



**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
Planning, Zoning and Building**

TO: Zoning Division Staff
Interested Parties

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

DATE: August 1, 2019

**RE: Error in Unified Land Development Code (ULDC)
Supplement 21-25, Art. 3.E.4, MXPDP Hours of
Operation, new pages to insert into your ULDC**

**Department of Planning,
Zoning & Building**

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An error was recently discovered by Staff regarding a modification to the Code approved within Ordinance 2017-007. Exhibit C, deleted language regarding Hours of Operation for Commercial Uses within an MXPDP. The text was inadvertently left in Art. 3.E.4 by Staff when formatting the final version of the adopted Code in Supplement 21. The BCC approved the deletion of this language; therefore, the Zoning Director is authorized to correct the text in the adopted Code. The Zoning Web PDF and HTML versions of Article 3, will also be updated today to reflect this missing text.

Please replace and insert the attached pages into your current ULDC copies. If you have any questions, contact me at (561) 233-5234, or Wendy N. Hernández, Principal Site Planner at (561) 233-5218.

JM/WH

Attachments: ULDC, Art. 3, pages 165-168 replacements

C: Bob Banks, Chief Lane Use County Attorney
Scott A. Stone, Assistant County Attorney
Jon MacGillis Reading File

U:\Zoning\CODEREV\Admin\Memo\2019\Art. 3.E.4 MXPDP Hours of Operation\08-01-19 Memo to Interested Parties on update pages to insert in ULDC Art 3.docx

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B. Objectives and Standards

1. Design Objectives

An MXPDP shall comply with the following objectives:

- a. Provide vertical or horizontal integration of residential and nonresidential uses; [Ord. 2017-025]
- b. Provide a continuous non-vehicular circulation system for pedestrians;
- c. Allow for innovative building design and orientation;
- d. Provide for interconnection between all uses in and adjacent to the project; and, [Ord. 2017-025]
- e. Provide recreational opportunities for the residential population of the MXPDP. [Ord. 2017-025]

2. Performance Standards

An MXPDP shall comply with the following standards:

a. Proximity of Uses

All dwelling units shall be located within 1,320 linear feet of a nonresidential and/or recreation use.

b. Non-Vehicular Circulation

1) Sidewalks

Internal sidewalks shall connect to sidewalks located along adjacent streets. Where sidewalks pass over vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar paving treatment.

c. Compatibility

An MXPDP shall be designed to create a transition between nonresidential and residential land uses within the project, and between less intensive residential housing located outside the MXPDP. These transitional areas may vary in width based on the adjacent housing type or residential land use designations.

1) Detached Housing

Buildings within an MXPDP adjacent to existing detached housing types, or property with a FLU designation of MR-5 or less, shall not exceed three stories or 35 feet in height within 40 feet of the common boundary.

d. Landscape Buffers

1) Interior Open Space

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

e. Neighborhood Parks

In addition to the requirements of Art. 5.D, Parks and Recreation – Rules and Recreation Standards, an MXPDP may provide neighborhood parks which are passive in nature. [Ord. 2017-025]

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]

C. Thresholds

Projects that meet or exceed the requirements of Table 3.E.3.D, MXPDP Property Development Regulations, in addition to all other minimum MXPDP requirements, may be submitted and reviewed as an MXPDP. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2015-031]

1. Land Use Mix

Table 3.E.4.C, MXPDP Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in an MXPDP.

Table 3.E.4.C – MXPDP Land Use Mix

Use Type	Minimum	Maximum
Residential	50%	75%
Nonresidential	25%	50%
Notes:		
1.	Minimum and maximum land use percentages for residential and commercial uses are calculated by dividing the total GFA of the specific land use type (either residential or nonresidential) by the total GFA (residential and nonresidential) of the MXPDP.	

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2. Density

The maximum density for an MXPDP shall be as indicated by the FLU in the Plan. In cases where an underlying residential density is not indicated, the Planning Director shall assign a density based on the residential densities surrounding the proposed MXPDP.

