.3.C, Vegetation Credit and
35 Replacement]

36 Existing vegetation that is given credit towards required vegetation, or for the purpose of a
37 replacement shall be subject to the following Table. In addition, the size of the credited or replaced
38 vegetation shall be in compliance with the size requirements pursuant to Art. 7.D.2, Trees, Palms
39 and Pines.

Table 7.E.3.C - Tree-Vegetation Credit and Replacement

<u>Tree or Pine</u> Diameter at 4.5 Feet Above Grade (1, 2, 3)	=	<u>Quantity for Credits or</u> <u>for Replacements</u>
Less than 2 in.	=	0
2-6 in.	=	1
7-11 in.	=	2
12-16 in.	=	3
17-21 in.	=	4
22-26 in.	=	5
27-31 in.	=	6

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Table 7.E.3.C - ~~Tree~~ **Vegetation** Credit and Replacement

32-36 in.	=	7
37 in. or more	=	8
[Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002]		
Notes:		
1. Fractional measurements shall be rounded down. [Ord. 2018-002]		
2. <u>Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement.</u>		
3. <u>Quantity: replacement of palms shall be one for one.</u>		

1. **Natural Disaster Replacement**

Each tree, palm or pine that has been damaged by natural disaster shall be replaced by a similar specie, and subject to the following:

- a) Quantity – one for one; and
- b) Size – pursuant to Art.7.D.2, Trees, Palms and Pines.

2. **Illegal Tree or Pine Removal**

If a tree or pine is removed with only the stump remains, the following formula shall be utilized to determine the size of the removed tree or pine.

- a) measure the diameter of the tree or pine stump and reduce the measurement by 25 percent; and,
- b) replacement of the quantity of the tree or pine shall be based on the reduced diameter measurement, and subject to, the requirements of Table 7.E.3.C, Vegetation Credit and Replacement for estimating the number of trees or pines to be replaced

Part 6. ULDC Art. 7.F.3 Landscaping, Installation and Maintenance, Maintenance (page 48 of 53, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Current Code only addresses the replacement of trees, which include palms and pines, which are subject to a Permit approval process. Proposed amendment includes the replacement of shrubs or hedge and ground treatment, which are not subject to a permit approval process, but the replacement must be in compliance with Code or Conditions of Approval of the development order. Replacement of walls and fences shall be in compliance with Code or Conditions of Approval, and subject to Building Permit approval process.

CHAPTER F INSTALLATION AND MAINTENANCE

....

Section 3 Maintenance

A. General

PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, which includes vegetation required to be installed under a DO, or existing preserved vegetation, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the requirements of this Section. Maintenance of the Premises shall also be subject to the Palm Beach County Code, Chapter 14, Article 1, Property Maintenance Code. [Ord. 2018-002]

1. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.
2. Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.
3. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.
4. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. Maintenance of vegetation beneath the overhead utilities shall comply with FP&L's publication "Right Tree, Right Place," as amended. [Ord. 2018-002]
5. Landscape areas, which are required to be created or preserved by this Article, shall not be used for temporary parking or the storage/display of materials or sale of products or services..

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EXHIBIT K

ARTICLE 7, LANDSCAPING

CR-2018-030, CR-2018-047, CR-2018-035
(Updated 11/08/18)

B. ~~Maintenance~~ Replacement of Vegetation

Required ~~or preserved vegetation trees, palms, pines, shrubs, landscape barrier or ground treatment~~ that becomes damaged, diseased, removed or ~~is~~ are dead shall be immediately replaced, ~~and where specified, are subject to the Tree Removal and Replacement Permit process, with plant material to comply with Replacement of vegetation shall comply with the following: the approved standards and height requirements of this Article or conditions of approval, whichever is greater.~~

1. ~~Trees shall be in accordance with Table 7.E.3.C – Vegetation Credit and Replacement, and subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5.~~
2. ~~Shrubs shall be in accordance with the original size as required under each type of Buffer consistent with Art.7 Landscaping or Conditions of Approval.~~
3. ~~A wall or fence shall be in accordance with the original height, and the same construction material as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, and subject to a Permit approval process.~~
4. ~~A hedge shall be in accordance with the original height as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, where applicable.~~
5. ~~Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of Approval, where applicable.~~

~~Vegetation that is removed or damaged, shall be replaced in accordance with Table 7.E.3.C, Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum landscape code requirements may be removed provided a Tree Removal Permit is approved. [Ord. 2005-002] [Ord. 2018-002]~~

Part 3. **ULDC Art. 7.G, Landscaping, Enforcement (pages 51-52 of 53, Supplement 24), is hereby amended as follows:**

Reason for amendments: [Zoning]

1. Clarify that violation of landscape requirements, which include: trees, pines, palms, shrubs, wall fence, hedge and ground treatment shall be a violation of this Code, and not just Article 7 since there are other references of landscape requirements in other Articles of the ULDC. In addition, landscape requirements may be imposed as a Condition of Approval under a Development Order (DO), and therefore also constitute a violation of a development order.
2. Clarify that violation of illegal removal shall not be just for trees, the proposed amendment will include all types of landscape requirements.

CHAPTER G ENFORCEMENT

Section 1 Purpose

This Chapter establishes enforcement procedures to ensure compliance with the ULDC and applicable DOs.

Section 4.2 Temporary Suspension of Landscape Standards

The Executive Director of PZB may temporarily suspend the standards of this Article and establish timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar event. [Ord. 2005-041]

A. Performance Surety

If the landscape standards of this Article are suspended pursuant to this Article, the property owner may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of Completion provided the property owner includes as part of this agreement adequate guarantee or surety that the terms of this Article will be met after the suspension period has been lifted. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other costs incidental to the installation of the required landscaping completion agreement. Performance bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary and specify the time-frame for the completion of the landscape standards of this Article. [Ord. 2005-041]

B. Application Requirements

An application for a temporary suspension of landscape standards shall be accompanied by a landscape plan identifying the plantings that have been postponed, the proposed planting schedule, and the costs of the suspended planting. Planting cost estimates may be independently verified by PBC.

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EXHIBIT K

ARTICLE 7, LANDSCAPING

CR-2018-030, CR-2018-047, CR-2018-035
(Updated 11/08/18)

1 **Section 23 Enforcement**

2 Failure to install or maintain landscape requirements, or when vegetation has been illegally removed, or
3 has been irreparably damaged landscaping according to the terms of this Article or any approved plan or
4 permit shall constitute a violation of the Article Code or a DO. PZB may issue a Cease and Desist Order or
5 withhold a CO or Certification of Completion until the provisions of this Article have been met. In the
6 alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties
7 set forth in Art. 10, Enforcement.

8 **~~A. Fines~~**

9 ~~Violations of the provisions of this Section shall be subject to the following fines or requirements:~~

10 ~~1. Such fines, site improvements and replacement landscaping as may be required by Art. 10,~~
11 ~~Enforcement, or the PBC Code Enforcement Citation Ordinance; or [Ord. 2005 – 002]~~

12 ~~2. Such fines and imprisonment as provided for in F.S. 125.69. [Relocated to Art. 7.G.3.D,~~

13 ~~Fines]~~

14 **~~BA. Violations~~**

15 The following deficiencies shall be considered a separate and continuing violation of this Article or
16 a DO:

17 1. ~~Each tree or shrub that is not properly installed or properly maintained on site as required~~
18 ~~by this Section; Each required tree, palm, pine, or other vegetation not properly installed~~
19 ~~or maintained shall be considered a separate and continuing violation of the ULDC or~~
20 ~~applicable DO. Each row of shrubs and ground treatment shall be considered as a separate~~
21 ~~and continuing violation. Each wall or fence not properly installed or maintained shall be~~
22 ~~considered a separate and continuing violation.~~

23 2. Each day in which landscaping is not properly installed or properly maintained on site as
24 required by this Section or by the order of the Special ~~Magistrate Master;~~ and [Ord. 2018-
25 002]

26 ~~3. Each tree removed without a permit.~~

27 **~~B. Corrective Actions~~**

28 ~~PBC shall determine appropriate corrective actions, including, but not limited to the replacement of~~
29 ~~landscape material.~~

30 **~~1. Replacement~~**

31 ~~a. Replacement of vegetation shall comply with the size and quantity pursuant to Art. 7.E.3,~~
32 ~~Credit and Replacement or the Conditions of Approval of the DO.~~

33 ~~b. Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape~~
34 ~~Standards. [Ord. 2018-002] [Partially relocated from Art. 7.G.3.C.1, Additional~~
35 ~~Sanctions as it related to Enforcement]~~

36 **~~C. Additional Sanctions~~**

37 PBC may take any appropriate legal action, including, but not limited to requiring replacement of
38 landscape material which has been hatracked, damaged and rendered unable to achieve its natural
39 and intended form, administrative action, requests for temporary and permanent injunctions, and
40 other sanctions to enforce the provisions of this Section. [Ord. 2005-002]

41 **~~1. Replacement of Landscaping~~**

42 ~~a. Canopy trees shall be replaced pursuant to Art. 7.E.3, Tree Credit and Replacement. [Ord.~~
43 ~~2018-002]~~

44 ~~b. Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape~~
45 ~~Standards. [Ord. 2018-002] [Partially relocated to Art. 7.G.3.B.1, Corrective Actions~~
46 ~~as it related to Enforcement]~~

47

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**EXHIBIT L
DEPARTMENT OF AIRPORTS
CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS**

**CR-2018-031
(10/1/2018)**

Reason for amendments: [Airports]
1. The proposed amendments include new and amended definitions related to Art. 16 Airport Zoning and are being incorporated or amended into Art. 1 to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning.
2. The proposed amendments address comments received from the FDOT Aviation and Spaceports Office on the amendments adopted in Round 17-01 [Ord. 2017-026]
3. The proposed amendments include updated references for locational criteria for educational facilities per amendments to Chapter 333. Airport Zoning adopted in 2016, and to clarify the location exemption for educational facilities and residential land uses.
4. The proposed amendments updates reference to Airport Zones and regulated areas, and remove data tables for Runway Categories and establishing the boundaries of Runway Protection Zones, Specific Zones and Specific Approach Zones as this information is difficult to interpret and plot accurately and will be mapped and available on myGeoNav or available from the Department of Airports.
5. The proposed amendments clearly identify the Airspace Height Review Procedures, including the FAA and FDOT review that is part of the review process for any proposed new construction or alteration with an Airport Zone so that a developer is advised prior to filing a development order or building permit application.
6. The proposed amendment is to identify the Land Development Regulation Advisory Board (LDRAB) as the commission that reviews and recommends the regulations regarding airport zoning pursuant to Chapter 333.05(2), Florida Statutes, Airport Zoning.
7. The proposed amendment adds a reference to Art. 1.F Nonconforming Site Elements for site lighting.

1
2
3 **Part 1. ULDC Art. 1.F.5 General Provisions, Nonconformities, Nonconforming Site Element**
4 **(page 25 of 118) is hereby amended as follows:**

Reason for amendments: [Airports]
1. The proposed amendment adds a reference to Art. 16 Airport Zoning for non-conforming site elements, specifically site lighting. Site lighting is one of the elements in the Regulated Areas in the Airport Land Use Compatibility Zoning Regulations.

5 **Section 5 Nonconforming Site Element**

6 **A. Applicability**

7 This Section establishes procedures for improvements and modifications to a prior approval with
8 nonconforming site elements and establishes thresholds for vesting nonconformities. This Section
9 shall apply to non-conforming site elements, including but not limited to: Art. 5.E.4.E, Outdoor
10 Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8, Signage that may be impacted by proposed
11 improvements or modifications to a prior approval. In addition, this Section shall also apply to
12 projects that meet the threshold pursuant to Art. 5.B, Accessory Uses and Structures and Art. 5.C,
13 Design Standards, and those that are subject to Art. 16 Airport Zoning. [Ord. 2010-005]
14
15

16 **Part 2. ULDC Art. 1.I.2 General Provisions, Definitions and Acronyms, Definitions, (pages 32,**
17 **33, and 83 of 118) are hereby amended as follows:**

Reason for amendments: [Airports]
1. The proposed amendments include new and amended definitions related to Art. 16 Airport Zoning and are being incorporated or amended into Art. 1 to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning and changes in Art. 16.

18 **CHAPTER I DEFINITIONS AND ACRONYMS**

19 **Section 2 Definitions**

20 **A. Terms defined herein or referenced in this Article shall have the following meanings:**

21
22 50. Airport protection zoning regulations – for the purposes of Art. 16 means airport zoning
23 regulations governing airport hazards.
24 **[Renumber accordingly]**
25

26 **5453. Alteration -**

27 a. for the purposes of Art. 9, any change affecting the exterior appearance of an existing
28 structure or improvement by additions, reconstruction, remodeling, maintenance or
29 structural changes involving changes in form, texture, materials or color or any such
30 changes in appearance in specially designated historic sites, or historic interiors;

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EXHIBIT L
DEPARTMENT OF AIRPORTS
CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS

CR-2018-031
(10/1/2018)

- 1 b. for the purposes of Art. 14.C, Human caused activity that modifies, transforms or otherwise
2 changes the vegetation, including, but not limited to:
3 1) Removal, displacement, mowing, or disturbance (severe pruning, hatracking or inter
4 nodal cutting, or poisoning) of vegetation excluding prescribed burns for the
5 management of native vegetation communities;
6 2) Removal, displacement, demucking or disturbance of soil, rock, minerals or water
7 within the plant's root zone;
8 3) Introduction of livestock for grazing; **[Ord. 2005-003]**
9 4) Placement of vehicles, structures, debris, fill or other material objects thereon,
10 including introduction or injection of water and other substances; and
11 5) Use of mechanical equipment within the plant's root zone.

12 c. for the purposes of Art. 16, modification to any permanent or temporary existing structure
13 by a change in the structure's height, including appurtenances, lateral dimensions, and
14 equipment or materials used in the structure.

15 **[Renumber accordingly]**

16
17 **P. Terms defined herein or referenced Article shall have the following meanings:**

18
19 **36. Person -**

- 20 a. For the purposes of Art. 14, any individual, public or private corporation, firm, association,
21 joint venture, partnership, municipality, governmental agency, political subdivision, public
22 officer, owner, lessee, tenant or any other entity whatsoever or any combination of such
23 jointly or severally.
24 b. For the purposes of Art. 15 - any individual, corporation, company, association, partnership,
25 state, subdivision of the State, municipality or federal agency.

26 c. For the purposes of Art. 16, any individual, firm, copartnership, corporation, company,
27 association, joint-stock association, or body politic, and includes any trustee, receiver,
28 assignee, or other similar representative thereof.

29
30 **R. Terms defined herein or referenced Article shall have the following meanings:**

31
32 **37. Runway Protection Zone (RPZ) -** for the purposes of Art. 16, an area at ground level beyond
33 the runway end to enhance the safety and protection of people and property on the ground.
34 ~~Specifically, the RPZ is an area off the runway end extending outward and upward, parallel to~~
35 ~~the extended runway centerline, in the dimensions shown in Table 16.B.1.E.1.~~

36

37
38
39 **Part 3. ULDC Art. 2.G.3.A.2. Application Processes and Procedures, Decision Making Bodies,**
40 **Appointed Bodies, Land Development Regulations Advisory Board (LDRAB) (page 82 of**
41 **105) are hereby amended as follows:**

Reason for amendments: [Airports]

1. The proposed amendment is to identify the Land Development Regulation Advisory Board (LDRAB) as the commission that reviews and recommends the regulations regarding airport zoning pursuant to Chapter 333.05(2), Florida Statutes, Airport Zoning. The Statute allows that if a preexisting commission already exists that this commission can also be appointed as the Airport Zoning Commission.

42 **CHAPTER G DECISION MAKING BODIES**

43 **Section 3 APPOINTED BODIES**

44 **A. Land Development Regulation Advisory Board**

45 **1. Land Development Regulation Advisory Board**

46 There is hereby established a Land Development Regulation Advisory Board (LDRAB).

47 **2. Powers and Duties**

48 The LDRAB shall have the following powers and duties under the provisions of this Code:

- 49 a. to periodically review the provisions to this Code that are not reviewed by another advisory
50 board established by BCC for that purpose, and to make recommendations to the BCC for
51 those provisions reviewed;
52 b. to make its special knowledge and expertise available upon written request and
53 authorization of the BCC to any official, department, board, commission or agency of PBC,
54 the State of Florida or Federal governments; ~~and~~
55 c. to serve as Land Development Regulation Commission (LDRC) as provided by F.S.§
56 163.3164(~~22-25~~) and F.S.§ 163.3194~~;~~; and,

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d. to serve as the Airport Zoning Commission pursuant to Section 333.05(2), F.S.

Part 4. ULDC Art. 4.B, Use Regulations, Use Classification, (pages 75 and 79 of 204) are hereby amended as follows:

Reason for Amendment: [Airports]
1. To be consistent with the regulations in Chapter 333.03, Florida Statutes as amended in 2016 for locational criteria for restricted uses for educational facilities.

CHAPTER B USE CLASSIFICATION

Section 4 Institutional, Public and Civic Uses

C. Definitions and Supplementary Use Standards for Specific Uses

5. College or University

d. Airport Land Use Compatibility Zoning

The establishment of a new college or university shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses.

15. School - Elementary or Secondary

b. General

3) Airport Land Use Compatibility Zoning

~~New schools shall not be located within five miles of either end of a runway, pursuant to Art. 16, Airport Regulations, and State Statutes. The establishment of a new school shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses.~~

Part 5. ULDC Art. 16.B.1. Airport Regulations, Airport Protection Zoning Regulations Governing Airport Hazards, Airspace Height Regulations (pages 4 – 8 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]
1. The proposed amendments updates reference to Airport Zones and regulated areas, and remove data tables for Runway Categories and establishing the boundaries of Runway Protection Zones, Specific Zones and Specific Approach Zones as this information will be mapped and available on myGeoNav or available from the Department of Airports.
2. Per the existing language, only those proposed structures/developments within 3,500 feet of the airport reference point (ARP) or those that penetrate the Part 77 surfaces would need to be reviewed by the FAA for impacts to the airspace surrounding the County's airports. In some cases, the 3,500-foot radius area from the ARP does not leave the airport property. The proposed language is consistent with the standards set forth within 14 CFR Part 77.9 -Safe, Efficient Use, and Preservation of Navigable Airspace (U.S. Code) related to the requirements for review by the FAA for impacts related to obstructions to air navigation. An airspace hazard can occur within any area of Palm Beach County; the new proposed Zone 1 is essentially the existing Zone 2, and the new proposed Zone 2 encompasses the remainder of the County. The basic premise of the changes is to alert proposers that they need to utilize the FAA Notice Criteria Tool to determine the need to file with the FAA.

