

EXHIBIT A-2

UNIFIED LAND DEVELOPMENT CODE (ULDC) SUMMARY OF ARTICLES REFERENCING: OPEN SPACE

ARTICLE 1

CHAPTER I DEFINITIONS & ACRONYMS

Section 1 General

30. **AGR-PUD Gross Site Area** - the land area of the PUD less land dedicated per the Thoroughfare Identification Map. The gross site area includes land to be used for other R-O-W, streets, preservation areas, development areas, water retention, **open space**, commercial, recreation and civic uses.
32. **AGR-PUD 60/40 Development Area** - that portion of the PUD which contains the residential, recreational, civic, and commercial pods with support facilities such as streets, internal **open space**, and stormwater retention areas.
61. **Building Site** - a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use and customary accessory buildings and **open spaces**.
73. **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).
34. **Flood Damage Prevention** - for the purposes of Art. 18, the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the flood prone areas including, but not limited to, emergency preparedness plans, flood control works, flood damage prevention regulations, **open space** plans, and setting of minimum floor elevations. **[Ord. 2004-013]**
18. **Greenway** - multi-purpose **open space** corridors of private and public lands, which may be located within a public street, an edge area, a landscape buffer, or an easement, and may contain pedestrian paths, bicycle facilities, jogging paths, equestrian paths and fitness trails. Greenways are employed to provide usable **open space** close to residential areas, and provide alternative access ways connecting a variety of uses, such as residential areas, parks, school, cultural facilities and employment centers. Greenways also provide aquifer recharge, preserve unique features or historic or archaeological sites, and can link urban rural areas.
17. **Usable Open Space** - an area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings.
18. **Usable Open Space for WHP** - a common area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-W's, building setback areas, lakes or other water bodies, drainage or retention areas, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation. **[Ord. 2006-055]**
26. **Wildlife Corridor** - a continuous corridor of habitat, with a width of at least one mile, that is established by linking conservation areas, wildlife preserves, sanctuaries, refuges, parks, **open space** areas, and agricultural areas to provide a pathway for wildlife movement.
1. **Yard** - any **open space** that lies between the principal building or buildings and the nearest lot line.

ARTICLE 2

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

G. Administrative Review

The DRO may approve minor amendments to site plans and subdivision plans, and approve new site plans, in accordance with the following procedures. [Ord. 2007-001] [Ord. 2008-003]

1. Amendments to BCC/ZC Approvals

The DRO shall have the authority to approve minor modifications to a development order approved by the BCC or ZC. An application for an amendment shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. Applications must be submitted on deadlines established on the Annual Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to the following: [Ord. 2008-003]

- e. Relocation of **open space** or recreation areas, provided that the request does not result in a substantial change in the amount, configuration, or character of **open space** or recreation approved by the BCC or ZC; [Ord. 2008-003]

CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD

Section 3 Review For Adequate Public Facilities

C. Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation

1. Potable Water, Sanitary Sewer, Solid Waste and Park and Recreation and Linked **Open Space** and Fire Rescue Facilities

Facilities to provide the proposed development sufficient services based on the LOS for facilities are in place, or under construction and bonded; or the subject of a binding and executed contract; or are included in PBCs Capital Improvement Annual Budget or the service provider's annual budget; or the PBCHD has verified and approved that capacity is available.

Section 6 Monitoring Program

A. General

To ensure that adequate potable water, sanitary sewer, solid waste, drainage, public school, park and recreation and linked **open space**, traffic, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on public facilities, the PBC shall establish the following management and monitoring practices. Their purpose is to evaluate and coordinate the timing, provision, and funding of the public facilities so that:

1. they are being adequately planned for and funded to maintain the LOS for public facilities and
2. to evaluate the capacity of the public facilities for use in the regulatory program to ensure:
 - a. there are no development orders issued unless there are adequate public facilities available to serve the development concurrent with the impacts of development on the public facilities, or
 - b. no development orders are issued unless they are conditioned on the availability of public facilities to serve the development concurrent with the impacts of development on public facilities.

Article 3

CHAPTER B OVERLAYS

Section 7 LWRCCO, Lake Worth Road Commercial Corridor Overlay

E. Supplemental Regulations

2. Quality Development Standards

a. Public Amenities

Uses requiring approval by the BCC or ZC shall provide a minimum of one of the following public amenities:

- 6) parks, squares or other public **open spaces**. Public **open spaces** shall be at least 100 feet by 50 feet and are encouraged at intersections.

Section 14 TAPO, Turnpike Aquifer Protection Overlay

H. Public Supply Water Well Site Compatibility and Location Criteria

2. The following criteria shall be used in locating public supply water well sites in all new development, new uses or expanded uses located within the TAPO:

- g. Public supply water well sites, to the maximum extent possible, shall be located on properties acquired, dedicated, or reserved for public or common purposes such as parks, **open space** or easements.

I. Dedication of Well Site Within Required **Open Space**

For the purposes of this Code, well sites dedicated to the PBCWUD shall be included in any calculation to determine required **open space**.

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

H. Density Bonus Programs

1. Density Bonus Pool

a. WCRA Recommendation

- 4) A minimum of five percent of the gross lot area is set aside for **open space** with a public amenity or a public plaza, with a minimum size of 800 square feet and 25 feet in width, including but not limited to public art (not depicting any advertising); fountains of at least eight feet in height and 16 feet in diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with any restaurant seating). **[Ord. 2006-004]**

CHAPTER C STANDARD DISTRICTS

Section 1 Future Land Use (FLU) Designation and Corresponding Districts

D. Agricultural Districts

2. AGR, Agricultural Reserve District

The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall Loxahatchee National Wildlife Refuge on the west. The district encompasses unique farmland, regional water management and wetlands areas. It is designated as an area to be preserved primarily for agricultural, environmental and water resources and **open space** related activities west of SR 7, agricultural and regional water management use if possible, Residential development is restricted to low-densities and commercial development is limited to those uses serving farm workers and other residents of the district. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 1 PDRs for Standard Zoning Districts

D. Setbacks

4. Setback Reductions

No setback reduction shall be used in combination with any other setback reduction allowed by this Code.

a. Open Space

In residential zoning districts located in the U/S Tier, the rear and side setbacks along the length of a property line adjacent to dedicated **open space** defined by a minimum of 50 feet in width may be reduced by 25 percent.