D. Property Development Regulations (PDRs)

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in an MXPDP are indicated in Table 3.E.4.D, MXPDP Property Development Regulations, unless otherwise stated.

Table 3.E.4.D – MXPDP Property Development Regulations

FLU	Minimum Lot Dimensions			Maximum FAR (1)	Maximum Building Coverage	Minimum Setbacks			
	Acres	Width	Depth			Front	Side	Side Street	Rear
CL	3	200 feet	200 feet		30%	25 feet	C – 15 feet R – 40 feet	25 feet	C – 20 feet R – 40 feet
CH	5	300 feet	300 feet		40%	25 feet	C – 15 feet R – 40 feet	25 feet	C – 20 feet R – 40 feet
CLO	3	200 feet	200 feet		30%	25 feet	C – 15 feet R – 40 feet	25 feet	C – 20 feet R – 40 feet
CHO	5	300 feet	300 feet		40%	25 feet	C – 15 feet R – 40 feet	25 feet	C – 20 feet R – 40 feet
Residential	Apply RM district regulations								
Recreation Pod	Apply PUD recreation pod regulations								
Neighborhood Park	Apply PUD neighborhood park regulations								
[Ord. 2007-001] [Ord. 2015-031]									
Notes:									
C	Indicates the setback from an adjacent parcel with a nonresidential 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.	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]								

1. Setbacks

Setbacks shall be measured in linear feet from the inside of the perimeter buffer.

a. Commercial Districts

The front and side street setbacks in Table 3.E.4.D, MXPDP Property Development Regulations, may be reduced to zero in a mixed use development which provides vertically integrated live/work or residential uses in the structure. At least 50 percent of the square feet in the structure shall be provided on the second or higher floors as live/work or multi-family dwelling units. The required landscape buffer may be relocated subject to approval of an ALP in accordance with Art. 7.B.3, Alternative Landscape Plan.

2. FAR

Maximum FAR shall include the GFA of all residential and commercial buildings within the MXPDP.

3. Integration

Horizontally integrated residential land uses shall comply with Table 3.D.1.A, Property Development Regulations, for the RM – Residential Multi-Family District, Art. 4, Use Regulations, Art. 3.B, Overlays, and Art. 1.I, Definitions and Acronyms, for the applicable housing type.

4. Parking

Within an MXPDP, parking shall meet the following:

- a. 20 percent of the required parking shall be located on the side or rear of nonresidential uses; and
- b. All required parking shall be located within 400 feet of a public entrance to a nonresidential building.

E. Use Regulations

1. Residential Use

Residential uses in an MXPDP shall be regulated by maximum density and maximum residential GFA.

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2. Commercial Uses

a. Open Storage

No open storage or placement of any material, refuse equipment, or debris shall be permitted in the rear of any structure. [Ord. 2017-007]

b. Outdoor Speakers

No outdoor loudspeaker systems shall be permitted. [Ord. 2017-007]

d. Rooftop Screening

All rooftop mounted mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six inches above the height of the object intended for screening. [Ord. 2017-007]

Section 5 Planned Industrial Park Development (PIPD)

A. General

1. Purpose and Intent

The purpose of the PIPD district is to create an industrial development alternative, which provides employment opportunities for industries, manufacturing, research and development, and encourages internal trip capture by offering support uses. The intent of a PIPD is to promote creative design approaches to community planning and site design for planned industrial developments. Support uses, such as hotels, offices, commercial, institutional, residential, and recreation are intended to serve the PIPD workforce and residential populations, with exception to regional serving recreation uses permitted within the regional recreation pod. [Ord. 2004-040] [Ord. 2014-025] [Ord. 2017-032]

2. Applicability

The requirements of this Section shall apply to all PIPDs, modifications to previously approved PIPDs, and modifications to previous approvals specified in Art. 3.A.3.A.2, Planned Development Districts, unless otherwise stated. [Ord. 2009-040] [Ord. 2011-016]

3. Conflicts

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict. [Ord. 2010-022] [Ord. 2016-042]