CHAPTER B AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS

Section 1 Airspace Height Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the applicable land lying beneath the primary, horizontal, conical, approach, and transitional surfaces as they apply to a particular airport. To regulate height, an Airspace Notification Map, Appendix 1, and a procedure to review and permit obstructions has been established. Airport height limitations and the notification procedures established in this Section conform to the standards for determining obstructions to air navigation of Federal Aviation Regulations Part 77, ss. 77.~~23~~ 17.

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1
2
3 **C. Regulated Areas**
4

5 **1. Publicly-Owned, Public Use Airports**

6 **a. Zone 1—**

7 ~~All construction within 3,500 feet from the airport reference point in all directions. That area~~
8 ~~within the County limits extending outward 20,000 feet from the nearest point of the nearest~~
9 ~~runway of each County owned and operated airport, excluding heliports, as depicted on~~
10 ~~the Airspace Notification Map as Zone 1. This zone depicts an imaginary surface extending~~
11 ~~outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet.~~

12 **b. Zone 2 –**

13 ~~Any construction of a height exceeding the limitations of any zone established in this~~
14 ~~Section within a four nautical mile radius of the airport reference point. That area within the~~
15 ~~County outside the limits of Zone 1 as depicted on the Airspace Notification Map. The~~
16 ~~height for Zone 2 is 200 feet above ground level (AGL).~~

17
18 **D. Airport Zones Established**

19 Primary, Horizontal, Conical, Approach and Transitional Airport Zones are shown on maps
20 described below. These maps are ~~on file at the DOA and PZB and are incorporated herein~~ available
21 ~~online utilizing the County's myGeoNav application~~ <http://maps.co.palm-beach.fl.us/mygeonav/>.
22 These maps are also included by reference and attached as Appendices 2-7, available at The
23 Department of Airports.

24
25 **E. Airport Runway Categories Defined**

26 The size and dimensions of each zone created and established as part of this Section is based
27 upon the category of each runway, according to the type of approach available or planned for that
28 runway. ~~The category of each runway for airports included in this Article are listed in Table~~
29 ~~16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The zones~~
30 ~~associated with each airport in this Article correspond to the civil airport imaginary surfaces defined~~
31 ~~in FAR Part 77, §77.19, and are contained within the Airport Layout Plan for each airport, available~~
32 ~~at the Department of Airports, and provided graphically on the County's myGeoNav application~~
33 ~~<http://maps.co.palm-beach.fl.us/mygeonav/>.~~

34 **Table 16.B.1.E-1 Runway Category and Runway Protection Zone (RPZ) Defined, by Airport**

Airport/Runway	Runway	Length	Inner Width	Outer Width	RPZ Acres
Palm Beach International (PBIA)	Runway 10L	Precision	2,500	1,000	78.914
	Runway 28R	Precision	1,700	1,000	48.978
	Runway 14/32	Non-Precision	1,700	500	29.465
PBC Park (Lantana)	Runway 10R/28L	Visual	1,000	500	13.770
	Runway 09/27	Non-Precision	1,700	500	29.465
	Runway 15/33	Non-Precision	1,700	500	29.465
PBC Glades (Pahokee)	Runway 03/21	Visual	1,000	500	13.770
	Runway 17/35	Non-Precision	1,700	500	29.465
Belle Glade Municipal	Runway 09/27	Visual	1,000	500	13.770
	Runway 08R	Precision	1,700	1,000	48.978
	Runway 26L	Non-Precision	1,700	500	29.465
Palm Beach North County	Runway 13/34	Non-Precision	1,700	500	29.465
	Runway 08L/26R	Visual	1,000	500	13.770
	Runway 05/23	Non-Precision	1,700	500	29.465
Boca Raton	Runway 05/23	Non-Precision	1,700	500	29.465

35
36 **F. Airport Height Limitations**

37 **1. General**

38
39 c. Any object within the approach segment, departure area, or any missed approach or
40 circling approach area which is determined by the Airports Director of Airports, or designee,
41 to be a hazard to the safe and efficient use of airspace around an airport.

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G. Airport Height Zone Definitions and Limitations

A property located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined below. These zones are depicted in plan view ~~in Appendices 2 through 7 and in isometric view in Appendix 15~~ in the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>. The specific definitions of each airport height zone (horizontal distance, width, arc radius, etc.) are listed on ~~Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~. General definition and height limitations are described in the Subsections to follow.

Table 16.B.1.G-2 Specific Zone Definition, By Airport, By Runway

Airport/ Runway	Primary Zone Width (in feet)	Horizontal Arc Radius (in feet)	Conical Zone (in feet)	Approach Zone (in feet)		
				Horizontal Dist.	Inner Width	Outer Width
PALM BEACH INTERNATIONAL AIRPORT (PBJA)						
Rwy 10L/28R	1,000'	10,000'	4,000'	50,000'	1,000'	16,000'
Rwy 14/32	500'			10,000'	500'	3,500'/1,500'
Rwy 10R/28L	250'	5,000'		5,000'	250'	1,250'
PBC PARK AIRPORT (LANTANA)						
Rwy 09/27	500'	5,000'	4,000'	5,000'	500'	2,000'/1,250'
Rwy 15/33						2,000'/1,250'
Rwy 03/24						1,250'
PBC GLADES AIRPORT (PAHOKEE)						
Rwy 17/35	500'	5,000'	4,000'	5,000'	500'	2,000'
BELLE GLADE MUNICIPAL						
Rwy 09/27	250'	5,000'	4,000'	5,000'	250'	1,250'
PALM BEACH NORTH COUNTY AIRPORT						
Rwy 08R/26L	1,000'	10,000'	4,000'	50,000'/10,000'	1,000'	16,000'/3,500'
Rwy 13/31	500'			10,000'/5,000'	500'	3,500'/1,500'
Rwy 08L/26R	250'	5,000'		5,000'	250'	1,250'
BOCA RATON AIRPORT						
Rwy 05/23	500'	10,000'	4,000'	10,000'	500'	3,500'
[Ord. 2017-025]						

1. Primary Zone Definition

....

b. Primary Zone Width for each Specific Airport

The specific width of each Primary Zone for each airport is ~~listed in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

2. Horizontal Zone Definition

a. Horizontal Zone Height Limitations

~~No Only structures or obstructions that has a height greater than 150 feet above the airport elevation, for which the FAA has issued a determination of no hazard~~ will be permitted in the Horizontal Zone.

b. Horizontal Arc Radius for each Specific Airport

The specific horizontal arc Radius of each airport is ~~listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

3. Conical Zone Definition

The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. The specific Conical Zone distance for each airport is ~~listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for

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each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

a. Conical Zone Height Limitation

~~No Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted in the Conical Zone, that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting the Horizontal Zone) with permitted height increasing at a slope of one foot vertically for every 20 feet of horizontal distance, measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.~~

b4. Approach Zone Definition

An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An Approach Zone is designated for each runway based upon the type of approach available or planned for that runway end.

4a. Approach Zone Height Limitations

~~The permitted height limitation within an outer or inner Approach Zone is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge based upon the calculation method listed in Table 16.B.1.G-3, Specific Zone Height Limitation Calculation, by Airport, by Runway. Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted in the Approach Zone.~~

ab. Approach Zone Horizontal Distance for each Specific Airport

The specific Approach Zone dimensions for each airport is ~~listed above on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

Table 16.B.1.G-3-Specific Approach Zone Height Limitation Calculation, By Airport, By Runway

AIRPORT/RUNWAY		APPROACH ZONE HEIGHT LIMIT CALCULATION
Palm Beach International (PBI)	Runway 10L/28R	One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, and then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet.
	Runway 14/32	One foot vertically for every 34 feet of horizontal distance.
	Runway 10R/28L	One foot vertically for every 20 feet of horizontal distance.
PBC Park (Lantana)	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
	Runway 15/33	
	Runway 03/21	
PBC Glades (Pahokee)	Runway 17/35	One foot vertically for every 20 feet of horizontal distance.
Belle Glade Municipal	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
Palm Beach North County	Runway 08R/26L	Runway 08R: one foot vertically for every 20 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet. Runway 26L: one foot vertically for every 34 feet of horizontal distance.
	Runway 13/31	One foot vertically for every 20 feet of horizontal distance.
	Runway 08L/26R	
Boca Raton	Runway 05/23	One foot vertically for every 34 feet of horizontal distance.
[Ord. 2017-025]		

5. Transitional Zone Definition

....

a. Transitional Zone Height Limitation

~~No Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted within the Transitional Zone, greater in height than the Primary Zone or Approach Zone at their adjoining boundary lines increasing at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height of the slope matches the height of the Horizontal Zone or the height of the Conical Zone and for a horizontal distance of 5,000 feet from each side of that part of the Approach Zone for a Precision Instrument Runway extending beyond the Conical Zone. [Ord. 2017-025]~~

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1 **6. Terminal Navigational Aid Obstruction Zone**

2 Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects
3 constructed off of airport property may have an adverse effect on the safe and efficient
4 operation of navigational facilities. ~~An Airport Surveillance Radar (ASR) facility. A~~ Navigational
5 Aid Obstruction Zone has been established extending outward 3,500 feet from the nearest
6 point of the nearest runway of each County owned and operated airport, excluding heliports,
7 as depicted on the Airspace Notification Map as Zone 1. extending in all directions to a radius
8 of 3,500 feet from the navigation aid. This zone is shown on the Airspace Notification Map,
9 Appendix 1. **[Ord. 2017-025]**

10

11
12
13 **Part 6. ULDC Art. 16.B.1. Airport Regulations, Airport Protection Zoning Regulations Governing**
14 **Airport Hazards, Airspace Height Regulations (pages 8-10 of 15) are hereby amended as**
15 **follows:**

Reason for Amendment: [Airports]

1. The proposed amendments clearly identify the Airspace Height Review Procedures, including the FAA and FDOT review that is part of the review process for any proposed new construction or alteration with an Airport Zone so that a developer is advised prior to filing a development order or building permit application.

16 **CHAPTER B AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS**

17 **Section 1 Airspace Height Regulations**

18

19 **H. Airspace Height Review Procedures**

20 All new construction, reconstruction or alteration that adds height to any obstruction within areas
21 shown on the "Airspace Notification Map", Appendix 1, shall be reviewed for compliance with the
22 standards of this Section. **[Ord. 2017-025]**

23 **1. General**

24 No Permit for Obstruction will be issued if all FAA and DOA comments are not addressed to
25 the satisfaction of DOA, PZB and County Attorney. No development permit application shall be
26 issued if the proposed construction or alteration is found to violate the provisions of this Article,
27 or ~~exceed an obstruction standard of is determined a hazard by the~~ Federal Aviation
28 Regulations Part 77 or other applicable Federal or State rules or regulations. **[Ord. 2017-025]**

29 **a. Exemption**

30 A Permit is not required for existing structures that received construction permits from the
31 Federal Communications Commission for structures exceeding federal obstruction
32 standards before May 20, 1975; a permit is not required for any necessary replacement or
33 repairs to such existing structures if the height and location are unchanged.

34 **2. Permit for Obstruction Review Procedures**

35 An application for the construction, reconstruction or alteration of any obstruction must be
36 reviewed in accordance with the development review procedures in Article 2, Application
37 Processes and Procedures, prior to certification or approval of an application by DRO or
38 issuance of a building permit for a permanent or temporary obstruction located within areas
39 Regulated by this Article. **[Ord. 2017-025]**

40 **a. FAA Review**

41 1) ~~The DOA shall inform~~The applicant must utilize the FAA's Notice Criteria Tool found
42 on the FAA's Obstruction Evaluation/Airport Airspace Analysis website at
43 <https://oeaaa.faa.gov/> and submit the results to DOA. This tool will inform the applicant
44 that review by the FAA is required if: ~~DOA determines that~~ the proposed obstruction
45 represented in the application may exceed: **[Ord. 2017-025]**

46 1) ~~a) The standards of Federal Aviation Regulations Part 77~~ The structure will
47 exceed 200 feet above ground level;

48 2) ~~b) The provisions of Article 16.B.1.F, Airport Height Limitations, and Article~~
49 ~~16.B.1.G, Airport Height Zone Definitions and Limitations~~ The structure will be in
50 proximity to an airport and will exceed the slope ratio of 100:1;

51 3) ~~c) Any other Federal or State rules and regulations; or~~ The structure involves
52 construction of a traverseway (i.e. highway, railroad, waterway, etc.) and once
53 adjusted upward with the appropriate vertical distance would exceed a standard of
54 Part 77.9(a) or (b);

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- 1 4) ~~d)~~ ~~Adversely affects the airspace surrounding any Airport defined herein. The~~
2 ~~structure will emit frequencies, and does not meet the conditions of the FAA Co-~~
3 ~~location Policy;~~
4 e) ~~The structure will be in an instrument approach area and might exceed Part 77~~
5 ~~Subpart C;~~
6 f) ~~The proposed structure will be in proximity to a navigation facility and may impact~~
7 ~~the assurance of navigation signal reception;~~
8 g) ~~The structure will be on an airport or heliport; or,~~
9 h) ~~A filing has been requested by the FAA.~~
10 2) ~~If the results of the Notice Criteria Tool indicate that the applicant must file, the~~ FAA
11 must review and issue a determination of the proposal's effect on navigable airspace
12 where such ~~prior~~ notification under Title 14, CFR, Part 77 is required. PZB shall
13 suspend any review of any development permit application process until FAA findings
14 of aeronautical affect are ~~approved~~ determined.
15 5)a) **Responsibility of the Applicant**
16 a)(1) The Applicant shall submit ~~FAA~~ Form 7460-1 electronically via the
17 FAA's website at <https://oeaaa.faa.gov/>.
18 b)(2) ~~When the results are received, the Applicant shall submit in person~~
19 or forward by Certified Mail (Return Receipt Requested) to the DOA, ~~the~~
20 FAA's determination of aeronautical affect, including a valid aeronautical
21 study number and a copy of the original electronic submittal of FAA Form
22 7460-1. **[Ord. 2017-025]**
23 b. **DOA Review**
24 1) ~~No application for development shall be approved solely on the basis that the FAA has~~
25 ~~issued a determination of no hazard to air navigation under a valid aeronautical study.~~
26 Following receipt of the FAA ~~finding~~ determination of aeronautical affect, if required,
27 the DOA shall consider the following criteria when determining whether to recommend
28 ~~certification or approval of~~ certify a development application with or without conditions
29 of approval; or recommend issuance or denial of a building permit with or without
30 ~~conditions~~. **[Ord. 2017-025]**
31 a) The safety of persons on the ground and in the air; **[Ord. 2017-025]**
32 b) The safe and efficient use of navigable airspace; **[Ord. 2017-025]**
33 c) The nature of the terrain and height of existing structures; **[Ord. 2017-025]**
34 d) The effect of the construction or alteration on the state licensing standards for a
35 public-use airport contained in Chapter 333 FS and rules adopted thereunder; **[**
36 **Ord. 2017-025]**
37 e) The character of existing and planned flight operations and developments at
38 public-use airports; **[Ord. 2017-025]**
39 f) Federal airways, visual flight rules, flyways and corridors, and instrument
40 approaches as designated by the FAA; **[Ord. 2017-025]**
41 g) The effect of the construction or alteration of the proposed structure on the
42 minimum descent altitude or the decision height at the affected airport; **[Ord.**
43 **2017-025]**
44 h) The cumulative effects on navigable airspace of all existing structures and all other
45 known proposed structures in the area; and, **[Ord. 2017-025]**
46 i) Any additional code requirements pertinent to evaluate and protect airspace and
47 airport operations.
48 2) **FDOT Review**
49 ~~Following receipt of a complete application indicating that the proposed construction~~
50 ~~or alteration could be an obstruction, the DOA shall provide a copy of the application~~
51 ~~to the FDOT aviation office for their review and evaluation pursuant to Chapter~~
52 ~~333.025, Florida Statutes. [Relocated from Art. 16.B.1.H.2.b.4]~~
53 23) **Structure(s) Not Exceeding Obstruction Standards or Other Provisions**
54 DOA shall review the FAA's determination issued in response to the applicant's FAA
55 Form 7460-1, any comments received from FDOT and the permit application. If ~~DOA~~
56 ~~determines that~~ the proposed construction or alteration ~~does not exceed the height~~
57 ~~limitations in this Section is not a hazard~~, the DOA shall issue the permit recommend
58 ~~certification or approval of an application by the DRO with or without conditions of~~
59 ~~approval~~ or issue issuance of a building the permit with or without conditions ~~of~~
60 ~~approval~~ so that the proposed structure may be erected in accordance with permitting
61 requirements of PZB. PZB may certify the development application or issue a building
62 permit, as applicable. The applicant shall present a copy of the permit to PZB with the
63 development application or building permit application. **[Ord. 2017-025]**
64 34) **Structure(s) Exceeding Obstruction Standards or Other Provisions**

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DOA shall review the FAA's determination issued in response to the applicant's FAA Form 7460-1, any comments received by FDOT and the permit application. If ~~DOA determines~~ the proposed obstruction ~~exceeds the height limitations outlined in this Section is a hazard~~, then the DOA shall deny the permit. The notice shall state the reasons for denial and inform the applicant that they may appeal the decision pursuant to Article 16.C.2. **[Ord. 2017-025]**

~~4) FDOT Review~~

~~Following receipt of a complete application, the DOA shall provide a copy of the application to the FDOT aviation office for their review and evaluation pursuant to Chapter 333.025, Florida Statutes. **[Ord. 2017-025]** [Relocated to Art. 16.B.1.H.2.b.2]~~

c. Building Permit Requirement

The applicant shall present a copy of the Permit, along with all Development Order comments and conditions of approval, to the Building Director in order to ensure that any conditions are adequately addressed prior to the issuance of a building permit, including obstruction lighting and marking conditions, if applicable. **[Ord. 2017-025]**

d. Obstruction Marking and Lighting

The owner shall mark and light the structure in accordance with the provisions of Chapter 333, Florida Statute; Rules of Florida Department of Transportation, Chapter 14-60 and the FAA Advisory Circular 70/7460 ~~H-1L~~, *Obstruction Marking ~~or~~ and Lighting*, as may be amended from time to time. The permit may be conditioned to require the applicant to mark and light the structure, at applicant's own expense, or to allow DOA to install, operate and maintain at its own expense, such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if warranted.