Section 2 PDRs for Specific Housing Types

C. ZLL Design Standards

8. Permitted Openings and Attachments

b. Glass Blocks

Glass block or other translucent material may be used along the portion of the home on the zero lot line side, as follows:

2) Exception

Transparent windows may be permitted on the ZLL wall if the wall abuts a dedicated **open space** or landscape buffer a minimum of 50 feet in width.

e. Privacy Walls or Fences

1) ZLL Home Wall

A minimum five foot high opaque wall or fence shall be provided along the ZLL of a ZLL home, beginning at the end of the home with a zero setback and extending a minimum distance of ten feet beyond the rear of the home toward the rear property line. **[Ord. 2005-041]**

a) Exception

A wall or fence shall not be required if the ZLL side is adjacent to dedicated **open space** a minimum of 50 feet in width.

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f. Side Street Home

A side street home may be located on a lot having a street, a minimum of 50 feet of **open space**, or combination along two sides. A side street home shall comply with the minimum setback requirements in Table 3.D.2.B-19, ZLL Property Development Regulations. A side street home shall be exempt from **Art. 3.D.2.C, ZLL Design Standards**, unless expressly stated therein. **[Ord. 2005-041]**

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

C. Objectives and Standards

1. Design Objectives

Planned developments shall comply with the following objectives:

- b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable **open space**, and other land improvements within and adjacent to the PDD;

D. Application Requirements

In addition to the requirements in **Article 2.B.1, Official Zoning Map Amendment (Rezoning)**, an applicant shall submit the following information for certification by the DRO:

1. Master Plan

c. Pods

All land within the boundaries of a Master Plan shall be designated one of the use types indicated in Table 3.E.1.B-22, PDD Use Matrix.

1) Exceptions

Perimeter landscape buffers, water management tracts not located in pods, canals, primary streets, **open space**, and similar areas allowed by the DRO.

E. Modifications

Modifications to a planned development with a valid development order shall comply with **Article 2.D.1, Development Review Officer**.

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

d. 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.

3. Modification to Reduce or Reconfigure Existing Golf Course

b. Reduction of Open Space or Recreation

The applicant shall provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required **open space** for the development. If a previously approved development was subject to zoning regulations for **open space** or recreation that have since been amended, the applicant shall outline how the affected area for the proposed development complies with current ULDC requirements, while demonstrating that the unaffected area is consistent with the requirements in place at the time of the original or amended approval. **[Ord. 2006-004]**

J. Phasing and Platting

2. Platting

All land in a PDD shall be platted in accordance with [Art. 11, Subdivision, Platting and Required Improvements](#). All land within the PDD, including private civic tracts, golf courses and **open space** areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract. **[Ord. 2005 – 002]**

Section 2 Planned Unit Development (PUD)

B. Objectives and Standards

2. Required Performance Standards

A PUD shall comply with the following standards: Standards a – d are required and must be met. A minimum of two of the four standards listed in e – h are required: **[Ord. 2006-055]**

g. Benches or play structures

Benches or play structures shall be provided in usable **open space** areas and along pedestrian pathways. **[Ord. 2006-055]**

C. Thresholds

2. Land Use Mix

Table 3.E.2.C.27, PUD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

Table 3.E.2.C - PUD Land Use Mix

	Res.	Civic	Comm.	Rec.	OS ¹	Preserve Area	Dev. Area
MIN	60%	2%	-	.006 sf/unit	40%	80/20 AGR – 80%	-
						60//40 AGR – 60%	
MAX	-	65%	1%	-	-	-	80/20 AGR –25% ²
							60/40 AGR – 40%
Notes:							
1. Calculation of open space may include recreation pods, civic pod and open space areas within residential [Ord. 2006-004]							
2. See 80/20 option exception.							

4. Other Land Uses

The acreage for **open space** tracts, water management tracts, R-O-W, shall be provided on the master plan.

F. AGR PUD

1. General

The following regulations have been created to fulfill goals, polices and objectives in the AGR FLU designations.

a. Purpose and Intent

In addition to provision in [Article 3.E.2.A.1, Purpose and Intent](#), a PUD is permitted in the AGR FLU designations in order to accommodate low density residential development in conjunction with the preservation of agriculture, wetlands or other significant **open space** areas. It is the intent of a PUD in this land use designations to provide for the residential development of land in a

manner compatible with agriculture, wetlands or other significant **open space** and which does not detract from the protection and perpetuation of such uses in the area.

2. Development Options.

c. Land Use Mix

The land area allocated for the Preservation Area and the Development Area shall be based on the ratio specified for each development option as described below.

1) 80/20 Option

A minimum of 80 percent of the GLA of the PUD shall be designated as Preservation Area on the master plan. The remaining land area (20 percent) may be designated on the master plan as residential, civic, commercial, recreation, or **open space** in accordance with Table 3.E.2.C-27, PUD Land Use Mix.

2) 60/40 Option

A minimum of 60 percent of the gross land area of the PUD shall be designated as a Preservation Area on the master plan. The remaining land area (40 percent) may be designated on the master plan as residential, civic, commercial, recreation, or **open space** in accordance with Table 3.E.2.C-27, PUD Land Use Mix.

3) Both Options

Credit shall not be given that would reduce the size of the Preservation Area for encroachment of R-O-W, water retention, **open space**, landscape buffers, or natural habitats preserved in the Development Area. Native vegetation required to be set-aside in a Development Area by [Article 14.C, VEGETATION PRESERVATION AND PROTECTION](#), shall not be credited toward satisfying the minimum Preservation Area requirement.

3. Preservation Area

A Preservation Area or a pod designated as a Preservation Area is intended to support bona fide agriculture uses, wetlands, or other significant **open space**. Adjacent residential development in the PUD should be designed to be compatible with a Preservation Area and shall not detract from its operation or function.

b) Wetlands

The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; **open space**; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.

4. Development Area

d. Landscape Buffer

A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and installed in accordance with [Article 7, LANDSCAPING](#), except that a wall shall not be required. **[Ord. 2006-004] [Ord. 2008-003]**

1) Reduction

A buffer required along the perimeter of a Development Area may be reduced by 50 percent if:

- c) the buffer is adjacent to **open space** (e.g. lake, canal, etc.) greater than 50 feet in width.