B. Objectives and Standards

1. Design Objectives

A PIPD shall comply with the following objectives: [Ord. 2014-025]

- a. Provide a balanced mix of land uses to provide for the needs of the residential population (if proposed) and the projected workforce;
- b. Be designed as a predominantly industrial development, with exception to: [Ord. 2016-042]
 - 1) the EDC FLU designation, which shall be primarily utilized by office and research parks, but may also include manufacturing and processing, research and development, wholesale distribution, and storage of products. [Ord. 2014-025]
- c. Preserve natural features, scenic areas, and native vegetation to the extent possible;
- d. Encourage the colocation of industrial processes, products, and services;
- e. Provide for support uses intended to serve the PIPD workforce and residential populations, or on-site essential services for industries, employees, and clients; [Ord. 2017-032]
- f. Protect nearby existing and future non-industrial land uses and activities;
- g. Arrange buildings and land use intensities to minimize and mitigate negative impacts;
- h. Be located near convenient access to transportation facilities such as interstate highways, major trucking routes, shipping, and/or railroad lines; and,
- i. Encourage the expansion to PBC's economic base through new industrial investment or regional-serving recreation uses. [Ord. 2017-032]

2. Performance Standards

A PIPD shall comply with the following standards:

a. Perimeter Buffers

Industrial pods adjacent to the boundary of a PIPD shall provide a minimum 25-foot-wide Type 3 incompatibility landscape buffer along the perimeter.

b. Residential – Proximity to Other Uses

All pods with residential units in a PIPD shall be located within 1,320 feet of commercial and personal service uses. A pedestrian accessible route shall be provided. For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential pod to the property line of the pod where the commercial/personal services are located. [Ord. 2004-040] [Ord. 2008-003]

c. Internal Trip Capture

A PIPD with commercial or residential pod shall demonstrate the ability to achieve a ten percent internal trip capture concurrent with the build-out of the PIPD.

C. Thresholds

1. General

A PIPD shall comply with Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts, and with the following thresholds: **[Ord. 2006-004]**

a. Lot Size

The minimum gross land area required for a PIPD shall be as follows: **[Ord. 2006-004] [Ord. 2014-025]**

- 1) IND FLU designation: 40 contiguous acres; or **[Ord. 2014-025]**
- 2) EDC FLU designation: 20 acres, except for parcels approved with a lower acreage as part of a FLUA amendment. **[Ord. 2014-025]**

b. Land Use Mix

Land uses shall be grouped into pods which limit and define the types of uses within a specific area of a PIPD. Table 3.E.5.C, PIPD Land Use Mix, indicates the range of each pod within a PIPD. **[Ord. 2014-025]**

Table 3.E.5.C – PIPD Land Use Mix

Pods	Minimum	Maximum
Industrial	60%	100%
Light Industrial	20%	100%
General Industrial (1)	-	50%
Commercial	-	20% (Maximum – 15 acres) (2)
Residential	-	20%
Recreation	-	20%
Neighborhood Recreation	0.006 acre (3)	20%
Regional Recreation	-	5%
[Ord. 2014-025] [Ord. 2017-032]		
Notes:		
1.	A general industrial pod shall only be permitted with an IND FLU designation. General industrial pods shall be prohibited with an EDC FLU designation. [Ord. 2014-025]	
2.	The maximum commercial acreage shall not apply to an Economic Development Center (EDC).	
3.	Minimum recreation pod requirement only applies to residential pods. Other residential uses such as live/work located in other than a residential pod shall still comply with Art. 5.D, Parks and Recreation – Rules and Recreational Standards. [Ord. 2014-025] [Ord. 2017-032]	

c. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PIPD, excluding Preserve Areas. Neighborhood parks, water management tracts, and local roads which are internal to a pod rather than a separate pod or tract shall be credited toward the maximum land area requirement in Table 3.E.5.C, PIPD Land Use Mix.

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.5.D, PIPD Property Development Regulations: **[Ord. 2004-040]**

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