Part 7. ULDC Art. 16.C.1. Airport Regulations, Airport Land Use Compatibility Zoning Regulations, Airport Land Use Regulations (page 10-11 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]
1. The proposed amendments updates reference to Airport Zones as this information is now mapped and available on myGeoNav or from the Department of Airports.
2. To add Zone 3 to the Regulated Areas for land use compatibility for purposes of applying the Additional Use Regulations to a geographic area larger than the RFP and ALUNZ for protection of airspace.
3. To clarify that the definition of construction does not include those improvements that are underground and not regulated by this Article.

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones, which include all the land lying beneath the Runway Protection Zone (RPZ) and within Airport Land Use Noise Zone(s) (ALUNZ), as they apply to a particular airport, and within Zone 3. All areas defined as the RPZ and areas displayed as ALUNZ in Appendices 2 through 7 and 9 through 14 are subject to review and technical analysis by DOA, and other applicable governmental agencies, in consultation with PZB, in accordance with this Article. **[Ord. 2017-025]**

To regulate land uses within these zones, an Off-Airport Land Use Compatibility Schedule Appendix 8, maps and review procedures have been established. ~~The RPZ dimensions are defined in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The noise zones are depicted on the Airport Land Use Noise Maps, (Appendices 9 through 14).~~

B. Regulated Land Use

....

1. Construction, defined

For purposes of this Section, construction includes but is not limited to creating new structures, making alterations or repairs and additions to any existing building or structure, or moving or relocating a building(s) or structure(s) within a Regulated Area. Construction does not include paving, ~~drainage underground utility infrastructure~~ or similar types of improvements. **[Ord. 2017-025]**

....

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**EXHIBIT L
DEPARTMENT OF AIRPORTS
CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS**

**CR-2018-031
(10/1/2018)**

C. Regulated Areas

To regulate land uses within the RPZ and ALUNZ, and Off-Airport Land Use Compatibility Schedule, maps and review procedures have been established. Only the portion of the lot falling within the RPZ or ALUNZ shall be subject to the provisions of this Article. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine compatibility of land use with airport operations within these zones. **[Ord. 2017-025]**

1. Runway Protection Zone (RPZ)

The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport Zoning Maps, ~~in Appendices 2 through 7 on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>, or on the Airport Layout Plan~~ for all County-owned airports in PBC ~~available at the Department of Airports.~~

2. Airport Land Use Noise Zones (ALUNZ)

The ALUNZ include all land area lying within the defined ALUNZ as shown on the applicable Airport Land Use Zone Maps, ~~in Appendices 9 through 14, on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>~~ for all airports in PBC.

3. Zone 3

~~That area within the County limits extending outward 10,000 feet from the nearest point of the nearest runway for each County owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 3.~~

Part 8. ULDC Art. 16.C.1.E.2, Airport Regulations, Airport Land Use Compatibility Zoning Regulations, Airport Land Use Regulations, Prohibited Land Uses, (page 12 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]
1. To be consistent with the regulations in Chapter 333.03, Florida Statutes for locational criteria for restricted uses for educational facilities.
2. To clarify the exemption provision for locational criteria residential uses.

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

....

E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)

....

2. Prohibited Land Uses

a. In no case shall a new Limited or General Day Care, ~~or~~ School- Elementary or Secondary, ~~or College or University, with the exception of aviation school facilities,~~ be permitted ~~within an area contiguous to the airport measuring ½ the length of the longest runway on either side of and at the end of each runway centerline at either end of a runway within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of 1/2 the runway.~~

1) Exemption

~~For Palm Beach International Airport (PBI) and Boca Raton Airport that have completed Federal Aviation Regulation 14 C.F.R. Part 150 Noise and Land Use Compatibility Studies, educational land uses within regulated areas defined in Article 16.C.1.D.1.a Palm Beach International Airport (PBI) and Article 16.C.1.D.1.b Boca Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the study or be compliant with 14 C.F.R. Part 150 Appendix A.~~

12) Nothing in subsection a. above shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion to contiguous properties of any public or private educational structure in existence, or real property in use, on November 1, 1996. Construction of new education structures shall meet the provisions of Article 16.B.1.H, Airspace Height Review Procedures, and the provision of sound insulation materials in accordance with established architectural and acoustical principles as contained in document DOT/FAA/PP-92-5 (or later version), Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, is encouraged.

23) The language in subsection a. above shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion of any Limited or General Day Care use in existence, or real property in use, or with a valid development order prior the effective date of this Ordinance.

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**EXHIBIT L
DEPARTMENT OF AIRPORTS
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SUMMARY OF AMENDMENTS**

**CR-2018-031
(10/1/2018)**

- 1 Expansion or alterations of a Day Care located within the runway area that represents
2 an increase in the number of occupants shall be prohibited. **[Ord. 2011-016]**
- 3 **b.** In no case shall new residential construction be permitted within an area contiguous to the
4 airport measuring ½ the length of the longest runway on either side of and at the end of
5 each runway centerline unless it meets the conditional notes in the Off-Airport Land Use
6 Compatibility Schedule - Appendix 8. This area is shown as the "New Residential
7 Construction Limit" on Appendices 10-14.
- 8 **1) Exemption**
9 ~~Land uses within regulated areas defined in Article 16.C.1.D.1.a, Palm Beach~~
10 ~~International Airport (PBIA) and Article 16.C.1.D.1.b, Boca Raton Airport Land Use~~
11 ~~Noise Zone (Airports which have completed Federal Aviation Regulation Part 150~~
12 ~~Noise and Land Use Compatibility Studies), "Palm Beach International Airport and~~
13 ~~Boca Raton Airport Land Use Noise Zone Defined" and which meet the standards set~~
14 ~~forth herein.~~
15 For Palm Beach International Airport (PBIA) and Boca Raton Airport that have
16 completed Federal Aviation Regulation 14 C.F.R. Part 150 Noise and Land Use
17 Compatibility Studies, residential land uses within regulated areas defined in Article
18 16.C.1.D.1.a Palm Beach International Airport (PBIA) and Article 16.C.1.D.1.b Boca
19 Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the
20 study or be compliant with 14 C.F.R. Part 150 Appendix A.
- 21 **c.** In no case shall a new Landfill be permitted, or an existing Landfill expanded, within 10,000
22 feet from the nearest point of any Airport runway used by only turbine aircraft; within 5,000
23 feet from the nearest point of any Airport runway used by only nonturbine aircraft; or within
24 the lateral limits of the civil airport imaginary surfaces, ~~Appendix 15.~~

27 **Part 9. ULDC Art. 16.C.1.E.3, Airport Regulations, Airport Land Use Compatibility Zoning**
28 **Regulations, Airport Land Use Regulations, Additional Use Regulations, (page 12-13 of**
29 **15) are hereby amended as follows:**

Reason for Amendment: [Airports]

- | |
|---|
| 1. To clarify that the additional use regulations are apply to the three Regulated Areas. |
|---|

30 **CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS**

31 **Section 1 Airport Land Use Regulations**

32
33 **E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)**

34
35 **3. Additional Use Regulations**

36 In addition to the requirements contained in the Off-Airport Land Use Compatibility Schedule
37 Appendix 8, all uses within ~~Regulated aAreas~~ shall comply with the following provisions:

38
39 **c. Obscuration**

40 No operations of any type shall produce smoke, glare or other obscuration ~~within three~~
41 ~~statute miles of any usable runway of a public airport.~~

42
43 **e. ~~Noise Level Reduction (NLR) Requirements~~**

44 ~~If a proposed land use within an Airport Land Use Noise Zone is designated generally~~
45 ~~compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be~~
46 ~~incorporated into the regulated use.~~

47 **~~1) Exemptions~~**

48 ~~Land Uses within regulated areas defined in Article 16.C.1.D.2.a, Land Use Noise~~
49 ~~Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle~~
50 ~~Glade Municipal Airport, and Palm Beach North County Airport.~~

51 **~~2) Use and Occupancy~~**

52 ~~Buildings or structures supporting a legal use(s) which existed prior to (the effective~~
53 ~~date of this Article), may continue to support the existing use or occupancy provided~~
54 ~~such continued use does not jeopardize life or health.~~

55 **~~3) Relocated Buildings~~**

56 ~~Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and~~
57 ~~noise level reduction provisions of this Article, as applicable.~~

58 **~~4) Proposed or Newly Constructed Buildings~~**

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EXHIBIT L
DEPARTMENT OF AIRPORTS
CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS

CR-2018-031
(10/1/2018)

~~Valid permits to construct a building, submitted to the Building Division of PZB prior to June 16, 1992, shall not be required to comply with the provisions of Article 16, AIRPORT REGULATIONS, as long as the building permit has not been amended or expired. [Ord. 2017-025]~~

~~**5) Design Requirements**~~

~~The NLR requirements of the Off-Airport Land Use Compatibility Schedule, Appendix 8, may be achieved by any suitable combination of building design, choice of building materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. This document is on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room. [Ord. 2017-025]~~

~~[Relocated to Art. 16.C.1.F.1 below]~~

fe. Disclosure

The owner of any new building or structure or any existing building or structure which is substantially repaired, reconstructed or altered, as provided in Article 16, AIRPORT REGULATIONS, proposed to be located within regulated areas shall provide disclosure to all prospective purchasers or tenants of such building or structure that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable.

Part 10. ULDC Art. 16.C.1.F, Airport Regulations, Airport Land Use Compatibility Zoning Regulations, Airport Land Use Regulations, Review Procedure for Airport Land Use Noise Zones (ALUNZ), (page 13 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]

1. To better clarify that these regulations are applicable to lands within the ALUNZ.

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

....

F. Review Procedure for Airport Land Use Noise Zones (ALUNZ)

All new construction or reconstruction for temporary or permanent structures within ALUNZ shall be reviewed for compliance with the standards of this Section. Prior to acceptance of a development order or issuance of a building permit, the DOA in consultation with PZB shall review the application for compliance with this Article. [Ord. 2017-025]

1. Noise Level Reduction (NLR) Requirements

If a proposed land use within an Airport Land Use Noise Zone is designated generally compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be incorporated into the regulated use.

a. Exemptions

Land Uses within regulated areas defined in Article 16.C.1.D.2.a, Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport.

b. Use and Occupancy

Buildings or structures supporting a legal use(s) which existed prior to (the effective date of this Article), may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.

c. Relocated Buildings

Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions of this Article, as applicable.

d. Proposed or Newly Constructed Buildings

~~Valid permits to construct a building, submitted to the Building Division of PZB prior to June 16, 1992, shall not be required to comply with the provisions of Article 16, AIRPORT REGULATIONS, as long as the building permit has not been amended or expired. [Ord. 2017-025]~~

e. Design Requirements

~~The NLR requirements of the Off-Airport Land Use Compatibility Schedule, Appendix 8, may be achieved by any suitable combination of building design, choice of building materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, Guidelines for~~

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EXHIBIT L
DEPARTMENT OF AIRPORTS
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CR-2018-031
(10/1/2018)

the Sound Insulation of Residences Exposed to Aircraft Operations. This document is on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room. [Ord. 2017-025]
[Relocated from Art. 16.C.1.3.e above]

Part 11. ULDC Art. 16.C.3, , Airport Regulations, Airport Land Use Compatibility Zoning Regulations, Administration (page 13) and Art. 16.C.4 Enforcement (page 14) are hereby amended as follows:

Reason for Amendment: [Airports]

1. To be consistent with the nomenclature used in the code.

2. As Interlocal Agreements with municipalities with lands within regulated area are authored, this allows the cities to retain ultimate approval authority, and give the County to right to review and comment.
--

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 3 Administration

- A.** This ~~section~~ Article of the ULDC shall be interpreted by the Director of Airports. DOA, in consultation with the PZB, shall administer the review of development applications for compliance with this Article within the territorial limits over which PBC has jurisdiction. DOA by Interlocal Agreement with any jurisdiction which has permitting authority ~~shall~~ may administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a Permit for Obstruction is required, then the DOA ~~shall~~ may administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article. **[Ord. 2008-003] [Ord. 2017-025]**
- B.** In the event that any violation of the requirements of this Article are found, the Director of Code Enforcement shall give written notice to the property owner. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take any or all other action necessary to correct violations and obtain compliance with all the provisions of this ~~Section~~ Article. **[Ord. 2017-025]**

....

Section 4 Enforcement

A. Non-compliance

Failure to comply with the requirements of this ~~Section- Article~~ or any permit or Approval granted or authorized hereunder shall constitute a violation of this code. PZB or DOA may issue a Cease and Desist Order or withhold a Certificate of Occupancy until the provisions of this ~~Section~~ Article have been met. PBC may subject the owner of the premises to the violation and enforcement provisions in F.S. Chapter 333.07, and F.S. Chapter 333.13, as may be amended from time to time, or may pursue any other remedy available at law, in order to fully effectuate the purposes of this Ordinance. Each violation of this Ordinance or of any regulation, order or ruling promulgated herein shall be considered a separate offense and enforced in accordance with the provisions of Article 10, ENFORCEMENT. **[Ord. 2017-025]**

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EXHIBIT M

PO DEVIATIONS SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 10/1/2018)

1 Part 1. ULDC Art. 2.A.2.C, Application Processes and Procedures, General, Zoning
2 Applications, Application Types and Authorities, Table 2.A.2.C Board of County
3 Commissioners (page 11-12 of 105), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications. The current Code has references in different Articles that allows development supporting government facilities within the PO Zoning District to request a Deviation approval from the BCC or the County Engineer from Code requirements. The reference for these Deviations are located within Article 2, Applicant Processes and Procedures; Article 4 Use Regulations; Article 5 Supplementary Standards; Article 6 Parking; Article 7 Landscaping; and Article 11 Subdivision, Platting and Required Improvements. This Amendment is to consolidate the references and clarify the process and procedures for the Deviations approved by the BCC. Deviations approved under Article 11, by the County Engineer remain the same.

4 **CHAPTER A GENERAL**

5

6 **Section 2 Zoning Applications**

7

8 **C. Application Types and Authorities**

9 For the purposes of this Article, the authority of the Board of County Commissioners, Zoning
10 Commission and Development Review Officer shall be limited to the powers and duties pursuant
11 to Art. 2.G, Decision Making Bodies on those applications specified below. **[Ord. 2006-036] [Ord.
12 2018-002]**

13 **1. Board of County Commissioners (BCC)**

14 The BCC shall make a final decision on the following types of applications: **[Ord. 2018-002]**
15

**Table 2.A.2.C - Board of County Commissioners
Legislative and Quasi-Judicial Processes**

Legislative
Privately Initiated Unified Land Development Code (ULDC) Amendment (PIA)
County Initiated Official Zoning Map Amendment (Rezoning)
Quasi-Judicial
Official Zoning Map Amendment (Rezoning) (1)
Class A Conditional Use (2)
Development Order Amendment (DOA) of a prior DO approved by the BCC
DOA – Expedited Application Consideration (EAC) of a prior DO approved by the BCC
Development Order Abandonment (ABN) of a prior DO approved by the BCC
Status Report of a prior DO approved by the BCC (3)
Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Art. 4.B.4.C.10, Homeless Resource Center and Articles 5, 6, and 7 for development supporting Government Facilities within the Public Ownership (PO) Zoning District. Public Ownership (PO) Deviations(4)
Type 2 Waiver
Unique Structure
Release of Agreement (3)
Administrative Inquiry (AI) (3)
Corrective Resolution for prior DO approved by the BCC
[Ord. 2007-013] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]
Notes:
1. Only rezoning to a PDD or TDD will issue a DO. A rezoning to a Standard District with a COZ may result in the issuance of a DO.
2. Includes where it specifies the process is subject to the BCC in Table 4.A.9.B. – Thresholds for Projects Requiring Board of County Commissioners Approval, Art. 4.B, Use Classifications, Art. 3.B, Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process.
3. This is not considered as quasi-judicial process, however, it is subject to the Public Hearing process.
4. PO Deviations reviewed by the BCC do not include those PO Deviations described in Article 11 that are reviewed and approved or denied by the County Engineer.

16

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EXHIBIT M
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 10/1/2018)

1 **Part 2. ULDC Art. 2.A.5, Application Processes and Procedures, General, Pre-application**
2 **Conference (PAC) and Pre-Application Appointment (PAA) (pages 14-15 of 105), is**
3 **hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.

4 **CHAPTER A GENERAL**

5

6 **Section 5 Pre-application Conference (PAC) and Pre-application Appointment (PAA)**

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

10 **Table 2.A.5 - PAC and PAA**

PAC	PAA
Applications requesting an IRO (1)	PIA
Applications within the PRA (1)	Type 2 Variance
Concurrent Review (2)	Type 2 Waiver
-	Type 1 Waiver for Landscaping
-	Type 1 Variance
-	Zoning Confirmation Letter - Formal
-	WHP, AHP and TDR
	PO Deviations (3)
[Ord. 2018-002]	
Notes:	
1. A Conceptual Plan shall be submitted to be reviewed as part of a PAC application.	
2. Applicants shall indicate whether they have questions related to the request(s) for staff to address before submitting for the Concurrent Review.	
<u>3. The Zoning Director in consultation with the Applicant may determine a formal PAA is not required based on general discussions on this request.</u>	

12 **A. Pre-Application Conference (PAC)**

13 **B. Pre-Application Appointment (PAA)**

14
15 The purpose of a PAA is to provide the Applicant an opportunity to discuss the proposed request(s)
16 with Zoning Division staff prior to the official submittal of an application. **[Ord. 2018-002]**

17 **1. Applicant's Request and Responsibility**

18 The Applicant shall request the PAA and specify whether the attendance of the other County
19 Agencies is required. Prior to the PAA, the Applicant shall specify the requests, prepare a list of
20 questions related to the subject property, and provide a copy of relevant information regarding the
21 proposed development to the DRO.