G. RR PUD

1. Rural Residential

The following additional regulations apply to the PUDs in the RR FLU Designation.

a. Purpose and Intent

A PUD is permitted in the RR FLU designations to accommodate low density residential development in conjunction with the protection and maintenance of rural, equestrian, and agricultural communities. It is the intent of a PUD in these land use designations to provide for the residential development of land in a manner compatible with agriculture, wetlands or other significant **open space** and which does not detract from the protection and perpetuation of such uses in the area. The areas in which this development alternative is offered are characterized by agriculture, small farming operations, equestrian activities, and **open spaces** where residents are attracted to low-density lifestyles.

d. Option 1 – Rural Cluster

2) Open Space

A minimum of 60 percent of the land area shall be designated on the master plan as contiguous and compact **open space**, unless otherwise determined by the Existing

Resources and Site Analysis. **Open space** satisfying this requirement shall have a minimum width of 150 feet and be designated as common area on the master plan or dedication in perpetuity as a preserve, in accordance with [Article 3.E.2.F.3.h, Perpetual Preservation](#).

b) Common Area

If designated as common area, maintenance of the **open space** shall be the perpetual responsibility of the HOA.

c) Separate Tract

All areas designated as **open space** on the Master Plan shall be platted and maintained as a separate tract of land. No area designated as **open space** on the Master Plan shall be platted with, nor made part of, a lot or land in the development area.

d) Plat

All **open space** shall be platted simultaneously with the first plat in the development area.

3) Development Area

A maximum of 40 percent of the land area shall be designated on the master plan as the development area. All residential, civic, and recreation pods shall be limited to the development area. All improvements, including streets, water management tracts for on-site and street drainage (including R-O-W), excavation, and accessory structures shall be limited to the development area.

a) Exception

Mitigation projects, excavation with jurisdictional wetlands, and excavation by public agencies, as defined as exempt in [Article 4.D, EXCAVATION](#), and regional water management facilities certified by the SFWMD, shall be permitted in **open space** areas.

4) Design

The Development Area shall be designed to emphasize the **open space** areas identified in the site analysis in accordance with [Article 3.E.2.G.4, Existing Resources and Site Analysis](#). The development areas shall be designed so as to not interfere with the continued or future function of any designated **open spaces** preserves or areas, identified as environmentally, geologically, or historically significant in the site analysis required by [Article 3.E.2.G.4, Existing Resources and Site Analysis](#). Pods should be located and designed to ensure compatibility with **open space** and preserves areas. All streets shall terminate in a vista or focal point such as trail head, passive park, waterviews, **open space**, or an alternative acceptable to the BCC.

e. Option 2 – Variable Lot Size

2) Open Space

No minimum percentage of **open space** shall be required in a PUD with a RR land use designation utilizing the variable lot size option (Option #2).

3) Development Areas

The development area shall be required to have an equestrian lifestyle. Development shall be designed so as to not interfere with the continued or future function of any area identified as environmentally, geologically, or historically significant in the site analysis required in [Article 3.E.2.G.4, Existing Resources and Site Analysis](#). Residential pods should be located and designed to ensure compatibility with non-residential pods and **open space** areas. All streets shall terminate in a vista or focal point, such as a trail head, passive park, waterview, agricultural structure, or an alternative acceptable to the BCC.

4. Existing Resources and Site Analysis

The application shall include an analysis and maps of existing environmental, geological, and historic conditions on the proposed site. At a minimum, the analysis shall contain the following information and be subject to review and approval by the DRO prior to certification of the project.

c. Preservation

Significant environmental, geological, and historic conditions identified in the site analysis shall be incorporated and preserved in **open space** areas on the master plan or as required by ERM and/or the SFWMD.

d. Open Space Management Plan

The applicant shall submit an **Open Space** Management Plan for review and approval by the DRO, which ensures that all areas designated as **open space** on the master plan are maintained in perpetuity. The **Open Space** Management Plan shall include a bond, or the funding mechanism, in an amount necessary to ensure maintenance of the preserve area on a permanent basis. Bona fide agricultural land shall remain in agricultural production or returned to a natural state acceptable to ERM. Fallow land shall remain free of prohibited species and

maintained to prevent the creation of a nuisance on adjacent properties. Wetlands shall remain viable and subject to the permitting and maintenance requirements of the SFWMD.

e. Plat

All **open space** shall be platted simultaneously with the first plat in the developments area.

5. Landscape Buffer

A landscape buffer shall only be required around the development area, adjacent to the perimeter of the project. The buffer shall be a minimum of 150 feet in width and consist of 100 percent native vegetation. Landscape buffers providing continuity between **open space** areas to be preserved may be counted toward meeting the minimum **open space** requirement.

b. Trails

A continuous equestrian trail, fitness trail, bike path, walking path, or similar trail system shall be incorporated into the internal street R-O-W sections, around lakes, and/or within the buffers in the development area. Trails and paths in **open space** areas shall only be paved with pervious materials.

B. Objectives and Standards

2. Performance Standards

d. Landscape Buffers

1) Interior Open Space

A minimum ten foot wide compatible buffer is required between land uses within the interior of the MXPDP.

D. Property Development Regulations

1. Setbacks

Land uses, which abut **open space** 40 feet in width or greater, may substitute a 20 foot side or rear setback if a 40 foot setback is required. **[Ord. 2004-040]**

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 1 General Provisions for TDDs

F. Use Regulations

1. Use Designations

Uses permitted in a TDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.F.1.F-45, TDD Use Matrix. **[Ord. 2005 – 002]**

d. Requested Uses (R)

1) Supplementary Use Standards

A number in the “Note” column of Table 3.F.1.F-45, Traditional Development Permitted Use Schedule, refers to supplementary land use standards in Art. 4.B, Supplementary Use Standards, which are applicable to the use. **[Ord. 2005 – 002]**