22 **a.** For a DOA application, it shall be the responsibility of the Applicant to research and review prior
23 approved files, which includes but not limited to, plans, resolutions and other relevant
24 documents prior to the PAA. **[Ord. 2018-002]**

25 **b.** For a PO Deviation application, it is the responsibility of the Applicant to complete the
26 Application including the Justification Statement, and provide a draft copy of these documents
27 for review at the time of the PAA.

28
29
30
31 **Part 3. ULDC Art. 2.B.3, Application Processes and Procedures, Public Hearing Processes,**
32 **General (pages 24-25 of 105) is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Clarify that the Government Agency is responsible for obtaining comments from other Government Departments on the review of proposed Deviation request.

34 **CHAPTER B PUBLIC HEARING PROCESSES**

35

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EXHIBIT M
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 10/1/2018)

1 **Section 3 General**

2 The DRO shall coordinate the review of applications with all the applicable Agencies based on the
3 request(s), and in accordance with Table 2.A.2.C, Board of County Commissioners, Legislative and Quasi-
4 Judicial Processes, and Table 2.A.2.C, Zoning Commission, Quasi-Judicial Processes. For PO Deviation
5 application, the Applicant shall be responsible to coordinate the review of the application with the applicable
6 Agencies. The application(s) shall be assigned by the DRO to be reviewed through the Full DRO, which
7 consists of all applicable County Agencies. An Applicant may also request a Concurrent Review by the
8 DRO. [Ord. 2018-002]

9
10
11 **Part 4. ULDC Art. 2.B.4, Application Processes and Procedures, Public Hearing Processes,**
12 **Review, Resubmittal and Certification Title (page 25 of 105) is hereby amended as**
13 **follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Clarify that the process for PO Deviations in that it is the Applicants responsibility to obtain comments from other Government Agencies and address their issues before proceeding to a Public Hearing.
3. At the August 22, 2018 LDRAB an issue was raised pertaining to Table 2.B.4 - Review, Resubmittal and Certification footnote 1 and reference "...Sufficiency review is completed by the DRO to ensure the requests complies with Article 2.B.7.G., Types of Applications." The reference to DRO is a Staff Official who's powers and duties are established under Article 2.G, and are not construed to mean a process or application type.

14 **Section 4 Review, Resubmittal and Certification**

15 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, subject to the
16 timeline specified in the Table below. The processing time may vary based upon the types of requests.
17 [Ord. 2018-002]

Table 2.B.4 - Review, Resubmittal and Certification

Processes	DRO
Application Submittal by Applicant	Refer to Annual Zoning Calendar (1)
Sufficiency Review by Staff	10 days from the date of Application Submittal.(1)
Insufficiency to be addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency.
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar.
Certification for Public Hearings	Refer to Annual Zoning Calendar.
[Ord. 2018-002]	
1. <u>PO Deviations shall be submitted to the Zoning Division on the Application Submittal Date. Sufficiency review is completed by the DRO to ensure the requests complies with Article 2.B.7.G., Types of Applications and PPM ZO-O-063. The Zoning Division is only responsible for ensuring the correct allowable deviations are being requested and placing the application and staff summary on a BCC Zoning Agenda. PO Deviations, pursuant to Article11, shall be submitted directly to the County Engineer for review.</u>	

19
20 **A. Review**
21 The DRO shall prepare a list of issues and comments and make it available to the Applicant. The
22 Applicant shall provide a written response addressing all outstanding issues and comments by the
23 next Submittal date. [Ord. 2018-002]

24 **B. Certification**
25 If the resubmitted documents satisfy Code requirements and address the DRO's list of outstanding
26 issues and comments, the DRO shall issue a Result Letter indicating the certification of the
27 application. [Ord. 2018-002]

28 **C. Non-certification**
29 If the resubmitted documents fail to address all listed outstanding issues and comments, the DRO
30 shall issue a Result List indicating that the application is not certified. [Ord. 2018-002]

31 **1. Resubmittal Requirements**
32 The Applicant shall provide a written response, addressing all outstanding issues and
33 comments for those applications that are not certified, in a manner and form acceptable to the
34 DRO. The revised documents shall be resubmitted on the Submittal date as established on the
35 Annual Zoning Calendar. [Ord. 2005-041] [Ord. 2008-003] [Ord. 2018-002]

36 **D. Application Modification After Certification**
37 Applications shall not be significantly modified after certification, unless requested or agreed to by
38 the DRO. Significant modifications to the certified plan(s) and application(s) within ten days of a

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scheduled public hearing date shall result in a postponement. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the certified plan or application request. The DRO may consider, but not limited to: intensity, density, land area, or vehicular use areas, to determine whether the certified plans or documents exceed the 30 percent threshold. [Ord. 2005 – 002] [Ord. 2018-002]

E. Continuation or Postponement

Applications for a DO that are continued or postponed for more than six months by the DRO must obtain approval from the Zoning Director. All applications, that have been continued or postponed for more than six months without approval from the Zoning Director, shall be administratively withdrawn. [Ord. 2005 – 002] [Ord. 2018-002]

Part 5. ULDC Art. 2.B.5, Application Processes and Procedures, Public Hearing Processes, Notification (pages 26-28 of 105), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.

Section 5 Notification

A. Applicability

Applications subject to Public Hearing or Type 1 Variance processes, corrective resolutions, or Administrative Inquiries, or any application that will result in the redevelopment of an existing occupied mobile home park, shall require notification to the public, in accordance with the following Table: [Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-025] [Ord. 2018-002]

Table 2.B.5.A – Notification Applicability

Requests	Newspaper Publication	Courtesy Notice	Signs
ABN (1)	Yes	N/A	N/A
Corrective Resolution	Yes	N/A	N/A
Type 1 Variance	N/A (2)	Yes	Yes
Type 2 Variance	Yes	Yes	Yes
PO Deviations	Yes	Yes	N/A
Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver)	Yes	Yes	Yes
Administrative Inquiry (3)	N/A	Yes	N/A
Redevelopment of Mobile Home Parks	N/A	N/A	Yes (4)

[Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002]

Notes:

- Applies to Public Hearing and Administrative Abandonments, excluding: DOs advertised and abandoned simultaneously as part of a subsequent; and, DOs advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.
- Notification shall be required in compliance with F.S. 286.011.
- Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002]
- In addition to any applicable signs required for the Public Hearing processes applications for the redevelopment of occupied mobile home parks shall be subject to additional posting requirements.

B. Newspaper Publication

Notice shall be published in a newspaper of general circulation in PBC in accordance with F.S. 125.66. [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]

C. Courtesy Notice

1. Applicability and Mailing Boundary

Courtesy notices shall be mailed to all property owners, interested parties or other entities identified in the following table: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]

Table 2.B.5.C – Courtesy Notice Requirements

Process	Recipients and Boundaries			
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)(7)	Regular Mail 0 to 500 feet	Regular Mail within One Mile (1)
Type 1 Variance	All owners of real property (2),	NA	N/A	Counties and Municipalities (4)
Type 2 Variance		NA	N/A	

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Table 2.B.5.C – Courtesy Notice Requirements

Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver, and PO Deviation)	condominium associations (3) and POAs, HOAs or equivalent.	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	N/A
Administrative Inquiry (Site Specific) (6)	N/A	N/A	All owners of real property (2) N/A
[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002]			
Notes:			
<p>1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the notification boundary shall be extended an additional 500 feet beyond the boundary of the adjacent parcel. Courtesy notices are not required where the outer boundary of the adjacent parcel lies from the subject site more than 1,500 feet on properties located in the Glades, Exurban and Rural Tiers, or 1,000 feet for properties in other Tiers. [Ord. 2012-003]</p> <p>2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser.</p> <p>3. Includes condominium associations and all real property owners when real property consists of a condominium.</p> <p>4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map</p> <p>5. The Applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. [Ord. 2016-016]</p> <p>6. Shall be mailed a minimum of ten days prior to the date of the AI by the Applicant submitting the inquiry.</p> <p>7. A larger notification boundary from 301 to 1,000 feet is required for properties located in the Glades, Exurban or Rural Tiers.</p>			

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2. Notice Content

Courtesy notices shall include the following information: **[Ord. 2011-016] [Ord. 2018-002]**

- a. A general summary of the application; **[Ord. 2011-016] [Ord. 2018-002]**
- b. A date, time and place for the Public Hearing(s) or the Public Meeting(s) for Type 1 Variance; **[Ord. 2011-016] [Ord. 2018-002]**
- c. A general location map of the subject property; ~~and~~; **[Ord. 2011-016] [Ord. 2018-002]**
- d. A statement indicating that interested parties may appear at the Public Hearing or the Public Meeting for the Type 1 Variance to be heard regarding the request; ~~and~~; **[Ord. 2011-016] [Ord. 2018-002]**
- e. For PO Deviations, the notice shall state the name, phone number, address and email address of the Applicant. Responses to any letters from interested parties shall be mailed directly to the Applicant, and the Applicant shall be responsible for notifying the BCC of the responses to the notification at the Public Hearing when the item is discussed.

3. Failure to Receive Courtesy Notice

Failure to receive a notice shall not be deemed a failure to comply with Art. 2.B.5, Notification, or be grounds to challenge the validity of any decision made by the approving authority. **[Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]**

D. Signs

- 1. The Applicant shall post signs regarding the public hearing or the public meeting on the property subject to the application. The signs shall be prepared by the Applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual. Signs must be posted at least 15 days in advance of any public hearing. One sign shall be posted for each 250 feet of frontage, or a fraction thereof, along a street up to a maximum of ten signs. All signs shall be: **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2016-016] [Ord. 2018-002]**

2. Exceptions

Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property. **[Ord. 2018-002]**

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1 **Part 6. ULDC Art. 2.B.6, Application Processes and Procedures, Public Hearing Process, Public**
2 **Hearing Procedures (page 29 of 105), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Clarify that for PO Deviations the PM for the Government Agencies is responsible for gathering comments from other Agencies for the proposed request. The Government Agencies is responsible to contact the DRO for scheduling the item for the public hearing.
3. Clarify that for PO Deviations the PM for the Government Agencies is responsible for writing and presenting the staff report, findings, and recommendations.

3 **Section 6 Public Hearing Procedures**

4 All decision making persons and bodies shall act in accordance with the time limits established in this Code,
5 unless stated otherwise. **[Ord. 2018-002]**

6 **A. Scheduling**

7 Once an application has been certified by the DRO, the DRO shall schedule a public hearing in
8 accordance with the dates established in the Annual Zoning Calendar, or such time as is mutually
9 agreed upon between the Applicant and the DRO. The scheduling of the application for public
10 hearing shall ensure the public notice requirements are satisfied. **[Ord. 2018-002]**

11 **1. Number of Hearings**

12 Both the ZC and the BCC shall hold at least one public hearing on applications that are subject
13 to the Public Hearing processes, unless otherwise stated herein. **[Ord. 2018-002]**

14 **2. Exception for Official Zoning Map Amendment**

15 The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a
16 proposed amendment to the boundaries of the Official Zoning Map for PBC initiated
17 applications consisting of ten or more contiguous acres of land. **[Ord. 2018-002]**

18 **3. Exception for PO Deviations**

19 The application for public hearing shall be placed on the next available BCC Zoning Hearing
20 for which the public notice requirements can be satisfied.

21 **B. Staff Report and Recommendation**

22 The DRO or the PBC official responsible for reviewing the application shall prepare a report for
23 each application. The DRO shall incorporate the analysis and Conditions of Approval of the
24 Agencies who are responsible for reviewing the application, and a recommendation of approval,
25 approval with conditions, or denial based on the applicable Standards. The report shall be made
26 available to the public at least five days prior to the hearing date. **[Ord. 2018-002]**

27 **1. PO Deviations**

28 The Applicant is responsible for preparing a staff report and recommendation. The report shall
29 include an analysis of the request and Standards, as described in Article 2.B.7.G Types of
30 Applications, including any proposed Conditions of Approval. The report shall be available to
31 the public at least five days prior to the hearing date.

32 **C. Board Action**

33 **1. Action by ZC**

34 The ZC shall conduct a public hearing on the application, subject to the following procedures:
35 **[Ord. 2018-002]**

36 **a. Recommendations by the ZC**

37 The ZC shall consider the application where the BCC makes a final decision, including staff
38 report, relevant support materials, public testimony and public testimony given at the
39 hearing. After close of the public hearing, the ZC shall recommend to the BCC that the
40 application be approved, approved with Conditions, modified, continued, postponed or
41 denied based upon the applicable Standards in Art. 2.B.7, Types of Applications. **[Ord.**
42 **2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]**

43 **b. Final Decision by the ZC**

44 The ZC shall consider the application where the ZC makes a final decision, including, staff
45 report, relevant support materials, DRO certification, public testimony, and public testimony
46 given at the hearing. After close of the public hearing, the ZC shall by not less than a
47 majority of a quorum present approve, approve with conditions, modify, postpone, or deny
48 the application. The actions shall be based upon the applicable and any Standards specific
49 to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution
50 approving, approving with Conditions, or denying the proposed request. The resolution
51 shall be filed with the Zoning Division. **[Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]**

52 **c. Remand by the ZC**

53 If at any time during the public hearing, the ZC determines that the application is based
54 upon incomplete, inaccurate information or misstatements of fact, it may remand the
55 application back to the DRO for further review and a revised staff report. **[Ord. 2018-002]**

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1 **2. Action by BCC**

2 **a. Recommendations by the ZC**

3 The BCC shall consider the application, staff report, relevant support materials, the
4 recommendation of the ZC, and the public testimony submitted before and given at the
5 hearing. **[Ord. 2018-002]**

6 **b. Final Decision by the BCC**

7 The BCC shall consider the application, staff report, relevant support materials, DRO
8 certification, the ZC recommendation, public testimony submitted before and given at the
9 hearing. After close of the public hearing, the BCC shall by not less than a majority of a
10 quorum present approve, approve with conditions, modify, postpone, or deny the
11 application. The actions shall be based upon the applicable and any Standards specific to
12 the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving,
13 approving with Conditions, or denying the proposed request. The resolution shall be filed
14 with the Clerk of the Circuit Court. For PO Deviations a Result Letter, in lieu of a resolution,
15 is prepared by the DRO, provided to the Applicant, and filed with the Zoning Division. **[Ord.**
16 **2008-003] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]**

17 **c. Remand by the BCC**

18 If at any time during the public hearing, the BCC determines that the application is based
19 upon incomplete, inaccurate information or misstatements of fact, the BCC may remand
20 the application back to the ZC or DRO for further review and a revised staff report. **[Ord.**
21 **2018-002]**

22 **3. Action by the Hearing Officer**

23 At the public hearing(s), the Hearing Officer shall consider the application, all relevant support
24 materials, staff report, testimony given, and evidence introduced into the record at the public
25 hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify
26 or withdraw the request. **[Ord. 2006-036] [Ord. 2018-002]**

27 **D. Conduct of Hearings**

28 **1. Oath or Affirmation**

29 All testimony and evidence shall be given under oath or by affirmation to the body conducting
30 the hearing. **[Ord. 2018-002]**

31 **2. Rights of All Persons**

32 Any person may appear at a public hearing and submit evidence, either individually or as a
33 representative of an organization. Anyone representing an organization shall present evidence
34 of his/her authority to speak on behalf of the organization in regard to the matter under
35 consideration. Each person who appears at a public hearing shall be identified, state an
36 address, and if appearing on behalf of an organization, state the name and mailing address of
37 the organization. **[Ord. 2018-002]**

38 **3. Procedures for Public Hearings**

39 The procedures of the hearings shall be in accordance with Art. 2.G.2, General Provisions.
40 The decision making body may adopt bylaws stipulating the manner in which the proceedings
41 will be conducted. The body conducting the hearing may exclude testimony or evidence that
42 it finds to be irrelevant, immaterial or unduly repetitious formal rules of evidence. Formal Rules
43 of evidence shall not apply but fundamental due process shall be observed. The order of the
44 proceedings shall be as follows: **[Ord. 2018-002]**

45 a. The Applicant shall present any information the Applicant deems appropriate. **[Ord. 2018-**
46 **002]**

47 b. The PBC Official responsible for reviewing the applications shall present a written or oral
48 recommendation, including any report prepared. This recommendation shall address each
49 standard required to be considered by this Code prior to rendering a decision on the
50 application. For PO Deviations, the Applicant shall present a written or oral
51 recommendation, including any report prepared, with no presentation from the PBC
52 Official. This recommendation shall address each standard required to be considered by
53 this Code prior to rendering a decision on the application. **[Ord. 2018-002]**

54 c. Public testimony shall be heard. **[Ord. 2018-002]**

55 d. The PBC official responsible for reviewing the application may respond to any statement
56 made by the Applicant or any public comment. **[Ord. 2018-002]**

57 e. The Applicant may respond to any testimony or evidence presented by the PBC staff or
58 public at the discretion of the Chair. **[Ord. 2018-002]**

59 f. The decision making body may direct questions to staff and the Applicant specific to the
60 request. **[Ord. 2018-002]**

61 g. The decision making body shall discuss the facts of the application and make a
62 recommendation. **[Ord. 2018-002]**

63 **E. Continuance or Postponement of Hearings**

64 The BCC or ZC conducting the public hearing may, on its own motion or at the request of an
65 Applicant, continue the public hearing to a fixed date, time and place. The BCC or ZC shall

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determine if an application shall be postponed when an Applicant fails to submit a request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the decision making body. [Ord. 2005-041] [Ord. 2006-036] [Ord. 2018-002]

1. Postponement by Right

An Applicant shall be granted a postponement by right to the next regularly scheduled hearing if requested in writing five days prior to the hearing. If the postponement is requested less than five days prior to the date of the scheduled hearing, the request for postponement shall be presented at the hearing and at the discretion of the ZC or BCC. [Ord. 2018-002]

F. Finalization of Approved DOs

The Applicant shall submit an application to the DRO for finalization of the BCC or ZC approved DOs in accordance with the procedures in Art. 2.C.3, Finalization of BCC or ZC DOs, as applicable. [Ord. 2018-002]

G. Other Procedures

Other procedures, which include: Remand, Suspension of Development Review, Withdrawal and Denial of Application; are referenced in Art. 2.A.10; Violation of Condition of DO in Art. 2.A.11; Outstanding Liens or Fines in Art. 2.A.12; Misrepresentation in Art. 2.A.13; and Appeal in Art. 2.A.14. [Ord. 2018-002]

Part 7. ULDC Art. 2.B.7, Application Processes and Procedures, Public Hearing Processes, Types of Applications (page 40 of 105), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Create a Type of Application for PO Deviations and relocate the standards found in Articles 5 and 6 to Article 2 consistent with other applications.

Section 7 Types of Application

....

G Public Ownership (PO) Deviations

1. Purpose

A PO Deviation is to allow adjustment from certain Code requirements as it applies to land development that supports government facilities within the PO Zoning District.

2. Applicability

Requests for PO Deviation shall only be permitted as indicated in the following Table.

Table 2.B.7.G – PO Deviations

<u>Article 4.B.4.C.10.d Homeless Resource Center, Location and Separation Requirements</u>
<u>Article 5 Supplementary Standards</u>
<u>Article 6 Parking</u>
<u>Article 7 Landscaping</u>

3. Standards

Development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards: [Ord. 2007-013] [Ord. 2010-022]

- a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]*
- b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; [Ord. 2007-013]*
- c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; [Ord. 2007-013]*
- d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]*
- e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, [Ord.2007-013]*

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f. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013] [Relocated from Article 5.A.3.A and Article 6.A.1.B.4]

4. Effect of Issuance of a DO

Issuance of a PO Deviations DO shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific condition of approval limits the specific use for which it was issued.

Part 8. ULDC Art. 2.G.1, Application Processes and Procedures, Decision Making Bodies, Board of County Commissioners (page 79 of 105) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Minor update to be consistent with modifications in Article 2.A

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

1. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
2. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
3. to initiate, hear, consider and approve, or deny requests to amend the text of this Code; [Ord. 2009-040]
4. to initiate, hear, consider and approve, approve with conditions, or deny applications for DO to amend the Official Zoning Map of this Code; [Ord. 2018-002]
5. to hear, consider and approve, approve with conditions, or deny applications for DO for Class A Conditional uses; [Ord. 2018-002]
6. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs; [Ord. 2018-002]
7. to hear, consider and approve, approve with conditions, or deny applications for DOA and EAC; [Ord. 2018-002]
8. to hear, consider and approve, approve with conditions, or deny applications for DO for Preliminary Plans for those specific PDDs, TDDs, or Class A Conditional Uses pursuant to Art. 2.A.6.B, Plan Requirements; [Ord. 2018-002]
9. to hear, consider and approve, approve with conditions, or deny applications for ABN; [Ord. 2018-002]
10. to hear, consider and approve, approve with conditions, or deny applications for Status Report of a prior approved DO; [Ord. 2018-002]
11. to review, hear, consider, and approve, approve with conditions, or deny requests for ~~PO Deviations described in Article 2.B.7.G from: Art. 4.B.4.C.10.d, Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District;~~ [Ord. 2018-002]
12. to hear, consider and approve, approve with conditions or deny applications for Type 2 Waivers; [Ord. 2018-002]
13. to hear, consider and approve, approve with conditions, or deny application for Unique Structures; [Ord. 2018-002]
14. to hear and consider release of agreement; [Ord. 2018-002]
15. to hear and consider AI; [Ord. 2018-002]
16. to review, hear, consider, and approve, or deny applications for Corrective Resolutions; [Ord. 2018-002]
17. to establish fees for the review of applications for development orders or permits, and appropriate funds to defray the costs of administering this Code; [Ord. 2018-002]
18. to act to ensure compliance with ~~D~~development ~~O~~orders or permits as approved and issued; [Ord. 2018-002]
19. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission on applications for development permits for Class B conditional uses; [Ord. 2018-002]

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- 1 20. to hear, consider and decide appeals from decisions of the DRO on applications for URAO
2 Type 1 Waivers; **[Ord. 2018-002]**
3 21. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
4 **[Ord. 2018-002]**
5 22. to appoint other advisory boards that are determined necessary to assist in the implementation
6 of this Code or the Plan; and, **[Ord. 2018-002]**
7 23. to take such other action not delegated to the decision-making bodies set forth in this Article or
8 other officials of PBC Departments, as the BCC may deem desirable and necessary to
9 implement the provisions of the Plan and this Code; **[Ord. 2009-040] [Ord. 2018-002]**
10

11
12 **Part 9. ULDC Art. 2.G.3.L, Application Processes and Procedures, Decision Making Bodies,**
13 **Appointed Bodies, Zoning Commission (page 92-93 of 105) is hereby amended as**
14 **follows:**

Reason for amendments: [Zoning]
1. Amend to show that Zoning PO Deviations do not need a ZC recommendation.
2. Amend previous Powers and Duties, to clarify which applications the ZC makes recommendations. Code reference of Article 2.A.1.C.2 is incorrect and was modified through Ordinance ORD-2018-002.
3. Delete duplicative language.

15
16 **L. Zoning Commission**

17 **1. Establishment**

18 There is hereby established a Zoning Commission (ZC)

19 **2. Powers and Duties**

20 The ZC shall have the following powers and duties under the provisions of this Code.

- 21 a. to initiate, review, hear, consider, and make recommendations to the BCC to approve,
22 approve with conditions, or deny applications to amend the Official Zoning Map, Class A
23 Conditional Use, Development Order Amendment (DOA) of a prior DO approved by the
24 BCC, Type 2 Waiver, and Unique Structure; **[Ord. 2009-040]**
25 ~~b. to review, hear, consider, and make recommendations to the BCC to approve, approve~~
26 ~~with conditions, or deny applications for development orders pursuant to Art. 2.A.1.C.2,~~
27 ~~Zoning Commission Quasi-Judicial Processes;~~ **[Ord. 2009-040] [Ord. 2018-002]**
28 ~~be-~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
29 development permits for Class B Conditional uses and Type Variance applications; **[Ord.**
30 **2006-036] [Ord. 2018-002]**
31 ~~cd.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
32 development orders for DOA for a prior approved DO approved by the ZC; **[Ord. 2018-**
33 **002]**
34 ~~e. to hear, consider and approve, approve with conditions, or deny applications for DO for~~
35 ~~Preliminary Plans for Class B Conditional Uses pursuant to Art. 2.A.6.B, Plan~~
36 ~~Requirements;~~ **[Ord. 2018-002]**
37 ~~df.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
38 ABN; **[Ord. 2018-002]**
39 ~~eg.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
40 Status Reports; **[Ord. 2018-002]**
41 ~~fh.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
42 Unique Structures; **[Ord. 2018-002]**
43 ~~gi.~~ to review, hear, consider, and approve, or deny applications for Corrective Resolutions;
44 **[Ord. 2018-002]**
45 ~~hj-~~ to make its special knowledge and expertise available upon request of the BCC to any
46 official, department, board, commission or agency of PBC, the State of Florida or Federal
47 government;
48 ~~ik.~~ to make studies of the resources, possibilities and needs of PBC and to report its findings
49 and recommendations, with reference thereto, from time to time, to the BCC;
50 ~~jl.~~ to recommend to the BCC additional or amended rules of procedure not inconsistent with
51 this Section to govern the ZC's proceedings; **[Ord. 2006-036]**
52 ~~km.~~ to consider and render a final decision on appeals of Green Architecture application; and
53 **[Ord. 2009-040] [Ord. 2011-016] [Ord. 2018-002]**
54 ~~ln.~~ to hear, consider and decide appeals from decisions of the DRO on applications for Type
55 1 Waivers, except URAO. **[Ord. 2011-016] [Ord. 2012-027]**
56

57
58 **Part 10. ULDC Art. 4.B.4.10, Use Classification, Institutional, Public, and Civic Uses (page 77-78**
59 **of 204 is hereby amended as follows:**

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Notes:

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

EXHIBIT M
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 10/1/2018)

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Correct reference due to relocation of standards to Article 2

CHAPTER B USE CLASSIFICATION

Section 4 Institutional, Public and Civic Uses

....
10. Homeless Resource Center

a. Definition

A public or private establishment that provides multiple services for the homeless population.

b. Typical Services

Typical services provided by a Homeless Resource Center may include but are not limited to: Counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.

c. Approval Process

A Homeless Resource Center owned or operated by a governmental entity may be allowed where Government Services uses are allowed by Table 4.B.4.A., Institutional, Public and Civic Use Matrix, subject to Class A Conditional Use Approval; or, may be Permitted by Right where Government Services uses are allowed in non-residential districts, provided that prior to development, or any modification to a previously approved development, program or operation, an eligible government entity complies with the following:

- 1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
- 2) Prepare a report documenting compliance with Palm Beach County Facilities, Development and Operations, FDO PPM-071, Public Outreach and Community Involvement for Homeless Resource Centers;
- 3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting placement on a BCC Public Meeting agenda, to include the aforementioned report;
- 4) The BCC shall make a finding that the governmental entity has complied with FDO PPM-071, which may include Conditions of Approval; and,
- 5) A BCC finding of compliance, or compliance subject to conditions, may remain valid for three years, or as otherwise provided by Condition of Approval.

d. Location and Separation Requirements

For the purpose of required separations, measurements shall be made from facade to facade, except where the separation required is between a structure and a zoning district boundary.

- 1) A minimum 250-foot separation shall be required from the property line of residentially zoned parcels. Type 2 Variance relief, in accordance with Art. 2.B, Public Hearing Processes, may be requested if this standard cannot be met.
- 2) A Homeless Resource Center shall not be located within a 1,200-foot radius of another Homeless Resource Center.
- 3) Facilities owned or operated by a governmental entity and located in the PO Zoning District may request a PO Deviation from Location and Separation Requirements, subject to BCC approval, utilizing the standards in Art 2.B.7.GArt. -5.A.3.A, PO Deviations ~~for the PO Zoning District.~~

e. Facility Use

A minimum of twenty-five percent of the GFA shall be reserved for accessory service delivery other than temporary housing.

f. Nonconformities

The subsequent approval of a development order for a residential zoning district shall not change the status of the HRC to a nonconforming use.

g. Existing Approvals

A prior approval for a government owned or operated Homeless Resource Center shall be considered a legal conforming use for sites approved between October 28, 2009, (Ordinance 2009-040), and March 2, 2017.

Part 10. ULDC Art. 5.A.3, Supplementary Standards, General, and Deviations (page 9 of 110 is hereby amended as follows:

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EXHIBIT M
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 10/1/2018)

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Relocate Standards for PO Deviations from 5 to Article 2, and make reference to the new location.

CHAPTER A GENERAL

Section 1 Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for accessory and temporary uses, design standards, parks and recreation, performance standards, legal documents, and density bonus programs.

Section 2 Definitions

See Art. 1.I, DEFINITIONS & ACRONYMS

Section 3 Deviations

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to Article 2 Application Process and Procedures and PPM ZO-O-063, as applicable and as amended. ~~for the following:~~ **[Ord. 2007-013] [Ord. 2010-022]**

~~A. PO Zoning District~~

~~Development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards: **[Ord. 2007-013] [Ord. 2010-022]**~~

- ~~1. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; **[Ord. 2007-013]**~~
- ~~2. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; **[Ord. 2007-013]**~~
- ~~3. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; **[Ord. 2007-013]**~~
- ~~4. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; **[Ord. 2007-013]**~~
- ~~5. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, **[Ord. 2007-013]**~~
- ~~6. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. **[Ord. 2007-013]**~~

Part 11. ULDC Art. 6.A.1, Parking, Parking, General (page 3 of 40), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Standards for PO Deviations were relocated from Article 6 to Article 2, and therefore can be struck out here. Cross reference to the new location added.

CHAPTER A PARKING

Section 1 General

A. Purpose and Intent

The purpose of this Article is to ensure the provision of off-street parking, loading, queuing, on-site circulation, driveways, and access are in proportion to the demand created by each use. By requiring such facilities, it is the intent of this Article to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, loading, queuing, on-site circulation, driveways and access.

B. Applicability

The standards of this Article shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes uses or site design features that were not

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Notes:

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EXHIBIT M
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 10/1/2018)

specifically shown on previously approved plans. All off-street parking areas established by this Section shall be continuously maintained in accordance with this Article.

1. New Buildings and Uses

Off-street parking and loading shall be provided for any new building constructed and for any new use established.

2. Additions, Enlargements and Changes of Occupancy

Off-street parking and loading shall be provided for any addition to or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement, or change, not for the entire building or use.

3. Off-Street Parking and Loading Requirements

Off-street parking and loading spaces shall be provided in accordance with Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements.

4. Deviations for the PO Zoning District

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to Art. 2 Application Processes and Procedures and PPM ZO-O-063, as applicable and as amended. ~~subject to approval by the BCC utilizing the following standards:~~ **[Ord. 2007-013]**

~~a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; **[Ord. 2007-013]**~~

~~b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; **[Ord. 2007-013]**~~

~~c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; **[Ord. 2007-013]**~~

~~d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; **[Ord. 2007-013]**~~

~~e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, **[Ord. 2007-013]**~~

~~f. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. **[Ord. 2007-013]**~~

Part 12. ULDC Art. 7.B.1.C Landscaping, Applicability and Approval Process, Applicability (page 10 of 53), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Standards for PO Deviations were relocated from Article 5 and 6 to Article 2. There was no previous reference to the standards in Article 7, and cross reference to those being relocated to Article 2 has been added.
3. Edit the Park Exception to use consistent terminology of Public Park, rather than PBC Park.

CHAPTER B APPLICABILITY AND APPROVAL PROCESS

Section 1 Applicability

The provisions of this Article shall be considered minimum standards and shall apply to all new development unless stated otherwise herein. **[Ord. 2018-002]**

A. Relation to Art. 14.C, Vegetation Preservation and Protection

Landscape requirements shall also be consistent with the standards of Art. 14.C, Vegetation Preservation and Protection, nothing in this Article shall be applied to contradict these requirements. **[Ord. 2018-002]**

B. Exemptions

The following developments are exempt from the standards and requirements of this Article:

1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-family structure on a single lot.
2. Parking areas located within an enclosed parking structure.
3. Bona fide agriculture uses, unless stated otherwise in Art. 4.B.6, Agricultural Uses. Where the property has a use that is classified as Agriculture, bona fide, with agricultural activities or accessory agricultural uses, the property owner shall provide a six-foot high hedge along the frontage of the property where it is abuts a public street R-O-W. **[Ord. 2018-002]**

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EXHIBIT M
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 10/1/2018)

- 1 4. Uses such as airports, major utilities, and stockades which have planting requirements
2 regulated by Federal or State law. Off-site planting of required landscaping may be
3 approved in areas where there is a direct public benefit, such as in schools, parks, libraries,
4 streets, and medians.
5 5. Projects in the Glades Area Economic Development Overlay (GAO) that have provided in-
6 lieu funds to the Glades Thoroughfare Beautification Fund.
- 7 **C. Public Park Exception or PO Deviations**
8 Deviations or Exceptions from the minimum standards of this Article may be permitted as
9 follows:
- 10 1. ~~PBC Public~~ parks, as specified in Art. 5.D.2.G, Public Park Landscape Standards; and,
11 **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2018-002]**
12 2. Development supporting government facilities within the PO Zoning District, subject to Art.
13 2 Application Processes and Procedures and PPM ZO-O-063, as applicable and as
14 amended. subject to approval by the BCC. **[Ord. 2006-004] [Ord. 2007-013]**
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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS

CR-2018-039
(Updated 11/8/2018)

Reason for amendments: [Zoning]

1. On October 30, 2017 the Board of County Commissioner (BCC) adopted an ordinance (ORD-2017-036) amending the Comprehensive Plan Future Land Use Element to establish the Congregate Living Residential (CLR) Future Land Use (FLU) designation which defines residential and medical uses, and updates the residential policies and provisions. The new Policy 2.2.1-c describes Residential Uses as “A residential use consists of the use of land that is predominately for the purposes of housing,” including references for Single-family, Zero Lot line, Townhomes, Multi-family, Community Residential Homes, Congregate Living Facilities and Residential Living quarters.

The purpose and intent of the CLR land use was to facility the review of proposed Type 3 Congregate Living Facilities that may require a future land use amendments to increase residential density. It further described criteria that needed to be met in order to comply with the intent of the CLR land use, and the maximum density of 12 units per acres in the Urban Suburban Tier.

In 2015, ORD-2015-044, Table III.C.1 (now Table 2.2.1-g.1 Residential Future Land Use Designation Maximum Density) was modified to remove Minimum and Entitlement densities, leaving only Standard and Maximum Densities for each Residential FLU Designation per gross acre. In addition, ORD-2017-036 modified this table again to remove references to Standard and Maximum density, consolidated the numbers, per FLU, for dwelling units per acreage calculation.

The Amendments below are to codify the majority of the changes within that ordinance, other changes to the ULDC related to the Residential and Medical uses will be done at a future date.

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Part 1. ULDC Art. 1.I.3, General Provisions, Definitions and Acronyms, Abbreviations and Acronyms (page 113-114 of 118 of Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To add acronym for CLR Future Land Use per ORD 2017-036
2. Correct the reference of FLUE acronym.

CHAPTER I DEFINITIONS & ACRONYMS

....

Section 3 Abbreviations and Acronyms

....

CIE	Capital Improvement Element
CL	Commercial Low Intensity [Ord. 2005-002]
CLASC	Conservation Land Acquisition Selection Committee
CLF	Congregate Living Facility
CLO	Commercial Low Office [Ord. 2005-002]
CL-O	Commercial Low Intensity-Office Only [Ord. 2005-002]
<u>CLR</u>	<u>Congregate Living Residential</u>
CN	Neighborhood Commercial [Ord. 2005-002]
....	
FLUA	Future Land Use Atlas
FLUE	Future Land Use Atlas Element
FMP	Final Master Plan [ORD. 2009-040]
....	

Part 2 ULDC Art. 2.B.7.D, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver (page 34-35 of 105, Supplement 24) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Remove the Type 2 Waiver for the Glades Area Overlay as minimum density was removed from the Comprehensive Plan under Ordinance ORD-2015-044, and therefore no longer request a Waiver.