Table 3.F.1.F – Traditional Development Permitted Use Schedule

District Tier Pods	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	NC	Open Space/Rec			Dev.	Preserve	
Residential Uses											
Single family	P			P							122
Zero lot line	P			R							142
Town house	P			R			P	P	P		132
Multi-family	P			P			P	P	P		87
Accessory dwelling	P			P							1
Congregate living facility, Type 1	P			P			P	P	P		34
Congregate living facility, Type 2	P	D		R			P	R	R		34
Congregate living facility, Type 3	R	R		R	R		R				34
Farm residence											50
Farm workers quarters										P	51
Home occupation	P			P			P	P	P		70
Security or caretaker quarters		S			S		S	S	S		119
Agricultural Uses											
Agriculture, bona fide										P	3
Agriculture sales and service									P		6
Community vegetable garden			P			P				P	32
Grooms Quarters										S	65
Nursery, retail		P			P		P	P	P		88
Nursery, wholesale										S	89
Produce stand		P			P		S	S	S	S	32
Stable, commercial										D	125
Stable, private	P			P						P	126
Public and Civic Uses											
Assembly, nonprofit institutional		R			R		R	R	R		14
Assembly, nonprofit membership		R			R		R	R	R		15
Place of worship		R			R		R	R	R		29
Day care center, general		R			R		R	R	R		40
Day care center, limited		D			D		D	D	D		40
Government services		P			P		P	P	P	P	63
Hospital or medical center							R	R			71
School, elementary or secondary		R			R		R	R	R	R	118
Recreation Uses											
Amusements, temporary or special event		S			S		S	S	S		12
Entertainment, indoor		R			R		R	R	R		45
Fitness center		P			P		P	P	P		56
Park, passive			P			P	P	P	P	P	93
Park, public			P			P	P	P	P	P	94
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013]											
Notes:											
P Permitted by right. D Permitted subject to approval by the DRO. S Permitted in the district only if approved by Special Permit. R Requested Use.											

Table 3.F.1.F – Traditional Development Permitted Use Schedule (Continued)

District Tier Land Use Zone	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
Commercial Uses											
Auction, enclosed							P				16
Automotive service station							R	R	R		18
Bed and breakfast	S			S			S	S	S		20
Convenience store		P			P		P	D	D		36
Convenience store with gas sales							R	R	R		37
Dog Daycare		R			R		R	R	R		43
Financial institution		R			R		R	R	R		55
Flea market, enclosed							R	R	R		57
Green market		P			P		P	P	P		64
Kennel, Type III Commercial							R	R	R		74-2
Kiosk		P			P		P	P	P		75
Laundry services		P			P		P	P	P		78
Lounge, cocktail							R				79
Medical or dental office or clinic		P			P		P	P	P		83
Medical or dental laboratory							P	P	P		84
Office, business or professional		P			P		P	P	P		91
Personal services		P			P		P	P	P		98
Printing and copying services		P					P	P	P		100
Repair services, limited		P			P		P	P	P		108
Restaurant, Type I							R	R	R		109
Restaurant, Type II		R			R		D	D	D		111
Retail sales, general		P			P		P	P	P		114
Retail sales, mobile or temporary		S			S		S	S	S		115
Theater, indoor							P	P	P		129
Veterinary clinic		P			P		P	P	P		136
Work/live space							P	R	P		141
Utilities and Excavation											
Communication panel, antennas, commercial	S						D	D	D		31
Communication tower, commercial							D	D	D		31
Communication cell sites on wheels (COW)							S				31
Recycling collection station							D	D	D		106
Recycling drop-off bin	D	D		D	D		D	D	D		104
Utility, minor	P	P	P	P	P	P	P	P	P		134
Type II Excavation	P			P			P	P	P		49
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001]											
Notes:											
P Permitted by right. D Permitted subject to approval by the DRO. S Permitted in the district only if approved by Special Permit. R Requested Use.											

G. Design Objectives

TDDs shall comply with the following design guidelines:

1. Neighborhoods

- c. A variety of **open spaces** and recreation areas to allow for both passive and active recreation. Small neighborhood parks and playgrounds should be located throughout the neighborhood, so all residents are closely located (within 1,320 feet) to a neighborhood park. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations. **[Ord. 2005 – 002]**

Figure 3.F.1.G-9 - TDD Focal Points



- d. An interconnected network of streets, bike lanes, and sidewalks throughout the neighborhood, providing multiple routes for vehicle, bicycle, and pedestrian travel, diffusing traffic and shortening walking distances. Streets are designed for slower speeds to encourage pedestrian safety. Alleys shall provide vehicular access to garages and **open spaces** in the rear of buildings. **[Ord. 2005 – 002]**

H. Phasing and Platting

2. Platting

All land in a TDD shall be platted in accordance with [Art. 11, Subdivision, Platting and Required Improvements](#). All land within the TDD, including private civic tracts and **open space** areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential or commercial tract. **[Ord. 2005 – 002]**

Section 2 General Standards

A. Applicability

The following standards shall apply to all TDDs:

1. Streets, Sidewalks, and Alleys

The circulation system within a traditional development shall allow for different modes of travel within the TDD and between adjacent uses, based upon a hierarchy of transportation methods. The street and sidewalk network shall be designed around a series of blocks which provide visual and functional links within and between residential, commercial, office, civic, and **open space** areas, and shall be connected to existing and proposed external development.

4. Landscaping and Buffering

In addition to the requirements in [Art. 7, Landscaping](#), the following standards apply: **[Ord. 2005 – 002]**

a. Buffer Around Districts

- 1) No buffers are required where one TDD abuts another TDD. **[Ord. 2005 – 002]**
- 2) AGR TMD Perimeter Buffer

b) R-O-W Buffer

- (1) The R-O-W buffer width reduction permitted under Article 7.F.7, R-O-W Buffer, shall only be permitted for any property line which abuts a 100 foot wide rural parkway. In the AGR Tier, a R-O-W buffer abutting **open space** a minimum of 100 feet in width and designated as a rural parkway may be deleted subject to DRO approval of a regulating plan that demonstrates that the landscaping in the rural parkway exceeds required R-O-W planting and buffering requirements. Required landscaping must be located within or adjacent to the rural parkway. **[Ord. 2005 – 041]**

b. Internal Compatibility and Incompatibility Buffers

Buffers are not required within TDDs, except that a solid six-foot high wall or five-foot wide landscape planting area providing a visual screen at least six feet in height is required along an interior property line where a non-residential use abuts a residential use. The height of the wall or landscape screen shall not exceed three feet within required front setback areas. The internal buffer requirement for multi-family and townhouse units may be waived when the units are constructed on a main street; are attached to a commercial structure; are separated from a commercial structure by streets or an alley, pedestrian walkway or plaza; or when adjacent to **open space**, plazas or private recreational uses associated with units requiring a buffer. **[Ord. 2005 – 002] [Ord. 2005-041]**

Section 3 Traditional Neighborhood Development (TND)