CHAPTER B PUBLIC HEARING PROCESSES

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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS

CR-2018-039
(Updated 11/8/2018)

Section 7 Types of Application

....
D. Type 2 Waiver

1. Purpose

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

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

Glades Area Overlay (GAO)	Art. 3.B.4.E.1, Property Development Regulations - Exceptions - Type 2 Waivers - Minimum Density
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	Art. 3.B.14.H.2, Density Bonus Programs
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, 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.A, Type 2 Waiver
Large Scale Commercial Development - Parking	Art. 6.A.1.D.2.c.1)d), Type 2 Waiver for Parking Location
[Ord. 2018-002] [Ord. 2018-018]	

Part 3. ULDC Art. 3.A.3., Overlays and Zoning Districts, General, Zoning District Consistency with the Future Land Use Atlas (FLUA) (page 16-18 of 212), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To add CLR Future Land Use and the consistent Standard District based on ORD-2017-036
2. On September 22, 2016, the Comprehensive Plan was amended to add the Western Communities Residential (WCR) Future Land Use Designation (ORD-2016-041). The Unified Land Development Code was revised at the same time through Ordinance 2017-011. Table 3.A.3.B - Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts inadvertently was not modified to include the WCR FLU. This modification includes the reference to WCR to be consistent with Zoning Ordinances ORD-2016-041 and ORD-2017-011.

CHAPTER A GENERAL

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

A. Purpose and Intent

A parcel's Zoning District shall be consistent with its Future Land Use (FLU) designation. Any request for a Development Order shall be reviewed to determine consistency with the requirements of this Section. Unless exempted otherwise, all applications for a Development Order shall be in a zoning district corresponding to the FLU designations indicated in the following tables: **[Ord. 2011-016]**

1. Standard Districts: Table 3.A.3.B, Future Land Use Designations and Corresponding Standard Zoning Districts; or
2. Planned Development Districts: Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts; or
3. Traditional Development Districts: Table 3.A.3.D, TDD Corresponding Land Use.

B. Standard Districts

Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation indicated in the table below.

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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS

CR-2018-039
(Updated 11/8/2018)

Table 3.A.3.B - Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1) (3)

FLU Designation	Zoning District					
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR	AGR				
Residential						
RR-20	AR					
RR-10	AR	CRE				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR (2)	RE	RT	RS		
LR-2	AR (2)	RE	RT	RS		
LR-3	AR (2)	RE	RT	RS		
MR-5	AR (2)	RE	RT	RS	RM	
HR-8	AR (2)	RE	RT	RS	RM	
HR-12	AR (2)	RE	RT	RS	RM	
HR-18	AR (2)	RE	RT	RS	RM	
CLR					RM	
WCR	AR (4)					
Commercial						
CL-O	CLO	IR				
CL	CN	CC	CLO	IR		
CH-O	CLO	CHO	IR			
CH	CN	CC	CLO	CHO	CG	IR
CR	CRE					
UI	UI					
UC	UC					
Industrial						
IND	IL	IG	CRE			
Institutional/Public and Civic						
INST	IPF					
PARK	IPF					
U/T	PO	IPF				
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025]						
Notes:						
1. Unless exempted otherwise all applications for a Development Order shall require the subject site be rezoned to a shaded district.						
2. Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with the exceptions listed below.						
3. See Art. 3.A.3.B.1, Standard District Exceptions and Limitations below, for additional notes. [Ord. 2016-042]						
4. <u>The Zoning District is consistent as described in the Plan.</u>						
Typical Example of a "shaded district."						

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C. Planned Development Districts (PDDs)

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

Table 3.A.3.C - FLU Designation and Corresponding Planned Development Districts (1)

	AGR (2)	RR	WCR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	CLR
PUD	√	√	√	(3)	√	√	√	√	√	√	√	√	√
MHPD		√			√	√	√	√	√	√	√		√
AGR (1) RR AGE CL CH CLO CHO IND INST CRE MLU EDC CLR (5)													
MUPD			(3)	√	√	√	√	√	√	√	√	√	√
MXPD					√		√				(4)		√
PIPD								√				√	
RVPD		√								√			
[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [2010-005] [Ord. 2010-022] [Ord. 2014-025] [Ord. 2017- 025]													
Notes:													
1. Check (√) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]													
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]													

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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS

CR-2018-039
(Updated 11/8/2018)

Table 3.A.3.C - FLU Designation and Corresponding Planned Development Districts (1)

3. A PUD or MUPD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.D, Traditional Town Development Land Use Allocation. [2014-031]
4. A MXPD is consistent with the MLU FLU designation in the Urban/Suburban Tier only. [Ord. 2017-025]
5. The CLR designation is consistent with MUPD and MXPD when applied as an underlying designation for a mixed or multiple use project.

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4 **Part 4 ULDC Art. 3.B.4, Overlays & Zoning Districts, Overlays, Glades Area Overlay (page 36**
5 **of 212, Supplement 24), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Comprehensive Plan ORD-2015-044 modified Table III.C.1, now Table 2.2.1-g.1. as it relates to minimum density by the Plan, therefore eliminating the process for a Waiver to go below minimum.
Renumbering accordingly
2. Comprehensive Plan ORD-2017-036 removed reference to maximum density, therefore deleting reference to maximum density.

6 **CHAPTER B OVERLAYS**

7

8 **Section 4 GAO, Glades Area Overlay**

9

10 **E. Property Development Regulations (PDRs) Exceptions**

11 ~~**1. Type 2 Waiver - Minimum Density**~~

12 ~~The BCC may consider the waiver of the minimum density requirement as a Type 2 Waiver for~~
13 ~~proposed development in the Glades area when: **[Ord. 2012-027]**~~

14 ~~a. The proposed development is consistent with the provisions of any applicable Joint~~
15 ~~Planning Area Agreement, and;~~

16 ~~b. An analysis is completed that addresses:~~

17 ~~1) the impact of a reduced density development on the overall infrastructure system;~~

18 ~~2) the compatibility of the proposed development with adjacent land uses; and~~

19 ~~3) the effect of the reduced density development on the ability of PBC to meet its goals,~~
20 ~~objectives and policies related to affordable housing. If the development is located in~~
21 ~~a municipal annexation area, the analysis must be performed by the annexing~~
22 ~~municipality.~~

23 ~~**12. Maximum Density and Intensity - Conditional Use Approval**~~

24 ~~The BCC may consider an increase in the ~~maximum~~ density and intensity allowed by the Plan~~
25 ~~within the GAO subject to approval of a Conditional Use. **[Ord. 2014-025] [Ord 2018-002]**~~

26 ~~**23. Location of Structures**~~

27 ~~Building permits in the GAO may be permitted between the 120 foot and 220 foot R-O-W line~~
28 ~~within the R-O-W of State Road 700 through Canal Point, from Third Street on the north to~~
29 ~~Triangle Park on the east, subject to approval of the County Engineer. **[Ord. 2014-025]**~~

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32 **Part 5 ULDC Art. 3.B.14, Overlays & Zoning Districts, Overlays, Westgate Community**
33 **Redevelopment Area Overlay (page 45 of 212, Supplement 24), is hereby amended as**
34 **follows:**

Reason for amendments: [Zoning]
1. Comprehensive Plan ORD-2017-036 removed reference to standard and maximum density. Editing references to describe the Plan Table and Policies for density.
2. Add referenced to FLU Ordinance ORD-2015-032 as it relates to the previously approved 2005-01 Amendment Round.

36 **CHAPTER B OVERLAYS**

37

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

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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS

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E. Use Regulations

1. Mixed Use

In the WCRAO, mixed use means the combination of residential and one or more non-residential uses that are functionally integrated. Mixed use may be required or permitted in commercial districts that have a commercial with underlying residential FLU designation, as indicated in Table 3.B.14.E, WCRAO Mixed Use. **[Ord. 2006-004]**

Table 3.B.14.E - WCRAO Mixed Use

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use	Prohibited	Permitted (1) (3)	Permitted (1) (3)	Permitted (3)	Permitted	Permitted	Prohibited
Minimum Residential Use (2)	N/A	50%	50%	N/A	N/A	N/A	N/A
Maximum Residential Use	N/A	100% (3)	100% (3)	N/A	N/A	N/A	N/A
Minimum Non-residential Use	N/A	0%	0%	N/A	N/A	N/A	N/A
Maximum Non-residential Use (2)	N/A	50%	50%	N/A	N/A	N/A	N/A

[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2018-002]

Notes:

- Non-residential uses on parcels with a commercial with underlying residential FLU designation, approved as part of Plan Amendment Round 2005-01, **Ordinance No. 2005-032**, shall only be permitted in accordance with of Art. 3.B.14.E.1.a, Mixed Use in NRM, NG and NC Sub-areas. **[Ord. 2006-004] [Ord. 2015-031]**
- Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). **[Ord. 2006-004]**
- Stand-alone residential developments are permitted within the NRM and NG Sub-areas. **[Ord. 2015-031]**

a. Mixed Use in NRM, NG, and NC Sub-areas

In the NRM, and NG Sub-areas, non-residential uses shall only be permitted if all permitted residential density is utilized, but in no case shall it be less than one unit. Density shall be calculated ~~as standard density, or maximum density for PDDs, TDDs, and projects~~ meeting the requirements of FLUE Table Policy 2.2.1-eg.1, and other related Policies of the Plan, ~~whichever is greater~~. **[Ord. 2006-004] [Ord. 2015-031] [Ord. 2018-002]**

b. Vertical Integration

Projects that vertically integrate a minimum of 20 percent of a site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density. **[Ord. 2006-004]**

2. Sub-area Use Regulations

....

Part 6. ULDC Art. 3.B.15., Infill and Redevelopment Overlay (IRO) (page 63 of 212, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Comprehensive Plan ORD-2015-044 modified Table III.C.1, now Table 2.2.1-g.1. as it relates to minimum density by the Plan.
2. Comprehensive Plan ORD-2017-036 removed reference to maximum density.

CHAPTER B OVERLAYS

....

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

....

C. Future Land Uses and Density/Intensity

Density and intensity shall be in accordance with the FLU designation and related Zoning PDRs for the subject site as described herein. **[Ord. 2010-005]**

1. Split by FLU Designations

Uses permitted, PDRs, density and intensity shall be determined by the land use designation on the affected area. Density may be transferred from one portion of the site to another. **[Ord. 2010-005]**

2. Density

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~~There are no minimum density requirements.~~ The ~~maximum~~-allowable density shall be in accordance with FLUE Table ~~III.C.1 2.2.1-g.1~~ and other related Policies of the Plan and related Policies, and Art. 5.G, Density Bonus Programs. [Ord. 2010-005]

Part 7. ULDC Art. 3.D., Property Development Regulations (page 119-122 of 212, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. ORD-2015-044 Modified the referenced of Table III.C.1 to Table 2.2.1-g.1. This ordinance removed references to a minimum density.
2. ORD-2017-036 modified Table 2.2.1-g.1, removing the Standard and Maximum Density, leaving only Density per gross acreage. Footnote references are modified with proposed deletion.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 1 PDRs for Standard Zoning Districts

A. PDRs

The minimum lot dimensions, ~~minimum and maximum~~ density, maximum FAR, maximum building coverage, and minimum setbacks in each standard zoning district are indicated in Table 3.D.1.A, Property Development Regulations unless otherwise stated. Front, side, side street and rear setbacks shall be applied in accordance with the lot orientation as defined by lot frontage. [Ord. 2005-041]

Table 3.D.1.A - Property Development Regulations

Zoning District	Min Lot Dimensions			Density (65)		Max FAR (76)	Max Building Coverage	Min Setbacks (1211)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
Agriculture/Conservation											
PC	1 ac.	-	-	-	-	-	-	50	50	50	50
AP	10 ac.	300	300	-	(1)	-	10% (1413)	100	50	80	100
AGR	5 ac.	300	300	-	-	-	15%	100	50	80	100
Residential											
AR	(2) (3)(4)	300	300	-	-	.15	15%	100	50	80	100
RE	2.5 ac.	200	200	-	-	-	20%	50	40	50	50
RT (LR-1)	20,000	100	125	-	-	-	30%	25	15	25	25
RT (LR-2) HR-18	14,000										
RS	6,000	65	75	-	-	-	40%	25	7.5	15	15
RM	(5)	65	75	-	-	-	40%	25	15	25	15(1312)
Commercial											
CN	0.5 ac.	100	100	-	-	-	25%	30	30	(1110)	30
CC	1 ac.	100	200	-	-	-	25%	30	30	(1110)	30
CG	1 ac.	100	200	-	-	-	25%	50	15	(1110)	20
CLO	1 ac.	100	200	-	-	-	25%	30	15	(1110)	20
CHO	1 ac.	100	200	-	-	-	25%	40	15	(1110)	20
CRE	3 ac.	200	300	-	-	-	40%	80	50	80	50
IR	N/A	50	100	-	-	(87)	40%	(98)	(98)	(98)	(98)
UI	N/A	50	100	-	-	-	N/A	(109)	(109)	(109)	(109)
UC	N/A	50	100	-	-	-	N/A	(109)	(109)	(109)	(109)
Industrial											
IL	1 ac.	100	200	-	-	-	45%	40	15	25	20
IG	2 ac.	200	200	-	-	-	45%	45	20	45	20
Institutional/Civic											
IPF	1 ac.	100	200	-	-	-	25%	50	15	25	20
PO	-	-	-	-	-	-	-	-	-	-	-

[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-007]

Notes:

- The only density allowed in the AP zoning district is for properties in the LR-1 FLU category located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point, in the Glades Tier only. [Ord. 2005 – 002]
- The minimum lot size in the AR district corresponds to the FLU category as follows: RR20 – 20 acres; RR10 – 10 acres; RR5 – 5 Acres; RR2.5 – 2.5 acres; U/S Tier – 5 acres.
- Nonconforming lots in the AR district may use the setback provisions in Art.1.F.2, Nonconforming Lots.
- AR lots with an RR-2.5-FLU designation may use the RE PDR's. [Ord. 2005 – 002] [Ord. 2016-042]

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EXHIBIT N
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Table 3.D.1.A - Property Development Regulations

5.	Density is determined by the FLU designation on each parcel of land in the Plan, pursuant to FLUE Table 2.2.1-g.1, and other related Policies of the Plan. The number of units permitted on a parcel of land which complies with the applicable property development regulations and design standards, therefore, is an acceptable minimum lot size. [Ord. 2005 – 002] [Ord. 2005-041]
6.	The minimum and maximum allowable densities shall be in accordance with FLUE Table III.C.1 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2005-041]
76.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. The .15 FAR for the AR district is applicable where the primary use of a lot is residential. [Ord. 2005-041]
87.	Maximum FAR shall be in accordance with Table 3.B.15.C, IRO FAR Increase. [Ord. 2010-005]
98.	Building setbacks shall be in accordance with Art. 3.B.15, Infill Redevelopment Overlay. [Ord. 2010-005]
109.	Building setbacks shall be in accordance with Art. 3.B.16, Priority Redevelopment Area Overlay. [Ord. 2010-022]
110.	Setback equal to width of R-O-W buffer pursuant to Art. 7, Landscaping. [Ord. 2005 – 002] [Ord. 2005-041]
121.	Buildings over 35 feet in height may be permitted in accordance with Art. 3.D.1.E-2, Multifamily, Non-residential Districts and PDD's. [Ord. 2005 – 002] [Ord. 2005-041]
132.	Property previously developed with a RM or RH rear setback of 12' shall be considered conforming and subject to Art. 1.E, Prior Approvals. [Ord. 2005 – 002] [Ord. 2005-041]
1413.	Maximum Building Coverage in the AP district with a SA FLU designation may be increased to 15 percent. [2017-007]

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Part 8. ULDC Art. 3.E.1,B Planned Development Districts, FAR, Density, and Use Standards (page 135-136 of 212 Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Removed Computation as the Plan describes how to calculate density and references bonus densities as it relates to other Policies.
2. ORD-2015-044 Modified the referenced of Table III.C.1 to Table 2.2.1-g.1. This ordinance removed references to a minimum density, therefore requiring removal of references to Minimum Density.
3. ORD-2017-036 modified Table 2.2.1-g.1, removing the Standard and Maximum Density, leaving only Density per gross acreage, therefore requiring removal of references to Maximum Density. Plan assigns the density of a project and references allowances to exceed the maximums through the Transfer of Development Rights, Workforce Housing Program and Affordable Housing Program.
4. Removal of Table 3E.1E PUD Density as the Plan determines density and was modified to eliminate Minimum and Maximum densities.
5. Removal of MXPDP/PIPD and MLU density assignment as that is determined by the Plan in Table 2.2.1-g-1.

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CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

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B. FAR, Density, and Use Standards

1. PDDs Split by FLU Designations

Uses allowed, PDRs, density and intensity shall be determined by the land use designation on the affected area. In the U/S Tier, density may be transferred from one portion of the project to another based on the gross acreage of the project. ~~An underlying designation is not a Split FLU designation.~~ **[Ord. 2009-040]**

2. Density

a.—Computation

~~Density shall be based on the gross acreage of the planned development. Fractions shall be rounded down to the nearest whole number. The allowable density shall be pursuant to FLUE Table 2.2.1-g.1 and other related Policies.~~

b.—Minimum Density

~~The minimum density which may be imposed by the BCC in a PUD is indicated in Table 3.E.1.B, PUD Density. An applicant may voluntarily agree to a lesser density. The Planning Director may waive the minimum density requirement in the HR FLU designations by up to 25 percent, per the FLUE minimum density exemption Section of the Plan. **[Ord. 2009-040]**~~

c.—Maximum Density

~~The maximum density shall only be awarded to a PUD meeting the goals, policies and objectives in the Plan. The maximum density allowed in a PUD is indicated in Table 3.E.1.B, PUD Density. The actual density granted by the BCC to a planned development may be less than the maximum density allowed.~~

~~**1) Density Bonus Programs**~~

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~~A PDD may qualify for additional units over the maximum density pursuant to Art. 5.G.1, Workforce Housing Program (WHP), Art. 5.G.3, Transfer of Development Rights TDRs – Special Density Program, or other density bonus program allowed by the Plan. [Ord. 2005 – 002]~~

Table 3.E.1.B – PUD Density

	AGR	RR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5 du/ac	(1)	(3)	0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)		1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	12 du/ac	18 du/ac
[Ord. 2006-004] [Ord. 2010-022] [Ord. 2014-031]										
Notes:										
1. The minimum density in the RR FLU designation for a PUD are as follows: RR20 – 0.5 unit/20 acres; RR10 0.5 unit/10 acres; RR5 – 0.5 unit/5 acres; RR2.5 – 0.5 unit/2.5 acres.										
2. The maximum density in the RR FLU designations for a PUD are as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 – 1 unit/2.5 acres.										
3. Minimum and maximum density shall be in accordance with the AGE FLUA Conceptual Plan. [Ord. 2014-031]										

d. ~~MXPD/PIPD~~

~~Density in a MXPD or PIPD shall be determined by the underlying residential FLU designation and correspond to Table 3.E.1.B, PUD Density. Land with a commercial or industrial land use designation without an underlying residential land use designation shall be assigned a compatible residential density by the Planning Director in accordance with the Plan. [Ord. 2009-040]~~

e. ~~MLU~~

~~Density in a MLU land use designation shall be determined by the underlying residential FLU designation(s) and correspond to Table 3.E.1.B, PUD Density. Land without an underlying residential land use designation(s) shall be assigned a compatible residential density by the Planning Director in accordance with FLUE Policy 4.4.2 b of the Plan. [Ord. 2009-040]~~

....