A. Specific Purposes

The purpose of the TND district is to:

2. Provide a range of residential, commercial, civic, and **open space** land uses in close proximity to one another within the neighborhood;

C. Thresholds

A TND shall comply with Table 3.F.1.E-44, TDD Corresponding Land Use, and the following: **[Ord. 2006-004]**

2. Land Use Mix

TNDs shall provide residential, recreational, civic, and neighborhood commercial land uses, as provided in Table 3.F.3.C-50, TND Land Use. A TND developed as part of a TTD is subject to the minimum land use allocations provided in Table 3.F.5.D-54, Traditional Town Development Land Use Allocations. **[Ord. 2006-004]**

Table 3.F.3.C – TND Land Use

Land Use Mixes	Percent of Total Gross Area	
	Minimum	Maximum
Residential		
Single Family	25	70
Zero Lot Line (ZLL)	-	50
Multi-Family/Townhouse	20	50
Neighborhood Centers	2	10
Civic ¹	2	25
Open Space/ Recreation	5	-
[Ord. 2006-004]		
Notes:		
1. Civic uses may be collocated with the Neighborhood Centers.		
2. Not required in the Rural and Exurban Tiers unless mandated by a sector plan pursuant to the provisions of the Plan.		

E. Land Use Zones

1. Neighborhood Center

b. Building Standards

2) Setbacks

Minimum and maximum building setbacks shall conform to the standards in Table 3.F.3.E-51, TND Non-Residential Setback Regulations.

Table 3.F.3.E – TND Non-Residential Setback Regulations

Regulation	Neighborhood Center and Civic	Open Space/Recreation
Front Setback	0 ft. min. 10 ft. max.	20 ft.
Side Setback	0 ft. for attached buildings 5 ft. min. for detached buildings 10 ft. adjacent to residential	20 ft.
Rear Setback	10 ft. min.	20 ft.

3. Open Space/Recreation

Areas designated for **open space**/recreation include neighborhood parks, neighborhood squares, and active or passive recreation uses.

b. Neighborhood Parks

1) Minimum Area

A minimum of 25 percent of the **open space**/recreation area required by Table 3.F.3.C-50, TND Land Use, must be common **open space** or park accessible to the public. Each neighborhood park shall have a minimum area of 20,000 square feet.

5) Active Recreation Areas

Common active recreation uses, such as playing fields and swimming pools, shall be buffered by a perimeter landscape area that complies with the compatibility buffers in [Article 7, LANDSCAPING](#). The neighborhood square shall be exempt from this requirement.

a) Active Recreation Areas in Residential Buildings

Penthouse and rooftop active and passive recreation shall not be counted towards the minimum **open space**/recreation area requirement.

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

2. Street Designations and Configurations

b. Sidewalks

Sidewalks are required on both sides of all streets and shall be designed to be consistent with Figure 3.F.2.A-12, TDD Commercial Street, except for: alleys; drive isles between rows of parking or providing access to a surface parking lot; service streets; the side of a street abutting a preserve area of an AGR-TMD; and, where one side of a street abuts a surface parking lot or **open space**. All sidewalks shall conform to the requirements of [Art. 3.F.2.A.1, Streets, Sidewalks, and Alleys](#). [Ord. 2005-002] [Ord. 2005 – 041]

4. Frontages and Residential PDRs

a. Standards for Primary Frontage

3) Build to Lines

All building and structures along a Primary Frontage shall abut the required sidewalk. [Ord. 2005-002]

(a) Exception

A maximum of ten percent of Primary Frontage structures may be set back a maximum of 20 feet from the build to line to provide for outdoor dining areas and/or usable **open space**, subject to the following: [Ord. 2005-002]

b. Standards for Secondary Frontage

3) Build-to Lines

(a) Exception

A maximum of ten percent of Secondary Frontage structures may be set back a maximum of 20 feet from the build to line to provide for outdoor dining areas and/or usable **open space**, subject to the following: [Ord. 2005-002]

d. Optional Standards for Residential PDRs

1) Multi-family Alley Frontage Design Alternative

a) Build to Lines and Setbacks

- (1)
- (2) Side street setbacks must be a minimum of five feet, and a maximum of 10 feet. An exception may be made for one side of a block which fronts on **open space** or a recreation use. **[Ord. 2005-041]**
- (3) The rear of each unit shall have access to and be within 20 feet of a street, **open space** or plaza a minimum of 40 feet in width, with sidewalks that connect to the projects pedestrian circulation system. **[Ord. 2005-041]**

E. Standards Applicable to AGR Tier

8. Preserve Area and Open Space Requirements

A TMD shall conform to Objective 1, **Art. 1.E, Prior Approvals**, and the following additional requirements: **[Ord. 2005 – 002]**

b. Location

The preserve area shall be contiguous with the TMD, or noncontiguous provided it has a common border with other land that is at least 150 acres and: **[Ord. 2005 – 002]**

- 3) Has had development rights removed and is permanently restricted to useable **open space** or agricultural uses through a conservation easement or other legal instrument approved by the County Attorney's Office. **[Ord. 2005 – 002]**

Section 5 Traditional Town Development (TTD)

A. Specific Purpose

The purpose of the TTD district is to:

- 1. Provide a framework for the coordinated development of compact, walkable neighborhoods with a well-developed traditional marketplace center and a mixture of office, **open space** and recreation, and civic uses serving local residents;
- ...
- 4. Accommodate optional development districts to provide additional employment opportunities and housing choices interconnected with traditional neighborhoods and within close proximity to the commercial, civic, and recreation and **open space** amenities of the traditional town; and

D. General Requirements

2. Land Use Mix

TTDs shall consist of a balanced mix of land uses subject to the minimum land use allocations in Table 3.F.5.D-54, Traditional Town Development (TTD) Land Use Allocations.

Table 3.F.5.D – Traditional Town Development Land Use Allocations

	Allowable Gross Acreage(Percent of Total)	
	Minimum	Maximum
Traditional Neighborhoods (TND)	60	90
Traditional Marketplace (TMD)	10	25
Civic/Institutional ¹	-	20
Recreation & Open Space	-	25
Residential PUD	-	10
MUPD ²	-	5
Notes:		
1.	Regional-serving civic and institutional uses may be located outside a TND but may not be used to fulfill the Civic/Institutional requirements of a TND as established by Table 3.F.3.E-37, TND Land Use.	
2.	Requires a TTD with a minimum of 320 acres.	

Article 4

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

34. Congregate Living Facility

f. Reserve Parking, for Type 2 and Type 3 CLFs

Adequate provisions shall be made to reserve sufficient lot area to meet future parking standards if the facility is converted to other uses. The boundaries of the reserve parking area shall be identified on the site plan and shall not be within any lake, drainage or **open space** tract used to meet exemplary design criteria.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 3 Siting Requirements

K. Waiver from Required Dimensional Criteria

4. Criteria for Granting a Waiver

p. Avoid Certain Locations

The waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:

- 8) linked **open space** corridors as set forth in the Plan.

Section 4 Standards

P. Visual Impact Analysis Standards

1. Visual Analysis

- b. When the proposed site is located adjacent to:
 - 9) linked **open space** corridors as set forth in the Plan.

CHAPTER D EXCAVATION

Section 8 Technical Standards

C. Reclamation Standards

4. Upland Reclamation Standards

Upland reclamation standards apply to Type II and all Type III excavations only.

a. Reclamation Plan

3) Type II Excavations Exceeding Off-site Removal Limitations

As set forth in Article 4.D.5.E, Type II Excavation, shall be classified as a Type III A Excavation when the applicant proposes to remove more than ten percent of the fill offsite. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the **open space** pedestrian system as defined on the final site development plan.

Article 5

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

10. Swimming Pools and Spas

b. Setbacks for Pools or Spas

2) Exceptions

b) Single Family and ZLL Homes

Swimming pools or spas may be constructed with a three-foot rear or side interior setback if adjacent to **open space** 50 feet in width or greater.

c) Recreation Facilities

Swimming pools or spas may be constructed with a ten-foot rear or side interior setback if adjacent to permanent **open space** 50 feet in width or greater.

e. Common Area

5) **Open Space**

The entire development must continue to meet **open space** requirements;

11. Screen Enclosures

b. Setbacks for Screen Enclosures with Screened Roofs

1. Exceptions

b) Single Family and ZLL Homes

Screen enclosures with a screen roof may be constructed with zero foot rear or side setbacks if adjacent to dedicated **open space** 50 feet in width or greater in accordance with the setback reductions of [Article 3.D, PROPERTY DEVELOPMENT REGULATIONS \(PDRS\)](#).

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 1 General

A. Purpose and Intent

3. Provide public and private park and recreation areas in accordance with the objectives of the Recreation **Open Space** Element of the Plan; and

Section 2 Types of Parks

A. Countywide Parks and Preservation/Conservation Areas

1. Countywide Parks

The PBC Parks and Recreation Department supplies a countywide system of public park and recreational facilities for which Level of Service (LOS) standards are established in the Recreation and **Open Space** Element of the Plan. For purposes of park concurrency, Regional, Beach and District Park LOS are established and Park Impact Fees assessed on new residential development to maintain the countywide park systems LOS concurrent with growth. The CIE is updated annually to include projects needed to meet countywide Comprehensive Plan LOS that will be funded through the Parks and Recreational Department's ongoing Capital Improvement Program. **[Ord. 2006-004]**

B. Community and Neighborhood Park Recreation Standards

2. Reduction in Recreation Area Land Requirement

The Parks and Recreation Department may allow reduction of the recreation land area requirement by not more than 25 percent when other **open space** tracts are platted and made available to residents for recreational purpose and the combined value of the recreation facilities to be constructed and the resulting reduced land area exceeds the total value of the recreation land area and facilities requirement of [Article 5.D.2.B.2, Calculation of Required Recreation](#), by a minimum of 25 percent. **[Ord. 2006-004]**

8. **Open Space Credit**

Where developed recreational facilities are provided within lands required or credited for other **open space** purposes pursuant to this Code, (i.e., buffer areas, natural preserves, utility easements, R-O-W, drainage, or water management tracts), only credit for the cost of approved facilities may be

applied towards the recreation area requirement of [Article 5.D.2.B.2, Calculation of Required Recreation](#), and only if the facilities are reserved for the use of the residents of the development.

9. Other Credits

Any parcel used to satisfy Parks and Recreation Standards shall meet the following requirements: **[Ord. 2006-004]**

d. Waiver of Minimum Parcel Dimensions

The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcels function in the overall recreation and **open space** network of the development. **[Ord. 2006-004]**

G. County Park Landscape Standards

This section recognizes that public parks require flexibility in landscape design to address unique natural and manmade resources that serve the public. County park landscape standards are applicable in all development Tiers and promote open views and vistas into natural landscapes, lakes, greenways, blueways, and **open spaces** for appreciation and benefit of the public. Deviations for PBC owned and operated public parks from the landscaping requirements of [Art. 7, Landscaping](#), are as follows: **[Ord. 2006-004]** **[Ord. 2008-003]**

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

D. WHP Incentives

All projects with 10 or more residential units shall be eligible for WHP Incentives. **[Ord. 2006-055]**

4. Density Bonus Development Options

c. Justification Report

4) Graphic representations such as, but not limited to, site plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and WHP with emphasis on **open space**, privacy, maintenance, and public health, safety and welfare. **[Ord. 2006-055]**

e. Drainage

Any reduction in lot size or **open space** area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues. **[Ord. 2006-055]**

i. Option 4 - PDD Open Space Reduction

Projects which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent **open space** requirement of Table 3.E.2.C-27, PUD Land Use Mix, to not less than 30 percent **open space**, provided the project incorporates common usable **open space** areas as defined in Article 1, Usable **Open Space** for WHP. **[Ord. 2006-055]**

F. Additional Requirements for >30% Density Bonus

Projects requesting a density bonus greater than 30 percent shall comply with the following: **[Ord. 2006-055]**

2. Pre-Application

d. Density Determination

The Planning Director shall provide a written density determination letter within ten days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location and development characteristics of the project with consideration given towards affordability, accessibility, proximity to mass transit or employment centers, compatibility, quality of design, pedestrian and vehicular circulation, **open space**, and resource protection. The Planning Director shall prepare a report for the applicant, DRO, ZC, or BCC, whichever is appropriate, making a determination of compliance with this chapter, consistency with the Plan and recommend approval, approval with conditions, or denial of the request. **[Ord. 2006-055]**

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

F. Sending Areas

8. Remaining Land Area

If all of the development rights assigned to a sending area are not transferred off the site, the remaining land, if proposed for development, shall be developed in accordance with this Code and in a manner which is compatible with the surrounding area. This provision shall not apply to sending

areas designated AGR on the FLUA; these parcels are required to transfer all development rights off the site.