Part 9 ULDC Art. 3.E.2 Planned Development Districts, Planned Unit Development Property Development Regulations (page 148 of 212, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Comprehensive Plan ORD-2015-044 modified Table III.C.1, now Table 2.2.1-g.1. as it relates to minimum density by the Plan.
2. Ordinance 2017-036 removed reference to maximum density.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

....

Section 2 Planned Unit Development

....

D. Property Development Regulations (PDRs)

The minimum lot dimensions, ~~minimum and maximum~~ density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless otherwise stated.

1. Setbacks

For residential development, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For non-residential development, building setbacks shall be measured from the property line. Rear or side setbacks may be reduced pursuant to Art. 3.D.1.D,4, Setback Reductions.

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

POD	Lot Dimensions			Density		FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF and Cottage Homes	Apply the RS district regulations in Table 3.D.1.A, Property Development Regulations. Refer to Art. 3.D.2.E, Cottage Home Property Development Regulations. [Ord. 2018-018]										
ZLL	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).										
TH	Refer to Art. 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A, Property Development Regulations.										
Civic											
Private	0.5 ac	100	100	-	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-	-	30 percent	25	20	25	20
Commercial											
Commercial	Apply CC district regulations in Table 3.D.1.A-17, Property Development Regulations										
Recreation											
Recreation Pod (3)	-	65	75	-	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	-	15 percent	15	15	15	15
Preservation (1)											
Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations										
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018] Notes: 1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations. 2. The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001] 3. Recreation pods required for multi-family units, CLFs, or other similar uses may be exempt from the following: a) Minimum frontage requirement, where internal street frontages are not available in the area required for recreation amenities, upon demonstration that access is provided by frontage on internal access ways, the pedestrian network other as may be approved by Parks and Recreation; and, [Ord. 2016-042] b) Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D.2.B.9, Exceptions [Ord. 2016-042] .											

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5 **Part 10 ULDC Art. 3.E.6 Overlays and Zoning Districts, Planned Development Districts, Mobile**

6 **Home Planned Development District, (page 172 of 212, Supplement 24), is hereby**

7 **amended as follows:**

8

Reason for amendments: [Zoning]
1. Comprehensive Plan ORD-2015-044 modified Table III.C.1, now Table 2.2.1-g.1. as it relates to minimum density by the Plan.
2. Ordinance 2017-036 removed reference to maximum density.

9 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

10

11 **Section 6 Mobile Home Planned Development District (MHPD)**

12

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

14 The minimum lot dimensions, ~~minimum and maximum~~ density, maximum FAR, maximum building
 15 coverage, and minimum setbacks in each pod are indicated in Table 3.E.6.D, MHPD Property
 16 Development Regulations, unless otherwise stated.

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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS

CR-2018-039
(Updated 11/8/2018)

1 Part 11. ULDC Art. 4.B.1., Residential Uses, (page 13-15 of 208, Supplement 24), is hereby
2 amended as follows:
3

Reason for amendments: [Zoning]
1. Add footnote reference to Use Matrix describing requirements for CLR as described in ORD2017-036.
2. Remove reference to FLUE Table III.C.1, as it was deleted in ORD 2015-044 and replaced with Table 2.2.1-g.1

4 **CHAPTER B USE CLASSIFICATION**

5 **Section 1 Residential Uses**

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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS

CR-2018-039
(Updated 11/8/2018)

1 **Part 12. ULDC Art. 4.B.1 Residential uses Uses (pages 15 of 204, Supplement 24), is hereby**
 2 **amended as follows:**
 3

Reason for amendments: [Zoning]
1. ORD-2017-036 modify the use table to add reference to CLR
2. Remove reference to FLUE Table III.C.1, as it was deleted in ORD 2015-044 and replaced with Table 2.2.1-g.1
3. Zoning Ordinance 2016-042 modified Table 3.A.3.B Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts on September 22, 2016, allowing the RS Zoning District to be consistent with not only MR_5 and HR_8, but additional Residential FLU designations (ie LR-2, LR-3, HR-12 and HR-18). Modification to the approval process for RS, to include HR-12 and HR-18, would allow a Type 3 CLF with a Class A Conditional Use. RS with the Low Residential Land Use continues to not be allowed.

4
 5 **B. General Residential Standards**
 6 **1. Accessory Affordable Housing**
 7 Multifamily, Single Family, Townhouse or Zero Lot Line Home may be allowed in the IPF Zoning
 8 District as Affordable Housing in the same development of Institutional, Public and Civic uses
 9 such as Place of Worship. The dwelling units shall not be for sale and shall be subject to DRO
 10 approval. As part of the submittal requirement, the applicant shall demonstrate that residential
 11 development will be under the direct supervision of a sponsoring non-profit organization or
 12 community-based group.

13 **C. Definitions and Supplementary Use Standards for Specific Uses**
 14 **1. Congregate Living Facility (CLF)**
 15 **a. Definition**
 16 A facility which provides long-term care, housing, food service, and one or more assistive
 17 care services for persons not related to the owner or administrator by blood or marriage.
 18 **b. Licensing**
 19 Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in State
 20 Statute 419.001.
 21 **c. Approval Process ~~–RS Zoning District~~**
 22 **1) RS Zoning District**
 23 A Type 3 CLF may be allowed in the RS Zoning District with an MR-5, HR-8, HR-12,
 24 or HR-18 FLU designation subject to a Class A Conditional Use approval. A Type 3
 25 CLF in the RS Zoning District with a LR-1, LR-2, and LR-3 shall be prohibited.
 26 **d. Maximum Occupancy**
 27 **1) Type 1 CLF**
 28 Six persons, excluding staff.
 29 **2) Type 2 CLF**
 30 14 persons, excluding staff.
 31 **3) Type 3 CLF**
 32 The maximum occupancy shall be determined by FLUE Table ~~III.C.12.2.1-g.1~~ of the
 33 Plan and multiplying the maximum allowable density by 2.39. A dwelling unit is
 34 equivalent to 2.39 residents/beds.
 35
 36
 37

38 **Part 13 ULDC Art. 5.G Supplementary Standards, Density Bonus Programs, Workforce Housing**
 39 **(WHP) (page 79 of 110, Supplement 24), is hereby amended as follows:**
 40

Reason for amendments: [Zoning]
1. Modified the referenced of PLAN Table 2.1-1 to Table 2.2.1-g.1.
2. Remove reference to Infill as the Plan policies were changed relating to density
3. Eliminate footnote as it is redundant language as described under G.1.E.4.f.1.
4. Eliminate RT/LR-1 Reference in the table as it is not described under G.1.E.4.f.1.

41 **CHAPTER G DENSITY BONUS PROGRAMS**
 42 **SECTION 1 WORKFORCE HOUSING PROGRAM (WHP)**
 43
 44 **E. WHP Incentives**
 45
 46 **4. Density Bonus Development Options**

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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS

CR-2018-039
(Updated 11/8/2018)

....
f. Option 1 - RT District

The zoning for parcels electing to use this option must be in compliance with Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. **[Ord. 2008-037]**

1) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.E, RT Deviations for WHP, only for those projects that ~~exceed the standard density in the footnote in FLUE Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan,~~ and utilize a minimum density bonus of 20 percent. **[Ord. 2006-055]**

Table 5.G.1.E - RT Deviations for WHP (4)

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP	LR-2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP	LR-3	9,000 sf	65'	40%	80'	1st Floor 10'	1st floor – 15'

[Ord. 2006-055]
Notes:
 ND No deviation.
 1. ~~Eligible projects must qualify for maximum density in accordance with FLUE III.C.1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use. [Ord. 2006-055]~~

Part 14. ULDC Art. 5.G Density Bonus Programs, Affordable Housing (WHP) (page 85 of 110), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modified the referenced of PLAN Table 2.1-1 to Table 2.2.1-g.1.
2. Remove reference to Infill as the Plan policies were changed relating to density
3. Eliminate footnote as it is redundant language as described under G.1.E.4.f.1.

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Affordable Housing Program (AHP)

...
D. AHP Incentives

....
4. Density Bonus Development Options

....
f. Option 1 - AR, and RT Districts

The zoning for parcels electing to use this option must be in compliance with Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. **[Ord. 2009-040]**

1) AR FAR Calculations

New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation. **[Ord. 2009-040]**

2) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.24.D, RT Deviations for ~~W~~AHP, only for those projects that ~~exceed the standard density in the footnote in FLUE Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan,~~ and utilize a minimum density bonus of 20 percent. **[Ord. 2009-040]**

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EXHIBIT N
CLR FUTURE LAND USE AND RESIDENTIAL
[CODIFICATION OF ORD-2017-036]
SUMMARY OF AMENDMENTS
CR-2018-039
(Updated 11/8/2018)

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Table 5.G.2.D - RT Deviations for AHP (1)

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP AHP	LR 2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP AHP	LR 3	9,000 sf	65'	40%	80'	1st Floor 10'	1st floor – 15'
[Ord. 2009-040]								
Notes:								
ND No deviation.								
1. Eligible projects must qualify for maximum density in accordance with FLUE Table III.C.1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use.								

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EXHIBIT O
MIXED AND MULTIPLE USE ZONING DISTRICTS
[CODIFICATION - PORTION OF ORD-2017-004]
CR-2018-041 (Previous PIA-2018-01188)
(Updated 11/8/2018)

Reason for amendments: [Zoning]
Summary: On January 30, 2017, the Board of County Commissioners adopted Ordinance 2017-004, which modified the Comprehensive Plan Future Land Use Element (FLUE) policies and regulations for Mixed and Multiple Use Future Land Use designations and Zoning districts allowing residential in the MUPD Zoning District, to delete the Economic Development Overlay and to clarify language regarding Residential High Zoning Districts. The proposed amendment contained herein is to incorporate changes as it relates to Mixed and Multiple Use Zoning Districts and the allowance for Residential Uses.

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Part 1. ULDC Art. 2.A.6.B Application Processes and Procedures, General, Zoning Application Procedures, Plan Requirements (page 16 of 105, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
 1. FLUE Objective 4.4 Mixed and Multiple Use Development within the Plan requires that a Preliminary Development Plan be approved with a mixed or multiple use development. The ULDC currently requires a Preliminary Site Plan to be approved by the Board of County Commissioners (BCC) when an Applicant requests an Official Zoning Map Amendment to the MUPD or MXPD Zoning Districts. The proposed modification would allow an Applicant to submit a Preliminary Master Plan if an Applicant proposes to use the Future Land Use (FLU) designation and the underlying FLU designation.

CHAPTER A GENERAL

....

Section 6 Zoning Application Procedures

....

B. Plan Requirements

All applications, excluding Comprehensive Plan Amendments and Privately Initiated Amendments, shall require the submittal of plan(s) to the DRO, except where indicated otherwise. The type of plan shall be based upon the type of application request(s), and shall be prepared to include graphics and tabular data consistent with the Zoning Technical Manual requirements, as amended. The plan shall provide sufficient information for the DRO to review in order to render comments on the application for compliance with the applicable standards pursuant to Art. 2.B, Public Hearing Processes and Art. 2.C, Administrative Processes. In addition, the plan shall be prepared in compliance with the following: **[2009-040] [2015-006] [Ord. 2017-002] [Ord. 2018-002]**

1. The Land Development Design Standards Manual (LDM) published and maintained by the Land Development Division; and, **[Ord. 2009-040] [Ord. 2018-002]**
2. Plan labeling standards as follows, unless otherwise stated herein; **[Ord. 2009-040] [Ord. 2018-002]**
 - a. Plans requiring BCC or ZC's approval shall be labeled "Preliminary". **[Ord. 2009-040]** After the BCC or ZC approves the DOs, the DRO shall finalize the Preliminary Plans to ensure consistency with the approved DOs. These Plans shall be labeled as Final Plans at the Final DRO approval process. **[Ord. 2018-002]**
 - b. Plans requiring DRO's approval shall be labeled "Final". **[Ord. 2009-040] [Ord. 2018-002]**

3. Master Plan

The Master Plan shall be the controlling document for a PDD listed below. All development site elements including, but not limited to: ingress and egress, density, and intensity in the PDD shall be consistent with the Master Plan. All subdivisions and plats shall be consistent with the Master Plan. In cases of conflict between plans, the most recently approved BCC plan for those DOs that have no Final DRO plans, shall prevail. **[Ord. 2009-040] [Ord. 2018-002]**

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

The BCC shall approve a PMP for the following PDDs: PUD, ~~PIPD~~, ~~MHPD~~, RVPD, ~~MHPD~~, ~~PIPD~~, PDDs with a MLU or EDC future land use designation; and a PUD within the Lion Country Safari (LCS) where the transfer of density from other PDDs within the LCS is proposed. The BCC may approve a PMP for a MUPD and MXPD that utilizes more than one FLU designation in order to define location of uses and property development regulations. **[Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002]**

1) Preliminary Site Plan (PSP) or Subdivision Plan (PSBP) Options

For a PUD application with no proposed subdivision, the Applicant may submit a PSP prior to certification for public hearing process, which includes but not limited to: layout of lots and buildings, ingress and egress, recreation areas, or exemplary design standards, if applicable for the purpose of the BCC's consideration. For a PUD with

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EXHIBIT O
MIXED AND MULTIPLE USE ZONING DISTRICTS
[CODIFICATION - PORTION OF ORD-2017-004]
CR-2018-041 (Previous PIA-2018-01188)
(Updated 11/8/2018)

proposed subdivision of lots, the Applicant, may submit a PSBP pursuant to Preliminary Subdivision Plan. [Ord. 2009-040] [Ord. 2018-002]

2) Lion Country Safari

A PMP shall be required for any LCS PUD application that proposes to transfer density from the MUPD or RVPD in accordance with FLUE Objective 1.11, Lion Country Safari Overlay. All other Plans within the LCS shall be consistent with the PMP. [Ord. 2011-016] [Ord. 2018-002]

....

Part 2. ULDC Art. 3.E.1.C Overlays and Zoning Districts, Planned Development Districts, General, FAR, Density, and Use Standards (page 135 of 212, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modify the FAR, Density and Use Standards for a Planned Development District to incorporate changes contained in ORD-2017-004 as it relates to policy changes that allow for both non-residential and residential uses when there is a non-residential FLU and underlying residential FLU.
2. To clarify how to apply property development regulations and uses when there are two non-residential FLU designations with the use of a Preliminary Master Plan.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

....

B. FAR, Density, and Use Standards

1. PDDs Split by FLU Designations

Uses allowed, PDRs, density and intensity shall be determined by the land use designation on the affected area. In the U/S Tier, density may be transferred from one portion of the project to another based on the gross acreage of the project. [Ord. 2009-040]

2. PDDs with underlying FLU Designations

- a. PDDs that have a non-residential FLU designation and an underlying residential FLU designation may utilize density and/or intensity for either or both FLU designations.
- b. PDDs that have two non-residential FLU designations may utilize either or both FLU designations. If the Development Order utilizes both FLU designations, a Preliminary Master Plan shall be approved by the BCC depicting the locations of each FLU as a Pod. Each Pod will be limited to the allowable uses, for the applicable FLU designation, pursuant to Article 4.B Use Classification and the property development regulations pursuant to Table 3.E.3.D- MUPD Property Development Regulations. The FAR shall be in accordance with FLUE Table III.C.2 for each Pod and the applicable FLU Designation. Double counting of intensity is prohibited.

...[Renumber accordingly]

Part 3. ULDC Art. 3.E.1.C Overlays and Zoning Districts, Planned Development Districts, General, Objectives and Standards (page 136-137 of 212, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modify the Design Objectives of Planned Development Districts to incorporate changes in the Plan under ORD 2017-004, which emphasize a requirement for pedestrian circulations systems in Planned Developments with both residential and non-residential uses.
2. Clarify the Pedestrian amenities are for the non-residential uses.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

....