If the owner of land in a sending area only transfers a portion of the development rights available for the property, PBC, upon a recommendation from PZB and ERM, reserves the right to determine which portion of the land is subject to the applicable conservation easement. The intent is to link environmentally sensitive land, to link agricultural land, and to link **open space** areas, when feasible, and allow compatible development to occur on the remainder of such sites.

J. TDR: Sending Area Procedure

2. Review

b. Land Designated AGR on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall complete a site check to ensure that the site is suitable for bona fide agricultural or other **open space** purposes consistent with the AGR provisions in the Plan.

Sending area applications which are not submitted in conjunction with a receiving area application shall be reviewed and acted upon within 25 days.

K. TDR: Receiving Area Procedure

4. Contents of Application

In conjunction with the general application for a residential subdivision, a rezoning to a PDD or TDD, or an amendment to a previously approved PDD, TDD or residential subdivision submitted to the Zoning Division pursuant to [Article 2, Development Review Process](#), or [Article 2.D.1, Development Review Officer](#), as applicable, an applicant for receiving area status and a density bonus must submit a supplemental TDR Application.

The application shall be submitted in a form established by the Executive Director of PZB and made available to the public. A site plan which shows the location of roadways, parking areas, buffer areas, recreation and **open space** areas, and building areas shall be a part of the application. Additionally, the applicant shall include typical building footprints and elevations as a part of the application.

Article 6

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

10. Shared Parking

The DRO may authorize a reduction in the number of required parking spaces for multiple and mixed use projects and for uses that are in close proximity to one another and which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

d. Reserved Space

The applicant shall account for 100 percent of the reduction granted through one of the following alternatives: reserved **open space**; a future parking garage; future rooftop parking; off-site parking; limitation of uses to adhere to parking regulations; or shared parking.

e. Shared Parking Agreement

3) include a site plan showing the area of the parking parcel and **open space** reserved area which would provide for future parking;

...

7) describe the obligations of each party, including the maintenance responsibility to retain and develop reserved **open space** for additional parking spaces if the need arises;

...

12. Grass Parking

b. Standards

The following standards shall apply to grass parking:

5) grass parking areas shall meet the landscape requirements in Article 7, LANDSCAPING. Grass parking areas shall not be counted toward meeting minimum landscape or **open space** standards; and **[Ord. 2007-013]**

14. Design and Construction Standards

b. Construction

1) Circulation Standards

- b) Streets, pedestrian walks, parking areas, and **open space** shall be designed as integral parts of an overall site design, which shall be properly related to existing and proposed buildings, adjacent uses and landscaped areas.

...

Article 7

CHAPTER C MGTS TIER COMPLIANCE

Section 2 AGR and Glades Tiers

The AGR Tiers should promote reduced impervious areas, maintain large green/**open spaces**, incorporate equestrian and agricultural elements into the design, include an increased percentage of native plant species, and the use of natural stone and/or wood materials in the landscape design.

Section 3 Exurban and Rural Tiers

The Exurban and Rural Tiers consist of larger residential lots, development incorporating rustic architecture and building materials, and should emphasize preservation of native vegetation, dispersed parking and more naturalistic landscaped areas and informal design patterns.

Table 7.C.3-1 – Minimum Tier Requirements

Code Requirements	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Buffers⁵			
Design	Linear design, formal arrangement of elements, traversing sidewalks	Meandering, more naturalistic with shrub cluster and varying heights	Increased depth, buffers often adjacent to interior open space , unimproved pathway surfaces
Berms	Optional	Optional	No ¹
Fences/Walls	Optional ²	Optional ²	Optional ^{2,3}
Layers of Shrubs and Ground Cover ⁴	3	4	3
Interior Landscaping⁶			
Minimum Tree Quantities – Residential Lot	1 per 1,250 sq. ft. (max. 15)	1 per 1,000 sq. ft. (max. 30)	1 per 800 sq. ft. (max. 30)
Minimum Tree Quantities – Non-Residential Lot	1 per 2,000 sq. ft.	1 per 1,500 sq. ft.	1 per 1,200 sq. ft.
Minimum Medium Shrub Quantities – Residential Lot	3 per 1,250 sq. ft. (max. 45)	3 per 1,000 sq. ft. (max. 90)	3 per 800 sq. ft. (max. 90)
Minimum Medium Shrub Quantities – Non-Residential Lot	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
Pervious Surface Area (Overall Lot)	30 percent	40 percent	50 percent
Interior Islands	1 per 10 spaces	1 per 8 spaces	1 per 6 spaces
Interior Islands Landscape Width	8 ft.	10 ft.	12 ft.
Protective Curbing	Yes	Yes	Optional
Plant Standards⁶			
Minimum Tree Height (Perimeter)	12 ft.	12 ft.	12 ft.
Minimum Tree Height (Interior)	12 ft.	12 ft. (average)	12 ft. (average)
Palms Substitute (3 palms for 1)	Yes	Yes – Native clusters only	Yes – Native clusters only
Foundation Planting^{5,6}			
Foundation Planting Width	5 ft. along front façades 8 ft. along side façades	10 ft. all sides	12 ft. all sides
Facades to be Planted	Front & Sides	Front, Sides & Rear	Front, Sides & Rear
Percentage of Facade	40 percent	50 percent	60 percent
[Ord. 2005-002] [Ord. 2006-004]			
Notes			
1. May be allowed with an approved ALP. 2. Unless required by Art. 7.F.9, Incompatibility Buffer . 3. Walls and fences shall be built from natural materials, such as wood, stone, etc. 4. Refer to Shrub Hierarchy requirements in Table 7.F.7.B-6, R-O-W Buffer Shrub Type. Minimum interior quantities required in addition to perimeter buffer landscape requirements. Shall be calculated based on gross lot area, excluding preservation areas and lake tracts. 5. TDDs are exempt from foundation planting requirements for primary and secondary building frontages, buildings along an alleyway or accessway to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004] 6. Deviations shall be permitted for PBC owned and operated public parks in accordance with Art. 5.D.2.H, County Park Landscape Standards . [Ord. 2006-004]			

CHAPTER D GENERAL STANDARDS

Section 2 Trees

D. Tree Credit

2. Trees Excluded from Credit

- e. Located on a subarea of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent **open space** parcel.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 1 Buffer Types

B. Compatibility

Compatibility buffers shall be provided between all compatible use types, excluding: single family residential subdivisions or pods adjacent to single family residential subdivisions or pods; internal buffers within TDD's unless specifically stated otherwise; or where residential uses are not adjacent to other incompatible design elements such as roadways, useable **open space** areas, or where residential setbacks are less than adjacent residential development. **[Ord. 2006-055]**

Section 6 Buffer Width Reduction

The required buffer width may be reduced by 50 percent where a project is separated from a R-O-W by a canal, lake, **open space**, or combination thereof, with a minimum width of 80 feet. The DRO may reduce the required incompatibility buffer width by 50 percent for pods adjacent to a canal, lake, or **open space** area 100 feet in width or if the same type of buffer exists on the adjacent property. The quantity of required plant material shall not be reduced in proportion to the reduction in the buffer width. A minimum of five clear feet for planting, or ten feet if a wall with a continuous footer is used, shall be maintained.

Section 9 Incompatibility Buffer

E. Special Standards

The DRO may require incompatibility buffers for uses such as recreation and civic areas within a residential subdivision or pod. The DRO may waive the incompatibility buffer for pods adjacent to **open space** that is 100 feet or greater in width. **[Ord. 2005 – 002]**

Article 9

CHAPTER A Archaeological Resources Protection

Section 3 Procedures

A. Certificate to Dig

3. Standards for Issuance of a Certificate to Dig

- b. If the property is determined to contain or potentially include a site of significant archaeological value, the HRRB or the Department shall issue a Certificate to Dig with conditions that are deemed necessary to protect or mitigate any part of the site determined to be of significance, including conditions regarding development design. In order to protect archaeological resources of significant value, the HRRB or the Department may require the applicant to do one or more of the following as part of receiving the Certificate to Dig: **[Ord. 2005 – 002]**
 - 1) Preserve part or all of the archaeological site within **open space** of the development;

CHAPTER B Historic Preservation Procedures

Section 4 Regulations Affecting Historic Sites

A. Development Standards For Historic Districts and Sites

8. All improvements to buildings, structures and appurtenances within a designated historic district shall be visually compatible. Visual compatibility shall be defined in terms of the following criteria:

e. Rhythm of Buildings on Streets

The relationship of building(s) to **open space** between it or them and adjoining building(s) should be visually compatible with the relationship between historic sites, buildings or structures within a historic district.

B. Waiver of the Code Provisions

1. The HRRB may recommend that the BCC approve a waiver of Code requirements for designated historic resources or contributing properties to a designated historic district. The waiver may occur concurrently with the designation process or may be requested regarding any property subject to the historic site or district designation. Waivers may include setbacks, lot width, depth, area requirements, height limitations, **open space** requirements, vehicular requirements, design compatibility requirements, and other similar development regulations other than changes in permitted uses, density increases, or waiver of environmental or health standards. Before granting a waiver of Code requirements, the BCC must find:

Article 11

CHAPTER A GENERAL REQUIREMENTS

Section 1 General Provisions

B. Purpose and Intent

8. Ensure provision of public and private parks and recreation areas to accommodate the additional population of new subdivisions in accordance with the objectives of the Recreation **Open Space** Element of the Plan;

CHAPTER E REQUIRED IMPROVEMENTS

Section 1 Required Improvements

A. Minimum Required Improvements for All Subdivisions

1. Access and Circulation Systems

c. The cost of installing all sidewalks and paths pursuant to the approved pedestrian circulation system shall be guaranteed, except that the required guarantee may be waived by the County Engineer for portions of local streets abutting residential lots when the paving, grading and drainage plans contain a note, acceptable to the County Engineer, stating that such sidewalks or paths will be constructed concurrent with construction of the dwelling unit for such abutting lot. Installation of sidewalks and paths in streets abutting **open space**, common areas, recreation areas, water management tracts, and other areas which will not have a dwelling unit constructed thereon shall be guaranteed.

Section 4 Stormwater Management

B. General Criteria

Secondary and tertiary stormwater facilities for each subdivision, and for each lot, street, and other development site within the subdivision, shall be designed and constructed so as to:

1. Prevent flooding and inundation to a degree consistent with levels of protection adopted by the Plan for buildings, streets, lots, parking areas, recreational areas, and **open space**;

ARTICLE 12

CHAPTER G AFFORDABLE HOUSING

Section 3 Application Review of Special Methodologies Projects

B. Review

1. When determining whether a Project qualifies as a Mixed Housing Project, the staff shall consider the following factors:
 - a. Whether or not the Project complies with, at least, the minimum standards for a development of its size as identified in the traffic performance standards exemption criteria in the Transportation Element [Policy 1.2-b](#) of the Plan. This involves scoring a minimum number of points awarded relative to the Project's size and development characteristics meeting certain performance standards, these standards include affordability, accessibility, quality of design, resource protection, environmental quality, neighborhood compatibility, safety, pedestrian and vehicular circulation, parking, [open space](#), parks and landscaping.

CHAPTER K TRANSPORTATION CONCURRENCY EXCEPTION AREAS (TCEA)

Section 2 Area Types

A local government must designate a TCEA in its comprehensive plan. A TCEA will be allowed only in one of the following areas:

- A. A specific geographic area delineated in the local government comprehensive plan for urban infill development. Such an area shall meet the following requirements:
 4. If neither residential nor nonresidential uses comprise more than 60 percent of the developed land, then both the existing residential uses and nonresidential uses shall meet the appropriate density and intensity criteria prescribed in [Article 12.K.2.A.2](#) and [Article 12.K.2.A.3](#) above. The term "gross developed acre" shall include all uses associated with the predominant land use including roads, parking, drainage, [open space](#), landscaping, and other support facilities.

Article 14

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

B. Technical Requirements for a Standard Permit

2. Incorporation or Relocation of Existing Native Vegetation

Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and [open space](#) areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated for in accordance with the Tree Replacement [Table 14.C.16-1](#), [Tree Replacement](#), and accepted by ERM prior to the receipt of the CO. ERM shall also consider: **[Ord. 2005-002] [Ord. 2008-003]**

- b. Preserving listed species in place or relocating to buffers, [open space](#) or unimproved portions of the parcel;