C. Objectives and Standards

1. Design Objectives

Planned developments shall comply with the following objectives:

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EXHIBIT O
MIXED AND MULTIPLE USE ZONING DISTRICTS
[CODIFICATION - PORTION OF ORD-2017-004]
CR-2018-041 (Previous PIA-2018-01188)
(Updated 11/8/2018)

- 1 a. Contain sufficient depth, width, and frontage on a public street, or appropriate access
- 2 thereto, as shown on the PBC Thoroughfare Identification Map to adequately
- 3 accommodate the proposed use(s) and design;
- 4 b. Provide a continuous, non-vehicular and pedestrian circulation systems which connects
- 5 uses, public entrances to buildings, recreation areas, amenities, usable open space, and
- 6 other land improvements within and adjacent to the PDD;
- 7 c. Provide pathways and convenient parking areas designed to encourage pedestrian
- 8 circulation between uses;
- 9 d. Preserve existing native vegetation and other natural/historic features to the greatest
- 10 possible extent;
- 11 e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage
- 12 areas, dumpsters, compactors) from public view and control objectionable sound;
- 13 f. Locate and design buildings, structures, uses, pathways, access, landscaping, water
- 14 management tracts, drainage systems, signs and other primary elements to minimize the
- 15 potential for any adverse impact on adjacent properties; ~~and~~
- 16 g. Minimize parking through shared parking and mix of uses;
- 17 h. Creation of a strong pedestrian system through the design and placement of buildings
- 18 connected to a common public space or usable open spaces; and,
- 19 i. For PDDs ~~with nonresidential uses only,~~ a minimum of one pedestrian amenity for each
- 20 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into
- 21 the overall development to create a pedestrian friendly atmosphere. Suggested amenities
- 22 include, but are not limited to: **[Ord. 2009-040]**
- 23 1) public art; **[Ord. 2009-040]**
- 24 2) clock tower; **[Ord. 2009-040]**
- 25 3) water feature/fountain; **[Ord. 2009-040]**
- 26 4) outdoor patio, courtyard or plaza; and **[Ord. 2009-040]**
- 27 5) tables with umbrellas for open air eating in common areas and not associated with
- 28 tenant use (i.e. restaurant) or outdoor furniture. **[Ord. 2009-040]**

29

30
31
32 **Part 4. ULDC Art. 3.E.1.I. Overlays and Zoning Districts, Planned Development Districts,**
33 **General, Unified Control (page 145 of 212, Supplement 24), is hereby amended as**
34 **follows:**

Reason for amendments: [Zoning]
1. Add language that requires an Applicant to update the Unity of Control when revisions are proposed to a previously approved Development Order that may be in conflict with the original Unified Control.

35 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

36 **Section 1 General**

37

- 38 **I. Unified Control**
- 39 All land in a PDD shall be contiguous, unless otherwise stated, and owned or under the control of
- 40 the applicant or subject to unified control. Unified Control shall be in a form acceptable to the
- 41 County Attorney and shall provide for the perpetual operation and maintenance of all
- 42 shared/common facilities and improvements, which are not provided, operated or maintained at the
- 43 public's expense.
- 44 **1. Exception**
- 45 Public civic uses and AGR Preservation Areas shall not be subject to unified control, unless
- 46 required by a condition of approval.
- 47 **2. Approval**
- 48 Unified control shall be approved by the County Attorney and recorded by the applicant prior
- 49 to approval by the DRO of the initial master plan, site plan, or subdivision, whichever occurs
- 50 first.
- 51 **3. Control**
- 52 Unified control for a PDD shall be approved by the County Attorney and recorded by the
- 53 applicant prior to approval of the first plat.
- 54 **4. Architectural Guidelines**
- 55 All buildings and signage shall maintain architectural consistency between all building, signage
- 56 and project identification. Consistency shall include, a minimum, on overall unified image and
- 57 character created by the use of common elements such as building and roofing materials,
- 58 rooflines, muted colors, fenestration, architectural features, and architectural elements.
- 59 Infrastructure, such as Minor Utility, Water and Wastewater Treatment Plants which are

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EXHIBIT O
MIXED AND MULTIPLE USE ZONING DISTRICTS
[CODIFICATION - PORTION OF ORD-2017-004]
CR-2018-041 (Previous PIA-2018-01188)
(Updated 11/8/2018)

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]

5. Successive Owners

The unified control shall run with the land and shall be binding on all successors in interest to the property.

6. Amendments

Prior to approval of a modification to a master plan, site plan, or subdivision by the DRO, the unified control shall be amended to include/exclude all land added to/deleted from the PDD, and incorporate any revisions modified by the new Development Order that may be in conflict with the original Unified Control.

....

Part 5. ULDC Art. 3.E.3.B Overlays and Zoning Districts, Planned Development Districts, Multiple Use Planned Development, Design Objectives (page 162 of 212, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Revised Design Objectives to remove language that a MUPD be predominately non-residential, and replaced it with language in the FLUE Policy 4.4.7-b.
2. Clarify the Performance Standard for Freestanding buildings, and the maximum number within a MUPD, are for the non-residential uses and structures only, and will not apply to mixed use or residential uses and structures.
3. To clarify that a Type 3 incompatibility buffer is required at the perimeter of an MUPD when the uses are mixed or non-residential uses are adjacent to residential FLU or use.
4. To add design objectives when Residential uses are incorporated into an MUPD. Added language was based on direction from the Plan, suggestions from LDRAB on July 25 meeting, Staff and the Applicant for PIA-2018-1188. Staff used language analyzed language from the existing requirements of the PLAN, MXP, TND, and TMD Zoning Districts, and the URAO and WCRAO Overlays where mixed uses are allowed.
5. Delete language that has been revised and incorporated under Part 3 above, Art. 3.E.1.C Overlays and Zoning Districts, Planned Development Districts, General, FAR, Density, and Use Standards, describing how to use intensity and density for non-residential and residential projects, and projects with two non-residential FLU.
6. Modify Table 3.E.3.D - MUPD Property Development Regulations, to include the requirements for residential PDR's and the Recreation PDRs, when a MUPD include residential uses.
7. Add language for supplemental standards for hours of operation, storage, and outdoor speakers when an MUPD has both non-residential and residential uses. These requirements are similar to other MXP, TMD and TDD Zoning District requirements.

Section 3 Multiple Use Planned Development (MUPD)

....

B. Objectives and Standards

1. Design Objectives

A MUPD shall comply with the following objectives:

- a. ~~Designed as a predominantly non-residential district;~~ Allow for both residential and non-residential uses within a project that is designed in a manner to foster compatibility within and adjacent to the project;
- b. Provide innovative building location and orientation;
- c. Protect adjacent residential uses from potential adverse impacts;
- d. Provide interconnection between uses in and adjacent to the project;
- e. Allow for landscape design that enhances the appearance of the project; and, [Ord. 2014-025]
- f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution and storage of products. [Ord. 2014-025]

2. Performance Standards

A MUPD shall comply with the following standards:

a. Freestanding Buildings

- 1) This Section shall not apply to mixed use or residential structures.
- 2) For the purpose of this Section, circulation shall mean any portion of a driveway, drive aisle, or other means of vehicular access located within 50 feet of a building, excluding one-way drive through lanes, dedicated bypass lanes, and one primary building.
- 23) For the purpose of this Section, circulation shall not include vehicular access ways for uses including but not limited to Self Service Storage Facility, Data and Information

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Processing, Manufacturing and Processing, or Warehouses, when limited to access to individual storage units or warehouse bays, or facilities not open to the public and under the control of one business. This exception shall not apply to other vehicular circulation, or access ways providing ingress/egress to other uses or tenants within a Development. **[Ord. 2017-007]**

Table 3.E.3.B - Freestanding Buildings

FLU Designations	CL	CH	CLO	CHO	IND	EDC	CR	INST
Number of buildings	1	3	1	3	3	3	3	3
[Ord. 2014-025]								

b. Non-vehicular Circulation

A MUPD shall be designed to provide for 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.

c. Landscape Buffers

A Type 3 ~~incompatibility B~~buffer shall be provided along the property lines in any area of an MUPD, where mixed use and non-residential uses are adjacent to a residential use type or undeveloped land with a residential FLU designation. The applicant may request for an alternative buffer subject to a Type 2 Waiver process. **[Ord. 2018-002]**

d. Cross Access

Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between a MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

e. Parking

Off street parking areas shall comply with Art. 6, Parking, Art. 7, Landscaping, and the following:

1) Parking Areas

- a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all landscape islands and divider medians. **[Ord. 2018-002]**
- b) Where pedestrian access ways cross landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment. **[Ord. 2018-002]**

2) Loading Area Screening

Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

f. Residential

An MUPD with residential uses shall comply with the following additional performance standards:

a. Proximity of Uses

All dwelling units shall be located within 1,320 linear feet of a recreation use or useable open space:

b. Pedestrian circulation

Internal sidewalks shall connect residential to both the non-residential use(s), and the useable open space(s). Elements of human scale shall be incorporated along these systems including but not limited to light fixtures, seating gathering spaces, water features, statuary and landscaping;

c. Compatibility

The MUPD shall be designed to create a transition between non-residential and residential land uses within the project and between less intensive residential housing located on abutting property to the MUPD. These transitional areas may vary in width based on the adjacent housing type or residential land use designations. The elements of transition between the use types may include but is not limited to changes in housing types, variations in buildings heights, increases in building setbacks and separations, orientation of buildings, and placement of open spaces.

d. Useable Open Space

In addition to the requirements of Article 5.F Parks and Recreation for the residential use, a minimum of five percent (5%) of the total development area shall be usable, open space. This open space is encouraged to be located between the non-residential

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and residential uses as a central gathering area in order to integrate the two uses. Trees shall be installed within this area at one (1) tree for each 1,000 square feet of useable open space.

3. Civic Dedication

The BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel. **[Ord. 2006-004]**

4. EDC FLU - Use Limitations

All permitted Commercial, Public and Civic, Agricultural, Utility or Industrial uses shall comply with the following: **[Ord. 2014-025]**

- a. Shall be clustered within the overall project so as to minimize any adverse impacts, including heavy truck traffic, on office and research portions of the project; and, **[Ord. 2014-025]**
- b. Outdoor storage or activity areas shall be buffered and screened from view of office or research areas, or operate completely in enclosed buildings. **[Ord. 2014-025]**

C. Thresholds

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

~~1. Underlying Land Use~~

~~A MUPD with an underlying nonresidential FLU designation may utilize either land use, or a combination of land uses, to satisfy the requirements of Table 3.E.3.D, MUPD Property Development Regulations. **[Ord. 2017-007]**~~

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in the MUPD district are indicated in Table 3.E.3.D, MUPD Property Development Regulations, unless otherwise stated.

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

FLU Designations	Minimum Lot Dimensions			Max. FAR (2)	Max. Bldg. Coverage	Minimum Setbacks (1)			
	Size	Width & Frontage	Depth			Front	Side	Side Street	Rear
CL	3 ac	200	200	-	25 percent	25	C-15 R-30	25	C-20 R-30
CH	5 ac	300	300	-	30 percent	30	C-15 R-30	30	C-20 R-30
CLO	3 ac	200	250	-	25 percent	25	C-15 R-30	25	C-20 R-30
CHO	5 ac	200	200	-	25 percent	30	C-15 R-30	30	C-20 R-30
IND	5 ac	300	300	-	45 percent	30	C-15 R-40	30	C-20 R-40
EDC	5 ac	300	300	-	45 percent	30	C-15 R-40	30	C-20 R-40
CR	5 ac	300	300	-	30 percent	30	C-15 R-40	30	C-20 R-40
INST	5 ac	300	300	-	30 percent	30	C-15 R-30	30	C-20 R-30
Residential Uses and Recreation									
ZLL	<u>Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).</u>								
TH	<u>Refer to Art. 3.D.2.A, Townhouse.</u>								
MF	<u>Apply the RM district regulations in Table 3.D.1.A, Property Development Regulations.</u>								
Recreation Pod	<u>Apply PUD Recreation Pod regulations</u>								
[Ord. 2007-001] [Ord. 2014-025] [Ord. 2015-031]									
Notes:									
C	Indicates the building setback if the lot abuts a parcel with a non-residential zoning district or FLU designation, that does not support a residential use. [Ord. 2015-031]								
R	Indicates the setback from an adjacent parcel with residential zoning. [Ord. 2015-031]								
	1. Setbacks are measured in linear feet from the boundary of the MUPD.								
	2. The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted, <u>and shall include all residential and non-residential buildings.</u>								

E. Use Regulations

1. MUPDs with non-residential and residential uses

a. Hours of Operation

Hours of operation described in Art. 5.E.5, Hours of Operation, shall only apply to non-residential uses that meet the Proximity to Residential Requirements to an abutting

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1 property. The hours of operation Proximity to Residential Requirements do not apply to
2 the residential within the same MUPD.

3 **b. Open Storage**

4 No open storage or placement of any material, refuse equipment or debris shall be
5 permitted in the rear of any structure.

6 **c. Outdoor Speakers**

7 No outdoor loudspeaker systems shall be permitted.

8 **FE. AGR MUPD**

9

10
11
12 **Part 6. ULDC Art. 3.F.1 Overlays and Zoning Districts, Traditional Development Districts, General**
13 **Provisions for TDDs (page 176 of 212), is hereby amended as follows:**

Reason for amendments: [Zoning]
--

1. Revise the language for Density calculations due to modifications in the PLAN through ORD 2017-036.
--

14 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)**

15 **Section 1 General Provisions for TDDs**

16

17
18 **E. FLUA Consistency, FAR and Density**

19 **1. Land Use Categories**

20 Any application for a rezoning to a TDD shall be in accordance with Art. 3.A.3, Zoning District
21 Consistency with Future Land Use Atlas (FLUA). **[Ord. 2005 - 002] [Ord. 2011-016]**

22 **2. TDDs Split by Land Use**

23 **a. TMD Exception**

24 A TMD with more than one underlying non-residential FLU designation may utilize either
25 land use, or combination, to satisfy the minimum required land use mix for a TMD. **[Ord.**
26 **2005 - 002]**

27 **3. ~~TND-Density Bonus~~**

28 ~~A TND in the U/S Tier only, may qualify for a density bonus of up to two additional units per~~
29 ~~acre above the maximum density allowed for a planned development, provided that the TND~~
30 ~~is consistent with the standards and requirements of this Article. **[Ord. 2005 - 002]** The~~
31 ~~allowable density shall be in accordance with FLUE Table 2.2.1-g.1 and other related Policies~~
32 ~~of the Plan and related Policies~~

33

34
35
36 **Part 7. ULDC Art. 3.F.4 Traditional Development Districts, Traditional Marketplace Development,**
37 **(page 198 of 212, Supplement 24), is hereby amended as follows:**

Reason for amendments: [Zoning]
--

1. Planning Ordinance ORD-2017-036 modified the FLUE Policies relating to the calculation of density. The Plan now allows for 100% calculation of both intensity and density for nonresidential and residential developments.

38 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)**

39

40 **Section 4 Traditional Marketplace Development (TMD)**

41

42 **C. Development Standards for all TMDs**

43 The following standards apply to TMDs located in all tiers: **[Ord. 2005 - 002]**

44 **1. General Standards**

45 The following standards apply to all TMDs; however, additional standards or provisions shall
46 apply to the AGR Tier, per Art. 3.F.4.D, Standards Applicable to AGR Tier, and
47 Urban/Suburban Tier, per Art. 3.F.4.E, Standards Applicable to Urban/Suburban Tier - Lifestyle
48 Commercial Center (LCC),. **[Ord. 2005-002] [Ord. 2005-041] [Ord. 2017-025]**

49

50
51 **~~d. Density/Intensity~~**

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~~**1) Multiple Use Projects**~~

~~Multiple Use Projects may be allowed to utilize up to 100 percent of the combination of a site's residential density and its commercial intensity equivalent. (Additional density or intensity is equivalent to the corresponding amount of non-utilized existing density or intensity). (A = percent of additional density or intensity, U = percent of utilized density or intensity. A = 100 - U). [Ord. 2005 - 002]~~

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

~~Mixed Use Projects which vertically integrate at least 20 percent of their allowed residential units with non-residential uses may be allowed to utilize up to 100 percent of both a site's residential density and commercial intensity. [Ord. 2005 - 002]~~

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1 **Part 9. ULDC Art. 4.B.2.A Use Regulations, Use Classification, Commercial Uses (page 29 of**
 2 **208, Supplement 24), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Add an exception for bay door orientation when residential is within an MUPD, provided there is a setback and screening. Language is similar to the requirements of Article 6.B Loading Bay Door screening.
2.

3 **Section 2 Commercial Uses**

4 **A. Commercial Use Matrix**

5

6 **B. General Commercial Standards**

7 **1. Bay Doors**

8 Unless stated otherwise in Art. 4, Use Regulations or Art. 6.B, Loading Standards, service bay
 9 doors shall not face any residential use, or vacant parcel of land with a residential FLU
 10 designation, except as follows:

- 11 a. When separated by an Arterial or Collector Street a minimum of 80 feet in width.
- 12 b. When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded to
 13 include a minimum six-foot high hedge.
- 14 c. When separated by a parcel with a non-residential use such as utilities, canal R-O-W,
 15 easements, FDOT or County drainage, a minimum of 80 feet in width, subject to the
 16 provision of a Type 3 Incompatibility Buffer with a continuous two-foot high berm. The
 17 required wall shall be placed on the top of the berm. Canopy Trees shall be one and one
 18 half times the required tree quantity.
- 19 d. Requests for Type 2 Variance from Bay Doors regulations may be allowed in accordance
 20 with Art. 2, Application Processes and Procedures.

21 e. When residential uses are within the same MUPD and not vertically integrated, the non-
 22 residential structure with the bay doors shall be separated from a residential structure by a
 23 minimum of 50 feet and screened from view.

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

25

26
 27
 28 **Part 10. ULDC Art. 4.B.2 Use Regulations, Use Classification, Commercial Uses (page 91 of 208,**
 29 **Supplement 24), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Modify the reference for freestanding structures due to modification under Part 5

30
 31 **17. Warehouse**

32 **a. Definition**

33 An establishment used for the storage of raw materials, equipment, or products.

34 **b. Typical Uses**

35 Typical uses include moving companies, cold storage, and dead storage facilities, but
 36 excludes self-service storage facilities.

37 **c. Overlay – WCRAO**

38 Office/warehouse uses shall be allowed as specified in Table 3.B.14.E, WCRAO Sub-area
 39 Use Regulations. The office/warehouse development shall have a minimum of 25 percent
 40 office space per gross floor area for each bay.

41 **d. Accessory Office**

42 Unless approved as a Class A Conditional Use, or as specified in the Overlay – WCRAO
 43 standard, office space in each warehouse bay shall be a maximum of 30 percent of the
 44 GFA of that bay.

45 **e. Sales**

46 General Retail Sales shall be prohibited, except where allowed in conjunction with Flex
 47 Space.

48 **f. Freestanding Structures**

49 Freestanding structures for Warehouse developments located in an MUPD with an IND
 50 FLU designation shall not be subject to the provisions of Table 3.E.3.B.2.a.23),
 51 Freestanding Buildings.

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